

## Garden Quarter A4D consultation responses

Representation number	Summary of the representation	Proposed response
GQA4D1 Mal Bubb	<p>As recent graduates looking to move away from home, sharing a house is the only option we have.</p> <p>Students primarily live in the Garden Quarter. I can't see how this can cause problems (if the majority of occupants are students, there are no locals to offend). If I were looking to buy a house and didn't want to be near lots of HMOs, I wouldn't choose to live in a student area.</p> <p>I feel the Council's legislation needs to be changed to allow up to four unrelated people to live in a house without costing the landlord a fortune. It was explained to us that extra paperwork and work (fire doors etc) was required by the landlords of properties and most were not willing to spend extra to obtain the certificate they needed to rent to us.</p>	<p>The Article 4 Direction is not a blanket ban on all future proposals for C4 HMOs in the Garden Quarter area, instead it allows the Council to consider each proposal on its own merits. The Garden Quarter area is already inhabited by non-student households.</p> <p>Property standards required depend on a number of factors, including risk of fire. The Council is continuously striving to improve housing standards for the safety of all tenants and to improve the housing stock in the borough. There is the possibility that landlords would be willing to undertake the work, as the income received from renting a property would cover the cost.</p>
GQA4D2 Helen Nelson	<p>Supports the Council's proposal to tighten planning regulations relating to the conversion of houses to HMO.</p> <p>I feel there is a danger that if more student and hostel type HMOs are allowed to develop in the area its nature will change for the families and children that live in the area.</p> <p>It is noticeable that the area around Kingsway is already changing as a result of the high number of student houses.</p>	<p>The Council is aware of HMO concentrations in other parts of Chester. It will keep the number and location of additional HMOs in the city under review and may take steps to implement Article 4 Directions in other areas if necessary.</p>
GQA4D3 Sara Lewis, DCLG National Casework Unit	<p>The Secretary of State has no comments to make in respect of the Article 4 Direction.</p> <p>The Council is reminded to advise the Secretary of State about confirming the order in those circumstances as set out in the regulations.</p> <p>It would also be helpful to know if the Council decides in due course not to confirm the Direction.</p>	<p>The Council will inform the Secretary of State of its decision as requested.</p>
GQA4D4 Virgin Media	<p>Virgin Media and Viatel plant should not be affected by your proposed work and no strategic additions to our existing network are envisaged in the immediate future.</p>	<p>The comment is noted.</p>
GQA4D5 Jonathan Spall	<p>The proposed Article 4 restrictions were advertised in the local newspaper as affecting the Garden Quarter of Chester. My property is located on Moss Bank, off Parkgate Road. This cannot be considered as the Garden Quarter. It lies within the Newton ward, not the Garden Quarter ward, nor is it near the area known locally as the Garden Quarter, comprising the streets around Garden Lane and Bouverie Street.</p> <p>I have only just become aware that Moss Bank is included in the proposed restrictions after being contacted by a third party. Other people will be unaware of the proposed changes and therefore will not have the opportunity to respond to the consultation. The description advertised is misleading.</p> <p>The section of Chester's population most likely to be affected by the proposed changes are students, but the consultation seems to exclude students views from being considered as they are largely absent from Chester during July and August. This cannot be considered a fair consultation, students should be properly consulted too.</p>	<p>The Council undertook public consultation on issuing the Article 4 Direction in line with the statutory requirements set out in the General Permitted Development Order 1995 (as amended) and guidance issued in the replacement Appendix D to Department of the Environment Circular 9/95: General Development Consolidation Order 1995.</p> <p>Notices advertising the Article 4 Direction were displayed at three public locations within the proposed Direction boundary, a public notice was published in the Chester Standard dated 5th July and a press release placed on the Council's website. Each notice stated where a copy of the Direction and a map showing the area to which it applied could be publically viewed.</p> <p>The period in which representations on the Article 4 Direction could be made was extended from the statutory minimum of three weeks to eight weeks to allow more time for comments to be received. The University of Chester and Chester Students' Union were directly consulted.</p> <p>The Council has not cited the Garden Quarter ward as the boundary for the Direction. The</p>

