



# Houses in Multiple Occupation in Warwick District

Background Information to the Article 4 Direction  
and Interim Planning Policy

November 2013



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## 1 Introduction

1.1 This report brings together, and updates where applicable, the information about HMOs and student accommodation in Warwick which has been collected and researched during the process of developing:

- the Article 4 Direction (for changes of use from C3 to C4 in Royal Leamington Spa) which came into force in April 2012; and
- the Interim Planning Policy which was agreed by Executive in November 2013

## 2 Background to the Article 4 Direction (2010)

### **Changes to the Use Classes Order & the New Use Class C4**

- 2.1 Amendments to the Town and Country Planning (Use Classes) Order<sup>1</sup> in April 2010 introduced a new Use Class, C4, for small Houses in Multiple Occupation (HMOs). This new use is defined as:

*Use of a dwellinghouse by not more than 6 residents as a "house in multiple occupation".*

- 2.2 The definition of an HMO in the new Use Classes Order is closely aligned to the definition in the Housing Acts in that it includes a house occupied by more than 2 unrelated people who share some basic amenities. Use Class C4, therefore, relates to small HMOs where a house is shared by between 3 and 6 unrelated people, including bedsits.
- 2.3 The April changes required planning permission to be obtained for any change of use from a dwellinghouse (Use Class C3) to the new Use Class C4, but not a change from C4 back to C3.
- 2.4 Prior to the changes, houses which were shared by 6 or fewer people, who were "living together as a single household"<sup>2</sup>, fell within the same Use Class as a dwellinghouse (Use Class C3) and therefore no planning application was required to change the use from one to the other.
- 2.5 On 7<sup>th</sup> September 2010, the Housing Minister laid new regulations which removed the need for a planning application for changes of use from C3 to C4. In areas where there is a need to control HMO development, local authorities will be able to use an "Article 4 Direction" in order to remove the permitted development rights in certain geographical areas and require a planning application for such changes of use.
- 2.6 Warwick District, and in particular Royal Leamington Spa, has traditionally had a high proportion of dwellings in the private rented sector, many of which are HMOs. The proximity of Warwick University has created additional demand for flats and shared houses, particularly in south Royal

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<sup>1</sup> The "Use Classes Order" classifies certain uses of land buildings (e.g. retail shop, public house, bank, education establishment) into Use Classes and allows changes of use between certain classes to take place without the need for a planning application. This is known as "permitted development".

<sup>2</sup> Living together "as a single household" generally refers to living arrangements similar to that of a family, where basic amenities are shared along with general housekeeping arrangements.

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Leamington Spa which has a good stock of low cost, Victorian terraced housing.

### **The Extent and Nature of HMOs in Warwick District**

- 2.7 Within the wider context of the District's housing stock, it is worth noting that Warwick District has a relatively high proportion of dwellings which are privately rented. The 2001 Census revealed that in the District 9.4% of the stock was privately rented compared with 7.0% in the county. By 2011, this proportion had increased to 17.9% in the District compared with 14% in the West Midlands. The District has low economic activity rates for the under 24 age group but 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.
- 2.8 In 2013, there were 1,636 known HMOs in Warwick District, the vast majority of which (91%) were located in Leamington Spa. A further 294 dwellings were suspected of being HMOs. Known HMOs represent about 3% of the District's housing stock.

#### **Distribution of HMOs**

| <b>Area</b>    | <b>No</b>    | <b>% Total</b> |
|----------------|--------------|----------------|
| Leamington Spa | 1,488        | 91             |
| Warwick        | 66           | 4              |
| Kenilworth     | 65           | 4              |
| Rural Areas    | 17           | 1              |
| <b>TOTAL</b>   | <b>1,567</b> | <b>100.0</b>   |

- 2.9 HMOs include a number of different dwelling types including houses divided into bedsits, shared houses, and student halls of residence. In Warwick District, the nature of known HMOs is as follows:

#### **HMOs by Type**

| <b>Type of HMO</b>         | <b>No</b>   | <b>% Total</b> |
|----------------------------|-------------|----------------|
| Student Shared Houses      | 1,319       | 79.9           |
| Other Shared Houses        | 198         | 11.9           |
| Bedsits                    | 70          | 4.3            |
| Staff Accommodation        | 32          | 1.9            |
| Student halls of Residence | 5           | 0.3            |
| Sheltered Accommodation    | 6           | 0.3            |
| Other                      | 6           | 0.5            |
| <b>TOTAL</b>               | <b>1636</b> | <b>100.0</b>   |

2.10 It can be seen from the above that shared houses comprise 92% of HMOs in the District. The majority of these (80% of all HMOs) are student shared houses.

