

Houses in Multiple Occupation

Interim Planning Guidance Note



DRAFT

1. Introduction

- 1.1 Houses in Multiple Occupation (HMOs) provide small, affordable, flexible and safe accommodation for a wide variety of people including single people, students, low paid and seasonal workers, those on short term contracts and are an essential part of the housing market. They can also offer temporary accommodation for people who are saving to purchase a home.
- 1.2 Houses that provide accommodation for at least 3 people who are not all members of the same family are known as HMOs. In Flintshire these are usually created through the conversion of buildings, either currently residential or in other uses.
- 1.3 Poorly located and designed HMOs can lead to problems, both for the occupants and for neighbours, due to the more intensive nature of accommodation within an HMO. These issues can affect living standards and include, noise, disturbance, loss of privacy and inadequate living accommodation. Similarly, an over-concentration of HMOs, or those that are poorly located, can harm the character of an area.
- 1.4 Given the emerging trend for the development of HMOs in Flintshire, and particularly in certain locations such as Deeside, the Council has produced this interim policy guidance note. It aims to advise prospective applicants about the requirements of the Local Planning Authority (LPA) and for relevant information and evidence to be prepared and submitted in support of planning applications for HMOs, in order to properly consider the planning implications. It is important to state that the Public Protection legislation sets out different standards and requirements which will not be addressed in this note. Applicants will need to consult FCC's Community and Business Protection Department for the full requirements.
- 1.5 The Adopted Local Development Plan (LDP) includes Policy HN7 Houses in Multiple Occupation. This criteria-based policy aims to ensure that the development of an HMO does not cause significant detrimental effects to the building, locality or community. This Interim policy guidance note includes additional guidance in respect of each criterion and adds more details on how the Council intends to manage the development of HMOs. This Interim policy guidance note will be used in the determination of any planning application for the development of HMOs within Flintshire. Given the present lack of a licensing scheme for smaller HMOs, the evidence does not exist to inform and justify the identification of a 'threshold' of the number of HMOs in an area, beyond which harm would occur. When an additional licensing scheme is developed in Flintshire this will facilitate the mapping of the location of the HMOs. Once this is available, a revised SPG will be prepared and consulted upon. Until such time, this document represents an interim policy guidance note.

2. Definitions

- 2.1 The definition of what constitutes an HMO primarily relies on legislation concerning the private rented sector i.e. Housing Act 2004. In simple terms, an HMO is defined as a property where occupants share one or more basic amenities (i.e. a toilet, personal washing facilities or cooking facilities), and is occupied by 3 or more people who do not form a single household and occupy the property as their only or main residence. There is also a requirement that rent is payable by at least one occupant of the property.
- 2.2 The table below shows an extract from the Town and Country Planning Use Classes Order for Wales, relating to the use classes which are relevant to this interim guidance note. For

each use class the table provides a description of that use and any permitted change to another use.

A Guide to Use Classes Order in Wales - Classes C3, C4, C5, C6 and Sui Generis Town and Country Planning (Use Classes) Order 1987 (as amended)		
Use Class	Description	Permitted Change
Class C3 – Dwellinghouses, used as sole or main residences	<p>Use as a dwellinghouse, as a sole or main residence and occupied for more than 183 days in a calendar year by –</p> <p>(a) a single person or by people to be regarded as forming a single household,</p> <p>(b) not more than six residents living together as a single household where care is provided for residents,</p> <p>(c) not more than six residents living together as a single household where no care is provided to residents (other than a use within Class C4)</p>	<p>Permitted changes to Class C5</p> <p>Permitted change to Class C6</p> <p>Permitted change to a mixed-use combining use as a dwellinghouse within Class C3 with a use falling within Class C6 between the new use classes, C3, C5 and C6</p> <p>Permitted change to a mixed-use combining use as a dwellinghouse within Class C5 with a use falling within Class C6</p> <p>Development is not permitted if it would result in the use as two or more separate dwellinghouses falling within Class C3, Class C5 or Class C6 of any building previously used as a single dwellinghouse</p>
Class C4 – House in multiple occupation	Use of a dwellinghouse by not more than six residents as a “house in multiple occupation” (HMO). Large HMOs (of more than six people) are unclassified and therefore sui generis	Permitted change to Class C3
Class C5 – Dwellinghouses, used otherwise than as sole or main residences	<p>Use as a dwellinghouse, otherwise than a sole or main residence and occupied for 183 days or fewer by –</p> <p>(a) a single person or by people to be regarded as forming a single household,</p>	<p>Permitted change to Class C3</p> <p>Permitted change to Class C6</p> <p>Permitted change to a mixed use combining use as a dwellinghouse within Class C5 with a use falling within Class C6</p>

