

**Comments by the Nottingham Action Group on HMOs
on the
Nottingham City Council Land & Planning Policies Development
Plan Document
Local Plan Part 2, January 2016**

The Nottingham Action Group on HMOs (NAG)

The Nottingham Action Group on HMOs (NAG) is a community-based organisation, formally constituted in 2004, whose membership consists of a network of individuals, many of whom are also members of residents' associations in their own neighbourhoods. Members and officers are all volunteers who freely give of their own time in order to further the Group's work.

The NAG's membership is drawn from a variety of different neighbourhoods across the City of Nottingham (as well as towns in the boroughs forming Greater Nottingham) where significant numbers of Houses in Multiple Occupation (HMOs) have impacted disproportionately on the amenity value and balance of the neighbourhoods concerned. However, although the NAG remains principally concerned with HMOs, it has developed an active interest in all matters to do with local and national planning and housing policies and legislation and the way in which these have the potential to influence the neighbourhoods in which our members live.

It is within this remit that the NAG has responded to previous consultations on Nottingham City Council's Land and Planning Policies DPD (November 2011, September 2013), and within which it now responds to the above Local Plan Part 2 Consultation. However, in this response, we confine our comments to a small number of sections in the document which, at this time, are of particular interest to the NAG.

**Section 4: Development Management Policies – Places for
People**

4151 As a general comment, the NAG supports the policies set out in this section of the Plan. We welcome the sentiments expressed in this section which, having acknowledged the current imbalance in the housing stock, state the importance of providing a suitable mix and balance of good quality homes in order to avoid exacerbating the present situation (**Para 4.7**).

Housing Size, Mix & Choice

Policy HO1: Housing Mix

4755 We strongly support the aims of this policy and the justification outlined in **Paras 4.8 to 4.20**. In particular we note the acknowledgement of the place of self or custom built homes (**Point 4, Paras 4.17 to 4.20**) to the provision of family homes, and the important role that bungalows have to play. **4757** It is regrettable that, in the light of the apparent trend to either demolish or convert existing bungalows into two and more storey homes, there does not appear to be any provision in the policy for their retention.

**Policy HO2: Protecting Dwellinghouses (Use Class C3) Suitable for Family
Occupation**

4758 The NAG welcomes the inclusion of this policy and supports the justification for it (**Paras 4.21 to 4.25**). We note the presumption against the loss of Use Class C3 dwelling houses for family occupation whether through sub-division, conversion to Use Class C4 (house in multiple occupation), other non-residential use, or demolition and re-development. We welcome the requirement stated in **Para 4.24** that applicants must provide robust justification that a property is no longer suitable for family occupation. Furthermore, we support the presumption that, if the property is indeed no longer suitable for family occupation because of a range of

4758
cont

matters (e.g. provision of private outdoor amenity space, car parking, outlook, adaptability of internal layout), an appropriate form of replacement will be a new C3 dwelling house suitable for family occupation. We mention that the NAG wholly supports the Article 4 Direction which, since March 2012, has allowed Nottingham City Council to manage the number and distribution of HMOs across the City through the planning process, thus, as stated in **Para 4.25**, avoiding the creation of further concentrations of, or worsening of existing concentrations of HMOs, and also providing protection to the current housing stock available for family occupation.

4759

Policy HO5: Locations for Purpose Built Student Accommodation

4760

Overall, the NAG supports this policy. In particular it strongly supports the location of purpose built student accommodation on the campuses of Nottingham's two universities (**Policy Point (b)**), though it has to be said that there does not appear to be an appetite for such developments on either University Park or the Jubilee Campus. However, we continue to have reservations about the generality of **Policy Point (d)** which could appear to be encouraging

4761

redevelopment of retail and other commercial sites in neighbourhoods where HMOs (C4 and sui generis) and existing purpose build have been the causal factors behind imbalance and loss of sustainability. We also comment that the statement at the beginning of **Para 4.47** is unhelpful and reinforces what has become the accepted perception (at least accepted by academic institutions, student bodies, landlords and investors) that students have a 'right' to live in private rented housing close to the universities, even when, in other circumstances, this housing would have provided the type of family home (three plus bedrooms, gardens, parking) which the City so desperately needs. (Also see Planning Inspectorate decisions on Appeals APP/Q3060/A/11/2143994) and APP/Q3060/A11/2165198 for examples which appear to reinforce this perception.)

