

Article 4 Direction: C3 (dwellinghouses to C4 (HMOs))

Consultation Report

No.	Title
Appendix A	Article 4 Direction to withdraw the permitted development rights granted by Schedule 2, Part 3, Class L (b), of the Town and Country Planning (General Permitted Development) Order 2015 (as amended)
Appendix B	Map of area subject to proposed Article 4 Direction
Appendix C	Updated Equalities analysis (available on the council's website)
Appendix D	Consultation Report

Consultation report on the representation period for the Article 4 Direction to remove Permitted Development rights for a change of use from C3 (self-contained residential) to C4 (small HMOs) on Bywater Place, SE16

For:

Confirmation of Article 4 Direction to withdraw the permitted development rights granted under Schedule 2, Part 3, Class L (b) of the General Permitted Development Order 2015 (as amended)

March 2017

Introduction

1. This report sets out what consultation the council undertook as a result of introducing the Article 4 Direction to remove the permitted development right to change the use of a property on Bywater Place from C3 to C4. Formally, within the General Permitted Development Order 2015 (as amended) the permitted development right falls under Schedule 2, Part 3, Class L (b).

Background information

2. The Article 4 Direction to remove the change of use from C3 to C4 on Bywater Place, SE16, was introduced on 27 October 2016. The Direction was introduced as an “immediate” Direction which meant that, following the decision to introduce the Direction at planning committee on 11 October 2016, as soon as practicable the Direction would be introduced. This would enable the impacts of the previously permitted development right to be curtailed as soon as possible.
3. Introduction of the Direction curtails impacts previously sought by the change of use from C3 to C4 carried out under permitted development. This is by requiring any individual seeking to change the use of a property on Bywater Place from C3 to C4 to submit a planning application. This application must then be assessed against the policies in the development plan and any supporting guidance. Policies in the development plan and the supporting guidance includes assessing impacts on amenity, traffic and parking impacts and waste management arrangements.
4. Such impacts, alongside others explored in further detail below, were initially reported to the council prior to the introduction of the Article 4 Direction by concerned residents of Bywater Place. Following this the council identified a need for an immediate Article 4 Direction to prevent any more harmful impacts to the street being sought by the change of use from C3 to C4 under permitted development rights. Planning committee agreed to introduce the Direction on 11 October 2016, coming into effect 27 October 2016.
5. Any Article 4 Direction introduced by a Local Planning Authority (LPA) requires a minimum 21 days statutory representation period to enable representations to be submitted and considered by the council in making the Direction. For immediate Article 4 Directions the representation period happens alongside the introduction of the Direction itself, and representations received are considered when deciding to “confirm” the Direction. Introducing an immediate Direction has other implications related to compensation claims. These implications are explored in paras 18 - 22 of the planning committee report to which this consultation report is appended. Following the statutory 21 days minimum representation period the council is obliged to consider all responses received during the period and make a decision as to whether “confirm” the direction. This decision must be taken within 6 months of the Direction being introduced. Should a decision not be taken to do this the immediate Direction introduced will lapse.

Consultation undertaken

6. The representation period on the Article 4 Direction introduced on Bywater Place complied with the provisions set out in the GPDO (2015). Notice of the Direction was made by:
 - Local advertisement in Southwark News (local press), published on Thursday 27 October (see appendix A)
 - Site notices placed in visible locations on Bywater Place, including at the each junction for a period of at least 6 weeks (see appendices B and C)
 - Written notification sent to every owner/occupier of properties on Bywater Place which specified a period of at least 21 days in which representations can be made (see appendix D)
 - Mailout to 4,000+ email addresses to the council's planning policy consultation notification mailing list (see Appendix E)
 - Article 4 Direction council webpages updated with relevant information on the Direction, the representation period, the planning committee report and other supporting documents available to view and download
 - Online Consultation Hub page which provided information on the Direction and an portal for submitting representations
7. Initial communications for the representation period expressed a deadline for 8 December 2016, equating to a 6 week period from when the Direction was introduced on 27 October 2016. In practice, however, the council accepted late representations.

