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|  Executive 19th June 2013 | | Agenda Item No. 14 |
| Title | Planning Policy for HMOs and Student Accommodation in Warwick District. | |
| For further information about this report please contact | Emma Spandley Planning Officer | |
| Wards of the District directly affected | All | |
| Is the report private and confidential and not for publication by virtue of a paragraph of schedule 12A of the Local Government Act 1972, following the Local Government (Access to Information) (Variation) Order 2006? | No | |
| Date and meeting when issue was last considered and relevant minute number | Executive 26 th January 2011(124) | |
| Background Papers | Appendix 1: The Policy & Justification Appendix 2: Background Information Appendix 3: Maps 1 & 2 | |
| Contrary to the policy framework: | No | |
| Contrary to the budgetary framework: | No | |
| Key Decision? | Yes | |
| Included within the Forward Plan? (If yes include reference number) | Yes | |
| Equality & Sustainability Impact Assessment Undertaken | Yes/No (If No state why below) | |
| Officer/Councillor Approval | | |
| Officer Approval | Date | Name |
| Chief Executive/Deputy Chief Executive | 29/05/13 | Andy Jones |
| Head of Service | | Tracy Darke |
| CMT | | |
| Section 151 Officer | | Mike Snow |
| Monitoring Officer | | |
| Finance | 30/05/13 | Marcus Miskinis |
| Portfolio Holder(s) | 29/05/13 | Councillor Coker – Environment and Community Protection Councillor Hammon – Development Councillor Vincett – Housing & Property |
| Consultation & Community Engagement | | |
| Landlords Forum 30/10/12 Residents Meeting 20/12/12 Councillors Meeting 19/11/12 Local Plan Members Policy Review Group 10/04/13 | | |
| Final Decision? | Yes | |
| Suggested next steps (if not final decision please set out below) | | |

1. **SUMMARY**

- 1.1 An Article 4 Direction was authorised in respect of small HMOs in Leamington Spa at the Executive meeting of 26th January 2011. A subsequent Executive meeting on 13th July 2011 confirmed the Direction in Leamington Spa and it became effective on 1st April 2012. This report recommends that Executive approve the attached planning policy for HMOs and Student Accommodation for consultation purposes.
- 1.2 The policy will apply to the all planning applications for new HMOs and student accommodation throughout the District.

2. **RECOMMENDATION**

- 2.1 That Executive approves the attached Policy at Appendix 1 for public consultation for a period of six weeks.
- 2.1 That Executive agrees that following the consultation exercise, any necessary changes will be made to the policy which will then be adopted by Executive as an interim policy in advance of the adoption of the emerging Local Plan

3. **REASONS FOR THE RECOMMENDATION**

- 3.1 A HMO includes 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, staff accommodation, student cluster flats and halls of residence.
- 3.2 A large concentration of HMOs can have a significant and potentially damaging impact on the amenity of a local area, particularly by way of increased noise nuisance, anti-social behaviour, incidences of crime, poor waste management and adverse impacts on the physical environment. This is largely due to:-
 - an imbalance in the mix of the population with a relatively high proportion of young, single people with student lifestyles which conflict with the lifestyles of more settled residents; and
 - a relatively high proportion of privately rented accommodation with short-term lets which often leads to a lower standard of upkeep of the property and the loss of a sense of belonging within the community.
- 3.3 In Warwick District, there are already high concentrations of student accommodation, particularly in south Leamington. The areas around central Leamington are also popular for landlords, and there is continued demand and growing interest in the provision of student accommodation.
- 3.4 The Council recognises the clear benefits arising from a student population, particularly in terms of support for the economy of Leamington town centre and the potential to retain a highly qualified, graduate workforce. The Council works with the University of Warwick and other partner organisations to address the issues which arise. The Students Union actively helps new students to integrate into the wider community. However, the annual changeover of tenants means that the same issues arise again each year. Increased planning control will enable the Council to better manage the location of new student accommodation.

- 3.5 The research undertaken as part of the Article 4 Direction showed clear evidence of harm to local amenity where HMOs are concentrated. This research is documented within Appendix 2 entitled 'Background Information'.
- 3.6 The Policy, attached as Appendix 1, aims to address issues such as the concentration of HMOs and student accommodation and inappropriate refuse storage. Any necessary changes will be made to the policy following consultation and the policy will then be returned to Executive for approval for implementation as an Interim Policy. The policy will then be included within the Draft Local Plan. The evidence base for the policy can be taken into account when determining applications in the short term.
- 3.7 The implementation of the Policy will be monitored to ensure that further potential concentrations do not arise and that there is no adverse impact on the supply of HMO accommodation for those unable to afford self-contained accommodation.

4. POLICY FRAMEWORK

- 4.1 Policy Framework – N/A
- 4.2 The policy would support 2 out of 4 strategic aims in the Warwick Partnership's Sustainable Community Strategy – "Safer Communities" and "Housing". The full assessment of all HMOs would assist in the priorities of tackling anti-social behavior and maintaining a good quality of life for residents.

5. BUDGETARY FRAMEWORK

- 5.1 The procedure for consulting on the interim policy can be carried out within existing budgets.

6. ALTERNATIVE OPTION(S) CONSIDERED

- 6.1 An alternative option would be to not prepare an interim policy but to include a policy on HMOs and student accommodation in the emerging Local Plan.
- 6.2 This could result in a worsening of the existing situation, in particular in south Leamington, and potentially the creation of new areas of concentration. It could also result in an unclear framework within which planning applications for a change of use from a dwelling house to all HMOs are considered, and lack of clarity as to what would constitute an over concentration.

7. BACKGROUND

- 7.1 In May 2009, the previous Government consulted on some possible planning responses for addressing the impact of high concentrations of houses in multiple occupation. This was in response to concerns raised from some Councils about the growth of student accommodation, much of which took the form of shared houses and therefore did not fall within planning control.
- 7.2 On 29th July 2009, Planning Committee agreed a response to the consultation.
- 7.3 In March 2010, the Government announced changes to the Use Classes Order whereby some small HMOs, such as shared houses, were no longer in the same use class as a single dwelling (Class C3). They would be included within a new

use class, Class C4, and changes of use from a single dwellinghouse (Use Class C3) to a small HMO (Use Class C4) would require planning permission.

- 7.4 In October 2010, the new government made further changes to the Use Classes Order in order to remove unnecessary bureaucracy in areas where concentrations of HMOs were not a problem. The changes removed the requirement for a planning application for changes of use from dwellings (C3) to small HMOs (C4). The Government's preferred approach was for local planning authorities to serve an Article 4 Direction in specific areas where HMOs or student accommodation was concentrated.
- 7.5 The District Council confirmed an Article 4 Direction on 1st April 2012 which removed these permitted development rights in respect of dwellings in Leamington Spa. At the Executive meeting of 26th January 2011 which approved the Article 4 Direction, it was agreed that the Council would include a HMO policy within the new Local Plan and, if deemed necessary, formulate and adopt an interim Policy to guide development management decision making.
- 7.6 Since 1st April 2012, when the Article 4 Direction came into force, a total of 10 applications have been determined for changes of use from Use Class C3 to C4. Of these, 8 were granted permission and one is the subject of an appeal against a refusal. A further 11 applications have been determined for larger HMOs of which 6 were granted permission. Three of the applications which were refused were the subject of an appeal, and of these, the appeal was dismissed in 2 cases.
- 7.7 In formulating the policy, Officers have consulted on the issues with residents of south Leamington, local landlords at the Landlords Forum, the University of Warwick, Warwickshire College, Councillors and other Council Departments.