

**Bath & North East
Somerset Council**

**Draft Houses in Multiple Occupation in Bath
Supplementary Planning Document
Consultation Report**

May 2013

**Have
your say!**

We want your views on new planning and
licencing controls over houses in multiple
occupation (HMOs) within Bath

Find out more and respond online at
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**Bath & North East
Somerset Council**

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Bath and North East Somerset
Local Development Framework

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1. Earlier Consultation

1.1 Prior to the consultation on the draft Houses in Multiple Occupation SPD three previous stages of consultation were undertaken. These are summarised in **Table 1** below.

Table 1: Summary of earlier consultation

<p><i>Stakeholder workshop - feasibility</i></p>	<p>Early Stage consultation workshop with key stakeholders to explore options in relation to controls over HMOs (October 2011). The key feedback was:</p> <ul style="list-style-type: none"> • Support for whole city Article 4 Direction and pursuing planning controls • Support for exploring Additional Licencing alongside Planning controls to address property management issues for existing HMOs • Support for maintaining existing management arrangements e.g. student community liaison and community helpline <p>Full details of the consultation workshop can be found as part of the Article 4 Direction Feasibility Study (Feb 2012)</p>
<p><i>Public consultation on Article 4 Direction for HMOs</i></p>	<p>Formal Regulatory Planning Consultation on the Article 4 Direction Notice (May – July 2013). The key feedback was:</p> <ul style="list-style-type: none"> • A total of 359 written responses received • Only 6 objections to Article 4 Direction and 353 in support • Majority of respondents residents of Oldfield Park and Westmoreland • One request for a street to be exempted from the scheme (Lorne Road) • Objections received from the University of Bath & Bath Spa Student Unions, the National Landlord Association, the Residential Landlord Association and three individuals. <p>This consultation feedback was reported back to Cabinet in October 2012 in full and is also available as Annex D to this Report.</p>
<p><i>Stakeholder workshop - policy proposals</i></p>	<p>A joint Housing & Planning Stakeholder workshop was held in (July 2012) to explore the evidence base and explore potential policy options for inclusion in the Supplementary Planning Document on HMOs in Bath and an Additional Licencing scheme. The key feedback in relation to the planning elements was:</p> <ul style="list-style-type: none"> • Support for two stage approach for applicants • Planning policy needs to be kept as simple as possible so that it is easy to understand – issues such as parking, waste and gardens are best dealt with using the other mechanisms (such as licencing) • 25% threshold considered locally appropriate given local evidence <p>The findings of this stakeholder workshop were reported back to Cabinet in October 2012 in full</p>

2. Committee Meetings

- 2.1 The issue of planning controls for HMOs in Bath has been considered at the following committees to date:
- Planning, Transport, Environment Policy Scrutiny Panel Report - 6 December 2011
 - Development Control Committee – 14 March 2012
 - Cabinet Report - 14 March 2012
 - Planning, Transport, Environment Policy Scrutiny Panel Report - 8 October 2012
 - Cabinet - 10 October 2012
 - Housing and Major Projects Policy Development and Scrutiny Panel – 19 March 2013
- 2.2 Both opponents and supporters of the proposals have spoken at these committees. All of the minutes can be found on the democratic services webpage here: <http://democracy.bathnes.gov.uk/ieDocHome.aspx?bcr=1>

3. Public consultation

- 3.1 A public consultation on the draft SPD was held between 18th October and 30th November 2012. This was a joint consultation with Housing who were also consulting on the draft proposals for an additional licencing scheme for HMOs in Bath.
- 3.2 During this period the following activities were undertaken:
- 3.3 **Notification** - A notification letter with information about the consultation and the events was issued prior to 18th October by email and letter. Hard copies of the SPD were also distributed on request and at events.
- 3.3 **Press Notice** – A press notice was issued that appeared in the Bath Chronicle on 18th October. This is a statutory requirement.
- 3.4 **Media** - A series of press releases were issued which were picked up in local media. Events were also advertised in local newsletters and in communications from Ward Councillors.
- 3.5 **Webpages** – www.bathnes.gov.uk/hmo
A specific webpage was set up to include a copy of the draft SPD, how to comment and details about the consultation events as well as other information including Frequently Asked Questions.

Unfortunately due to a technical issue the corporate consultation calendar which is externally hosted was not able to be updated to include this consultation. However, all other requirements were met.

- 3.6 **Hard copies in libraries and Council offices** - Hard copies of the Supplementary Planning Document and details of the consultation were made available in all libraries in the district and also in the Guildhall, Riverside and the Hollies.

- 3.7 **Local advertisement** - A postcard flyer and poster advertising the consultation events was distributed by hand to the venues for the events, public buildings, cafes and shops across South Bath, particular the vicinity of Oldfield, Widcombe and Westmoreland.
- 3.8 **Events** – A series of drop-in events were held and meetings attended to brief interested parties on the Supplementary Planning Document and the Additional Licencing Proposals. A full report of these events and the main issues raised at each is included as **Appendix E**.

4. **Statement of Compliance with the Neighbourhood Planning Protocol**

- 4.1 In line with the SCI, a full schedule of comments together with a consultation report and statement of compliance is included here.
- 4.2 The key target groups focused on in this consultation were residents of Bath, in particular within the wards of Oldfield, Westmoreland and Widcombe. In addition additional efforts to communicate with estate agents and landlords were undertaken including the workshops and one to one meetings.
- 4.3 Care was also taken to consider impacts on equalities groups and information on the consultation was communicated directly to equalities representatives. The attendance of the Polish Community event in Oldfield Park facilitated communication of the issues to this community, many of whom will be HMO residents.

5. **Summary of responses to the consultation**

- 5.1 A summary of consultation responses is included in **Appendix A** to this report.
- 5.2 A full record of the consultation comments received is included as **Appendix B** to this report. In addition to this an e-petition was submitted by the University of Bath & Bath Spa University Students' Unions, included in **Appendix D**.

6. **Council response to key issues raised in consultation comments**

- 6.1 The four key issues raised in the consultation comments and the Council's response to these are summarised in **Table 2** below:

Table 2: Summary of earlier consultation

Issue	Discussion	Recommended response
<p>Issue 1:</p> <p>Proposed 25% threshold included in the SPD is too high/too low</p>	<p>Many other Local Authorities have introduced a percentage threshold policy and this approach is seen to be sound. It also offers greater clarity to applicants and residents.</p> <p>The Council worked with Planning consultants Arup to consider a threshold of 20-25%.</p> <p>Both Arup and Officers recommended a 25%</p>	<p>Following consideration of the issues raised during the consultation, it is maintained that 25% is the appropriate threshold.</p> <p>Recommendation: Proceed with the 25% threshold policy as per</p>

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	<p>threshold was appropriate for Bath and this was consulted on in the SPD.</p> <p>This 25% threshold considers key factors such as:</p> <ul style="list-style-type: none"> - Existing numbers and concentrations of HMOs (e.g. a 10% threshold could not be sensibly applied in Bath given the numbers of HMOs in the City) - Suitability of the Housing Stock and public transport accessibility (accepting that the housing stock and public transport access is more favourable to supporting denser occupancy patterns in some areas) - Geographical areas where residents express concerns and where there are the highest numbers of HMOs are reflected in the mapping at 25% threshold. At 20% this is much more dispersed. - The updated SHMAA (2013) shows that HMOs do play an important role in the Housing stock. However, setting a threshold too low would not be advised as this could exacerbate housing affordability issues. - Evidence from recent appeals shows that threshold policies have stood up at appeal <p>Consultation comments from some residents felt that a lower percentage would be favourable but there was no consensus for what a lower percentage should be or why.</p> <p>The University of Bath suggested a higher percentage of 30% should be considered with an even higher percentage on key public transport routes.</p>	<p>the draft SPD.</p>
<p>Issue 2:</p> <p>Request to exempt streets or areas from the Article 4 Direction/SPD</p>	<p>A few local authorities (e.g. Exeter) have exempted streets with very high concentrations of HMOs from their policy. This has been in response to residents' concerns that their property would be blighted, such that they are unable to sell.</p> <p>Such streets/areas will in effect become 100 %</p>	<p>Following consideration of the consultation comments it is still not considered favourable to exempt any streets from inclusion in the SPD. The Article 4 Direction area has already been determined and</p>

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	<p>HMO use over time.</p> <p>Residents of Lorne Road, which now has only a few owner occupied properties have requested such an exemption.</p> <p>The University of Bath has also suggested that streets on key public transport corridors should be exempted so that proportion of HMOs on these streets could continue unchecked.</p> <p>To date no exemptions are proposed. It is not considered favourable to allow some streets to have unchecked growth in HMOs as this is likely to lead to 100% HMO concentrations over time.</p> <p>Given the strong demand for family housing in Bath it is not considered that such blight would occur, as other Cities are not seen to be comparable.</p> <p>Residents can make a case to the Local Planning Authority as part of a planning application if they are not able to sell their property, this would be a material consideration in the determination of the planning application.</p>	<p>advertised so this cannot readily be altered.</p> <p>Recommendation: No streets are exempted from the policy</p>
<p>Issue 3:</p> <p>Data on HMOs</p>	<p>Queries have been raised by landlords groups about the Council's data on HMOS.</p> <p>The Local Authority has been working with other service areas in particular Housing to ensure that there is a protocol for HMO data management.</p> <p>Implementation of the Additional Licencing scheme in the three key wards (Widcombe, Oldfield and Westmoreland) will also assist.</p> <p>Dialogue with other authorities has demonstrated that similar datasets are being used elsewhere with success.</p>	<p>It is considered that the data on HMOS is sound</p> <p>Recommendation: New data protocol to be established to manage HMO data between Planning & Housing services</p>
<p>Issue 4</p> <p>Simplification of the submission requirements</p>	<p>It has been suggested that the submission requirements for applications of this type could be further simplified.</p> <p>Further investigation has identified that such simplification is possible.</p>	<p>Recommendation: Simplified submission requirements are proposed</p>

Annex A: Summary of draft SPD consultation responses

Support

Supports the Councils planning proposals 21

Magdalen Ave in Lyncombe should be included

One resident supports the planning proposals but considers there are also issues associated with living close to student halls of residents which should be considered if encouraging this type of residence as an alternative.

The **Bear Flat Association** support the planning proposals and commend the Council for tackling the issue proactively in Bath and agree that the issue needs to be considered on a city-wide basis.

The **Federation of Bath Residents' Associations** expresses the opposition to the planning policy from the Student Unions who are affiliate members. The Student Unions objections are as follows:

- Students should be allowed to choose where to live
- There are already a range of sanctions and projects to ensure students are good neighbours
- This will not solve the issue of existing HMO concentrations
- This policy may increase rents for students, and increase the number of HMOs not on University bus routes. Concerns that the proposals will also decrease house values in the areas subject to Article 4.
- HMOs are also needed by young and low income workers
- The policy will be costly to the Council and the funds could be better used.
- The policy has been unsuccessful in other University towns.

On balance, FoBRA supports the Council's proposals.

Widcombe Association support the Council's planning proposals.

Object

Supports lower threshold x3

Supports a 20% threshold rather than a 25%. x4

Threshold should be reduced to 10%. x2

Supports a reduced threshold of 15%. x2

Consider that the threshold should be reduced to 15 or 20%. X1

Consider that the threshold should be reduced to 20%. x3

Consider that the threshold should be reduced to 17%. x2

Consider that the threshold should be reduced to 10 or 15%. X1

Supports a reduced threshold of 10%. X1

Supports a lower 9% threshold. X1

Bath Chamber of Commerce has a number of concerns about greater regulation of HMO in Bath and encourages the Council to reject the proposal and look at other methods of achieving the same aims. Key concern is the supply of affordable and

suitable accommodation for young people within reach of the city centre jobs market. Conflicts with campaign to seek higher graduate retention in Bath, the principle reason many young people move away is the cost of housing. HMO accommodation will be the only affordable option for many young people in Bath.'

Stowey Sutton Parish Council feel that at a time when B&NES is under pressure to provide more housing units it would be a negative move to restrict housing provision.

Conservative Group supports the measures. However, **Cllr Geoff Ward** has some concerns about the implementation of the proposals.

- Article 4 will not tackle the existing issues which typify problems with HMO (anti-social behaviour, unkempt gardens, refuse and car parking).
- In time the Article 4 will cause HMO to spread throughout the city – causing complaints in new residential areas.
- Resources should go into assisting provision of extra student purpose built accommodation.
- The Article 4 will create an initial increase in HMO conversions in the most affected areas before it can be brought in.
- Owner occupiers will see a reduction in the value of their houses after the Article 4 comes in as buy to let investors will no longer be able to purchase properties.
- Article 4 causes a significant additional burden on the Planning Department at a time of cutbacks and pressure on the department. This will also lead to additional work for the Planning Committee.
- As it is not retrospective and will not lead to pre-existing HMO converting back to family homes.

Cllr Ward recommends:

- An increase in resources to help the Planning Department cope with the increased planning applications that will be generated.
- Focus within the Core Strategy on providing purpose built student accommodation

Bath Spa University responded on behalf of the University community.

- Concern that the consultation on the SPD was shorter and launched after the additional licencing consultation.
- Query that the SPD refers to a wide range of groups who live in HMO yet the statistics included relate only to students.
- It is not clear whether the SPD is to cover the whole of Bath & NE Somerset or just the three wards of the licencing scheme. If it is just the three wards we wish to convey our disappointment at the Council's discrimination by selecting wards with high student populations only.
- It would be useful to see how the thresholds compare to other cities where this has been introduced. We would be concerned if this was far more stringent than other cities.

University of Bath consider that the Council has not justified the exceptional circumstances that warrant and allow the imposition of an Article 4 Direction and seriously consider the implications for the city's housing market and local economy. The University considers that there are more appropriate remedies to deal with problems arising from concentrations of HMOs (including the proposed additional licencing which the University supports).

The University agrees that if the Article 4 Direction is made that the SPD is a necessary tool. They question the proposed threshold of 25% which they consider too low, as

HMOs are an essential source of housing for young people which include young graduates, young professionals, key workers, contract workers as well as students. A limitation on the supply of HMOs will force young people to live away from primary bus routes and services and facilities. The University considers that a threshold of 30% would be appropriate and that specific streets adjoining key student bus routes be exempted.

Resident proposing exemption of Lorne Road

The planning proposals will not help those who are already victim significant levels of studentification. Believe that 88% of Lorne Road is HMO, and consider that the proposals will make it very difficult to sell the remaining family homes on the street as planning permission to convert to an HMO would not be granted.

The purpose of the Article 4 is to protect the character of the area changing, and future HMOs on the street would do little to change this as it already has this character.

Remain concerned about their ability to sell their house at market price. Request that Lorne Road be exempted from the Council's policy due to the existing high concentration of HMO.

Resident objects to Article 4 direction and believe it will cost the Council money but be ineffective. Believe there will be some undesirable consequences of the Article 4, namely:

- Fall in value of properties which can no longer be converted into HMO and the creation of a two tier property market.
- Preventing re-conversion back to family houses

One resident would like to see permitted development rights for HMO to be removed. Concern about subdividing homes into flats.

The **University of Bath and Bath Spa University Student Unions** have led a petition against the planning controls over the future growth of HMOs which has gathered 651 signatures.

The **National Landlord Association** continues to object to the Council's planning proposals to control the future growth of HMOs in Bath. Key objections made are as follows:

- Additional Licencing Impact should be considered first before planning controls.
- The creation of a small HMO does not necessarily constitute a material change of use.
- The Article 4 Direction will mean it is not possible for landlords to respond to housing demand.

One resident objects to the Council's planning proposals to curb future growth of HMO in Bath. Considers that the proposals discriminate against students and will increase the costs to students and result in students living in areas with poor transport links to the Universities.

One resident believes that the planning proposals will:

- Decrease the value of non HMOs
- Will this lead to issues in other parts of the city.
- This will be costly to the Council as planning applications cannot be charged a fee
- Some HMO properties will require confidentiality e.g. women's refuges

Residential Landlords Association object to the Council's planning controls in relation to HMOs.

Their key objections are as follows:

- The Council is failing to acknowledge the need for this kind of accommodation in the City and needs to consider this in the Strategic Housing Market Assessment
- The Council does not consider where the displacement of HMOs will be in the City and the appropriateness of various property types in other parts of the City to be converted into an HMO.
- The Article 4 Direction is not justified

Specific comments on the SPD

- We can see no justification for the introduction of the so called buffer some which is arbitrary in its nature.
- Because of the small size in population terms of census output areas (as opposed to super output areas) the two legs of the test are repetitive.
- There is no clear and objective justification of how the 25% figure has been arrived at and why the starting point of 18% (supposedly representing the number of students) is a justified figure to impose.
- Likewise, there is no justification of the 100 metre figure which is being applied.
- In terms of stage 1 there is reference to "about 25%". What does this mean? Does it mean that 23% is not acceptable or 21%?

Question the use of Council Tax Exemption data as base data for HMOs. Without this data consider that the data that is held is limited and potential inaccurate.

Consider that streets with very high concentrations of HMOs may need to be exempted as owner occupiers will be unable to sell.

Question data reliability.

Preserved Rights to encourage flipping of existing HMOs to family houses and back again would like to be seen to encourage flexibility of rental tenure.

