

Tai Amlfeddiannaeth a Llety Myfyrwyr a Adeiladwyd at y Diben

Houses in Multiple Occupation and Purpose Built Student Accommodation

Canllawiau Cynllunio Atodl | Supplementary Planning Guidance



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1. Introduction

- 1.1 This *Supplementary Planning Guidance* (SPG) will be taken into account as a material consideration in the determination of planning applications relating to Houses in Multiple Occupation (HMOs) and Purpose Built Student Accommodation (PBSA). The purpose of the SPG is to augment policies of the Swansea *Local Development Plan* (LDP). It provides information to assist decision makers in determining whether or not a proposed development is acceptable in planning terms.
- 1.2 Section 2 provides a summary of relevant underpinning national planning guidance and legislation. It also highlights the key LDP policies that this SPG supplements.
- 1.3 Guidance relating to HMO development is set out in Section 3 of the SPG, and guidance for PBSA development is in Section 4.

2. Legislation and Policy Context

2.1 National

- 2.1.1 Planning Policy Wales¹ (PPW) sets out the overarching national principles relating to planning and *placemaking*. These principles underpin the formation of local planning policies and inform individual decisions on development proposals. PPW states that planning decisions must seek to promote

sustainable development and support the well-being of people and communities across Wales. It requires that this be done by addressing seven well-being goals, one of which is to Foster Cohesive Communities, emphasising the importance of appropriate combinations of land uses.

- 2.1.2 PPW makes clear that *placemaking* and sustainable development principles are essential to development at all scales. They are therefore pertinent to proposals for HMO and PBSA development. This national guidance also highlights that good *placemaking* should consider the context, function and relationships between a development site and its surroundings, including the need to consider: the amenity impact of development on neighbouring properties and people; the balance and distribution of land uses and densities; and the need to create places where people want to be and can happily interact with others.

- 2.1.3 No specific reference is made in PPW as to how planning decisions should be made in relation to HMOs or PBSA development. A Ministerial letter (dated February 2018) emphasised the need to put in place robust local evidenced based policies in LDPs against which planning applications for HMOs can be assessed, and also highlighted the appropriate role that SPG should play to augment such policies. Swansea Council's evidenced based policies relating to HMO development are set out in the Swansea LDP at www.swansea.gov.uk/ldp.

¹ Planning Policy Wales, Welsh Government, 2018.

2.1.4 Under planning legislation, the requirement to obtain planning permission applies to proposals for new building work and also changes in the use of buildings or land. The Town and Country Planning (Use Classes) Order 1987 (as amended) places uses of land and buildings into various categories known as 'Use Classes'. HMOs come under two *Use Classes*, dependent on their size. These are:

(i) Small HMOs – 'C4' class: a shared dwelling house that can accommodate between 3-6 unrelated persons who share basic amenities. It should be noted that, under the terms of the Order, the following are excluded from the C4 Use Class:

- Social rented housing
- Care homes
- Children's homes
- Bail hostels
- Properties occupied by students managed by an education establishment; and
- Properties occupied by a religious community whose main occupation is prayer, contemplation, education and the relief of suffering; and

(ii) Large HMOs – 'Unique Use' class (formerly known as Sui Generis): **a shared dwelling house with more than 6 unrelated persons sharing basic amenities.**

2.1.5 Changing the Use Class of a property to either a C4 or Unique Use HMO requires planning permission.

This includes the intensification of an existing C4 HMO to an Unique Use HMO, and proposals that would lead to an increase in the number of occupants consented to live in an Unique Use HMO. More detailed information on HMO planning *Use Classes* can be found in Welsh Government guidance².

2.1.6 **PBSA** developments have in recent years become an increasingly common feature in University cities across the UK, including within Swansea. Such development, which is typically large-scale residential accommodation, is specifically designed for occupation by students that attend higher or further education institutions. The reference to 'purpose built' in this description includes both new build development and the conversion of existing premises, such as office space. It includes accommodation developed by education institutions, as well as the private sector and any other organisation. The key factor in such proposals are that the accommodation is designed for use specifically by students.

2.1.7 PBSA generally does not fall within any specific use class and so is regarded as an Unique Use in terms of the Use Class Order. Internal layouts of PBSA developments can take varying forms, including dormitory, cluster or individual room arrangements.

2.1.8 National Guidance states that, in order for planning applications to be duly submitted they must contain sufficient information to be considered 'valid' applications. Technical guidance on the requirements

² Houses in Multiple Occupation: Practice Guidance, Welsh Government 2017

for valid planning application is provided nationally by the Welsh Government³, which is consistent with the legal requirements set out in the Town and Country Planning (Development Management Procedure) (Wales) Order 2012 and related statute.

2.2 Local

2.2.1 The adopted Swansea LDP sets the policy framework against which all planning applications are determined. It provides a detailed, evidence based local planning framework for making effective and consistent planning decisions in the public interest. The LDP includes specific policies to manage the location and concentration of HMOs, and to direct the location of PBSA to the most appropriate, sustainable areas. The LDP policies are set against a context that recognises the important role that HMOs and PBSA play in providing a relatively affordable, convenient housing choice for a growing population, whilst also acknowledging the negative impacts that can arise without appropriate sustainable development.

HMOs

2.2.2 **LDP Policy H 9 ‘Houses in Multiple Occupation’**, provides a prescriptive, evidenced based approach to managing the future demand for new HMOs. The key policy aim is to control the future provision of HMOs in a sustainable manner, thereby helping to foster cohesive communities and avoid instances of over-

concentration that can be to the detriment of residential amenity and community balance.

2.2.3 LDP Policy H 9 will be used to determine any proposal for the conversion of a dwelling or non-residential property to a HMO, or the intensification of use of a C4 property to an Unique Use HMO.

2.2.4 The key provisions of LDP Policy H 9 are that:

- A 2-tier ‘maximum threshold’ applies within designated areas, above which further HMO concentrations will typically be resisted
- Proportions of HMOs will be defined by calculating the number of HMOs as a % of all residential units within a 50m radius of a proposal
- The ‘sandwiching’ of Class C3 residential properties between HMOs will be resisted
- Specific protection will be afforded to ‘small streets’ that are characteristic of certain residential areas of Swansea
- Criteria will be applied to ensure proposed HMOs are suitable for their intended use and will not result in unacceptable adverse impacts caused by noise and general disturbance
- Sufficient flexibility will be applied in the case of exceptional circumstances, or overriding *material considerations*, where these demonstrably outweigh concerns regarding harmful concentration or intensification.

³ Development Management Manual, Section 7 Planning Applications - Lists of Validation Requirements, Welsh Government, 2017.

2.2.5 A copy of LDP Policy H 9 and its supporting text is provided in Appendix 1a.

PBSA

2.2.6 PBSA developments are a means of providing bespoke accommodation to meet the needs of students. Whilst these developments may offer the potential to reduce the demand for HMO accommodation, there is currently no conclusive evidence to this end. They are, however, typically highly dense developments and can accommodate large numbers of people at a single location, which reinforces the importance of ensuring they are appropriately located.

2.2.7 The LDP contains **Policy H 11 ‘Purpose Built Student Accommodation’**, which states proposals for PBSA should be located within the *Swansea Central Area*, and must in the first instance assess the availability and suitability of potential sites and premises at this location, unless:

- The site is within a Higher Education Campus and is in accordance with an approved masterplan for the site; and
- In the case of the Swansea University Bay Campus, the development would not give rise to

an additional number of residential units at the Campus than the number permitted by any extant planning permission; and

- The development would give rise to an overall benefit to the vitality and viability of the *Swansea Central Area*.

2.2.8 A copy of LDP Policy H 11 and its supporting text is provided in Appendix 1b.

Other Development Plan Policies

2.2.9 The LDP includes a number of other policies that this SPG provides supporting guidance for, including:

- **Policy PS 2** ‘Placemaking and Place Management’
- **Policy T2** ‘Active Travel’
- **Policy T6** ‘Parking’
- **Policy SI 8** ‘Community Safety’
- **Policy EU 2** ‘Renewable and Low Carbon Energy’
- **Policy RP 10** ‘Sustainable Waste Management’



3. Guidance on HMO Development

3.1. Overview

- 3.1.1 LDP Policy H 9 sets out a number of criteria that HMO proposals should address. Full consideration should be given to all the criteria in the policy, as well as the relevant supporting text in the LDP, to ascertain which of the policy criteria will apply to the planning application submitted.
- 3.1.2 Policy H9 includes criteria that relate to preventing unacceptable concentrations of HMOs. These criteria set out certain ‘tests’ that will inform the decision making process to help ascertain whether a proposal would lead to a potentially harmful concentration or not. These tests are summarised in Figure 1. Further detailed advice and guidance on how each of these tests are to be applied is provided in Sections 3.2 – 3.4 of this SPG.
- 3.1.3 It should be noted that where development proposals pertain to a property that is already a lawful HMO (i.e. it is an established HMO in land use planning terms having regard to Use Class categories), the concentration ‘tests’ set out in Figure 1 will not apply. This is due to the property in question having already become established as a HMO within the area. It would be illogical in such circumstances to maintain that a proposal would give rise to any numerical increase in the concentration of HMO properties.

Notwithstanding this, HMO planning applications relating to existing HMO properties will still be assessed against the other relevant criteria in Policy H 9 and other LDP policies as appropriate.

- 3.1.4 The references in this SPG and the LDP to ‘Small HMOs’ relates to Class C4 properties. Reference to ‘Large HMOs’ are those defined as an Unique Use (formerly Sui Generis).

Figure 1: HMO Concentration Tests

Test 1 – ‘Radius Test’

- Within the HMO Management Area, HMO proposals should not lead to more than 25% of all residential properties within a 50 metre radius of the proposal being HMOs.
- Outside the HMO Management Area, HMO proposals should not lead to more than 10% of all residential properties within a 50m radius of the proposal being HMOs.

Test 2 – ‘Small Streets Test’

HMO proposals within ‘small streets’ that do not breach the 50m radius maximum threshold will not be supported if the proposal would create a disproportionate over concentration of HMOs within that street

Test 3 – ‘Non-sandwiching Test’

The development would not result in a Class C3 dwelling being ‘sandwiched’ between adjoining HMO properties.