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	<p>There are currently proposals for large student accommodation developments in the area around Chester University. Restricting the availability of small scale student housing will significantly increase the commercial viability of the large scale developments. This fact should have been made explicit in the consultation of the proposed Article 4 restrictions.</p> <p>I believe that this consultation is deeply flawed and needs to be reconsidered. It appears to be designed to restrict rather than encourage responses. I strongly request that this proposal is withdrawn until such time that a proper and full consultation can be carried out.</p>	<p>Direction was titled and referred to as an Article 4 Direction for the Garden Quarter area of Chester in the report to the Council's Executive on 6th June authorising the making of the Direction. The Executive report refers to evidence of the extent and harm associated with HMOs in and around the Garden Quarter area of Chester. A map showing the boundary to which the Direction applied was appended to the Executive report as Appendix 2.</p> <p>Many aspects of the planning system have an impact on investor decisions. The Article 4 Direction seeks to manage development in the public interest and has been made because the continued exercise of permitted development rights for changes of use from C3 dwellings to C4 HMOs in the Garden Quarter area would be harmful to local amenity, undermining the ability to create or maintain mixed communities in these neighbourhoods and the proper planning of the area.</p>
<p>GQA4D6</p> <p>National Landlords Association</p>	<p>The NLA believes that any additional regulation of the private rented sector should balance the desire to secure balanced and sustainable communities with the increasing need for good quality housing. The existing powers, good practice examples and voluntary schemes such as accreditation should be promoted as an alternative.</p> <p>Use Class C4 orders creates additional burdens and confusion and small HMOs do not represent a substantial additional burden on the infrastructure.</p> <p>The NLA believes the current state of housing finance and supply of affordable housing, and LHA benefit changes provides greater demand for HMOS and shared housing.</p> <p>The NLA feel that Article 4 Directions should not be used to control issues associated with antisocial behaviour or other specific issues. Existing controls and powers should be used instead on a targeted approach rather than the blanket application of controls to a wide area.</p> <p>The NLA is concerned that Article 4 Direction reduce the ability of landlords to react flexibly to respond to housing needs, and will affect investments.</p> <p>If an area is declared an Article 4 Direction, the NLA want the local authority to actively engage with landlords in order to encourage them to participate in local level initiatives.</p>	<p>Evidence supporting the Council's decision to issue a non-immediate Article 4 Direction for the Garden Quarter area of Chester was presented in the Report to the Council's Executive and supporting evidence dated 6th June 2012. The report discusses these points either directly or indirectly when reaching the conclusion that the continued exercise of permitted development rights for changes of use from C3 dwellings to C4 HMOs in the Garden Quarter area would be harmful to local amenity, undermining the ability to create or maintain mixed communities in these neighbourhoods and the proper planning of the area.</p> <p>The Council recognises the importance of the private rented sector and will continue to work in a proactive way with landlords and tenants.</p>
<p>GQA4D7</p> <p>Residential Landlords Association</p>	<p>The RLA oppose the use of Article 4 Direction and have devised 20 questions for local councillors and planning officers to ask themselves before making an Article 4 Direction.</p> <p>Article 4 Directions are not the right approach to deal with issues. There should be intensive area management and better use of existing legislation. There is also an inevitability of change in an area</p> <p>The RLA believe there is a need for small HMOs and they benefit the community and Landlords improve the housing stock</p> <p>The Article 4 Direction will mean a reduction in supply of HMOs, increase rent levels and reduce house prices. It will also impact on the environment and transport as people have to live further away from their place of work/study.</p> <p>If an Article 4 Direction is introduced, where will the new HMOs be set up? There must be a local plan to cover this and families will not want to move into the area as the houses are old and less energy efficient and without gardens.</p>	<p>The 20 Questions and the Council's responses to these are set out below. Evidence supporting the Council's decision to issue a non-immediate Article 4 Direction for the Garden Quarter area of Chester was presented in the report to the Council's Executive and supporting evidence dated 6th June 2012. The report discusses these points either directly or indirectly when reaching the conclusion that the continued exercise of permitted development rights for changes of use from C3 dwellings to C4 HMOs in the Garden Quarter area would be harmful to local amenity, undermining the ability to create or maintain mixed communities in these neighbourhoods and the proper planning of the area.</p> <p>The Council recognises the importance of the private rented sector and will continue to work in a proactive way with landlords and tenants.</p> <p>Enforcement action will be taken where unauthorised development takes place.</p>

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	The RLA believe that the use of an Article 4 Direction is a form of social engineering and the desire for a balanced community is a fallacy. The Article 4 Direction is being used to restrict the number of students in the area.	
