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# HOUSES IN MULTIPLE OCCUPATION SUPPLEMENTARY PLANNING DOCUMENT

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**NORTHAMPTON BOROUGH COUNCIL**  
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## **1.1 INTRODUCTION**

1.1.1 This Supplementary Planning Document for Housing in Multiple Occupation has been published to aid property owners, planning applicants and planning officers in preparing and determining planning applications in relation to Houses In Multiple Occupation (HMOs, also known as HiMOs).

1.1.2 Northampton's population is growing. There is significant inward investment and extensive regeneration is taking place. The University of Northampton has relocated to the Waterside Campus in the town centre, and the locations of demand for student HMOs have changed. It is recognised that HMOs play a key role in providing accommodation for students, but they also provide homes for migrant workers, those on lower incomes and those who are not in a position to own, or have no immediate desire, to purchase a home.

1.1.3 There are property owners who may wish to contribute towards meeting this demand for HMOs. The Council has planning policies in place to guide prospective owners on the Council's policy approach towards houses in multiple occupation. It has produced guidelines setting out the Council's requirements in relation to space and amenities. The guiding principles in this document provide details on what the Council will consider when determining planning applications relating to HMOs, to ensure that they are of a high standard and will not lead to any unacceptable impact on neighbouring amenity or other interest of acknowledged importance.

1.1.4 These principles are applicable to all premises within the administrative boundary of Northampton Borough. Property owners who wish to use their premises for HMO purposes under Permitted Development Rights (where no planning approval is required) are also strongly recommended to take these principles into account.

## **1.2 AIMS OF THE SUPPLEMENTARY PLANNING DOCUMENT (SPD)**

1.2.1 The aims of the SPD are:

1. To clarify to landlords and property owners whether a planning permission is required for the following:
  - for a change of use from a dwelling or non-residential property to a house in multiple occupation or
  - Permitted Development Rights apply (and planning permission is not required) or
  - an Article 4 Direction applies (Permitted Development Rights have been removed and planning permission is required)
2. To inform those who intend to convert / use their existing properties for multiple occupation about the Council's requirements and standards for houses in multiple occupation

3. To manage the future development of HMOs to ensure such developments will not lead to or increase existing over-concentrations of HMOs which are considered harmful to local communities, and meet housing need ensuring mixed and balanced communities

1.2.2 This SPD amplifies the existing adopted policy contained in the current West Northamptonshire Joint Core Strategy (JCS). When adopted, it will replace the Interim Planning Policy Statement (IPPS) on HMOs which was adopted in 2014. The Submission Draft Northampton Local Plan Part 2 includes Policy 14 Delivering Houses in Multiple Occupation which is aimed at supporting and maintaining a balanced, mixed and inclusive community by managing the concentration and quality of HMOs. This SPD provides details on the implementation of this emerging policy as well as current adopted policies, and sets out the Council's approach to determining planning applications relating to all HMOs. Once adopted, it becomes a material consideration when determining planning applications.

### **1.3 DEVELOPMENT MANAGEMENT PROCESS**

1.3.1 Prior to submitting any proposals or planning applications, landlords and property owners are advised to contact relevant organisations to discuss the details of their proposals (see Appendix 2). They are also strongly recommended to view all relevant supporting documents and websites, the contents of which may influence the decision making process as well as informing them of where Permitted Development Rights have been removed by virtue of Article 4 Directions.

1.3.2 This will also ensure that any proposals and plans will contain the relevant information and requirements necessary for determining planning applications for HMOs.

1.3.3 Even when planning permission is not required, landlords and property owners are strongly recommended to speak to the Council in respect of building control, private sector housing licensing and health & safety requirements and guidelines.

1.3.4 Before submitting a planning application or undertaking any works, please view the planning page of the Council's website for further information: Do I need planning permission?

[http://www.northampton.gov.uk/info/200206/planning\\_applications/1793/do\\_i\\_need\\_planning\\_permission](http://www.northampton.gov.uk/info/200206/planning_applications/1793/do_i_need_planning_permission)

## **2.1 PLANNING POLICY CONTEXT**

2.1.1 The preparation of this SPD has been informed by national, strategic and local policies, summarised below:

- The National Planning Policy Framework (NPPF) (February 2019) sets out a need to support strong, vibrant and healthy communities by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations. Para 61 states that the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies. The principles contained in this SPD, especially Principle 1, will contribute towards the delivery of this requirement.
- Policy H5 of the West Northamptonshire Joint Core Strategy (2014) states that 'The existing housing stock will be managed and safeguarded by allowing houses in multiple occupation where they would not adversely affect the character and amenity of existing residential areas'
- The emerging Northampton Local Plan Part 2 will have a policy to help manage the concentration and quality of HMOs more effectively
- Saved Policy H30 of the adopted Northampton Local Plan (June 1997) allows HMOs providing issues such as parking and overconcentration are addressed
- Policy 1 of the Central Area Action Plan (CAAP) seeks to secure a high standard of design, as well as secure the protection of the historic environment
- Policy 10 of the CAAP provides information on car and cycle parking requirements for houses in multiple occupation

2.1.2 To support the preparation of the Northampton Local Plan Part 2, the Council commissioned Loughborough University to carry out a study into HMOs with policy recommendations. This forms part of the evidence base for the policy on HMOs in the emerging Plan and has been used in the formulation of the principles contained in this SPD.<sup>1</sup>

2.1.3 Further details of the above policies are provided in Appendix 1. In addition to the above, property owners, landlords and applicants should note that there are other documents which need to be taken into account in informing any future HMO proposals, including Conservation Area Appraisals and Management Plans.

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<sup>1</sup> A Study of Housing in Multiple Occupation Policy (Loughborough University, 2018)  
<https://www.northampton.gov.uk/downloads/file/10737/2018-hmo-study>

## **2.2 DEFINITION OF HOUSES IN MULTIPLE OCCUPATION**

2.2.1 Shared houses that are legally permissible are known collectively as Houses in Multiple Occupation (HMOs, or HiMOs). The exact definition of HMOs can be found in Part 2 of the 2004 Housing Act and also the government website <https://www.gov.uk/private-renting/houses-in-multiple-occupation> .

2.2.2 In summary, a HMO is a building or part of a building occupied by at least 3 tenants, forming more than one household and where toilet, bathroom and/or kitchen facilities are shared.

2.2.3 A dwelling house therefore becomes an HMO if it is occupied by 3 or more unrelated persons.

## **2.3 THE USE CLASSES ORDER**

2.3.1 The Town and Country Planning (Use Classes) Order 1987 (as amended) and the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) provide details of the relevant Use Classes applicable to dwellinghouses and Houses in Multiple Occupation (HMOs). They also provide information on when planning permission is required and when a Permitted Development Right applies (meaning planning permission is not required).

2.3.2 The Use Classes which are applicable to HMOs are as follows, more detail on the Use Classes Order can be found in Planning Portal website ([https://www.planningportal.co.uk/info/200130/common\\_projects/9/change\\_of\\_use](https://www.planningportal.co.uk/info/200130/common_projects/9/change_of_use)) :

<b>Use Class</b>	<b>Description</b>	<b>Legal Position</b>
C3 (Dwelling houses)	Use as a dwelling house (whether or not by a main resident) by:  C3 (a) - a single person or by people to be regarded as forming a single household, an employer and certain domestic employees (such as an au pair, nanny, nurse, governess, servant, chauffeur, gardener, secretary and personal assistant), a carer and the person receiving the care and a foster parent and foster child.  C3(b) - up to six people living together as a single household and receiving care e.g. supported housing schemes such as those for people with learning disabilities or mental health problems.  C3(c) - groups of people (up to six) living together as a single household.	Permitted change of use from dwelling houses to C4 (HMOs)

Use Class	Description	Legal Position
	This allows for those groupings that do not fall within the C4 HMO definition, but which fell within the previous C3 use class, to be provided for i.e. a small religious community may fall into this section as could a homeowner who is living with a lodger.	
C4 (Houses in Multiple Occupation):	Small shared houses occupied by between 3 and 6 unrelated individuals, as their only or main residence, who share basic amenities such as a kitchen or bathroom.	Permitted change of use to C3 (dwelling house)
Sui Generis (uses which do not fall within the specified use classes)	Includes large Houses in Multiple Occupation (more than 6 people sharing)	No permitted change of use. Planning permission is required.

