

Thanet District Council

Topic Paper

Houses in Multiple Occupation and Student Accommodation

Background document to
Thanet Local Plan

May 2013

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ANNEX 1 - SAVED POLICY FROM 2006 LOCAL PLAN

1) INTRODUCTION AND BACKGROUND

1.1 This paper addresses accommodation in the form of dwelling houses occupied by unrelated individuals sharing basic amenities. Properties providing such non-self contained accommodation are often referred to as Houses in Multiple Occupancy/Occupation (HMO) and this term is applied in this paper.

1.2 A fundamental objective of the Council is to achieve mixed, confident and sustainable communities. It is anticipated that policy will need to safeguard and increase the supply of family homes overall and continue to tackle areas where the type and quality of housing stock is fuelling deprivation and transience.

1.3 The Council recognises that where a good standard of accommodation is provided, well managed HMO's can provide a valuable source of affordable accommodation for people on low incomes including those starting off in the economy as young professionals. Shared accommodation also contributes to meeting local demand for student accommodation.

1.4 Thanet has a substantial supply of properties around its coastal towns that are physically conducive to shared occupation. However, existing HMO's in the district are often low quality accommodation and particularly when poorly managed can result in neighbourhood disturbance, fear of crime, transience and a community imbalance. This can be compounded where such accommodation is clustered as in the case of Cliftonville West Renewal Area. Specific policy initiatives and interventions are being focused in that area to comprehensively redress concentrations of private rented housing characterised by poor standards of accommodation and management.

1.5 The following paper assesses the issues above in more detail before considering planning policy options.

2) POLICY CONSIDERATIONS

Context

National Planning Policy

2.1 In promoting sustainable development Government expects the planning system to support strong, vibrant and healthy communities by providing the supply of housing required to meet the needs of present and future generations. National Planning Policy as set out in Government's National Planning Policy Framework, expects local planning authorities to deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities.

Strategic Housing Market Assessment

2.2 The East Kent Strategic Housing Market Assessment (SHMA) contains information on the housing needs in the area including the scale, mix and range of tenures the local population is likely to need. This provides key baseline information for the Council's Local Plan and Housing Strategy. A relevant key conclusion is that while demographic projections suggest a solid demand for smaller homes, the make up of the housing stock is such that policy should focus on rebalancing it by incentivising provision of family homes and controlling "flattening" of larger homes. Reflecting ambitions for regeneration and economic development the SHMA identifies a role for housing to provide appropriate and attractive housing products for higher earners and to ensure young families can stay.

2.3 The SHMA notes that Houses in Multiple Occupation can help meet the needs of various groups requiring affordable housing, but often have problems (associated with the condition of the accommodation and management standards). It encourages continued enforcement of high standards for such accommodation.

Housing Strategy

2.4 The Council's 2012-2016 housing strategy seeks to deliver good quality and affordable homes across all tenures in support of sustainable communities and economic development aspirations. It identifies the need for greater emphasis on delivering more family homes, and creative solutions to tackling the substantial need for affordable housing.

2.5 While recognising that cheaper housing in the private rented sector fulfils a need, the strategy proposes to drive up standards of such accommodation, vigorously tackling poor quality accommodation where necessary.

2.6 The need to tackle areas suffering concentrations of poor quality private rented accommodation including HMO's is emphasised in the Strategy which cites the "Live Margate" project as a major targeted intervention (in Cliftonville West Renewal Area) to address these issues and restore an inclusive and decently housed community. The Strategy's action plan includes reviewing the impact of selective HMO licensing together with monitoring of licensed HMO's.

2.7 The strategy also seeks to support provision of good quality accommodation for students associated with the important functions of the Broadstairs campus of Christchurch University.