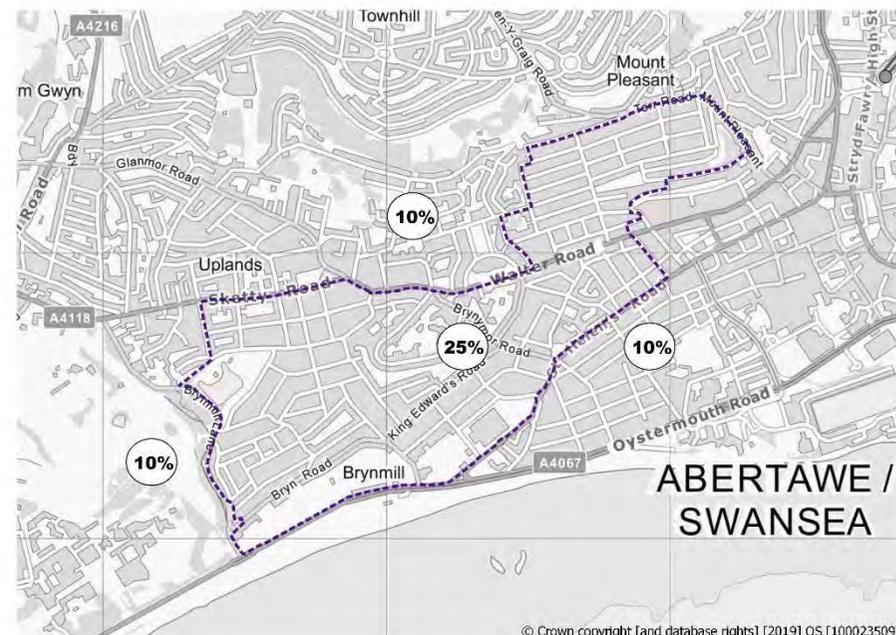
3.2 Radius Test

Thresholds

- 3.2.1 All proposals submitted for a change of use to establish a new HMO will be subject to the 'radius test' as described in LDP Policy H 9 (criteria i. and ii). The radius test will be used to define the proportion of HMOs within a specific area surrounding a proposal, both before and after the proposed development.
- 3.2.2 **The threshold level that applies depends on whether the planning application is located within the defined HMO Management Area (where a 25% HMO limit applies) or outside of this HMO Management Area (where a 10% HMO limit applies).** The boundary of the HMO Management Area is designated on the *LDP Proposals Map*. It is also illustrated in Figure 2 of this SPG for ease of reference.
- 3.2.3 The concentration of HMOs should be ascertained by calculating the proportion of HMOs as a percentage of all residential units **within a 50 metre (m) radius of the application property**. Where the proportion exceeds the defined threshold, the concentration arising will be deemed unacceptable, **unless there are exceptional circumstances or overriding material considerations that demonstrably outweigh concentration concerns**. Guidance on potential 'exceptional circumstances' and/or

'overriding material considerations' is provided in Section 3.7 of this SPG.

Figure 2: HMO Management Area (within the Purple Hatched Line)



Methodology and Data Sources

- 3.2.4 Policy H 9 sets out the methodological approach that should be followed to undertake the radius test. The basic formula for ascertaining the concentration of HMOs is as shown below in Figure 3.

Figure 3: Radius Test Formula

<p>HMO Concentration %</p>	=	<p>No. of HMOs (Numerator)</p> <p>-----</p> <p>No. of residential units (Denominator)</p>	x 100
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3.2.5 For the purpose of the radius test, the concentration of HMOs should only consider the relevant properties within a 50 m radius of the planning application. Further guidance on which properties are relevant in this regard is set out below.

3.2.6 The radius should be drawn from the centre-point of the application property frontage, where the curtilage meets the street. The centre point will always be defined in relation to the property's *principal elevation*, regardless of where the front entrance to the property is located⁴. There may be instances when the radius cuts through residential properties, i.e. not all of the property is contained within the radius drawn. In such cases, the properties that will be counted in the analysis will be those where the majority of the street facing entrance is contained within the radius. This is defined as more than 50% of the width of the 'street facing' *principal elevation* of a property.

⁴ *Principal elevation* is described in Welsh Government Technical Guidance documents, including 'Permitted development for householders'

3.2.7 To determine the appropriate *denominator* for the Radius Test Formula (see Figure 3), all individual residential units that fall within the 50m radius that are categorised as either *Use Class C3, C4 or Unique Use* HMO will be counted. The most up to date *Local Land and Property Gazetteer (LLPG)* information can be used to ascertain the number and location of residential units to be applied.

3.2.8 For the avoidance of doubt, a residential unit includes *social rented homes*, individual flats and residential units that are situated on upper floors above other uses (e.g. above shops). These homes will be counted as part of the *denominator* to ensure all residential units within the radius are counted, in order to arrive at a representative measure of concentration within an area.

3.2.9 In the case of flats and/or residential units on upper floors, these will be counted where the majority of the *principal elevation* of the building within which the unit is located (i.e. over 50% of this elevation) is contained within the radius. Each multiple unit within the building will be counted as an individual residential unit for the purpose of the calculation e.g. a building containing four flats will be counted as four residential units.

- 3.2.10 Care homes, children’s homes, hostels, hotels, student halls of residence, and commercial properties will not be counted.
- 3.2.11 In order to determine the appropriate *numerator* for the Radius Test Formula, the Council’s Register of Licensed HMOs (the ‘Licensing Database’) should be referenced, which is a publically available data source that can be viewed online at www.swansea.gov.uk/hmos. This register is regularly updated to provide an up to date record of the latest licensed properties. It should be noted that where properties are identified as being flats but registered as HMOs under Section 257 of the Housing Act (i.e. they are HMOs only because they do not conform to Building Regulations requirements), they will not be counted as HMOs in the numerator element of the radius calculation, having regard to the definitions in the Planning Use Class Order.
- 3.2.12 Due to differences in the Licensing (Housing Act) and Planning legislation, not all small HMOs in Swansea will be licensed, in particular those that are located outside of the Council’s *Additional Licensing Areas*⁵. Outside these Wards, *Mandatory Licensing* requires that only large HMOs (i.e. properties of three or more storeys with 5 or more people) are licensed. As such, reference to the Licensing Database will not always

identify the full number of HMOs located within the defined radius. Reference should therefore also be made to records of properties that have obtained planning permission to become HMOs since the C4 Use Class came into operation in February 2016. These records are also available online at www.swansea.gov.uk/hmos. In addition, planning record searches can also be used to highlight larger HMOs that became established prior to February 2016, given that such uses required planning permission prior to the C4 Use Class change.

- 3.2.13 The information on licensed HMOs and the records of planning consents for HMOs issued by the Planning Authority (www.swansea.gov.uk/hmos) are regularly updated data sources, which can be viewed by potential applicants and any other interested party, as well as the Local Planning Authority (LPA).
- 3.2.14 Properties with a lawful use as a HMO will be counted as such, irrespective of whether a relevant planning consent has actually been implemented at the time of determination of a planning application. Some properties have become lawful for use as a HMO by virtue of the time they have been in operation for such a use, even though there is no planning permission or Lawful Development Certificate (LDC) for HMO use on record. This is reflective of the previous provisions

⁵ The current Additional Licensing Area for HMOs encompasses the Castle and Uplands wards. The Council is consulting on whether an Additional Licensing Area will also apply within the St Thomas Ward.

of the Planning Act and the Use Class Order, which did not require the use of residential properties as small HMOs to be subject to any planning control. Where the LPA considers there is substantive evidence available to demonstrate that a property was being used as a HMO prior to the implementation of the new C4 Use Class category (in February 2016), and is satisfied that it has not reverted to any other uses in the meantime, such a property will be considered a lawful HMO notwithstanding the lack of any relevant planning permission or LDC for HMO use. In order to count an existing property as a HMO for the purpose of applying the policy criteria, the LPA will need to be satisfied, having regard to the available evidence and given the balance of probability, that it would be appropriate at that time to issue that property with a LDC, if such an application was made. It is not however within the scope of the Planning Act to require a third party to submit an LDC application to formalise the use class of a property.

3.2.15 The calculation of the HMO concentration that applies at the time of determining a planning application is clearly influenced by accurately ascertaining, as far as is possible, the lawful existing use of all properties situated within the defined radius at that time. Where information is available to indicate a property may be a HMO but is not recorded as such on the records available (see www.swansea.gov.uk/hmos), the LPA will carry out all reasonable checks using any

publicly available information and/or any submitted evidence, in order to ascertain whether such a property should be considered a HMO for the purpose of the calculation. In this regard the LPA is required to act within the requirements of the *General Data Protection Regulation (GDPR)* relating to maintaining the privacy of personal data.

3.2.16 The Council's planning officers undertake site visits as part of the standard procedure for considering planning applications, and consider all material planning matters in the determination of proposals. This includes the observations of Officers within other Council departments such as Highways and the Housing and Public Health Service. Members of the public will also be consulted on every planning application. This process provides the opportunity for the LPA to be made aware of any properties they consider might be a HMO which do not appear on the Licensing and planning consent lists. Properties will only be considered a HMO for the purpose of the calculation where they meet the descriptions of such in the Planning Use Class Order.

3.2.17 A number of worked examples are set out in Appendix 2. These are intended to help demonstrate how the assessment methodology works in practice and further illustrate how the radius test will be implemented.

Breaching the Threshold

- 3.2.18 The threshold is considered to be breached if granting planning permission would take the percentage of residential properties that are HMOs **above** the specified threshold limit. For example, granting planning consent for a HMO within a 50m radius that currently contains 20 residential properties and only 1 other HMO would yield a concentration of exactly 10% (i.e. 2 out of 20 properties), which would not breach the threshold outside the HMO Management Area.
- 3.2.19 The two tier approach set out above in respect of different threshold levels is specifically intended to impose a restrictive regime for any further concentration or intensification of HMOs within the defined HMO Management Area to the existing general limit of 25% HMOs that has become established. This approach will serve to restrict HMO growth within the areas where there are already existing high concentrations of HMOs, such as parts of Brynmill and Uplands. There may be small pockets within these areas where further HMOs will not breach the threshold when applying the radius approach, but these opportunities are likely to be limited. This containment approach is based on evidence available that indicates significant further HMO growth is likely to exacerbate amenity impacts in these areas and any negative effects on community cohesion. This approach also recognises that these areas already have an established mixed character, in comparison

to other residential areas of Swansea, with an existing average concentration of around 25% HMOs.

- 3.2.20 LDP Policy H 9 states that HMO proposals that would lead to a breach of the maximum thresholds will only be permitted where there are exceptional circumstances or overriding *material considerations* that demonstrably outweigh any concerns regarding harmful concentration or intensification. Examples of exceptional circumstances or overriding *material considerations* are provided in Section 3.7 of this SPG.

3.3 Small Streets Test

Defining Small Streets

- 3.3.1 In certain parts of Swansea there are street layouts where applying just the radius test in order to ascertain HMO concentration could fail to adequately safeguard against unacceptable intensifications of HMO uses. Specifically, this can occur in instances of 'small streets' that fall within the defined 50m radius, where there is potential for a disproportionate concentration of HMOs to sometimes arise. This can occur where there are few or no HMOs on other streets within a drawn radius, and the incidence of HMOs are concentrated within a single small street. In this scenario a proposal may comply with the radius threshold test but would still be considered to create a harmful concentration of HMOs in the small street.

3.3.2 LDP policy H 9 states that, **in the case of small streets, if the radius threshold is not exceeded by the proposed HMO, consideration should nonetheless be given as to whether the proposal would create a disproportionate concentration in that small street. The small streets test only needs to be applied if the proposal passes the radius test.**

3.3.3 A 'small street' is one that has between 11 and 34 properties inclusive. Streets of 35 properties or more are not defined as small streets. This upper limit is based on the street sizes and configurations that are characteristic of various residential communities in Swansea, including the Sandfields and St Thomas areas, where a grid street pattern prevails.

3.3.4 Under this definition, in certain instances 'small streets' are created where they are intersected by other streets. In such instances they become subsections of a longer street, even though they have the same street name.

3.3.5 Set out in Appendix 2 are a number of worked examples to demonstrate how the small streets test will be implemented, which includes an example of a scenario where a long street is sub-divided by intersecting streets forming a 'small street'.

3.3.6 For the avoidance of doubt, for the purpose of LDP Policy H 9 and this SPG, the intersection of a longer street to become a small street occurs where both

sides of the street with the same name are dissected by another street, resulting in between 11 and 34 properties on the dissected street. Appendix 2 provides a number of examples of scenarios that would, and would not, be classed as small streets.

Defining a Disproportionate Concentration

3.3.7 Defining the concentration of HMOs in a small street will be examined using the same data sources as set out for the radius test (see Section 3.2 of this SPG).

