



rhondda cynon taf
local development plan
cynllun datblygu lleol

Draft Supplementary Planning Guidance:

Houses in Multiple Occupation (HMOs)

January 2018



RHONDDA CYNON TAF

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1. Introduction

- 1.1 Recent changes in legislation have given Local Planning Authorities (LPAs) the opportunity to formally control proposals for Houses in Multiple Occupation (HMOs) within their communities. It is recognised by Welsh Government and at a local authority level that an over concentration of HMOs in an area can have negative impacts on a community.
- 1.2 In Rhondda Cynon Taf, HMOs are heavily clustered around the University of South Wales campus in Treforest. There has been increasing concerns raised by the local community that the concentration of HMOs has reached a level that is having a significant detrimental effect on community cohesion.
- 1.3 The clustering and high concentration of HMOs across this community is the result of demand over many years from students wanting to live as close as possible to the campus, which is typical of university towns. Evidence suggests that there has been a contraction in the number of students seeking accommodation in Treforest, with many students now living in purpose built student accommodation in Cardiff and commuting by rail. More recently, the purposely developed student accommodation at Llwyncastan in Pontypridd has opened and became fully rented within a very short time.
- 1.4 Further proposals for bespoke student accommodation are also currently being developed in Treforest and Pontypridd. Therefore, further demand for HMO accommodation in Rhondda Cynon Taf is likely to come

from other low-income households that do not need be clustered in any one area such as Treforest.

- 1.5 Supplementary Planning Guidance (SPG) is non-statutory supporting information and advice that supplements the policies and proposals within the Rhondda Cynon Taf Local Development Plan (LDP). SPG will factor as a material consideration in determining planning applications and appeals and can relate to specific topics and sites.
- 1.6 This SPG has the twin purpose of firstly identifying when it is deemed that the concentration of HMOs in an area has reached a level considered to adversely impact upon the community; and secondly, provide guidance on standards of HMOs and how they should be developed. Although it will primarily be applicable to Treforest it will also provide guidance for all of Rhondda Cynon Taf.



2. Background

2.1 Background to HMO's

2.1.1. A house is said to be in multiple occupation when it is occupied by more than one private household. Typically, a house in multiple occupation is rented by a landlord room by room, for the most part to individuals or couples. These tenants would then have shared use of the bathroom, kitchen, utilities and common areas including any garden or yard. The number of rooms and associated occupants within a house would clearly depend on the size of the properties, but would often have converted ground floors in use as individual rentable rooms.

2.1.2. It is recognised that HMOs have a key role to play in meeting housing need within the Social Rented sector. HMOs are needed to provide accommodation for low-income individuals or small households who would otherwise be in hostels, overly large households or even homeless. They are popular with students, young, single employed or unemployed persons, small households unable to afford self-contained accommodation and small households who need flexibility to move home. Accordingly, such residents are often transient, with a high turnover of population within these communities.

2.1.3. To convert a house from single-household occupation to multiple occupation need not involve any building alterations either inside or outside. However, it may be that the conversion is accompanied by construction of

additional bedrooms, possibly by a rear extension of the house, or by internal rearrangement to provide additional kitchen, bathroom and utility facilities.

2.1.4. Multiple occupation of a house usually involves an intensification of its residential use. For example, the new use of a three-bedroom house formerly occupied by a family of four as an HMO with four bedsitting rooms, occupied by couples, would increase both the number of people in the house and the proportion of adults. This intensification of occupation would result in increased levels of activity in and around the house, which can have negative impacts on occupants, their neighbours and the local community.

2.1.5. Intensification of residential use can result in additional demand for car parking spaces and increased noise levels (through the playing of music for example). Other impacts result from the displacement of owner-occupied houses by rented houses and the displacement of the settled population by short-term residents. Impacts can include the increased appearance of estate agents advertising boards, deterioration in the general standard of property maintenance and inadequate handling of refuse. The displacement can also result in reduced use of facilities that serve the settled population, such as schools and local shops, which can lead to their closure. Conversely, this displacement can lead to an increase in food and drink premises and estate agents.

2.1.6. It is normally difficult to demonstrate the degree of impact that an individual HMO would have on the

character and amenity of its surroundings. However, areas where many houses are HMO have a distinct character based on their cumulative impact, resulting in negative perceptions of the area among the long-term residents.

