



**Notice of a public meeting of
Local Plan Working Group**

To: Councillors Merrett (Chair), Ayre, Barnes, D'Agorne, Funnell, Horton, Reid, Riches, Simpson-Laing, Steward and Watt (Vice-Chair)

Date: Monday, 9 December 2013

Time: 5.00 pm

Venue: The George Hudson Board Room - 1st Floor West Offices (F045)

AGENDA

1. Declarations of Interest

At this point in the meeting, Members are asked to declare:

- any personal interests not included on the Register of Interests
- any prejudicial interests or
- any disclosable pecuniary interests

which they may have in respect of business on this agenda.

2. Minutes (Pages 3 - 6)

To approve and sign the minutes of the meeting of the Local Plan Working Group held on 4th November 2013.

3. Public Participation

At this point in the meeting, members of the public who have registered their wish to speak, regarding an item on the agenda or an issue within the remit of the Working Group, may do so. The deadline for registering is 5.00 pm on Friday 6th December 2013.

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4. Controlling the Concentration of Houses in Multiple Occupation - Supplementary Planning Document Review.
(Pages 7 - 116)

This report informs Members on the review of the Controlling the Concentration of Houses in Multiple Occupation Supplementary Planning Document.

5. Any other business which the Chair considers urgent under the Local Government Act 1972.

Democracy Officer:

Name: Laura Bootland

Contact Details:

- Telephone – (01904) 552062
- E-mail – laura.bootland@york.gov.uk

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City of York Council

Committee Minutes

Meeting	Local Plan Working Group
Date	4 November 2013
Present	Councillors Merrett (Chair), Barnes, D'Agorne, Funnell, Horton, Reid, Simpson-Laing, Steward, Watt (Vice-Chair) and Williams (Substitute)
Apologies	Councillors Ayre and Riches
In Attendance	Councillor Burton

1. **DECLARATIONS OF INTEREST**

At this point in the meeting, Members were asked to declare any personal, prejudicial or pecuniary interests they may have on the business on the agenda. None were declared.

2. **MINUTES**

Resolved: That the minutes of the last Local Plan Working Group held on 22nd April 2013 be approved and signed by the Chair as a correct record.

3. **PUBLIC PARTICIPATION**

It was reported that there had been two registrations to speak under the Council's Public Participation Scheme.

Councillor Stephen Burton had registered to speak as an Elected Member. He stated that the Local Plan was the most important plan for this generation and it was important that the Council gets it right, especially the housing allocation.

Bernard Spears had registered to speak on behalf of the UK Independence Party in York. He welcomed the well constructed responses from English Heritage and East Riding of Yorkshire Council. He raised concerns about an increase in flooding in Skelton if Green belt land was to be built on.

4. CONSULTATION FEEDBACK

Members considered a report which provided feedback on the Local Plan Preferred Options consultation which closed on 31st July 2013. The report summarised the consultation undertaken, outlined the number of responses received, highlighted some of the key emerging messages and set out the next steps for producing the Local Plan.

The Chair commented that the Council acknowledged the representations that had been received from both residents and prescribed bodies and the representations had presented several challenges. Whilst peoples aspirations, hopes and wishes are clear there is National Policy to adhere to and criteria has to be met or there will be no Local Plan. It is crucial that the Council gets policies finalised, agreed and adopted to ensure that development in the City is meeting aspirations of residents in terms of accommodation, infrastructure and transport.

Members queried a number of points as follows:

- The issue of all 4945 representations being cleansed of personal data before being published and the length of time involved in doing this. Officers confirmed that despite several enquiries to establish if this was necessary, colleagues in Governance had confirmed that due to data protection all personal data must be removed before being published and work was currently ongoing to ensure all responses could be made public alongside recommended changes to the plan. Officers said they would check this again in light of Member's concerns.
- How many extra sites had been put forward during the consultation. Officers confirmed that between 30 and 40 new sites varying in size had been identified and all would be subject to the same methodology to establish if they should be recommended for inclusion in the plan.
- The figure of 1,090 homes per year for the period of the plan. Officers advised that the Inspector would expect a target and the 1,090 figure was sufficient for a minimum 15 year plan taking into account the technical work undertaken by Arup.

- The number of people that attended the public exhibitions and if an approximate figure could be provided. Officers confirmed they would work on some wording to substantiate the attendance at the events and that the figure was in the 100's rather than the 10's.
- Whether the number of representations received for each site would be detailed. Officers confirmed they are working on a pro-forma for each site to summarise how many written responses were received as well as to summarise any other technical work so that Members can consider all the information set out as clearly as possible.
- Paragraphs 26 to 29 of the report entitled 'Emerging Messages' was queried as it appeared to respond to representations which Members understood not to be the intention at this stage. Officers advised that the paragraph was included to give context to why people had made the comments they had and was not a response to comments.
- If comments received after the 31st July had been included. Officers confirmed that some comments had come in at the very end of the consultation and some extra time had been allowed within reason.

Members then made a number of comments, the main points as follows:

- Some Members raised concerns about the potential for too much development on green belt land.
- In relation to the responses received from prescribed bodies, Members considered that English Heritage's comments require further investigation. Also, engagement with neighbouring Local Authorities such as North Yorkshire County Council is important.
- The Local Plan is in the early stages of the process and the emerging messages identified through the consultation are of no surprise.
- A balance is required between Green Belt Sites and Brownfield sites to avoid over development on small brownfield sites.

Resolved: That Members noted the report.

Reason: To keep Members informed on the initial feedback on the Local Plan Preferred Options consultation.

Cllr D Merrett, Chair

[The meeting started at 5.00 pm and finished at 6.25 pm].



Local Plan Working Group**9th December 2013**Report of the *Director of City and Environmental Services***Controlling the Concentration of Houses in Multiple Occupation
Supplementary Planning Document Review****Summary**

1. The purpose of this report is to inform Members of the review of the Controlling the Concentration of Houses in Multiple Occupation Supplementary Planning Document. The review has explored the introduction of the SPD since April 2012, specifically looking at:
 - whether the approach is working, are there any elements that aren't working;
 - what impact has the Supplementary Planning Document had on a range of stakeholders;
 - the approach to data collection of known Houses in Multiple Occupation and whether this is the most appropriate and is it open and transparent; and
 - what is happening elsewhere to determine best practice.

Background

2. Houses in Multiple Occupation¹ or HMOs as they are commonly referred to represent a significant growing proportion of the mix of housing in York. A city wide Article 4 Direction was implemented on 20th April 2012 which removed permitted development rights, requiring a planning application to be submitted to change a property into an HMO. A Supplementary Planning Document (SPD) was prepared and subsequently approved to provide guidance on how planning applications for change of use to HMO arising from the Article 4 direction will be determined. The Controlling the Concentration of HMOs SPD was a new area of planning policy following changes to government legislation. As such, it was requested by Members that the

¹ A house in multiple occupation or HMO can be defined as a dwelling house that contains between 3 and 6 unrelated occupants who share basic amenities.

SPD be reviewed after a year and a report outlining the review be reported back to Members.

The Review

3. A comprehensive review of the Controlling the Concentration of HMOs SPD has been undertaken which has comprised the following:

- review of HMO change of use planning applications and decision and appeal decisions alongside enforcement cases;
- telephone interviews with estate agents, letting agents and the York Residential Landlords Association to explore their experiences since the introduction of the SPD;
- attending a meeting with representatives from both the University of York and York St. John University to explore their thoughts on the impact of the SPD;
- attending a meeting of the Student Community Partnership group to engage with students;
- targeted meetings with residents groups to understand how they think the policy is working or could be improved.
- internal consultation with Development Management and Housing and Adaptation officers to explore the implementation side of the SPD;
- revisiting the timing of updates to the data sources that comprise the HMO database and explore whether the database should be updated in a different way to ensure a robust approach that reflects as accurately as possible all known HMOs.
- extracting Local Plan Preferred Options consultation responses relating to Policy ACHM6' Houses in Multiple Occupation' which is the same as the approach in the SPD.
- telephone interviews with other Local Authorities using similar threshold approach to explore the issues they are facing.

Impact of the SPD

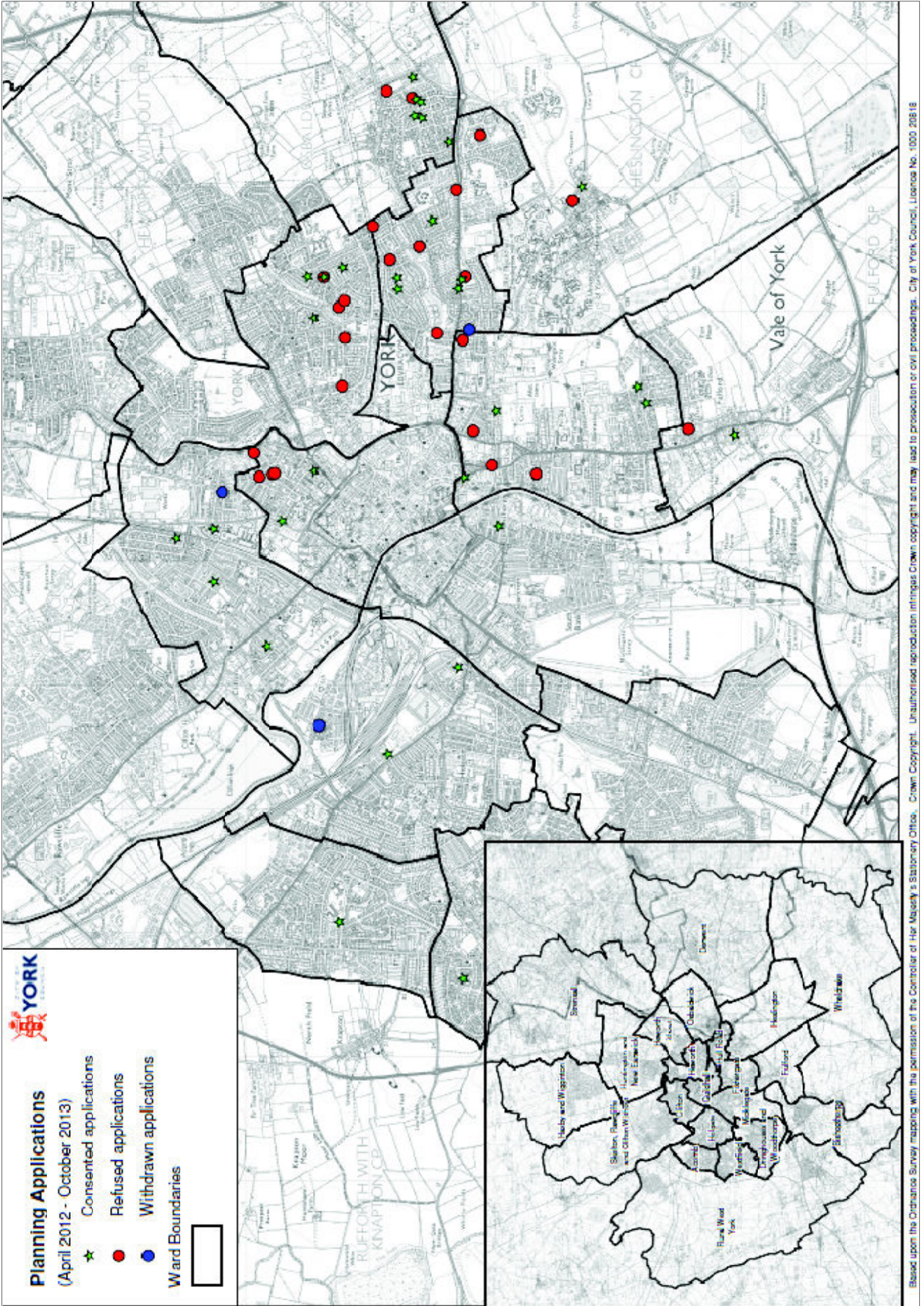
Planning Applications

4. A review of HMO change of use planning applications has been undertaken which has looked at how many applications have been submitted, what proportion have been approved/refused and how many applications have been delegated officer decisions or have gone to planning committee. The number of planning appeals and outcomes was also explored.

5. Since April 2012 there have been 60 applications regarding HMO change of use. Of these, 54 applications were for change of use from dwelling house (use class C3) to small HMO (use class C4) and 6 applications were for dwellinghouse (use class C3) to large HMO (use class Sui Generis²). A small HMO (use class C4) is a house of multiple occupation with between 3 and 6 unrelated occupants who share basic amenities, whilst a large HMO (use class Sui Generis) is for 6 or more unrelated occupants who share basic amenities. The spatial distribution of these applications is shown overleaf. Please note that the applications shown on the map do not total 60 applications as there are some properties where a number of applications were submitted. The map shows the ultimate decision made on the property:

² In a planning sense Sui Generis relates to uses that do not fit within the 4 main use class categories

Map 1: Spatial distribution of HMO change of use applications



6. The ward with the most HMO change of use applications was Hull Road with 13 applications, followed by Fishergate and Heworth Wards both with nine applications. In Hull Road six of the applications were approved and seven were refused. In Fishergate four were approved and five were refused. This was the same for Heworth. The map shows a broad spatial distribution of applications which could indicate that the SPD is having the desired effect in that HMOs are being spread out to avoid high concentrations forming. Albeit there is a clustering of wards closest to the universities who experienced the most HMO change of use applications.
7. Of the 60 applications submitted three were subsequently withdrawn. Of the remaining 57 applications 33 were approved whilst 24 were refused. 32 of the approved applications were for change of use from dwelling house to small HMO and one application was approved for change of use from dwelling house to large HMO. Of the 24 refused applications 20 applications were for change of use from dwelling house to small HMO whilst four applications were refused for change of use from dwelling house to large HMO.
8. 28 of the applications submitted and not withdrawn were approved by officers through delegated powers. 22 applications were refused by officers through delegated powers. Seven applications were decided by planning committee; two applications were refused and five applications were approved.
9. Out of the 24 applications that were refused three applicants appealed against the decision. Copies of the appeal decisions can be found at Annex A. The first of these appeals was allowed whereby the Inspector decided that permission should have been granted. The remaining two appeals were dismissed and the Council's decision to refuse permission was upheld. There is currently one other appeal in progress.
10. The Inspector of the allowed appeal concluded that there was not a strong case provided by the Council that the property would fail to provide good accommodation. He commented that the appeal property is well maintained and provides outside storage in the rear yard for its occupants. Parking in the area is controlled and it is served by local bus services, with the centre of the city close by which could mean a low level of car ownership among occupants. Although the street level has been breached the Inspector stated that a degree of flexibility and pragmatism should be applied and planning permission should not be refused solely on the basis that a numerical threshold has been

breached. Alongside this, he argued that no evidence was been provided to indicate how this change of use would adversely affect the specific area and community.

11. This is in contrast to the views of the two Inspectors who dismissed their appeals and upheld the Council's original decision to refuse permission. In these cases the Inspectors made the following comments in support of the Council's policy approach to HMOs:

- the threshold for the concentration of HMOs advocated by the SPD seems a sensible and pragmatic approach to meeting the overarching objective of paragraph 50 of the National Planning Policy Framework to create sustainable, inclusive and mixed communities;
- the Council's decision merits support unless other material considerations justify reaching a different conclusion;
- the SPD is deemed to not be flawed as it has undergone appropriate levels of public consultation which carries significant weight;
- by allowing an additional HMO would breach the guideline figure by 100% which would make it very difficult for the council to support the SPD threshold in the future;
- the proposed scheme would materially breach the Council's recently published SPDs and the objectives of the Framework pertaining to inclusive and mixed developments and have a harmful effect on the character of and community in the area; and
- the proposal would increase the already high concentration of HMOs in the immediate area, which detracts from its character and contributes to an imbalance in the make up of the local community. It would also cause material harm to the residential character of the area.

Enforcement

12. There has been a sharp increase in the number of HMO enforcement cases raised. In 2010 there were just 6 cases rising to 95 cases in 2012. There have been 19 cases so far in 2013. Albeit this cannot be solely attributed to the implementation of the Article 4 Direction and SPD. A large number of cases were raised in early 2012 by enforcement officers as a result of an investigation into suspected large HMOs (sui generis), which would have needed consent regardless of the Article 4 Direction.

13. As a result of the investigations 15 planning applications were subsequently submitted and 10 Certificate of Lawful Use applications received. Three enforcement notices have been served, all three have been appealed. One of appeals was dismissed by the Inspector who agreed with the Council's decision to issue an enforcement notice, two appeals are pending decision. In his report into the appeal that was dismissed the Inspector gave considerable weight to Council's policy approach to HMOs set out in the SPD.

Key Stakeholders

Estate Agents and Letting Agents

14. Telephone interviews were undertaken with estate agents to explore if there have been any issues of blight or impact on house prices since the policy has been introduced. Coalters, Reeds Raines, Ashtons, Yor Move and Churchills were contacted and made the following comments:
- whilst one estate agents felt they were still having many enquiries for buy to let properties and haven't experienced any decrease in interest for buy to let properties another said that there has been a decline in interest specifically for student lets. Albeit there is still plenty and growing interest for buy to let for professionals and families;
 - it is considered that there has been some interest in buying family homes in areas where there are lots of student housing and another comment was made that families are still prepared to buy family housing in student areas ;
 - another estate agents felt that the Article 4 Direction has had a strong impact on the buy to let market. Interest is still high but when it is known a change of use planning application is needed this puts some people off purchasing. It was also felt that in some instances they are struggling to sell family homes for families in the Badger Hill/Tang Hall areas;
 - it was felt by one estate agents that people still want properties for buy to let but are moving away from student lets to the profession/family rental market. In some case when people become aware of the need to apply for change of use permission they are put off by the "hassle factor". Another estate agent felt that there is a range of buyers out there and an area which is known for its high student population doesn't always put buyers off;
 - another estates agent commented that demand for buy to let properties needing a change of use planning permission has

decreased and that they are struggling to get offers on houses in student areas without HMO permission; and

- it was noted that houses that benefit from HMO planning permission sell very fast and that there has been some cases where HMO properties have been bought and reverted back to family housing.

15. Telephone interviews were also held with letting agents to explore whether the private rented sector has changed as a result of the SPD, including any changes in supply and demand. Comments received are summarised below:

- considered that there has been a noticeable loss of family housing to rent as a result of the Article 4 Direction as previously landlords could swap between C3 and C4 uses depending on what the demand is but now landlords would rather leave their property empty than let to family and lose their HMO permission. As such there are international families looking for rental homes that come to lecture at the Universities or work at major employers in the city but struggle to find properties to rent;
- there are lots of landlords approaching with properties now aware of the need for change of use planning permission;
- there is approximately the same number of properties coming on to the books but they are starting to move further afield from the usual areas into areas such as Appletree village and Heworth village;
- there have been a number of cases where it has proved very difficult to find family rental properties in the Hull road area and very few new HMOs are coming on to the books, they are moving from other agents;
- purpose built student accommodation is very expensive and its felt that this has had very little impact on the HMO market. The university is now offering accommodation on campus for 2 and 3rd years and this has affected the demand for 6 bedroom HMOs. The demand for 3 and 4 bed HMO is still high and there is not enough to meet demand; and
- the spread of HMO does not seem to be moving outwards significant, students want to be as near to the University as possible and there is a boundary that people are not prepared to live beyond, unless they are medical or teacher training.

16. A formal response was also submitted by the York Residential Landlords Association (RLA) which has sought the opinions of their

members (in excess of 500) on the effect the Article 4 Direction is having on them as landlords and on the Private Rented Sector (PRS) in general. The RLA have had a significant level of feedback. The views expressed by the York RLA members fall broadly into three groups as set out in the following paragraphs.