Annex B Draft SPD consultation responses in full

Respondent name	Response
<p>Cllr Will Sandry, Oldfield Park Ward</p>	<p>I write in support of the proposals contained in the draft SPD. I am very much aware that many members of the community feel that 25% as a maximum percentage of HMOs in some areas is too high. The significance being that 25% of homes being used as an HMO will house 50% of the adults in that community, increasing the pressures on community cohesion.</p> <p>Many feel that 20% or lower is a sensible and reasonable proportion of HMOs in a community.</p> <p>Kind regards,</p> <p>Will.</p> <p>Cllr Will Sandry</p>
<p>Vince Baughan, Resident</p>	<p>Dear Sirs,</p> <p>RE : HMOs and additional licensing</p> <p>I object to the extension of licensing of HMOs on the following grounds:</p> <p>In summary</p> <p>It shifts enforcement responsibility from the council to the landlords.</p> <p>It interferes in the commercial relationship between the landlord and the tenant.</p> <p>It introduces duplicate, and possibly contradictory, safety regulations.</p> <p>It will cause rents to rise.</p> <p>It will give more HMOs over to the student market, from the young workers' market.</p> <p>In detail</p> <p>Waste management is the responsibility of the individual tenants. Enforcement of waste management is the responsibility of the council. There is no relation between the landlord and the council with respect to waste management. Where waste management rules are not observed by individual tenants, the council should step in and address the problem with the tenant, not with the landlord.</p>

Most people under 50 who own a house have a mortgage on the property, and they are effectively part-tenant to the mortgage lender. I cannot see the council approaching a Santander, because a home owner hasn't got a recycling bin.

The council can serve enforcement notices on houses with untidy front gardens, whether the garden is of an owner-occupier, or a tenant. Again, enforcement is the responsibility of the council, and the state of the front garden is the responsibility of the individual resident, not the landlord. When tenants sign a tenancy agreement, it is reasonable for them to insist that the garden is made tidy before they move in. That is part of the relationship between the landlord and the tenant. However, once the tenants have moved in, the front garden is the tenants' responsibility. Therefore, problems with that garden must be addressed to the tenants, not the landlord.

It is claimed that licensing HMOs will improve the maintenance of HMO properties. However, this is part of the relationship between the landlord and tenant. If a landlord refuses to maintain a house, the tenant can move. The council should not interfere in that relationship.

There are already building regulations, which landlords of HMOs must observe, or face the legal consequences. There are examples of HMO licence inspectors entering HMO properties, and insisting on things, that already conform to building regulations, being changed. In one case, the change contradicted the building regulation. Therefore, it introduces a level of unnecessary bureaucracy.

HMOs provide necessary, low-cost accommodation in Bath, a city with highly inflated housing costs. Any extra cost imposed on landlords will be passed on to the tenants, with the possible effect of pricing them out of the Bath property market.

This extension to HMO licensing may be "cost neutral", but it costs hundreds of pounds for the licence, and potentially unlimited costs for maintenance issues that the HMO licensing authority considers "essential". So, it is "cost neutral" to the council, but not to the landlord.

Housing is expensive in Bath. Any action by the council to cause a further increase, outside market forces, will further increase the dearth of a young working population, who currently find housing prohibitively expensive.

In conclusion

The extension to licensing will not make the tenants of HMOs behave more considerately.

It will increase HMO rents.

It will give over more HMO tenancies to student occupation, for which property pricing is not as critical as it is for a young working population.

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	<p>Statistically, students behave less considerately than workers, because the working conditions of a student are more flexible than for someone in work, and so late nights and parties have a lesser impact on their working day. Students typically only live in one place for nine months, and therefore don't feel the need to integrate with the neighbours.</p> <p>Please bear these objections in mind when considering extending HMO licensing.</p> <p>Yours faithfully</p> <p>Vince Baughan</p>
Victoria Lambourne. Resident	<p>To whom it may concern.</p> <p>I absolutely agree with what the council is trying to do with regards HMO's, and exerting greater planning controls. University places in the city have increased considerably over the last 10 years and not enough accommodation is provided on either campus.</p> <p>Oldfield Park and Westmoreland are dominating by HMO's and the Universities and council must not lose sight that these two areas are populated by families, in particular ones with young families and an older population who have always lived here. These citizens should be able to live without the problems of increasing noise, litter pollution, and general disrespect for properties that are not owned by those living there.</p> <p>I live in Bellotts Road and we successfully fought a private application to build a 34 room block for students at the top of our road opposite a cemetery earlier in the year. If this application had gone ahead, then I know a number of families would have sold and moved elsewhere thus perhaps enabling those houses to be turned into HMO's.</p> <p>We as residents of Bath, and in particular Oldfield Park, love our city and should not be forced out due to what is in effect becoming a student ghetto.</p>
Ian Bell, Bath Chamber of Commerce	<p>Dear David,</p> <p>This time last year I wrote to you on behalf of members of Bath Chamber of Commerce and the Initiative in B&NES to express anxiety about a Council proposal to impose additional regulations on Houses of Multiple Occupancy. Since then our members, who have a range of points of view, have discussed the matter at greater length and reached a number of conclusions which I hope you will consider when coming to a final decision.</p> <p>We perfectly understand the issues generated by a high density of HMOs, such as noise disturbances and parking difficulties which have an impact on neighbours. However, it is our opinion that remedies exist within current legislation and there is no need to impose further red tape to achieve the end desired. In fact there is a real risk that the law</p>

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	<p>of unintended consequences may apply and the costs could outweigh the benefits.</p> <p>Equally, we would not for a moment wish to defend poor landlords and it would be no bad thing if standards were to be improved. But we are concerned that the proposals would not necessarily deliver that outcome.</p> <p>Our key concern revolves around the supply of affordable and suitable accommodation for young people relatively close to the city centre, where most of the jobs exist now and will continue to do so in the future.</p> <p>Whilst residents may see this as an issue about students, for us it is about the supply of accommodation for young working people, who are absolutely vital for the future health of the local economy.</p> <p>We are conscious that the demography of Bath indicates we have a higher proportion of older people than is desirable for a sustainable economy. Consequently, we have been vigorous in our campaign, now widely supported, to encourage more graduates to stay to live and work in the area after they finish their studies at our two universities. We are similarly keen to see more young people of all kinds remain, to find employment, and make a contribution to local prosperity.</p> <p>We know that one of the principal reasons young people move away is the cost of housing. Realistically, it is unlikely that many of them will, in the first instance, be able to afford to buy a home and even to rent a house or flat. Instead they will rely on a ready supply of accommodation in HMOs.</p> <p>Our fear is that extra regulation may discourage investors and therefore reduce the essential increase in housing supply, or even worse, diminish existing stock, with a consequent increase in price and a potential exodus of young talent – the very opposite of what we need for the long term success of our community.</p> <p>We would encourage the Council to reject the current proposal and instead to look at other methods of achieving the desired ends without damaging the local economy.</p> <p>Yours sincerely, Ian Bell Executive Director</p>
<p>Timothy Cantell, Bear Flat Association</p>	<p>The Bear Flat Association supports in principle the regulation of HMOs through an Article 4 Direction.</p> <p>We commend the Council for tackling the issue pro-actively for Bath and we agree that the issue needs to be thought about on a city-wide basis.</p> <p>We hope that the Article 4 Direction can be brought in promptly.</p> <p>Timothy Cantell</p>
<p>The Coal Authority</p>	<p>Dear David</p> <p>Thank you for consulting The Coal Authority on the above.</p> <p>Having reviewed your document, I confirm that we have no specific</p>

	<p>comments to make on this document at this stage.</p> <p>We look forward to receiving your emerging planning policy related documents; preferably in an electronic format. For your information, we can receive documents via our generic email address planningconsultation@coal.gov.uk, on a CD/DVD, or a simple hyperlink which is emailed to our generic email address and links to the document on your website.</p> <p>Alternatively, please mark all paper consultation documents and correspondence for the attention of Planning and Local Authority Liaison.</p> <p>Should you require any assistance please contact a member of Planning and Local Authority Liaison at The Coal Authority on our direct line (01623 637 119).</p> <p>Regards</p> <p><i>Claire Streater</i> <i>Admin Officer</i> Planning and Local Authority Liaison The Coal Authority</p>
<p>Stowey Sutton Parish Council</p>	<p>Dear Sirs,</p> <p>Thank you for your email of the 18 October. This matter was discussed at our meeting on the 7 November. Please see below an extract of the minutes which gives our views on the proposal.</p> <p style="padding-left: 40px;">B&NES has consulted on its Draft Houses in Multiple Occupancy guidance. They have concerns over the number of properties occupied by students within Bath and propose licensing new houses in multiple occupancy and limiting these to 25% of the properties in an area. We feel that, at a time when B&NES is under pressure to provide more housing units, this would be a negative move. It would be better to give more thought to how and where such housing should be accommodated rather than restricting it.</p> <p>Kind regards,</p> <p>Sue Heathman Clerk</p>
<p>Michael Smith, Resident</p>	<p>Dear Sir/Madam</p> <p>I am very much in favour of the Council bringing in planning control proposals (Article 4 Direction) which will mean permission will be needed to change family homes in a small house into Multiple</p>

	<p>Occupation (HMOs) in 2013.</p> <p>As a long standing resident in Oldfield Park, I have seen a dramatic decline, especially within my own street where up to 50% of the houses are let as HMOs. This has led to a social imbalance and mix of the area and led to young families being "pushed out".</p> <p>Any proposals which restrict further the concentration of student housing within the areas concerned dominated by HMOs will be a good thing, and may gradually see areas like Oldfield Park return to family homes.</p> <p>Yours faithfully</p> <p>Michael Smith</p>
<p>Bristol City Council</p>	<p>Dear Ms Newcombe-Jones</p> <p>Houses in Multiple Occupation in Bath Supplementary Planning Document Consultation Draft and Sustainability Appraisal Screening Report</p> <p>Thank you for the opportunity to comment on the draft HMO SPD and associated SA Screening Report.</p> <p>I can confirm that Bristol Council have no comments to make on either document.</p> <p>Yours sincerely</p> <p>Simon Fletcher Strategic Planning Neighbourhoods and City Development Bristol City Council</p>
<p>Cllr Geoff Ward</p>	<p>BATH AND NORTHEAST SOMERSET HMO CONTROL INITIATIVE</p> <p>By Councillor Geoff Ward FCIEH</p> <p>These comments are based on discussions with professional colleagues from the CIEH and from Officers with experience of dealing with HMO challenges in University Cities.</p> <p>I and the Conservative Group, support measures to control the proliferation of HMOs within the city of Bath. However, I do have several concerns about the implementation of the Council's proposals and the unintended consequences which could result.</p> <p>My concerns are as follows:</p> <p><u>Article 4</u></p>

1. The Article 4 will do little to control the conditions which typify the HMO issues, namely: car parking, noise, anti-social behaviour, unkempt gardens, non-recycling of waste, street and garden litter, miscellaneous items left/ stored in gardens/ yards etc. It will also not deal with the health, hygiene and safety conditions which HMOs commonly cause.
2. In time the Article 4 will spread HMOs throughout the City, increasing the number of HMOs in many parts of the city, causing potential complaints from the resident community in areas not currently experiencing issues.
3. Article 4 will not choke off demand. Growth of Universities creates the demand and resources might better be put into working with our Universities to support them in providing more dedicated student accommodation whether on-site or not. This has proven successful in other University cities. A look at the increase in dedicated student accommodation in Bristol, for example, demonstrates the popularity and success of this. Demand will be in areas where properties are cost effective for buy to let and on transport routes. It would be possible to predict where this is likely to be and work should be done in this in order to avoid the exporting the problem to other parts of the City.
4. Blanket Article 4 across Bath will result initially in further growth in HMOs in the 3 already challenged Wards making matters worse as landlords rush to buy properties and convert them before the Article 4 start date.
5. The result after the start date of Article 4 is likely to be the blighting of owner occupied houses in the challenged Wards as few would wish to easily buy in an area of high density of HMOs. The unintended consequence is that owner occupiers are likely to see a reduction in the values of their houses and they find it more difficult to sell, with buy-to-let purchasers being unable to purchase in the HMO high density Wards and families less willing to purchase a home in an area with a high concentration of HMOs. This will prompt a potential flood of sales before the commencement date as detailed before, whilst making house sales after this date much harder
6. The Article 4 will result in an unquantifiable cost to the Council at a time of severe cutbacks and pressure on the department. Oxford has experience between 30 and 40 planning applications in the 9 months since their scheme commenced. Such a rate if it occurred in Bath might constitute a significant additional burden on the Planning department, especially if it is coupled both administratively and technically with Additional Licensing. If no additional resources are put into the department to deal with the increased planning applications, this could have a detrimental impact on the department's ability to deal with Planning applications and enforcement issues in a timely manner.
7. Many of the planning applications for HMOs in residential areas throughout the City (i.e. not within the 3 most affected Wards) are

likely to be objected to, adding to the administrative burden and use of Officer and Councillors time. There might be an increase of such applications ending up at the Development Control Committee. This might in turn slow up other planning applications and cause delays in the statutory process for progressing all applications.

8. Applications from those wishing to establish HMOs outside of the challenged Wards which are likely to be approved are put to administrative and cost burden in respect to the application. The need for plans and use of legal, technical and other advisors, when the application is to be approved in any case seems a unnecessary bureaucratic and cost burden which might attract criticism on the Authority at a time of ongoing economic challenge.

9. An Article 4 Direction does not act retrospectively, and so will not result in pre-existing HMOs returning to owner-occupiers. I have received comments that some Authorities have accepted that in some areas of their City with high density of HMOs the game is somewhat already lost as Article 4 cannot redress the pre-existing imbalance. They suggest informally that such communities are impossible to repair with enforcement the only option.

On Special Licensing:

Where it is implemented, this measure is likely to result in a significant overall improvement in the conditions that residents complain about in respect to living adjacent to HMOs. Oxford City Council reports significantly less complaints from residents and also from parents of students upon taking up occupation when starting back at University. However, I have grave concerns about the ending of the city-wide voluntary scheme when the compulsory scheme is to be limited to a small area. This will leave many HMOs with no licencing at all. This seems a particularly retrograde step when the implementation of the Article 4 Direction is likely to spread HMOs throughout a larger part of the city.

2. Licensing can be achieved on a cost recovery basis, reducing the cost to the Authority. There is a need to be clear about all the costs involved if we are not to increase resource burden on the Authority. Oxford charge £375 for a 3 occupant HMO and more for higher occupancy HMOs. Licensing is required annually resulting in an annual inspection and tight control. Inspection can though lead to potential costly schedule of works and the overall effect likely to lead to significant avoidance, increasing the need for surveillance and enforcement.

3. The initial burden on our Authority is likely to be considerable both administratively and technically. Oxford has experienced over 1000 applications within the first year of operation. They have dealt with this in-house. Our Authority will have to contract the inspection element out which might push costs higher, resulting in what might be considered a prohibitive license fee. Our Authority must make the investment in resources before the outset of licensing. It needs to be

recognised that initial estimates of HMOs within the Wards where licensing is suggested might be wildly underestimated.

4. The idea of annual licensing is a sound one if effective control is to be maintained on an ongoing basis. No student group will stay for 5 years and its the personality, group dynamics and attitudes that will change and lead to the complaint issues encountered is likely to change biannually if not annually. Another factor supporting annual licensing is the need for ongoing revenue to support the scheme. If all the revenue is in the first year or two as the scheme starts, then it is likely the latter years administrative costs will fall on the Authority.

4. There is likely to be many unintended consequences from additional licensing. At the level of 3 persons sharing, an owner occupier with 2 lodgers, wrestling to pay their mortgage is likely to come under the HMO definition and be unnecessarily financially burdened by the license fee. Such a person is likely to share common facilities but have a vested interest in maintaining standards. This is different that the classic HMO where no one has that responsibility. Such person who have found their way on to the housing ownership ladder (especially challenging for first time buyers these days) might find the fee and any schedule of works resulting from inspection prohibitive and something that tips the balance from continuing in home ownership. Such persons should be specifically excluded from the scheme.

5. Licensing will inevitably be passed on in student rents. This might have effect, in time, average rents and potentially the desirability of our Universities. For this reason there is likely to be sensitivity to pricing. Such sensitivity might lead to underestimation of the cost involved resulting in the Authority absorbing costs it should pass on.

6. High rents are not good in the current economic climate. It might result in an increase in overall rents to already challenged families or low paid workers. This could cause the unintended consequence of local businesses finding it even harder to find essential workers.

7. It should also be recognised that this measure inevitably puts a burden on all the good landlords that manage their properties and tenants well and do not cause any issues to neighbours. It does seem a pity in these tough economic times to cause business extra burdens and is at odds with the Government's efforts to reduce "red tape". I am personally not against it as an effective control measure for HMOs but favour as you know of targeting, risk assessment and enforcement of the bad landlords rather than these blanket measures.

Recommendations:

- Make the creation of new dedicated student accommodation a higher priority within the Core Strategy, and work urgently with the Universities and other bodies such as Unite to deliver a significant increase in the number of student flats, looking firstly at sites on-campus but also at

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	<p>appropriate sites within the city which could be redeveloped, such as older office buildings.</p> <ul style="list-style-type: none"> • Look carefully at the results and consequences of the initiatives currently being run other University Authorities so we can be clearer about unintended consequences and avoid them. • Implement the compulsory Licensing across the whole of Bath, ensuring all effort is put on control and enforcement. • Put resources into annual licensing (at a lower fee if we have to have it) and enforcement in the 3 challenged Wards. The local HMO “action area” will do more to sort out the issues focussing on the problems and problem areas and avoiding many of the issues above. This will minimise the impact on our Authorities resources. • Consider an increase in resources for the Planning department to help cope with the increased number of planning applications which will result from the Article 4 Direction. <p>Cllr Geoff Ward 29 Nov 12</p>
<p>Shaun McGall, Resident</p>	<p>To whom it may concern,</p> <p>I welcome the Council's long over due intent to implement an Article 4 Direction for the entire city of Bath on 1st July 2013.</p> <p>The need to obtain planning permission when changing the use of a family house to a small House in Multiple Occupation is needed across all of Bath.</p> <p>Unfortunately, however this is some 20 year too late, but at least the Council is taking this step now.</p> <p>From what I can see the criteria on the SPD are balanced and will allow for sustainable balance communities to be maintained or enhanced, and for the city to still accommodate two very successful and popular universities.</p> <p>Regards, Shaun McGall</p>
<p>Sam Baldwin, Resident</p>	<p>Hi</p> <p>I am not sure I will be able to make it to a consultation so have enclosed my thoughts here.</p> <p>I think that the % should definately be less than 25%, and would prefer a smaller number for a healthy and vibrant community that will benefit all and not continue the transformation of Oldfield Park into a student ghetto.</p> <p>Obviously students are vital to social and economic development, and students along with everyone else need housing. However there are</p>

already too high a proportion of HMOs in Oldfield Park, and this is impacting on the community in several negative ways.