4762

4763

Policy HO6: Houses in Multiple Occupation (HMOs) & Purpose Built Student Accommodation

The NAG strongly supports **Policy HO6** in its entirety and the comments made in **Para 4.54** to **Para 4.64** of the justification.

4764

Houses in Multiple Occupation: We note **Para 4.55** and the recognition given to the fact that students are by no means the only socio-economic/demographic group which uses HMOs. Therefore, by extrapolation, the problems associated with this type of accommodation, and especially with concentrations of HMOs, as outlined in **Para 4.57** and **Para 4.58**, (and the measures needed to tackle them, e.g. the 2012 Article 4 Direction) should not be seen to be purely 'anti-student' in nature, but rather an acknowledgement of the impact that short term tenancies, a highly mobile/transient population and low levels of management can and do have on local communities.

4765

In connection with HMOs, we especially note that, subject to the exceptions stated, permission will not be given for extensions/alterations to existing HMOs that facilitate an increase in the number of bed spaces (**Point 1(b)** of **Policy HO6**). In view of the restrictions placed by the Article 4 Direction on change of use from C3 to C4, on the ground evidence points to the fact that developers/landlords are prepared to alter and/or extend existing HMOs, even if this means that the property becomes a large (sui generis) HMO accommodating more than 6 occupants. Although on the surface this increase by, say, one or two bed spaces may seem to have no significant impact, the cumulative impact of several such developments will indeed have a significant impact on many factors, none more so than on the balance (or imbalance) of surrounding neighbourhoods.

4766

It is for this reason that we strongly recommend that Nottingham City Council explores means by which for HMOs, particularly in neighbourhoods where there are significant concentrations of HMOs (see **Para 4.60** for the definition of 'significant concentration' and **Appendix 6** for

4766 methodology for its determination), permitted development status is removed for extensions and alterations which facilitate additional bed spaces.

4767 **Purpose Built Student Accommodation (PBSA):** The NAG has always supported the provision of purpose built student accommodation (new-build or conversion) as (a) a means of addressing the need that students have for somewhere to live; (b) as a means of curtailing the demand by students for HMOs; (c) as a significant part of the toolkit needed to facilitate the return of HMOs into family (C3) use, and thus (d) restoration of balance and sustainability to neighbourhoods where this has been undermined. However, if the aims outlined in (b), (c) and (d) are to be achieved it is vital that PBSA provides all students with an attractive alternative to HMOs. For this to be the case, the design of the PBSA is crucial, probably more so than other factors including location and cost. Therefore the NAG especially draws attention to, and supports, the comments in **Para 4.64**, particularly (i) the need for developers not only to provide evidence for the need for the scheme, but also the segment of the student population the development will cater for; and (ii) the support the Council is likely to give to schemes which replicate the preference of returning students to live in HMOs.

4768 Other points we wish to make in connection with PBSA, and which are addressed in **Points 2(a) to (h)** of Policy HO6, are that (i) PBSA can have as much of an impact on maintenance of sustainable, inclusive and mixed communities as do student-occupied HMOs and therefore its location must not exacerbate balance and sustainability issues arising from other existing local student housing; (ii) that the design of PBSA should be flexible enough to make the accommodation capable of being altered to address potential future changes in the student housing market, and meet future general housing need. We draw attention to the 'Graystacks' development of seven student houses on Castle Boulevard as a local example of this.