Current planning policy position

2006 Local Plan

2.8 Saved Policy H11 of the 2006 Local Plan addresses non-self contained accommodation. It reflects the Council's position in not wishing to encourage proliferation of such accommodation as a permanent measure but recognising that it can provide a source of cheap rented accommodation. The Policy also recognises that such accommodation can generate various problems and that this may result from intensity of occupation, management of the building, nature of the area, type of building and concentration of similar uses in the vicinity. The Policy therefore sets out criteria to judge applications on the basis of impact on local character and amenity; in particular arising from noise, disturbance, visual impact and or concentration of such uses together with refuse and parking considerations. The Policy and its supporting text is reproduced at Annex 1

2.9 So concerned did the Council become about the effect of concentrations of single bed flats and non self contained accommodation and their association with a deprivation cycle in Cliftonville West Renewal Area (referred to above) that it adopted an interim planning policy and subsequent Development Plan Document for that area restricting further accommodation of this type. In addition, the underlying factors fuelling the area's problems of transience and deprivation are being tackled through a multi agency housing intervention initiative, which includes selective licensing.

"Article 4" Direction

2.10 In 2010 Government introduced new legislation signifying that planning permission would no longer be required to change the use of a dwelling house to a HMO for up to 6 unrelated people. In 2011 the Council approved an "article 4" direction so that planning permission would still be required for such change anywhere within the District.

2.11 Key considerations cited in justifying and recommending the direction were:

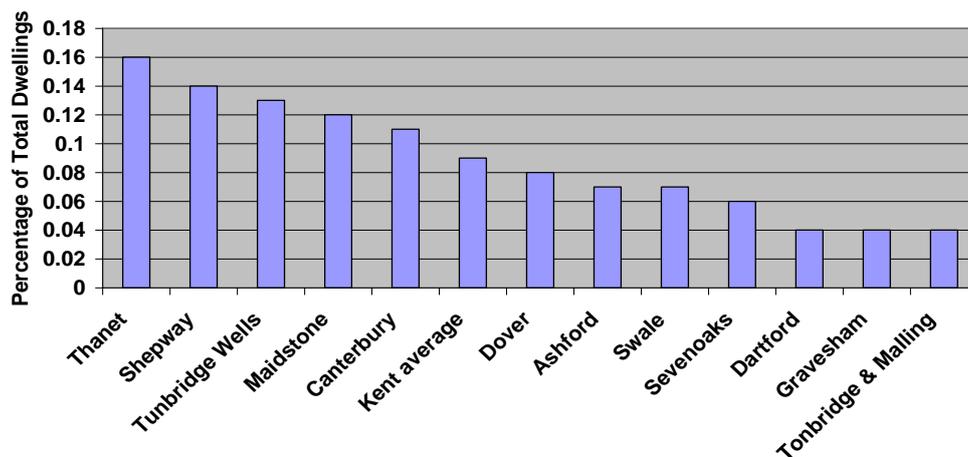
- Baseline evidence supporting the Cliftonville DPD has demonstrated a correlation between small flats, HMO's and cheap rented accommodation in poor condition (prevalent in that area) and the importation of vulnerable people.
- The Strategic Housing Market Assessment recommends policies supporting intervention to maximise the potential of the existing stock, in particular rebalancing the stock to incentivise the provision of family homes and controlling expansion of flatting larger homes.

3) CURRENT SITUATION & ISSUES

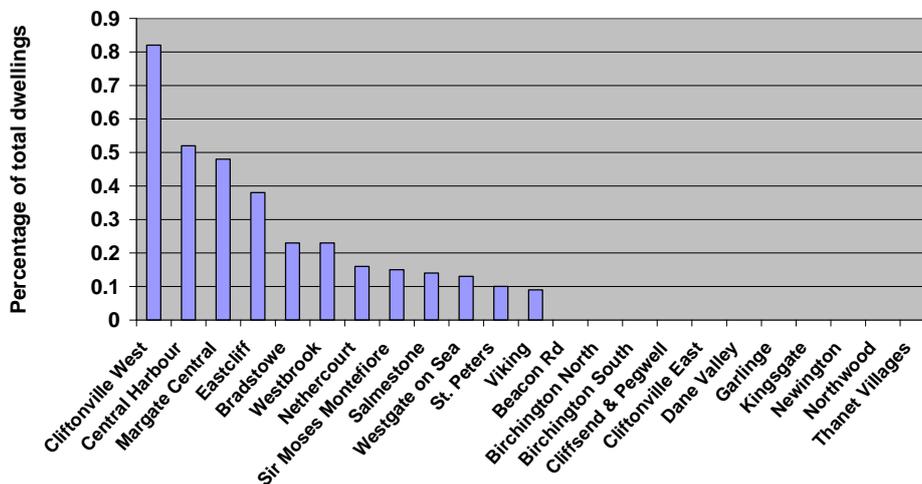
3.1 It is only possible to estimate the number of HMO's in the District.