17. A small but significant minority feel that as a landlords association the RLA should totally disengage with City of York Council; they feel that despite the fact that they are one of the two major stakeholders in the PRS, their views are totally ignored. This group of members cites amongst other things the York RLA's original objection to the introduction of Article 4 and more recently the RLA's opinions on Landlord Accreditation as examples of the Council ignoring the views of landlords and the public.
18. The second group of opinion is larger, and although still in a minority, are in favour of the Council keeping the Article 4 Direction in place. This tends to be the view expressed by older landlords and/or those not wishing to invest in further improvements and/or do not wish to expand their portfolios. They feel that the Article 4 Direction has already, and will in future reduce competition thereby enabling them to increase rents and spend less time and money improving their houses. It was also noted that many landlords in this group have benefited from increases in the value of their portfolios by 20% to 30% which is considered to be as a result of the introduction of the Article 4 Direction. Many have put some or all of their rental properties on the market to 'cash in' on this additional profit.
19. The majority of opinion within the RLA however is that the Article 4 Direction is bad for tenants and bad for the City's economy. This group acknowledge that it is good for existing landlords in the short term but consider that it will be very damaging in the long term. A copy of the full response from the RLA can be found at Annex B.

The Universities

20. A meeting was held with representatives from both universities, including the Director of Estates and Campus Services for the University of York and the Director of Facilities at York St. John University. The following comments were made following a discussion about the PRS, university campus accommodation and the impact of the Article 4 direction and SPD:

- demand in the PRS was felt to be reducing due to there being more on campus accommodation and increasing purpose built student accommodation being provided by third parties independent of the Universities;
- there are concerns about the quality of some properties in the PRS, with recent evidence of some properties not meeting each Universities' Fire and Safety requirements;
- there have been no notable issues in supply of HMOs since the Article 4 Direction was introduced, it is felt that letting agents can often over hype the issue of finding accommodation to encourage students to sign leases. If anything there is evidence of oversupply due to additional on campus provision and purpose built student accommodation;
- both universities are hoping to use purpose built student accommodation to eventually withdraw from university managed housing in the PRS, however these properties are appealing to 'returners' or second and third years. It was stated that there will always be a demand for a significant proportion of University students to live in the private sector, it is considered as part of the student experience. However through the provision of additional purpose built accommodation the proportion of PRS housing occupied by students is likely to reduce;
- it was stated that all students can apply for on campus accommodation for both universities. There are also plans for a significant increase in purpose built student accommodation within the City by third party developers independent of both Universities. Because of this it is likely that a lower proportions of students per academic year will go into the PRS; and
- there seems to be a slower uptake of properties for sale in places like Badger Hill because of the threshold approach and planning permission not being forthcoming due to there already being large concentrations of HMOs.

21. On a wider issue in relation to the recent increases in granting of planning permission for purpose built student accommodation it was suggested that a balance needs to be established between the provision of student accommodation provided by Universities, third party developers and the PRS. The development of additional purpose built student accommodation will be dependent upon economic viability and a guarantee that it can be filled.

Students

22. To engage with the student body officers attended a meeting of the Student Community Partnership. The partnership comprises students' unions representatives, students, Councillors, Council officers and the wider community to discuss issues, celebrate successes and good practice and to ensure that there is a constructive dialogue between students and members of the communities they live in. Members of the partnership were informed of the review and feedback on their experiences of HMOs and student housing since the introduction of the SPD was requested. The following feedback was given at the meeting:
 - increases in student numbers has not been matched by an increase in housing;
 - the price of purpose built student accommodation is putting students off living in this type of accommodation and that a lot of second and third year students want to have their own space so do not want to live in purpose built blocks. Students feel that they will have a better level of pastoral care if they are in university-managed accommodation in the first year and often want to live in traditional housing in their second and third years. It was noted that it would be useful to investigate this further in the next housing survey;
 - due to increased student numbers at the University of York, students are having to live further away from campus, which is harder for students in terms of getting to campus, and results in problems with residents who are not used to having students living in their area; and
 - There was a particular concern for student families who over the last year had found it difficult to source adequate housing close to campus. It was requested that the HMO review takes account the needs of student families, as often landlords are unwilling to rent to families as they will lose their HMO permission and would have to reapply if they then wanted to let to individual students.

23. In relation to the last bullet point, following the meeting a formal response was received from the Graduate Students' Association (GSA) which can be found at Annex C. This response highlights that the GSA believe that the SPD has negatively impacted student families. In talking to student families the GSA had concluded that one of the unintended consequences of the introduction of the SPD has been that landlords with HMO properties which would be suitable for student families are unwilling to rent to families as this would revert the properties use back to dwellinghouse (Use Class C3) which would mean they would then be unable to subsequently rent out to individual students. It is considered that the Article 4 Direction effectively removes flexibility to cater to both student families and the more traditional individual students/young professional market. The GSA recognise that planning policy is a complex issue and discussions about the merits and drawback of the Article 4 Direction are ongoing but would welcome discussion on this issue.
24. A formal joint response from the University of York and York St. John students' unions can be found at Annex D. In summary the students' unions made the following comments:
- the Article 4 Direction and SPD has prevented more HMOs for students nearer campus, driving prices up as competition is reduced. Any increases in accommodation prices across wider areas of the city is a major concern;
 - students are having to look for houses in new areas not traditionally occupied by students. The 'Rate Your Property' survey(see Annex D) shows that students living outside some of the typical 'student areas' (such as South Bank and Huntington) choose to do so due to cost of accommodation but also because of a lack of availability close to their place of study; over 10% of students were unable to find property in their chosen location;
 - as students move into areas not traditionally occupied by students this will create the usual problems in new areas;
 - whilst students wishing to remain on campus are supported by lobbying the universities to make adequate, affordable accommodation available it is also recognised that many students choose to live off campus. The importance of choice should not be undermined and it is considered that in order to provide this, more HMOs are needed in some areas;
 - more properties should be made available close to the universities campuses, although there is not support for an approach which 'ghettoises' students as it is considered that students living out in

the community should feel part of, and get involved in their local community;

- the concerns made by the GSA regarding the impact upon housing for students with families are supported; and
- if HMO restriction is to continue to apply there would be support for a redistribution of HMOs in order to balance the demand for quality student housing which is both affordable and conveniently located.

Residents

25. Targeted consultation was undertaken to understand the views of residents on the impact of the SPD. Meetings were held with groups who have previously been actively involved in HMO issues including representatives from Osbaldwick Parish Council, the Badger Hill Residents Community Group and the Heslington Village Trust. Heslington Parish Council provided written comments.
26. The following views were expressed by Osbaldwick Parish Council:
 - 10% at the street level is still considered to be too high a threshold. Between 0% and 5% was considered to be more appropriate as this would ensure that all HMO applications would be determined on their own merits and with all factors considered and not just based on a threshold;
 - it is important that both the threshold calculations and assessment of residential amenity are taken into consideration and afforded equal weight when determining planning applications;
 - there should be a mechanism for residents to challenge the database and local knowledge should be taken into account;
 - large HMOs (6 or more people) should be resisted in quiet residential areas but are more suitable on busy roads;
 - there should be an exceptional circumstances clause in the policy for those properties blighted by the threshold approach. There should also be more flexibility in cases where there are groups of properties next to each other i.e. account should be taken of the specific location of HMOs at the street level;
 - as the areas closest to the universities reach the threshold of concentration of HMOs and become less attractive to landlords the problem of HMOs will only be passed to the next area which will be targeted by landlords wishing to buy new properties to let. This is happening to Osbaldwick which the Parish Council states has

experienced an increase in HMOs since the introduction of the Article 4 Direction;

- it was felt that more can be done to improve standards and the quality of HMOs; and
- many residents are still querying why students do not pay Council Tax. The Parish Council fully support these concerns and believe as the Council tax exempt student HMOs are in effect businesses run by landlords then the properties should have business rates levied. It is unfair to increase pressure on services in an area (waste collection, parking etc.) and expect the existing residents to pay an increasing burden on local taxations.

27. The Badger Hill Residents Community Group made the following comments:

- there is support for the Article 4 Direction and SPD which helps to maintain the balance of communities where it was previously threatened. It is felt that the SPD does control the location of HMOs to avoid new concentration forming;
- there has been a reduction in the number of family homes that have been converted to HMOs. This is also possibly due to the growth of purpose built student accommodation;
- would like to see a lowering of existing HMO numbers which would see the restoration of family homes in areas like Badger Hill. Need to exploit all opportunities to restore the balance of communities;
- would like to see homes let to families rather than left empty as they are now, this is because landlords want to retain C4 status for their properties which they would lose by letting to a family and so would rather see their property empty than lose HMO status ;
- the approach to HMOs could be improved by having a compulsory registration scheme for HMOs of all sizes. Registration should be along the lines of licensing with standards of conditions for tenants, including fire escapes. There should be a minimum standard which allows a landlord to register their HMO with a reduction in registration fee according to the better standards the property demonstrates; and
- the quality of the environment is no better since the introduction of the SPD, by having a registration system this could help to improve the environment such as gardens and bins.

28. The Heslington Village Trust commented that since the introduction of the Article 4 Direction and SPD there hadn't, to their knowledge, been any applications for change of use to HMOs, other than a retrospective

application at 12 School Lane, and an application to convert Fairfields, again in School Lane, both of which were refused. The Trust had no further comments to make other than that they supported the Article 4 Direction and SPD.

29. Heslington Parish Council made the following comments:

- “neighbourhoods” are the special units in which face-to-face social interactions occur – the personal settings and situations where residents seek to realise common values. Thus the “neighbourhood” for any application in Heslington should be just the parish of Heslington or it could be enlarged to include Badger Hill but certainly should not include more distant settlements;
- thresholds are to be reviewed annually, the criteria used for these thresholds should also be reviewed; and
- the 100m street length rule should include any property with a boundary which can be reached on foot within 100m of the applicant property.

30. The Tang Hall Residents Association approached the Council to discuss their experiences of HMOs since the introduction of the SPD and a meeting was offered and the opportunity to provide written comments, but was not taken up prior to publishing this report.

Implementation of the SPD

Development Management and Enforcement

31. Consultation with Development Management and Enforcement officers was undertaken to find out how the SPD is being applied from an implementation perspective, what is and isn't working and what changes could/should be made. Comments made by officers are summarised below:

- expansion of paragraph 2.1 of the SPD to clarify why the SPD remains a *draft* SPD but that it is still a material consideration. Ambiguity relating to the status of the SPD was raised by an Inspector in a recent appeal decision;
- it should be clearly set out in paragraph 2.2 that the SPD applies to all development consisting of a change of use of a building from a use falling within the Use Class 'C3' to Use Class C4. It does not just apply to change of use to HMO from traditional family dwellings for example, but change of use to HMO from any property falling

within use class C3, such as houses that have been subdivided into flats;

- paragraph 3.1 and the definition of a small HMO should replicate the wording in Government circular 08/2010 i.e. a use class C4 HMO is a property occupied by between 3 and 6 people;
- clarity should be provided as to whether government changes to permitted development rights apply to HMOs, particularly in relation to small HMOs;
- advice should be added in relation to applying for Certificates of Lawful Development to demonstrate that a property had been operating as an HMO prior to April 12 2012 when the Article 4 Direction came into force and been operating as an HMO since; and
- a new section should be added to provide information on the Council's pre application advice.

Housing Standards and Adaptation

32. There has been a continued dialogue between planning officers and colleagues from housing standards and adaptation since the introduction of the SPD. This is essential given the complimentary powers available to the Council in relation to HMOs under both the planning act and the housing act. This dialogue has mainly taken the form of information sharing on known HMOs, particularly in relation to enforcement cases. Colleagues in housing and adaptation are currently looking at ways of making this information sharing better.

The Database

33. The HMO database was updated in May 2013 in accordance with the provisions of the SPD and is being used to determine HMO change of use planning applications. Updated mapping is available to download from the website to provide an indication of where existing large concentrations of HMOs exist.
34. Following the implementation of the SPD a number of queries have been made about the accuracy of the database and only proposing to update it annually. It has been argued that particularly with new HMO planning permissions being granted monthly it is necessary that the HMO database used to determine new applications is as up to date as possible to reflect the most up to date picture of HMOs and to ensure a robust decision making process. As such work has been undertaken to explore the possibility of updating the database more frequently. Following this work it is proposed that the most appropriate way forward is to have mechanisms in place to update the database with information

from Development Management on approved HMO change of use applications and certificates of lawful use on a monthly basis. Having spoken to colleagues in Council Tax, it is proposed to continue to update the Council Tax exemption data annually. It is not possible to update this part of the database more frequently as this would result in an incomplete picture of council tax returns and would not result in robust decision making.

35. Several residents have also queried the database with their own local knowledge since the implementation of the SPD. This is been welcomed to help aid the Council in building up as complete a picture of HMOs as possible and to ensure the database is scrutinised and challenged to build in robustness. It is proposed that this is acknowledged in the SPD under the 'properties known to the council to be HMOs' element of the database. Albeit it will be necessary caveat that there must demonstrable evidence from residents that a property is an HMO otherwise it will be assumed the database is correct. Please see Annex E for proposed amendments to the SPD which are discussed in more detail in the 'recommended amendments to the SPD' section of this report from paragraph 51.

Outcomes of the Local Plan Preferred Options Consultation

36. An eight week consultation was undertaken on the City of York Local Plan Preferred Options (June 2013). The emerging Local Plan replicated the SPD approach to HMOs in Policy ACHM6 'Houses in Multiple Occupation'. Whilst analysis of the outcomes of the consultation is still ongoing comments received in relation to ACHM6 have been extracted to contribute to this review. Policy ACHM6 did not receive a large volume of responses, overall, comments were favourable and there is support for the current approach. A summary of the comments received relating to Policy ACHM6 is set out below:

- the student population should be distributed more or less evenly throughout the city in order to minimise student hotspots which can have harmful impacts on a neighbourhood;
- more control should be exhibited on HMOs, whilst the two universities are of benefit to the city they do not and should not have priority over local people's needs;
- HMOs must be carefully situated and universities must take responsibility for student accommodation needs;
- the Plan should provide local policy to guide development of student accommodation towards campus locations. Such

accommodation located in residential areas is adversely affecting the amenity value of long established residential areas;

- in Fulford there is a shortage of houses because hundreds of family homes have been turned into HMOs. The University must take its share of responsibility by creating more student accommodation and encouraging students to live there; and
- a policy should be adopted which would strictly control the creation and extension of HMOs.

The National Picture

37. Telephone interviews were undertaken with other Local Authorities who have similar threshold policy approaches to HMOs to explore the issues they are facing. In Exeter on the whole the Article 4 Direction and threshold approach has been well received by householders and letting agents. There has been frustrations from some at the boundary cut offs dividing streets rather than encompassing the whole street. There has also been a significant amount of purpose build student accommodation which has resulted in empty HMOs. With regard to appeals there have been a small number, the majority of which have been dismissed. The Council are looking to reduce the current threshold from 20% to 15% and also to extend the area covered by the Article 4 Direction.
38. In Southampton there have been a number of appeals of decisions on HMO change of use applications which have been dismissed by the planning inspectorate, providing support for their threshold policy approach. Inspectors who have made similar comments to those received for appeals in York; namely agreeing that further change of use would give rise to an unacceptable concentration of HMOs.

Analysis

39. It is evident from engaging with a range of stakeholders that on balance, the SPD is welcomed and supported and is considered to have had a positive impact. Albeit there remains some opposition to the Council exerting control over HMOs through the Article 4 Direction and concerns raised with impacts from the introduction of the SPD. Overall it is considered that the policy approach set out in the SPD has enabled the Council to control the location of HMOs to ensure that new unsustainable concentrations of HMOs are not formed. Importantly, the policy approach set out in the SPD is standing up to scrutiny at appeal. However concerns have been raised by stakeholders which are addressed below.

Impact on Student Families/Empty HMOs

40. The review has highlighted that in some instances landlords have been unwilling to rent properties to student families to avoid losing the HMO status of the property. This has meant some student families have found it difficult to find accommodation since the Article 4 Direction was implemented and the SPD threshold approach introduced. It has also meant that there has been an increase in HMOs standing empty as landlords would rather this than let out to a family and have their property revert back to use class C3. Whilst there is currently no evidence that the SPD is constraining supply and creating issues of undersupply this is an issue that will need close monitoring to ensure there are not supply issues for student families and also to prevent increases in empty properties in the city.
41. It is possible under Schedule 2, Part 3, Class E of the Town & Country Planning (General Permitted Development) Order 1995 (as amended) to apply for a flexible planning permission. In the short term to address the issues raised through the review it is proposed to include new text in the SPD to inform landlords of the opportunity to apply for a flexible C3/C4 permission. This would require a planning application to be submitted, but would allow continuous occupation of the building as either use for a period of 10 years without the need for subsequent planning applications. Should such an application be successful it is hoped that this flexibility will ensure that student families in particular are not marginalised and are able to find appropriate accommodation in the future. Where C3 to C3/C4 applications are sought the provisions of the SPD and the threshold approach would be applied. Any properties with flexible C3/C4 permission will be recognised on the database as an HMO.

Threshold Approach

42. Osbaldwick Parish Council consider that the thresholds set out in the SPD do not go far enough and have suggested that they are made more stringent with between 0% and 5% considered most appropriate at the street level. Heslington Parish Council have also commented that the threshold approach should be modified with regard to the application of the neighbourhood area in Heslington and that the criteria for calculating the thresholds should be reviewed annually. Overall however stakeholders seem happy with the thresholds and the approved approach and importantly two independent Inspectors have been supportive of the thresholds set. Indeed one Inspector made reference to the 'appropriate levels of public consultation' undertaken in preparing the SPD and agreeing its approach which was said to carry 'significant

weight'. In light of this and the overall support for the threshold set out in the SPD it is not considered appropriate at this time to amend the thresholds. That is not to say that a later date these maybe revisited should another comprehensive consultation on the SPD be undertaken.

Supply of HMOs

43. The students' unions have commented that since the introduction of the SPD more HMOs nearer campus have been prevented which has meant that students have had to look for houses in new areas. There are concerns as students move into areas not traditionally occupied by students this may create problems in new areas. Firstly it is important to note that the purpose of the Article 4 Direction and the policy approach in the SPD is not to unreasonably suppress the number of HMOs or to restrict HMOs but to allow the Council to exert control over the location of HMOs to avoid large concentrations forming which can have negative impacts. The aim of the SPD is to continue to provide HMO accommodation to meet the City's housing needs but to manage the location to avoid high concentrations of HMOs in one area.
44. As shown by the analysis of the planning applications submitted since the introduction of the SPD (see paragraph 3 onwards and Map 1) there has been a broad spatial distribution of applications for change of use to HMO, albeit there has been a clustering of applications in the wards closest to the universities. More applications have been approved than refused which demonstrates that the SPD is not unnecessarily restricting the number of new HMOs. Moreover, supply of HMOs has not been raised as an issue by key stakeholders as part of this review. As set out in the SPD, it is still considered that given the compact nature and well connected public transport network, the spreading out of HMOs to avoid unsustainable concentrations of HMOs will still mean that for students in particular, HMOs will remain highly accessible. It also in the students' unions words, avoids the 'ghetto-isation' of student housing through ensuring mixed and balanced communities where students can feel part of the wider community.

Increasing Rents

45. The student's unions also commented that in preventing more HMOs for students nearer campus this is driving prices up as competition is reduced. Any increases in accommodation prices across wider areas of the city is a major concern for the student' unions. The York RLA also suggested that the Article 4 Direction already has, and will in the future, reduce competition enabling landlords to increase rents.