Summary of responses received

8. Across the representation period the council received 24 responses to the introduction of the Article 4 Direction. Of these:
 - 19 were in support of the Direction (see paras 11 – 14 below)
 - 3 Objected to the Direction (see paras 15 – 18)
 - 2 have been discounted as N/A (see Appendix F3, page 25).
9. The responses mainly comprised of issues and points which are relevant in deciding whether to confirm the Direction. These issues and points raised have been carefully considered and have informed the recommendation to confirm the Direction in the planning committee report to which this consultation report is appended. Where an issue raised through a representation was not considered relevant to the confirmation of the Direction it has not informed the recommendation. These instances have been noted within this report, including in section 13 below, in the summary tables in Appendices F1-F3, as well as within section 42 of the planning committee report.

Supporting representations - Summary

10. Of the 19 supporting representations received during the period 12 were explicitly signed off by residents attached to a particular address on Bywater Place. A further three representations were signed off with the individual's name alongside their status as belonging to the Bywater Place Ltd. Estate Management Company. The remaining three representations did not explicitly state their relationship to the street however they are clearly written from the perspective of a concerned resident of the street.

11. The reasons given for supporting the Direction include the ability to better control and manage the impacts arising from the conversion of properties from C3 to C4. The key impacts that residents reported as problematic due to the existing prevalence of HMOs include:

- Impact on the family-orientated character of the street, which has a strong sense of community, affected by the HMOs.
- Impact on parking and traffic, overcrowded parking on spaces not designed for parked cars owing to the scarcity of parking spaces due to the increased number of vehicles resulting from the increase in number of households; the impact of this on streetscape and safety for children
- Restricting access to family housing due to HMOs providers competing for properties which come on the market for sale
- Waste management issues with increased number of households not adhering to waste collection protocols resulting in waste left out and spilling onto the street for prolonged periods with resultant increases in vermin activity. Issues with prevalence of fly tipped furniture and other bulky items left on the street from increased rate of HMO occupier turnover, negatively affecting visual amenity and safety of streetscape.
- Increase in noise and disturbance from more frequent comings, goings and activities of residents and visitors of HMO occupiers.

12. Each of these points have been duly noted and considered in the report to planning committee recommending confirmation of the Direction. A further, more detailed breakdown of the supporting responses received can be found in Appendix F1 starting on page 16.

Issues raised by supporters – not considered

13. Several points in the supporting representations were raised which are potentially related to and/or associated with a property's change of use from C3 to C4. However, the issues described arise as a result of activity outside of the scope of changing the use of a property from C3 to C4 under the Order. Therefore they cannot be considered in the decision to confirm the Direction. These include:

- Suspicions that properties do not meet fire safety regulations standards
 - Response: this is an issue for building control and the council's HMO licensing teams to address
- Unauthorised development being undertaken on the HMO properties contrary to plans submitted to and approved by the LPA
 - Response: Residents should report suspected violations to the council's planning enforcement team
- Increase in accommodation from the conversion of the ancillary garages on the street
 - Response: Conversion of garages into accommodation on Bywater Place should be subject to planning permission, therefore it is assumed that in most instances development of this type would have been subject to a planning application, assessed against the policies within the development plan and approved by the council. Where it is suspected that planning permission has

not been obtained for development of this type on the street this should be reported to the council's planning enforcement team which will result in an enforcement investigation being opened.

- That some properties were being let on an "Air BnB" arrangement (i.e. short term holiday lets) further impacting on the sense of a stable, long-term community with an increase in transient occupiers
 - Response: Prior to January 1 2017 the council did not have control over home owners renting out their properties for short-term holiday lets. Since January 1 2017, property owners letting their London properties as short term holiday lets for more than 90 days per year require planning permission for a change of use to C1, owing to the extent of short-term holiday lets constituting a material change of use.

14. Other issues not considered to be relevant to any of the above, nor in informing the recommendation to confirm the Direction itself, are noted in the "Other" column within Appendix F1.

Objecting representations – Summary

15. During the representation period there were three responses which objected to the introduction of the Article 4 Direction. The following is a summary of the points raised by the objectors. The council's response each point raised by objectors can be found Appendix F2 on page 22.

16. Two of the objections were explicitly from residents of Bywater Place (one self-identified, the other anonymous).

- The self-identified objection was implied that converting to a HMOs created more rooms within a property and therefore helped increase (affordable, rented) housing supply. The objector requested that, should the Direction be confirmed, it should only apply to new owners (post-Direction-introduction) of property on the street.
- The anonymous resident felt that the Direction was disproportionate and arbitrary without specifying why. They also cited the potential impact on property values and the ability of owners to rent out their properties.