3.2 The 2001 census showed that Thanet had the highest percentage of shared dwellings in Kent. These were unevenly distributed across Thanet's wards typically where the age and size of the dwelling stock is physically conducive to multiple occupancy. *(The 2001 census definition of a shared dwelling is essentially that not all rooms (including bathroom and toilet) are behind a door that only that household can use).*

% Shared Dwellings (2001 Census)

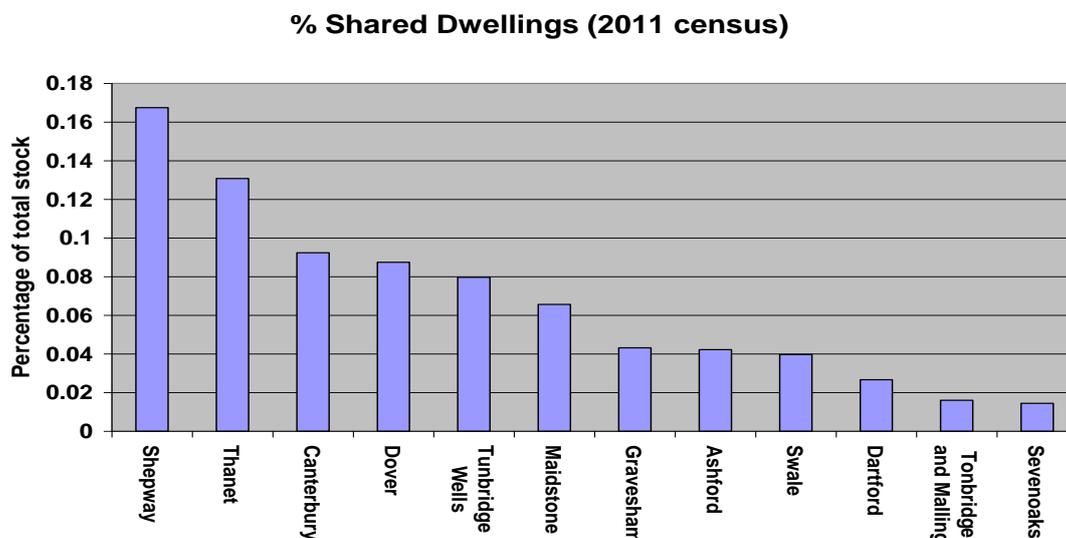


% Shared Dwellings (2001 Census)



Source 2001 census Crown copyright 2003. Crown copyright material is reproduced with the permission of the Controller of HMSO.

3.3 The 2011 Census indicates Thanet had the second highest percentage of shared dwellings in Kent.



Adapted from data from the Office for National Statistics licensed under the Open Government Licence v.1.0. Source 2011 census Table KS401EW

3.4 Definitions of HMO vary between those applied for planning purposes and under the licensing scheme administered by the Council's Housing team. However, information from the 2008 stock condition survey of 1,000 sample properties suggests Thanet may at that time have had in the order of 770 HMO's as defined for planning purposes.

Recent Activity

3.5 During 2012 the number of applications for new HMO accommodation has diminished, possibly on the expectation that the Council will take a strong line (presumably as a result of the Article 4 direction). However, Policy H11 which remains in effect does not infer this. Moreover applications necessitated by the direction would not incur fees. On this basis, it may also be that property owners are in any event less keen to pursue multiple occupation at the present time.

