

Houses in Multiple Occupation Supplementary Planning Document: Consultation Responses

The following table sets out the representations received during the draft HiMO SPD consultation and the council's response.

Consultation Response		MKC Response	Changes
HiMO1 Mr Brian Barton , Committee and Member Services Manager , Woughton Community Council			
1	I feel this document is a good step in the right direction in regulating HIMO's, I understand that the general concerns by local residents living in areas of high occupation rates of HIMO's are concerned about parking, rubbish, noise and anti - social behaviour but I understand that this document is purely centred on planning issues and regulation of HIMO's and these points have been amply made in other consultations and representations.	Comments noted	None
2	I believe that HIMO's should be tightly regulated to ensure that the property is well maintained and safe to live in and that Landlords are accountable to the community living around their property.	Private Sector Housing has powers to ensure properties are safe. This is outside the scope of the SPD.	None
3	I agree with having quotas of HIMO's in each residential area to ensure the community has a balance of tenures and properties.	Comments noted	None
4	Also it is imperative that Milton Keynes Council has enough resources to enforce planning regulations to tackle irresponsible Landlords.	The issue of resources for enforcement will be looked into.	None
HiMO2 Ms Judi Moore			
5	This seems to me a thoughtful, sensible and practical approach to increasing use of HiMOs. The need for rented property, often shared, is only going to increase as a need to move to find work becomes more and more important and young people are unable to fund house purchase (the days of expecting to own one's own home may be behind us). The document appreciates that quality of life for those in HiMOs is as important as quality of life for neighbours of HiMOs: good. It provides guidance, without being proscriptive, on acceptable and unacceptable aspects of HiMOs that I can think of : good.	Comments noted	None
HiMO3 Ms Karen Goss, Clerk Emberton Parish Council			
6	The parish council would like to respond that it has no further comment to make regarding this	Comments noted	None

	supplementary planning document.		
HiMO4 Luton Borough Council			
7	<p>Thank you for the opportunity to be consulted on then above document.</p> <p>However, the Borough Council does not have any views on the above document.</p>	Comments noted	None
HiMO5 Natural England			
8	Natural England has no objection to the draft Houses in Multiple Occupation Supplementary Planning Document, which does not raise significant concerns in terms of potential effects upon statutory biodiversity or landscape designations.	Comments noted	None
9	It does occur to us that if there were a large increase in houses in multiple occupation there is potential for a cumulative increase in foul sewage flows and increased pressure on local sewage treatment works. That may in turn cause adverse effects upon the ecology of the river system into which they discharge. The Council may wish to consider whether there is a need for sewage treatment capacity considerations to feature within the document. Our colleagues at the Environment Agency will be able to advise.	Additional text will be added to highlight this potential problem.	Reference to potential impacts of large numbers of HiMOs on the sewage system.
HiMO6 Mr Dominic Warner, Acting Clerk Campbell Park Parish Council			
10	<p>The Planning & Policy Committee of Campbell Park Parish Council considered the draft document at its meeting on 7th November 2011.</p> <p>Campbell Park Parish Council welcomes the development of a supplementary planning document guiding the implementation of planning policy relating to HiMOs, which it has regularly suggested to Milton Keynes Council that it should produce.</p>	Comments noted	None

11	<p>The Committee made the following detailed comments.</p> <p>1: Paragraph 4.10</p> <p>This paragraph makes two points: that occupants of HiMOs are less likely to own a car than other residents, and that in any case streets in estates near the city centre (by implication, all those in Campbell Park Parish) were better able to absorb parking not possible on the house itself. The committee disagreed with both assertions.</p> <p>The draft compares the car ownership by individual occupants of HiMOs (60%) with car ownership by Milton Keynes households (80%); this is not comparing like with like. Indeed, as the average occupancy of a HiMO is 5 or more individuals, these figures suggest that each HiMO will have 3 cars attached, in contrast to the Milton Keynes household average of 0.75 cars.</p>	<p>The figures for car ownership in the SPD were intended to show that on the 'doughnut' estates surrounding CMK, not all HMO occupants will own a car and provides further support for the two zone approach that was adopted in the Parking Standards Addendum (2009) where zones within easy access of key facilities have lower parking standards.</p> <p>This approach is considered justified. Any change in parking standards and parking zones will be through a review of the parking standards guidance and will supersede the standards in the HiMO SPD.</p>	<p>Additional text to clarify that parking standards and zones will be reviewed via the Parking Standards Addendum.</p>
12	<p>It then asserts that HiMO occupiers in the central grid squares do not need cars as a) they walk or take public transport to work, and b) are close to employment areas. The former assertion is clearly unconnected with car ownership - indeed MK policy is to persuade car owners to use other ways of travelling to work; the latter is simply not true - MK employment areas are scattered around the New City as they were designed to be in the City's master plan.</p>	<p>It is reasonable to expect that residents living in close proximity to CMK are less likely to need a car, and the figures would support this.</p> <p>CMK offers large employment opportunities for central grid square residents and beyond.</p> <p>Parking Standards in the HiMOs SPD reflect the Parking Standards Addendum (2009); Any change in parking standards and parking zones will be through a review of the parking standards guidance and will supersede the standards in the HiMO SPD.</p>	<p>Additional text to clarify that parking standards and zones will be reviewed via the Parking Standards Addendum.</p>
13	<p>It may superficially seem that grid squares such as Fishermead have the capacity to absorb more cars, but in fact in many streets the parking areas are fully used and indeed in total do not meet Milton Keynes Council parking standards.</p>	<p>Local capacity will be considered as part of each application and compliance with the parking standards assessed, it remains true that compared to other</p>	<p>None</p>

	The committee considered that the section on parking should be reconsidered taking these points into account.	areas, the layout of grid squares such as Fishermead.	
14	2: Paragraph 4.16 Applicants for permission for HiMOs in Campbell Park Parish have pointed to unused adjacent spaces in on-road parking to compensate for lack of on-site parking. It would appear that successive applications for adjacent applications have used the same spaces. Records should be kept to prevent this double counting of on-road spaces.	Each application is considered individually, based on an assessment of the parking situation at that point in time. Specific spaces in public parking areas are not linked to any particular property.	None
15	3: Paragraph 4.20 Observation by councillors living near HiMOs would suggest that the figures for rubbish and recycling are underestimates, and the space required for their storage should be adjusted accordingly	The waste requirements are to be updated in line with advice from waste services. However, the overall space requirement will remain unchanged at 15sqm.	Update waste requirements to reflect guidance from waste services.
16	4: Paragraphs 4.23 and 4.24 The council welcomes the recognition of these points which it has been making for some time.	Noted	None
17	5: Paragraph 4.27 The committee would prefer a threshold of 15% to one of 20% (taking the points in paragraphs 4.23 and 4.24 into account). It would also suggest that the area of the buffer should relate to the geography of the street rather than be a simple 100m diameter circle - in the example given, a proposed HiMO closer to the road junction would appear to be less concentrated because a larger part of the buffer zone would be roundabout and road, but have the same effect on the ground to the rest of the street.	A percentage approach was selected to avoid this problem. Using a percentage instead of a fixed figure means that, regardless of how many houses fall within the buffer, the proportion would never exceed 20%. E.g. if there were 10 houses in the buffer, only 2 could be HiMOs and if there were 40 houses in the buffer, 8 could be HiMOs.	The approach to calculating concentrations still uses a percentage figure but now to be based on HiMO bedrooms with 1 bedroom flats counting towards the concentration. Revised 35% represents in practice a reduction in number of permissible HiMOs.
18	6: Paragraph 4.28 The council welcomes this approach to over-concentration of HiMOs.	Noted	None
HiMO7 Mr Andy Barton, Forward Plans Manager, Aylesbury Vale District Council			
19	I can confirm we have no comments to make on the proposed document, however would like to be kept informed on progress of this document and other documents within the LDF	Noted	None

<p>20</p>	<p>The population of Milton Keynes is growing rapidly and has become increasingly more diverse. The child population is growing by 1000 a year and over a third of school pupils are now from BME communities.</p> <p>Milton Keynes does not have the stock of large Victorian houses that are found in most cities of its size. It is difficult for families new to Milton Keynes to find affordable rented accommodation. Milton Keynes has a vibrant economy and relatively low unemployment despite the recession and this attracts inward migration to MK, including many people with limited means.</p> <p>The corporate plan puts an emphasis on economic growth and jobs for the existent and in-coming population. In order to attract people to work in MK and generate that growth, there is a need for affordable housing. HMOs are part of the housing make up of any city. They are often the first step on the ladder for new families moving in. Therefore it can be seen as in line with the Council's priorities to promote the growth of HMOs and to remove any unnecessary barriers to their use, provided health and safety requirements are met.</p> <p>MKC children's services finds itself with a statutory responsibility to small numbers of children and families who have no other means of accessing housing except funded by us. These groups are:</p> <ul style="list-style-type: none"> • Homeless 16 and 17 year olds • Asylum seeking young people aged 16+ • Asylum seeking young people 18+ without recourse to public funds who have been in MKC care • Families with children without recourse to public funds <p>MKC has a responsibility to ensure that the above groups have housing provision. An efficient and effective way to provide this for the Council and the children and families concerned (they have no right to social housing) is through renting houses from landlords where children and families can live in groups - i.e. by renting HMOs. HMOs are the most cost effective way of meeting these groups' housing needs and by sharing housing these children and families develop mutual support and minimise social</p>	<p>The draft SPD's proposed approach to HiMOs is not intended to be a barrier; rather it aims to guide the location of HiMOs, to prevent over concentration. The SPD will be monitored through the AMR and If the threshold figure is considered to be preventing the development of HiMOs, then a review of the SPD can be undertaken.</p>	<p>None</p>
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	isolation. In general HMOs provide more living space per family than individual privately rented property at similar cost.		
21	The Council's discretionary planning rules on HMOs make the provision of housing for these groups to whom the Council has a responsibility, more costly and more difficult to arrange. None of these children and families have cars, so parking is not an issue.	Comments noted.	None
22	There is also a good economic case for easing the planning restrictions around HMOs to encourage growth and a diverse workforce in Milton Keynes.	Comments noted	None
HiMO9 Mrs Amanda Wilmot, Clerk, Kents Hill & Monkston Parish Council			
23	In the HIMO consultation the proposal is for a density limit for any area; the density limit proposed is 20%. The Council believes that this proposed limit is too high a concentration in any given area. The members suggest that 10% density is a more realistic limit.'	The SPD has been amended to change the way in which the concentration is calculated. Although the threshold percentage is now proposed to be higher, it results in a more restrictive approach than the draft SPD in line with suggested reduction.	Concentration threshold now to be based on number of HiMO bedrooms with 1 bedroom flats counting towards the concentration threshold of 35%.
HiMO10 Ms Gill King, Programme Manager, Milton Keynes Council			
24	<p>I have had a look at the space requirements for bin storage in the HIMO consultation documents and agreed with waste colleagues that they need to be updated as follows:</p> <p>Storage space should be allowed for</p> <p>0.75 black sacks per bedroom</p> <p>1 pink recycling sack per bedroom</p> <p>1 blue recycling box per 3 bedrooms</p> <p>1 x 140 litre green bin for food & garden waste per 6 bedrooms. If garden waste is also to be included, this should be a 240 litre bin.</p> <p>At the start of the project, the following must be obtained from the Council:</p> <p>Enough black sacks to supply 0.75/week/bedroom</p> <p>Enough pink sacks to supply 1/week/bedroom</p>	The storage requirements within the SPD will be updated accordingly.	Update bin storage requirements to reflect latest guidance from Waste Services.

	<p>1 blue box per 3 bedrooms</p> <p>1x140 litre green bin per 6 bedrooms or 1 x 240 litre green bin if garden waste is to be included</p> <p>1 food waste caddy should be supplied for each bedroom.</p> <p>1 battery bag should be supplied per bedroom.</p>		
25	<p>The waste service would also request that landlords put up posters in their premises about waste management and supply each new resident with an information pack containing the latest information about waste management on their premises. Both of these can be obtained from the waste service.</p>	<p>Comments noted. Wording to be added to the SPD to include additional guidance requesting landlords obtain and display the relevant information.</p>	<p>Add additional advice to landlords recommending they contact waste services to obtain and display relevant information</p>
<p>HiMO11 Mr Tony Cook East Sussex County Council</p>			
26	<p>East Sussex County Council's Planning Service has received your consultation however as we are a County Planning Authority and therefore do not deal with housing applications we have no formal comments to make</p>	<p>Noted</p>	<p>None</p>
<p>HiMO12 Mr Richard Peats, Historic Buildings and Areas Adviser , English Heritage</p>			
27	<p>Thank you for consulting English Heritage regarding this supplementary planning document. Unfortunately, as our team is temporary without a planner to give the appropriate specialist advice, we cannot comment on this occasion</p>	<p>Noted</p>	<p>None</p>
<p>HiMO13 Cllr Jenni Ferrans</p>			
28	<p>I would like to ask whether the rubbish quantities have been checked recently, as I am surprised at a ratio of nearly 2:1 of black to pink sack rubbish.</p> <p>I guess it's of little importance if the residents are using pink sacks as they can put whichever they have in the enclosures, but if separate containers of a different type are provided, it will matter.</p>	<p>The waste storage requirements are being updated in line with an update from MKC Waste Services.</p>	<p>Update bin storage requirements to reflect latest guidance from Waste Services.</p>
29	<p>Could we consider a condition that the waste enclosure have a protected notice (ie in a weather-resistant container) of what can be put into each type of sack? The lack of this knowledge as tenants change often reduces the amount of recycling.</p>	<p>Wording to be added to the SPD to include additional guidance requesting landlords obtain and display the relevant information.</p>	<p>Additional text added to provide advice to landlords recommending they contact waste services to obtain and display relevant information</p>
30	<p>I would also comment that the diagram about concentrations is somewhat misleading as very few</p>	<p>The concentrations are dependant on the</p>	<p>None</p>

	streets in MK have nearly 40m between fronts of facing properties! 25m is much more common and that would include another row of buildings!	percentage and not the number of dwellings within the buffer.	
HiMO14 Cllr John Bint, Councillor			
31	1. I very much welcome the creation of this draft SPD. The Council and its officers, Councillors (especially DCC Members), residents and applicants will all benefit from this greater clarity on the subject.	Comments noted	None
32	2. I would request additional text at some suitable point in the document to say that HiMOs serve a wide range of economic circumstances, in some cases being a very low-price form of housing in some areas, in other cases being a premium offering for young, high-fliers needing a base, and an instant social network, for a short period of living in MK.	Additional text will be added to the SPD to clarify this.	Amend paragraph in introduction to state that HMOs in MK are not generally occupied by students, although acknowledge that this may change with the growth of the University Centre MK. They are occupied either by individuals as a cheap form of accommodation or professionals requiring temporary accommodation
33	3. I welcome both the approach to parking and the figures, in respect of Zone A, where history suggests most HiMOs are towards the lower end of the price spectrum (so car ownership can be expected to be lower), access to public transport is better, and where most street layouts can absorb overflow parking.	Parking Standards in the HiMOs SPD reflect the Parking Standards Addendum (2009); Any change in parking standards and parking zones will be through a review of the parking standards guidance and will supersede the standards in the HiMO SPD.	Additional text to clarify that parking standards and zones will be reviewed via the Parking Standards Addendum.
34	4. I urge further thought for the parking requirements for Zone B, where many HiMOs are an attractive premium offering for well-paid young professionals in highly mobile careers. These HiMOs attract occupants with effectively one car per person. The large rooms with en-suite facilities - typically, the master bedroom and principal guest bedroom - often attract double occupancy, again with one car per person. Moreover, these newer, larger properties, further from the city centre, are often in newer areas built with smaller streets, and less overflow capacity. I therefore urge that for Zone B, there should be an additional car space required	Parking Standards in the HiMOs SPD reflect the Parking Standards Addendum (2009); Any change in parking standards and parking zones will be through a review of the parking standards guidance and will supersede the standards in the HiMO SPD.	Additional text to clarify that parking standards and zones will be reviewed via the Parking Standards Addendum.

