

DUNDEE LOCAL PLAN REVIEW

SUPPLEMENTARY PLANNING POLICY GUIDANCE

HOUSES IN MULTIPLE OCCUPATION

NOVEMBER 2006



Dundee Light & Sound CHANGING
FOR THE FUTURE

Supplementary Planning Policy Guidance is prepared by the Council in consultation with interested parties and provides additional Policy on land use and other planning matters of local importance.

Planning Advice is prepared by the Council to offer information and good practice on various planning related matters.

Site Planning Briefs are prepared by the Council in consultation with local communities and provide site specific guidance to developers and others regarding the development of potential sites.

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1 INTRODUCTION

- 1.1 The Planning and Transportation Committee at its meeting on 13th November 2006 approved the following Supplementary Planning Policy Guidance on the subject of Houses in Multiple Occupation (HMOs).
- 1.2 This Supplementary Planning Policy Guidance has been published to provide a more robust and clear approach to dealing with the planning issues of HMOs in the future. In addition, it seeks to address the concerns with regard to the potential for excessive concentration of HMOs within existing residential areas particularly the Perth Road/West End.
- 1.3 It is considered that this Guidance will complement the Council's powers under licensing and ensure that the standard of HMO properties in the City is high and that the important contribution that this type of property makes to the housing stock can be achieved without adverse impact on existing residential areas.
- 1.4 Given the complex nature of the issues it is considered that the operation of the Policies in the Supplementary Guidance be reviewed after 12 months to assess the effectiveness of the approach and to establish whether any amendments are required.

2 BACKGROUND

- 2.1 A house or flat can be termed a House in Multiple Occupation (HMO) if it is the principal residence of a number of unrelated people. HMOs include:
 - ♦ individual flats and houses occupied by unrelated people, most commonly students and young professionals;
 - ♦ purpose built student accommodation;
 - ♦ supported community care accommodation; and
 - ♦ hostels for homeless people.
- 2.2 Houses in Multiple Occupation provide an important supply of housing, particularly for some groups of people such as students, young professionals and those who require support in a homely setting. HMOs provide affordable housing for those working and studying in the city and for those unable or unwilling to buy their own property.
- 2.3 There exists both a licensing and planning regulatory regime for HMOs. However, it is a cause of some confusion that differences exist between these regimes as to what constitutes an HMO.

3 THE LICENSING OF HOUSES IN MULTIPLE OCCUPATION

- 3.1 It is mandatory under the Civic Government (Scotland) Act 1982 (Licensing of Houses in Multiple Occupation) Order 2000 (as amended) that a license is obtained to occupy a house as an HMO. In this context, a “house” includes any part of a building occupied as a separate dwelling and therefore covers not only houses but flats and bedsits.
- 3.2 Licensing provides that a house/flat is an HMO if it is the only or principal residence of 3 or more qualifying persons from 3 or more families (definitions of terms are given in the HMO legislation and the HMO guidance). The purpose of HMO licensing is to control standards in 3 main areas:
- the suitability of the property owner to be an HMO landlord;
 - his management of the premises; and
 - the physical condition and facilities of the accommodation.
- 3.3 A license may be granted for any period up to 3 years. It is a criminal offence to operate an HMO without a license. The licensing of HMOs in the Dundee City Council area is administered by the Housing Department in co-operation with other Council departments, including Support Services, Planning and Transportation and Environmental Health and Trading Standards, as well as Tayside Police and Tayside Fire and Rescue.

4 HOUSES IN MULTIPLE OCCUPATION AND THE PLANNING SYSTEM

- 4.1 The planning system in Scotland does not give such a clear picture of when planning permission for an HMO is required. Indeed, the term HMO does not appear in planning legislation. In land use planning terms, there is a material change to the use of property where a house is occupied by 6 or more unrelated people, including a household where care is provided for the residents, and planning permission is required.
- 4.2 In determining the use of a flat as an HMO, it is matter of fact and degree whether the nature of the use is materially different from that of a family flat. The Supplementary Guidance seeks to clarify when planning permission for a change of use is required for a flat.

Policy 11 of the Dundee Local Plan Review sets the context for considering planning applications for multiple occupation of a dwelling. The Policy background highlights that multiple occupancy intensifies pressure on amenity, particularly mutual areas and parking, and can increase the prospect of disturbance and nuisance. Notwithstanding these issues, it is acknowledged that it would be unreasonable to attempt to exclude HMOs from a city where there is demand for a variety of housing convenient for higher education establishments and where some properties are too large for modern family occupation. The Local Plan highlights that previous policy approaches sought to restrict the granting of planning permission for a new HMO within a specific distance of an existing HMO. However, this approach lacked the flexibility to take account of the range of residential environments that exist in the city and was open to challenge. In essence, non-compliance with a distance restriction alone would not be a reasonable ground for the refusal of planning permission if it could be demonstrated that the proposal would not significantly affect residential amenity.