3.3.8 The consideration of whether or not a disproportionate concentration would arise involves a judgement to be made **having regard to both the number of properties on a street (i.e. both HMOs and non-HMOs) and also the relative location of such properties.** The LDP at paragraph 2.5.94 provides a general guide that applications for HMOs that breach (i.e. are less than) a 1:8 ratio within small streets will normally be resisted. This ratio guide will be used as the starting point to judge whether a disproportionate concentration would arise. It is recognised however that there could feasibly be a scenario where a ratio less than 1:8 could not reasonably be judged to give rise to any significant degree of concentration, for example having regard to the relative location of HMOs and the size of the street. As such, a sensible and pragmatic approach will be taken to determine whether the specific ratio that would arise as a result

of a HMO proposal is considered appropriate having regard to all *material considerations*.

- 3.3.9 Set out in Appendix 2 are a number of worked examples to demonstrate how the small streets test will be implemented. These examples include an illustrated case where the proposal would lead to an unacceptable and disproportionate over-concentration of HMOs in the small street. An example is also provided of a scenario where although the 1 in 8 ratio is exceeded in the small street, the street is quite long, there are only properties on one side of the majority of the street, and the existing HMOs are located at the extreme opposite end of the small street from the planning application, and so the proposal would be less likely to result in a harmful HMO concentration within the small street, even though it would numerically exceed the 1 in 8 ratio.

Streets of Fewer than 11 Properties

- 3.3.10 Where streets are even smaller than the above definition of 'small streets' (i.e. they comprise of fewer than 11 properties), the following caps to the number of HMOs permissible will be strictly applied as a measure of disproportionate concentration of HMOs in that street (as described in the LDP para 2.5.95):
- Within the HMO Management Area, a maximum of two HMO properties will be permitted within streets of fewer than 11 properties.

- Outside the HMO Management Area, a maximum of one HMO property will be permitted within streets of fewer than 11 properties.

- 3.3.11 Whilst the numbers of HMOs on streets of fewer than 11 will be capped at these levels, it will not always follow that a HMO proposal that does not exceed the capped number will always be permitted. The decision maker must always consider all other *material considerations* that apply, such as potential 'sandwiching' of properties between HMOs, which could be a deciding factor in deciding whether a proposal is considered acceptable.

3.4 Non-sandwiching Test

- 3.4.1 LDP Policy H 9 (criterion iii) seeks to preclude an existing C3 dwelling from being 'sandwiched' between adjoining HMO properties in order to avoid potential negative effects upon a residential property that can arise from having HMO properties as neighbours on both sides, having particular regard to impacts on amenity and community cohesion. This can include instances of increased likelihood of disturbance, residents being unable to forge long term associations/relationships with transient neighbours on both sides of their property, and exacerbated wider impacts such as waste management issues.

- 3.4.2 Planning applications for HMOs that would result in a C3 dwelling being ‘sandwiched’ between adjoining HMOs sharing the same street frontage will not normally be supported as a matter of principle. In order to approve a HMO application that would ‘sandwich’ a C3 dwelling (non HMO property), the decision maker will need to clearly justify that there is a particular, overriding *material consideration* that applies to the specific application that they consider is a defining issue that outweighs this principle in the planning balance. Any approval of planning permission for a HMO that would result in a C3 dwelling being ‘sandwiched’ must acknowledge that this would be a departure to LDP Policy H 9.
- 3.4.3 The LDP at paragraph 2.5.78 provides commentary on specific exceptional circumstances for consideration in relation to proposals that breach the maximum thresholds defined in Policy H9 i.e. criteria i and ii. For the avoidance of doubt, the issue of ‘sandwiching’ set out in criteria iii of the policy is self-evidently not a maximum threshold test.
- 3.4.4 Consistent with the principle of preventing sandwiching to safeguard amenity, proposals for non-HMO properties that are already ‘sandwiched’ between two existing HMOs to become HMOs may be considered favourably, even where this would lead to the threshold in the area being exceeded. Such a scenario is an example of an exceptional

circumstance that can justify a HMO threshold being exceeded (as described in Section 3.7 of this SPG).

- 3.4.5 LDP policy H 9 (para 2.5.101) clarifies that ‘sandwiching’ will only be deemed to occur where the properties share the same street frontage. This will include where adjacent properties on the same street frontage are separated by a pedestrian alleyway, since in such cases there is still not sufficient separation between the properties.
- 3.4.6 Sandwiching will not be deemed to occur however where the properties are separated by an intersecting classified road, or where properties have a back to back relationship on different streets.
- 3.4.7 Set out in Appendix 2 are a number of worked examples to demonstrate when sandwiching will be deemed to have occurred or not.

3.5 Property Suitability for HMO Use

Overview

- 3.5.1 LDP Policy H 9 makes clear that the property being proposed for use as an HMO needs to be suited for such a HMO in terms of its size, layout and ability to safeguard the amenity of residents affected. Proposals must demonstrate that the property is suitable for occupation as a HMO by the specific number of occupiers stipulated in the application.

- 3.5.2 To be considered suitable for HMO use, the property should provide satisfactory private amenity space and appropriate room sizes. Further guidance on what will be expected to be provided, is set out below. Sufficient details, including scale plans should be submitted with the planning application to demonstrate that satisfactory provision will be made. Scale plans should include existing and proposed site plan, block plan and floor plans.
- 3.5.3 LDP Policy H 9 also requires HMOs to have no unacceptable adverse impacts caused by noise or general disturbance.
- 3.5.4 A wide range of issues that fall under the banner of 'property suitability' are described under the sub headings that follow.

Room Sizes

- 3.5.5 LDP Policy H 9 is clear that HMO properties will need to have appropriate room sizes to be considered acceptable. It states (LDP para 2.5.102) proposals that would give rise to cramped living conditions for future occupiers will be resisted.
- 3.5.6 LDP Policy PS 2 'Placemaking and Place Management' similarly states that the design, layout and orientation of proposed buildings, and the spaces

between them, should provide for an attractive, legible, healthy, accessible and safe environment. The supporting text to Policy PS2 states that internal floor dimensions of living spaces are considered an important element of maintaining appropriate amenity standards and providing for healthy and attractive environments. This applies to both new buildings and conversions. For example, the conversion of existing buildings for residential use must not result in an over-intensive use of that building, such as giving rise to cramped living conditions and/or rooms with insufficient windows.

- 3.5.7 In order to provide clarity to developers on what the Authority considers to be appropriate room size standards, all HMO proposals should accord with the guidance set out in the Council's adopted HMO Licensing Policy⁶ regarding minimum floor areas for bedrooms and kitchens in licensed HMOs regardless of whether the property is located within the *Additional* or *Mandatory Licensing Area* and whether the property requires a Licence under the Housing Act. These standards are set out below:
- Single bedroom - 6.5 m²
 - Double bedroom – 10.2 m²
 - Kitchen (used by 1-5 persons) – minimum 7 m²

⁶ HMO Amenity Standards – A Guide for Landlords of Bedsits, Shared Housing, and Other Housing in Multiple Occupation. Appendix A HMO Licensing Policy 2016. City & County of Swansea. January 2016.

- Kitchen (used by 6-10 persons) – minimum 10.5 m²

3.5.8 These are the minimum room sizes that are accepted for the purpose of licensing. They offer an appropriate and consistent benchmark for the determination of planning applications and represent the minimum room sizes that will be expected.

3.5.9 When considering whether room sizes are appropriate, account should be taken of what is the habitable floor space, including consideration of ceiling heights and headroom.

Communal Space

3.5.10 In planning terms, a communal space for occupiers to congregate is considered an important aspect of providing satisfactory private amenity space for HMO occupiers to ensure suitable living conditions. The lack of suitable communal space, such as a lounge area, can lead to occupants being reliant entirely on bedrooms for relaxation and leisure time, which is not conducive to the objective of promoting good health and wellbeing.

3.5.11 The size of the communal space provided must be appropriate for the number of occupants proposed within the HMO, and should be capable of accommodating sufficient areas for seating, socialising and where relevant dining. Fundamentally, the proposed communal space must not give rise to

cramped living conditions. Regard must be had to the size of the kitchen provision within the property in deciding whether or not an area for dining will need to be provided within the communal space. The minimum room size standards for kitchens defined in this SPG are not considered likely to incorporate sufficient space for dining within the kitchen area.

Securing Satisfactory Living Conditions

3.5.12 When granting planning permission, the Council may apply a planning condition that requires the HMO use of the property to be limited to a maximum number of persons having regard to the appropriate number of bedrooms, and that no more occupants shall be at any one time occupying the property, in accordance with the internal layout indicated on the approved floor plans. This approach can help to prevent an increase in the numbers of occupiers of a property without scrutiny of a planning application, and thereby safeguard against detrimental amenity impacts associated with cramped living conditions and reduced shared spaces.

3.5.13 Additional occupiers of a dwelling (in excess of the number specified on a planning application as the total to share a HMO) would likely result in the need for extra bedrooms within the property. This could only be achieved by amending the layout of the approved HMO by means of either creating smaller bedrooms through sub-division or removing the

shared living room. This could result in bedrooms that are cramped and/or without windows, and can result in a lack of communal space, all of which would be unacceptable to both amenity and the future well-being of the occupiers. Whilst planning conditions are not typically used to control internal spaces, the LPA will consider the need for any such planning conditions in the case of HMO proposals, if it is considered they are necessary to secure satisfactory future living conditions having regard to the nature of the property and the potential impact upon neighbouring occupiers should such alterations be likely to lead to further intensification of the use.

- 3.5.14 The Council may also grant planning permission subject to a condition that removes permitted development rights to extend the property without the benefit of planning permission. The LPA will consider the need for such a planning condition having regard to whether the specific nature of the dwelling, and its relationship with adjoining properties, gives rise to particular concerns that future permitted development extensions could lead to unacceptable intensification.

Satisfactory Outdoor Private Amenity Space

- 3.5.15 Occupants should have access to usable, private outdoor amenity space, which includes 'functional' areas necessary for refuse storage, bicycle and car parking, as well as more generally to provide

satisfactory living conditions. The range of functions that such spaces provide include children's play areas, gardening areas, a place for drying clothes, and areas for sitting out and relaxing in a private setting.

- 3.5.16 The requirement to provide outdoor private amenity space can be met through the provision of a communal area (such as a rear garden or roof terrace), so long as it is of sufficient size and layout to provide for every occupant of the property that it serves. It can also include a private balcony, or a combination of these.
- 3.5.17 Areas to the front of a building visible to the public highway will not be considered to fulfil the requirement for satisfactory outdoor private amenity space.
- 3.5.18 Access for occupants of the property to the outdoor private amenity space must be from a communal part of the dwelling, and not from a private bedroom (except in the case of private balconies). The amenity space should not result in inappropriate overlooking of bedroom windows within the HMO or result in significant adverse impacts on the amenity of neighbours.
- 3.5.19 Where part of a non-residential building being converted into a HMO remains in use for commercial purposes, or where there are adjoining commercial premises, it must be possible to provide outdoor space without adversely impacting upon the servicing

and security of neighbouring business properties, as well as safeguarding the amenity of the occupants of the residential property.

- 3.5.20 Extensions to existing HMOs to increase accommodation must not unacceptably compromise the ability of existing areas of outdoor private amenity space to provide satisfactory levels of amenity space for residents.

