



South Gloucestershire Council

# Houses in Multiple Occupation:

## Guidance for new developments

### Supplementary Planning Document

2 October 2021

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# 1. Key points

Houses of Multiple Occupation (HMOs) are properties rented out to at least 3 people who are not from one household (for example, a family) but share facilities like a bathroom or kitchen. Most HMOs are conversions or sub divisions of larger houses and currently, as at 2021, planning permission is only usually needed for HMOs which will provide a home for 7 or more people.

HMOs meet a variety of needs for private rented housing, ranging from young professional 'house-shares' and students wanting to live off campus, as well as providing a vital source of housing supply for people on lower incomes. For many people, HMOs provide a practical and affordable housing option that meets their housing needs.

Evidence shows that there has been an increase in this type of development in South Gloucestershire over recent years to meet demand. This has resulted in concentrations of HMOs in particular parts of the district which has, in some cases, created a perception of issues for the neighbouring properties and the wider community. These issues mainly relate to increased parking pressures, noise, management of waste and recycling and anti-social behaviour.

This document aims to provide further guidance to support our adopted planning policies on HMOs, housing diversity, residential amenity and parking standards in order to ensure that new HMO developments meet the requirements of our policies in terms of impact on the surrounding areas. This will help us to provide much needed new housing options whilst ensuring that new development does not have a negative impact on the character of the surrounding area and nearby properties.

The Supplementary Planning Document (SPD) is primarily for use by prospective planning applicants, property developers and landowners, as well as decision makers such as planning officers and elected members. However, it also is intended to help local residents understand how the council intends to apply its planning policies.

It is important to note that not all HMOs require planning permission. This document relates to the management of planning applications for new HMOs when planning permission is required, but also explains the role of the HMO licencing regime which is a separate process that can relate to both HMOs which do, and do not, require planning permission.

## 2. Introduction

The National Planning Policy Framework (NPPF) (2019) sets out that Supplementary Planning Documents (SPDs) can be used to provide further guidance for development on specific sites, or on particular issues, such as design. They are capable of being a material consideration in planning decisions, but are themselves not part of the development plan.

The principal objectives of this Supplementary Planning Document (SPD) are to provide advice and guidance to support understanding of:

- **What is generally considered to be an HMO in planning terms.**
- The type and scale of development that can be undertaken **without** planning permission, and that which **will** require planning permission, and how this might change if the council were to extend control over HMOs by making Article 4 Directions.
- What the council consider creates, or contributes to, a harmful concentration of HMOs within both a locality and at individual street level (also known as 'sandwiching').
- What the council considers to be the standard of accommodation that developers of HMOs should aim to achieve.
- Information as to how the council will monitor the proportion of dwellings that are occupied as HMOs.
- Good practice checklist to help support successful planning applications, and other information the council requires to be submitted with a planning application.

## 3. Planning policy

### 3.1 National Planning Policy and Guidance

The NPPF sets out that the purpose of the planning system is to contribute to the achievement of sustainable development. One of the three overarching objectives of the NPPF requires the planning system 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.

Whilst there is no specific reference to HMOs within the NPPF, housing policies do aim to support the Government's objective of significantly boosting the supply of homes. This requires the council to reflect on provision of the size, type and tenure of housing needed for different groups in the community, including for those who require affordable housing, students, families, and people who rent their homes etc.

The Planning Practice Guidance echoes the content of the NPPF in that it does not provide specific advice on HMOs, however, it does provide guidance on planning for the housing needs of different groups.

### 3.2 Local Planning Policy

The overall aim of this SPD is to support adopted development plan policies listed below by providing guidance to policies contained within the South Gloucestershire Local Plan: Core Strategy (adopted 2013) and Policies, Sites and Places Plan (adopted 2017).

Development Plan Policies CS17, PSP39, PSP8 and PSP16, as set out in more detail below, should be taken together as the basis for this SPD. There are several other adopted policies which regard should be had to in specific circumstances.

**Table 1** Mapping Supplementary Planning Guidance against adopted policies

	<b>Additional Guidance 1:</b> Not prejudicing the amenity of neighbours	<b>Additional Guidance 2:</b> Supporting mixed communities and preventing impact on character and amenities
<b>CS17</b> Housing Diversity		✓ This SPD provides additional guidance to support mixed communities in all localities.
<b>PSP39</b> Residential Conversions, Sub-division and Houses in Multiple Occupation	✓ This SPD provides additional guidance to prevent scenarios where HMOs could prejudice the amenity of neighbours.	✓ This SPD provides additional guidance to prevent scenarios where HMOs could impact on the character and amenities of the area

**Core Strategy (2013) Policy CS17 Housing Diversity** applies to supporting mixed communities in all localities, and is concerned with ensuring that:

- the mix of housing should contribute to providing choice in tenure and type, having regard to the existing mix of dwellings in the locality and the character and relative accessibility of the location.
- It also requires that the sub-division of existing dwellings to form flats [and building on gardens] will be allowed where this would not adversely affect the character of an area and where, cumulatively, it would not lead to unacceptable localised traffic congestion and pressure on parking.

- Such development will be allowed where each home has adequate private / semi-private and / or communal outdoor space and where occupiers have access to adequate open and play space within the immediate vicinity.

**Policies, Sites and Places DPD (2017) Policy PSP39 Residential Conversions, Sub-Divisions and Houses in Multiple Occupation** sets out the planning policy requirements for converting existing buildings into smaller units of self-contained accommodation.

*‘The conversion or sub-division of existing residential buildings into smaller units of self-contained residential accommodation will be acceptable, provided that they would:*

1. *Not harm the character and amenity of the areas within which they are located; and*
2. *Not prejudice the amenity of neighbours; and*
3. *Provide adequate amenity space; and*
4. *Provide parking in accordance with the Council’s parking standards.*

*Where planning permission is required for Houses in Multiple Occupation (HMOs), these will be acceptable, provided that they would:*

1. *Not impact on the character and amenities of the area within which they are located; and*
2. *Not prejudice the amenity of neighbours; and*
3. *Refuse storage and servicing; and*
4. *Provide parking in accordance with the Council’s parking standards.’*

Supporting text suggests that, in applying this policy, the term ‘neighbours’ should be taken to mean properties adjacent to, and surrounding, the application site which have a reasonable potential to be directly affected by harmful impacts arising from the proposal(s).

The policy also refers to South Gloucestershire’s **Residential Parking Standards SPD (2013)** which sets out further advice on car and cycle parking required for HMOs and **Waste & Recycling Collection: Guidance for new developments SPD (2020)** which requires minimum standards of waste management for households and flats.

**Policies, Sites and Places DPD (2017) Policy PSP8 Residential Amenity** sets out the planning policy requirements for new development in relation to impact on the residential amenity of nearby properties.

*‘Development proposal(s) will be acceptable provided that they do not create unacceptable living conditions or have an unacceptable impact on the residential amenity of occupiers of the development or of nearby properties.*

*Unacceptable impacts could result from (but are not restricted to):*

- a. *Loss of privacy and overlooking;*
- b. *Overbearing and dominant impact;*
- c. *Loss of loss of light (daylight/sunlight);*
- d. *Noise or disturbance; and*
- e. *Odours, fumes or vibration.’*

**Policies, Sites and Places DPD (2017) Policy PSP16 (Parking Standards)** sets out comprehensive development plan policy requirements for the amount of car and cycle parking spaces required in proposed new development. In relation to HMO developments, it states:

**‘...Houses in Multiple Occupation (HMOs)**

*3) Where planning permission is required for a House in Multiple Occupation (HMO) the minimum number of 0.5 car parking spaces\*\*\*\* per bedroom should be provided (\*\*\*\* Rounded up to the nearest number of spaces.)*

*This can be provided within the curtilage, or alternatively through submission of appropriate evidence of the availability of on street parking during evenings and weekends.*

Cycle parking should be provided at a minimum of one secure and covered space per bedroom’.

There are a range of other Local Plan policies relevant to applications for HMO development. These are set out within Table 2.