I feel that it is starting to erode community, and the area has started to tip towards a purely student environment.

When our neighbours with children left, when elderly neighbours have died, each time the house is bought up by commercial landlords. Cramming as many bedrooms as is possible into a building and environment designed for much fewer people. This puts undue stress on local services - rubbish collection, and parking would be the most obvious examples.

Each year rubbish on the streets and rodent problems get worse. Not all students are messy, but for many reasons multiple occupancy housing produces more waste, and often manages it less effectively. For example next door to us the garden is a permanent mess, full of rubbish, which blows into our garden (and they even begun to pee in the garden). Obviously this is very unpleasant, and more importantly a health risk, badly managed waste attracts rats. There is the additional issue that at the end of term piles of stuff is "dumped" outside by landlords.

Parking: There has been discussion about introducing permit parking in the area. We only have a problem parking in term time, so permit parking would not solve the issue, controlling the number of HMOs would. In many HMOs each resident has their own car. I often can't park anywhere near our home, which can be tricky at times with a young child and shopping.

One other issue is the effect on local businesses. High student density housing areas are known to attract takeaway food shops. The variety of other shops and services then reduces, as these temporary residents leave outside term time. It becomes harder for local businesses to survive without regular custom. The tendency will increase towards takeaways etc. This makes the area less attractive to a wider community who benefit from a range of shops and facilities. It also reduces other benefits of a more stable community, I am not against students being here but this community is special, there are few other areas like this in Bath and it will be lost unless something is urgently done.

Permanent residents are more likely to be aware of neighbours and provide mutual support which can impact massively on the wellbeing of older residents as well as children and everyone else. This mix promotes social cohesion, and reduces strain on social services. There will be research on this but unfortunately i don't have the time right now to root it out.

There can be a tendency for students not to view their term address as home. They may not feel part of the community, despite living in it. As there is a higher and higher proportion in an area, this decreases the amount of residents that are likely to be involved in local issues and

	<p>maintaining that sense community. We know that there is an immeasurable social benefit from living in a more cohesive community, where people recognise each other in the street, and know the elderly or vulnerable neighbour. This reduces social isolation and arguably saves social care costs and lives.</p> <p>This is what planning laws are for, to look at the needs of a community, its resources and its stresses on services and infrastructure. Limiting the proportion of HMOs would be beneficial to all including the students that live in that area.</p> <p>We are now the only family in our block.</p> <p>If things continue as they have despite loving our home, we feel we should move.</p> <p>If we do, I am sure that a commercial landlord would happy convert our home to HMO.</p> <p>Please do something to limit the number of HMOs in any one area, beyond what it can effectively manage while remaining a vibrant living community, so that it does not become one more, huge student hall.</p> <p>Thanks Sam</p>
<p>Robin Kerr, Federation of Bath Residents' Associations</p>	<p>Dear Planning Policy,</p> <p>This email states the views of the Federation of Bath Residents' Associations (FoBRA) on your proposed Supplementary Planning Document (SPD) for Article 4 Direction of the location of Houses in Multiple Occupation in Bath. We have (a) read the draft SPD and attended one of the drop-in sessions which you held about it; (b) debated it in Committee; and (c) discussed it with representatives of the two Student Unions, both of which are affiliate members of FoBRA. Although we have at present no member associations in Oldfield Park, Westmoreland or Twerton, we have some on the edges, and also in Widcombe. In any case, the issues of community nature and affordable housing reduction affect us all.</p> <p>The Student Unions have eloquently expressed opposition to the proposed policy as follows:</p> <ol style="list-style-type: none"> 1. Students are adults and so should be allowed to choose where to live. They are perfectly legitimate members of Bath's population who bring considerable income to Bath and should be treated equally. 2. Through the Student Community Partnership (SCP) they are taught to be considerate neighbours. There is a range of sanctions and remedial measures if some are not.

	<ol style="list-style-type: none"> 3. This policy will do nothing to change the student concentrations which have built up. 4. This policy will increase the rent demanded by landlords (= bad for students), decrease the convenience, as HMOs in future may not be able to be located so near the university bus routes (= bad for students again) and decrease house values in the areas subject to Art 4 Direction (= bad for owners). 5. HMOs are needed just as much by young and low-income workers as by students so this policy may be bad for them too. 6. This will cost the Council: they could use these funds more wisely. 7. This policy has not proved successful in some other university towns where it has been tried. <p>On balance, FoBRA full members reject these arguments, feeling (using the same numbering) that:</p> <ol style="list-style-type: none"> 1. Students may be adults but many of them live in Bath (and in most cases in HMOs) only part of the year, unlike full members of the population. Surely the universities should be trying harder to create student residences commensurate with their size, especially as Bath has one of the highest concentrations of students per head in the UK? In reality, provision of university-managed accommodation, whether on- or off-campus, has consistently fallen behind the historical increase in student numbers. 2. Noted. There are still complaints (and some compliments!). 3. Noted. This is the best that the legislation provides for, and embraces fairness to existing students and landlords too. 4. Noted. The one about making omelettes springs to mind. Some reduction in house prices could be good for buyers. 5. Possibly. 6. The estimate is £58K annually – quite modest. 7. True, but in others it seems to have been moderately successful. <p>Accordingly, FoBRA has decided to support B&NES' proposals.</p> <p><i>Robin Kerr</i></p>
<p>Rob Oldfield, Resident</p>	<p>I am writing to respond to the request for comments on the planned Article 4 direction. I have been a resident of Westmoreland ward since 1989 (just after I graduated from Bath University in fact) and have seen at first hand the increase in student numbers. Students can play a beneficial role in the mixture of population that make up a community but I do think that the numbers that are now present in Oldfield and Westmoreland have grown too large. To believe that roads where owner occupiers are in a tiny minority can possibly be a good thing is foolish. I would therefore urge you to put the proposed</p>

	<p>direction into place.</p> <p>Furthermore, I would also like to suggest that the threshold percentage is placed at 20% rather than 25%. I have read the report from the consultant where they make their case for 20% and that seems to me to make sense. The only explanations I have seen for altering this to 25% have come from Councillor Sharon Ball. On her web site it says "I am pleased that the council is using the figure of 25% to be consulted upon rather than the original proposals of 20% recommended by the consultants, I am told by the cabinet member that this is because of the content of student representations that are concerned about availability of accommodation and this level should create a fair balance." A fair balance for who? Given that the consultant is presumably expert in the matter and quotes national studies I have to say that I would tend to take that as more authoritative than the opinion of Councillor Ball and the Lib Dems. If they want to argue that 25% is "fairer" then let them do so, but it has been snuck in without consulting the people who the change will affect. There is plenty of space for the student population to disperse more fairly across all of Bath rather than the current situation where Westmoreland and Oldfield are in danger of becoming extensions of the campus. (See the information in the table "Total HMOs known to Housing Services and student exemptions by ward" in the "Houses in Multiple Occupation Evidence base for additional licensing" report.)</p> <p>Rob Oldfield</p>
<p>Bath Spa University</p>	<p>To Whom It May Concern:</p> <p>This is Bath Spa University's response to the HMO - draft Supplementary Planning Document consultation.</p> <p>The Council is asked to note that while this is one submission it does represent the wider community of the University.</p> <p><i>Houses in Multiple Occupancy in Bath – Supplementary Planning Document</i></p> <p><i>Bath Spa University response</i></p> <ul style="list-style-type: none"> - <i>The University is disappointed that the Council chose to launch this consultation a month into the separate licensing scheme consultation. It does call into question the motives for a shorter and quieter launch.</i> - <i>On page 5, section 2.2 the document refers to a "wide range of groups" who live in HMOs yet the statistics on page 7 only provide percentages for students. Again we question the motive of the document which at first glance appears to focus on only one set of occupants.</i> - <i>The document is not clear on whether the SPD is to cover the whole of Bath and North East Somerset or match the three wards of the licensing scheme. If limited to the three wards, we</i>

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	<p><i>wish to convey our disappointment of the Council's discrimination through selecting wards with high student populations only.</i></p> <p><i>- The University has not commented on the percentage and distance assessments (25%, 50m and 100m) in stages one and two however it would be useful for those commenting to have further information on how this compares to other cities where this has been introduced. We would be concerned if this is far more stringent than other cities.</i></p> <p>Kind regards</p> <p>Rob Rob Armstrong-Haworth BA(Hons), MA Executive Officer to the Vice-Chancellor Bath Spa University</p>
<p>Richard Sampson, Resident</p>	<p>I support the proposal to refuse permission for change of use from a formal home to HMOs in neighbourhoods with over 25 percent of the existing housing stock in use as HMOs.</p> <p>I would prefer the level to be even lower than 25 percent, my preferred level would be 20 percent.</p> <p>Richard Sampson</p>
<p>Phil Dunning, Resident</p>	<p>I agree that Bath has seen a significant increase in HMOs and private rented property over the last 10 years, with HMOs now being common residences for students, young people and many others. While they do play a significant role in the local housing market, in some areas of the city (such as the wards of Westmoreland, Oldfield Park and Widcombe) the high numbers of HMOs are now of concern to the Council, with some streets now being dominated by HMOs and families being pushed out.</p> <p>I am Bath born and bred and have seen the 'change' in Oldfield Park. Children and parents have attended local schools and playgroups but less now. Used the local churches, library and pubs but less now. The spacious houses used to be cheap for young couples to buy, raise a family and retire but less now. Nowadays many are purchased by a 'buy to let' landlord who converts it to cram in as many bedrooms and students as possible with no thought to community spirit, gardens and parking. These new planning controls will allow the Council to take control of the issue and curb future growth. I am glad that existing HMOs will be unaffected by these planning controls, but future changes of use will in future be subject to scrutiny by Council planners.</p> <p>It is time that B&NES Council followed in the steps of many other cities in taking forward additional planning controls over HMOs, all of which are also University cities – such as Oxford, Leeds, Nottingham, Canterbury, Exeter, Manchester and Bristol.</p> <p>The 12 month notice period will flag up to anyone looking to purchase</p>

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	<p>a family house in Bath that they might want to “buy to let” as a HMO and that from 1st July 2013 they will be likely to need planning permission to do this. Furthermore, where there is already a high concentration of HMOs on the street they may be unlikely to obtain planning permission to change use to an HMO.</p> <p>I really think that this fair and reasonable and is excellent news. I fully support this B&NES proposal.</p> <p>Phil Dunning</p>
<p>Stella and Phil Wainwright, Residents</p>	<p>To The Planning Policy Team,</p> <p>Re: Draft Supplementary Planning Document on HMO in Bath.</p> <p>If an Article Four Direction is implemented across the city it will benefit those areas that are not already saturated with HMOs, preventing any further conversions of ordinary family homes into student lets. However for us the most frustrating, and disappointing outcome of an Article Four Direction is that it provides those people who are the victims of extremely extensive ‘studentification’ with false hopes that the problems they face are going to be resolved.</p> <p>The expansion of the higher education system over the past 2 decades may have slowed, but existing HMOs will not disappear; implementation of the Direction will prevent further excessive conversion of family houses to HMOs, but will not result in the existing HMOs in saturated areas such as Lorne Road reverting to family occupation.</p> <p>Lorne Road has 88% Of HMO owned by investor landlords. Following implementation of an Article Four Direction the remaining owner-occupiers will find it extremely difficult, if not impossible, to sell their homes in the future. Investors would not be interested in the remaining properties because they would have no potential for them as planning permission would not be given under Article Four Direction because more than 25% of the houses are HMOs.</p> <p>The families that once resided in these homes would not return to Lorne Road as like us they would be few and far between. Parking, rubbish and noise make roads with an abundance of HMOs easily identifiable. For this reason very few people would want to purchase a property to use as a family home in a road that in term time can resemble a third world slum.</p> <p>The whole point of an Article Four Direction is to protect against the character of a neighbourhood changing. In Lorne Road there are only 9 houses left in the entire road of 73 houses that are owner occupied. If all of these in future were to become an HMO it would not make any difference to the current character of the road.</p> <p>We feel that restriction of HMOs should continue in areas of Bath that still have a mix of owner occupier or social housing tenants as well as HMOs so that the outcome of Article Four Direction can be</p>

accomplished. We have family and friends who live towards the outskirts of the City where an Article Four Direction will prevent their community becoming dominated by HMOs.

However in areas such as Lorne Road, where it would now be impossible to rebalance the community, it would make no difference. Lorne Road, in having 88% concentration of HMOs is past the point of no return. The landlords who have purchased these properties are mostly builders and most have a portfolio of houses in multiple occupation. Once purchased they rarely sell these homes, consequently making it very difficult to once again achieve the residential community mix that the Article Four Direction will hopefully achieve in other areas of this lovely City.

We have lived in Lorne Road for over 30 years and have corresponded through local councillors, and latterly council connect, with regard to the ongoing problems that are a result of the road being mostly inhabited by students residing in HMOs. Despite efforts of the council officials or employees we have contacted, the problem is insidious, creeping through each batch of new occupants. We regularly remove rubbish when we return from work, and often telephone various companies to collect bollards etc left in Lorne road by students who collect them from local road works or housing projects on their way home after a night out in the city centre.

When we moved here we intended to remain forever. Now in our early 60s, having watched Lorne Road turn into an extension of a university campus, we accept that we may not want to live here when we retire.

After reading the draft supplementary planning document we are concerned that any future planning application to turn a family home into a C4 HMO will not be considered on an individual basis, as the document states:

"Applications for the change of use from C3 dwellings to C4 or sui generis (Houses in Multi Occupancy) or the development of new houses as C4 dwellings or sui generis (HMOs) **will not** be permitted where;

1. Stage 1 Test: The application property is within, or less than 50 metres from a Consensus Output Area in which HMO properties represent more than 25% of households; and

Stage 2 Test: HMO properties represent more than 25% of households within a 100 metre radius of the application property."

This means that if an owner occupier in a road such as Lorne Road, where there is an extremely high concentration of HMO's, applied for planning permission to change his/her house from a family home to a C4 HMO to enable them to sell their home for a market value, permission would be denied without any further consideration. This is confusing because the whole emphasis of an A4D is to prevent the character of a neighbourhood changing; Even if the other 12% of houses changed to HMO's in Lorne Road this would make no

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	<p>difference to the already changed neighbourhood.</p> <p>We are concerned that in the future the existing owner occupiers will be unable to sell their houses for a price that will enable them to purchase a similar property elsewhere, and ask the Council not to condemn them to living in this road in old age. We are asking the Council that should the implementation of Article Four Direction go ahead, the Supplementary Plan supporting Article Four Direction treats Lorne Road as an exception and exempts applications from the Stage 1 and Stage 2 tests for all the reasons noted in this correspondence</p> <p>Thank you for considering our comments Kind Regards</p> <p>Stella and Phil Wainwright</p>
<p>Peter Smith, Resident</p>	<p>1. I understand that the council has agreed to update the HMO level from 20% to 25%. This level is far to high, increasing HMO's from 1 in 5 to 1 in 4. As a result of the ridiculous regulations in force at the moment the occupiers and landlords of these properties do not pay Council Tax and if this is fully implemented the loss of revenue to the council will be increased – How is this loss to be made up? By people like me through an increase in Council Tax and/or money from central government.</p> <p>2.The HMO Level should be reduced to 10% as this will reduce the migrant population to something that the settled population can live with.</p> <p>3.This will also reduce the annoyance of late night activities of the young, single HMO occupier, reduce the number of uncared for gardens and the dumping of unsorted household waste on the public streets on all days except the right one.</p> <p>4.Will you please concentrate your minds on sorting out this nightmare.</p> <p>5.I read in the local paper that it will cost £13 million to remove the last gas holder and I presume clean up the site afterwards. Can you please tell me the names of the firms that were approached to quote a price for this lucrative contract and the prices quoted?</p>
<p>Pete Falla, Resident</p>	<p>Dear Sir/Madam</p> <p>I wish to wholeheartedly support the implementation of the Article 4 Direction Plus Threshold Policy and also the additional Licensing which is due to be the subject of community consultation later in the year.</p>

The reasons are many: -

- a. The southern side of the city, and particularly Twerton, Oldfield Park and Westmorland already have a high percentage of HMOs and a cap is needed. In this respect, it is regretted that the change cannot be applied retrospectively. Reports drawn up in other University towns and cities, indicate that the growth of HMOs drives residents from central areas leading to student ghettos and, ultimately, to vast areas of poor quality housing (slums?).
- b. The purchasing of houses for use as HMOs takes property out of the housing market that have, traditionally, been cheaper than other areas of the City and thus form housing for young people. Less young people means less children leading to problems with local schools and more isolated child communities.
- c. Students tend to be in the HMOs for only a limited period, do not become part of the local community, and have different lifestyles to residents. We have been particularly lucky this year with few problems of noise and disruption. It has not always been so with a considerable detrimental effect on resident's lives. Other problems associated with student occupation include rubbish bags left out for days, unsorted recycling that cannot be collected, empty recycling boxes left on the pavements for days and weeks, and, of course, the real bone of contention, parking, where multiple car ownership in HMOs leads to residents having to park considerable distances away from their homes.
- d. Many landlords have little or no interest in their properties and run the HMOs only for profit. After all, they purchase these houses as investments and expect a return on the capital which is better than anything available on the investments market. However, the steady degradation (badly maintained structures, unkempt gardens, rubbish) of HMOs leads to a reduction in the value of residential housing, the owners of which have struggled financially to acquire the properties and now spend considerable sums to maintain and improve them. It is lamentable that the owners of HMOs do not pay either Council Tax or Business Rates and yet their tenants enjoy all the benefits provided by local government for which residents pay a considerable sum. Meanwhile, the scramble by Landlords to buy up property for students let, and the corresponding rise in property values, could lead to an increase in Council takes banding which will hit the owners, but not Student Landlords.
- e. I would recommend that the Council brings pressure on National Government through whatever methods are available, including pressure on Bath's Ministerial MP, to amend the law regarding the charging of Council Tax/Business Rates on properties occupied by students.