Noise, General Disturbance and Privacy

- 3.5.21 LDP Policy H 9 requires that HMO proposals do not give rise to unacceptable adverse impacts as a result of noise or general disturbance. It states (LDP para 2.5.98) that consideration will be given to the use of noise insulation measures having regard to the design and layout of the properties that would be affected. Whilst this matter is primarily the preserve of Building Regulations, the LPA may deem it necessary to attach planning conditions to require the installation of sound insulation to properties that are proposed for HMO use, such as soft closing fire doors and/or soundproofing measures.
- 3.5.22 Policy PS 2 states that the design, layout and orientation of proposed buildings, and the spaces between them, should provide for an attractive, legible, healthy, accessible and safe environment. All proposals should ensure that no significant adverse impacts would be caused to people's amenity. The

supporting text (para 2.2.11) states that poor design not only detracts from the character and appearance of an area, but can harm neighbours' quality of life. Potential impacts on people's amenity will be assessed by considering elements such as visual impact, loss of light, overlooking, privacy, disturbance and likely traffic movements.

- 3.5.23 HMOs are likely to be used by people less connected to each other than a dwelling house. This can result in a greater number of movements and disturbance to those living within, and nearby a HMO. The propensity for such disturbance to arise will be a factor in the determination of HMO proposals.
- 3.5.24 Rooms should be arranged and designed in a manner that minimises the potential for noise and general disturbance.
- 3.5.25 Conversion schemes should reduce the transmission of sound (e.g. from music and televisions) between floors, ceilings, adjoining rooms and properties by means of acoustic insulation. Where such measures are considered necessary to make the proposed change of use to a HMO acceptable, the Council may use planning conditions to require that insulation be installed in the interests of providing and safeguarding reasonable living standards.
- 3.5.26 HMOs that are above other premises such as shops or offices should have their own separate access to the street frontage, and not share an entrance, to

avoid conflict with the commercial properties on the lower floor(s).

- 3.5.27 Rear or side access will only be acceptable as the primary access if it is well lit and already extensively used for this purpose. External staircases at the back of the property, for example from a back alley, will not be acceptable as the main access as they result in a loss of privacy for neighbouring properties.
- 3.5.28 LDP supporting text 2.5.98 sets out that the principles of the Council's Design Guide for Householder Development (available at www.swansea.gov.uk/spg) will be applied to HMOs to protect residential amenity. Maintaining privacy between HMOs and neighbouring properties will be carefully considered as part of each planning application.
- 3.5.29 All habitable rooms will be required to have windows as a means of outlook, light and ventilation. As an example, a living room or bedroom reliant on roof lights or having an immediate outlook at a high wall is likely to result in a sense of enclosure and is not acceptable. Lounges, kitchens, other communal areas and bedrooms should have sufficient outlook without compromising the privacy of occupants' bedrooms or neighbouring properties. It will not be acceptable to obscure glaze a habitable room in order to avoid overlooking issues.
- 3.5.30 In cases where it may be appropriate to split larger rooms into smaller rooms, it is not appropriate in

terms of design for bedrooms to share an existing window.

Refuse Storage

- 3.5.31 LDP Policy H 9 requires HMOs to have dedicated areas for refuse storage. It states (para. 2.5.81) that all HMOs will be required to incorporate adequate and effective provision for the storage, recycling and other sustainable management of waste, and where relevant allow for appropriate access arrangements for recycling and refuse collection vehicles and personnel. All refuse and recycling for HMOs should be suitably stored in landlord provided bins pending disposal. These bins should be stored within a dedicated, covered refuse store of an appropriate design and size that is able to accommodate the maximum number of bins required, based on an assessment of refuse emerging. All refuse storage areas should be located to the rear of properties where possible. Proposals for refuse storage to the front of properties that would detract from the local street scene will not be permitted.
- 3.5.32 Where refuse storage is not practical at the rear of the property, the applicant should provide justification and demonstrate that all refuse storage areas visible from the public realm will be well integrated into the street scene.

- 3.5.33 External refuse storage areas must not have an adverse impact on the availability of outdoor private amenity space.
- 3.5.34 For the avoidance of doubt, sufficient information should be submitted to accompany the planning application in order that the LPA is able to determine the design, siting and capacity of the proposed refuse storage arrangements.
- 3.5.35 The LPA will consult where necessary with the Council's Waste Management Service and Housing and Public Health Service to ascertain whether the refuse storage arrangements, including the size of the storage area, are considered sufficient for the size of the property.
- 3.5.36 The Council is likely to impose a planning condition that the approved details should be implemented prior to the beneficial use of the development and thereafter be retained in perpetuity and not used for any other purpose.
- 3.5.37 Planning applications that cannot demonstrate suitable dedicated areas for refuse storage will not be permitted.

3.6 Vehicle Parking and Bicycle Storage

- 3.6.1 LDP policies T 2 and T 6 require the provision of appropriate vehicle and cycle parking. A requirement for development to create and enhance opportunities

for *Active Travel* is set out under Policy PS 2: Placemaking and Place Management.

- 3.6.2 The Council has adopted SPG on Parking Standards (available at www.swansea.gov.uk/spg), which is also material to decisions on HMO planning applications. Having regard to the Parking Standards SPG, the LPA will adopt a two tier approach for parking requirements for HMOs:

1. For Small HMOs (C4 Use Class):

Proposals for the conversion of a property to C4 Use Class (and proposals to build a new C4 HMO) will be subject to the same maximum parking standards that apply to C3 dwelling houses. C3 dwellings are defined in the current Parking Standards SPG as 'Houses (General Purpose)'.

2. For Large HMOs (Unique Use Class):

a. Proposals for the conversion of a property to an Unique Use HMO, will be subject to the parking standards that apply for 'Houses in Multiple Occupation' as defined in the current adopted Parking Standards SPG, taking into account the parking requirements for the existing use of the property (i.e. 3 car parking spaces for up to 6 sharing in a C3 dwelling and 1 space per additional bedroom thereafter).

- b. Proposals for new build Unique Use HMOs within the area defined as 'Zone 1' in the current Parking Standards SPG will be subject to the same maximum parking standards that apply for PBSA in the SPG. However proposals for Unique Use HMOs within all other areas will be subject to the parking standards that apply for 'Houses in Multiple Occupation' as defined in the current adopted Parking Standards SPG. The fall-back position in terms of the existing use of a property, and the demand for parking for that existing use, should be considered.
- 3.6.3 Evidence relating to particular parking and highway safety issues that exist in the locality will be considered as a material consideration for HMO proposals. This includes evidence relating to numbers of accidents and whether there are any particular land uses in the locality that generate high levels of traffic and car parking.
- 3.6.4 Applications that propose a level of parking less than the standard requirements, will need to justify such proposals having regard to the Sustainability Matrix set out in the Council's SPG for Parking Standards.
- 3.6.5 Where there is evidence that there is a parking issue in the area, the LPA may seek to apply planning conditions which remove the opportunity for occupants to apply for a parking permit.
- 3.6.6 Covered and secure cycle parking should be provided in HMO proposals on the same basis as for PBSA, which require 1 stand per 2 bedrooms. There may be circumstances where increased provision in cycle storage could be considered as part of an applicant's justification for lower car parking provision. However the LPA will consider each case on its own merit.
- 3.6.7 Cycle parking and storage provision should be integrated into the design of a HMO from the outset. Cycle storage in habitable rooms and internal communal or circulation areas is not an acceptable solution. To encourage this sustainable mode of travel, and safeguard the visual amenity of the locality and the residential amenity of future occupiers, cycle storage should be provided in a secure, dedicated undercover cycle storage area which is able to accommodate the maximum number of cycles required. Where rear access arrangements allow, cycle storage should be provided to the rear of properties, rather than in front gardens. All cycle storage areas visible from the public realm should be well integrated into the street scene and visually unobtrusive. Further information is provided in 'Places to Live: Residential Design Guide SPG' (available at www.swansea.gov.uk/spg).
- 3.6.8 Applicants must provide sufficient information to enable the LPA to determine whether the design, siting and capacity of the cycle storage proposed is appropriate. The Council is likely to impose a planning

condition requiring that approved details are implemented prior to the beneficial use of the development and that thereafter these facilities are retained in perpetuity and not used for any other purpose.

3.7 Exceptional Circumstances and Material Considerations

3.7.1 Policy H 9 highlights that there may be certain instances when specific *material considerations* and/or exceptional circumstances demonstrably outweigh the outcome of the maximum threshold 'tests' in the planning balance. That is, whether or not a proposal is found to comply or not comply with the 50m radius threshold test will not on every occasion be the final determining factor as to whether planning permission for a HMO is approved or refused.

3.7.2 In some instances a **HMO proposal may be considered by the LPA to be unacceptable development at variance with Policy H 9 (or other relevant LDP policy), even though it would not give rise to the threshold limit being exceeded within the 50m radius.** Whether or not a *material consideration* would on balance render a proposal unacceptable, notwithstanding the 'threshold test' being satisfied, will depend on consideration of the particular circumstances pertaining to the application

and whether evidence exists that a significant adverse effect would arise.

3.7.3 *Material considerations* refer to matters that should be taken into account when making a decision on an application for planning permission, including the determination of an appeal. Such considerations must be relevant planning matters, having regard to national guidance. It is not possible to produce an exhaustive list of every possible *material consideration* that could affect the outcome of a decision. *Material considerations* are varied and the relevance of the issue will depend on the individual circumstances of each application. By way of examples however they include matters relating to:

- Highway safety
- Loss of privacy
- Loss of light or overshadowing
- Parking
- Noise
- Effect on *listed building and conservation areas*
- Visual appearance, design and layout
- Government policy
- Previous planning decisions (including appeal decisions)
- A community's need for affordable housing.

3.7.4 Common matters that are not relevant to the planning decision making process (i.e. non-material planning considerations) include, for example:

- Matters controlled under building regulations
- Loss of property value
- The identity/characteristics of potential future occupiers of a HMO property.

3.7.5 HMO properties can sometimes generate 'To Let' advertising boards, which collectively can detract from the appearance of the streetscene. The potential for a proposed HMO to give rise to a To Let board is not in itself a material consideration in determining the planning merits of the proposal. The control of the display of 'To Let' boards is, however, covered by national regulations (the Town and Country Planning (Control of Advertisements) Regulations 1992) and the Council has a voluntary code for advertisers regarding such signage www.swansea.gov.uk/planning.

3.7.6 Whilst the LPA will normally seek to resist HMO proposals that would breach maximum permitted thresholds, the LPA will consider on a case by case basis whether exceptional circumstances apply. This includes instances of HMO proposals within areas already subject to 'very high' existing concentrations of HMOs. The LPA will carefully consider whether any specific supporting evidence and information submitted to accompany the planning application sufficiently demonstrates that exceptional circumstances justify a departure from the threshold test. This approach recognises that, for example, there can be specific circumstances where evidence

indicates the market for certain C3 residential properties is demonstrably weaker and/or the application property is more suited to a HMO use than non-shared accommodation, particularly in the case of certain larger dwellings or properties requiring significant repair works within a very high concentration of other HMO uses. In these exceptional instances, it may be more appropriate to take a flexible approach to ensure the sustainable use of these properties rather than have C3 properties standing vacant for long periods.

3.7.7 Proposals that would introduce further HMOs beyond the maximum thresholds stated in LDP Policy H9 in criteria i and ii must be accompanied by a comprehensive assessment that considers all of the following criteria, in order to enable the Council to fully assess whether there are exceptional circumstances that justify a departure from the threshold test:

- a) Evidence of whether the property has been marketed for a C3 use at a reasonable asking price for a period of at least 6 months using recognised estate/lettings agents. This should include evidence of the advertising particulars, including the asking price, and proof of the marketing dates, along with information on the numbers of viewings and offers received regarding the property. The Council will consider the appropriateness of the asking price compared to other similar properties in the area.

b) Reasons why, and evidence to justify, that the property is unviable for C3 use (e.g. financial viability of any renovations needed). This information should be submitted with the planning application including evidence of quotes received for required renovation works.

c) Any particular characteristics of the property (e.g. its large scale or specific layout) which make it suited to HMO use and unsuitable for other uses such as C3. For example, whether or not the property has been used for commercial use and there is evidence submitted to show this extant use is no longer viable will be considered. The information should be submitted with the planning application and may relate to the evidence regarding the level of interest received when marketing the property.

d) Any other evidence considered by the applicant to justify why a HMO use is more appropriate than a C3 residential use. This could include for example, whether the property is located in a mixed use area and/or in close proximity to commercial uses already subject to noise disturbance.

