

A new dawn for private renting in Scotland

# Planning & HMO Licensing

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24 August 2006

## Planning & HMO Licensing

- the Council, through its planning policies, seeks to promote a diversity of housing provision to cater for the varied needs of the population. In this context HMOs are an important element of the city's housing stock (14% of total stock)
- it provides affordable accommodation for those working and studying in the City and for those unable or unwilling to buy their own property
- However, growing concern that an increasing number and concentration of HMOs is eroding established communities in certain parts of the City

## Planning & HMO Licensing

- The Council's planning policies in relation to HMOs are set out in local plans and in supplementary planning guidance (SPG)
- Planning is essentially concerned with the intensity of use of a property in relation to its size, the impact of the use on residential amenity and whether the proposal will result in an excessive concentration of such uses in any one locality

## Planning & HMO Licensing

- In general local plans state that where planning permission is required, HMOs should be well located to public transport, social and community facilities, but within predominantly residential areas, should not be so concentrated or so intensively occupied that the character and/or amenity of the area is adversely affected

## Planning & HMO Licensing

- The approach of planning towards HMOs is to assess each proposal on its merits - acceptability is not just dependent on the number of people proposing to share accommodation
- Within flats accommodation, particular attention is paid to the likely impacts of the proposal on residential amenity, especially where access to the property is via a common stair or shared entry and/or the proposal is likely to introduce increased levels of noise, traffic or other activity

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- SPG in force at the present time was approved in 2001. It sets out the principal planning concerns relating to the location, concentration and impact of HMOs on residential amenity
- also identifies Council wards in which there is considered to be an excessive concentration of HMOs: incl. Marchmont, Newington, Sciennes, Southside & Tollcross and establishes a strong presumption against the grant of further planning permissions for HMOs in these areas

## Planning & HMO Licensing

- In Edinburgh, the Council requires planning applications to be made where more than 5 unrelated people propose to share a flat or house - the point at which a material change of use is considered to take place - the Use Classes Order is quite clear on this matter in relation to houses, but is silent on flats
- However, SPG recognises that in smaller properties a change of use may occur where more than 4 unrelated people propose to share accommodation

## Planning & HMO Licensing

- Relatively few HMOs in Edinburgh require planning permission e.g. in 2004 only 17 of the 3,917 HMO licence applications received by the Council required planning permission. In 2003 this no's was 10 and 2002, 14.
- In light of the tremendous growth in HMO accommodation in the City in recent years, the Council has sought to exert more influence on the number and location of HMOs through use of its planning powers.



## Planning & HMO Licensing

- Extant SPG is currently under review. A draft revised SPG was approved for consultation purposes by the Planning Committee in November 2005. A final SPG, with amendments, will shortly be reported to the Planning Committee for its approval
- Once approved the SPG will become a material consideration in the determination of planning applications