	<p>(b) not more than six residents living together as a single household where care is provided for residents , or</p> <p>(c) not more than six residents living together as a single household where no care is provided to residents (other than a use within class C4)</p>	<p>Permitted change to a mixed use combining use as a dwellinghouse within Class C3 with a use falling within Class C6</p> <p>Development is not permitted if it would result in the use as two or more separate dwellinghouses falling within Class C3, Class C5 or Class C6 of any building previously used as a single dwellinghouse</p>
Class C6 – Short-term lets	Use of a dwellinghouse for commercial short-term letting not longer than 31 days for each period of occupation	<p>Permitted change to Class C3</p> <p>Permitted change to Class C5</p> <p>Permitted change to a mixed used combining use as a dwellinghouse within Class C3 with a use falling within Class C6</p> <p>Permitted change to a mixed used combining use as a dwellinghouse within Class C5 with a use falling within Class C6</p> <p>Development is not permitted if it would result in the use as two or more separate dwellinghouses falling within Class C3, Class C5 or Class C6 of any building previously used as a single dwellinghouse</p>
Sui generis – No class specified	<p>Includes:</p> <p>(a) Includes large houses in multiple occupation (HMO) (more than six people sharing),</p> <p>(b) as a theatre,</p> <p>(c) as an amusement arcades or funfair,</p> <p>(d) as a launderette,</p>	<p>No permitted change, except –</p> <p>(a) motor vehicle sales to Class A1.</p> <p>(b) Permitted changes of use from use as a betting office to Class A1, mixed use for any purpose within Class A1 and as a single flat, Class A2; and mixed use for any purpose within</p>

	(e) for the sale of fuel for motor vehicles, (f) for the sale or display for sale of motor vehicles, (g) for a taxi or vehicle hire business, (h) as a hostel, (i) as a scrap yard, (j) for any work registerable under the alkali, etc. Works Regulation Act 1906, as a waste disposal installation, (k) as a betting office	Class A2 and as a single flat (c) Permitted changes of use from mixed use as a betting office and as a single flat to Class A1, mixed use for any purpose within Class A1 and as a single flat, Class A2, mixed use for any purpose within Class A2 and as a single flat; and use as a betting office
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3. Policy Context and Background

National

- 3.1** Whilst the current version of Planning Policy Wales (PPW) (Edition 12 February 2024) does not make specific reference to the development of HMOs, the Welsh Government have recognised that the over-development of HMOs in an area can have significant detrimental effects. Welsh Government carried out extensive research in 2015 entitled 'Houses in Multiple Occupation: Review and Evidence Gathering':

<https://www.gov.wales/sites/default/files/publications/2018-11/houses-in-multiple-occupation-hmos-review-report-on-findings.pdf>

- 3.2** This research focussed on areas with significant concentrations of students, but nevertheless acknowledged more generally that the concerns emanating from the number of HMOs in an area increase, once the concentration of such households exceeds a certain threshold (10%). The difficulty that arises from applying this to Flintshire is that only HMOs with 5 or more occupiers in building of 3 storeys or more, are subject to mandatory licensing. This is compounded by the fact that before 2016, the development of small HMOs was permitted development and as such did not require planning consent. Since Flintshire does not have an additional licensing scheme currently it is therefore not possible at present to accurately map where they are located.
- 3.3** Community and Business Protection has secured funding to develop and introduce an additional licensing scheme therefore the process of establishing a full licensing scheme is underway. Once this system is operational, it will enable the identification of areas of high concentrations of HMOs. At that point, this interim policy guidance note will be reviewed to consider implementing threshold controls on Houses in Multiple Occupation (HMOs). A system of threshold control will enable an assessment of how many HMOs exist within a 50-metre radius of any proposed new HMO. If the concentration of HMOs within that 50-metre radius reaches 10% or more, planning permission may be denied. However, until this system is fully functional, this interim policy guidance note can provide useful

advice and assistance regarding any new HMO applications.

- 3.4** In February 2018, the Cabinet Secretary for Energy, Planning and Rural Affairs wrote to all local authorities to remind them of the powers they have to manage HMOs (weblink below). The letter clearly emphasises that the management of HMOs is a local issue where LPAs should make informed decisions on what is best for their area and develop suitable and evidenced policy responses to help achieve this.

<https://www.gov.wales/sites/default/files/publications/2018-1;1/local-authority-powers-houses-in-multiple-occupation.pdf>

Local

- 3.5** The Flintshire Local Development Plan (LDP) was adopted in January 2023 and sets out the main land use policy guidance for the County. This plan includes a number of relevant policies as set out in Appendix 2, but the main policy is:

HN7: Houses in Multiple Occupation

Within defined settlement boundaries, proposals to convert an existing building into self-contained accommodation, bedsits or houses in multiple occupation (HMO) will only be permitted if:

