

SCRUTINY PANEL: To what extent is the Borough Council successful in achieving its objective of managing student occupancy in Loughborough?

30TH MAY 2013

ITEM 4 KEY WITNESSES – SUPPLEMENTARY COMMENTS FROM NANPANTAN RESIDENTS NETWORK

Due to prior commitments it is not possible for a representative of the Nanpantan Residents Network (NRN) have provided the following responses to the matters set out on pages 13 and 14 of the agenda which were identified as issues the Panel would like to hear further from witnesses about.

* How the processes related to managing student occupancy could be made more transparent.

NRN Response – All parties must work to quantifiable measures when deciding on HMO application and licencing matters; there must be no room for any individual involved to fudge or obfuscate. All decisions must be based on material facts that are agreed in advance by all parties; if there is any dispute about any item of fact this must be resolved before a decision can be made.

* The responses to the questionnaire recommend that a student population of 20% and therefore a proportion of properties of 10% was appropriate:

(a) is there a case for applying different proportions in different areas?

NRN Response - We believe that 10% HMO is the maximum proportion that should be permitted within a 100 metre radius. In addition no new HMO licences should be granted for properties in streets where there are no existing HMOs; this measure will prevent the creeping studentification of parts of the town that have so far been spared this blight.

(b) what is the nature of the impact of purpose built student accommodation and how should this be counted as a result?

NRN Response – Some of the purpose built student accommodation has made good use of brownfield sites or redundant properties in the town; however there was no overall control of the number of rooms. We understand that the levels of occupancy in much of the purpose-built accommodation are below commercially viable levels; we recommend that CBC embarks on a consultation process to identify properties that could be converted to affordable housing.

For the purposes of calculating the percentage of HMOs, six bedrooms in purpose-built accommodation should be counted as one HMO e.g. sixty bedrooms equates to ten HMOs.

* What actions the Council could take in those areas where the proportion of students was already high.

NRN Response - No further HMO licences should be granted until the proportion falls to 10%. Licence conditions must be tightly enforced with licences being revoked as necessary.

* The responses to the questionnaire suggest that when measuring the proportion of student-occupied properties in an area this should be done using a radius around a particular property: what are the advantages of this over using the Census small output areas?

NRN Response - We need to implement a system that is clearly understood and trusted, especially by lay people including residents and councillors.

No other council uses Census output areas, all use a distance from the property. This is simple to understand by all concerned and easy to collect the data. CBC should use a similar system to other councils, namely a maximum of 10% HMOs within a radius of 100 metres (or within a 100 metres in one street) is the most common approach.

* What evidence there was that powers in relation to wider licensing of Houses in Multiple Occupation were appropriate given the specific tests in the Housing Act 2004 that need to be met before such licensing could be introduced.

NRN Response – We understand that there are loopholes and information-gaps that mean that some landlords do not register as required. We strongly support the compulsory licensing of all HMOs (sui generis and UCO C4). This would allow the council to know exactly how many and where the HMOs are.

STORER AREA RESIDENTS GROUP

To give some background to why we are here today, I want to read extracts from a letter sent by SARG to Councillors in 2004

'In 1992 this area was a model of sustainability with a mix of older long standing residents, numerous young families or couples and a manageable percentage of students. Families or couples came in as first time buyers, contributing to a vibrant atmosphere.

The erosion of community balance began to make itself felt as houses were snatched up by landlords. Between 1994 and 1998, residents were bombarded by agents with promises of higher than average prices for this kind of housing stock.

First time buyers and young families have been excluded from the market, both by inflated prices and by a strong alliance between agents and landlords blocking other would-be buyers.'

The Residents' Group alerted the council to growing community imbalance in 1999. Since then, we have devoted our time to trying to protect residents' quality of life, helped by the support of the UK Lobby.

SARG members recently proposed measures which might give some real protection to permanent residents. The cautious response from the Planning Department offered little hope that Charnwood would take a lead from Leeds, Nottingham and other Councils in introducing a cap on student occupied houses.

This letter is a genuine cry from the heart. Please, please, take effective action immediately to protect the community from further erosion! Planning Departments in other Councils have done it. I believe that Charnwood Borough Planning Department could do it - given a strong lead and positive input from you as a Council Member.

Councillors responded well to that plea and, since 2004, many changes have taken place which have helped to improve residents' quality of life. But no means of controlling the proliferation of HMOs and consequent community imbalance existed until the adoption of the Student Housing SPD in December 2005 and latterly, the Article 4 Direction 2012.

I want now to address the question of additional licensing.

In Loughborough, the majority of HMOs do not fit the Housing Act mandatory licensing definition. Licensing of HMOs aims to protect the health, safety and welfare of all occupiers, to help integrate HMOs into neighbourhoods, to help in the reduction of anti-social behaviour, to promote environmental goals, to improve the quality of the HMO housing rental stock. Para 251 states that the suitability of an HMO should rest on the physical characteristics including amenity standards for residents and that certain conditions are needed to regulate the management of the house and its condition and content to ensure that living accommodation is not substandard and is properly maintained. External areas should be treated likewise so as not to detract from the visual amenity of the area. The licence holder is also to manage their tenants including dealing with ASB.

