

APPENDIX 1

Warwick District Council

Policy for HMOs & Student Accommodation

November 2013



POLICY FOR HOUSES IN MULTIPLE OCCUPATION (HMOs) AND STUDENT ACCOMMODATION

1.0 Aims of the Policy

1.1 The main aim of the policy is to control existing concentrations of HMOs, including student accommodation, and to ensure that other such concentrations do not occur elsewhere. Existing concentrations in parts of south Leamington have led to a significant loss of amenity for more settled residents. The policy also aims to ensure that proposals for HMOs and Student Accommodation include satisfactory provision for refuse storage and access to public transport.

1.2 Planning permission is required for new, and changes of use to, HMOs. However, the planning regulations allow changes of use from single dwellings to small HMOs of up to 6 occupants without the need for planning permission. However, in April 2012, an Article 4 Direction was brought into effect which removed these permitted development rights for changes of use to small HMOs in Leamington Spa only.

1.3 This policy will be used to determine all planning applications for HMOs including all student accommodation.

2.0 Application of the Policy	
In Leamington Spa Wards	In all other areas of the District
Brunswick Claverdon Crown Manor Milverton Willes	All applications for new developments of, and changes of use to, HMOs except changes of use from dwellings in Use Class C3 to dwellings in Use Class C4 (small HMOs with 3-6 occupants)
All applications for new developments of, and changes of use to, HMOs	
See 4.1 and 4.4 below for the definitions of an HMO and Use Classes C3 and C4	

3. The Policy

Planning permission will only be granted for Houses in Multiple Occupation, including student accommodation, where:

- a) the proportion of dwelling units in multiple occupation (including the proposal) within a 100 metre radius of the application site does not exceed 10% of total dwelling units; and
- b) the application site is within 400 metres walking distance of a bus stop; and
- c) adequate provision is made for the storage of refuse containers whereby -
 - the containers are not visible from an area accessible by the general public, and
 - the containers can be moved to the collection point along an external route only

Exceptions to a) may be made where the application site is located:

- i) on the campus of the University of Warwick or Warwickshire College or;
- ii) on a main through fare in a mixed use area where the proposal would not lead to an increase in activity along nearby residential streets (for example, by way of pedestrian movements between the application site and the town centre or car parking)

Exceptions to c) may be made if alternative arrangements for the storage and movement of containers are agreed in writing by the Council's Contract Services section

4.0 Supporting Information for Applicants

Definitions

- 4.1 A House in Multiple Occupation (HMO) is defined as a house or flat which is occupied by 3 or more unrelated people who share an amenity such as a kitchen, lounge or bathroom. It includes a range of different types of accommodation such as bedsits, shared houses, student cluster flats, halls of residence and some staff accommodation. The legal definition is contained within Part 7 of the Housing Act 2004. Further information is available on the Council's web site:

<http://www.warwickdc.gov.uk/WDC/Housing/Private+housing/Multiple+occupancy+homes/default.htm>

- 4.2 A dwelling is defined as a self-contained house or flat (which may be shared by more than one household) where all rooms, including a kitchen,

bathroom and toilet, are behind a front door which only the occupants can use. Further details are given on this Government web site:

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/23928/120301_Derivation_of_Dwelling_count_from_2011_Census_-_separate_doc_for_web_publication.pdf

- 4.3 Hostels, large shared houses and groups of bedsits are defined as HMOs but may only form one dwelling unit. Since criterion a) of the Policy is concerned with measuring the concentration of HMOs - of which population density is a major consideration - in applying this criterion, hostels, large shared houses and groups of bedsits, will be counted as 1 dwelling for every 6 bedrooms or part thereof.

- 4.4 The planning regulations group together some uses of buildings for the purposes of the need for planning permission. Dwellings are grouped into Use Classes C3 and C4. Use Class C3 (and its sub-divisions) covers dwellings where the occupants live together as a single household (a family), including a household of up to 6 people where care is received. Use Class C4 covers small shared houses or flats occupied by between 3 and 6 unrelated people who share basic amenities (small HMOs). Planning Permission is not normally required to change the use of a dwelling from C3 to C4 (but see 4.4. below). Large HMOs (>6 unrelated people living together) are not included within a specific Use Class. This means that planning permission is always required to change the use of a dwelling from either C3 or C4 to a large HMO.

The Article 4 Direction (Small HMOs)

- 4.5 An Article 4 Direction in respect of small HMOs applies in Leamington Spa wards only. It means that planning permission is required for a change of use from a single dwelling (Use Class C3) to a small HMO (Use Class C4). In other areas of the District, planning permission is not required for changes of use from a family dwelling to a small HMO (Use Class C4).