3.7.8 Another potential exceptional circumstance includes HMO proposals relating to properties in C3 residential use that are already 'sandwiched' between two HMOs. Exceeding the threshold in the area may be considered permissible in such circumstances, if the

applicant is experiencing adverse amenity impacts from such a scenario. Such circumstances can reasonably be considered the 'flipside' of the objective of Policy H9 to avoid sandwiching. That is, given the purpose of this element of the policy is to safeguard the amenity of C3 property occupants by precluding new HMOs that would lead to sandwiching, it follows that planning decisions should also consider the amenity concerns of occupants that are already sandwiched.

3.7.9 It is imperative that sufficient information is submitted as part of any planning application for the LPA to be in a position to fully consider whether, on balance, a proposal for an additional HMO is acceptable even though the proposal would self-evidently further breach the threshold. In such cases the proposal must otherwise accord with Policy H 9 and other LDP policy.



4. Guidance on PBSA Development

4.1. Definitions

4.1.1 For the purposes of LDP Policy H11, and this SPG, a proposal is considered to fall under the definition of PBSA if the development:

- is designed to provide accommodation for students at higher or further education institutions, and
- provides accommodation arranged in the form of single or shared rooms, which may or may not have en-suite facilities, and that share the use of a kitchen, as well as potentially sharing other communal spaces and amenities provided within the development. These shared spaces and amenities can include a shared bathroom, communal lounge, common room, laundry room, and/or other facilities.

4.1.2 PBSA schemes can comprise new build development or the conversion of existing premises, such as office space.

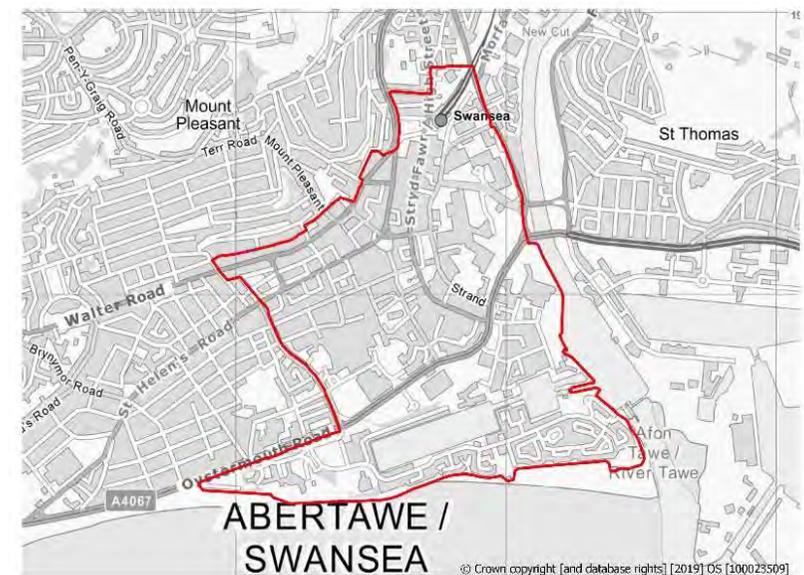
4.1.3 Whilst there is no specific size at which a property falls to be considered a PBSA, these developments will be larger than HMO properties. Having regard to evidence on typical maximum sizes of Large HMOs, a development would not be considered a PBSA if it contains fewer than 10 individual bedrooms. PBSA proposals are capable of providing accommodation

into the many hundreds of units, and in many instances can be large scale, dense developments.

4.2 Assessing the Availability and Suitability of Potential Sites

4.2.1 LDP Policy H 11 emphasises that proposals for PBSA should normally be located within the *Swansea Central Area* or within a Higher Education campus. The extent of the *Swansea Central Area* is defined on the *LDP Proposals Map*. It is also illustrated in Figure 4 of this SPG for ease of reference.

Figure 4: SD J – Swansea Central Area (within the solid red line)



4.2.2 *Swansea Central Area* has good access to services, facilities and public transport connections to Swansea's higher and further education buildings. Locating PBSA development within the *Swansea Central Area* accords with the Council's aims to increase City Centre living and levels of footfall in the area, thereby contributing towards enhancing the City Centre's vitality and viability. The Council wishes to avoid development of student accommodation that is unsustainable, in terms of access to services, facilities and availability of public transport, and also ensure such development would not be to the detriment of the regeneration aims for the *Swansea Central Area*.

4.2.3 Applicants proposing PBSA must therefore, in the first instance, assess the availability and suitability of potential sites and premises in the *Swansea Central Area*, unless the proposed site is within a Higher Education Campus and is in accordance with the exception criteria (i), (ii) and (iii) stipulated in LDP Policy H11. To assess the availability of potential sites and premises within the *Swansea Central Area*, the assessment should include information on site availability and suitability. Under each of these two themes are set out guidance on what information will be necessary to demonstrate a robust assessment has been undertaken into site/premises availability.

Site Availability

4.2.4 Site Ownership and Land Assembly:

- What is the land ownership / land assembly arrangement of the site/premises and why would this have the potential to constrain the future development of the site?
- Is the site/premises within single or multiple ownership?
- Are there any ransom strips, covenants and/or public rights of way which would restrict its availability?

4.2.5 Marketing:

- Is the site or premises vacant?
- Is the site or premises being advertised for sale on the open market?
- Are there any known marketing issues that would constrain the future development of the site in terms of its availability to purchase?

4.2.6 If the availability of the site or premises is unknown, the applicant must demonstrate as part of the assessment that reasonable steps have been undertaken to establish the relevant information.

Site Suitability

4.2.7 To assess the suitability of potential sites and premises within the *Swansea Central Area*, the assessment must include adequately detailed information on the following five themes. Under each theme are set out some of the considerations which should be drawn upon to demonstrate a robust assessment has been undertaken into the suitability of sites/premises for PBSA.

1. Site size and capacity:

- Is the site or premises a sufficient size to accommodate the proposed development?

2. Policy merits / constraints:

- What site-specific policies contained within the LDP are relevant to the site or premises and do these make it unsuitable for PBSA development?
- What is the current use and condition of the potential site or premises?
- Are there any other considerations which make the site or premises unsuitable for development? e.g. is PBSA compatible with the surrounding land uses, are unacceptable amenity impacts likely to occur?, etc.

3. Planning History:

- What is the known planning history of the site or premises? Applicants can refer to the Council's

online planning history database to access this information.

- Is the site or premises subject to an extant planning permission for another form of development? If so, what is the likelihood/timescale of permission being implemented?
- Does the planning history/status represent a potential constraint to the future development of the site or premises?

4. Accessibility:

- How accessible is the site or premises to key facilities and services via sustainable transport modes?
- How accessible are the existing University campuses via sustainable transport modes?
- Are there any other site or premises specific access constraints which mean the site is not suitable?

5. Any other constraints:

- Are there any other constraints that would restrict the future development of the site or premises e.g. drainage capacity, or land contamination?

4.2.8 If any of the above criteria regarding the suitability of the site is unknown, the applicant must demonstrate as part of the assessment that reasonable steps have been undertaken to establish the relevant information.

4.3 Design and Amenity

4.3.1 In accordance with the requirements of LDP Policy PS2 Placemaking and Place Management, all new PBSA development should be designed such that it responds to its local context and improves the overall standard of the built environment.

4.3.2 PBSA proposals, by their nature, are usually high-density developments. The LPA supports the principle of high density living and energy efficient design, provided it is appropriately located, is sensitively designed and would suitably integrate with surrounding areas. The LPA will expect evidence within the planning application to show how the applicant has arrived at the design and how this positively relates to its context. This may require a Townscape and Visual Impact Assessment and/or Heritage Impact Assessment, depending on the location of the site and surrounding characteristics. Proposals for new development should have regard to the desirability of preserving the setting of any *listed building*, as the setting of such structures are often a key part of its character.

4.3.3 Although provision of PBSA will be encouraged within the *Swansea Central Area*, careful consideration will be given to the potential impact on the amenity of, or potential for conflicts with, surrounding uses. The LPA will resist inappropriate development where it would be detrimental to the amenity of occupants

within neighbouring development and within the proposed development itself. This may be due to overlooking, overshadowing or adverse micro-climatic conditions. This is particularly relevant for a tall building proposal. Proposed buildings should be designed to maximise the living conditions of its inhabitants. All habitable rooms should benefit from natural light, a means of outlook, ventilation, and a level of privacy.

4.3.4 Planning conditions will generally be used to restrict occupation of PBSA to students. Any proposal to convert an approved PBSA development to C3 residential use will be required to submit a full and separate planning application, since such developments do not typically provide appropriate accommodation or facilities for unrestricted 'open market' residential use.

4.3.5 PBSA developments provide a distinct form of residential accommodation for a specific user (i.e. students), in particular providing accommodation that is used by tenants on a transient basis – typically during term time and for less than a year – after which time the tenant moves on. In addition, a student's bedroom and related habitable areas within a PBSA does not usually provide that person's sole residence. Given this, the full extent of amenity spaces and standards that applies to C3 residential development providing permanent homes (for example access to a minimum size of private or shared garden) may not be

a requirement of a PBSA development. A residential C3 use of a PBSA building is also likely to generate additional parking requirements that may not be capable of being provided on site, which could give rise to unacceptable impacts. Having regard to the differences between PBSA and 'unrestricted' C3 residential development, the Council would anticipate significant works would often be required to a PBSA to change the size, layout and configuration of the habitable space within it, as well as providing appropriate parking provision, in order for a C3 residential use to be considered acceptable. Certain PBSA may ultimately not be capable of conversion to C3 residential use, and the suitability for such proposals will be considered by the LPA on a case by case basis.

- 4.3.6 Any proposals for a change of use from PBSA to residential development would be considered having regard to all the relevant policies in the LDP, which includes the requirements set out in the Plan for residential development to provide affordable housing. Unlike a proposed change of use from a commercial property (such as office) to C3 residential use, a change of use proposal from PBSA to C3 residential use would not be exempt from LDP policies requiring affordable housing to be provided on residential developments.
- 4.3.7 Planning applications for PBSA development should include an Adaptability Statement to consider how the

proposal would not prejudice future uses, such as a hotel use.

- 4.3.8 Landscaping plays an important part in helping to integrate new development into the surroundings and PBSA developments will be expected to include appropriate levels of Green Infrastructure, including landscaping, for aesthetic and functional purposes. The LPA encourages the use of indigenous species in such schemes and on-going management of these areas will be secured via Section 106 agreements in certain circumstances.
- 4.3.9 PBSA development should be designed to encourage the prevention of crime through thoughtful design, layout and lighting in-line with LDP Policy SI 8. Access routes should be designed to be over-looked by building frontages, wherever possible, and security lighting used to minimise the risk of crime whilst avoiding unnecessary light pollution. The Council's SPG relating to 'Planning for Community Safety' (available at www.swansea.gov.uk/spg) provides further guidance on increasing community safety and reducing crime and the fear of crime, in order to improve the quality of life for existing and future students and residents.
- 4.3.10 Proposals for tall PBSA developments will need to have regard to the Council's Tall Buildings Strategy SPG (available at www.swansea.gov.uk/spg). The SPG defines tall buildings as a 'building that is more

than twice the height of adjacent buildings'. The guidance identifies zones within the *Swansea Central Area* where tall buildings are 'welcomed' and other areas where they may be 'considered'. There is a general presumption against tall buildings outside of the areas identified for visual and infrastructure reasons. The guidance also sets out guidelines for the design of such tall buildings. Taller, higher density PBSA, are unlikely to be supported in locations within or adjoining existing residential neighbourhoods, as this is likely to conflict with the existing character and amenity of the area.