SARG has long stated that *all* HMOs in Loughborough should be licensed but CBC has chosen to recommend EMLAS voluntary accreditation instead of introducing Additional Licensing.

In their own words, the East Midlands Landlord Accreditation Scheme accredits *landlords* rather than properties. This enables a landlord to advertise themselves as being a competent person, professional in the way that they conduct business. EMLAS accredits the landlord's ability to manage a property, rather than the property itself, and requires each landlord to attend a *one day* professional development course prior to being awarded full accreditation status. Only 10% of properties are inspected by EMLAS to ensure compliance with minimum legal standards, the only property standards required by the scheme. The main benefit of accreditation is *market advantage*.

I have witnessed at first hand the poor management, shoddy quality and inadequate maintenance of one of six properties owned by an EMLAS accredited landlord. In Loughborough only 268 landlords and 717 properties are EMLAS registered. Under CBC's voluntary licensing scheme, only 142 dwellings are registered. This means that hundreds of properties are neither licensed nor accredited. We have a large number of absentee landlords who rarely visit and whose activities are not monitored. This situation is unfair to their tenants and to permanent residents living in areas downgraded by lack of housing maintenance. Oxford has imposed additional licensing since 2012, Newham since January 2013. Other councils pursuing this include Brighton, Nottingham, Bedford, Croydon, Bournemouth, Peterborough, Bristol, Hastings. Charnwood should not be left behind!

Hilda Puttick SARG

In your questions you repeatedly refer to "students". While many of the problems springing from the private rented sector are attributable to students they are not exclusively so. The policies under scrutiny should apply to the whole of the private rented sector.

On the question of transparency, both the Student Housing SPD and the Article 4 Direction rely on using "small output areas". This is an obscure approach which complicates matters. In recent planning applications officers have used statistics which were not borne out by local people and confused both committee members and the public.

Using a threshold of 10% within 100 metres would be clear and unambiguous. Combined with this, we recommend further protecting residents by permitting only one HiMO C4 property adjacent to a C3 property. All sources of verifiable information (council tax, electoral register, University data etc) as well as checks on the ground should be admissible.

Re question 2, a distinction needs to be made between properties and occupants. Typical family homes that would contain 2 or 3 people have been used to accommodate between 4 and 6 tenants. In order to maintain population balance, a lower percentage of C4 properties is recommended to allow for the doubling of occupancy of what was a C3 property.

We do not believe that there is a case for applying different proportions in different areas. The aim would be to try to maintain a town-wide community balance, which the recommended thresholds seek to do.

Much purpose built student accommodation has been permitted in the town centre, but has not been as popular as hoped! If fully occupied, there would be a considerably higher number of students in the town centre leading to a probable increase in ASB. Currently, 6 units in a PBSA equate to one dwelling, which, in our view, is somewhat on the high side. Residents living close to the University Halls are affected by unacceptable loud noise at night.

Re Question 3, the Council could help in highly studentified areas by stating that if a property is either vacant or classified as C3 for a year or more, planning permission would be needed for it to be reclassified as C4. Where an over-abundance of HMOs exists, the council could allocate section 106 monies to encourage C4 properties to be used as C3 in order to house our many families on the waiting list. There would have to be a moratorium on the reclassification of the property to C4 for the next 5 years.

Question 4 is concerned with the advantages of using a hundred metre radius from a dwelling over using small output areas. We have partly addressed this in Question 1. A radial hundred metres rather than a linear hundred metres gives more accuracy where the properties are densely packed such as in the Storer area. A C4 property which backs onto a C3 property can cause almost as much disturbance as an adjacent C4 dwelling. Using a 100 m radius would mitigate against this. In areas where properties have a larger curtilage, a 100m radius would have a similar effect to using linear measurement.

Summarising: the suggested development of the Article 4 Direction and the Student Housing SPD should:

- apply to the whole of Loughborough if not the whole of Charnwood,
- use more easily verifiable criteria i.e. thresholds to be 10% within 100 m radius, and no two C4 properties should be permitted on either side of a C3 property,
- be included in the current draft of the Core Strategy.

John Burnard

Scrutiny Panel Presentation.

30th May 2013

Thank you to the Chair for allowing us to appear before the Committee

Origin of SBC. Grown out of previous residents' group, USSR. which came about following two public meetings in 1998. Committee formed with the support of hundreds of local people.

Both our early residents' group and SBC were campaigns to reduce, stop Uni parking on our roads. These campaigns have been largely been successful.

SBC now merging with the new Residents Group, 'Forest Road North and Holywell Drive Area Residents' Group Again, formed out of a recent public meeting of 45 people and a further 30 registered supporters following a circular letter to all houses in the area. The new residents group will tackle all residents' issues, not just parking.

Historically our area has been considered one of the best residential areas in the town. Judged on the appearance of roads, houses, gardens and community continuity. Many, perhaps the majority of our residents are retired. Many have long term illness and the support of neighbours and the local community is very important to them.

