

**Houses of Multiple Occupation ( HMO's) consultation document.**

**4.2 Houses of Multiple Occupation (HMOs)**

HMO's are defined by the Use Classes Order as:

*'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.'*

The number and use of HMOs in Brighton is affected by the student population. This is particularly significant for the Plan Area because of the proximity of two universities, Sussex and Brighton Universities, and specifically the 986 bedrooms in the student accommodation of Varley Hall for Brighton University, which is classified as a Class 2 building or 'Residential Institution'.

The potential negative impacts of high concentrations of HMOs, include noise, anti-social behaviour, the impact on the streetscape, pressure on services, change in the traditional neighbourhood of the Plan Area and reduced community cohesion. There are also concerns over remote landlords not maintaining properties and additional pressures on families being unable to afford properties in the area with the increased student demand.

In the Plan Area HMOs ranked the highest amongst residents' concerns in the Inaugural and Visions meetings in November 2022, particularly regarding anti-social behaviour and social cohesion.

The student experience of HMOs is different from that of other residents. For some with otherwise limited choices HMOs can offer affordable housing options. Rents for HMO's in Coldean tend to be significantly below traditional market rents.

The Brighton & Hove Local Plan includes policies for managing HMOs, such as restrictions on new HMO locations and the conversion of HMOs back into family homes. It also outlines criteria for granting planning permission for new HMOs and conversions, and licensing arrangements with landlords.

There are alternative approaches to student living in Brighton & Hove for example through the SEASALT Housing Co-operative, which aims to address issues related to student accommodation.

Using data from the 2021 Census we assess the student population of Coldean to be over 44%. This is based on the number of bedrooms at Varley Park student accommodation and the number of HMOs on academic year tenancies as a proportion of the 'usual residents' population of Coldean. Using the Council Tax List and excluding Varley Park, HMO's account for around 7% of dwellings in Coldean, namely 94 HMOs.

The Neighbourhood Plan policies on HMOs below are informed by criteria set out in Brighton City Plan 2, adopted on 24 October 2022. City Plan 2 sets out conditions for

change of use to HMOs and acknowledges the potential negative impacts of high concentrations of HMOs in a residential area. At two Open Forum meetings members were asked to order their concerns. Most responses ranked HMOs as first or second priority. This was reinforced by many email messages received regarding HMOs.

In discussions at the November 2022 Visions meetings, it transpired that members were most concerned by anti-social behaviour and loss of community cohesion. Although there were several reports of anti-social behaviour from students it is important to note that there was no personal animosity expressed towards students.

It has not been possible to confirm with Brighton & Hove City Council whether they have issued warning notices of HMO Licence revocation or actual licence revocation in response to recorded complaints of anti-social behaviour. Their advice to residents is to keep a log of events. 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.

The period of most anti-social occurrences is usually between June and July. This is when final exams are finished, and it is towards the end of the academic year. There are reports of repeated anti-social behaviour from the same properties. At this time leases are close to expiring so even if there are 'non-disturbance' clauses there are limits on what landlords, the Council or Universities can do. Examples of anti-social behaviour include persistent shouting, loud noises and bright lights over several nights, for example, between June and August 2022. These were reported by residents in Wolseley Road, Woodview Close, Standean Close and Hawkhurst Road. Any attempts to communicate with the perpetrators were persistently ignored. These disturbances had obvious negative effects on the lives of working people and families living nearby, who felt helpless as students were soon to leave the area and the authorities, including the Police, did not seem to have any sanction. In another incident a resident in Rushlake Road reported that students in the neighbouring HMO repeatedly teased her pet dog to the point that the animal became distraught and was not allowed to even go into the garden. This issue was eventually resolved by the University Community Liaison Team, but this was after four weeks of complaints.

The Council's response is to treat complaints as an Environmental Protection issue rather than an HMO licensing issue, which puts the onus on residents to keep a log of events over time with no certainty of a resolution. The feeling in Open Forum meetings is that the Council seeks to deflect complaints and let time resolve the problems.

The other big impact of the concentration of HMOs was loss of social cohesion. The decreasing proportion of dwellings being used as family homes was felt to affect how families are perceived and treated in the area. Coldean has traditionally been referred to by estate agents as a "Mother and daughter estate" where families have lived in the area for more than a generation. For many at the meetings this important feature of community life is in danger of being lost.