- a. Conversion is possible without major alterations or extensions which would significantly alter the character and appearance of the building and locality;*
- b. The scale and intensity of use would be compatible with the existing building and adjoining and nearby uses;*
- c. the proposal includes on-site parking, or it can be demonstrated that it does not have an adverse effect on local parking provision;*
- d. the proposal includes a drying area, bin storage and cycle parking, and provides for the amenity of future occupants;*
- e. the cumulative impact of development would not adversely affect the character of the locality or residential amenity;*
- f. The proposed HMO does not result in either more than two HMOs side by side or an existing residential property sandwiched between HMOs.*

- 3.6** The main planning issues to consider with proposals for HMOs are the suitability of the existing building, impact of the development on the character of the area with regard to the living conditions for neighbours, future occupiers, and parking provision, as well as considering the cumulative effects of HMO development. Each of the criteria in Policy HN7 is important to ensure that conversion to an HMO creates reasonable accommodation for the future occupants and does not result in planning harm. The policy, and this interim policy guidance note, clearly focuses on the conversion of existing buildings to HMOs as this is the most likely form of development but is also applicable to a proposal for a new build HMO.

4. Detailed Guidance

a) Suitability of Building to Accommodate an HMO

- 4.1** Criterion a. of policy HN7 states '*Conversion is possible without major alterations or extensions which would significantly alter the character and appearance of the building and*

locality. It aims to ensure that the existing building is suitable and appropriate to be successfully converted into an HMO. Where proposals to convert dwellings to HMOs include extensions and/or alterations or where extensions to existing HMOs are proposed, the works should conform with the requirements in policy HN5 House Extensions and Alterations i.e.

- a. is subsidiary in siting, scale and form to the existing dwelling, and does not represent an overdevelopment of the site;*
- b. respects the existing dwelling and surroundings in terms of design and materials;*
- c. will not have an unacceptable impact on the living conditions of occupiers of adjoining developments.*

- 4.2** Regard should also be had to the guidance in the Extensions and Alterations to Dwellings Supplementary Planning Guidance (SPG), particularly in respect of separation distances and daylight standards. The conversion of a building to an HMO should be possible without altering the character and appearance of both the building itself and the locality.
- 4.3** In addition to considering the suitability of a building in terms of its external character and appearance, it is also necessary to ensure that the building is internally able to provide a satisfactory standard of residential accommodation to comply with Houses in Multiple Occupation (HMO) Minimum Standards. This is a matter for the Council's Community and Business Protection department, and it would be beneficial for anyone proposing an HMO to seek guidance on the relevant standards before submitting a planning application. Adhering to the relevant standards will also assist in ensuring that the HMO will receive the appropriate HMO license. See Appendix 3 HMO Register and Licensing Requirements.

b) Scale and Intensity of development

- 4.4** Criterion b. of policy HN7, states '*The scale and intensity of use would be compatible with the existing building and adjoining and nearby uses*'. Converting to an HMO will result in an increased intensity of use and it is vital that both future occupants and nearby residents have reasonable levels of living standards. For example, for occupants of some HMOs the bedroom provides their only private space and thus they are likely to spend more time in the bedroom than might be the case in a family home. As such, in those cases, a lack of reasonable outlook from the bedroom would create an oppressive environment for those residents.
- 4.5** In HMOs each bedsit should have at least one opening window with a reasonable outlook and prospect. Similarly, at least one opening window in communal habitable rooms should have a reasonable outlook. The LPA considers that a reasonable outlook comprises a minimum distance of 12 metres between a main window in a habitable room and a blank wall (or a wall with a window of a non-habitable room). To ensure privacy there should be a minimum distance of 21 metres between a main window in a habitable room and another window in a habitable room.
- 4.6** These standards are generally applicable to new build proposals and in many urban parts of Flintshire these standards may not be achievable. particularly with conversions of older housing stock. In these instances, the Council will consider the outlook and prospect of the accommodation as a whole, including both bedrooms and communal habitable rooms. The Council will also have regard to the previous use of rooms within conversion schemes and determine whether the proposal will result in any greater harm. Each case will be assessed on its merits and must consider the living conditions of both the occupants of the proposed

HMO and the occupants of adjoining houses and other land uses.

Basement Accommodation

- 4.7** Proposals for basements to be used as HMOs, in areas at risk of flooding, will be carefully assessed against the level and type of flood risk and must satisfy the updated guidance in TAN15. Applications must be accompanied by a Flood Consequences Assessment and consultation will be undertaken with NRW to establish whether the risks of flooding can be satisfactorily managed. Flood risk considerations will apply to all HMO proposals in areas at risk of flooding and not just basements, given the intensification of residential use. Planning permission will only be granted where there is no known flood risk, or where flood risk has been managed to the satisfaction of both Natural Resources Wales (NRW) and the Council. In most cases basements are unlikely to be considered acceptable for conversion to HMO accommodation.
- 4.8** When considering whether there is a reasonable outlook from a window in a habitable room in a basement the Council will consider the function of the space to which it looks onto. For example, it would not be considered appropriate if the window looks directly onto a bin storage area or an area for parking or directly onto the public highway or footway. Basements can be used for storage, laundry rooms, bicycles or other uses.

