

**Flintshire Local Development Plan 2015 – 2030
EXAMINATION IN PUBLIC**

Hearing Session Matter 13

Friday 14th May 2021

**Affordable Housing (HN3, HN4-D) & Houses
in Multiple Occupation HMOs (HN7)**

Hearing Statement by Flintshire County Council

Flintshire Local Development Plan (2015 - 2030) Examination in Public

Flintshire County Council Statement: Matter 13: Affordable Housing (HN3, HN4-D) & Houses in Multiple Occupation HMOs (HN7)

This statement has been prepared by Flintshire County Council (FCC) in response to the Inspectors' hearing questions:

Key Issue: *Will the housing proposed meet the needs of those in the County who have special requirements? Are the assessments for specialist housing based on robust and credible evidence? Is it deliverable?*

Are the policies for affordable housing, annexe accommodation and for houses in multiple accommodation clear, reasonable and appropriate?

Council Response:

1. The delivery of affordable and specialist housing is an integral part of the general provision of housing within the LDP. Both have been identified throughout the LDP's strategy as a key issue and driver for change over the plan period. The approach to affordable housing delivery has been directly informed by the latest [Local Housing Market Assessment \(LHMA\)](#), which was produced by independent consultants Arc4, who have extensive experience in the production of LHMA's. This key evidence base is supported by a [viability study](#) produced by the District Valuer Service (DVS) on behalf of Flintshire Council. The findings of the viability assessment clearly demonstrate that affordable housing is deliverable within Flintshire in line with the percentages set out in policy HN3. The DVS have thoroughly tested various levels of affordable housing delivery within each of the housing market sub areas in line with Welsh Government guidance, to establish a robust level of viability, with careful consideration and research into the range of factors that influence viability such as house prices, build costs and land values.
2. Policies HN3, HN4, HN4-B, HN4-C, and HN4-D of the LDP provide clear and reasonable criteria for managing the development of affordable and specialist housing such as agricultural/forestry workers dwellings, and policy HN7 provides the framework for managing the development of HMOs. The criteria set out within these policies clearly outline how applications for these types of housing will be determined.

Affordable Housing

Question a) Is the required level of affordable housing need based on robust evidence? Is the Local Housing Market Assessment (LHMA) sufficiently robust to inform the Plan's housing strategy?

Council's Response:

- a.1 The latest [LHMA](#) shows that Flintshire has a need for 1,190 additional affordable homes (238 per annum) over the lifetime of the LHMA (2018-2023) in order to meet the current and backlog of affordable housing need within the County. The LHMA is based upon a robust and credible evidence base which includes both primary and secondary data, and utilises the Welsh Government's recommended methodology for conducting LHMA's.
- a.2 The LHMA has been carried out by experienced consultants Arc4, and was overseen by a Housing Market Partnership comprising housing and planning Officers from both Flintshire and Wrexham Councils. There was also engagement with a range of stakeholders throughout the research process including developers/builders, housing association representatives, estate agents and private lettings agents as well as public consultation through both the Household Survey and through specific Local Development Plan events. The LHMA is therefore sufficiently robust to inform the plans strategy.
- a.3 Objections were raised at Deposit stage regarding the approach to the tenure split from the LHMA within the viability assessment. The Authority has sought to address these concerns through clarification in updated versions of the [LHMA](#) and [The Affordable Housing Background Paper. The LHMA summary of changes document](#) also explains how the tenure split within the LHMA has been clarified in response to concerns. This clarification around the tenure split and how it has been used to inform the viability assessment calculation ensures that affordable housing need can easily be interpreted from the LHMA to provide the right types of affordable housing throughout the County. The updated LHMA now concludes that the tenure split required across Flintshire is 40% low cost home ownership, 30% intermediate rent and 30% social rented. These are the percentages used to inform the calculation within the [DVS viability study](#). These figures have not changed from the version of the LHMA submitted for deposit, they have simply been clarified through a correction of terminology used to describe the rented element which had caused some confusion. The Authority and ARC4 who produced the LHMA are satisfied the correct tenure split is now clearly identified within the report.
- a.4 The three tenure types identified through the LHMA are in line with the definition of affordable housing provided in paragraph 5.1 and 5.2 of Technical Advice Note 2: Affordable Housing. These units will be secured by S106 legal agreements to ensure they remain affordable both on first occupation and for subsequent

occupiers. Where there are opportunities for stair casing to full ownership in the low cost home ownership units, there will be secure arrangements in place to recycle the capital receipts for investment in replacement affordable dwellings.

Question b) Will the affordable housing target meet the local housing need? If not, what other mechanisms are available?