2.11 The vast majority of known student shared houses are located in the urban areas with 95% being located in Leamington Spa.

#### **Location of Student Shared Houses**

| <b>Area</b>    | <b>No</b>    | <b>% Total</b> |
|----------------|--------------|----------------|
| Leamington Spa | 1,261        | 95.6           |
| Kenilworth     | 40           | 3.0            |
| Warwick        | 16           | 1.2            |
| Rural Area     | 2            | 0.2            |
| <b>TOTAL</b>   | <b>1,319</b> | <b>100.0</b>   |

2.12 A mapping exercise was undertaken to establish the location of HMOs within the District and highlight any areas of concentration. The results show quite marked concentrations in the following areas:

- The area of Old Town south of the railway bounded by:  
The railway to the north; Tachbrook Road, Tachbrook Street and Brunswick Street to the west and St Margaret's Road, Alexander Road and Eagle street to the east
- The area of Old Town north of the railway bounded by:  
New Street, Church Terrace and Gloucester Street to the north; Bath Place to the west; High Street and Radford Road to the south; and Farley Street to the east.

2.13 Areas with less intense concentrations are found in the following areas:

- between Tachbrook Road and Queensway
- around Radford Road and Gainsborough Drive
- around Warwick Street and Clarendon Avenue
- around Avenue Road

#### **Issues Associated with HMOs Identified prior to the Article 4 Direction**

2.14 The following is a summary of the situation as highlighted by the various sectors of the community with an interest in HMO's in the District in 2010.



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## **The University of Warwick Accommodation Office & Students Union**

- Most first year students live on campus but since 2009 the University has been unable to guarantee accommodation to all first year students
- The university considers that most students will want to live independently, within local communities, after the first year and that this is a valuable part of the wider experience of going to university
- Most students choose Leamington above Coventry because it has a good range of suitable housing close to shops, bars, other student housing and public transport to the University
- The University manages about 100 shared houses on behalf of landlords and this makes it easier to address any local issues that may arise. The university is continually seeking good quality accommodation off campus
- Private providers of student accommodation have moved into the market recently and these provide en-suite accommodation with cleaning and security. However these are not popular with students themselves, particularly after the first year, but are popular with parents. The university does not see these as the way forward or as a substitute for shared houses/ flats. However small developments of student bedrooms with shared living accommodation (but no cleaning or security) are popular with students
- There are a lot of misconceptions about students which do apply to a minority but by no means the majority. These include mismanagement of refuse, noise and the perception that all students own a car
- Two years ago the Students Union set up the Leamington Working Group which provides a link between the community (e.g. south Leamington) and the University. This gives local people a contact at the University or local Council if they are experiencing problems with students/ student housing. The relevant authority is then able to address the situation
- There are about 12 voluntary student reps in south Leamington who act as "eyes and ears" in different streets to try and resolve or report potential problems and advise students. The Facebook group has 1,200 members and this is an effective means of exchanging information
- The university produces pamphlets and leaflets to give to students with advice on issues such as recycling and security. It is currently working on a pack to hand out to letting agents to

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give to students on taking up a tenancy – this will include security, waste and gas safety

- The Students Union is encouraging students to get involved in local communities. In March this year a group of students got together to tidy up the Eagle Street Rec and in June a “Keep Leamington Tidy” group collected waste for recycling at the end of term
- Some students stay on in the District following graduation and this contributes to the knowledge skills of the population

### **Students (Warwick Students Union Survey 2010)**

- The safety issues identified were house break-ins, intimidation and muggings
- Areas students wanted to avoid at night were the area around Tachbrook Road; the canal; High Street; York Way; the junction between Tachbrook Road and Brunswick Street.
- Only 17.5% of students identified an issue with neighbours. The complaints from neighbours were mainly about noise, noisy gates, drain blockages & untidy gardens
- Landlords were ranked 2 (out of 1-5 ;where 5 =good) for resolving issues
- Travel was a major problem particularly getting a space on the bus & difficulty in parking. Most were aware of the car sharing scheme but only 28% use it.

