



# **Interim Planning Policy for HMOs and Student Accommodation**

November 2013

This Policy was agreed by the Council's Executive on 13 November 2013



## 1.0 Aims of the Policy

- 1.1 The main aim of the policy is to control existing concentrations of HMOs, including student accommodation, and to ensure that other such concentrations do not occur elsewhere. Existing concentrations in parts of south Leamington have led to a significant loss of amenity for more settled residents. The policy also aims to ensure that proposals for HMOs and Student Accommodation include satisfactory provision for refuse storage and access to public transport.
- 1.2 Planning permission is required for new, and changes of use to, HMOs. However, the planning regulations allow changes of use from single dwellings to small HMOs of up to 6 occupants without the need for planning permission. However, in April 2012, an Article 4 Direction was brought into effect which removed these permitted development rights for changes of use to small HMOs in Leamington Spa only.
- 1.3 This policy will be used to determine all planning applications for HMOs including all student accommodation.

## 2.0 Application of the Policy

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

### 3.0 The Policy

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

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

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

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

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

### 4.0 Supporting Information for Applicants

#### *Definitions*

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

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

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

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

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/23928/120301\\_Derivation\\_of\\_Dwelling\\_count\\_from\\_2011\\_Census\\_-\\_separate\\_doc\\_for\\_web\\_publication.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/23928/120301_Derivation_of_Dwelling_count_from_2011_Census_-_separate_doc_for_web_publication.pdf)

- 4.3 Hostels, large shared houses and groups of bedsits are defined as HMOs but may only form one dwelling unit. Since criterion a) of the Policy is concerned with measuring the concentration of HMOs - of which population density is a major consideration - in applying this criterion, hostels, large shared houses and groups of bedsits, will be counted as 1 dwelling for every 6 bedrooms or part thereof.
- 4.4 The planning regulations group together some uses of buildings for the purposes of the need for planning permission. Dwellings are grouped into Use Classes C3 and C4. Use Class C3 (and its sub-divisions) covers dwellings where the occupants live together as a single household (a family), including a household of up to 6 people where care is received. Use Class C4 covers small shared houses or flats occupied by between 3 and 6 unrelated people who share basic amenities (small HMOs). Planning Permission is not normally required to change the use of a dwelling from C3 to C4 (but see 4.5. below). Large HMOs (>6 unrelated people living together) are not included within a specific Use Class. This means that planning permission is always required to change the use of a dwelling from either C3 or C4 to a large HMO.

#### ***The Article 4 Direction (Small HMOs)***

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

#### ***Applying the 100m Radius Test***

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

dissected by the 100m radius will be counted only if more than 50% of the building falls within the radius.

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

***Distance from a Bus Stop***

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

***Refuse Storage***

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

<b>Provision of Refuse Containers for Houses in Multiple Occupation containing Adults</b>		
Size of Household (No of Adults)	Size of Grey Bin (Litres)	No of Grey Bins
1-3 1	80	1
4-5 2	40	1
6-8 1	80	2
>8 2	40	2

- 4.11 Bulk refuse and recycling containers need to be purchased by the developer/landlord before the development is occupied, assuming 180 litres per house/flat per fortnight. In the case of blocks of more than 7 flats, it is recommended that the Council is approached to look at the

possibility of implementing their alternate week single bin recycling and refuse service for ease of use and collection. Green bins can be supplied on request.

- 4.12 Proposals for new, purpose built accommodation and changes of use will be required to include well located storage facilities for refuse containers of a size recommended above. This will ensure that all refuse can be adequately contained without impacting on general amenity, with the ability to move the containers to the collection point without the need to pass through a dwelling.
- 4.13 If the applicant cannot meet the requirements of criterion c) of the Policy in full, or if they wish to discuss any refuse storage or collection issues, they should contact the Council's Contract Services section: telephone 01926 353365 or email [contract.services@warwickdc.gov.uk](mailto:contract.services@warwickdc.gov.uk)

#### ***Vehicle Parking***

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

#### ***Other Guidance: Planning***

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

Sustainable Buildings SPD:

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

Open Space SPD:

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

Residential Design Guide SPG:

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

***Other Guidance: Housing Management & Licensing***

- 4.16 The Management of Houses in Multiple Occupation (England) Regulations 2006 impose duties on persons managing HMOs (3 or more unrelated persons, any number of stories). They require the maintenance of the structure, fittings and fixtures of common parts and living accommodation, both internal and external, and the maintenance of the water supply and drainage, gas and electricity. See the following link:  
<http://www.legislation.gov.uk/ukxi/2006/372/contents/made>
- 4.17 The Housing Act 2004 requires HMOs consisting of 3 or more stories and with 5 or more persons to be licensed with the local authority. The local authority will need to be satisfied that:
- the licence holder/person managing the property is fit and proper;
  - the management arrangements are satisfactory; and
  - the property is capable of being made suitable for occupation by a specified number of persons.