Council's Response:

b.1 The latest LHMA shows that Flintshire has a need for 1,190 additional affordable homes (238 per annum) over the lifetime of the LHMA (2018-2023) in order to meet the current and backlog of affordable housing need. The target within the LDP is to deliver 2,008 affordable homes over the plan period (2015-2030), this target meets the need identified within the LHMA over its five year period and also provides for additional need in the long term over the entire LDP period.

b.2 In addition to affordable housing being delivered through LDP mechanisms, Flintshire is also delivering affordable housing through a variety of other initiatives and projects. Principal amongst these is Flintshire's Strategic Housing and Regeneration Programme (SHARP) whereby the Council is working with a preferred development partner Wates Residential to build innovative and high quality new affordable homes. The scheme will deliver 500 new homes across the County by 2021 of which 300 will be intermediate rent (owned and managed by North East Wales Homes Ltd) and 200 social rented (managed by FCC). The Council is also working with Registered Social Landlords (RSLs) to develop affordable housing via the Welsh Government's Social Housing Grant scheme (SHG). During the financial year 2020/21 the Council received just over £5.2 million in SHG funding which delivered 107 affordable homes, the funding allocation for 2021/22 has been confirmed as £10 million. This is a higher figure than the Council usually receives due to an increased commitment by the Welsh Government to supporting social housing development.

b.3 [The Affordable Housing Background Paper](#) provides further detail on Flintshire's approach to affordable housing delivery alongside the LDP, which confirms that the corporate approach to delivering affordable housing supports the vision and objectives of the LDP.

Question c) Does the plan clearly identify all components of affordable housing supply?

Council's Response:

c.1 Yes. Table 3 in [The Affordable Housing Background Paper](#) sets out all the components of affordable housing supply as recommended in the Development Plans Manual (Edition 3), it can also be seen in appendix one of this statement. The table shows how the allocations, large and small windfall sites and commitments will deliver affordable housing across the settlement hierarchy and meet the target of 2,008 affordable dwellings over the plan period. These figures have been determined by applying the relevant affordable housing percentages set out within policy HN3 to allocated sites. Where allocations or committed sites have

a valid planning permission the number of approved affordable units has been used.

- c.2 As the specific location of windfall sites is not known it is not possible to apply the relevant affordable housing percentage as per the housing market areas. Therefore an average of the affordable housing percentages as set out under HN3 has been applied across all market areas (28%), except for tiers 4 and 5 where market housing is only permitted in exceptional circumstances in order to deliver affordable housing in line with policy STR2. It is therefore presumed that 100% affordable housing will be achieved as windfall within these areas.

Question d) Are the required affordable housing contributions and thresholds in Policy HN3 founded on a credible assessment of viability?

Council's Response:

d.1 Flintshire County Council commissioned the District Valuer Service (DVS), part of the Valuation Office Agency to undertake a financial appraisal of residential development across the County in order to identify the percentage of affordable housing that can viably be delivered within each of the housing market areas. The DVS have extensive experience in carrying out development appraisals and have completed similar work for a number of Local Authorities in Wales in relation to LDPs.

d.2 Policy HN3 has been directly informed by the findings of the [DVS viability study](#), which tested the viability of affordable housing at various levels to ensure the thresholds are robust and deliverable. The DVS have thoroughly tested various levels of affordable housing delivery within each of the housing market areas to establish a robust level of viability, with careful consideration and research into the range of factors that influence viability such as house prices, build costs and land values. This testing process has resulted in the identification of varying levels of affordable housing viability across the market areas, for example low average house prices within the Flint & Coast market area have resulted in a lower percentage of viability.

Question e) Are the requirements of Policy HN3 clear, and consistent with national policy?

Council's Response:

e.1 Yes, the policy is in line with the requirement of paragraphs 4.2.28 and 4.2.30 of PPW11 to set thresholds for affordable housing based upon a robust viability assessment. Policy HN3 sets clear percentages for on-site affordable housing delivery based upon six local housing market areas. The percentages vary across the market areas due to the average house prices likely to be achieved within those areas. For example the Flint & Coast market area has the lowest average house prices in Flintshire, reducing the viability of affordable housing delivery within this market area.

e.2 The Council would have no objection to including the six housing market areas boundaries on the proposals map as shown in appendix 2 to provide clarity on where percentages apply geographically.

Question f) Is the spatial distribution of affordable housing sound and does it adequately reflect local needs?