46. Prior to implementing the Article 4 Direction City of York Council discussed with Oxford City Council their experiences of managing concentrations of student housing and it was indicated that increases in rents could be a possible outcome of controlling HMOs. Given that only a year has passed since the introduction of the Article 4 Direction and SPD it is difficult to say whether comments made about increases in rents can be attributed to the control exerted by the Council. It is recommended that further work be undertaken into this issue to establish if any rises in rents can be directly attributed to the SPD.

Quality of Properties/Residential Amenity

47. The quality of HMOs and the impact of HMOs on residential amenity continue to be concerns of stakeholders. In assessing HMO applications there are both threshold and residential amenity considerations to take into account. When giving advice to Development Management on HMO applications Forward Planning officers highlight the threshold and indicate that an assessment of residential amenity (bin storage, parking etc.) and the ability of the area to absorb further change of should also be undertaken. This is done by Development Management officers when undertaking site visits. As such, for permission to be granted both the street and neighbourhood thresholds must not have been breached and residential amenity should be satisfactory. However, to date, there have been no cases whereby officers have considered there to be overriding residential amenity concerns to warrant overriding the outcomes of the threshold calculations.
48. In accordance with the provisions of the SPD, in the interests of the proper management of HMO properties, to ensure quality property standards and in the interests of the amenity of adjacent residents all HMO applications that have been granted permission have had a condition attached requiring that prior to the dwelling being occupied a management plan shall be agreed in writing with the Local Planning Authority to demonstrate the control of the following: i) Information and advice to occupants; ii) Garden maintenance; iii) Refuse and recycling facilities; iv) Property maintenance. This approach will continue to be adopted.
49. Alongside this, to promote good quality, safe accommodation the Council is currently pursuing the implementation of a voluntary accreditation scheme which will be in place by the end of the year. The aim behind accreditation is to provide landlords with information and skills to build successful business and to help tenants identify safe, high quality accommodation. The scheme website (www.yorproperty.co.uk)

will be going live in the coming weeks and landlords and agents will be invited to join. To date there have been 14 expressions of interest in joining. Higher York, the universities and students' unions have agreed to support the scheme and will be directing all students to the website to look for accredited accommodation in future. The existing university code of practice will be phased out after the next academic year and landlords encouraged to join the accreditation scheme instead. A major promotion of the scheme will take place in January 2014 at the time students are being recommended to look for properties.

Withdrawal of the Article 4 Direction

50. Whilst it was not the purpose of the review to consider whether the Article 4 Direction should remain in place the York RLA have expressed that the Article 4 Direction is bad for the city and should be withdrawn (see Annex B for further detail). This is not the view of the Council or other key stakeholders. Overall this review has indicated that a range of stakeholders are supportive of both the Article 4 Direction and the policy approach set out in the SPD. It is evident that the Article 4 Direction is not constraining the supply of new HMOs, with more change of use applications being approved than refused. Furthermore, stakeholders have not raised supply of HMOs as an issue and there has been no identified shortfall in provision of this type of housing. The Article 4 Direction and corresponding SPD would appear to be achieving their main purpose, namely to continue to provide HMO accommodation to meet the city's housing needs but to manage the supply of new HMOs to avoid night concentrations of this use in an area. It is therefore not considered appropriate to withdraw the Article 4 Direction.

Recommended Amendments to the SPD

51. Proposed amendments to the SPD can be found at Annex E. These minor amendments are considered necessary to make the SPD fit for purpose. For example amendments have been made to references to national and local policy contexts and weblinks have been updated. Amendments have also been made to ensure the document is clear and concise and easily understandable by residents and landlords. In some cases new text has been added to increase clarity and provide additional information, this can be found at paragraphs 5.21, 5.25, 5.26 and 5.28 of the SPD in relation to information on permitted development rights for use class C4 HMOs, regularising existing HMOs through applying for a certificate of lawful use, flexible C3/C4 permission and information on the Council's pre application advice.

52. Importantly, it is not considered necessary or appropriate to make amendments to the policy approach to determining HMO change of use applications. Albeit, there are proposed changes in relation to data collection and the updating of the HMO database as discussed at paragraph 33 of this report. These changes can be found at paragraph 5.4 and 5.5 of the SPD.

Options

53. The options below are available to Members.

Option 1: Approve the proposed amendments to the SPD as shown at Annex E

Option 2: Make no changes to the SPD

Option 3: Request officers to undertake further work

Council Plan

54. Exploring the impacts of HMOs relates to the following Council Plan Priorities:

- Build strong communities.
- Protect vulnerable people.
- Protect the environment.

Implications

55. The implications are as listed below:

- **Financial:** None
- **Human Resources (HR):** None
- **Equalities:** None
- **Legal:** None
- **Crime and Disorder:** None
- **Information Technology (IT):** None
- **Property:** None
- **Other:** None

Risk Management

56. In accordance with the Council's risk management strategy, the main risk associated with the HMO SPD is financial, relating to the impact on Planning and Environmental Management resources arising from the implementation of the SPD. Following the introduction of the SPD there

has been a significant and ongoing proportion of officer time spent dedicated to both formal planning application policy comments and informal queries on whether thresholds have been breached and advice on whether to pursue planning applications for change of use. Officer time has also been ongoing with regard to maintaining the HMO database and mapping requests. Measured in terms of impact and likelihood, this risk has been assessed as requiring frequent monitoring.

Recommendations

57. In accordance with Option One, that the Local Plan Working Group recommends the Cabinet to:
- i) note the contents of the report
 - ii) approve the proposed amendments to the SPD at Annex E
 - iii) delegate to the Director of City and Environmental Services in consultation with the Cabinet Member for Transport, Planning and Sustainability the making of the amendments to the SPD and the republishing of the SPD.

Reason: So that the SPD be fit for purpose and can continue to be used effectively for Development Management purposes to support the emerging Local Plan and the Article 4 Direction which came into force on 20 April 2012.

Contact Details

Author:

Frances Sadler
Development Officer
Planning
Environmental
Management
01904 551388

Martin Grainger
Head of Planning &
Environmental
Management
01904 551317

Chief Officer Responsible for the report:

Mike Slater
Assistant Director
& Development Services, Planning & Regeneration

Report
Approved

Date 28th
November
2013

Specialist Implications Officer(s)

N/A

Wards Affected: *List wards or tick box to indicate all*

All

For further information please contact the author of the report

Annex A: Appeal Decisions

Annex B: York Residential Landlord Association Response

Annex C: Graduate Students Association Response

Annex D: Students' Unions Joint Response

Annex E: Proposed amendments to the Controlling the Concentration of HMOs SPD

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Annex A: Appeal Decisions



Appeal Decision

Site visit made on 4 December 2012

by Robin Brooks BA(Hons) MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 4 January 2013

Appeal Ref: APP/C2741/A/12/2182758

11 Feversham Crescent, York YO31 8HQ

- The appeal is made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Anthony Peck against the decision of City of York Council.
 - The application Ref 12/01945/FUL, dated 9 May 2012, was refused by notice dated 31 July 2012.
 - The development proposed is change of use from dwelling house (Use Class C3) to house in multiple occupation (Use Class C4).
-

Decision

1. The appeal is allowed and planning permission is granted for change of use from dwelling house (Use Class C3) to house in multiple occupation (Use Class C4) at 11 Feversham Crescent, York YO31 8HQ in accordance with the terms of the application, Ref 12/01945/FUL, dated 9 May 2012, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the location plan and floor plan received by the Council on 18 May 2012.
 - 3) No later than the expiry of two months from the date of this permission a management plan for the property shall be submitted for the approval of the Local Planning Authority including information and advice for occupants. This shall include guidance on care of external areas and appropriate storage of refuse and recycling and shall be implemented as approved.

Policy context and main issue

2. Policy H8 of the City of York Local Plan permits conversion of a dwelling to multiple occupation subject to a number of criteria covering internal suitability, external alterations, adequacy of parking, impact on neighbouring residential amenity and provision for refuse storage. As the Plan has not been formally adopted it carries only limited weight but the criteria appear to me to be generally soundly based.
3. In support of their refusal the Council also cite their Supplementary Planning Document (SPD) *Controlling the Concentration of Houses in Multiple Occupation* which sets out thresholds for levels of houses in multiple occupation which should not be exceeded if a balanced community and appropriate range

of housing are to be maintained. The latter objective generally reflects advice in the National Planning Policy Framework (NPPF). The status of the SPD is unclear as it is said to have been approved by members in April 2012 for development management purposes but is titled "draft". However, despite this ambiguity I regard it as a material consideration.

4. Against this policy background the determining issue in the appeal is the impact of the proposal on the character and appearance of the surrounding area.

Reasons

5. The SPD states that a change of use to a house in multiple occupation will only be permitted where the accommodation provided is of a high standard which does not have a detrimental effect on residential amenity; where it is in a neighbourhood where less than 20% of properties are in multiple occupancy; and where less than 10% of properties within 100m are so occupied. The Council do not argue that the property would fail to provide good accommodation and I see no reason to question that stance. It is a substantial building on 3 floors, appears to be well maintained and has a rear yard that would provide outside storage for its occupants. Parking in the area is controlled and I would expect space to be at a premium but there are bus services on Wiggington Road, a major radial road into the city centre, and the centre itself is no great distance away. The property would also be well placed for anyone employed at the adjacent General Hospital or studying at York St John University nearby. All of this could well mean a low level of car ownership among occupants.
6. As regards the occupancy thresholds, the Council say that in the neighbourhood around the property 7.3% of houses are in multiple occupation but that within 100m the figure is 15.3%. However, it seems to me that like any policy or guidance the approach set out in the SPD must be applied with a degree of flexibility and pragmatism and with due regard to the particular case at issue. Although, as the Council's development control report says, the criteria make no reference to the requirement (sic) being applied flexibly depending on the location of a property or its specific characteristics, this does not in my opinion justify refusing planning permission solely on the basis that a numerical threshold has been breached. No evidence has been submitted to indicate whether or how this particular change of use would adversely affect the specific area and community around it.
7. It is evident from the street and from representations made by objectors that there is a high level of multiple occupation in Feversham Crescent, and that this may well be above the level indicated by the Council. I also accept that such occupancy can cause problems of noise and disturbance, parking pressure and anti-social behaviour, as referred to by objectors. However, this particular case has to be seen in the context of its location close to both a main road and a large acute hospital both of which are likely to give rise to a good deal of activity. Also, from what I saw on my visit the properties in the Crescent appeared to be generally well maintained and they have very little external space, other than the enclosed rear yards, where refuse could be left in an anti-social manner. I am also mindful of the statement by the Appellant, not contradicted by the Council, that the property was registered and occupied as a house in multiple occupation for some 15 years from 1995 and that it was re-registered as such in July 2012. I conclude on the main issue that, although

the Council's objectives of maintaining a balanced community and a range of housing choice are sound, there is no cogent evidence that the appeal proposal would unacceptably harm the character and appearance of the surrounding area. It would not therefore undermine the aims of the Local Plan, the SPD or the NPPF.

8. The Council have suggested a condition requiring submission of a management plan for occupants of the property that would help address potential areas of friction between them and neighbours. Given the number of people who might be accommodated, this seems to me a reasonable approach and in principle to fulfil a planning purpose. I have amended the Council's suggested wording for greater clarity and precision. I have also applied a condition requiring compliance with the submitted plan for the avoidance of any doubt as to the nature or scope of the change of use.
9. For the reasons given above, and taking account of all other matters raised, I conclude that the appeal should be allowed.

Robin Brooks

INSPECTOR



Appeal Decision

Site visit made on 7 January 2013

by Elaine Worthington BA (Hons) MTP MUED MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 31 January 2013

Appeal Ref: APP/C2741/A/12/2183491
20 Hartoft Street, York, YO10 4BN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Miss Sally Cakebread against the decision of City of York Council.
 - The application Ref 12/01938/FUL, dated 9 May 2012, was refused by notice dated 24 August 2012.
 - The development proposed is change of use from dwelling house (Use Class C3) to house in multiple occupation (Use Class C4).
-

Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Miss Sally Cakebread against City of York Council. This application is the subject of a separate Decision.

Procedural Matters

3. In the interests of accuracy I have taken the site address and the description of development from the Council's decision notice.
4. Information provided by the appellant indicates that the appeal property was successfully let to tenants in October 2012. As such, I have considered the appeal on the basis that the development proposed has already taken place.
5. The appeal site lies within a larger area that is covered by an Article 4 Direction made by the Council, which came into force on 20 April 2012. The Direction removes permitted development rights for change of use from Class C3 (dwelling houses) to Class C4 (houses in multiple occupation) in an effort to control the number of houses in multiple occupation, to ensure that communities do not become imbalanced. It applies across the whole of the main urban area of York.

Main Issue

6. The main issue in this case is the effect of the proposal on the residential character of the area.

Reasons

7. The appeal site is a modest three bedroom mid terrace house. The surrounding area is residential, characterised by other similar terraced houses fronting directly onto the street with rear yards and accesses.

8. Policy H8 of the Local Plan¹ indicates that houses in multiple occupation (HMOs) will only be permitted where, amongst other things, they would not have an adverse impact on the residential character of the area by virtue of the conversion alone, or cumulatively with a concentration of such uses. Similarly, the Council's SPD² seeks to ensure that communities do not become imbalanced through unsustainably large concentrations of houses in multiple occupation. The SPD is only permissive of HMOs in neighbourhood areas where less than 20% of properties are in multiple occupation and, at street level³, where less than 10% of properties are in multiple occupation.
9. The appeal site is within a neighbourhood area where, based on the Council's analysis, the proportion of houses in multiple occupation is low at 8.8% (falling well below the 20% threshold). However, at street level 13.1% of properties are considered by the Council to be HMOs. Whilst the appellant questions how this figure was arrived at, no alternative, substantiated evidence has been submitted to undermine the Council's figure. As such I see no reason to dispute the Council's view that the 10% threshold set out in the SPD is already exceeded.
10. I am conscious that only slightly more than the recommended level of existing properties at street level are HMOs, and the appeal property has only three bedrooms. On this basis, allowing one additional property to be used as a HMO, may appear insignificant in itself. However, it increases the already high concentration of houses in multiple occupation in the immediate area, which detracts from its character and contributes to an imbalance in the make up of the local community. This impact exacerbates a situation which already requires careful management, and has been identified by the Council as a concern.
11. I note the appellant's view that the SPD is unfair to new landlords, will put off investors, and is detrimental to the relationship between the Council and the University, forcing students to live in worse locations and inferior accommodation. I have also considered the argument that the thresholds in the SPD have been set too low, particularly having to regard to the historical levels of student houses in the area. Further, I acknowledge that the appellant considers a street level threshold of 15% would be more appropriate and better reflect the representations made on the SPD. However, I am mindful that the SPD has been subject to thorough research and consultation. In particular the alternative approach of a variable threshold was considered but not favoured by consultees. On this basis, the adopted thresholds are considered by the Council to be the point at which a community can tip from balanced to imbalanced, and I see no reason to disagree with this stance. Moreover, the SPD allows for a consistent approach to the determination of relevant applications and is an important tool in the Council's efforts to prevent the gradual erosion of residential areas, and the creation of unsustainably large concentrations of HMOs.

¹ City of York Draft Local Plan Incorporating the 4th set of changes – Development Control Local Plan 2005

² Draft Supplementary Planning Document 'Controlling the concentration of houses in multiple occupation'. Although the title of the document includes the word draft, it was approved in April 2012.

³ The SPD assesses the impact of HMOs at two geographic levels: neighbourhood level and street level. The term street level is defined as including both sides of the road within 100m of street length either side of a site.

12. I conclude that the proposal causes material harm to the residential character of the area, in conflict with Local Plan Policy H8. It is also contrary to the terms of the SPD and undermines its overall aim of ensuring communities do not become imbalanced. Further, the proposal is at odds with paragraph 50 of the National Planning Policy Framework which seeks the creation sustainable, inclusive and mixed communities. The effect of the revocation of the Regional Strategy has been considered but in the light of the facts in this case, the revocation does not alter my conclusion.

Other Matters

13. I am aware that the SPD recognises the important contribution HMOs make to York's housing offer, providing flexible and affordable accommodation. I also note the appellant's view that students and local residents can benefit from living together, and that the appeal site is in a good location close to the river and the university. These factors are benefits in favour of the proposal, but taken either individually, or together, they do not outweigh the harm I have identified. I also recognise that the standard of accommodation for future occupiers would be acceptable and that no issue is taken with any adverse impact on the living conditions of adjoining occupiers, with particular regard to noise and disturbance. However, the absence of harm in this regard is not a benefit of the scheme as such.

Conclusion

14. For the reasons set out above, I conclude that the appeal should be dismissed.

Elaine Worthington

Inspector



Appeal Decision

Site visit made on 16 April 2013

by J S Nixon BSc(Hons) DipTE CEng MICE MRTPI MCIHT

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 6 June 2013

Appeal Ref: APP/C2741/A/13/2191992
226 Melrosegate, York, YO10 3SW.

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Planusual Projects Ltd against the decision of the City of York Council.
 - The application Ref. No: 12/02745/FUL, dated 27 August 2012, was refused by notice dated 4 October 2012.
 - The development proposed is for the change of use of a 5-bedroom dwelling to a 7-bedroom house in multiple occupation (HMO).
-

Decision

1. For the reasons given below, this appeal is dismissed.

Main Issue

2. From the written representations and a visit to the appeal site and surroundings, it follows that the main issue to be decided in this appeal is the effect the proposed change of use would have on the character of and community in the area.

Reasons

3. In refusing the appeal scheme, the Council relies on paragraph 50 of the National Planning Policy Framework (the Framework), which advocates sustainable, inclusive and mixed communities and its two Supplementary Planning Documents (SPDs) entitled "Controlling the Concentration of Houses in Multiple Occupation" (April 2012) and "Subdivision of Dwellings" (December 2012), which are argued as being in conformity with the Framework.
4. Although the absence of an adopted local plan means that the SPDs cannot form part of the statutory Development Plan Framework at this stage, the Council has confirmed that, after the requisite extensive public consultation, both the SPDs have been formally adopted by the Council for development control purposes. Accordingly, these SPDs can be given considerable weight.
5. In the context of the appeal proposal, the threshold for the concentration of HMOs advocated by the earlier SPD seems a sensible and pragmatic approach to meeting the overarching objective of paragraph 50 of the Framework. As such, the Council's decision merits support unless other material considerations justify reaching a different conclusion.

