

## Summary of Consultation Response to C4 (HMO) Article 4 Directive

	<b>Respondent</b>	<b>Comments Received</b>	<b>Officer Response (where necessary)</b>
<b>1</b>	J Gillen (Highfield Residents Association (HRA))	<b>SUPPORT</b> The A4D should be supported by planning policies that (i) introduce a 10% city-wide threshold of 10% as recommended by the National HMO Lobby (ii) introduce areas of restraint (where no new HMOs will be allowed) for those Wards/areas that already exceed the threshold (iii) tighter parking standards. These policies should be implemented with immediate effect.	A public consultation exercise will be undertaken prior to the adoption of any additional supplementary planning guidance. These suggestions can be considered at this stage.
		Evidence base and ongoing commentary on the topic provided.	Commentary on the HMO issue noted.
<b>2</b>	R.F George Bassett Green Rd	<b>GENERALLY SUPPORTIVE</b> Housing with owner occupiers should be exempted.	Whilst the idea is noted this suggestion is not simple to enforce and may not assist in achieving mixed and balanced communities.
		The 'problem' arises from the buy to let market C4 HMOs with owner occupiers are less likely to be problematic.	Comment noted.
<b>3</b>	D Cox (National Landlords Association (NLA))	<b>OBJECTION</b> Additional regulation needs to ensure sustainable communities with a need for good quality housing – A4D should be considered as a last resort and not applied liberally.	The A4D is based upon a detailed evidence base and with additional supplementary planning guidance (to support current policy) it can assist in achieving balanced communities with better quality housing that can be properly assessed at the planning stage. Further consultation to follow.
		Good practice should be recognised with opportunities for rogue landlords reduced.	Comment noted.
		Good landlords do not want/need additional regulation in the current economic climate.	Comment noted, but some management of the location of HMOs is needed.
		There is little difference between a small HMO and a typical family home (as evidenced by appeal decisions). There is insufficient justification for requiring a change of use.	The justification exists as evidenced in the March Cabinet report.

		Housing trends point towards increased demand for shared housing. Affordability will be harmed by the A4D and young people on low incomes will be most affected.	The Council acknowledges the need for additional HMO accommodation, but seeks to manage its distribution.
		Local authorities and the landlord have wide ranging powers to deal with antisocial behaviour without the need for an A4D to limit supply.	The A4D is not the policy tool for dealing with applications for HMOs and there is no evidence that its confirmation will limit supply. Additional consultation will take place on the Council's emerging supplementary guidance before its adoption.
		Resources should be used to assist landlords develop knowledge and skills to improve the landlord sector, with appropriate accreditation rather than on an A4D.	Comment noted – the HMO issue needs to be tackled through a range of measures.
4	K Staunton (National Landlords Association (Hampshire))	<b>OBJECTION</b> Reiterates points made by D Cox (NLA). Concerned that SCC has launched an A4D without updating its planning policies so that people do not know exactly how this change will affect their ability to gain planning permission for an HMO.	The A4D is based upon a detailed evidence base and with additional supplementary planning guidance (to support current policy) it can assist in achieving balanced communities with better quality housing that can be properly assessed at the planning stage. Further consultation to follow.
5	F Knight (Southern Landlords Association (SLA))	<b>OBJECTION</b> Question whether or not this is a true consultation exercise or a fait accompli.	The consultation exercise undertaken exceeded the statutory requirements. It remains the case that officers believe that an A4D is justified for the reasons set out in the March Cabinet report.
		SCC surveys have indicated that some 100,000 people working in Southampton have incomes of less than £10k. Increased pressures for shared occupancy. Landlords will be tempted to convert HMOs into flats. Less supply may result in higher rentals, thereby making the HMO sector less affordable. There are many less fortunate who require a strong HMO sector for their housing needs.	Comment noted. A robust policy framework will ensure that the provision of HMOs continues. Any such supplementary planning guidance to support the A4D will need to be monitored to see how its introduction affects the sector.