POLICY 11 : HOUSES IN MULTIPLE OCCUPANCY OF THE DUNDEE LOCAL PLAN REVIEW 2005 STATES:

“Proposals for multiple occupation of a dwelling that require planning permission will only be supported where:

- a it does not involve the change of use of a tenement flat or other form of flat with a common stair or a shared entrance, unless within the city centre; and**
- b it will not be detrimental to traffic or pedestrian safety on account of increased parking pressures; and**
- c it will not have a detrimental impact on residential amenity. In this regard each proposal must provide adequate refuse storage space, garden ground and car parking. Where dedicated car parking cannot be provided the proposal must not exacerbate existing car parking problems in the local area; and**
- d it will not result in an excessive concentration of such uses to the detriment of the character of the local area.”**

THE LAND USE ISSUES ASSOCIATED WITH HOUSES IN MULTIPLE OCCUPATION

Whilst many of the concerns relating to HMOs can be more appropriately dealt with through the licensing regime, there are a number of land use issues that HMOs can raise, including:

- a Property specific issues:
 - ♦ increased pressure on parking and traffic movement;
 - ♦ the more independent lifestyles of occupants can increase demand for refuse facilities, drying areas, gardens etc; and
 - ♦ increased pedestrian movement and noise.

- b Wider community issues:
 - ♦ the demands for community services and facilities can change should the proportion of HMOs increase. Where this is driven by students, outwith term time the impact on a locality can be significant; and
 - ♦ established communities can be eroded by the more transient nature of occupants who do not have a long-term commitment to an area.

The Dundee Local Plan Review provides through Policy 11 a basis for assessing the suitability of an individual property as an HMO and this approach is considered to accord with Scottish Executive guidance. The flexibility to assess the adequacy of parking, garden and refuse storage provision in each instance reflects the diversity of residential environments and properties that exist across the city. However, there is growing concern regarding the impact of an increasing number of HMOs on the wider community. Whilst Policy 11 does not support proposals that would result in an excessive concentration of such uses to the detriment of the character of the local area, the Policy does not quantify what constitutes excessive concentration.

The locations of existing licensed HMOs in Dundee have been studied to provide a basis for assessing concentration. This clearly demonstrates that the geographic concentration of HMOs is focused in the area surrounding the city centre. Expressing this number as a proportion of the total number of residential dwellings that exist in the area enables the concentration of HMOs to be monitored. It also enables the establishment of a policy approach that does not support the granting of planning permission for an HMO if the proportion of licensed HMOs in

that area exceeds an expressed threshold. However, such a policy only applies to HMOs requiring planning permission. It will not prevent an increase in the concentration of licensed HMOs in an area if no planning application is required.

7 MULTIPLE OCCUPATION OF NEW BUILD PROPERTIES

The Supplementary Guidance also responds to concerns regarding multiple occupancy within new build housing in certain parts of the city. This is a particular issue in relation to the occupation of new housing close to the Universities by students. The Supplementary Guidance advises that the occupation of new build properties and substantial residential conversions by 3 or more unrelated people be prevented through the use of legal agreements.

POLICY HM01: ASSESSING THE NEED FOR PLANNING PERMISSION FOR AN HMO

Planning permission is required for the occupation of a house by more than 5 unrelated people and by 4 or more unrelated people in a flat*.

Justification: The Town and Country Planning (Use Classes) (Scotland) Order 1997 includes within the definition of a house that it is the sole or main residence of not more than 5 residents living together, including a household where care is provided for residents. In planning terms therefore, it is only where more than 5 unrelated people are living together in a house that it is considered development and planning permission is required.

In determining the use of a flat as an HMO, it is a matter of fact and degree whether the nature of the use is materially different from that of a family flat. It is considered that 4 or more unrelated people living together in a flat is materially different from family use on account of the more independent lifestyles of occupants.

Planning permission is therefore required where new HMOs are to be created in flats that will be occupied by 4 or more people.

This will not apply retrospectively to existing HMOs in the City where this level of occupation is already licensed. In addition, this requirement will not apply where an existing license is being renewed for the same level of occupation.

Where licenses have been applied for an HMO in a flat prior to the supplementary guidance coming into force the requirement for planning permission will not apply.

