



# **Houses in Multiple Occupation Supplementary Planning Document**

## **Statement of Consultation**

**October 2014**

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## **1. Introduction**

- 1.1 This Statement of Consultation sets out how the consultation process for the Houses in Multiple Occupation Supplementary Planning Document (SPD) has been undertaken to involve relevant organisations, individuals and the residents of Worcester.
- 1.2 The Statement outlines how they have been consulted, the issues raised and how these have been addressed through the development of this guidance document. The Statement of Consultation has been prepared in order to comply with Regulations 12 (a) of the Town and Country Planning (Local Planning) (England) Regulations 2012.

## **2. Pre-production consultation (February 2014)**

- 2.1 The following pre-production consultation statement was produced in February 2014 prior to the consultation on the Draft HMO SPD and placed on the website during the consultation period:

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***Regulation 12(a) of the Planning and Compulsory Purchase Act 2004 The Town and Country Planning (Local Planning) (England) Regulations 2012***

- 2.2 The above regulations require that before a local planning authority (LPA) adopt a supplementary planning document (SPD), it must prepare a statement setting out –
- The persons the LPA consulted when preparing the SPD
  - A summary of the main issues raised by those persons
  - How those issues have been addressed in the SPD
- 2.3 The Houses in Multiple Occupation (HMO) Supplementary Planning Document (SPD) has been in preparation since August 2013. Prior to this, the Council was preparing the draft Article 4 Direction, which will remove permitted development rights from C3 dwelling houses

which currently allow them to change to C4 small HMOs without needing planning permission.

### ***Early engagement***

#### ***Article 4 Direction consultation***

- 2.4. The consultation undertaken on the Article 4 Direction in 2013 contributed towards the preparation of the HMO SPD. Consultation was a statutory requirement prior to the making of the Article 4 Direction, and this took place from 11th March 2013, for a period of six weeks. The consultation was advertised online and an advert was placed in the Worcester Standard newspaper. A total of 176 responses were received, consisting of 140 online questionnaires and 36 individual responses. 72% of those who responded supported the proposals to introduce an Article 4, whereas 28% objected. 95% supported the view that the Article 4 Direction should be introduced across the city.
- 2.5 Of the more detailed points raised in the online questionnaires:
- 32 (80%) considered that the city required more HMOs
  - 32 (80%) believed that the number of HMOs made no difference to the quality of the environment
  - 9 (22%) felt it wasn't important to protect the quality of the environment and character of residential areas
  - 8 (20%) responded that there were already too many HMOs and more won't cause further harm.
- 2.6 The Council has responded to the above points by:
- Not imposing a blanket ban on HMOs in the city, by drafting a positive policy where planning permission for new HMOs will be permitted, provided that a number of criteria are met. The percentage threshold has also been set at 10% of residential properties within a certain area, which based on current evidence, will allow for a small to moderate level of growth in the number of HMOs in most wards in the city
  - Residential amenity including ensuring adequate space for refuse and recycling bins has been included as a criteria in the draft policy
  - The value that residents and landlords place on the quality of the environment and the character of the area has been acknowledged

by including a criteria to ensure that proposed HMOs fit with the character of the local area

- The majority of respondents recognised that the development of further HMOs would cause harm, and hence the inclusion of measures in the draft SPD to control the impact that new HMOs will have on neighbouring occupiers

2.7 An extensive response to the Article 4 Direction consultation was received from the National Landlords Association. Part of their response included the suggestion that the Article 4 be introduced on a ward/street basis. Whilst this approach was examined, there was concern that this would merely displace the problem to wards/streets that were not subject to control. It was not felt that the points raised provided any evidence to justify not proceeding with the introduction of the Article 4 Direction, however their detailed response was revisited during the drafting of the HMO SPD. Points made regarding how to notify future landlords of the need for planning permission have been actioned through the creation of the Registration process.

2.8 A full summary of those consultation responses can be viewed at: <http://committee.cityofworcester.gov.uk/documents/s22399/Appendix%203%20-%20Article%204%20Direction%20-%20Consultation%20Responses.docx>

2.9 The responses were considered when producing the draft SPD. For instance, it has been proposed that the draft policy be introduced across the city, which reflects the response received to the Article 4 Direction consultation endorsing citywide implementation.

### ***Preparation of the draft HMO SPD***

2.10 During the preparation of the draft HMO SPD itself, the Council have been responding to enquiries about the introduction of the Article 4 Direction and the preparation of the draft policy. These enquiries have mainly come from current and prospective landlords who wish to understand the position in Worcester with regard to HMOs. The enquiries received have shaped the draft SPD, particularly to ensure clarity for existing landlords and those seeking to set up HMOs prior to the 1st July 2014 deadline.

2.11 Alongside this, Council officers regularly meet with the University of Worcester to discuss shared areas of interest. The forthcoming HMO SPD has been discussed at most meetings over the past 6 months.

The University of Worcester has been supportive of the Council's proposals and the two organisations will continue to work in partnership on this matter.

- 2.12 The preparation of the draft HMO SPD was also highlighted in the Council's Strategic Housing Services newsletter called "Key Issues" which was published in November 2013. This can be viewed here: [http://www.worcester.gov.uk/documents/10499/238823/Key\\_Issue\\_s\\_Spring\\_2014.pdf/19b88a0e-dec9-4e76-aeff-f0ae3cc66b5e](http://www.worcester.gov.uk/documents/10499/238823/Key_Issue_s_Spring_2014.pdf/19b88a0e-dec9-4e76-aeff-f0ae3cc66b5e)
- 

### **3. Methodology**

#### ***Methodology***

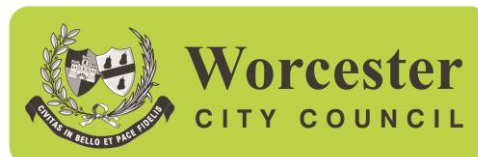
- 3.1 A four week public consultation on the draft version of the Houses in Multiple Occupation (HMO) SPD took place from 14<sup>th</sup> April and 13<sup>th</sup> May 2014.
- 3.2 In accordance with the SCI, relevant specific and general consultees were sent a notification letter or email, informing them about the consultation, where to view the documents and how to respond. These general consultees included:
- City Council General Consultee list
  - City Council list of HMO and City Life lettings landlords
  - Individuals who had expressed an interest in the issue, including those who had expressed an interest during the Article 4 Direction consultation
  - Letting Agents
  - Those Individuals on the council's Objective database with a Worcester city address and who has indicated that they would like to be kept informed of further planning making consultations.
- 3.3 The distribution of consultation material consisted of: -
- A notification letter of the consultation
  - A pdf of the draft HMO SPD, summary document and questionnaire were available to view on the City Council website
  - A copy of the HMO SPD, summary document and questionnaire were available to view at the Hive, and the city libraries at St. John's and Warndon.

- Copies of the HMO SPD, summary and questionnaire were also available on request.
- 3.4 A Strategic Environmental Assessment Screening Report was sent to English Heritage, Natural England and the Environment Agency under the Environmental Assessment of Plans and Programmes Regulations 2004.
- An Equality Impact Assessment was undertaken on 14<sup>th</sup> January 2014 for the Draft SPD, and 7<sup>th</sup> August 2014 for the proposed SPD.
- 3.5 A press release was issued at the beginning of the formal consultation, with an article appearing in the Worcester News (24<sup>th</sup> February 2014). Notifications were also placed on social media, such as the Council's Twitter account.
- 3.6 The following material was placed on the City Council's consultation webpage (Voiceit):
- A copy of the Draft HMO SPD
  - A copy of the Draft HMO SPD summary document
  - A link to the online questionnaire form
  - A link to the Frequently Asked Questions page
  - A link for further information for landlords on how to register their existing HMO property with the Council
  - A link to the pre-production consultation statement
- 3.7 A webpage on the Article 4 Direction was updated in the Planning homepages of the Worcester City Council website. This included a link to the Draft HMO SPD and summary document, and a link to the consultation webpage (Voiceit).
- 3.8 A notification was also placed in the City Council Members bulletin, as well as a Worcester City Council Housing Team Key Issues bulletin, which was circulated to Housing Forum members on 16<sup>th</sup> April 2014.

## 4. Consultation Material

### General consultee letter

- 4.1 Below is a copy of the letter that was sent to those general consultees mentioned in paragraph 3.2.



Direct tel no: 01905 721170  
Email: [ldf@worcester.gov.uk](mailto:ldf@worcester.gov.uk)  
Our ref: PLAN: HP/Draft HMO  
Date: 14/04/2014

Dear Sir/Madam

### **Re-run of the Draft Houses in Multiple Occupation Supplementary Planning Document consultation**

We are writing to inform you that Worcester City Council has decided to re-run its public consultation on rules controlling which city homes can be converted into "houses in multiple occupation" (HMOs) after discovering a possible discrepancy with the online version of the consultation.

As a result, the consultation will re-open on 14th April 2014.

Everyone who responded to the previous consultation is being urged to do so again.

The consultation will run between **14 April 2014 to 13 May 2014**.

A draft SPD has been produced to help implement the Article 4 Direction which will come into effect on 1st July 2014. The Article 4 Direction will remove current permitted development rights that allow a dwellinghouse (planning use class C3) to change to a small house in multiple occupation (planning use class C4) without the need for planning permission.

From 1st July onwards, planning permission will be required for all new HMOs. As a consequence, owners/landlords will be required to apply for planning permission should they wish to change their property to a HMO. Larger HMOs (known as sui generis use in planning terms) have always required planning permission and this will remain the case.

This is an issue that will affect a wide range of people within the residential community, especially landlords, HMO occupants including students, property developers and existing residents in areas surrounding HMOs. We would like to hear your views.



To take part in the consultation:

View the draft HMO SPD online and complete the online questionnaire at:  
[www.worcester.gov.uk/voiceit](http://www.worcester.gov.uk/voiceit)

View the consultation material and pick up a questionnaire at the HIVE, St John's or Warndon Libraries

All your views will be analysed and considered when preparing the final HMO SPD. A summary of the results and respondents will be published on the website. Please note any comments provided will remain anonymous. If you would like any further information on HMOs or the Article 4 Direction please visit our website. If you have any queries about the document or the consultation, please contact the planning policy team on 01905 721170 or email [ldf@worcester.gov.uk](mailto:ldf@worcester.gov.uk).

Yours faithfully,  
David Blake - Service Manager, Planning Policy

## Landlord letter

4.2 Below is a copy of the letter that was sent to those landlord consultees mentioned in paragraph 3.2



Direct tel no:

Email:

[ldf@worcester.gov](mailto:ldf@worcester.gov.uk)

[uk](#)

Our ref: PLAN: HP/Draft

HMO

Date: 14/04/2014

Dear Sir/Madam

### **Re –run of the Draft Houses in Multiple Occupation Supplementary Planning Document public consultation**

We are writing to inform you that Worcester City Council has decided to re-run its public consultation on rules controlling which city homes can be converted into "houses in multiple occupation" (HMOs) after discovering a possible discrepancy with the online version of the consultation.

As a result, the consultation will re-open on 14th April 2014.

Everyone who responded to the previous consultation is being urged to do so again.

The consultation will run between **14 April 2014 and 13 May 2014**.

A draft SPD has been produced to help implement the Article 4 Direction which will come into effect on 1<sup>st</sup> July 2014. The Article 4 Direction will remove current permitted development rights that allow a dwellinghouse (planning use class C3) to change to a small house in multiple occupation (planning use class C4) without the need for planning permission.

From 1<sup>st</sup> July onwards, planning permission will be required for all new HMOs. As a consequence, owners/landlords will be required to apply for planning permission should they wish to change their property to a HMO. Larger HMOs (known as sui generis use in planning terms) have always required planning permission and this will remain the case.

This is an issue that will affect a wide range of people within the residential community, especially landlords, HMO occupants including students, property developers and existing residents in areas surrounding HMOs. We would like to hear your views.

To take part in the consultation:

View the consultation material and pick up a questionnaire at the HIVE, St John's or Warndon Libraries

View the draft HMO SPD online at [www.worcester.gov.uk/voiceit](http://www.worcester.gov.uk/voiceit) and complete the online questionnaire

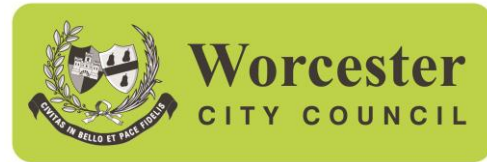
All your views will be analysed and considered when preparing the final HMO SPD. A summary of the results and respondents will be published on the website. Please note any comments provided will remain anonymous.

It is important to note that this re-run does not affect any registration forms that have been sent in, which is separate to the Supplementary Planning Document consultation process, and therefore do not need to be resubmitted.

Yours faithfully,  
David Blake - Service Manager, Planning Policy

## Previous respondent letter

4.3 Below is a copy of the letter that was sent to those who responded to the previous consultation on the Draft HMO SPD. A freepost envelope was provided to these consultees.



Direct tel no: 01905 721170  
Email: [ldf@worcester.gov.uk](mailto:ldf@worcester.gov.uk)  
Our ref: PLAN: HP/Draft HMO  
Date: 14/04/2014

Dear Sir/Madam

### **Re-run of the Draft Houses in Multiple Occupation Supplementary Planning Document consultation**

We are writing to inform you that Worcester City Council has decided to re-run its public consultation on rules controlling which city homes can be converted into "houses in multiple occupation" (HMOs) after discovering a possible discrepancy with the online version of the consultation.

As a result, the consultation will re-open on 14th April 2014.

Everyone who responded to the previous consultation is being urged to do so again. As you responded by post to the previous round of consultation, we have enclosed a hard copy of the questionnaire form and a freepost envelope.

The consultation will run between **14 April 2014 to 13 May 2014**.

A draft SPD has been produced to help implement the Article 4 Direction which will come into effect on 1<sup>st</sup> July 2014. The Article 4 Direction will remove current permitted development rights that allow a dwellinghouse (planning use class C3) to change to a small house in multiple occupation (planning use class C4) without the need for planning permission.

From 1<sup>st</sup> July onwards, planning permission will be required for all new HMOs. As a consequence, owners/landlords will be required to apply for planning permission should they wish to change their property to a HMO. Larger HMOs (known as sui generis use in planning terms) have always required planning permission and this will remain the case.

This is an issue that will affect a wide range of people within the residential community, especially landlords, HMO occupants including students, property developers and existing residents in areas surrounding HMOs. We would like to hear your views.

To take part in the consultation:

Complete the enclosed questionnaire and return it in the freepost envelope provided to reach us by 13<sup>th</sup> May 2014.

Alternatively, you can:

View the draft HMO SPD online at [www.worcester.gov.uk/voiceit](http://www.worcester.gov.uk/voiceit) and complete the online questionnaire

View the consultation material and pick up a questionnaire at the HIVE, St John's or Warndon Libraries

All your views will be analysed and considered when preparing the final HMO SPD. A summary of the results and respondents will be published on the website. Please note any comments provided will remain anonymous.

If you would like any further information on HMOs or the Article 4 Direction please visit our website. If you have any queries about the document or the consultation, please contact the planning policy team on 01905 721170 or email [ldf@worcester.gov.uk](mailto:ldf@worcester.gov.uk).

Yours faithfully,

David Blake – Service Manager, Planning Policy

## **Email**

Alternatively, emails containing the above information were sent, where possible, to those general consultees, landlords and previous respondents with an email address.

## Questionnaire

4.4 Below is a copy of the questionnaire that was made available in the Hive, Warndon and St John's libraries, an online version and pdf copy on the city council Voiceit consultation page, and available upon request.

## Draft Houses in Multiple Occupation Supplementary Planning Document

### Questionnaire

#### What measures are the Council introducing to control HMOs in Worcester?

The Council is seeking to prevent an over concentration of HMOs in the city by setting a percentage threshold policy to limit the number of HMO properties. This is alongside a number of other criteria which must be satisfied.