**Table 2** Other Local Plan policies relevant to this SPD

Core Strategy (CS) and Policies, Sites and Places (PSP) adopted policies	Respecting the character of the host property, street scene and surrounding area	Meeting appropriate space standards	Measures to achieve low carbon, energy efficient, renewables and energy performance	Ensuring adequate amenity space is retained	Providing recycling and refuse facilities	Ensuring a reasonable level of safe, accessible and convenient cycle and car parking	Impact of noise on adjoining property
<b>Policy CS1</b> High Quality Design	✓				✓		
<b>Policy CS3</b> Renewable and Low Carbon Energy Generation			✓				
<b>Policy CS8</b> Improving Accessibility						✓	
<b>Policy CS17</b> Housing Diversity				✓		✓	
<b>Policy PSP1</b> Local Distinctiveness	✓						
<b>Policy PSP8</b> Residential Amenity	✓						✓
<b>Policy PSP6</b> Onsite Renewable and Low Carbon Energy			✓				
<b>Policy PSP16</b> Parking Standards						✓	
<b>Policy PSP39</b> Residential Conversions, sub-divisions and houses in multiple occupation	✓					✓	
<b>Policy PSP43</b> Private Amenity Space Standards				✓			

### Links to planning policy documents

South Gloucestershire Core Strategy (2013)

<https://beta.southglos.gov.uk/wp-content/uploads/South-Gloucestershire-Core-Strategy-2006-2027.pdf>

South Gloucestershire Policies, Sites and Places DPD (2017)

<https://beta.southglos.gov.uk/wp-content/uploads/PSP-Plan-Nov2017.pdf>



National Planning Policy Framework (2019)

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/779764/NPPF\\_Feb\\_2019\\_web.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/779764/NPPF_Feb_2019_web.pdf)

[Link to supplementary planning guidance](#)

South Gloucestershire Council Residential Parking Standards SPD (2013)

<https://beta.southglos.gov.uk/wp-content/uploads/Residential-Parking-Standards-SPD.pdf>

Waste & Recycling Collection: Guidance for new developments SPD (2020)

<https://beta.southglos.gov.uk/wp-content/uploads/Waste-collection-guidance-for-new-developments-SPD.pdf>



## 4. What is an HMO and when is planning permission needed?

### 4.1 What is generally considered to be an HMO in planning terms?

Houses in Multiple Occupation (HMOs) can be defined as houses with three or more people from two or more families living together in a home.

The definition of HMOs was originally set by the Housing Act 2004, with a definition of HMOs introduced to the Use Classes Order<sup>1</sup> for planning decisions in 2010.

Under the Housing Act 2004<sup>2</sup>, a building, or part of a building, is considered to be an HMO if it meets one of the three following tests, which are set out in more detail in **Annex 1**:

- It is occupied by more than one single household which shares facilities such as a toilet, bathroom or kitchen. This is known as the '**standard test**'; or,
- It is occupied by more than one single household within a converted building that does not entirely comprise self-contained flats (whether or not there is also a sharing or lack of amenities). This is known as the '**self-contained test**'; or,
- It is occupied by more than one single household within a property made up entirely of converted self-contained flats and the standard of conversion does not meet, at a minimum, that required by the 1991 Building Regulation and more than one third of the flats are occupied under short tenancies. The '**converted building test**'.

A household is defined within the Housing Act 2004 as an individual or members of the same family, partners or co-habiting couples and relatives.

The Act also defines types of living accommodation that are not HMOs<sup>3</sup>. These include, but are not limited to, properties occupied by the owner and up to two lodgers, higher education halls of residence or properties occupied by religious communities. You must refer to the detailed requirements of the Housing Act if you believe exemptions apply, and comply with any planning and licensing arrangements as appropriate.

In planning terms, the framework for regulating HMOs was revised in 2010. This introduced a new planning Use Class for HMOs (C4), which relates to the 'use of a dwelling house by not more than six residents as a "house in multiple occupation"<sup>4</sup>'.

Currently in South Gloucestershire, a residential dwellinghouse, which is defined in planning terms as Use Class C3, can be converted to a small HMO (Use Class C4) without the need for planning permission, under what is termed permitted development rights.<sup>5</sup> This would change if these permitted development rights were removed through an Article 4 Direction (see Section 4.3 below).

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<sup>1</sup> Town and County Planning (Use Classes) Order 1987 (as amended).

<sup>2</sup> Section 254 of the Housing Act (2004)

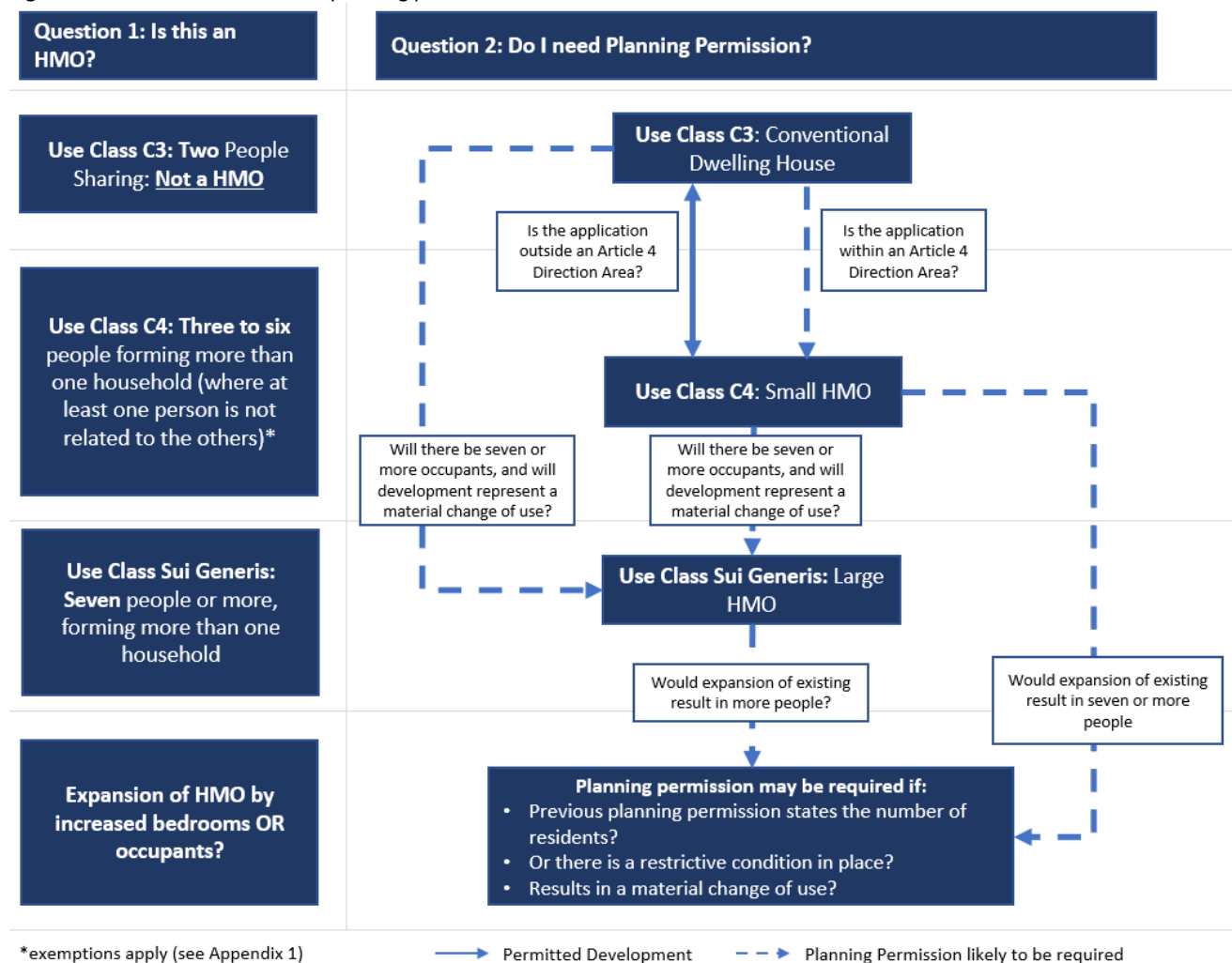
<sup>3</sup> [See Schedule 14 of the Housing Act 2004.](#)

<sup>4</sup> The Town and Country Planning (Use Classes) (Amendment) (England) Order 2010

<sup>5</sup> Under Class L of the General Permitted Development Order (2015, as amended)

HMOs therefore currently require express planning permission once they exceed 6 people if that change results in a material change in use. Large HMOs, formed from seven unrelated residents or more, become Sui Generis. Sui Generis is a “*class of its own*”, and no Permitted Development Right exists to change a HMO with 7 or more residents from any use. Consequently for the change of use of any premises to a HMO for 7 or more residents, an assessment has to be made as to whether a material change of use from the prior lawful use has occurred and, if it is determined that it has, then planning permission is required. This is set out further within **Figure 1** below.

**Figure 1** When does an HMO need planning permission?



The provision of additional rooms within an existing HMO may also require planning permission. For example, an existing small HMO with 6 unrelated residents would require planning permission for the occupation of 1 further resident where this represents a material change of use. Existing large HMOs may require planning permission for the occupation of further residents if they have a previous planning permission that states the number of residents within the application description, or they have a restrictive condition.