* *Flat: "means a separate and self contained set of premises whether or not on the same floor and forming part of a building from some other part which it is divided horizontally." Part 1 (2) Town and Country Planning (General Permitted Development) (Scotland) Order 1992)*

POLICY HM02: AVOIDING EXCESSIVE CONCENTRATION OF HMOS

Within the Central Dundee Housing Investment Focus Area as identified in the Dundee Local Plan Review 2005, planning applications for HMOs that would result in the proportion of licensed HMOs in any Census Output Area exceeding 12.5% of the total residential stock will not be supported unless there are clear material considerations which would justify permission being granted. Purpose built HMO accommodation will be excluded from this assessment. This policy will not apply to the area within the city centre as defined in the Local Plan.

Justification: An excessive concentration of HMOs can have a detrimental impact on a local area by affecting the balance of the population with consequences for the provision of local services and facilities as well as adversely affecting residential amenity and the character of an area. In order to assess excessive concentration, Census Output Areas¹ have been identified as a measurable planning unit. It is appropriate that purpose built student or other HMO accommodation should be excluded from this assessment as such properties are not available for mainstream residential use and are unlikely to give rise to the same problems.

¹ Census Output Areas were specially created for the release of Census results and are built from postcode units. Each output area has around 100 households. Where possible they follow natural boundaries, although the underlying patterns of streets and postcodes may result in convoluted shapes.

POLICY HM03: ASSESSING HMO PROPOSALS

Proposals for multiple occupation of a dwelling that requires planning permission will only be supported where:

- a it does not involve the change of use of a tenement flat or other form of flat with a common stair or a shared entrance, unless within the city centre;**
- b it will not be detrimental to traffic or pedestrian safety on account of increased parking pressures; and**
- c it will not have a detrimental impact on residential amenity. In this regard, each proposal must provide adequate refuse storage space, garden ground and car parking.**

Where dedicated car parking cannot be provided the proposal must not exacerbate existing parking problems in the local area.

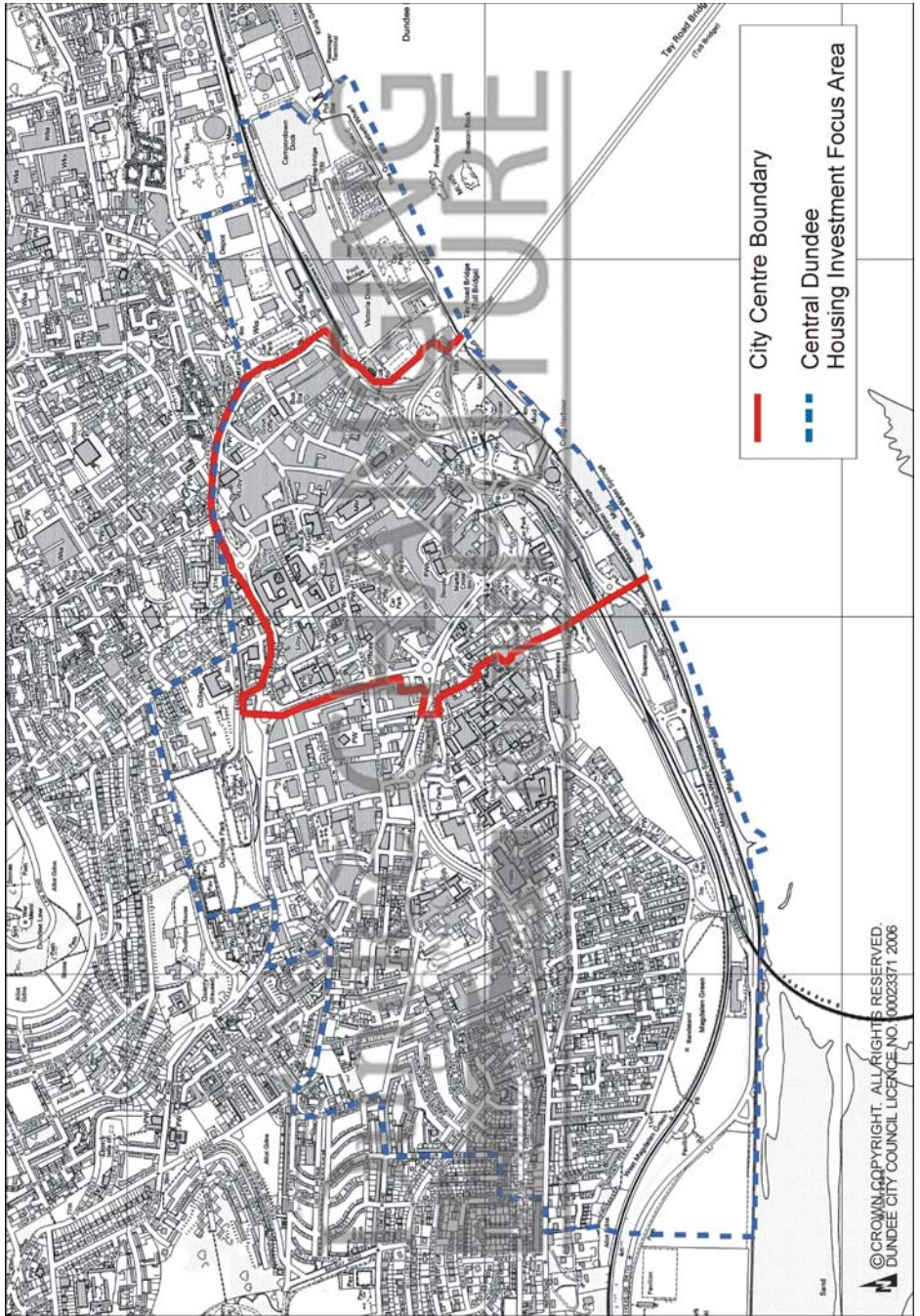
Justification: Multiple occupancy intensifies pressure on amenity, particularly mutual areas and parking, and can increase the prospect of disturbance and nuisance. It is therefore appropriate that the adequacy of parking, refuse storage space, garden ground etc is demonstrated before planning permission for an HMO is granted. The increased social activity and coming and going associated with HMOs means that the change of use of tenement flats or other form of flat with a common stair or shared entrance is not generally supported. The exception to this is within the city centre, where due to the different residential character and the availability of larger flats, multiple occupancy is considered appropriate.