c. Access and parking

- 4.9** Criterion c. of Policy HN7 states *“the proposal includes on-site parking or it can be demonstrated that it does not have an adverse effect on local parking provision”*. Often HMOs occur in areas of high-density housing where there is only a limited provision of on-street parking. The policy aims to ensure that the increased demand for parking does not impact on local parking provision and highway safety in the surrounding area. Residents of HMOs may not own a car and so it is important that HMOs are located in sustainable areas that have good access to facilities and services using a variety of means of travel including walking, cycling and public transport.
- 4.10** The Applicant will need to carefully consider how many car parking spaces are required by the development and provide a plan of the site showing the layout of the spaces as part of any planning application. The explanation to policy HN7 references a car parking standard of 0.4 spaces per bedsit. This standard is based on Residential Car Parking Research carried out by the Department of Communities and Local Government in 2007 and has been referenced by Planning Inspectors in recent appeal decisions. Off-street parking is advised as this will assist in controlling the effects that the development of HMOs can have on on-street parking, particularly in dense urban residential areas such as terraced streets, where existing residents rely on this form of parking with no reasonable alternatives available.
- 4.11** Applicants must clearly explain how the parking requirements of their proposed HMO can be reasonably accommodated without detriment to the existing circumstances in the local area. Most HMOs are created by residential conversions so it is important to take into consideration whether the HMO use would bring any harmful detriment when compared with the parking likely to be generated by the existing residential use, or what parking would be required by the parking standards SPG. For example, a 4 bed house would generate a parking requirement of 3 spaces but the conversion of the house to a 6 bed HMO would result in a parking requirement of 2.4 spaces, so there is no overall detriment in terms of parking. Any proposal which provides either no parking or reduced levels of parking must be accompanied by a sustainability statement explaining why this is justified

having regard to the nature of the HMO, the availability of local services and facilities and means of travel by walking, cycling and public transport.

- 4.12** The provision of on-site car parking areas can harm the character and appearance of heritage assets, particularly where they are at the front of buildings or involve the removal of traditional boundary walls and features. In all cases car parking should be sensitively designed and respect the character and appearance of an area whilst providing for safe vehicular parking and vehicular movements.

d. On-site Facilities and Outdoor Amenity Space

- 4.13** Criteria d. of policy HN7 states '*the proposal includes a drying area, bin storage and cycle parking, and provides for the amenity of future occupants*' and seeks to ensure that HMOs have adequate provision for these essential domestic requirements. It is important that residents have access to an area of private outdoor amenity space. This is usually provided as a communal area that is available for all residents of the HMO to use. This space is intended to provide an area for residents not just for drying clothes but for informal recreation/socialising.
- 4.14** The table below sets out the minimum requirement for amenity space for Houses in Multiple Occupation. These standards reflect that bedsits are almost always occupied by a single person and rarely will children live in them. Nevertheless, the standards below will help ensure that occupiers of an HMO building will have sufficient private outdoor space.

Table 4: Planning Policy HMO Minimum Amenity Space Requirements

Size of HMO proposal	Amenity Space standard
3 bedsits	Minimum of 20m ²
Each additional bedsit above three	+10m ² per bedsit

- 4.15** The amenity space must be accessible to all residents and be well designed and laid out and suitable to meet the needs of the occupants. The standard can be met either by provision of a communal area (such as a rear garden), a private space or a combination of these. Any amenity space would need to be carefully assessed against the effects on the living standards of adjoining occupiers in terms of overlooking and loss of privacy. Areas to the front of a building that are not private and areas intended for parking and bin stores should not be included in the calculation. Long narrow spaces should not be included in a calculation of available amenity space as they are not considered to provide useable space.
- 4.16** Justification will be required by applicants if lower than standard provision of amenity space is proposed and this will only be acceptable subject to the two following criteria:
- The proposal is within easy walking distance to a local centre, where the benefits of being close to community facilities (such as green spaces, open spaces, or recreational facilities) and public transport are significant;
 - The re-use of an otherwise vacant building has wider significant community or regeneration benefits.
- 4.17** Applicants must take all opportunities to maximise amenity space within the proposals. This may include for example the removal of existing extensions and outbuildings. Extensions to properties to increase accommodation will not be permitted if this would result in an

inadequate amount of amenity space.