17. The third objection was submitted by Planning and Party Wall Specialists on behalf of Ultimate Housing Co., a HMO provider on Bywater Place. The points raised in their representation can be summarised as:

- Lack of justification and evidence for introducing the Direction and ignoring a recent upheld appeal relating to HMOs on the street
- That the council engaged in no consultation prior to the introduction of the Article 4
- That the type of occupiers to which Ultimate Housing Ltd. caters for means the impact of HMO occupiers are less than they otherwise would be with other types of HMO occupiers
- That there is no justification for introducing a Direction on Bywater Place and not the surrounding streets

18. Each of the above points raised relevant to the confirmation of the Direction have been carefully considered in the planning committee report to which this consultation report is appended and responded to in Appendix F2.

Responses not considered

19. Two responses were received from residents of the street which have been categorised as N/A expressing neither clear support nor objection to the confirmation of the Direction.
20. The first objected only on the condition that the Direction apply retrospectively to properties which have already been converted to C4/HMO use. Said representation also made a point that they contractually oblige their tenants in their HMO to live respectfully amongst the existing residents.
21. The second N/A representation claimed:
 - that the Direction is unnecessary
 - that parking is not an issue
 - that waste and refuse is an issue
 - that the definition of a HMO should be changed from 4 to 5 people
 - and that any changes should be assessed on an individual basis.
22. Both of these representations have been considered in more detail in appendix F3 on page 25 and include the council's response.

Conclusions

23. As a result of the representation period which followed the introduction of the Article 4 Direction on 27 October 2016, the council received 24 responses. 19 supporting representations from the residents of Bywater Place cite key issues brought about by the currently prevalence of HMOs on the street affecting their amenity and safety of the homes, including traffic, waste and noise. They also cite the negative impact on access to family housing and impact on the family-orientated character of the street being affected by HMOs which a confirmed Article 4 Direction for the change of use of properties from C3 to C4 will help to curtail in the future. The objectors raise points which, where relevant, the planning committee report considers carefully in informing the recommendation. Further responses are provided in Appendices F1, F2 and F3 below.

Appendix A – Press advertisement scan published in Southwark News



**TOWN AND COUNTRY PLANNING (GENERAL PERMITTED DEVELOPMENT) ORDER 2015
(AS AMENDED)**

NOTIFICATION OF CONFIRMATION OF ARTICLE 4 DIRECTIONS: RAILWAY ARCHES

Southwark Council has confirmed four Article 4 Directions on 27 October 2016 under Article 4 (1) of the Town and Country Planning (General Permitted Development) Order 2015 (as amended).

The Article 4 Directions apply to land located within **railway arches** in the London Borough of Southwark.

Three Directions come into effect immediately and relate to development consisting of:

Changes of use from shops (Class A1), financial and professional services (Class A2), betting offices, pay day loan shops or launderettes (Sui Generis use), offices (Class B1a), or storage and distribution (Class B8) to a dwellinghouse (Class C3). (Schedule 2, Part 3, Class M, Class O and Class P).

A Direction relating to development consisting of changes of use from light industrial (Class B1c) to a dwellinghouse (Class C3) (Schedule 2, Part 3, Class PA) will come into effect on 1 October 2017.

Development of the description set out above should not be carried out on the land shown edged red on the maps annexed to the Directions, unless planning permission is granted on an application made under Part III of the Town and Country Planning Act 1990, as amended.

NOTIFICATION OF ARTICLE 4 DIRECTION: BYWATER PLACE

Southwark Council made an Article 4 Direction on 27 October 2016 under Article 4 (1) of the Town and Country Planning (General Permitted Development) Order 2015 (as amended).

The Article 4 Direction applies to land located in **Bywater Place, Surrey Docks, SE16** in the London Borough of Southwark.

The Direction comes into effect immediately and relates to development consisting of:

Change of use from dwellinghouses (Class C3) to Houses of Multiple Occupation (HMOs) (Class C4) (Schedule 2, Part 3, Class L (b)).

