

PART TWO

Non-Self Contained Residential Accommodation (Houses in Multiple Occupation)



Southend-on-Sea
Borough Local Plan
First Alteration
Adopted October 1997

Southend-on-Sea Borough Local Plan First Alteration

PART TWO : Houses in Multiple Occupation

2. Reasons for Alteration

- 2.1 With increasing emphasis by society on the provision of owner occupied housing and subsequent decline in the private and public rented sectors, many people on low incomes have come to rely on cheaper shared housing, hostels and bed and breakfast accommodation, often referred to as Houses in Multiple Occupation (HMOs). Housing studies have shown that, within Southend, HMOs perform a valuable role in the housing market.
- 2.2 However, many HMOs are unauthorised, having been established without the necessary planning permissions. This has led to concern about the standards of such premises and their impact on adjoining residential amenities. Furthermore, because of the higher levels of occupation and density associated with HMOs and their greater potential for noise, intrusion and disturbance, their concentration in an area can have an adverse impact on the amenities of nearby residents and the character of the area.
- 2.3 Policy H9 (Non-Self-Contained Residential Accommodation) in the adopted Borough Local Plan seeks to limit the numbers and distribution of HMOs within any area in order to avoid problems of impact on adjoining residential amenities and the character of the area, whilst at the same time making provision within the Borough for this type of low cost accommodation. Proposals for HMOs are normally permitted, therefore, provided certain environmental criteria are met. These seek to prevent potential problems by making sure the proposal is compatible with the existing character of the area, that there is no clustering of such accommodation, and that the property can provide for appropriate facilities and accommodation standards to prevent adverse effects on the amenities of neighbouring residents.
- 2.4 Nevertheless, since the adoption of the Borough Local Plan, it has become apparent that in some areas of the Borough the residential character of certain streets and the amenities of local residents are being damaged as a result of the increasing number of family dwellinghouses being converted to HMOs. This situation is being compounded where other types of conversion already exist in the street. Poor repair and management of single isolated HMOs can also give rise to unacceptable levels of impact on the character and amenities of an area, particularly by way of noise and disturbance to other residents.
- 2.5 The First Alteration seeks to clarify and reinforce Policy H9 of the adopted Borough Local Plan and introduces more specific and tighter controls on the number and distribution of HMOs by amending Policy H6 (Protecting Residential Character).
- 2.6 The Borough Council considers that the changes relating to HMO policy provide for a balanced and robust policy approach that will continue to help meet local housing needs but provide for more stringent controls to protect the environment and amenities of established residential areas. However, it is recognised that HMOs provide a valuable source of low-cost housing. It will therefore be important to monitor the impact of the new policy provisions in order to ensure that an adequate stock of low-cost accommodation is maintained to meet required local needs.
- 2.7 The changes to the adopted policy and related preamble as contained in the Borough Local Plan are set out overleaf.

Alteration Relating to Houses in Multiple Occupation

1. Amendments to existing text and policies (amendments to adopted Borough Local Plan are depicted in *bold italics*)

- a) Chapter 3 - Housing Provision and Residential Environment, paragraphs 3.27 to 3.32 and Policy H6. Pages 51 and 52 of the Adopted Borough Local Plan refer.

"Protecting Residential Character

3.27 The need to provide a wide range of dwelling sizes and types to meet current and future housing needs has already been emphasised. One way of providing small, low cost accommodation is by the development of general purpose flats, *non-self-contained units (houses in multiple occupation)*, and grouped accommodation suitable for the elderly. Since the early 1980s there has been a rapid increase in these forms of housing by the development of infill plots and the redevelopment and sub-division of existing premises. Whilst they continue to provide a valuable way to meet housing needs, the Council is concerned at the cumulative effect of these new forms of housing on the character of established residential areas in the town, particularly in terms of on-street parking stress, *increased activity associated with higher density development* and the impact on visual and residential amenities. Unless the character of these areas is protected, they no longer remain attractive for family housing use, and the pressures for change increase.

