

Planning Policy No.23

**HOUSES IN
MULTIPLE
OCCUPATION**

Interim Report



HOUSES IN MULTIPLE OCCUPATION

Interim Policy Statement

Adopted By :
KYLE AND CARRICK DISTRICT COUNCIL
April, 1994.

BACKGROUND

Houses in Multiple Occupation are not defined in planning terms as such, however, clear definitions are given within the Housing Acts of 1985, 1987 and 1989 as detailed in Appendix One.

Generally there has been an increase in the number of non-elderly single people forming independent households. The principal reason for this is the growing aspirations of single people to have a home of their own. Other factors ranging from the continued rise in divorce rate to, family breakdown, and the introduction of community care have also contributed. These factors have resulted in a continued increase in demand for houses in multiple occupation.

There has also been an increase in the number of planning applications, principally as a result of the requirement on owners of such properties to have a licence from Environmental Health under the licensing of Houses in Multiple Occupation Order, 1991 within the Civic Environment (Scotland) Act 1982.

Where a material change of use has taken place, the owner must have either Planning Consent or a Certificate of Lawful Use for multiple occupation, prior to a licence being granted.

Whilst each planning application will be determined on its own individual merits, this policy should be used by the District Council to aid the consistent determination of future planning applications relating to houses in multiple occupation.

Planning consent is not required for 5 persons or less living in a household and it should be borne in mind that this factor has been built in to this report.

The policy would allow the Council to control larger units which consequently are more likely to have an impact on their surroundings.

PRINCIPLE ISSUES ARISING

Experience has shown that the principle issues arising in assessing this type of development are, intensity of use, car parking provision, concentration of use and affect on general amenity of the surrounding area.

Scottish Office Circular 6/1989 on the Use Classes Order is clear in its guidance that the identity of the user or the type of person to be accommodated by reference to age or other characteristics is not a land use planning consideration.

Intensity of Use

Different issues arise from the intensity of such a use depending on the type of property and the area in which it is located. Flats have to be separated from other types of properties due to their overall physical layout with shared access etc. Moreover areas have to be segregated. Town Centres, particularly Ayr Town

Centre, has a higher level of activity than other areas due to the urban form and nature of uses within the area, in contrast to suburban residential areas where the level of activity is significantly lower.

By nature of their use, houses in multiple occupation generate greater activity/movement within the immediate area. Persons living in houses in multiple occupation are generally not related and come and go individually.

To be acceptable the intensity of use should be such that it would not have a detrimental impact on the surrounding area in terms of noise, level of activity and nuisance. For flatted properties the consequence of the change of use to houses in multiple occupation is likely to be the increase in pedestrian activity in the common stair area. Within town centre areas, which for the purpose of this policy report are defined as Ayr, Prestwick, Troon and Girvan town centres (as defined in the respective local plans), a higher intensity of use would be likely to be more acceptable. It is submitted that town centres attract greater activity and as a result of this there is a relatively high level of ambient noise within those central locations. This view has been confirmed by the Scottish Office at recent appeals.

To help control the intensity of use it is suggested that the number of people within a house in multiple occupation should be limited. Experience has shown that the number of persons should generally not exceed ten, which reflects the size of properties generally within town centres. This is considered an appropriate level within town centre locations, however in predominantly residential areas this should be reduced to six persons to reflect the general amenity of the area. Outwith town centres, properties which share accesses or stairs may not be considered appropriate for multiple occupation, for the reasons previously stated and an application for such would have to be critically assessed.

Car Parking Provision

The provision of off-street parking should be considered on the individual merits of each planning application for the change of use to multiple occupation. However it is an important aspect of assessing any planning application that each development should provide for its own needs where appropriate.

In town centres the Area Roads Engineer considers that it is desirable to provide off-street parking in accordance with Regional Guidelines (i.e. one space per letting bedroom). However in accordance with other planning policies it is considered that off-street parking should not be required given urban form and intensive activity within such areas, particularly within Ayr town centre.

Outwith the town centre locations, the Area Roads Engineer considers that it is essential to provide off-street parking in accordance with the Regional Guidelines. It is considered that this policy should reflect the Area Roads Engineer's recommendations within predominantly residential areas within mixed use areas, off-street parking in accordance with the Regional Guidelines should be required.

Where off-street parking is required to be provided, it is considered the parking area(s) should be located either on site or within close proximity of the property in such a way that it would not significantly affect the amenity of existing residents and directly would relate to the property in which it is serving.

Concentration of Use

Whilst an individual unit may have limited impact in planning terms, the overall effect of a number of units within close proximity could result in the character of the area being altered, to the detriment of the amenity of the surrounding environment and residents. It is important to control the concentration of houses in multiple occupation, otherwise situations may arise where a number of houses in multiple occupation are located in close proximity to one another.

Within the town centre it is considered that there is greater capacity to absorb a greater number of houses in multiple occupation. Indeed in the past 3 years approximately 56% of planning applications for multiple occupation properties have been within Ayr and Prestwick town centres.

To avoid an over-concentration of use it is considered that numbers of houses in multiple occupation should be given careful consideration within the same block or street dependent on the character and nature of the general area. The following guidelines are derived from a similar policy which Glasgow City Council operate successfully.