**Did you know the definition of an HMO for a mandatory licence is different to that for a planning application?**

A large HMO in the context of the HMO Licensing Regulations relates to properties that are rented to **5 or more people** who form more than 1 household, and where some or all tenants share toilet, bathroom, or kitchen facilities and at least 1 tenant pays rent (or their employer pays it for them).

You must have a [licence](#) if you're renting out a **large HMO** in England or Wales. This is often referred to as "Mandatory Licensing".

The Private Sector Housing team are responsible for the licensing and inspection of HMOs that fall under mandatory HMO licensing requirements and a public register of licensed HMOs is produced and published on the [Council's website](#). All licence holders must comply with their licence conditions.

HMOs rented to 4 or less people who form more than one household are exempt from the mandatory licensing scheme. These smaller HMOs are more akin to a single family household in size and this was one of reasons they were excluded under the mandatory licensing requirements. There is no legal reason / requirement for the Council to hold a register of smaller HMOs. However, small HMOs must still comply with the Housing Act 2004 and other housing legislation and more information can be found on the Governments '[How to Let](#)' publication.

**Under HMO licensing legislation, the planning status of an HMO is not a relevant factor when making a decision on whether to grant or refuse an HMO licence. Conversely, having planning permission does not mean you are licensed to operate an HMO and you may therefore need to apply for this separately.**

## 4.2 How the council can extend control over HMOs by making Article 4 Directions

An A4D is a Direction made under Article 4 of the Town and Country Planning (General Permitted Development) Order 2015 which enables the Secretary of State or the relevant local planning authority to withdraw specified permitted development rights across a defined area.

The purpose of the introduction of an A4D is to remove national permitted development rights only in instances where both evidence and subsequent justification underpin the case for withdrawal of these permitted development rights in order to support the necessary protection of the local amenity and/or the wellbeing of the area. The purpose of an A4D in relation to HMOs is to remove the Class L permitted development right which enables the conversion of dwelling houses (C3) uses to small HMOs (C4) without planning permission.

In the future, South Gloucestershire may consider introducing A4Ds in locations where there is considered to be evidence to do so. This will require justification for its purpose and extent, and will need to be subject to consultation depending on the type of A4D pursued.

In the areas where an A4D applies, all property owners or prospective landlords would no longer have permitted development rights to convert a dwelling house (C3) to a small HMO (C4) without planning permission. This would not mean that HMOs within A4D areas are unacceptable, rather that it would bring these into the planning system to allow consideration of the proposed development against policies. This is articulated further in Figure 1.

## 5. Supporting mixed communities whilst preventing impact on character and amenity

### 5.1 Overview and the need for additional guidance

In seeking to implement both Policy CS17 and Policy PSP39, the following additional guidance regarding the objectives in the adopted plans will offer some support to decision-takers in determining planning applications for HMO development, including the extension of HMOs to add additional rooms or increase the number of occupants. This additional guidance aims to ensure that this type of housing can continue to be provided in a way which supports mixed communities, whilst preventing impacts on character and amenity.

This additional guidance focusses on describing and explaining the factors the council will take into account to help assess if the amenity of neighbours is likely to be prejudiced from HMO developments and / or give rise to harmful impacts on mixed communities and undermine the character and amenities of local communities.

With regard to assessing impact on neighbouring amenity, to support adopted Policies PSP39 and PSP8 which provide the policy framework for the SPD, the SPD offers additional explanatory advice on preventing 'sandwiching' of residential properties between HMOs which could prejudice the amenity of neighbours.

With regard to assessing whether HMO development would give rise to harmful impacts on mixed communities and undermine the character and amenities of local communities, to support adopted Core Strategy Policy CS17, the SPD offers additional explanatory advice on measures which can be taken to prevent 'concentrations' that could result in impacts on character and local amenities, and the ability to deliver mixed communities.

### 5.2 Additional Explanatory Guidance: Not prejudicing the amenity of neighbours

Policy PSP39 within the adopted Policies, Sites and Places Plan (2017) states that where planning permission for an HMO is required, this will be acceptable, provided that this will not prejudice the amenity of neighbours. Supporting text states that the term "neighbours" should be taken to mean properties adjacent to, and surrounding, the application site which have a reasonable potential to be directly affected by harmful impacts arising from the proposal(s).

In addition, Policy PSP8 maintains that development proposals will only be acceptable provided that they do not '*have unacceptable impacts on residential amenity of occupiers of the development or of nearby properties*'. Unacceptable impacts could result from noise or disturbance, amongst other factors, which could arise from HMOs functioning less like traditional single households on a day-to-day basis.

Prejudicing the amenity of neighbours can arise at a localised level when developments of such HMO uses are inappropriately located, or become concentrated, particularly at an individual street level. This can occur when:

- An existing dwelling is 'sandwiched' between two HMOs, creating harm to the amenity of adjacent neighbours; or
- An application would result in three or more adjacent HMO properties.

In determining applications associated with HMOs, the following additional guidance will therefore be considered:

**Additional Explanatory Guidance 1:** In considering applications for the change of use from a dwelling house (Use Class C3) to an HMO (Sui Generis<sup>6</sup>), and whether that would prejudice the amenity of adjacent neighbours, the following factors will be taken into account: whether any dwelling house would be 'sandwiched' between two HMOs, or, result in three or more adjacent HMO properties

For the purposes of the SPD, an 'adjacent property' is therefore considered to be any property that shares one or more boundaries with the application boundary. For example, in any streets, this would include the immediate neighbouring property or those where the rear garden is adjoining.

'Sandwiching' situations can occur even where there are limited breaks in the building line, including across private or unadopted adjacent access tracks within the curtilage of properties. 'Sandwiching' is unlikely to occur across separating roads. An example of 'sandwiching' and proposed HMOs which may result in harm to the amenity of adjacent neighbours is set out within Figure 2.

**Figure 2** Example of 'Sandwiching' of an existing C3 Dwelling House



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<sup>6</sup> Or, Use Class C4 in the event of an Article 4 Direction being made in the area which the application is situated.

### 5.3 Additional Explanatory Guidance: Supporting mixed communities and preventing impact on character and amenities

As set out in Policy CS17, providing a wide variety of housing type and sizes to accommodate a range of different households, will be essential to supporting mixed communities in all localities. Sub-division of existing dwellings and non-residential properties to form flats or HMOs can make a valuable contribution suitable for smaller households and single people as part of these mixed communities.

However, as set out in the supporting text to PSP39, such developments can nonetheless result in increased harmful impacts on mixed communities and undermine local amenity, if HMO uses are inappropriately located and/or become concentrated in a locality.

Policy CS17 does not define what is meant by ‘mixed communities’ in all localities. Instead, it acknowledges that implementation of this policy, and PSP39, will be made on a case basis through the development management process. Therefore, the following additional guidance aims to acknowledge that some intensification, if carried out sensitively, and where it would not adversely affect the character of an area, can contribute to the local mix and affordability of housing, viability of local services, vitality of local areas and contribute to the Council’s housing delivery targets.

As there are localities which are already experiencing concentrations of HMOs, this additional guidance requires consideration of two factors:

- Existing localities that are already experiencing levels of HMOs which harm the ability to support mixed communities and preventing impact on character and amenities
- Applications which would result in a level of HMOs that could contribute towards harmful impacts

**Additional Explanatory Guidance 2:** Applications for the change of use from a dwelling house (Use Class C3) to an HMO (Sui Generis<sup>7</sup>) that would result in:

- An additional HMO in localities where known HMO properties already represent more than 10% of households; or,
- More than 20% of households within a 100 metre radius of the application property

are unlikely to be in conformity with Policy CS17 or PSP39, as this is unlikely to result in ‘mixed communities’ and may result in such development becoming concentrated. This could also impact on the character and amenities for the area within which they are located.

For the purposes of this SPD, a ‘locality’ is defined by a statistical boundary (the ‘Census Output Area’), where over 10% of census households are made up by HMOs. To find out whether the Census Output Area where you are planning an HMO is over 10%, please click [here](#) HMO Mapping Locator Tool.

For clarity, outside of the Census Output Areas where HMO properties already represent more than 10% of households, the 20% threshold will still form additional explanatory guidance for HMO planning applications.

Data used to inform this guiding geography and percentage is based on: Licensed HMO data and permissions for large HMOs (i.e. Sui Generis).

<sup>7</sup> Or, Use Class C4 in the event of an Article 4 Direction being made in the area which the application is situated



A 10% threshold for guiding when an application may begin to affect the mixed nature of housing stock within the community is widely accepted within similar SPDs, not least of nearest neighbours Bristol<sup>8</sup> and Bath and North East Somerset<sup>9</sup>. This was originally informed by the National HMO Lobby which identified that between 10% of properties and 20% of the population as the ‘tipping point’ for HMO dominance in a neighbourhood<sup>10</sup>.