Council's Response:

f.1 Table 3 in [The Affordable Housing Background Paper](#) sets out the spatial distribution of affordable housing based upon the settlement hierarchy. The table can also be seen in appendix one detailing the overall percentage of affordable housing provision split between the LDP settlement hierarchy. This distribution closely aligns with the overall housing distribution as shown under paragraph 5.13 in the LDP written statement.

f.2 The LHMA highlights that the area of highest need is within the Connah's Quay, Queensferry & Broughton housing market area. Connah's Quay and Queensferry are within the highest tier of the LDP settlement hierarchy (Main Service Centre) and Broughton is within the second tier (Local Service Centre). Due to the nature of affordable housing delivery generally being reliant on the delivery of market units, it would not be sustainable or deliverable to concentrate the majority of the LDP's housing supply within this one market area. The approach taken means that 83% of affordable housing delivery will be within the top two tiers of the settlement hierarchy, which is where the most sustainable locations for housing has been identified, and where the LHMA has identified the greatest need for affordable housing.

f.3 There are three allocated sites within the Connah's Quay, Queensferry & Broughton market area, Broad Oak holding which already has planning permission for 32 dwellings, 9 of which will be affordable, Highmere drive which has been allocated for 150 dwellings of which approximately 53 will be affordable (35%), and Ash Lane in Mancot which has been allocated for 288 dwellings of which 101 will be affordable (35%). ([The Affordable Housing Background Paper](#) incorrectly records the Ash Lane site under the Mold & Buckley housing market area in Table 2, however the affordable housing percentage (35%) and figure of 101 affordable units is correct). The allocations alone within the Connah's Quay, Queensferry and Broughton housing market area will provide a total of 163 affordable dwellings. Adjacent housing market areas Flint and Coast, Garden City and the Mold and Buckley area will each provide significant allocations which will deliver a further 715 affordable units within close proximity to the Connah's Quay market area. The geographical distance between these market areas is not considerable, therefore the need identified within the Connah's Quay market area can reasonably be provided for within the adjacent market areas. In particular the strategic site Northern Gateway and the allocated site in Ewloe are in close proximity to the Connah's Quay market area, providing up to 290 affordable dwellings.

f.4 The plan strikes an appropriate balance between meeting the identified affordable housing need and ensuring that development takes place in the most sustainable locations.

Question g) How will off-site or commuted sum contributions for affordable housing be secured and managed? What mechanisms are in place to ensure that the level of contributions sought are appropriate?

Council's Response:

- g.1 Policy HN3 clearly states that affordable housing will be expected to be delivered on site in the first instance and only in exceptional circumstances will off site or commuted sum contributions be accepted in lieu of on-site provision. Where it can be evidenced that on site provision is not appropriate then off-site contributions towards affordable housing will be secured with a S106 legal agreement. These are managed by Flintshire County Council's Finance department and utilized by the Housing & Assets department to deliver new build affordable housing and through the purchase and redevelopment of existing housing stock, including empty homes.
- g.2 Flintshire is a stock retaining Local Authority, which means they have not transferred their social housing stock to a Registered Social Landlord (RSL). This enables the Authority to continue building and purchasing affordable housing as part of this portfolio. In addition to this the Council also own a separate housing company North East Wales Homes (NEW Homes) which leases, manages and owns properties throughout Flintshire. The company was established to increase the quantity and quality of affordable housing available across the County, providing affordable homes for those who may not qualify for social housing but for whom market housing is unaffordable or difficult to access.
- g.3 Off-site contributions towards affordable housing are spent by both the Local Authority on increasing their own social housing stock and also by NEW Homes to increase intermediate provision within the County. This approach has contributed towards Flintshire's successful track record on affordable housing delivery and will therefore continue post adoption of the LDP where affordable housing commuted sums have been decided as the most appropriate form of provision over on-site units.
- g.4 This method enables both the Council and NEW Homes to maximize commuted sums and affordable housing delivery by combining them with other funding streams such as Social Housing Grant (SHG). This can then be targeted towards affordable housing provision in areas that are less attractive for market led development, such as bringing empty homes back into use or towards specialist housing needs that cannot be catered for within existing stock.
- g.5 An updated affordable housing SPG will set out the formula for calculating off site commuted sums for affordable housing, this formula will ensure that the commuted

sum received is equivalent to the percentage of affordable housing that should have been delivered on site.

Question h) Do affordable housing exception sites have to be immediately adjoining settlement limits?

Council's Response:

h.1 Yes. This approach is in line with paragraph 4.2.34 of PPW11 and paragraph 10.13 of [TAN2 \(Affordable Housing\)](#) which support the release of small housing sites within or adjoining existing settlements for the provision of affordable housing.

Question i) Why are exception sites not allowed adjoining Tier 1 settlements? How does this reflect the spatial distribution of need for affordable housing?

Council's Response:

i.1 Tier 1 settlements are considered to be the most sustainable settlements, and provision for small scale affordable housing exception sites would be appropriate in principle as long as this did not encourage or lead to small scale incremental additions to the extents of Flintshire's larger urban settlements, or the sterilization of future opportunities to locate sustainable growth on a more strategic basis. There may also be a greater expectation of land values from landowners on the edge of main settlements that may discourage the incremental release of land for exceptions schemes. The Council would therefore offer no objection to the Inspector recommending that policy HN4-D be amended to allow 'Small Scale Exceptions Schemes for Affordable Housing adjoining settlement boundaries', within Tier 1 Main Service Centres.

