

## MANAGING STUDENT OCCUPANCY SCRUTINY PANEL – ACTION NOTES

**MEETING 5**                      9th September 2013

**ATTENDED BY:**      Councillors Jukes (Chair), M. Smith (Vice-chair), Bradshaw, M. Hunt, Pacey, Parton, Ranson and Smidowicz

Officers: M. Hopkins and F. Whittington

### CONSIDERED AT THIS MEETING:

DOCUMENT OR MATTER	ACTION(S) AGREED
Scope Document	Updates noted
Action Notes 30th July 2013	Noted
Background Papers  (i) <u>DCLG Publication – Dealing with Rogue Landlords</u>  (ii) <u>Shelter Policy Briefing – Asserting Authority – Calling Time on Rogue Landlords</u>	Documents received and noted.  Two recently published documents, not specifically student related.  Councillor Parton attended a conference at Shelter in London, addressing ‘Tackling Rogue Landlords and Improving your Local Private Rented Sector’ sharing ideas and good practice. Councillor Parton will report back his findings to the Panel meeting to be held on 20th September 2013.
Questionnaires and other submitted comments	A summary of responses from the public and a local letting agent, not previously submitted to the Panel, was received and noted. A complete summary of all responses received will be collated for the final Panel report.  Specific reference was made to the responses to questions 4 and 5 by a local letting agent in respect of letting boards and gardens.  In response to a question, following the meeting, officers confirmed that the submitted questionnaire had been received from a resident living in the Nanpantan Ward.

### ISSUES DISCUSSED WITH WITNESSES:

WITNESS	ISSUES DISCUSSED
Key Witness – Planning Matters – Peter Blitz – Team Leader Development Control	