3.28 This concern is recognised in Planning Policy Guidance Note 3 (PPG3 - Housing, March 1992) which states that, where pressure for development and re-development is such as to threaten seriously the character of an established residential area which ought to be protected, the local authority may include density and other policies in their local plans for the areas concerned. The guidance note also advises that development proposals should be considered having regard to their relationship to their setting and by reference to the character and quality of the local environment, including adjacent buildings. Relevant considerations include the overall scale and density of the development; the height and massing of its various elements; the layout of the scheme and its landscaping; and access and parking arrangements.

3.29 Schemes for the provision of small units of accommodation in the form of flats, *non-self-contained residential accommodation*, sheltered housing and residential institutions will therefore be subject to specific density, design and other controls in addition to limits on the level of provision and concentration of these more intensive types of development. Following an assessment of many family housing areas in the Borough and the effects of new development on their environment, the Council considers that these residential street frontages can normally absorb satisfactorily 10% conversions together with 10% redevelopment schemes without detriment to the character

and amenities of the remaining properties. This distinction between redevelopment and conversion reflects the differing nature of their impacts, particularly with regard to on-street parking and residential amenities, and the need to restrict both forms of development whilst permitting an acceptable housing mix. These limitations will be implemented having regard to the particular character of the area concerned and the viability of the site for future single family dwellinghouse use.

- 3.30 In view of the restrictive nature of these environmental provisions, developers may be tempted to 'stockpile' permissions for future use within particular areas or streets of the town. This could inhibit the aims and objectives of the Council in trying to preserve the character and amenity of established residential areas whilst also meeting current and future housing needs. To prevent such occurrences, the Council will normally limit any planning permission which is granted in accordance with these restrictions, to a three year period instead of the normal five years. If after three years the development has not commenced, planning permission may then be granted for another infill, redevelopment or conversion scheme within the same street block.
- 3.31 Where, in exceptional cases, *non-self-contained residential accommodation*, sheltered housing and residential institutions are permitted to exceed these limitations, it is considered essential that they are not allowed to become concentrated in an area. *Because of the higher levels of occupation and density associated with non-self-contained residential accommodation, their concentration in an area can have an adverse impact on the amenities of nearby residents by reason of additional noise, intrusion and disturbance and adversely harm the character of the area. Limitations on the number of sheltered housing and residential institutions are required* in the interests of retaining a balance between the various sections of the community and preventing undue pressure on local medical and social services.
- 3.32 In addition, where a particular community facility or other non-residential use is proposed in a residential street, in accordance with policies elsewhere in this Plan, the Council will seek to ensure that it does not result in the undue concentration of such facilities in an area (see Policy E5, Chapter 4, page 74).

POLICY H6 - PROTECTING RESIDENTIAL CHARACTER

In order to protect the character and amenities of residential streets and to ensure that they remain attractive for single family housing use, the Borough Council will limit proposals for residential redevelopment, infill or conversion to form flats, to a level which would not have an adverse effect on the environment, having regard to the following considerations;

(i) Redevelopment and Infill

Redevelopment and infill proposals for purpose built self-contained flats, sheltered housing, residential institutions *and non-self-contained residential accommodation* will normally be limited so that the proportion of such schemes, both existing and committed*, does not exceed 10% of the total residential frontage in the street block. In addition in those streets where the proportion of such schemes already exceeds 10%, the Council will also normally refuse permission for further intensification by redevelopment.

(ii) Conversions

Conversion proposals for self-contained flats, sheltered housing, residential institutions *and non-self-contained residential accommodation* will normally be refused where the number of properties originally constructed as single family dwellinghouses which have already been converted into such uses, both existing and committed*, represents more than 10% of the total residential frontage in the street block.

(iii) Exceptions

The Borough Council will consider granting permission as an exception to (i) and (ii) above only where it can clearly be demonstrated that the application site is unlikely to be viable or appropriate for single family dwellinghouse use, due to its location or the character of the street block or the size, age and condition of the property proposed to be converted.