Applying the 100m Radius Test

- 4.6 In implementing the 100m radius policy, the Council will supplement its own information with an area survey. This will ensure that the information is up-to-date. Buildings converted into self-contained flats will not be counted as HMOs unless the individual flats are occupied by 3 or more unrelated people. However buildings which have been converted into a mix of self-contained and not self-contained flats will be counted as HMOs. For clarity, each self contained flat is counted as a dwelling unit, rather than the building in which they are contained. Dwelling units which are dissected by the 100m radius will be counted only if more than 50% of the building falls within the radius.

4.7 The exceptions to the 100m radius policy may allow larger developments of HMOs or student accommodation where they are located in mixed use areas on main through fares. In these locations there is less likely to be an adverse impact on local residential amenity, provided the route between the proposal and the town centre does not pass through a residential area. In these circumstances, each case will be considered on its merits, taking into account the location of any other large HMO in the locality.

4.8 For the purposes of this policy, a mixed use area is defined as an area where residential uses are not the predominant use. A main through fare will generally include A or B classified roads.

Distance from a Bus Stop

4.9 Most urban locations within the District are close to a public transport route. However, it is necessary to ensure that accommodation is within reasonable walking distance of a bus stop because occupants of HMOs and student accommodation are more likely to depend upon public transport. This is particularly the case in respect of Warwick University students because the University discourages students from taking cars onto the campus.

Refuse Storage

4.10 The satisfactory storage of refuse is an important element in any HMO proposal. The Council's guidelines for refuse storage include details of the recommended sizes of containers. These are set out below:

Provision of Refuse Containers for Houses in Multiple Occupation containing Adults		
Size of Household (No of Adults)	Size of Grey Bin (Litres)	No of Grey Bins
1-3	180	1
4-5	240	1
6-8	180	2
>8	240	2

4.11 Bulk refuse and recycling containers need to be purchased by the developer/landlord before the development is occupied, assuming 180 litres per house/flat per fortnight. In the case of blocks of more than 7 flats, it is recommended that the Council is approached to look at the possibility of implementing their alternate week single bin recycling and refuse service for ease of use and collection. Green bins can be supplied on request.

4.12 Proposals for new, purpose built accommodation and changes of use will be required to include well located storage facilities for refuse containers of a size recommended above. This will ensure that all refuse can be adequately contained without impacting on general amenity, with the ability to move the containers to the collection point without the need to pass through a dwelling.

4.13 If the applicant cannot meet the requirements of criterion c) of the Policy in full, or if they wish to discuss any refuse storage or collection issues, they should contact the Council's Contract Services section: telephone 01926 353365 or email contract.services@warwickdc.gov.uk

Vehicle Parking

4.14 The parking policies in the Vehicle Parking Supplementary Planning Document will be applied in all cases:
<http://www.warwickdc.gov.uk/WDC/Planning/Planning+policy/Local+Development+Framework/Supplementary+Planning+Documents/Parking+Standards+in+New+Development.htm>

Other Guidance: Planning

4.15 Applicants should also have regard to the following Supplementary Planning Documents (SPDs) and Supplementary Planning Guidance (SPG):

Sustainable Buildings SPD:

<http://www.warwickdc.gov.uk/WDC/Planning/Planning+policy/Local+Development+Framework/Supplementary+Planning+Documents/Sustainable+Buildings+SPD.htm>

Open Space SPD:

<http://www.warwickdc.gov.uk/WDC/Planning/Planning+policy/Local+Development+Framework/Supplementary+Planning+Documents/Open+Space+SPD.htm>

Residential Design Guide SPG:

<http://www.warwickdc.gov.uk/WDC/Planning/Planning+applications/Submission+Planning+application/Residential+Design+Guide.htm>

Other Guidance: Housing Management & Licensing

4.16 The Management of Houses in Multiple Occupation (England) Regulations 2006 impose duties on persons managing HMOs (3 or more unrelated persons, any number of stories). They require the maintenance of the structure, fittings and fixtures of common parts and living accommodation, both internal and external, and the maintenance of the water supply and drainage, gas and electricity.

<http://www.legislation.gov.uk/uksi/2006/372/contents/made>

4.17 The Housing Act 2004 requires HMOs consisting of 3 or more stories and with 5 or more persons to be licensed with the local authority. The local authority will need to be satisfied that:

- the licence holder/person managing the property is fit and proper;
- the management arrangements are satisfactory; and
- the property is capable of being made suitable for occupation by a specified number of persons.