Bin Stores

- 4.18** A suitable space for refuse and recycling bins must be provided, for all of the occupants of the building. Bins should be located in a bin compound or in a location easily accessible to the kerbside. Where possible, the bin store should be to the side or rear of the property out of public view and where it will not be a nuisance. Where it is necessary for bins to be stored at the front of the property, the bin store should be designed to fit in with the street scene. Bin stores should not create dark recessed areas which could encourage misuse, vandalism or pest control problems. Where a development affects a heritage asset, the bin store should, where possible, be out of sight from the road. Facilities for waste and recycling storage should be clearly marked on the plans and may be controlled by planning condition to ensure that they remain in-situ in perpetuity. Applicants are encouraged to consult with Streetscene to establish the waste and recycling storage /collection requirements relative to the size of the proposed HMO.
- 4.19** The Applicant must also include secure cycle parking facilities within the site. This is especially important due to the low levels of car ownership associated with HMOs. Unless the developer demonstrates to the Council's satisfaction that this is not possible, one secure cycle parking space should be provided for every HMO bedroom, bedsit unit or self-contained flat within the building. Details should be provided as part of any planning application and may be controlled by planning condition to ensure that they remain in-site in perpetuity.

e. and f. Reducing the impact on the character of the locality and residential amenity.

- 4.20** Permitting the conversion of a building into an HMO can help bring back into viable use an otherwise vacant property. However, it can also have the potential to cause a nuisance to existing neighbouring residents. Additionally, an over proliferation of HMOs in a local area can have a negative impact on residential amenity and change the character of an area for the worse.
- 4.21** Criterion e. of policy HN7 states, '*the cumulative impact of development would not adversely affect the character of the locality or residential amenity.*' and aims to address the detrimental impact that can result when several HMOs are located close together, and an additional HMO is proposed. Criterion f. states '*The proposed HMO does not result in either more than two HMOs side by side or an existing residential property sandwiched between HMOs.*' and seeks to provide more specific and practical guidance on the location of proposed HMOs. The conversion of a property into an HMO has the potential to adversely impact on its immediate neighbours and the character of an area and these impacts will increase cumulatively with each successive proposed HMO. The following examples in the form of illustrations are intended to provide practical and common-sense ways of reducing the potential harm on existing properties/neighbours within close proximity to a proposed HMO. The present lack of a full HMO licensing system means that it is not known where all HMOs are located, however, this evidence base will improve over time. Determination of a planning application will be assisted by the applicant providing information on the number and location of HMOs in the vicinity of the application site and a statement as to how they consider the proposed HMO will comply with the requirements of Policy HN9 and this Interim Guidance Note. The case officer will still need to assess such information against known data sources and a visit to the building and surroundings to assess whether the proposed HMO is policy compliant.

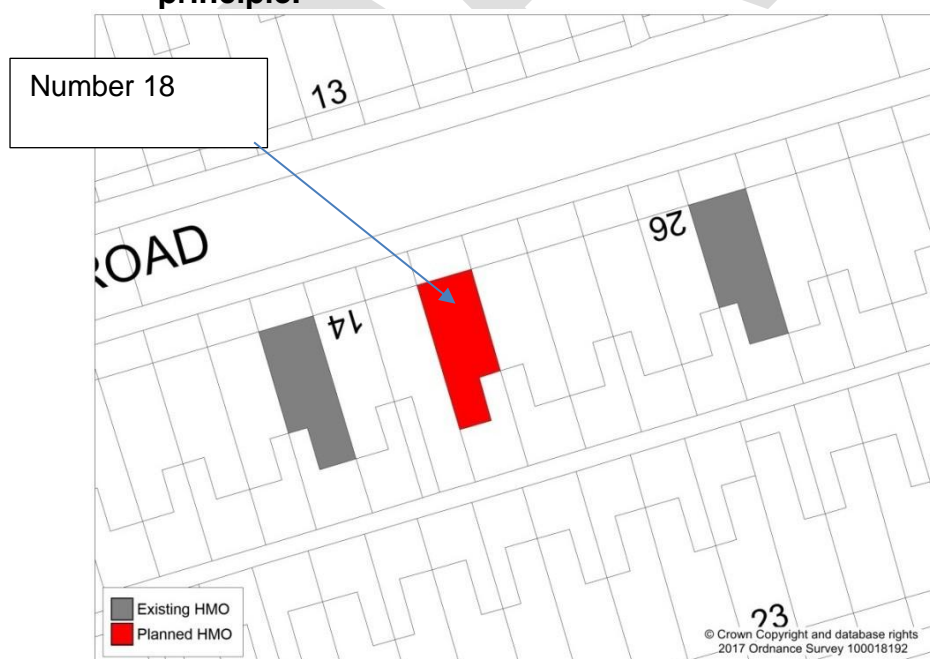
4.22 The Council will not permit the following when considering applications for conversions to HMOs:

a). A non-HMO property will not be allowed to be ‘sandwiched’ between two HMOs.

