Houses in Multiple Occupation Supplementary Planning Document

Consultation Statement

November 2022

This Consultation Statement has been prepared in accordance with Regulations 12 and 13 of the Town & Country Planning (Local Planning) (England) Regulations 2012 and the Council's Statement of Community Involvement.

What was consulted upon?

The Houses in Multiple Occupation (HMO) Supplementary Planning Document (SPD) related to relevant policies in the Development Plan, in particular the Council's Local Plan Policy BH7.

Why is the SPD needed?

The SPD is a key document in setting out how the Council will interpret Policy BH7 'Accommodation with Shared Facilities or Support'. The aim of this is to improve the quality of outcomes for HMO occupants and their neighbours in locations where HMOs are considered appropriate.

The Council confirmed an Article 4 direction. This requires planning permission to be obtained for change of use from dwellings to small scale houses in multiple occupation (up to six residents) from 1st November 2022. The means that the Council will be determining many more planning applications for HMOs than is currently the case. HMOs of more than six residents are still required to obtain planning permission and the SPD contents also apply to them. The SPD will assist in ensuring that the determination process is as efficient as it can be. The SPD's adoption coincided with the Article 4 coming into effect.

Policy BH7 sets out criteria which have to be met for HMO development to be acceptable, including:

a) location in an area with good access to public transport and other amenities, including shops (normally within 400m);
b) is of an acceptable quality meeting appropriate standards for the needs of its occupants, including external amenity space, appropriate communal facilities, levels of support/ care and mobility;
c) includes management arrangements agreed with the council suitable to its proposed use and size to not unacceptably impact on neighbour amenity;
d) demonstrates that there is a specific Brent need, or in the case of purpose built student accommodation a London need, for the particular use; and
e) will not lead to an over-concentration of the type of accommodation in the area…..defined as where three or more of the ten nearest properties are Houses in Multiple Occupation.

Overall, this is likely to ensure that the:

a) quality of the accommodation is better for occupants,
b) potential for adverse impacts on neighbours is reduced;
c) balance between meeting the significant needs of larger families for three or more bedroom dwellings, and those of smaller households who cannot afford to rent self-contained dwellings is better managed; and
d) there is a clearer basis for decision making on planning applications and planning enforcement.

As adopted, the document will be given significant weight as a material consideration in the determination of planning applications. The Council will work with applicants early on in the application process seeking compliance with the SPD to ensure acceptable developments.

Area of coverage

The London Borough of Brent, with the exception of areas in which the Old Oak and Park Royal Mayoral Development Corporation is the local planning authority. Some parts of the borough such as most Growth Areas have been excluded from the Article 4 direction, so in those locations do not require planning permission for small scale HMOs, but where permission is required for a HMO, the SPD will still be used.

What consultation took place?

In drafting the SPD, the Council consulted all relevant specialist service providers within the Council, including private sector housing, housing needs, building control, planning enforcement, development management and transportation. Formal consultation took place between 28th July 2022 and 22nd September 2022.

Steps the Council took to publicise the draft SPD.

The Council publicised the draft SPD by:

a) email consultees on the planning policy consultation database (over 1000 addresses);
b) email to all private sector landlords with property licences registered with the Council (9000 properties);
c) publicising via the Council's online consultation portal;
d) making hard copies available in the Brent Civic Centre and Brent Council public libraries;
e) making it available on the Council's website.

Responses

Over 300 views of the consultation webpage took place during the consultation period. The consultation generated a number of requests for clarification from landlords about HMO status and whether their property would need planning permission. In specific response to the draft SPD consultation, a total of eleven sets of responses were made, four from residents, one HMO landlord, one councillor, four statutory consultees and one student accommodation operator. A summary of the representations received, officer response and where appropriate recommended changes to the SPD are set out in Appendix A.

The majority of responses were supportive of the SPD. Those that weren't indicated existing licensing and planning controls were sufficient, or that the SPD would push up rents. The

Unite Group PLC, a purpose built student accommodation provider, considered that whilst the principal focus of the SPD was to deal with issues associated with typical HMOs, it could also be applied to large scale purpose built student accommodation when this wasn't its purpose. It identified that in policy terms the Council had treated this accommodation differently from general HMOs in the Local Plan examination process, e.g. in relation to policy BH7 and how over-concentration might be identified. As such, it stated that the SPD should make it clear it did not apply to purpose built student accommodation.

This was accepted. These large scale forms of accommodation often incorporating hundreds of rooms are very different to the typical small scale HMO in terms of size, operation, management and impacts. The Council considered that existing policies and the planning application process were providing sufficient quality outcomes without the need for additional guidance related to this form of accommodation.