### **Community (Local Councillor, local resident & representations on Union Road application)**

- “Studentification” can lead to a change in the character of an area. Small, low cost homes which would have been suitable for young couples/ families are disproportionately occupied by students. This leads to (a) a fall in school role, e.g. Shrubland Street; (b) an unbalanced community with large proportion of young adults living away from home for the first time; (c) a transient community where people stay for a short time and disappear over the Summer ; and (d) a higher proportion of private rented homes with greater incidences of lower standards of maintenance
- In south Leamington there are community safety issues with higher levels of house break-ins and late night noise and brawls
- The student lifestyle is different from that of working people – different hours, more free time, more socialising. Where concentrated this leads to conflicts

- Many student houses are terraced houses and where adjacent to family homes this can seriously impact on the amenities of neighbours
- For landlords, there is a good return on student housing so it is a good investment. This takes low cost housing out of the market for young couples/ families and first time buyers
- Objections to the Union Road application included issues such as parking; waste; character of the area; noise; and precedent for more student houses
- Late night disturbance doesn't just affect those living in student areas, but also those living on the route between student areas and pubs/clubs.
- Where property is rented on a short term basis, the residents are less likely to be interested in getting together to resolve local issues or to take an interest in maintaining the front gardens
- In areas with a high concentration of students, there can be a restructuring of local shops and services to suit the lifestyles of the predominant population
- HMOs are generally occupied by more people than would be the case in a family house so that in streets with a concentration of HMOs there are greater problems associated with parking, litter and overflowing refuse bins and proportionately more noise impacting on neighbours

### **The Landlord (Tara & Co - Letting Agent)**

- The quality of student housing has improved and students are now more discerning
  - Students prefer living with other students in a house with a garden and close to other student accommodation
  - Rents range from £60 - £90/week
  - Letting houses to students gives a good return to landlords – students tend to be better tenants than other sections of the community
  - The company holds focus groups with tenants where issues are discussed – as far as students are concerned the main issues are standards, repairs and maintenance, and landlords
  - Refuse is a problem
  - The leafleting of new tenants works well and this could be extended to be on a termly basis rather than just at the beginning of the academic year.
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**Public Services**

- Community safety is an issue in areas with high concentrations of students. Student housing is a target for house break-ins because students can be less security conscious and have desirable possessions (e.g. laptops, i-pods, i-phones etc)
- Typical offences include thefts from vehicles and dwellings, cycle thefts, common assaults, criminal damage and public order
- There is evidence of a reduction in incidences of crime in south Leamington since October 2007. Further analysis of the statistics is required
- There is more late night activity in student areas – female students are targets for harassment and males for fights
- South Leamington is an area of relatively high deprivation and there are issues with drugs and alcohol
- There are higher than average call out rates for the fire and ambulance services
- There are issues with waste, particularly at the end of term/ academic year when student houses are vacated.
- Over the past four years the Council's Environmental Protection Team has received a number of complaints about noise and waste in south Leamington. For example, in Northway where about 45% of the 49 properties are HMOs, there were 21 complaints of which 8 concerned noise nuisance and 4 concerned waste.
- WDCs Private Sector Housing team is able to control licensable HMOs<sup>3</sup> in terms of management, facilities, repair and fire safety but many student shared houses are not licensable

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<sup>3</sup> HMOs with 3 or more stories and occupied by 5 or more people have to apply for a licence from the District Council. The licence covers matters such as fire precautions, facilities, repair and management.

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### 3 The Issues Consultation Prior to Development of the Interim Planning Policy

3.1 Officers consulted with residents, landlords, Councillors and other Council departments prior to the development of this policy. This has included:

- Meeting with residents
- Presentations at Landlords Forum
- Questionnaire to landlords
- Discussions with Warwick University and Warwickshire College Accommodation Offices
- Meetings with Councillors
- Meetings with Officers from other Council Departments such as Private Sector Housing, Community Safety, Environmental Health, Economic Development and Licensing.

