

Wards Affected:

All Wards

ITEM 2**DELEGATED DECISION****10 APRIL 2012****Houses in Multiple Occupation Supplementary Planning Document**

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Executive Summary:

The purpose of this report is to seek approval from the portfolio holder to adopt the Houses in Multiple Occupation (HiMO) Supplementary Planning Document (SPD).

1. Recommendation(s)

- 1.1 That the Houses in Multiple Occupation (HiMO) Supplementary Planning Document (Annex A) be adopted.

2. Issues

- 2.1 In October 2010 the Government made it 'permitted development' to change from a C3 dwelling house to a C4 House in Multiple Occupation thereby removing the need for planning permission from the local planning authority. In June 2011 the council confirmed two Article 4 Directions. These Article 4 Directions remove the permitted development right introduced in October 2010. Planning permission is therefore still required for a change of use in the urban area of Milton Keynes and from the 23 December 2011 planning permission will be required anywhere in the Borough
- 2.2 The Adopted Local Plan (2005) contains Policy H10 'Subdivision of Dwellings and Houses in Multiple Occupation' that sets the policy for the determination of planning applications pertaining to the change of use from a single dwelling to a house in multiple occupation .
- 2.3 Policy H10 covers issues of:
- Parking
 - Concentrations
 - Noise and Disturbance
 - Bin Storage and Drying Areas.
- 2.4 The SPD provides further guidance on these matters to provide clarity on how Policy H10 will be applied in Milton Keynes. The SPD was prepared taking into account comments from colleagues across a range of services such as housing, environmental health and waste.

2.5 The Supplementary Planning Document was published for 12 weeks public consultation from the 24 October 2011 to the 13 January 2012. Elected Members, town & parish councils, landowners, developers, planning agents, statutory consultees and other stakeholders on the planning policy consultation database were notified of the consultation. The draft SPD and supporting documents were also made available in local libraries, at the civic offices and on the council's website.

2.6 In total 30 individuals responded to the consultation:

- 7 Supported the SPD
- 11 Supported the SPD subject to amendments
- 3 opposed the SPD
- 3 were neither in support nor opposed
- 6 made no comment

Summary of comments

2.7 A number of comments sought clarifications or updating of the SPD. The main comments on the content of the SPD requiring detailed further consideration related to process, parking, the concentration calculation and the cumulative impact of the guidance.

Process

2.8 One representation questioned whether the council had met its duties under the Equalities Act, whether the SPD breached the Human Rights Act and whether it was appropriate to produce an SPD rather than a DPD. An Equalities Impact Assessment accompanies this report and due consideration has been given to equalities in the formulation of the document. It is accepted that limiting the number of HiMOs will impact on housing options for some groups in society such as the young, ethnic minorities and those from socio economic disadvantaged backgrounds. However, this has to be balanced against wider objectives of maintaining mixed communities and fostering positive community relations. It is considered that the SPD does not represent a breach of the Human Rights Act. It is appropriate to produce guidance through an SPD given that the council already has an adopted policy in the Local Plan.

Parking

2.9 Representations considered the car parking standards to be too high, whilst others considered them to be too low. Representations also sought amendments to the parking zones. The standards and zones in the HiMO SPD repeat the standards in the Parking Standards Addendum (2009) and any amendments will take place through a review of the Parking Standards SPD. The HiMO SPD has been amended to make this clear.

Concentration Calculation

- 2.10 Representations from landlord groups opposed restrictions on concentrations, whilst others felt the draft SPD threshold was too high. Some comments also questioned the approach to the calculations arguing that it was more appropriate to count the number of bedrooms in an HiMO as individual units, that households should be counted, and that 1 bedroom flats should be counted as a HiMO. There were also comments that the draft SPD was not easily understood or capable of being applied by landlords or residents. Some key changes have been made to the calculation of concentrations of HiMOs and these are set out below.

Cumulative Impact

- 2.11 Some representations argued that limiting HiMOs would have negative impacts by restricting accommodation for those on low incomes, those who wish to work and those who wish to study in MK and that the cumulative impact of the SPD would be too restrictive on the number of HiMOs.
- 2.12 A full list of comments and responses is set out in Annex B.

Amendments to the Draft SPD

- 2.13 Having collated all the representations, a workshop was held with Milton Keynes Council Members on the 22 February 2012 to consider the representations in more detail and to discuss possible changes to the SPD. The SPD was subsequently amended to take into account comments received through the consultation and the discussion at the workshop.

Key Changes

- 2.14 Aside from minor amendments providing greater detail/clarification/updates, two key changes have been made to the SPD. These relate to, cycle parking and concentration

Cycle Parking: A requirement for cycle parking has been added following the workshop discussion. The SPD now requires one cycle parking space for each HiMO bedroom. This has been adapted from the Councils cycle parking standards and in line with requirements placed on previously permitted HiMOs.

Concentration: The method for calculating concentrations has been amended in three ways.

