

HOUSES IN MULTIPLE OCCUPATION SUPPLEMENTARY PLANNING DOCUMENT

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1. Purpose

- 1.1 To inform the Local Development Framework Advisory Group as to the production of the Houses in Multiple Occupation Supplementary Planning Document and to provide the Group with an opportunity to discuss the evidence required to inform its production and the issues associated with HiMOs.

2. Recommendations

- 2.1 That the Local Development Framework Advisory Group notes the work due to be undertaken for the Houses in Multiple Occupation Supplementary Planning Document.

3. Issues and Choices

- 3.1 As housing has become more expensive and the rental investor market has grown, there has been a rise in the number of houses in multiple occupation (HiMO) in Milton Keynes. These dwellings are a valuable source of accommodation to those on lower incomes. Given the cost of housing, it is likely that there will be a continued demand for HiMOs to meet housing needs.
- 3.2 Due to the increase in the number of HiMO planning applications it was recommended through the HiMO Cabinet Advisory Group that additional guidance on the application of policy H10 is required through the production of a Supplementary Planning Document (SPD) with a new policy being prepared in the Development Management DPD.

Changes to the Use Classes Order

- 3.3 In planning terms there is currently no statutory definition of a HiMO (unlike Housing). Instead it is down to a matter of planning law to determine. However, following public consultation, the Government has announced that from April 2010 they plan to introduce changes to the Use Classes Order and introduce a planning definition of a HiMO. This would mean that any dwelling house changed to a HiMO that meets the new definition would require planning permission. The SPD will need to reflect these changes to the Use Classes Order and use the new planning definition of a HiMO.

Status of Supplementary Planning Documents

- 3.4 Supplementary Planning Documents can only be used to provide greater detail on an existing policy. They are subject to public consultation but are not subject to an independent examination in public and therefore do not carry the same weight as a Development Plan Document (DPD). It is important to remember that SPDs can not be used to change Local Plan policy as that can only be done through a DPD. Any additional guidance provided in the SPD should be clearly evidenced and not just anecdotal and must only be used to expand upon the existing policy.

Existing Policy

- 3.5 Local Plan Policy H10 provides the basis on which planning applications are judged. The policy allows for HiMOs as long as four criteria are met. The SPD will need to provide additional guidance on these four main criteria which are there to address commonly perceived problems. The four criteria are:
- Effective measures are proposed to minimise the effects of noise and disturbance
 - Off street parking and manoeuvring space is provided to meet the Council's standards or, if on-street parking is necessary, it would not result in unacceptable congestion in the surrounding area
 - Adequate outdoor space is available for bin storage and a drying area
 - The proposal would not adversely affect the character of the surrounding area or lead to an unacceptable concentration of flats or houses in multiple occupation within the area.

Evidence

- 3.6 In order to provide additional guidance on the existing policy, it will be important to provide evidence that noise, parking, bin storage and character of areas are impacted by HiMOs.
- 3.7 The Council already has some guidance that can be incorporated into the HiMO SPD. For example, the Waste DPD provides guidance on waste storage space that could be adapted for HiMOs and the Parking Standards Addendum (April 2009) now provides specific parking standards for HiMOs that the HiMO SPD can incorporate.
- 3.8 It is however clear that further work needs to be undertaken to address the issue of "character and concentration". It is therefore considered that additional research needs to be undertaken to try and clearly evidence what problems can be attributed to HiMOs in Milton Keynes and which of these problems are material to planning. This evidence can then be used to further enhance the Local Plan criteria and provide clearer guidance on what would be an acceptable HiMO in planning terms. It should be noted that not all of the problems identified may be a planning matter and may be more

appropriately dealt with under different regulatory regimes such as environmental health, or building regulations.

3.9 The research will need to establish what evidence exists (if any) that HiMOs can cause problems, in order to answer the following main questions:

- Do HiMOs adversely affect the character of the surrounding area?
- What are the main impacts of HiMOs on the character of an area?
- What constitutes an unacceptable concentration of HiMOs within an area?
- How should the “surrounding area” be defined (is it the row, street, grid square etc)?

3.10 The evidence that is gathered will help to inform what additional guidance is provided in the SPD. A number of possible approaches could be considered to try and assist in determining whether there has been a change in character or if there is an over concentration of HiMOs but any approach set out in the SPD would need to be founded on evidence.

Next Steps

3.11 An SPD can usually be expected to take 12 months from commencement to completion. However, work has already been undertaken regarding parking, bin storage and noise, with only the character and concentration issue requiring significant additional work. The extent of the additional research is currently being finalised but it is anticipated it should take no longer than 2-3 months to complete. Once the research has been undertaken a draft document will be produced and presented to the LDF AG for consideration prior to formal consultation with stakeholders.

4. Implications

4.1 Policy

The HiMO SPD will be subject to public consultation. Once adopted it will become a material consideration in the determination of planning applications.

4.2 Resources and Risk

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

4.3 The SPD will be produced within the resources of the Development Plans Team.

4.4 Legal

The Council has a legal duty under the Housing Act 1985 to consider the housing needs of its area. The Planning and Compulsory Purchase Act 2004 requires the Council to prepare a Local Development Framework.

4.5 Other Implications

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

Sustainability

Development Plan Documents will be subject to the process of Sustainability Appraisal throughout their production.

Background Papers: None