### 2.3.3 In summary:

- Planning permission **is not required** to change the use of a dwelling house (C3) to a small HMO (C4) of 3 – 6 unrelated persons. These are known as Permitted Development Rights, unless the application site is located in an area subject to an Article 4 Direction
- Planning permission **is required** for all applications for (change of use from C3/C4 to) a large HMO (Sui Generis) accommodated by more than 6 unrelated persons
- Planning permission **is required** for all applications for the development of a large HMO (Sui Generis) accommodated by more than 6 unrelated persons
- Planning permission **is required** to develop a purpose built HMO regardless of the number of persons sharing

## **2.4 ARTICLE 4 DIRECTION**

2.4.1 Some changes to small houses in multiple occupation (Class C4) can be made without the need to apply for planning permission. These are termed Permitted Development Rights (PDR).

2.4.2 Article 4 Directions are made when a Local Planning Authority considers that the character of an area will be harmed by the exercise of PDR. In the case of HMOs, the threat could come from the change in the character of a street or to a whole area.

2.4.3 Where there is evidence of a local need to control the impact of houses in multiple occupation, local planning authorities are able to use legal powers to make an Article 4 Direction to remove PDRs and thereby require the submission of a planning application for a change of use. Article 4 of the General Permitted Development Order provides that the Secretary of State or a local planning authority by direction may, in a specified area, take away all or some of the PDR. An Article 4 Direction removing PDR may be introduced if the Council considers that the change of use from C3 to C4 would be

prejudicial to the proper planning of an area or constitute a threat to the local amenities of an area.

2.4.4 Currently, five Article 4 Directions are in force in Northampton which have removed Permitted Development Rights for the change of use from a dwelling house to an HMO for 3 to 6 unrelated persons. These directions will be reviewed periodically, and further revisions may be made. It is recommended that applicants view the following link for further information prior to making any changes to their properties:

[http://www.northampton.gov.uk/info/200206/planning\\_applications/1793/do\\_i\\_need\\_planning\\_permission](http://www.northampton.gov.uk/info/200206/planning_applications/1793/do_i_need_planning_permission)

or

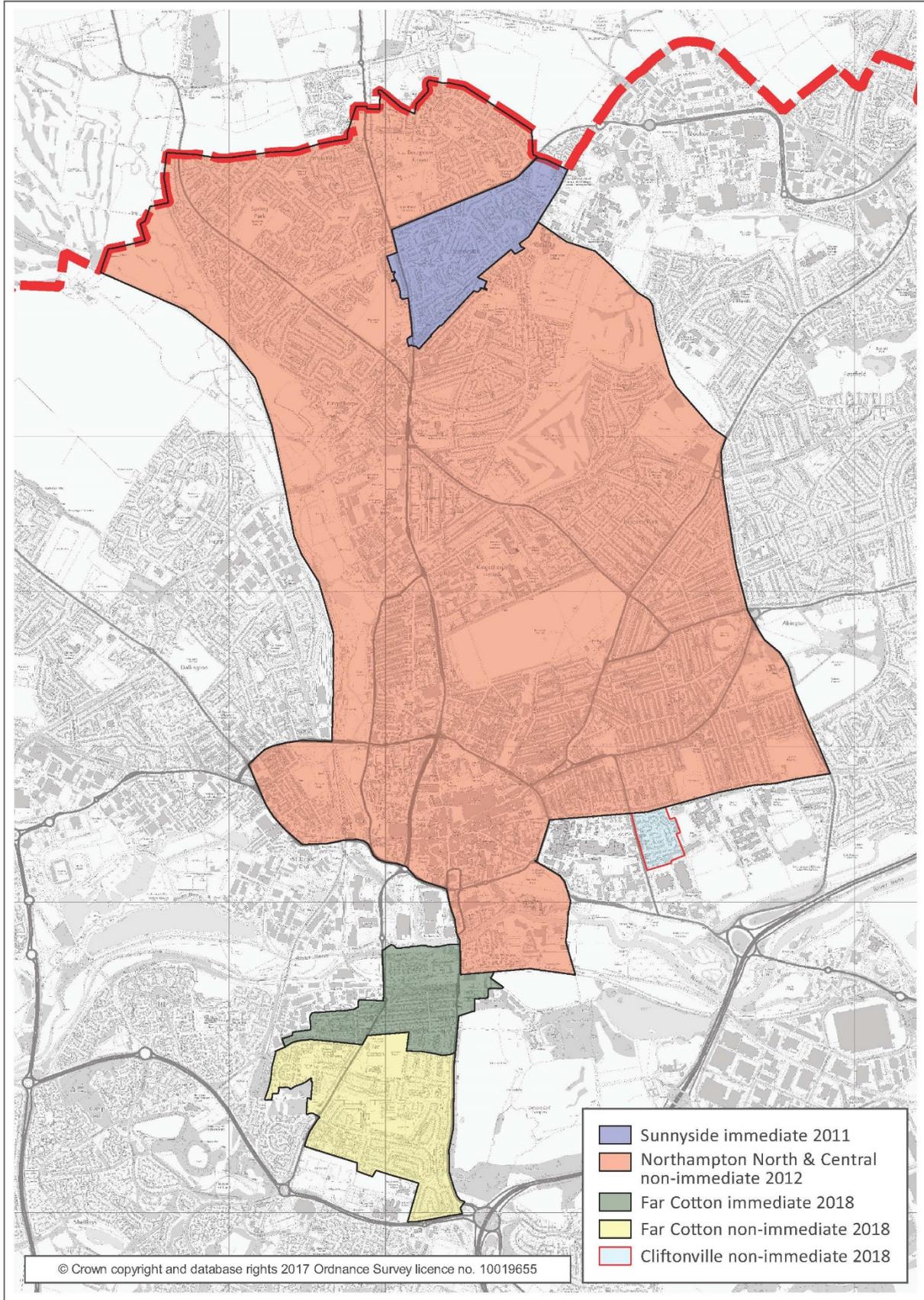
<http://www.northampton.gov.uk/info/200206/planning-applications/986/permitted-development-rights>

2.4.5 The areas which are currently affected by Article 4 Directions can be found on the map overleaf. The web links provided give detailed information about the Article 4 Directions, including pages relating to the Conservation Areas.

<https://www.northampton.gov.uk/info/200206/planning-applications/986/permitted-development-rights---article-4-directions>

2.4.6 In 2014 the Council introduced a 5 year Additional HMO Licensing scheme in the area covered by HMO Article 4 Directions which were in force by 3 July 2014. This means that landlords will be required to declare the existence of HMOs and that these houses can be quality controlled to secure basic standards, safety and quality for the occupants and the adjoining residents. A licence fee forms part of the process. This scheme will expire on 2 November 2019. The Council believes that a wider Additional HMO Licensing designation will be required immediately after the expiration of the current scheme. A new designation is proposed for all types of HMOs with 3 or more persons and will include the existing Additional Licensing designation. Further information on HMO Licensing is set out in section 2.8 in this document.