It is not that residents wish to eliminate the student population completely, nor do we wish to dictate to students where they are or are not able to live (although personally, I think University numbers

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	<p>should be capped at the number of students that they can accommodate, though not necessarily on campus). It is that there is a reasonable mix of residential and HMOs that enables residents to feel part of one of B&NES's aims, namely 'To create neighbourhoods where people are proud to live'.</p> <p>Yours faithfully,</p> <p>Pete Falla</p>
Penny Wilson, Resident	<p>I support the proposed SPD. However, this will do nothing to improve the lives of those people already resident within the identified areas. Hopefully it will prevent adjacent areas in East Twerton near the Lower Bristol Road becoming further blighted by the effects of noise, litter, flies (from rubbish) and parking issues caused by some HMOs. This area has already seen a significant increase in HMOs since the Waterside/Charlton Court development, which appears to have encouraged students to stay in the area after leaving halls of residence. It should also be born in mind that although 25 percent of properties are not HMOs, residents are living close to a very high concentration of students and the associated nuisances of noise and parking difficulties (even though residents of halls are not supposed to have cars).</p> <p>It is important to recognise that it only takes a single nuisance neighbour to cause misery for others living around them. Therefore any additional measures that can be taken to deal with existing HMOs with 3 or more residents would be strongly welcomed.</p> <p>I would be grateful if you could keep me informed of any further consultation with regards to this SPD and Additional Licencing for smaller HMOs.</p> <p>Regards, Penny Wilson</p>
Pauline Cox, Resident	<p>Dear Sir</p> <p>Living in Westmoreland ward I experience everyday the problems associated with so many houses of multiple occupancy. It has a negative influence on the area.</p> <p>We are losing our community and I certainly do not agree with having every fourth of fifth house being an HMO. I actually live in a street where a third of the houses are HMOs. I think there should only be about a ninth of houses in an area to be of multiple occupancy. This would be a far fairer balance for all concerned. Unless you live in an area like ours you really cannot understand our situation.</p>

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	<p>Concerning additional licensing it is very important that this should happen, and that landlords are made to keep their property up to a proper standard.</p> <p>The problems I notice are properties are neglected, curtains and blinds are drawn all day, rubbish and recycling is never put out on the proper days, the gardens are neglected and overgrown, especially the front gardens are a dumping ground for waste, and I have seen a dead rat in the front of the house next to me, food is left out rotting. You can spot a student property at a glance. Health and safety standards should be enforced especially with the risk of fires, this is a constant worry to me especially when I hear next doors smoke alarm.</p> <p>We would like to be able to walk down our street without being faced with the mess made by student housing.</p>
<p>Mrs Hobbs-Shoulder</p>	<p>I think this proposal is a good idea so that it protects local community family streets like Bellotts Road.</p> <p>Thanks Mrs Hobbs-Shoulder Bellotts Road, Bath</p>
<p>Network Rail</p>	<p>Dear Sir/Madam</p> <p>Network Rail has been consulted by Bath and North East Somerset Council on the Draft Houses in Multiple Occupation (HMO) in Bath Supplementary Planning document. Thank you for providing us with this opportunity to comment on this Planning Policy document.</p> <p>Upon the review of this document, Network Rail has no comments to make.</p> <p>Regards,</p> <p>Barbara Morgan Town Planning Technician (Western)</p>
<p>Michael Mcloughlin, Resident</p>	<p>Hi Council,</p> <p>While this might be good for Bath shops and services, It seems to rip the heart out of community life? It seems to me a license for these properties would make sense as it needs to make Landlords more accountable for there tenents / household rubbish/ gardens/parking ect. No action will just lead to more eyesores in what used to be family community and pleasant place to live.</p> <p>Kind Regards,</p> <p>Michael Mcloughlin.</p>

<p>Mike Prichard, Resident</p>	<p>Dear Sir / Madam</p> <p>I would like to register my agreement in principle with the implementation of an article 4 Direction plus threshold planning policy in regard to HMOs within Bath, however I have some concerns with the implementation.</p> <p>To free up properties for young adults who wish to remain in the Bath area to work, and for those who wish to settle in Bath longer term, I would prefer that the policy also force further on campus accomodation for students through their first and second years of study which would help to preserve sufficient family housing which is currently being bought up by landlords. I urge you to consider the number of houses available for all ages, not just the youngest. Are there enough properties for individuals currently in HMOs to live in when they wish to start their own families or will they have to move elsewhere? What impact would this have on businesses?</p> <p>A 25% property based threshold means that perhaps as much as 40% of adults in the area could be resident in HMOs. This is a very high proportion of (typically) young adults within an area and I am concerned it would be detrimental to family life, through noise, litter and other anti-social behaviour. Working families typically have to start their day earlier, and so need to be asleep earlier. I have friends forced to move from their family home due to noise from an adjoining HMO. At a threshold of 25% there would be very few households that do not adjoin an HMO.</p> <p>I therefore have some concerns over the 25% threshold proposed as I feel it is still too high. The 2011 study into HMOs (Option 1) recommended (?) a level of 20% which I feel would be more appropriate, although even this seems high to me. I would prefer a threshold based on a % of residents within a community living in HMOs. I have copied Option 1 from this study below:</p> <p>Option 1: A city-wide, non-immediate (i.e. with a 12 month notice period), Article 4 Direction plus an additional threshold planning policy (this would set a limit of 20% of HMOs within a 100m radius of an applicant site). The policy to be introduced through a Development Plan Document (DPD) or a Supplementary Planning Document (SPD).</p> <p>Also, to be properly implemented the council must ensure it is aware of all HMOs if this threshold assessment is to be carried out consistently. The 2011 study found:</p> <p>There is no comprehensive record of current HMOs in Bath. Bath & North East Somerset (B&NES) Council's Housing department are aware of approximately 3,000 across the whole district but the actual number is thought to be higher than available official statistics record.</p>
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	<p>How will this be accounted for in the threshold assessment?</p> <p>In general I welcome the move to implement an Article 4 Direction and to restrict the density of HMOs but there must be consideration to protect/balance all tiers of the housing market.</p> <p>Mike Prichard</p>
<p>Martin Monks, Resident</p>	<p>I support the proposed introduction of controls on HMOs. Magdalen Ave in Lyncombe needs to be included. Martin Monks</p>
<p>Mark Rose, University of Bath</p>	<p>Dear Sir</p> <p>HOUSES IN MULTIPLE OCCUPATION : SUPPLEMENTARY PLANNING DOCUMENT CONSULTATION</p> <p>I write on behalf of my clients the University of Bath in relation to the Council's consultation in respect of the draft Houses in Multiple Occupation in Bath SPD.</p> <p>You will be aware that the University have previously made representations in respect of the decision to impose an Article 4 Direction in relation to this matter. The University's concerns in respect of this course of action (as expressed in letters dated 10th February and 7th June 2012) relate to the failure of the Council to demonstrate the exceptional circumstances required to justify the implementation of an Article 4 Direction, the serious implications for the city's housing market and the local economy, and the availability of more appropriate remedies to the contended problems arising from concentrations of HMOs in the city (including the proposed additional licensing which the University supports).</p> <p>The University does not consider that the Council has satisfactorily addressed these matters, which clearly require careful consideration when the Council comes to make its final decision in respect of the proposed Article 4 Direction. It is, however, accepted that if the Article 4 Direction is finally put in place, the SPD is a necessary tool to guide the determination of the consequent planning applications. The University do, however, question the proposed threshold of 25% which is considered too low. The implications of this are clear as HMOs are an essential source of housing for young people in the city who often have a limited choice of housing available to them, including graduates, young professionals, key workers and contract workers, as well as students. A limitation in the supply of HMOs will force young people to reside elsewhere in or outside of the city, away from the primary bus routes and services and facilities within the city that they support.</p> <p>The University considers that a higher threshold of 30% would be appropriate, and that specific streets immediately adjacent to key student bus routes are identified as being exempt from the threshold. I trust that the University's comments will be taken into account, and I look forward to receiving the Council's response to the matters raised.</p>

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	<p>Yours faithfully Mark Rose Director</p>
<p>Liz Hearn, Resident</p>	<p>I am a resident of Westmorland and therefore directly affected by BANES proposals. I am an owner occupier with a family. I have lived here for 6 years. I don't plan to live here forever.</p> <p>I don't like your proposal to limit HMO's.</p> <p>No-where in your proposal have you considered the effect on the market value of properties in Bath. Does the council propose to compensate property owners in Bath whose houses are not able to be sold to folk looking to create HMO's?</p> <p>I believe you have created two markets for lets say three bedroom Victorian terraces in Bath – those inside a 25% area and those outside a 25% area will have different options available to them. My house is likely to fall inside the 25% area – which means my house will have under your proposal a reduced market, as I will only be able to sell it to a family. When two properties came on the market last year across the street both vendors wished to sell to young couples – like themselves. The reality was that both were sold to pension investors who rent the properties out and would therefore be HMO'S. The 'young couples' market was simply not there to sell to.</p> <p>It seems to me now to be a race to apply – to be within the 25% – you get the full open market value of your property. If you are in a property already in the 25% boundary – then basically you are stuffed!</p> <p>The value of my house is now determined by the actions of 25% of my neighbours – as their actions have the potential to destroy my opportunity to sell at full market rate.</p> <p>I am against any further regulation of HMO's in the focussed areas which I think includes my property.</p>
<p>Linda Cook, Resident</p>	<p>I would like to add my support to the above and encourage the council to move forward on the issue of HMOs.</p> <p>I live in Brook Road - this has become to all intents and purposes a business area - as the majority of the houses are used , not for family living , but to make money for landlords and letting agencies.</p> <p>I live between two HMOs with a total of 11 occupants . I don't know who my neighbours are there is no point in finding out as they change so often .</p> <p>The local estate agency , Madison Oakley, recently posted an advertising flyer in the area, encouraging home owners to sell their properties now, before Article 4 is brought in. So please act now - it is probably too late for Brook Rd but could help to save other parts of Bath.</p>

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	<p>Yours Linda Cook</p>
<p>Kelsa Smith, Resident</p>	<p>Hi, I would like to express my support for the Article 4 Direction to limit the number of HMO's in Bath. I believe that the plans as laid out in the consultation are sensible and will help to achieve an appropriate balance of local resident families and students in the area.</p> <p>Best wishes, Kelsa Smith</p>
<p>Cllr June Player, Westmoreland Ward</p>	<p>It is imperative that controlling the growth of Houses of Multiple Occupancy (HMOs) is taken seriously in order to maintain a proper balance of types of housing and occupants. No one section of society should dominate an area. There must be a good mix of people to have good mixed communities and community spirit.</p> <p>To say that 1 in 4 houses should be allowed to be Houses of Multiple Occupancy (HMO) will in no way bring about these good mixed communities. In view of the fact that one HMO can have in some cases the same number of occupants as those in the other 3 houses is totally out of proportion and in a lot of cases the number will be more.</p> <p>The percentage of 25 is too high - we need a figure nearer 10% to have a better balance. I must object to this 25% for the sake of the communities and quality of life in general. It is very unfair and totally favours owners of properties who do not even live in the areas of where their properties are and who have no interest in the community. Their one concern is that of how much money they can make.</p> <p>I am far from happy that a decision was taken by Cabinet that the percentage was changed from 20%, which was the figure being worked on at every consultation I attended and which I made it quite plain that I found THAT figure too high, to 25%. I actually LIVE in the worst affected Ward of Westmoreland so do know exactly what life is like in such a heavily HMO populated area which cannot be said for nearly everyone else involved in the consultation. I do feel therefore that more credence should be given to my comments and reasons. Anyone coming out to speak with the non-HMO residents will learn instantly and of course see for themselves just what we are facing daily and we certainly cannot let it get worse.</p> <p>Concerning Additional Licensing - this is a must. We are all entitled to live in areas that are safe, clean and attractive. This applies to short-term and long-term residents. Safe from the point of view that HMOs have to conform to proper fire regulations because they are more likely to have fires due to so many individuals living in one house. Obviously safety applies to all but home owners are far more likely to ensure these standards.</p> <p>Clean and attractive - properties must be repaired and maintained to a</p>

	<p>decent standard which includes looking after the gardens and having proper storage places for rubbish and recycling. The numbers of HMOs that have their front gardens littered with bags of rubbish, chucked away food, in bags/containers that are split and overflowing is visible to all in a ward such as Westmoreland.</p> <p>I am sick of seeing my area being slumped down for the sake of lack of proper facilities and lack of concern by so many absentee owners. Both the landlords and the tenants have to be made responsible for the state of the properties. Walk down any street in Westmoreland and in nearly every case, it is pretty obvious which is an HMO and which is not! We MUST have standards introduced so that our streets are pleasant to walk along and the properties are pleasing to look at.</p> <p><i>June Player</i> <i>Keeping it Clean, Green and Friendly</i></p> <p>Independent Cllr. Westmoreland</p>
<p>Jim Warren, Residents</p>	<p>I would like to make the following comments, which are made from a local community perspective; I am a resident in one of the Wards covered by the proposals for extended licensing. In addition, I care about Conservation Areas and the World Heritage Site: I have American friends and care about what they think when they visit.</p> <ol style="list-style-type: none"> 1. The principle of a Supplementary Planning Document for Houses in Multiple Occupation is supported. 2. The boundary within which the SPD applies is easy to understand and apply if it is the city boundary, and this is acceptable provided that the World Heritage Site boundary matches or is within the city boundary for its entire length. If not then the World Heritage Site boundary should be used instead. 3. The interpretation of Section 254 of the Housing Act 2004 is easier to understand than the wording in the Section itself, so this is welcomed. 4. However the interpretation of Statutory Instrument 653/2010 is incorrect, and as expressed is misleading. Use Class C4 does not simply say “3 or more people” it says “by not more than six people”, and this upper limit should be clearly stated in the guidance, along with reference to the Statutory Instrument by number so that anybody interested knows exactly what to look for. There is a Use Class (C1) within the parent Statutory Instrument (764/1987) for more than six residents, and that should be quoted in the SPD instead of Sui Generis, which by definition need to be examined on a case by case basis. All references to Sui Generis need to be deleted; it is not the role of a Local Authority to circumvent legislation enacted at National level. 5. The description of the legislation states that “properties containing

the owner-occupier and up to two lodgers do not constitute HMOs” yet if an owner occupier living alone and having exactly two lodgers follows the flowchart, the conclusion reached is that “This is an HMO” so the flowchart is wrong and must be amended. The simplest correction is to amend the first (entry) box to say “Discounting an owner-occupier if they live on the premises as their permanent residence, are there more than two other residents?” which would then align the outcome with the legislation.

6. The supplementary Policy as defined in the coloured box under 3.0 is unacceptable.

When there is a valid Use Class covering HMOs for up to six residents and another Use Class covering properties used as an HMO but for more than six residents, then it is entirely wrong to try to circumvent the statutory descriptions by the promotion of Sui Generis (HMOs). If any properties have already been granted Sui Generis permissions then of course they remain valid, but there is no place in a policy statement for encouragement to use an inappropriate designation in future.

7. The Cabinet papers which informed the consultation on the Article 4 policy

and all the press coverage was based on a figure of 20% within a 100 metre

radius, so the Stage 2 Test should be based on that figure, not the 25% quoted

in the draft SPD, or else the Article 4 consultation needs to be re-run because

there may have been a rather different set of comments (and perhaps more of

them) if a different ratio was being considered. The policy statement should

revert to the 20% consulted on and make it clear that fractions should be

rounded up (so that anything fractionally over 19% is 20%).

Elsewhere in the

draft SPD it makes it clear that an SPD is guidance rather than rules to be

slavishly obeyed, so there is no excuse for changing the ratio, which appears to

be almost a sleight of hand given what went before. A 100 metre radius is not

a large area and losing 25% to HMOs based on calculations of student occupancy has a significant impact on local shopping, parking and leisure

destinations when students go home for the summer, and student numbers even

have an impact on school and nursery uptake which families in these addresses

would have taken up. 25% is too big a number unless the radius is significantly

increased, and this element of the policy is unacceptable. Section 4.0 also

quotes 25% which is unacceptable.