Question j) What is the basis for restricting management of exceptions schemes in Policy HN4-D (e)? Will this deliver smaller schemes in rural areas?

Council's Response:

j.1 Policy HN4-D restricts the management of affordable dwellings to organisations such as the Council, Housing Associations or local trusts to ensure they remain affordable in perpetuity, and are directed to those in genuine need of affordable housing. Organisations such as these have strict eligibility criteria and assessments for joining affordable housing registers and operate a priority order to ensure those in the greatest need of affordable housing are housed first.

j.2 Policy HN4-D supports small affordable housing exception schemes on the edge of rural settlements (tiers 3 and 4), the proposed management of these schemes will not prevent their delivery.

Question k) Should the LDP specify the criteria that will be applied to determine who will qualify for an exception site?

Council's Response:

k.1 No. This will be set out within the updated affordable housing SPG and will also be dealt with by the registration on the Council's affordable home ownership register. [TAN2 \(Affordable Housing\)](#) sets out the requirements for defining local

need and connection criteria which the Authority will apply to affordable housing exception sites, it does not need to be repeated within the policies of the LDP.

Question l) How will the affordable housing target be delivered and reviewed?

Council's Response:

- I.1 Table 3 in [the Affordable Housing Background Paper](#) sets out how and where the affordable housing target will be delivered. In the first instance affordable housing will be delivered on site, where this is not feasible and the developer can demonstrate exceptional circumstances, it will be delivered off-site and/or by commuted sums. In each case, a Planning Obligation will specify the amount and timing of affordable housing to be delivered.
- I.2 In addition to affordable housing being delivered through LDP mechanisms, Flintshire is also delivering affordable housing through a variety of other initiatives and projects. Principal amongst these is Flintshire's Strategic Housing and Regeneration Programme (SHARP) whereby the Council is working with a preferred development partner Wates Residential to build innovative and high quality new affordable homes. The scheme will deliver 500 new homes across the County by 2021 of which 300 will be intermediate rent (owned and managed by North East Wales Homes Ltd) and 200 social rented (managed by FCC). [The Affordable Housing Background Paper](#) provides further detail on Flintshire's approach to affordable housing delivery alongside the LDP.
- I.3 The delivery of affordable housing via the planning system is one of the core indicators contained in the plans monitoring framework. The LDP monitoring framework enables the delivery of affordable housing to be closely monitored and reviewed through the Annual Monitoring Report (AMR). Indicator MI10 specifically monitors the level of affordable housing completions against the Plan's overarching affordable housing target, if the LDP is not on track to deliver the target then this would trigger the need to consider remedial measures. In addition the monitoring framework also includes indicator MI14 to monitor the delivery of affordable housing thresholds and percentage targets for each sub-market area.

Question m) Will the affordable housing policies ensure a balanced mix of house types, tenures and sizes, and is the required density level appropriate?

Council's Response:

- m.1 Policy HN2 applies to both market and affordable dwellings, this policy seeks to provide a density of at least 30 dwellings per hectare and ensure that schemes incorporate an appropriate mix of dwelling types and sizes. As detailed within the reasoned justification of policy HN2 applications are expected to reference and align with the evidence contained within the LHMA which identifies the need for smaller dwellings with one or two bedrooms for affordable housing. The LHMA clearly sets out the type, size and tenure of affordable housing that is needed within Flintshire.

m.2 A clear trend found in the nature of objections received from the development industry and/or their agents to the affordable housing policy, centres around the argument that the policy in essence prevents them from developing what they want to, rather than as it is intended to, making provision in a more balanced way for what is needed. This is illustrated in the relative mix and low densities of speculative applications submitted whilst the plan has been in preparation, and also characterizes the intentions for many alternative sites if considered.

m.3 The Housing Strategy department are consultees on all affordable housing applications and will provide advice regarding the latest housing needs and the appropriateness of the mix and tenure of dwellings, this will ensure that applications for affordable housing contain the right tenure, size and type of dwelling to meet the need on the housing register at that point in time.

Question n) How will housing for people/groups with special needs, such as the elderly, be provided? Should there be a separate policy and/or allocations for such housing?