**Plan: Boundaries of Areas currently covered by HMO Article 4 Directions**



## **2.5 LISTED BUILDINGS**

2.5.1 Owners and/or tenants of listed properties need to be aware that Listed Building Consent may be required for carrying out works that could affect the character of the building, including:

- Alterations (inside or out) or extensions which, in the opinion of the Council, are likely to affect the appearance or character of a Listed Building
- Alterations or extensions to buildings, objects or structures (including gates and walls) within the curtilage of a Listed Building
- Demolition of a building, object or structure which is listed or within the curtilage of a Listed Building
- Any new structure which will be physically linked to a Listed Building

2.5.2 This applies to all persons interested in using a Listed Building as an HMO, irrespective of whether it is permitted development or not. Further information can be found by accessing the following link:

[http://www.northampton.gov.uk/info/200207/building\\_conservation\\_and\\_trees/1500/listed\\_building\\_consent](http://www.northampton.gov.uk/info/200207/building_conservation_and_trees/1500/listed_building_consent)

## **2.6 CONSERVATION AREAS**

2.6.1 There are currently 21 Conservation Areas within Northampton, some of which are also subject to HMO Article 4 Directions, where planning permission is required for a change of use from a single dwelling or non-residential property to an HMO, including any material changes to the external of the building. Further information on both conservation areas and Article 4 Directions can be found by accessing the following links:

[http://www.northampton.gov.uk/info/200207/building\\_conservation\\_and\\_trees/1442/permission\\_for\\_development](http://www.northampton.gov.uk/info/200207/building_conservation_and_trees/1442/permission_for_development) and

[http://www.northampton.gov.uk/info/200206/planning\\_applications/1793/do\\_i\\_need\\_planning\\_permission](http://www.northampton.gov.uk/info/200206/planning_applications/1793/do_i_need_planning_permission)

## **2.7 BUILDING CONTROL**

2.7.1 Prior to using a property as an HMO, the health and safety of the occupants and adjoining residents need to be safeguarded. Building control regulations aim to secure reasonable living standards. Issues such as fire exits, and accessibility need to be properly addressed prior to changing the use of a property from a dwelling house to a HMO, irrespective of whether planning permission is required or not. Property owners and applicants are strongly advised to contact either the Borough Council's Building

Control Section or any independent Building Control body for further advice. The Council's Building Control section can be found by accessing:

[http://www.northampton.gov.uk/info/200011/building\\_control](http://www.northampton.gov.uk/info/200011/building_control)

## **2.8 HMO LICENSING**

2.8.1 HMO Licensing is an entirely separate procedure from applying for planning permission and securing one does not necessarily guarantee compliance with the other. All houses let in multiple occupation must be properly managed in accordance with the Management of Houses in Multiple Occupation (England) Regulations 2006 SI 2006/372 and comply with local authority agreed conditions. It is the responsibility of landlords to ensure that they comply with HMO Licensing as a part of running their business – failure to do so is a criminal offence. Licensing of HMOs seeks to ensure that tenants live in safe and acceptable conditions whilst also safeguarding the impact on neighbours and the local community. The Private Sector Housing service is responsible for managing HMO Licensing in Northampton and they can be contacted by email to [PSHS@northampton.gov.uk](mailto:PSHS@northampton.gov.uk) or on 01604 838585. <https://www.northampton.gov.uk/info/200277/private-housing/1288/houses-in-multiple-occupation-hmos/4> .

2.8.2 Mandatory licensing was introduced by the Housing Act 2004 and has been a national legal requirement for the past 13 years. Originally it applied to HMOs:

- Comprising of 3 or more storeys
- Occupied by 5 or more people living in 2 or more households
- Sharing bathroom, toilets and/or kitchen facilities.

2.8.3 Since 1 October 2018 the scope of mandatory licensable HMOs has been extended. The storey criteria for mandatory licensing of HMOs was removed and all HMOs occupied by 5 or more people forming two or more households (where some facilities are shared) required a mandatory HMO licence regardless of the number of storeys. Therefore, a Mandatory HMO licence is currently required for HMOs;

- Occupied by 5 or more people living in 2 or more households
- Sharing bathroom, toilets and/or kitchen facilities

2.8.4 Also in October 2018 Government introduced minimum room sizes in order to prevent overcrowding.<sup>2</sup> The Council also published guidance for landlords in line with

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<sup>2</sup> The Licensing of Houses in Multiple Occupation (Mandatory Conditions of Licences) (England) Regulations 2018

the government's new room standards<sup>3</sup>. This is outlined in section Principle 2 of this document.

2.8.5 As mentioned in paragraph 2.4.6, in July 2014, the Council implemented a 5 year Additional HMO Licensing scheme and designated the areas where it applies. The designated areas are coterminous with the boundary for Article 4 Directions as previously adopted by the Council in 2011<sup>4</sup>. This means that all two storey HMOs that are in the designated area and are occupied by 3 or more persons forming 2 or more households and sharing some facilities are required to have a licence. As a result, more HMOs to which mandatory licensing did not previously apply were required to obtain a licence. This scheme will expire on 2 November 2019.

2.8.6 The Council is currently consulting on a new Additional Licensing designation<sup>5</sup> which, if agreed, will commence on 3 November 2019 to ensure continuity in the regulation and control of HMOs. This proposal was released for public consultation in June 2019 and its findings will be reported to the Council's Cabinet on 24 July 2019. More details about HMO licensing can be found in Appendix 3.

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<sup>3</sup> Landlord's Guide to Amenities and Facilities for Houses in Multiple Occupation (NBC, 2018)

<sup>4</sup> Additional Licensing of HMO Area Boundaries

<https://www.northampton.gov.uk/downloads/download/2760/hmo-licensing-boundary-map>

<sup>5</sup> Additional Licensing for Houses in Multiple Occupation (HMOs) Consultation (From 3 May 2019 until 14 July 2019) <https://www.northampton.gov.uk/info/200024/consultations/1939/additional-licensing-for-houses-in-multiple-occupation-hmos-consultation> Additional HMO Licensing Scheme 2019 - 2024 Consultation Files <https://www.northampton.gov.uk/downloads/download/3694/hmo-2019-consultation-files>

## **3.1 NORTHAMPTON'S POSITION**

### **Overview**

3.1.1 An increasing number of Northampton's residents are now renting their homes from private landlords<sup>2</sup>. Typically, these rented units take the form of bedsits and shared homes and are therefore popular with younger residents and those with lower incomes. This rise is attributed to a range of factors including the growth in the status of the University of Northampton (and student population), the increase in migrant workers and the increase in single person households<sup>3</sup>. The latter is expected to increase from 27,247 in 2006 to 43,192 by 2026. Also, there is a strong international economic in-migration within Northamptonshire bringing with it skilled workers<sup>4</sup>. Typically, these rented units take the form of bedsits and shared homes.

3.1.2 Northampton is a rapidly growing town, with an expected increase in housing provision of at least 20,000 units in the next 15 years to cater for projected housing need. The emerging Northampton Local Plan Part 2's vision for Northampton is that it will be the heart of West Northamptonshire providing quality housing, leisure, cultural, services and employment opportunities. This in itself tends to attract people into the town who may require access to HMOs.

3.1.3 There are several key regeneration projects which are either completed or underway, including:

- Relocation of the University of Northampton into the town centre was completed in 2018. The scheme included accommodation for around 1,500 students
- The redevelopment of the office building in Angel Street was completed in 2018
- Northampton Museum extension has commenced
- Vulcan Works redevelopment has commenced

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<sup>2</sup> Additional Licensing of HMOs, a proposed scheme for Northampton – consultation paper (NBC, November 2013)

<sup>3</sup> Proposed Changes Joint Core Strategy Population Projections (West Northamptonshire Joint Planning Unit, July 2012)

<sup>4</sup> [http://www.northamptonshireobservatory.org.uk/docs/doc11-02-14%20LEA\\_Report\\_FINAL110221162753.pdf](http://www.northamptonshireobservatory.org.uk/docs/doc11-02-14%20LEA_Report_FINAL110221162753.pdf)

3.1.4 These regeneration and renewal programmes are increasingly attracting students, visitors, investors and construction workers which means that those seeking employment, and potentially accommodation, are also likely be attracted to Northampton.