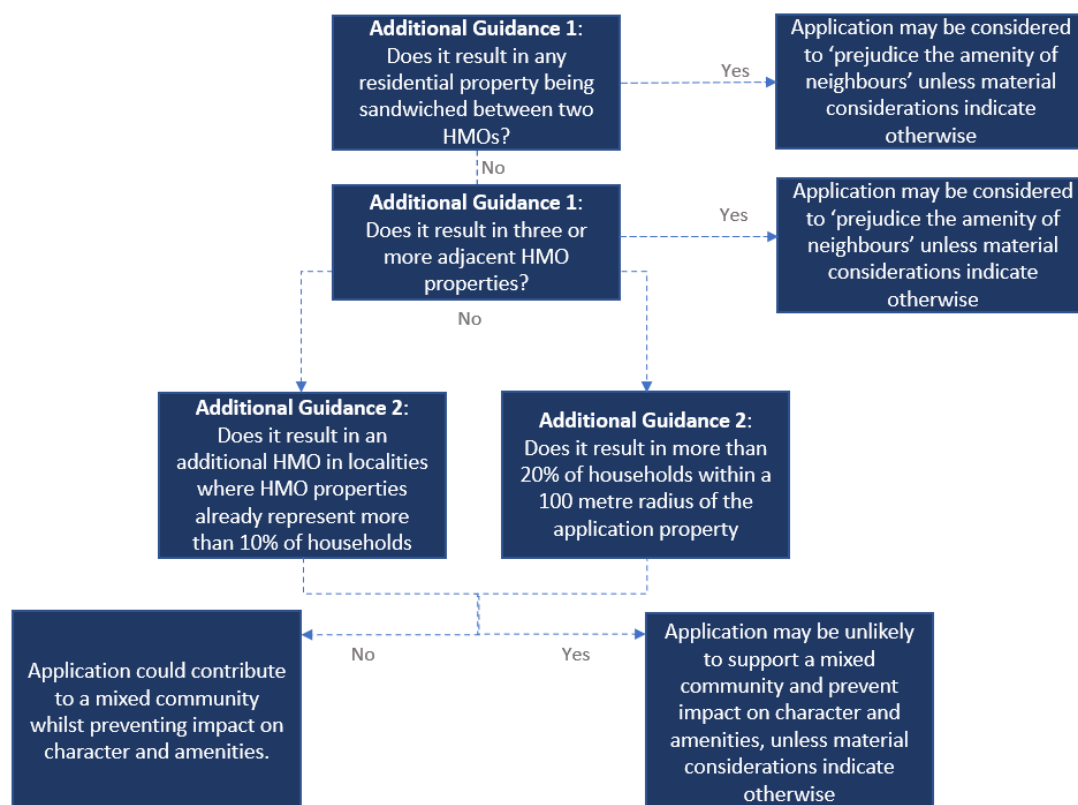
## 5.4 Applying the Guidance

Figure 3 sets out how decision-takers will apply the guidance and determine whether a ‘mixed community’ can be achieved, or whether there are likely to be implications on the character and the amenity of the area.

Whilst it does not have development plan status or weight, supplementary planning guidance can be used to guide decision-making. The provisions of an SPD cannot therefore be regarded as prescriptive, but they can provide an indicative guide of factors that will be taken into account when applying the Core Strategy and Policies, Sites and Places policies.

Material considerations, specific to the application, will be a contributing factor in all decisions. In some instances, these may outweigh or mitigate impacts on character and amenities.

**Figure 3** Implementing the guidance



<sup>8</sup> [https://www.bristol.gov.uk/documents/20182/4026562/Draft\\_HMO\\_SPD\\_Consultation\\_13v.pdf/03e6c326-df1f-8c9d-02af-c7e3e2399583](https://www.bristol.gov.uk/documents/20182/4026562/Draft_HMO_SPD_Consultation_13v.pdf/03e6c326-df1f-8c9d-02af-c7e3e2399583)

<sup>9</sup> [https://beta.bathnes.gov.uk/sites/default/files/2020-01/hmo\\_spd\\_2017.pdf](https://beta.bathnes.gov.uk/sites/default/files/2020-01/hmo_spd_2017.pdf)

<sup>10</sup> <http://hmolobby.org.uk/natlocalplans.htm>



## 6. Achieving Good Standards of Accommodation

### 6.1 Overview

To achieve a good standard of accommodation, proposals for development of HMOs should be consistent with relevant Local Plan policies and guidance as identified in Section 3 of this document.

To help explain what the council envisages by this, the SPD sets out key things to consider when developing an HMO. This advice covers matters relevant to support the council's adopted planning policies. It also takes the opportunity to present other additional information which may help achieve a good standard of accommodation for tenants, along with information on licensing requirements, which South Gloucestershire would require prospective landlords to comply with to operate an HMO in accordance with Part 2 of the Housing Act 2004. While it is recognised the latter two matters are not directly relevant to the determination of planning applications, it is considered helpful to include this in the SPD to provide a comprehensive overview of the good practice and regulatory procedural matters that the council would advocate HMO developers undertake.

To help explain what this means we have set out what we think are the key things to consider when developing an HMO:

- **Relevant adopted development plan policies**, which applications for HMO development are required to have had regard to.

Prospective applicants for HMO development are encouraged to engage in pre-application discussions with South Gloucestershire Council in order to address any potential issues and ensure good standards of accommodation are achieved. The adopted policies are what any application would be assessed against.

- Considerations to '**think about**', which provides prompts to additional information which may help achieve a good standard of accommodation for your tenants.

These 'considerations' cannot be considered in the determining of a planning application or an application for a license.

- Appropriate **licensing requirements**, which South Gloucestershire would require prospective landlords to comply with in order to operate an HMO and ensure this is [appropriately licensed](#) in accordance with Part 2 of the Housing Act 2004 are identified.

Prospective landlords should view the licensing pages of the South Gloucestershire website ([here](#)). To leave a query contact the Council on 01454 868001. It is important to note that these aspects cannot be considered in planning applications, but are essential to compliance with licensing requirements.

This information is presented as seven sections covering:

- a) Respecting the character of the host property, street scene and surrounding area
- b) Providing sufficient room space for everyday activities and enable flexibility and adaptability by meeting appropriate space standards

- c) Opportunities to contribute to the Council's work on the Climate Emergency by introducing measures to achieve low carbon, energy efficient, renewables and energy performance as part of development proposals
- d) Ensuring adequate amenity space is retained
- e) Providing recycling and refuse facilities
- f) Ensuring a reasonable level of safe, accessible and convenient cycle and car parking
- g) Impact of noise on adjoining property when converting (e.g. living-room/kitchen next to a neighbours bedroom)

#### a) Respecting the character of the host property, street scene and surrounding area

The National Planning Policy Framework notes that the creation of high quality buildings and places is fundamental to what the planning process should achieve<sup>11</sup>. To ensure development functions well and contributes to the overall quality of the area for the lifetime of the development, planning policies and decisions seek to *'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'*<sup>12</sup>. Policy PSP39 also requires planning applications for HMOs to demonstrate that development would not impact on the character and amenities of the area within which they are located.

Released in January 2021, the National Design Guide (2021) and the National Model Design Code (2021) also illustrate how well-designed places that respond to the existing local character and identity can be achieved in practice.

**Table 3** Respecting the character of the host property, street scene and surrounding area

Have you had regard to the following adopted policies in your planning application?	<p><b>CS1, PSP8, PSP39</b></p> <ul style="list-style-type: none"> <li>Ensuring no impact to the character and amenity of the area within which the HMO would be located. Applications should have regard to <b>PSP39 Residential Conversions, sub-divisions and houses in multiple occupation</b>.</li> <li>Achieving high quality design, having regard to the siting, form, scale, height, massing, detailing, colour and materials. Applications should have regard to adopted Core Strategy <b>Policy CS1 High Quality Design</b> and <b>PSP1 Local Distinctiveness</b>, or equivalent most recently adopted policy.</li> <li>Respecting and enhancing the character, distinctiveness, and amenity of both the application site and its context. Applications should have regard to adopted Core Strategy <b>Policy CS1 High Quality Design</b>, or equivalent most recently adopted policy.</li> <li>Preventing overbearing and dominant impact on the adjacent neighbours. Applications should have regard to adopted Policies Site and Places Policy <b>PSP8 Residential Amenity</b>, or equivalent most recently adopted policy.</li> <li>If your works involve an extension, have regard to the <b>Householder Extensions SPD (2020)</b></li> </ul>
Have you thought about?	<ul style="list-style-type: none"> <li>Ensuring the <b>appearance of the property</b> is well maintained and ensure <b>regular maintenance of the garden</b>: <ul style="list-style-type: none"> <li>&gt; If this is the responsibility of the tenant, suitable equipment should be provided and the expectations should be agreed and documented as part of their contract.</li> <li>&gt; As a landlord, you or your agent should regularly and frequently monitor the external appearance and maintenance of the property and garden, including correct storage of waste and recycling in appropriate containers.</li> </ul> </li> </ul>