2.1.7. The internal aspects of HMO are dealt with by local authorities under Housing legislation, through licensing systems that ensure a minimum standard of facilities and living conditions. The allowance for the use and external aspects are dealt with under the Town and Country Planning legislation, which can control the conversion of houses to multiple occupation in cases where planning permission is required.

2.2. Legislative Changes

2.2.1. Until 2016, the use of a building as a dwellinghouse was defined by Class C3 of the Town and Country Planning Use Classes Order 1987, as follows:

Class C3. Dwellinghouses

Use as a dwellinghouse (whether or not as a sole or main residence) —

(a) by a single person or by people living together as a family, or

(b) by not more than 6 residents living together as a single household (including a household where care is provided for residents).

2.2.2. The effect of this was that planning permission was not required to use a family house as a HMO as long as there were no more than 6 residents. Therefore since most houses in Treforest are terraced houses of modest size, few needed planning permission for multiple occupation.

2.2.3. New legislation was introduced in Wales in February 2016 which included the division of Class C3 into new use classes C3 and C4:

Class C3. Dwellinghouses

Use as a dwellinghouse (whether or not as a sole or main residence) by—

(a) a single person or by people to be regarded as forming a single household;

(b) not more than 6 residents living together as a single household where care is provided for residents; or

(c) not more than 6 residents living together as a single household where no care is provided to residents (other than a use within class C4).

Class C4. Houses in multiple occupation

Use of a dwellinghouse by not more than 6 residents as a house in multiple occupation.



2.2.4. The change means that planning permission is now required to change from a house in single occupation to a HMO for up to 6 residents. These are now referred to as either 'small HMO' or 'Class C4 HMO'.

2.2.5. Planning permission is needed now, as before February 2016, to change from a house in single occupation to a HMO for more than 6 residents. These are now referred to as either 'large HMO' or 'sui generis HMO' (sui generis use: a use of its own kind, i.e. not in a use class).

2.2.6. Since the licensing and planning systems operate on different criteria under separate legislation, it is possible to gain a licence and not planning permission for the same property, or planning permission and not a licence. The granting of one is no indication that the other will be granted.

3. HMOs in Rhondda Cynon Taf

3.1. It is recognised at both national and community level that even the best managed areas of HMOs, with significant transient populations, still have a substantially different character compared to residential areas with settled populations.

3.2. Within Rhondda Cynon Taf, the concerns relating to high numbers and high concentrations of HMOs are almost solely associated with the Treforest ward. Treforest accounts for 94% of the HMOs within the County Borough and for 32% of all households within the ward. When compared to the average of 1.3% of HMO's in wards across Rhondda Cynon Taf and the national average of 2.8%, there is clearly an issue with overconcentration within Treforest.

3.3. The evidence gathered indicates that this ward and the community of Treforest has seen significant demographic changes in the past 25 years that is directly attributable to the growth of HMOs here, which themselves have come about in association with the expansion of the University of South Wales (previously University of Glamorgan).

3.4. Although demographic changes occur irrespective of the level of HMO concentration and whilst it cannot be used as an indicator of negative or positive change, it is useful in identifying the notable characteristics of areas with a significant number of HMOs. The following statistics have been obtained from the 2011 Census:

- Household compositions containing 2 or more adults with no children account for 52% in Treforest whilst the average across all of Rhondda Cynon Taf is 26%.
- The private rented sector accounts for 44% of households in Treforest compared to 12% for the County Borough.
- Only 8% of people in Treforest are aged 0-15. The County Borough average is 19%.
- 60% of people residing in Treforest are aged 16-29 whereas the County Borough average is 18%.
- It has one of the lowest proportions of home ownership in the County Borough, with 44% of households either owning their property outright or with a mortgage. This compares to a Rhondda Cynon Taf average of 71%. 25 years ago, 77% of households living in Treforest owned their homes.
- 12 units of a total of 53 retail premises, (21%), in the retail centre of Treforest are either takeaways or have elements of takeaways within them. This is again higher than other centres in Rhondda Cynon Taf.

3.5. It is therefore clear that the number of HMOs within Treforest is significantly disproportionate to the rest of Rhondda Cynon Taf. It is recognised that there is a justifiable concern of how these demographic changes have changed and are continuing to change, the community of Treforest.

3.6. Transient occupation can lead to a lack of community integration and cohesion and less commitment to maintain the quality of the local environment. This can have the effect of re-enforcing the area as a 'student' community and making it less popular for families.