### **HMO Evidence Base**

3.1.5 In preparing the Northampton Local Plan Part 2, the Council appointed Loughborough University to conduct a study of Housing in Multiple Occupation in 2018<sup>6</sup> to inform policy formulation. The aims of this study were to:

- set out the context for the review and providing an overview of relevant national and local policy
- assess the current demand and supply for HMOs in Northampton;
- assess the impact of HMOs on local character
- identify the future growth trajectory of Northampton's higher education institutions (which are a major source of demand for HMO) and
- review good practice from elsewhere and make policy recommendations to appropriately manage HMOs within the Borough

3.1.6 The main findings of the study are listed below:

- There is an under supply of HMOs in Northampton and the demand is likely to increase. There is therefore a need for updating the current planning policies for HMOs in order to more effectively manage concentration of HMOs
- It is recognised that HMOs are an important sector of the local housing market. However, over-concentrations of HMOs in Northampton have had detrimental effects on the character of local communities and neighbourhoods. Therefore, HMOs need to be both located and managed in effective ways to ensure that they do not result in over concentrations and that they provide high quality accommodation
- The relocation of the University has shifted the geographical demand for HMOs to the town centre. However, the increase in demand for HMOs is not solely attributable to students. It is also caused by a wider range of social groups including young professionals, workers in temporary jobs and vulnerable social groups.

3.1.7 In Northampton, there are employment opportunities associated with the logistics distribution centres and industrial estates taking advantage of being located near to junctions on the M1 and in relatively close proximity to London. Further planned expansion for business operators will also result in workers seeking accommodation, particularly in the sectors such as general industrial, warehousing and retail. Northampton therefore has an increased demand for private rented housing.

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<sup>6</sup> A Study of Houses in Multiple Occupation Policy (Loughborough University, 2018)

3.1.8 The relocation of the university has increased the student population in the town centre and diverted the demand for HMOs from the University's original location in Kingsthorpe to areas around Avon Nunn Mills, including the Billing Road, Abington, Far Cotton and Semilong areas – all of which are within walking distance of or accessible by public transport to the new University. This geographical shift of the demand for HMOs for students has led the introduction of additional Article 4 Directions for Far Cotton and Cliftonville.

3.1.9 The HMO study identified that the total number of students enrolled at the University of Northampton declined by 11% from 2011/12 (14,606) to 2015/16 (12,984). In addition, there is a reduction in the total student population seeking term-time rental accommodation within Northampton, with an increasing number of students commuting from London. The University of Northampton does not currently have any strategic plans for the development of off-campus purpose-built student accommodation. Furthermore, the University has no plans to increase the total number of students. Given the amount of student accommodation the University offers, 3000 bed spaces on the new Waterside campus, 900 bed spaces retained on the old campus and 450 spaces at the St John's purpose-built student halls, the study concluded that the supply of purpose-built student accommodation is appropriate for current demand.

3.1.10 The study also concluded that the increase in HMOs is more linked to a range of social groups, not only students but also young professional workers, and international migrants. This contrasts with other locations where the formation of over-concentrations of HMO is often considered to be the result of rising student populations.

### **Managing HMOs**

3.1.11 In order to manage the increasing number of HMOs in the Borough, an immediate Article 4 Direction for the wards of Sunnyside, St David's and Obelisk was introduced in March 2011. This was subsequently followed by a non-immediate Article 4 Direction for the wards of Castle, Abington, Trinity, Phippsville, Semilong, Kingsley, Kingsthorpe, St David's, Sunnyside, Spring Park, Obelisk and Delapre and Briar Hill in March 2012.

3.1.12 Additional Article 4 Directions were introduced in Far Cotton, Delapre and Cliftonville prior to the completion of the relocation of the University. All these areas are in close proximity to the Waterside University campus where an increase in the student population was expected at that time.

3.1.13 In addition, Northampton Borough Council adopted an Interim Planning Policy Statement (IPPS) in November 2014 which sought to guide property owners on the Council's approach towards HMOs and managing their concentrations.

3.1.14 Following the introduction of the Article 4 Direction, the number of applications for HMOs increased. Tables 1 and 2 show how planning applications for HMOs have increased and how the rate of appeals has changed since the introduction of the IPPS.

Table 1: Increase of the total number of application for HMO applications

Year	Total number of HMO applications (approximate)	Average number of HMO applications per year (approximate)
2011-2014	123	31
2015 – Feb 2019	354	89

Table 2: Increase of the total number of appeals for HMO applications

Year	Total number of appeals for HMO applications (approximate)	Average number of appeals for HMO applications per year (approximate)
2012-2014	7	2
2015 – Feb 2019	41	10

3.1.15 This, combined with the preparation of the Northampton Local Plan Part 2, provides an opportunity to update the policy and principles on HMOs to improve the effective management of both the concentrations of HMOs and their quality.

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<sup>5</sup> <http://www.thecompleteuniversityguide.co.uk/northampton>

### **3.1 ISSUES ASSOCIATED WITH HMOs**

3.2.1 The establishment of HMOs can bring about certain issues which, unless properly managed, can lead to detrimental effects on the occupants, the neighbours and the physical environment of the neighbourhood.

3.2.2 The HMO study<sup>7</sup> observed the following impacts of HMOs on the local characteristics of neighbourhoods:

- incidence of the general poor upkeep and maintenance of private rented housing
- dilapidation of some housing stock and housing facades (e.g. windows, doors and guttering)
- unkempt gardens and yards, with the dumping of some unwanted white goods and furniture
- removal of some garden hedges/fences/walls to allow tarmacking for car parking on gardens and driveways
- predominance of loft conversions and housing extensions
- prevalence of to-let signs, and non-removal of signs
- seasonal depopulation, pointing to relatively high levels of population transience and turnover
- overspill from refuse bags and wheelie bins, particularly in alleyways
- some fly-tipping of white-goods and unwanted furniture in backs of streets of terraced housing
- streets crammed with parked cars

*Photo: Examples where litter can become a problem*



The study also summarised in more detail the impacts of over concentration, as shown in Table 2 below.

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<sup>7</sup> A Study of Housing in Multiple Occupation Policy (Loughborough University, 2018)

**Table 2 Impacts of over-concentrations of HMO <sup>8</sup>**

<b>Impacts on:</b>			
<b>Local Housing Market:</b>	<b>Social relations:</b>	<b>Environmental quality:</b>	<b>Local service provision:</b>
<p>Increased</p> <ul style="list-style-type: none"> <li>• incidence of poor management of private rented housing.</li> <li>• exploitation of vulnerable social groups (i.e. ending tenancies, fees).</li> <li>• dilapidation of housing stock and housing facades.</li> <li>• unkempt gardens and yards.</li> <li>• removal of garden hedges/fences/walls to allow tarmacking for car parking on driveways.</li> <li>• loft conversions and housing extensions.</li> <li>• proliferation of to-let signs, and non-removal of signs.</li> <li>• loss of affordable housing associated with an inflation of property prices.</li> <li>• rental costs due to high demand for rented housing.</li> </ul>	<p>Increased</p> <ul style="list-style-type: none"> <li>• divisions within local communities and lack of interaction between social groups.</li> <li>• levels of population transience and turnover.</li> <li>• loss of settled families.</li> <li>• loss of attachment and sense of belonging to local neighbourhood.</li> <li>• sense of dispossession.</li> <li>• anxiety of the 'unfamiliar' which can be connected to perceptions of 'anti-social behaviour'.</li> <li>• breakdown of longer-term community cohesion, and volunteering.</li> <li>• disputes and</li> </ul>	<p>Increased</p> <ul style="list-style-type: none"> <li>• noise nuisance and unrest.</li> <li>• overspill from refuse, and more pressures on refuse collection teams.</li> <li>• fly-tipping of white-goods and unwanted furniture in streets.</li> <li>• demand for on-street car parking spaces.</li> <li>• traffic congestion on some roads.</li> <li>• call on diminishing financial and staffing resources for the management of neighbourhoods, in light of lower tax revenues.</li> <li>• levels of burglary due to often inappropriate security (e.g. non-locking of doors and windows, and cycle theft), and rising insurance premiums.</li> </ul>	<p>Increased</p> <ul style="list-style-type: none"> <li>• loss of local revenue due to high numbers of council tax-exempt properties.</li> <li>• provision of retail and leisure services for student and other lifestyles.</li> <li>• closure of longstanding local businesses and services catering for more settled populations of the local communities.</li> <li>• seasonal delivery of local service where there are high numbers of students.</li> </ul>