Changes to the SPD

As set out in Appendix A there were some recommended changes to make it clear that the SPD will not apply to purpose built student accommodation. The SPD was also updated to reflect that the consultation has been undertaken. It also incorporated minor changes to remove duplicate text, typos and provide greater clarity where potential ambiguity had been identified in its use in assessing HMO applications submitted between consultation and the recommendation to adopt being taken.

Adoption date

The Council adopted the HMO SPD on the 3rd November 2022 and subsequently issued the relevant notifications.

Appendix A Consultation Responses

Ref	Name/ organisation	Paragraph/ Section	Representation summary	Officer response	Proposed change
1	Resident 1	General	Lack of garden maintenance causes problems for neighbours, such as subsidence. Licences should cover requirement for appropriate garden maintenance.	Where planning permission is required a suitable management plan will be sought to ensure that the gardens are maintained to an acceptable standard.	No change.
2	Resident 2	General	SPD overcooked – attempting to address existing poorly designed HMOs that are lacking residents' facilities.	The SPD reflects the experience of the Council from a planning perspective in issues that consistently arise in reducing the quality of HMOs which if not addressed affect the amenity of their occupants and neighbours.	No change.
3	Resident 2	General	Need stricter compliance with existing controls including building regulations. Using existing planning and licensing powers will be sufficient to guard against poor landlords/ HMOs.	Some HMO landlords do not go through the appropriate processes to ensure that their properties meet the relevant standards. Where the Council is made aware of these it will ensure that the necessary statutory requirements are followed through enforcement. Whilst existing controls can address some of the issues that arise from a planning perspective, the SPG is considered necessary to provide clarity on planning standards for HMOs now that an Article 4 has been confirmed which means most new HMOs will need planning permission. This will save time for both	No change.

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				applicant and the Council in determining the application and ensuring the HMOs meet the requisite standards.	
4	Resident 2	General	SPD cites extensive concreted forecourts – breaches of planning law against which the Council has taken no action.	The Council where it is made aware of creation of hardstanding which is not deemed consistent with permitted development rights does take action to remedy the breach, usually as a minimum through insertion of a soakaway as required in the regulations. Where planning permission is required for a HMO, the Council will seek to implement its policies on green infrastructure provision and parking provision.	No change.
5	Resident 2	General	Lack of enforcement has occurred against an adjacent HMO which has all the negative features you describe.	The Council has addressed matters raised with it with respect to the licence of that property.	No change.
6	Resident 2	General	Against the HMO policies, particularly on smaller 3 or 4 bed flats on shared tenancies.	These size of properties if having more than 3 tenants from two households will require a HMO licence and are classified as a HMO in planning terms, so in the majority of cases from 1st November 2022 are likely to require planning permission if not already a HMO. As indicated in the SPD, the Council recognises the important role HMOs meet in providing housing choices. Nevertheless, there is a	No change.

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				significant unmet need for 3-4 family dwellings which HMOs are exacerbating. The Council considers its approach better balances the borough's housing priorities.	
7	Resident 2	General	Better effort would be spent on increasing enforcement time limits to 10 years rather than the existing 4 years.	The enforcement time limit is set out in national legislation and is a matter for the Government to address.	No change.
8	Resident 2	General	The SPD will impact on a household with a lodger.	The Council from a planning perspective will take a proportionate view as to whether there is a material change of use occurring. This will depend on the number of occupants and those renting. HMO licensing only applies to properties with 3 or more tenants, but in a selective licensing area the landlord will need a licence.	No change.
9	Resident 2	General	The proposals will affect 3 friends buying a house as it will be classified as a HMO.	This is not the case, as rents need to be payable (or other consideration is to be provided) by at least one of the households for it to be classified as a HMO.	No change.
10	Resident 3	4.3	Harlesden has areas where a significant amount of alcohol and drug dependent vulnerable persons are concentrated. This results in drug dealing, aggressive begging, littering, and general street safety issues. All of	The Council's policy BH7 seeks to prevent over-concentration of HMOs but this can only apply to those that require planning permission. It cannot be applied retrospectively to those that	No change.