In town centres it is considered, that given the higher level of flatted properties within these areas, there is likely to be a greater concentration of houses in multiple occupation and such houses could be located in relatively close proximity to one another. Nevertheless, the number of houses in multiple occupation within a particular block should be given careful consideration, as well as the overall number in a wider area. As a guideline the proportion of multiple occupancies should not exceed 10% of the total number of dwellings comprising that street or block.

In mixed use areas outwith town centres it is considered that the policy should take cognisance of the fact that these areas are attractive to houses in multiple occupation and the need to protect the amenity of existing residents. As a guideline the

proportion of multiple occupancies should not exceed 7.5% of the total number of dwellings comprising that street or block.

In predominantly residential areas given that such a use could have a significant impact within these areas, the number of houses in multiple occupation should be significantly less than in other areas. As a guideline the proportion of multiple occupancies should not exceed 5% of the total number of dwellings in that street or block.

General Amenity

The previous three matters as considered in 'Intensity of Use' have to be taken into account to ensure that the change of use would not have a significant detrimental impact on the surrounding general amenity, in terms of noise, increased activity and disturbance.

In addition, outwith town centres, flatted properties, with mutual areas (including accesses, stairs, drying areas, etc.) should be carefully assessed to ensure the change of use would not have a detrimental impact on the amenity of residents.

An adequate amenity area should be provided within easy access to properties. It is essential that a bin refuse area is provided within a reasonable distance of the property and the Council should encourage additional facilities such as drying greens and general sitting out areas, particularly outwith town centre locations.

In addition to the above the property should conform with the noise insulation standards, as contained in the Building Regulations and the standards of Environmental Health and Strathclyde Fire Brigade.

POLICY GUIDANCE

The proposed guidance will be used in assessing planning applications and will be of benefit to applicants as a guidance prior to submitting any planning application. These guidelines are in addition to the standards required by Environmental Health Services (see Appendix Two).

Each planning application will be treated on its own merits taking into account the following guidelines :

Within Ayr, Prestwick, Troon and Girvan Town Centres (as defined in their respective local plans)

- | That in the interests of preserving the amenity of the area and to avoid over intensification, the house in multiple occupation, as a general guideline, should be occupied by no more than 10 persons.
- | Off-street parking is unlikely to be required within such locations, particularly within Ayr Town Centre. However, where adjacent ground is available off-street parking should be provided subject to

consultation with the Area Roads Engineer.

- | Within a given street or block (or other readily identifiable unit) the proportion of multiple occupancies should not exceed 10% of the total number of dwellings comprising that unit.
- | It is essential that an area be provided within easy access for bin refuse and access to a lit street. The District Council will encourage areas for drying green, general sitting-out area etc. where possible.
- | The property should be able to conform with the noise insulation standards as contained in the Building Regulations and the standards of Environmental Health and Strathclyde Fire Brigade.

All Other Areas

- | That in the interests of preserving the amenity of the area and to avoid over intensification the house in multiple occupation as a general guideline, should be occupied by no more than 6 persons, however a greater number may be acceptable depending on the property and its location.
- | Off-street car parking should be provided at a ratio of one space per bedspace as per Strathclyde Regional Council's Road Guidelines. The parking area should be located in close proximity to the property and should not have an adverse impact on the amenity or character of the area.
- | In the interests of preserving the amenity of the area, within a given street or block (or other readily identifiable unit) the proportion of multiple occupancies should not exceed 7.5% of the total number of dwellings comprising that unit within an area of mixed use and 5% of the total number of dwellings comprising that unit in predominantly residential areas.
- | Applications for flatted and other properties with mutual areas (including accesses and stairs) will be critically examined in relation to their impact on adjacent residential properties.
- | It is essential that an area should be provided within easy access for bin refuse and access to a lit street. Provision of a drying green and general sitting-out area should be made within close proximity of the unit.
- | The property should be able to conform with the noise insulation standards, as contained in the Building Regulations and the standards of Environmental Health and Strathclyde Fire Brigade.

APPENDIX ONE

Multiple occupancy is defined in statute in a number of different ways for different purposes. However, for general purposes multiple occupancy is defined in Section 152 of the Housing (Scotland) Act 1987 as :

- "a. *houses which, or part of which, are let lodgings, or which are occupied by members of more than one family;*
- b. *buildings which comprise separate dwellings, two or more of which lack either or both of the following:-*
 - 1. *a sanitary convenience accessible only to those living in the dwelling;*
 - 2. *personal washing facilities so accessible".*

Other definitions include that in Section 345 of the Housing Act, 1985 which defines houses in multiple occupation as a :

"...house occupied by persons who do not form a single household".

This section was amended by the Local Government Housing Act, 1989 to include any purpose built or converted flat whose occupants do not form a single household. The amended definition does not restrict interpretation of the original definition in the 1985 Act and only serves to clarify that the multiple occupation of such flats can constitute a house in multiple occupation.

FURTHER INFORMATION

Planning and Enterprise
Development and Environment
Ground Floor
Burns House
Burns Statue Square
Ayr KA7, 1UT

Telephone 01292 - 616107