8. The flowchart in Section 4.0 introduces the concept of “unless there are other material considerations” under both the “Minded to approve” and “Minded to refuse” decision boxes, but the SPD is completely devoid of any guidance about what these might be, so as guidance it is totally inadequate. It is suggested that other material considerations should include whether dormer windows are to be added to the roof (which might affect the street scene and therefore the Outstanding Universal Value of the views) and whether the internal plan for of the building is to be amended. This latter consideration directly relates to HG.12 (iv). If the plan form is altered to cram in more residents, the resulting accommodation is ruined as far as reverting to a family home is concerned (it is possible but the cost of reversion will be a definite deterrent to any families house-hunting), whereas a HMO application which retains the original plan form for the house is immediately reusable as a family home should the demand for HMOs dwindle. I would like to see a presumption to refuse applications that significantly modify the plan form at a rather lower density (perhaps 20% within a 300 metre radius) with 20% within 100 Metres being permitted for those applications that do not modify the plan form. Such a differential would discourage conversions that would have a detrimental effect on the mix of types that HG.12 (iv) attempts to preserve. Families are deterred from moving into properties in areas with a high proportion of HMOs because of the potential of noise problems disturbing children's sleep and difficulties in parking, so the benefits of families living nearby (in car sharing on the school run, pet caring during holidays, local playmates for children) are lost. Nearly all the residents in my area are retired or students in HMOs of students because every house that was offered for sale over the last few years was snapped up for HMO conversion, with families being outbid. Yet it is families that are the life-blood of a community. A thinner spread of HMOs is therefore essential rather than desirable, and a 25% penetration is far too high. My street is 33% HMOs and the HMO

	<p>residents outnumber all the other residents in the street, even if children and pets are counted! They also have more cars than the whole of the rest of the street. When the street was 20% HMOs, the students equalled the adult residents.</p> <p>9. The dates for monitoring are the worst possible choice. HMO conversions and refurbishments mostly take place from mid-July to early September, so assessing the population on 1st July is going to miss all the ones in hand. Given that the threat of the Article 4 has encouraged landlords to get their future conversions in before it comes into effect, a reassessment on 1 October is required, with the second on 1 May to catch the Easter conversions.</p> <p>10. In areas covered by resident’s parking schemes, only HMOs paying Council Tax should be eligible for parking permits. Such an approach might encourage lets to young professionals rather than just targeting the student requirement. Young professionals also tend to stay for longer and become part of the local community in a way that students seldom do.</p> <p>11. Finally, the policy should include an aim that each HMO planning application granted permission should be automatically referred to the licensing group and the Decision Notice should have a condition that the applicant must ask for an inspection by licensing before the property is occupied to ensure that no landlord attempts to avoid the necessary licence. The reason for the two notifications to licensing is to give licensing a checklist to catch the occasions when the condition is ignored.</p> <p>Please note these comments in formulating the final version of the SPD. Yours sincerely</p>
<p>Anonymous written comments from consultation event</p>	<p>Residents of Monksdale Road</p> <ul style="list-style-type: none"> • Live in OFP • Already have enough HMOs in area and don’t want more • Houses in OFP should be family homes • No direct problems with students

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	<ul style="list-style-type: none"> • Not the opportunity to buy houses in Bath • Very high concentration of HMOs in this area • Daughter had to move to Bristol • Student accommodation should be taken away from the area • Council tax not paid for student houses – should be • Aware of HMOs but live just outside of the most concentrated area • Problems: noisy students, untidy students, overgrown gardens, rubbish everywhere, landlords should look after their HMOs,
<p>Ralph Warfield, Resident</p>	<p>Dear Sir or Madam,</p> <p>With reference to the letter, dated November 2012, regarding multiple house occupation.</p> <p>I am pleased to report that I am not one of those affected by this letter, but we do seem to have rather a lot of multi-occupation houses with 4 or 5 students each in them, down this road and in the adjacent road, Third Avenue. My road is split into several blocks of 9 or ten houses in a block.</p> <p>In the next block down, there are just 3 single occupancy houses, 2 occupied by widowed ladies of pensionable age. In my block, there are several houses with students and most of very well behaved - most of the time.</p> <p>We could certainly do with more family orientated houses down this road and in most of Oldfield Park, which has turned into some sort of third-world country, with litter and rubbish strewn all over the place and gardens being left in a disgusting state from one year to the next.</p> <p>More student accomodation should be provided by the universities themselves. Then Oldfield Park could go back to being its usual wonderful self.</p> <p>Yours faithfully,</p> <p>Ralph Warfield</p>
<p>Trevor Fysh, Resident</p>	<p>Whilst I fully support this initiative, it does not go far enough. There comes a point where an area such as Oldfield park has an overpopulation of students, this brings all of the attendant problems as highlighted, but also a saturation of the available parking spaces. Halting further HMOS would be the preferred solution.</p> <p>Once again It seems that the residents have been forgotten , and the priority given to the unruly disruptive elements.</p> <p>If nothing else, stop students from bringing cars into residential area's . I suggest residents parking with a two hour limit for shoppers.</p>

	Trevor Fysh.
Leonie Cooke, HMO Landlord	<p>Dear Jeremy</p> <p>It was good to talk to you yesterday at the Baptist Church Hall. As we explained we are a multiple landlord in Oldfield Park with a mixture of licensed, accredited and other student houses. We operate hands on management and all our houses are maintained and decorated to an extremely high standard. Whilst in principle we have no objection to a scheme whereby all houses are required to be up to our standard we do not think that the current proposals will achieve anything, other than to create a mountain of paperwork and cost. Here are our detailed comments:</p> <p>ARTICLE 4</p> <p>1 It seems to me that Article 4 may be a case of "closing the stable door after the horse has bolted" and I wonder if it is really going to achieve much going forward other than to cost the Council money as you will not be able to charge planning fees and will inevitably have to increase your staff nos.</p> <p>2 In addition there are going to be some potentially undesirable consequences:</p> <p>A) Owners of residential houses (many of them old people and young couples) are going to see the value of their properties fall as they will no longer be worth a multiple of potential rent as HMO's – which is what the market is currently valuing them at. You will effectively create a 2 tier market – HMO properties will be worth more (current values) and residential properties will be worth less</p> <p>B) You will effectively prevent HMO properties from ever returning to residential houses because planning permission will be required and no mortgage lender will lend against the property unless the planning allows the buyer to live in it – as the planning process will inevitably take many weeks this will prevent homeowners from purchasing an HMO to take it back into family occupation</p> <p>C) You will hand a nice fat profit to speculators who are prepared to buy a residential house and take the planning risk of turning it into an HMO – knowing they can always do it up and sell it on as a residential house if they fail and probably still make money. This will be at the expense of the elderly and young families.</p> <p>EXTENDING HMO LICENSING</p> <p>1 Is this scheme going to deliver any improvements in the areas you are particularly concerned about? Or will your staff be bogged down for years in a paper intensive exercise which will fail to deal with the</p>

real problems on the ground.

2 Surely the existing law requires landlords to have gas safety certificates, electrical inspection certificates and adequate fire precautions. To enforce these on existing properties you just need to start inspecting the suspect houses and enforcing the existing law. You don't need licensing laws to do this. A far better use of resources which would target the properties that need targeting.

3 With regard to improving garden maintenance and rubbish – if your staff are bogged down in licensing paperwork they are never going to be able to enforce these requirements anyway. The good landlords who are already looking after their properties will continue to do so and the bad ones won't and you are unlikely to have the manpower to inspect and enforce against them.

4 In practice the "good" landlords will submit their registration applications first and keep your staff busy. The "bad" ones will wait as long as they can get away without submitting – and when will you actually get round to dealing with them – if ever? It's a bit like the money laundering laws – most of us don't launder money and banks spend huge amounts of time on paperwork for us – and those that do launder money seem to be continuing to do so anyway – and some of them get caught and it hits the papers – I suspect many don't !!

5 It is blatantly unfair that "good" multiple landlords should subsidise the scheme to enable you "perhaps" to catch the bad ones. If a Landlord fulfils his obligations why should he have to pay the same fee for every property. We would favour a higher fee for the first property – in which process the landlord is approved as a fit and proper person – and then a reducing scale of fees for each property added thereafter. Maybe in bands – a fee for first 5 then a substantially reduced fee for 6 and more.

6 What about the letting agencies? More stringent enforcement against them to ensure they are managing the properties properly in terms of maintenance, gardens and rubbish should be easy – they must all be the manager of at least one licensed property and so surely you can enforce their compliance under the existing licenses or deem them unfit and therefore effectively stop them managing the licensed properties – do you ever inspect and enforce currently? If not why not? And realistically will anything change if you have even more properties to monitor??

7 Unless you have an electronic system in place for submitting applications and making payments, this scheme is going to be so unwieldy as to be ineffective. You can't cope at the moment – we are still waiting for a license on a property which you approved in August. In practice you can only deal with a licence issue and then a re-inspection after 5 years – what is that really worth?

Sorry to be so negative but it seems to us that you are merely proposing to add cost to the Council – get the landlords to pay for it and then just create a bureaucratic nightmare for everyone without

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	<p>actually making anything better on the ground</p> <p>Good luck with whatever you decide to do</p> <p>Regards</p> <p>Leonie Cooke</p>
J Bond, Resident	<p>Dear Sirs</p> <p>I am writing in response to your consultation on HMO's in Bath. I am resident of 4 Bellotts Road, nr Oldfield Park and I absolutely agree that planning permission for change of use is essential and also needs to be regulated by licensing. HMO's create a huge problem for areas, my own experience being in Oldfield Park and the Westmoreland districts.</p> <p>Problems created and experienced by neighbours to HMOs:</p> <ul style="list-style-type: none">- litter: the volume of litter can be 5 or more times that of a non HMO and so is often placed outside of the house throughout the week. This obviously looks unsightly, but can also become a health & environmental problem as the bags smell and deteriorate and also are ripped by animals, such as seagulls, and the litter spreads across the street.- noise: the more people there are within a dwelling obviously creates more noise and, with people living in all rooms of the house, the noise created can be anti-social. With particular reference to students, they tend to gather outside of houses in groups and create noise into the early hours of the morning with no regard whatsoever being given to other residents.- parking: multiple occupancy means more cars, exacerbating an already difficult parking situation.- house dilapidation: from experience, HMOs are neglected resulting in deterioration of the property, sometimes irreparably, to the detriment of the entire area.- community destruction: a high percentage of HMO's in a district distorts the mix of population. In particular, no houses are available for young families and first time buyers resulting in a general loss of amenity, eg, schooling and social facilities. The area also becomes unpleasant for elderly people who can also feel isolated. <p>All of the impacts listed above could be reduced by a restriction on the number of HMO's in a particular area and named streets, and if licensing regulations were introduced and enforced on landlords of HMOs.</p> <p>I strongly disagree that the ratio of HMOs to non HMOs should be 1:4 . I understood that this was originally 1:5 and I believe that even</p>

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	<p>this is too high and will still create the problems listed above.</p> <p>I do recognise that Bath has a large student population and I feel strongly that their accommodation needs should be addressed by the University themselves, particularly on their campuses.</p> <p>Thank you for you time,</p> <p>J Bond</p>
<p>J R & Mrs S Phillips, Residents</p>	<p>Dear Sirs</p> <p>We write to fully support the proposed Article 4 in respect of HMOs in Bath.</p> <p>We live in Coronation Avenue which is in the heart of the area most affected by student HMOs. We have watched while the area has been invaded by get rich quick landlords and the close knit community we had disappear. Whilst accepting that the Article 4 Directive is not the panacea for all, and is too late for the street that we live in, we recognise the value of such a tool in hopefully preventing the further deterioration of the city.</p> <p>Having attended one of the recent consultation events we were told that our street had already reached the level of 25% (indeed has exceeded it) and therefore planning permission would not be granted for the conversion of further homes into HMOs. This at least gives us some reassurance that the current situation would not worsen.</p> <p>We have two suggestions in respect of this consultation. Firstly we consider that the percentage of 25% as too high and that 15% or 20% would be more appropriate.</p> <p>Secondly we would like to suggest that permitted development rights in these areas are removed as our additional concern is that those landlords who cannot extend their portfolio by purchasing additional property will try to massively extend those that they have with extensions, loft conversions and dormers.</p> <p>Thirdly, we have to raise concern over the planning applications currently being submitted to divide houses into individual flats and new build small blocks of flats. These appear to be being permitted without consideration that these could (and probably will) be used for student accommodation. Individual flats will not be covered by the licensing system (thus potentially increasing the current problems) and we will lose yet more family accommodation.</p> <p>We respectfully request that our comments are taken into consideration. Yours faithfully J R & Mrs S Phillips</p>
<p>Hanna Wade, Bath Spa University</p>	<p>Dear Cleo,</p> <p>As per your e-mail I am just writing to ask that the e-petition set up</p>

<p>Student Union</p>	<p>against an Article 4 Direction in Bath is taken into consideration in the consultation report.</p> <p>http://democracy.bathnes.gov.uk/mgEPetitionDisplay.aspx?id=10</p> <p>The petition currently stands at 651 signatures.</p> <p>The two Students' Unions did already respond to the initial consultation on an Article 4 direction in Bath, but I also want to draw your attention to the attached documents which we believe contain some useful information that may be relevant for your report and have already been used in the National Housing Voice report given to parliament.</p> <p>Many Thanks</p> <p>Hanna</p> <p>--</p>
<p>National Landlord Association</p>	<p>Introduction</p> <p>The National Landlords Association (NLA) exists to protect and promote the interests of private residential landlords.</p> <p>With more than 20,000 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>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>General Comments</p> <p>The National Landlords Association (NLA) would like to thank Bath and North East Somerset 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>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 Article 4 Direction before the impact of additional licensing has had an effect appears ill-timed.</p> <p>Additional regulatory burdens must focus on engaging with private landlords in order to improve professionalism 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</p>

the best possible outcomes for landlords and tenants. As a result good practice should be recognised and encouraged in addition to the required focus on enforcement activity. In light of the current economic climate, and the introduction of additional licensing the last thing good landlords need is to be further penalised by new regulations; particularly where there appears to be limited direct and immediate benefit to landlords or tenants.

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. We therefore, remain unconvinced that the Bath and North East Somerset Council has explored all potential avenues prior to adopting this Direction or has waited to see the impact of the imposition of Additional Licensing.

Use Class C4

It is our view that the introduction of Use Class C4, in relation to HMO accommodation, was unnecessary and served only to create greater confusion and bureaucracy for the private rented sector. The Government 'Planning Portal' determines that:

*"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."*¹

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:

"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

¹ The Planning Portal, <http://www.planningportal.gov.uk/>, July 2010

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.”²

Therefore, the NLA does not believe there is sufficient justification put forward by Bath and North East Somerset Council for introducing further demarcation into existing housing stock for the purpose of controlling the legitimate use of property especially when almost concurrently Additional Licensing is being imposed.

HMOs and Shared Housing

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 Bath. 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.

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. Recent research suggests that emigration out of the UK by economic migrants is increasing³.

The overwhelming characteristic between these groups is that they are necessarily transient. These households are not intended to ‘grow roots’ or stay in the same home for a generation. HMOs and shared housing are popular amongst these socio-economic groups precisely because they provide a fluid housing option.

Anti-Social Behaviour

In common with all types of rented or leasehold tenure, rights and responsibilities associated with a private rented tenancy lie both on

² Planning Appeal Decision Ref: 100-067-072, A Roland (Inspector), 2010
<http://www.compasssearch.co.uk/compass/faces/casebook2.jsp>

³ Finch et al, ‘Shall We Stay or Shall We Go? Re-migration trends among Britain’s immigrants’, IPPR, 2009

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.

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.

These powers require local residents to identify particular cases of unacceptable behaviour so that they can be dealt with. Landlords can neither continually monitor the behaviour of their tenants, nor do anything that may constitute harassment. 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.

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.

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 and would recommend that rather than an Article 4 Direction, a more appropriate response would be to identify

issues and assist landlords to develop the required knowledge and skills to improve the sector.

If this proves unsuccessful, 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.

Where local authorities have come together with other community stakeholders, including local landlords, to tackle particular problems or issues, then there have been successes⁴. However these initiatives do require active engagement by local authorities.

Justification

Bath and North East Somerset Council faces a shortage of housing with high levels of demand across tenure 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. Resultantly, they are well placed to react to changes in demand with greater flexibility than social housing providers or the market for owner-occupied property.

The proposed Article 4 Direction is likely to erode the ability of landlords in Bath and North East Somerset 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.

Further, the Department for Communities and Local Government Replacement Appendix D to Department for the Environment *Circular 9/95: General Development Consolidation Order 1995* (978 0117531024)⁵ of November 2010 states at Paragraph 2.4 "there

⁴ ECOTECH (2008), "Evidence Gathering – Houses in Multiple Occupation and possible planning responses", CLG. Although the Government's ECOTECH research focuses on student and migrant sections of the population, it does identify a number of effective local level initiatives which show stakeholders coming together.