3.6 In the year from April 2012 to April 2013 there were ten planning applications to change dwellings to HMO's of which four were retrospective. In that same period there were also three applications to change HMO's to single dwellings. Two of the applications to change dwellings to HMO's related to single dwelling houses in proximity to the Broadstairs campus of Canterbury Christ Church University. (CCCU) The applications sought to change these to HMO style accommodation, each for up to four occupants. The applications although not specifying occupation by students were accompanied by a supporting letter from CCCU outlining the need for accommodation for 2nd and 3rd year students and expressing the hope that the Council will be supportive of the growth of private residences for students. One of these applications was approved, while the other was refused due to its likely impact

on the area's character and amenity in terms of noise, disturbance and inconvenience to road users as a result of the property's size, close relationship with neighbouring properties and lack of suitable arrangements for car parking.

3.7 The current wording of Policy H11 has enabled applications to be judged on the basis of relevant considerations applying on a case by case basis.

4) STUDENT ACCOMMODATION

4.1 The Broadstairs campus of Canterbury Christ Church University generates demand for local living accommodation for students ordinarily resident outside the district. For first year students who cannot be accommodated within available capacity of its halls of residence the University arranges student accommodation in the private housing stock by means of a head lease arrangement. This includes a contract between the University and student covering management responsibilities and student obligations in relation to anti social behaviour, breach of which may result in early termination of occupation.

4.2 Use of private sector homes is also made to accommodate needs of students in year two or above. While this is not its direct responsibility, the University works to encourage such landlords to foster good management practice.

4.3 Private sector student accommodation is typically in the form of a HMO where amenities such as kitchens are shared. In some districts such accommodation has caused concerns including disturbance, car parking issues and transience compounded by concentration and recognition that while student accommodation places a burden on local services it is exempt from Council tax.

4.4 In 2012 the University's representatives estimated that at any time there are about 300 students in private accommodation in Thanet, and noted that while proximity to the campus is a consideration, such accommodation is typically dotted about. Council tax records (2013) indicate that some properties in the vicinity of the campus (such as on the Wimpey Estate) are used as student lets. Broadstairs and Ramsgate are reportedly the most popular locations with students; with Cliftonville and Margate evidently not popular. In October 2012 all twelve properties providing head lease accommodation were located either in Ramsgate or Broadstairs at some distance from the Broadstairs University campus.

4.5 In 2012 applications were received to change two 2-storey suburban properties in Broadstairs from single dwellings to Multiple Occupation each for up to 4 people. Both properties are in proximity to the Broadstairs Campus, and the applications included a supporting letter from the University requesting that such applications be considered having regard to ongoing demand for private student accommodation and the University's work with landlords to encourage a supply of good quality rented accommodation to meet it. As indicted in the preceding section, one of these applications was refused on the basis of impact on the character and amenity of the neighbouring area.

4.6 The presence of Christ Church University Campus and East Kent College is highly important for delivering the skills required by the local workforce, meeting the expectations of existing and potential employers, and stemming out-migration of young people. Supporting the function of our higher and further education establishments must include recognising the desirability of meeting demand arising

for suitably located, affordable and decent accommodation for students. At the same time it is essential to ensure that such demand does not result in undue concentration of non self contained accommodation in order to avoid local disturbance and maintain a balanced and settled community.

4.7 Engagement with the University reveals its ongoing commitment to its Broadstairs Campus, with potential to reinforce and diversify it. This may include the prospect of constructing additional student accommodation to effectively increase capacity beyond that of its existing halls of residence. However, the impact of the national picture in respect of the funding regime and student fees for higher education will influence potential intake and it is not currently possible to predict future student numbers. In 2013 the University's representatives did not anticipate any significant foreseeable rise in demand for private sector based student accommodation.