The approach to determining planning applications for new HMOs is as follows:

- The proportion of HMO dwellings does not exceed 10% of all residential properties within a 100 metre radius of the application site
- No more than two adjacent properties are in HMO use
- The proposed HMO does not have an adverse impact on the amenity of nearby properties by ensuring:
  - adequate off street parking;
  - highway safety;
  - provision for waste and recycling;
  - the HMO is in keeping with the character of the area
- The HMO accommodation will meet the Council's prescribed housing standards in terms of fire safety and kitchen/bathroom facilities.

In exceptional circumstances, within areas throughout the city that have a very high concentration of HMOs (e.g. streets already dominated by HMOs), planning permission for further HMO uses may be granted where it is felt that the creation of a further HMO will not affect the character of the area or effect the amenity of existing residents.

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**1. Do you think that the draft Houses in Multiple Occupation (HMO) Supplementary Planning Document (SPD) proposes the correct approach to controlling the concentration of HMOs in Worcester?**

- Yes
- No
- Don't know

*Please continue on an additional sheet if necessary for any of the questions.*

**2. Do you have any comments regarding question 1 above?** *Please continue on an additional sheet if necessary for any of the questions.*

- Yes
- No
- Don't know

**4. Do you have any comments regarding Question 3 above?**

**5. Is 10% an appropriate threshold level at which to limit HMOs in the city?**

- Yes
- No
- Don't know

**6. Do you have any comments regarding Question 5 above?**

**7. If No, what percentage threshold for HMOs do you think the Council should use?**

**8. Is the 100 metre radius around the property an appropriate distance within which to assess the impact of the proposed HMO?**

- Yes
- No
- Don't know (Please add any comments below)

**9. Do you have any comments regarding Question 8 above?**

**10. If No (to question 8), what radius do you think the Council should use?**

**11. Do you support the Exceptional Circumstances criteria whereby the Council may allow further HMOs in areas already dominated by HMOs, as set out at paragraph 5.12 and 5.21 of the SPD?**

- Yes
- No
- Don't know

**12. Do you have any comments regarding Question 11 above?**

**13. Are you a:\***

- Worcester Resident
- Landlord
- Student
- Estate/ Letting Agent
- Other please specify below



## About you

**Please note the personal details in questions 14 - 19 will be treated as confidential and will not be passed to any third parties.**

14. Your Postcode

15. What age are you?

- Under 18
- 18-24
- 25-34
- 35-44
- 45-54
- 55-64
- 65+
- Rather not say

16. What gender are you?

- Male
- Female
- Rather not say

17. What is your working status?

- Employed
- Self employed
- Unemployed
- Retired
- Student
- Rather not say

18. Do you consider yourself to be a disabled person?

- Yes
- No
- Rather not say

19. Which of these groups do you belong to?

Please choose ONE from the sections below:

White

- White British
- White Irish
- Eastern European
- Any other White background

Mixed/Multiple ethnic group

- White and Black Caribbean
- White and Black African
- White and Indian
- White and Pakistani
- White and Bangladeshi
- White and Chinese
- Any other Mixed/Multiple background

Asian or Asian British

- Indian
- Pakistani
- Bangladeshi
- Chinese
- Any other Asian Background?

Black or Black British

- Caribbean
- African
- Any other Black background?

Gypsy or Traveller?

- Gypsy or Traveller?

Other Ethnic Group

- Arab
- Any other ethnic group?

- Prefer not to say

**Please tick this box if you want to be kept informed about the HMO SPD.**

**Your name**

**Your address**

**Your email address**

**Thank you for your views**

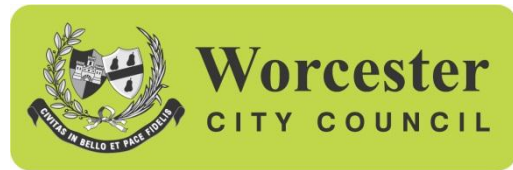
All your views will be analysed and considered when preparing the final HMO SPD. A summary of the results and respondents will be published on the website. Please note any comments provided will remain anonymous.

**Please return your completed questionnaires via FREEPOST to:**

HMO  
Worcester City Council  
FREEPOST WR427  
Worcester  
WR1 2Z

## Press Release

### 4.5 Consultation press release



## Press Release

### Consultation on number of 'multiple occupancy' homes to be re-run

« Back

 14/04/14 11:40

Worcester City Council has decided to re-run its public consultation on rules controlling which city homes can be converted into "houses in multiple occupation" (HMOs) after discovering a possible discrepancy with the online version of the consultation

The consultation has been re-launched today at [www.worcester.gov.uk/voicait](http://www.worcester.gov.uk/voicait) and at city libraries. It will run until May 12.

Everyone who responded to the previous consultation is being urged to do so again. The council will be contacting all previous respondents who supplied their contact details.

David Blake, Service Manager for Regeneration and Business Engagement, said: "I want to apologise to everyone who completed the original consultation online for the inconvenience that this re-run will cause. Unfortunately we discovered a possible technical issue which meant the results of the previous consultation may have been unreliable. We felt the only fair course of action was to re-run the entire consultation.

"This does, of course, give a further opportunity for the people of Worcester to make their views known on this important subject."

The consultation concerns HMOs, which are homes rented out to several tenants, such as young professional people or students.

Worcester City Council agreed last year to make it a requirement for landlords to seek planning permission to convert a normal home into an HMO containing between three and six beds.

City councillors subsequently backed proposals that a property could only be converted into an HMO if, within a 100-metre radius, no more than 10% of housing is already classed as HMOs.

It is also proposed that no more than two properties next door to each other can be converted into HMOs.

These policies are contained in a Draft Houses in Multiple Occupation Supplementary Planning Document which is the subject of this consultation.

- You can view the document and summary leaflet online at [www.worcester.gov.uk/voicait](http://www.worcester.gov.uk/voicait), or at The Hive, St John and Warndon libraries in the city.
- You can respond to the consultation at [www.worcester.gov.uk/voicait](http://www.worcester.gov.uk/voicait), by email at [ldf@worcester.gov.uk](mailto:ldf@worcester.gov.uk) or by post to HMO Consultation, Worcester City Council, FREEPOST WR427, Worcester, WR1 2ZD.

Your views will be taken into account when producing the final HMO Supplementary Planning Document, which will go to Cabinet for approval in July 2014.

The final HMO Supplementary Planning Document is expected to come into force by the end of July 2014 – around a month later than originally hoped.

## **APPENDIX 1**

### **Consultation results/analysis**

#### **List of respondents**

<b>No.</b>	<b>Name of respondent</b>	<b>Organisation</b>
<b>1</b>	Robert Chambers	
<b>2</b>	Allan price	
<b>3</b>	Mr Spencer Williams	
<b>4</b>	Rob Peachey	
<b>5</b>	Mrs J Gormley	
<b>6</b>	B. M. Jenkins	
<b>7</b>	R. Williams	
<b>8</b>	John McCarthy	
<b>9</b>	Lucy Whitehead	
<b>10</b>	Chris Connell	
<b>11</b>	Robert Key	
<b>12</b>	Alan Simcox	
<b>13</b>	Ken Bateman	
<b>14</b>	Mrs.A.Sellwood	
<b>15</b>	Hannah Brazier	
<b>16</b>	Carole Heubeck	
<b>17</b>	Anthony Lloyd	
<b>18</b>	Mrs Lynne McCarthy	
<b>19</b>	Arthur Miller	
<b>20</b>	C M Poynton	
<b>21</b>	Geoff Kington	
<b>22</b>	Rob Morris	
<b>23</b>	Paul Bettridge	
<b>24</b>	Jean Bettridge	
<b>25</b>	Elisabeth Ford	
<b>26</b>	Graham Evans	
<b>27</b>	Mrs J. Bowen	
<b>28</b>	Bernard O'Connor	
<b>29</b>	David Jones	
<b>30</b>	Robert J Smith	
<b>31</b>	Mr Maurice Holder	
<b>32</b>	Tom Pollock	
<b>33</b>	Gilly Stapleton	
<b>34</b>	Ann cording	
<b>35</b>	Alden Taylor	
<b>36</b>	David Eastwood	
<b>37</b>	Lee Curtis	
<b>38</b>	Alistair Westbury	
<b>39</b>	David Wright	

<b>40</b>	A Hodgetts	
<b>41</b>	Celia Gardner	
<b>42</b>	Mrs Patricia Carter	
<b>43</b>	Naomi Roberts	
<b>44</b>	Mrs Chris O'Donnell	
<b>45</b>	Cathrine Roberts	
<b>46</b>	Merrick Feast	
<b>47</b>	Peter Farrimond	
<b>48</b>	Martin Walsh	
<b>49</b>	Kirstin Bluck	
<b>50</b>	Phillip Moore	
<b>51</b>	R Pearson (Mr)	
<b>52</b>	Mr Roy Griffiths	
<b>53</b>	Marjorie B Wheeler	
<b>54</b>	K A Humphrey	
<b>55</b>	Miss L.K Hart	
<b>56</b>	Mr A.C. Simpkins	
<b>57</b>	Julie Cawthra	
<b>58</b>	Catherine Cole	
<b>59</b>	Ken Perry	
<b>60</b>	Tony Webb	
<b>61</b>	Mrs P.A Rouse	
<b>62</b>	Mrs Marian Woodward	
<b>63</b>	Sheila Wainwright	
<b>64</b>	Lilian Tittle	
<b>65</b>	Mrs Carole Page	
<b>66</b>	D Ramsey	
<b>67</b>	Mrs R Baker Merrick	
<b>68</b>	J L Bakewell	
<b>69</b>	Elaine Wilson	
<b>70</b>	Miss E Chidlow	
<b>71</b>	Mrs H Chidlow	
<b>72</b>	F. Chidlow	
<b>73</b>	Mrs. A. P. Ricketts	
<b>74</b>	John W. C. Kerton	
<b>75</b>	S. Glazzard	
<b>76</b>	Roy Davies	
<b>77</b>	Margaret Fowler	
<b>78</b>	John Reginald David Morgan	
<b>79</b>	Mrs Janet Morgan	
<b>80</b>	Joanne Comber	
<b>81</b>	Mrs M Owers	
<b>82</b>	John Hope	
<b>83</b>	D Thresher	
<b>84</b>	Mrs. J.C. Marshall	
<b>85</b>	John Knowles	

<b>86</b>	J. Arnold	
<b>87</b>	Andrew and Christine Gagg	
<b>88</b>	Laura Carradine	Worcester Regulatory Services
<b>89</b>	Penny Dean	Natural England
<b>90</b>	Denise Duggan	Wychavon District Council
<b>91</b>	Andrew Morgan	West Mercia Police
<b>92</b>	Sarah Taylor	Homes and Community Agency
<b>93</b>	L Wells	
<b>94</b>	Gavin Dick	National Landlords Association
<b>95</b>	Jamie Melvin	Natural England
<b>96</b>	Ann Farimond	
<b>97</b>	Simon Geraghty	
<b>98</b>	Mr and Mrs Hope	

**There were 14 anonymous responses provided to this consultation. One respondent made both a separate online response and a written response, raising different issues.**

## **APPENDIX 2**

### **Draft Houses in Multiple Occupation Supplementary Planning Document Consultation Responses**

#### **Breakdown of responses**

There were a total of 113 responses to the consultation on the Draft Houses in Multiple Occupation Supplementary Planning Document, which ran between 14<sup>th</sup> April and 13<sup>th</sup> May 2014. A breakdown of the type of responses is as follows:

#### **Questionnaire responses**

Total = 100

Online = 62

Hard copy = 38

#### **Individual responses (including written responses from organisations)**

Total = 13

#### **Overall total**

113

#### **Written responses from organisations:**

- Wychavon District Council
- Natural England
- Worcestershire Regulatory Services
- West Mercia Police
- National Landlords Association
- Homes and Communities Agency



## **Scope of report**

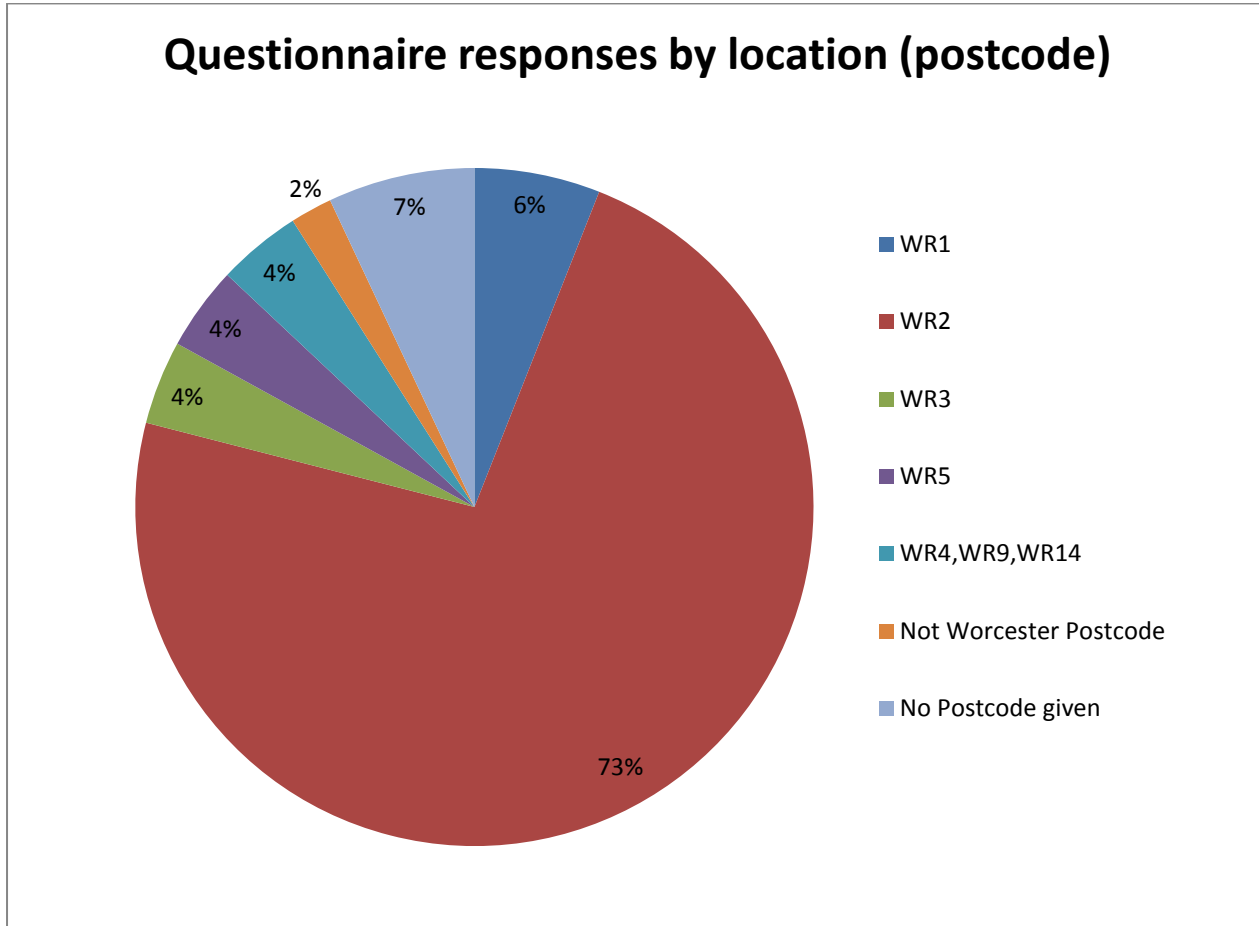
Section 1 provides a breakdown of the response to the yes/no/don't know questions (questions 1, 3, 5, 8 and 11) to the online and hard copy questionnaire.

Section 2 provides a breakdown of the comments received in the questionnaires and written responses (received both by email and letter). Comments have been placed under the following main headings, and larger comments have been summarised where necessary:

- **Parking**
- **Method of approach taken within the SPD**
- **Exceptional Circumstances**
- **Effect on the Housing Market**
- **Effect on Residents and the Surrounding Area**
- **Housing Standards**
- **Enforcement and Implementation**
- **Supplementary Planning Document Definitions and Criteria**
- **Other comments.**

Section 3 provides a table showing the written responses from organisations.