<sup>8</sup> A Study of Housing in Multiple Occupation Policy (Loughborough University, 2018)

<b>Impacts on:</b>			
<b>Local Housing Market:</b>	<b>Social relations:</b>	<b>Environmental quality:</b>	<b>Local service provision:</b>
	<p>conflicts between neighbours.</p> <ul style="list-style-type: none"> <li>• seasonal depopulation of neighbourhood(s) where there are high numbers of students.</li> </ul>		

3.2.3 All the above issues can potentially have negative impacts on the mental health and wellbeing of individuals living within HMOs and their neighbours, as well as the physical environment in which they live.

3.2.4 The study stated that it is difficult to identify effects that are specifically caused by high concentrations of HMO. Nevertheless, those observations and effects of over concentrations of HMO were identified by a series of field visits and evidence from the focus groups such as local residents, Council members, landlords, university housing officers, local letting agents and Council officers from Planning and Housing.

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<sup>6</sup> Additional Licensing of HMOs, a proposed scheme for Northampton – consultation paper (NBC, November 2013)

## **4.1 MANAGING THE GROWTH OF HMOs**

4.1.1 Given the evidence that the demand for HMOs will increase, the opportunity arises to ensure that demand can be met, without elevating the issues highlighted in Section 3 particularly in relation to the concentration of HMOs. The principles below will assist in:

- amplifying the policies contained in the West Northamptonshire Joint Core Strategy;
- providing further details on the implementation of Policy 14 of the emerging Northampton Local Plan Part 2; and
- guiding property owners and applicants on the Council's requirements and recommendations prior to submitting a planning application

4.1.2 These principles supersede the previous guidance contained in the 2014 Interim Planning Policy Statement on HMOs.

## **4.2 PRINCIPLES FOR DETERMINING PLANNING APPLICATIONS FOR HOUSES IN MULTIPLE OCCUPATION**

4.2.1 All planning applications for change of use from dwellings to houses in Multiple Occupation (HMO), change of use from HMOs (C4) to large HMOs (Sui Generis) and development of large HMOs (Sui Generis) and purpose built HMOs, need to conform to the principles listed below:

### **PRINCIPLE 1**

#### **OBJECTIVE: TO CREATE, SUPPORT AND MAINTAIN A BALANCED, MIXED AND INCLUSIVE COMMUNITY AND TO PROTECT THE NEIGHBOURHOOD AND STREETSCENE CHARACTER**

4.3.1 Principle 1 seeks to ensure that demand for houses in multiple occupation can be met in a manner which will not result in an over concentration of HMOs. It will contribute towards the creation of a balanced and mixed community and protect the physical character of the street and the neighbourhood as a whole.

4.3.2 In spite of the issues mentioned above, HMOs have contributed positively towards community mix, particularly if these are properly managed, ensuring that the landlords provide an appropriate and secure physical environment for tenants, whilst respecting the lifestyles and privacy of adjoining residents. HMOs also contribute to the overall need to provide a variety of houses and types to meet rising housing needs. There is therefore a need to effectively manage the concentration of and the quality of HMOs.

4.3.3 The HMO Study (Loughborough University, 2018) concluded that there is the need for a more effective methodology for the implementation of the Article 4 Direction. The current IPPS sets out a methodology that a proposed HMO should not result in more than 15% of the total number of HMO dwellings within a 50m radius of the application site in order to prevent over concentration of HMOs. The study recommended that it is necessary to have a more impactful saturation threshold of 10%

within 50m of a planning application to more fully regulate and plan the distribution of HMOs.

4.3.4 For clarity, the Council will apply the caveat that residential properties within 50m of the application property will only be included in the calculation of concentration where at least 50% of that plot, or any part of the main dwelling building is located. Flats are to be counted as individual properties; for instance, a block of 4 flats would count as 4 properties. The calculation excludes non-residential properties.

#### **PRINCIPLE 1:**

#### **TO CREATE, SUPPORT AND MAINTAIN A BALANCED, MIXED AND INCLUSIVE COMMUNITY AND TO PROTECT THE NEIGHBOURHOOD AND STREETSCENE CHARACTER**

**In creating, supporting and maintaining a balanced, mixed and inclusive community, all planning applications for a House in Multiple Occupation (HMO) will, in respect of this principle, be supported, taking into account the following considerations:**

- **The proposal should not result in a concentration of similar uses in one particular locality**
- **It should not result in a material change or an adverse impact on the character and amenity of the area**
- **It should not result in more than 10% of the total number of HMO dwellings, regardless of whether licensed or not, within a 50m radius of the application site, in order to prevent over concentration of similar uses in one locality**

**The 50m radius is to be measured from the curtilage of the application dwelling. Residential properties within 50m of the application property will only be included in the calculation of concentration where at least 50% of that plot, or any part of the main dwelling building is within the 50m radius. Flats are to be counted as individual properties. The calculation only includes residential properties.**

## **PRINCIPLE 2**

### **OBJECTIVE: TO SECURE THE PROVISION OF ADEQUATE FACILITIES AND AMENITIES**

#### **Space standards**

4.4.1 When converting a property into a house in multiple occupation, it is important for the property owner or landlord to provide acceptable standards for a range of space and facilities including room sizes, health and safety rating system, lighting and internal layouts. The Council produced its “Guide to Amenities and Facilities for Houses in Multiple Occupation” (2018), which provides details of these requirements. Further information and updates can be obtained by contacting the Borough Council’s Private Sector Housing section (see Appendix 2).

4.4.2 The key requirements contained in the guidance include space standards for each room. Under The Licensing of Houses in Multiple Occupation (Mandatory Conditions of Licences) (England) Regulations 2018, HMOs are required to meet the Government’s legal standards for minimum room sizes. The Licensing and Management of Houses in Multiple Occupation and Other Houses (Miscellaneous Provisions) (England) Regulations 2006 require kitchens, bathrooms and WCs to be of adequate size and this is reflected in the latest guidance on space standards published by the Council (footnote). It is important that the proposed HMOs meet all the standards and guidance outlined in the Council’s current guide (and future updates) including fire safety, sharing ratios for facilities, basements, attic rooms and natural lighting. It is accepted that this guidance might change, so the principle makes reference to any future updates.

4.4.3 Building Regulation approval will be required for works undertaken to allow premises to be used safely as a HMO. Landlords should therefore check their records to ensure that Building Regulation consent has been obtained for the property concerned. Further information can be obtained from the Council’s Building Control Officers (see Appendix 2 for details) or through any independent Building Control body.