Further information is available on the Council's web site:

<http://www.warwickdc.gov.uk/WDC/Housing/Private+housing/Multiple+occupancy+homes/>

4.18 Universities UK has produced a Student Accommodation Code of Practice which landlords can join. This is applicable to large developments of student accommodation. Information about the Code is available here: <http://www.universitiesuk.ac.uk/aboutus/AssociatedOrganisations/Partnerships/ACOP/Pages/default.aspx>

5.0 Justification for the Policy

National Planning Policy Framework (NPPF)

5.1 The NPPF includes the aim to "always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings". Further, planning should "enhance and improve the places in which people live their lives" (paragraph 17).

5.2 Paragraph 56 also refers to the need to make places better for people. This includes "safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion".

5.3 The NPPF states that Local Plans should identify areas where it may be necessary to limit freedom to change the uses of buildings, and support such restrictions with a clear explanation (paragraph 157).

Rented Accommodation and HMOs in Warwick District

5.4 Warwick District has a relatively high proportion of dwellings which are privately rented. The 2011 Census revealed that in the District 17.9% of the stock was privately rented compared with 14.1% in the county. Nationally, the District is ranked 73 (out of 326 English local authorities)

in terms of the percentage of privately rented homes. The District has low economic activity rates for the under 24 age group and a relatively young population structure with higher than average numbers in the under 35 age groups. This is partly explained by the numbers of full-time students living in the District but also demonstrates a need for private rented housing for younger age groups unable to enter into owner occupation.

5.5

A significant proportion (about 15%) of the District's privately rented stock comprises Houses in Multiple Occupation (HMOs). There are about 1,600 known HMOs in the District and a possible further 300. The majority of HMOs (93%) are shared houses and about 81% are shared student houses. The 2011 Census showed that the District ranked 31 for the proportion of student households. The following table shows the types of HMOs in the District.

HMOs by Type

Type of HMO	No	% Total
Student Shared Houses	1,319	80.9
Other Shared Houses	198	12.1
Bedsits	70	4.3
Staff Accommodation	32	2.0
Other	6	0.4
Student halls of Residence	5	0.3
TOTAL	1,630	100.0

Source: Warwick District Council 2013

5.6

About 91% of HMOs in the District are located in Leamington Spa, with 4% in Warwick and 4% in Kenilworth. Within Leamington Spa, HMOs are heavily concentrated in the south and central parts of the town. The two wards of Brunswick and Willes together contain 65% of HMOs.

Location of HMOs by Leamington Wards

Ward	No	%
Brunswick	536	37.6
Willes	390	27.4
Clarendon	239	16.8
Milverton	173	12.2
Manor	54	3.8
Crown	32	2.2
Leamington Spa	1424	100.0

Source: Warwick District Council 2013

See Maps in Appendix 3.

The Issues

5.7 The concentration of HMOs and student accommodation in parts of south and central Leamington Spa has in recent years impacted upon the

amenities of more settled residents. Research in connection with the Article 4 Direction (see Appendix 2) identified a number of negative issues which were largely a result of the imbalance caused by:

- a relatively large proportion of young, single people with student lifestyles which conflict with the lifestyles of more settled residents; and
- a relatively large proportion of privately rented accommodation, with short term tenancies, which often leads to a lower standard of upkeep of property and the loss of a sense of belonging within the community.

5.8 Where HMOs are not concentrated, there is less of an issue. The issues are not always related directly to the occupants themselves but may be a result of the concentration of young, single people or privately rented accommodation; or of a high population density in areas of smaller terraced homes. Houses occupied by students or other young people are more likely to be a target for burglary because there is less attention to security and the houses contain more equipment, such as lap tops, than a single family home.

5.9 The main problems which are created within communities where there is a concentration of HMOs include:

- noise and anti-social behaviour, particularly late at night and in the early hours of the morning
- increased crime
- negative impact on the physical environment, including inadequate attention to waste disposal
- lower levels of community involvement and pride in the area
- impact on local services
- pressure on spaces for on-street parking
- reduction in the stock of lower priced housing suitable for first-time buyers

5.10 The three issues commonly cited by residents are noise and anti-social behaviour, rubbish on the streets, and property management/maintenance issues. Occupiers of HMOs are more likely to be the victims of crime, partly due to inadequate attention to security in the home but also because they are more likely to be on the streets late at night. Incidents of crime, such as burglary from dwellings, vehicles and people, are higher in areas where HMOs are concentrated. Noise and anti-social behaviour takes place mainly outside and on the street and also affects residents along streets between the town centre and areas of concentration. Appendices 2b and 2c provide further information on levels of anti-social behaviour, crime and complaints about noise and refuse.