4. Managing HMO Concentrations

Policy HMO 1 - 20% Threshold Area in Treforest

Within the Treforest Ward, excluding the area to the east of the A470, (as identified in Figure 2 below), a threshold of 20% of HMO dwellings, (as a percentage of all residential properties) within a 50 metre radius of the planning application address, will be applied. If the proposed HMO would result in this threshold percentage being exceeded, it would be considered unacceptable in principle, and permission refused.

All planning applications for C4 HMO's and Large, Sui Generis HMO's in Rhondda Cynon Taf will be considered against this policy.

4.1. The low radius incorporated in this policy threshold approach seeks to prevent tight clustering of HMOs within a small neighbourhood area. However, it would often be the case that percentages are already well above this threshold across many parts of the Treforest Ward. Recent analysis undertaken of 10 example sites, with a broad spread across Treforest, showed there was an average of 39% licensed HMOs in existence within a 50 metres radius of them. Accordingly, it is accepted that there will be a number of areas within Treforest where no further HMOs should be allowed. However, it should also be noted that the 20% threshold is still considered a high level of concentration, and therefore the policy is not an overly prescriptive one even in such a location close to a University Campus.

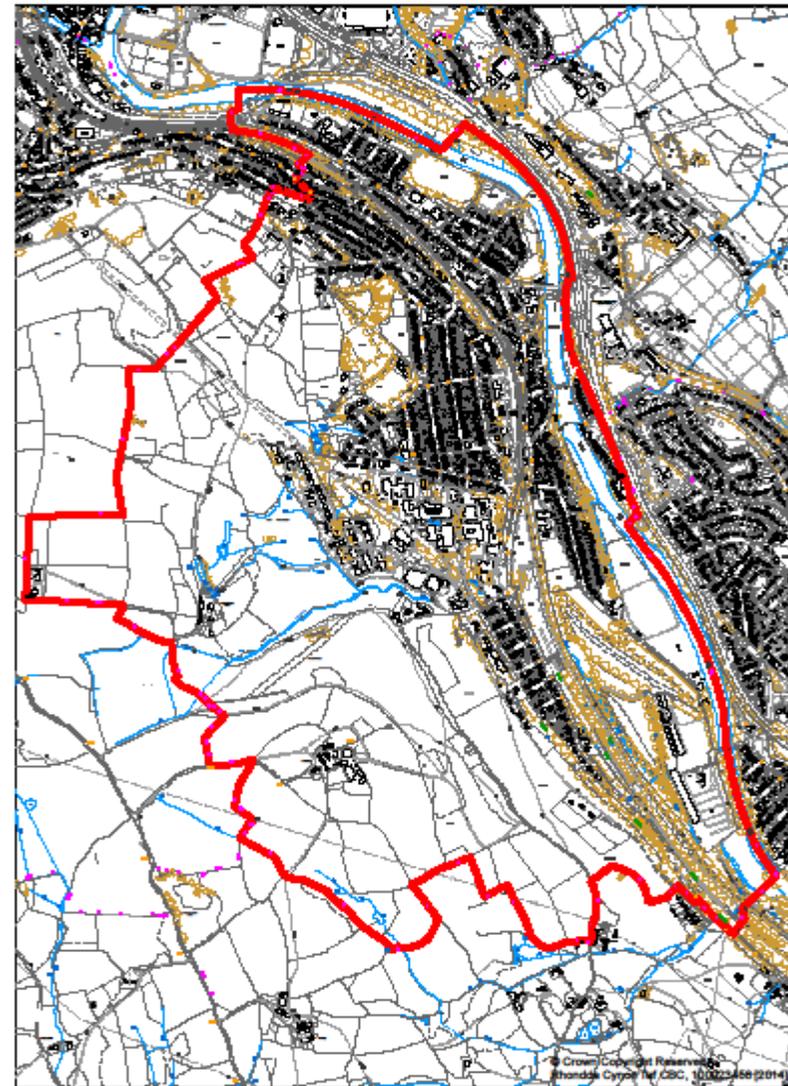
4.2. Concentrations of HMOs above 20% in any neighbourhood would create such an over concentration that would not be in accordance with national policy of creating mixed tenure communities. Such concentrations would also be contrary to sections 3.1.7 and 9.3.3 of PPW, as set out above, in relation to wider public interests and damage to an areas character. Similarly, Welsh Government research and associated report recommends as best practice a thresholds of 10% of HMO properties as a general appropriate level of such properties within an area. Accordingly, Policy HMO 2 below sets out a further threshold for HMO property across all of Rhondda Cynon Taf.