6. Several submissions are made on behalf of the Appellants and these are looked at in turn. As for the need for any planning permission, this appeal is dealt with on the basis that planning permission has been sought. However, as the Council says, if it is felt that a material change from the existing situation would not take place, a Lawful Development Certificate could be applied for.
7. The SPDs are also objected to on a ground of principle. However, it is not accepted that they are fundamentally flawed but, as noted above, having undergone appropriate levels of public consultation carry significant weight. Moreover, even though it is suggested that the Council's assessment only looks at student houses, the Council points out that this is not the case, confirming that the SPDs consider all shared houses. This seems reasonable, because nothing is identified that would preclude any shared house being used by students. It is also worth noting that the Council believes its assessment, using the records it has, is likely to produce an underestimate of HMOs. This is not disputed.
8. Next, having regard to the open land nearby, the density of housing within the 100 metre walking distance may be lower than some other areas in the City. However, the SPDs make clear that they apply to all areas of the City and are not intended only to apply to certain areas or for the threshold to vary dependant on the prevailing local density. No doubt this was a feature retained or included following the consultation responses.
9. Moving on, it is submitted that the appeal premises is capable of supporting eight people, which is said to be one more than is now proposed. The application does not give the internal measurements of the appeal dwelling, so it is not possible to compare this with the guidance in paragraph 3.6 of the second SPD. However, the Council emphasises that the ability of the property to support the number of residents proposed has not influenced its decision. On this basis, this is not something that counts against the project.
10. Whereas the proposed conversion itself might only have a modest effect on the character of the area, the SPDs require that consideration is given to the cumulative effect on the character of a particular area of all the HMOs within that area. The guideline threshold figure evinced by the first SPD is 10% within a 100 metres walking distance and the figure here is quoted as 19.2%. Although the 19.2% figure is questioned, the Council draws this from its figures, including registered student council tax exemptions. There is nothing objective that is proffered to challenge this figure. As such, an additional HMO would mean the guideline is breached by almost 100%. This would make it very difficult for the Council to support the SPD threshold in the future. In addition, although less of a breach the proposal would exceed the neighbourhood threshold of 20% within a 450 metre radius. It is noted that the first SPD requires proposals for HMOs to fall within both thresholds.
11. Looking next at arguments relating to the scheme's sustainability accreditation, the appeal site is relatively close to the University, but no travel audit is contained in the Design and Access Statement accompanying the application to show that this is a better area than others. There is certainly no objective audit to demonstrate the present modal split. Even if it is a good area locationally, and even if there is some conflict with the sustainability policies in the Framework and development plan, this does not outweigh the SPD and

Framework objectives for the community. To adopt a strict sustainability stance in every case would conflict with the overarching intentions of the SPDs.

12. Finally, it is submitted that there is no evidence that HMOs create any greater noise and disturbance in an area and in this case there have been no objections to the proposal. On the first point, the Council disagrees and common sense dictates that it is unlikely that the SPDs would have been felt necessary if there were no problems in areas where there are a high level of HMOs. The Farnworth decision cited exhibits several differences from this case, not least that it would house less people. More importantly, however, it is not identified as in an area where there is already a concentration of HMOs, and it is the cumulative effect that causes the City Council most concern.
13. As for the lack of local objection, experience shows that it is quite often the case that, to avoid bad feelings, neighbours do not object, especially where there are clear policies available for the council to invoke. Certainly the lack of local objection is not a sound reason for allowing something in the face of a firm policy objection.
14. In summary, the proposed scheme would materially breach the Council's recently published SPDs and the objectives of the Framework pertaining to inclusive and mixed developments and have a harmful effect on the character of and community in the area. The arguments advanced in support of the scheme and the challenges to the Council's stance do not, either individually or cumulatively, overcome the clear policy objection. Moreover, to allow a proposal that runs counter to an objective that has been the subject of very recent public consultation would undermine the Council's position for the future. Accordingly, and having taken into account all other matters raised, this appeal fails.

JS Nixon

Inspector

Annex B: York Residential Landlords Association Response

Sadler, Frances

From: Niall McTurk [niall@yorkrla.co.uk]
Sent: 28 October 2013 12:02
To: Sadler, Frances
Subject: Review of Article 4 Directive

Dear Frances

I am sorry for the delay in replying to your email; quite honestly we've had somewhat of a lengthy debate on whether to send in a response at all, but more of that later.

We have sought the opinions of our members (now in excess of 500) on the effect that Article 4 is having on them as landlords and on the Private Rented Sector in general. Not unsurprisingly, we have had an enormous amount of feedback. The views expressed by our members fall broadly into three groups.

A small but significant minority feel that as a Landlords Association we should totally disengage with City of York Council; they feel that despite the fact that we are one of the two major stakeholders in the PRS, our views are totally ignored. This group of members cites amongst other things our original objection to the introduction of Article 4 and more recently our opinions on Landlord Accreditation as prime examples of CYC ignoring the views of landlords and the public repeatedly saying: " how important it is that we (CYC) support the PRS and help encourage it to grow".

The second group of opinion is larger, and although still in a minority, are in favour of CYC keeping the Article 4 in place. This tends to be the view expressed by older landlords and/or those not wishing to invest in further improvements and/or do not wish to expand their portfolios. They feel that Article 4 has already, and will in future reduce competition thereby enabling them to increase rents and spend less time and money improving their houses. There is certainly evidence that the rents from some private landlords and some Letting Agents have risen disproportionately more in the last year than in previous years. It is difficult to determine how much this is to do with Article 4 and how much it is to do with the knock on effect of the high rents demanded in private sector purpose built accommodation, such as The Boulevard, driving up landlord expectations. Many landlords in this group are also delighted that CYC have, perhaps unwittingly, increased the value of their portfolios by 20% to 30%. As a result of this many have put some or all of their rental properties on the market to 'cash in' on this additional profit.

The majority of opinion however, is that Article 4 is bad for tenants and bad for the City's economy. This group acknowledge that it is good for existing landlords in the short term but that it will be very damaging in the long term. The following views have been expressed by numerous members:

- **it is wrong for any local authority to try and 'engineer' the market to restrict where people can live. The free market should be allowed to rule the PRS to increase competition in rents and quality. Surely this can only serve to be beneficial for our tenants?**
- **how can Councillors ignore the lack of evidence presented in Frances Sadler's report on Article 4 AND then go ahead to ignore her recommendation which, as I recall, was "not to introduce Article 4 and to undertake further consultation? They must be crazy"**
- **this Article 4 is a form of Social Engineering which will only serve to disadvantage tenants who will see higher rents, less choice in where to live and lower standards as competition amongst landlords reduces.**

- how can CYC ignore the views put forward in 2011/2012, not only by our Association but also by The Chamber of Commerce? Where are our current and future young professionals going to find low cost accommodation in the City?
- everyone, both nationally and locally in York, acknowledge that the PRS needs to grow to meet the huge, current (and forecast ongoing increase) demand and yet CYC seem hell bent on stopping investment in the PRS in York
- since April 2012 there has been a huge drop in the number of houses bought for letting in York specifically as a result of Article 4. This can be evidenced by speaking to any Estate Agent in York. If the PRS needs to grow to meet the ever increasing demand, how is CYC going to achieve this ?
- whilst previously unlet houses are taking longer to sell, despite being cheaper, houses that have been let as HMO's are selling at an ever increasing premium. This is great for us that are selling our rental properties now but it cannot be a good thing to create a two tier house price system whereby two identical houses in the same street can vary in value by 20% to 30%.
- do the small group of owner occupiers who campaigned in favour of Article 4 realise their house has now dropped in value by tens of thousands of pounds?
- York is generally a low income economy where large numbers of people work in Hotels, bars, restaurants, museums and in low paid admin/call centre jobs etc. The majority of these people cannot afford a one bed roomed apartment and need high quality rooms in a shared house. If they can't find suitably priced accommodation they will leave our City to the detriment of our economy. CYC are crazy!

I am sure you will appreciate that I have tried to give you a response that reflects all the varying views of our members. However, the official view of York RLA concurs with the views of the vast majority of our members in that this Article 4 should be withdrawn.

I hope you can incorporate our views in your report in the context that we represent one of the major stake holders and we also request that our views are given more emphasis than isolated opinions you may receive from one or two landlords who, with all due respect to them, may not see the larger picture and who (like me) are undoubtedly currently gaining from all the benefits that less competition gives landlords as a result of Article 4.

We look forward to CYC Councillors finally listening to and acting upon our valued opinions.

Regards

Niall

Niall McTurk
Chair ~ York RLA



Innovation Centre, Innovation Way, Heslington, York, YO10 5DG
Tel: 01904 435249
www.yorkrla.co.uk

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Annex C: Graduate Students' Association Response



To: Councillor James Alexander
 Leader – City of York Council
 West Offices
 Station Rise
 York
 YO1 6GA

Cc Councillor Janet Looker
 Councillor Tracey Simpson-Laing
 Dr Jane Grenville
 Dr David Duncan
 Article 4 Review Team
 Higher York

Review of Article 4 and the impact on student families

Dear Councillor Alexander,

We are aware that the City of York Council is currently undertaking a review of Article 4 as a means of controlling the concentration of Houses of Multiple Occupation (HMOs) within the City. The Graduate Students' Association (GSA) is a member of Higher York and that group plans to submit a response to that review. However, we would like to separately highlight one side effect of Article 4 that we believe has negatively impacted a small but significant number of our membership – student families.

The GSA runs the Student Family Network¹, which is designed to support students, their partners and their children and is open to both UK and international families. The University of York has a limited number of student family housing available and has a policy of only allowing families to stay in university managed accommodation for 50 weeks². This policy is in place in the interests of fairness to ensure that people unfamiliar with York have a year in which to find something in the private accommodation market. Generally, Family Network members are personally, or have partners who are, enrolled in a course spanning several years. This means we expect the majority of Family Network members to have to find private family accommodation at some point during their time in York.

In talking to families over the past year we have come to the conclusion that one of the unintended consequences of Article 4 has been that landlords with a HMO licence, who have properties which would be suitable for families, are unwilling to rent to them as they would immediately lose their HMO licence and with it the flexibility to cater to both student families and the more traditional single student/young professional market.

¹ <http://www.yorkgsa.org/site/welfare/university-of-york-student-family-network>

² <https://www.york.ac.uk/students/housing-and-money/accommodation/families/>



Graduate Students' Association

201 Wentworth College | University of York | Heslington | YO10 5NG

T 01904 32 (2718)

F 01904 32 (4705)

E info@yorkgsa.org

W www.yorkgsa.org



On the assumption that Article 4 is will remain in force for the foreseeable future we would welcome a dialogue to look at ways in which HMO licencing can be made more flexible and attractive to landlords who may wish to convert current HMO-licensed student accommodation to student family accomodation and mitigate the perceived difficulty in regaining HMO-status should they wish to re-enter that market.

We believe the simplest solution to this problem would be to allow landlords to keep a HMO licence for a period of time – a maximum of two years – after they convert from a HMO-compliant group (such as students or young professionals) to family housing. This would allow them to ‘take a risk’ on renting to a family without feeling they would be at risk of losing their HMO licence. However, we understand that such an option would be impossible under section 62 of the Housing Act 2004 which allows, at maximum, a six-month suspension of the licence.

We believe that the following minor policy interventions may help the situation:

- One possibility would be to make the process of reapplying for a HMO licence easier for landlords in good standing who previously gave up their licence in order to rent their property to a student family. We note that there may be room in the current licence fee structure³ to offer discounts to landlords who fall into this category.
- Similarly, we wondered if it would be possible to offer a ‘fast-track’ reapplication process for landlords who fall into this category? They then could be confident of a faster decision should they find the housing market in and around York shifts in any given year.
- We would also welcome an opportunity to work together in talking with private landlords and letting agents about the benefits of renting to student families, such as a fixed income for at least three years.

The goal of Article 4 was to create balanced communities in York. We have collected evidence to suggest that, in some circumstances, rather than limiting the number of HMOs for single students in York Article 4 has made landlords *less* likely to open up their properties to student families. Attached as an appendix to this letter are some anomonus comments from members of our Family Network on the issue.

We understand that housing policy is a complex issue and discussions about the merits and drawback of Article 4 are ongoing. We hope however that you consider the issues raised here and our suggestions to help eleviate the situation on our student families.

We would welcome further discussion on this matter.

Yours sincerely

Kelvin Elphick
GSA Principal Officer with responsibility for family accommodation

³ http://www.york.gov.uk/downloads/file/5917/licence_fee_structure





Appendix A – Sample of anonymous feedback from student families on approaching student letting agencies and student landlords.

“We approached [letting agency] and when we mentioned it was for a family they didn't even try a waiting list, but were straightforward and said they only did SINGLE students accommodation. We also approached [another letting agency] and they took our contact details to "let us know" when something suitable for families came up, but that it was highly unlikely to happen (and indeed in one year in their waiting list we were never contacted)..”

“...to my experience, student letting agents don't have many properties available for student families. Most properties are available for students sharers and do not accept children. On the other hand, when I looked for a property at the residential market, the properties are suitable for family, BUT some of them do not accept students. So, it's not easy to find a property for students with children.”

“Student letting agents focus on single students and letting shared houses which are not suitable for families. Even if there is any house which can be used for a family for example with two bedrooms, they prefer to rent each room separately.”

“One student letting agency explained that it was more profitable for landlords to let their houses based on individual students rather than to a family and so the limited number of houses for students for families reflected this. They also mentioned that more landlords appear to go down the route of letting out by per student basis.”

“[letting agent] seems like very difficult to understand the needs and circumstances of a student with family. Very very late even sometimes just ignore the e-mail to answers any reports of problems in the house etc. :(“

“Yes, I approached them, but no student family house available.”

“In addition, when we deal with property agents which are not specialised in student properties, we need to go through referencing procedure, like other (normal/non-student) families, which also I found difficult. I was asked to provide a minimum of 1,600 pounds income per month as a reference. Obviously, as a student, I can't meet that requirement. Even my scholarship can't be used as a reference because it's below the minimum amount of referencing. Some students might be lucky to have spouse who works and earns income that meet the referencing requirement, but that's not always the case.”

“We were fortunate to only be asked for a month's deposit and a month of advance rent but I have heard my friends complained that there were instances when six months to nine months rent was asked. It was also mentioned that most of the affordable housing for families were in areas that were not family friendly or were quite far from uni. Those that managed to find a family accommodation close to uni were too small and did not meet their needs as a family. And because of these reasons



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201 Wentworth College | University of York | Heslington | YO10 5NG

T 01904 32 (2718)

F 01904 32 (4705)

E info@yorkgsa.org

W www.yorkgsa.org



when we viewed our current house, we felt quite pressured by the letting agent to immediately put in an application as we knew there were a limited number of good houses for families.”

“...it becomes very difficult for people like us with children travelling to England for the first time. Plus we seriously hope there's no drunk people knocking at our doors or throwing stones at our windows in the middle of the night in private sector accommodation. That would be terrible for the little ones.”



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201 Wentworth College | University of York | Heslington | YO10 5NG

T 01904 32 (2718)

F 01904 32 (4705)

E info@yorkgsa.org

W www.yorkgsa.org

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Annex D: Students' Unions Joint Response



RE: Review of the Controlling the Concentration of Houses in Multiple Occupation Supplementary Planning Document

Through the Student Community Partnership, the University of York Students' Union (YUSU) and York St John Students' Union (YSJSU) are working together to better understand the student housing market in York. A specific aspect of this is the impact of the recently imposed restriction on planning permission for new Houses of Multiple Occupancy (HMOs). This is a collaborative response from the Student Community Partnership to the review of the HMO Supplementary Planning Document (SPD) in the City of York.

Our feedback is largely contained in the 'Rate Your Property' survey 2013 findings (attached as an annex to this document), a summary of student feedback on the availability and quality of housing. The 'Rate Your Property' student survey has been undertaken by YUSU in 2012 and 2013. Whilst we are unable to provide a direct comparison between years due to the inclusion of additional questions and a sample which includes York St John University students in 2013, we are able to report that some trends remain fairly static. Price and location of accommodation continue to be key determinants in student choice regarding housing, followed closely by housing quality.

Our primary concern is that Article 4 has prevented more HMOs for students nearer campus, driving prices up as competition is reduced, this forces students to look for houses in areas with fewer student houses, these may be new HMOs or HMOs not previously let to students. Our research shows that students living outside some of the typical 'student areas' (such as South Bank and Huntington) choose to do so due to cost of accommodation but also because of a lack of availability close to their place of study; over 10% of students were unable to find property in their chosen location and this is significant to the SPD (Rate Your Property, 2013). Increased demand in these areas may push up low prices so students will quickly end up paying similar accommodation costs to live further away from their place of study. Separately as students move into areas not traditionally occupied by students this will create the usual problems in new areas.

Student maintenance loans barely cover the cost of accommodation, the average annual rent being £3,900 (Rate Your Property, 2013) and the average student loan only around £3,760 (Student Loan Statistics, 2013 [www.parliament.uk/briefing-papers/sn01079.pdf]). We are very strongly against an increase in student debt upon leaving university thus would obviously not like to see an increase in maintenance loan and if Article 4 is set to increase accommodation prices across wider areas of the City then this is a major concern.

Whilst we support students wishing to remain on campus after the first year of their studies and lobby the universities to make adequate, affordable accommodation available, we also recognise that many students choose to live off campus for different reasons. Our research show us that some students prefer the independence and responsibilities which come with off campus living; cost is

also an important factor in this decision (Rate Your Property, 2013). The importance of choice should not be undermined and we believe that in order to provide this, more HMOs are needed in some areas.

If a HMO restriction is to continue to apply, we would request that consideration is given to the distribution of quality student housing which is available. The current restrictions on the number of HMOs should recognise the fact that the distribution of students is far from uniform, this is in part due to the planning consent applying only for new applications and therefore not reflecting the current distribution; further work could be done to assess the current distribution of HMOs which existed prior to the Article 4 directive. It is our opinion that more properties should be made available close to our campuses but we are not supportive of an approach which 'ghettoises' students as we think that students living out in the community should feel part of, and get involved in their local community. However we would campaign for a better balance and believe that ghettos can be easily avoided by continuing to pay close attention to the distribution of HMOs on individual streets.

We support the concerns made by the Graduate Students' Association (GSA) regarding the impact upon housing for students with families. Indeed, whilst the intention of the SPD was to limit student housing and therefore make privately rented accommodation available to families, the restriction appears to be having an opposite effect in some areas.

We know that renting to students is attractive to many landlords for a variety of reasons including the comparatively high revenue which can be drawn by charging rooms at an individual rate. However, the current approach to shared accommodation is having an adverse effect on the rental market. The type of landlords who might choose to have student tenants may not choose to rent to a family as an alternative. One example of this is outlined in the list of planning applications received to date: C4 planning consent has been refused in a property and now planning permission is being sought to convert the property into bedsit-type accommodation. Non-student residents living in houses in areas already over the HMO threshold are effectively trapped. Privately owned houses drop in value due to the fact that the properties cannot be converted to HMOs and the area is no longer attractive for families due to the large proportion of perceived 'problem neighbours'.

In terms of quality, we are mindful of the availability of advice for students regarding housing and have been working closely with the City of York Council as the YorProperty accreditation scheme has developed. We see our links with this as having potential to reassure the student population regarding privately rented accommodation and standards which are deemed acceptable, however we fear that this could be undermined by the lack of choice which could cause some student tenants to compromise on key standards.

In summary, we would support a redistribution of HMO allocations in order to balance the demand for quality student housing which is both affordable and conveniently located.

Rate Your Property

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Introduction

As part of a joint community strategy with York St John Students' Union, YUSU are asking students from the University of York and students from York St John University to tell them about their experiences of living off-campus. Some of the areas that were explored as part of this included the quality of off-campus housing and the efficiency of landlords. In addition, key areas of interest included safety and security and attitudes to refuse collection and recycling. The Students' Unions were also keen to explore what factors influenced decisions when selecting a property and

the issues that students experienced with fellow housemates and other local residents.

Methodology

An online survey was designed (Appendix 1) to investigate the key areas of interest and was advertised via the YUSU newsletter, social media sites, via the YUSU website and by YJSU. As an incentive, participants were offered the chance to win an iPad mini or one of twenty £5 iTunes vouchers upon completion of the survey. The survey was live for a total of three weeks from 17th October until 7th November and was fully completed by a total of 788 off-campus students including 564 students from the University of York and 222 students from York St John University. The full breakdown of demographics can be found in Appendix 2.

Finding Your Property

Landlord/Letting Agent

In the first instance respondents were asked to indicate who their letting agent or landlord was and why they had chosen to rent with them. Over 32% of the sample stated that they rented from a private landlord and 28.5% of these had found them through their University housing list. The most used letting agents for student accommodation included IG properties (16.3%), Sinclair (12.0%) and Adam Bennet (10.7%).