**Responses by location**



**Figure 1. Questionnaire response by location**

Postcode	Percentage of questionnaire responses
WR1	6
WR2	73
WR3	4
WR5	4
WR4,WR9,WR14	4
Not Worcester Postcode	2
No Postcode given	7
Total	100

**Table 1. Questionnaire response by location**

## SECTION 1. QUESTIONNAIRE QUANTITATIVE RESPONSE

The following table provides an overall quantitative summary of the answers submitted in both the hard copy and online questionnaires.

Summary of comments received (out of 100 responses)	
<b>Question 1. Do you think that the draft Houses in Multiple Occupation (HMO) Supplementary Planning Document (SPD) proposes the correct approach to controlling the concentration of HMOs in Worcester?</b>	
<b>YES</b>	70 responses (70%) said yes
<b>NO</b>	22 responses (22%) said no
<b>DON'T KNOW</b>	6 responses (6%) said don't know
<b>OTHER (either not answered or ticked yes and no)</b>	2 responses (2%)
<b>Question 3. Do you agree that the approach should be implemented across all wards in the city?</b>	
<b>YES</b>	86 responses (86%) said yes
<b>NO</b>	12 responses (12%) said no
<b>DON'T KNOW</b>	2 responses (2%) said don't know
<b>Question 5. Is 10% an appropriate threshold level at which to limit HMOs in the city?</b>	
<b>YES</b>	59 responses (59%) said yes
<b>NO</b>	36 responses (36%) said no
<b>DON'T KNOW</b>	4 responses (4%) said don't know
<b>OTHER (either not answered or ticked yes and no)</b>	1 response (1%)

**Question 8 Is the 100 metre radius around the property an appropriate distance within which to assess the impact of the proposed HMO?**

<b>YES</b>	59 responses (59%) said yes
<b>NO</b>	31 responses (31%) said no
<b>DON'T KNOW</b>	8 responses (8%) said don't know
<b>OTHER (either not answered or ticked yes and no)</b>	2 responses (2%)

**Question 11 Do you support the Exceptional Circumstances criteria whereby the Council may allow further HMOs in areas already dominated by HMOs, as set out at paragraph 5.12 and 5.21 of the SPD?**

<b>YES</b>	23 responses (23%) said yes
<b>NO</b>	67 responses(67%) said no
<b>DON'T KNOW</b>	9 responses (9%) said don't know
<b>OTHER (either not answered or ticked yes and no)</b>	1 response (1%)

## SECTION 2. COMMENTS RECEIVED

Below is a summary of the qualitative comments received both from the online and hard copy questionnaires, as well as the written responses received via email and letter.

Parking		Officer Response
<p><b>Additional parking caused by HMOs</b></p>	<p>There were ten comments about additional parking caused by HMOs, which included the following issues:</p> <ul style="list-style-type: none"> <li>• Careful consideration needed of parking problems in resident only parking areas. Will HMO occupiers be able to buy permits? Will this increase in cost for additional vehicles? Will number of spaces for vehicles overpark the area?</li> <li>• This type of development, crammed in, with its shortfall of adequate parking and high density occupation is completely inappropriate for this area and should not be permitted.</li> <li>• There is also an issue in areas of terraced housing regarding the parking aspect of the proposed SPD - this would effectively prevent any further dwellings becoming HMOs in the Arboretum, I imagine. Where are people to live who can't afford to rent a whole house?</li> <li>• Parking, where the rest of the road is expected to absorb the extra cars that HMOs generate.</li> <li>• It is a significant issue in relevant areas of the city, such as the Arboretum and Wylds Lane.</li> <li>• Parking should be off road and properties well kept.</li> <li>• Taxis as well as cars mean twice as many vehicles parked on the road - extra traffic at night as taxis return home - spoiling what was once a quiet neighbourhood.</li> <li>• Parking situation is diabolical at times. Council just moves problems from one road to another by adding lines.</li> <li>• Parking for 33% of tenants seems woefully inadequate, particularly in the city centre which already has problems in this respect.</li> <li>• The Landlords of the HMOs in the Close are basically turning the gardens between the house itself and the carriageway into car parking for as many cars as can be squeezed in. The cars are driven over kerbs</li> </ul>	<p><b>Noted.</b></p> <p>Occupants of HMOs will be able to apply for residential parking permits in the designated areas of the city, as found on the Worcester City Council website.</p> <p>The car parking standards provided in Table 6 of the HMO SPD offers recommended parking standards for HMO uses to be compliant with. However, as stated in paragraph 5.17, it is important for each planning application to be assessed on an individual basis, due to the differing nature of streets.</p> <p>The car parking standard seeks to require off street parking for new HMO uses, this would alleviate the issue of on-street parking.</p> <p>Planning applications are currently already a requirement for a change of use to large HMOs (occupied by more than six unrelated individuals), and therefore their suitability in a specific area, including adequate parking, is determined through the Planning Application process.</p> <p>Noise nuisance instances that may be caused by a large number of taxis are dealt with through Worcestershire Regulatory services. The University is also working to reduce the issue of noise nuisance by continuing to operate disciplinary committees and provide management initiatives led by both the student experience and security teams.</p>

	<p>to access this 'new found' parking space and the result is something that looks like a Council run car park. Kerbs are not 'dropped' and cars are frequently left blocking half of the pavement, forcing pedestrians into the road itself.</p>	<p>The percentage of spaces provided in Table 6 of the SPD required beyond 12 rooms is thought to be suitable to meet the needs of a large HMO property. As stated in paragraph 5.17, it is important for each application to be assessed on an individual basis, due to the differing nature of streets. Instances where cars are parked on pavements or in appropriate locations will be dealt with by the city council parking enforcement team.</p> <p><b>No change</b></p>
<b>Car parking standards</b>	<p>There were three comments about car parking standards, which included the following issues:</p> <ul style="list-style-type: none"> <li>• The required car parking spaces in Table 6 may not alleviate the car parking issues – in particular, concern is expressed over the apparently low number of spaces required for some of the larger HMOs.</li> <li>• Planning rules are completely inadequate to cater for the six-plus cars that each house can expect to possess. We are now having to park on the road ourselves to ensure that our visitors have somewhere to park, and we know that we are not alone in doing this. Landlords should have to cater for the extra cars of their tenants.</li> <li>• On site parking to be in accordance with city council's recommended parking standards for areas except in the city centre will cause yet more problems for residents in areas where parking problems already exist.</li> </ul>	<p><b>Noted.</b></p> <p>The car parking standards provided in Table 6 of the HMO SPD offers recommended parking standards for HMO uses to be compliant with. However, as stated in paragraph 5.17, it is important for each planning application to be assessed on an individual basis, due to the differing nature of streets.</p> <p>The car parking standard seeks to require off street parking for new HMO uses, this would alleviate the issue of on-street parking.</p> <p><b>No change</b></p>
<b>Method of approach taken within SPD</b>		
<b>Methodology of threshold calculation</b>	<p>Two comments were made on the approach the SPD has taken. These include:</p> <ul style="list-style-type: none"> <li>• Methodology of calculating the percentage. This should be clarified as it could have difficulties unless made clear that if the circle touches any property it is deemed to be inside the radius.</li> <li>• One commented that the calculation should take into account both sides of the street and commercial activity; If 100mtrs = about every 10 houses then it has to take account of BOTH sides of a street. Also it depends what commercial activity there is in the area.</li> </ul>	<p><b>Noted.</b></p> <p>Paragraph 6.8 of the Draft SPD illustrates that the radius will include those properties where the location point, as identified from the Local Land and Property Gazetteer (LLPG), falls within the circle.</p> <p>The threshold calculation only includes residential properties, and not commercial. This is illustrated in paragraph 6.7</p>

		<b>No change</b>
<b>Data used to inform the approach taken for the threshold policy</b>	<p>One commented on data used to inform the approach taken for the threshold policy. The main issues raised were:</p> <ul style="list-style-type: none"> <li>• The Council does not have the data to ensure that this policy best fits the needs and demand of the local housing market in Worcester.</li> <li>• Council is proceeding without robust housing demand/needs data to inform the policy, which will have a significant impact on those dependent on HMO accommodation.</li> <li>• Council has little performance data on enforcement and noise nuisance services and does not know how to use powers to address complaints.</li> </ul>	<p><b>Noted.</b></p> <p>The Draft HMO SPD was produced using the most recent information available to the Council including Strategic Housing Market Assessments produced to support the adoption of the SWDP in 2012 and 2013 which considered housing needs for all types of accommodation.</p> <p><b>No change</b></p>
<b>Approach taken</b>	<p>Two commented and agreed that the approach taken within the SPD was correct. These included:</p> <ul style="list-style-type: none"> <li>• it is a sensible and logical approach. There is clearly a need for HMO properties, and this approach allows additional HMO properties to be created, while protecting neighbourhoods. It should not affect the business of letting agents or private landlords, as HMO properties can still be created.</li> <li>• There were a couple of comments that welcomed the approach that the policy should be implemented across all wards in the city. Correct approach as most students have cars (and can therefore access all wards in the city).</li> </ul> <p>Five comments disagreed with the policy and overall approach taken within the SPD. These included:</p> <ul style="list-style-type: none"> <li>• This will shift the problem to another area, Now that St Johns has been ruined, landlords will start on other areas.</li> <li>• One comment stated that the policy should not be implemented in any wards.</li> <li>• One comment suggested that it should be subject to review to make sure there is sufficient HMO housing stock to meet tenant's requirements.</li> <li>• One commented that the approach assumes that the Council does have</li> </ul>	<p><b>Noted.</b></p> <p><b>No change</b></p> <p><b>Noted.</b></p> <p>The approach taken within the SPD aims to control the further growth of HMOs in areas of already high concentration, and ensure a more even spread of HMOs throughout the city. The 10% threshold approach will ensure that there remains a balanced housing mix throughout communities in the Worcester.</p> <p>Section 7 of the Draft SPD states that HMO numbers will be</p>

	<p>and will continue to have correct figures for numbers of HMOs.</p> <ul style="list-style-type: none"> <li>• The policy is a wholly disproportionate response to its perceived problem with HMOs. HMOs constitute more than 10% of households in only one ward in the city. In the overwhelming majority of wards the % of HMOs is negligible according to the Council’s own data. I would contend that the Article 4 legislation is clearly intended for use to tackle problematic concentrations of HMOs and certainly not for widespread and disproportionate application as the Council’s proposed policy entails. As such, I think that the Council is at risk of legal challenge on its application of these powers, which I think it would lose. A real impact of such a disproportionate application is that potential much needed supply of HMOs is likely to be restricted because of the costs and risks this entails for applicant landlords under this new policy. This disproportionate policy will also generate more work for relevant Council staff who are already struggling to fulfil statutory duties and deliver priority services. Further, the Council is proposing to grant itself a power to turn down an HMO application regardless of any explicit % threshold being exceeded, if it deems such an application to undermine the ‘character’ of a locality. This is a wholly arbitrary, excessive, and dangerous power for either local or central government to have.</li> </ul>	<p>continually monitored to assess whether or not there is any displacement effects between certain areas of the city, leading to higher concentrations elsewhere in the city.</p> <p>Paragraph 6.6 of the Draft SPD states that, despite best efforts, it will not be possible to provide a 100% accurate count, as there may be existing properties in HMO use that are unknown to the council. A HMO registration process prior to the 1<sup>st</sup> July strengthened the accuracy of Council’s data.</p> <p>The SPD seeks to provide guidance on the implementation of the article 4 direction, Saved Local Plan policy H17 and potentially the implementation of policy SWDP14 contained within the South Worcestershire Development Plan currently at examination. The SPD is not planning policy.</p> <p>The SPD does not intend to restrict supply, rather it seeks to control the further creation of HMOs in areas where there is deemed to be an overconcentration of HMOs. The SPD does not aim to prevent the conversion of properties to HMOs, but instead aims to control their growth in the most affected areas and therefore allow for new HMOs but in the right locations and where they meet set standards.</p> <p>The percentage threshold approach within the SPD policy has been created to ensure that Council staff can efficiently determine whether or not a locality is deemed to have an overconcentration of HMOs. The use of mapping within Geographic Information Systems (GIS) will enable the number of HMOs in a particular location to be easily assessed.</p> <p>The requirements within criteria c) will help provide guidance to those assessing the suitability of proposals for</p>
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		<p>not only a change of use to a HMO, but also for an intensification of use within a HMO, to which the threshold policy would not apply.</p> <p><b>No change</b></p>
<p><b>Threshold percentage</b></p> <p>Suggested threshold percentages</p> <p>Setting one threshold throughout the city</p>	<p>There were several comments made on the 10% threshold percentage figure.</p> <p>Twenty nine respondents suggested differing threshold percentages to the 10% in the SPD. These included being both higher and lower than 10%, and included 5%, 7.5%, 8%, 15%, 20%, 30%. 10% is too close to each other - no more than 3 in a street.</p> <p>There were comments that there should be no threshold percentage. These included:</p> <ul style="list-style-type: none"> <li>• No thresholds should ever apply. Common sense rather than a percentage.</li> <li>• All students should be housed on campus where they can behave how they like without affecting private residents.</li> </ul> <p>Nine respondents commented on setting the threshold across the city. These included:</p> <ul style="list-style-type: none"> <li>• Certain areas of the city, such as St Johns, already have a high number of HMO's and 10% would not meet the needs of the university. On the other hand, 10% may be too high, and the approach not necessary.</li> </ul>	<p><b>Noted</b></p> <p>The 10% threshold within the Draft SPD has been chosen because the Council feels this represents the point in which there becomes an over concentration of HMOs within a community, which is referred to in SWDP policy on Housing Mix. This decision is based on current levels of HMOs in the areas most affected in Worcester and analysis of other Local Authorities approaches and best practice advice, including the National HMO Lobby.</p> <p>Using a threshold percentage will provide control to those areas most affected by HMOs, whilst ensuring that the growth in other parts of the city is controlled, so not to cause displacement of the problem. (See paragraph 5.1 of the Draft HMO SPD).</p> <p>For many students, living in shared houses offers an important experience of independence, which on campus living in halls of residence would not provide.</p> <p><b>No change</b></p> <p><b>Noted.</b></p> <p>The use of a two tiered approach, which would set a different percentage for certain wards to the rest of the city, was considered. However, it is thought that this could cause</p>