4.4.4 The key space standards are as shown in Tables 4 and 5.

Table 4 Space Standards for bedrooms, kitchens, living space and dining space <sup>9</sup>

Minimum bedroom size	Total number of people in HMO	Minimum kitchen size	1 to 2 storey HMO minimum living space	3+ storey HMO minimum living/ dining space
1 occupant 6.51sqm or 2 occupants 10.22sqm	3-5 people	7sqm	11sqm separate living room; Or 18sqm combined kitchen/living room	<b>Either:</b> 11sqm separate living room within 1 floor distance of kitchen; <b>Or:</b> 13sqm kitchen/diner and 11sqm living room elsewhere; <b>Or:</b> 18sqm combined kitchen/living/dining rom
	6-10 people	10sqm	14sqm separate living room; Or 24sqm combined kitchen/living room	<b>Either:</b> 14sqm separate living room within 1 floor distance of kitchen; <b>Or:</b> 16sqm kitchen/diner and 11sqm living room elsewhere; <b>Or:</b> 24sqm combined kitchen/living/dining rom
1 occupant 10sqm or 2 occupants 15sqm	3-5 people	7sqm	No additional communal living space required	<b>Either:</b> 13sqm kitchen /diner; <b>or:</b> 11sqm separate dining room within 1 floor distance of kitchen; <b>unless:</b> all bedrooms within 1 floor distance of kitchen
	6-10 people	10sqm	No additional communal living space required	<b>Either:</b> 16sqm kitchen/diner; <b>or:</b> 14sqm separate dining room within 1 floor distance of kitchen; <b>unless:</b> all bedrooms within 1 floor distance of kitchen

<sup>9</sup> Landlord’s Guide to Amenities and Facilities for Houses in Multiple Occupation (NBC 2018)

Table 5 The number of bathrooms required<sup>10</sup>

Number of people irrespective of age	<b>Facilities required</b> <b>If a child under 10 lives in the property, a bath must be provided</b>
1–4 people	The minimum provision is 1 bathroom containing toilet, bath or shower and wash hand basin The bathroom and toilet may be in the same room.
5 people	The minimum provision is 1 bathroom with a bath or shower and 1 separate toilet with wash hand basin The separate toilet may be located in a second bathroom.
6–10 people	The minimum provision is: 2 bathrooms containing a bath or shower 2 toilets with wash hand basins, one of which must be in a separate room.
11–15 people	The minimum provision is: 3 bathrooms containing a bath or shower 3 toilets with wash hand basins, one of which must be in a separate room.
Bedrooms with en-suites	Where a room is provided with a complete en-suite facility (bath/shower, toilet and wash hand basin) for the exclusive use of that occupant then that occupant will be disregarded when considering the provision of sanitary facilities.

4.4.5 The above standards are the absolute minimum sizes and are only to be applied where there is adequate shared living accommodation elsewhere in the HMO. Further details can be found in Landlord’s Guide to Amenities and Facilities for Houses in Multiple Occupation (NBC 2018). The guide also states that the measured space in any room must be ‘usable space’. This means that the room should be able to accommodate the required amount of appropriate furniture easily and still allow space for movement about the room. Narrow lobbies leading to room entrance doors are not counted as ‘usable space’. En-suite bathrooms and kitchenettes are excluded from the measurement. Any floor space that has a ceiling height of less than 1.5m (5ft) is disregarded for the purpose of measuring the total space in the room. The ceiling height of any room used for habitation must be not less than 2.1m over not less than 50% of the floor area of the room

4.4.6 In addition to the above standards, all habitable rooms must have natural lighting and natural ventilation. The Council’s Guide<sup>11</sup> states that the area of natural lighting provided must be equal to at least 1/10th of the floor area of the room and must be of appropriate shape and position to allow for reasonable daylight penetration throughout the room. There should be sufficient natural light during daylight hours to enable normal domestic tasks to be carried out without eyestrain.

4.4.7 The National Planning Policy Framework (NPPF) (February 2019) states that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. The Framework also says that planning policies and decisions should ensure that developments will function well and add to the overall quality of the area and create places that are safe inclusive and accessible, and which promote health and well-being, with a high standard of amenity for existing and future users. It is important that the amenity and standard of living environment of neighbours and local

<sup>10</sup> Landlord’s Guide to Amenities and Facilities for Houses in Multiple Occupation (NBC 2018)

<sup>11</sup> Landlord’s Guide to Amenities and Facilities for Houses in Multiple Occupation (NBC 2018)

occupiers is protected. The amenities which all existing and future occupants of neighbouring land and buildings must not be unduly harmed by or as a result of development of new HMOs. Proposals should demonstrate, where applicable and to a degree proportionate to the proposal, how the following matters have been considered, in relation to the development:

- compatibility with neighbouring land uses;
- loss of light
- overshadowing
- overlooking
- creation of safe environments

## **Refuse**

4.5.1 When a dwellinghouse is converted into an HMO, there is potential for refuse and waste disposal to increase. For instance, if the property was previously occupied by a small family, the refuse disposal requirement is unlikely to be as high as if the property was occupied by 6 adults. With increased occupancy, appropriate refuse storage is required to help avoid issues associated with litter, fly tipping and local amenity.

4.5.2 When applying to change the use of a dwellinghouse to an HMO, the applicant is required to provide the following:

- Sufficient refuse storage to meet the requirements of the occupants
- Enclosed bin storage area either at the front or the rear of the property
- All occupants must have direct access to the refuse storage area

4.5.3 Further information can be obtained from the Borough Council's website, in terms of refuse collections and refuse collection facilities including trolleys and recycling bins. Details are available by accessing the following link:

<http://www.northampton.gov.uk/info/200084/waste-and-recycling>

4.5.4 The landlord / property owner is responsible for supplying adequate waste and recycling facilities and ensuring that the property is kept tidy and hygienic.

**PRINCIPLE 2:**

**TO SECURE THE PROVISION OF ADEQUATE FACILITIES AND AMENITIES**

**All proposals will provide for a range of facilities and amenities, which are of acceptable standards, compliant with Northampton Borough Council's "Guide to Amenities and Facilities for Houses in Multiple Occupation (2018)" or equivalent / update. The measured space in any room must be 'usable space'.**

**All occupants must have direct access to adequate waste and recycling facilities to ensure that sufficient refuse storage is available within the curtilage of the site and within a secure facility.**

**All proposals will protect the amenity and the provision of a good standard of living environment for neighbouring and local occupiers as well as future residents and users of the development.**

## **PRINCIPLE 3**

### **OBJECTIVE: TO MINIMISE FLOOD RISK**

#### **Flood Risks**

4.6.1 The West Northamptonshire Strategic Flood Risk Assessment Part 1 (SFRA) (Northamptonshire County Council, December 2017) states that houses in multiple occupation can put residents at greater risk in areas of high flood risk as they often have bedrooms on the ground floor or have basements that are converted into living accommodation. Basements, by their very nature, are susceptible to flooding particularly in areas that are located in flood risk areas or have a residual flood risk from being located behind flood defences.

4.6.2 The SFRA states that proposals in areas of flood risk may not be appropriate where previously unoccupied ground floor rooms are proposed to be converted to living accommodation. Therefore, applications for HMOs which include conversion of the ground floor or basement to living accommodation must be accompanied by a site specific flood risk assessment demonstrating that the development is safe from the risk of flooding from all sources and includes safe refuge.

4.6.3 Proposals for HMOs should be safe, not result in an increase in flood risk and risks from surface water drainage and accord with requirements contained in the Planning Practice Guidance and JCS. Applicants are strongly recommended to contact the Environment Agency to identify whether the application site is located in areas where the flood risk is considered to be high, such as a Flood Hazard Area and Flood Zones 2 and 3.

### **PRINCIPLE 3:**

#### **TO MINIMISE FLOOD RISK**

**Proposals should not result in an increase in flood risk. Basement and ground floor sleeping accommodation will not be appropriate in a flood hazard area or flood zone 2 or 3 unless the finished floor level of the property is set sufficiently to mitigate the risk of flooding. Planning applications for HMOs which include conversion of the ground floor or basement to living accommodation located within flood zone 2 or 3 must be accompanied by a site-specific flood risk assessment demonstrating that the development is safe from the risk of flooding from all sources and includes safe refuge.**

### **PRINCIPLE 4**

#### **OBJECTIVE: TO SECURE THE PROVISION OF ADEQUATE PARKING**

##### **Parking Issues**

4.7.1 In line with national guidance, the IPPS sought to promote the use of public transport, cycling and walking and to secure the provision of adequate parking in connection with HMOs. This SPD does not seek to alter the emphasis of the IPPS. But it is necessary to refine the approach on the basis of experience gained since the IPPS came into force.