	for each "big" bedroom - this will need officer guidance, but perhaps 120 sqft is about right - to recognise the tendency to double occupancy in such larger rooms. I have avoided linking additional parking to en-suite facilities as this would create an unwanted incentive for the owner to not build extra en-suite facilities.		
35	5. I also urge that some allocation for additional visitor space is required in Zone B, over and above any pre-existing allowance of "one space per 4 dwellings" or similar. I urge that for any C4 application in Zone B, one visitor space should be required, and for any "Big HiMO" application, with 7 or more occupants, two visitor spaces be required. These figures are broadly consistent with our other standards for visitor parking, and I can see no justification for not doing so (and plenty of anecdotal evidence to suggest that actually a higher figure would be better).	Parking Standards in the HiMOs SPD reflect the Parking Standards Addendum (2009); Any change in parking standards and parking zones will be through a review of the parking standards guidance and will supersede the standards in the HiMO SPD.	Additional text to clarify that parking standards and zones will be reviewed via the Parking Standards Addendum.
36	6. I request that the portions of the documents indicating a "demand" exists for HiMOs - and implying that there is a greater demand for the HiMO Rooms being created than for the family dwellinghouse being destroyed - should be redrafted to avoid indicating this demand, absolute or relative. MK Council has no data to indicate a greater demand for HiMO rooms than for any other type of dwelling.	The documents do not state that there is a greater demand for HiMOs than there is for family housing.	None
37	7. I urge further thought to the mix of households (and therefore of dwelling sizes) we regard as desirable and sustainable. The proposals allow for an urban mix of 4 family homes for every one 4-5 room HiMO - -in other words, more HiMO rooms than family homes! I believe this mix is incompatible with the national policies stated in the draft document. I suggest that for our sustainable community reasons stated, there should be upto one HiMO room (plus 1-bed flats, studio units, etc) per 2 remaining dwellinghouses. So for every 4-bed HiMO, there must be 8 remaining family dwellings! And where there are already 6 small flats at the end of a road, if there's an application for a 4-bed HiMO then there needs to be 20 remaining family homes, and so on. Allowing up to 33% of our occupancy units to be one-bed flats and HiMO rooms seems well on the high side, given our SHMA demand data, and barely providing the community sustainability MK needs.	SPD to be amended to include 1 bedroom flats in the concentration calculation and count HiMOs by number of bedrooms.	Concentration threshold now to be based on number of HiMO bedrooms with 1 bedroom flats counting towards the concentration threshold of 35%.
38	8. I recognise that the suggested diameter for use when counting the density of HiMOs (plus, I suggest,	Comments noted.	None

	one-bed flats) is somewhat arbitrary, but having a specified distance (rather than the risk of debates over the bounds of an immediate vicinity or neighbourhood) is to be commended. I also support the proposed 100m diameter.		
HiMO15 Mrs Diane Farmer			
39	<p>Unfortunately the MK portal does not appear to show this consultation however as you have sought opinion I will provide that in this mail; consequently I apologise if I have not followed the correct layout.</p> <p>I have lived for a long period in an area where large numbers of properties have been converted into houses of multiple occupation - predominantly large former Victorian mansions, and the consequences are many.</p>	Comments noted	None
40	Parking is a particular problem with the owners or renters of each flat typically parking one/two cars. Flats are frequently bought by landlords for the purpose of letting and large vans which renters need to park are both an eyesore but also add to the parking chaos as they take up so much space in streets that are routinely quite narrow.	Parking Standards in the HiMOs SPD reflect the Parking Standards Addendum (2009); Any change in parking standards and parking zones will be through a review of the parking standards guidance and will supersede the standards in the HiMO SPD.	Additional text to clarify that parking standards and zones will be reviewed via the Parking Standards Addendum.
41	Converted properties rarely have the correct soundproofing, and occupants find it easy to disturb neighbours above and below sometimes with the most minor noises.	Comments noted	None
42	Provision for bin storage needs to be very clear so bins are not left blocking pavements and are also locked away so as not to create an eyesore for all local residents.	Comments noted	None
43	I also found that the whole character of the neighbourhood I lived in changed over a very short period when a large multiple occupancy development was allowed	Comments noted	None
HiMO16 Mr Martin Small, Streetcare Localities team/MKC			
44	My comment is that the policy development needs to both address HIMO-related problems which have arisen in MK, but shouldn't prejudice the possibility of housing for a future university / student body in MK. The introduction of a university in MK will be a huge economic and educational boost for the city and the area, and HIMO policies developed now	As the university grows there will need to be consideration as to the provision of purpose built student accommodation.	None

	should be flexible enough to enable the provision of cheap short-term accommodation in the city for a student body, without the need for a further policy review		
HiMO17 Mr David Cox, National Landlords Association			
45	An Article 4 Direction is undoubtedly a powerful tool for local authorities when used appropriately. However, it should be a targeted instrument rather than a tool to be applied liberally to combat perceived societal problems. We therefore remain unconvinced that Milton Keynes Council has provided sufficient evidence to justify the onerous conditions proposed for determining the outcome of planning applications under the council's Article 4 Direction.	The Article 4 Directions have been confirmed by the Council, the SPD will provide additional guidance for determining planning applications.	None
46	Background Last year's Comprehensive Spending Review changed the shared room rate age threshold for Local Housing Allowance from 25 to 35, meaning that single benefit recipients under this age can only access shared housing. It has been suggested that 88,000 extra rooms in Houses in Multiple Occupation (HMOs) will be required when the changes come into force in January next year.	Comments noted.	None
47	The Article 4 Direction and proposed new SPD are specifically aimed at reducing the future availability of good quality private accommodation in shared housing and will therefore have a detrimental effect on vulnerable and low-income households; potentially increasing homelessness applications to the Council. This SPD is specifically designed to act as a barrier to the provision of good quality shared accommodation in the preferred areas. This will have two effects. Firstly, it will reduce the volume of available property, potentially pushing people towards those 'rogue' landlords who pay little regard to regulation and will be prepared to exploit a vulnerable market. Secondly, it will force people to look for property further away from their desired locations. This will transplant the supply side problems of low availability elsewhere and reduce the quantity of shared housing accessible by low income households in those areas.	The SPD aims to guide HiMOs to suitable locations and avoid over concentrations.	None

48	<p>Paragraph 4.22 of the SPD states the desire to create mixed, balanced communities. This Article 4 Direction will have the opposite effect. It will push LHA tenants out of Zone A and create two communities; those who can afford to live in Zone A and the rest who cannot.</p>	Comments noted.	None
49	<p>Further, it states at paragraph 1.3 that one of the main impacts of HMOs are the problems associated with the anti-social behaviour, noise and nuisance. Like any other tenancy, rights and responsibilities lie both on the landlord and on the tenant. As with any other household, those in shared housing are required to behave in a socially acceptable way. Where reality does not match up to these expectations, both the landlord and the local authority have powers that can be used to tackle unacceptable behaviour.</p> <p>Where a particular issue related to shared housing concentration has been identified, local authorities and enforcement agencies have extensive existing statutory powers to deal with such issues. The NLA argues that these powers should be explored and exhausted before an Article 4 Direction is made.</p> <p>These powers require local residents to identify particular cases of unacceptable behaviour so that they can be dealt with. Landlords can neither continually monitor the behaviour of their tenants, nor do anything that may constitute harassment.</p> <p>Frequently local residents develop the false impression that it is the house itself rather than the household that cause problems. They build up a 'general feeling' based on the observation of generally unrelated phenomena about particular localities. This is particularly prevalent in areas of dense shared housing, without looking to see whether particular problems have been dealt with.</p> <p>This aggregation of issues, particularly grievances and 'general feelings' about a community can quickly make residents feel that a 'tipping point' has been reached. This problem is compounded where residents are not made aware of any specific action taken by a landlord or local authority against a particular household and so are ignorant of any work being undertaken to tackle issues important to them.</p>	The Article 4 Directions have been confirmed by the Council, the SPD will provide additional guidance for determining planning applications.	None

50	<p>Where local authorities have come together with other community stakeholders, including local landlords, to tackle particular problems or issues, then there have been successes.(ECOTECH (2008), "Evidence Gathering - Houses in Multiple Occupation and possible planning responses", CLG). Although the Government's ECOTECH research focuses on student and migrant sections of the population, it does identify a number of effective local level initiatives which show stakeholders coming together). However these initiatives do require active engagement by local authorities and only solve the problems associated with negative perception if their outcomes are publicised.</p>	Comments noted	None
51	<p>Immediate Article 4 Direction</p> <p>It is noted at paragraph 2.6 of the SPD that an Immediate Article 4 Direction was made on 29 December 2010 and came into force on 30 December 2010, covering the urban area of Milton Keynes. This SPD was published for consultation on 24 October 2011 - almost eleven months into the Immediate Article 4 Direction and yet paragraph 2.6 is the only reference to it anywhere in either the SPD or Supplementary Evidence.</p> <p>We would argue that after almost eleven months, Milton Keynes Council should have some evidence on whether the Immediate Article 4 Direction has had an impact on:</p> <ul style="list-style-type: none"> a) Reducing noise and disturbance complaints; b) Alleviating parking problems; c) Decreasing problems with incorrect waste disposal; and / or d) Improving the character of the areas. <p>There is also no information on:</p> <ul style="list-style-type: none"> a) How many planning applications have been made under the Direction? b) How many have been granted? c) How many have been refused? 	The Article 4 Directions have been confirmed by the Council. The SPD provides additional guidance for the determination of planning applications.	None

	<p>d) Why the applications were refused?</p> <p>e) What enforcement action, if any, has been taken against the rogue operators who have ignored the Direction?</p> <p>We would argue that without any information or evidence on the effectiveness of the existing Immediate Article 4 Direction, Milton Keynes Council is pursuing a Non-Immediate Direction without any regard to whether the policy already in force has achieved its aims.</p> <p>We would strongly recommend that you review the effectiveness of the existing Article 4 Direction in relation to the four provisions in this SPD consultation before embarking on further regulation.</p>		
52	<p>Noise and Disturbance</p> <p>The NLA is not convinced that the unsupported assertions made at paragraphs 4.4 - 4.8 of the SPD are sufficiently robust to justify the noise and disturbance provisions. Further, the information at Chapter 5 of the Supplementary Evidence does not state how many of the complaints were acted upon, how many resulted in enforcement action or how many would have been reduced if soundproofing had been installed.</p> <p>We would also argue that levels noise and disturbance are unlikely to be greatly different in a property shared by three unrelated renters to a family with teenage dependents. This position is supported by the recent Lancashire planning appeal Ref: 100-067-072 which stated:</p> <p><i>"The continued use of an end of terrace house in Lancashire as a house in multiple occupation was allowed, an inspector reasoning that noise should be little different from that made by a typical family. The next-door neighbours referred to disturbance from televisions, people moving around the property and doors slamming, claiming that it extended well into the evening on occasion. However, the inspector reasoned that in properties in family use many bedrooms occupied by children, and particularly teenagers, contained televisions and audio equipment. Thus, whilst tenants might be inconsiderate on occasion, the same could be said of any type of occupier. Moreover, she found no</i></p>	<p>The SPD requires a landlord to only provide noise insulation for internal rooms which is considered appropriate in order to protect the amenity of occupants. For external properties applicants would only need to demonstrate what measures they propose where noise would be unacceptable for surrounding properties.</p>	None

	<p><i>evidence to support the generalised assertion that occupiers of an HMO were intrinsically more disposed to coming and going in the late evening or early morning hours than occupiers of other property types. She acknowledged that some tenants could work on a shift basis or during night time hours but given the limited number of occupants she did not consider that the comings and goings would be materially different from that associated with a typical household."</i>(Planning Appeal Decision Ref: 100-067-072, A Roland (Inspector), 2010 http://www.compasssearch.co.uk/compass/faces/ca_sebook2.jsp)</p> <p>It is important to note that when considering noise nuisance, all a landlord can do is warn the tenant about their behaviour and then pursue possession proceedings through the courts, if that behaviour does not improve. This does not solve such problems; it merely moves the problem elsewhere. Placing onerous requirements on landlords will not have any impact on the behaviour of tenants.</p>		
53	<p>However, we do not oppose the soundproofing requirements in the provisions but suggest that you provide advice to landlords on how to obtain a noise assessment.</p>	<p>Agreed.</p>	<p>Additional text with advice on obtaining noise assessments will be added.</p>
54	<p>Parking</p> <p>We consider the proposals for the provision of car parking spaces to be overly onerous and in most cases completely impractical. They run contrary to Milton Keynes Council's evidence base and are likely to result in almost every C4 planning application being refused.</p> <p>At Figure 2 of the Houses in Multiple Occupation Report 2010, it notes that 48.9% of properties in Milton Keynes are terraced houses and 19.1% are part of a dwelling. Whilst the supplementary evidence makes no reference to existing on-site parking provisions for such properties, it is probable that in most cases, there will be no or only very limited on-site parking available. Therefore, 68% of properties in Milton Keynes need to rely predominantly on kerbside parking.</p> <p>When considering the 2.9% of properties that are purpose built flats, it is unlikely that a three-bedroom flat would be sold with three car parking</p>	<p>Parking Standards in the HiMO SPD reflect the Parking Standards Addendum (2009); Any change in parking standards and parking zones will be through a review of the parking standards guidance and will supersede the standards in the HiMO SPD.</p>	<p>Additional text to clarify that parking standards and zones will be reviewed via the Parking Standards Addendum.</p>

	<p>spaces (as would be required by these proposals).</p> <p>Further, when considering the 29.2% of dwellings that are either detached or semi-detached properties in Milton Keynes and may have garages, it is also noted in these provisions that the Council will not count garages as parking spaces.</p>		
55	<p>The SPD states that "if an application for a HiMO is submitted with on-plot parking provision below the required levels, it will normally be refused unless the applicant can demonstrate that the shortfall can be satisfactorily accommodated within properly marked, or laid out, parking spaces in the highway fronting the site". Paragraph 4.15 then states that "reliance on kerbside parking within residential streets to meet parking standards will not normally be acceptable" and paragraph 4.16 states "a shortfall of two or more spaces with reliance on kerbside parking will not be deemed acceptable".</p> <p>Therefore, the car parking provisions have excluded most of the 68% of terraced or part of dwelling properties in Milton Keynes from being granted planning permission. They have also excluded the vast majority, if not all, of purpose-built flats and made it very difficult for the detached or semi-detached properties to get planning permission.</p> <p>It can be concluded that the only way a landlord could comply with these proposals is to have sufficient space in their front garden to accommodate the necessary number of car parking spaces. Based on the information contained in the supplementary evidence, it would appear there are very few places in Milton Keynes where this is possible.</p> <p>Therefore, the car parking provisions within this SPD will effectively mean that planning permission for the creation of a new HMO will always be refused. We would consider this as being so onerous it is punitive and will effectively stop any new HMOs from being created.</p>	<p>Parking Standards in the HiMO SPD reflect the Parking Standards Addendum (2009); Any change in parking standards and parking zones will be through a review of the parking standards guidance and will supersede the standards in the HiMO SPD. The additional paragraphs provide clarification on the approach.</p>	<p>Additional text to clarify that parking standards and zones will be reviewed via the Parking Standards Addendum.</p>

