



**NORWICH**  
City Council

## **Council**

**28 September 2021**

### **Petition to council**

**Mr Steve Keyworth, to present the following petition:**

“NR4 7 Residents petition demanding fair limits and legislation be set to reduce the development of student HMOs in this area.

We the undersigned residents of NR4-7 (being Salter Avenue, Jasmine Close, Primula Drive, Penryn Close and Morello Close) believe that the concentration of HMO student housing has reached a level where it is impacting negatively on long term residents, meeting at least 6 of the 8 negative impacts listed by the Planning Department when considering intervention.

Fair limits to HMO development need to be set swiftly to protect the integrity of the neighbourhood and prevent families and long term residents from being driven away. In addition there needs to be better, faster, and more connected reporting processes to handle any anti-social behaviour issues that arise with the existing mix of residences.

The council has a legal responsibility to protect the character of a neighbourhood and we ask:

1. Will the council:
  - a. Update and re-publish the evidence prepared in 2014 and published in 2016 in regard to the levels of HMOs across the city, in particular in the University Ward and the specific roads represented by signatories of this petition and,
  - b. On the basis of the evidence, introduce an Article 4 Direction in part or all of the city remove the permitted development right for the change of use from a residential dwelling (C3) to a HMO (C4), and consider and implement any associated policy review/update to introduce the necessary development management policies to assess submitted applications arising from the introduction of the Article 4 Direction?

2. Will the council consider the implementation of either voluntary accreditation or selective licensing for smaller HMOs to enable better control over the standards of housing in this sector?
3. Residents have reported specific anti-social behaviour using the appropriate avenues, and written to the council (as well as the university and the police), can the council explain why it has been so slow to take any significant action in this area?"

**Councillor Stonard, cabinet member for inclusive and sustainable growth's response:**

"1a. The issue of HMOs is something that was discussed by councillors a few years ago at both Sustainable Development Panel (SDP) and cabinet. At its meeting in June 2016 [Sustainable Development Panel](#) resolved to approve the introduction of an article 4 direction based on a minimum threshold of 30% of houses being HMO accommodation (subject to Cabinet approval). This was considered by [cabinet](#) in September 2016 which did not agree to take forward an article 4 direction at that time, but instead resolved to ask SDP to [reconsider the approach](#) to HMOs taking into particular account the extent of take up of the voluntary accreditation scheme for HMO properties, analysis of the impact of welfare reform on housing options for different sections of the community and implications for demand for HMOs, published plans for the growth of academic institutions and implications for student numbers and purpose build student accommodation, and any available information on number and quality of HMOs in the city.

Since then, there has been significant growth in development of purpose-built student accommodation (PBSA), reflecting increases in student numbers. To respond to this, the council in 2019 adopted a [PBSA best practice advice note](#) to provide guidance for developers of this form of student accommodation to ensure it meets housing needs, relevant policy requirements and is well managed, in order to inform planning decision making. The advice note doesn't specifically cover HMOs but acknowledges the role they play in providing student accommodation to meet the needs of the higher education institutions, and notes that the provision of significant levels of PBSA is likely to take some pressure off the private rented sector in the city. The note also proposes closer cooperation between the council and the universities and students' unions in order to encourage development of well managed PBSA and to reduce potential for conflict arising between students and their neighbours.

Whilst much of the PBSA is being built within the city centre it has and will continue to take away pressure from residential streets closer to the UEA. Much of this PBSA is being occupied by post graduate students who would otherwise need accommodation and whilst in the past students typically lived in hall of

residents during their first year and then occupied houses near the university in later years of their courses this trend is changing with some students choosing to live in PBSA for all or several years of their courses. The PBSA schemes developed to date are well occupied and without these developments these students will have required alternative accommodation.

It would be best to establish the extent of HMOs across the whole city, as a full update to the evidence produced in 2016, rather than specifically focusing on a single area, and this evidence base will prove useful for the development of both planning policy and consideration of licensing options (to be discussed later in this response).

1b. If the evidence produced provided sufficient justification for the introduction of an Article 4 Direction then this could be pursued by the Council. It should be noted however, that recent changes to the National Planning Policy Framework (NPPF) have made the introduction and use of Article 4 Directions much more difficult, requiring them to 'be limited to situations where an Article 4 direction is necessary to protect local amenity or the well-being of the area', and 'in all cases, be based on robust evidence, and apply to the smallest geographical area possible' (NPPF para 53).

It cannot be guaranteed at this time that the evidence will support the introduction of an Article 4 Direction. If it does, the petitioner should note that the introduction of an Article 4 Direction is determined by central government.

2. The council introduced a scheme of voluntary accreditation for landlords of HMOs in 2016. This scheme was largely unsuccessful due to poor uptake from the trade and has since been discontinued. The Council will not reconsider the introduction of a voluntary accreditation scheme.

However, the council does have powers to introduce additional or selective licensing.

Additional licensing can be introduced where the local authority believes that a significant proportion of HMOs are poorly managed and giving rise to problems for residents or the general public. The use of additional licensing has to be consistent with the local authority's housing strategy and should be coordinated with the authority's approach on homelessness, empty properties and antisocial behaviour. The local authority must consult those who are likely to be affected. This includes people who live, work or operate businesses in adjoining local authority areas where they will be affected.

Decisions to designate an area as subject to additional licensing must be approved by the Secretary of State, unless they fall under general approval. A general approval was issued in 2010 to enable local authorities to make such

designations without the Government's approval, provided there is a minimum 10-week consultation period. The 10-week period does not commence until the local authority produces a draft proposal identifying what is to be designated and its consequences.

Additional licensing can come into force no earlier than three months after the designation has been approved or it falls under the general approval. It lasts for as long as set out in the designation, up to a maximum of five years, and its operation must be reviewed from time to time. The local authority can revoke the designation at any time and must publish notice of this decision.

Further, a Local Authority can introduce Selective Licensing which applies to more than HMOs. In order for a local authority to introduce a selective licensing scheme it is requirement that the area has a high proportion of property in the private rented sector let under assured tenancies, including assured shorthold tenancies, and licences. The private rented sector does not include properties let by Private Registered Providers of Social Housing.

In addition, it also a requirement that one of the following conditions must be met. The local authority's area:

- is an area of low housing demand
- has a significant and persistent problem of antisocial behaviour
- has a significant number of privately-rented properties in a poor condition
- is experiencing an influx of migration. Migration refers to movement within the country or from overseas
- has high levels of deprivation
- suffers from a high level of crime

At this time, it is considered prudent to update the evidence base on HMOs to establish the type of accommodation across the city in order to inform the decision about the right route for any additional controls to be introduced.

3. The council has no evidence of the level of complaints it has received that there is a significant level of disturbance in this particular area. I will set out in a letter to you the routes by which all complaints must be raised if instances of disturbance persist to ensure that your complaints can be recorded and investigated.”