4769 We add an observation about purpose build which we believe needs to be addressed. Policy HO6 acknowledges that groups other than students are in need of suitable accommodation and that HMOs have an important role to play in addressing this (**Para 4.55**). The NAG believes that, in addition to providing homes for students, there is a place in the general scheme of things for purpose built accommodation for these other groups as well, and we would welcome such a diversification of the purpose built market.

Significant Concentration: Para 4.60 states that a 'significant concentration' of HMOs and/or student purpose build is 10%, and **Para 4.61** considers that this threshold is needed in order to support the City's objective of creating/protecting sustainable, inclusive and mixed communities.

There has been much theorising about and analysis of what constitutes a 'balanced' community, and at what point (the so-called 'tipping point') does a community become unbalanced. This is not the appropriate forum in which to delve into a detailed discussion of this topic. However, the key problem which has been identified in Nottingham (as well as elsewhere) is that of demographic imbalance.

4770 Concentrations of HMOs, with their demographic profiles which are overwhelmingly biased towards young and transient tenants living at high occupancy levels and in an unstructured 'household', create demographic imbalance and destabilise the locality, with a consequent decline of the neighbourhood and the community as a whole into unsustainability.

For the purpose of this justification for the introduction of a 10% threshold, the critical factor is the high occupancy levels of HMO 'households', substantially higher than the occupancy of similar 'family' (C3) households. It is our experience that HMOs maximise occupancy by converting garages and space that families use for communal activities into additional bed spaces. So, as a rule of thumb, a three bedroom HMO has between four and six occupants, a four bedroom HMO between six and eight occupants. Given this, it is not surprising that if HMOs form 10% of households, their occupants form at least 20% of the total local

population, the point at which it has been acknowledged that imbalance begins to be noticeable, and the effects cited in **Para 4.58** come to the fore.

4770

It is against this background that the NAG unreservedly supports the concept of a 'significant concentration' above which the number of HMOs will have a detrimental impact on a neighbourhood and thus the City's stated objectives regarding community sustainability, etc., and very much welcome the designation of a threshold concentration/level of 10% of households in a specified area.

Design & Enhancing Local Identity

Policy DE1: Building Design & Use, Policy DE2: Context & Place Making

In the context of neighbourhoods which have become unbalanced as a result of the build up of concentrations of HMOs, and the ambition that exists to restore them to a more balanced and sustainable level in the future, as well as in the furtherance of the City's stated aim to reverse the drift away from the city and into neighbouring boroughs of a professional/graduate/skilled workforce, we believe that good quality, well-designed and innovative housing is essential. The general principles outlined in **Paras 4.71 to 4.73** are particularly significant for the limited number of potential development sites which exist in neighbourhoods where HMOs have come to dominate the housing and socio-economic scene. (See **Section 6**, Site Allocations **PA41 to PA47**).

4771

4772

Therefore, we wholly support **Policies DE1** and **DE2**

Section 5: Development Management Policies – Our Environment

4773

Green Infrastructure, Parks & Open Spaces

We note **Para 5.1 to 5.8**, **Policies EN1 to EN7** and the paragraphs contained within them.

4774

Former Greenholme School Playing Field Site

Within the context of this section we draw attention to the former **Greenholme School Playing Field site** (bounded by Derby Road, Johnson Road, Cycle Road). On the LAPP Document Policies Map (south sheet) this site is shown as part of the Open Space Network (**Policy EN1**).

4775

The NAG strongly supports the retention of these former school playing fields as an open space in its entirety, most importantly with public access enabled. Aside from the Lenton Recreation Ground, there is lack of open space in this part of the City. This is particularly important given (a) the density of housing in the area; (b) the density of the local population and especially the high proportion of young adults resulting from the high numbers of HMOs catering predominantly to the student market in the immediate area; (c) the large numbers of houses and flats with little or no garden space; (d) the proximity of purpose built student accommodation which has little or no open recreational space associated with it. The provision of such planted open space also offers the prospects of making a positive and welcome contribution to the biodiversity of the area.