<sup>11</sup> NPPF (2019) Paragraph 124

<sup>12</sup> NPPF (2019) Paragraph 127

	<ul style="list-style-type: none"> <li>&gt; Discouraging behaviours which would result in adverse impacts on the condition of land. This could include introducing planting to prevent parking on grassed front gardens.</li> <li>• Respond to Characteristic I1 Responding to existing local character and identity and Characteristic I3 Achieving well-designed high quality and attractive places and buildings within the National Design Guide (<a href="#">here</a>).</li> <li>• Further Guidance <ul style="list-style-type: none"> <li>&gt; The Government has published a set of guidance documents on the legal requirements for landlords and to provide advice to tenants and prospective tenants: ‘<a href="#">How to let</a>’, ‘<a href="#">How to rent</a>’ and ‘<a href="#">How to rent a safe home</a>’.</li> <li>&gt; “Rent with Confidence” <a href="#">The West of England Rental Standard</a> is a voluntary set of realistic standards and requirements that sets out clearly what landlords and agents need to do when letting or managing a property that is approved by the four West of England Authorities.</li> </ul> </li> </ul>
Do you <b>comply with</b> the following licensing and Housing Standards requirements?	<p>Provide evidence that the landlord / property has met the following requirements. These are set out in more detail in Annex 2:</p> <ul style="list-style-type: none"> <li>• Tests as to Suitability for Multiple Occupation</li> <li>• Free from hazards under the <a href="#">Housing, Health &amp; Safety Rating System</a> (HHSRS)</li> <li>• <a href="#">Fire Safety Standards</a> and <a href="#">Smoke &amp; Carbon Monoxide alarms</a></li> <li>• <a href="#">Minimum room sizes and amenity standards for the number of occupants</a></li> <li>• <a href="#">Landlords Gas Safety Certificate</a></li> <li>• <a href="#">Electrical Installation Condition Report (EICR)</a></li> <li>• <a href="#">Energy Performance Certificate (EPC) of E or above</a></li> <li>• <a href="#">Tenants Fees Act 2019</a></li> <li>• <a href="#">Tenancy deposit protection</a></li> <li>• Providing your tenants with a copy of the <a href="#">“How to rent: the checklist for renting in England”</a></li> </ul> <p>You should also consider:</p> <ul style="list-style-type: none"> <li>• Day to day management of the property, including waste storage and presentation and dealing with complaints about tenants’ behaviour</li> <li>• Permission to let as an HMO from your mortgage company</li> </ul> <p>More details can be found on the Council’s <a href="#">HMO licensing web pages</a></p>

## **b) Providing sufficient room space for everyday activities and enable flexibility and adaptability by meeting appropriate space standards**

The onset of the Covid-19 pandemic in March 2020 has changed how spaces within HMOs are used, with many people seeking greater opportunities to work and study from their homes. Although the rollout of a vaccine in 2021 will allow some employees to return to their workplace and students to potentially return to lecture halls, the pandemic is likely to have had long-term impacts on use of spaces at home for working and living.

Currently, there are no space standards prescribed for HMOs within South Gloucestershire’s Development Plan Documents. Whilst emerging policies will consider the need for internal space standards to meet the day-to-day needs of a range of potential occupiers, which will meet the National Described Space Standards as a minimum, these are not part of the adopted Development Plan and therefore cannot be required through a planning application.

**What are the Nationally Described Space Standards (NDSS)?**

The NDSS were introduced through the Housing Standards Review package in 2015 ([here](#)). Whilst these are currently set out within national guidance, and are therefore not a mandatory requirement, these can provide an accepted benchmark for minimum gross internal floor areas and storage.

In addition, from 6<sup>th</sup> April 2021<sup>13</sup>, all new homes including HMOs, delivered via permitted development rights must meet these Nationally Described Space Standard. As a minimum, new homes delivered through permitted development must be no smaller than 37 square metres.

However, room size standards and amenity standards are required for licensable HMOs within South Gloucestershire under Part 2 of the Housing Act (November 2018). Prospective landlords looking to obtain a mandatory HMO licence are therefore also directed to the South Gloucestershire Room Size and Amenity standards guide ([here](#)).

**Table 4** Meeting appropriate space standards

Have you <b>thought about</b> ?	<ul style="list-style-type: none"> <li>Reviewing the Nationally Described Space Standards to deliver these accepted benchmark standards within your HMO.</li> <li>Assessing whether additional space could be provided for living and working, studying and socialising within your HMO; for example by retaining usable and communal space rather than converting into a bedroom. Not only could this improve the desirability of the property within the private rented sector, it may also support tenant well-being and extend the length of tenancy.</li> </ul>
Do you <b>comply with</b> the following licensing requirements?	<ul style="list-style-type: none"> <li>To obtain a Mandatory HMO licence for any 'large HMOs' under the licensing definition (see above), the applicant must make sure that the house is suitable for the number of occupants (e.g. in terms of room sizes and numbers of facilities). The South Gloucestershire Room Size and Amenity standards guide is available <a href="#">here</a>.</li> </ul>

**c) Opportunity to contribute to the Council's work on the Climate Emergency by introducing measures to achieve low carbon, energy efficient, renewables and energy performance as part of development proposals**

In July 2019, a Climate Emergency was declared within South Gloucestershire with an overarching target to be carbon neutral by 2030. This declaration will require a positive, sustainable policy response for the design and implementation of new development. In relation to homes, this response is likely to require development that is of a high energy efficiency standard which minimises energy demand and incorporates renewable generation, alongside low carbon or renewable heating / cooling systems.

***Domestic private rented property: minimum energy efficiency standard***

The Domestic Minimum Energy Efficiency Standard (MEES) Regulations set a minimum energy efficiency level for domestic private rented properties. The Regulations apply to **all** domestic private rented properties that are:

- let on specific types of tenancy agreement - an assured tenancy, a regulated tenancy, a domestic agricultural tenancy;
- legally required to have an Energy Performance Certificate (EPC) - If the property you let has been marketed for sale or let, or modified, in the past 10 years then it will probably be legally required to have an EPC

<sup>13</sup> See Article 3(9A) of the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended by The Town and Country Planning (General Permitted Development) (England) (Amendment) Regulations 2020.

Since 1 April 2020, all private rented properties are required to meet a minimum energy performance standard of EPC Rating E under the MEES Regulations. This has meant that landlords of F and G rated homes have been required to invest, or co-invest, in improving the energy performance of these properties, subject to some temporary exemptions where it is not technically advisable nor financially feasible to achieve this<sup>14</sup>. Since April 2020, landlords can no longer let or continue to let properties that fall below EPC Rating E Standard, unless these exemptions apply.

The Government has recently consulted on proposals to ensure that as many private rented sector homes as possible could achieve an Energy Performance Certificate (EPC) Band C by 2030, where this was considered to be practical, cost-effective, and affordable. Whilst there is currently no requirement for private rental properties to exceed EPC Rating E, this may change in the future. Landlords and prospective HMO applicants should therefore consider the implications of this in future development. Not only can improving residential energy performance achieve significant emissions reductions, this can also decrease bills and ensure warmer homes for all tenants, particularly for lower income and vulnerable tenants. Improving energy efficiency may also increase the value and desirability of landlords' assets.

Landlords can get advice on energy upgrades and available grants by contacting [Warm and Well](#) on 0800 500 3076. Council funded loans are also available for Energy improvements as well as repairs, via [Lendology](#) on 01823 461099

### **Renewable Energy Generation**

As part of the Climate Emergency Declaration, South Gloucestershire recognise the need to significantly increase the level of renewable energy generation within the authority, and have signed up to the UK100 Pledge to enable communities to achieve 100% clean energy across all sectors.

The NPPF requires local planning authorities to adopt positive strategies to mitigate and adapt to climate change. Core Strategy Policy CS3 *Renewable and Low Carbon Energy Generation* provides policy support for generation of energy from renewable or low carbon sources, whilst Policy PSP6 *Onsite Renewable and Low Carbon Energy* sets out proposals to minimise end-user energy requirements over and above those required by current building regulations. Emerging policy responses to the Climate Emergency are likely to continue this support, whilst maximising the generation of energy from renewable or low carbon sources.

### **Climate Change Adaptation**

Adapting properties to climate change is an increasingly important consideration for landlords. Specifically, this can mean identifying opportunity for projects that reduce flood and overheating risk, improve air quality and health / wellbeing, and reducing greenhouse gas emissions.