5) BASELINE POLICY OPTION

- 5.1 The circumstances outlined in this paper suggest that the existing 2006 Local Plan saved criteria based policy (H11) remains essentially appropriate in respect of both HMO's in general and (although the policy does not currently refer to it specifically) in relation to HMO type student accommodation. Concentrations of HMO's and their attendant issues in Cliftonville West Renewal Area are being addressed through specific policies in the Development Plan document, and it is anticipated that until such time as these issues have been addressed these policies should continue alongside H11.
- 5.2 It is suggested that subject to amendments to the existing supporting text (amendments to text set out in italics below) saved Policy H11 might be considered as a baseline policy option. Section 6 outlines possible alternative approaches for consideration and consultation.

Policy H11 - Non-self Contained Residential Accommodation

In considering applications to establish or regularise non-self contained residential accommodation or before instigating enforcement proceedings under planning powers to require cessation of such use, account will be taken of:

- 1. The likely or experienced effect of the use on the character and amenity of the locality resulting from noise*, disturbance and visual impact**
- 2. Whether the proposed or unlawful use would result or has resulted in an intensification or concentration of such uses to a level which is detrimental to the amenity and character of the neighbourhood including in relation to the considerations set out in (1) above;**
- 3. The adequacy of provision and suitability of arrangements for car parking on site or the likely or experienced impact of parking needs being met on street and**
- 4. The suitability of arrangements for dustbin storage and rubbish collection**

Where it is proposed to grant consent/not pursue enforcement action, a legal agreement may be sought to restrict the number of persons accommodated within the premises and to secure arrangements for maintaining the building and gardens to an acceptable visual condition.

* Noise problems generated by particular individuals in non-self contained residential accommodation are essentially a management matter. In considering regularisation of non-self contained accommodation, the District Council will have regard only to the extent that noise is generated as a result of the nature of that use, i.e. resulting from intensity of occupation and living arrangements.

(Supporting text)

~~i) Accommodation within a building can be regarded as non-self contained where unrelated households share one or more facilities, e.g. bathroom, and/or kitchen. Houses in Multiple Occupation (HMO's) are an example where a high degree of sharing of facilities is typical, and where living arrangements, being more intense than single family occupation, can give rise to noise, nuisance, more callers, a higher parking requirement and visual deterioration of buildings and gardens. While the District Council does not wish to encourage proliferation of HMOs as a permanent measure, it but does recognise that such sharing arrangements can, where accommodation is of good quality, provide a suitable source of affordable cheap rented accommodation, and are typically suited to the needs of small households. Such arrangements are often suited to the needs of students requiring private sector accommodation.~~

ii) The presence of Christ Church University Campus and East Kent College is highly important for delivering the skills required by the local workforce, meeting the expectations of existing and potential employers, and stemming out-migration of young people. Thus the Council strongly supports their function and recognises the desirability of meeting demand arising for suitably located, affordable and decent accommodation for students, which may be in the form of non self contained accommodation.

iii) The Council supports initiatives by the further and higher education establishments to foster good management of student accommodation and will continue to work with them in aiming to secure a sufficient and decent supply. In this respect the Council will need to balance accessibility for students to the establishments themselves and to local services with safeguarding against location or concentration of such accommodation where it may cause disturbance to the amenity of the wider community.

~~iv) Accordingly, it wishes only to~~ *The Council will resist the establishment or continuation of non self contained accommodation these which would have an unacceptable impact on their its locality. (* See operational note to Policy H11). In addition a specific general restriction applies in the area covered by the Cliftonville DPD. In all other cases the policy above will apply.*

v) The extent to which non-self contained accommodation may generate the problems referred to above depends not only on intensity of occupation, sharing of facilities and management of the building, but also the nature of the area in which it is situated, the type of building, and the concentration of similar uses in its vicinity.