Development of the description set out above should not be carried out on the land shown edged red on the maps annexed to the Direction, unless planning permission is granted on an application made under Part III of the Town and Country Planning Act 1990, as amended.

Representations concerning the Bywater Place Article 4 Direction can be made between **27 October 2016** and by 5.00 p.m. on **8 December 2016**.

You can comment by:

Visiting our Consultation Hub and filling in our online form:
<https://consultations.southwark.gov.uk/planning-and-regeneration/article-4-direction-bywater-place-hmos>

Send an e-mail to planningpolicy@southwark.gov.uk or send comments to: FREEPOST SE1919/14 Planning Policy, Chief Executive's Department, London SE1P 5EX

A copy of the Article 4 Directions listed above and the maps defining the areas affected can be downloaded from the Council's website:

http://www.southwark.gov.uk/info/856/planning_policy/3289/article_4_directions

They can also be viewed by appointment at the council offices at 160 Tooley Street, London SE1 2QH, between the following hours: 9am – 4.30pm Monday to Friday. Telephone 0207 525 5471.

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Appendix B – Copy of site notice put up on Bywater Place

PLANNING NOTICE

TOWN AND COUNTRY PLANNING (GENERAL PERMITTED DEVELOPMENT) ORDER 2015
Notice of Article 4 Directions

Article 4 Direction: Bywater Place (Change of use from dwellinghouses to houses of multiple occupation)

Southwark Council made Article 4 Directions on 27 October 2016, under Article 4(1) of the Town and Country Planning (General Permitted Development) Order 2015 (as amended).

The Article 4 Directions apply to land located within Bywater Place in the London Borough of Southwark.

The Direction comes into effect immediately and relates to development consisting of:

Development consisting of a change of use of a building (b) from a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order, to a use falling within Class C4 (houses in multiple occupation) of that Schedule.

Development of the description set out above should not be carried out on the land shown edged/coloured red on the maps annexed to the Direction, unless planning permission is granted on an application made under Part III of the Town and Country Planning Act 1990, as amended.

Display date

07/11/2016

Expiry date

08/12/2016

A copy of the Article 4 Direction and the map defining Bywater Place can be downloaded from the Council's website:

http://www.southwark.gov.uk/info/856/planning_policy/3289/article_4_directions

They can also be viewed by appointment at the council offices at 160 Tooley Street, London SE1 2QH, between the following hours: 9am – 4.30pm Monday to Friday. Telephone 0207 525 5471.

Representations concerning the Article 4 Directions can be made between **07 October 2016** and by 5.00 p.m. on **08 December 2016**.

You can comment by e-mail to planningpolicy@southwark.gov.uk or send comments to: FREEPOST SE1919/14 Planning Policy, Chief Executive's Department, London SE1P 5EX

Appendix C – example of site notice



Appendix D – Copy of written notification sent to residents of Bywater Place



7 November 2016

Dear Sir/Madam

TOWN AND COUNTRY PLANNING (GENERAL PERMITTED DEVELOPMENT) ORDER 2015 (AS AMENDED)

NOTICE OF ARTICLE 4 DIRECTION AFFECTING BYWATER PLACE

We are writing to notify you, as an owner and/or an occupier of a property on Bywater Place, that on 11 October 2016 the Council made an Article 4 Direction removing certain “permitted development” rights under Schedule 2, Part 3, Class L (b), of the Town and Country Planning (General Permitted Development) Order 2015 (as amended).

The Article 4 Direction applies to properties on Bywater Place in the London Borough of Southwark. A copy of the Article 4 Direction and the map defining the affected area can be downloaded from the Council’s website:

http://www.southwark.gov.uk/info/856/planning_policy/3289/article_4_directions

The Direction comes into effect immediately and relates to development consisting of a change of use of a building:

From a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order, to a use falling within Class C4 (houses in multiple occupation) of that Schedule.

What does this mean?

Article 4 Directions relate to town planning legislation. Most kinds of development or changes in use of buildings require permission. However, certain types of development are permitted and do not require permission. The Town and Country Planning (General Permitted Development) Order 2015 (as amended) allows change

of uses to take place from dwellinghouses to houses in multiple occupation and vice-versa.

When an Article 4 Direction is introduced, permitted development rights are removed and a planning application will then be required if the owner/occupier or a developer wishes to propose a change of use. Any planning application would then be assessed against the council's Local Plan policies.