POLICY HM04: CONTROLLING MULTIPLE OCCUPANCY IN NEW RESIDENTIAL DEVELOPMENTS

In order to achieve the objectives of the Central Dundee Housing Investment Focus Area identified in the Dundee Local Plan Review 2005, the occupation of new residential developments and substantial conversions by 3 or more unrelated people will be prevented. The Council will secure this objective through agreements under Section 75 of the Town & Country Planning (Scotland) Act 1997. This approach will also be applied to new build housing developments outwith Central Dundee but in close proximity to higher education institutions.

Justification: The Dundee and Angus Structure Plan and Dundee Local Plan Review 2005 promote new residential development in the Central Dundee Housing Investment Focus Area to increase opportunities to live in this accessible location and take advantage of the benefits that this offers. However, many recent developments in this area have been purchased for multiple occupancy ie to be occupied by 3 or more unrelated people. In light of the proximity of higher education institutions, this is a particular issue in relation to students. Whilst such properties require to be licensed as HMOs, they may not fall within the scope where planning permission for multiple occupation is required.

The occupation of new residential development in Central Dundee makes it unavailable to other sectors of the housing market. Furthermore, such occupation can increase pressure in residential areas for facilities such as parking, whilst the relatively “transient” nature of occupants does not contribute to a stable community. In order to achieve the objectives of the Central Dundee Housing Investment Focus Area and retain residential development for occupation by families, it is appropriate that its occupation by 3 or more unrelated people is prevented. The Council will secure this objective through the use of legal agreements. This control will not apply to purpose built student accommodation, other non-mainstream housing or social rented housing. These occupancy controls may also be applied to housing developments outwith Central Dundee but in close proximity to higher education institutions where demand may exist for multiple occupancy. This will include for example, housing developments close to Ninewells Hospital.



ADDITIONAL INFORMATION

Dundee Local Plan Review 2005 (*Approved August 2005*)

<http://www.dundeecity.gov.uk/localplan/>

Dundee and Angus Structure Plan 2001-2016 (*Approved October 2002*)

<http://www.dundeecity.gov.uk/structureplan/>

Dundee Urban Design Guide, Dundee City Council, 2002

http://www.dundeecity.gov.uk/dundeecity/uploaded_publications/publication_540.pdf

Dundee Sustainable Development Guide for Construction, Sustainable Construction Working Group, Dundee City Council, 2006

http://www.dundeecity.gov.uk/dundeecity/uploaded_publications/publication_267.pdf

Dundee - Streets Ahead, Dundee City Council, 2005

http://www.dundeecity.gov.uk/dundeecity/uploaded_publications/publication_615.pdf

The Development Quality Service: A User's Guide, Dundee City Council, 1998 (*revised September 2006*).

http://www.dundeecity.gov.uk/dundeecity/uploaded_publications/publication_832.pdf

Useful Links

Locate Dundee

www.locate-dundee.com

Dundee Information Portal

www.dundee.com

Dundee City of Discovery

www.cityofdiscovery.com

Dundee Partnership

www.dundeepartnership.com

اگر آپ انگریزی لکھنے میں مشکل پیش آتی ہے تو اسے اردو میں لکھنے سے بھی باز نہ آئیے۔
ہمیں ہمارے تشریحی کھانے میں اردو میں لکھنے کی سہولتیں فراہم کرنے کے لیے تیار ہیں۔
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