

Report to:
 Planning Committee
 Cabinet

Date of Meeting:
 6 February 2013
 14 February 2013

Subject: Housing in Multiple Occupation (HMO) and Flats Supplementary Planning Document (SPD)

Report of: Director of Built Environment

Wards Affected: All

Is this a Key Decision? Yes

Is it included in the Forward Plan?
 Yes

Exempt/Confidential

No

Purpose/Summary

The purpose of the report is to make members aware of the results of the recent consultation on the draft SPD and to approve the SPD for adoption for decision making for planning applications and enforcement purposes.

Recommendation(s)

(1) That Planning Committee note the results of the recent consultation and recommend to Cabinet that the SPD be approved for adoption for the purposes of decision making for planning purposes.

(2) That Cabinet note the results of the recent consultation and approve the SPD for adoption for the purposes of decision making for planning purposes.

How does the decision contribute to the Council's Corporate Objectives?

	<u>Corporate Objective</u>	<u>Positive Impact</u>	<u>Neutral Impact</u>	<u>Negative Impact</u>
1	Creating a Learning Community		√	
2	Jobs and Prosperity		√	
3	Environmental Sustainability		√	
4	Health and Well-Being		√	
5	Children and Young People		√	
6	Creating Safe Communities		√	
7	Creating Inclusive Communities		√	
8	Improving the Quality of Council Services and Strengthening Local Democracy		√	

Reasons for the Recommendation:

To adopt the HMOs and Flats SPD.

What will it cost and how will it be financed?

(A) Revenue Costs

None

(B) Capital Costs

None

Implications:

The following implications of this proposal have been considered and where there are specific implications, these are set out below:

Legal		
Human Resources		
Equality		
1.	No Equality Implication	<input type="checkbox"/>
2.	Equality Implications identified and mitigated	<input checked="" type="checkbox"/>
3.	Equality Implication identified and risk remains	<input checked="" type="checkbox"/>

Impact on Service Delivery:

The SPD will allow greater certainty for both developers and decision makers and allow more effective decision making.

What consultations have taken place on the proposals and when?

The Head of Corporate Finance and ICT (FD.1405/13) has been consulted and has no comments on the report. The Head of Corporate Legal Services (LD1405/13) have been consulted and any comments have been incorporated into the report.

Are there any other options available for consideration?

No

Implementation Date for the Decision

Following the expiry of the “call-in” period for the Minutes of Cabinet

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Background Papers:

The final draft HMOs and Flats Supplementary Planning Document.

Table of comments received during the consultation and the Council’s response.

Both can be viewed at: www.sefton.gov.uk/HMO

1. Introduction/Background

- 1.1 Changes in legislation and changes to the way housing benefit is calculated mean that the Council's planning policies on Housing in Multiple Occupation (HMOs) and flats are out of date and new guidance is needed. The Council has therefore written and consulted on some new guidance, a HMOs and Flats Supplementary Planning Document (SPD). The SPD can be viewed at www.sefton.gov.uk/HMO.
- 1.2 The need for the SPD partly arises as a result of changes to the General Permitted Development Order which came into force in April 2010. This introduced a new Use Class C4 which means that dwelling houses shared by three to six people do not need specific planning permission. The importance of the issue of HMOs is also increasing with demand for such properties through changes to the benefits system which will reduce the rates paid. Previously these would have been sufficient to cover a one bedroom flat but now these are only likely to pay for a room within a shared property. Similarly people who may have benefits that will have covered a two bedroom flat may now only be able to have a one bedroom flat
- 1.3 Recent appeal decisions for three HMO sites in Sefton have reinforced the need to clarify this issue. In these cases, the Inspector has confirmed that HMOs should provide acceptable living conditions for their occupants.
- 1.4 As a result of the above, the SPD has been prepared for the assessment of applications for HMOs and self-contained flats. The SPD recognises that flats and HMO bedsits created from conversion and sub-division of larger properties can make an important contribution towards housing supply. However, conversions and sub-division can also raise concerns relating to the quality of accommodation provided in terms of modern space and amenity standards. This SPD is intended to provide a consistent approach to assessing the quality of accommodation which will be more in line with current Merseyside Licensing Standards.
- 1.6 A draft SPD was produced and went out for public consultation on August 10th 2012 until December 2nd 2012. Seven comments were received. The draft SPD has been reviewed in light of the comments received and also after further officer consideration. A table of comments received and officer comments is available to view at www.sefton.gov.uk/HMO.

2. Response to Consultation

2.1 The main comments received were as follows:

- The SPD lacks clarity in some areas both in content and style.
- The size standards for flats and HMOs has been criticised for both providing an inadequate standard of accommodation and a too spacious standard.
- The size standards tables are complicated and hard to understand.
- The Trees and Greenspace contributions are excessive and unreasonable.
- Not clear what type of development the SPD covers.
- The SPD should not cover self-contained flats except where they are part of an HMO and should focus on HMOs as these are fundamentally very different types of accommodation.

3. Main changes to the SPD since the final version

3.1 Following further work and consideration of the comments received during consultation officers have made changes to the SPD. These are reflected in the updated document. Some of the more important changes are highlighted below;

- The SPD has a restructured introduction section that explains more clearly what the purpose of the SPD is and what type of development the SPD concerns.
- Where possible, the SPD has been simplified.
- The definition of what is an HMO and what will require planning permission has been simplified.
- The tables showing size standards have been altered to make them clearer to understand. An additional table has been included showing standards for shared facilities within HMOs and the table for overall flat sizes has been removed because it was felt that they were too complicated. Instead minimum standards for self-contained flats will be assessed through minimum room sizes.
- The addition of advisory appendices on security and fire safety.

4. Conclusions

4.1 This policy document will be an important consideration in planning decisions. It will set expected standards of development and aims to provide consistency of approach and decision making for officers, landlords, developers. At the same time the updated policy will take account of recent changes in connection with the benefit system for example, allowing the planning system to have up to date policy position to enable delivery of the appropriate standards of accommodation. Members are asked to note the comments received from the consultation and to formally adopt the SPD for the purpose of decision making.