COLDEAN NEIGHBOURHOOD PLANNING FORUM

Houses in Multiple Occupation

Policy

**Evidence**

1. According to the 2021 Census the “usual residents”[[1]](#footnote-1) population of Coldean was 2993. At the same time the available bedrooms at Varley Park student accommodation were 986. This amounts to 24.7% of the total population, excluding student HMOs.
2. In August 2021 there were 98 registered HMOs in Coldean. We estimated that 9 of these were held on annual shorthold tenancies; while the remainder were held on 39 or 42 week academic year tenancies. Assuming a typical four bedrooms per dwelling, there would be a capacity of 356 bedrooms and a total student population of 1342.
3. Therefore the total student population in terms of usual residents is over 44%
4. According to the Council Tax List there are 1351 dwellings in Coldean, excluding Varley Park. Therefore, excluding Varley Park, HMOs account for some 7% of all dwellings in Coldean.

**Planning**

1. An HMO is defined by the Use Classes Order as:

*C4 Houses in multiple occupation - Small shared houses occupied by between three and six unrelated individuals, as their only or main residence, who share basic amenities such as a kitchen or bathroom.*

1. In City Plan 2, adopted 24 October 2022, reference to HMOs is found in DM7:

Paragraph 2 refers to the condition for change of use from C4 to C3/C4 use. In addition to compliance with City Plan1 Policy CP21, the following criteria apply.

a) fewer than 20% of dwellings in the wider neighbourhood area are already in use as HMOs;

b) the proposal does not result in a non-HMO dwelling being sandwiched between two existing HMOs in a continuous frontage;

c) the proposal does not lead to a continuous frontage of three or more HMOs;

d) the internal and private outdoor space standards provided comply with Policy DM1 Housing Quality, Choice and Mix;

e) communal living space and cooking and bathroom facilities are provided appropriate in size to the expected number of occupants.

1. Paragraph 2.51 states:

“High concentrations of HMOs can cause a number of negative impacts on local communities, for example more frequent noise nuisance, depopulation of neighbourhoods during academic vacations, increased pressure on parking due to higher population, and higher levels of population transience leading to a possible longer-term breakdown of community cohesion.”

1. **It is by virtue of City Plan 2 that the Neighbourhood Plan policy on HMOs is constructed**.

**Open Forum Meetings**

1. At two Open Forum meetings the negative impacts referred to in Paragraph 2.51 have been strongly expressed by Forum members. Similarly email messages have been received from members also concerned about negative impacts.

At these meetings where members were given five “post-it” notes to order their concerns in priority. These were then placed on wall sheets according to their rank 1-5. The issue of HMOs has ranked as first or second priorities in the majority of concerns.

In the discussions that followed, anti-social behaviour and loss of community cohesion were the chief concerns and observations of members.

Also in the discussions, members expressed that they had no animosity towards students in general; even though they had experienced frequent incidents of ant-social behaviour.

1. The other concern was social cohesion. Members reported a loss of the number of families in Coldean was having an impact on how families were perceived and treated.

Formerly Coldean was popularly referred to by estate agents as a “Mother and daughter estate” because there were many families that had dwelt in Coldean for more than one generation. For many at the meetings this was identified as a loss to the community.

**Anti-Social Behaviour**

1. We have recorded complaints by residents of anti-social behaviour from HMOs. We have been unable to confirm with Brighton and Hove City Council whether, in response, they have issued warning notices of HMO Licence revocation or actual licence revocation. Their advice to residents is to keep a log of events.
2. Other agencies, such as University Community Liaison teams are usually unable to stop anti-social behaviour because of tenant’s rights under Landlord and Tenant law. It has been our experience that they usually just try to persuade them to desist.
3. The period of most occurrences is usually between June and July when final exams are finished and the end of the universities’ summer term. At this time residents have experienced repeated anti-social behaviour from the same properties.
4. Even if the leases contain “non-disturbance” clauses, neither landlords, the Council or universities can act as the leases are close to expiring.
5. We have selected two examples to illustrate the problem.
   1. 126 Wolseley Road Brighton BN1 9ET between June and August 2022. Dwellings affected in Wolseley Road, Woodview Close, Standean Close and Hawkhurst Road.

*“The shouting and loud noise just carry's on, told to keep a log.*

*What’s the point, even if these student residents get letters they seem to ignore them and just carry on being as loud as they want in the balcony which echoes across the back gardens.*

*If they have graduated and soon to leave Brighton there is no so called punishment they can be given while the Police are not able to do anything.*

*Woken with a start at 11:53 then just as you eventually doze off as its gone quiet off they go again, then again at 2:33 yet by 2:41 all silent again.*

*Are they doing this on purpose?*

*It’s not fair to working people, my wife is easily awakened more than I and constant lack of sleep makes you irritable and not good when you are then at work like my wife is looking after elderly dementia patients. ….*

*Writing this as we are struggling to get back asleep yet again.*

*They have gone back outside again at 2:58 and all lights blazing, they have no blind or curtaining to the diner or kitchen. “*

* 1. Rushlake Road. September 2018. Resident next to an HMO verbally reported that the students were repeatedly teasing her dog in her rear garden until the dog became distraught. She had to stop letting her dog into her garden. This was resolved by a University Community Liaison Team but only after some four weeks of complaints.

1. We note that the Council’s response is to treat complaints as an Environmental Protection issue rather than an HMO licensing issue. This puts the onus on residents to keep a log of events over a period of time with no certainty of a resolution. In our Open Forum meetings residents have complained that the council seeks to deflect complaints and there seems to be a prevailing view that effluxion of time will resolve the problems.

**Other Neighbourhood Plans**

1. We are aware that other Neighbourhood Forums with a large number of HMOs have policies limiting HMOs unless certain criteria are met. However, we have not found a Neighbourhood Forum with a comparable concentration of HMOs together with Student Halls of residence.

**Analysis**

1. While the criteria of 20% of dwellings in City Plan2 does not apply to Coldean, this policy does not take account of the impact of the large numbers of students resident in Varley Park. The residents’ experience is of some 1,351 students in their community of 2,993.

Therefore in consideration of the impact of student HMOs on Coldean, the population of Varley Park cannot be ignored. On the basis of a typical 4 bedroomed HMOs, Varley Park equates to 247 HMOs. Effectively this amounts to a total of 24% of dwellings in Coldean.

Many residents expressed a feeling of being overwhelmed by HMOs and that they are powerless to stop anti-social behaviour. They also said that they feel defeated that anti-social behaviour is treated as an Environmental Protection issue. All agencies claim to have the powers to stop anti-social behaviour, but none offer prevention; and when they do respond it is often too late.

While at Open Forum meetings, members have emphasised that they do not have a dislike of students, it is also clear from comments in these meetings that the present numbers of students in the community are a burden and cannot easily be absorbed into community daily life.

1. Therefore in terms of Paragraph 2.51 the current numbers do lead to “a longer-term breakdown of community cohesion.”

**Policy**

1. The policy aims to ensure that the negative impacts detailed in City Plan DM7: Paragraph 2.51 are reduced, and social cohesion is restored to the Neighbourhood Area community.
2. Applications for change of Use to Class 4 will not be permitted unless;

The total number of HMOs in the Neighbourhood Area is less than the average number of HMOs in all other City wards, excluding the number of existing HMOs in the Coldean Neighbourhood Area.

1. A term used in Census to define he number of persons who, on a given reference date, are usually resident in a defined geographical area [↑](#footnote-ref-1)