As set out within the BEIS 'Improving the Energy Performance of Privately Rented Homes in England and Wales' (2020), private landlords could identify measures for at-risk properties, including those with vulnerable residents. These might include encouraging behaviour changes too.

**Table 5** Measures to achieve low carbon, energy efficient, renewables and energy performance

Have you had regard to the following	CS3, PSP6
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<sup>14</sup> Further detail set out at: <https://www.gov.uk/guidance/domestic-private-rented-property-minimum-energy-efficiency-standard-landlord-guidance>

<p><b>adopted policies</b> in your planning application?</p>	<p>Where renewable energy generation is being proposed as part of the development of a new HMOs, Core Strategy <b>Policy CS3 Renewable and Low Carbon Energy Generation</b> and Policies, Sites and Places <b>Policy PSP6 Onsite Renewable and Low Carbon</b> will be relevant to determining the application.</p> <p>Where an application for an HMO is proposed within an area that is subject to different climate risks (such as flood risk or overheating), you should review the <a href="#">national</a> and <a href="#">local</a> planning application requirements to understand whether any additional assessments are necessary to determine whether development would be acceptable. This should be discussed through a pre-application meeting with South Gloucestershire Council Planning Officers.</p>
<p>Have you <b>thought about</b>?</p>	<ul style="list-style-type: none"> <li>• The implications of emerging Government proposals to achieve Energy Performance Certificate (EPC) Band C by 2030. Further information is available <a href="#">here</a>.</li> <li>• Whether building-level or site-level measures to maximise the generation of energy from renewable or low carbon sources, or minimise end-user requirements (such as charging points for cars, better insulation and smart meters), would be appropriate to incorporate into the development of an HMO. You may want to discuss the opportunities for this, and whether any improvements might need planning permission, during a pre-application meeting with South Gloucestershire Council Planning Officers.</li> <li>• Whether retrofitting your property or improving energy efficiency can be incorporated into planned works to convert your property to an HMO, refurbish an existing HMO or extend an existing HMO.</li> <li>• Providing tenants with information on the top 10 actions for improving their understanding of energy efficiency and reducing climate change, to encourage increased awareness of the challenges and how these can be addressed. Likewise, landlords should be open-minded to implementing tenants' suggestions for energy efficiency measures that go over and above EPC requirements.</li> <li>• Whether improving flood resilience and providing flood proofing measures can be incorporated into the development of an HMO or refurbishment or extension of an existing HMO. This is particularly appropriate to consider for properties in a flood risk zone, where you may also consider recommending that your tenants sign up to the Environment Agency's <a href="#">Floodline Warnings Direct</a> service.</li> </ul>
<p>Do you <b>comply with</b> the following Housing standards?</p>	<p>Achieve Energy Performance Certificate (EPC) of E or above, subject to some exemptions. Further information can be found on the <a href="#">Government website</a> or on the Council's <a href="#">Home Energy pages</a>, whilst Information on Grants and loans and support in improving insulation and heating is available on the <a href="#">Council's website</a>.</p>

#### d) Ensuring adequate amenity space is retained

Policy PSP39 requires that HMO development will be acceptable if, amongst other requirements, adequate amenity space is provided.

Whilst Policy PSP39 does not dictate how much amenity space should be provided when an existing house changes to an HMO, Policy PSP43 sets requirements for private and communal external amenity space for all new residential units (including those created by the change of use, development or sub-division of existing buildings).

**Table 6** Ensuring adequate amenity space is retained

<p>Have you had regard to the following adopted policies in your planning application?</p>	<p><b>CS17, PSP43</b></p> <p>Core Strategy <b>Policy CS17 Housing Diversity</b> requires, for the sub-division of existing dwellings to form flats, each home to have adequate private / semi-private and / or communal outdoor space where occupiers have access to adequate open and play space within the immediate vicinity.</p> <p>Policies, Sites and Places <b>Policy PSP43 Private Amenity Space Standards</b> will be relevant to determining the application. This requires that all new residential uses will be expected to have access to private amenity spaces. These spaces should be</p> <ul style="list-style-type: none"> <li>• functional and safe;</li> <li>• easily accessible from living areas;</li> <li>• orientated to maximise sunlight;</li> <li>• of a sufficient size and functional shape to meet the needs of the likely number of occupiers; and</li> <li>• designed to take account of the context of the development, including the character of the surrounding area.</li> </ul> <p>Provision should, as a guide, meet or exceed the following minimum standards:</p> <ul style="list-style-type: none"> <li>• 1 bedroom flat 5m<sup>2</sup></li> <li>• 2+ bedroom flat 5m<sup>2</sup> + private shared communal space</li> <li>• 1 bedroom house 40m<sup>2</sup></li> <li>• 2 bedroom house 50m<sup>2</sup></li> <li>• 3 bedroom house 60m<sup>2</sup></li> <li>• 4+ bedroom house 70m<sup>2</sup></li> </ul>
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### e) Providing recycling and refuse facilities

The National Planning Policy for Waste (NPPW) requires new non-waste development (such as HMOs) to make sufficient provision for waste management and promote good design to secure the integration of waste management facilities<sup>15</sup>. This includes providing sufficient and discrete bins storage at residential premises, which facilitate frequent and easy household collection service.

Locally relevant policies include the Core Strategy **Policy CS1 High Quality Design**, and the West of England Waste Partnership Joint Waste Core Strategy. In September 2019, the Council adopted the **Waste and Recycling Collection: Guidance for new developments (Supplementary Planning Document)**, which sets out guidance to:

- Ensure that local waste requirements are considered during the earliest stages of the planning
- Ensure space for waste management is integral to the designs of buildings
- Ensure vehicle access is suitable for the council's collection fleet
- Ensure that street scene services are considered and accommodated in new developments

In relation to HMOs, the SPD explains how the owner of a house in multiple occupation (HMO) is responsible for ensuring that waste produced by the tenants is contained under the Environmental Protection Act 1990 (Section 46) and the Town and Country Planning Act 1990 (Section 215). Therefore, under HMO licensing regulations, conditions are applied requiring the licence holder to comply with any scheme provided by the local housing authority relating to the storage and disposal of household waste. It is the licence holder that must provide suitable facilities for the storage and disposal of refuse and

<sup>15</sup> Paragraph 8



recycling in accordance with the South Gloucestershire Council's waste and recycling collection requirements.

**Table 7** Providing recycling and refuse facilities

Have you had regard to the following adopted policies and adopted SPD in your planning application?	<p><b>CS1</b></p> <p>In seeking to elaborate on Core Strategy <b>Policy CS1 High Quality Design</b>, which requires development proposals to ensure:</p> <p><i>'sufficient space provision is designed in for the sorting and storage of recyclable waste materials in a convenient location, the composting of household waste (where practicable), and the collection of these and other waste materials and, in larger development schemes, for recycling on site'</i></p> <p>The content of the adopted Waste and Recycling Collection: Guidance for new developments (Supplementary Planning Document) (September 2019) sets out:</p> <ul style="list-style-type: none"> <li>• Requirements for external storage points.</li> <li>• Recommendations for the internal storage of recycling.</li> <li>• Requirements for external collection points.</li> </ul>
Have you thought about?	<ul style="list-style-type: none"> <li>• Providing your tenants with guidance on how to sort recycling based on what can be recycled and designated bin collection days, and if your tenants are students, increasing awareness of UWE campaigns, such as the Bristol Big Give.</li> <li>• Applying for additional recycling containers which are free of charge (<a href="#">here</a>); and applying for the extra capacity bin service to provide an additional black bin for non-recyclable waste (<a href="#">here</a>).</li> <li>• Ensuring external waste storage and recycling provision points are well-designed, easily accessed within appropriate proximity to collection points to encourage bins to be taken out / brought in, and within enclosed structures to prevent littering during windy weather.</li> <li>• By agreement, making one tenant responsible for managing the waste and giving them a discount on their rent to do this.</li> </ul>
Do you comply with the following licensing requirements?	<ul style="list-style-type: none"> <li>• Ensure that all tenants follow the Council's waste collection and recycling program and that there is no rubbish accumulation at the property.</li> <li>• Provide a suitable bin storage area and sufficient waste receptacles to allow for the number of tenants in accordance with the Management of Houses in Multiple Occupation (England) Regulations 2006.</li> <li>• Take appropriate action where your tenants are not managing their waste in accordance with the Council's requirements, and if appropriate, your HMO licence conditions.</li> <li>• As a landlord, you or your agent should regularly and frequently monitor the waste storage and presentation at the property and ensure all tenants are fully aware of the expectations on them.</li> </ul> <p>Further details and information on the council waste and recycling services can be found at <a href="http://www.southglos.gov.uk">www.southglos.gov.uk</a> or by calling 01454 868000</p>

#### **f) Ensuring a reasonable level of safe, accessible and convenient cycle and car parking**

Policies, Sites and Places Plan (2017) Policy PSP16 requires the specific amount of car and cycle parking spaces for development of new HMOs. Further guidance in relation to the criteria set out above regarding flat conversions and HMOs is also contained in Chapter 4 of the Residential Parking Standards SPD (December 2013).