	<ul style="list-style-type: none"> <li>• It may be an unnecessary regulation in areas that are well away from university properties. Do problems of any other sort of occupancy exist elsewhere?</li> <li>• In certain areas where there are small groups of housing [e.g. certain cul-de-sacs] you might like to consider a 7% limit. It is about conserving a vibrant community atmosphere with a good mix of occupancy for 12 months of the year.</li> <li>• One commented on the need for the threshold to be lower in St John's and St. Clements, with 5% being appropriate for these wards. The 10% threshold did not seem to relate to HMOs in the city, but to HMOs within a radius of an application. Your own document says that the City overall has 2.47% and only in St Clement and St Johns is it approaching 10%.</li> <li>• As low as possible with due diligence applied by all members of the publicly elected members of our council to apply and enforce whatever legislation is eventually decided upon without fear or favour.</li> <li>• Surely it can't be relevant in St. John's as much as say Arboretum because the need is different. We don't want young people out at night travelling unnecessary distances at risk. It should vary depending on the demand and socioeconomics of the city.</li> <li>• It depends on demand and whether there is any need for new student/HMO properties. The University knows how many students they have, the council knows how many HMO properties there are - do we need any more? You already can't get a large family home in St Johns however the council feels that as the ward doesn't yet have 10% there is room to take away more family homes! I have had to leave Worcester and move 11 miles away to find a 4 bed house as there was nothing available to the west of the city.</li> <li>• 10% is appropriate except for those areas already saturated. 5% in areas where people own their own houses - too many student lets drag area down and residents unable to sell as a result - only at low prices to landlords.</li> <li>• One commented that this new 10% measure is far from a ceiling figure. It should be less anyway. Also once an area has been turned</li> </ul>	<p>greater displacement to areas that lie just outside the affected wards.</p> <p>The 10% threshold approach across all wards in the city seeks to control the numbers of HMOs in the areas most affected by high concentrations of this type of use, and try to retain balanced and mixed communities. It also aims to achieve a more even spread of HMOs throughout the city.</p> <p>Applications for HMOs will be assessed against each criteria set out in the SPD, not just the threshold percentage.</p> <p>HMOs are not exclusively student housing and provide an important source of accommodation for a number of sections of society, including temporary workers, young professionals and those on low incomes (see paragraph 3.7 of the Draft HMO SPD). Therefore, it is important to have a variety of locations on offer to meet the needs of this wide range of people.</p> <p>The SPD states in paragraph 4.11 that it is suggested in the Strategic Housing Project Final Report (2012) that there will be a continuing strong demand from buy to let investors for HMO accommodation in the future.</p> <p>It is recognised nationally (see paragraph 4.14 of the SPD) that high concentrations of shared properties can lead to issues, such as noise, nuisance and a change in the overall character of an area. By controlling the number of HMOs in a given area, the SPD will help to ensure that communities remain mixed, balanced and therefore retain their character.</p> <p><b>No change</b></p>
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<p>Disagree with 10% threshold percentage figure</p>	<p>into a 'Student Slum' adding a few more HMOs will not make any difference.</p> <p>Three comments were made on the 10% threshold not being the correct approach:</p> <ul style="list-style-type: none"> <li>• The proposed 10% HMO threshold is not valid as a threshold for identifying where a community tips from a so called 'balanced' community into an 'imbalanced' community. This 10% threshold derives solely from a lobby group opposed to HMOs and is a figure based on the average private rented sector % of total households, as it was in the 2001 census. Not only is such a % well out of date, it is based on a lowest common denominator approach rather than the widely variable demand levels to be found at locality level. Even were it to equate to actual local demand, it cannot be rationally inferred that this is a tipping point for a community to become 'imbalanced'. One should always avoid defining 'sustainable communities' in terms of quotas of household types.</li> <li>• The policy should set a threshold for HMOs within any defined area at no less than the % demand for private rented accommodation within the City as a whole, as evidenced by a robust, up to date Housing Market Assessment carried out by the Council. If the 10% threshold for HMOs within a 100 metre radius is to be retained at this stage, then this should be stated explicitly as a temporary measure pending the results of the Council's Housing Market Assessment that it has commissioned. Henceforth the threshold would be set at no less than the level of demand for private rented accommodation within the city, as evidenced by robust local housing market data. The Council should remove any arbitrary criterion for determining HMO applications other than demand thresholds above and its adopted HMO standards, e.g. a criterion such as 'that the Council deems further HMOs to impact negatively on the character of an area'.</li> </ul>	<p><b>Noted.</b></p> <p>HMOs are only one type of private rented accommodation. The vast majority of rented accommodation is rented to individuals or families not living as a HMO.</p> <p>10% of properties in HMO occupation is a 'tipping point' suggested by the National HMO Lobby as the point where a community becomes unbalanced with this particular type of accommodation. The percentages of HMOs in Worcester by Ward, shown in Table 1 in the SPD, show that the most affected wards, St Johns and St Clements, fall just below 10%. A 10% threshold figure therefore is deemed to represent the over concentration of HMOs that is referred to in SWDP policy on Housing Mix, which would only allow a small number of new HMOs overall in these wards.</p> <p>The criteria within the SPD policy provide guidance to assess planning applications for the change of use to a HMO. The criteria b) and c) provide those dealing with planning applications with a means of further assessing if a conversion to a HMO will harm local amenity in the area. This includes instances where there are applications to intensify the use of an existing HMO.</p> <p><b>No change.</b></p>
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<p>Suggested alternative approaches for the SPD</p>	<ul style="list-style-type: none"> <li>• Having six student houses within 100 metres I can tell you that it has ripped my life apart. I could cope with one house within that distance.</li> </ul> <p>Eight comments suggested different approaches for the SPD to take. These included:</p> <ul style="list-style-type: none"> <li>• No more than one at both end of street, and one in the middle with contained noise.</li> <li>• Nil. % or less in St Johns/St Clements.</li> <li>• I think it is important to look at (in addition) individual streets, as a disproportionate number in one street could have an unfairly greater impact on residents and property prices in that street.</li> <li>• St John's and St Clements should be assessed by a street by street basis.</li> <li>• St Johns/St Clements should be treated differently to the rest of the city.</li> <li>• Turn large office blocks &amp; big empty shops plenty of them! Into bed sits for students council gets the rent instead of all these landlords popping up. 20m for parking alone.</li> <li>• The university should buy land and provide suitable accommodation for their students.</li> <li>• Whist you need a balance it is surely better to concentrate the students especially in certain areas of the city such as St Johns and the centre of Worcester. The university and students brings lots of money and prosperity into the city and they don't cause a problem in general.</li> </ul>	<p><b>Noted.</b></p> <p>Several different approaches were considered, including different threshold percentages and setting a different threshold within the areas most affected compared with the rest of the city. Section 5 of the SPD shows in detail the reasoning behind the approach taken, which is thought to be the most suitable.</p> <p>It would be unreasonable to only allow for one HMO at either end of a street, with one in the middle with contained noise due to the varying nature and size of streetscapes throughout Worcester City.</p> <p>The SPD will control the growth of HMOs in the most affected areas, whilst allowing for a more even spread across the city. The introduction of the Article 4 Direction and SPD will not reduce the number of existing HMOs, meaning that there will continue to be an offer of HMO accommodation in areas close to the University.</p> <p>For many students, living in shared houses offers an important experience of independence, which on campus living in halls of residence would not provide.</p> <p>The City Council has no powers to force the conversion of large office blocks and large empty shops into HMOs, as this may reduce the offer of retail office space within the city. However, applications for the conversion of such properties to HMO use will be considered against all the criteria set out in the policy in the SPD.</p>
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<p>Planning applications for HMOs</p>	<p>There were three comments on the issue of planning applications for HMOs when the article 4 direction comes into affect on the 1st July 2014. These included:</p> <ul style="list-style-type: none"> <li>• The need for applications to be assessed on an individual basis, and not on how many properties there are in a certain area.</li> <li>• A fee should be payable to convert a property to a HMO but it isn't a planning issue. It is recommended a fee of £50 should be charged to oversee this.</li> <li>• The Article 4 seems unnecessarily complicated and expensive for something which does not require planning, only common sense.</li> </ul>	<p><b>No change.</b></p> <p><b>Noted.</b></p> <p>The percentage threshold is just one criteria a planning application will have to satisfy if it is to be successful.</p> <p>All Houses in Multiple Occupation (HMOs) occupied by five or more persons forming two or more households over three or more floors, and otherwise not exempted, require a license issued by the Local Authority.</p> <p>The current planning legislation and implementation of the Article 4 Direction means that a planning application is required to convert a (C3) dwelling house property into a (C4 or Sui generis) HMO. The Article 4 Direction was considered and approved by Worcester City Council on 11<sup>th</sup> June 2013.</p> <p><b>No change.</b></p>
<p>Other comments on the method of approach taken in the SPD</p>	<p>Seven 'other' comments were made, including:</p> <ul style="list-style-type: none"> <li>• HMOs should not be allowed next to each other - not fair on elderly residents when considering noise</li> <li>• Too many in St John's area alone. St John's already higher.</li> <li>• I would have argued for greater control over the number of permitted conversions within St Johns and St Clements wards.</li> <li>• I don't know how the Council will know for sure how many houses are in multiple occupancy.</li> <li>• The city Council could use the Council Tax returns as a way of checking who lives at a property. If the names change each year or if the house is exempt as the occupants are students, check to see if the house is registered as an HMO; No houses should be HMO - more houses need to be built</li> <li>• Could the Council not intervene as emergency measures to stop any more of this happening before July. Or impose it retrospectively. I</li> </ul>	<p><b>Noted.</b></p> <p>The policy within the Draft SPD will not allow for planning permission to be granted where it will result in the creation of two adjacent properties in HMO use.</p> <p>As stated in paragraph 6.5 of the Draft SPD, the Council will use Council Tax data, namely exemptions due to occupation solely by full-time students, as one means of identifying properties in HMO use.</p> <p>Approval for the Article 4 Direction was given at Cabinet on 11th June 2013. Twelve months advance notice of the Direction taking effect was given. A change of use from a dwelling house to a HMO will not require planning</p>

	<p>note that the new rules set down 12% total in any one street and no abutting houses. As I mentioned we are in the process of acquiring two blocks of three and a 45% ratio. Surely this is unacceptable. I would like to know whether the students houses are all registered too.</p> <ul style="list-style-type: none"> <li>• Some sections of roads (as opposed to all of a road) have a change in character with a single or small number of family houses remaining. What scope is there for these to be included in the policy (specify?).</li> </ul>	<p>permission until 1<sup>st</sup> July 2014.</p> <p>The Draft SPD policy includes a section on exceptional circumstances, where planning permission for HMO uses may be granted where it is considered that a further HMO will not affect the character of the area or the amenity of existing residents.</p> <p><b>No change.</b></p>
<p>Need for HMOs to be shared across the city</p>	<p>Eight comments referred to the need for HMOs to be shared across the city. These included:</p> <ul style="list-style-type: none"> <li>• HMOs need to be spread out around the city, as the high concentration in areas such as St Johns has had an adverse effect on a number of streets in terms of character, traffic, parking, litter and occasionally noise.</li> <li>• Some areas have very few HMOs and the whole of Worcester benefits from HMOs in terms of student housing, due to an expanding university that brings in money to Worcester's economy. Therefore all of Worcester should share the HMO housing.</li> <li>• In the City, dwellers could also be in the same problem as St Johns with the City Campus, action must be taken to control HMOs.</li> <li>• The SPD should be implemented across all wards to ensure that there is a consistent proportion of single and multiple occupancy properties across all areas.</li> <li>• Ten per cent would spread things out a bit.</li> <li>• The wards nearest parts of the university in St Johns and other areas for other concentrations of like people make it like a zoned city.</li> <li>• Controls must be in place and implemented in all areas of our city to prevent Worcester and our surrounding villages from becoming a magnet attracting property speculators who will buy up vacant lots to convert into multi occupational housing without any regard for the neighbourhood, for they will not be living there.</li> <li>• HMOs need to be spread out around the city for everyone's sake, especially the long term residents letting properties should be spread out across the city not just St. Johns.</li> </ul>	<p><b>Noted.</b></p> <p>The Draft HMO SPD aims to seek to ensure that HMOs are located where it is acceptable to do so. It will seek to control the distribution of future HMOs in Worcester and avoid an over concentration in certain areas, particularly within the wards of St. Clement and St. John, where an above average percentage of HMOs are located.</p> <p><b>No change.</b></p>

<p><b>Threshold radius</b></p> <p>Agrees with the radius set</p>	<p>Several respondents commented on the threshold the radius. Comments included:</p> <ul style="list-style-type: none"> <li>• The stated radius is too large. Radius is too small - should be 200 or 300 metres.</li> <li>• Too close. 200 metres would be more appropriate. There are already 4 or 5 bordering property. Less percentage or larger area. You could have a lot in one road.</li> <li>• Radius should be doubled at least. Too narrow an area. Too much allowed already.</li> <li>• One commented that it was a completely arbitrary radius.</li> <li>• I personally cannot tell but it appears your experts have agreed on this radius.</li> </ul> <p>Five comments agreed with the 100 metre radius:</p> <ul style="list-style-type: none"> <li>• I agree with this as radius as long as the Council does more to find out the houses that are truly HMOs not just those registered. Estate agents are coming up with ways around the legislation and still advertise lovely family homes as 'potential investment opportunity', i.e. if your pension isn't going to support you, buy a house and rent it to students in St Johns.</li> <li>• 100m radius is probably appropriate, but I remain to be convinced that the Council does have and will in future have the resources to adequately ensure it knows how many dwellings are multi-occupancy.</li> <li>• The 100 metre radius will help ensure that 'pockets' of HMOs do not</li> </ul>	<p><b>Noted.</b></p> <p>Whilst other approaches were considered, including a street by street approach, it is considered that a fixed radius is a clear way, for both applicants and Planning Officers, to capture and assess the percentage of HMOs in an area.</p> <p>As stated in paragraph 5.8 of the Draft SPD, the Council tested a range of radius sizes, and it is felt that 100m captured a manageable number of properties on average in each ward. A radius below this either did not capture enough properties (average 23 properties across the city) to effectively assess against the 10% approach, or captured too many to practically implement the threshold policy.</p> <p><b>No change.</b></p> <p><b>Noted.</b></p> <p><b>No change.</b></p>

<p>Suggested alternative radius</p>	<p>occur.</p> <ul style="list-style-type: none"> <li>• I understand and accept the simplicity of the circular area to assess the impact. If this is re-opened, then there should be a consideration of giving extra weighting to properties in the same street.</li> <li>• It should be at least that. Who wants noisy neighbours all hours of the day and night.</li> </ul> <p>One commented on the need for the radius depends on specific circumstances:</p> <ul style="list-style-type: none"> <li>• It depends on how powerful their stereo sound system is and how big their driveway is for off-road parking.</li> </ul> <p>Several comments suggested an alternative radius that the Council could use. These included;</p> <ul style="list-style-type: none"> <li>• 300-400 metres in St John's/St Clement, and 200 metres elsewhere in the city.</li> <li>• No radius should be applied.</li> <li>• Boundary line of university campus.</li> <li>• Ward boundary.</li> <li>• Every house within 500 metres of University are exceptional cases and should be analysed individually</li> <li>• Would prefer to reserve my judgement as the question needs to be addressed based on individual cases as and when.</li> <li>• It shouldn't be based on radius, it should be based on common sense.</li> </ul>	<p><b>Noted.</b></p> <p>The 100 metre radius was chosen as it captures a surrounding area that would be affected by the issues that may arise from HMO use such as noise. See section above on parking issues for comments on off road parking.</p> <p><b>No change.</b></p> <p><b>Noted.</b></p> <p>Paragraph 5.8 of the Draft SPD states that the City Council tested a number of different radius lengths. However, a radius below 100 metres either did not capture enough properties (average 23 properties across the city) to effectively assess against the 10% approach, or captured too many to practically implement the threshold policy. Using the University campus as a boundary, or ward boundaries is thought to be too large and specific areas to judge if an over concentration of HMOs has occurred in a community.</p> <p><b>Change.</b></p> <p>Add in the following additional wording to paragraph 5.7 to show why a fixed radius approach was taken over ward</p>
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<p>100 metre radius need further explanation</p>	<p>There were two comments on the radius needing further explanation:</p> <ul style="list-style-type: none"> <li>• The 100 metre radius needs clarifying - does that mean just the road concerned or those adjoining e.g. at T junctions.</li> <li>• In certain areas of housing 100 metres is quite a lot of houses. Some were built a century ago, some 50 years, and a lot in more recent times, so how can a simple 100 metres cover all the building concentrations?</li> </ul>	<p>boundaries:</p> <p>'Using the ward boundaries to assess against the percentage threshold would offer too large an area to judge if an over concentration of HMOs has occurred in a local community'</p> <p><b>Noted.</b></p> <p>The means of calculating the percentages of HMOs using the 100 metre radius, including what road/properties are included within the radius is set out in Section 6 of the SPD. The reasons for using the 100 metres radius is covered in paragraph 5.8 of the SPD.</p> <p><b>No change.</b></p>
<p>Approach is too little too late</p>	<p>There were twenty comments on the Article 4 Direction and the approach taken for the HMO SPD is too late for areas with already high concentrations of HMOs. These included comments on the need for a reduction of HMOs in areas, such as St John's and St Clements already well over the 10% threshold, and that the approach does not readdress the current imbalance, experienced in these areas.</p>	<p><b>Noted.</b></p> <p>A change of use from C3 (Dwelling house) to C4 (small HMO) has been permitted without the need for a planning application. The Article 4 Direction that will be implemented on the 1<sup>st</sup> July 2014 cannot be applied retrospectively, and therefore cannot reduce the numbers of HMOs in areas where there may already be a current over concentration of HMOs.</p> <p><b>No change.</b></p>
<p>Convenient location of student housing</p>	<p>There were four comments on the issue of convenient location of student housing. These included:</p> <ul style="list-style-type: none"> <li>• Students want convenience and will not travel across the city to study, so, will go elsewhere. Worcester University needs students, and</li> </ul>	<p><b>Noted.</b></p> <p>HMOs are not exclusively student housing and are used by a wide range of people, including young professionals and</p>