5.11 The Council has, for a number of years, worked with the University (Accommodation Service and the Student's Union), Warwickshire Police and landlords to try and resolve issues when, and before, they arise. This has produced a number of successful initiatives. All parties are aware of the issues and work together to resolve them. However, the short term nature of student tenancies means that each new academic year tends to bring new tenants with whom the authorities, and more settled residents, must re-engage. Thus, although much is being done by the various parties, the problems are unlikely to be completely resolved.

5.12 The Council recognises that HMOs play an important role within the District's housing stock and it is not the aim of the policy to reduce the overall numbers or restrict further such uses. Further, there are positive effects of student populations and young people, in particular the contribution towards the local economy in terms of spending power, a part-time and seasonal workforce and a potential graduate workforce.

How the Policy will address the Issues

5.13 The policy aims to address the following issues:

- the concentration of HMOs and student accommodation
- inadequate refuse storage
- on-street anti-social behaviour

5.14 The application of the 100m radius rule will ensure that issues such as anti-social behaviour, increased crime, refuse on streets and parking will not worsen in areas which already have a significant proportion of HMOs. It takes into account the fact that the average household size of an HMO is approximately double that of non-HMO dwellings. Exceptions to the rule may be made where the application site is located along a main road, in a mixed use area, provided the route to the town centre is not along quiet residential streets. This will address the issue of street noise late at night, particularly during mid-week evenings when "student nights" are more likely to be held in town centre clubs and pubs.

5.15 The policy requires adequate refuse storage facilities appropriate to the size of the household to ensure that refuse containers do not overflow and that there is adequate space for their satisfactory storage.

5.16 The requirement for properties to be within 400 metres walking distance¹ of a bus stop is included because, in the case of students, Warwick University discourages students from taking cars onto the campus and access by bus will in most cases be the only option. Warwick University campus is some 8 miles from Leamington Spa so cycling will not be a

¹ Chartered Institute of Highways and Transportation "Guidelines for Planning for Public Transport in Developments"

realistic option for most people. A distance of 400m is recognised as being the optimum maximum walking distance to a bus stop to avoid introducing barriers to the use of buses.

6. Monitoring

6.1 The Council will monitor the number and location of new HMOs as well as the Housing Register to ensure that the policy is not, either, leading to new areas of potential concentrations of HMOs or leading to a shortage of HMOs for young people who cannot afford self-contained accommodation. This will include:

- monitoring decisions on planning applications for HMOs and student accommodation;
- monitoring complaints to the Council about noise nuisance and refuse;
- monitoring Police statistics on anti-social behaviour and domestic burglary offences
- monitoring the nature of housing need on the Housing Register

APPENDIX 2: Summary of Representations & Council's Response

Objection/ Comment	Council's Response & Proposed Changes to Policy
1. Criteria of 10% HMOs within 100m Radius	
The 10% limit could be ineffective if a block of self-contained flats exist in an area of concentration. Suggests either a change to "10% of all dwellings capable of conversion to an HMO" or a reduced percentage of 5%.	A self-contained flat is a single dwelling unit. Hence, flats in a block of self-contained flats will be considered in the same way as other dwellings. A self-contained flat is capable of conversion to an HMO in the same way as is a single dwelling. Proposed Change: Include definition of a dwelling
A realistic figure should be set for larger households of >6 people not the smaller houses.	The criteria will be applied to all HMOs not just those of up to 6 occupants. Proposed Change: Clarify the developments to which the Policy will be applied
Larger developments need a policy – for example Station House which is splitting the community into different sections.	The policy will be applied to all HMOs and student accommodation. Proposed Change: Clarify the developments to which the Policy will be applied
Purpose built blocks of student accommodation should be excluded from the policy – they are already assessed against tighter criteria under existing policies such as impact on local amenities and management procedures	There is currently no policy for assessing purpose built student accommodation. If this policy is primarily concerned about addressing the concentration of HMOs and student accommodation, then all these types of accommodation must be covered by the policy. No change
There should be a moratorium on all student properties in the short term to take the heat out of the market. This should then be followed by applying a 5% threshold rather than the 10% threshold as this would take account of the high densities in parts of south town.	It is considered that a moratorium would be difficult to uphold at appeal in areas where there is currently not a concentration of HMOs. If an appeal was allowed, it is likely that the Council would be unable to implement the policy. No change