#### **Consultation with Residents**

3.2 A meeting with residents from south Leamington, and local Councillors, was held on 20<sup>th</sup> December 2012. The residents highlighted the following issues:

- loss of low-priced family homes in the area so families have to move away from Leamington to cheaper areas;
- rent levels for student houses are high and unaffordable for families
- high proportion of students impacts on house prices
- once a house is let to students, it stays as a student let
- student lets impacts on support for local school
- people on short term lets have less commitment to an area
- problems with property maintenance issues such as sewerage and drains which are slow to be fixed
- refuse
- noise, particularly at night and in the early hours, including shouting in the streets
- location of habitable rooms in relation to neighbouring bedrooms
- general imbalance in the area between students and other residents
- parking at weekends
- HMOs have higher percentage of drivers
- any policy should seek a balance between the social, economic and environmental aspects

**Consultation with Landlords**

- 3.3 Planning Officers regularly attend the Landlords Forum and update them on work to date on the Local Plan, Warwick Town Centre Plan, the Article 4 Direction and the HMO Policy. At the meeting on 30<sup>th</sup> October 2012 a short Issues Questionnaire was distributed. There were few responses, but the general view of landlords was that student accommodation was beneficial to Leamington in the following ways:
- investment in the area in terms of modernisation of properties;
  - support for local shops, pubs and takeaways;
  - increase in the vitality of Leamington town centre, particularly the

**Consultation with Warwick University & Warwickshire College**

- 3.4 Warwick University (Accommodation Office, Welfare & Public Affairs) has very close links with the District Council and meets on a regular basis with WDC Officers from Community Safety, Licensing, Environmental Health as well as Warwickshire Police.
- 3.5 Warwick University currently has 6,528 purpose built rooms on the campus which are let to students, but 200 of the older units will be demolished next year. In addition, they manage a further 1,861 bed spaces in Coventry, Kenilworth and Leamington. Around 6,000 full-time undergraduate students live in private accommodation across Coventry, Kenilworth and Leamington. The University is unable to say whether there is currently sufficient accommodation (no student is ever homeless) but they will be building further accommodation on the campus as the funds become available. There is currently an outstanding outline planning permission for a further 167 cluster flats within the campus in Warwick District.
- 3.6 The University takes complaints about anti-social behaviour by its students very seriously and works closely with local agencies and the Students Union to address these, and other, issues. (Update: In the academic year 2013/14 the University funded a Street Marshalls Scheme in south and central Royal Leamington Spa to help protect the University's students after enjoying a night out, and to promote positive community relations by encouraging the students to behave responsibly whilst walking through residential areas.)
- 3.7 Warwickshire College has purpose built halls of residence on site which provide 92 en-suite rooms and a further 24 rooms in an older halls of residence close to the college. Both are normally fully occupied. A private
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halls of residence consisting of 11 rooms is also used by college students. A total of 41 students live with host families. The majority of students who require accommodation are international students from the Far East and Middle East. Demand for accommodation from these students is high and the requirement for credit checks from private landlords makes finding accommodation more difficult.

### **Consultation with Councillors**

- 3.8 A meeting with Councillors was held on 19th November 2012. Those present supported an approach which tackled the concentration of HMOs by way of a 100m radius policy. A further meeting was held with the Members Policy Review Group on 10<sup>th</sup> April 2013 where Members considered a draft policy and supported the approach.

### **Internal Consultation**

- 3.9 A series of meetings was held internally with Officers from other Departments before finalising the Draft Policy. This covered areas such as:
- community safety
  - noise and anti-social behaviour
  - refuse storage and collection
  - licensing for late night opening in the town centre
  - impacts on viability and vitality in the town centre
  - impact of the policy on general availability of HMO accommodation
  - management and licensing of HMOs
- 3.10 The approach to controlling the concentration of HMOs was supported provided that the policy was properly monitored to ensure that there was no adverse impact on the general availability of HMO accommodation (particularly for those on housing benefit).
- 3.11 Refuse storage should follow the Council's guidelines on the number of sizes of storage units related to the number of adult occupants