4.4 Refuse and Recycling Storage

4.4.1 All PBSA proposals will be required to incorporate adequate and effective provision for the storage, recycling and other sustainable management of waste, and allow for appropriate access arrangements for recycling and refuse collection vehicles and personnel in-line with LDP Policy RP 10: Sustainable Waste Management for New Development.

4.4.2 The following information should be provided as part of the planning application, to demonstrate how waste will be managed:

- Scale plans demonstrating an adequate footprint for the internal and external on-site waste, recycling, composting, separation and storage facilities; and

- Details of proposed access routes for 26 tonne recycling and refuse collection vehicles, including adequately sized access pathways and service roads with suitable dropped kerbs and crossovers. These requirements will need to be considered in accordance with the User Hierarchy as featured in Manual for Streets.

4.5 Car and Bicycle Parking

Parking Standards – Cars

4.5.1 Parking provision for PBSA will be assessed against the adopted maximum parking standards set out within the Council's SPG relating to Parking Standards. These parking standards will be material to decisions on individual planning applications. The current maximum standards for PBSA are as follows:

Figure 5: Current Maximum Parking Standards for PBSA

PBSA – Maximum Car Parking Standards		
	Residents	Visitors
ZONE 1	1 space per 25 beds for servicing, wardens and drop-off areas	Nil
ZONE 2 TO 6		1 space per 10 beds (for students & or visitors)

Source: Swansea Council SPG Parking Standards

4.5.2 Notes 1-8 of the current SPG Parking Standards will still be applied.

4.5.3 The guidance figures given are maximum standards and flexibility can be justified in appropriate circumstances in accordance with the sustainability matrix (as set out in Appendix 5 of the Car Parking Standards SPG). Furthermore, the supporting text to LDP Policy T 6 (para 2.12.35) states that a degree of flexibility in the operation of existing guidelines may be appropriate where *Swansea Central Area* developments have been vacant for long periods of time and a relaxation of the parking requirements would contribute to the wider regeneration strategy for the City Centre.

4.5.4 In terms of the Sustainability Matrix, points will be awarded to developments in terms of walking distance to local facilities, public transport, cycle routes and the frequency of local public transport. Where an applicant wishes a reduced standard of parking to be considered, the form within Appendix 5 of the Car Parking Standards SPG should be completed and submitted, and be accompanied by relevant evidence.

4.5.5 In instances where parking cannot be provided on site, or it is judged as not being required on other grounds beyond the Sustainability Matrix (this could be, for example, there is no available on street parking nearby; or there are overriding regeneration objectives), the applicant may be required to provide a financial contribution towards alternative transport measures where appropriate or identified parking management arrangements.

4.5.6 Other than for Zone 1 locations, a reduction shall not be applied unless an acceptable travel plan is also submitted. In addition to this, a condition requiring a legal tenancy agreement to prevent students parking on neighbouring streets within a 3 mile radius of the accommodation building may also be applied to some developments. Additional car parking management details will need to be included within a submitted Management Plan to demonstrate, for example, how tenancy agreements and car parking will be managed to avoid highway issues arising, etc.

Parking Standards - Bicycles

4.5.7 In terms of bicycle parking the following standards will be required for PBSA as set out in the Parking Standards SPG.

Figure 6: Bicycle parking standards for PBSA

PBSA – Cycle Parking		
	Long Stay	Short Stay
All Zones	1 stand per 2 bedrooms	No requirement

Source: Swansea Council SPG Parking Standards

4.5.8 In some instances, increased bicycle provision may be included as part of a case to justify a reduction in car parking. The LPA will consider the appropriateness of this approach on a case-by-case basis. Further detail on motorcycle parking is outlined in the Parking Standards SPG, which states the

amount of motorcycle parking provision should be based on 5% of total car parking provision.

4.6 Management Plan

- 4.6.1 A Management Plan will be required to be submitted as part of any PBSA planning application. This must detail how it will be ensured that the development will conform to LDP policy and continue to do so once in operation. The Management Plan will need to include information on how the development is intended to be managed to deliver a safe and positive environment for students, whilst reducing the risk of negative impacts on neighbouring areas and residents.
- 4.6.2 The Management Plan should, at a minimum, include the following:
1. Information on the general maintenance and management of the site, including external amenity / landscape space
 2. The arrangements in place in terms of servicing – deliveries and waste/recycling storage and collection
 3. A travel plan, including the management of (residents and visitor) parking. This will also need to demonstrate the measures in place to encourage use of sustainable methods of transport and how any tenancy agreement will be managed

4. Details on the management of traffic particularly at the beginning and end of term
5. Measures relating to site safety and security (such as CCTV, adequate lighting and intercom systems, security doors, etc.) in order to create a safe environment for occupants and to reduce the opportunities for crime
6. Procedures for minimising and managing community complaints, such as issues relating to noise, and anti-social behaviour. Details may include soundproofing, noise control measures, code of conducts for student behaviour, complaints procedures, University / Student liaison officer, etc.
7. Details of the tenancy agreement

Appendices

Appendix 1a - LDP Policy H9

H 9: Houses in Multiple Occupation

Proposals for the conversion of a dwelling or non-residential property to a House in Multiple Occupation (HMO) will only be permitted where:

- i. Within the HMO Management Area, it would not lead to more than 25% of all residential properties within a 50m radius of the proposal being HMOs;
- ii. Outside of the HMO Management Area, it would not lead to more than 10% of all residential properties within a 50m radius of the proposal being HMOs;
- iii. The development would not result in a Class C3 dwelling being 'sandwiched' between adjoining HMO properties;
- iv. The property is suited for use as a HMO, and will provide satisfactory private amenity space, dedicated areas for refuse storage and appropriate room sizes; and
- v. There would be no unacceptable adverse impacts caused by noise nuisance and general disturbance.

HMO proposals within small streets that do not breach the 50m radius maximum threshold will not be supported if the proposal would create a disproportionate over concentration of HMOs within that street.

HMO proposals that would lead to a breach of the maximum thresholds will only be permitted where there are exceptional circumstances or overriding material considerations that demonstrably outweigh any concerns regarding harmful concentration or intensification.

2.5.68 It is likely that there will continue to be a need for new *Houses in Multiple Occupation (HMOs)* over the lifetime of the Plan to meet both an occupier demand and a societal need, including need arising from the effects of welfare reforms and the increase in student numbers associated with Swansea's expanding universities. It is important however that future HMO provision is managed sustainably in the interests of fostering cohesive communities, including avoiding instances of over-concentration of HMO properties to the detriment of residential amenity and community balance.

2.5.69 The policy defines specific thresholds, above which further concentrations of HMOs will normally be deemed a harmful concentration. The thresholds have been identified based on an understanding of current HMO concentrations, likely future demand, current HMO supply, and other available evidence including the findings of national research undertaken by the Welsh Government.³²

2.5.70 The policy sets out a two tier approach to defining thresholds beyond which further HMO uses will be considered to have a harmful effect. This approach is reflective of the established uneven concentrations of HMOs across Swansea and the particular demand within certain urban areas that have key facilities. Within the HMO Management Area, as defined on the Proposals Map, there are existing community sustainability and cohesion issues that have resulted from concentrations of HMOs. The Management Area incorporates part, but not all, of Uplands and Castle wards where there are significant existing concentrations of licensed HMOs. The 25% maximum HMO threshold to be applied is broadly comparable with the average concentration of HMOs across the Management Area, however there are some pockets of much higher concentrations such as parts of Brynmill closest to the Swansea University Singleton Campus.

³² Welsh Government 2015. Houses in Multiple Occupation Evidence Gathering, Report of Findings.

Applying the 25% threshold in the HMO Management Area will therefore serve to significantly restrict opportunities for additional HMOs within existing areas of high concentration, where further intensification of HMOs is not favoured. This approach strikes an appropriate balance between recognising the established character of different streets and areas, whilst also supporting sustainable communities.

2.5.71 The Management Area approach will effectively encourage future HMO provision to be more dispersed to areas outside existing concentrations in a suitably managed way. Outside the defined HMO Management Area, a threshold of 10% of all residential properties being HMOs will be used as the maximum limit. The proportions of HMOs in most of these areas are substantially less than 10% and as such the threshold will allow for an appropriate small level of growth in such accommodation. National research has identified that 10% is a general 'tipping point' beyond which the evidence indicates that a concentration of HMOs can begin to have an adverse impact on the character and balance of a community. This tipping point is described as a threshold beyond which a community can 'tip' from a balanced position in terms of demographic norms and impacts, towards a demographic that is noticeably more mixed in terms of shared and family households. This is an evidence based approach that provides a robust rationale for applying a 10% threshold for all areas outside the HMO Management Area.

2.5.72 In considering whether a proposal breaches the defined threshold level for that area, the LPA will assess the concentration of HMO properties within a 50 metre radius of the property that is subject to the HMO planning application. The radius will be measured from the centre-point of the proposed property's street frontage. All residential properties falling into Planning Use Class C3, C4, and large HMOs (sui generis) that are located within this defined radius will be counted as part of the analysis, if the majority of its street facing entrance is contained within the radius.

If the HMO property is located within the HMO Management Area but the geographic area of the radius extends into the 10% threshold area, the 25% threshold will be applied, and vice-versa. In some areas, residential property plots may be large or development particularly sparse meaning a 50m radius may capture only a handful of properties. In such cases, the Council will apply the relevant threshold to an area that contains at least 10 properties. Should a 50m radius fail to capture the required number of properties, the Council will select the nearest properties from the same side of the street as the proposed HMO so that at least 10 properties are captured.



- 2.5.73 In order to understand the full extent of HMOs within the 50m radius, the LPA will draw upon all available records within the public domain to inform the calculation. In addition, the Council's public register of licensed HMOs will be used as the basis for the calculation for any proposals in the Uplands and Castle wards, since these areas are within a designated 'Additional Licensing Area' which requires all HMO properties to be officially licensed. In addition, when calculating the proportion of HMOs, the LPA will consider representations received as part of the consultation process on planning applications in order to establish the use of properties. The Council is reviewing the need for further Licensing Areas within other parts of the County under the provisions of the Housing Act, which if designated will provide a further register of HMOs to assess concentrations.
- 2.5.74 Planning permission will be required to change the use of a small HMO to a large HMO, or to intensify the use of a lawful large HMO by increasing the number of occupiers. In such instances however, the threshold limit will not be triggered as the HMO has already been established in the street and, therefore, would not be assessed as numerically leading to further concentration of HMOs and the balance and mix of households in the local community. These types of planning application will be assessed on their individual merits on a case by case basis against the criteria in this policy and other policies in the Plan, including impact on the character of the area, residential amenity and parking.
- 2.5.75 The policy recognises that there are some street patterns and layouts that are characteristic of particular areas of Swansea, including areas of Sandfields and St Thomas, where applying the 50m radius test would not sufficiently protect against harmful concentration of HMOs. In particular this applies to 'small streets' where a relatively low number of HMOs concentrated within that street can have a disproportionate adverse impact. For the purpose of this policy, small streets are those that have between 11 and 34 properties inclusive. This includes small streets formed by the sub-division of larger streets from intersecting roads.