Council Response:

n.1 Policy HN2 sets out the criteria for the density and mix of new dwellings, paragraph 11.6 of the reasoned justification states “In order to meet the variety of needs in Flintshire, a range of housing must be provided on sites. The Local Housing Market Assessment identified a particular need for smaller one and two bed units to meet the increasing need from single person households. A significant part of this need is driven by the growing older population (65+), therefore the housing needs of older people should be reflected in residential development proposals, which could include the development of bungalows. To ensure that mixed and balanced communities are created the Council will expect developers to provide an appropriate mix of dwelling size and type to meet local housing needs, making reference to the evidence within the latest Local Housing Market Assessment and avoiding residential schemes that are dominated by larger properties with four or more bedrooms” This will ensure developments achieve a good mix of property types and sizes to cater for all housing needs and demands.

n.2 Flintshire’s Housing Strategy department work alongside local Registered Social Landlords (RSLs) and other housing functions of the Authority to identify and cater for specialist housing needs such as adapted properties. When Housing Strategy are consulted on residential planning applications they look at a variety of data sources including the SARTH social housing register, Tai Teg intermediate affordable housing register and Flintshire’s own specialist housing register to identify needs which then inform their negotiations with developers regarding the mix and type of specialist affordable units on site if required.

n.3 Where a need arises that cannot be catered for within the existing housing stock the Housing Strategy function work alongside the Planning Department, RSLs and Social Services to provide bespoke specialist housing either through the development of affordable housing exception sites, through the purchase of

affordable units directly from developers on market sites or through the conversion of existing buildings. The Council do not feel it is necessary to allocate specific sites to cater for purely specialist housing need as these needs can be covered through our existing approach and policy HN2 will secure a balanced mix of house types across all sites.

n.4 Three Extra Care facilities have recently been development within Flintshire;

- Plas Yr Ywen, Holywell (Wales and West Housing Association– 55 bedrooms)
- Llys Raddington, Flint (Clwyd Alyn Housing Association– 73 bedrooms)
- Llys Jasmine, Mold (Wales and West Housing Association– 63 flats and bungalows).

Planning permission has also been granted for an extension to Marleyfield House in Buckley for a 32 bedroom facility specifically to accommodate patients who are well enough to be discharged from hospital but unable to return home. The Council will continue to work with its housing partners to deliver windfall housing developments which meet the needs of particular sectors of the County's population.

Question o) Are criteria a), b) and c) of Policy HN4-B reasonable and necessary, taking account of the Plan's approach to employment provision and the costs associated with conversion?

Council Response:

o.1 Whilst the Plan makes provision for a portfolio of employment allocations backed up by Principal Employment Areas, these tend to be in the more urban parts of the County. A large part of Flintshire is rural where there is a need to look at other means of enabling employment development, policy PE3 allows conversion of rural buildings and PE4 allows farm diversification. It is necessary to have strict control mechanisms in place to ensure that these existing rural buildings are assessed as to their suitability for employment purposes, otherwise there would be market pressure for all rural buildings to be converted to housing. The Plan seeks to ensure that consideration is given to whether a rural building is suitable for employment use (backed by an existing adopted SPG).

o.2 Paragraph 5.6.2 of PPW11 highlights the importance of LDP policies which support employment opportunities within rural areas as a means to strengthen the future well-being and sustainability of rural communities. Criterion a) under policy HN4-B is considered to be reasonable and necessary to enable employment uses through the conversion of existing rural building where they are suitable, without the need to compete with the demand for residential. If suitable buildings are not advertised for business use for at least twelve months the potential for economic development could be missed, stifling the opportunity to support the rural economy. In addition, as the buildings are required to be in structurally sound condition this should facilitate employment use options that do not require extensive or costly conversion, and where it does there are good examples of rural

conversion to say B1 development where the relative values make the conversion viable. Criterion b would permit part residential use where it is a subordinate part of a proposed scheme for business use. This would facilitate support for the rural economy in line with the principles of PPW11. Criterion c would permit conversion for purely residential purposes only where the proposal is for the conversion to affordable housing for local needs. This prevents pressure for market housing from impeding potential affordable housing development. An objector has raised concerns that conversion costs are too high for these buildings to be used as affordable housing, however this is not substantiated by evidence. Some buildings may be unaffordable for conversion but not all rural buildings will have high conversion costs. The cost will depend upon a number of factors including the location, size and current state of the building, all of which should be carefully considered by the applicant.

o.3 The objector highlights that rural locations are often isolated from services and facilities and that they are unsustainable for households on low incomes. However, this is the nature of rural life, and it would be unacceptable to prevent local people from accessing affordable housing in their communities by removing criteria c of this policy. Affordable housing development would not take place if it had to compete with market dwellings under this policy.

Question p) Is the restriction on infill development to meet a proven local housing need unduly onerous? To what extent will this contribute to the provision of affordable housing in the County?