## 4 Statistics

Table 1: Anti-social Behaviour Incidents by Community Forum Area  
2012

| <b>Community Forum Area</b> | <b>Population</b> | <b>Total Anti-Social Behaviour Incidents Jan to Dec 2012</b> | <b>Rate Per 1,000 Population</b> |
|-----------------------------|-------------------|--|----------------------------------|
| South Leamington            | 19,324            | 1184   | 61.27                            |
| Warwick                     | 30,114            | 1221   | 40.55                            |
| North Leamington            | 29,401            | 1650   | 56.12                            |
| Whitnash                    | 9,572             | 174  | 18.18                            |
| Kenilworth                  | 25,308            | 410  | 16.20                            |
| Rural East                  | 9,736             | 157  | 16.13                            |
| Rural West                  | 14,193            | 169  | 11.91                            |

Source: Warwickshire Police Crime Information System & STORM Incident System & Census 2011

Table 2: Domestic Burglary Offences by Community Forum Area  
2012

| <b>Community Forum Area</b> | <b>Households</b> | <b>Total Domestic Burglary Offences Jan to Dec 2012</b> | <b>Rate Per 1,000 Population</b> |
|-----------------------------|-------------------|---|----------------------------------|
| South Leamington            | 7,684             | 135   | 17.57                            |
| Warwick                     | 13,348            | 82  | 6.14                             |
| North Leamington            | 13,276            | 168   | 12.65                            |
| Whitnash                    | 3,848             | 38  | 9.88                             |
| Kenilworth                  | 10,518            | 42  | 3.99                             |
| Rural East                  | 4,091             | 40  | 9.78                             |
| Rural West                  | 5,914             | 44  | 7.44                             |

Source: Warwickshire Police Crime Information System & STORM Incident System & Census 2011



NB North Leamington Community Forum Area includes the Town Centre

Table 3: Environmental Protection Complaints in South Leamington  
01 October 2010 to 31 December 2012