4.3. Figure 1 below shows an example of an application site for a change of use to an HMO in the 20% thresholds area. The larger red dot is the application site, around which is drawn the blue 50 metre radius buffer circle. Within this buffer are 50 residential properties, of which 24 are currently HMO (smaller red dots). This equates to 46%, which would clearly be well above the prescribed threshold, and permission would not be given for this proposal.

Figure 1 – Example of unsuitable HMO application in 20% Threshold Area;



Figure 2 – 20% Threshold Area in Treforest



Policy HMO 2 – 10% Threshold Across Rhondda Cynon Taf

To allow for appropriate levels of opportunity for HMOs in all other parts of the County Borough, a lower threshold of 10% of HMOs (as a percentage of all residential properties) within a 50 metres radius of the planning application address, will be applied. If the proposed HMO would result in this threshold percentage being exceeded, it would be considered unacceptable in principle, and permission refused.

4.4. As discussed throughout this SPG, HMOs can play a significant role in the rental housing market, giving significant numbers of low income individuals and small households housing options. Accordingly, this policy seeks to allow for further, appropriate HMO to come forward in other parts of Rhondda Cynon Taf. Average percentages of HMOs across other wards in the County Borough are as low as 1.3% and therefore market demand in other areas is generally low. It is considered that for the most part, concentrations of HMOs would very unlikely increase near the 10% thresholds. However, if demand does arise in certain locations, such as town centres, or in areas bordering the Treforest ward, then this lower threshold would prevent overconcentration occurring.

Figure 3 - Example of suitable HMO application in the 20% Threshold Area, but unsuitable in 10% Threshold Area;



4.5. Figure 3 above shows an application site for an HMO, again with 50 dwellings within the 50 metres radius buffer of it. In this instance, there are 8 HMOs within the radius area, or 16% of the properties. Accordingly, an application with this scenario would be acceptable in Treforest in principle, although not acceptable elsewhere in Rhondda Cynon Taf.

Figure 4 - Example of a suitable HMO application in the 10% Threshold Area;



4.6. Figure 4 the same application site as previous, although in this scenario, there are just 2 HMO of the 50 residential dwellings in the radius area. This would equate to just 4% of all the properties. This would therefore be acceptable in principle in all parts of Rhondda Cynon Taf.

Policy HMO 3 – Sandwiching and Adjacent HMOs

Proposal for HMOs that would result in the ‘sandwiching’ of non HMO properties will not be permitted i.e no property should be located between 2 HMO. Further to this, no more than two HMOs should be allowed adjacent to each other to prevent more localised clustering of such properties.

4.7. This policy seeks to reduce effects of HMOs at the most local level. A non sandwiching approach is adopted by many authorities who consider that C3 dwellings should not be enclosed and affected by recognised HMO impacts. Similarly, preventing a very small cluster of HMOs will reduce the local impacts on neighbouring properties and will also prevent an over concentration at the very localised level. It should be acknowledged that such scenarios already exist in many parts of Treforest, although it is intended that there is prevention of the practice in the future.

Policy HMO 4 – Exceptional Circumstances

In certain circumstances, concentrations of HMOs have reached such a point in a localised area that further permissions for HMOs are considered to not have any further detrimental effect. Where the concentration of existing HMOs within a 50 metres radius is already at 80% or above, then permission would be considered acceptable in principle.



4.8. This recognised approach would allow for increased HMOs in areas that have become almost solely HMO properties. In these areas, the increased impacts on the localised neighbourhood or wider community from an additional HMO would be relatively insignificant and this exceptional allowance will prevent owner occupiers in these areas from becoming 'locked-in'.

5. Planning Policy Relevant to HMOs

5.1 All planning applications for new, or the change of use to, C4 Houses of Multiple Ownership or Large, Sui Generis HMOs will be considered in accordance with the following policies and existing SPG.

Wellbeing of Future Generations Act.

In contributing to the Well-being of Future Generations Act goals, planning policies, decisions and proposals should:

- Ensure that all local communities – both urban and rural – have sufficient good quality housing for their needs, including affordable housing for local needs and for special needs where appropriate, in safe neighbourhoods.