	Case law shows that it is difficult to show a material change of use and Local Authorities do not have sufficient resources to undertake the enforcement work especially as no fee can be charged for planning applications.	
	The RLA want to exclude three and four person HMOs from the Direction as they have the same impact as if a family was living in the house. The RLA also want to ensure preserved rights and flexibility is protected, i.e. C4 and C3 interchangeable for existing properties.	
	They are concerned that the Article 4 Direction reduces the ability of a landlord to react flexibly to housing need. The Direction also prevent holiday lets being used to meet housing need in the "off season".	
	<i>Residential Landlords Association 20 Questions</i>	
	1. Isn't this really about restricting the number of students/migrant workers because neighbours do not like having them living beside them?	Evidence has been gathered demonstrating harm from high concentrations of HMOs in the Garden Quarter area. (Report to Executive 06/06/12 Article 4 Direction para 4.18)
	2. Importantly, do residents realise how much their properties could be devalued if they cannot be used as small shared houses?	The potential impact on the property prices was included in the main report. (Report to Executive 06/06/12 Article 4 Direction para 4.25)
	3. Should we not look at the broader picture? What will be the wider impact if the whole of the Council's area of these measures e.g. adverse consequences for employment?	The Article 4 Direction has been proposed after much local discussion and consultation and is consistent with the Corporate Plan 2011-2015. (Report to Executive 06/06/12 Article 4 Direction para 5.1)
	4. With a housing crisis due to a shortage of accommodation how are we going to house single people especially the younger end of the population?	The Article 4 Direction only applies to the Garden Quarter area where it will enable the provision and impact of HMOs to be better managed. (Report to Executive 06/06/12 Article 4 Direction para 4.23 and 9.13)
	5. If there is a demand for small HMO accommodation but we restrict this in one area how are we going to meet our responsibility to cater for it elsewhere?	Access to appropriate housing is a major component of the Corporate Plan 2011-2015. (Report to Executive 06/06/12 Article 4 Direction paras 4.10, 5.1 and 9.1)
	6. If we move small HMOs into other areas what will be the reaction from the local residents of those areas?	Officers will be monitoring any potential impacts. (Report to Executive 06/06/12 Article 4 Direction para 4.21)
	7. Why does anyone think that the planning system will produce a quick solution to any problems that may exist? Instead, would it not be better to work with local residents and landlords using existing powers to deal with any problems rather than put planning restrictions in place?	See report to Executive 06/06/12 Article 4 Direction para 4.18 and Appendix 3 paras 4.6, 4.10, and 4.17)
	8. How would we fund the cost of implementing an Article 4 Direction when we are facing major cut backs in local authority expenditure?	The financial implications of the Article 4 Direction have been considered. (Report to Executive 06/06/12 Article 4 Direction para 6.1)
	9. Although local residents complain about loss of amenities due to in small HMOs in the area has this not brought in other amenities and helped promote local businesses?	The benefits associated with HMOs have been outlined. (Report to Executive 06/06/12 Article 4 Direction Appendix 3 para 5.13)
	10. The demand for small HMOs does not come out of thin air and landlords only provide them where there is a need. How else are we going to meet this need? Where will the necessary accommodation come from to support local universities and colleges as well as essential workers e.g. nurses? Can Universities etc operate without small HMOs to provide the necessary accommodation?	The University works in partnership with the private rented sector to provide quality accommodation both on and off campus and the need for HMOs is acknowledged. (Report to Executive 06/06/12 Article 4 Direction paras 4.2 and 9.1)
	11. If we restrict small HMOs in certain areas will it not just push up rents and lead to a loss of cheaper affordable accommodation for those that need it?	See report to Executive 06/06/12 Article 4 Direction para 4.25)

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	12. What justification is there really for saying that just because there happened to be more than 20 percent of small HMOs in an area this makes the “community” unbalanced? Is the concept of a balanced community not a myth, What about those areas which are middle class and exclusively owner/occupied. Should we not move smaller HMOs into them so that they are “balanced”?	The Article 4 Directive has been introduced due to the evidence of harm to the Garden Quarter area. (Report to Executive 06/06/12 Article 4 Direction para 4.18)
	13. Will traditional families really move back into these areas where the number of small HMOs are restricted in the area? Why have the original families moved out in the first place?	The Article 4 Direction is not retrospective and the area proposed is popular with families, students and investors. (Report to Executive 06/06/12 Article 4 Direction paras 4.1 and 5.1)