⁵ Available at: <http://www.communities.gov.uk/documents/planningandbuilding/pdf/1759738.pdf>

	<p>should be particularly strong justification for the withdrawal of permitted development rights”.</p> <p>Conclusion</p> <p>It is the NLA’s contention that an Article 4 Direction should not be used as a check-box or census exercise by local authorities to identify landlords operating in their area. Should an area become subject to an Article 4 Direction we would want to see the local authority using the information gained to engage with landlords in order to encourage them to participate in whatever other measures Bath and North East Somerset Council and its partners have enacted to improve the quality of the local private rented sector.</p> <p>As we have noted in the consultation in relation to Additional Licensing the evidence base is insufficient and open to interpretation. The numbers which it is based on are significantly low and are not weighted for a true response of residents.</p> <p>We have strong concerns that the council are implementing two different policies without seeing what the impact of one is first.</p> <p>Again, the NLA would like to thank the Bath and North East Somerset Council for the opportunity to respond to this consultation and hope you find our comments useful.</p>
<p>June Morgan, Resident</p>	<p>I have recently emailed the Councillors at B&NES with regards an article in the liberal Focus Newsletter regarding the % of HMOs within Bath, especially the Oldfield Park area.</p> <p>It read: With regards to the percentage of HMOs being allowed within the city and city limits as noted in the Focus newsletter, I would just like to tell you that I object most strongly to the 20% allowance being increased to 25% in the number of houses being converted to HMOs, this makes 1 in every 4 houses being eligible which is much too high, if anything the percentage should have been lowered to between 10% and 15%.</p> <p>I’ve not sure if this has actually been put forward to planning or even if it needs to go before the planning office, also if it is part of the process regarding Article 4/HMOs as I know this is ongoing, but I just wanted it noted that I don’t think an increase in HMOs will be very good for us in Bath.</p> <p>I would appreciate it if you could keep me informed on this subject.</p> <p>Dear Councillor's</p> <p>With regard to the percentage of HMO's being allowed within the city and city limits as noted in the Focus news letter, I would just like to tell</p>

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	<p>you that I object most strongly to the 20% allowance being increased to 25% in the number of houses being converted to HMO's, this makes it 1 in every 4 houses being eligible to be converted which is much too high, if anything the percentage should have been lowered to between 10 and 15%.</p> <p>I also read within the Focus regarding the 25% "we believe that this percentage would be much fairer" can I ask to WHOM exactly this will be much fairer, certainly not the council tax payers who live in the community. YOU the LIBERALS are killing off the community and I want to know why!!!!</p> <p>With regards from someone who thought you might be good for our city - unfortunately you are proving me wrong.</p> <p>Please could you keep me informed as to the outcome of this subject.</p> <p>regards June Morgan</p>
<p>Jason Leake, Resident</p>	<p>I believe requiring planning permission for change of use from a family home to an HMO, and refusing it in neighbourhoods with significant existing HMO stock is a horrible idea. The very high proportion of students living in the city means that the overwhelming majority of people affected will be students. Consequently, this will be perceived as deliberate discrimination against students.</p> <p>The high proportion of foreign national and younger people in the student population means that it will disproportionately discriminate against people in the age range 18-24 or of non-white British ethnicity. The Council is not proposing to introduce measures so that retired people should be spread evenly across the city, so why do they do so with young people.</p> <p>It will increase costs and problems for the students affected since the services that they require are concentrated in a few parts of the city. For example there are good frequent bus links between Oldfield Park and the Universities. The Council has not indicated that it will provide equally good links from all parts of the country, probably because it would be uneconomic to do so with the poor concentration of potential customers that this proposal will cause. Similarly, other services used by students, such as takeaways and launderettes are concentrated in the particular areas in which they tend to live. Rents will also rise, since housing in Oldfield Park is amongst the cheapest in Bath and with layout most suitable for HMOs. Consequently landlords will require higher returns on their investments to cover the additional cost of purchasing housing outside of Oldfield Park.</p>
<p>David Reynolds, Resident</p>	<p>I think 25% is way too high. Living with 3 student houses very close to ours is no joke. Being woken by Taxi's, Pizza deliveries, Partying anything up to 3.30am is no joke. Ours was once a Quiet little street for young families, but this has now become a thing of the past. I think 15%</p>

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	would be adequate and the rest should be on campus Mr.D.Reynolds,.(resident 26 yrs at this address)
David Reynolds, Resident	I think 25% is way to high.Living with 3 student houses very close to ours is no joke.Being woken by Taxi's,Pizza deliveries,Partying anything up to 3.30am is no joke.Ours was once a Quiet little street for young families,but this has now become a thing of the past.I think 15% would be adequate and the rest should be on campus Mr.D.Reynolds,.(resident 26 yrs at this address)
D & A Snook, Residents	Living in an area of high HMO's we would suggest the 25% level for HMO's quoted is much too high. A level of 10% such as in Portsmouth would be much more beneficial to our local community to correct the imbalance of current HMO's. Please put this information forward to your consultation process. Regards D & A Snook
Chris Wilmot, Resident	Here are my comments on the Supplementary Planning Document, specifically about the proposed 25% threshold. Firstly: Are you aware that a survey of 10 streets in Oldfield Park just one year ago showed quite clearly that a road (in this case Third Avenue) which had exactly 25% of its houses converted to HMO's had 51% adults in the road living in HMOs? This pattern of up to double (average 50% more) the ratio of adults in HMOs to HMOs themselves was repeated in all the roads surveyed. So in terms of the Council's own wish to have ' BALANCED COMMUNITIES' the threshold of 25% HMOs leads to a completely IMBALANCED community. So any decision on a threshold of HMOs MUST be based on PEOPLE and not simply buildings. In case you are still unsure about why this is , an HMO has an average of 5 (when it involves students) living there , and almost all "family homes ' have either one or two adults , many of them older people whose children have grown up and left home . Thus there are up to twice as many adults in each HMO. Additionally , very few of these houses in these roads have children; Third Avenue, for example, has just eight homes with children out of 92 houses. Secondly : You say you have based your decision to propose 25% on a number of factors including 18% of Bath's population being students . You then state that 13% of those students do not live in halls . Now, (assuming a minimal number of those students not in halls live with their parents), if my maths is correct 13% of 18% - the percentage of students who live in HMOs- equals approximately 2.4% ! So according to your own figures , the percentage of students living in HMOs is only 2.4% !!!! Now given that we've shown that to get anything like a balanced community, the number of HMO's should be not much more than half the number of students, on your figures the percentage of HMOs should be about 1.2% a great deal less than 25% !!!

However , I'll accept you may have made a mistake with your figures since I cannot believe that only 2.4% of students live in HMOs.

Thirdly: Assuming a figure as high as 20% of the population of Bath live in HMOs , were one to seriously be advocating a balanced community then the percentage of HMO's in a defined area should not exceed 10% or , at most 15%.

I trust , therefore, that the figure of 25% will be assigned to the scrap heap when the time comes to make a final decision. As you have probably ascertained, I am in favour of 15%.

Chris Wilmot

A final word on the matter.

Firstly, I am wholly in favour of further licensing of HMOs. Responsible landlords need not worry; irresponsible ones will , hopefully, get out of the market.

Secondly, while Article 4 Direction is about 10 years too late it is nevertheless to be welcomed . However the 25% threshold proposed is far too high. I wonder if you have taken into account the number of adults in an HMO compared to the number in ordinary 'family homes' , who are of course , Council Tax payers . It is between two and a half to three to one ! Therefore , if you persist with the 25%, the number of adults in HMOs in a street / area will at least be the equal of , and in some cases exceed , the number of permanent , council tax paying residents in 'family homes 'as has be shown to be the case on Oldfield Park . And , importantly, these are mostly single adults between 18 and 24 years old !! Doesn't say much for the Council's supposed commitment to a balanced community does it ? Not only are the great majority young, single adults, but they are also TRANSIENT, passing through, and very few ever return. Also for one third of the year these properties remain empty, which is , frankly , a disgrace . So , think again about the 25% and go for something lower (which most other councils have done) . Otherwise , you will be seen by your permanent residents as being unduly influenced by that powerful lobby , the Landlords Association and other property investors . Incidentally, if you are after some sort of balance , between 10 and 15% would be about right .

Chris Wilmot

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<p>Josephine & Chris Vercoe, Landlords</p>	<p>Thanks to the planning office for giving good and useful information on the proposed changes. The documents on the website also appear well thought out and coherent, although we do not necessarily agree with all of the proposals.</p> <p>We would like to give the following feedback with respect to the above consultation:</p> <ol style="list-style-type: none"> 1. We do not think local residents will be well served - it will no doubt increase the £ value of existing HMOs (and is already doing so), but it will also decrease the value of non-HMOs. Are local residents really aware of this? We think not. We are landlords, so you could argue this is in our interest, since our properties are increasing value, but we still feel it is poor for local residents. 2. We assume that the changes will then mean that the problems which are trying to be addressed will start to crop up elsewhere in the city. It feels as through the stable door is being shut after the horse has bolted. Other measures to try to ensure improved living environment for local residents with lots of HMOs and the conditions for HMO tenants, like the mandatory licensing, could be more effective and less expensive. 3. Further, why not take it away from the whole city? What is the rationale of not doing so? Are you just making things tougher for students to find decent accommodation? 4. At the time of recession, it does not seem appropriate to be spending council funds on this. We understand you cannot charge for this type of planning application since it is a removal of PD rights. This whole process will therefore have to be funded using money that could be used for something more worthwhile. This initiative will not improve the current situation. It aims, at most, to stop it worsening. As said above under point 2, we think there are more effective and efficient ways to do this. 5. How will you deal with properties that are HMOs that require confidentiality, like women's refuges? <p>We hope you find this feedback helpful and wish you good progress with your consultation.</p> <p>Best wishes,</p> <p>Josephine and Chris Vercoe</p>
<p>Chris Dagnan, Resident</p>	<p>I support the proposals as they will limit the detrimental impact on the local area of too many HMO's.</p> <p>I would prefer to see the limit lower - at 20%.</p> <p>Chris Dagnan</p>
<p>C. Doring, Resident</p>	<p>Dear Sir/Madam</p> <p>The number of Houses of Multiple Occupancy (HMO) in my area is so high that I feel I almost live on a University Campus. The balance between student and transient occupants in these properties is far too</p>

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	<p>weighted now in their favour. Whilst having no objection to such tenants it is perfectly obvious that we long-term residents have become very much the minority and so are having our lives 'ruled' by the them. I have a family and the change in dynamics within my street and the surrounding ones over the last few years has been enormous.</p> <p>In no way can I support having 1 in 4 or 5 houses allowed to be HMOs. A much fairer and sensible percentage would be more in the region of 1 in 7. That way there would be a much more varied mix of people and community.</p> <p>Concerning the Additional Licensing it is precisely because of there being so many HMOs with owners no longer living in their properties and mainly youngsters residing in them that is causing the look of my and other areas to be so dreadful. Rubbish and parking are the two main problems but of course the health and safety aspects has to also be taken in to consideration. I want and feel entitled to decent street scene for my children and friends aswell.</p> <p>Houses MUST be looked after, kept in a decent state of repair - none of these dirty torn curtains: door bells not working so we hear people shouting out names of the occupiers of these properties: neglected gardens with weeds left to seed and then be blown on to those gardens where the owners have bothered to look after them and rubbish and left over rotting food in the front gardens and on the pavements.</p> <p>These are some of my reasons for supporting both the control of the growth of HMOs and Additional Licensing.</p> <p>C. Doring</p>
<p>Brian Milligan, Resident</p>	<p>I am writing to express my strong support for the proposal in the draft supplementary planning document on HMOs in Bath to refuse permission to change of use from a formal home to HMO in neighbourhoods with over 25 percent of the existing housing stock in use as HMOs.</p> <p>Brian Milligan</p>
<p>Richard Sampson, Resident</p>	<p>I support the proposal to refuse permission for change of use from a formal home to HMO in neighbourhoods with over 25 percent of the existing housing stock in use as HMOs.</p> <p>I would prefer the level to be even lower than 25 percent, my preferred level would be 20 percent.</p> <p>Richard Sampson</p>
<p>Elaine & Anthony Townsend, Resident</p>	<p>We are against any more students and landlords taking over houses in oldfield park area 1 in 7 is a better deal for residents</p> <p>Elaine and Anthony Townsend</p>

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<p>Andrew Gordon-Duff, Widcombe Association</p>	<p>Dear Sirs On behalf of the Widcombe Association I write to confirm their support for the proposed new threshold policy whereby permissions for change of use from a family home to an HMO could be refused in neighbourhoods with over 25% of the existing housing stock in use as a HMO. Please do not hesitate to contact me if you have any queries. Yours sincerely Andrew Gordon-Duff</p>
<p>Aileen Oldfield, Resident</p>	<p>Hi, I am writing to make my views known to you on the subject of the article 4 and the student population. I live in South Avenue in Westmoreland ward. We own our house and enjoy living in this community. I enjoy the fact that there are students around, (although I was never a student some of my children were and that experience was very important to them) However, I also believe that a community has to be balanced and at present this one is tipping into an imbalance of students being a majority and other various households being a minority. This is noticeable in the summer when the students are gone from here. Although they may think of themselves as part of this community and they have some sense that they contribute to the local economy I have to say, my observations have been that they do not engage with the residents of this area and they spend their money in sainsbury and it is a known fact that the largest percentage of money spent in supermarkets leaves the area, so there is not much benefit to us in them being here, plus the other problems that are numerous.</p> <p>Online is a report made by a consultant on this matter and a recommendation to keep the article 4 threshold to 20%, this is coming from an expert in the field. I was taken aback by councillor Sharon Ball who "persuaded cabinet to increase the percentage to 25%" according to her leaflet we had through our door.</p> <p>I have never met this lady and she certainly did not consult with us, the voters and council tax payers of Westmoreland, for our views on the subject. I live here 52 weeks of the year, I pay my council tax and I vote, I also work in Bath, so I feel that I am entitled to be consulted on matters that affect me. So I would prefer you to reduce the % of students to residents to at the most 20%.</p> <p>I would also like to see the council engage in communication with the universities over them providing more accommodation on campus for their students as in my opinion Bath, and particularly this ward along with Oldfield park have reached saturation point with student housing.</p> <p>Aileen Oldfield</p>
<p>Residential Landlords Association</p>	<p>About the RLA</p> <ol style="list-style-type: none"> 1. The RLA is a national landlords association operating

in England and Wales. We have over 16,000 members. Our members own control over 150000 units of accommodation. Primarily our members are landlords in their own right but a number are managing and letting agents, some of whom are also landlords. Our members operate in all sub-sectors of the Private Rented Sector. Properties are rented out to families, working people, young professionals, the elderly, students and benefit customers.

Introduction

2. The RLA objects to the proposed Supplementary Planning Guidance (SPG). It is ill conceived and unwarranted. It is also premature. We would reiterate the detailed objections which we have previously lodged with the Council in relation to the imposition of an Article 4 Direction in respect of small HMOs within class C3 of the Use Classes Order. All these previous objections should be read as part of this objection. This policy is part of a wholly misconceived anti student drive by the Council, along with other local authorities. It is a misuse of planning powers and in particular discriminates against young people who seek accommodation of this kind. Although intended to impact on students it does, of course, apply equally to others such as young professionals and working people who are not students but who wish to live in this kind of accommodation. The policy is wholly negative in its terms and makes no provision to meet the needs and demands of this kind of accommodation in the city of Bath.

National Planning Policy Framework – Assessment of Needs and Demands

3. The NPPF is market led with a presumption in favour of sustainable development. It clearly requires local authorities to provide for all sections of the community including clearly young people and those who are seeking HMO accommodation. This requirement is not referred to in the National Planning Section which is clearly a defect in the SPG,
4. NPPF and the associated guidance relating to strategic housing market assessments clearly require the carrying out of proper assessment of the needs and demands of all sections of the community, again HMO dwellers in relation to HMO accommodation. In connection with the Council's Core Strategy the Inspector has required further work on a Strategic Housing Market Assessment. In our correspondence with the Council there has been reference to the private rental sector generally but as we repeatedly had to point out HMOs such as shared accommodation

need to be addressed. Conspicuously, the Council has failed to give a clear answer to our question in correspondence as to whether the required assessment which is in the course of being carried out will include a section devoted to HMO accommodation. This is a clear requirement under NPPF and without the required assessment of needs and demands the SPG has no validity. The Policy is, in any event, written in a wholly negative/restrictive terms and makes no provision for the required provision of this type of accommodation within the city. Again, it is defective.

5. Without such an assessment introducing the SPG is premature. The Council cannot make a proper decision without robust evidence of the need/demand for accommodation of this type.

The need for positive planning about where development which is needed is going to be provided

6. It must be a given that the Council considers that demand for HMO accommodation is going to increase. Otherwise, there would have been no need to make the Article 4 Direction in the first place if numbers were going to remain static or fall. Therefore, if you are going to restrict this accommodation in certain areas where else is it going to go in the city? No thought at all has been given to this and, again, the SPG is defective. In any case, as we pointed out in connection with the Article 4 Consultation, what will end up being provided as a result of this ill thought out policy? They are not going to be very happy people.

Suitable locality/property types

7. No thought at all seems to have been given in preparing the SPG as to the suitability of particular property types for use as HMO accommodation or the appropriateness of the location of this accommodation. In particular no consideration has been given to the impacts in terms of travel and traffic. HMO accommodation tends to congregate in certain areas e.g. Universities or places of employment or places which are convenient for travel to the city centre. The geographical map of the distribution of existing HMOS in Bath makes this clear that, as is usually the case, this has happened again here. They are within easy walking distance of City Centre, Universities etc Why then disperse further development around the city with problems including increased travel and congestion which will ensue. Again, it is ill thought out and misconceived in this regard. Certain property types, usually larger older properties, lend themselves to use/conversion for HMO accommodation. If the need/demand is going to be met elsewhere has any

thought been given as to what locations would be suitable for this (particularly in terms of travel) or importantly having regard suitability of property types. None of these items are addressed in the SPG which is wholly negative in its terms.

Planning issues justifying intervention

8. It is clear from Inspectors decisions in relation to this topic that concentrations of HMOs in themselves do not justify policies of this kind. Rather from the Council has to address ensuing dis-amenity resulting from such concentrations so as to justify the policy. This has not been done here. This is particularly important in relation to the student v non student issue because there seems little of no suggestion whatever that any problems result from non-students. It may well be the case that even though there are high concentrations in certain areas there are no resulting problems which justify the use of planning powers to restrict the number of HMOs in the way proposed.

The Supplementary Policy

9. The first test is convoluted. We can see no justification for the introduction of the so called buffer some which is arbitrary in its nature. Because of the small size in population terms of census output areas (as opposed to super output areas) the two legs of the test are repetitive.
10. As the Council admits it does not really have any information about the number of student HMOs so the figures used are nothing more than guestimates. There is no clear and objective justification of how the 25% figure has been arrived at and why the starting point of 18% (supposedly representing the number of students) is a justified figure to impose. It has all the signs of being plucked out of the air. Instead, this is an attempt to impose social engineering in pursuit of an anti-student agenda which is being embarked on to the detriment of the general wellbeing of the city. It is nothing whatsoever about issues of housing mix.
11. Likewise, there is no justification of the 100 metre figure which is being applied. It is entirely arbitrary.
12. Worryingly, there is reference to concerns over displacement. This confirms the Council's mindset; it is all about restricting the hated students not proper planning. Of course, if there is need/demand for this accommodation there is going to be displacement elsewhere. Like so many local authorities the Council seem to be so obsessed about the presence of students that they fail in their responsibilities to ensure the accommodation needs of all members of the community are met. This is particularly important in times of financial austerity for those wanting cheaper accommodation especially as they are unable to afford owner/occupation.