This letter is confirming that certain permitted development rights have been removed on Bywater Place. This means that any change of use to houses in multiple use from dwellinghouses requires planning permission (maps can be downloaded from the council's website).

The Article 4 Direction is effective immediately.

How can I comment?

Representations concerning the Article 4 Direction can be made between **8 June 2016** and **8 December 2016**.

You can comment by:

Visiting our Consultation Hub and filling in our online form:

<https://consultations.southwark.gov.uk/planning-and-regeneration/article-4-directions-railway-arches>

Send an e-mail to planningpolicy@southwark.gov.uk or send comments to: FREEPOST SE1919/14 Planning Policy, Chief Executive's Department, London SE1P 5EX.

All comments must be received by **5pm** on **8 December 2016**.

Where can I find out more information?

More information about this Article 4 Direction and the Council's other Article 4 Directions are available on our website:

http://www.southwark.gov.uk/info/856/planning_policy/3289/article_4_directions

If you have any questions about the Article 4 Directions, please contact the planning policy team by phone 020 7525 5471 or by email planningpolicy@southwark.gov.uk

Yours faithfully,

Juliet Seymour

Planning Policy Manager

Appendix E – Copy of email sent to planning policy mailing list

Dear Sir/Madam

We are writing to update you on Article 4 Directions in Bywater Place and railway arches within Southwark.

What is an Article 4 Direction?

Article 4 Directions relate to town planning legislation. Most kinds of development or changes in use of buildings require permission. However, the General Permitted Development Order (GPDO) allows certain changes of use to take place without the need to apply for planning permission. When an Article 4 Direction is introduced, permitted development rights are removed and a planning application will then be required if the owner/occupier or a developer wishes to propose a change of use. Any planning application would then be assessed against the council's Local Plan policies.

NOTICE OF IMMEDIATE ARTICLE 4 DIRECTION: BYWATER PLACE

The council has removed permitted development rights for the change of use of dwellinghouses (Class C3) to Houses in Multiple Occupation (HMOs) (Class C4) (Schedule 2, Part 3, Class L(b)) in **Bywater Place, Surrey Docks, SE16**. This is to prevent an overconcentration of HMOs in one area and to help protect the amenity of residents and preserve the character of the area.

How can I comment?

Representations concerning the Article 4 Direction can be made from **27 October to 8 December 2016**.

Please visit our consultation hub and fill in our online form: <https://consultations.southwark.gov.uk/planning-and-regeneration/article-4-direction-bywater-place-hmos>

Alternatively send an e-mail to planningpolicy@southwark.gov.uk or send comments to: FREEPOST SE1919/14 Planning Policy, Chief Executive's Department, London SE1P 5EX. All comments must be received by **5pm on 8 December 2016**.

NOTICE OF CONFIRMATION OF ARTICLE 4 DIRECTION: RAILWAY ARCHES

In May, the council made four Article 4 Directions restricting the conversion of railway arches to residential use. The council confirmed these directions on 27 October 2016 following consultation earlier in the year.

Specifically, changes of use from shops (Class A1), financial and professional services (Class A2), betting offices, pay day loan shops or launderettes (Sui Generis use), offices (Class B1a), or storage and distribution (Class B8) to a dwellinghouse (Class C3) (Schedule 2, Part 3, Class M, Class O and Class P) now require planning permission in railway arches.

A Direction relating to development consisting of changes of use from light industrial (Class B1c) to a dwellinghouse (Class C3) (Schedule 2, Part 3, Class PA) in railway arches will come into effect on 1 October 2017.

Where can I see the Article 4 Directions and maps?

The Article 4 Directions are available on our website:

http://www.southwark.gov.uk/info/856/planning_policy/3289/article_4_directions

They can also be viewed by appointment at the council offices at 160 Tooley Street, London SE1 2QH, between the following hours: 9am – 4.30pm Monday to Friday. Telephone 0207 525 5471.

If you have any questions about the Article 4 Directions, please contact the planning policy team by phone 020 7525 5471 or by email planningpolicy@southwark.gov.uk.

Yours faithfully,

Laura Hills

Senior Planning Policy Officer

Planning Policy team Chief Executive's Department Southwark Council

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Appendix F – Consultation responses summary tables

The following tables provide a detailed breakdown of the comments received alongside the council's response.