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			this is affecting the life of the community. This is not so evident in Wembley, Kensal and Queen's Park.	already are in place, although if a person has concerns about the licence status or how the licence is being enforced they can contact the Council's private sector housing team.	
11	Resident 4	General	Pleased that Brent are addressing the scourge of unregulated and substandard HMOs.	Noted.	No change.
12	Landlord 1	General	The whole concept will push up rent prices; landlords have enough to do.	The SPD has sought to balance the need to provide for a better quality HMO but still be positive about their provision as an important part of housing options for Brent residents.	No change.
13	Cllr Sandra Kabir	5.40	A comprehensive and easy to read document. Common HMO complaints received are overflowing bins or rubbish bags dumped on the pavement. HMOs can lead to an increased volume of packaging and food waste, compared to a house where a family cooks together. The HMO should identify that landlords should pay for extra bins to accommodate this.	The SPD seeks to address waste generated by the HMO through identification of and provision of appropriate facilities initially and subsequent standards through an accompanying management plan.	No change.
14	ROK Planning on behalf of Unite Group PLC	2.4-2.6 and 3.3	The draft SPD should relate to HMOs only, and not large-scale purpose-built shared living (PBSL) or purpose built student accommodation (PBSA). This should be made explicit within the SPD. These development types are markedly different. Indeed, the draft	It is accepted that the principal focus of the guidance is to effectively deal with the majority of HMOs that come forward within the borough which are either changes of use of existing buildings (mostly dwellings), or	Paragraph 2.6 change to: "The majority of HMOs in Brent are small scale. They generally result from changes of use or conversion of existing dwellings. Few to date have been purpose built new-builds. Only a very few

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			SPD itself acknowledges this and it is unclear as to the justification to apply the SPD to either PBSA or PBSL developments of less than 50 units. Separate established guidance is in place at the regional level in respect of the approach to PBSA and large-scale PBSL and it is argued that there is no policy justification to deviate from this guidance at the Brent local level. Notwithstanding the above, should the SPD remain as drafted and explicit language not added to confirm that the entire document is relevant for HMOs only, there are a number of sections which require essential explicit clarification that they do not relate to PBSA or large scale purpose built shared living set out in further points.	occasional new build HMOs, that for the most part come forward in established residential areas. It is accepted that large scale purpose built student accommodation (PBSA) developments that have occurred in the borough have been different in their character and impact and the Council is content to continue to address applications on the same basis as has occurred before on a case by case basis. On this basis it is agreed that the SPD can be amended to make it explicit that it will not apply to purpose built student accommodation. The fact that there is separate established guidance in place at the regional level in relation to PBSA is a moot point. There is only the London Plan's supporting text to Policy H15 which essentially only focuses on nomination agreements and the approach to affordable room provision. On large scale purpose build shared living (PBSL) the SPD is clear in pointing to the existing London Plan Guidance. The London Plan policy defines such premises as having 50 or more occupants. The Council has	exceed 10 occupants. There has however, more recently been a trend towards larger purpose built accommodation. Where this is for students it is known as purpose built student accommodation. For this type of accommodation this SPD will not apply." Paragraph 2.6 change to: "Other larger purpose built schemes, principally for working people. ~~These~~ are sometimes also known as 'co-living' schemes. The Greater London Authority (GLA) has produced additional London Plan Guidance (LPG) on co-living developments: Large-Scale Purpose-Built Shared Living. Consistent with London Plan policy H16, its focus is on schemes of 50+ non-conventional residential units……." Paragraph 3.3 change to: "….a significant number of people. As indicated in paragraph 2.5, notwithstanding that they might be classified as HMOs, the contents of this SPD will not specifically apply to purpose

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				been subject to some pre-application discussions with promoters of schemes that fall outside the levels of occupation typically associated with a traditional HMO, but below the 50 occupants captured by policy H16. On this basis the Council feels that it is appropriate to identify that for these types of schemes it will take a hybrid approach that balances between that typically sought for a HMO in the SPD and for PBSL as set out in the London Plan Guidance.	built student accommodation, or large scale shared living of over 50 occupants." Paragraph 3.4 change to: "…..hotel or hostel. In respect of these uses, this SPD will not apply."
15	ROK Planning on behalf of Unite Group PLC	4.3	Local Plan policy BH7 criterion e) seeks to prevent an over concentration of HMOs within an area. Unite note that policy BH7 within the Local Plan was updated during the course of examination and modifications made in order to make clear that the 3 out of 10 requirement applies to HMO's only, and not PBSA or purpose built shared living. Given the current draft SPD alludes that, overall, it could be used to assess proposals for PBSA and purpose-built shared living, it is argued that currently there is conflict between the policy and the SPD itself.	As set out in the response to comment 14, the Council has accepted the need for clarity on the SPD in relation to not being applicable to PBSA and the SPD is clear that the London Plan Guidance should only be used for large scale PBSL schemes.	No change.

