

Houses In Multiple Occupation : Technical Guidance

1.0 EXECUTIVE SUMMARY

- 1.1 The purpose of this report is to address issues related to Houses in Multiple Occupation, which are cross cutting in nature and require an integrated approach by Environmental Health, Building Standards and Planning. The report recommends that the Technical Note (Appendix 1), which has been subject to public consultation, is adopted as non-statutory planning guidance, giving advice to help with the assessment of applications for Houses in Multiple Occupation (HMO) across Argyll and Bute (excluding Loch Lomond and the Trossachs).
- 1.2 The purpose of the Technical Note is to support high quality HMO accommodation in appropriate locations and to prevent the creation or intensification of concentrations in particular areas, which could adversely impact on amenity value for communities. The Technical Note allows for the specific circumstances, requirements and mitigation measures to be assessed against defined principles and criteria. Once adopted the Technical Note would be a material consideration in the assessment of planning applications for HMO. It will provide clarity and certainty on what issues will be considered when assessing planning applications for HMO. These assessments will consider the cumulative impact on the character of the area, parking, the potential for increase in noise and disturbance, as well as impacts on residential and/or business amenity taking into account the circumstances of the proposal. It also makes a clear linkage between the licensing and planning process to provide a consistent and coordinated approach from the Council.
- 1.3 The report notes the issues related to the delivery of HMO in Argyll and Bute that are tackled through the Technical Note, including the on-going demand for shared accommodation across Argyll and Bute and areas with higher levels of HMO (Taynuilt, Oban and Helensburgh). It also takes into consideration the potential for an increase in applications for HMO in Oban/Dunbeg related to growing the further education offer and in the wider Helensburgh and Lomond area related to the maritime change project.
- 1.4 The report notes the key issues raised regarding the Technical Note during the public consultation and how these have been taken into account in the finalised document. These include anti-social behaviour, mitigating factors relating to overprovision, parking control and the approach to overprovision (see Appendix 2).
- 1.5 This proposed approach to HMO will be monitored and reviewed after 1 year to assess if any revision is required. The potential for purpose built shared accommodation for students in Oban and for service personnel in Helensburgh will be investigated as part of the Strategic Development Framework projects for these areas.
- 1.6 It is recommended that Members:
- i) Note the content of this report
 - ii) Approve “Technical Note 3: Houses in Multiple Occupation”, as set out in Appendix 1 for use as non-statutory planning guidance.

Houses In Multiple Occupation : Technical Note

2.0 INTRODUCTION

- 2.1 A House in Multiple Occupation (HMO) in terms of planning is where over 5 unrelated people live together in a house or where 3 or more unrelated people from 3 or more families live together in a flat. A planning application is required for a change of use to an HMO because this change may have an adverse impact on residential amenity.
- 2.2 There has been a general increase in the number of HMO across Argyll and Bute and a particular concentration within Taynuilt. In the near future there are liable to be further increases in the wider Oban and Helensburgh areas related to the growth of further education, worker accommodation linked to Cruachan Dam National Planning Framework Project and the Maritime Change Project. It is therefore useful to provide non-statutory planning guidance in the form of a Technical Note to help with the determination of planning applications for HMO. This Technical Note will provide clarity and certainty on what issues will be considered when assessing planning applications for HMO. It also supports a co-ordinated approach by the Council to HMO by planning and environmental health, who deal with the licensing of HMO. A licence is required for any property accommodating 3 or more unrelated persons, which is different to the situation for planning permission requirements. Building Standards also have an interest in HMO in terms of safety issues.

3.0 RECOMMENDATIONS

- 3.1 It is recommended that Members:
- i) Note the content of this report
 - ii) Approve "Technical Note 3: Houses in Multiple Occupation", as set out in Appendix 1 for use as non-statutory Planning Guidance

4.0 DETAIL

- 4.1 Issues can arise related to Houses in Multiple Occupation, which are cross cutting in nature and require an integrated approach by Environmental Health, Building Standards and Planning. The aim is to support the delivery of high quality HMO accommodation in appropriate locations and to minimise potential adverse impacts. To create mixed and balanced communities it is important to prevent the creation or intensification of high levels or clusters of HMO in particular areas, where the impacts cannot be appropriately managed. The assessment criteria for overprovision and policy response are set out in the Technical Note. These take account of wider benefits and the control of adverse impacts through management mechanisms. In these cases the Technical Note allows for the specific

circumstances, requirements and mitigation measures to be assessed against defined principles and criteria.