<p>This is over-restrictive and not sufficiently evidenced and should be changed to 25% with conditions re: evidence that there would be no harm to the character of the area. This would enable demand for rented properties, as evidenced by the Strategic Housing Market Assessment, to be met.</p>	<p>The Council has arrived at this figure by the following:</p> <ul style="list-style-type: none"> • applying different percentages and different radii to areas of existing high concentrations of anti-social behaviour/ noise and refuse complaints to establish what the existing threshold would be if no further HMOs were to be allowed • consideration of the increase in the population density of areas with certain levels of HMOs (the average household size of an HMO is twice that of a single family dwelling) <p>It would not be possible to provide evidence to show that a proposal would not harm the character of the area. If concentrations are to be prevented from occurring, or worsening, then a threshold needs to be determined. There is no evidence that 25% would be a more suitable threshold than 10%.</p> <p>If, for example, 25% of dwellings in an area changed to HMOs, then this could theoretically equate to an increase in the population of 25% and a population mix where 40% of the population lived in HMOs (assuming an HMO has a household size double that of an average dwelling).</p> <p>The SHMA recognises the issues which the Council faces in terms of the concentration of HMOs in certain areas. It also identifies a strong rental market in North Leamington from young professionals and company lets. The policy will only restrict further HMOs in existing areas of concentration.</p> <p>No change</p>
<p>Existing halls of residences should not be included within the assessment.</p> <p>They are planned with adequate parking and refuse storage and hence have less impact.</p>	<p>If existing halls of residence are excluded, the threshold policy would not work effectively. A significant part of the identified issues in south Leamington include noise and anti-social behaviour on the street. A hall of residence in a residential area will probably contribute towards this and so should be included in determining whether the threshold has been met.</p> <p>No change</p>

<p>Emphasis also needs to be placed upon the proportion of people in the proposed dwelling unit along with the proportion of residents living in existing dwellings in the locality.</p> <p>This is relevant to on-street parking and the general community mix.</p> <p>Some dwelling units could contain up to 27 residents</p>	<p>It would not be possible to assess the number of people living in an area as this is subject to constant change. The 10% policy, by its very nature, addresses the issue of population density. For example, if it is assumed that the average household size of an HMO (4.6) is twice that of a single (family) dwelling (2.3), then if 10% of dwellings change to HMOs this could represent an increase in the population of an area of about 10%. Further, the HMO residents could comprise about 18% of the total population. These are the issues which the Council took into account in arriving at the 10% threshold.</p> <p>If 27 people live in a dwelling, it is likely that the accommodation is either bedsits, a hostel or an old-style student halls of residence.</p> <p>Proposed change: For the purposes of the threshold policy, it will be assumed that 6 bedsitting rooms or hostel rooms will equate to one dwelling. This will enable the impact of such accommodation to be taken into account</p>
<p>This will be ineffective in Kenilworth because there are very few large HMOs with >6 residents. The nature of the housing stock is such that most HMOs are small (3-6 residents) and these will not be covered by the policy. As many parts of Leamington Spa already far exceed the 10%/100m threshold, the policy will in effect be a moratorium. Limiting growth in HMOs in Leamington is likely to lead to a displacement effect on other areas and Kenilworth will be vulnerable due to its proximity to the University</p>	<p>Current planning regulations allow a change of use from a single dwelling to a small HMO (with fewer than 7 occupants). The Article 4 Direction as applied to Leamington Spa Wards removes this permitted development right because it can be shown that the number of HMOs has a significant impact on residential amenity. There is no such evidence in Kenilworth but the situation will be monitored on an annual basis.</p> <p>The Council does not agree that the policy will in effect be a moratorium in Leamington Spa. There are areas in Leamington Spa where HMOs will still be appropriate.</p> <p>No change</p>