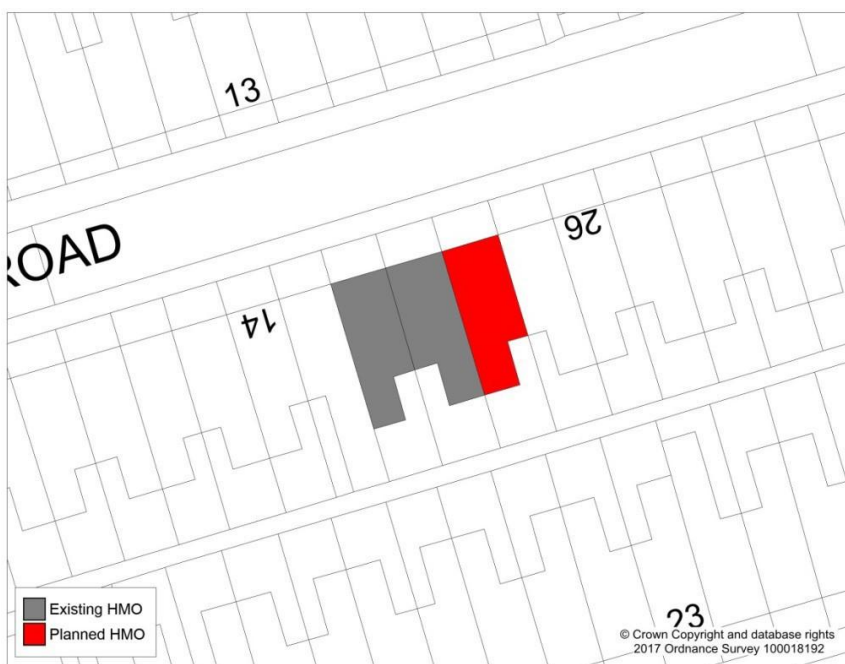


4.23 In the example above, the proposed HMO at number 11 would result in a neighbouring non-HMO property, no 13, being sandwiched between two HMOs. **This would not be acceptable.**

4.24 However, in the example below the proposed HMO (at number 18) would not result in a non-HMO property being sandwiched between two HMOs. The two non-HMO properties would only have an HMO on one side, not both sides. **This would be acceptable in principle.**



b). Adjoining HMO's



4.25 In the example above the proposed HMO would result in a row of three HMOs. **This would not be acceptable.**

4.26 These restrictions apply to all house types, including terraced, semi-detached and detached properties. These restrictions will not apply if the properties (including the curtilage) are separated by a road (minimum of 5.5m) suitable for vehicles or an area of undeveloped land (that is at least 5.5 wide).

Appendix 1. Useful Contacts and Links

For Planning Development Management (01352 703331)

Web: www.flintshire.gov.uk/planning Email: planningadmin@flintshire.gov.uk

For Planning Policy (01352 703213) Web: www.flintshire.gov.uk/planningpolicy
Email: developmentplans@flintshire.gov.uk

For Heritage and design issues (01352 703218/ 703297)

Web: www.flintshire.gov.uk/conservation Email: conservation@flintshire.gov.uk

For Building Control (01352 703417) Web: www.flintshire.gov.uk/buildingcontrol
Email: bcadmin@flintshire.gov.uk

For Highways Development Control (01352 704617)

Web: www.flintshire.gov.uk/highwaysdc Email: highwaysdc@flintshire.gov.uk

For Community and Business Protection (01352 703440)

Housing and Pollution Control Web:
www.flintshire.gov.uk/houseinmultipleoccupationlicense Email:
housingenforcement@flintshire.gov.uk

The postal address for all of the above is:

Flintshire County Council, Ty Dewi Sant, St Davids Park, Ewloe, CH5 3FF

For Housing Strategy either 01352 703721 or 01352 702121 and ask for Housing Strategy. Postal address, Flintshire County Council, Chapel Street Flint, Flintshire, CH6 5BD.

Procedures

Pre-application advice

This SPG has demonstrated that this type of development involves a number of issues that will need to be addressed before submitting a planning application. An applicant is therefore strongly encouraged to use the Council's pre-application advice service. Information about the service, what information is needed and what fees are charged for pre-application advice can be found at <http://www.flintshire.gov.uk/en/Resident/Planning/Pre-application-Planning-Advice.aspx>

Appendix 2 - Flintshire Local Development Plan Policies

HN7: Houses in Multiple Occupation

Within defined settlement boundaries, proposals to convert an existing building into self-contained accommodation, bedsits or houses in multiple occupation (HMO) will only be permitted if:

- a. Conversion is possible without major alterations or extensions which would significantly alter the character and appearance of the building and locality;
- b. The scale and intensity of use would be compatible with the existing building and adjoining and nearby uses;
- c. the proposal includes on-site parking or it can be demonstrated that it does not have an adverse effect on local parking provision;
- d. the proposal includes a drying area, bin storage and cycle parking, and provides for the amenity of future occupants;
- e. the cumulative impact of development would not adversely affect the character of the locality or residential amenity'.
- f. The proposed HMO does not result in either more than two HMOs side by side or an existing residential property sandwiched between HMOs.