It is important to take note of the fact that there are thriving infant and junior schools (with no access to playing fields) in the immediate vicinity and that it is reasonable to anticipate that the on-going Nottingham City Homes projects along with the proposed redevelopment of the Sandfield Centre and Prospect Place sites (as well as the Hillside Club site) to provide family housing will result in an increased number of children in the area, and an increased need for open recreational space for their use. It is clear that the Lenton Recreation Ground is not ideally suited to, for example, school sports days and similar activities, and, as has been shown in the past, can be damaged when older children and students use the area for football

4775
cont

kick-about, etc. On the contrary, the Greenholme site is ideal for these types of activity and its location close to the homes of the people who are most likely to want to use it, makes it imperative that the site is retained in its entirety: a replacement open space elsewhere would not be satisfactory.

Section 6: Development Management Policies – Making it Happen

Site Allocations

PA41: Alfreton Road – Forest Mill

4776

This is a prominent site close to various Conservation Areas and adjacent to areas of low rise houses and flats (mostly social housing). The NAG broadly supports the development principles set out

4777

but would make the point that any development should have due regard to the design, scale and layout of the existing housing on streets adjacent to the site.

PA42: Ilkeston Road-Radford Mill

4778

The NAG strongly supports the retention of this landmark building (Radford Mill – southern) which is prominent in the local area, and has historic associations with the local industrial character of Radford. It lends character to an area that is broadly lacking in buildings of this quality.

4779

We would accept however, that in order to safeguard the future of the building, and its repair and restoration that a range of uses for the building itself will need to be considered. It may therefore be acceptable for this building to be converted to residential use for various types of occupant. This could include use as purpose conversion to student accommodation, or other forms of residential flats, so long as the conversion meets suitable quality standards and maintains the character of the building.

PA43: Salisbury Street

4780

The NAG believes this site is on part of the former Raleigh Cycle works area, and lies between other parts of the works redeveloped during/since the 1990's for relatively low density residential family housing and a small strip of industrial units to the north side of Salisbury Street, beyond which are purpose built student accommodation. The area has been in transition since the decline of local industry (principally cycle manufacture), with sites being used for residential use as described. The family type homes to the south have back gardens that are adjacent to site PA43 and in our view it is imperative that whatever this site is used for should not unduly 'overlook' or 'dominate' these homes in design, scale or mass. Nor should any new use result in factors that would make these family homes undesirable – e.g. sources of noise or other disturbance. Development on this site would need help manage the transition in scale between the property to the south (family homes on Heron Drive/Shelby Close etc.) and the much higher buildings closer to Ilkeston Road to the North

PA44: Derby Road – Sandfield Centre

4781

The NAG firmly believes that this site would be best maintained for use as a site for an educational use for this part of inner west Nottingham, i.e. a secondary school. However, we are aware that the site owner (the local authority) has been seeking to dispose of the site for some time and has been seeking a buyer with the intention of developing the site for residential use. If plans are brought forward for such use then we would wish to see the buildings being of sufficient high quality and good design, to be suitable for occupation by families as part of an important contribution to the City Council's wider stated ambitions to ensure balanced and sustainable communities, as well as to the future rebalancing of the area as a whole. In this context, it is particularly important to focus on how this site is redeveloped since it is in an area of extremely unbalanced housing use: a very high concentration of HMOs converted from former family housing on all nearby streets.

4782

4783 We note and support the development principles, but make the comment that development on this site must incorporate the principle of a green corridor linking the Radford Recreation Ground with Castle Boulevard via the Sandfield Centre site, the new development of family homes by Nottingham City Homes on the site of the Lenton high rise flats and Church Square, and running alongside Prospect Place (see PA45 below).

4784

PA45 Prospect Place

4785 By and large we support the proposal that this site should be used for residential development. However, bearing in mind that adjacent sites (the Lenton high rise flats and Church Square) are under redevelopment to provide family housing, we believe that this site should also be reserved for family housing.