56	<p>There is also no explanation in the SPD of how the minimum number of parking spaces was decided. They appear to be arbitrary figures and not based on an evidential need. The Supplementary Evidence notes that 88% of HMO households have less than three cars and almost 40% do not have access to a car. Based on these figures, there does not seem to be any evidential link between the minimum number of spaces and the actual need for car parking spaces.</p>	<p>Parking Standards in the HiMO SPD reflect the Parking Standards Addendum (2009); Any change in parking standards and parking zones will be through a review of the parking standards guidance and will supersede the standards in the HiMO SPD</p> <p>The supplementary evidence provides additional context and supports the zone A/zone B approach.</p>	<p>Additional text to clarify that parking standards and zones will be reviewed via the Parking Standards Addendum.</p>
57	<p>It should also be noted that the minimum standards in Zone A are lower than in Zone B and yet paragraph 6.4 of the Supplementary Evidence notes that "in terms of parking provision, the older estates closer to Central Milton Keynes (CMK) can generally accommodate an intensification of occupants due to their wide, long and straight boulevards, often with central parking areas.</p> <p>Therefore, the additional parking requirements are more likely to be achievable in these areas". We must therefore question why there are lower standards in Zone A and yet more parking provisions?</p>	<p>The standards are lower in Zone A to reflect the locations are areas where car ownership is likely to be lower as there is good access to services. It is an observation that the 'doughnut' estates around CMK also happen to have more space for parking than other areas. Low capacity in one area does not mean the standards should be lowered.</p> <p>Parking Standards in the HiMO SPD reflect the Parking Standards Addendum (2009); Any change in parking standards and parking zones will be through a review of the parking standards guidance and will supersede the standards in the HiMO SPD</p>	<p>Additional text to clarify that parking standards and zones will be reviewed via the Parking Standards Addendum.</p>
58	<p>Finally, Milton Keynes Council operates a Parking Permit Scheme - i.e. Residents cannot use kerbside parking unless they display a valid parking permit. Therefore, we would argue that as such a scheme already exists, these proposals are somewhat redundant and any issues relating to car parking can be better dealt with through the existing Parking Permit mechanism (by only issuing a single permit per property for example).</p>	<p>Parking Standards in the HiMO SPD reflect the Parking Standards Addendum (2009); Any change in parking standards and parking zones will be through a review of the parking standards guidance and will supersede the</p>	<p>Additional text to clarify that parking standards and zones will be reviewed via the Parking Standards Addendum.</p>

		standards in the HiMO SPD. The parking permit scheme currently only operates in a few streets in a small number of areas; the parking standards are Borough wide. However, we note that this may be a useful avenue to explore in the future.	
59	We would therefore suggest, in view of the punitive nature of these provisions, the lack of evidence to justify the minimum standards and the existence of a fully functioned Parking Permit scheme, the car parking provisions should be removed from the SPD altogether.	Parking Standards in the HiMO SPD reflect the Parking Standards Addendum (2009); Any change in parking standards and parking zones will be through a review of the parking standards guidance and will supersede the standards in the HiMO SPD.	Additional text to clarify that parking standards and zones will be reviewed via the Parking Standards Addendum.
60	Bin storage and drying areas It should be highlighted there is no evidence to suggest that bin storage and drying areas are a problem for HMOs in Milton Keynes. The assertion at paragraph 4.19 of the consultation document that properties occupied as HMOs "can result in waste being left in unsuitable locations beyond the property boundary" is not made out in the supplementary evidence where it states at paragraph 7.3 that the "difference is marginal" between HMOs and non-HMOs in Milton Keynes.	The bin storage requirements are part of the adopted Policy H10, there is a need for adequate provision to be made.	None
61	There does not appear to be any reasoning behind the requirement to have 15sqm of storage space for a drying area and waste receptacles. This is a significant amount of space and where there is no rear garden, it is impractical to make such onerous requirements as it would significantly limit the number of properties with enough available space. It is also not clear from the consultation document whether this is a flat requirement for all HMOs or whether it is dependent on size/occupancy. We would therefore recommend that the provision be amended to require "adequate space for drying clothes and storing waste receptacles". This would allow decision makers to exercise common sense when making planning decisions.	The 15sqm requirement is taken from the adopted Local Plan. It is not considered to be onerous, or that it would significantly limit the number of properties that could be converted to a HiMO.	Additional text to clarify what areas count towards the 15sqm storage area requirement.
62	We assume the 15sqm will include rear gardens so in	The requirement includes	Additional text to

	<p>most cases this will not be a problematic requirement if this provision is enacted. However, there are certain exceptions that should be included:</p> <p>a) Purpose built flats. We assume that communal rubbish and recycling areas will be classed as acceptable compliance with these provisions as it would be impractical to require 15sqm for rubbish storage in an individual flat.</p> <p>b) Part of dwelling - where there is no access to a rear garden (for example a second floor flat in a converted building). Again, we would suggest that communal rubbish and recycling areas which would have been a requirement of the conversion's original planning permission should be classed as compliance with these provisions.</p> <p>We would be very concerned if communal rubbish and recycling areas (which are highly likely to have already been subject to planning consent) are not classed as acceptable compliance with these provisions. We would argue that additional planning requirements over and above those which have already gained planning consent are unduly onerous.</p>	<p>any area within the curtilage of the property including communal areas. Additional text to be added to clarify this.</p>	<p>clarify that communal bin storage and drying areas are acceptable for meeting requirements.</p>
63	<p>7 We agree that 0.75 black sacks per bedroom; 1.5 recycling sacks for every 4 bedrooms; 1 blue recycling box for up to 6 bedrooms; and 1 green recycling box for up to 6 bedrooms are appropriate requirements for waste receptacles.</p>	<p>Comments noted, the requirements have been updated following advice from Waste Services, however this does not impact on the overall space requirement.</p>	<p>Update requirements following advice from Waste Services</p>
64	<p>We would also suggest that when moving waste receptacles from a storage area in a rear garden in order to comply with the "bring[ing] their refuse and recycling containers to the front of their property boundary" provisions, it is acceptable to do so through the internal, common parts, of a property. This is especially important for terraced properties where there may not be any direct external access from a rear garden to the front boundary.</p>	<p>This would be acceptable under the SPD.</p>	<p>None</p>
65	<p>Again, we assume waste receptacles stored in a rear garden will be classed as acceptable compliance with the "secure and unobtrusive" and the "readily accessible" provisions. If not, we would argue this requirement is unduly onerous.</p>	<p>Where not accessible then residents would need to bring to the front of the property for collection.</p>	<p>None</p>
66	<p>Character and Concentration</p>	<p>Comments noted</p>	<p>None</p>

	When considering the character of an area, we fully support the views outlined at paragraph 8.4 of the supplementary evidence that "there is no evidence that HMOs in general have a particular visual impact on the character of an area. There may be isolated properties where maintenance is poor, but from site visits, this was found to be just as prevalent in non-HMO properties".		
67	When consider concentration, we are pleased that Milton Keynes Council have decided not to adopt the National HMO Lobby's 'Tipping Point' as the basis for their policy and instead made an evidence based assessment of current HMO concentrations (outlined at Chapter 8 of the Supplementary Evidence).	Comments noted	None
68	<p>However, the NLA does not believe that placing arbitrary limits on the number of HMOs in an area is the most appropriate method of implementing an Article 4 Direction. This view has been supported by Planning Inspectors in both Portsmouth and Manchester. For example in Portsmouth:</p> <p><i>"The Inspector is concerned about the justification for the 10% threshold; the application of the policy throughout the City; the reliability of the figures; the apparent lack of consideration of alternative ways to address the matter; and the quality of the evidence regarding the detrimental effect that the concentration of HMOs may have on a community"</i>³</p> <p>http://www.portsmouth.gov.uk/media/ID_6_Inspector_Note_on_HMO_Policy.pdf</p>	It is considered reasonable to place a limit on the number of HiMOs in order to ensure mixed communities.	None
69	We therefore do not believe that Milton Keynes Council should implement an arbitrary limit and do not see the necessity of creating a 'non-sandwiching approach'. We consider it excessive micro-management of the housing stock. We would suggest that in order to 'create sustainable, inclusive, mixed communities' as noted at paragraph 4.22 of the SPD, it would be more appropriate to look at concentrations within 'communities'. A 'community' is not within 100m of a property - it is the area in which the property is located (for example a Council Ward, a Parish or a grid square as noted at Figure 8.1 of the Supplementary Evidence).	An approach based on the ward, parish or grid square level would not result in the local issues being addressed.	None
70	There are reasons why HMOs develop in certain areas (close to a Higher Education institution such as University Centre Milton Keynes for example). By adopting a 'community' based approach, it will allow	Given that the evidence shows that impacts of HiMOs are felt most intensely at the localised	None

	<p>HMOs to develop in response to market forces without creating over-concentrations or unnecessarily micro-managing the housing stock. We would therefore suggest that instead of instituting a 20% threshold within 100m, if the Council feels the need to create arbitrary limits, it would be more appropriate for the limit to be 20% within a Council Ward, Parish or Grid Square - at a 'community' level.</p>	<p>level, it is considered the most appropriate way of managing the impacts.</p>	
71	<p>We are also concerned that when considering whether to purchase a property with the intention of creating an HMO, landlords have no way of knowing whether it would breach a 20% threshold. Therefore, we would strongly recommend that Milton Keynes Council's Planning Department puts a facility in place to inform landlords who contact them whether converting a certain property into an HMO will breach the 20% threshold (irrespective of whether a landlord owns the property). This will then allow landlords to make informed decisions on potential future investments.</p>	<p>The council will look at ways of making this information available. In the interim the SPD will be amended to recommend that landlords contact the planning department.</p>	<p>Amend SPD to recommend that landlords contact the planning department. Further clarification to the application of the buffer to be added.</p>
72	<p>Potential Consequences of Arbitrary Limits</p> <p>The trends in future UK housing demographics and in the future growth of Higher Education, along with the current lack of available housing finance and supply of affordable housing, point to a greater need for shared housing in the UK.</p> <p>The flexibility and affordability that HMOs and shared housing provide are critical for many who either cannot afford or do not want the liabilities involved in owning their own home. This view is supported at paragraph 8.22 of the Supplementary Evidence which notes "it is clear that HiMOs are an essential part of the housing stock for Milton Keynes. At a time when house prices have been rising, pushing owner occupation out of the affordability range of many current non-owners, sharing a dwelling with other similar households represents a rational response to market conditions. HiMOs in Milton Keynes appear to be fulfilling a vital role in the Borough, providing accommodation for young workers in low income jobs who would otherwise struggle to afford to live in the area. Any attempt to control their location must always consider that HiMOs are a necessity and should not attempt to restrict the overall numbers. In some locations HiMOs will contribute positively towards creating mixed communities. Whatever approach the Council</p>	<p>The SPD will be monitored through the Annual Monitoring Report. If there did become a point when certain grid squares were nearing the threshold, a review of HiMO policy could be carried out.</p>	<p>None</p>

	<p>takes, it is essential to remember that HiMOs play a vital part in providing an affordable form of housing".</p> <p>The Government-commissioned review of the private rented sector published in 2008 identified a clear growth in the number of young professionals renting instead of turning to home ownership. 20 to 29 year olds now account for 79 per cent of all renters.4 4 (Julie Rugg and David Rhodes (2008), "The Private Rented Sector: its contribution and potential", p.16) While accurate statistics do not exist in this area, it is likely that the majority of this is shared housing.</p> <p>In addition to young professionals, migrants and students make up an important part of the shared housing market across England in general and Milton Keynes in particular. For obvious economic reasons and for flexibility, shared housing is an important source of housing for these groups. However, demand is not static. Recent research suggests that emigration out of the UK by economic migrants is increasing5 and current projections for student numbers point to the majority of future student growth over the next couple of decades being amongst post-graduates and part-time undergraduates. (Finch et al, 'Shall We Stay or Shall We Go? Re-migration trends among Britain's immigrants', IPPR, 2009)(The future size and shape of the higher education sector in the UK: demographic projections', Universities UK research)</p> <p>The overwhelming characteristic between these groups is that they are necessarily transient. These households are not intended to 'grow roots' or stay in the same home for a generation. HMOs and shared housing are popular amongst these socio-economic groups precisely because they provide a fluid housing option.</p>		
73	<p>In conclusion, it is the NLA's contention that Milton Keynes Council has not provided satisfactory justification or sufficient evidence for its proposed actions. As such we believe this SPD should be reconsidered.</p>	Comments noted	None
<p>HiMO18 Mrs Eirwen Tagg ,Parish Manager, Great Linford Parish Council</p>			

74	<p>Most HiMOs in the GLPC area are in either Conniburrow or Downs Barn on streets laid out as predominately-terraced properties. Using the 100m diameter buffer in terraced streets will create anomalies, which could lead to confusion and misinterpretation of the actual concentration on HiMOs relevant to a new application.</p> <ul style="list-style-type: none"> • It is a theoretical line on a plan, which is difficult to appreciate 'on the ground'. • Local residents or councillors cannot easily see and then work out if a new HiMO will be above or below the 20% threshold. • The circle will cut through property, with some clearly in the 20% catchment and others with perhaps just a few feet possibly in the 20% catchment. • If part of a property is only just in the 100m diameter circle it could lead to arguments about the credibility of the outcome of the buffer - have they been counted in or out. 	<p>Accept that this may be a problem. However the approach provides greater consistency over what constitutes the "surrounding area". Given that some houses are on corners or in cul-de-sacs etc, it is considered that a 100m diameter circle around a property is the most reasonable approach.</p>	<p>Additional wording to clarify how buffer will be applied.</p>
75	<p>PROPOSAL & RECOMMENDATION</p> <p>GLPC notes and welcomes the HiMO SPD which will bring much needed clarity to the consideration of HiMO applications.</p> <p>GLPC strongly recommends that the following suggestions should be adopted by MKC for inclusion in the SPD.</p>	<p>Comments noted</p>	<p>None</p>
76	<p>On streets laid out as predominately-terraced properties, a far simpler and more easily understood measure of Concentration would be: -</p> <ol style="list-style-type: none"> 1. To calculate the buffer by measuring along the frontage of the proposed HiMO 50 metres either side from the centre of the property. 2. Any property or part of a property within the 50m line would be counted in the 20% calculation. 3. This 100m line would be reflected as a mirror image on properties on the opposite side of the street for them to be included or not in the 20% calculations. 	<p>As with the circular buffer method, a 50m line approach would not overcome the issue of whether or not a particular property falls within the defined area. All part properties could be included in a circular buffer, just as they could in a linear buffer. Not all houses are in neatly defined rows, so this method would be difficult to implement in areas other than those where streets comprise of straight rows of properties.</p>	<p>None</p>

77	<p>Further to your consultation paper and request for comments regarding Houses in Multiple occupancy (HiMO) in Milton Keynes I would like to respond to the Council's draft planning document.</p> <p>First of all I would like to give my complete support to the Council's efforts to bring a higher degree of regulation to the creation of HiMO's in Milton Keynes. I believe that the draft consultation document makes a significant contribution to the key areas of concern for local residents who either wish to live in a HiMO or who are impacted by a HiMO being located near to their homes.</p> <p>The four main areas noted in the consultation document touch on the key concerns of residents and I would comment as follows:</p>	Comments noted.	None.
78	<p>Noise and disturbance:</p> <p>I note the contents of the draft with which I agree and I would also add that the likelihood that individuals living in a HiMO would have a greater number of cars and other vehicles, and given the possibility that their domestic and working arrangements as such that they do not behave like a family in leaving or arriving at the premises at the same or similar times of day, it is a consequence that there will be more noise and disturbance from vehicle movements over a longer period of the day. This can be very disruptive particularly late at night or early in the morning.</p>	Noted	None
79	<p>Parking:</p> <p>The Council have carefully addressed the issues around parking and I note that the draft consultation document differentiates between areas in or near the city centre with better public transport and also increased on street parking options and those areas outside the immediate area of the city centre where parking may be more restricted and where more individuals are likely to have a car.</p> <p>I note that the Council is suggesting that, for example, a 5 bedroom HiMO in Zone B would require 4 parking spaces and a 6 bedroom HiMO would need 5 spaces. It is on this issue only which I would disagree with the Council's proposal. Having had experience of the problems relating to HiMO parking it is clear to me that a five bedroom property outside</p>	<p>Parking Standards in the HiMO SPD reflect the Parking Standards Addendum (2009); Any change in parking standards and parking zones will be through a review of the parking standards guidance and will supersede the standards in the HiMO SPD</p> <p>The supplementary evidence provides additional context and supports the zone A/zone B approach.</p>	Additional text to clarify that parking standards and zones will be reviewed via the Parking Standards Addendum.