13. In terms of stage 1 there is reference to “about 25%”. What does this mean? Does it mean that 23% is not acceptable or 21%?

Information about HMO accommodation

14. Use of Council Tax Student Exemption Data – although not highlighted in the box it is indicative in the text that Council Tax Student Exemption Data will be used to calculate the numbers of HMOs. This is unlawful under the Data Protection Act. This has been acknowledged by Southampton City Council but is disputed by Portsmouth City Council for example. We have therefore made a complaint to the Information Commissioned which is awaiting determination at the present time. The use of this data is contrary to the Data Protection Act as it involves the processing of personal data. The existence of the claim for exemption can be linked to a particular property and therefore individual data subjects are capable of identification. In any event, this data has been collected for a wholly different purpose in connection with the administration of Council Tax (not planning enforcement).
15. Clearly without the use of this data (which is unlawful) the Policy would not be workable and it would not be possible to accurately calculate the number of HMOs in a given area. Clearly with such a complex system the reliability of data is very important.

Use of Information to Calculate Numbers

16. No reference is made in the Guide to access to the data so that reliability can be checked. Will the same properties be identified which are said by the Council to be HMOs? Again, experience with Portsmouth has showed that the evidence produced by the Council was so unreliable that it had to be withdrawn from the Council’s website to enable it to be reviews. It was clear to those who were intimately involved that many were not in HMO accommodation at all.

Change of Use in Areas where there are high concentrations

17. A particular problem which has emerged as a result of policies of this kind is the problem if the existing owner/occupier living in an area where there is a high concentration of HMOs e.g. a street of 20 where 18 properties are already HMO accommodation. The reality is that families will not want to move into this accommodation. The owner/occupier left high and dry with no one to buy their property where a change of use to an HMO cannot be obtained. This is a very important issue and will no doubt result in time in a revolt by many owner/occupiers who wanted this policy. This issue has been raised as one of concern elsewhere and even the National HMO lobby accepts that in such circumstances

	<p>accepts a change of use would be appropriate. This has not been discussed in the draft.</p> <p>Preserved Rights Flipping</p> <p>18. We would reiterate the points we made about this issue in our original response in relation to the Article 4 Direction. We consider that it will be particularly important in an area such as Bath where accommodation might be rented out in term time for a family for a holiday let. In any event, it is extremely important to preserve the flexibility of the housing market. In any event, it is extremely important to preserve the flexibility of the housing market. Under permitted development rights the use of a C4 HMO can be changed to a C3 dwelling (assuming that there is material change of use involved) without planning permission but under this policy if the owner then wanted to revert to multiple occupation within Class C4 planning permission would be needed. Clearly, if the property is located in an area where there is a concentration above the 25% level proposed then presumably this provision would not be forthcoming. This is also important when there are times of uncertainty regarding student numbers which may well increase again. If however, temporarily a property cannot be let to students where it normally has been in the past a landlord would be dissuaded from renting it to a family even though it might be much needed accommodation for that family. The City of Bath is already experiencing a high shortage of accommodation. Thus, family accommodation can be lost as a result of this policy. We strongly urge a provision that allows for flipping between the two use classes where a property is established as a small HMO so it can be used in this way.</p> <p>Conclusion</p> <p>19. For all the reasons outlined the SPG is inappropriate. It is in any case premature until a Strategic Housing Market Assessment has been completed.</p>
<p>Amanda Grundy, Natural England</p>	<p>Thank you for seeking Natural England’s comments regarding the above. Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development. The Council is preparing a Supplementary Planning Document (SPD) in relation to the distribution and dispersal of Houses of Multiple Occupation (HMO) in Bath. We have considered the screening assessment of the nature and purpose of the SPD against the requirements of the criteria set out in the SEA Directive. Our understanding is that the proposed HMO SPD will offer guidance to supplement higher tier policies, which is likely to result in generally</p>

Appendix C

	<p>positive benefits for the local neighbourhood, but will have little external influence including on the natural environment.</p> <p>Based on the information provided, we are satisfied the Council's conclusion that the <i>Houses in Multiple Occupation Supplementary Planning Document</i> will not give rise to significant environmental effects and that a Strategic Environmental Assessment is not required appears reasonable.</p> <p>We hope this letter is clear and helpful. For any correspondence or queries relating to this consultation only, please contact Amanda Grundy on 0300 060 1454. For all other correspondence, please contact consultations@naturalengland.org.uk.</p> <p>We really value your feedback to help us improve the service we offer. We have attached a feedback form to this letter and welcome any comments you might have about our service.</p>
Rohan Torkildsen , English Heritage	<p>Hello Cleo, thank you for consulting English Heritage on both the SPD and the SEA screening.</p> <p>Have considered both I can confirm that I have no comments to make on either.</p> <p>Regards Rohan</p> <p>Rohan Torkildsen</p>

Annex C: E-petition from Bath Spa and University of Bath Students Unions

ePetition details

Proposed Cap on HMOs (shared housing) in Bath and North East Somerset.

We the undersigned petition the council to not support an Article 4 Direction. We believe that a balanced community cannot prescribe that one type of household must be in a minority. We believe that there should not be a cap on the number of HMOs anywhere in Bath & North East Somerset and we do not support an Article 4 Direction.

Bath and North East Somerset Council are proposing the implementation of an Article 4 Direction which would mean that restrictions would be made on the numbers of HMOs (shared housing) coming into existence in the future. The proposed cap, as stated in the September 2012 Supplementary Planning Document, is 25% of houses within a 100 metre radius. This type of housing is relied upon by young professionals, trainee teachers and nurses, those on low incomes, students and anyone else sharing a house with 3 or more unrelated people.

A summary of the potential consequences of an Article 4 Direction written for the National Housing Voice Report can be found at this link:

<http://www.bathstudent.com/pageassets/campaigns/article4/Article-4-Directions-summary-1.pdf>

The proposed SPD can be found at this link-Agenda Item 15 appendix A-

<http://democracy.bathnes.gov.uk/documents/g3251/Public%20reports%20pack%2010th-Oct-2012%2018.30%20Cabinet.pdf?T=10>

Banes' Feasibility Study, which found no link between anti-social behaviour, noise and HMOs can be found at this link:

<http://democracy.bathnes.gov.uk/documents/s15868/AppxAFeasibility.pdf>

More information and supporting documents can be found at: <http://www.bathstudent.com/article4>

The council will be running several consultation events on this legislation, the locations of which you can see below:

Bath Spa University
Stall @ Students' Union
18th October
11am – 2pm
University of Bath
Stall @ Students' Union
23rd October
11am – 2pm

Appendix C

One Stop Shop Manvers Street
Open Public Drop-in event
23rd October
6pm – 8.30pm

Oldfield Park Baptist Church, Moorland Road
Open public Drop-in event
25th October
3 – 5pm

St Alphage Parish Hall, Oldfield Lane
Open public Drop-in event
25th October
6-8.30pm

This ePetition ran from 02/10/2012 to 28/02/2013 and has now finished.

698 people signed this ePetition.

See: <http://democracy.bathnes.gov.uk/mgEPetitionDisplay.aspx?ID=10&RPID=6002264&HPID=6002264>

**Annex D Summary of Consultation Events on draft SPD and
Additional Licencing Proposals**



Bath & North East Somerset Council
HMOs
Summary of Consultation

Issue | 13 December 2012



This report takes into account the particular instructions and requirements of our client.

It is not intended for and should not be relied upon by any third party and no responsibility is undertaken to any third party.

Job number TBC

Ove Arup & Partners Ltd
4 Pierhead Street
Capital Waterside
Cardiff CF10 4QP
United Kingdom
www.arup.com

ARUP

Document Verification

ARUP

Job title		HMOs		Job number	
				TBC	
Document title		Summary of Consultation		File reference	
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			Prepared by	Checked by	Approved by
		Name	Ann Cousins		
		Signature			
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			Prepared by	Checked by	Approved by
		Name	Ann Cousins	Ann Cousins	Wayne Dyer
		Signature			
		Filename			
		Description			
			Prepared by	Checked by	Approved by
		Name			
		Signature			
		Filename			
		Description			
			Prepared by	Checked by	Approved by
		Name			
		Signature			
Issue Document Verification with Document					
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Free text comments

1 Introduction

1.1 Background

A joint consultation is being run by the Planning and Housing Services as the Council is seeking to use available powers to gain extra control over Houses in Multiple Occupation (HMOs) in Bath to:

- control their future growth
- improve their standard and management

1.1.1 Planning Proposals

Following a consultation on the proposal to introduce an Article 4 Direction in Bath between May and July 2012, a further consultation is underway on the proposed Supplementary Planning Document (SPD), which sets out the policy that applications for new HMOs in the city would be assessed against. The consultation ran from 18th October to 30th November 2012.

1.1.2 Licensing Proposals

The Council has undertaken research to consider whether additional licensing is necessary and if so, which areas of the district would benefit most. The Wards of Widcombe, Westmoreland and Oldfield have been initially identified as areas that may potentially benefit from a scheme. A consultation ran on these proposals from 17th September to 30th November 2012.

1.2 Overview

To complement the online consultation, a number of events were held to further gather views on the proposals:

- Presentation to members of the National Landlords Association (NLA) of Wessex, 17th October
- Market Stall at Bath Spa University Students' Union, 18th October, 11am – 2pm
- Market Stall at University of Bath Students' Union, 23rd October, 11am – 2pm
- Open Event at One Stop Shop, Manvers Street, 23rd October, 6-9pm (with briefing presentations)
- Open Event at St Alphege's Parish Hall, Oldfield Lane, 24th October, 5.30-8pm
- Open Event at Oldfield Baptist Church Hall, Moorland Road, 25th October, 3-7.30pm
- Polish Community Information Event, St John's Catholic Primary School, 27th October, 1-4pm

2 Summary of Event Feedback

2.1 National Landlords Association

A presentation was made to approximately 70 members of the local Wessex branch of the National Landlords Association, giving an overview of the proposals and the consultation. Approximately 15 one-to-one conversations were held following the presentation.

The key issues raised were as follows:

Additional Licensing

- Additional licensing was perceived by many as a tax on good landlords; a bureaucratic and expensive process with nothing in return
- Not convinced on some of the criteria e.g. energy efficiency
- A way of the Council funding services that used to be free to landlords e.g. voluntary accreditation and not convinced how this will be enforced. Need better enforcement on bad landlords

Planning Controls

- Concern that this will bring inflexibility of rental to families/HMOs
- Agree a simple and clear approach is needed as otherwise this could slow down sales and purchase
- Many already have their property portfolios so this would not affect them. Those with 2 bed properties in the high concentration areas expressed that they were considering introducing an extra bedroom before the new planning controls came into effect.

2.2 Bath Spa University Students' Union



A market stall was held near the entrance to the Students' Union. We spoke to approximately 40 people, and Students' Union staff and sabbatical officers engaged with many more. The majority of visitors to the stall were students living in HMOs, but we also engaged with members of staff, some of whom were Oldfield Park residents.

Additional Licensing

- There was recognition of the negative quality of housing that many had experienced.

- There was a worry about costs passed on to students / tenants in rental prices, as the rental market is already expensive in Bath.
- Some questions were asked about particular conditions e.g. outside recycling receptacles – does not sound practical when most people don't use these. People were generally not supportive aesthetic improvements.
- There were concerns raised about enforcement and that bad landlords would stay “under the radar”

Planning Controls

- The two Universities' Students' Unions had created an online e-petition against the proposed Article 4 Direction. Many students supported this view.
- Many of these students were concerned about too much control about where students can live – there should be free choice and students like to live together otherwise can be isolating
- Some happy with approach – like the idea of more balanced community and do not want to live in a student ghetto.

2.3 University of Bath Students' Union



A market stall was held near the entrance to the Students' Union. We spoke to approximately 45 people, gave information to many more, and Students' Union sabbatical officers engaged with more still. The majority of visitors to the stall were students living in HMOs, but we also engaged with members of staff living in HMOs, landlords, and interested local residents.

Additional Licensing

- There was recognition of the negative quality of housing that many had experienced.
- There was a worry about costs passed on to students / tenants in rental prices, as the rental market is already expensive in Bath.
- There was some mis-understanding about how onerous and costly it would be to comply with the proposed licensing conditions (both on the part of landlords and tenants).

Planning Controls

- The two Universities' Students' Unions had created an online e-petition against the proposed Article 4 Direction. Many students supported this view.

- Many of these students were concerned about too much control about where students can live – there should be free choice and students like to live together, otherwise can be isolating.
- There was a feeling that students have a bad name and that the reality is not as bad.

2.4 One Stop Shop



A Drop-in session was held at the One Stop Shop on Manvers Street, with two briefing presentations. Fifteen people attended, and there was a mix of landlords, letting agents, residents' associations, and others.

Additional Licensing

- There were a variety of views, ranging from full support to various concerns about implementation, and a feeling that good landlords are already doing this.
- There was discussion about whether this could create a “black market”, with illegal sub-letting of rooms (i.e. an extra room being sub-let in two-bed house, to avoid being licensed.)
- There was some discussion about whether this would reduce the HMO market, with landlords choosing to let to families instead.
- There were requests made to minimise bureaucracy and paper work as much as possible.
- There was a concern that additional licensing could ruin good relationships the Council already has with landlords, and questions were raised over why it is being proposed.
- There was a comment that it should be extended to cover the whole of B&NES.

Planning Controls

- There was concern about accessibility by public transport to areas which might see a rise in numbers of HMOs as a result of the proposals.
- Many were positive about the aims of the proposals, but some concerns remained about whether the implementation would deliver these aims.

2.5 St Alphege's Parish Hall

A drop-in session was held at St Alphege's Parish Hall. Twenty-one people attended, mainly local residents, but also some landlords.



Additional Licensing

- There was general consensus in support of the licensing proposals, with some asking why it had not been brought in earlier.

Planning Controls

- Views were generally positive; with some disappointment it could not be retrospective.
- There was some discussion about the potential for specific roads to be exempted (Lorne Road), as residents are concerned about the saleability of family houses if these proposals are introduced.

2.6 Oldfield Baptist Church Hall



The drop-in event at Oldfield Baptist Church hall attracted over 80 people. These were mainly local residents, but also some local businesses, landlords and letting agents.

Additional Licensing

- Most people were supportive. Local residents were particularly supportive of the waste and gardening conditions.
- Landlords expressed concerns about the costs being too high, but some local residents felt costs were too low.
- Some comments were received that there should be conditions relating to noise and sound insulation.
- Views were expressed by both landlords and residents that there must be strong enforcement on the bad landlords.
- Some comments were received that licensing may not improve HMO quality.

Planning Controls

- Most people were supportive of the proposals.
- There were some attendees who felt the threshold should be lower than 25%.
- There were some questions raised about data reliability, and suggestions that council tax exempt properties but be a better source of data.

Other Comments

- Many people felt that landlords should be paying council tax, on student properties that would otherwise be exempt
- There were concerns raised about parking, and the fact that it will not be addressed by the proposals put forward. People did not necessarily think that it should be dealt with through planning or licensing.

2.7 Polish Drop-in Information Event



B&NES housing and planning officers were invited to a drop-in information event for the Polish Community at St John's Catholic School. A short presentation was given, on housing services generally, and the consultations specifically (with an interpreter). There was also a stand with information on the consultations.

Eight people attended from the Polish Community, and a total of over 20 people were present, including representatives from:

- Bath Racial Equalities council,
- Curo
- CAB
- BANES Family information service
- Avon and Somerset Police
- Sirona
- Chair of the Council – Rob Appleyard

There was concern raised that rents in and around Bath are already very high. A question was asked as to whether there would be a limit on the number of people who can live in a shared house.

A question was also raised as to whether the Article 4 Direction will apply retrospectively.

Appendix A

Licensing Questionnaire - tallies

A1 Licensing Questionnaire – tallies

Boards were put up at many of the events to gather responses to a set of questions relating to the additional licensing proposals. Attendees were given dots to respond to the questions as set out to the right.

The responses received are set out in the tables below.



A1.1 University of Bath

		Strongly agree	Agree	Neutral	Disagree	Strongly disagree
1.	The Council should proceed with additional licensing?	1	2	3	1	2
2.	Additional licensing will improve the condition of HMOs?	1	4	3	1	0
3.	Additional licensing will help improve the local area?	0	1	3	3	2
4.	Additional licensing will improve the management of HMOs?	1	5	2	0	1
5.	The Council is targeting the right properties for additional licensing?	1	0	2	2	4
6.	The Council is targeting the right areas for additional licensing?	1	1	0	5	2
7.	The proposed conditions will help improve how HMOs are managed?	1	3	3	1	1
8.	The proposed conditions will help improve the safety and quality of HMOs?	1	4	2	0	2

A1.2 St Alphege's Parish Hall

		Strongly agree	Agree	Neutral	Disagree	Strongly disagree
1.	The Council should proceed with additional licensing?	7	0	0	0	1
2.	Additional licensing will improve the condition of HMOs?	4	2	1	1	0
3.	Additional licensing will help improve the local area?	4	2	1	1	0
4.	Additional licensing will improve the management of HMOs?	5	2	0	0	1
5.	The Council is targeting the right properties for additional licensing?	6	0	2	0	0
6.	The Council is targeting the right areas for additional licensing?	6	0	1	0	0
7.	The proposed conditions will help improve how HMOs are managed?	4	0	2	1	0
8.	The proposed conditions will help improve the safety and quality of HMOs?	4	3	1	0	0

A1.3 Oldfield Baptist Church Hall

		Strongly agree	Agree	Neutral	Disagree	Strongly disagree
1.	The Council should proceed with additional licensing?	18	3	0	1	0
2.	Additional licensing will improve the condition of HMOs?	19	0	0	1	0
3.	Additional licensing will help improve the local area?	10	6	1	1	0
4.	Additional licensing will improve the management of HMOs?	10	5	0	1	0
5.	The Council is targeting the right properties for additional licensing?	5	3	0	2	0
6.	The Council is targeting the right areas for additional licensing?	12	0	0	2	0
7.	The proposed conditions will help improve how HMOs are managed?	8	3	0	0	0
8.	The proposed conditions will help improve the safety and quality of HMOs?	8	5	0	1	0

These tables show that local residents tended to be in favour of additional licensing; believing that they would improve the condition of HMOs, and help improve the local area. Views at the University of Bath were more mixed. Many of those who felt that the Council was not targeting the right areas wanted to see it introduced across a wider area of the city.