4786

4787 We support the development principles, particularly the introduction of new green space and landscaped areas, but add the comment that the site needs to be seen not only as an opportunity to enhance the green corridor mentioned in our comments on PA44 but (a) to encourage innovative design; (b) to plan for the possible future redevelopment of the existing business area to the south of the site.

4788

PA46 Derby Road – Former Hillside Club

The closure of the Hillside Club and the loss of community social and sports amenity, as well as the impending loss of green space, are regrettable.

This site has considerable potential for redevelopment to provide low density family housing, including bungalows. Therefore, although we support the principle that this site should have a residential use, we do not support in any way C3 development which results in anything other than genuine family housing. In other words we absolutely oppose any possibility that the site might be used to build apartment blocks, so-called 'key worker' accommodation, student purpose build, etc.

4789

4790

Especially relevant to this site are the comments made in connection with Policies DE1 and DE2 that high quality, innovatively-designed and marketed homes are the key to the future viability of this site and its ability to contribute to the future vitality and resilience of the surrounding neighbourhoods and to the City as a whole. Indeed, this may well be a site that would lend itself to some degree of self-build and non-estate development.

4791

4792 We welcome the development principles and the emphasis on the need for the design, layout and access to avoid adverse impacts on the surrounding, and well-established residential neighbourhoods. We also strongly support the comments about the opportunity to open up the River Leen and the creation of a green corridor. In this context we mention the potential to extend the improvements to the River Leen across Derby Road and on to the site adjacent to the Rose & Crown public house.

4792

We make one final observation and this is that we believe that it is important that the site boundaries are extended to Leen Gate to cover what is at present a car park for the Bell Fruit company.

4793

We understand that Nottingham University Hospitals Trust intends to demolish its redundant estates building and use the site for a hotel facility for families of patients visiting the Children's Hospital. This non-family housing use on this site, we do support.

PA47: Abbey Street/Leengate

4794 We understand that the use of this site for a 'medi-park' is no longer feasible. This we regret. The development would have provided not only an excellent opportunity for employment of skilled, professional personnel, but also an opportunity to utilise the established, high quality

4794

4794

family homes (as well as the potential provided by PA46 for new homes) available locally to retain that workforce within the neighbourhood and therefore within the City.

Therefore, we would wish to see the proposed use of this site limited to employment, and we would recommend the removal of residential (C3) and hotel (C1).

4795

We support the development principles and in particular the enhancement of the River Leen green corridor.

Appendix 6: Methodology for Determining Areas with a 'Significant Concentration of Houses in Multiple Occupation/Student Households'

4758

4760

4763

4770

The NAG has already indicated its support for Policies HO2, HO5 and HO6 and for the principle of a 'significant concentration' of HMOs above which this type of accommodation has a detrimental impact on neighbouring areas and unequivocally supports the proposal that this concentration is 10%. We have also provided justification for this threshold.

4796

The matter at hand in this appendix is how the 'significant concentration' (10%) of HMOs is determined. By and large we accept the principles of the methodology proposed here, i.e. the use of Council Tax exemption (in the case of student HMOs) and other (Environmental Health) records for those HMOs which are not occupied by students. However, there are two points which we believe need to be kept in mind. The first is the nature of this part of the private rented sector and the difficulties that can and have been encountered in identifying HMOs without on-the-ground inspection. The second is that pockets of HMOs can and do develop in a relatively small area and, although they may indeed be surrounded by C3/family homes which in effect dilute the concentration in an Output Area, they are nevertheless a very significant and potentially disruptive factor in their immediate neighbourhood.

4797

It is for these reasons that we strongly support and recommend that whenever an application is submitted for permission to convert a property or part of a property into an HMO (C4 and sui generis), Council planning officers not only use the methods outlined in this appendix in identifying HMOs and Output Area data, but also do on-the-ground investigation in an area around the application site, including contact with neighbours.

Submitted by M.R.J. Fletcher
On behalf of the Nottingham Action Group on HMOs
E-Mail: contact@nottinghamaction.org.uk
Tel: [REDACTED]

Friday, 11 March 2016