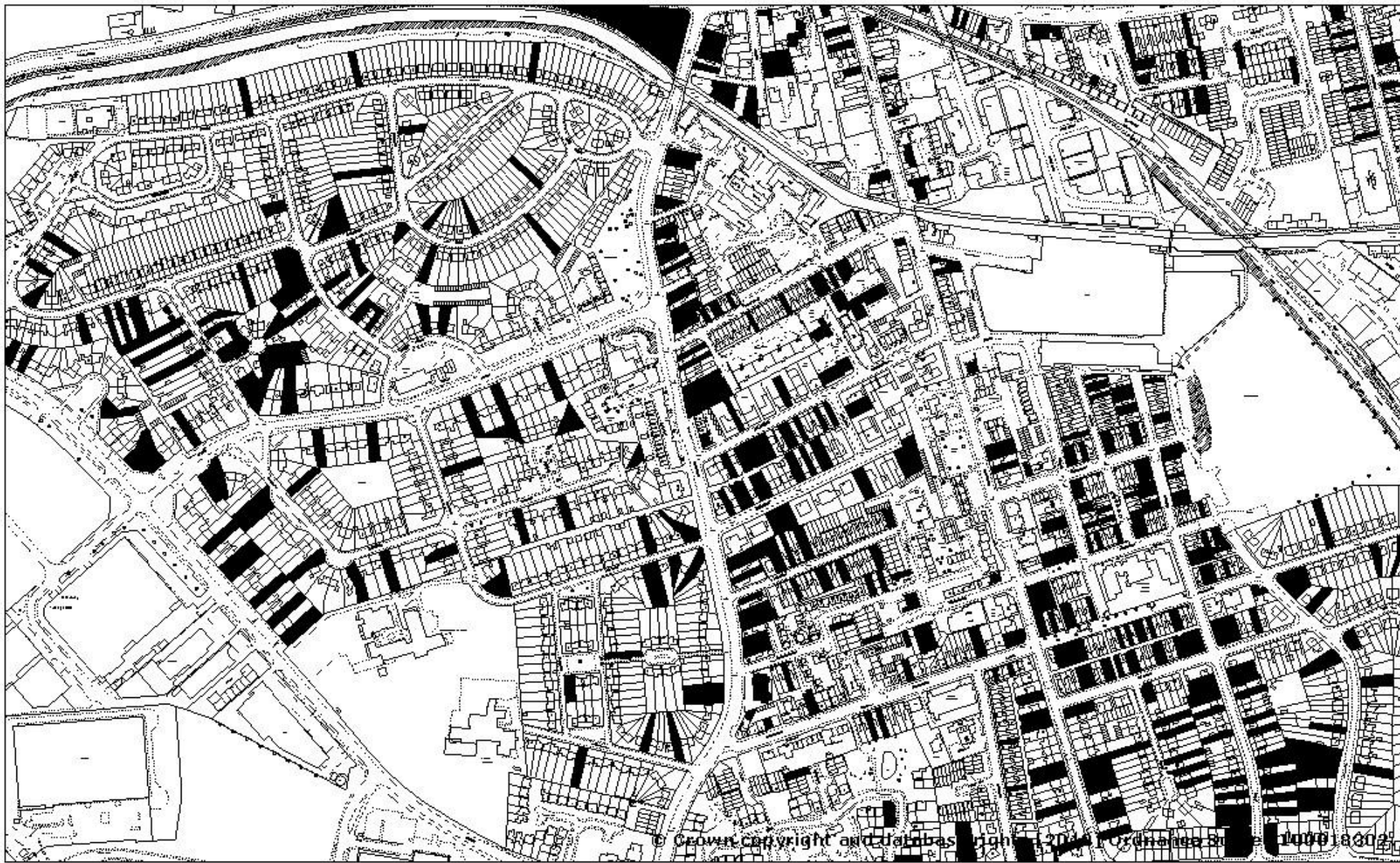
| <b>Street</b>        | <b>Total Complaints</b> | <b>Noise Nuisance Complaints</b> | <b>Refuse Complaints</b> |
|----------------------|-------------------------|----------------------------------|--------------------------|
| Tachbrook Road       | 54                      | 12                               | 6                        |
| Clemens Street       | 13                      | 3                                | 3                        |
| Brunswick Street     | 56                      | 13                               | 12                       |
| Wise Street          | 7                       | 5                                | 0                        |
| Crown Terrace        | 0                       | 0                                | 0                        |
| Gas Street           | 5                       | 2                                | 0                        |
| Priory Street        | 1                       | 1                                | 0                        |
| Ranelagh Terrace     | 12                      | 3                                | 2                        |
| Charlotte Street     | 5                       | 1                                | 0                        |
| Claremont Road       | 17                      | 13                               | 1                        |
| St Georges Road      | 2                       | 0                                | 1                        |
| Charles Gardner Road | 22                      | 16                               | 0                        |
| Shrubland Street     | 10                      | 2                                | 2                        |
| Tachbrook Street     | 27                      | 15                               | 5                        |
| Llewellyn Road       | 10                      | 4                                | 2                        |
| The Close            | 6                       | 1                                | 0                        |
| Northway             | 8                       | 7                                | 0                        |
| Alexandra Road       | 21                      | 3                                | 1                        |
| Eagle Street         | 17                      | 2                                | 0                        |
| East Grove           | 3                       | 0                                | 0                        |
| Grove Place          | 16                      | 6                                | 0                        |
| Clarence Street      | 0                       | 0                                | 0                        |
| New Street           | 19                      | 9                                | 4                        |
| Gordon Street        | 16                      | 4                                | 7                        |
| Russell Terrace      | 21                      | 10                               | 2                        |
| Plymouth Place       | 11                      | 2                                | 1                        |
| Forfield Place       | 4                       | 1                                | 2                        |
| George Street        | 13                      | 6                                | 0                        |
| Church Street        | 28                      | 3                                | 1                        |

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|                   |    |   |   |
|-------------------|----|---|---|
| Regent Place      | 18 | 8 | 2 |
| Gloucester Street | 3  | 2 | 0 |
| Bath Street       | 22 | 1 | 4 |
| Clinton Street    | 0  | 0 | 0 |
| Radford Road      | 37 | 7 | 3 |