<p>Saturation point has been reached in Willes ward where 65% of accommodation comprises HMOs</p> <p>Other areas such as north of station should be explored for student accommodation</p>	<p>The Council does not agree with this figure of 65% of all accommodation in Willes ward. Paragraph 4.6 of the policy justification states that the wards of Brunswick and Willes together contain 65% of all HMOs. This is not 65% of all dwellings.</p> <p>No change</p>
<p>The approach in Nottingham City is considered to be more logical – a two stage approach. Firstly a threshold of 25% is applied in Census Output Areas as these areas might be identified as neighbourhoods within wards. If the threshold is exceeded, then further analysis can be undertaken including the application of a threshold of 25% across a wider area.</p>	<p>The Council's view is that in Warwick District's towns the areas where HMOs are concentrated are relatively localised and the HMOs largely consist of shared houses. The Nottingham and Charnwood policies referred to were not written with small HMOs in mind, since pre-2010 there was no requirement for planning permission for small HMOs. Output Areas do not reflect "neighbourhoods" within wards. They are simply areas defined for the convenient collection and analysis of Census information. The main problem with assessing levels of concentration within such defined areas is that if the application site is located on the edge of the area, some adjacent areas would not be taken into account in the assessment. The 100m radius methodology ensures that the areas adjacent to the application site are taken into account. This is important to address issues in more localised areas.</p> <p>No change</p>
<p>The 10% policy will restrict new HMOs and student accommodation and will limit the choice of property. The SHMA 2012 identifies a shortage of rented properties and 22% of the housing market are younger people, of which 14% are students</p>	<p>The Council does not accept that the policy will restrict overall numbers of HMOs. It will only restrict new HMOs in areas of high concentration.</p> <p>No change</p>
<p>There is a shortage of all types of accommodation in Leamington Spa, and this has led to a 5-10% rise in rents over the last 2 years. This policy will lead to a decline in the availability of HMOs for young professionals on a tight budget and this group will be priced out of the market</p>	<p>The Council's view is that the 10% policy will only restrict further HMOs from forming in selected areas where there is an existing over-concentration of HMOs. The strong demand for private rented accommodation is mainly led by the current barriers to owner-occupation.</p> <p>No change</p>
<p>It is unrealistic to expect potential purchasers to be able to calculate whether or not the threshold is breached prior to</p>	<p>Potential purchasers can seek advice from Planning by making pre-application enquiries</p>

purchasing the property	No change
Does policy take account of purpose built accommodation? Suggests where purpose built accommodation for students exists with 10 or more occupants, there should be a 100m exclusion zone around it whereby no further HMOs are allowed	The policy applies to all new developments and changes of use to HMOs and student accommodation. The Council considers that the suggested exclusion zone would be too restrictive and unlikely to be upheld on appeal, or supported through a Local Plan Public Examination. Proposed Change: Clarify the developments to which the Policy will be applied
Policy should be extended to Kenilworth and Warwick before problems occur. Situation should be monitored and the University should take greater responsibility	The policy applies to the whole District. However it is only in Leamington Spa, which is covered by an Article 4 Direction, that permission is required for small HMOs. This is because there is currently no evidence that concentrations of HMOs exist in either Warwick or Kenilworth or that such concentrations impact on amenity. It would not be possible to make an Article 4 Direction without this evidence. HMOs across the District will be monitored on an annual basis in the Annual Monitoring Report. The University has obtained planning permission for additional accommodation but is awaiting approval of the necessary funding. No change
In Kenilworth the policy should be applied to small HMOs of less than 7 occupants.	The need for planning permission for a change of use to small HMOs is covered by the Article 4 Direction. There is currently no evidence that concentrations of HMOs exist in Kenilworth, or that such concentrations impact on amenity. It would not be possible to make an Article 4 Direction in respect of Kenilworth without this evidence. HMOs across the District will be monitored on an annual basis in the Annual Monitoring Report. No change

<p>The 10% figure is too high and should be reduced to 3% or 4%</p>	<p>The Council has arrived at this figure by the following:</p> <ul style="list-style-type: none"> • applying different percentages and different radii to areas of existing high concentrations of anti-social behaviour/ noise and refuse complaints to establish what the existing threshold would be if no further HMOs were to be allowed • consideration of the increase in the population density of areas with certain levels of HMOs (the average household size of an HMO is twice that of a single family dwelling) <p>If the above assumptions about household size are applied then it is possible to gain a theoretical impression of the impact of various thresholds. For example, if 10% of dwellings change to HMOs, this theoretically could lead to a 10% increase in the population and 18% of the total population would comprise HMO residents. The Council considers that a figure of less than 5% would produce a much less significant change in the character of the area and would be unjustifiable.</p> <p>The Council has also considered policies implemented by other Councils and have concluded that in Warwick District's towns, the 10% threshold is appropriate.</p> <p>No change</p>
<p>2. Exceptions to the 10%/ 100m Threshold Policy</p>	
<p>Exception ii) has no grounds and should be removed. Brunswick Street and Tachbrook Road have same issues as other streets.</p>	<p>These streets are primarily residential in parts and in these locations no exceptions would be made to the threshold policy.</p> <p>Proposed Change: Supporting information will provide clearer definition of "major through fares in mixed use areas".</p>

