

Your Ref:

Our Ref: 10/DB/39492/35 – doc 1775

Dated: 20 July 2012

Planning Department
Warwick District Council
Riverside House
Milverton Hill
Leamington Spa
CV32 5HZ,



RESIDENTIAL LANDLORDS
ASSOCIATION

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Dear Sir

Re: Warwick District Council - New Local Plan : Policy PO6 : Mixed Communities and Wide choice of housing.

About the Residential Landlords Association

The Residential Landlords Association (RLA) represents the interests of its members to Parliament and Government. We have over 11,500 subscribers representing a membership of around 15,000 private residential landlords in England and Wales.

Introduction

We have had the benefit of seeing a draft of a similar submission which is being made to you by the National Landlord's Association (NLA) and we endorse what they say. As we support their submission we do not intend to repeat the matters which they have put to you. Our comments are confined, by and large, to certain specific issues which we believe the Council need to consider before taking this proposed policy any further. As indicated in the heading this response relates only to Policy PO6 : Mixed Communities and wide choice of housing.

Lack of justification

It is important that this proposed policy is considered in the light of the National Planning Policy Framework ("the Framework"). Not only must the Framework be considered but also the outcome of two public examinations on similar policies put forward by both Portsmouth City Council and Manchester City Council.

As is clear from paragraph 50 of the Framework the underlying planning purpose underpinning any such policy restricting HMOs is about "mixed communities", i.e. mixture in the tenure, type and range of properties. It is not about balanced communities i.e. people who live in them. Only affordable housing can be based on the concept of a balanced community.

As provided for in the Framework the needs and demands of all sections of the community must be met and catered for through planning policies including young people such as young sharers. Following the introduction of the new Class C4 and Use Classes Order, it is also clear that such a policy cannot just be about students. Shared accommodation and bedsit accommodation are primarily residential accommodation for mainly young people but also across all sections of the population. Occupants include not just students but also young professionals, working people, benefit customers and so on. The proposed planning policy is intended to inhibit the provision of shared accommodation for students particularly in those areas where students want to live, but it has much wider ramifications.

Restrictive planning policies can be justified in certain circumstances but only by the impact of concentrations of HMOs so long as there is resulting adverse impact on residential amenities such as anti social behaviour, litter, lack of internal repairs, car parking problems and loss of local amenities (such as schools and shops). As the NLA rightly point out no such evidence has been produced in this instance of any residential disamenity. Importantly, it is the concentrations of HMOs and resulting adverse impacts on residential amenity which is the justification; not concentrations in themselves. Your planning policy is, however, purely aimed at restricting such concentrations for their own sake. If you pause for a moment you need to think that if we were dealing purely with an area of owner/occupation then there would be no wish for interference. In this instance, however, it is about young people and a different approach is therefore being pursued, which is not permissible.

If there are adverse impacts due to concentrations then dominance of concentrations of HMOs as a tenure may be contrary to Framework policies for mixed developments thus providing justification potentially for planning policies to intervene. What this can then do is justify a wider distribution of HMOs in different areas because the need/demand for such accommodation can still be met. It is important to stress, however, that it must be founded on evidence. No consideration is given to alternative areas where the demand is to be met and no doubt the residents of those areas would then raise concerns if HMOs were to start appearing in their neighbourhoods.

Any such policy must be justified by and underpinned by a credible objective evidence base. You need to demonstrate the evidence that there is residential disamenity. As already pointed out there is no such evidence.

When it comes to formulating policy there must be clear evidence to justify the nature of the restriction and the areas to which it is applied. The Planning Inspector in Manchester indicated that there is a need for flexibility for different percentages and different areas. There must also be a proper assessment of the effectiveness of the applicable percentage limits to assess their effectiveness so as to promote social harmony.

Importantly, there must be a proper assessment of need/demand such as a strategic housing market assessment which provides detailed evidence or a similar study of this nature.

Locational policy

In the justification of the policy it is indicated that the plan will need to include a locational policy to determine planning applications for shared houses as well as other types of HMOs. The plan itself contains, at the moment, no preferred option for any such plan so it is very difficult to make comments upon it. Also it is not clear whether you are able to deal with this by a local plan document or through a Supplemental Planning Document. We consider that a matter of this kind which is of such importance should be dealt with via the development plan document route which would enable it to be subject to proper independent examination.

Conclusion

It is very difficult to comment at this stage on the proposed policy because of the lack of detail. Nevertheless, we have very serious concerns about what is proposed and would urge the Council, as local planning authority, to think again. Clearly, the Council has to have proper credible evidence to justify its intended course of action. There is also a misconception on your part around what is intended in the light of national planning policies as set out in the Framework.

Yours faithfully



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