*Source: Warwick District Council*

## Maps to Show Concentration of HMOs in Parts of Leamington Spa



## HMOs in South Leamington Spa



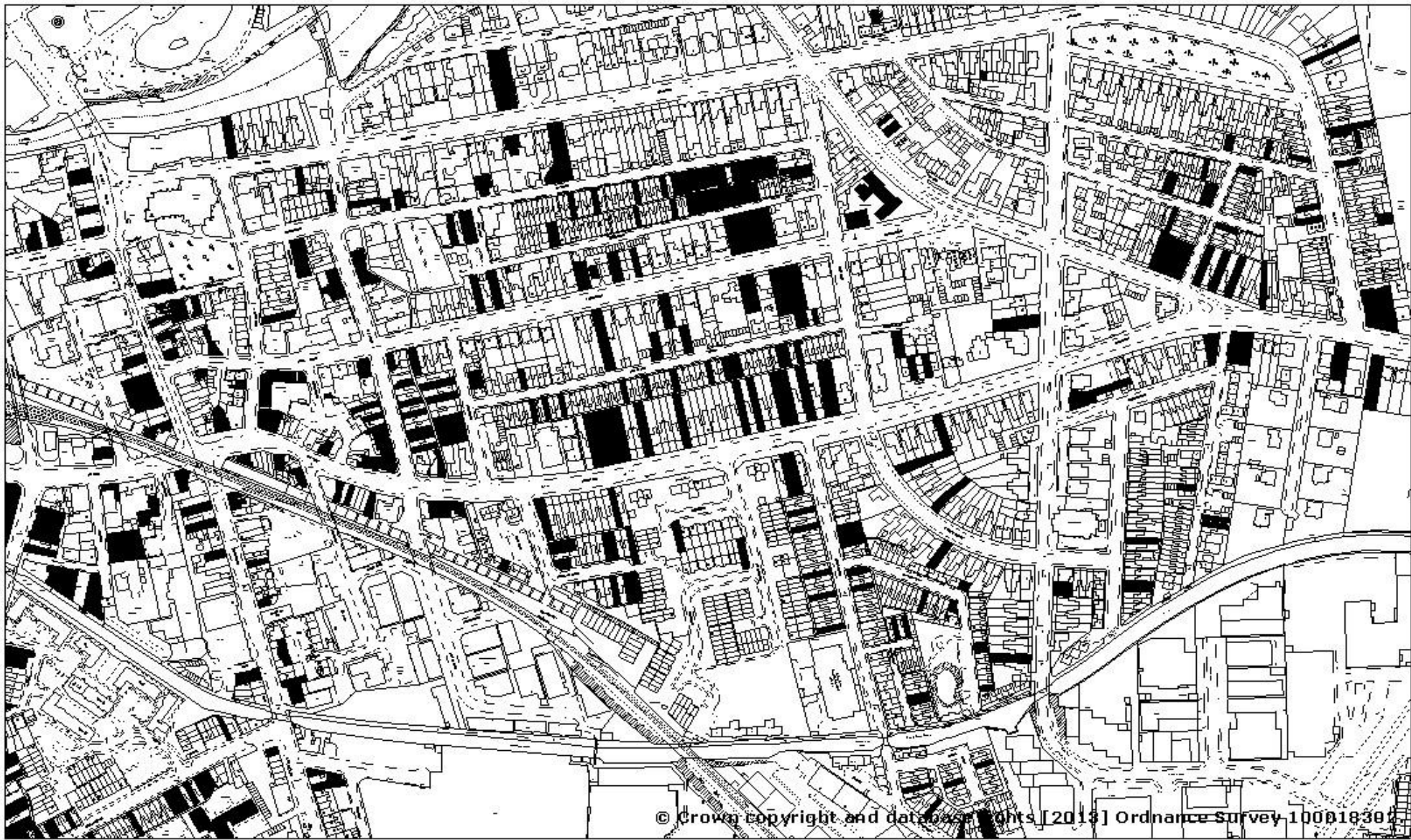
Scale: 1:4750 @A4 Drawn By:

Riverside House, Milverton Hill, Royal Leamington Spa, Warwickshire. CV32 5HZ

Date: 02 July 2013

Tel: 01926 410410





Scale: 1:4000 @A4 Drawn By:

Riverside House, Milverton Hill, Royal Leamington Spa, Warwickshire. CV32 5HZ

## HMOs in South Central Leamington Spa

Date: 02 July 2013

Tel: 01926 410410