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			As determined at examination stage, this restriction is clearly inappropriate for PBSA and purpose built shared living. Should explicit reference not be made that makes clear that the entire draft SPD is relevant to HMO's only, explicit reference should at least be made to make clear that the three in ten property restriction does not apply to PBSA or purpose built shared living.		
16	ROK Planning on behalf of Unite Group PLC	5.9-5.31	It is essential to make explicitly clear that these standards do not apply to PBSA or large-scale purpose built shared living for the following reasons: 1. It is well established that non self-contained dwellings such as PBSA and purpose built shared living should not be subject to minimum space requirements; and 2. PBSA and shared living developments by their very nature provide an alternative form of residential occupation with an emphasis on shared facilities. They can provide residential accommodation at much higher densities making effective contributions to housing supply.	As set out in the response to comment 14, the Council has accepted the need for clarity on the SPD in relation to not being applicable to PBSA and the SPD is clear that the London Plan Guidance should only be used for large scale PBSL schemes.	No change.

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			Should explicit reference not be made that makes it clear that the entire draft SPD is relevant to HMOs only, explicit reference should at least be made to make clear that minimum space requirements do not apply to PBSA or purpose built shared living.		
17	ROK Planning on behalf of Unite Group PLC	5.26	The draft SPD requires 10% of bedrooms to be provided as accessible. Unite note that during the course of examination, the local plan policy BH7 paragraph 6.2.63 was revised to state: *"To ensure that residential accommodation meets needs over time, London Plan policy requires 10% wheelchair accessible/ easily adaptable dwellings. The accommodation covered by this policy is likely to be meeting needs of specific sectors of the population. On this basis the council will be willing to depart from the minimum 10% wheelchair where evidence is compelling to indicate why it might not be appropriate e.g. where occupants are less likely to suffer from mobility disabilities compared to the general population."* Unite repeat their representations made to local plan BH7 in respect of accessible bedrooms for PBSA and purpose built shared living.	As set out in the response to comment 14, the Council has accepted the need for clarity on the SPD in relation to not being applicable to PBSA and the SPD is clear that the London Plan Guidance should only be used for large scale PBSL schemes.	No change.

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			It should be noted that the above points have been taken into account within the London Plan (2021). Policy D7 of the London Plan was updated over the course of the plan's examination period to clarify that the 10% requirement for wheelchair accessible rooms relates only to dwellings which are created via works to which Part M volume 1 of the Building Regulations applies – i.e., to new build dwellings. PBSA developments do not constitute dwellings and therefore the 10% requirement does not apply to these developments; and in any case, Unite operate a policy of meeting the needs of an individual user and not applying a one size fits all policy. Indeed, should individual bedrooms need to be adapted; this can be done quickly and relatively easily to meet requirements. Unite have undertaken such additional alterations in discussion with the end user and provided a bespoke solution to a student's needs. Given the comments above, and should explicit reference not be made that makes clear that the entire draft SPD is relevant to HMO's only, explicit reference should at least be made to make clear that 10%		

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			accessible room requirements does not apply to PBSA or purpose built shared living.		
18	National Highways		Combined policies on location close to public transport and limits on car parking mean that HMOs should have lower levels of vehicle trip generation compared to standard market housing. We do not expect there to be any impact of the SRN, therefore we have no objection.	Noted.	No change.
19	Natural England		The SPD is unlikely to have major impacts on the natural environment. It could however consider incorporating features for biodiversity enhancement beneficial to wildlife for example, bat roosts, bird boxes or other measures. In addition, the surrounding natural and built environment's character and local distinctiveness could be enhanced, natural resources used more sustainably; and local community benefits enhanced through green infrastructure provision and access to and contact with nature.	The SPD makes reference to seeking to achieve the BH4 urban greening factor 0.4 target and Local Plan Policy BGI1's need for a net-gain for biodiversity in association with development. It will be for the applicant to set how they will effectively address the net-gain requirements, reflective of the characteristics of the sites.	No change.
20	Transport for London Spatial Planning	Accessibility	Welcome requirement for HMOs to be in locations with a minimum PTAL of 3 and with access to local services within a 5 minute (400m) walk.	Noted.	No change.
21	Transport for London	Parking	Support requirement that HMOs should be car free. If a need is demonstrated for disabled persons' parking this could be	The Council takes a flexible approach to disabled parking	

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	Spatial Planning		provided through the conversion of existing on street parking as an alternative to on-site parking. Welcome the requirement that any existing car parking should be converted to other uses or made inaccessible to vehicles and that residents will be ineligible for parking permits. We also support the requirement to provide cycle parking in line with the London Plan including compliance with London Cycling Design Standards.	location which, where justified, can have an on-street provision.	
22	Coal Authority		No comment.	Noted.	No change.