In the case of these small streets, the LPA will consider whether a HMO proposal will lead to an over concentration having regard to the number of HMOs that would be created on that particular small street, as well as considering compliance with the 50m radius threshold test. A ratio of more than 1 in 8 within a small street will normally be considered a disproportionate over concentration of HMOs.

- 2.5.76 In the case of streets of 10 or fewer properties, within the HMO Management Area a maximum of 2 HMO properties will be permitted within the street. In the case of streets of 10 or fewer properties outside the HMO Management Area, a maximum of 1 HMO property will be permitted within the street.
- 2.5.77 Further details on the implementation of the threshold approach, and the exceptional circumstances that may apply, will be set out in a document that provides SPG on HMO developments. This will provide worked examples of compliance and non-compliance with the policy.
- 2.5.78 During the lifetime of the Plan it is recognised that there may be specific material considerations and/or exceptional circumstances that apply to a particular proposal, which could demonstrably outweigh the outcome of the 50m radius 'threshold test' as the overriding factor(s) in deciding whether a HMO proposal is appropriate. Given this, whether a proposal is found to comply or not with the 50m radius threshold test will not in every circumstance be the final determining factor as to whether planning permission for a HMO is approved or refused. In such exceptional circumstances, the applicant must submit supporting evidence and information to sufficiently demonstrate that the specific circumstances justify a departure from the threshold test. An exceptional circumstance may arise in the case of a HMO proposal within a street that has a very high existing HMO concentration, for a property that is shown through evidence to be significantly less attractive for a non-shared use. It is appropriate to apply a degree of flexibility in such circumstances, in order to respect the fact that certain C3 residential properties can be inherently more suited to a HMO use.

This is particularly so in the case of certain larger dwellings or properties that have multiple kitchens and bathrooms that will require significant works to be remodelled to provide a family house. In these exceptional instances, it may be more appropriate to take a flexible approach to ensure the sustainable use of these properties rather than have C3 properties standing vacant for long periods. In such instances, HMO proposals must be accompanied by a comprehensive assessment that will need to adequately justify a departure from the threshold test, including:

- a. Evidence that the property has been unsuccessfully marketed for a C3 use at a reasonable asking price for a period of at least 6 months.
- b. Reasons why, and evidence to justify, the property is unviable for C3 use (e.g. financial viability of any renovations needed; lack of demand for traditional family accommodation in that area).
- c. Any particular characteristics of the property (e.g. scale or layout) which make it suited to HMO use and unsuitable for other uses such as C3.
- d. Any other evidence considered relevant by the applicant to justify why a HMO use is more appropriate than a C3 residential use.

2.5.79 Due to the nature of higher density living in HMOs, in some instances this can lead to noise and general disturbance issues. In order to avoid unacceptable adverse impacts arising from such issues, consideration will be given to the use of noise insulation measures having regard to the design and layout of the properties that would be affected. Whilst this is primarily the preserve of Building Regulations it may be deemed necessary to attach planning conditions which require the installation of sound insulation to properties in certain circumstances, such as soft closing fire doors and/or soundproofing measures. The principles of the Council's Design Guide for Householder Development will be applied to HMOs to protect residential amenity. Maintaining privacy between HMOs and neighbouring properties will be carefully considered as part of each planning application.

2.5.80 In-line with the City & County of Swansea Parking Standards, lower levels of off-street car parking may be permitted for HMO proposals in the Swansea Central Area, particularly where there is good public transport accessibility and where the use of the private car is to be discouraged. Secure cycle parking should be provided on the basis of 1 stand per 2 bedrooms. There may be circumstances where increased provision in cycle storage could be considered as part of an applicant's justification for lower car parking provision. However the LPA will consider each case on its own merit. Cycle storage should be provided in a dedicated cycle storage area which is able to accommodate the maximum number of cycles required. Where rear access arrangements allow, cycles should be stored to the rear of properties, rather than in front gardens. The Council's Parking Standards SPG contains further information on this standard.

2.5.81 All HMOs will be required to incorporate adequate and effective provision for the storage, recycling and other sustainable management of waste, and where relevant allow for appropriate access arrangements for recycling and refuse collection vehicles and personnel. All refuse and recycling for HMOs should be suitably stored in landlord provided bins pending disposal. These bins should be provided in a dedicated refuse store which is able to accommodate the maximum number of bins required, based on an assessment of refuse emerging. All refuse storage areas should be located to the rear of properties where possible. Proposals for refuse storage to the front of properties that would detract from the local streetscene will not be permitted.

2.5.82 The policy resists proposals to create a new HMO use adjoining a C3 residential property where that property already adjoins a HMO property on its other side, in order to prevent 'sandwiching' of a C3 use between HMOs. This approach will only apply where the properties share the same street frontage i.e. it would not apply where the properties are separated by an intersecting road or where properties have a back to back relationship in different streets.

The approach aims to prevent the potential for negative amenity impacts upon residents as a result of C3 dwellings being isolated between two HMOs, including the potential for increased levels of disturbance associated with multiple households within a property, and the negative effects of transient households on both sides. The majority of HMOs in the Uplands area are, for example, occupied by students and as such it is often the case that such properties are vacated during summer months. This approach will also serve to prevent clustering of HMOs and avoid over concentrations at a very localised level.

- 2.5.83 Not all proposals that comply with the 50m radius threshold test will be considered suitable for change of use to a HMO, and applications will be considered against all policy criteria. For example the policy requires that properties must be of a sufficient size to permit the creation of individual dwelling units with satisfactory private amenity space and appropriate room sizes. Proposals that would give rise to cramped living conditions for future occupiers will be resisted. All bedrooms and shared living spaces within the property will be required to have windows that provide sufficient light and outlook. In order to provide clarity to developers on what the Authority considers to be appropriate standards, all HMO proposals should accord with the guidance set out in the Council's adopted HMO Licensing Policy, regardless of whether the property is located within or outside the HMO Management Area. Proposals must not give rise to a Category 1 hazard under Part 1 of the Housing Act 2004 using the Housing Health and Safety Rating System or conflict with the requirements of Part X of the Housing Act 1985. Further details of amenity standards, including minimum room sizes, will be set out in a document that provides SPG on HMO developments.

Appendix 1b - LDP Policy H11

H 11: Purpose Built Student Accommodation

Proposals for purpose built student accommodation should be located within the Swansea Central Area, and must in the first instance assess the availability and suitability of potential sites and premises at this location, unless:

- i. The proposed site is within a Higher Education Campus and is in accordance with an approved masterplan for the site; and
- ii. In the case of the Swansea University Bay Campus, the development would not give rise to an additional number of residential units at the Campus than the number permitted by any extant planning permission; and
- iii. The development would give rise to an overall benefit to the vitality and viability of the Swansea Central Area.

2.5.88 Higher Education makes an important contribution to the local economy with in the region of 16,500 full time students³³ living in the area. Many live in former family homes converted to HMOs and as a consequence parts of the County experience significant community cohesion issues resulting from harmful concentrations of such dwellings.

³³ Higher Education Statistics Agency (HESA) Student Record and LLWR (Lifelong Learning Wales Record), published by HESA / Welsh Government, 2015



It is preferable that student needs are met as far as possible by modern purpose built and managed schemes with the space and facilities more suited to students' needs in appropriate Swansea Central Area locations where there is good access to services, facilities and public transport to the University buildings. Such development accords with City Centre living aims and would increase footfall, and so contribute towards enhancement of City Centre vitality and viability. It may also lead to a reduction in HMOs and promote the reinstatement of dwellings to family use.

- 2.5.89 The Swansea Central Area boundary is defined in Policy RC 1. The Council wishes to avoid development of student accommodation that is unsustainable (including in terms of access to services, facilities and public transport) or to the detriment of the regeneration aims for the Central Area. Therefore proposals for student accommodation will not be supported outside of the Swansea Central Area unless the exception criteria are met. Although provision of such purpose built student accommodation will be encouraged within the Central Area, careful consideration will be given to the potential impact on the amenity of, or potential for conflicts with, surrounding uses.
- 2.5.90 There is a development opportunity to expand the Swansea University Bay Campus to the west of the existing Bay Campus site currently located within the boundary of NPT. Development proposals for education facilities to support the continued growth of the University will be supported at this location. Proposals for student accommodation will only be permitted within the expansion area where the total quantum of bedrooms does not exceed the number approved by the outline planning permission for the Bay Campus scheme, consented by NPT. This approach is enshrined within the cross boundary masterplan produced by the Swansea and NPT Councils. Any such proposals for student accommodation within the expansion area must be supported by evidence that the quantum of unbuilt student accommodation on the existing Bay Campus has been, or will be, reduced by the corresponding number of units.
- 2.5.91 The Council may apply a condition to restrict occupation of the development to students. Where proposals are to convert an existing property (such as above shop development), applicants should also refer to Policy H 9 Houses in Multiple Occupation and Policy PS 2 Placemaking and Place Management.

Appendix 2 - Worked Examples

Worked Example 1 – Radius Test

- A.1 Example 1 below shows a simple example of a 50m radius calculation for a HMO proposal located outside of the HMO Management Area.
- A.2 The 50m radius has been drawn from the centre point of the street frontage of the proposed HMO property's *principal elevation* (shaded yellow). The radius cuts through residential properties and so only those properties where the majority (over 50%) of the width of the street facing, *principal elevation* of the property is within the radius, are counted. This has been applied in the example and the properties to be counted are shaded.
- A.3 34 residential units are identified from the *LLPG* as being within the 50m radius (shaded green). There are 3 properties with an existing lawful use as a HMO identified from the Licensing Database and public list of C4 Use Class planning consents (shaded maroon) along with the proposed HMO (yellow) located within the radius. Therefore, post implementation, HMOs would comprise 11.8% of all residential units within the 50m radius of the application property, and at this location outside of the HMO Management Area, the proposal would fail the radius test by exceeding the threshold, and be deemed to cause a harmful

concentration of HMOs, unless there are exceptional circumstances or overriding *material considerations* that demonstrably outweigh the concentration concerns.



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Worked Example 2 – Radius Test

A.4 In some parts of Swansea, residential property plots may be large or development particularly sparse, meaning a 50m radius may capture only a handful of properties. In such cases, the Council will apply the relevant threshold to an area that contains at least 10 residential properties (LDP para 2.5.91) by selecting the nearest properties from the same side of the street as the proposed HMO.



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A.5 To clarify how this would work in practice, in the worked example above, due to the large size of the residential curtilages on this street, only 7 residential properties are captured by the 50m radius drawn from the proposed HMO property street frontage (shaded yellow). Therefore, to ensure 10 properties are included, 3 further residential properties are selected for the calculation (shaded light green), by selecting the nearest properties from the same side of the street as the proposed HMO.

Worked Example 3 – Radius Test

A.6 Worked example 3 below illustrates that if the planning application property is located inside the HMO Management Area but the geographic area of the 50m radius extends into the 10% threshold area, the 25% threshold will be applied within the radius (as noted in the Policy supporting text (LDP para 2.5.91)).



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A.7 In Worked Example 3, 26 residential units are identified from the LLPG as being within the 50m radius (shaded green). There are 7 properties with an existing lawful use as a HMO identified from the Licensing Database and public list of C4 Use Class planning consents (shaded maroon) along with the proposed HMO (yellow) located within the radius. Therefore, post implementation, HMOs would comprise 30.77% of all residential units within the

50m radius of the application property. At this location, the radius extends into the area outside of the HMO Management Area, but the 25% threshold would apply. The proposal would fail the radius test by exceeding the threshold, and be deemed to cause a harmful concentration of HMOs, unless there are exceptional circumstances or overriding *material considerations* that demonstrably outweigh the concentration concerns.