	14. If the families will not move back in and the property cannot be used for small HMOs what can they be used for? Where are the residents going to come from or will we end up with more empty accommodation and a run down area?	The Article 4 Direction does not prevent properties being used as a HMO, each planning application is looked at on its merits. There is a demand for all types of housing in Chester. (Report to Executive 06/06/12 Article 4 Direction para 4.11)
	15. Does history not demonstrate that you always have demographic changes? Populations move so why is this any different?	The Article 4 Direction is about evidence of harm in the Garden Quarter area of Chester and introducing controls to prevent further impacts. (Report to Executive 06/06/12 Article 4 Direction para 4.18)
	16. Is there not sufficient legislation that already deals with any problems such as fire safety which are not covered by planning laws anyway?	The Article 4 Direction is being proposed due to the evidence of harm which has not been able to be controlled using existing powers and measures such as landlord accreditation. (Report to Executive 06/06/12 Article 4 Direction para 4.18 and Appendix 3 - paras 4.6, 4.10, 4.14, 4.17)
	17. If we restrict the numbers will it not just lead to overcrowding in existing small HMOs? Should we not be making better use of the existing housing stock especially where it is suitable for small HMOs?	Other legislation is available to deal with overcrowding in existing small HMOs. The Article 4 Direction does not prevent the existing stock becoming HMOs, it seeks to manage any conversions. (Report to Executive 06/06/12 Article 4 Direction para 4.20)
	18. Because there is a need to demonstrate a material change of use anyway before planning permission is required will this restriction on small HMOs be enforceable in reality?	Enforcement action will be taken where unauthorised development takes place.
	19. Should we really be using planning powers that prevent individuals who have a certain occupation/status from living in specific areas? Should we become involved in social engineering of this kind and is it right for us to decide that students/migrant workers should be barred from living in certain areas?	The sole purpose of the Article 4 Direction is to control the detrimental impacts HMOs are having in the Garden Quarter area. Access to appropriate housing for all individuals and maintaining mixed and balanced communities are part of the Corporate Plan and the Chester District Local Plan. (Report to Executive 06/06/12 Article 4 Direction paras 4.1, 4.18, 4.26 and 5.1)
	20. Are we really considering the impact of students/migrant workers or, as we should be doing, are we looking at the impact of small HMOs irrespective of who is living in them?	Throughout the process, the Council has ensured the Article 4 Direction is only introduced where there is evidence of harm. (Report to Executive 06/06/12 Article 4 Direction para 4.18)
GQA4D8 Gwyneth Cooper	I would wish to add my support for the creation of an Article 4 Direction in relation to the area known as the Garden Quarter in Chester. Whilst much emphasis has been placed on the conversion of terraced Victorian/Edwardian properties there is also a growing trend to convert houses in areas, such as Balmoral Park, which are essentially semi-detached properties built in the 1950s. These houses were built as standard three bedroomed semis but a number of them have already converted into properties occupied by four students by converting one of the downstairs living space rooms into a bedroom. At the moment there are five or six such properties (equating to approximately 12 percent student houses/HMOs) with the potential for at least another two properties being converted in the near future under current PD rights. This already creates an imbalance in a residential area and unless the Article 4 Direction is implemented, as from July 2013, it will increase.	Balmoral Park is included in the Direction boundary. The Council is aware of HMO concentrations in other parts of Chester. It will keep the number and location of additional HMOs in the city under review and may take steps to implement Article 4 Directions in other areas if necessary.

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GQA4D9 Julie Edwards	<p>I support the proposal for the introduction of an Article 4 Direction in The Garden Area. The continuous granting of HMOs is having a significant and detrimental impact on the neighbourhood in both regards to a balanced community and the overall character of the area.</p> <p>I have no problem with the students resident in the area but unless some control is introduced there is an increasing risk to the balance of the local community; there is an additional risk that if student numbers fall the area will become a soulless bedsit land with all the social problems that such an imbalance incurs. The knock on effect to shops, schools and local amenity has the potential to make the area a less attractive one in which to live for those who wish to make it their permanent home either as owner occupiers or tenants.</p>	The support for the Article 4 Direction is noted.