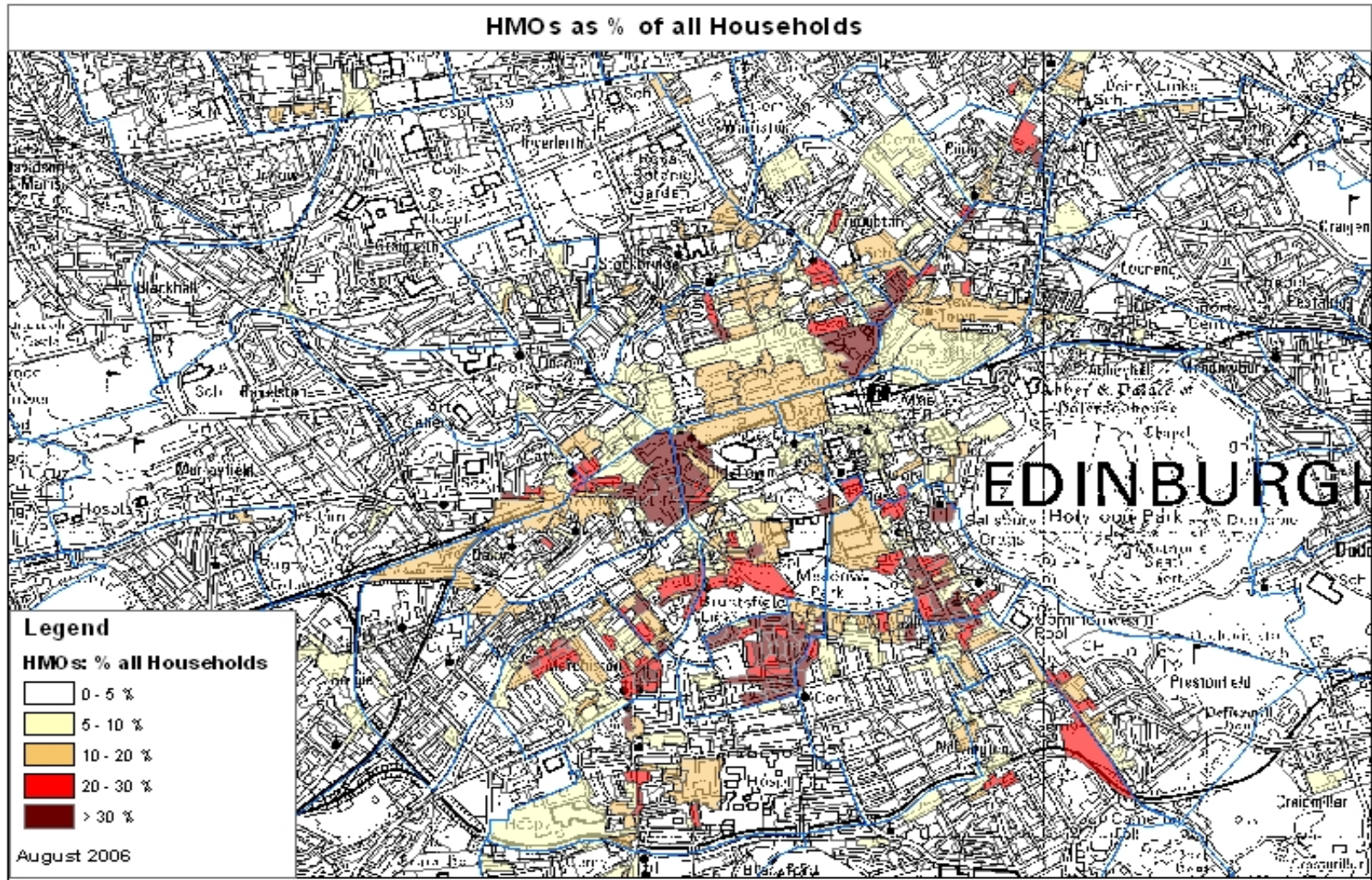
## Planning & HMO Licensing

- The proposals of the revised SPG include:
  - definition of sensitive areas that typically are made up of 2 or 3 street blocks/50 households (census output areas);
  - sets a threshold within these areas to determine whether or not there is an excessive concentration of HMOs as a % of all households, or would be if planning permission was granted (draft revised SPG proposes 40%, but pressure to reduce this to 30%);
  - creates a link to Licensing by highlighting that a licence application is within or outwith a sensitive area

## Planning & HMO Licensing

- In reviewing the SPG the Council has:
  - undertaken a comparative assessment of measures in force throughout the UK
  - considered the lowering of thresholds for planning applications to be made e.g. as per those in operation under the Licensing regime and in force in Glasgow
  - considered measures available to the Council under other legislation and council-led initiatives
  - mapped all licensed HMOs to be able to assess the concentration of properties

# Planning & HMO Licensing



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- innovation of the Council approach is to link more closely than before its Planning & Licensing Services by bringing before the Regulatory Committee all HMO licence applications proposed in defined sensitive areas and to which an objection has been made for an individual decision
- the Regulatory Committee in arriving at its decision will take into account its location in a sensitive area in addition to the usual range of factors that it would normally consider

## Planning & HMO Licensing

- proposals of the SPG could not retrospectively remove licences
- ‘sensitive area’ map to be updated every 6 months, or quarterly if required
- Council will continue to develop its initiatives to ensure responsible renting with landlords, letting agencies and the city universities
- Planning policy is only part of a package of measures that the Council has at its disposal to control the impacts of HMOs and does not seek to exercise control over matters that are more appropriately dealt with under other provisions, e.g. land and tenant behaviour

## Planning & HMO Licensing

### Questions

The council's local plans and SPG's can be viewed on line at [www.edinburgh.gov.uk](http://www.edinburgh.gov.uk)