		Concerns raised relating to the ability to swap freely to/from family occupancy & the loss of flexibility. If no assurances are given any landlord with a C4 use will be unlikely to rent to a family as they will lose their C4 status.	Comment noted. It is currently the intention to explain through the use of supplementary planning guidance how the Council will apply flexibility to applicants wishing to flip between families and shared tenants. It is not the intention of the A4D, or its supporting guidance, to restrict the occupancy of family houses for families.
		Strong enforcement of a couple of rogue landlords/HMOs would be better for the sector than an A4D.	Noted. A range of measures is recommended to help with the management of HMO including enforcement and the A4D.
		The A4D Cabinet Report fails to be objective or impartial stating that HMOs 'evoke negative aspects' Insufficient justification is given for the "Do Nothing" option in the A4D Cabinet Report.	Comment noted. The report supports the need for an A4D and it is not felt that the 'do nothing' option is the right one given the evidence presented.
		An A4D will not resolve the issues identified in the A4D Cabinet Report of students misbehaving, overcrowding, property maintenance and fly-tipping. Other measures already exist and should be properly used.	Noted. A range of measures is recommended to help with the management of HMO including enforcement and the A4D itself.
		The evidence in the A4D Cabinet Report has been concocted to support a decision that has already been taken. The problems listed are also encountered in both Council and private housing estates of families.	The decision to undertake an A4D was taken after the report was written. The Cabinet are now asked to confirm its use from March 2012.
<b>6</b>	E Rees (Vice President Welfare and Societies, Southampton University Students' Union)	<b>OBJECTION</b> If this is a fait accompli the consultation exercise is a waste of time.	The consultation exercise undertaken exceeded the statutory requirements. It remains the case that officers believe that an A4D is justified for the reasons set out in the March Cabinet report.
		The A4D has not be adequately publicised to all stakeholders, and was undertaken during the Easter break.	The consultation exercise undertaken exceeded the statutory requirements. The period for comment was extended until the end of May.
		Little regard has been given to young people who with little choice (due to a rising house price) have to live in shared accommodation.	The supplementary planning guidance will seek to balance the recognised need against the issues associated with concentrations of shared housing. There will be further consultation on the Council's policy guidance before it is adopted.

		Demand will increase for shared housing and the City Council should be keen to retain graduates/young professionals rather than making it harder for them to find somewhere to live.	See comment above.
		An A4D will not deal with the perceived negative aspects of physical appearance, waste and noise. Instead, the Council should use stricter enforcement measures against negligent landlords, and work with the Student Unions to develop focused campaigns to improve community relations.	Noted. A range of measures is recommended to help with the management of HMO including enforcement, information giving and the A4D itself.
		Suggest that students should be encouraged to populate a particular area (such as Portswood). This would enable Council resources to be focused rather than spread more thinly across the entire City.	There is a recognised need for different types of HMOs (including shared student houses) across the City. The City-wide A4D will assist the Council in managing this distribution to avoid pockets.
		Students want to live in an area that is convenient to them. A policy of HMO dispersal will not result in students choosing to live further away from the familiar student areas and the University.	Noted.
		There is no evidence provided within the A4D Cabinet Report to suggest that students bring cars to Southampton, or about how many cars a typical HMO will generate. This issue cannot be used to justify the A4D.	The HMO issue does not simply affect students and parking is one area that requires further discussion. The City Council is in the process of amending its parking standards. It is expected that standards will be set for HMOs as well as all other types of accommodation.
		Request a formal working group is set up to resolve the problems (employing the types of initiatives identified in the DCLG Ecotec Report (2008). The A4D is too drastic.	Noted. A range of measures is recommended to help with the management of HMO including enforcement, information giving and the A4D itself. A working group has been established to which the Students' Union have been invited.
7	M Clark (Member of SLA)	<b>OBJECTION</b> A4D is driven by vocal residents to limit student houses, but it's too late as existing HMOs are exempt from these changes.	Noted. The A4D would not be retrospective, but any future growth in the sector (as is expected) will need careful management.
		The application timescales and planning fees will add to the uncertainty and reluctance to let	Noted, although whilst landowners will incur costs through the time taken to assess an application and in preparing the submission itself, the planning fee (currently £335) would be waived following the adoption of the A4D