	<p>the immediate area of the city centre will attract tenants with one car each. Therefore five bedrooms equates to the need for five car parking spaces. When you add into this the very likely possibility of visitors calling to see the tenants of the HiMO plus occasional overnight guests then actually more than five spaces will often be required just to maintain enough spaces to prevent tenants from the HiMO encroaching on the parking provided for other residents of the area. I would therefore suggest that the requirement for on-site parking within the property be at least one space (individually accessible not via tandem parking etc) per resident with a further one or two spaces for on street parking which will not impact the entrance or egress of other residents.</p> <p>The space allocation for parking and the requirement to not have "tandem" parking seem very sensible; as do the stipulations that any parking should not be on shared driveways, access areas etc.</p> <p>Residents living near a HiMO will be concerned about on street parking where this prevents easy access to property or where it means having to step into the road to get past vehicles parked on the pavement. Furthermore I would be concerned about access for waste and emergency service vehicles on smaller, narrower streets. All of these concerns are covered in the draft consultation document but I would urge to Council to take a robust approach in ensuring safety and welfare are of paramount importance when considering any planning application for a HiMO.</p>		
80	<p>Bin Storage and Drying Areas</p> <p>Clearly adequate and hygienic storage of bins is needed for HiMO's but I would also note that the issue of responsibility for leaving waste out for collection and for correctly sorting rubbish from recyclable materials be considered. Tenants in a HiMO are likely to only take responsibility for their own rubbish and not that of fellow tenants. This could result in items being discarded with no consideration for recycling and also for bin bags to be left uncollected as each tenant thinks "someone else will do the bins". I have personally observed that this can result in bins not being cleared for weeks on end and for pink recycling sacks to contain all manner of waste that means nothing gets recycled. I</p>	<p>It is not within the powers of planning policy to stipulate who is responsible for waste disposal at a particular property.</p>	<p>None</p>

	would suggest that it is a requirement of granting HiMO planning permission that the landlord or their agent holds responsibility for waste disposal and that enforcement measures regarding recycling be considered.		
81	<p>Character & Concentration</p> <p>It is obvious that the creation of a HiMO in a particular residential area will have an impact on the character of the area. I would agree with the Council's proposals regarding concentration as it would not be desirable for a large number of HiMO's to be located in the same area with a concentration of the issues noted above in a single area.</p> <p>In addition the creation of a HiMO in a street of, mainly family homes, can impact on the stability of a particular community. Occupants of a HiMO are less likely to be concerned about local amenities and the longevity of the community. In addition the potential for stress caused by the items noted above can impact, and ultimately destroy the contentment of the majority living in a particular area. Having been the "victim" of the negative impacts of a HiMO I can see the direct and unpleasant side effects of a HiMO which does not comply with any of the proposed recommendations. If the Council were to adopt the proposed consultation in addition to the suggested changes above it would go a very long way to alleviating the concerns and stresses caused to the council tax payers of Milton Keynes.</p> <p>Should you wish to discuss my comments further please do not hesitate to contact me via my email address.</p>	Comments noted	None

HiMO20 Mr Simon Elcock, Strategic Project Director, Places for People

82	We recognise the important role that houses in multiple occupation play in helping to provide accommodation for a diversity of needs within society but also recognise the potential harm that such living environments can have on the amenity of new tenants and existing neighbouring residents. We therefore support the Council's approach in introducing two Article 4 Directions that withdraw the permitted development right for a change of use to a Use Class C4 HiMO that results in the need for planning consent, and thus a more considered approach, for converting a dwelling house (C3) or non residential property to a Use Class (C4) HiMO	Comments noted	None
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	<p>across the Borough, including Brooklands.</p> <p>We also therefore support the principle of having an adopted supplementary planning policy document that provides further guidance to decision-makers and applicants on planning applications for HiMOs. This representation will focus on the four key areas identified by the draft SPD for determining planning applications.</p>		
83	<p><i>Noise</i></p> <p>The draft SPD is correct to highlight the greater potential for higher levels of noise that can be generated as a result of a greater number of people living independently within a property: a unique characteristics of HiMOs. In light of this higher risk and the greater need to minimise its detrimental impact upon neighbouring properties, we suggest that paragraph 4.8 be revised to include an additional requirement for post completion testing where a conversion of a dwelling is proposed from a dwelling house (C3) or non residential property to a Use Class (C4) HiMO as part of the Council's measures to minimise the effects of noise. The SPD should also identify the requirement for remedial work where the tests do not show that the construction provides the required level of sound reduction.</p>	<p>The SPD as currently worded requires HMOs to meet the necessary standard.</p>	<p>None</p>
84	<p><i>Parking</i></p> <p>We welcome the Council's recognition of HiMOs as a distinct land use through its adopted parking standards, requiring HiMOs to meet specific parking requirements. Brooklands is identified in zone B of the Council's Parking Standards Addendum; a broad area that is acknowledged to accommodate HiMOs less well than more central areas identified in zone A. With this in mind we believe that the wording of this section requires tightening up. For instance, paragraph 4.15 should read:</p> <p><i>" Parking in spaces remote from the site and not within the surveillance of the site will not normally be acceptable. The word "congestion" referred to in Policy H10 is considered to mean conditions where normal and safe use of the public highway is not possible. For example, where access to dwellings is prevented or made difficult, where manoeuvres at junctions are hindered [add: or made difficult] and</i></p>	<p>The word "normally" should be retained, as there may be exceptional circumstances, which would be considered acceptable.</p> <p>The addition of "or made more difficult" does not add any additional meaning to the policy.</p>	<p>None</p>

	<i>where large vehicles such as waste collection vehicles or fire engines cannot use turning areas in culs-de-sacs, or where access to a property is blocked. This means that the reliance on kerbside parking within residential streets to meet the parking standards will not normally be acceptable ."</i>		
85	<p>Waste</p> <p>We agree with the draft SPD that a HiMO is likely to generate more waste than a regular family dwelling. HiMOs therefore require a greater provision of waste storage space which can conflict with wider issues of local amenity, health and safety. We support the guidance set out by this draft SPD.</p>	Noted	None
86	<p>Balanced Communities and Local Character</p> <p>My client's support for the creation of new mixed and balanced communities is clearly demonstrated by their commitment to providing a diverse range of housing types and tenures as part of delivering the masterplan for Brooklands. A balanced community does not mean the concentration of one property type or community over another within a locality and the draft SPD is correct to touch on this aspect. The draft SPD is also correct to raise the point that HiMO residents can demonstrate a greater level of transiency and this can influence the character of an area.</p> <p>In light of this, we believe that it is reasonable for Milton Keynes Council to set out guidance to avoid excessive concentrations of HiMOs. An excessive concentration of HiMOs can have a detrimental impact on a local area by affecting the balance of the population with consequences for the provision of local services and facilities as well as adversely affecting residential amenity and the character of an area. We disagree with the 20% blanket approach applied by the draft SPD as it fails to consider the variety within the urban morphology of Milton Keynes - some areas will have narrower streets and higher built densities (such as Wolverton) compared with other newer estates that include landscaped open spaces and wider streets. Using the draft SPD's approach we calculated that a residential area within Phase 1 of the Brooklands development could yield a range between 8-11 HiMOs within a 100m diameter. This is a high yield particularly given the embryonic stage of Brooklands and the importance of providing</p>	Using a percentage rather than a fixed number of HiMOs for concentration means that the density of an area is automatically taken into account in the calculation. The policy aims to create a mix and where there is a larger number of non-HiMO properties it is reasonable to allow a larger number of HiMOs. The method of calculation has been amended to count HiMO bedrooms. Although now setting a 35% threshold, the change in calculation makes the SPD more in line with a 10% figure under the draft document.	None

	<p>the best planning framework to encourage stable communities early on. A more sensitive approach, we believe, would be to adopt a percentage figure related to the average housing densities found within a measurable planning unit such as different grid squares or electoral wards within the Borough. Failing this, a lower overall proportion closer to 10% of total residential stock within a 100m diameter buffer would be better suited to minimise the risk of grouping too many HiMOs in different parts of Milton Keynes.</p> <p>In summary, we support many of the initiatives set out within the draft SPD but believe it could be improved if the suggested amendments are taken on board.</p>		
HiMO21 Mr Don Head, Citizens MK			
87	<p>Housing is an issue which has concerned Citizens MK since its first meetings. While it has not been possible to assemble a group to discuss the proposals in detail there are clear statements of the policy that Citizens MK would wish to see adopted in relation to future housing supply and the management of the existing housing stock.</p> <p>It is accepted that multiple occupation of houses provides the opportunity for the provision of housing accommodation at the lowest levels of rent. It would appear that there are many individuals and families in MK who are unable to afford market rates for discrete housing units such as purpose built apartments or houses.</p> <p>Multiple occupation in houses originally built as single occupation units creates the problems outlined in paragraph 1.4 of the document:</p> <p>Parking Waste Noise Imbalanced Communities.</p>	Comments noted	None
88	<p>Citizens MK support the proposals for preventing "sandwiching" and for adoption of the Lifetime Housing Standards as set out in the Rowntree Foundation reports.</p>	Noted.	None
89	<p>Citizens MK are also concerned that security and fire safety are also significant factors. The death of a mother and young child in Fishermead is still foremost in the thoughts of those who live there and influence our response to this issue. It is also important that there is fair sharing of common</p>	Noted. Comments will be passed to the Housing team for consideration.	None

	<p>facilities for toilet/bathrooms, washing and food preparation/cooking.</p> <p>We note that these might be considered as property management concerns and as such not included in proper reasons for the granting or withholding of planning permission. Citizens MK are of the opinion that these are important issues for the local authority. Paragraph 1.9 refers to the licensing of units with three storeys or more than six sub-units in a house. There are still dangers for those units with five or fewer units. Five or fewer units could involve many more than five residents in a building.</p> <p>How are these to be monitored if there is no licensing?</p> <p>What provision is being made for resources to monitor those units requiring a licence?</p>		
90	Citizens MK would wish to support MK Council in its proposals to require planning permission for multiple occupation as defined in the proposed SPD.	Noted	None
91	Citizens MK would wish to support MK Council in using the Special Planning Directive as a means of identifying houses in multiple occupation so that these can be adequately monitored to avoid the problems included in the SPD and the matter of security, fire safety and equitable access to shared facilities for those who occupy the sub units.	Noted	None
HiMO23 Mr J Mountford			
92	<p>Paras 4.10, 4.11, 4.13, and appendix B: Considering some of the estates, possibly referred to as "Older" estates, eg Heelands, Loughton, Bancroft, Blue Bridge, Old Bradwell, Most of these estates have relatively narrow and bendy roads which already have a measure of parking and congestion problems associated with 2-4 cars per dwelling, and are, according to this document, assigned to Zone A. This doesn't make sense. Furthermore, the Appendix B Map does not make it clear what is included in Zone A. I cannot see the additional plans referred to in this diagram within the document.</p>	<p>Zone A represents areas with better access to facilities and so a lower parking standard is reasonable.</p> <p>Parking Standards in the HiMO SPD reflect the Parking Standards Addendum (2009); Any change in parking standards and parking zones will be through a review of the parking standards guidance and will supersede the standards in the HiMO SPD</p>	<p>Additional text to clarify that parking standards and zones will be reviewed via the Parking Standards Addendum.</p>
93	Para 4.27 (and elsewhere. There are many estates	The SPD has been amended	SPD to be based on the

	within MK - as in other parts of the UK, where a concentration of HIMO in excess of 5% would be extremely detrimental to the character and community of the area. A concentration of 20% fundamentally alters the nature of the area, as the result would be a dominance (eg 80%) of population within HIMO dwellings. This is unacceptable.	to now be based on the number of Bedrooms in a HIMO and with 1 bedroom flats counting towards the concentration figure thereby reducing the 'dominance' of population within HiMO accommodation within an area.	number of Bedrooms in a HIMO and with 1 bedroom flats counting towards the concentration figure.
HiMO22 Mr J Mountford			
94	I have already made comments in Para 4 which relate to this section. Please consider these as comments on this diagram	Noted	None
HiMO24 Mr Paul Cranfield			
95	The content is generally welcomed. Two issues to raise, however:- Reference is made to the fact that HIMO cannot feature in a 'sandwich' with non-HIMO properties. How does this apply to HIMO in blocks of flats? Are there any procedures to ensure that HIMO on different floors of a block of flats are not sandwiching other flats. Are there any guidelines with regard to adjacency by floor?	Comments noted	Add additional text to clarify the approach for flats where a non-sandwiching approach should apply to flats on the same floor.
96	Whilst it is accepted that CMK would be in Zone A due to the availability of street parking, this does not pertain to Campbell Park. It is our view that Campbell Park should be in a Zone B area.	Parking Standards in the HiMO SPD reflect the Parking Standards Addendum (2009); Any change in parking standards and parking zones will be through a review of the parking standards guidance and will supersede the standards in the HiMO SPD	Additional text to clarify that parking standards and zones will be reviewed via the Parking Standards Addendum.
HiMO25 Ms Rose Freeman, Planning Policy Officer, The Theatres Trust			
97	The Theatres Trust is The National Advisory Public Body for Theatres. The Theatres Trust Act 1976 states that <i>'The Theatres Trust exists to promote the better protection of theatres.</i> It currently delivers statutory planning advice on theatre buildings and theatre use through the Town & Country Planning (General Development Procedure) (England) Order 2010 (DMPO), Articles 16 & 17, Schedule 5, para.(w) that requires the Trust to be consulted by local authorities on planning applications which include <i>'development involving any land on which there is a</i>	Noted	None