Further consideration given to larger HMOs	<p>Worcester needs the university, to secure its cultural and economic future.</p> <ul style="list-style-type: none"> <li>• There are already enough student-occupied HMOs inside St Johns and St Clements. Other wards geographically further away from the university will be seen to be less attractive to potential buy-to-let investors!</li> <li>• Some areas are already over populated by HMOs so Appendix 3 which over rides the % in exceptional circumstances should be applied. This would provide a student accommodation area within the city. If again as stated, Arboretum, Bedwardine &amp; Cathedral already have above average HMOs why is a 'modest growth' recommended?</li> <li>• The students enjoy the fact that the more HMOs together gives them the right to call there area student land and considering these places pay no rates means that we will end up paying more because of them.</li> </ul> <p>Further consideration should be made to larger HMOs too, a number of which are only partially filled or completely empty.</p>	<p>those on low incomes. Therefore, it is important to have a variety of locations on offer. The SPD cannot be applied retrospectively and therefore will not reduce the current offer of HMOs that are in close proximity to the University.</p> <p>The SPD states that the 10% threshold would allow for a modest growth in Arboretum, Bedwardine and Cathedral wards as a whole. However, this is an illustration of the levels of HMOs in each ward in the city, and the 10% threshold rule would still apply to the 100 metre radius, and not the ward in its entirety. As stated in paragraph 5.3 of the SPD, it is considered that the 10% threshold reflects the tipping point in which a community becomes imbalanced. Allowing a greater number of HMOs in these areas would go against policy SWDP14 of the South Worcestershire Development Plan, which is currently (at the time of writing) at examination stage.</p> <p><b>No change.</b></p> <p><b>Noted.</b></p> <p>The SPD provides a section (see paragraph 5.23) on the intensification of C4 small HMOs to Sui Generis large HMOs.</p> <p>Planning applications for the conversion of large sui generis HMOs to another use will be considered on an individual basis if applications are received.</p> <p><b>No change.</b></p>
<b>EXCEPTIONAL CIRCUMSTANCES</b>		
Against the Exceptional	There were fifteen comments that were against the exceptional circumstances criteria. These included:	<b>Noted.</b>

<p>Circumstances criteria</p>	<ul style="list-style-type: none"> <li>• I DO NOT ACCEPT THE EXCEPTIONAL CIRCUMSTANCES CRITERIA.</li> <li>• There can be no excuses.</li> <li>• NO BECAUSE IF YOU ALLOW MORE IN A AREA IT WILL JUST TURN IT INTO A GETTO LIKE THE COMMER RD AREA IS NOW.</li> <li>• I do believe that too large a concentration will be of detriment to an area; Particularly if it is a row of terraced houses.</li> <li>• The situation in some of the roads in St John's is that they are difficult to negotiate due to the number of cars parked on the pavements and rubbish bins left outside properties. This is a direct result of HMO's. There should be no circumstances that allow any more HMO's in the St John's area.</li> <li>• There should be no 'exceptional' circumstances as set out in para 5.12 as it will alter the whole Character of the area with NO private residences in the area.....turning it into a 'ghetto' of students with NO exceptions.</li> <li>• My neighbourhood has been ruined by HMO domination. I don't want any more around me so do not support the Exceptional Circumstances if ever applied to the semi-detached house attached to me that is currently privately occupied.</li> <li>• Going above a total of 10% could result in streets becoming HMO saturated with little opportunity for families to move into affordable homes.</li> <li>• Enough is enough in one area!; Certainly in St Johns, Comer Road and all the areas near the university there are enough students crammed together and other groups of people as well.</li> <li>• If you have a regulation that is well thought out and considered it should not be necessary to have exceptional criteria that would change that ruling; Such a judgement would be at odds with the idea of conserving a good mix of occupancy, encourages 'Ghettos'.</li> <li>• And probably compounds parking problems, access to properties, disabled movement &amp; mobility, encourages parking on footpaths, etc.</li> <li>• I cannot see that there would exceptional circumstances, as there would always be an alternative location for an HMO property.</li> <li>• Developers will exploit this to there gains.</li> </ul>	<p>The exceptions circumstances criteria within the policy is intended for rare instances where there are only one or two C3 properties in a particular area which cannot sell as a dwellinghouse, and a C4 HMO use may be considered where they would not affect the existing residential amenity or cause any further harm to the character of the area. However, following a review of consultation comments, and internal discussion with Planning Enforcement and Housing colleagues, the exceptional circumstances criteria is to be amended by removing paragraph 5.21, which removes the circumstances where the remaining one or two can be allowed to be converted over to HMO use if over 10%.</p> <p>Criteria b) of the HMO SPD policy aims to ensure that the terracing effect of HMOs does not occur any further, by not allowing the creation of three HMO properties adjacent to one another.</p> <p><b>Change</b></p> <p>Remove the exceptional circumstances criteria from the guidance in the box under paragraph 5.12, and replace with:</p> <p>'In exceptional circumstances, within areas that have a very high concentration of HMOs, planning approval for HMO use may be granted where it can be demonstrated that there is no market demand for continued C3 occupation.'</p> <p>Remove paragraph 5.21, but keep paragraph 5.22.</p>
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	<ul style="list-style-type: none"> <li>• Allowing other HMOs in areas already containing high proportions of HMOs is extremely unfair on residents of last remaining houses who do not want, or are not in a position to move.</li> <li>• The statement 'It is not possible to define an upper limit to the percentage threshold of HMOs at which exceptional circumstances would apply' suggests that the 10% threshold may not be met and therefore these regulations will offer too many loopholes to prospective landlords.</li> </ul>	
<p>Exceptional circumstances condemns areas of already high percentage HMO</p>	<p>Five comments referred to the exceptional circumstances criteria condemning areas with already high percentage of HMOs, such as St John's and St Clements. These included:</p> <ul style="list-style-type: none"> <li>• Please don't let unscrupulous landlords come up with ways to get another HMO through planning permission. Money is being spent on improving the flats at the bottom of my road, which are looking fabulous but then the Council is happy to right off parts of St Johns.</li> <li>• This is writing off St Johns. This is like saying if a street is already grotty then will support it by letting in rot in HMOs. HMOs absolutely have their place and provide a good means of housing but not at the expense of other types of renting or homeowners. It's not always the students that don't look after the property, it's the owners. The houses that can't be rented out, probably because they are so unpleasant remain empty and shabby. If they can't be rented out as HMOs, there is the possibility that a family could rent or buy except they won't because the road is already untidy. The big 'student let' signs look awful as people drive down the street; If an area already has too many HMOs adding to the numbers will only exacerbate the problem further - it's an admission of defeat and abandons private residents who remain in the area.</li> <li>• Again I reiterate the fact roads dominated by HMOs do not support a sense of community. Local residents and students should be able to live in harmony and I believe that they can if roads aren't dominated by HMOs.</li> <li>• The exceptional criteria undermine the laudable objectives of this</li> </ul>	<p><b>Noted.</b></p> <p>The exceptions circumstances criteria within the policy is intended for rare instances where there are only one or two C3 properties in a particular area which cannot sell as a dwellinghouse, and a C4 HMO use may be considered where they would not affect the existing residential amenity or cause any further harm to the character of the area. However, following a review of consultation comments, and internal discussion with Planning Enforcement and Housing colleagues, the exceptional circumstances criteria is to be amended by removing paragraph 5.21, which removes the circumstances where the remaining one or two can be allowed to be converted over to HMO use if over 10%.</p> <p>Paragraph 5.22 still provides an opportunity for those who can not sell their property, and can demonstrate this, and each of these exceptional circumstances will be assessed on its own merits.</p> <p>Proposed HMOs are required to meet the prescribed Housing Standards, which fall under Appendix 3 of the Draft HMO SPD. Landlords and tenants have a joint responsibility in ensuring properties are well looked after.</p>

	<p>policy. In essence, this would allow the development of HMOs in my ward (St. Johns) to continue unabated. It paramount to the City Council giving up on St. Johns.; Areas of St Johns and St Clements have become overly-congested with student HMOs-much to the despair and annoyance of local and long-established residents!</p> <ul style="list-style-type: none"> <li>• Yes but only if the existing/remaining residents agree. This will not give peace of mind to those in areas where numbers exceed 10%, especially St John's. Any concentration is wrong. Seems unfair to existing residents, but can see the logic that once a certain point is passed in terms of HMO numbers. Open to abuse by Council and developers. Strongly object to 'back door policy'. HMOs have ruined a pleasant residential area which I have been a resident in for 45+ years. These criteria are completely unacceptable!</li> </ul>	<p><b>Change</b></p> <p>Remove the exceptional circumstances criteria from the guidance in the box under paragraph 5.12, and replace with:</p> <p>'In exceptional circumstances, within areas that have a very high concentration of HMOs, planning approval for HMO use may be granted where it can be demonstrated that there is no market demand for continued C3 occupation.'</p> <p>Remove paragraph 5.21, but keep paragraph 5.22.</p>
Support Exceptional Circumstances criteria	<p>One comment was in support of the exceptional circumstances criteria:</p> <ul style="list-style-type: none"> <li>• However, if obtaining planning permission for HMO enabled me to sell my house which is now devalued, then I would support it if mutually agreed with my attached neighbours and applied to both semi detached properties so as not to stitch them up or vice versa.</li> </ul>	<p><b>Noted.</b></p> <p><b>No change.</b></p>
Other comments	<p>There were several other comments on the exceptional circumstances criteria. These included:</p> <ul style="list-style-type: none"> <li>• This will protect the rest of the city but not St John's, as not all of the HMOs are registered. If transport infrastructure was better, then students could live in Warndon or St Peters.</li> <li>• The people next door have had their house on the market for some years. People are scared off from buying a higher value property for fear the area will taken over by HMOs.</li> <li>• One of their tenants has damaged our property. The police are polite and understanding but I think they accept that it's the status quo.</li> <li>• Once an area has been turned into a 'Student Slum' adding a few more HMOs will not make any difference.</li> <li>• If you already have two HMO properties with a residential dwelling in between them and the owners of the residential dwelling want to sell,</li> </ul>	<p><b>Noted.</b></p> <p>The exceptional circumstances criteria within the policy is intended for rare instances where there are only one or two C3 properties in a particular area which cannot sell as a dwellinghouse, and a C4 HMO use may be considered where they would not affect the existing residential amenity or cause any further harm to the character of the area. However, following a review of consultation comments, and internal discussion with Planning Enforcement and Housing colleagues, the exceptional circumstances criteria is to be amended by removing paragraph 5.21, which removes the circumstances where the remaining one or two can be allowed to be converted over to HMO use if over 10%.</p>

	<p>who is going to buy that property?</p> <ul style="list-style-type: none"> <li>but not just 'exceptional', part of a overview as in above no 2 answer (Answer to number 2; It needs to take into account supply and demand e.g. - proximity to University for students or Rail/Road transport for 'commuting').</li> </ul>	<p>There are appropriate bodies to contact for issues that have arisen through anti-social behaviour. These include the police, the University, the landlords and Worcester Regulatory Services (who deal with noise nuisance issues).</p> <p><b>Change</b></p> <p>Remove the exceptional circumstances criteria from the guidance in the box under paragraph 5.12, and replace with:</p> <p>'In exceptional circumstances, within areas that have a very high concentration of HMOs, planning approval for HMO use may be granted where it can be demonstrated that there is no market demand for continued C3 occupation.'</p> <p>Remove paragraph 5.21, but keep paragraph 5.22.</p>
<b>EFFECT ON THE HOUSING MARKET</b>		
<p>Unable to sell properties in areas of high HMO concentration</p>	<p>There were eight comments made suggesting that people will be unable to sell their properties in areas with already high concentration of HMOs. These included:</p> <ul style="list-style-type: none"> <li>Basically no one else would want to live in such an area or be able to sell a property there other than to a landlord for letting.</li> <li>The only possible reason I can think of in support of this is that an owner/occupier would at least have the opportunity of selling their home to a Landlord (under duress I might add) as it is improbable that you would sell that type of family home to a family because of the student presence. Making a 'ghetto' might seem a good idea except to those diminishing home owners in the street. Shame on the Council if they take that route. The citizens of Worcester deserve better and remember that we pay Council Tax.</li> <li>House for sale with no interest due to proliferation of HMOs.</li> <li>Live in fear of more student lets, can't move house due to no one wanting to buy.</li> <li>Many long-term residents already feel that their lives have been</li> </ul>	<p><b>Noted.</b></p> <p>The HMO SPD and Article 4 Direction aim to control the further proliferation of HMOs in affected areas, and will ensure that residential communities throughout the city remain mixed, balanced and attractive for potential purchasers of family homes. The criteria within the HMO SPD cannot be applied retrospectively, and therefore cannot remove existing HMOs that have changed use from a C3 dwellinghouse during the period where a planning application was not required.</p> <p>The exceptional circumstances criteria within the SPD policy aims to consider a change of use to a C4 HMO for those owners of family homes that can demonstrate that they are no longer able to sell as a C3 dwellinghouse.</p>

	<p>blighted by the number of students in their streets. Do you wish to force them to move? Which in many cases they are unable to do anyway.</p> <ul style="list-style-type: none"> <li>• Consideration and flexibility must be allowed for long term owner occupiers who find that restrictions are causing an inability to sell their houses for a reasonable price, but for no other reason.</li> <li>• I am concerned that when the time comes for us to sell our own house we will be unable to attract buyers and achieve a fair price for our property. The option to sell our own property to a landlord may not even be feasible, as judging by the plethora of to-let boards in St. Johns there now appears to be an over-supply of HMOs. Is there any hope that the number could be reduced over time, as landlords put houses on the market?</li> <li>• Property prices and the ability to sell C3 type properties are further diminished with every additional HMO that appears in Street/Close/Road.</li> </ul>	<p>A change of use from C4 HMO to C3 dwellinghouse is still permitted development without the need for a planning application, and therefore there is the opportunity for the purchase of properties in C4 use to be converted back into family homes.</p> <p><b>No change.</b></p>
<p>Effect on family homes and first time buyers</p>	<p>There were five comments on the effect on family homes and first time buyers. Summaries of these include:</p> <ul style="list-style-type: none"> <li>• HMOs should be resisted where the change of use will adversely affect first time buyers, particularly terraced houses.</li> <li>• The need for regulation to stop family homes been turned into HMO, so forcing families out of St Johns; The importance for family life that a balance is put in place for the good of the community.</li> <li>• One comment on the detrimental effect on the value of family homes in the future.</li> <li>• Yes but only insofar as the Council accepts that the policy will probably have a detrimental effect on the value of family homes in the future. I understand that the year long run-in period was so that potential landlords could not claim that they had been disadvantaged yet this is exactly what will happen to family homes. The potential to gain permission for use as an HMO is likely to be of little benefit as there is a finite demand which is likely to already have been met.</li> <li>• Questions the neutrality of agents. Properties marketable as suitable for first time buyers or investment opportunities may be seen as prospective HMOs. Will new owners who wish to let the property out</li> </ul>	<p><b>Noted.</b></p> <p>The HMO SPD as well as providing the mechanism for implementing the article 4 direction also provides guidance for policy SWDP 14 on Housing Mix, which seeks to protect against the significant loss of large family homes. A planning application has not previously been required for a change of use from a C3 dwellinghouse to a C4 HMO, which has led to areas of high concentrations of HMOs. The Article 4 Direction, and subsequent SPD aims to ensure that there is a more even spread of HMOs throughout the city, so that certain areas do not become dominated by HMOs and help mitigate against the detrimental effects on family homes.</p> <p>From the 1<sup>st</sup> July 2014, a planning application will be required for the change of use from a C3 dwellinghouse use to a C4 HMO use. Therefore, if a property is purchased as a C3 dwellinghouse, it would need planning permission to be</p>