1. Calculations are now to be based on HiMO bedrooms. Under the draft SPD a HiMO counted as a single unit regardless of the number of bedrooms. Under the amended SPD the number of HiMO bedrooms is counted, so a 5 bedroom HiMO would count as 5 units in the calculations.
2. One bedroom flats will be included with HiMOs when making the calculation of the number of HiMOs in an area.
3. The percentage threshold has been increased to 35%. Although this is higher than the 20% in the draft SPD, given the changes at 1 and 2 above, the higher percentage would be more restrictive.

Adoption

- 2.15 The amended SPD proposed for adoption is set out in Annex A. Once adopted, the SPD will become a material consideration in the determination of planning applications.
- 2.16 In accordance with Regulation 19¹ a copy of the adopted SPD, a consultation statement and an adoption statement will be made available at the Civic Offices, local libraries and on the council's website. An adoption statement will be sent to any person who asked to be notified of the adoption of the SPD.

3. **Alternative Options**

3.1 *The alternative options identified are:*

- (a) Do not adopt the SPD: this option would mean the SPD would not be used for determining planning applications
- (b) Adopt an amended version of the SPD: the SPD at Annex A represents a version that has been amended to incorporate consultation responses and the feedback from the Member HiMO Workshop; further amendments could be made.

4. **Implications**

4.1 Policy

The SPD is to provide additional guidance on the implementation of Policy H10 of the Local Plan and CS10 of the Core Strategy. There is a risk that the amendments to the SPD could be seen as unduly punitive, leading to the SPD being afforded less weight on appeal and/or encourage HiMOs in areas further from the CMK where there are fewer flats (when compared to Fishermead and Conniburrow).

4.2 Resources and Risk

There are existing gaps in data relating to bedroom numbers in flats and HiMOs. These gaps are currently in the process of being resolved (where possible). In addition to this, data for mapping concentrations will have to be updated on a regular basis. This will have significant resource (officer time) implications for the Development Plans team. Although the council can place the onus on the applicant to demonstrate the development is acceptable, where there is a lack of data, the possibility of inaccurate decisions in determining planning applications is increased.

N	Capital	N	Revenue	N	Accommodation
N	IT	N	Medium Term Plan	N	Asset Management

¹ Town and Country Planning (Local Development)(England) Regulations 2004 (as amended)

4.3 Carbon and Energy Management

No implications

4.4 Legal

The Town and Country Planning (Local Development) (England) Regulations 2004 (as amended) set out the statutory requirements for the adoption of Supplementary Planning Documents (SPDs). The requirements set out in regulations 17 and 18, for public participation in the formulation of SPDs and the consideration of representations prior to adoption must be complied with in order for SPDs to be adopted. These regulations have been met.

Once adopted in line with statutory requirements, the SPD will form part of the Council's Local Development Framework and will be a material consideration for the determination of planning applications.

4.5 Other Implications

Equalities and Diversity: An Equality Impact Assessment was completed on the Houses in Multiple Occupation (HiMO) Supplementary Planning Document and recommended to continue with the decision despite having identified some potential for adverse impact or missed opportunities. Details of the assessment can be found at: <http://bit.ly/EqIA2011-34>. The proposed policy provides additional guidance for avoiding the overconcentration of HiMOs within an area. This may have an adverse impact on the supply of housing of one particular type in an area. However this offset by the positive mix of housing types, including family and adapted homes that will benefit a wider range of local residents. It will also advance equality by producing a mix of housing within an area; allowing for a mix of age groups, different needs to be met and the fostering of good community relations.

Sustainability: The SPD seeks to achieve sustainable communities by maintaining a mix of properties in accordance with the objectives of PPS 3 Housing. The SPD has taken into account the role of HiMOs in meeting housing need and seeks to balance the need for planning controls with the need to provide suitable housing for the borough's residents.

A Strategic Environmental Assessment Screening Report has been produced to assess the need for Strategic Environmental Assessment under the Environmental Assessment of Plans and Programmes Regulations 2004 and the SEA Directive. This was sent to the three statutory bodies (English Heritage, Environment Agency and Natural England). The Screening Report concluded that there was no need for a full SEA.

E-Government: The SPD will be made available on the council website.

Stakeholders: Consultation with a wide range of stakeholders has been undertaken in accordance with the regulations and the council's Statement of Community Involvement.

Crime and Disorder: A common complaint in relation to HiMOs is that they attract anti social behaviour. Although anti social behaviour is not a planning consideration, limiting concentrations of HiMOs may impact on this area.

Y	Equalities/Diversity	Y	Sustainability	N	Human Rights
Y	E-Government	Y	Stakeholders	Y	Crime and Disorder

Background Papers:

- Local Development Framework Advisory Group
<http://cmis.milton-keynes.gov.uk/CmisWebPublic/Meeting.aspx?meetingID=9171>
- Article 4 Direction Confirmation Delegated Decision
<http://cmis.milton-keynes.gov.uk/CmisWebPublic/Meeting.aspx?meetingID=9849>
- Draft HiMO SPD Delegated Decision
<http://cmis.milton-keynes.gov.uk/CmisWebPublic/Meeting.aspx?meetingID=9869>