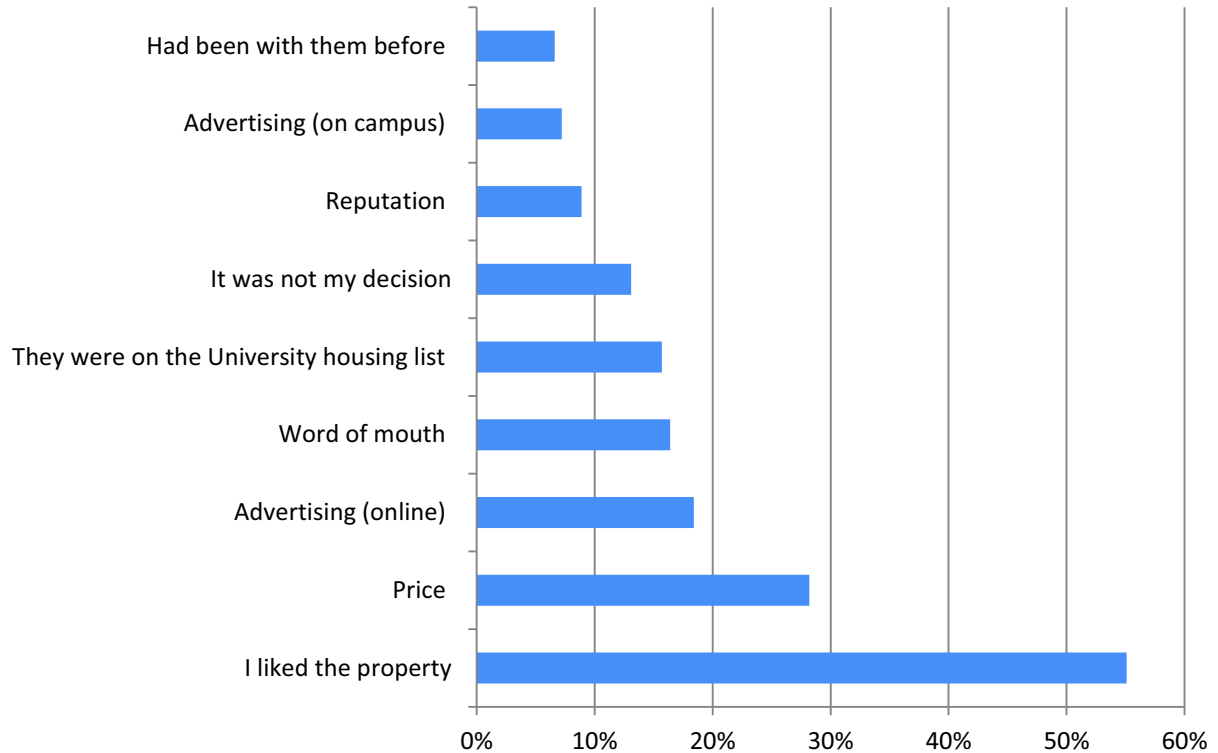


Figure 1: Reasons why respondents chose their landlord or letting agent

Students reported that the main reason that they had chosen to rent with their particular landlord or letting agent was because they liked the property. A high

percentage of students who rented with Sinclair stated that they had chosen them because of their reputation (37.6%), and word of mouth (32.3%). Those who had chosen private landlords had done so because of the price of accommodation (44.6%) and because they had been on the University housing list (28.5%). One of the most popular reasons why students had chosen Adam Bennett was because of advertising on campus (25.3%) and one of the most popular reasons respondents had chosen IG properties was because of the price (23%).

Choosing a Property

In terms of choosing a property, the figure below demonstrates the main factors that influenced respondents when selecting a property.

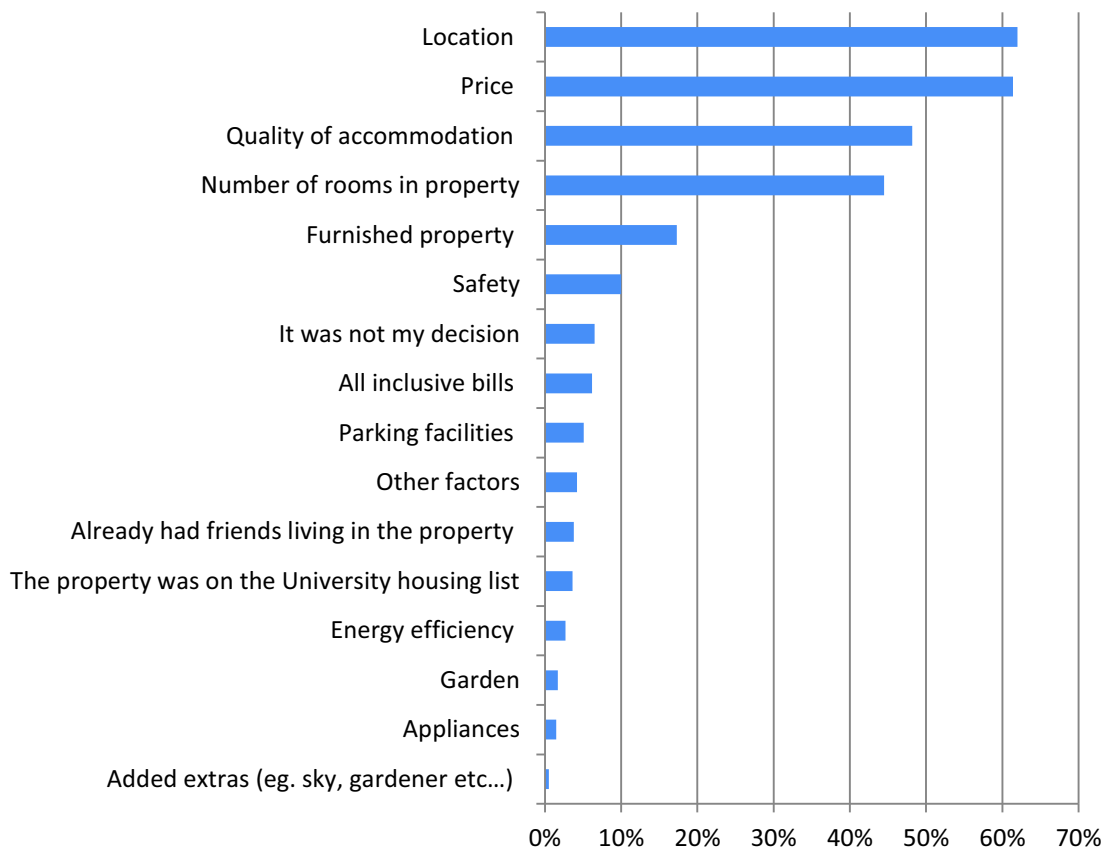


Figure 2: Factors influencing the choice of property

Interestingly there was a strong correlation between the importance of the number of rooms in a property and the number of students wanting to live in a household with the number of rooms proving more important as the number of students wanting to live together increased.

It can clearly be seen that price, location and quality of accommodation were the top three factors that influenced students when selecting a property. Students from outside the UK were significantly less likely to say that the quality of accommodation was a main factor that influenced their decision than UK students. Location of the property was significantly more important for non EU students than UK students but not other EU students. Price was equally important for all students and one of the most important factors for the majority of respondents. There were no significant differences in the factors influencing the choice of property based on state of study.

Location was deemed a more important factor based on where students lived and what University they attended. For University of York students, 83.1% of students living in Heslington and Heslington Road area said that location had been a key factor as well as 76.3% of students living in Badger Hill, 69.2% living in Fishergate and 66.2% living in the Hull Road area. For York St John students, 78.4% of students living in the Groves stated that location had been a key factor in their decision as well as 77.3% of students living in the Guildhall/City Centre area and 65% of students living in Huntington. Other areas were seemingly selected for their price with 87.5% of South Bank residents stating it was the main factor for selecting their property as well as 85.7% of residents in Bishopthorpe, 80% of residents in Clifton and 76.8% of residents in Tang Hall.

A total of 76.1% of respondents had been able to find suitable accommodation in their desired location with a further 12.5% stating that they had not had a preference of location. Those who hadn't been able to find accommodation in their desired location stated that they had wanted accommodation nearer to campus but that they had missed out on most of them and those properties that were left were either poor quality or too expensive:

"We're a 40 minute walk from the University, I would have liked to have been closer, but we had trouble finding somewhere."

"Wanted to be closer to campus, but lacked the funds to pay for decent quality location close to campus. We substituted proximity for a house which isn't cramped or moulding."

Some also commented that they had wanted to live on campus but that there had not been any on-campus accommodation left:

"I'm a first year undergraduate student, I ended up here only because there weren't enough rooms available on campus. I would have liked to have been put in on-campus accommodation."

Respondents were also asked whether they been able to find a property with the number of bedrooms that they had wanted, with almost 95% stating that they had. Some however stated that they had wanted to live in large groups but had been forced to split into two smaller groups due to a lack of properties available. Others had wanted to live alone but not been able to because of high rent prices and some had found that two bedroom properties in York were particularly expensive and they had been forced to move in with strangers:

"We wanted 8 bedrooms to start with but were forced to split into smaller groups to find a house."

"I did initially want to live alone, but I was unable to and now live with 4 other people."

"We wanted a smaller house but ended up in a larger one sharing with strangers."

Your Property

Household

The majority of respondents stated that they lived in a private or rented house with a further 5% stating that they lived in purpose built student accommodation. Very few residents lived alone and the average number of students per household was four. There was also 23.2% of the sample who stated that they lived in a household of six or more people. Interestingly postgraduate students were significantly more likely than undergraduate students to live in a household of 2 people. 66.8% of respondents were already friends with their housemates before moving in, 17.8% were friends with some of their housemates and as many as 15.4% did not know their housemates before moving in.

Price of accommodation

Students were asked to indicate how much they paid in rent per month and whether bills were included in their rent. A total of 15.3% of students stated that their rent was all inclusive and these were removed from the following analysis of rent prices as it could not be determined how much was spent on bills and how much was spent on the rent itself.

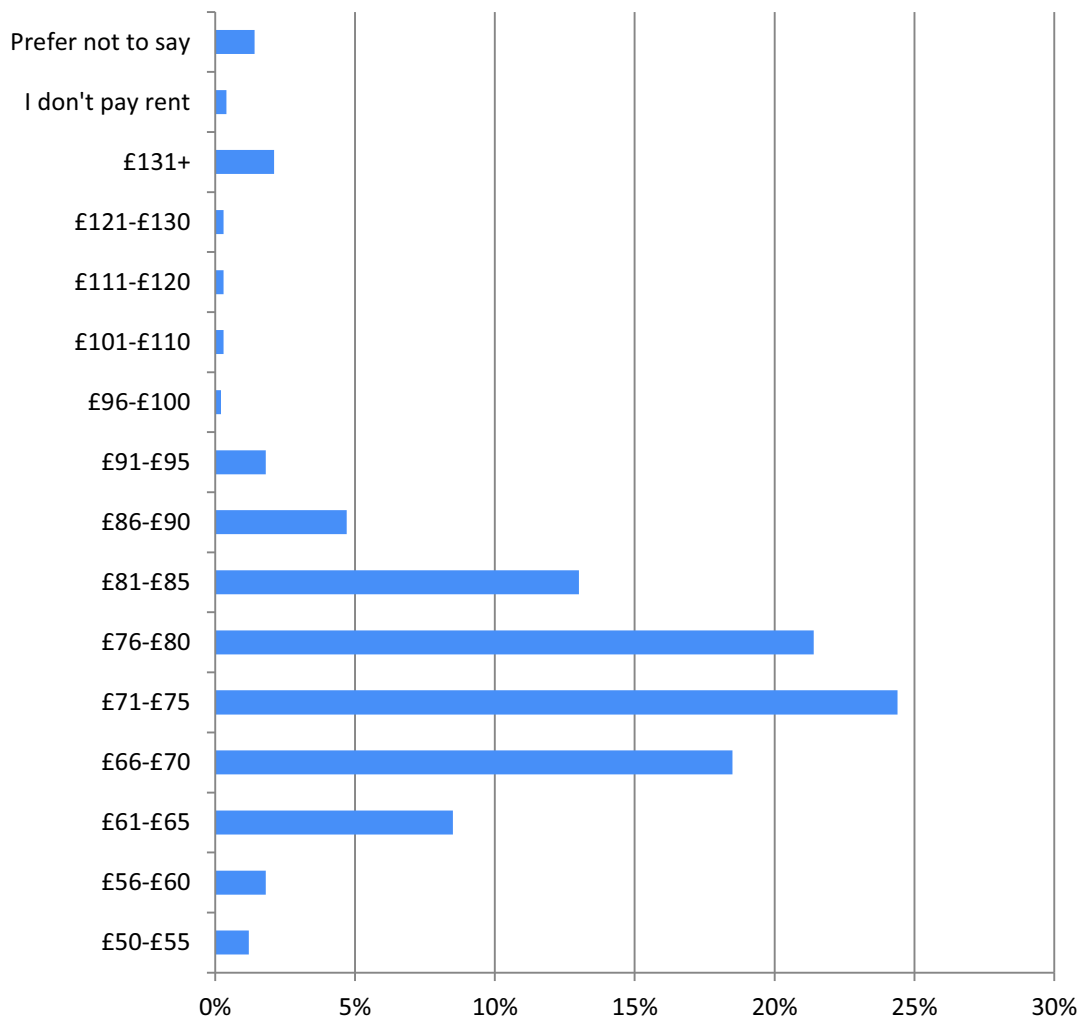


Figure 3: Weekly spend on rent

Students paid a range of different rates for their properties in York with over 64.3% stating that they paid between £66 and £80 per week. The average spend¹ of the sample was £75, with University of York students paying an average of £78 per week rent and York St John students paying an average of £70 per week. The cheapest areas to live in included Heworth and Haxby which had an average rent of £68 per week; this was followed by Clifton, Tang Hall, Fulford and the Groves all with an average rent of £71. The most expensive areas, with average rents of over £80, included Guildhall/City Centre, Holgate, Micklegate and Badger Hill. Interestingly postgraduate students spent an average of £80 compared to undergraduates who spent an average of £76 per week.

Satisfaction with Property and Landlord/agent

Respondents were asked to rate several aspects of their current property including: the quality of their accommodation, the ability to contact their landlord/letting agent, efficiency of their landlord/letting agent, their landlord/letting agent overall and the up-keep of the gardens/grounds.

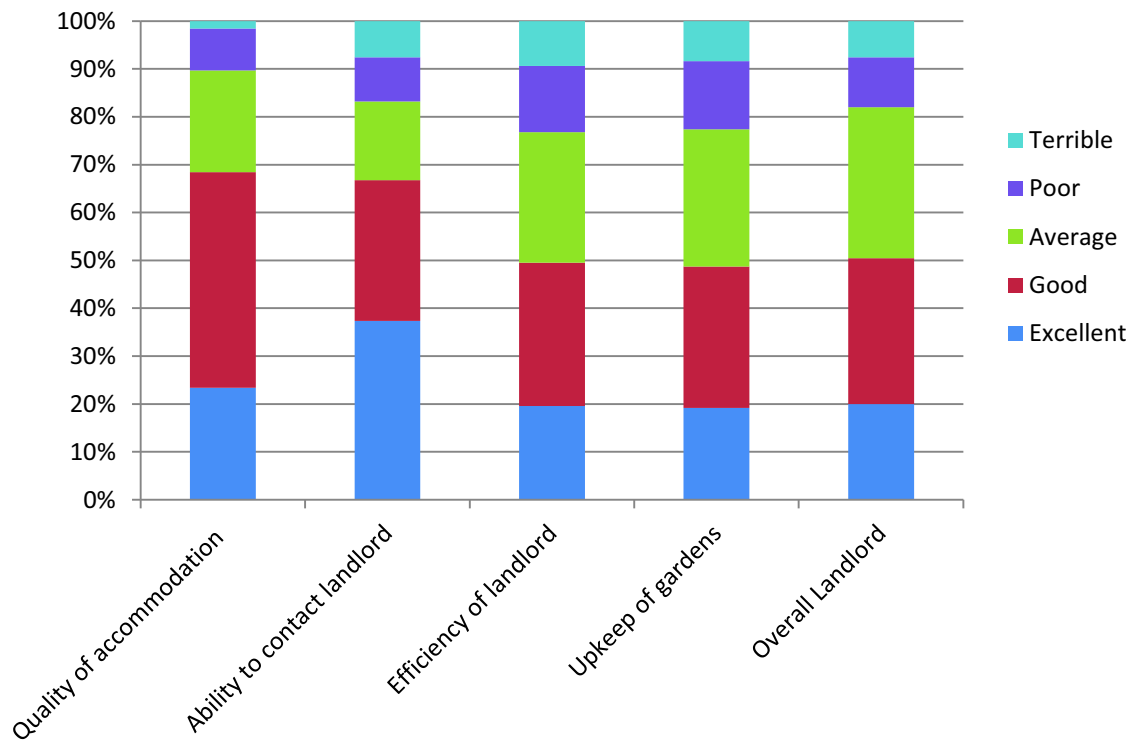


Figure 4: Ratings of property and landlord/letting agency

A total of 68.4% of respondents rated the **quality of their accommodation** as good or excellent and 10.3% rated it as poor or terrible. The areas that received the highest levels of poor or terrible ratings included Micklegate (28.6%), Clifton (23.3%), The Groves (22.8%) and Haxby (21.4%). The areas that received the highest levels

¹ Average spends were calculated using the average value of each price bracket.

of good or excellent ratings included Holgate (88.9%), Osbaldwick (90%), Fishergate (77.8%) and Fulford (76.5%). Encouragingly, South Bank, Holgate and Bootham received no poor or terrible ratings. There was also a significant correlation between the price of the rent and the quality of the property with more expensive properties receiving more positive quality ratings. Interestingly there was a significant difference in level of quality of accommodation depending on the University that the respondents were enrolled at with 72.9% of students at the University of York stating that the quality of their accommodation was good or excellent compared to only 57.2% of students enrolled at York St John University (see Appendix 3 for breakdown by University and area).

Many students reported that they had had lots of issues with their accommodation and that many items and appliances were broken:

“We've had problems with slugs and sewage leaking into the kitchen and damp.”

“I have had mould in my room for over a year and the landlady just repaints the wall and it keeps coming back on the external wall of my room, I believe there is a problem with the wall but they won't look into it further.”

“Broken heating took 3 weeks to fix, broken tumble dryer took since July to fix this week, a number of problems with the property that simply aren't being addressed.”

“Mould all over the house, had trouble getting rid of making our clothes etc go mould.”

“The roof internally is damp with a patch on it that was painted over to hide it. If I put anything on the floor it gets damp, and the room is constantly cold and smells funny.”

There were also several comments that revealed that some students were very satisfied with the quality of their accommodation stating that “the house is extremely nice, good size with good furnishings”.

Students were also asked several questions about their landlord:

Respondents were mostly satisfied with their **ability to contact their landlord/letting agent** with many commenting that their landlord was “easy to contact at any time of the day”. There were over 16% of respondents however who were not satisfied with their ability to contact their landlord or agent and had struggled doing so in the past. Many stated that “*the landlord is not replying to our calls or e-mails with regards to several issues we have with the property*”. Others commented that “*we report problems and they never come and sort them out, they don't get back to us if we have emailed them*”. Some also had landlords who lived outside the country and were very difficult to get hold of.

In some cases, despite being able to contact their landlord/letting agent, students were not satisfied with **the efficiency of their landlord/letting agent**, with 23% of respondents stating that they were poor or terrible. Students complained that problems were often not dealt with efficiently, repairs often took months to do and problems weren't taken seriously:

“After making several complaints about the state of the house (poor hygiene, many appliances not working), it took several weeks for the agent to do anything about this.”