In addition, the Council will, in considering exceptions, normally refuse applications for sheltered housing, residential institutions *or non-self-contained residential accommodation* which would result in the undue clustering* of such accommodation (both existing and committed*) in a residential *area* in order to prevent residents from becoming isolated

(continuation of Policy H6 - Protecting Residential Character)

from the wider community *or to protect the character and amenities of residential streets.*

(iv) Permissions

In order to discourage the stockpiling of permissions for residential redevelopment, infill or conversion, any permission granted in accordance with the percentage limitations detailed above will lapse unless commenced within three years of the date of approval.

(v) Other Considerations

Where the above character and location criteria can be satisfactorily achieved, the Borough Council will also require each scheme to be in accordance with Policies H3, H7, H8 *and H9* as appropriate."

Policy Cross References : H3 Retention of Small Family Houses, page 48; H7 The Formation of Self-Contained Flats, page 54; H8 Sheltered Housing and Residential Institutions, page 55; *and H9 Non-Self-Contained Residential Accommodation, page 57.*

- b) Chapter 3 - Housing Provision and Residential Environment, paragraphs 3.39 to 3.42 and Policy H9. Pages 56 to 58 of the Adopted Borough Local Plan refer.

"Houses in Multiple Occupation and Hostels

3.39 With increasing emphasis on the provision of owner occupied housing and a subsequent decline in the private and public rented sectors, many people on low incomes have turned to cheaper shared housing, hostels or bed and breakfast accommodation, often referred to as houses in multiple occupation (HMOs). These developments usually involve the adaptation of family dwelling houses.

3.40 Research by the Centre for Urban and Regional Studies has shown that existing HMOs perform a valuable series of roles in the housing market. They provide accommodation for households of all ages, but particularly for the single elderly and young single persons. With this research also indicating that some two-thirds of local households who are not already home owners have insufficient incomes to enter the owner occupied market, the retention of such accessible accommodation will be essential. Although there is some evidence of a recent increase in the supply of privately rented housing as a result of the introduction by the Government of new and greater incentives for landlords to let property, with this initiative has come increased rents which are likely to be a significant constraint. For many, HMOs will remain the only available source of affordable housing.

- 3.41 However, many HMOs are unauthorised, having been established without the necessary planning consent. This has led to concern about the standards of such premises and their impact on adjoining residential amenities and the character of an area. Problems include inappropriate location, overcrowding, lack of basic amenities, fire hazard and poor management, leading to noise and other disturbances. Such problems affect not only planning but also housing and environmental health considerations. From the planning point of view, a balance needs to be struck between permitting satisfactory and suitable shared accommodation accessible to the financially disadvantaged, and conserving the environment, character and amenity of residential areas.
- 3.42 Accordingly, whilst considering that self-contained flats and bedsits are the most satisfactory way of providing low-cost housing, the Borough Council may permit the adaptation of additional property to non-self-contained residential accommodation, subject to certain conditions. *In order to safeguard the local environment and residential amenities, all proposals for non-self-contained residential accommodation will be required to meet the locational criteria detailed in Policy H6 above and to avoid the clustering of such uses in any residential area, or the saturation of that area by such uses. To further safeguard the local environment, schemes will normally be limited to properties which are detached or semi-detached (where, in the latter case, the adjoining unit is not in use as a single family dwellinghouse) and which have a floorspace of at least 160 square metres. Following research, the aforementioned size criterion is considered to be necessary to ensure the provision of appropriate facilities, accommodation standards and to prevent adverse effects on residential amenity.*
- 3.43 *The Borough Council considers that these provisions will provide for an appropriate balance between protecting the character and amenities of residential areas and meeting local housing needs. However, it is recognised that HMOs provide a valuable source of low-cost housing and that it is important to ensure that an adequate supply is maintained to cater for future local housing needs. The Borough Council will therefore keep under review the impact of the planning policy provisions to ensure that there are enough suitable properties available that can be satisfactorily converted into HMO use to meet required local needs.*
- 3.44 With regard to unauthorised HMOs, in certain circumstances it will be appropriate to take planning enforcement action where the use materially affects residential amenity and the character of the area. In all other cases, where such uses are well established and cause little detriment to the environment, their retention will normally be acceptable, subject to the implementation of environmental health standards. The Council will also encourage and support the provision of low cost rented accommodation as part of new build schemes where appropriate.