Worked Examples 4 – Small Streets Test (11-34 Properties)

A.8 Worked Example 4 illustrates a scenario where a proposal on a small street has not exceeded the radius threshold test (shown in the first diagram below) since in addition to the proposed HMO, there is only 1 other existing lawful HMO in the radius out of a total of 28 residential properties. If the planning application was approved it would only yield a 7.1% concentration and would not exceed the 10% threshold that applies at this location outside of the HMO Management Area.



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A.9 In the other example shown below, this proposal is located on a small street of between 11 and 34 properties that has been created by intersecting roads. In this case there are 3 existing lawful HMOs and so the proposed HMO would result in 4 of the 28 residential properties in the small street becoming HMOs (a 1 in 7 ratio) which is in excess of the 1 in 8 ratio stated in the LDP for small streets. The proposal

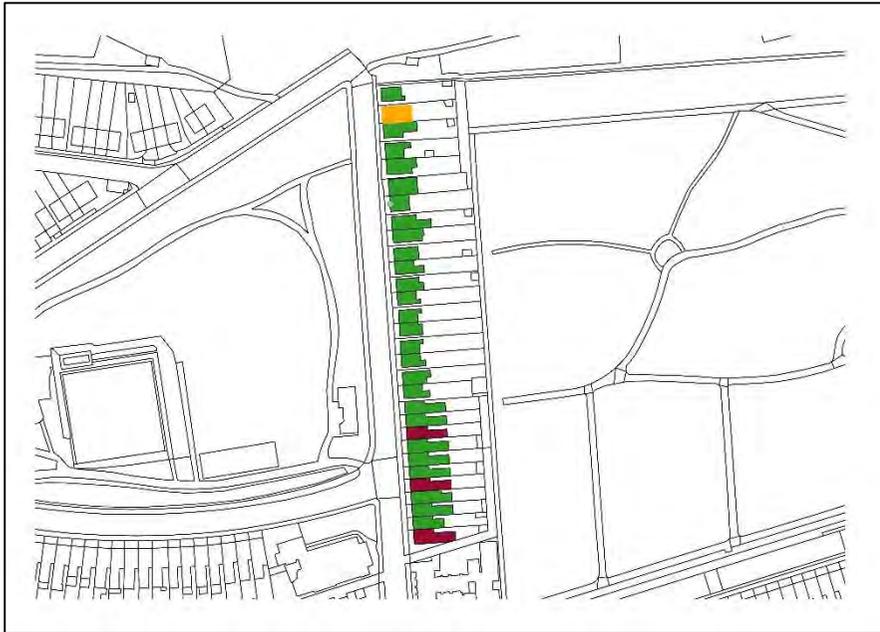
would fail the small streets test by exceeding the threshold, and be deemed to cause a harmful concentration of HMOs, unless there are exceptional circumstances or overriding *material considerations* that demonstrably outweigh the concentration concerns.



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Worked Example 5 - Small Streets Test (11-34 Properties)

A.10 In worked example 5, the HMO proposal is located on a small street of between 11 and 34 properties.



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A.11 Analysis of the Licensing Database and list of C4 planning consents has shown that there are 3 other properties in the street with a lawful HMO use and 27

residential properties in total. Therefore, post implementation, HMOs would comprise a ratio of less than 1 in 8, the threshold level stated in the LDP that will normally be applied. However, the small street is relatively long, there are generally only properties on one side of the street, and the existing HMOs are located at the extreme opposite end of the small street from the planning application. As such the individual circumstances would indicate the proposal could not reasonably be considered to give rise to an over-concentration within the small street, even though it would numerically exceed the 1 in 8 ratio.

Worked Example 6 – Streets of Fewer than 11 Properties

A.12 Worked example 6 below illustrates (LDP para 2.5.91) a scenario where the proposed HMO (shaded yellow) is located on a street even smaller than the defined 'small streets' (i.e. it comprises of fewer than 11 properties) and located inside of the HMO Management Area.



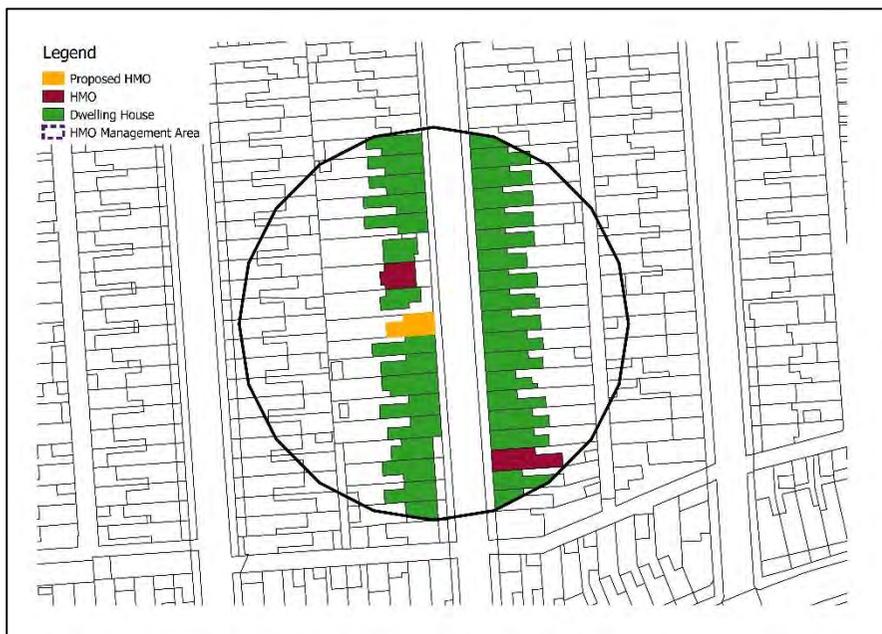
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A.13 Analysis of the Licensing Database and list of C4 planning consents has shown that there are no other properties in the street with a lawful HMO use. Therefore, post implementation, HMOs would comprise 1 out of the 7 residential units within the street. This would be within the defined maximum levels (as described in the LDP para 2.5.95 - inside the HMO Management Area, a maximum of 2 HMO properties will be permitted within streets of fewer than 11 properties).

A.14 It should be noted that the supporting text to Policy H9 refers to these as maximum levels. That is, whilst they are capped at this level, in some instances other *material considerations* may justify a lesser number of HMOs be maintained in a particular street.

Worked Example 7 – Sandwiching

- A.15 Worked example 7 shows a simple example of a HMO proposal adjacent to a C3 residential use which is adjoined by a lawful HMO use on the other side and where the properties share the same street frontage.



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- A.16 The planning application for a HMO would result in a C3 dwelling being ‘sandwiched’ between adjoining HMOs sharing the same street frontage, and so would fail the sandwiching test unless there are *material*

considerations that demonstrably outweigh the identified concerns.

Worked Example 8 – Non-Sandwiching

- A.17 Worked example 8 illustrates a planning application for a HMO adjacent to a C3 use located on the corner of a street and where there is an existing lawful HMO located in the property immediately across that street. The proposal would not be determined to cause sandwiching since the properties are separated by an intersecting road.



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Worked Example 9 – Sandwiching

- A.18 Worked example 9 illustrates a planning application for a HMO use in a property separated from an adjacent C3 dwelling by a pedestrian alleyway and where the C3 property is adjoined by a lawful HMO use on its other side.
- A.19 A pedestrian alleyway does not provide sufficient separation between the properties as it is not wide enough to prevent the amenity impacts therefore sandwiching will be deemed to occur.



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Appendix 3 - Glossary

Active Travel	Active Travel means using walking or cycling as an alternative to motorised transport (cars, buses, etc.) for the purpose of making every-day journeys. The term "walking" includes all non-motorised users, i.e. wheelchairs, electric wheelchairs, mobility scooters and other mobility aids.
Additional Licensing Area	Additional Licensing applies in the Castle and Uplands wards in the centre of Swansea. All HMOs, irrespective of size, with only a few legal exemptions, have to be licensed in these two wards. This includes HMOs that are exempt from the <i>mandatory licensing</i> scheme.
Conservation Area	An area of special architectural or historic interest, the character or appearance of which it is desirable to preserve or enhance. There are currently 31 Conservation Areas in the County. They vary greatly in character, due to the diverse mix of settlements found in the area, from small rural villages like Penrice and Cheriton in Gower, to towns such as Morriston and other urban areas such as Wind Street and Mumbles.
Denominator	The number below the line in a fraction.
General Data Protection Regulation (GDPR)	The basic objective of the GDPR is to enforce stronger data security and privacy rules among organisations when it comes to protecting personal data.
Listed Building	Buildings are 'Listed' because they are considered to be of special architectural or historic interest and as a result require special protection. Listing protects the whole building both inside and out and possibly also adjacent buildings if they were erected before 1st July 1948. The prime purpose is to protect the building and its surroundings from changes which will materially alter the special historic or architectural importance of the building or its setting. There are 500+ Listed Buildings within the boundaries of the County ranging from telephone boxes, domestic residences and commercial premises.
Local Development Plan	The required statutory development plan for each local planning authority area in Wales under Part 6 of the Planning and Compulsory Purchase Act 2004, which sets out the policies and proposals for the use of land and buildings within that area.
Local Land and Property Gazetteer	The Local Land and Property Gazetteer is a comprehensive address database maintained by the Council.
Mandatory Licensing	This applies to HMOs which are three or more storeys high with five or more occupiers. The number of storeys includes habitable basements and attics. Mandatory licensing applies across the whole of Swansea.

Material Considerations	Material considerations refer to matters that should be taken into account when making a decision on an application for planning permission, including the determination of an appeal. Such considerations must be relevant planning matters, having regard to national guidance. It is not possible to produce an exhaustive list of every possible material consideration that could affect the outcome of a decision. Material considerations are varied and the relevance of the issue will depend on the individual circumstances of each application. Examples are listed under paragraph 3.7.3 of this SPG document.
Numerator	The number above the line in a fraction.
Placemaking	A process and planning principle that collectively seeks to ensure development and the public realm are designed and managed to engender quality places where people want to live and work, and that support good health and well-being.
Principal Elevation	The elevation of a dwelling house which by virtue of its design or setting, or both, is the main or “principal” elevation. Principal elevation is defined further in Welsh Government Technical Guidance.
Social Rented Homes	Provided by local authorities and registered social landlords where rental levels have regard to the Welsh Government guidance rents and benchmark values
Supplementary Planning Guidance	Guidance written by the authority to supplement, elucidate and exemplify the policies within a <i>Development Plan</i> . It sets out more detailed thematic or site specific guidance on how certain policies will be applied.
Swansea Central Area	A defined area of Swansea City Centre that is delineated in the Swansea LDP. The regeneration of Swansea Central Area is a corporate priority of the Council, and the area has the potential to create extensive economic growth, and be a key driver of economic prosperity in the Swansea Bay City Region.
Use Classes	The Town and Country Planning (Use Classes) Order 1987 establishes groups of uses with similar planning impacts and describes these as classes. Changes of use within classes do not require planning permission but changes to uses in different classes or to uses not in a specified class do require permission if there is a ‘material change of use’.

Appendix 4 - Consultation Process

A draft version of the SPG was subject to a seven week public consultation and engagement process, which involved a wide range of awareness raising and engagement activities. Further details on this process are set out in the Consultation Report available at www.swansea.gov.uk/spg