	be exempt from any new regulations regarding HMOs?	converted into a HMO. Therefore, new owners who wish to let the property out as a HMO will have to apply for planning permission, provided the property is not already in this use.  <b>No change.</b>
Those who wish to stay	Two commented on the effect on those who wish to stay: <ul style="list-style-type: none"> <li>• Whilst taking account of property owners who may want to move away from HMOs, they take no account of those who wish to stay but don't want further proliferation of HMOs in their immediate vicinity.</li> <li>• Allowing further HMOs in such circumstances will further deepen the plight for those who do not wish to be forced from homes they have probably owned and lived in for 25-30 years.</li> </ul>	<b>Noted.</b>  The Exceptional Circumstances criteria will only allow for further HMOs to be considered in areas where there are only one or two remaining C3 dwellings. Such proposals will be assessed on an individual basis. The Draft SPD and associated policy cannot be applied retrospectively, and therefore cannot reduce the number of HMOs in those areas most affected.  <b>No change.</b>
Negative effect on private rental accommodation	Two commented on the negative effects on private rental accommodation in Worcester: <ul style="list-style-type: none"> <li>• HMOs lead to a reduction of private rental accommodation in an area, leading to higher rents and a drop in standards due to the lack of competition.</li> <li>• At a time when more and more people are dependent on the private rented sector for accommodation due to low income, and rents and conditions in the sector are even a cause for concern for Tory party policy makers, Worcester's Labour administration is focused solely on restricting the supply of accommodation for the most disadvantaged i.e. those who can only afford shared/HMO accommodation. This is likely to force up rents and restrict access to accommodation for the least well off, whilst doing nothing to improve the lives of those living in the worst conditions in the housing sector.</li> </ul>	<b>Noted.</b>  As paragraph 3.7 of the Draft HMO SPD shows, HMOs offer an important source of affordable accommodation.  Criteria d) of the HMO SPD require all applications for a change of use to an HMO (C4 and sui generis) to demonstrate that the property meets the required Housing Standards for HMOs, as found in Appendix 3.  HMOs are used by a wide range of people, including young professionals and those on low incomes. Therefore, it is important to have a variety of locations on offer. By applying the 10% threshold across the city, it will lead to a more even distribution of HMOs throughout Worcester, and therefore strengthen the variety of the offer.  <b>No change.</b>
Need for HMOs	Three comments referred to the need for HMOs. These included:	<b>Noted.</b>



	<ul style="list-style-type: none"> <li>• The Council should ascertain if there is actually a need for more of this housing before it agreed anymore.</li> <li>• SPD needs to take into account supply and demand e.g. - proximity to University for students or Rail/Road transport for 'commuting'.</li> <li>• Any restriction on the conversion of properties to HMO could lead to a shortage in supply of properties which will not be in the best interest of the Students, University or the City.</li> </ul>	<p>Section 4 of the SPD provides information on the Worcester's housing stock and demand for privately rented housing and HMOs in Worcester.</p> <p>The SPD does not place a limit on the number of HMOs but instead seeks to limit the number of HMOs to 10% of all home. This limit is only exceeded in a few locations within the City at present and the SPD will help to ensure additional HMOs do not dominate a locality or change the character of individual streets.</p> <p><b>No change.</b></p>
<b>EFFECT ON RESIDENTS AND THE SURROUNDING AREA</b>		
Student behaviour	<p>There were several comments made on the affect on residents and the surrounding area.</p> <p>Six comments were made regarding student behaviour within HMO occupation. These included;</p> <ul style="list-style-type: none"> <li>• A clutch of HMOs is not only the fact that you have many students who do not care how the surrounding area looks but the also make lots of noise when they arrive back in the early hours that is whether they are on foot or getting out of a taxi.</li> <li>• Fellow students are not so thoughtful of other residents, blocking their drives with cars and leaving bins on the road.</li> <li>• Some areas have so many student houses in them its driving families out; If there is a group of houses with student occupants, they become more disruptive at night especially when taxis call.</li> <li>• Due to experience too many students in one area creates a lot noise at unsociable hours.</li> <li>• Would like to add that problems of noise and rowdy behaviour and anti-social behaviour were not the result of students.</li> <li>• Would be better if student accommodation was kept away from</li> </ul>	<p><b>Noted.</b></p> <p>It is recognised nationally (see paragraph 4.14 of the SPD) that high concentrations of shared properties can lead to issues, such as noise, nuisance and a change in the overall character of an area. By controlling the number of HMOs in a given area, the SPD will help to ensure that communities remain mixed, balanced and therefore retain their character.</p> <p>The SPD cannot be applied retrospectively to remove properties already in occupation as a HMO.</p> <p>Noise nuisance matters should be referred to and dealt with by Worcestershire Regulatory Services.</p> <p>The University reviews all environmental complaints received, via a number of different routes such as security and reception, Registrar's Office, the Student Experience Team etc.</p>

	residential areas, due to disturbance at night.	<b>No change.</b>
HMOs detrimental to surrounding area	<p>Six comments were made on HMOs being detrimental to the surrounding area. These include;</p> <ul style="list-style-type: none"> <li>• Certain areas, particularly St Johns are being overshadowed as a residential area in favour of student accommodation, which may cause other residents, including families, in the area to move unless the issue is addressed, creating a 'ghetto' of sorts.</li> <li>• Semi detached family homes are fast disappearing in certain roads, such as Woodstock Road, making life difficult for those family homes that remain.</li> <li>• HMOs in cul-de sacs, such as Melrose Close in St Johns, bring down the standards of the whole Close, as they are not properly kept.</li> <li>• Anymore uncontrolled HMOs will spoil this wonderful city.</li> <li>• Too many HMOs spoil the local community. The City and County Council want to promote communities and Act Local but HMOs with a transient community do not support this.</li> <li>• Turnpike Close is blighted by problems caused by Worcester University failing to honour commitments made when acquiring the former school buildings in Turnpike Close. The biggest problems include; failure of University to construct an access road, causing the close to be transformed into a well used shortcut in St. Johns Campus, which has had an obvious effect on the amenity of the locality. Cars are parked for long periods of time in the Close; Increased car and pedestrian traffic has caused litter in the area; groups of people stood outside the gates smoking; traffic exiting the south exit has caused many 'near misses'; University authorities are ignoring the effect on what was a quiet residential neighbourhood.</li> </ul>	<p><b>Noted.</b></p> <p>It is recognised (see paragraph 4.11 of the SPD) that there is a continuing strong demand from buy to let investors for HMO accommodation. However, by controlling the numbers of new HMOs within Worcester, the SPD aims to prevent further uncontrolled significant loss of family homes and ensure a balanced housing mix, as required by the SWDP policy SWDp14.</p> <p>The University reviews environmental complaints received, via a number of different routes such as security and reception, Registrar's Office, the Student Experience Team etc.</p> <p>The issue raised regarding the former school buildings in Turnpike Close cannot be resolved by the HMO SPD.</p> <p><b>No change.</b></p>
HMO Change the nature of an area	<p>Fifteen commented on high numbers of HMOs changing the nature of the area. These included:</p> <ul style="list-style-type: none"> <li>• HMO change the nature of the area - high density and many cars/taxis. Nuisance caused by occupants has detrimental affect on current occupiers. Already occupied by HMOs.</li> <li>• The SPD does not reflect the experience of those in St John's - HMOs do not keep character of the area and do not offer enough off street</li> </ul>	<p><b>Noted.</b></p> <p>It is recognised nationally (see paragraph 4.14 of the SPD) that high concentrations of shared properties can lead to issues, such as noise, nuisance and a change in the overall character of an area. By controlling the number of new HMOs in a given area, the SPD will help to ensure that</p>

	<p>parking.</p> <ul style="list-style-type: none"> <li>• Spoilt area and devalued properties.</li> <li>• Should not be HMOs adjacent to each other.</li> <li>• There are three main issues - noise, especially on warm summer days when we would like to be able to enjoy our gardens in peace.</li> <li>• They (landlords) should also be prepared to spend money on the upkeep of their properties and gardens. As the proportion of HMOs increases, the whole area can begin to look run-down. This is unfair to owner occupiers who have lived here for years and take a pride in their appearance.</li> <li>• We question whether others with influence in such matters – members of the City Council for example – would tolerate this degenerative shift in the character of this once-pleasant suburban area, should they happen to live near here. We beg leave to doubt it!</li> <li>• A friend of mine lived in a semi-detached house adjoining a next door property which was converted for multiple occupancy for university students. They caused so much noise and nuisance that he was forced to complain to them, the council, the police and the university none of which did anything about his problem. He was forced to sell up and leave, having spent a great deal of money on home improvements. If none of those in authority are prepared to do what is legally required of them then only detached properties should be converted for multiple occupancy or semi-detached properties should be sound insulated in both adjoining properties, assuming that such sound insulation would be satisfactory.</li> <li>• We live across the bottom of the cul-de-sac - we now have a block of three houses sandwiched between our home and one on the other end - they are big houses and have six students each. I have another sideways on at the end housing some noisy girls and the noise echoes across the back gardens and two more within thirty metres going up the Close. Two more are being converted which will give us another block of three. I work that out as being 45% student accommodation. Some of these students have been very troublesome and disruptive and we have been having ongoing talks with the University about their behaviour. Indeed the Uni are calling a general meeting of the</li> </ul>	<p>communities remain mixed, balanced and therefore retain their character.</p> <p>The SPD cannot be applied retrospectively to prevent properties already in occupation as a HMOs continuing in this use.</p> <p>Noise nuisance matters should be reported to Worcestershire Regulatory Services.</p> <p>The University to reviews all environmental complaints received, via a number of different routes such as security and reception, Registrar’s Office, the Student Experience Team, etc.</p> <p>The policy within the SPD will not allow for the creation of two adjacent properties in HMO use.</p> <p>The SPD provides the appropriate standards for off road parking for determining applications for new HMO use.</p> <p>To Let boards are currently permitted under the Town and Country Planning (Control of Advertisements) Regulations 2007, provided that they follow the rules in the supporting guidance issued by DCLG ‘Outdoor advertisements and signs: a guide for advertisers’ (June 2007). (See section below in this document on the proliferation of To Let boards).</p> <p>Applications for new HMOs will have to meet the required housing standards for HMOs, as set out in Appendix 3 of the SPD.</p> <p>Whilst it is recognised nationally (CLG report) that high concentrations of HMOs may cause issues, such as noise</p>
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	<p>community. It could almost be called a student colony now!</p> <ul style="list-style-type: none"> <li>• We are now in an area, and I purposely did not call it a neighbourhood as neighbours speak to you and get you a bottle a milk when you can't get out, which is becoming increasingly untidy, littered, rubbish bins left outside, sick on the pavement etc. etc.</li> <li>• There is a lot of resentment in the area about student housing and the effect it has had on our community lives and enough is enough.</li> <li>• I have noticed a plethora of advertising signs going up offering student rooms. These seem to be permanent fixtures and as such I assume they need planning permission.</li> <li>• Once owner occupied flats, nearby flats in Henwick Road are now largely filled by short term student lets. Least of student concerns is going to be domesticity, let alone caring for the gardens which are adjacent to some of these flats which are unsuitable as student accommodation. Since this happened, we have had cause to complain on a number of occasions to the owners/agents about the state of these gardens, laundry is left hanging up at windows, and extra cars are inconsiderately parked outside.</li> <li>• Planning application for seven multi occupancy homes in the area has resulted in trees have already been cut down, a cheap and unsuitable farm-type gate has been installed, and the area now serves as a builder's yard with materials and commercial vehicles dumped. It is completely inappropriate for this area and should not be permitted.</li> <li>• The July date for the introduction of the new rules seems to have hastened the sale of further homes in the area. As a result, ordinary families are most unlikely to buy a home attached to students and in a student area.</li> </ul>	<p>nuisance, this does not always apply to all occupants of HMOs. There are procedures in place to raise concern should these issues arise, such as through the University, Worcestershire Regulatory Services for noise nuisance issues, and the Landlords themselves.</p> <p>The HMO SPD and Article 4 Direction aim to control the further proliferation of HMOs in affected areas, and will ensure that residential communities throughout the city remain mixed, balanced and attractive for potential purchasers of family homes. The criteria within the HMO SPD cannot be applied retrospectively, and therefore cannot remove existing HMOs that have changed use from a C3 dwellinghouse during the period where a planning application was not required.</p> <p>The exceptional circumstances criteria within the SPD policy aims to consider a change of use to a C4 HMO for those owners of family homes that can demonstrate that they are no longer able to sell as a C3 dwellinghouse.</p> <p><b>No change.</b></p>
<p>Effect on northern end of St. Clement ward</p>	<ul style="list-style-type: none"> <li>• Northern end of St Clement's has fewer HMOs and fears spread. What would be the effect on this area if the policy was implemented? Is there scope for considering some more stringent quotas in this area because there is a need to ensure family housing retained to keep the vitality of the school and amenity of the area.</li> </ul>	<p><b>Noted.</b></p> <p>The 10% threshold approach across all wards in the city seeks to control the numbers of HMOs and ensure a more even spread throughout the city. Areas located in the northern end of St. Clements would not be allowed to have more than 10% HMOs in a 100 metre radius, therefore keeping a mixed and balanced community.</p>

		<b>No change.</b>
<b>HOUSING STANDARDS</b>		
Housing standards	<p>There were three comments made on the housing standards for HMOs. These include:</p> <ul style="list-style-type: none"> <li>Restricting the number of HMO's will result in less competition for existing landlords, providing little impetus to improve standards beyond the minimum required by the council. How the council will make information available to prospective purchasers of properties who wish to convert C3 to C4 dwellings, onerous or lengthy processes may serve to put developers off and restrict HMO provision.</li> <li>If not controlled, landlords will fill their properties with those willing to pay low rents which will result in filled properties with little regard to health and safety or to the long term residents of any particular area.</li> <li>I live in Wallcroft Close, a road adjoining the University of Worcester, with four large houses, two of which are already student lets owing to the delay in bringing in these changes. They (Landlords) should also be prepared to spend money on the upkeep of their properties and gardens. As the proportion of HMOs increases, the whole area can begin to look run-down. This is unfair to owner occupiers who have lived here for years and take a pride in their appearance.</li> </ul>	<p><b>Noted.</b></p> <p>The Council hopes to make available a map of the location of HMOs in Worcester, which will give an indication of where the most concentrated areas of HMOs are.</p> <p>Criteria c) of the policy within the SPD requires HMO accommodation to meet the Council's prescribed housing standards, as set out in Appendix 3 of the SPD. HMOs are required to be visited by the Council to ensure that the required housing standards are met, meaning that the property is safe for use as a HMO.</p> <p>Approval for the Article 4 Direction was given at Cabinet on 11th June 2013, with twelve months advance notice, meaning that the Direction is to be implemented on 1st July 2014.</p> <p>Although there may be a flurry of activity for conversion to HMO, the change of use from a C3 (Dwelling House) to a C4 (HMO) is permitted until this date without the need for a planning application.</p> <p><b>No change.</b></p>
<b>ENFORCEMENT AND IMPLEMENTATION</b>		
Enforcement of the SPD	<p>There were three comments made on the enforcement and implementation of the Supplementary Planning Document. These included:</p> <ul style="list-style-type: none"> <li>The SPD must be rigorously enforced, especially around the 1 July deadline. There are many new student rooms to let signs in St Johns appearing recently, which will need planning permission if first occupied after September 2014.</li> <li>Appropriate enforcement should be used to control the issues, anti-social behaviour when they arise.</li> </ul>	<p><b>Noted.</b></p> <p>Paragraph 7.6 of the Drat SPD states that enforcement action may be taken against owners who cannot demonstrate that their property was in lawful use as a HMO prior to the 1<sup>st</sup> July Deadline. The Article 4 Direction will be implemented on the 1<sup>st</sup> July, meaning that after this date, planning applications will be required for a change of use from C3 (Dwelling house) to C4 (HMO).</p>