- **Appendix F1** shows a summary of each **supporting response** with each issue identified and responded to by the council (**pages 15 – 21**)
- **Appendix F2** shows a summary of each of the **objecting responses** received with each point raised responded to by the council (**pages 22 – 24**)
- **Appendix F3** shows a summary of the responses that were **considered N/A** in the confirmation of the Direction, with a response as to why the council considered the case (**page 24**)

Appendix F1 – Supporting responses summary tables

Responder No.	Traffic/Parking	Household waste	Character/community	Access to family housing	Noise/disturbance	Other	Officer response (and comment on "other")
1	Y - Dangerous impact on access and egress due to poor, overcrowded parking	Y - Waste issues causing vermin problem due to spillage from mis-managed waste	Y - Impact on tranquillity of Bywater Place as a result of HMOs	Y		HMO developer not engaging with Management Board, ignoring existing covenants restricting use to HMO. Not carrying out development in accordance with plans approved by the LPA	Noted. Any breach of planning control should be reported to the council's planning enforcement team and is not a consideration in confirming the Direction.
2			Y - HMOs bring too many transient occupiers				Noted
3							Noted
4	Y	Y - overflowing due to not adhering to council guidelines and increase in vermin, meaning street is becoming unattractive and unsafe particularly for children	Y - Conducive to family living. Character change tremendously in 19 years living here	Y		High turn over of tenants in HMOs, with little or no contact with longer-term residents. Garages being converted into living space further impact on the issues inc. parking.	Noted. Conversion of garages into habitable rooms requires planning permission. Should a breach of planning control be suspected this should be reported to the council's planning enforcement team.

Responder No.	Traffic/Parking	Household waste	Character/community	Access to family housing	Noise/disturbance	Other	Officer response (and comment on "other")
5						HMOs contribute to overpopulation of the street and allow for exploitative landlords to charge "exorbitant" rent.	Noted. Character of the landlords/cost of renting a room is not a consideration in confirming the Direction.
6	Too much	Too much - sometimes extra bin blocks the road				HMO owners do not care about the community only for their rental income	Noted.
7	Not enough room with the increase in households bought about by HMO prevalence	More waste than single households - the extra bins having to be allocated to HMO properties overflowing so spread between bins on the estate					Noted.

Responder No.	Traffic/Parking	Household waste	Character/community	Access to family housing	Noise/disturbance	Other	Officer response (and comment on "other")
8	Y	Y			Y		Noted.
9	Y- inc. child safety	Y					Noted.
10		Y - leading to increase in vermin and foxes	Y - family-friendly character		Y - Tenants typically students and young professionals, noise and disturbance from increased comings and goings of tenants and their friends, parties inc. housewarmings from high turn over of tenants	2 rented out "Air BnB style", owners of the HMOs do not live here so do not experience the negative impacts, conversion of garages and loft space into habitable rooms adding to problematic impacts of HMOs	Noted. Properties let on a short term holiday lets basis for more than 90 days year requires planning permission for a change of use from C3 to C1. Should a breach of planning control be suspected this should be reported to the council's planning enforcement team. The council does not have control over properties let for short term holiday lets for less than 90 days a year. See above re: garages.
11	Y - inc. child safety		Y - Thriving family community			Impact on upkeep/condition of property/garden/aesthetic	Noted.

Responder No.	Traffic/Parking	Household waste	Character/community	Access to family housing	Noise/disturbance	Other	Officer response (and comment on "other")
12	Y	Y - overflowing due to not adhering to council guidelines and increase in vermin, meaning street is becoming unattractive and unsafe particularly for children	Y - Street is conducive to family living	Y		High turn over of tenants in HMOs, with little or no contact with longer-term residents. Garages being converted into living space further impact on the issues.	Noted. See above re: garages.
13	Y	Y - Waste on the ground and overflowing bins contributing to vermin, unattractive and unsafe, particularly for children		Y		High turn over of tenants in HMOs, with little or no contact with longer-term residents. Garages being converted into living space further impact on the issues inc. parking.	Noted. See above re: garages.