Appendix B

Leaflets and posters

B1 Council Leaflet

Bath and North East Somerset produced a leaflet to encourage people to attend the consultation events, or to respond to the consultation in other ways. The approximate numbers of leaflets distributed on two occasions is set out below.

Places Visited to Distribute Leaflets, 11/10/12

Ralph Allen - North Road

Camomile Clothes x 5 and 1 in window

Bath Bakery North Road x 10

Pet Shop x 1 in window - £2

North Road Pharmacy x 10

Widcombe Parade

Roundabout Baby Clothes x 8

Widcombe Rental Solutions x 6

Widcombe Health Foods Shop x 5

Widcombe Pharmacy x 5

Widcombe Surgery and Pharmacy x 8

Kindling Coffee Shop x 8

Mcolls Widcombe x 1 in window £3

Locksmith x 8

Lennie's Coffee Shop x 8

Laundrette x 8

Roman City x 8

Bath Property Shop x 10

Widcombe Baptist Church x 5

Moorland Road

Baptist Church x 4

Post Office x 5

Velo Lounge x 5

Herbie's Fish and Chips x 5

Bath Bakery Café x 4

Sainsbury's Local x 2

Freshlets Agents x 8

New Leaf Health Foods x 5

Kingsway

Tesco Express x 1 on notice board

Lower Bristol Road

The Lunch Company x 5

Café 84 x 5

Sainsbury's Notice Board x 1

Green Park Notice board x 1

Lime Lounge x 5

Out to Lunch x 5

Trustease x 8

Twerton

Boots Pharmacy x 8

Time Bank Volunteer Shop x 2

Co-op x 2

Bakery x 4

Pub in central high street Twerton x 5

Chelsea Road

Post Office x 2 - Cost £5 – have receipt

Andrews Estate Agents x 10

Other Estate Agent x 10

Bath Bakery x 10

Laundrette x 10

Chelsea Café x 10

Bear Flat

Bear Flat Pharmacy x 6

Andrews Estate Agents x 8

Co-op x 8

The Bear Pub Notice Board x 2

Bear Flat Tesco Express x 2

Fidalius Letting x 5

Business premises visited - 26th November 2012.

169 information leaflets were delivered by hand.

Areas included:

- Moorland Road – all premises
- Shaftbury Road – all premises
- Wells Road – all premises
- Wellsway
- Pulteney Road – Royal Oak,

- Coronation Avenue – all premises
- Claverton Street – all premises
- Lower Bristol Road – all retail outlets and small medium business from Twerton to Widcombe (within proposed area)
- North Road – McColls, Co-Operative, Dudley Taylor Pharmacy, Coombe Down Hardware, Bath Bakery, Seafood, Chip shop, Forester and Flower
- Widcombe Hill – Widcombe Social Club, Mitchell Taylor Workshop, Naturel Theatre, White Hart Pub,
- Kip McGrath, education centre, Bath, Jews Lane
- St Mark’s Community Centre, St Mark’s Place
- Bath MOT Centre
- Methodist Free Church, High Street, Twerton
- Homemaker, Widcombe Church of England Primary School, Widcombe Baptist Church
- Rosemary Place industrial units (off Lower Bristol Road)
- The Victoria, Millmead Road
- Artistic Plastercraft, Lyndhurst Road
- Marko photography, Dorset Close
- Charmbury Arms, Brook Road
- Genesis Furniture project, Oldfield Park
- Bronzeduke, Bellotts Road
- Partisan, Burnham Road
- Christian Science Church, Claverton Street
- Digital Print, Lorne Road
- Moorfields Inn, Wellsway

Ethnic food outlets

- Ruposhi – Widcombe
- Mint Room – Claverton Street
- Happy Garden – Coronation Ave
- Royal Dragon – Coronation Ave
- Adel’s takeaway – Shaftbury Road
- Panahar – Moorland Road
- Polski shop – Moorland Road
- Cheong Sing
- Peking Chef
- Mouchuck Wells Road

Have your say!

We want your views on new planning and licencing controls over houses in multiple occupation (HMOs) within Bath

Find out more and respond online at
www.bathnes.gov.uk/hmo



**Bath & North East
Somerset Council**



Bath and North East Somerset
Local Development Framework

This joint public consultation is being run by the Council's Planning & Housing Services. Bath & North East Somerset Council is seeking to use available powers to gain extra control over houses in multiple occupation, to:

- control their future growth
- improve the standard and management of these properties

The Planning Control proposals

- "Article 4 Direction" which will mean planning permission will be needed to change use from a family home into a small house in multiple occupation from 1st July 2013
- Introduce detailed policy to determine these planning applications. Neighbourhoods with high existing concentrations of houses in multiple occupation will have future restrictions imposed.
- Planning controls cannot be applied to existing houses in multiple occupation

The draft Houses of Multiple Occupation in Bath: Supplementary Planning Document outlines the proposed policy approach and will show whether your house/ street will be affected by the future planning controls.

The consultation on this Supplementary Planning Document is subject to Cabinet approval of the draft document for public consultation. The Cabinet meeting to decide this will be held on 10th October 2012.

The Housing Licencing proposals

- The Council is considering extending its current licencing scheme to require all shared houses in multiple occupation centred around Oldfield, Westmoreland and Widcombe to be licensed.
- Landlords will have to apply for a licence from the Council which will contain conditions to improve standards and management.
- This will be applied to new and existing houses in multiple occupation.
- This consultation will run from the 17th Sept – 30th Nov

The additional licencing consultation document outlines all the proposals in detail including the draft licencing criteria and a map of the suggested area to be covered.

Events in Bath

Market Stalls

Bath Spa University Student Union

18th October, 11am – 2pm

University of Bath Student Union

23rd October, 11am – 2pm

Open Events

Drop-in at anytime during the session

One Stop Shop, 2 – 4 Manvers Street

23rd October, 6 – 8.30pm
Briefing presentations will be run at 7pm and 8pm

St Alphege's Parish Hall, Oldfield Lane

24th October, 5.30pm – 8pm

Oldfield Baptist Church Hall, Moorland Road

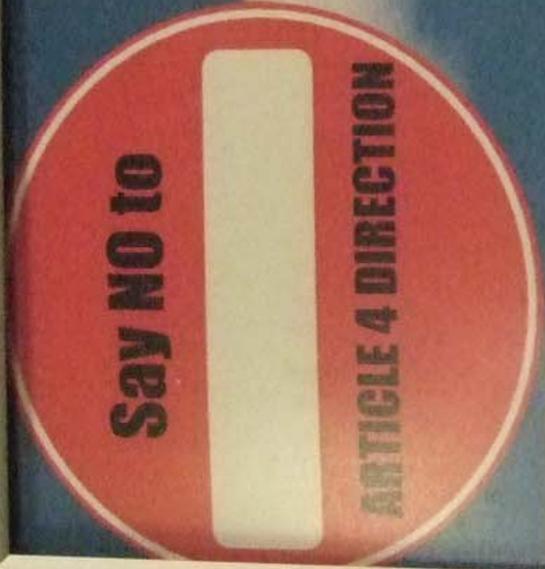
25th October, 3 – 5pm

Both consultations run until 30th November 2012.

You can make comments and find out more online at www.bathnes.gov.uk/hmo
Or contact Council Connect
01225 394041

B2 Leaflets and posters

A selection of the leaflets and posters that were used by others to advertise the events and the consultations are shown below.



STOP plans to DICTATE where STUDENTS can LIVE!

Help by signing this petition

www.bathspasu.co.uk/article4petition

For more info go to the SU Website or email

su-welfare@bathspa.ac.uk



FOCUS

... on Westmoreland

www.sharonball.org.uk



Edited by Cllr Sharon Ball and Sarah Moore

Welcome to the Area

Councillor Sharon Ball and Local Liberal Democrat Campaigner Sarah Moore would like to welcome all the new residents to the area.

We are keen to ensure all residents enjoy their community and would like to ask you to take time to get to know your neighbours and us. If you experience any issues we would like you to contact us to discuss them.

Look out for further leaflets through your door shortly inviting you to meet with Sharon and Sarah, or check on-line at westmorelandcommunitynews.blogspot.co.uk.



Residents consultation on Bath HMO growth controls

The first formal consultation on this issue revealed strong public support for the existence of an HMO (Houses in Multiple Occupation) planning policy.

Cllr Sharon Ball said: I am pleased that the Lib Dem Cabinet has agreed to take this to the next stage of formal consultation as there is clear public support for measures of control.

The proposals for Article 4 planning policy are in brief:

Planning permission will be required for future changes of use from family houses into HMOs across Bath from 1 July 2013. A two stage process will flag up whether a change of use is likely to be permitted at the earliest stage.



- At stage 1, if a property is located within an area with 25% or more existing HMO planning permission is likely to be refused for a change of use from a family house to an HMO and a more detailed stage 2 assessment is triggered. Sharon continued: "(We persuaded Cabinet to increase the percentage from 20% as recommended by the councils consultant as we believe this would be much fairer)."

- Where a property is not located within an area of 25% or more HMOs then change of use is likely to be granted subject to other planning considerations.

Lib Dem campaigner Sarah Moore said: "it is very important that all residents have their say in the consultation process on the Article 4 Planning Policy & the Housing Licensing Policy that is also out for consultation from now until 30th November."

To make your views known go online www.bathnes.gov.uk/hmo or write to Planning Policy, Planning Services, Bath & North East Somerset Council, PO Box 5006, Bath, BA1 1JG



Sharon Ball and Sarah Moore - working with the community



**The council are planning to change
student housing.**

This will affect YOU!



**Come and talk to them TODAY
between 11am-2pm in the SU.**

Do you trust local and national politicians with our future?

OUTDATED EDUCATION SYSTEM
POLITICIANS TURNING
THEIR BACK ON PLEDGES

ATTACKS ON
INTERNATIONAL
STUDENT VISAS

£9000 FEES

RECORD GRADUATE UNEMPLOYMENT
STUDENT HOUSING RESTRICTIONS
LACK OF POSTGRADUATE FUNDING

DO YOU FEEL POLITICAL SYSTEMS ARE FAILING US AS A GENERATION OF STUDENTS?

What can you do?

1. Sign the petition against limitations on shared housing in BathStudent.com/article4.
2. Come along to Question Time with Don Foster (MP for Bath) and other key political figures - Friday 26th October 5:15pm EB 1.1.
3. Vote if you think Bath should support #Demo2012 - BathStudent.com/demo2012 from 26th October.

"The national demo on November 21st is a vital part of shifting the momentum on to creating an alternative plan which works for our generation. In Bath local and national politicians have been turning their back on students and you need to use your voice to say that this is not good enough"

Liam Burns, NUS President

**OUR FUTURE
YOUR CHOICE**

University of Bath
Students' Union

Do you think local politicians should be allowed to make decisions which force rents up and restrict where you can live?

The Council are pushing through strict controls (Article 4 Direction) which would stop houses becoming shared homes.

Did you know that as a student, this could:

- Restrict your housing choices and limit your right to rent where you want
- Increase rent prices
- Force you to rent properties in parts of Bath with fewer bus services and fewer amenities
- Bring a lower quality of housing standards due to less competition
- Endanger students and force us to walk home further through potentially unlit areas
- Force students to live in expensive purpose built accommodation instead of experiencing real independence
- Also affect graduates, workers such as nurses and teachers on low income and anyone else sharing a house
- And more...

WHAT CAN YOU DO TO STOP THIS DISCRIMINATION?

- **Sign the petition:**
BathStudent.com/article4
- **Get your friends to sign the petition by sharing the link on Facebook and Twitter!**
- **Come along to Question Time with Bath MP Don Foster and other key political figures - Friday 26th October 5:15pm EB 1.1**

**OUR HOUSING
YOUR VOICE**

 University of Bath
Students' Union



Information Event

for the Polish Community

**Information
Stalls**

FREE

**Refreshments
available**

Saturday 27th October 2012

Drop in between 1 and 4 pm

**St John's Catholic Primary School
Oldfield Lane, Oldfield Park, Bath, BA2 3NR**

Speakers Include:

**The Chair of B&NES Council, Cllr. Rob Appleyard,
The Police, Curo Group, CAB, GMB
Family Information Service, Housing Standards.**

**Interpreters on the day
Easy parking nearby**

Organised by the Bath & North East Somerset Racial Equality Council, Tel: 01225 787918
With funding from: Lloyds TSB

HERE 12.00 - 14.00

Have your say!

We want your views on new planning and licencing controls over houses in multiple occupation (HMOs) within Bath



Find out more and respond online at
www.bathnes.gov.uk/hmo

Bath & North East
Somerset Council

L D F

Bath & North East Somerset Council
Local Democracy Framework

12:11:41 | 23 October 2012

Appendix C

Free text comments

NLA meeting
17/10/12

working together for health & well-being

Public Consultation

Proposals for additional licensing of Houses in Multiple Occupation (HMOs)

Housing Services
Bath & North East Somerset Council
PO Box 3343, Bath BA1 2ZH

Telephone: 01225 477000
(main switchboard)

www.bathnes.gov.uk
www.banes-pct.nhs.uk

Free comments form

The council should consider reducing the licensing fee for re-licensing especially if there are no substantial changes to the property.

Good, compliant, landlords should be rewarded and a discount given to those transferring from the Accreditation system.

Perhaps if not monetary awards cannot be afforded heavy discounts could be given for "wheelie" bins or any article that could help smooth implementation of additional proposals

The council needs the goodwill of landlords and it is imperative to get them on board

working together for health & well-being

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Free comments form

The Council should publish full
accounts re. HMO licensing so
landlords can see when their
money is going.

- To prove non-profit making.
- Transparent accounts needed.

17.10.12

Public Consultation

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18/10/12

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Free comments form

- Resident of Bath - Lives near the Oval
- Generally a good idea.
- Give students piece of mind.
- Raise standards

working together for health & well-being

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Free comments form

23.10.12.

- Unnecessary costs & paper work.
- Fees & paper work to make a simple variation is excessive.
- there should be different degrees of variation fees.
- Object to AL.
Object to Cost to Landlords to licence properties under Proposed Schemes.

working together for health & well-being

Public Consultation

Proposals for additional licensing
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23/10/12.

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Free comments form

→ Everyone deserves quality housing, so
the jurisdiction of AL should be
widened to incl. flats & other areas
of Bath.

⌘

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Free comments form

- Agree with additional licensing
- Problem of ~~the~~ family house shortage is more to do with house prices than students.
- Universities good for Bath's economy.

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Free comments form

Add. Licens fees should be higher
to include the visits once a term
+ extra numbers of staff employed
to do this

We must have a breakdown
of the fees made public

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Free comments form

Landlords should pay council tax.

More should be done to control parking
- Residents parking (max. 2 cars per household).

- Buy-to-let market keeps house prices too high.
Young people in the area are unable to afford houses locally.

working together for health & well-being

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Free comments form

By placing constraints on HMOs you will reduce the amount of affordable housing for all young people (students, graduates & recreational employees). Licensing HMOs won't suddenly produce more affordable housing for families.

Landlords who have invested in good housing don't let it fall into decay. Students don't destroy the places they live in.

It is all a matter of give & take?

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Free comments form

25.10.12.

- Proposed licence fees are far too low & should be higher
- Tenants are paying for properties, & landlords are paying nothing.
- Landlords are making lots of money from their houses.

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Free comments form

25.10.12

- Area proposed should be extended
- Noise is a real problem from hmo's that needs to be dealt with.
- noise/^{sound} insulation should be included as a condition
- Universities should pay for & manage their students better

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Free comments form

25.10.12

→ Proposed area should be
extended to include Twerton
which is highly populated by
Students & HMOs.

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Free comments form

This must go ahead to save our
community.

£750 licence every 5 years is
not enough to charge. They are
not contributing to our area, just
making money

THEY SHOULD BE PAYING
COUNCIL TAX!

planning_policy@bathnes.gov.uk

Article 4

~~Response~~

Source URL: <http://www.bathnes.gov.uk/services/planning-and-building-control/planning-policy/houses-multiple-occupation-bath-article-4-dir>

Think worth over 70%² approx.

For so high.

Wait Janis back in.

No neighbours

No children

No community.

2x Agree all Article 4 proposal.

Problem of noise

& washing vomit away

working together for health & well-being

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hmo_licensing@bathnes.gov.uk

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Free comments form

Local Resident

1. Agreed with Article 4.

2. Agreement on additional licensing.

Amount of space per individual student is important
Recent example from student & family from Wrens.
Regulation needed to certain ~~amount~~ amount
of space

Current problem experienced by dumping of rubbish
between 14. Keldas & Herbert Rd. Some rubble
down L1L & same from student. Alley.

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24.10.12.

Free comments form

* Landlords need to be responsible for
maintaining their properties.
→ especially the outside

→ Noise issues.

→ Outside appearance of hmo's

→ Dustbins - untidy & unsightly.

→ Some landlords don't care about their properties

→ Black bags left outside for a fortnight - now smelling