Council Response:

p.1 The restrictions imposed by policy HN4-C are not considered to be unduly onerous, they are in place to protect the open countryside from inappropriate residential development and safeguard opportunities for affordable housing development for local need. Paragraph 3.60 of PPW11 supports infill residential development, particularly where it meets a local need for affordable housing. The plan seeks to strictly control development within the open countryside, but support the delivery of affordable housing for local needs within rural areas, to introduce market dwellings under policy HN4-C would be contradictory to other policies within the plan. This policy approach was incorporated into the adopted UDP (Policy HSG5) as a result of the Inspector's recommendations ([LDP-EBD-OCD1](#)). The Inspector commented 'Because of the characteristics of the rural areas of Flintshire, I have already concluded in relation to HSG3 that development in the defined smaller settlements should be limited to that which is required to serve local needs and the same reasons apply equally if not more so to the undefined settlements and small clusters of houses. It would be illogical and contrary to the plan's sustainable principles if HSG5 were to be more permissive of development than HSG3. However, I recognise that, as the Council says in UDP para 11.46, there is a need to ensure some opportunities exist for small scale development to take place to meet the social and economic needs of rural areas. For this reason I believe that infill development should be permitted where there is a proven local need. This would make the policy more robust and compatible with HSG3 as

recommended for modification'. The approach and rationale of the UDP Inspector is still considered appropriate and in line with the principles of achieving sustainable development in rural areas.

p.2 The extent to which this policy will contribute towards overall affordable housing delivery is small compared to the urban areas, however it is an important source of supply for rural communities and is appropriate and proportionate. Local residents who cannot afford market dwellings will otherwise be forced to find affordable housing elsewhere if they have to compete with the pressure for market dwellings that would be caused by diluting the control mechanisms within this policy.

Annex Accommodation

Question a) Are criteria i) and iii) of Policy HN6 necessary in order to prevent the creation of self-contained dwellings?

Council Response:

aa.1 Yes. Policy HN6 supports the creation of annex accommodation where it is an extension to an existing dwelling or a conversion of an existing building within the curtilage of an existing dwelling. The provisions within the policy are clearly more applicable to open countryside locations where it is necessary to carefully control new built development and to avoid the uncontrolled development of new self-contained residential units. Criterion i) seeks to ensure that its usage is ancillary to the residential use of the existing dwelling and is reliant in part on the main dwelling for facilities. If the building does not rely on the main dwelling for some degree of facilities then it would be an entirely separate dwelling and not annex accommodation, and would need to be assessed accordingly.

aa.2 Criterion iii.) Is considered necessary as a separate vehicular access, garden and parking suggests a degree of separation from the main dwelling whereby it is not subordinate to the main dwelling and would be tantamount to simply allowing a new dwelling in the open countryside. Separate gardens with physical boundary enclosure and vehicle access would be more akin to a development that by its very nature would not be ancillary to the main use of the dwelling, and would potentially be harmful to the character and appearance of open countryside. There may be scope for a parking space convenient to the annex or a patio area but this will depend on the circumstances of each proposal.

aa.3 The criteria of policy HN6 ensure that annex accommodation can be strictly controlled, and that breaches of planning control are more easily identified and enforced.

Houses in Multiple Occupation (HMOs)

Question a) In Policy HN7, what is meant by ‘over concentration’; can the policy be implemented without a definition of this term? Is it necessary to include the second part of the sentence in criterion e (...’to the detriment of etc)?

Council’s Response:

Aaa.1 In Flintshire there is no university which might attract a resident student population but there are areas of the county particularly in the Deeside settlements where many HMO’s are located. In these areas in particular, Members are concerned about the growing number of proposals for HMO’s and the need for a specific policy in the LDP with which to consider such proposals against. It is recognised in the Local Housing Market Assessment that there is need for small units of accommodation but Members consider that this needs to be balanced with avoiding over concentrations of HMO’s from which issues can arise. This is recognised in the Welsh Government publication Houses in Multiple Occupation Practice Guidance (2017) which sets out how the over concentration of HMO housing can lead to detrimental effects on the surrounding community.

Aaa.2 The Welsh Government guidance gives advice in this matter and aims to illustrate how high concentration can lead to ‘over concentration’ and states, “ HMOs provide a source of accommodation for certain groups, including students temporarily resident in a locality and individuals and/or small households unable to afford self-contained accommodation. Concerns can arise with the management of HMOs because of the transient nature of many tenancies, with many residents on low incomes and/or from vulnerable groups, the intensive use of shared facilities and lack of interaction between residents who may be complete strangers to each other. Consequently, HMO use of a house will generally be more intensive than single household use. This may have an impact not just on the residents in an HMO but on the wider neighbourhood and the likelihood of this increases where there are high concentrations of such properties.