Responder No.	Traffic/Parking	Household waste	Character/community	Access to family housing	Noise/disturbance	Other	Officer response (and comment on "other")
14	Y	Y - Collection protocols not adhered to leaving bins uncollected and overflowing, attracting vermin				Fire safety	Noted. Any breach of fire safety regulations should be reported to the council's building control team. Building regulations is not within the scope of the Direction and therefore is not a consideration in confirming it.
15	Y - more traffic as a result of the HMOs	Y - Overflowing bins, rubbish left on the pavement and increase in vermin	Y - Quiet, tidy, minimal traffic allowing children to safely play outside	Y		Unknown neighbours, alterations spoiled the co-ordinated look of the estate, HMO gardens unkept and run down	Noted.

Responder No.	Traffic/Parking	Household waste	Character/community	Access to family housing	Noise/disturbance	Other	Officer response (and comment on "other")
16	Y - more car parked for which the street was not designed for. Increase in traffic represents increased danger for playing children. Also impact on other resident's, deliveries and waste collection vehicle's ability to navigate their the street	Y - Overflowing bins due to not following correct collection protocols despite contact with the Estate Management Co. and the council. Increase in vermin as a result including impact on child safety Also increase in furniture left on the street due to high tenant turnover contributing to a run down atmosphere	Y - Require Article 4 Direction to preserve what is left of the "family friendly" character of the street			Parking stress compounded by conversion of garages into living space within HMO properties. More transient population bought about by the prevalence of HMOs impacts on sense of safety for longer term residents	Noted. See above re: garages.
17			Y - HMO prevalence have a negative impact on the community nature of the street	Y		Landlords of HMOs do not have respect for the existing community nor the council. Fire safety	Noted. See above re: fire safety.

Responder No.	Traffic/Parking	Household waste	Character/community	Access to family housing	Noise/disturbance	Other	Officer response (and comment on "other")
18	Y - Number of cars has increased substantially posing an increased risk for children, inappropriate parking due to lack of space	Y - Overflowing bins, rubbish left on the pavement and increase in vermin	Y - The street's strong family community and its character has been jeopardised by the rapid increase in HMOs	Y			Noted.
19	Y	Y	Y - Homes ideally suited to families		Y	Impact on the sense of security	Noted.
Totals	14	13	11	7	3		

Appendix F2 – Objecting response summary table

Objector no.	Objector representation summary	Council Response
1	<p>"Disproportionate and arbitrary" Direction"</p> <p>Will effect property values and the ability of property owners in renting out their properties</p>	<p>The council considers the Direction to be proportionate and justified by a robust rationale, that is to curtail the impact on the amenity, character and access to family housing that the prevalence of HMOs on the street is currently subject to.</p> <p>Councils which implement Directions are liable to compensations claims for people affected by the Direction. It is correct that the Direction will affect the ability of property owners from renting out their properties as HMOs, which now requires planning permission and cannot be undertaken as permitted development. Property owners/occupiers are still able to rent out rooms as lodgers, which is not considered a material change of use, therefore no planning permission is required.</p>
2	<p>1. That the council does not have sufficient justification for implementing the Direction with only anecdotal/speculative evidence supporting it</p> <p>2. That the council engaged in no consultation prior to making the Direction</p> <p>3. Relied on an unspecified number of unverified reports of unidentified local residents</p> <p>4. Relies on the 25% of properties identified as being "possibly" HMOs in justifying the introduction of the Direction</p> <p>5. That the type of occupiers to which one of the main HMO providers on</p>	<p>1. The council has robust evidence as detailed in the planning committee report which shows the precise confirmed, probable and possible prevalence of HMOs on the street, compiled from reliable sources. Supporting this are the impacts of the current prevalence of HMOs on the street as reported by residents through the representation period.</p> <p>2. The council did not engage in any formal consultation prior to the implementation to making the Direction by virtue of the Direction being an immediate one. Immediate Directions are introduced where necessary and are subject to a formal representation period (to which this response has been submitted) prior to the Direction being confirmed.</p> <p>3. During the formal representation period the council received 19 responses supporting the direction from residents of the street.</p> <p>4. The 25% of properties on the street identified as "possibly" being HMOs is a key consideration in determining the possible likelihood of future conversion of any non-C4 properties to C4 under permitted development should the Direction not be confirmed. This is based on past trends. The 25% is not identified as being key in assessing the impacts of existing of HMOs.</p> <p>5. This is a specious assumption not grounded in evidence, and the council maintains that the issues reported brought about by HMO concentration arise as a result of the number of</p>