National Planning Policies

PPW 9 November 2016

3.1.7 The planning system does not exist to protect the private interests of one person against the activities of another. Proposals should be considered in terms of their effect on amenity and existing use of land and buildings in the public interest

Housing

9.1.2 Local planning authorities should promote sustainable residential environments, avoid large housing areas of monotonous character and make appropriate provision for

affordable housing. Local planning authorities should promote mixed tenure communities.

9.2.2 - authorities need a clear understanding of factors influencing housing requirements

9.3.3 Insensitive infilling, or the cumulative effects of development or redevelopment, including conversion and adaptation, should not be allowed to damage an area's character or amenity.

9.3.4 ...where high densities are proposed, the amenity of the scheme and surrounding property should be carefully considered.

Infrastructure & Services

12.7.3 Adequate facilities and space for the collection, composting and recycling of waste materials should be incorporated into the design of any development ...

Local Planning Policies

Rhondda Cynon Taf Local Development Plan March 2011 - 2021

Policy CS 1 - Development in the North

In the Northern Strategy Area the emphasis will be on building strong, sustainable communities. This will be achieved by:-

1. Promoting residential and commercial development in locations which will support and reinforce the roles of Principal Towns and Key Settlements;

2. Providing high quality, affordable accommodation that promotes diversity in the residential market

Policy CS 2 – Development in the South

In the Southern Strategy Area the emphasis will be on sustainable growth that benefits Rhondda Cynon Taf as a whole. This will be achieved by:

1. Promoting residential development with a sense of place which respects the character and context of the Principal Towns and Key Settlements of the Southern Strategy Area;

2. Protecting the culture and identity of communities by focusing development within defined settlement boundaries and promoting the reuse of under used and previously developed land and buildings

Policy AW 5 – New Development

Development proposals will be supported where:

1. Amenity



- a) The scale, form and design of the development would have no unacceptable effect on the character and appearance of the site and the surrounding area;
- b) Where appropriate, existing site features of built and natural environment value would be retained;
- c) There would be no significant impact upon the amenities of neighbouring occupiers;
- d) The development would be compatible with other uses in the locality;
- e) The development would include the use of multi-functional buildings where appropriate;
- f) The development designs out the opportunity for crime and anti social behaviour.

2. Accessibility

- a) The development would be accessible to the local and wider community by a range of sustainable modes of transport;
- b) The site layout and mix of uses maximises opportunities to reduce dependence on cars;
- c) The development would have safe access to the highway network and would not cause traffic congestion or exacerbate existing traffic congestion;

- d) Car parking would be provided in accordance with the Council's Supplementary Planning Guidance on Delivering Design and Placemaking: Access, Circulation and Parking Requirements.

Rhondda Cynon Taf Local Development Plan: Supplementary Planning Guidance

Design & Placemaking March 2011

3.6.2 To ensure mixed communities are accommodated and that the local population have a choice of appropriate housing, different housing needs such as family, student, retirement, elderly and sheltered accommodation need to be considered.

4.3.14 Parking on street should be kept small in scale, provided within defined bays and be designed to add to the character of the street scene.

4.3.17 Where there are no garages, cycle storage could be provided in rear gardens where there is a safe and secure means of access.

Delivering Design & Placemaking: Access, Circulation & Parking Requirements March 2011

Car Parking Space Requirements:

House conversions to bedsits, or self-contained apartments:
Zone 1 (Principal town centres) Maximum Requirement: 1 space per unit (for residents); nil (for visitors);

Zones 2-4 (elsewhere) Maximum Requirement: 1 space per bedroom, maximum of 3 (for residents); 1 space per 5 units (for visitors)

For developments *where clear evidence has been supplied that car ownership levels will be lower than normal*, a more flexible approach to numbers of parking spaces may be taken. Acceptable evidence of this would be a contractual arrangement with tenants to secure low car ownership levels.

Development of Flats – Conversions & New Build, June 2015

Subdivision of existing houses

The subdivision of existing houses is likely to be acceptable where a high quality of accommodation and amenity can be provided for residents.

However many smaller properties, and particularly in traditional terraced streets, will not be appropriate for subdivision. Consideration will be given to the nature of the resulting flats, and it is likely that permission will be refused where:

- A high standard of internal layout cannot be achieved.
- Habitable rooms would lack natural light, ventilation or a reasonable outlook.
- The occupants of the first floor flat would not have access to the rear garden or other external space for amenity, clothes drying, bin storage and / or cycle storage.

- It would exacerbate existing on street parking problems.
- Living rooms or kitchens would be located directly adjacent to upstairs bedrooms of neighbouring houses, unless mitigating measures can be provided.