	<p><i>theatre .'</i></p> <p>Due to the specific nature of the Trust's remit we are concerned with the protection and promotion of theatres and as this consultation is not directly relevant to the Trust's work, we have no comment to make but look forward to being consulted on further LDF documents especially town centre area action plans, development management policies and planning obligations.</p>		
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HiMO26, Mr Richard Jones, Policy Director, Residential Landlords Association

98	<p>Use of Supplementary Planning Guidance</p> <p>2.1 The Association contends that the use of an Supplementary Planning Document (SPD) in this context would not be the correct approach and that the Council should produce a Development Plan Document (DPD) because of the significance of this issue.</p> <p>2.2 Paragraph 6.1 of Planning Policy Statement 12 (PPS 12) states that</p> <p>"SPDs should not be prepared with the object of avoiding the need for examination of the policy which should be examined". We contend strongly that this Policy is of such overwhelming significance that it is wholly inappropriate to introduce it by way of an SPD. Whilst SPDs carry less weight and are a "material consideration" for the purposes of development control it is extremely difficult for an individual appellant to challenge a high level policy such as this if the details were to be incorporated in an SPD. The proposed constraints on concentration are at the heart of the matter. To restrict and ration the number of houses in multiple occupation (HMOs) in the way proposed is something of such importance as to merit independent scrutiny via the DPD process; and not such as should be left to an SPD.</p> <p>2.3 The proposed National Planning Policy Framework (NPPF) discourages the use of SPDs, starting at paragraph 21.</p> <p>Each local planning authority should produce a Local Plan for its area. This can be reviewed in whole or in part to respond flexibly to changing circumstances.</p>	<p>The use of an SPD is considered appropriate as it is providing additional guidance to assist with the application of Policy H10 of the Adopted Local Plan and policy CS10 of the emerging Core Strategy.</p> <p>PPS12, Paragraph 6.1 states that:</p> <p>'A planning authority may prepare Supplementary Planning Documents (SPDs) to provide greater details on the policies of its development plan documents. Supplementary planning documents should not be prepared with the aim of avoiding the need for the examination of policy which should be examined'.</p> <p>Local Plan Policy H10 has been tested at examination. The SPD provides greater details on the application of the policy which is in accordance with the advice in PPS12.</p> <p>The NPPF is still a draft document and subject to change. However, given the need to provide additional guidance to Policy H10 and</p>	None
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	<p>Any additional development plan documents should only be used where clearly justified. Supplementary planning documents should only be necessary where their production can help to bring forward sustainable development at an accelerated rate, and must not be used to add to the financial burdens on development.</p> <p>2.4 The Council should, if it is to proceed at all with a more details policy relating to HMOs, proceed via a DPD not an SPD.</p>	<p>the benefit in determining applications it is considered that there is a clear justification for the production of the SPD.</p>	
99	<p>HMOs generally</p> <p>3. By way of background, the genesis of imposing restrictions on HMOs lies in arguments over "studentification"; arguments which claim that students cause imbalanced communities, are guilty of anti social behaviour of varying degrees and lead to the closure of local amenities such as corner shops and schools. This is not the case in Milton Keynes. However, even though these claims may underlie this policy and have led to its introduction, the realities have changed following the introduction of the new Class C4 for small HMOs/bedsits as well as the revision of the existing Class C3 relating to single dwellings. One also has to bear in mind that there are larger HMOs which are also involved as a sui generis use. As a result of these changes to the Use Classes Order the policy must be looked at against the background of the housing demands and needs of single people generally, especially single sharers. These encompass many and diverse types of occupiers. It extends to young professionals, working people, and those who are out of work or between work. Traditionally, these are not categories of occupiers to whom the planning system has paid a great deal of attention. One can break the categorisation down even further to include groups such as nurses, including student nurses, as well as various essential workers. We are, therefore, talking about those who play a vital part in the economic wellbeing of the area. All these demands must, in our view, be properly catered for. Housing is vital for them in good quality suitably located accommodation. We must also recognise that a supply of decent economically affordable housing is essential for companies and businesses in the area to flourish.</p> <p>The policy recognises this on the face of it. However,</p>	<p>The SPD provides additional guidance to Local Plan policy H10 and seeks to direct HiMOs to suitable locations.</p>	None

	the reality is that the outcome of the policy will be different and will be detrimental as it will not cater for the housing needs and demands of sharers.		
100	<p>Draft National Planning Policy Framework</p> <p>4. In our view, the policy must be considered against the draft National Planning Policy Framework (NPPF) which is an emerging document.</p>	One of the objectives of the draft NPPF is to create 'sustainable, inclusive and mixed communities' and in relation to affordable housing refers to 'the objective of creating mixed and balanced communities'. Although the NPPF is only in draft form, the SPD supports these objectives.	None
101	<p>Human Rights</p> <p>5. We also consider because of the extremely restrictive nature of the proposed Planning Policy under consideration and its content, it is not compliant with Articles 8, 11 and 14 and Article 1 Protocol 1 of the European Convention on Human Rights as incorporated in English law by virtue of the Human Rights Act 1996.</p>	Satisfied that the SPD does not contravene the human rights act.	None
102	<p>Equality Impact Assessment</p> <p>6.1 It is well recognised that the type of person generally who lives in a shared house is normally under the age of 35 and ,although not unknown above that age, living in shared housing is much less common after that age. This is acknowledged in the evidence base where in Milton Keynes the upper age is even lower at around 30. Also in Milton Keynes the evidence base shows that proportionately more ethnic minorities live in shared houses. Thus, the proposed policy would have a disproportionate effect on these two sections of the community, the young and ethnic minorities.</p> <p>6.2 The proposed policy would authorise restricting availability of shared accommodation. Both age and ethnicity/race are protected characteristics under the Equality Act 2010. In relation to the young the policy would adversely impact on a group of people by reference to their age so clearly this protected characteristic is engaged.</p> <p>6.3 As a result the provisions of Section 149 of the Equality Act 2010 apply.</p>	Equality has been considered in the preparation of the SPD. The Council has prepared an equality impact assessment for the work of the development plans team. The final SPD will be accompanied by an EqIA setting out how equality has been considered before it is adopted.	None

<p>6.4 In particular it is important to draw attention to paragraphs (b) and (c) in Section 149. To paraphrase slightly the public authority must "have due regard to the need to (b) advance equality of opportunity between persons who share a relevant characteristic and persons who do not share it and (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it".</p> <p>6.5 It is the duty of the local planning authority to ensure that there is a supply of housing of all types and for all the different groups within Society including the young and ethnic minorities. This is repeated in paragraph 28 of the draft NPPF. Clearly, the proposed policy is intended to restrict the provision of such accommodation and set quotas limiting numbers throughout the Borough.</p> <p>6.6 In particular, it is important to remember that this proposed Policy and results from a clash of attitudes between those who live in family homes and, young single people who want/need to share. The Policy in part is based on one sector of the community perceiving that their lifestyles (and the values of their properties) as being under threat allegedly because of harm to residential amenity. As a result the duty to have due regard to the need to foster good relations as set out in paragraph (c) is particularly important in this context.</p> <p>6.7 The Council have so far not carried out their obligations under Section 149. No such assessment has been carried out despite the evidence base showing that the young and ethnic minorities would be adversely affected by the proposed policy.</p> <p>6.8 In his judgment in R (on the application of Kirsty Green) -v- Gloucestershire County Council (and a related application relating to Somerset County Council) His Honour Judge McKenna sets out a very useful summary of the Council's obligation under Section 149. The key factors are as follows:-</p> <p>(a) The equality duty is a duty to have due regard to the need to achieve the goals of eliminating unlawful discrimination, promoting equality of opportunity and good relations. For these purposes what is "due regard"? It is the regard that is appropriate in all the circumstances. These circumstances include on the one hand the importance of the areas of life of the</p>		
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<p>members of a disadvantaged group that are affected by the inequality of opportunity as well as the extent of the inequality. On the other hand you have to consider such countervailing factors as are relevant to the function which the decision maker is performing (this sets out the principles as enunciated by the Court of Appeal in R (Baker) -v- Secretary of State for Communities and Local Government).</p> <p>NB: In this context one's home is very important particularly if there are difficulties in obtaining accommodation.</p> <p>(b) This does not impose a statutory duty on the public authorities to carry out a full equality impact assessment when carrying out their functions. However, the authority must consider taking such an assessment along with other means of gathering information to consider whether it is appropriate to have one in the particular case.</p> <p>(c) The decision maker must be aware of its duty to have "due regard" to the identified goals.</p> <p>(d) The due regard duty must be fulfilled before and at the time that a particular policy is being considered. This involves a conscious approach to the state of mind. Trying to make out later ex post facto that the duty has been complied with does not suffice.</p> <p>(e) Importantly, the duty must be exercised in substance with rigor and with an open mind. The duty has to be integrated within the discharge of the public functions of the authority. It is not a question of "ticking boxes".</p> <p>(f) The fact that the public authority may not have specifically referred to the relevant section is not determinative of whether the duty has been performed or not, although it is good practice to do so.</p> <p>(g) The duty is not delegable.</p> <p>(h) The duty is a continuing one.</p> <p>(i) The authority must keep a proper record.</p> <p>The above mentioned principles are drawn from the</p>		
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<p>Brown decision.</p> <p>6.9 Importantly, the question is whether the duty has been carried in substance by the decision maker rather than whether a document referred to as an Equality Impact Assessment has been produced. The substance of the analysis is the key in this area (see paragraph 118 of Judge McKenna's judgment)</p> <p>6.10 No Equality Impact Assessment or other proper consideration of these issues as been made in relation to the proposed policy. Case law makes it abundantly clear that it cannot discharge the Section 149 duty by after the event justification. Section 149 is integral to the actual decision making process; hence the reference to substance and form. It has to be integrated into the discharge of a duty (see paragraph 121 of Judge McKenna's Judgment). As Judge McKenna points out (in paragraph 130), the real question is whether there was a conscious directing of the mind by the decision makers to their obligations under the legislation and, in particular, to the need to exercise the duty to have due regard in substance and with rigour and based on sufficient information, appropriately analysed.</p> <p>6.11 It is clear on the basis of the published documentation that there has been a total failure to comply with this obligation. This policy proposed by the Council has failed to "have due regard" to the need to achieve the goals set out in paragraphs 8 (a) (b) and (c) in Section 149(1) of the 2010 Act. This situation needs therefore to be rectified.</p>		
<p>Why the Policy is not appropriate</p> <p>7. In summary the policy is not appropriate for a number of reasons:</p> <p>(1) The use of supplementary planning guidance is the wrong way of proceeding.</p> <p>(2) The policy is proposed on the basis of an undefined and unsubstantiated notion of a so called "balanced community" which is not a valid concern of planning law.</p> <p>(3) It is not the function of the planning system even in terms of land use, to specify in percentage or other terms the number of occupants of a particular street or area by reference to their status or</p>	<p>Individual comments considered separately below.</p>	<p>See below</p>

	<p>occupation.</p> <p>(4) The proposal misunderstands and misapplies the concept of a mixed community and sustainable community in terms of National Planning Policies.</p> <p>(5) There is no evidence justifying the use of planning powers in this way.</p> <p>(6) Other justifications such as noise, waste and car parking are flimsy and unsubstantiated and can be addressed in other ways.</p> <p>(7) Importantly, on reading the evidence base, one is left with a feeling "what is all the fuss about?" particularly when one looks at the arguments raised by other local authorities concerning much greater concentrations of HMOs than exist in Milton Keynes. The numbers of HMOs involved are overall very low in comparison with elsewhere. The Council seems to have lost its sense of proportion on this issue to the extent of wasting its Council Tax Payers money pursuing an abortive application to through the Courts to challenge the Government's changes which introduced new permitted development rights.</p>		
	<p>Strategic Housing Market Assessment (SHMA)</p> <p>8.1 According to the evidence base no SHMA has been carried out specifically relating to shared housing or bedsits. The current SHMA looks at accommodation merely by reference to numbers of bedrooms. Attempting to conflate single room accommodation and shared accommodation/bedsits is a wholly inappropriate approach. One is dealing with completely different accommodation.</p> <p>8.2 No population projections have been produced in relation to likely numbers of sharers. This is a fundamental aspect of the evidence base. There is no proper evidence as to the need/demand for shared housing provision in the Borough over the likely lifetime of the policy.</p>	<p>The supporting evidence provides sufficient justification for additional guidance to support Policy H10.</p>	<p>None</p>
<p>103</p>	<p>Impact on various groups</p> <p>9.1 Considering the evidence base produced one is struck by the low numbers involved. Actual evidence involved shows these figures to be less but the Council's projection is that at best there are some 900 properties potentially currently in use as HMOs,</p>	<p>The supporting evidence provides sufficient justification for additional guidance to support Policy H10. The SPD seeks to achieve a mix a of housing types.</p>	<p>None</p>

	<p>as a maximum. This whole policy therefore seems to be very much the proverbial "sledge hammer to crack a nut". This is particularly so as it is a Borough wide policy.</p> <p>9.2 The Association considers that it is incumbent upon the Council to provide a proper evidence base and in particular an assessment of the impact of the proposed policies in relation to the different groups that are affected. The new Class C4 does not differentiate between different types of occupants; it affects all HMOs.</p> <p>9.3 Provision of shared accommodation is of particular importance having regard to the changes to the shared accommodation rate for local housing allowance under which the qualifying age will be raised to 35; essentially the age at which most people stop sharing anyway. In our view, it is key that the Council properly investigates and obtains evidence of and analyses the varying impacts on the different groups who live in shared accommodation. Otherwise, there will be serious consequences for the economic well being of the Borough and the policy could well shut off this supply of labour or constrain it significantly.</p> <p>9.4 In particular with regard to the local housing allowance changes it is clearly going to be the result of the Government's policy that under 35s will no longer be able to access self contained accommodation e.g. their own flats where they are assisted by benefits, whether in work or out of work. The introduction of restricted planning policies along the lines of those proposed by the Council will bear down particularly hard on this Sector of the private rented market. Only the private rental market that provides accommodation for young sharers. By definition they cannot access owner/occupied property and the social sector does not provide accommodation for them.</p>		
104	<p>Lack of evidence</p> <p>10.1 The policy is also not appropriate because no significant evidence at all is put forward to justify why restrictions on HMOs are appropriate e.g. to deal with any noise issues. On the contrary the evidence demonstrates the reverse.</p> <p>10.2 It is not just a matter of the lack of a proper</p>	<p>The Local Plan sets the criteria against which HiMO applications are assessed. The SPD adds additional guidance for how this policy is to be applied. The evidence paper supports the additional guidance within the SPD.</p>	None

