

Update note for Overview and Scrutiny Committee
Local Plan Policy H6 (Task and Finish Group Recommendation 2.4)
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This note provides an update on recommendation 2.4 of the HMO Task and Finish Group.

The recommendation seeks to ensure “the H6 Planning Policy is consistently and fully applied, with immediate effect, as laid out; this is in particular respect of the following provisions:

1. providing the percentage of all HMOs within a 100m radius at the point of planning validation, and making it publicly visible on the Planning Portal
2. giving proper and significant weight to the overall objectives of the policy, notably with regard to the preventative approach to minimising community and longer-term harms specified in 4.61, 4.62 and 4.64, as per recent legal advice arising from a Complaint
3. where an exception to the policy is recommended by Officers, setting out the reasons and assumptions clearly and in detail (again following legal advice)
4. applying clause e) in the H6 policy regarding the provision of adequate waste container storage
5. clarifying how Purpose Built Student Accommodation should be counted when applying the ‘10% rule’ for limiting concentrations of HMOs in the designated area
6. noting that the concentration of HMOs in areas outside the designated Article 4 area is growing, but is not yet of the type and scale which justifies recommending immediate action; however trends should be carefully monitored and the Overview & Scrutiny Committee should review the position annually

Taking each of the six specific provisions of the recommendation, the table below provides an update:

	Recommendation Provision	Update 19/10/18
1	Providing the percentage of all HMOs within a 100m radius at the point of	This is now routinely part of the validation process for HMOs. A map showing the HMOs within a 100m radius of the application property

	<p>planning validation, and making it publicly visible on the Planning Portal</p>	<p>is provided to enable public scrutiny of the extent to which proposal are compliant with clause a) of Policy H6. A procedure note on calculating concentrations has been produced. This is published on the website and to ensure consistency is used by officers in assessing applications.</p> <p>Recent examples of maps are shown in appendix 1. Fine-tuning of the maps continues. In particular work is taking place with all case officers to ensure the standard map format is always used and work is underway with colleagues in Private Sector Housing and IT's GIS Manager to provide a key on the maps to aid clarity. It is interesting to note from the examples shown in Appendix 1 that three of the maps (17 Cobden Ave, 17 Gaveston Road and 4 Beauchamp Hill), whilst calculated correctly have not been produced in accordance with the standard approach (all assessed by the same case officer who has now left the Council). These maps have been used as examples to highlight to case officers the importance of producing the maps consistently and correctly.</p>
2	<p>Giving proper and significant weight to the overall objectives of the policy, notably with regard to the preventative approach to minimising community and longer-term harms specified in 4.61, 4.62 and 4.64, as per recent legal advice arising from a Complaint</p>	<p>The five criteria (a to e) set out in Policy H6 are now addressed clearly, specifically and consistently in officer and committee reports relating to HMOs. Planning managers carefully check reports to ensure the approach taken fully addresses the policy and allows the decision-takers to reach balanced planning judgements based on clear evidence. This ensures the purpose of policy H6 as set out in paragraph 4.64 of the Local Plan (as supported by paragraphs 4.61 and 4.62) is achieved.</p> <p>Recent examples of extracts from HMO case officer reports are shown in Appendix 2</p>
3	<p>Where an exception to the policy is recommended by Officers, setting out the reasons and assumptions clearly and in detail (again following legal advice)</p>	<p>In relation to the exceptions to criterion a) (as set out in the Policy) officers are now required to set out their assessments of the exception to demonstrate why a specific location accords with one of the two exceptions. This includes reference to the paragraph 4.65 of the supporting text which provides some further explanation.</p> <p>Recent examples of extracts from HMO case officer reports is shown in Appendix 2</p>
4	<p>Applying clause e) in the H6 policy regarding the provision of adequate waste</p>	<p>This is applied consistently. See examples in Appendix 2</p>

	container storage	
5	Clarifying how Purpose Built Student Accommodation should be counted when applying the '10% rule' for limiting concentrations of HMOs in the designated area	<p>This is set out in the Procedure Note for the calculation for the concentration of HMOs. Specifically, the Procedure Note states:</p> <p><i>"For the purposes of the calculation, each flat in a block of flats needs to be counted as one dwelling unit. Each HMO cluster (self-contained unit) within a student accommodation block needs to be counted as one HMO unit."</i></p>
6	Noting that the concentration of HMOs in areas outside the designated Article 4 area is growing, but is not yet of the type and scale which justifies recommending immediate action; however trends should be carefully monitored and the Overview & Scrutiny Committee should review the position annually	<p>Whilst numbers of HMOs outside Leamington have probably grown, they remain at a low level. To date, no monitoring of HMOs outside Leamington has therefore taken place. Looking ahead it is proposed that HMO applications are monitored as part of the annual development monitoring that takes place each May and June. This will be used to track changes and can inform decisions regarding the need for further decisions.</p>