If exceptions are to be given to developments in mixed use areas on major through fares, then there should be a buffer between the mixed use area and residential streets	Unclear as to what form this "buffer" would take. No change
Objects to exception ii). Noise in residential streets to and from town centre is not the only problem	Accepted, but where an HMO is located on a main road in a mixed use area there is less impact (of noise, parking and refuse) on the residential amenity of neighbours. This exception to the policy will apply in mixed use areas where residential is a sub-ordinate use. Proposed Change: Supporting information will provide clearer definition of "major through fares in mixed use areas".
Why should main through fares be treated differently from other streets? How can you control the route taken to the town centre?	The impact of additional noise, parking and refuse in mixed use areas along main through fares would be less than on a quieter residential street. The route taken cannot be controlled, but if the area between the application site and the town centre is predominantly residential, then the site would not be suitable. No change
3. Distance from a Bus Stop	
This is too rigid, too generic and unnecessary and would frustrate the market. Not all tenants, such as working professionals, rely on public transport. Existing transport policies should be applied and Council's future infrastructure plans should ensure needs are met	Most locations within the urban areas will be fairly close to a bus stop. This criterion will ensure that new HMOs/ student accommodation are not provided in areas without reasonable access to public transport. Research shows that the majority of HMOs in this District comprise of shared houses and that most of these are let to students. Parking on-site at the University is limited so that it is essential that access to public transport is available. The distance of 400m is regarded as the optimum maximum distance to a bus stop which people would comfortably be willing to walk. No change
Policy should require residents to enjoy convenient access to the University by public transport but to other services by a	A requirement for "convenient access" to public transport is not specific enough to be effective in a planning policy.

range of transport means	<p>If there is access to a bus route, this will provide access to other bus routes and, consequently, other facilities and services.</p> <p>No change</p>
Manual for Streets suggests a walkable neighbourhood is characterised by having a range of facilities within a 10 minute walk (up to about 800m).	<p>The distance from a range of facilities is different from the distance from a bus stop.</p> <p>No change</p>
This would render large parts of the District off-limits to landlords as bus companies can, and do, move bus stops	<p>Most locations within the urban areas will be fairly close to a bus stop. This criterion will ensure that new HMOs/ student accommodation are not provided in areas without reasonable access to public transport.</p> <p>If there is access to a bus route, this will provide access to other bus routes and, consequently, other facilities and services. If bus stops are subsequently moved, this will not affect existing HMOs.</p> <p>No change</p>
Should increase bus routes to meet the needs of students This requirement will lead to HMOs concentrating along bus routes. The policy should be to disperse them.	<p>The policy requires developments to be within 400m walking distance of any bus stop, not just a bus stop for the "Uni Bus". This aspect of the policy will not, therefore lead to a concentration of HMOs around bus routes.</p> <p>No change</p>
4. Storage and Movement of Refuse Containers	
Landlords should pay a bond to the Council for clearing away rubbish at the end of term. Kerb side collections should be monitored on a regular basis to avoid waste and debris collecting	<p>The policy cannot address operational issues as it is a planning policy. However, these comments will be passed on to Contract Services.</p> <p>No change</p>
Policy should advocate a clear role for Contract Services (CS) dealing with rubbish at the end of University year. Communications from CS with landlords and agents was poor in 2013	<p>The policy cannot address operational issues as it is a planning policy. However, these comments will be passed on to Contract Services for information.</p> <p>No change</p>

There needs to be enforcement of off-street refuse storage	If the conditions of a planning application are not adhered to, this can be the subject of Planning Enforcement No change
5. Management & Maintenance of HMOs	
Street Scene Officers should carry out monthly inspections and impose penalties on landlords who do not adequately maintain properties	The policy cannot address operational issues as it is a planning policy. No change
HMO dwellers need support to enforce tenancy agreements Council should use powers to extend licensing to ensure high standards of management, repair, security and conversions and also to actively investigate noise complaints Policy should demonstrate how it relates to actions on rogue landlords, Environmental Health & Landlord & Tenant Act 1985	Noted. The policy cannot address housing management issues as it is a planning policy. However, these comments will be passed on to the Council's Private Sector Housing Team for information No change
There is a lack of external maintenance by landlords in contrast to privately owned residences. Also, landlords fail to ensure refuse is properly separated, stored and put out on the correct days	Noted. The policy will help to ensure that adequate storage space is provided for refuse. However the policy cannot affect change to the way in which refuse is separated or ensure that refuse is put out on the correct days No change
There is no evidence that property maintenance is any worse in privately rented properties than in owner-occupied properties. In any event, this can be dealt with by local authorities and does not require a change to planning policy	The policy does not deal with management and maintenance as this is covered by the Housing Acts. The management and maintenance of private rented HMOs was an issue raised in the issues consultation No change
The Council's resources would be better spent on raising the standards of current agents and landlords to improve the existing rented stock. The policy will lead to the deterioration of existing student properties as it will stop the continuing rise in standards	The policy will not stop investment in new properties – it will only prevent new HMOs from obtaining planning permission in areas of concentration. The policy will be monitored on an annual basis and if adverse effects are evident, the policy will be reviewed as