	<p>Reference made to four relevant planning policies:</p> <p>H12 – General permissive policy - indicates that planning permission will be granted for new buildings or the re-use of non-residential properties specifically for student accommodation at locations on, or readily accessible by, cycle, public transport or on foot to the university and college campuses. Planning permission will be granted for developments which include reduced parking standards where it can be shown that there would be no adverse impact in the vicinity of the site.</p> <p>H13 - indicates that planning permission for the conversion of properties within primarily residential areas to hostels, self contained flats, cluster flats or to any use within Class C1 (hotels) of the Town and Country Planning (Use Classes) Order 1987 (as amended) will be granted provided the application would not be affected by a list of five criteria in respect of noise and disturbances. Reference was made to Large Unmanaged Residences for Students (LURS).</p> <p>EV1 – a general design policy – not student specific.</p> <p>EV39 – a general policy in respect of pollution and development in its widest sense. At the time of introduction of that policy there was no requirement to apply for planning permission for up to six unrelated people living in a property. The introduction of the Article 4 Direction changed that position.</p> <p>Student Housing SPD – provided guidance on how to take decisions using the above policies, which had resulted in a matrix of responses and a threshold for making judgements. Prior to the introduction of the SPD with no control there had been a large number of HMOs established in specific areas of Loughborough.</p> <p>Article 4 Direction gave officers the ability to control and take decisions in respect of changes from Class C3 to C4 properties. As policies were written prior to the introduction of the Article 4 Direction this affected the weight that could be given to those policies.</p> <p>The current Adopted Local Plan expired in 2011, but would continue to be used until policies introduced as part of the draft Core Strategy were adopted. The new National Planning Policy Framework (NPPF) made it clear that where policy was consistent with the NPPF weight could apply and continue in use until new policies were adopted.</p>
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<p>Should a Threshold-based Method be Used and how to Identify a Threshold</p>	<p>In respect of the 20% threshold, officer research was unclear how that figure had been arrived at.</p> <p><i>Councillor Bradshaw arrived at 2.20PM</i></p> <p>Consideration given to identifying an appropriate saturation threshold. One for the whole area or different ones for different areas of the town. Details of methodology adopted by other authorities included 20% along a street in Oxford, Warwick used a radius approach, Bath 100 metres and 25%, Portsmouth 50 metres radius and 10%. If a policy was designed to maintain balanced communities, the area being considered should probably not be too small.</p> <p>Issues were raised as follows:</p> <ul style="list-style-type: none"> <li>(i) Out of date policies did not work.</li> <li>(ii) Local residents could establish a Neighbourhood Plan to address issues of concern in a specific area.</li> <li>(iii) Should parents buy a property with their child as co-owner, and two friends rent rooms in that property it would not be defined as a HMO. Circular 5 2.10 states that an owner and up to two lodgers was not a HMO.</li> <li>(iv) Some of the departments at the Council worked in silos, greater exchange of information could produce more accurate information, for example Council Tax and Planning. Since 2005 more electronic information was available and could produce more accurate data.</li> <li>(v) Student blocks of accommodation in the centre of town were not fully occupied and could be used for affordable housing.</li> <li>(vi) By deciding threshold by street, it was easier to work out percentages and conclude when a saturation figure had been reached. However, there were dangers with being too prescriptive, for example the effect of cars parked on an adjacent road. It was incumbent on planning officers to look at an area and come to a judgement, taking account of all circumstances, including impact of harm from other properties near an application site. Officers urged caution on using mathematical formulas in isolation, there were often mitigating factors.</li> <li>(vii) Could conditions attached to Planning permission decisions be more flexible and encourage good behaviour of students? Officers responded that conditions needed to be reasonable and enforceable and should not duplicate other types of controls.</li> </ul>
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Information Sharing	(viii) Planning officers would consider information supplied from any source, if it can be shown to be accurate, impartial evidence. For example of 42 reports of non-registered HMOs, only 4 found to be reliable. There could be costs associated with preparing new data sets.
Enforcement	<p>(ix) Planning control was about the use of land/physical development. It was not about duplicating controls that exist elsewhere. It was not possible to control refuse bins, the state of gardens, the condition of curtains or the position of washing and washing lines.</p> <p>(x) It was outside the powers of planning officers to revert C4 homes back to C3. Market forces would eventually redress the situation.</p> <p>(xi) In respect of Student accommodation blocks being illegally used by non students – enforcement measures should be used for change of use to house single/homeless people.</p> <p>(xii) In respect of garage conversions to bedrooms, officers stated that C3 ordinary dwellings did not require planning permission to convert to a room, if it was in association to the existing dwelling. In a C4 property the decision whether it would be a material change was a more difficult judgement to make. Should a separate access be made into a converted garage making a self-contained dwelling, that would be in contravention of planning rules and Enforcement officers would investigate any such reports.</p> <p>(xiii) Conditions continued to be introduced with new purpose built student accommodation, controlled through tenancy agreements, for example at the Cube and the Wharf developments, no cars in Loughborough policy. Such tenancy agreements were used in Oxford and Durham.</p> <p><i>Councillor Hunt left the meeting at 3.55PM</i>  <i>Councillor Bradshaw left the meeting at 4.00PM</i></p> <p>Officers agreed to liaise with Enforcement officers and the Council's Legal team, to develop a flow chart detailing the process for reporting enforcement issues to a conclusion.</p>
Possible Issues to be Included in the Panel's Report Recommendations	<ol style="list-style-type: none"> <li>1. Limited parking times to prevent all day parking by people at the University.</li> <li>2. Review system used to identify saturation point and examine options in respect of percentage thresholds and radius.</li> </ol>

	3. Purpose built student accommodation blocks used for non students.
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#### **POSSIBLE ISSUES FOR THE PANEL REPORT RAISED BY WITNESSES**

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#### **OTHER ISSUES RAISED/DISCUSSED AT THIS MEETING:**

##### Loughborough University Entrances and Parking Panel

Reference was made at the meeting to the information detailed in the University Entrances and Parking Policy document, (Background paper 10) 'That an outright ban on students bringing a car to Loughborough cannot be supported. [Panel Recommendation 1(i)]'. Following the meeting, officers traced the chronology of the recommendation and found that the Group Swamped by Cars had made the recommendation that an outright ban on students bring cars into Loughborough had been proposed to the Panel, however, the Panel had not been able to support that proposal and that had been recorded in the Panel report submitted to Cabinet.

#### **FURTHER MEETINGS OF THE PANEL:**

20th September 2013  
10.00am

Housing Matters. The Head of Strategic and Private Sector Housing, the Private Sector Housing Manager and a representative from DASH have been invited to attend the meeting as witnesses.