**What are the parking and cycling requirements for HMOs as set out in Policy PSP16 Parking Standards?**

Where planning permission is required for a House in Multiple Occupation (HMO), the minimum number of 0.5 car parking spaces per bedroom should be provided (rounded up to the nearest whole number of spaces).

This can be provided within the curtilage, or alternatively through submission of appropriate evidence of the availability of on street parking during evenings and weekends.

Cycle parking should be provided at a minimum of one secure and covered space per bedroom

Vehicle movements and residents entering into and out of the property from an HMO are generally likely to be above what one would usually expect from a private family home, as a result of residents living independently from one another.

Providing sufficient car-parking whilst maintaining the character of the street-scene and host property, and by discussing parking expectations with tenants, can often represent the difference between a well-managed and poorly-managed HMO. Inconsiderate parking, especially if there are a large number of car users living at the property, can often impact on neighbours.

**Table 8** Safe, accessible and convenient cycle and car parking

Have you had regard to the following adopted policies in your planning application?	<p><b>C8, CS17, PSP16, PSP39</b></p> <ul style="list-style-type: none"> <li>• Providing parking in accordance with the Councils' parking standards. Applications should have regard to adopted <b>Policies Sites and Places PSP39 Residential Conversions, Sub-division and houses in multiple occupation</b>, or equivalent most recently adopted policy.</li> <li>• Meeting parking and cycling standards of <b>Policies Sites and Places PSP16 Parking Standards</b> and content of the Residential Parking Standards SPD (2013)</li> <li>• Sub-division of existing dwellings will be allowed where, cumulatively, it would not lead to unacceptable localised traffic congestion and pressure on parking. Applications should have regard to adopted <b>Core Strategy Policy CS17 Housing Diversity</b>, or equivalent most recently adopted policy.</li> <li>• Ensuring car-parking and vehicular site access is well integrated and situated so that it supports the street scene and does not compromise walking, cycling, public transport, infrastructure and highway safety. Applications should have regard to adopted <b>Core Strategy Policy CS8 Improving Accessibility</b>, or equivalent most recently adopted policy.</li> <li>• Ensuring all new development proposals are required to provide safe and secure cycle-parking facilities. Applications should have regard to adopted <b>Core Strategy Policy CS8 Improving Accessibility</b>, or equivalent most recently adopted policy.</li> </ul>
Have you thought about?	<ul style="list-style-type: none"> <li>• Where there is no opportunity to provide more parking on-site, providing a parking survey with your application setting out availability of parking provision on neighbouring streets. This should cover a range of times over evenings and weekends, as this will help to evidence to the Council that the street does have parking capacity.</li> <li>• Ensuring there is a secure and easily accessible cycle storage area, to encourage use for shorter journeys and dissuade private car use.</li> <li>• Providing information to tenants on accessibility of local public transport, costs and service availability. Increase awareness of Young Person and Student Travel Tickets (such as <a href="#">here</a> from First Bus and travelwest Metrobus student and young person tickets <a href="#">here</a>).</li> <li>• Introducing measures to prevent parking on grassed areas of front gardens or grassed verges between properties, including through planting and raised planters.</li> <li>• Where possible, providing parking prior to occupation of the HMO, to prevent a perception of negative impacts by neighbours.</li> </ul>

	<ul style="list-style-type: none"> <li>Consider how you will manage parking at the property and discuss parking expectations with tenants to avoid negatively impacting neighbours and the neighbourhood.</li> </ul>
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**g) Impact of noise on adjoining property when converting (e.g. living-room/kitchen next to a neighbours bedroom)**

Policies, Sites and Places Plan (2017) Policy PSP8 explains that proposals for residential development will only be considered acceptable where these do not create unacceptable living conditions or impact on the residential amenity of occupier of the development or of nearby properties. An example of an unacceptable impact could result from noise or disturbance.

There is a perception that there are generally increased levels of movements from individuals entering and leaving HMOs and that this can sometimes create noise disturbance for adjacent neighbours, as a result of the property functioning less like a traditional single household. Likewise, there have been some instances where large HMOs have been the source of noise generation, for example from having large parties, which has in some cases created conflicts with neighbours.

**Table 9** Impact of noise on adjoining property

Have you had regard to the following adopted policies in your planning application?	<p><b>PSP8</b></p> <p>Prevent unacceptable impacts which could result from noise or disturbance. Applications should have regard to adopted Core Strategy <b>Policy PSP8 Residential Amenity</b>.</p>
Have you thought about?	<ul style="list-style-type: none"> <li>Ensuring that reconfiguration of C3 dwelling houses to HMOs would not result in living rooms, kitchens or bathrooms adjacent to bedrooms in neighbouring properties.</li> <li>Ensuring that adequate noise insulation is provided in properties with large communal spaces to help reduce noise between properties and also individual units within properties</li> <li>Encouraging tenants to get to know their neighbours by taking part in community-building activities or events, for example, dog-walking apps, allotment days or Big Tidy litter collection days.</li> <li>Providing neighbours with your contact number so that they can call you before noise issues get out of hand.</li> </ul>
Do you comply with the following licensing requirements?	<ul style="list-style-type: none"> <li>Reasonable and practicable steps should be taken by the licence holder under the terms of any tenancy agreement issued in an effort to prevent or reduce any noise and anti-social behaviour by persons occupying or visiting the property.</li> <li>Action for breach of tenancy should be utilised where a tenant is causing noise issues or Antisocial Behaviour at the property. You should monitor complaints and not rely on Council services to take enforcement.</li> <li>Where noise or anti-social behaviour issues are reported, the Environmental Protection or Anti-Social Behaviour team will investigate in the first instance using their powers under the Environmental Protection Act 1990 or Anti-Social Behaviour, Crime and Policing Act 2014 where appropriate. Action can be taken against the owner or manager of the property where it is not possible to identify which tenant is causing a problem.</li> <li>Following initial investigations, if the complaints are found to relate to a licensed HMO, then details will be passed to the Private Sector Housing team for their consideration with regard to whether a breach of licence condition has been committed</li> </ul>

## 7. Submission Requirements for HMO Planning Applications

### 7.1 Good Practice Checklist

The following 'good practice checklist' brings together the key points of the content within Section 5 and 6, as a quick checklist to review prior to submitting your HMO application.

If you'd like further clarity of what's expected, you should seek [pre-application](#) advice from the Development Management Team or the Private Sector Housing Team to check licensing requirements.

Have you:

- ☐ Ensured that your application would not result in any dwelling house being '**sandwiched**' between two HMOs, or, result in three or more adjacent HMO properties? See Section 5.2.
- ☐ Checked how your application would **impact the concentration of HMOs** in the area? See Section 5.3.
- ☐ Reviewed the [National](#) and [Local](#) Planning Application Requirements?
- ☐ Provided:
  1. **Site Location Plan** at 1:1250;
  2. A **Site Layout Plan** drawn at a scale of 1:200;
  3. The **gross external floor area** to Site Layout Plans to demonstrate how you have had regard to Policy PSP43 Private Amenity Space;
  4. All **existing and proposed floor and elevation plans**, provided at an appropriate scale (1:50 or 1:100); and,
  5. Indicative gross internal floor areas on **existing and proposed floor plans**?
- ☐ Provided evidence of 0.5 parking spaces per bedroom rounded to the nearest whole number of spaces? This should be within the curtilage of the application site. Where this is not possible, have you prepared a Parking Survey to evidence the availability of on street parking during evenings and weekends?
- ☐ Evidenced 1no. covered cycle storage space per bedroom within the curtilage of the application site?
- ☐ Included **bin and bike storage areas**, including proposed dimensions, on the Site Layout Plan?
- ☐ Included **boundary treatments**, such as walls / fences and neighbouring windows?
- ☐ Thought about the ways you could achieve a **good standard of accommodation** within your HMO? See Section 6.

## 8. Managing and Monitoring HMOs in South Gloucestershire

### 8.1 Monitoring the proportion of dwellings that are occupied as HMOs

**Planning Applications:** Changes in numbers of HMOs will be monitored at a statistical boundary level (Census Output Area) level.

The purpose of this will be to 'test' the extent to which the concentration within the areas that are currently approaching 10% concentration change over time. The aim here is to prevent concentrations which would result in harmful impacts on mixed communities, whilst ensuring that HMOs continue to provide a vital source of affordable housing supply.

**Licensing:** The Private Sector Housing Team administer and enforce HMO licences within South Gloucestershire and information on the requirements and how to apply can be found on the [website](#).