vi) Control is exercised under both Planning and Environmental Health powers, which involve different considerations. Proposals for premises in use as multiple occupation will not only be required to meet the District Council's adopted standards for HMOs, but will also be subject to the need to obtain planning consent and listed building consent, for instance relating to alterations to the building (e.g. to meet the Fire Prevention Officer's requirements). ~~Where there are no other planning objections (Policy H11), the District Council as planning authority will be as sympathetic as possible to fire safety requirements, and will endeavour to negotiate an arrangement which minimises impact, in planning terms, to an acceptable level.~~

vii) In exceptional circumstances, e.g. where it is not possible to render accommodation fit for habitation and/or there are planning objections to the use, enforcement action may be taken under planning and/or housing legislation. In such

cases, the Council, as planning authority would normally wish to encourage conversion to self-contained *houses or flats* provided that a ~~satisfactory~~ *good* standard of accommodation could be provided *and subject to no conflict with other policies*.

viii) In considering the level of parking requirement likely to be generated by individual proposals in relation to the standards set out in the County Council's Adopted Vehicle Parking Standards, account will be taken of vehicle parking requirements generated by the authorised use and the intensity and type of non-self contained occupation proposed. Regard will also be had to the visual impact of any on-site parking arrangements. Advice on landscaping of parking areas is contained in the Conversion to Flats Guidelines (*or new equivalent*) (~~referred to in text supporting Policy H9~~).

ix) A dustbin storage area should be accessible to all occupiers, and will be expected to be provided in the rear garden space. Exceptionally, alternative siting, but not in the front garden area, may be acceptable provided it is not in public view. The District Council's expectations in relation to dustbin storage are amplified in Section 6 of the Conversion to Flats Guidelines. (*or new equivalent*)

6) POTENTIAL ALTERNATIVE OPTIONS.

6.1 The above policy and supporting text may provide an appropriate response to the issue of HMO's in Thanet District. However, other options may exist and the following section illustrates some possible alternatives.

Basis of policy.

6.2 The draft policy above applies a criteria based approach in assessing local impact. Some other local authorities aim to apply a more formulaic operational basis. For example in Canterbury, where students occupy a considerable element of HMO stock, a proposed basis is that within its city urban area the proportion of multiple occupancies should not exceed 20% of dwellings within a 100 metre radius.

6.3 This policy approach may provide a greater degree of certainty as to whether proposals will be acceptable in principle. However, it requires identification of a density or intensity (perhaps expressed as a maximum percentage of dwellings in an area) at which a tipping point will arise. This is difficult to anticipate, and without detailed evidence and justification any percentage applied may simply serve to encourage new HMO accommodation. By contrast Policy H11 enables judgement to be made in light of any relevant site specific circumstances.

Safeguarding homes suited to modern family needs

6.4 The 2009 Strategic Housing Market Assessment signifies that policy should focus on rebalancing the housing stock by incentivising provision of family homes and controlling "flattening" of larger homes. Reflecting ambitions for regeneration and economic development the SHMA identifies a role for housing to provide appropriate and attractive housing products for higher earners and to ensure young families can stay. This message is echoed in the Housing Strategy. It was also reflected in the 2009 consultation draft Core Strategy which contained draft policy restrictions on development resulting in loss of properties suitable as single family accommodation.

6.5 In support of this objective an option would be to apply additional policy criteria precluding establishment or retention of HMO's in dwelling houses currently well suited to modern family living requirements. Such an option would require a definition of suitability for modern family requirements. Potentially it would typically restrict introduction of HMO's in suburban areas characterised by two storey houses and bungalows, and guide them to areas characterised by accommodation physically suitable to such occupation and where such uses may already be established. However, the criteria-based safeguarding aspects of the existing policy could remain. An alternative would be to indicate that proposals would be acceptable only in defined areas for example characterised by older, larger dwellings physically suited to such use.

6.6 This option may impose a restriction on HMO style student accommodation in proximity to the University campus, and may be criticised as precluding a mixed community structure at neighbourhood level.

Student accommodation.