	<ul style="list-style-type: none"> <li>It is questioned whether the Council has the resources to properly investigate and enforce the SPD, as there could be a danger that unregistered HMOs will proliferate and the proper management of the properties will not be applied.</li> </ul>	<p>The following bodies that can be contacted regarding specific issues that may arise.</p> <ul style="list-style-type: none"> <li>Noise nuisance issues should be reported to and dealt with by Worcestershire Regulatory Services.</li> <li>The University has its own disciplinary committees that help to deal with instances of anti social behaviour.</li> </ul> <p><b>No change.</b></p>
Time taken to implement the policy	<p>One comment was made on the time taken to implement policy.</p> <ul style="list-style-type: none"> <li>The length of time to implement the policy will result in a flurry of activity of conversions to HMO use before the 1st July deadline, which will have a detrimental effect on family homes.</li> </ul>	<p><b>Noted.</b></p> <p>Approval for the Article 4 Direction was given at Cabinet on 11th June 2013, with twelve months advance notice as required by planning law, meaning that the Direction is to be implemented on 1<sup>st</sup> July 2014.</p> <p>Although there may be a flurry of activity for conversion to HMO, the change of use from a C3 (Dwelling House) to a C4 (HMO) is permitted until this date without the need for a planning application.</p> <p><b>No change.</b></p>
<b>SUPPLEMENTARY PLANNING DOCUMENT DEFINITIONS AND CRITERIA</b>		
Exemptions from the HMO definitions	<p>There were a couple of comments on exemptions from HMO definitions of the HMO SPD. These included:</p> <ul style="list-style-type: none"> <li>Properties used as social housing in the private rental sector and as highlighted in a number of recent television programmes, due to inadequate housing stock, local authorities are often turning to private landlords and such properties are often inadequate, poorly maintained with disproportionately high rents.</li> <li>Why do bail hostels not count towards the desired percentage of HMOs in any particular area? To house vulnerable people in the same area as owner occupiers may not be in the best interests of any party involved.</li> </ul>	<p><b>Noted.</b></p> <p>Paragraph 3.5 of the SPD provides definitions of buildings which are not HMOs. This list is derived from Schedule 14 of the Housing Act 2004.</p> <p><b>No change.</b></p> <p><b>Noted.</b></p> <p>Paragraph 3.5 of the SPD states that Bail Hostels are included in Schedule 14 of the Housing Act 2004 which lists those uses that are not classed as HMOs.</p>

		<b>No change.</b>
Criteria for the character of the local area	<p>One commented on the criteria of the character of the local area:</p> <ul style="list-style-type: none"> <li>• What are the criteria of the character of the local area &amp; who decides this? This needs to be clarified.</li> </ul> <p>One commented on the 'keeping with character of the area':</p> <ul style="list-style-type: none"> <li>• St John's has already begun to slide into being a student ghetto so how will you argue to landlords who want a change of use that this exception does not apply. You are creating a rod for the Council's back.</li> </ul>	<p><b>Agree.</b> The character of the area will be assessed by the Development Management team as part of the planning application process. It will be helpful to clarify this in the final HMO SPD.</p> <p><b>Change.</b> Add the following additional wording under a new paragraph 5.26: <i>'Character of the area</i> The character of the area will be assessed as part of the planning application process to ensure development is appropriate. For example, an area might be characterised by terraced family houses, or larger detached properties and Development Management will need to consider if the proposed change would have an unacceptable impact on the character of the area.'</p>
<b>OTHER COMMENTS</b>		
Landlord rates	<p>'Other' comments raised the following issues:</p> <ul style="list-style-type: none"> <li>• And I know that the Council have no control over this, but the fact that landlords pay no rates whilst services to the elderly are being cut is most unfair.</li> </ul>	<p><b>Noted.</b> Households in which every person is a full time student are not required to pay Council Tax.</p> <p><b>No change.</b></p>
Need for all types of HMO	<ul style="list-style-type: none"> <li>• One comment stated the need of HMOs for other occupants, not necessarily just for students.</li> </ul>	<p><b>Agree.</b> Paragraph 3.7 of the Draft SPD states that HMOs provide an important source of affordable accommodation for a number of sections of society, including students, temporary workers, those on low incomes and young professionals.</p> <p><b>No change.</b></p>

Terracing effect of HMOs	<ul style="list-style-type: none"> <li>'Terracing' effect due to extended properties and garage conversions.</li> </ul>	<p><b>Noted.</b> The SPD seeks to control the principal of change of use from C3 dwelling house to C4 HMO. The appropriateness of physical extensions to properties are dealt with through the Development Management process and should be in accordance with the City Councils adopted Residential Design Guide.</p> <p><b>No change.</b></p>
Proliferation of To let boards and rush to beat 1st July deadline	<ul style="list-style-type: none"> <li>Concerned at proliferation of 'to let' boards and the rush of landlords to beat the 1st July deadline.</li> </ul>	<p><b>Noted.</b> To Let boards are currently permitted under the Town and Country Planning (Control of Advertisements) Regulations 2007, provided that they follow the guidance issued by DCLG 'Outdoor advertisements and signs: a guide for advertisers' (June 2007). Although there may be a flurry of activity for conversion to HMO, the change of use from a C3 (Dwelling House) to a C4 (HMO) is permitted until the introduction of the Article 4 Direction on the 1<sup>st</sup> July 2014 without the need for a planning application.</p> <p><b>No change.</b></p>

### SECTION 3 WRITTEN RESPONSES FROM ORGANISATIONS

Wychavon District Council	Thank you for the opportunity to comment on the draft Supplementary Planning Document (SPD) on Houses in Multiple Occupation (HMO) under the Duty to Co-operate. The following comments are made at officer level but the Joint Advisory Panel (Wychavon) members for the South Worcestershire Development Plan have had sight of the comments and no objections were raised.	<p><b>Noted.</b></p> <p>The Car parking standards are discussed in Section 2 of this report.</p> <p><b>No change.</b></p>
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	<p>The SPD is considered to be a comprehensive and well-written document that is clear in its reasons for the need for the Article 4 Direction in Worcester, and how it will be implemented. However, it is suggested that section 3, on policy background and context, be included in an appendix rather than in the main bulk of the document, this would enable the reader to get to the main issues more quickly.</p> <p>HMOs can provide an alternative form of affordable housing. However, it is recognised that cities and larger towns can have high concentrations of shared properties such as HMOs because of the existence of higher educational establishments and a wider range of employment opportunities than in rural areas and smaller towns. Concentrations of HMOs can cause amenity issues to local residents and the reasons for requiring the Article 4 Direction and the associated SPD are both noted and supported. The anticipated growth in the need for HMOs is not disputed (4.11).</p> <p>The evidence base is clear in its analysis of the ward data on housing stock. The table (Table 1) showing the level of HMOs in each ward is simple and easy to understand. The wards with the highest level of HMOs and therefore the greatest level of potential problems are immediately identifiable e.g. St Clements, St Johns and Arboretum – none of which are close to the Wychavon boundary.</p> <p>The concerns about increasing numbers of HMOs e.g. threatening the supply of houses to families, couple and first time buyers and the impact on residential amenity to existing residents (e.g. from noise disturbance and on-street car parking) is acknowledged (4.25). However, the required car parking spaces in Table 6 may not alleviate the car parking issues – in particular, concern is expressed over the apparently low number of spaces required for some of the larger HMOs. The references to secure cycle parking (5.18) and defined household waste and recycling areas (5.19) are welcomed.</p> <p>It is agreed that the Article 4 Direction should be applied at a Worcester wide level to avoid displacement of HMOs into neighbouring areas within the city. It is considered that this practice is unlikely to impact on settlements within Wychavon primarily because of the location of Worcester’s University and colleges within the</p>	<p><b>Noted.</b> Whilst removing the section from the main body of the text and placing within the appendices will help facilitate ease of use to those who will be using the document for guidance on planning applications. The section on policy background and context provides an important overview of the current planning situation for Houses in Multiple Occupation to those who are not familiar with the subject.</p> <p><b>No change.</b></p>
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	<p>city centre and to the west of the city away from boundaries with Wychavon.</p> <p>The reasoning for the suggested radius of 100m (5.8), with flexibility in low density areas (5.11), is understood and not disputed. Similarly, the position regarding the counting of existing flats and HMOs as one property in individual buildings (5.10) seems to be a sensible approach. The rationale for choosing a 10% threshold for HMOs (5.3) is supported.</p> <p>The guidance (5.12) sets a clear policy method for assessing the suitability of properties for HMO use and the use of criteria a) to d) is endorsed. In essence this will mean that new HMOs will not normally be supported if the number of HMOs in the locality (100m radius) exceeds 10% or it would result in the grouping of more than two HMOs together. Furthermore, the approach to the exceptional circumstances cited in 5.21 is considered to be pragmatic.</p> <p>It is agreed that the correct way of determining applications for intensification of existing HMOs is to refer to criteria c) and d) of the policy method. Furthermore, the use of the flexible planning conditions for C4 HMOs to enable the continuous change from C4 to C3 and back for up to 10 years is also supported – but this will require monitoring to establish what the use is at the end of the 10 years.</p> <p>Para 7.3 implies that all HMOs in existence prior to 1st July 2014 will be eligible for regularisation as a lawful use – but is there a minimum period for which the use must have been in existence?</p> <p>We would be grateful if you could advise us of any further consultations on the SPD and when it is adopted, thank you.</p>	<p><b>Agreed.</b> It will be helpful to the reader to clarify the minimum period for which the use must have been in existence to be eligible for regularisation as a lawful use.</p> <p><b>Change.</b> Add the following wording to paragraph 7.3 to clarify the minimum period for which the use must have been in existence (as stated in the Town and Country Planning Act 1990: Section 191 as amended by section 10 of the Planning and Compensation Act 1991. Town and Country Planning (General Development Procedure) Order 1995:</p>
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		'In order for the use to be deemed lawful, it must be demonstrated that it has been in continuous use as a HMO in excess of 10 years.'
<b>Natural England</b>	No comment	<b>Noted.</b>  <b>No change.</b>
<b>Worcestershire Regulatory Services</b>	No comment	<b>Noted.</b>  <b>No change.</b>
<b>Warwickshire Police, West Mercia Police and Hereford &amp; Worcester Fire and Rescue Service.</b>	<p>As part of a Strategic Alliance, Warwickshire Police (WP) and West Mercia Police (WMP) now act as one on all infrastructure and town planning related matters across their combined geographical area. This includes making joint representations to all local planning authorities and other parties. Where existing partnerships were already in place for this area of work, such as between WMP and Hereford &amp; Worcester Fire and Rescue Service (HWFRS), these have been incorporated into the new arrangements. For the avoidance of doubt however, the two forces retain their separate Police and Crime Commissioners (PCCs) and respective command teams.</p> <p>These representations should therefore be considered to be the joint submission of WP, WMP and HWFRS, which is made in response to the Council's invitation to comment on a draft Houses in Multiple Occupation Supplementary Planning Document (HMOSPD). We would welcome the opportunity to meet with the Council to discuss the following representations in greater depth.</p> <p><b><i>Q1 Do you think that the draft Houses in Multiple Occupation (HMO) Supplementary Planning Document (SPD) proposes the correct approach to controlling the concentration of HMOs in Worcester?</i></b></p> <p>We welcome and support the proposed removal of permitted development rights for changes of use from a dwelling house to HMO, and the requirement to register all HMOs.</p> <p>This is because HMOs are frequently recorded for breaches of fire safety regulations. They are also amongst the most common type of domestic dwelling</p>	<b>Noted.</b>  <b>No change.</b>