Cycle Provision

Cycle storage facilities should be provided for residents in convenient locations, either inside flats or in communal areas close to each flat.

Bin Storage and Refuse Collection

Sufficient space must be provided for the storage of bins, recycling and food waste in between collections, either within individual flats or in a communal area within 30m walking distance of each flat.

Appendix 6 - Houses in Multiple Occupancy (HMOs)

HMOs and planning (this reference pre-dates the new legislation associated with HMO's).

5.2 Other SPG that may be relevant depending on the location and detail of the proposal would be;

- The Historic Built Environment
- Design in Town Centres
- A Design Guide for Householder Development
- Nature Conservation



6. Standards of HMOs

6.1. Required Standards

6.1.1. Further to the compliance with the above policies and relevant SPG, this SPG seeks to outline, guide and inform stakeholders of the standards expected in the development of new and changes of use to HMO.

6.1.2. For clarification, all applications for new and changes of use to HMO are required to comply with the standards set out in the bullet points in relation to flats in the Flats Conversions & New Build SPG as outlined above. As with the Flats SPG, permission is unlikely to be granted if these standards cannot be met.

6.1.3. Similarly, cycle storage facilities should be provided for residents in convenient locations in suitable communal areas.

6.1.4. Sufficient space must be provided for the storage of bins, recycling and food waste in between collections, in suitable communal areas.

6.2. Licensing

6.2.1. All applications for HMO should also be made in accordance with the standards set out under the Council's Licensing process. The details of which are included in the two main documents being;

- **Licensing of HMO – A Landlord's Guide to Standards in HMO's 2014, and;**

- **Licensing of HMO – Landlord Handbook 2014 (updated 2017).**

6.2.2. These firstly set out the detail of the licensing process and also what is required from landlords. It then goes on to include details on standards required within HMOs in order for the landlord to gain a license. These include reference to a range of necessary internal amenity standards, relating, for example, to bathrooms and washing facilities, kitchens, ventilation and lighting. Further standards are set out in relation to the appropriate scale of rooms.

These documents are available to view on the Rhondda Cynon Taf website, at the following location;

<http://www.rctcbc.gov.uk/EN/Business/LandlordGuidance/Housesinmultipleoccupation.aspx>

6.2.3. Any applications for HMOs should ensure that they include sufficient information within them that would enable the Council to determine if they accord with all relevant planning policy, SPG and licensing standards.

Appendix 1 – Summary of Research

In preparing this SPG, comprehensive research was undertaken to identify the most appropriate methods that are in place across the UK and Wales to manage the growth of HMOs.

SPG's that have been prepared for the management of HMOs are often within university towns and cities, although not always the case. The associated negative effects of high concentrations of HMOs on the character of the area and the community were often the reason that permanent residents were objecting to further applications for HMOs. HMO occupants are generally perceived as being younger and more transient than other residents within a community. This can lead to wider effects on the character of an area and can give rise to a lack of community integration and cohesion, and less commitment to maintain the quality of the local environment.

Broader objections and analysis of evidence by the Local Authorities indicated that the preparation of SPG was appropriate. One of the major findings from the research of these SPG was that there was a threshold approach introduced to contain further concentrations of HMO's within small neighbourhoods and wider communities.

What also came apparent was that there was often a two tier system of approach. One level sought to ensure a cap on further HMO's in those areas which were considered as reaching, or had already reached a saturation point in the concentration of such houses. These were the areas that were already witnessing the much documented negative

impacts associated with such overconcentrations of HMOs and which themselves initiated the need for an SPG.

Secondly, many authorities saw that although overconcentrations of HMO's came with negative impacts upon their communities, the use itself nevertheless plays an important role in the private rental housing sector. The benefits that HMO's offer in terms of housing options for students and low income individuals is well documented. Accordingly, the SPG's often give a second threshold approach to allow for more limited HMO's to come forward across wider parts of the authorities.

This SPG therefore seeks to adopt the most appropriate best practice approach of identifying a threshold of HMO's. However, this has been considered against the unique circumstances in Treforest and Rhondda Cynon Taf as a whole. The SPG seeks to put into place a threshold, beyond which the concentration of HMO's is considered to have an unacceptable impact upon the community in which they sit.

The demographical statistics outlined above, along with the additional measures put in place by the Council relating to parking restrictions and refuse storage would indicate that such levels of concentration have already been reached in most parts of Treforest.

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