	<p>Strategic Housing Market Assessment and no population predictions, but the concession that there is little or no evidence justifying the policy in relation to noise waste and car parking calls into question the need for such policy. A policy which dictates where people can or cannot live is a very serious interference in peoples rights and it has completely unknown consequences for the functioning of the housing market in the Borough. It is imperative therefore that there is a full and complete evidence base to justify the policy which otherwise cannot be appropriate.</p>		
	<p>Families and Single People</p> <p>11. The effect of the proposed policy would be to restrict the number of conversions of family homes into small HMOs. Unfortunately, what we appear now to have as a result of this policy is a squabble between families on the one hand and single people, including sharers, on the other over what is often a scarce resource namely housing when in reality it should be the responsibility of the Council to cater for all sectors of the community. All of them need to be housed. Importantly, associated with this is, in our view, the right for individuals to choose where they live and not to be directed by a local planning authority as to where they may or may not live.</p>	<p>It is a legitimate aim for planning to create mixed communities, such as through 'pepper potting' of affordable housing or creating a mix in the size of houses in a development.</p>	<p>None</p>
105	<p>Discrimination</p> <p>12. We have looked at the specific issues affecting two protected groups but the Association believes more generally that potentially a policy of this kind has worrying undertones. The consequence here is that the Council is in reality limiting the number of black people and other ethnic minorities who can live in a street because they are a disproportionately high number of sharers. We believe that stipulating in such a way according to an occupiers status or occupation is equally perturbing. What would happen if the Council, fearful of having to provide social care to older residents, were to prohibit the number of older residents in a particular area? The policy smacks of social engineering of a worrying kind. Is this the function of the planning system?</p>	<p>It is a legitimate aim for planning to create mixed communities, such as through 'pepper potting' of affordable housing or creating a mix in the size of houses in a development.</p>	<p>None</p>
106	<p>Extent of planning powers</p> <p>13. The remit of the planning system is limited, not just because it can only affect future development. Three of the matters supposedly justifying the policy</p>	<p>Other powers deal with issues once a problem arises. The proper planning of areas can help prevent these problems occurring. It is</p>	<p>None</p>

	(which are non existent or weak anyway) can be addressed using other powers. These are issues concerning noise disturbance waste and car parking.	proactive rather than reactive.	
107	<p>Use of larger properties</p> <p>14. On looking through the evidence base it is clear that according to the Council in the Borough within certain limited areas there are a number of larger properties available which lend themselves to use to provide multi occupied accommodation. This should be welcomed by the Council; not castigated. There is a clear need to provide accommodation for sharers which is suitable to their needs. This larger type of accommodation may well not be needed by families and is suitable for conversion and use in this way. If it is not used in this way where else in the Borough is the need for accommodation to be met. By introducing an Article 4 Direction, at least by inference, the Council must consider that there is going to be increasing demand for this kind of accommodation. Otherwise, the Article 4 Direction would have been unnecessary. Despite this no population projections have been produced in support of the argument or projected need/demand, as we have pointed out already above.</p>	The Article 4 Directions have been confirmed by the Council. The SPD provides additional guidance for the determination of planning applications within the Article 4 areas.	None
108	<p>Backdoor constraints on HMO accommodation</p> <p>15.1 We are perturbed that we have a case here on the face of it where the Council are trying to stop HMO accommodation by the backdoor. This is despite the fact that the policy itself acknowledges the need and importance for this kind of accommodation. This objective supported by the Report prepared by Opinion Research Services which concludes HMOs in Milton Keynes appear to be following a vital role in the Borough providing accommodation for young workers in low income jobs "who would otherwise struggle to live in the area".</p> <p>15.2 What appears to be happening is that by excluding/reducing the number of larger properties which can be used for HMO accommodation so that one has to be used for HMO accommodation so that one has to start looking at smaller accommodation you then lay down rules which makes it impossible for those properties to qualify. The policy does not just look at the issue of concentrations but seeks also to impose requirements in relation to noise and the</p>	<p>The noise requirements are considered appropriate for the protection of the amenity of tenants. Waste requirements are good practice and it is considered unlikely that a property could not comply with the requirements.</p> <p>Parking Standards in the HiMO SPD reflect the Parking Standards Addendum (2009); Any change in parking standards and parking zones will be through a review of the parking standards guidance and will supersede the standards in the HiMO SPD</p>	Additional text to clarify that parking standards and zones will be reviewed via the Parking Standards Addendum.

	<p>need for provision to deal with waste, along with restrictions on car parking. The noise restrictions make it expensive to convert properties. Requirements regarding the location of waste and the size of the waste receptacles may simply be incapable of being complied with because of the size and layout of properties. Even more sinister, is the requirement in relation to car parking. The Council are wanting to impose requirements as to numbers of car parking spaces to be provided. They simply cannot be catered for within the accommodation and in many areas on street car parking is not available. In relation to car parking despite the fact that as the evidence base concedes tenants of this type of property are more likely to walk to work and are less likely to have use of cars. Nevertheless, high numbers of car parking spaces are being required for these properties. This demonstrates that the claim that HMOs are vital is simply "window dressing" by the Council, who want to constrain them.</p>		
109	<p>Noise and disturbance</p> <p>16.1 Looking at paragraph 5 of the evidence base one unfortunately sees yet another example of statistics here twisted to suit a case. The Council, when it is convenient, argues for a higher number of HMOs around 900 but when it comes to analysing the noise complaints it uses the lower number 0.5% of the total housing stock when it should on this basis be higher. The evidence put forward in Section 5 is flimsy to say the least. The statistics provide that there is no significant evidence to justify the claims that there are higher noise problems. Even the document itself concedes that it is not acceptable to prejudge the occupants of an HMO as being anti social.</p>	<p>The evidence paper is clear that in order to allow for consistent analysis, the approximately 500 HMO figure has been used. This is because the 900 HMO figure is an extrapolation of the household survey and there is no firm evidence of their existence.</p> <p>The noise requirements seek a landlord to show where noise between properties could be reduced but more importantly it seeks to protect the individual occupants with noise insulation between rooms.</p>	None
110	<p>Parking</p> <p>17. We have already made the point in relation to parking that in paragraph 6.3 it is stated that 30.6% of HMO occupants either walk to work or travel by public transport. 40% of them do not have access to a car compared to the average of 19.2% of households in Milton Keynes. The majority of the households involved anyway are around the centre of Milton Keynes. High car parking space</p>	<p>The figures have been included by way of additional background for the SPD and provide context to the two zone approach adopted in April 2009 Parking Standards Addendum.</p> <p>Parking Standards in the</p>	Additional text to clarify that parking standards and zones will be reviewed via the Parking Standards Addendum.

	<p>requirements therefore militate against permitting conversions to HMO accommodation if the policy is adopted imposing unnecessary demanding requirements. This is particularly so in the case of the newer estates and paragraph 6.6 concedes that it will mean achieving the required standards in those areas will be more difficult. We would say that they are likely to be impossible.</p> <p>In any case, if there are particular problems traffic regulation powers can be used to deal with these; not planning powers.</p>	<p>HiMO SPD reflect the Parking Standards Addendum (2009); Any change in parking standards and parking zones will be through a review of the parking standards guidance and will supersede the standards in the HiMO SPD</p>	
111	<p>Bin storage and drying areas</p> <p>18. Again, the justification for a planning policy of this kind based waste disposal issues is flimsy in the extreme. Based on the 1% figure (i.e. the higher figure of potential HMOs) the number of notices is in line with the overall relationship of a number of these properties to the wider population. In any event, as pointed out elsewhere, there are such other powers to deal with any such problems.</p>	<p>The 900 figure is not a reliable basis for comparing with other statistics. The evidence paper is clear and consistent in its use of approx. 500 HiMOs.</p>	None
112	<p>Extent of the area involved</p> <p>19. Of major concern is the extent of the area to which the planning restrictions are intended to apply, being the whole of the Borough. We along with the National Landlords Association have applied to the Secretary of State to revoke the Article 4 Direction made by the Council because of its extent and this application is currently under consideration. The Council have been notified of this application by us separately.</p>	<p>The Article 4 Directions have been confirmed by the Council. The SPD provides additional guidance for the determination of planning applications within the Article 4 areas. The SofS has confirmed that no action is to be taken.</p>	None
113	<p>Restrictive nature of policy</p> <p>20. Another concern is that the policy is very much stated to be by way of restriction, rather than positive policy or a policy of encouragement to relocate of HMOs to other areas, where it will be practicable and suitable for such areas to be brought into existence.</p>	<p>The policy would apply equally across the borough.</p>	None
114	<p>Use of a fixed percentage</p> <p>21.1 The Association would challenge the application of a fixed percentage even though it does allow some flexibility. When looking at Section 8 of the evidence document it is clear yet again how limited this problem is in Milton Keynes (if it is a problem at</p>	<p>Comments noted. As with all of the analysis in the evidence paper, for consistency this is based on the 500 HiMOs as opposed to the higher ORS 900 figure.</p>	None

	<p>all). The number of HMOs is insignificant compared with the population overall. There is clearly, in this instance, the application of double standards. There are page after page of streets listing areas listed where there are zero HMOs or the number involved is less than 1%.</p>		
115	<p>21.2 Surely, if the Council wants to ensure mixed and balanced communities then HMO accommodation needs to be introduced into these areas to get the balance. This does not sit easily with paragraph 5.1 where with noise and disturbance there is concern particularly where family dwellings are predominant on typically quiet residential streets of low activity. The result of getting a balance elsewhere could result in concerns regarding noise and disturbance and other issues being introduced into these existing quiet residential areas. This will be the direct consequence of the Council's proposed policy in relation to concentrations because HMOs could go elsewhere where they current do not exist.</p> <p>21.3 We consider that the application of percentages is wholly inappropriate. We deal with the issue of so called balanced communities in detail below but believe that it has to be a matter of judgment so that only where there are substantial concentrations based on a somewhat wider geographic area (rather than the 100 metre rule proposed by the Council) should the question of potential restriction even arise . There is nowhere currently in Milton Keynes which even justifies this having regard to the low numbers involved. If a policy of this kind were to be introduced (which we, of course, oppose) it should be written in far more general terms as at present.</p> <p>21.4 The objective should be to maintain a diverse housing stock that would cater for all sectors of the population including families and single people across the Borough as a whole or at least looking at matters on a settlement by settlement basis. The objective should be to prevent serious erosion of the range and choice of housing types and tenure i.e. in terms of mixed communities (using that word in a wide sense); rather than trying to introduce notions of out of balance communities formulated in any percentage terms. Policy measures should be dealt with by maintaining diversity in the housing stock and tenure; again rather than restrictions in terms of numbers, but only where there is a serious threat. This is most certainly not the case in Milton Keynes</p>	<p>The Local Plan sets the criteria against which HiMO applications are assessed. The SPD adds additional guidance for how this policy is to be applied. The evidence paper supports the additional guidance within the SPD.</p> <p>The SPD applies equally across the borough. As stated in the evidence paper, in areas with no HiMOs then conversion to multiple occupancy could improve the housing mix in that area.</p> <p>The SPD seeks to achieve mixed communities.</p>	None

	<p>having regard to the numbers involved.</p> <p>21.5 It is important that the Council updates itself in relation to how other policies proposed by other local authorities are fairing. Paragraphs 8.30 and 8.32 of the evidence document are now out of date. In the case of Manchester the Inspector conducting the public examination has indicated in her notes that a more flexible approach needs to be adopted and an across the board 10% figure is not acceptable to her. The 20% figure referred to is out of date because Manchester had tried to introduce a 10% restriction which, as stated, is not acceptable to the Inspector. Portsmouth City Council, as a result of the objection by this Association, have withdraw their policy and are now proposing an overarching policy to be dealt with later by a further development plan document. The Inspector has again indicated that he did not think the 10% across the board approach to be appropriate. Portsmouth City Council has based its plan on the National HMO Lobby's views which are wholly unsubstantiated and nothing other than a claim by the lobbying body. It has absolutely no justification or evidence base which was another reason why Portsmouth City Council were constrained to withdraw their proposal. So far the rigid application of percentages is in tatters following these two public examinations.</p> <p>21.6 At the end of the day all that seems to be happening here is if there are problems then they are being moved around. It is not a question of planning for the community as a whole, i.e. the Borough, but yet another example of nimbysm.</p>		
116	<p>Defining the areas/sandwiching</p> <p>22. The Association disagrees with the approach adopted by the Council. It is simply micro management of the area. A street by street basis is not appropriate. We very much doubt that it is capable of proper monitoring/enforcement in any case. The calculations are very difficult to make. A much wider area should be adopted. We also disagree with the "sandwiching" approach proposed by the Council. We do not think it is necessary and it places inappropriate restrictions on development. There is a case for ensuring a proper juxtaposition of room between different properties, e.g. making sure that bedrooms are not adjacent to living rooms then this could be addressed on each application. In such</p>	<p>The sandwiching approach is an effective way to prevent smaller concentrations.</p>	<p>None</p>

	<p>a case why cannot sound insulation be provided if it is demonstrated that the existing structures are insufficient to impede the transmission of noise in such situations. We have already pointed out the lack of evidence anyway to support the policy based on noise complaints.</p>		
117	<p>The need for small HMOs</p> <p>23.1 Certain sections of the community need HMO accommodation in small HMOs. Only the private rented sector (PRS) provides this accommodation. Rarely, do social housing providers rent out this kind of accommodation. Tenants needing this kind of accommodation can only find it by renting from a private landlord. Restricting small HMOs will have a direct impact on supply. If supply is reduced this will have the consequence of driving up rent levels, reducing the supply of economically affordable accommodation. Importantly, by definition, if you restrict demand in an area which is popular for this kind of accommodation it is going to lead to a general increase in rental levels. This is contrary to the recommendations set out in the opinion of Research Services Report which highlights the need for cheaper accommodation. The Council's proposals are therefore directly contradicting the recommendation of this report.</p> <p>23.2 Due to its non self contained nature, renting in a shared house or HMO is usually cheaper than obtaining self contained flat or similar property. Frequently, this kind of accommodation provides the first rung on the housing ladder. This kind of accommodation is vital to the mobility of the workforce. It is the way in which people going to a new town often find accommodation for the first time, as the evidence base shows.</p>	<p>Local Plan and SPD will be monitored through the Annual Monitoring Report and the threshold could be reviewed if necessary.</p>	<p>None</p>
118	<p>Local planning authorities duty to cater for the need for small HMOs</p> <p>24.1 Each local planning authority is under a duty to ensure that sufficient levels of small HMO accommodation is provided in their area. This is required by PPS3 and the duty is replicated in the NPPF. Small HMOs including bedsits are an essential element of overall housing provision. There can be considerable demand for this kind of accommodation especially from single people including sharers. In common with the rest of the</p>	<p>Comments noted</p>	<p>None</p>

	<p>Country we imagine that the population of the Borough is growing and household sizes are becoming smaller meaning that more, smaller units of accommodation are required. This, of course, includes provision for those who want to live in small shared houses and bedsits.</p> <p>24.2 Land has to be used more intensively if we are to avoid the use of green field sites to provide the requisite for new housing which is required. However household size is declining with more and more single households and at the same time the overall population is growing. Many of those who have to be catered for are just the kind of people who will be looking for shared housing or bedsit accommodation. This confirms the need for this type of accommodation in the Borough.</p> <p>24.3 The Council must therefore address this responsibility. Trying to ban this kind of accommodation or restrict it in particular areas can be counter productive and contrary to its responsibilities towards the Borough as a whole.</p>		
119	<p>Provision of HMO Accommodation</p> <p>25.1 If restrictions are imposed the policy should have to say where smaller HMOs are encouraged. To meet need, other areas will have to be designated to encourage small HMOs instead. The Council cannot duck this obligation to say where else in their areas the need for shared accommodation is to be met.</p> <p>25.2 Where will alternative provision for HMOs in the Borough be located to ensure that demand is met. What will be the attitude of local residents of those areas where HMOs will be deliberately introduced as alternatives as part of the local plan policies? A policy which fails to address this issue is not appropriate.</p>	The policy applies equally across the borough. As stated in the evidence paper, in areas with no HiMOs then conversion to multiple occupancy could improve the housing mix in that area.	None
120	<p>Reductions in property values</p> <p>26.1 We have already highlighted the increased rents as a result of this policy but there is likely to be an adverse impact on capital values which may well upset many of the voters who have argued for a policy of this kind. In the short period from when the original Use Class and Permitted Development Rights regulations came into force on the 6 th April 2010 and the changes made from the 1 st October 2010 it</p>	Comments noted	None