Aaa.3 Where there are high concentrations of HMOs, the Welsh Government Review confirmed that common problems include:

- Damage to social cohesion with higher levels of transient residents and fewer long term households and established families, leading in the long term to communities which are not balanced and self-sustaining
- Access to the area for owner occupiers and first time buyers becoming much more difficult because of increased house prices and competition from landlords, with a reduction in the number of family homes;
- Increases in anti-social behaviour, noise, burglary and other crime;
- Reduction in the quality of the local environment and street scene as a consequence of increased litter, refuse and fly tipping, increased levels of disrepair and prevalent letting signs;
- A change of character in an area through a tendency for increased numbers of takeaways, discount food stores and letting agencies;

- Increased pressure on parking;
- Reduction in provision of community facilities for families and children, in particular pressure on schools through falling rolls.”

Aaa.4 From this context, the term ‘over concentration’ in the policy is used to highlight the issues which may arise in areas with high levels of HMOs or where HMOs begin to arise in the same neighbourhood or street, where individual and cumulative impacts are not sufficiently monitored or taken into account as material considerations. There is a clear perception that in particular areas of the County the growing numbers of applications for HMOs, along with the experiences of existing residents who already have HMOs in their local area, require specific policy controls to ensure that where HMOs are proposed, this is proportionate to the existing family accommodation, and does not have unacceptable impacts on the character of the area or amenity of existing residents. In certain areas of the County growing numbers of HMO’s are emerging, some detrimental effects as described above are being reported by residents and Members and it is important that the plan has appropriate policy controls to address these issues. The Council is seeking to achieve this with policy HN7 along with a HMO Draft Developer Advice Note ([HMO-Developer-Advice-Note](#)) which aims to manage the location of HMOs to alleviate any problems that may develop over the plan period.

Aaa.5 At the present time Flintshire does not have a Register of all HMO’s and as such cannot accurately quantify the number of HMOs in a particular area. Whilst the Council like all other authorities maintains a statutory register of larger HMOs (7 or more rooms) it has not to date established a voluntary register for all other HMOs in its areas that fall below this threshold. Neighbouring authorities do have such a register in place and can measure how many HMO’s are in a certain area. Chester West and Chester applies a maximum of 15% concentration threshold for HMOs, whereby Planning permission will not be granted for a HMO where this would result in the concentration of HMOs in a defined area exceeding 15 per cent of the residential properties, (other than in exceptional circumstances). The ‘defined area’ is all of the dwellings within a 50m radius of the planning application. In Wrexham a similar approach is taken using a threshold of 10% within a 50m radius although a recent appeal decision allowed a HMO despite this threshold being exceeded. The Welsh Government research report, ‘Housing In Multiple Occupation: Review and Evidence Gathering 2015’ found that concerns regarding the number of HMOs increases once concentrations of HMO households rise above 10%.

Aaa.6 Flintshire’s Developer Advice Note (DAN) [HMO-Developer-Advice-Note](#) was interim advice produced in response to the number of applications being received by the Council (as a result of the legislative changes in 2016 where HMOs now require planning consent) but where the UDP had no specific HMO policy to judge these proposals against. The guidance was consulted upon but was not adopted by the Council as a policy was being developed for the Deposit

LDP. Nevertheless the Note sets out the general planning requirements for HMO's including, Amenity of Occupiers, Outlook and Privacy and Outdoor Amenity Space in order to ensure that living standards for occupiers are adequate. The Note will form the basis for work on an SPG to support policy HN7 once the LDP is adopted. The DAN also includes reference to Environmental Protection requirements and for the need for to consider Building Regulations requirements. The note also tackles over concentration in section 6 by for example proposing that a non HMO property must not be sandwiched between two HMO's.

Aaa.7 Whilst the Council accepts that without a comprehensive register of HMOs it will be difficult to fully define and implement the intention behind criterion e), but what this part of the policy does acknowledge or seek to examine is the recognition in Welsh Government guidance that harm can occur with concentrations of HMOs. The other criteria within the policy aim to address aspects of the intensification of residential use that can lead to the types of impacts identified in the guidance, and that are already causing concern to communities in Flintshire. Policy HN7 is seeking to ensure that such impacts or harm are not left unchecked, particularly in the absence of national planning guidance on this, and the use of limited and outdated evidence on matters such as parking requirements.