- 4.2 There is on-going demand for shared accommodation, including HMO, across Argyll and Bute. This has been increasing in recent times with the highest demand for shared flats and houses. Analysis has shown that the areas with concentrations/higher levels of HMO are Taynuilt, Oban and Helensburgh. Even where the levels are not particularly high in relation to the number of households within a settlement a cluster of HMO within a street may cause amenity issues dependent on the circumstances. This increase is liable to continue into the future. There is the potential for an increase in applications for HMO in Oban/Dunbeg related to growing the further education offer (including University Town and Scottish Association for Marine Science) and also workers accommodation in relation to the proposed National Planning Framework Project at Cruachan Dam and in the wider Helensburgh and Lomond area related to the Maritime Change Project.
- 4.3 The aim of the Technical Guidance is to provide clarity and certainty on what issues will be considered when assessing planning applications for houses in multiple occupation across Argyll and Bute. It sets guiding principles under HMO1. Planning applications are assessed against HMO2. These assessments will consider:-
- the cumulative impact on the character of the area,
 - parking – sufficiency of off-road parking,
 - the potential for increase in noise and disturbance, on an individual case and cumulative impact basis,
 - impacts on residential and/or business amenity,
 - the circumstances and requirements related to student and military personnel accommodation.
 - Management and control mechanisms of the wider impacts

Overprovision is considered under HMO3, which sets out a joint approach by Environmental Health and Planning to this issue. Licensing issues are set out in the licensing section 3.

- 4.3.1 The assessment of overprovision (HMO3) will require a joint approach by planning and environmental health. The criteria based assessment, on a practical basis, will be undertaken by development management, regardless of the need for planning permission. Development management will be consulted by environmental health, who will then determine HMO licence applications taking the development management advice into consideration. This proposed overprovision approach to HMO will be monitored and reviewed after 1 year. Dependent on the findings the Technical Note may require to be revised. The potential for purpose built shared accommodation for students in Oban and for service personnel in Helensburgh will be investigated as part of the Strategic Development Framework projects for these areas.
- 4.4 The Technical Note was consulted on for a 4 week period on line with publicity on the web site, social media and direct mailing to community councils. 12 responses were received during the period and one prior to the consultation period. A range of concerns were raised, including those relating to perceived issues with anti-social behaviour, approach to and consistent methodology for application of the

over provision policy, parking requirements potential to be onerous for certain situations, application of the guidance to renewals, impact on shared services e.g. septic tanks and unadopted roads, maintenance issues and demand related to Community Planning Projects being considered a mitigating factor. The comments have been taken into consideration and have resulted in changes to the proposed Technical Note. The comments and response are summarised in Appendix 2 : Summary Consultation Analysis.

5.0 CONCLUSION

- 5.1 There has been a growth in the number of HMO, in particular within Taynuilt and the wider Oban and Helensburgh areas. There is anticipated to be a continued increase in the wider Oban and Helensburgh area related to the agenda for growth, student accommodation and the maritime change project.
- 5.2 It is appropriate to seek to manage the impacts of a growth in HMO through non statutory planning guidance in the form of a Technical Note giving guidance to be used in the determination of planning applications for HMO. The growth of HMO will be monitored and a review of the guidance in the technical note undertaken as appropriate. The particular needs and circumstances of students and military personnel have been taken into consideration in the Technical Note and will be further investigated as part of the Strategic Development Frameworks for the areas.

6.0 IMPLICATIONS

- 6.1 Policy The Technical Note once adopted would act as non-statutory planning guidance for use as a material consideration in the determination of planning applications related to Houses in Multiple Occupation and provide guidance for licensing applications to give a coordinated approach by the Local Authority on this issue.
- 6.2 Financial None as a result of this paper
- 6.3 Legal Non-statutory planning guidance
- 6.4 HR none as a result of this paper
- 6.5 Equalities / Fairer Scotland Duty
 None as a result of this paper. The LDP is subject to EqIA/FSD
- 6.6 Risk Failure to provide clear guidance related to these issues will hinder an integrated approach to handling applications related to HMO, which seeks to minimize impacts on amenity in residential areas.
- 6.7 Customer Service Providing clear guidance informs our customers how the issues related to HMO will be dealt with. There has been a public consultation with views expressed taken in to consideration

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APPENDICES

Appendix 1: Technical Note 3 : Houses in Multiple Occupation

Appendix 2: Summary Consultation Analysis