	<p>quickly became obvious that planning restrictions will mean that two properties side by side could have significantly different values. A property which could only be used as a single dwelling because of planning restrictions would be worth UP TO ⅓ LESS than a similar adjoining property which can be used as a single HMO. At least 15% to 20% or as much as ⅓ would be shaved off the value of properties which could not legally be occupied as a small HMO because of planning rules. We have to emphasize that this is not scaremongering. The situation in Nottingham, for example, became so bad that some Estate Agents were refusing to sell single dwellings as the April 2010 changes meant that planning permission could not be obtained for Class C4 use. Agents in the area concerned were down valuing properties by ⅓. Likewise, in Leeds properties were being significantly down valued by local agents around 15%/20%. This situation will return in any area where planning restrictions are imposed. Have local owner/occupiers been warned of this?</p> <p>26.2 A further risk is that when owner/occupiers realise this there will be an indecent scramble to obtain planning consent for a change of use (particularly as no fee may be payable). If the local plan sets limits for numbers, as proposed the first 20% will not be opposed anyway and their owners will be the winners financially whilst the rest, who will be the losers, will see the values of their properties significantly reduced in comparison. Is this a desirable function of the planning system?</p>		
121	<p>The Fallacy of the "Balanced Community"</p> <p>27.1 The Council is advocating controls on HMOs speaking of needing "balanced communities". However, the Council seem to be somewhat confused. The Council are conflating mixed communities and balanced communities. In planning terms the two are not the same. Because of the numbers involved in reality there is absolutely no threat to there being mixed communities anyway. The idea of a mixed community is therefore being misapplied to try to justify the social engineering concept of balance and supposedly avoiding "imbalanced" communities. For example PPS3 which is about "mixed communities" not "balanced communities" is being used to justify the policy of such engineering which the Council is seeking to adopt in relation to the concept of a so called</p>	<p>The SPD does not rely on the HMO Lobby 'balanced communities' approach. The use of the term 'balanced' in the SPD is in a general sense of 'mixed and balanced' communities. In terms of HMOs the Ecotec report makes reference to 'balanced communities and more generally the draft NPPF acknowledges how affordable housing can contribute to the objective of 'creating mixed and balanced communities'. The SPD is trying to promote mixed and balanced</p>	<p>Remove reference to 'balanced community' to avoid incorrect assumption that this is implying support for the National HMO Lobby 'balanced community' approach.</p>

<p>"balanced community".</p> <p>27.2 Importantly, there is no definition of what is a balanced community under planning law and it should not be employed to fix quotas based on status/occupation as already indicated above. The Council seem to rely on the unproven and un-researched HMO Lobby concept of a balanced community without even including it in their evidence base. Examinations of the Lobby's publications shows the flimsy nature of the arguments advanced by them. This is a one sided view on the part of the anti student faction. Ironically, the situation in Milton Keynes has nothing to do with students but the HMO Lobby propaganda documents are all about students. Many of the arguments used in documents relate to issues such as properties being left vacant in holiday times which has absolutely nothing to do with accommodation occupied by working people as is the case in Milton Keynes. It is wholly without any kind of scientific or research basis.</p> <p>27.3 What the Lobby try to do is to first define the locality for a community to suit their argument and then proceed with the argument as if the case is proven on this basis. In other words you pick an area with boundaries that suit your case. However, the argument fails to address what should be the locality for this purpose. Should it not be the whole of the town at least a much wider area than the particular locality which is conveniently identified to suit the case? Surely it should not be done on a 100 metre radius basis as is proposed by the Council.</p> <p>27.4 The HMO Lobby then go on to argue that each locality or community should be divided up in proportions relative to housing tenures. At the moment this would be roughly 68% owner/occupier; 18% social sector and 14% private rented sector. One can then of course adjust the boundaries of the "locality" to ensure that these proportions are met if one wished!</p> <p>27.5 Would local groups like to impose these proportions in those areas which are leafy suburbs? The Association suspect that the residents there would have their own views on such a proposal! Of course the answer is NO! Reality intrudes so when it suits them these campaigners say that they do not feel that all communities have to match these</p>	<p>communities through a mix of housing. However for clarity, and to avoid confusion with the HiMO lobby approach, reference to 'balanced communities' will be removed from the SPD. This does not alter the aim of creating mixed communities.</p>	
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	<p>norms! Only the areas which concern them because they live there! Indeed if one reads their propaganda you will see that they have to rapidly draw back from pursuing the argument to its logical conclusion of introducing shared accommodation into owner/occupied areas. At the same time these campaigners fail to recognise demographic changes which have occurred. There is a very real need for single person accommodation especially for sharers and one has to accept and recognise the reality of this.</p> <p>27.6 The HMO Lobby also argue that you should divide up the population according to age ranges. Again, this is a nonsense.</p> <p>27.7 The argument then develops to say that we have to accept that there is a "tipping point" at which point communities change and become "unbalanced". They put forward often 10%. How can you definitely say that a community (whatever that may mean) begins to feel unbalanced when any of the five main age bands exceed a particular percentage of the population or because of different tenure ratios? What evidence is there for this assertion other than it suits someone's own viewpoint? There is not a shred of evidence to support this. In reality this is a self serving argument with no known basis other than campaigners' personal views because they simply do not like living in student communities.</p> <p>27.8 There is a pseudo social scientific arguments which are put forward to justify restrictions particularly as legally you must not look at the status of the occupant; instead you have to consider small HMOs of all kinds irrespective of who lives in them.</p> <p>27.9 The Council, of course, do not put forward the 10% figure but equally what justification is there for a 20% figure? None in our view. It is why a much more flexible approach is needed to address any problem.</p>		
122	<p>Calculating the percentage</p> <p>28. We are pleased to note that the Council is not excluding flats from the calculation. This would skew the calculation and would be a wrong approach. As proposed by the Council flats should not be excluded, in our view.</p>	<p>See other comments. Flats are to be counted but 1 bedroom flats are to count towards the concentration of HiMOs.</p>	<p>1 bedroom flats to count towards concentration calculation.</p>

123	<p>Enforcement/implementing the policy</p> <p>29.1 It is not uncommon to find policies such as those limiting the number of takeaways. However, you can work out easily whether a property is or is not a takeaway by driving or walking past. They can be counted simply. It is impossible to work out what is going on behind the front door of an ordinary house. You have no idea at all whether a family are living there simply by looking at it externally or whether it is being occupied by a group of sharers.</p> <p>29.2 The Council acknowledges, as do other local authorities, that they do not have the information available to operate the policy and it is not information that is readily obtainable. Furthermore, it is objectionable because insofar as information is available at all e.g. Council Tax information it is solely at the disposal of the Council. It is impossible for a potential applicant for planning permission, developers or their advisers, to establish whether or not the required percentage level is or is not met. This situation is made worse by the breadth of the Article 4 Direction</p> <p>29.3 Therefore are these rules really enforceable? We believe not. Firstly, supported by case law, in many many cases will there really be a material change of use involved if what was a single dwelling is occupied by a group of unrelated people. Secondly, will the Council be able to keep track of changes of use of this kind anyway? Thirdly, do Council's have the resources to carry out the necessary enforcement work? They do not even know where exactly HMOs are based. Such a policy which is incapable of enforcement cannot be appropriate.</p>	<p>The policy will operate on the basis of all known HiMOs. These include all HiMOs that meet the Housing Act definition regardless of whether they are licensed or with planning permission .</p>	None
124	<p>The cost</p> <p>30. With the current cut backs facing the Council is this something which a local planning authority should be embarking on at all? Will it have the resources to implement the Article 4 direction and deal with the consequent planning applications especially if they are free of charge? Will it have the resources to investigate possible breaches and enforce the new legislation? It is particularly alarming that the Council has made an Article 4 directions through the whole of the Borough with the consequent costs which will be entailed in such a</p>	<p>The Article 4 Directions have been confirmed by the Council. The SPD provides additional guidance for the determination of planning applications within the Article 4 areas.</p>	None

	<p>move Should not local resources be better utilised e.g. as we have already suggested to actually deal with any particular problems as they arise?</p>		
125	<p>Affordable housing and homelessness</p> <p>31. The proposal will of necessity constraint the supply of affordable accommodation especially for younger people. We are particularly concerned that although at the moment the 20% limit may not pose a problem there are major issues surrounding the application of matters such as car parking standards. This constraint will damage the local economy and damage the relationship between the older and the younger generation which is increasingly coming under strain. A policy of this kind sets one section of the community against another. The intergenerational pact is under threat and measures of this kind simply increase the antipathy of the older sections of the community against the younger. Bearing in mind that any restrictions have to apply to all small HMOs, irrespective of by whom they are occupied, it is wrong to reduce the supply of accommodation for working people, young professionals, migrants etc in the areas where they choose to live. Otherwise, the local economy is adversely affected and a greater price will be paid with all the problems surrounding homelessness and overcrowding, because of the lack of available housing, as well as increased rents. Social cohesion will be damaged.</p> <p>We quote:</p> <p>The majority of rental housing is spread around neighbourhoods of quite old, terraced and semi detached houses and flat conversions within this house type (Ball, 2008; Glascock and Turnbull, 1994). New properties in blocks of flats - through often thought to be typical buy to let territory - are, in fact, comparatively rare within the private rental stock. New rental properties are often derived from renovations and conversions of previously single-family properties into flats. This has the spin off benefit of making intensive use of the existing stock in places where it might be otherwise under utilised and poorly maintained. Such conversions and modest upgrades are often found in neighbourhoods of relatively moderately priced properties. This can assist in regeneration and in avoiding neighbourhoods slipping over into cumulative</p>	<p>The policy aims to help create mixed communities and could help foster positive community relations.</p>	<p>None</p>

	<p>decline.</p> <p>Ball, M (2010), the UK PRS as a source of affordable accommodation, Joseph Rowntree Foundation.</p>		
126	<p>Impact on the environment and transport</p> <p>32. One of the problems of spreading small HMOs around the Borough is the adverse impact on the environment. At the moment they tend to be concentrated. Where accommodation is close occupiers can walk and the same applies to others. This is already recognised in the evidence base which shows that a significant number of none car owners walk to work. If, instead, small HMOs are dispersed around the town then there will be increasing demand for travel by car to get to work or college. The policy flies in the face of sustainability policies. Minimising travel distances is at the heart of the concept of sustainability.</p>	Comments noted	None
127	<p>The inevitability of change</p> <p>33. Unfortunately, it is a fact of life that the character of our towns and cities change over time. Populations shift and demographics change. As is so often the case, many left behind find this unpalatable but, as with the operation of market forces, this kind of change is unavoidable. It may be far better to try to adapt than try and stop it, Canute like.</p>	Comments noted	None
128	<p>The alternative</p> <p>34. If there are difficulties in an area local authorities already have other extensive other powers e.g. to deal with noise disturbance. Working where appropriate with others they can be implemented to deal with these concerns. Very importantly, these can have an immediate impact rather than waiting for much longer planning processes to operate, if they work at all. Accreditation schemes for local landlords can also be utilised. We have already questioned how far the use of planning powers is appropriate.</p>	Other powers deal with issues once a problem arises. The proper planning of areas can help prevent these problems occurring. It is proactive rather than reactive.	None
129	<p>Existing small HMOs</p> <p>35. Equally, there is the issue of properties which were already shared houses as at 6 th April 2010. This is a very important issue which needs careful consideration now that the local planning authority</p>	Flexible planning permission would have benefits for landlords. However, it could lead to further restriction of HiMOs. Once a threshold was reached no more HiMOs	None

	<p>have decided to make an Article 4 Direction. Flexibility in the housing market is very important. One year a landlord may let such a property to a group e.g. a group of nurses but in another year to a family. Landlords will not rent out properties which have been used by groups to families if they do not have the right to relet them subsequently to a group. Thus, in our view, any local planning policies need to make it clear that there are "preserved rights" i.e. if the property was already a shared house as at 6th April 2010 or it subsequently gains planning permission for this use it can be used interchangeably between Class C4 small HMOs and Class C3 single dwellings without the need for planning permission, even if there is a material change of use involved. This can be done by indicating that planning permission will be granted for these changes backwards and forwards in such circumstances. It is therefore proposed that if the policy were to be adopted whether in its existing or an amended form that an exception should be made to bring about this preserved right.</p>	<p>would be permitted, yet under the flexible permission, none of the permitted HiMOs may be operating as such.</p>	
130	<p>The broader view</p> <p>35. In reality is there not an attempt by local politicians trying to be seen to do something because there have been calls from local residents to introduce Article 4 directions to stop the spread of small HMOs. It is vital that the broader picture is looked at not least because the highly questionable effectiveness of the proposed policy. The danger is simply to compartmentalise certain local neighbourhoods and ignore the wider picture and the benefits to the wider economy of the Borough as a whole by ensuring that small HMO accommodation is provided where there is a demand for it. Undoubtedly small HMO accommodation will help the local economy, the local labour force and job mobility. Communities where there are small HMOs often bring with them services and amenities which would not otherwise be provided to cater for their needs. In turn these benefit local residents. We acknowledge that on occasion, unfortunately, there are problems but there are other powers to deal with these. We do not believe, however, that the planning system which can take many years to work is the solution. Existing HMOs are not affected. The local authorities already has an extensive armoury of powers to deal with problems.</p>	<p>Comments noted</p>	<p>None</p>

131	<p>Conclusion</p> <p>36. For all the reasons outlined in this submission the policy is, we would submit, inappropriate in its entirety and ought to be abandoned. In particular, it is wholly inappropriate to attach percentages in this situation especially in view of the absence of evidence of the numbers of HMOs or adverse impact. The areas to which they are applied are far too small. The policy is predicated on an unsubstantiated so called "imbalanced" community which is unfounded and inappropriate. There is no need for this approach to be adopted as outlined in the policy. Rather any issues should be addressed on a case by case basis and by using appropriate powers. A policy of this kind is pandering to a clash of cultures between owner/occupiers and young people.</p>	Comments noted, see responses above.	None
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HiMO27 Mr Stephen William Bates

132	<p>Having had a HIMO next door to us for many months I feel that we can comment fairly and objectively.</p> <p>Without doubt, car parking is a problem. There are frequently five cars at No.38, Hanmer Road, Simpson, sometimes six, one of them being a large people carrier/minibus size.</p> <p>We do get on alright with most of them and so they are as careful and thoughtful as we can expect but perhaps we are lucky with the residents. Less considerate ones would, I'm sure, be far less cooperative. There is limited space for cars and my other neighbours do suffer the inconvenience of people parking in areas they use themselves for visitors.</p>	Parking Standards in the HiMO SPD reflect the Parking Standards Addendum (2009); Any change in parking standards and parking zones will be through a review of the parking standards guidance and will supersede the standards in the HiMO SPD	Add text to SPD to clarify that it repeats the standards set out in the council parking SPD and any replacement document/standards.
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133	<p>It is interesting to note that we have lived here since March, 1980 and last weekend was the first time there has been any problem with overflowing sewers. This could well be attributed to more than the normal number of people using the toilets and contributing to the rate of flow exceeding its ability to cope. I didn't get feedback from the man who was clearing the sewer to establish what he thought the cause was but he was from Anglian Water.</p>	Comments noted.	Reference to potential impacts of large numbers of HiMOs on the sewage system.
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HiMO28 Councillor Mike Galloway