		It might be better for all concerned if students were concentrated in one area without spreading out into other areas.	There is a recognised need for different types of HMOs (including shared student houses) across the City. The City-wide A4D will assist the Council in managing this distribution to avoid pockets.
		Increased pressures for shared occupancy.	Noted and agreed.
		Less supply may result in higher rentals, thereby making the HMO sector less affordable.	Noted.
		Landlords will avoid renting to a couple with a friend, or to 2 unrelated couples, or 3 OAPs.	Noted.
		The Council's budgets are insufficient to enforce this.	The Council's enforcement budgets will be managed accordingly.
<b>8</b>	A Clark (Member of SLA)	<b>OBJECTION</b> A4D is driven by vocal residents to limit student houses, but it's too late as existing HMOs are exempt from these changes.	Refer to the response to 7. above
		The application timescales and planning fees will add to the uncertainty and reluctance to let.	Refer to the response to 7. above
		It might be better for all concerned if students were concentrated in one area without spreading out into other areas.	Refer to the response to 7. above
		Increased pressures for shared occupancy.	Refer to the response to 7. above
		Less supply may result in higher rentals, thereby making the HMO sector less affordable.	Noted.
		Landlords will avoid renting to a couple with a friend, or to 2 unrelated couples, or 3 OAPs.	Noted.
		The Council's budgets are insufficient to enforce this.	Refer to the response to 7. above
<b>9</b>	R Clark (T Clark & Son Property Management)	<b>OBJECTION</b> Student numbers are unlikely to increase in the future Clearly better to contain students in one area without spreading out into other areas. Suburban residents will not want HMOs forced into their areas.	There is a recognised need for different types of HMOs (including shared student houses) across the City. The City-wide A4D will assist the Council in managing this distribution to avoid pockets.
		An increase in students hall of residence would be a better approach.	Additional student accommodation is currently proposed, but the HMO sector is an important element of this provision as well. In addition there are non-student HMOs that also require management.
		It is unlikely that landlords will be able to wait 8 weeks for a decision when facing a tenancy application.	Noted.

		Concerns raised relating to the ability to swap freely to/from family occupancy & the loss of flexibility. If no assurances are given any landlord with a C4 use will be unlikely to rent to a family as they will lose their C4 status.	Comment noted. It is currently the intention to explain through the use of supplementary planning guidance how the Council will apply flexibility to applicants wishing to flip between families and shared tenants. It is not the intention of the A4D, or its supporting guidance, to restrict the occupancy of family houses for families.
		This will result in less supply and higher rents.	Noted. The HMO sector will need to be monitored following the publication of any additional planning guidance to ascertain how the restrictions are affecting the market.
10	A Grieb-Young (Clark)	<b>OBJECTION</b> – “Sledge hammer to crack a nut” Increased pressures for shared occupancy.	Noted. The A4D is a necessary part of the solution to manage the likely increase in demand
		A4D will limit/delay suitable property becoming available.	Noted. Any delay is regrettable, but necessary if the Council is to manage the location of HMOs across the City.
		Concerns raised relating to the ability to swap freely to/from family occupancy & the loss of flexibility. If no assurances are given any landlord with a C4 use will be unlikely to rent to a family as they will lose their C4 status.	Comment noted. It is currently the intention to explain through the use of supplementary planning guidance how the Council will apply flexibility to applicants wishing to flip between families and shared tenants. It is not the intention of the A4D, or its supporting guidance, to restrict the occupancy of family houses for families.
		Students should be fined for misdemeanours rather than changing the planning system.	The issue is not simply a student one and there are a host of enforcement measures that the Council can explore, with or without the A4D, for dealing with problem HMOs.
11	E Gorman	<b>OBJECTION</b> Concerned that they will need to apply for pp to continue to let their 2 houses to students.	The A4D will not be applied retrospectively. A Certificate of Established Use could be sought to confirm the existing use as a C4 HMO.
12	R Venn	<b>OBJECTION</b> Some 130,000 people in Southampton rely on the HMO sector.	Noted.
		Will question whether being a landlord is worth the hassle if the flexibility is taken out of the present system.	Noted.

<b>13</b>	R Bell (Aabee Homes)	<b>OBJECTION</b> Increased pressures for shared occupancy.	Noted and agreed.
		A4D would limit and/or delay provision.	Noted. Any delay is regrettable, but necessary if the Council is to manage the location of HMOs across the City.
		Less supply may result in higher rentals, thereby making the HMO sector less affordable.	Noted. The HMO sector will need to be monitored following the publication of any additional planning guidance to ascertain how the restrictions are affecting the market.
		Concerns raised relating to the ability to swap freely to/from family occupancy & the loss of flexibility. If no assurances are given any landlord with a C4 use will be unlikely to rent to a family as they will lose their C4 status.	Comment noted. It is currently the intention to explain through the use of supplementary planning guidance how the Council will apply flexibility to applicants wishing to flip between families and shared tenants. It is not the intention of the A4D, or its supporting guidance, to restrict the occupancy of family houses for families.
<b>14</b>	S Burnett (Homelife Lettings)	<b>OBJECTION</b> Increased pressures for shared occupancy.	Noted and agreed.
		A4D would limit and/or delay provision.	Refer to the response to 13. above.
		Less supply may result in higher rentals, thereby making the HMO sector less affordable.	Refer to the response to 13. above.
		Concerns raised relating to the ability to swap freely to/from family occupancy & the loss of flexibility. If no assurances are given any landlord with a C4 use will be unlikely to rent to a family as they will lose their C4 status.	Refer to the response to 13. above.
<b>15</b>	P Nestel	<b>OBJECTION</b> Increased pressures for shared occupancy.	Noted and agreed.
		A4D would limit and/or delay provision.	Refer to the response to 13. above.
		No evidence is provided of the need to safeguard family housing & ODPM predicts falling household size by 2026.	Evidence of the City's family housing requirements is available and was used to support the LDF Core Strategy.
		Concerns raised relating to the ability to swap freely to/from family occupancy & the loss of flexibility. If no assurances are given any landlord with a C4 use will be unlikely to rent to a family as they will lose their C4 status.	Refer to the response to 13. above.