“[Agent] are atrocious at dealing with anything that goes wrong, it takes at least a week for them to come and look at, let alone fix, anything. When we had water pouring through our ceiling it took them half an hour to even pick up on the emergency line and even then they were very unhelpful and the guy was reluctant to come round and even look at the problem, despite it being a health and safety hazard.”

“We had several leaks in the house and when trying to contact him he either didn't reply or when he did he said he'd come round tomorrow - but never did, and one housemate stayed in all day to wait for him to turn up when he did say this.”

“Had a few issues with the property and had to call [agent] Very unprofessional in dealing with the problems and slow. I had to chase them up to do things, they frequently made promises to me that they didn't keep and only sorted a certain situation out once I'd spoken to a director of the company.”

A further 57.2% stated however that the efficiency of their landlord was excellent or good:

“Can get hold of both [agent] and the landlord very easily and any maintenance is carried out swiftly.”

“Landlords have been very helpful and pleasant and carried out prompt repairs and replacements to the damaged sofa, soiled carpets, broken oven, damp stain and collapsed doorstep.”

“Landlords are very nice and helpful couple. Despite living far away (Essex) all the problems we report are sorted out almost immediately.”

“The house is extremely nice, good size with good furnishings. Landlord is easy to contact at any time of the day, and is very quick in dealing with issues and the like. Also a very likable individual who has made some effort to talk to us and get to know us a bit more, so it feels less awkward to contact him as needed.”

Students were also asked to rate their satisfaction with the **upkeep of the gardens/grounds** of their properties. Over 10% stated that the landlord/agent was not responsible for the garden; for those who were, just over 58% of respondents were satisfied with their landlord/agent's upkeep of the garden and grounds however some students commented that *“the garden is at an unacceptable condition, the landlord has always made excuses to not get the garden fixed”*. Others reported that the upkeep of their garden was poor but admitted that it was their responsibility to ensure that it was well maintained.

Overall, 62.1% of respondents rated their landlord/letting agent as good or excellent and some of the positive comments included:

“Excellent landlord, particularly after hearing of horror stories, it is a great relief to have a very co-operative landlord”.

“The landlords are absolutely wonderful, we can contact them anytime about anything, and they fully encourage us to do so. As it is rented directly from the landlords themselves rather than through a company it is much more personal and we can tell they really care about the students in their house, not just the house itself”.

There were however 18% of respondents who rated their landlord/letting agent as poor or terrible and some commented that they were inefficient, uncooperative and rude. Interestingly this was significantly higher for York St John University respondents where almost 30% of students rated their landlord/ letting agent as poor or terrible (see Appendix 4 for breakdown by University and area).

“[Agent], however, are abysmal. They don't care, and I feel that they think they don't have to listen to us because we're students. If we have a persistent problem, they only try and sort it out properly if the parents get in touch- we're adults, this is pathetic.”

“They are just generally appalling, unhelpful and do not, in anyway, want to make our property a nicer place to live in.”

“We have had nothing but problems, and the landlord is awful, threatening and bullying behaviour.”

Overall, private landlords were mostly rated more positively than any of the letting agents with 58.1% rating them as good or excellent and only 9.3% rating them as poor or terrible. In terms of the three most used letting agents, IG properties received 38% of positive ratings, Adam Bennett received 54.2% positive ratings and Sinclair was rated positively by 44.8% of their customers. Worryingly, there were 35.5% of IG customers who rated them overall as poor or terrible as well as 22.9% of Adam Bennet customers; Sinclair however only received 9.2% of negative ratings with 46% of respondents rating them as average.

Safety

Students were asked how safe they felt in their property and a total of 88.2% of respondents stated that they felt somewhat or very safe. Only 4.5% responded that they felt somewhat unsafe and less than 1% stated that they felt very unsafe. When asked what would make them feel safer in their accommodation, the top responses included better locks on windows and doors, working alarms, secure garden gates and better lighting outside the property. Students also stated that they would like better doors, locks on bedroom doors and night latches on the front doors so that they could not be left unlocked. Some students also felt that the area itself made them feel unsafe; the areas where students felt most unsafe included Haxby, Clifton, The Groves and Tang Hall. The areas where students reported feeling safest included South Bank, Bishopthorpe, Fishergate and Osbaldwick. Interestingly, significantly more UK students stated that they felt unsafe than either International or

other EU students. Furthermore students under the age of 24 were significantly more likely to state that they felt unsafe in their property than students over the age of 25.

Insurance

Students are encouraged to get insurance in order to cover their belongings when living in shared accommodation. Only 39% of the respondents stated that they had some insurance and the majority of these had insurance with Endsleigh (65%). Others had insurance under their parent's insurance or with their bank and almost 15% of respondents stated that they did not know whether they had any insurance. Interestingly undergraduates (41.8%) were significantly more likely than postgraduates (19.6%) to state that they had insurance and UK students (44%) were significantly more likely than both other EU (15.3%) and International (12.%) students to state that they had insurance.

Refuse collection

A total of 13.3% of respondents were not aware of when their black bin collection day was although some of these commented that this was because they lived in apartment blocks and therefore used a communal bin facility. Only 14.5% stated that their bin was collected weekly with the majority of 75.8% stating that it was collected fortnightly.

Several students commented that they would like their bins to be collected more regularly:

"I feel the bins need to be emptied more regularly as we have 6 students and often fill our black bin and recycling within one week."

"I wish the black bins were collected more than fortnightly, or we were at least given another black bin, as it is constantly overflowing."

When asked how they would prefer to receive information about waste collection in their area, a majority of 52.4% responded that leaflets were the best way followed by 25.1% stating that they wanted to find out via email. A further 11% wanted to use the council website and 9.8% were interested in a smartphone application to inform them of the details. Some students just stated that they wanted it to be *"easier to find out what day the bins are"*.

Respondents revealed that they had a very positive attitude towards recycling with only 1.4% saying that they did not recycle, 26.5% stating that they would recycle if it does not require any additional effort and an impressive 70.9% stating that they would recycle even if it requires additional effort. However, several students were frustrated that they had not been provided with adequate recycling bins and at the level of recycling that took place in York: *"The small boxes do not provide much room for recyclables and many items that can be recycled in other cities cannot be recycled here"*.

Car ownership and parking

Students were asked whether they owned and used a car in York and a total of 14.4% responded that they did. Unsurprisingly UK students were significantly more

likely than students from outside the UK to own a car. Of these, 49.5% stated that their property had allocated parking or a driveway and a further 45% used on street parking. Research postgraduates were significantly more likely than taught postgraduates and first, second and third year undergraduates but not fourth year undergraduates to have a car in York. Students who lived in Bootham, Huntington, Clifton and Badger Hill were the most likely to own cars and those who lived in the Guildhall/City Centre area were the least likely.

Your Neighbourhood

Students in the Local Area

Students were asked whether they knew of any student properties apart from their own in their local area and if so how many. Over 57% of respondents living in Bishopthorpe were not aware of any student properties in the area as well as 31.3% of students living in South Bank and 28.6% of students living in Micklegate. Furthermore, 28.6% of respondents living in Haxby stated that they knew of over ten student properties in their immediate area as well as 26.1% of students living in The Groves.

A total of 38.7% stated that they had direct neighbours who were students with a further 42% of respondents stating that they did not and 19.3% responding that they did not know. A total of 66.9% of students who had student neighbours had met their neighbours compared to a significantly lower 58.8% of those who did not have student neighbours. Interestingly some students commented that “*knowing the neighbours reassured both me and my house mates*”.

Complaints

Respondents were asked to indicate whether their neighbours had complained to them about a range of issues or whether they themselves had experienced any issues from their neighbours. Issues included: Noise problems, antisocial behaviour, parking problems, un-kempt gardens and problems with refuse and rubbish.

A total of 79.5% of respondents stated that they had never received any complaints about any of the above issues from their neighbours. There was no significant difference depending on what University the respondents were enrolled at, although there was a significant difference between undergraduates and postgraduates with undergraduates receiving overall more complaints than postgraduates.

The graph below shows the percentage of respondents stating that they had received a range of complaints from their neighbours.

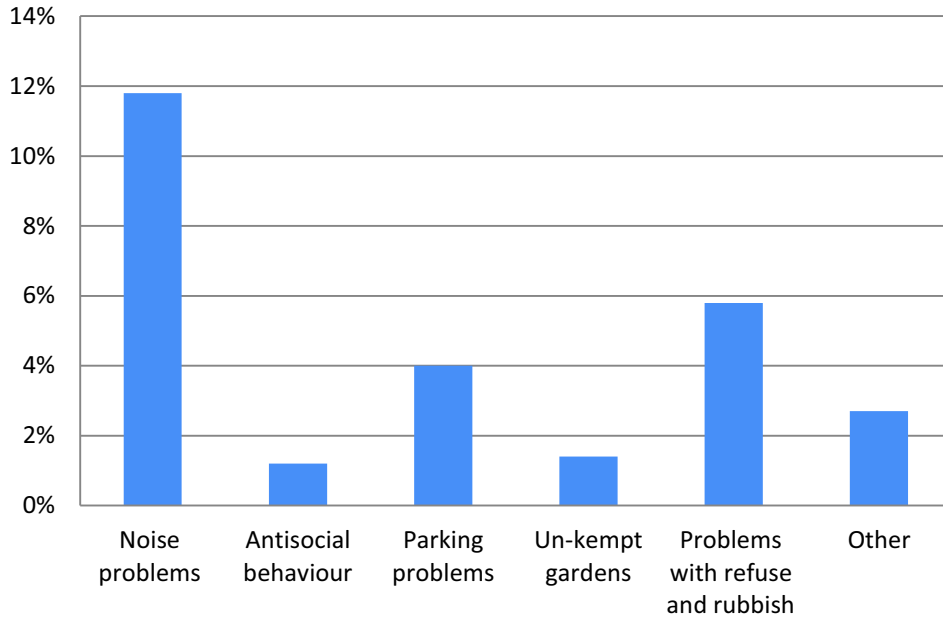


Figure 5: Range of complaint received from neighbours.

It can clearly be seen that most complaints were about noise and problems with refuse and rubbish. Interestingly, respondents were significantly less likely to report that they had received complaints from their neighbours about any of the issues, if they had met their neighbours; apart from complaints about un-kempt gardens where there was no significant difference.

Respondents were also asked if they themselves had experienced any of these issues from their neighbours:

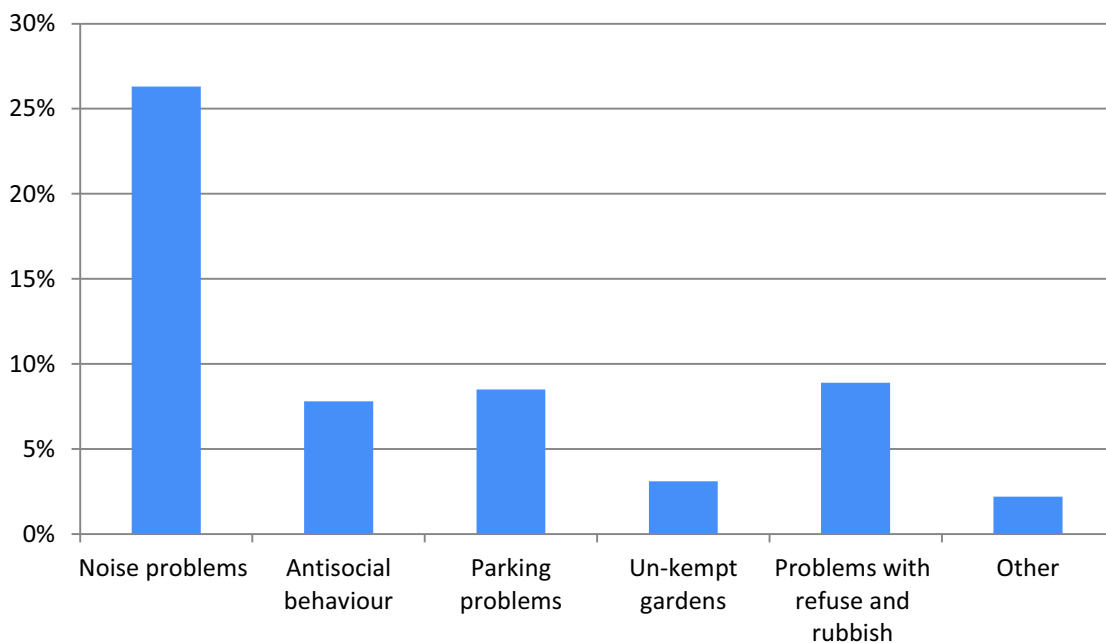


Figure 6: Range of issues experience from neighbours

Over 26% of respondents had experience noise problems from their neighbours whilst living in their property. Over 46% of these noise problems were reported by respondents who had student neighbours however 36% of them did not have any student neighbours. Respondents were significantly more likely to have experienced problems with refuse and rubbish if their direct neighbours were students than if they were not although there was no significant difference with any of the other issues.

Community

Respondents were asked to indicate to what extent they agreed with the following statement: 'I feel like a valued part of the local community'.

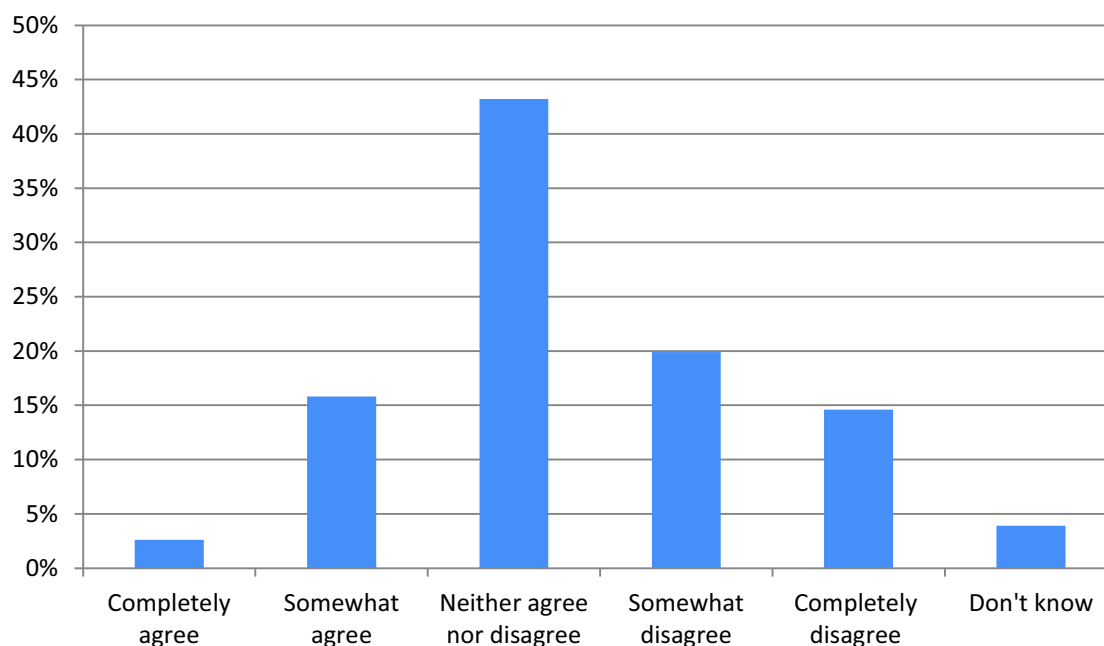


Figure 7: Level of agreement with the statement 'I feel like a valued part of the local community'

Only 18.4% of the respondents agreed that they felt like a valued part of the local community with a further 34.5% actively disagreeing. Interestingly, International students were significantly more likely to state that they agreed with the statement than UK students but not students from other UK countries. Undergraduates were significantly more likely to disagree with the statement than postgraduate students however there was no difference in the level of agreement with the statement. Students under the age of 24 were significantly more likely to disagree that they felt like a valued part of the community compared to more mature students; students over the age of 36 were the most likely to feel part of the community.

There was no difference in agreement levels between the University of York and York St John University however there were differences between different areas of York. Respondents who lived in Holgate (57.1%) and Bishopthorpe (55.6%) were the most likely to state that they felt like a valued part of the community, this was followed by students living in Guildhall/City Centre (26.5%), Heworth (25%) and Huntington (25%). The areas where students most disagreed with statement

included Bootham (42.9%), Badger Hill (42.1%), Tang Hall (40.2%) and Osbaldwick (39.5%). Interestingly, Students who had met their neighbours were significantly more likely to state that they felt like a valued part of their local community.

Future property

Lastly, students were asked whether they would consider living in University Halls in their next year. A total of 12.7% of students who were continuing at University stated that they would consider living in University halls next year, a further 61.7% stated that they would not and 23.4% said that they might consider it. International students (21.1%) were significantly more likely than UK students (10.3%) but not other EU (12.1%) students to state that they would be willing to live in University halls in the coming year. Interestingly, students from York St John University were significantly more likely than students from the University of York to state that they would not be willing to move into halls in the coming year.

Many students stated that although they had enjoyed halls during their first year they now felt it was **time to move on**:

"I enjoyed the experience of halls in the first year, but for 2nd and 3rd year the peace and quiet of your own home (and the chance to experience running my own home too!) has been wonderful".

Some of the other main reasons why respondents stated that they would not be willing to move back into University Halls were because they were **too expensive, not value for money** and of a **poor standard**:

"Considering the higher price of the on-campus accommodation, I would not consider living in university halls."

"I would LOVE to live in halls for the entire duration of my degree but the rent is just too expensive- my maintenance loan barely covers it, let alone buying groceries etc".

"The accommodation cost provided by university is too high, hence students doesn't have any option left, rather to look for private accommodation."

"Resident in halls first year, did not enjoy the living conditions, overcrowded and generally run down."

Students also **liked the independence and responsibilities** that came with off-campus living as well as being able to **choose who they lived with**:

"I like the freedom which living off-campus gives me. It is nice to be part of a community and I feel that moving back to campus would be a regression."

"Living off campus allows for more flexibility, is cheaper, and allows for more independence than living on campus."

“Off campus has more freedom and I believe experience living more independently will be beneficial for when I leave university.”

“When you move off campus, you enter the 'real world'. It makes you grow up a lot and you become even closer to your friends. You can really make the house your own and you have to make your own decisions about heating and bills.”

“I would prefer to live off-campus with people that I know and have chosen to live with.”

Comments also revealed that halls **did not feel very homely**, especial due to the **lack of communal space** and the living conditions were **noisy, small and cramped**:

“Halls are small and can be very isolated, when your living in a house it feels more of a home from home.”

“I like having a living room and the atmosphere living in a house with a few other people.”

“Lived in halls in first year, too noisy, especially when in final year of study.”

“Living in halls was fun throughout the first year - however it was hard to concentrate and the space was too confined.”

There were several students however who liked the idea of moving back into University halls. Many liked the fact that it was **more convenient, nicer, more secure** and they would be **closer to campus**.

“Being on campus is nice. It's close, slightly more social and you get most costs included in your rent.”

“Would be nice to be closer to campus and have everything sorted out ie bills and issues”

“Living in halls ensures a good standard of living conditions and also there is not the stress of having to organise the payment of bills and the way in which they are split between those you live with.”

“On campus accommodation would be more convenient for being involved with uni life and for getting to lectures; there is also the benefit of pre-paid bills!”

Some also thought that it would be **overall cheaper** and **more sociable** than living off-campus:

“University halls is cheaper as it includes bills and you are not paying for time that you are not there such as holidays”

“Easier to get involved with on campus events and feels more like you're part of a community than off campus.”