This policy adds greater detail to Strategic policies STR6 Services Facilities and Infrastructure, and STR11 Provision of Sustainable Housing Sites. With recent legislative changes relating to HMO's the County has seen a significant increase in the number of planning applications for HMO's. A HMO is a dwelling or other building which is converted into letting rooms which are occupied by 3 or more unrelated persons who share facilities such as kitchen and bathroom.

The Local Housing Market Assessment identified a need for accommodation for smaller households across the County. Where this includes the conversion of an existing property the preference will be for the conversion of properties into self-contained accommodation. However it is recognised that HMOs can form an important part of the housing stock and meet particular housing needs. That said, HMOs are a more intensive form of accommodation which can have impacts on a building, locality and community. This is particularly the case where certain areas of the County are seeing a growing number of properties converted to HMOs and this can give rise to cumulative impacts. Too many flats / HMOs in one area can alter the character of established residential areas, resulting in an impact on community cohesion and residential amenity. For example large numbers of flats or HMOs can lead to problems such as a shortage of on street parking and bin storage issues. Applicants should therefore calculate the requirement for off street car parking using the figure of 0.4 car parking spaces per unit. This figure is based on Residential Car Parking Research carried out by the Department of Communities and Local Government in 2007 and is used by Inspectors when considering appeals. Also such areas are often associated with low levels of owner occupation which in some instances can lead to lower standards of property

maintenance and associated environmental degradation issues. Furthermore, the cumulative impact of flats/HMOs can have a detrimental impact on creating mixed and balanced communities by reducing the number of family homes available within an area.

In the case of business premises it must be established that the building is no longer required for employment purposes and Policy PE6 provides further guidance on this. In line with national planning guidance the conversion of upper floors above retail and commercial properties can add to the vitality and viability of town centres but in the case of ground floor premises within Primary Shopping Areas, proposals will need to be assessed against Policy PE8. A building should be capable of being converted into a HMO without the need for alterations or extension which would lead to the over intensification of the use or harm the character and appearance of the building and locality.

The policy therefore seeks to ensure that proposals for HMOs are assessed as to their appropriateness. The building itself must be suitable for conversion without extensions or alterations that would change its character and appearance. The scale and intensity of the proposal relative to the building itself and the locality needs to be compatible and not give rise to harmful impacts. Proposals should ideally have on-site car parking or where this is not possible, the proposal should demonstrate that there would be no adverse impact on local parking provision. Consideration should be given by the applicants to the sustainability of the location in terms of availability and proximity to public transport and public off street parking. Proposals should make on-site provision for clothes drying area, bin storage and cycle parking as well as appropriate amenity space for residents. Further detail is set out in a Supplementary Planning Guidance Note.

STR4: Principles of Sustainable Development, Design and Placemaking

To promote and create new sustainable places, all development will be designed to a high standard in line with the sustainable placemaking design principles and should achieve local distinctiveness, be inclusive and accessible, and mitigate and adapt to climate change.

To achieve this, all development should:

- i. Be designed to be adaptable, safe and accessible, to respond to climate change, and for housing, adapt to changing needs over time;
- ii. Respond to local context and character, respect and enhance the natural, built and historic environment, and be appropriate in scale, density, mix, and layout;
- iii. Be accessible and connected, allowing ease of movement;
- iv. Make the best use of land, materials and resources;
- v. Contribute to the well-being of communities, including safeguarding amenity, the public realm, provision of open space and recreation, landscaping and parking provision in residential contexts;
- vi. Incorporate new, and connect to existing green infrastructure, promoting biodiversity;
- vii. Incorporate where possible on-site energy efficiency and renewable energy generation;
- viii. Ensure there is capacity and availability of infrastructure to serve new development;
- ix. Manage water and waste sustainably;
- x. Ensure that it supports and sustains the long term well being of the Welsh language.

PC2: General Requirements for Development

All development should:

- a. harmonise with or enhance the character, local distinctiveness and appearance of the site, existing building(s) and surrounding landscape/townscape;
- b. not have a significant adverse impact on the safety and living conditions of nearby residents, other users of nearby land/property, or the community in general, through increased activity, disturbance, noise, dust, vibration, hazard, or the adverse effects of pollution;
- c. take account of personal and community safety and security in its design and layout;
- d. maximise sustainable travel choice by having safe and convenient access by foot, cycle, public transport and vehicles;
- e. not have an unacceptable effect on the highway network or highway safety as a result of problems arising from traffic generation, inadequate and poorly located parking spaces, servicing and maneuvering;
- f. not result in or be susceptible to problems related to foul and surface water drainage, land stability, contamination, flooding, or pollution of light, air and water, either on or off site.