6.7 Supporting the function of Thanet's higher and further educational establishments includes for the foreseeable future the need to enable their students to find decent housing beyond that available through Halls of Residence capacity. A further option would be to apply a relaxation of the preceding option allowing conversion of dwellings suited to modern family living requirements where student accommodation is proposed. As with the recent planning decision at The Silvers this might provide suitable accommodation in the vicinity of a HE/FE campus. However, it is highly unlikely that future occupation could be restricted to students only.

Halls Of Residence

6.8 At some future stage the University may seek to increase the capacity of its existing Thanet-based halls of residence. This may serve to reduce the amount of private sector housing needed to meet overall demand for student accommodation. In June 2012 a planning application was submitted for seven buildings to provide 200 student rooms on land near the campus and south of Millennium Way. This was subsequently withdrawn as no justification was provided in support of the scheme to be considered against the site's current allocation for employment purposes.

6.9 It may be appropriate to express support for such proposals in principle and to include policy criteria for example to ensure any consolidation of such accommodation is not of a scale as could adversely affect amenity in the neighbourhood. Similar considerations as set out in the above draft policy may be relevant.

6.10 At the time of writing it is not known whether further proposals will come forward, their scale or location. In the circumstances it may be appropriate to simply determine any such proposals on their merits and without attempting to anticipate relevant considerations which would vary according to magnitude and location. There is however scope to consider indicating in the Local Plan that undeveloped land at Thanet Reach may be an appropriate location.

ANNEX 1 - SAVED POLICY FROM 2006 LOCAL PLAN

Non-Self Contained Residential Accommodation

3.75

Accommodation within a building can be regarded as non-self contained where unrelated households share one or more facilities, e.g. bathroom, kitchen. Houses in Multiple Occupation (HMOs) are an example where a high degree of sharing of facilities is typical, and where living arrangements, being more intense than single family occupation, can give rise to noise, nuisance*, more callers, a higher parking requirement and visual deterioration of buildings and gardens. While the District Council does not wish to encourage proliferation of HMOs as a permanent measure, it does recognise that such sharing arrangements can provide a source of cheap rented accommodation, and are typically suited to the needs of small households. Accordingly, it wishes only to resist the establishment or continuation of those which would have an unacceptable impact on their locality. (* See operational note to Policy H11).

3.76.

The extent to which non-self contained accommodation may generate the problems referred to above depends not only on intensity of occupation, sharing of facilities and management of the building, but also the nature of the area in which it is situated, the type of building, and the concentration of similar uses in its vicinity.

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Control is exercised under both Planning and Environmental Health powers, which involve different considerations. Proposals for premises in use as multiple occupation will not only be required to meet the District Council's adopted standards for HMOs, but will also be subject to the need to obtain planning consent and listed building consent, for instance relating to alterations to the building (e.g. to meet the Fire Prevention Officer's requirements). Where there are no other planning objections (Policy H11), the District Council as planning authority will be as sympathetic as possible to fire-safety requirements, and will endeavour to negotiate an arrangement which minimises impact, in planning terms, to an acceptable level.

3.78.

In exceptional circumstances, e.g. where it is not possible to render accommodation fit for habitation and/or there are planning objections to the use, enforcement action may be taken under planning and/or housing legislation. In such cases, the Council, as planning authority would normally wish to encourage conversion to self-contained flats provided that a satisfactory standard of accommodation could be provided.

3.79.

In considering the level of parking requirement likely to be generated by individual proposals in relation to the standards set out in the County Council's Adopted Vehicle Parking Standards, account will be taken of vehicle parking requirements generated by the authorised use and the intensity and type of non-self contained occupation proposed. Regard will also be had to the visual impact of any on-site parking arrangements. Advice on landscaping of parking areas is contained in the Conversion to Flats Guidelines (referred to in text supporting Policy H9).

3.80.

A dustbin storage area should be accessible to all occupiers, and will be expected to be provided in the rear garden space. Exceptionally, alternative siting, but not in the front garden area, may be acceptable provided it is not in public view. The District

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Operational Note

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