We are aware that other Neighbourhood Forums with a concentration 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. We have found that 98 HMOs existed out of the 1,410 households in the 2021 ONS Census date for Coldean (nearly 7% of all households). Since then, we are aware that HMOs numbers have fallen to 94, a downward trend we encourage.

The criteria of 20% of dwellings for students in City Plan 2 does not apply to Coldean, and does not take account of the impact of the sheer number of students in Varley Park, as a Class 2 building is not counted in the 20% calculation. The residents' experience is of some 1,351 students in addition to their community of normal residents 2,993, before the occupation of Bluebell Heights.

Therefore, in consideration of the impact of student HMOs on Coldean, the population of Varley Park is highly significant. Based on the assumption that an HMO will typically contain four bedrooms Varley Park equates to 247 HMOs, which effectively equates to a total of 24% of dwellings in Coldean. However, we acknowledge that C2 Residential Institutions, which includes Varley Halls, cannot be considered in this way for planning purposes. Many residents feel overwhelmed by HMOs and report that they feel powerless to stop anti-social behaviour. They feel defeated that anti-social behaviour is treated as an Environmental Protection issue and no agencies seem to take action to help, even though they all claim to have the necessary powers. When there has been a response it has been too little, too late.

The total number of HMOs in the Neighbourhood Area is more than the average number of HMOs in all other City wards.

High concentrations of HMOs can cause a number of other 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 densities, and higher levels of population transience leading to a possible longer-term breakdown of community cohesion. Additionally, it is unlikely many students need to pay Council Tax, whilst still using all Council facilities.

### **4.3 HMO Policies**

\*The Neighbourhood Plan policy is for the Forum to continue to monitor any Planning Applications for new or expanded HMO's and to resist them. The Council has devolved approval of HMO planning matters in recent months, however, and had not consulted fully (several HMO applications in 2023. ), despite claiming to have done so. This has meant several approvals of HMOs and/or HMO extensions in 2023 without full consultations, which is unacceptable in the Coldean Neighbourhood Area. The Neighbourhood Plan requests there is always a full consultation and proper, undelegated, process for approvals of HMO planning applications and/or extensions, unless 'permitted development' rules apply.

\*Further, the Council is requested to use its enforcement procedures within the HMO licensing framework to the full, to stop anti-social and other non-licensing compliant behaviours by tenants or landlords of HMOs.

\* Regarding numbers of HMOs, two possible policies have been suggested:-

#### **Policy A**

\*The Plan 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.

\* One Policy suggested (Policy A) is that 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.*

#### **Another possible approach - Policy B**

\*In recognition that the purpose of the policies in the City Plan 2 and the Article 4 Direction is to continue to provide HMO accommodation to meet the city's housing needs. It also intends to manage the supply of new HMOs to avoid high concentrations in a particular area. The Article 4 Direction means that planning permission is needed for houses everywhere within the city to change from 'a dwelling house' (Use Class C3) to a 'House in Multiple Occupation'. 2. Under Policy DM7 (City Plan Part Two) and Policy CP21 (City Plan Part One), maximum 20% of the dwellings in a neighbourhood can be HMOs. This Plan will therefore suggest that Brighton & Hove Council will assess all HMO planning applications to ensure they do not exceed the 20% threshold. 3. There are currently 1,410 dwellings in Coldean, with 94 registered HMOs, which equates to approx. 7%. Regular discussions need to be held with Brighton and Hove Council about the future of both Coldean with especially the University of Brighton. The University of Brighton has grown significantly in recent years and a large number of their students live in shared student housing. Which also means a large number of properties in Brighton do not pay Council Tax. As the University grows, so does the need to meet increasing accommodation demands from students. Given this and taking into consideration the 20% HMO threshold, an additional 188 dwellings could become HMOs in Coldean, which is unacceptable.

It is clear Policy DM7 and CP21 fall short and a further Plan policy could be: *Development involving the conversion of a building to a house in multiple occupation, will only be permitted provided: (a) the proposal would not harm the character and appearance of the building; (b) the design, layout and intensity of use of the building would not have an unacceptable impact on neighbouring residential amenities; (c) internal and external amenity space, refuse storage and car and bicycle parking is provided at an appropriate quantity, to a high standard and so as not to harm visual amenity; (d) the proposal would not cause unacceptable highway problems; and, (e) the proposal would not result in an over concentration of HMOs in any one area of Coldean, to the extent that it would change the character of the area or undermine the maintenance of a balanced and mixed local community.*