PC3: Design

All new development should:

- a. be of a high quality, distinctive and inclusive design which respects and enhances the site and its surroundings in terms of its siting, layout, scale, height, design, density, use of materials and landscaping, and creates a sense of place;
- b. retain existing landscape and nature conservation features and incorporate opportunities to enhance biodiversity and ecological connectivity;
- c. ensure that new materials are appropriate, durable and sympathetic to the character and context of the site;
- d. protect and enhance the townscape, architectural, historic and cultural built environment;
- e. incorporate suitable provision of space about dwellings, amenity space, landscaping and planting;
- f. create attractive, accessible and safe and healthy places with natural surveillance, visibility and sensitive lighting;
- g. incorporate Sustainable Urban Drainage Schemes to bring about multiple benefits as an integral part of the development;
- h. protect the living conditions of nearby occupiers from any harmful effects of new development including overlooking, harm to outlook, increased activity/disturbance/noise.

Appendix 3. HMO Register and Licensing Requirements

In addition to requiring planning permission, most HMOs will also need a separate licence from Community and Business Protection, Housing and Pollution Control team. Licensed HMOs are subject to conditions that require landlords to take all reasonable steps for the satisfactory management and maintenance of good physical standards of HMOs. These include mandatory conditions requiring certificated inspections for gas, electrical and fire safety, as well as specifying maximum occupancy numbers. There are also conditions requiring the licence holder to prevent anti-social behaviour. Breaching licence conditions can ultimately result in landlords being prosecuted and their licence being revoked. Licensing requirements are entirely separate to the requirement for planning permission, and it is made explicitly clear in national planning policy that the planning system must not duplicate the controls of other regulations in making decisions on planning applications.

Link to FCC Houses in Multiple Occupation (HMO) Minimum Standards

<https://www.flintshire.gov.uk/en/Resident/Housing/Housing-Policies-and-Procedures/Houses-in-Multiple-Occupation-HMO.aspx>

Appendix 4. Impacts of Interim Guidance Note on Welsh Language

The Flintshire Local Development Plan (LDP) was adopted on 24/01/23. The adopted LDP now represents the statutory

Local Development Plan for the County and should be read alongside Future Wales:

The National Plan. The LDP has been prepared in the context of Planning Policy

Wales and Development Plans Manual 3. The Plan covers the 15 year period

ending on 31/03/30.

An Integrated Impact Assessment was a key part of the Plans preparation and was published at key stages including Preferred Strategy stage in 2017 Deposit in 2019 for the plans Examination in Public and in January 2023 when the plan was adopted. All the policies in the plan were

assessed and impacts on the Welsh Language were considered.

See this link to the IIA 2023:-

<https://www.flintshire.gov.uk/en/PDFFiles/Planning/Examination-Library-Documents/Final-Sustainability-Appraisal-Report.pdf>

The IIA evidences that policy HN7 would have a positive rather harmful effect on the Welsh Language.

As part of the Deposit LDP a consultant was employed to carry out further work to consider the Welsh Language in Flintshire. Subsequently the Background Paper No 12 Welsh Language, was produced which addressed the issues and carefully considered the implications of the LDP policies on the Welsh language. The consultant's report is included in the background a paper.

<https://www.flintshire.gov.uk/en/PDFFiles/Planning/Evidence-BaseDocuments/Background-Papers/LDP-EBD-BP12-Welsh-Language.pdf>

This demonstrates how, as the plan progressed, the Welsh Language was considered.

There have also been several opportunities for people to comment on the issue at each engagement and consultation stage as the Plan has progressed.

The issue of Welsh Language was not referenced in the Inspectors' Report as being a key issue.

The Council has set out in the LDP an intention to prepare a series of Planning Guidance Notes

The interim planning guidance note does not set out new policy but expands upon and gives guidance on policy HN7 in the LDP and as explained above, the impact of those policies on the Welsh Language has already been considered and examined, and the Plan found to be

sound. Consultation being carried out at the present time therefore only relates to the additional clarification and guidance in the interim planning guidance note and should not bring about any additional implications for the Welsh Language .

Houses in Multiple Occupation

The interim document provides guidance on the assessment of planning applications for HMOs. It aims to support consistent decision-making while helping to manage the impact of HMOs on local communities.

Impacts on the Welsh Language

HMO development can bring about positive and negative effects as set out below:

Positive Impacts

The regulation of HMOs can help to preserve the character of communities, including Welsh speaking ones, by preventing an over concentration of one type of housing and promoting balanced demographics.

HMO development can provide lower-cost housing options, particularly for single people or young adults. This allows local Welsh speakers to remain in their communities, reducing the need to relocate for housing.

Negative Impacts

In areas with high percentages of Welsh speakers, a high number of HMO developments may disrupt language continuity. However, most HMO development within Flintshire tends to occur in larger settlements and urban areas such as Buckley, Shotton and Connah's Quay, and these are areas with low levels of Welsh speaking. Additional HMOs would therefore be unlikely to be harmful to the Welsh Language.

Neutral Impacts

The guidance primarily deals with planning and housing regulation, careful implementation and supporting SPG should ensure that new HMO development has neutral effects

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