4.7.2 The majority of planning applications for HMOs take place in areas where houses have limited or no on-plot car parking provision and where there is limited capacity for car parking on-street. One of the main issues that has arisen with the IPPS is the implementation and interpretation of Principle 3 which sought to remove the need to provide parking in sustainable locations located within 400m of a bus stop or 10 minutes' walk of local services and facilities. Where planning applications were originally refused by the Council due to the potential increase in on-street car parking went to appeal, many of those appeals were allowed by the Planning Inspectorate because it was considered that the appeal sites conformed to Principle 3 of the IPPS. In addition, it was considered that HMO occupiers were not likely to own cars, therefore the Planning Inspectorate generally concluded that there was no evidence that the development of HMOs would materially increase in the number of cars parked in the area. This was in spite of the objections received from the local Highway Authority on the basis that the area had no additional capacity for on-street parking, as evidenced through parking beat surveys.

4.7.3 Evidence in the HMO study by Loughborough University in 2018 concluded that the streets are crammed with parked cars in those areas with high concentrations of HMOs. Taking account of the fact that the high demand for HMOs in Northampton is not solely tied to student populations, there is no evidence that HMO occupiers are less likely to own cars as the Planning Inspectorate have concluded in allowing appeals. In addition, it is possible that the site visits conducted on behalf of the Planning Inspectorate occurred during the daytime when many cars were in use, giving the impression that there were spaces available. The photographs below illustrate the difference between the amounts of on-street parking in the afternoon and evening in two streets in Northampton that have high concentrations of HMOs.

*Photos: Different parking capacity between daytime and evening on the same streets*



*Holly Road 6.30pm on a weekday in June*



*Holly Road 2.30pm on a weekday in June*



*Southampton Road 6.30pm on a weekday in June*



*Southampton Road 2.30pm on a weekday in June*

4.7.4 The local Highway Authority have carried out an exercise on the relationship between the concentration of HMOs and parking problems. The purpose of the exercise was to ascertain whether the problems with limited capacity of on-street parking are associated with the concentration of HMOs as a part of a consultation response to an HMO application.

4.7.5 The exercise involved their Enforcement Team and the total number of parking

tickets issued in an area west of Kettering Road, where there are terraced streets, with easy access to local services and bus stops. According to the consultation response by Northampton Highways to a planning application, that area has seen a considerable increase in the number of HMO properties over the years and receives a high number of parking tickets. The local Highway Authority noted that there was a 64% increase in the total number of parking tickets issued in the area in 2016/2017, compared to 2010/11. Since 2010/11, there had been a significant increase in permitted HMO properties in this area. There were 71 HMOs recorded, accommodating up to 456 residents. It could be argued that car ownership generally may have increased in that period, however, the increase in car ownership during that period was approximately 0.03 per household according to Northamptonshire Highways. An increase of 0.03 per household would not have accounted for the increase of 64% in parking tickets issued, therefore it was considered that other factors must be responsible. The local Highway Authority concluded that as there were no other known factors that would contribute towards the increase and the correlation above, it was reasonable to assume that the large increase of HMO properties was a strong contributory factor. It showed that the cumulative impact from the high concentrations of HMOs contributed to the excessive demand, which in turn led to inappropriate or dangerous parking.

4.7.6 Development Management case studies have shown that Northamptonshire Highways also examined the parking surveys submitted by applicants when submitting their planning applications. Northamptonshire Highways found, in some cases, that there was no residual parking capacity for vehicles in the application areas as the stress values exceeded 100% due to the combination of vehicles being parked inappropriately and the fact that vehicles park more densely than 5.5m per space. However, some Planning Inspectors state that there were spaces on the street at the time of their visit. On this basis, the appeal cases were allowed. The important fact to be mentioned here is that Northamptonshire Highways' parking surveys were conducted between 1am and 5am when most residents would have been at home and hence most cars were parked nearby. However, the Planning Inspectors' site visits are more likely to be conducted during daytime when majority of cars owned by residents would be away from home. This unfortunately does not provide the Inspectorate with an accurate understanding of on-street parking in the area where the appeal site is located. It is therefore important that accurate information about the levels of on-street parking in the application area should to be provided as part of any planning application.

4.7.7 On the basis of the above, it is clear that a high concentration of HMOs does have a cumulative impact on the demand for on street parking and it is vital that this is addressed by this SPD. The Northamptonshire Parking Standard (2016) requires 1 parking space per bedroom for a HMO. However, it has been evident that this standard has not had a positive effect on managing the concentration of HMOs because the majority of them are in areas where there is limited or no on-plot parking. In those areas, evidence shows the amount of on-street parking has increased.

4.7.8 It is important, however, to balance the need to deal with the on-street parking issue with the need to address public health and climate change concerns relating to the increase in the use of cars.

4.7.9 The starting point for considering planning applications for conversions to HMO should be the County Council's standard of one on-plot car parking space per bedroom and one secure covered cycle parking space per bedroom. To ensure, in practical terms, that all the on-plot parking spaces are useable all of the time, and that on-street car parking demand is not generated, this standard has been modified such that tandem car parking is not acceptable – all car parking spaces have to be individually accessible.

4.7.10 Where it is not possible to meet the car parking standard in full, the planning application must be supported by a parking beat survey. It is important that car parking capacity in the immediate vicinity is assessed to establish the impact of any additional parking. This is required to be undertaken at a time of day this is representative of peak demand for car parking. The requirement for a parking beat survey and the time of day when it should be carried out, are set out in Principle 3.

4.7.11 Partly in response to an understanding of the reality of where the demand is for HMOs and also because of the higher levels of accessibility in those areas, it is accepted that reduced or limited levels of car parking provision (but not cycle parking provision) will be still be applicable in accessible locations such as:

- The town centre, district centres, local centres and neighbourhood parades
- Areas where buses are easily accessible

4.7.12 It is considered that a reasonable walking distance to a bus stop or local facilities (such as a neighbourhood parade) is 400 metres. For a bus service to serve as reasonable alternative to travelling by car, it is considered that it needs to provide at least a half-hourly service from 0700 to 1900 Mondays to Saturdays.

Details of local bus services can be found at

<https://www3.northamptonshire.gov.uk/councilservices/northamptonshire-highways/buses/Pages/bus-timetables.aspx> .

**PRINCIPLE 4:  
TO SECURE THE PROVISION OF ADEQUATE PARKING**

**Planning applications for HMOs will be required to satisfy the car parking and cycle parking standards set out in the Northampton Parking Standards SPD. Tandem car parking is not acceptable.**

**For HMO applications where the car parking standard cannot be met in full:**

- **The developer must demonstrate through parking beat surveys (or a previous beat survey that has been carried out within the previous twelve months) that there is sufficient capacity for on-street parking in the area within a minimum of 200m from the application site. The parking beat survey must record the level of parking at a time between 1am and 5am on a Saturday or Sunday during school term time. Surveys must be undertaken by an independent survey company (a detailed methodology**

is set out in Appendix 4).

If the beat survey reveals that there is insufficient on-street car parking capacity, the application will need to satisfy the following criteria:

- Be located within 400m of a bus stop served by bus route(s) providing a service of at least one bus every 30 minutes between 0700 and 1900 Mondays to Saturdays;
- Be located within 400m of facilities and services contained in the town centre, a district centre, local centre or neighbourhood parade.

In all circumstances, covered, secure cycle parking should be provided in accordance with the Northamptonshire Parking Standards, September 2016, or its successor document(s) and Principle 5 of the Parking Standards SPD<sup>12</sup>.

## **5.1 MONITORING**

5.1.1 As a Local Planning Authority, Northampton Borough Council annually monitors the impacts of their adopted policies and principles. This will provide an overview as to whether the policies are effective.