Lastly there were others who stated that their decision would **depend on what their friends were doing** and **how much it would cost overall**.

“Strongly depends on the coherence of my current housemate group, as well as on university accommodation prices, in comparison to private sector prices.”

“If I were to do another year I would prefer to be in halls, as long as I could be with people i specified.”

Conclusion

The research reveals that the majority of students are choosing their properties based on the property itself rather than the landlord or letting agent. However, for properties owned by private landlords, students are more likely to choose them if they are on the housing list. Other factors that influenced the choice of property included price, location and the actual quality of the accommodation. Whilst a high percentage rated the quality of their accommodation and their ability to contact their landlord/letting agent as satisfactory, much lower ratings were seen for the efficiency of landlords/letting agents and the upkeep of the gardens. Tenants felt that their landlord/letting agent was often too slow to respond to problems with the property and did not carry out certain repairs as promised. Students from York St John University also had lower levels of satisfaction than students from the University of York in terms of satisfaction with the quality of their property and their landlord.

The majority of students revealed that they felt safe in their property, although worryingly, very few respondents stated that they had insurance to protect their belongings with only 39% of the sample stating that they did. Respondents also reported having a high positive attitude towards recycling and waste disposal although many suggested that refuse needed to be collected more often.

The research revealed some of the issues that respondents had received complaints about as well as some of the issues that respondents themselves had received from their neighbours. It also revealed that very few students felt like they were a valued part of their community although those who did were significantly more likely to have met their neighbours. Lastly the research explored whether students would be willing to move back into University halls in coming years and their reasons behind this.

The results of this research will be used to provide key recommendations about off-campus student accommodation as part of the Community Strategy.

Appendix 1: Survey


Rate Your Property

Demographics

As part of a joint community strategy York St John Students' Union and the University of York Students' Union are asking their members to tell them about their experiences of living off-campus.

This is a great opportunity for you to tell us about your landlord and the standard of your living conditions. The survey should only take 10mins and you could be in with a chance to win one of 20 £5 iTunes vouchers or an iPad mini.

Thank you in advance!



***1. How old are you?**

Under 21

21-24

25-28

29-35

36+

***2. What is your state of study?**

Undergraduate 1st year

Undergraduate 2nd year

Undergraduate 3rd year

Other (please specify)

Undergraduate 4th year

Taught postgraduate

Research postgraduate

***3. Gender**

Male

Female

Prefer not to say

Other (please specify)

Rate Your Property

***4. Where are you from?**

UK

Other EU

Non EU

***5. Which University are you enrolled at?**

University of York

University of York St John

Other (please specify)

***6. Do you currently live in accommodation off-campus?**

Yes

No

Location

***7. If you had the choice, would you consider living in University Halls next year?**

Yes

No

Maybe

Don't know

N/A

Please use this space to expand on your answer

Location

Rate Your Property

*8. What area do you currently live in?

- | | | |
|---|---|---------------------------------------|
| <input type="checkbox"/> Acomb | <input type="checkbox"/> Gildhall/City Centre | <input type="checkbox"/> Micklegate |
| <input type="checkbox"/> Badger Hill | <input type="checkbox"/> Heslington | <input type="checkbox"/> Osbaldwick |
| <input type="checkbox"/> Bishopthorpe | <input type="checkbox"/> Heworth | <input type="checkbox"/> Outside York |
| <input type="checkbox"/> Clifton | <input type="checkbox"/> Holgate | <input type="checkbox"/> South Bank |
| <input type="checkbox"/> Fishergate | <input type="checkbox"/> Hull Road | <input type="checkbox"/> Tang Hall |
| <input type="checkbox"/> Fulford | <input type="checkbox"/> Huntington | <input type="checkbox"/> The Groves |
| <input type="checkbox"/> Other areas in York (please specify) | | |

Finding your house

*9. Who is your letting agent/landlord?

- Sinclair
- Coalters
- Adam Bennett
- IG Properties
- AP
- Private Landlord
- Other (please specify)

*10. What made you choose them? (please select as many as applicable)

- | | |
|--|---|
| <input type="checkbox"/> Advertising (on campus) | <input type="checkbox"/> Reputation |
| <input type="checkbox"/> Advertising (online) | <input type="checkbox"/> They were on the University housing list |
| <input type="checkbox"/> Word of mouth | <input type="checkbox"/> I liked the property |
| <input type="checkbox"/> Had been with them before | <input type="checkbox"/> It was not my decision |
| <input type="checkbox"/> Price | |
| <input type="checkbox"/> Other (please specify) | |

Rate Your Property

11. What factors most influenced your decision when selecting a property? (please select your top 3)

- | | |
|---|--|
| <input type="checkbox"/> Safety of property | <input type="checkbox"/> Appliances |
| <input type="checkbox"/> Number of rooms in property | <input type="checkbox"/> Furnished property |
| <input type="checkbox"/> Parking facilities | <input type="checkbox"/> All inclusive bills |
| <input type="checkbox"/> Location | <input type="checkbox"/> The property was on the University housing list |
| <input type="checkbox"/> Quality of accommodation | <input type="checkbox"/> Already had friends living in the property |
| <input type="checkbox"/> Price/ affordability of property | <input type="checkbox"/> Added extras (e.g. Sky subscription, gardener etc.) |
| <input type="checkbox"/> Garden | <input type="checkbox"/> It was not my decision |
| <input type="checkbox"/> Energy efficiency | |
| <input type="checkbox"/> Other (please specify) | |

***12. Were you able to find suitable accommodation in your desired location?**

- Yes
- No
- Did not have a preference of location

If no, please expand

***13. Were you able to find suitable accommodation with the number of rooms that you were looking for?**

- Yes
- No

If no, please expand

Your Property

Rate Your Property

***14. What type of accommodation do you live in?**

Private/rented house
 Private/rented flat
 Private/rented bungalow
 Purpose built student accommodation (off-campus)
 Other (please specify)

***15. How much rent do you pay per week?**

<£50 £76-£80 £111-£120
 £50-£55 £81-£85 £121-£130
 £56-£60 £86-£90 £131+
 £61-£65 £91-£95 I don't pay rent
 £66-£70 £96-£100 Prefer not to say
 £71-£75 £101-£110

***16. Does your rent include utility bills?**

Yes
 No

***17. How would you rate the following aspects regarding your property?**

	Excellent	Good	Average	Poor	Terrible	Don't know/ not applicable
Quality of accommodation	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Ability to contact your landlord	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Efficiency of your landlord	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Landlord overall	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Up-keep of the gardens/grounds	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Please use this space to expand on your answer

Rate Your Property

***18. How safe do you feel in your property?**

Very safe
 Somewhat safe
 Neither safe nor unsafe
 Somewhat unsafe
 Very unsafe

What would make you feel safer?

Your Household

***19. How many people live in your household?**

1
 2
 3
 4
 5
 6+

Your Household

***20. What best describes your situation?**

I was already friends with my housemate(s) before moving in
 I did not know my housemate(s) before moving in
 I was friends with some of my housemates before moving in but not all

Your Neighbourhood

***21. Do you know of any other student properties in your immediate area?**

No
 Don't know
 1-2 properties
 3-4 properties
 5-6 properties
 7-8 properties
 9-10 properties
 10+ properties
 I live in purpose built student accommodation

***22. Have you met any of your direct neighbours?**

Yes I have introduced myself
 Yes they have introduced themselves
 No

Rate Your Property

***23. Are any of your direct neighbours students?**

- Yes
- No
- Don't know

***24. Have YOUR NEIGHBOURS ever complained about any of the following? (please select as many as applicable)**

- | | |
|---|--|
| <input type="checkbox"/> Noise problems | <input type="checkbox"/> Un-kept gardens |
| <input type="checkbox"/> Antisocial behaviour | <input type="checkbox"/> Problems with refuse or rubbish |
| <input type="checkbox"/> Parking problems | <input type="checkbox"/> None of these |
| <input type="checkbox"/> Other (please specify) | |

***25. Have YOU ever experienced any of the following from your neighbours? (please select as many as applicable)**

- | | |
|---|--|
| <input type="checkbox"/> Noise problems | <input type="checkbox"/> Un-kept gardens |
| <input type="checkbox"/> Antisocial behaviour | <input type="checkbox"/> Problems with refuse or rubbish |
| <input type="checkbox"/> Parking problems | <input type="checkbox"/> None of these |
| <input type="checkbox"/> Other (please specify) | |

***26. To what extent do you agree with the following statement: "I feel like a valued part of the local community"**

- | | | | | | |
|--|--------------------------------------|--|---|---|----------------------------------|
| <input type="radio"/> Completely agree | <input type="radio"/> Somewhat agree | <input type="radio"/> Neither agree nor disagree | <input type="radio"/> Somewhat disagree | <input type="radio"/> Completely disagree | <input type="radio"/> Don't know |
|--|--------------------------------------|--|---|---|----------------------------------|

27. Do you have any other comments about your neighbours or neighbourhood?

Insurance

***28. Do you have any contents insurance?**

- Yes
- No
- Don't know

If yes, who with?

Rate Your Property

Refuse collection

***29. What day is your black bin collection?**

- | | |
|---------------------------------|----------------------------------|
| <input type="radio"/> Monday | <input type="radio"/> Friday |
| <input type="radio"/> Tuesday | <input type="radio"/> Saturday |
| <input type="radio"/> Wednesday | <input type="radio"/> Sunday |
| <input type="radio"/> Thursday | <input type="radio"/> Don't know |

***30. How often do your black bins usually get emptied?**

- Daily
- Weekly
- Fortnightly
- Monthly
- Every 3 months
- Don't know
- Other (please specify)

***31. Which of the following best describes your attitude towards recycling?**

- I do not recycle
- I recycle if it does not require any additional effort
- I recycle even if it requires additional effort
- Don't know

***32. How would you prefer to be informed about details of waste collection in your area? (please select one option)**

- Council Website
- Smartphone app
- Leaflets
- Emails
- Other (please specify)

Car ownership

Rate Your Property

***33. Do you have a car in York?**

- Yes
- No

Parking

***34. What best describes your situation with regards to parking?**

- My property has allocated parking
- There is on-street parking - permit needed
- There is on street parking - no permit needed
- Other (please specify)

Thank you!

35. Do you have any other comments about any of the issues raised throughout this survey?

36. Thank you for completing the survey! For your chance to win one of 20 £5 iTunes vouchers or an iPad mini, please enter your email address below:

Appendix 2: Demographics

The Rate Your Property survey was fully completed by a total of 788 students living off campus. Below is a brief summary of the demographics of respondents:

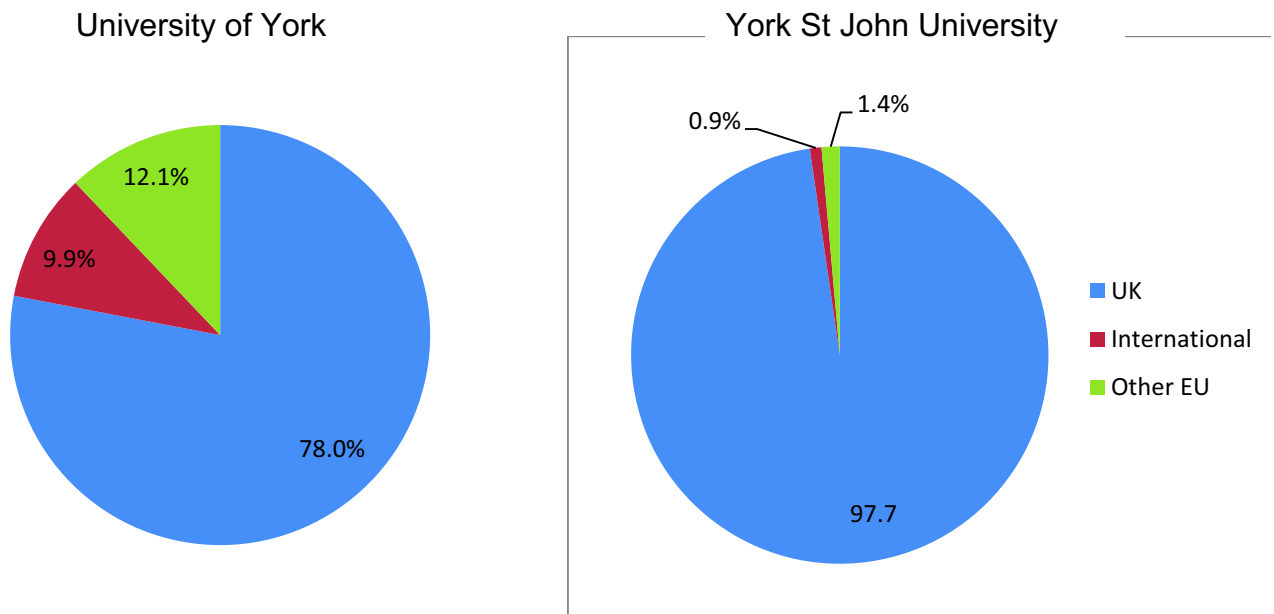
Age

Age category	University of York (%)	York St John University (%)	Total (%)
21 or below	58.0	75.2	62.8
21-24	29.1	22.1	27.0
25-28	7.1	2.3	5.8
29-35	3.9	0.5	2.9
36+	2.0	0	1.4

Gender

Gender	University of York (%)	York St John University (%)	Total (%)
Male	33.0	26.1	31.0
Female	66.1	73.4	68.2
Prefer not to say	0.9	0.5	0.8

Nationality- Overseas status



State of study

State of study	University of York (%)	York John University (%)	St Total (%)
Undergraduate 1st year	9.2	3.6	7.6
Undergraduate 2nd year	39.3	44.2	40.7
Undergraduate 3rd year	28.2	51.3	34.8
Undergraduate 4 th year	4.4	0.0	3.2
Taught postgraduate	11.0	0.4	8.0
Research postgraduate	7.1	0.4	5.2

Area of property

Percentage of respondents living in each area of York based on what University they attend.

Area	Excellent & Good	Average	Poor & Terrible
Acomb	0.4%	0.0%	0.3%
Badger Hill	6.7%	0.0%	4.8%
Bishopthorpe	1.2%	0.0%	0.9%
Bootham	0.4%	2.2%	0.9%
Clifton	0.4%	12.5%	3.8%
Dringhouses	0.2%	0.0%	0.1%
Fishergate	4.6%	0.4%	3.4%
Fulford	12.1%	0.0%	8.6%
Guildhall/City Centre	2.1%	9.8%	4.3%
Haxby	0.0%	6.3%	1.8%
Heslington Road area	10.5%	0.9%	7.8%
Heworth	3.9%	9.8%	5.6%
Holgate	0.4%	3.1%	1.1%
Hull Road	27.9%	2.2%	20.6%
Huntington	0.0%	8.9%	2.5%
Layerthorpe	0.2%	0.4%	0.3%
Micklegate	1.1%	0.4%	0.9%
Osbalwick	7.6%	0.0%	5.5%
Other areas in York (please specify)	0.4%	0.0%	0.3%
Outside York	2.8%	1.3%	2.4%
South Bank	2.8%	0.0%	2.0%
Tang Hall	13.7%	2.2%	10.4%
The Groves	0.7%	39.3%	11.7%

Appendix 3: Quality of Property by Area and University

All respondents

Area	Excellent & Good	Average	Poor & Terrible	(N)
Acomb	100.0%	0.0%	0.0%	2
Badger Hill	68.4%	21.1%	10.5%	38
Bishopthorpe	71.4%	14.3%	14.3%	7
Bootham	71.4%	28.6%	0.0%	7
Clifton	50.0%	26.7%	23.3%	30
Dringhouses	100.0%	0.0%	0.0%	1
Fishergate	77.8%	18.5%	3.7%	27
Fulford	76.5%	17.6%	5.9%	68
Guildhall/City Centre	67.6%	23.5%	8.8%	34
Haxby	50.0%	28.6%	21.4%	14
Heslington Road area	63.9%	24.6%	11.5%	61
Heworth	70.5%	25.0%	4.5%	44
Holgate	88.9%	11.1%	0.0%	9
Hull Road	75.9%	19.8%	4.3%	162
Huntington	65.0%	15.0%	20.0%	20
Laythorpe	50.0%	50.0%	0.0%	2
Micklegate	57.1%	14.3%	28.6%	7
Osbalwick	86.0%	7.0%	7.0%	43
Other areas in York (please specify)	50.0%	50.0%	0.0%	2
Outside York	60.0%	40.0%	0.0%	5
South Bank	75.0%	25.0%	0.0%	16
Tang Hall	61.0%	26.8%	12.2%	82
The Groves	54.3%	22.8%	22.8%	92
(blank)				
Grand Total	68.4%	21.3%	10.2%	773

Respondents Enrolled at the University of York

Area	Excellent & Good	Average	Poor & Terrible	(N)
Acomb	100.0%	0.0%	0.0%	2
Badger Hill	68.4%	21.1%	10.5%	38
Bishopthorpe	71.4%	14.3%	14.3%	7
Bootham	50.0%	50.0%	0.0%	2
Clifton	100.0%	0.0%	0.0%	2
Dringhouses	100.0%	0.0%	0.0%	1
Fishergate	76.9%	19.2%	3.8%	26
Fulford	76.5%	17.6%	5.9%	68
Guildhall/City Centre	91.7%	8.3%	0.0%	12
Heslington Road area	62.7%	25.4%	11.9%	59
Heworth	77.3%	18.2%	4.5%	22
Holgate	100.0%	0.0%	0.0%	2
Hull Road	75.8%	19.7%	4.5%	157
Laythorpe	100.0%	0.0%	0.0%	1
Micklegate	50.0%	16.7%	33.3%	6
Osbalwick	86.0%	7.0%	7.0%	43
Other areas in York (please specify)	50.0%	50.0%	0.0%	2
Outside York	100.0%	0.0%	0.0%	2
South Bank	75.0%	25.0%	0.0%	16
Tang Hall	62.3%	26.0%	11.7%	77
The Groves	50.0%	50.0%	0.0%	4
Grand Total	73.0%	19.9%	7.1%	549

Respondents Enrolled at the York St John University

Area	Excellent & Good	Average	Poor & Terrible	(N)
Bootham	80.0%	20.0%	0.0%	5
Clifton	46.4%	28.6%	25.0%	28
Fishergate	100.0%	0.0%	0.0%	1
Guildhall/City Centre	54.5%	31.8%	13.6%	22
Haxby	50.0%	28.6%	21.4%	14
Heslington Road area	100.0%	0.0%	0.0%	2
Heworth	63.6%	31.8%	4.5%	22
Holgate	85.7%	14.3%	0.0%	7
Hull Road	80.0%	20.0%	0.0%	5
Huntington	65.0%	15.0%	20.0%	20
Laythorpe	0.0%	100.0%	0.0%	1
Micklegate	100.0%	0.0%	0.0%	1
Outside York	33.3%	66.7%	0.0%	3
Tang Hall	40.0%	40.0%	20.0%	5
The Groves	54.5%	21.6%	23.9%	88
Grand Total	57.1%	25.0%	17.9%	224