HMO licences and temporary exemption notice are all recorded on the Council's Uniform database, and the licensing procedure was subject to an internal audit in 2019. The Private Sector Housing Team continue to gather evidence to identify and tackle HMOs that should be subject to Mandatory Licensing. This includes responding to complaints and local intelligence from other Council departments and external agencies (e.g. Planning Enforcement, Building Control, Police and Emergency Services etc). In addition, the Private Sector Housing Team gathers evidence from; Council Tax, planning applications and through monitoring of on line property rental sites. Failure to apply for a licence when required is an offence punishable on summary conviction to an unlimited fine. Alternative sanctions include offering a Simple Caution or issuing a Civil Penalty Notice of up to £30,000. Anyone failing to comply with licence conditions commits an offence punishable on summary conviction to an unlimited fine per offence. A Civil Penalty Notice of up to £30,000 is an alternative sanction available to the local authority.

## 9. Contact details

Planning Policy Team  
[planningpolicy@southglos.gov.uk](mailto:planningpolicy@southglos.gov.uk)

Development Management Team  
*01454 868004*

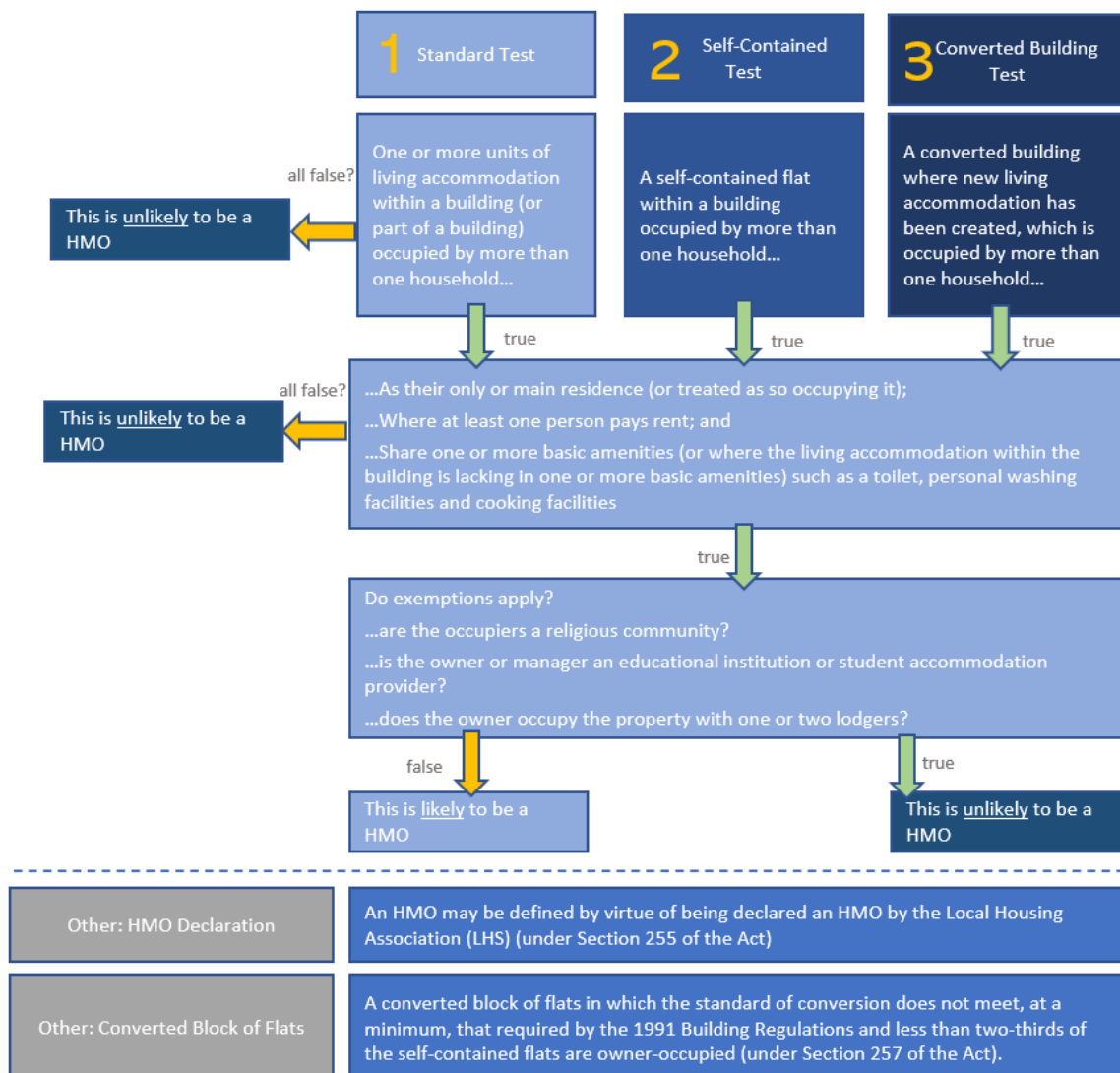
Private Sector Housing Team  
*01454 864503*  
[psechousing@southglos.gov.uk](mailto:psechousing@southglos.gov.uk)

### **Other Relevant Information**

Public Register of Licensed Houses in Multiple Occupation & Temporary Exemption Notices  
<https://www.southglos.gov.uk/documents/HMO-Public-Register-01-08-20-Public.pdf>

Further details about the work the council's Private Sector Housing Team undertake is also available at  
<https://www.southglos.gov.uk/housing/private-housing/multiple-occupation-housing/licensing-houses-multiple-occupation-hmo/>

Waste Management contact details:  
01454 868000 or [waste.mgt@southglos.gov.uk](mailto:waste.mgt@southglos.gov.uk)

**Annex 1: What is an HMO using the Housing Act definition?**



**Annex 2: Detailed Licensing and Housing Standards Requirements**

<p>Do you <b>comply with</b> the following licensing and Housing Standards requirements?</p>	<p>Provide evidence that the landlord / property has met the following requirements:</p> <ul style="list-style-type: none"> <li>• Tests as to Suitability for Multiple Occupation: Under the Housing Act 2004, the local housing authority must make sure that an HMO that is to be licensed is suitable for the number of occupants being applied for and that the manager of the house is considered to be 'fit and proper'.</li> <li>• Free from hazards under the <a href="#">Housing, Health &amp; Safety Rating System</a> (HHSRS): The Housing, Health and Safety Rating System (HHSRS) help local authorities identify and protect against potential risks and hazards to health and safety from any deficiencies identified in dwellings. HMO's are subject to <a href="#">Housing Act 2004</a> HHSRS inspections alongside the licensing process, and enforcement tools are available to ensure compliance.</li> <li>• <a href="#">Fire Safety Standards</a> and <a href="#">Smoke &amp; Carbon Monoxide alarms</a>: Landlords are required to have at least one smoke alarm installed on every storey of their property and a carbon monoxide alarm in any room containing a solid fuel burning appliance<sup>16</sup>. In addition to this, landlords must comply with fire safety requirements under other legislation. Higher levels of fire safety are likely to be required in most HMOs, particularly licensable HMOs.</li> <li>• <a href="#">Minimum room sizes and amenity standards for the number of occupants</a></li> <li>• <a href="#">Landlords Gas Safety Certificate</a>: Landlords operating HMOs need to ensure that a registered engineer completes an annual gas safety check on each appliance and flue and provide a copy of it to their tenants and the local authority as part of their HMO licence conditions.</li> <li>• <a href="#">Electrical Installation Condition Report (EICR)</a> The Electrical Safety Standards in the Private Rented Sector (England) Regulations 2020 require landlords to have the electrical installations in their properties inspected and tested by a person who is qualified and competent, at least every 5 years. Landlords must provide a copy of the electrical safety report to their tenants and to their local authority if requested. Landlords must also ensure that all electrical appliances that they supply are safe for use.</li> <li>• <a href="#">Energy Performance Certificate (EPC) of E or above</a></li> <li>• <a href="#">Tenants Fees Act 2019</a></li> <li>• <a href="#">Tenancy deposit protection</a></li> <li>• Providing your tenants with a copy of the <a href="#">"How to rent: the checklist for renting in England"</a></li> </ul> <p>You should also consider:</p> <ul style="list-style-type: none"> <li>• Day to day management of the property, including waste storage and presentation and dealing with complaints about tenants' behaviour</li> <li>• Permission to let as an HMO from your mortgage company</li> </ul> <p>More details can be found on the Council's <a href="#">HMO licensing web pages</a></p>
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<sup>16</sup> Under The Smoke and Carbon Monoxide Alarm (England) Regulations 2015. Further information can be found in the 'LACORS – Housing Fire Safety' guidance document