<p>Bywater Place caters to reduces the impacts typically associated with other HMO occupiers</p> <p>6. Provides no rationale for applying the Direction to Bywater Place and not to the surrounding, similar streets</p> <p>7. No evidence as to the likelihood of future rates of change from C3 to C4 under the Order</p> <p>8. Ignoring recent upheld appeal decision to condition the extension of a property to prevent a use as an HMO</p>	<p>HMOs and the (more transient) nature of the occupants and not the type of occupiers that the HMO provider markets and lets properties to.</p> <p>6. There is a clear rationale for applying the Direction to Bywater Place and not the surrounding streets being that Bywater Place is where the reported impacts of an overconcentration of HMOs has occurred.</p> <p>7. The recent trend for properties on the street being converted to HMO use provides a robust indication of the future likelihood of further C3 properties being converted to HMO use under permitted development were the Direction to not be confirmed. The 25% "possibly" HMO properties (i.e. those confirmed as private rented accommodation) provide a further basis on which to predict the future likelihood of conversion from C3 to C4, being that private rented properties are most likely to be let on Assured Shorthold Tenancies, providing a greater frequency of empty property as tenants change over and providing a greater opportunity for conversion to C4.</p> <p>8. The recent upheld appeal for the removal of a condition restricting the use of an extended property at 32 Bywater Place for use as an HMO was allowed by the inspector on the basis that "the evidence does not suggest that this is an area where an overconcentration of HMO is likely to result in significant harm to residential amenity." The inspector did not have the evidence provided through the representation period by supporters of the direction to inform their decision. The evidence and representations received by the council during the representation period is contrary to the inspectors conclusions and clearly detail the harm that the current prevalence of HMOs have caused to the residential amenity and character of the street. Therefore the in light of the inspector's conclusion being drawn without the supporting representation responses, it should be given little weight.</p>
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3	<p>Implies that the introduction of the Direction will reduce the supply of affordable rented properties and that converting a property from C3 to C4 will create "more rooms," which the Direction will inhibit.</p> <p>Requests that should the introduction of the Direction be confirmed it should only apply to new owners of properties (i.e. after the Article 4 Direction has been implemented) rather than blanket application to all properties on the street</p>	<p>The Direction will inhibit the ability of property owners to lawfully convert their properties from self-contained properties to HMOs without the need for planning permission. The permitted development right for a change of use from C3 to C4 changes the nature of the occupation of the homes, and does not allow for the creation of more habitable rooms. Any conversion of properties will therefore be have the existing number of rooms remaining, whether for families or sharing adults. Therefore the impact of the direction will not restrict housing supply. HMO properties are not by definition affordable.</p> <p>Article 4 Directions are introduced to remove a type of development specified as permitted within the GPDO (2015) (as amended). Article 4 Directions cannot be introduced to to remove rights of certain owners of property.</p>
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Appendix F3 – N/A responses summary table

Responder No.	Representation	Council response
1	<p>Only objects should the Direction be applied retrospectively i.e. if existing HMOs on the street are required to revert to C3</p> <p>Tenants are required to live respectfully amongst existing residents</p>	<p>Article 4 Directions are only applied to development undertaken following the introduction of the Direction, and not to development that was undertaken when the Article 4 Direction was not in place. Therefore objection not counted.</p> <p>Noted.</p>
2	<p>Traffic and parking is not an issue.</p> <p>Rubbish and clutter is an issues</p> <p>Article 4 is unnecessary</p> <p>Rather should have the definition of a HMO change from 4 people to 5 people and assess on an individual basis</p>	<p>Noted that parking is not considered an issue and that rubbish is.</p> <p>Noted that the Direction is considered unnecessary. Council considers the Direction necessary to properly plan the area for the reasons set out in the planning committee report. Unclear as to the reference to change the definition, the Direction will apply to the change of use from C3 to C4 (small HMOs for 3 to 6 people). The Direction will require each case to be assessed on an individual basis against the policies in the development plan and the council's supporting guidance. Response unclear as to support/objection therefore not counted as either.</p>