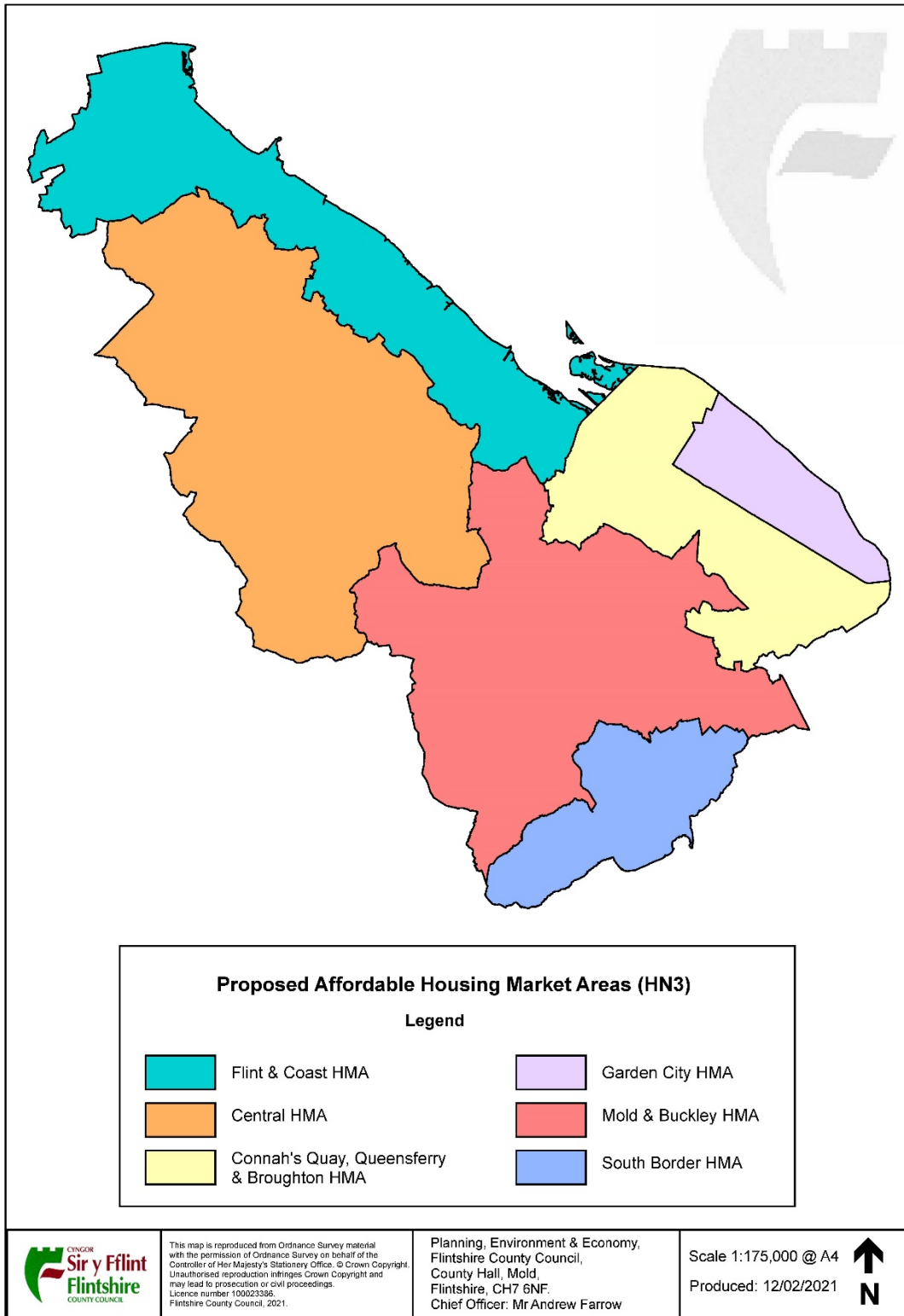
Aaa.8 Research is ongoing into other ways of identifying the location of existing HMO's but this work has been hampered by the pandemic, in particular due to the increased pressures on the Environmental Protection department of the Council and the establishment of a full register. Given the inability of the Council at present to sufficiently evidence the location of existing HMOs from which to assess whether 'over-concentration' may occur with new development, criterion e could be amended to "**the cumulative impact of development would not adversely affect the character of the locality or residential amenity**". This would still allow for further work to be carried out on registration and concentration of HMOs which could then inform the production of suitable SPG that defined the approach to measuring 'over-concentration' and by setting a suitable threshold for this assessment.

Appendix One

Components of affordable housing supply and spatial distribution, and percentage split of overall affordable housing delivery across the LDP settlement hierarchy.

	Tier 1 - Main Service Centres	Tier 2 - Local Service Centres	Tier 3 - Sustainable Settlements	Tier 4 - Defined Villages	Tier 5 - Undefined Villages	Total Affordable Housing Provision
Affordable Housing on Allocated Sites	297	535	69	0	0	901
Affordable Housing on Large & Small Windfall Sites	240	59	59	27	13	398
Affordable Housing on Committed Sites	470	66	137	36	0	709
Total Affordable Housing Provision	1007	660	265	63	13	2008
% of overall affordable housing delivery	50%	33%	13%	3%	1%	100%

Appendix Two.



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