	<p>for where crimes against the occupants take place. Other typical problems associated with such properties include increased levels of burglary and a proliferation of on-street parking preventing ease of access by emergency vehicles. Such problems are multiplied exponentially where HMOs are concentrated in particular areas.</p> <p>The proposed approach will help change the above through ensuring prospective landlords are required to take fire safety precautions in their properties and adopt measures such as Secured by Design, in order to gain planning and building regulations approval. Where landlords fail to do this, the proposed approach will provide an additional basis for inspection of such properties and the taking of enforcement action where necessary.</p> <p><b>Q2 Do you agree that the approach should be implemented across all wards in the city?</b></p> <p>We concur with the Council’s analysis of the HMO issue and its conclusion that unless a policy response is implemented for all wards in the city, the level of HMOs will increase to the point that the following problems associated with them will become widespread across Worcester, rather than confined to specific areas: -</p> <ul style="list-style-type: none"> <li>• Breaches of fire safety regulations;</li> <li>• Anti-social behaviour, noise and nuisance;</li> <li>• Poor access for emergency service vehicles;</li> <li>• Increased crime; and</li> <li>• Negative impacts upon the physical environment and streetscape.</li> </ul> <p><b>Q3 Is 10% an appropriate threshold level at which to limit HMOs in the city?</b></p> <p>We agree that a 10% threshold will lead to a more even spread of HMOs across the city, and therefore displacement to other wards, streets and areas where there are currently fewer HMOs. This in turn will lead to a quantitative reduction in the types of problems referred to earlier in these representations. It will also have the additional benefit of helping to ensure that planning permission for HMOs are not granted at the edge of emergency services response times. However, these benefits will only be realised if a clearer definition is provided in the HMO SPD as to what precisely a dwelling is in the context of the policy. Otherwise, the 10% limit could be ineffective if a block of self-contained flats exists in an area of concentration.</p>	<p><b>Agree.</b> Provide a clearer definition of what precisely a dwelling is in the context of the policy. Explain further the issue of block of flats (e.g. if block of flats is included, it is counted as one dwelling, if it contains several HMOs, these will also be counted as one, so not to skew the 10%).</p> <p><b>Change.</b> The following wording will be inserted into paragraph 5.12 of the SPD, above the policy text box:</p>
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	<p><b>Q4 If no, what percentage threshold for HMOs do you think the Council should use?</b> Please see our response to question 3.</p> <p><b>Q5 Is the 100m radius around the property an appropriate distance within which to assess the impact of the proposed HMO?</b> Whilst we have no comments on part (a) of the threshold property, to which this question refers, we recommend that part (c) of the policy includes the following amendments: - c. <i>The proposal does not have an adverse impact on the amenity of nearby properties by ensuring:</i></p> <ul style="list-style-type: none"> <li>• <b><i>That appropriate fire precaution facilities and equipment are provided of such type, number and location as is necessary to ensure fire safety</i></b></li> <li>• <i>Adequate provision for off street parking</i></li> <li>• <b><i>Highway safety and ease of access for emergency vehicles</i></b></li> <li>• <b><i>Secured by Design measures are incorporated throughout</i></b></li> <li>• <i>Sufficient provision for waste and recycling</i></li> <li>• <i>The proposal is in keeping with the character of the area; AND</i></li> </ul>	<p><i>'Paragraph 6.7 of this document provides a definition of what constitutes a HMO and residential dwelling/property, in the context of the guidance below.'</i></p> <p><b>Noted.</b></p> <p>It is important to ensure that all HMOs to be able to demonstrate appropriate fire precaution facilities. However, whether a property can be made to be compliant with fire safety measures is not a principle consideration when assessing change of use applications.</p> <p>Appropriate fire precaution measures for HMOs are required as part of the City Council Housing Standards for HMOs. This is already set out in Appendix 3 of the SPD.</p> <p>Amend part c of the policy to include the suggested wording.</p> <p><b>Change</b> <i>Amend criteria c) of the policy to include the following additional wording in bold:</i></p> <p><i>c. The proposal does not have an adverse impact on the amenity of nearby properties by ensuring:</i></p> <ul style="list-style-type: none"> <li>• <i>Adequate provision for off street parking</i></li> <li>• <b><i>Highway safety and ease of access for emergency vehicles</i></b></li> <li>• <b><i>Regard is given to Secured by Design guidance, particularly relating to occupier security, as published by the Association of Chief Police Officers (ACPOS).</i></b></li> </ul>
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	<p>Whilst we recognise that some of the recommended amendments are already referenced in Appendix 3 of the HMOSPD, they will not have the same material weight as will be the case if they are incorporated into the policy itself. There are three major benefits of accepting the proposed amendments: -</p> <ul style="list-style-type: none"> <li>• The number of deaths, injuries and properties damaged from fire will be reduced in Worcester;</li> <li>• People living in HMOs will enjoy much greater protection from crime and the fear of crime than is currently the case in such properties; and</li> <li>• Emergency service response times will be protected in those areas where HMOs are located.</li> </ul> <p>In addition to the recommended changes to the policy, we further request that Appendix 3 of the HMOSPD requires applicants to consult with the following emergency services representatives: -</p> <p>Adrian Elliot, Group Commander, Technical Fire Safety Department, Hereford &amp; Worcester Fire and Rescue Service  Tel: 01905 368233  Email: <a href="mailto:AElliot@hwfire.org.uk">AElliot@hwfire.org.uk</a></p> <p>Mike Stephenson, Crime Prevention Design Advisor, West Mercia Police  Tel: 01905 331027  Email: <a href="mailto:robert.stephenson@westmercia.pnn.police.uk">robert.stephenson@westmercia.pnn.police.uk</a></p>	<ul style="list-style-type: none"> <li>• Sufficient provision for waste and recycling</li> <li>• The proposal is in keeping with the character of the area;</li> </ul> <p>AND</p> <p><b>Change</b>  Insert new paragraph 5.27:</p> <p>Secured by design</p> <p>5.27 Applications should give regard to Secured by Design guidance as published by ACPOS. In particular, applications should give regard to the Secured by Design document 'New Homes 2014'.</p> <p><b>Agree.</b>  Include in Appendix 3 the provided emergency services representatives.</p> <p><b>Change</b>  Amend Appendix 3 to include the following contact details:</p> <p>Adrian Elliot, Group Commander, Technical Fire and Safety Department, Hereford &amp; Worcester Fire and Rescue Service  Tel: 01905 368233  Email: <a href="mailto:AElliot@hwfire.org.uk">AElliot@hwfire.org.uk</a></p> <p>Mike Stephenson, Crime Prevention Design Advisor, West Mercia Police  Tel: 01905 368233  Email: <a href="mailto:Robert.stephenson@westmercia.pnn.police.uk">Robert.stephenson@westmercia.pnn.police.uk</a></p>
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	<p>This will ensure that the three major benefits listed above will be secured in HMOs.</p> <p><b>Q6 If no, what radius do you think the Council should use?</b> Please see our response to question 5.</p> <p><b>Q7. Do you support the Exceptional Circumstances criteria whereby the Council may allow further HMOs in areas already dominated by HMOs, as set out at paragraphs 5.12 and 5.21 of the SPD?</b></p> <p>We are very concerned by the proposal that streets closest to the University of Worcester’s Henwick campus will be permitted to reach 100% occupation by HMOs. On those streets, the problems identified by the Council in the HMOSPD as being caused by such properties would be significantly exacerbated beyond current levels. This is of particular concern to the emergency services, given the issues with HMOs identified earlier in these representations.</p> <p>This in turn would set a negative precedent for the whole city.</p> <p>The current criteria also implies that there is a ‘tipping point’ for streets that prospective landlords can try and reach through planning applications and appeals. It therefore creates the very real prospect of planning by appeal in order to identify what the tipping point is for Worcester before a street can be classified as being dominated by HMOs.</p> <p>We therefore recommend instead that in those streets where numbers of HMOs are already above the 10% threshold, there should be a moratorium on any further property conversions.</p> <p>This would significantly strengthen the material weight of the threshold and prevent any worsening of existing problems caused by HMOs in those streets.</p> <p>Overall, we hope that the Council will consider all the recommendations made in these representations to strengthen the HMO SPD and respond positively in due course. Should you however have any queries or require further information, please do not hesitate to contact us.</p>	<p><b>Noted.</b></p> <p><b>Agree.</b> Following the provided comments, and internal discussion with Planning Enforcement and Housing colleagues, the exceptional circumstances criteria is to be amended by removing paragraph 5.21, which removes the circumstances where the remaining one or two can be allowed to be converted over to HMO use if over 10%. Paragraph 5.22 still provides an opportunity for those who can not sell their property, and can demonstrate this, and each of these exceptional circumstances will be assessed on its own merits.</p> <p><b>Change</b></p> <p>Remove the exceptional circumstances criteria from the guidance in the box under paragraph 5.12, and replace with:</p> <p>‘In exceptional circumstances, within areas that have a very high concentration of HMOs, planning approval for HMO use may be granted where it can be demonstrated that there is no market demand for continued C3 occupation.’</p> <p>Remove paragraph 5.21, but keep paragraph 5.22.</p>
<p><b>National Landlords Association</b></p>	<p>1. The National Landlords Association (NLA) exists to protect and promote the interests of private residential landlords.</p>	<p><b>Noted.</b></p> <p>The questions raised in this representation were covered</p>

	<p>2. With more than 23,000 individual landlords from around the United Kingdom and over 100 local authority associates, we provide a comprehensive range of benefits and services to our members and strive to raise standards in the private rented sector.</p> <p>3. The NLA seeks a fair legislative and regulatory environment for the private rented sector while aiming to ensure that landlords are aware of their statutory rights and responsibilities.</p> <p><b>General Comments</b></p> <p>4. The National Landlords Association (NLA) would like to thank the Worcester City Council for including us in your consultation but would like to highlight some concerns with regard to the Direction made by the Council under Article 4 (1) of the Town and Country Planning (General Permitted Development) Order 1995.</p> <p>5. The NLA believes that any additional regulation of the private rented sector should balance the desire to ensure secure and sustainable communities with the increasing need for good quality housing. The introduction of an Article 4 Direction will have an impact on the housing market in Worcester. This can be seen from the proposed introduction in 2013, with many landlords leaving Worcester. Thus reducing supply.</p> <p>6. Additional regulatory burdens must focus on engaging with private landlords in order to improve professionalism, knowledge based accreditation and in turn standards, while reducing opportunities for rogue landlords to blight the sector. It should be the shared objectives of all parties involved to facilitate the best possible outcomes for landlords and tenants.</p> <p>7. An Article 4 Direction is undoubtedly a powerful tool for local authorities when used appropriately. However it should be considered as an option of last resort, rather than another tool to be applied liberally and especially across all wards within a Local Authority. The recent example in Bath and North East Somerset council highlights how the implementation of an Article 4 Direction<sub>1</sub> has stopped residents selling their property.</p>	<p>during the Article 4 Direction consultation in March 2013 and considered when producing the draft SPD.</p> <p>The response to the representation by the National Landlords Association on the previous consultation on the Article 4 Direction in March/April 2013 can be found on the Worcester City Council website.</p> <p><b>No change.</b></p>
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	<p><b>Use Class C4</b></p> <p>8. It is our view that the introduction of Use Class C4, in relation to HMO accommodation, is unnecessary and serves only to create greater confusion and bureaucracy for the private rented sector. The Government ‘Planning Portal’ determines that:</p> <p><i>“The purpose of the planning system is to ensure that development plans and planning applications contribute to the delivery of sustainable development. This means that the right development is in the right place and at the right time.”</i></p> <p>9. This statement defines the rationale governing permitted development which is an important tool for managing reasonable and justifiable development. However, it is the NLA’s contention that the establishment of a small HMO (as defined by the recent regulations) does not represent a substantial change of use in terms of the burden imposed on local infrastructure. The usage of local services is unlikely to be greatly different for a property shared by three unrelated renters than a family with teenage dependents. This position is supported by the recent Lancashire planning appeal Ref: 100-067-072 which stated:</p> <p><i>“The continued use of an end of terrace house in Lancashire as a house in multiple occupation was allowed, an inspector reasoning that noise should be little different from that made by a typical family. The next-door neighbours referred to disturbance from televisions, people moving around the property and doors slamming, claiming that it extended well into the evening on occasion. However, the inspector reasoned that in properties in family use many bedrooms occupied by children, and particularly teenagers, contained televisions and audio equipment. Thus, whilst tenants might be inconsiderate on occasion, the same could be said of any type of occupier. Moreover, she found no evidence to support the generalised assertion that occupiers of an HMO were intrinsically more disposed to coming and going in the late evening or early morning hours than occupiers of other property types. She acknowledged that some tenants could work on a shift basis or during night time hours but given the limited number of occupants she did not consider that the comings and goings would be materially different from that associated with a typical household.”<sup>3</sup></i></p>	
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10. Therefore, the NLA does not believe the justification put forward by the Worcester City Council for introducing further demarcation into existing housing stock for the purpose of controlling the legitimate use of property.

**HMOs and Shared Housing**

11. The trends in future UK housing demographics along with the current state of housing finance and supply of affordable housing especially with the changes to Welfare, point to a greater need for shared housing/HMO-type housing in and around the city of Worcester. The flexibility and affordability that HMOs and shared housing provide are critical for many who either cannot afford or do not want the liabilities involved in owning their own home or indeed living on their own.

12. The number of students going to university has slowed and in the most recent figures in decline, thus the number of students seeking accommodation is decreasing. It is rather those who have graduated and wish to stay in the area. The introduction of the Article 4 Direction will push many of these people out of Worcester.

13. In addition to young professionals and students, migrants make up an important part of the shared housing market the UK. For obvious economic reasons and for flexibility, shared housing is an important source of housing for these groups. However, demand is not static.

14. The characteristics of HMO's appeal to certain groups due to the transient nature. These households are not intended to 'grow roots' or stay in the same home for a generation. HMOs and shared housing are popular amongst certain socio-economic groups precisely because they provide a fluid housing option. To remove this housing provision will have a detrimental impact on the economic and social impact of communities.

15. The NLA believes that the council also has not taken into consideration the impact of the introduction of Universal Credit and the increased requirement of shared housing. the council also has over 2000 people on the housing waiting list.

16. If a person is attempting to purchase a house to rent out, will not know if they will be able to rent out the property. A process will need to be put in which will allow the prospective landlord to know if they can rent out the property prior to purchasing.

**Anti-Social Behaviour**

17. In common with all types of rented or leasehold tenure including social housing, rights and responsibilities associated with a private rented tenancy lie both on the landlord and on the tenant. As with any other household, those in shared housing are required to behave in a socially acceptable way. Where reality does not match up to these expectations, both the landlord and the local authority have powers that can be used to tackle unacceptable behaviour.

18. Where a particular issue related to shared housing concentration has been identified, local authorities and enforcement agencies have extensive existing statutory powers to deal with such issues. The NLA argues that these powers should be explored and exhausted before an Article 4 Direction is made. Such powers include:

- Use of Criminal Behaviour Orders,
- Crime Prevention Injunctions
- Issuing improvement notices to homes that don't meet the decent homes standard
- Directions regarding the disposal of waste (for example under section 46 of the Environmental Protection Act 1990);
- Litter abatement notices under section 92 of the Environmental Protection Act 1990;
- Powers under the Noise Act 1996 to serve fixed penalty notices or confiscate equipment (sections 8 and 10);
- The power to require rubbish to be removed from land under section 2 – 4 of the Prevention of Damage by Pests Act 1949.

19. These powers are greater than those that a landlord will have. A landlord currently would require local residents/council to identify particular cases of unacceptable behaviour and then notify them so that they can be dealt with.

	<p>Landlords can neither continually monitor the behaviour of their tenants, nor do anything that may constitute harassment. A landlord would have to build a case to take the tenant to court. This can take several months, at the same time runs the risk of having the property damaged or conflict over who is the cause of the problem.</p> <p>20. Too often local residents fall into the fallacy that it is the house itself rather than the household which causes an issue. They build up a 'general feeling' about areas of particularly dense shared housing, without looking to see whether particular problems have been dealt with. This aggregation of issues, particularly grievances and 'general feelings' about a community can quickly make residents feel that a 'tipping point' has been reached.</p> <p>21. This problem is compounded where residents are not made aware of any specific action taken by a landlord or local authority against a particular household and so are ignorant of any work being done to tackle issues important to them. A council or landlord could be building a case against a tenant which takes time while another resident which redress immediately. The introduction of Article 4 Direction will not alter this process and builds false hope, as a solution.</p> <p>22. The NLA agrees that some landlords, most often due to ignorance rather than roguish intent do not use their powers to manage their properties effectively. Equally councils do not use the powers they have to enforce unacceptable behaviour in the community. The NLA would recommend that rather than an Article 4 Direction is introduced, a more appropriate response would be to identify issues and assist landlords to develop the required knowledge and skills to improve the sector.</p> <p>23. The NLA would also argue that a problem encompassing a few poorly managed and/or maintained properties would not be appropriately tackled by an Article 4 Direction and that in such situations local authorities should consider Enforcement Notices and Management Orders. These measures represent a targeted approach to specific issues, rather than a blanket scheme that has the potential to adversely affect the professional landlords, whilst still leaving the rogues able to operate under the radar.</p>	
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	<p>24. Where local authorities have come together with other community stakeholders, including local landlords, to tackle particular problems or issues, then there have been successes. However these initiatives require active engagement by local authorities with all the community stakeholders including the landlords.</p> <p>25. Under a Freedom of information request by the National Landlords association we have established that there was enforcement action taken by the council between April 2011 and March 2012. Under the same Freedom of information request, during the same period the number of complaints in relation the private rented sector was 56. This highlights that the council has a system in place to tackle complaints and that the issues raised by residents.</p> <p><b>Justification</b></p> <p>26. Worcester City Council faces a shortage of housing with high levels of demand across all tenures, including a considerable need for rented accommodation. As providers of private residential accommodation, landlords base their business plans on existing population and expected future demand. They are well placed to react to changes in demand with greater flexibility than social housing providers or the market for owner-occupied property.</p> <p>27. The proposed Article 4 Direction is likely to erode the ability of landlords in Worcester City to react to changing circumstances and the needs of the local community by removing the general permissions currently available for development. This measure will act as a distorting influence on the City's housing market as property with implied permission through existing use will be regarded as premium investment assets by landlords offering shared housing. While the presence, or lack of, C4 designated properties in certain localities will diminish the stability of property values according to consumer demand.</p> <p>28. Further, the Department for Communities and Local Government Replacement Appendix D to Department for the Environment <i>Circular 9/95: General Development Consolidation Order 1995</i> (978 0117531024)<sup>6</sup> of November 2010 states at Paragraph 2.4 "there should be particularly strong justification for the</p>	
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	<p>withdrawal of permitted development rights”.</p> <p><b>Conclusion</b></p> <p>29. It is the NLA’s contention that an Article 4 Direction should not be used as a check-box or census exercise by the local authorities to identify landlords operating in their area. The attack by the council on the local private rented sector, when the council requires it to solve many of the other challenges that the council faces. The council is acting in direct market manipulation which will discourage investment within the Borough.</p> <p>30. The impact of the introduction of an Article 4 Direction in other cities in the UK has seen a fall in house prices and inability of many to sell their property.</p> <p>31. We have strong concerns that the council are implementing a policy that will drive the out the private rented sector and drive up prices for those looking to rent and excluding new entries into the market.</p> <p>32. The NLA still is awaiting answers to questions that we posed on the original application. These include a map of where HMO’s can be developed in the city and the number in each ward? We look forward to a response in relation to these matters.</p> <p>33. Again, the NLA would like to thank the Worcester City Council for the opportunity to respond to this consultation and hope you find our comments useful.</p>	
<p><b>Homes and Communities Agency</b></p>	<p>No comment</p>	<p><b>Noted.</b></p> <p><b>No change.</b></p>

<b>Additional changes</b>	
<b>Issue</b>	<b>Change required?</b>
Table 1, showing the HMO percentages in Worcester by Ward, has been updated since the publication of the Draft HMO SPD.	<b>Yes</b>  Insert revised Table 1 to reflect the updated HMO percentages by Ward.
Paragraph 4.3 has been updated to remove the following wording:  'A further loss of this type of property to HMOs would reduce the offer, and act contrary to the high demand for small family homes'.	<b>Yes</b>  Remove the following sentence from paragraph 4.23:  'A further loss of this type of property to HMOs would reduce the offer, and act contrary to the high demand for small family homes'