- 3.45 *Under the Housing Acts the Borough Council has powers to restrict the number of residents, and to control the provision of basic amenities and management of HMOs to ensure the provision of appropriate facilities and standards. These powers are operated by the Council's Housing and Environmental Services Department. It is essential that operators of existing and proposed HMOs liaise with that Department to ensure that the various legislative requirements and standards are met, in addition to acquiring the necessary planning permission. In order to promote good practice, the Borough Council has prepared a guidance note setting out the various planning and environmental health considerations relating to HMOs.*

POLICY H9 - NON-SELF-CONTAINED RESIDENTIAL ACCOMMODATION

Whilst considering that self-contained flats and bedsits are the most satisfactory way of providing low-cost housing accommodation, the Borough Council recognises the contribution made by non-self-contained rented accommodation in meeting local housing needs. Accordingly, proposals for such accommodation *may* be permitted, provided that the *criteria set out in Policies H3 and H6 and the following considerations are met:*

- (i) the proposal is compatible with the existing character of the area, and the residential amenities of adjoining occupiers would not be adversely affected, particularly by way of noise, overlooking, lack of privacy or general disturbance, having regard to the nature of the use and the levels of activity which can be generated.
- (ii) in conversion schemes the property:
 - (a) has a gross floor area, as originally constructed, of 160 square metres (1720 square feet) or more,
 - (b) *is detached, or semi-detached, and in the latter case the adjoining unit is not in use as a single family dwellinghouse.*
- (iii) the proposal would not result in the clustering* of non-self-contained residential accommodation (both existing and committed*) in any residential *area, or the saturation* of that area by such uses.*

(continuation of Policy H9 - Non-Self-Contained Residential Accommodation)

- (iv) the provisions of Policy H5 can be achieved, to ensure compatibility with existing development, the protection of residential amenity and the satisfactory provision of off-street parking facilities. Conversions involving property originally constructed as a single family dwelling house should retain the external appearance of the property as a house.

These considerations will also apply to extensions and alterations to previously approved/unauthorised multiple occupation premises.

Unauthorised Uses

Where any unauthorised use is identified as being materially detrimental to the character of the street and/or the residential amenities of adjoining occupiers, appropriate action will be taken by the Borough Council to gain the cessation of the use as a matter of priority. In all other cases, such unauthorised uses will be subject to normal planning control in accordance with adopted planning policies, except where such development has been established for at least five years (and has remained in that use) and the local environment is not adversely affected, when no action will normally be taken.

Policy Cross references: *H3 Retention of Small Family Houses, Page 48*; *H5 Residential Design and Layout Considerations, page 51*; and *H6 Protecting Residential Character, page 52*.

* See Appendix 9 - 'Definition of Terms Used'

- c) Chapter 3 - Housing Provision and Residential Environment, paragraphs 3.43 to 3.52. Pages 58 to 64 of the Adopted Borough Local Plan refer. Amend paragraph numbers 3.43 to 3.52 to read '**3.46 to 3.55**'.

2. New Section

Appendix 9, Definition of Terms Used (Chapter 3), paragraph A9.1. Pages 251 and 252 of the Adopted Borough Local Plan refer. New definitions to be added to read as follows:

- (xi) *Clustering is considered to occur where there are, or would be, a number of the same uses (existing and committed) in close proximity to each other within part of the street defined as including five properties either side of the application site and, where appropriate, the same length of frontage immediately opposite.*
- (xii) *Saturation is considered to occur where there are, or would be, a substantial number of the same uses (existing and committed) within the street block containing the property and the street block opposite, the street blocks immediately adjoining and to the rear, and all residential frontages facing these street blocks together with any return frontages contained within this area.*