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

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

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

## **5.0 Justification for the Policy**

***National Planning Policy Framework (NPPF)***

- 5.1 The NPPF includes the aim to "always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings". Further, planning should "enhance and improve the places in which people live their lives" (paragraph 17).
- 5.2 Paragraph 56 also refers to the need to make places better for people. This includes "safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion".



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

***Rented Accommodation and HMOs in Warwick District***

- 5.4 Warwick District has a relatively high proportion of dwellings which are privately rented. The 2011 Census revealed that in the District 17.9% of the stock was privately rented compared with 14.1% in the county. Nationally, the District is ranked 73 (out of 326 English local authorities) in terms of the percentage of privately rented homes. The District has low economic activity rates for the under 24 age group and a relatively young population structure with higher than average numbers in the under 35 age groups. This is partly explained by the numbers of full-time students living in the District but also demonstrates a need for private rented housing for younger age groups unable to enter into owner occupation.
- 5.5 A significant proportion (about 15%) of the District's privately rented stock comprises Houses in Multiple Occupation (HMOs). There are about 1,600 known HMOs in the District and a possible further 300. The majority of HMOs (93%) are shared houses and about 81% are shared student houses. The 2011 Census showed that the District ranked 31 for the proportion of student households. The following table shows the types of HMOs in the District.

**HMOs by Type**

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

Source: Warwick District Council 2013

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

### Location of HMOs by Leamington Wards

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

Source: Warwick District Council 2013

### *The Issues*

5.7 The concentration of HMOs and student accommodation in parts of south and central Leamington Spa has in recent years impacted upon the amenities of more settled residents. Research in connection with the Article 4 Direction (see Appendix 2) identified a number of negative issues which were largely a result of the imbalance caused by:

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

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

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

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

- reduction in the stock of lower priced housing suitable for first-time buyers
- 5.10 The three issues commonly cited by residents are noise and anti-social behaviour, rubbish on the streets, and property management/maintenance issues. Occupiers of HMOs are more likely to be the victims of crime, partly due to inadequate attention to security in the home but also because they are more likely to be on the streets late at night. Incidents of crime, such as burglary from dwellings, vehicles and people, are higher in areas where HMOs are concentrated. Noise and anti-social behaviour takes place mainly outside and on the street and also affects residents along streets between the town centre and areas of concentration. Appendices 2b and 2c provide further information on levels of anti-social behaviour, crime and complaints about noise and refuse.
- 5.11 The Council has, for a number of years, worked with the University (Accommodation Service and the Student's Union), Warwickshire Police and landlords to try and resolve issues when, and before, they arise. This has produced a number of successful initiatives. All parties are aware of the issues and work together to resolve them. However, the short term nature of student tenancies means that each new academic year tends to bring new tenants with whom the authorities, and more settled residents, must re-engage. Thus, although much is being done by the various parties, the problems are unlikely to be completely resolved.
- 5.12 The Council recognises that HMOs play an important role within the District's housing stock and it is not the aim of the policy to reduce the overall numbers or restrict further such uses. Further, there are positive effects of student populations and young people, in particular the contribution towards the local economy in terms of spending power, a part-time and seasonal workforce and a potential graduate workforce.

***How the Policy will address the Issues***

- 5.13 The policy aims to address the following issues:
- the concentration of HMOs and student accommodation
  - inadequate refuse storage
  - on-street anti-social behaviour
- 5.14 The application of the 100m radius rule will ensure that issues such as anti-social behaviour, increased crime, refuse on streets and parking will not worsen in areas which already have a significant proportion of HMOs. It takes into account the fact that the average household size of an HMO is approximately double that of non-HMO dwellings. Exceptions to the rule may be made where the application site is located along a main road, in a mixed use area, provided the route to the town centre is not along quiet

residential streets. This will address the issue of street noise late at night, particularly during mid-week evenings when “student nights” are more likely to be held in town centre clubs and pubs.

- 5.15 The policy requires adequate refuse storage facilities appropriate to the size of the household to ensure that refuse containers do not overflow and that there is adequate space for their satisfactory storage.
- 5.16 The requirement for properties to be within 400 metres walking distance<sup>1</sup> of a bus stop is included because, in the case of students, Warwick University discourages students from taking cars onto the campus and access by bus will in most cases be the only option. Warwick University campus is some 8 miles from Leamington Spa so cycling will not be a realistic option for most people. A distance of 400m is recognised as being the optimum maximum walking distance to a bus stop to avoid introducing barriers to the use of buses.

## **6. Monitoring**

- 6.1 The Council will monitor the number and location of new HMOs as well as the Housing Register to ensure that the policy is not, either, leading to new areas of potential concentrations of HMOs or leading to a shortage of HMOs for young people who cannot afford self-contained accommodation. This will include:
- monitoring decisions on planning applications for HMOs and student accommodation;
  - monitoring complaints to the Council about noise nuisance and refuse;
  - monitoring Police statistics on anti-social behaviour and domestic burglary offences; and
  - monitoring the nature of housing need on the Housing Register

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<sup>1</sup> Chartered Institute of Highways and Transportation “Guidelines for Planning for Public Transport in Developments”

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