GQA4D10 Richard Hannabuss	<p>I am a resident of a family home in West Lorne Street and have concerns that this proposal will be used to block the conversion of family homes into houses in multiple occupation.</p> <p>If any of the remaining owner-occupier homeowners wanted to sell their homes the only possible buyers I submit would be landlords. I have sold three properties in this street during the last eight years and in all cases they received no viewing by private potential family buyers. As most of the houses in this street are rented to students you do not get people considering them for family occupation.</p> <p>If this proposal was used as a blanket ban on any conversion to rented property, then existing owner-occupiers including myself will find our houses are unsellable.</p> <p>I can see where the houses in a street are a balanced mix of rental and owner-occupiers, then the proposal would be sensible. This proposal could cause a major problem to the three remaining homeowners in West Lorne Street, including myself, where most of the houses are rental properties.</p>	The report to Executive authorising the making of the Article 4 Direction on 6th June recognised that bringing a Direction into effect could have an impact on the current ability of owner-occupiers in the Garden Quarter area to sell their properties for a higher than average price, due to investor demand. The Article 4 Direction is not a blanket ban on all future proposals for C4 HMOs in the Garden Quarter area, instead it allows the Council to consider each proposal on its own merits.
GQA4D11 Avril Cody	Support the implementation of the Article 4 Direction due to the impacts of HMOs on the quality of life for permanent residents, issues of over parking and the imbalanced demographic of the community due to an over population of 18-21 year olds.	The support is noted.
GQA4D12 Robert Foster	<p>Support the implementation of the Article 4 Direction to prevent further increases in noise and anti-social behaviour in the Hayes Parks area.</p> <p>In the case of Hayes Park I find that developers are able to convert a garage into two bedrooms which turns the neighbour's previously 'link detached' house into a semi detached property, a loophole reducing the value of people's properties. Is there a planning law to resist further garage conversions?</p>	<p>The support is noted.</p> <p>The comment is not directly relevant to the Article 4 Direction. The use of a domestic garage that forms part of a single dwelling house as a habitable room in connection with that house does not normally involve a material change of use and is therefore not development. There are some exceptions when planning permission would be required.</p>

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GQA4D13 Sheila Welsh	Support the implementation of the Article 4 Direction. I was unaware of the consultation and wish to know if it would have been possible to notify our neighbourhood it was taking place.	The support is noted. See response to comment GQA4D5 above.  It was considered impractical to serve individual notices on the owner and occupier of every part of land within the proposed Article 4 Direction area due to the number of properties involved.  Residents associations in the affected area were sent a letter confirming the Direction, together with a copy of the Direction itself and a map illustrating the area to which it applies.  It is considered the consultation arrangements provided a range of opportunities to read about and comment on the Article 4 Direction.
GQA4D14 Nigel Johnson	Support the implementation of the Article 4 Direction. The nature of our community has changed due to the growing number of HMOs, with particular issues related to noise experienced. I fear for the survival of Hayes Park as a pleasant community.  I would like to know how widely this consultation was advertised, as I have not seen any notification of a formal Council consultation on this matter.	The support is noted.  See responses to GQA4D5 and GQA4D13.
GQA4D15 William Giffin	Greatly in favour of the Council taking on the powers granted by an Article 4, which will enable the Council to control the noise and antisocial behaviour which often follow the proliferation of HMOs and lead to the deterioration of streets, whole areas and standards of living.	The support is noted.
GQA4D16 Linda Wood	Support the implementation of the Article 4 Direction. I would like to know where and how the consultation on the Article 4 Direction was carried out and who with, as I was unaware that it was being carried out.	The support is noted. See responses to GQA4D5 and GQA4D13.
GQA4D17 Mr & Mrs Gwynne	We would like to support the proposed Article 4 Direction on the grounds of anti-social behaviour, noise and environmental concerns. I was appalled to learn that the Council has already held a consultation on this matter without notifying any of the permanent residents in Hayes Park.	The support is noted. See responses to GQA4D5 and GQA4D13.
GQA4D18 Muriel Giffin	The Garden Quarter and Parkgate Road have a growing number of H.M.O's and these have led to a deterioration of housing stock in the area. It also has a negative effect on the community spirit of the area. Article 4 will not repair the damage but will help in some way to discourage greedy landlords.	The support is noted.