which is led by landlords investing in properties. It will also impact on the market by raising the value of existing HMOs and reducing demand for existing houses.	appropriate. No change
6. Parking	
Parking standards for HMOs should be increased to reflect the number of adults living in the property.	Parking provision for HMOs will be assessed according to the number of bedrooms as set out in the Supplementary Planning Document on Vehicle Parking Standards. No change
Highway Safety, with regard to car parking, should also be addressed	This is covered in a separate formal planning policy – the Supplementary Planning Document on Vehicle Parking Standards. No change
Parking surveys out of term time are pointless The policy should address the issue of parking and parking permits	Parking is covered in a separate formal planning policy – the Supplementary Planning Document on Vehicle Parking Standards. This covers the issue of parking permits and surveys. Where possible, surveys for student HMOs are already required to be carried out in term time. No change
7. Noise Nuisance	
Policy fails to identify the important issue and cause of noise nuisance which is that living rooms in HMOs can be located next to a neighbour's bedroom. Also many HMOs have no common living room so common outdoor space tends to fulfil this function and provide a venue for parties. Could there be enhanced building regulations re: sound insulation when an attached house is converted to an HMO?	The Council has considered this. It is difficult to justify enhanced insulation where bedrooms are adjacent. Evidence from planning appeals has indicated that this is not justifiable. This is because the situation is considered to be no different from that in a family dwelling. In terms of situations where a lounge is adjacent to a bedroom, this too is difficult because occupiers of a house are at liberty to use the rooms in a house for any purpose and, indeed, the use may change over time. Further, the cost

	<p>of increased insulation would be difficult to justify. However in new developments, or where alterations or extensions are made to a property, Part E of the Building Regulations will require additional noise insulation. The Council has powers to act on complaints of noise from within a property or within the curtilage of a property.</p> <p>No change</p>
8. Monitoring & Review	
Policy should be reviewed within an agreed timescale to ensure it is having the desired affect and being fairly applied	<p>It is the intention to review new HMO uses on an annual basis. Planning permissions will be monitored and new uses mapped. This will assist policy implementation and give prior warning of areas where new HMOs are concentration. Information on permissions for new HMOs will be contained within the Council's Annual Monitoring Report.</p> <p>Proposed Change: Further information will be provided on the monitoring process</p>
There is not enough detail on how monitoring will be carried out	<p>Further information will be given in the Policy Justification.</p> <p>Proposed Change: Further information will be provided on the monitoring process.</p>
9. Definitions	
A "dwelling unit" needs to be clearly defined	<p>Agreed.</p> <p>Proposed change: Add detailed definition of "dwelling" in the Supporting Information section</p>
10. Other objections/ Comments	
The Article 4 Direction should apply to all towns	<p>The policy does not deal with making Article 4 Directions</p> <p>No change</p>
Should ensure students are not demonised as this will reinforce enmity.	<p>Noted. The Background Information has been written with care so as not to demonise students</p>

	No change
In North Leamington the existence of pubs and clubs add to the potential for noise and anti-social behaviour.	The proximity of proposed residential accommodation to pubs and clubs will be taken into account in determining all residential planning applications. Where this policy is applied in Leamington Town Centre, where there is a limited supply of existing dwelling units, the 10% policy will help to control future levels of HMOs. No change
Leamington Town Council should have been consulted on the issues	Noted. In future, the Town Council will be consulted on these issues. No change
The view of landlords is that crime and anti-social behaviour is no worse in the south of the town than the north	The evidence from Warwickshire Police Crime Information System & Storm Incident System shows that although there are more incidents per se in North Leamington Community Forum Area, the rate per 1,000 population is higher in South Leamington Community Forum Area. Brunswick ward in south Leamington has been one of 3 Police Priority Areas in the county since 2009. No change
No need for this policy. It diminishes the rights of property owners who should not have to apply for permission from C3 to C4. It is unnecessary bureaucracy	The need for the policy is based on robust evidence of a loss of amenity (due, in particular, to increased crime and anti-social behaviour, noise nuisance, inattention to refuse storage and parking issues) in areas with high concentrations of HMOs No change