In the last 10 years situation has been worsening because of the very rapid growth of rented properties in our area, almost all of them rented out to students at the Uni. There is a general feeling, expressed at our recent open meeting for the community, of the area being run down by the number of rented properties. Shabby rented houses, unkempt front gardens, too many cars, closed curtains during the daytime, front gardens converted to hard standing. Unsightly rubbish bins and side waste left out.

Circulate photo's

There is a feeling that we are the next part of the town to suffer a decline. The town lost the Golden Triangle area by neglect. It happened without permission being sought or given by the community or the council. That area lost a school, a shop, and a church and very nearly the whole community built up over generations. The Council

took no active steps to stop the erosion of the neighbourhood. The Student Housing SDP also came too late to protect the Kingfisher Estate which has also gone to a majority of student housing.

And now it is our turn. Despite the SPD and the HiMO regulations we are still losing family houses to student lets. And this is happening despite alarms being given by the community.

It's You, the Council, the councillors and the officers, that can halt this slide downwards.

The method of counting HiMO's is appallingly inaccurate. The area used within the SPD document for calculating the density of rental properties is hopeless for our area. The census area rules extend from Epinal Way to the furthest part of Nanpantan and include many student halls of residence. Yet the Planning Department arbitrarily rewrites the area to suit itself when judging an application. This is wrong.

We have accurate information from the University and the ability, in the form of Darren Smith, to analyse this data which, double checked in advance by communities, would give more certainty to decision making. Simply, the quality of information provided to help make decisions needs to be better!

I have tried to read some of the briefing documents and they don't leave much room for ambition. The planning brief in particular says, roughly, that virtually nothing can be done because the Planning Dept is hog-tied by rules, regulations and previous appeal decisions.

But, it doesn't emphasize that the planning rules recently changed and have been replaced by the much shorter National Planning Framework and equally it doesn't say that the Localism Bill creates lots of opportunities for a creative approach to our communities problems. That the Government considers that Planning Appeals inspectors have overstepped their brief and need to be restrained. That there is scope for local councils to be much more ambitious and you should not be put off by the fear of possible litigation. The Government says it wants you to be ambitious and help our area realise the community we want.

These are some of the things we would like to see come out of your review.

A rewritten SPD that is capable of being enforced, preferably with no more than 10% HiMO's in any area. The measurement of the affected area needs to be brought closer to peoples grasp and understanding, say, no more than 10% within a 100 metres and only on one side of a family house; not both sides.

No alterations to family houses allowed that would make them difficult to return to family occupation. Such as converting a 3 bed semi with a garage, into six bedrooms and no garage and reduced garden/play space. The planning requests to convert garages to accommodation should be refused.

We would also like this committee to recommend that the university return some of their student houses back to family occupation.

Such as the three large houses on Holywell that they use as offices should be returned to the private sector, similarly the small detached house at the top of Fairmount Drive. And the four of five houses the University owns in Ashleigh Drive. We understand the University now has a surplus of office space and it should return unused properties back into the Community.

If we gather an area of 100yd radius & add it to other areas, what we eventually end up with is the whole Town. If we look at the size of the town, say 55,000 people and we factor in the number of students living off the campus and inside the town say 7,500 then we already have a very high percentage of students to residents - 14%. This must not be allowed to increase. We need ways to reduce this ratio. We ask that this Scrutiny Panel looks at accurate data & starts a dialogue with the Uni to this end.



Ashleigh Drive. Note: permanent 'To let' notice past 4 years. Garage converted to accommodation. Drawn curtains. 11.00am 30.05.2013.



6 Holywell Drive: Owners left in Autumn 2012. Now occupied by 3 plus students no HiMO permission. Note Garage converted to accommodation. Closed Curtains, Overgrown garden. 1030am. 30.05.13.



104 Holywell Drive. Note: Nicholas Humphreys sign, present last 2 years. Abandoned car. Unkempt gardens.



30 Coniston Crescent. Note: Very high hedge to front of semi. Black bin on pavement with side waste. Last collection 8 days ago. Drawn 30.05.2013.



18 Coniston Crescent. Sometimes 4 Landrovers and 4 other cars parked at this semi. Complaints from neighbours. Note: Garage converted to accommodation. Drawn Curtains. 10.45am 30.05.2013

6



27 Derwent Drive. Note front garden given over to parking only.
Garage converted to accommodation, brown paper at
downstairs/upstairs windows these past 2 years. 10.45am 30.05.2013.



11 Derwent Drive. Note: very high shrubs and hedge to Rydal Avenue. This is a semi detached house. Note poorly hung and drawn curtains. Bin with side waste. Weeds, old sofa (present in front garden over a year), builders bag. 10.45am 30th May 2013.

AND
OVERRIDE



1



5 Rydal Avenue. Note: Garage turned into accommodation. Drawn curtains and Xmas paper covering lower half of front bedroom window. Note pile of signs in garden. Recently 6 other signs removed. (Keep Left/ Right, bollards, cones etc.) 1045am 30.05.2011:



77 Kirkstone Drive. Note: garage turned into accommodation. Overgrown front garden. Black bin half on pavement, last collection 8 days ago.