16	A Hamlin	<b>OBJECTION</b> Increased need for shared accommodation.	Noted and agreed.
		A4D will limit/delay suitable property coming available.	Refer to the response to 13. above.
17	K Salomon-Olsen	<b>OBJECTION</b> Additional regulation is not good housing policy.	The need for an A4D is evidenced in the March Cabinet report. A 'do nothing' approach has been discounted.
		Landlords will be less inclined to rent to families.	This is not the intention of the A4D and the supplementary planning guidance will need to pick up on this concern.
		A4D will restrict the flexibility of the housing market to respond to changing conditions.	Noted, although it does not apply retrospectively and additional guidance is to be prepared to explain how flexible consents might address this problem.
		Health & Safety regulations should be used instead.	Noted. A range of measures is recommended to help with the management of HMO including enforcement, licensing and the A4D itself.
18	P Basra London Road	<b>OBJECTION</b> This will result in less supply and higher rents.	Refer to the response to 13. above.
		Parents of students will be less likely to invest in the City.	Noted, although the A4D is not the end of any future HMOs in the City.
		Investment in non-student HMO housing will also decline.	See above response.
		The Council will have to deal with the additional homelessness issue.	See above response.
19	C Short (Cranlea Holdings Limited)	<b>OBJECTION</b> An A4D will cause more harm than good and is another financial burden for landlords. The application timescales and planning fees will add to the uncertainty and reluctance to let.	Noted, although whilst landowners will incur costs through the time taken to assess an application and in preparing the submission itself, the planning fee (currently £335) would be waived following the adoption of the A4D.
		The A4D will also hit the mid-high end flats sought by professional sharers.	The A4D affects any shared property where between 3 and 6 unrelated people live as their main residence.
		There will be a reluctance to rent to families given the uncertainty created.	This is not the intention of the A4D and the supplementary planning guidance will need to pick up on this concern.
		Clarification sought for a scenario where 2 professionals share and 1 decides to share with a	The Use Classes definition of a C4 use is for between 3 and 6 unrelated people living in a property as their

		partner.	main residence. Permission would be required, if the property is not already a C4 use when the A4D is adopted.
		Possible issues with the provision of affordable housing.	Whilst recognising the contribution that HMOs make to meeting existing housing demand, planning applications for HMOs do not trigger the need for affordable housing.
		The landlords of good shared properties are being penalised by rules that are trying to tackle the problem ones.	Noted. The evidence base presented demonstrates that unrestricted concentrations of HMOs often fail to create mixed and balanced communities.
<b>20</b>	R Brown Bromley, Kent	<b>COMMENT</b> Owns a property and has let to students (including own son) since 1996	Noted.
		Will he be required to gain pp for a C4 use?	Yes, from March 2012 permission will be required. If the HMO exists at that time it is recommended that the landowner secure a Certificate of Lawful Use, although the A4D will not be applied retrospectively.
		What is the cost for securing pp?	The planning fee of £335 will be waived following the adoption of the A4D. A fee would still apply should a landowner wish to obtain a Certificate of Lawful Use.
		What criteria will an application be assessed against?	Primarily, and until further supplementary planning guidance Local Plan Review Policy H4 as supported by LDF Core Strategy CS16
		Will the Council compensate landlords who have to go through this process?	No. In order to avoid compensation the Council has followed the Government's advice and will delay the introduction of the A4D (if confirmed) until March 2012 so as to give the necessary 1 years notice of its intentions.
		If proposals do not affect existing HMOs then NO OBJECTION raised.	The introduction of an A4D will not be applied retrospectively.
<b>21</b>	M Holmes (Madison Property)	<b>COMMENT</b> Requests that the Council prepare a suitable policy so that applicants are clear before investing that they will get planning permission.	Noted. Work on the initial draft supplementary guidance is underway and further public consultation will follow.
		Demand is currently outstripping supply for professional room rentals and this will increase further with the changes in the benefit system.	Noted and accepted.