134	<p>Paragraph 1.4 states "Some of the issues identified in the September 2008 ECOTEC report, such as increased crime or pressure on local facilities, have</p>	The SPD accepts that in some cases no evidence was found.	Amend text to clarify that in some cases evidence was not
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	<p>been found not relevant in Milton Keynes, or there has been insufficient evidence to support these findings in Milton Keynes." There is insufficient evidence with the evidence base to be able to state definitively that these issues "have not been found" in Milton Keynes or that there is "insufficient evidence" to support these findings in Milton Keynes. On the face of it the ECOTEC research which was wide ranging should be taken as evidence unless shown not to be the case. The lack of evidence merely indicated the evidence may not have been gathered rather than there is no evidence.</p>		found.
135	<p>Paragraph 1.7 states "This document relates only to planning legislation and the planning process. In order to operate a HiMO legally, it is essential that landlords ensure they are in accordance with both planning and housing legislation." Amend to reflect that there is more that just planning and housing legislation:</p> <p>"This document relates only to planning legislation and the planning process. In order to operate a HiMO legally, it is essential that landlords ensure they are in accordance all applicable legislation, including but not limited to planning, housing and building regulation."</p>	Comments noted.	Update text to reflect other legislation is applicable.
136	<p>What is a 'House in Multiple Occupation'?</p> <p>2.8 onwards The detail here is not entirely correct and so should be amended to accurately reflect the legislative situation.</p> <p>In particular:</p> <p>It should be made clear that the definition of HiMO within Planning law is by re-using the definition within the Housing Act.</p> <p>The words "basic amenities include" should be amended to "basic amenities are defined as".</p> <p>The legal position of "flats" and "bedsits" should be explored in more detail and included within the SPD, drawing as appropriate on legislation and case-law. This is not limited to specific planning case-law, as the Housing Act definitions have been re-used in Planning law and themselves include reference to Building Act definitions. Need for additional paragraph(s) in SPD</p>	Comments noted. Further text to be added to the SPD to clarify definition of HMO. 'Bedsits' to be omitted from SPD as there is no single definition as to what this actually constitutes and the definition for a HiMO is set out in the Housing Act.	Amend definition to read "basic amenities are defined as' Add reference to Housing Act definition.

	<p>In addition, given the use of the terms "bedsit" and "small bedsit" within the current CLG guidance, the opportunity should be taken to discuss and come to a conclusion on what the effect of this is. Reference should be made to the case-law deriving from "Barnes" that should be used as guidance. If the conclusion is that there is not any absolute definition of "bedsit" or "small bedsit" for a planning (or Housing Act) purposes then that point should be stated.</p>		
137	<p>Noise and disturbance</p> <p>4.4 onwards</p> <p>The discussion here ought to give details of and draw distinction between "student" shared households type of HiMOs which are common elsewhere but not in Milton Keynes and the situation more common in Milton Keynes of entirely independant living with no sharing other than that of one or more basic amenities. In student type HiMOs it is more likely that the occupants will live more like one household and so pay more regard to other individuals in the household, whilst in planning law are defined as a HiMO as they are not related. Whilst student HiMOs are less common in Milton Keynes there are believed to be a significant number of properties occupied in a similar way, but by young professionals often living in a similar "single household".</p>	<p>Comments noted. It is not considered necessary to repeat for each section. Propose inserting paragraph to introduction to explain the type of HMO generally found in MK.</p>	<p>Introduction to state that HMOs in MK are not generally occupied by students, although acknowledge that this may change with the growth of the University Centre MK. They are occupied either by individuals as a cheap form of accommodation or professionals requiring temporary accommodation.</p>
138	<p>Parking</p> <p>The policy should include provision for the parking requirement for HiMOs with more than 7 bedrooms, continuing the table with an additional parking space for each additional bedroom. Unlike C3 dwelling houses an additional bedroom is far more likely to have a need for additional parking.</p>	<p>Parking Standards in the HiMO SPD reflect the Parking Standards Addendum (2009); Any change in parking standards and parking zones will be through a review of the parking standards guidance and will supersede the standards in the HiMO SPD.</p>	<p>Add text to SPD to clarify that it repeats the standards set out in the council parking SPD and any replacement document/standards.</p>
139	<p>Character & Concentration</p> <p>4.21 onwards</p> <p>Similar considerations to this issues on Noise and Disturbance so a similar reference should be made to the differing effect of different types of HiMO. 4.26 and 4.27</p> <p>In considering concentration it should be the number</p>	<p>The SPD is to be amended to be based on the number of bedrooms within a HiMO. 1 Bedroom flats are to be counted towards the concentration calculation.</p>	<p>Amend SPD to be based on the number of Bedrooms in a HiMO and with 1 bedroom flats counting towards the concentration figure.</p>

	<p>of households that are counted not the number of buildings. Flats should be counted although potentially on a case by case basis depending on the type of flats and whether constructed as flats or converted. Further consideration should be given to the exact methods of calculating the effect on character and concentration. If considering an application for conversion to self-contained flats then within a single building each flat would for density/concentration purposes be counted as individual units. For most of the known HiMOs in Milton Keynes, they are not "shared households" as in the student house type of situation where there is true sharing, but much closer to individual flats. A block of flats with (say) 6 flats is counted as 6 units. Where there are very clearly separate rooms as in the MK type of HiMO then the impact from a HiMO is very similar to a block of flats of the same size, and possibly even greater given the potential lack of space in a converted (small) often terraced dwelling house to a HiMO.</p> <p>The rationale in the evidence base (8.40 onwards) about occupancy of flats is flawed and there is incomplete evidence of occupancy of flats. There is evidence of HiMOs being occupied by families. There is likely to be a difference between properties converted to flats and properties constructed as flats in the first place. In 8.41 use is made of the term "bedsit" without any definition of what the term is being used to describe, it must be clear what is being referred to, 8.41 starts with "The Council has no evidence of the number of occupants in flats" but later goes on to attempt to extrapolate that 57% of flats "must be occupied by couples of families". It is also said that flats will have been built to appropriate standards. This may not be true and indeed is recognised within the Housing Act definitions (as imported into Planning) which provide for certain flats to be treated for Housing Act purposes as HiMOs.</p>		
HiMO29 Cllr Jenni Ferrans			
140	<p>4.20 Waste Storage</p> <p>I believe a comma has been omitted after "for a drying area" in the statement in this policy, to indicate that the waste storage space is in addition to the 15 sq m drying area.</p> <p>Can it be re-instated please! Clarifying text might be</p>	<p>15 sqm is for both bin storage and drying area as per the local plan policy H10.</p>	<p>None</p>

	useful too, in 4.20.		
141	<p>4.26 Concentration</p> <p>Although in the example given a 100m diameter circle only includes some 30 or so dwellings, or perhaps 38 including flats, there are numerous neighbourhoods and street designs in the borough, both in the older towns and in the newer, higher density areas, where such a circle might include 60 to 100 houses - and a few where the number might be as high as 200 where large blocks of flats are included. This would mean that 20% could often be 12-20 HiMOs and could be as large as 40. And many of these areas are now attracting HiMOs. Within such an area, the HiMOs themselves then also tend to cluster, so that we could get a density in a small area within that 100m circle of over 50%, involving up to 20 HiMOs in many cases. I believe that this would totally change the character of that sub-area.</p>	<p>A percentage approach means that the mix of properties remains the same regardless of density. Where flats are included this could mean more houses are possible HiMOs. However the sandwiching approach would still prevent all family dwellings from being converted.</p>	None
142	<p>I am also unclear as to what counts as a "dwelling" - eg does a HiMO count as one or many dwellings? And similarly, flats?</p>	<p>Paragraph 2.7 of the draft SPD contains a definition of a dwellinghouse (use class C3) and a HiMO (use class C4).</p>	None
143	<p>Where an area consists of a large block of flats with houses adjacent to it, the policy could lead to a 50% concentration of HiMOs in the adjacent houses, since there would probably be none in the flats by existing evidence. Again, I think that this would cause an unacceptable change of character, and therefore would propose to omit flats completely from the definition of households in an area for this purpose.</p> <p>I would prefer to work in terms of the nearest x households, to allow for these variations. However, in rural areas with very low densities, the area would be large, and defining a very large area as a neighbourhood for this purpose would not stand up to scrutiny, so I propose a combination of both approaches.</p> <p>I therefore propose that the "area" be defined as the nearest 50 households excluding flats, or the households excluding flats within a 100m diameter circle, whichever is the lowest number of households. This would not change the total number of HiMOs permissible, as the 20% concentration would still apply, but would ensure a more even distribution within an area, reducing the extent of</p>	<p>A 100m buffer was considered appropriate as it generally best reflects the 'local' area and can be applied on a consistent basis to aid decision makers.</p>	None

	possible clustering.		
144	<p>Sandwiching</p> <p>Can you define how sandwiching would apply around corners and junctions please? I would propose adding "Households on either side of a corner or road junction are considered adjacent for this purpose." Otherwise a 16-HIMO cluster could be permitted around a cross-roads on a narrow road.</p>	The sandwiching approach applies to consecutive dwellings. If separated by a road, it would not apply.	Add further explanation to the application of 'non-sandwiching' approach and clarify that separation by a public highway would not constitute 'adjacent'.
HiMO30 Ms Sally Weldon, Clerk, Wolverton and Greenleys Town Council			
145	Multiple Occupancy within the radius to be reduced from 20% to 10%.	The amended SPD has a higher percentage; however, the change to counting HiMO bedrooms and including 1 bedroom flats in the calculations will reduce the overall concentration of HiMOs.	None
146	The figures provided on the HiMOs appear to very low for the parish.	The figures were based on all known or suspected HiMOs as of April 2010	None
147	The Council were concerned that the parking spaces to meet the criteria of three per four bedroom house should be accessible in reality and not just created on paper to meet the regulations.	Parking Standards in the HiMO SPD reflect the Parking Standards Addendum (2009); Any change in parking standards and parking zones will be through a review of the parking standards guidance and will supersede the standards in the HiMO SPD	Additional text to clarify that parking standards and zones will be reviewed via the Parking Standards Addendum.
HiMO31 Mr Derek Francis, Secretary, Campbell Park West Neighbourhood Action Group			
148	We do not believe that HiMOs are a solution to the shortage of housing. The solution is to build more accommodation that is affordable.	Noted. However, the reality is that where people are unable to afford their own property (to purchase or to rent) then sharing is a logical solution. Some HMO occupants may choose to share regardless of affordability due to the flexible nature of the accommodation.	None
149	In areas where there are high concentrations of HiMOs, the social cohesiveness of the neighbourhood is threatened as the HiMO tenants	Comments noted	None

	are often temporary and have little or no stake in the community. The presence of a HiMO also tends to attract other landlords to convert neighbouring family homes to multiple occupancy dwellings thus developing a ghetto.		
150	Parking. Many single HiMO have six or more tenants with cars, parking congestion therefore becomes a problem for our neighbourhood,	Parking Standards in the HiMO SPD reflect the Parking Standards Addendum (2009); Any change in parking standards and parking zones will be through a review of the parking standards guidance and will supersede the standards in the HiMO SPD	Additional text to clarify that parking standards and zones will be reviewed via the Parking Standards Addendum.
151	Litter and refuse. It has become noticeable that HiMO properties in our parish are more prone to this problem.	Comment noted	None
152	If a HiMO is unregistered, the local authority does not have accurate data to plan local services, education, refuse and litter collection. If HiMOs are required to have planning permission and registered, the local authority is enabled to limit their number and provide safeguards for the tenants. In view of the foregoing, we therefore urge you to set up a compulsory registration scheme for HiMOs in Milton Keynes.	Noted. Licensing is outside of the scope the SPD. Comments have been forwarded to the Private Sector Housing team for consideration.	None
HiMO32 Peter Errington, The Wolverton Action Group			
153	With a drive to implement a sound policy on the HiMO situation may we as the Wolverton Action Group put our views forward, namely that, Wolverton being a conservation town and having dwellings that were built specifically for families worked on the railway works do not lend themselves well to being Homes in Multiple Occupancy the reasons are listed below.	Comment noted	None
154	PARKING. The congestion that is now at a critical state in some roads within the town this can clearly be seen with vehicles not only parking on double yellow lines, but on walkways severely restricting pedestrian egress. Also an increase in parking in service roads. Domino Pizza has had to change the delivery vehicle to a smaller van due to the narrowing of Aylesbury Street by illegal pavement parking meaning a less efficient delivery system. All	Parking Standards in the HiMO SPD reflect the Parking Standards Addendum (2009); Any change in parking standards and parking zones will be through a review of the parking standards guidance and will supersede the	Additional text to clarify that parking standards and zones will be reviewed via the Parking Standards Addendum.

	of this congestion may prevent an emergency vehicle from gaining entrance to a situation at any time.	standards in the HiMO SPD	
155	ANTISOCIAL ACTIVITIES. Within Windsor Street, one HiMO has had police attention and callout many times, in 2009 six, in 2010 two, in 2011 two callouts were recorded. In the last 10 months two vehicles have been clamped and removed by the DVLA due to lack of up to date documentation. Another HiMO was badly damaged by fire and on investigation was found to have been a cannabis factory, not a good way of running a HiMO.	Comment noted	None
156	REFUSE. Up to six separate internal dwellings can be made for six persons generating extra bags of refuse which will have to be removed by the council, at whose expense? This added workload will fall on the ratepayers not on the occupants.	Comments noted.	None
157	UNDERGROUND SERVICES namely sewage. The system in Wolverton is mainly Victorian and was not built for extra bathrooms, showers and lavatories the increase in effluent flow may have financial consequences in the future.	Additional text will be added to cover highlight this potential problem.	Reference to potential impacts of large numbers of HiMOs on the sewage system.
158	RETROSPECTIVE PLANNING. A good deal of HiMO housing was implemented through retrospective planning and appeals and on and on and on. Can this be stopped?	Landlords should apply for planning permission prior to conversion.	None
159	Legislation needs to be tightened with proper rules that are adhered to and no grey areas for loopholes to manifest themselves to the detriment of the electorate.	Comments noted.	None

Members HiMO Workshop 22 February 2012

On the 22 February 2012 the consultation responses were considered at a HiMO workshop held with elected members. The workshop focussed on the responses received and looked in detail at the issue of noise, waste, parking (including cycle parking), and concentrations. The discussion largely reflected the issues raised in the consultation period. A summary of the issues discussed and the changes to the SPD are set below.

Workshop view	Action
1 bedroom flats should count towards the concentration of HiMOs	1 bed flats to be counted in SPD
HiMOs should be counted by the number of bedrooms	HiMOs to be counted by number of bedrooms
Requirements for cycle parking should be included	Requirement for cycle parking to be added
Waste storage requirements should deal only in whole numbers	Whole numbers only in waste storage requirements
Delete paragraph 4.16	Deleted
Include standard conditions in the SPD	Standard conditions added as an appendix
Further text to explain approach to concentrations, sources of data, GIS, data protection	More detail added to how the buffer will be applied.
Further text to explain sandwiching approach, 'adjacent' does not cross public highways	Clarified that 'sandwiching' does not apply across a public highway.

A number of changes for consistency, clarification, updating and amending typos have also been made to the SPD. These do not affect the guidance contained within the document.