5.1.2 Monitoring will take the form of:

- Assessing the number of planning applications for HMOs which have been granted consent
- Assessing the number of planning applications for HMOs which have been refused consent
- Assessing the success of this SPD in appeal decisions

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<sup>12</sup> Draft Supplementary Planning Document Parking Standards (Northampton Borough Council July 2019)

## **REFERENCES**

### **DOCUMENTS**

#### **National Planning Policies / Government Publications**

- National Planning Policy Framework (February 2019)

#### **Strategic and Local Planning Policies**

- West Northamptonshire Joint Core Strategy (2014)
- Submission Draft Northampton Local Plan Part 2 (2019)
- Northampton Local Plan saved policies (adopted June 1997)

#### **Other**

- A Study of Houses in Multiple Occupation Policy (Loughborough University 2018)
- Guide to Amenities and Facilities for Houses in Multiple Occupation (NBC, 2018)

### **WEBSITES**

- Northampton Borough Council Planning Policy  
[https://www.northampton.gov.uk/info/200205/planning\\_for\\_the\\_future/1746/](https://www.northampton.gov.uk/info/200205/planning_for_the_future/1746/)
- Northampton Borough Council Private Sector Housing  
<https://www.northampton.gov.uk/info/200277/private-housing/1288/houses-in-multiple-occupation-hmos>
- Environment Agency  
<http://www.environment-agency.gov.uk/aboutus/default.aspx>
- National HMO Network  
<http://www.nationalhmonetwork.com/definition.php>

## **APPENDIX 1: PLANNING POLICY**

### **Circular 02/2010: Changes to Planning Regulations for Dwelling Houses and Houses in Multiple Occupation**

C4 Use Class Order (House in Multiple Occupation) covers small shared houses or flats occupied by between 3 and 6 unrelated people, who share basic amenities. The Housing Act 2004 defines “basic amenities” as a toilet, personal washing facilities and/or cooking facilities.

#### **Housing Act 2004**

The Act defines HMO<sup>15</sup> as:

- An entire house or flat which is let to 3 or more tenants who form 2 or more households and who share a kitchen, bathroom or toilet
- A house which has been converted entirely into bedsits or other non self-contained accommodation and which is let to 3 or more tenants who form 2 or more households and who share basic amenities
- A converted house which contains one or more flats which are not wholly self-contained (ie the flat does not contain within it a kitchen, bathroom or toilet) and which is occupied by 3 or more tenants who form two or more households
- A building which is converted entirely into **self-contained** flats if the conversion did not meet the standards of the 1991 Building Regulations and more than one-third of the flats are let on short-term tenancies
- In order to be an HMO the property must be used as the tenants’ only or main residence and it should be used solely or mainly to house tenants. Properties let to students and migrant workers will be treated as their only or main residence and the same will apply to properties which are used as domestic refuges

The following buildings or part of buildings are not Houses in Multiple Occupation:

- A converted block of flats
- Controlled or managed by a registered social landlord or local authority
- Controlled or managed by a fire and rescue authority, police authority or health service body
- Occupied by students and controlled or managed by an education establishment eg hall of residence
- Occupied for the purposes of a religious community whose main occupation is prayer, contemplation, education or the relief of suffering
- Occupied solely by one or more persons who are owners (with either freehold or leasehold granted for more than 21 years)
- Occupied by two persons who form two households

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<sup>15</sup> <http://www.nationalhmonetwork.com/definition.php>

## **The Town and Country Planning (Use Classes) (Amendment) Order 2010**

Class C4: Houses in multiple occupation is the use of a dwelling house by not more than six residents as a “house in multiple occupation”.

Interpretation of Class C4: for the purposes of Class C4 a “house in multiple occupation” does not include a converted block of flats to which section 257 of the Housing Act 2004 applies but otherwise has the same meaning as in section 254 of the Housing Act 2004.”

## **The Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2015**

Development consisting of a change of use of a building to a use falling within Class C3 (dwelling houses) of the Schedule to the Use Classes Order from a use falling within Class C4 (houses in multiple occupation) of that Schedule.”

## **APPENDIX 2: CONTACT DETAILS**

<b>ORGANISATION</b>	<b>PHONE NUMBER</b>	<b>EMAIL</b>
<b>Northampton Borough Council</b>		
Building Control	01604 838 920	<a href="mailto:buildingcontrol@northampton.gov.uk">buildingcontrol@northampton.gov.uk</a>
Development Management	0300 330 7000 Option 6 then Option 1	<a href="mailto:planning@northampton.gov.uk">planning@northampton.gov.uk</a>
Enforcement	0300 330 7000 Option 6	<a href="mailto:planningenforcement@northampton.gov.uk">planningenforcement@northampton.gov.uk</a>
Planning Policy	0300 330 7000 Option 6	<a href="mailto:planningpolicy@northampton.gov.uk">planningpolicy@northampton.gov.uk</a>
Private Sector Housing	01604 838585	<a href="mailto:pshs@northampton.gov.uk">pshs@northampton.gov.uk</a>
Waste and recycling		<a href="https://www.northampton.gov.uk/info/100004/your-council/657/contact-us">https://www.northampton.gov.uk/info/100004/your-council/657/contact-us</a>
<b>Others</b>		
Northamptonshire County Council	0300 126 1000	<a href="https://www3.northamptonshire.gov.uk/contact-us/Pages/default.aspx">https://www3.northamptonshire.gov.uk/contact-us/Pages/default.aspx</a>
Environment Agency	03708 506 506	<a href="http://apps.environment-agency.gov.uk/contact/">http://apps.environment-agency.gov.uk/contact/</a>
Historic England	0121 625 6888	<a href="mailto:midlands@HistoricEngland.org.uk">midlands@HistoricEngland.org.uk</a>

## **Appendix 3 HMO LICENSING**

### **The Licensing of Houses in Multiple Occupation (Mandatory Conditions of Licences) (England) Regulations 2018**

<http://www.legislation.gov.uk/uksi/2018/616/regulation/2/made>

### **Additional HMO licensing –**

<https://www.northampton.gov.uk/info/200277/private-housing/1288/houses-in-multiple-occupation-hmos/4>

### **Apply for a licence**

<https://www.northampton.gov.uk/info/200277/private-housing/1288/houses-in-multiple-occupation-hmos/4>

### **Landlord's Guide to Amenities and Facilities for Houses in Multiple Occupation**

<https://www.northampton.gov.uk/downloads/file/7542/hmo-amenities-facilities-and-management-standards-nbc-2018>

### **Additional Licensing for Houses in Multiple Occupation (HMOs) Consultation**

<https://www.northampton.gov.uk/info/200024/consultations/1939/additional-licensing-for-houses-in-multiple-occupation-hmos-consultation>

#### **Appendix 4 Parking beat survey**

The survey must measure the usable length of road, for instance, length of road minus parking restrictions, dropped kerbs and 5m at the junction, and divide this by 5.5m to approximate the number of potential parking spaces on a given section of road. A count of the number of vehicles parked should be recorded. When calculating the number of spaces available, the number of overall spaces must be rounded down, for example, 20.7 spaces should be recorded as 20, not 21, because 0.7 of a space equates to 3.85m, which is not nearly enough to be a usable space. Any spaces observed must be documented, including location, measurements of the space and photographic evidence. Parking beat surveys should not be carried out during the following periods of time;

- 1<sup>st</sup> January – 1<sup>st</sup> February
- Half term holidays
- 1<sup>st</sup> July – 30<sup>th</sup> September
- 1<sup>st</sup> November – 31<sup>st</sup> December

When the amount of car parking exceeds 90% of capacity, the area is over-saturated with parked vehicles. This will result in highway safety and amenity issues arising on a regular basis. Any increase in demand will further exacerbate problems, resulting in a much greater chance of dangerous parking and conflict between residents due to a lack of parking amenity. Therefore, if the result of the parking beat survey shows the amount of car parking does not exceed 90% during the required time of the day for the survey as set out above, the area is considered to have a sufficient capacity for on-street parking.