Appendix 4: Rating of Landlord Overall by Area and University

All respondents

Area	Excellent & Good	Average	Poor & Terrible	(N)
Acomb	100.0%	0.0%	0.0%	2
Badger Hill	70.3%	21.6%	8.1%	37
Bishopthorpe	100.0%	0.0%	0.0%	7
Bootham	71.4%	14.3%	14.3%	7
Clifton	50.0%	19.2%	30.8%	26
Dringhouses	100.0%	0.0%	0.0%	1
Fishergate	69.2%	15.4%	15.4%	26
Fulford	64.6%	21.5%	13.8%	65
Guildhall/City Centre	64.7%	14.7%	20.6%	34
Haxby	38.5%	15.4%	46.2%	13
Heslington	66.7%	16.7%	16.7%	60
Heworth	69.8%	23.3%	7.0%	43
Holgate	88.9%	0.0%	11.1%	9
Hull Road	70.9%	16.5%	12.7%	158
Huntington	40.0%	45.0%	15.0%	20
Layrthorpe	50.0%	0.0%	50.0%	2
Micklegate	0.0%	42.9%	57.1%	7
Osbalwick	59.5%	31.0%	9.5%	42
Other areas in York (please specify)	50.0%	0.0%	50.0%	2
Outside York	60.0%	40.0%	0.0%	5
South Bank	73.3%	26.7%	0.0%	15
Tang Hall	53.8%	23.1%	23.1%	78
The Groves	47.8%	17.4%	34.8%	92
Grand Total	62.1%	20.0%	18.0%	751

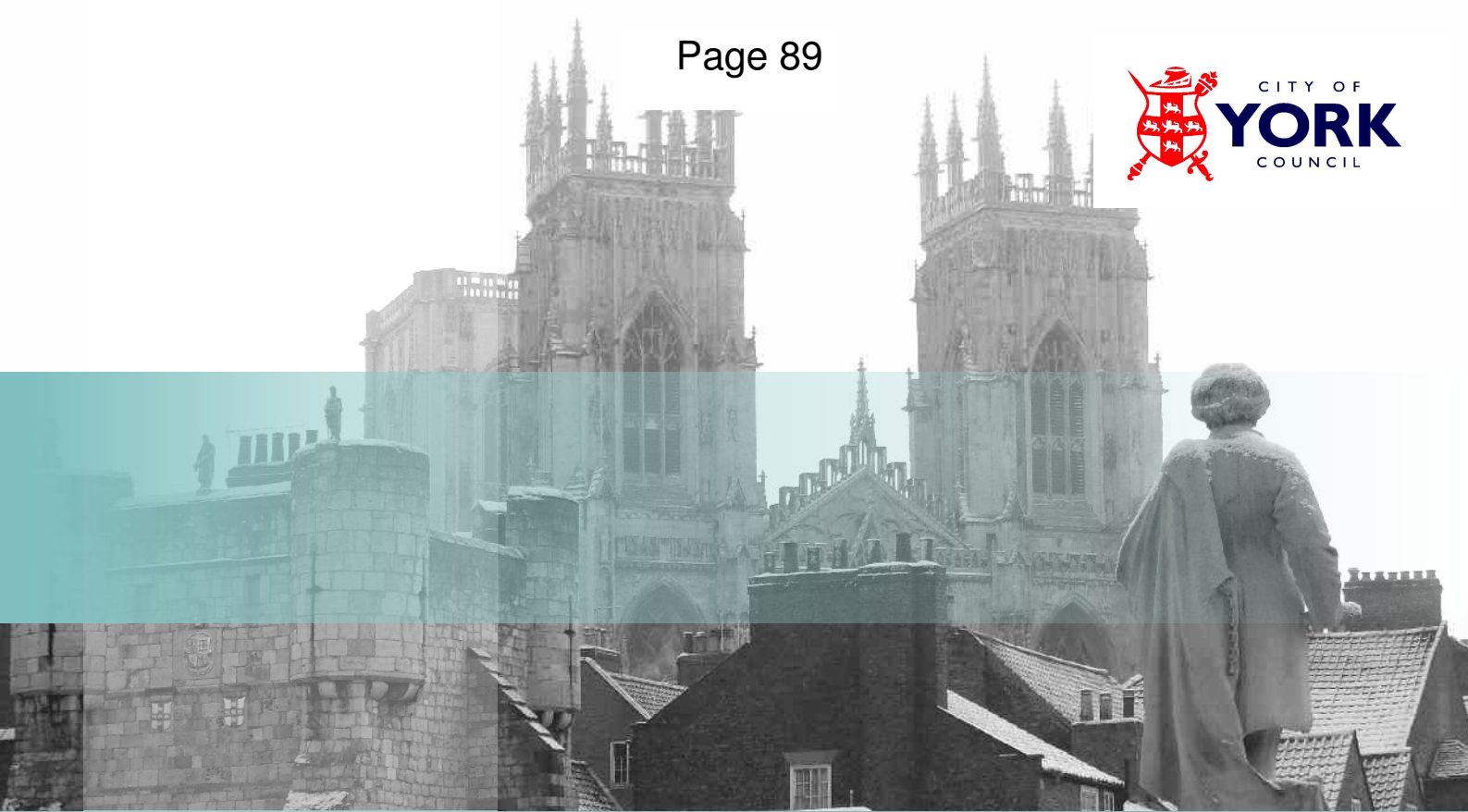
Respondents Enrolled at the University of York

Area	Excellent & Good	Average	Poor & Terrible	(N)
Acomb	100.0%	0.0%	0.0%	2
Badger Hill	70.3%	21.1%	8.1%	37
Bishopthorpe	100.0%	0.0%	0.0%	7
Bootham	100.0%	0.0%	0.0%	2
Clifton	100.0%	0.0%	0.0%	2
Dringhouses	100.0%	0.0%	0.0%	1
Fishergate	68.0%	15.4%	16.0%	25
Fulford	64.6%	20.6%	13.8%	65
Guildhall/City Centre	91.7%	8.3%	0.0%	12
Heslington Road area	65.5%	16.9%	17.2%	58
Heworth	71.4%	22.7%	4.8%	21
Holgate	100.0%	0.0%	0.0%	2
Hull Road	71.9%	15.3%	12.4%	153
Laythorpe	100.0%	0.0%	0.0%	1
Micklegate	0.0%	33.3%	66.7%	6
Osbalwick	59.5%	30.2%	9.5%	42
Other areas in York (please specify)	50.0%	0.0%	50.0%	2
Outside York	100.0%	0.0%	0.0%	2
South Bank	73.3%	25.0%	0.0%	15
Tang Hall	57.5%	20.8%	20.5%	73
The Groves	50.0%	50.0%	0.0%	4
Grand Total	67.5%	18.8%	13.2%	532

Respondents Enrolled at the York St John University

Area	Excellent & Good	Average	Poor & Terrible	(N)
Bootham	60.0%	20.0%	20.0%	5
Clifton	45.8%	17.9%	33.3%	24
Fishergate	100.0%	0.0%	0.0%	1
Guildhall/City Centre	50.0%	18.2%	31.8%	22
Haxby	38.5%	14.3%	46.2%	13
Heslington Road area	100.0%	0.0%	0.0%	2
Heworth	68.2%	22.7%	9.1%	22
Holgate	85.7%	0.0%	14.3%	7
Hull Road	40.0%	40.0%	20.0%	5
Huntington	40.0%	45.0%	15.0%	20
Laythorpe	0.0%	0.0%	100.0%	1
Micklegate	0.0%	100.0%	0.0%	1
Outside York	33.3%	66.7%	0.0%	3
Tang Hall	0.0%	40.0%	60.0%	5
The Groves	47.7%	15.9%	36.4%	88
Grand Total	48.9%	21.0%	29.7%	219

**Annex E: Proposed Amendments to the Controlling the Concentration of
HMO's SPD**



SUPPLEMENTARY PLANNING DOCUMENT

DRAFT **Controlling the Concentration of Houses in Multiple Occupation**

Approved 2012, Amended 2013

City of York

Local Plan

Draft Controlling the Concentration of Houses in Multiple
Occupation Supplementary Planning Document
Approved April 2012, amended 2013

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format (for example, large print or by email) or another language.

This information can be provided in your own language.

我們也用您們的語言提供這個信息 (Cantonese)

এই তথ্য আপনার নিজের ভাষায় দেয়া যেতে পারে। (Bengali)

**Ta informacja może być dostarczona w twoim
własnym języku. (Polish)**

Bu bilgiyi kendi dilinizde almanız mümkündür. (Turkish)

یہ معلومات آپ کی اپنی زبان (بولی) میں بھی مہیا کی جاسکتی ہیں۔ (Urdu)

 (01904) 551550

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1.0 Introduction

- 1.1 ~~The National Planning Policy Framework National policy guidance provides the context for local planning policy to meeting the overarching objective of creating sustainable, inclusive and mixed communities. ensure that balanced and mixed communities are developed. With the aim of avoiding situations where existing communities become unbalanced by the narrowing of household types and the domination by a particular type of housing.~~ Within this context, a key City of York Council priority from its *Sustainable Community Strategy, York – A City Making History 2008 -2025 (2008)* is building confident, creative and inclusive communities that are strong, supportive and durable.
- 1.2 Houses in Multiple Occupation¹, or HMOs as they are commonly referred to, represent a significant and growing proportion of the mix of housing in York. They make an important contribution to York's housing offer, providing flexible and affordable accommodation for students and young professionals, alongside low-income households who may be economically inactive or working in low paid jobs. Whilst HMOs are regarded as a valuable asset to the city's housing offer there has been debate about the wider impacts that concentrations of HMOs are having on neighbourhoods and increasing rental costs. This debate has mainly been driven by the increasing number of student households in the city and focuses on the detrimental impact large concentrations of HMOs can have on neighbourhoods, such as the loss of family and starter housing.
- 1.3 An evidence base has been developed by the Council to explore the distribution and impact of HMOs, typically occupied by student households, which indicates that it is necessary to control the number of HMOs to ensure that communities do not become imbalanced. This control ~~is~~ will be achieved through an Article 4 Direction which ~~came~~ will come into force on 20 April 2012. This removes permitted development rights, requiring a planning application to be submitted to change a property into an HMO. This Supplementary Planning Document (SPD) provides guidance on how these planning applications will be determined.

2.0 Supplementary Planning Documents

Purpose

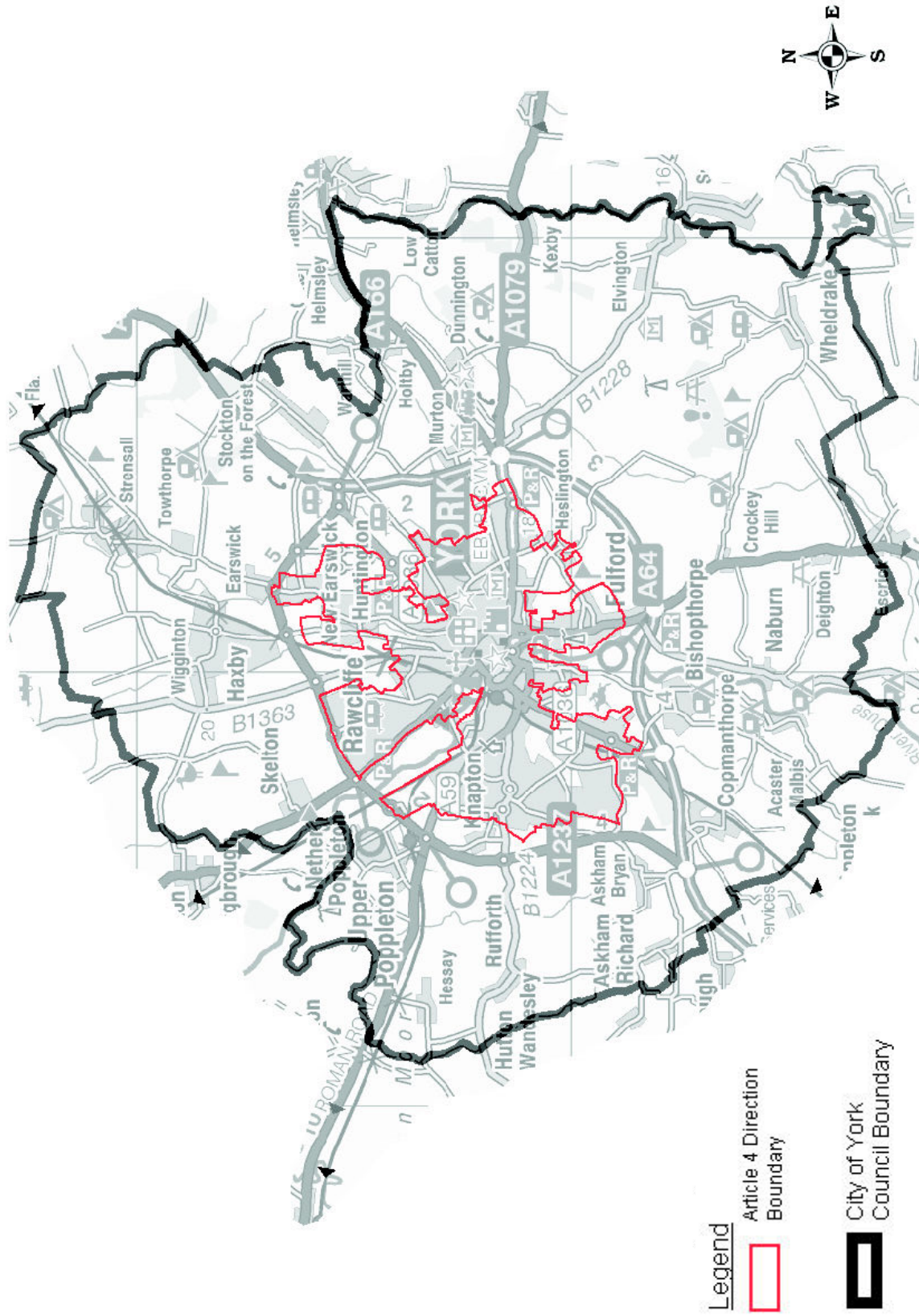
- 2.1 An SPD is intended to expand upon policy or provide further detail to policies in Development Plan Documents. It does not have development plan status, but it will be afforded significant weight as a material planning consideration in the determination of planning applications. This SPD remains a draft until such a time as there is an adopted development plan in York. Although a 'draft' SPD this documents is a material consideration in the planning application process.

¹ A House in Multiple Occupation or HMO can be defined as a dwelling house that contains between three and six unrelated occupants who share basic amenities

Scope

- 2.2 The guidance will apply to all planning applications for development consisting of a change of use of a building from a use falling within the Use Class 'C3' (a family dwelling house or flat for example) to Use Class 'C4' (small HMO) from dwellinghouse (Use Class C3) to small HMO (Use Class C4) within the main urban area, as shown at Figure 1. It will also apply to planning applications for the change of use from ~~dwellinghouse~~ Use Class C3 to 'sui generis' large HMOs (Use Class 'sui generis') and flexible permissions within Use Class C3 to C3/C4 or C3/Sui Generis large HMOs across the whole Local Authority area. Please see Section 3.0 below for further information with regard to what constitutes an HMO and Section 3.0 for information regarding the Council's Article 4 Direction
- 2.3 The guidance will not apply to purpose-built student accommodation and will not apply retrospectively to existing HMOs. It should be noted that change of use from a small HMO (C4) to dwellinghouse is permitted development and does not require planning permission. However, permission is still required to change a large HMO (sui generis) into a dwellinghouse.
- 2.4 In addition to this guidance, other policies from the Local Plan (2005) and emerging ~~Core Strategy~~ Local Plan may also be relevant to the consideration of an HMO planning application, depending on individual circumstances. This SPD provides guidance only; please contact the Council's Development Management team for further advice (contact details are provided at the end of this document).

Figure 1: Extent of Article 4 Direction – The Main Urban Area



3.0 Context

HMO Definition

- 3.1 On 6 April 2010, amendments were made to the Use Classes Order and the General Permitted Development Order to introduce a new class of type C development – C4 ‘Houses in Multiple Occupation’. These are commonly referred to as ‘small HMOs’. ‘Sui Generis²’ HMOs where there are 6 or more unrelated people are still considered as HMOs, but these are now commonly referred to as ‘large HMOs’ which, in broad terms, consist of more than six occupants³. The new use class, C4, describes, for planning purposes, a house that contains between three and six ~~three, four or five~~ unrelated occupants who share basic amenities. However, in accordance with Circular 08/2010: Changes to Planning Regulations for Dwellinghouses and Houses in Multiple Occupation⁴, properties that contain the owner and up to two lodgers do not constitute HMOs for these purposes. To classify as an HMO, a property does not need to be converted or adapted in any way.

Powers under planning legislation to manage the spatial distribution of HMOs

- 3.2 Following the formation of the Coalition Government, changes were made to the General Permitted Development Order on 1 October 2010 making changes of use from Class C3 (single household dwellinghouses) to C4 (HMOs) permitted development. This means that planning permission for this change in use is not required. Should Local Authorities wish to exert tighter planning controls on the development of HMOs, permitted development rights would have to be removed through a planning mechanism called an Article 4 Direction.
- 3.3 Under an Article 4 Direction planning permission, within a given area, would then be required for a change of use from a dwelling house to an HMO. It should be noted that the effect of an Article 4 Direction is not to prohibit development, but to require a planning application to be submitted for development proposals, to which it applies, in a particular geographical area. This is what has been done in York for the main urban area.
- 3.4 On 15 April 2011 the Council published its intention to implement an Article 4 Direction relating to development comprising change of use from Class C3 (dwellinghouse) to a use falling within Class C4 (HMO). The effect of the

² In a planning sense Sui Generis relates to uses that do not fit within the four main use class categories.

³ It should be noted that a property does not automatically become a large HMO or ‘sui generis’ just because it has more than six occupants. A change of use has to be ‘material’ and it is possible that individual circumstances may mean that an HMO with, for example, seven people could be assessed as not being materially different from a six person HMO. In which case, a material change of use has not occurred and planning permission would not be required.

⁴ See Annex A, paragraph 6 of Circular 08/2010: Changes to Planning Regulations for Dwellinghouses and Houses in Multiple Occupation, Communities and Local Government, November 2010

Direction is that within the main urban area of York (see Figure 1 on Page 3), permitted development rights are removed for this type of development. Planning permission is therefore required for a change of use within the defined area from Class C3 to Class C4 ~~once the Article 4 Direction is in force~~. The Article 4 Direction, confirmed at Cabinet on 1 November 2011, applies to the main urban area as shown within the red line boundary on the map at Figure 1 and ~~came will come~~ into effect from 20 April 2012.

Powers under housing legislation to improve the management and condition of HMOs

- 3.5 The standard and management of existing HMOs is primarily controlled through the Housing Act 2004 and Regulations. Under this Act, Local Authorities have a duty to license any HMOs that are three storeys or over and are occupied by five or more persons. This is known as mandatory licensing. Authorities also have the option of extending licensing (known as additional licensing) to other types of HMO or to specific areas (known as selective licensing). Other actions may include a landlord accreditation scheme or street/community wardens to deal with anti-social behaviour.
- 3.6 The Council's current approach recognises that HMOs are a vital source of accommodation within the City used by a range of tenants and is to:
- rigorously enforce the mandatory provisions of the Act by licensing larger HMOs (three storey and more with five or more unrelated occupants);
 - ensure that we fulfil our duty to inspect all licensed HMOs;
 - respond to and investigate complaints about general housing conditions and management; we use the legal tool called the Housing Health and Safety Rating System to assess the condition and the HMO management regulations which provides a framework for managers to ensure that the accommodation including the outside space is kept in a good order, tidy and clean; and
 - investigate complaints of overcrowding; although the problem of overcrowding in the city is low we have found that HMOs can be more prone to overcrowding than other sectors.
- 3.7 This approach is complemented by the Code of Best Practice⁵ for shared student accommodation. This has been developed in partnership with the universities. It provides clear information about housing standards and is part of the Council's strategy to ensure that students feel welcome and reassured by removing some of the uncertainties from house hunting.
- 3.8 The Council is currently pursuing the implementation of an accreditation scheme which will be in place by the end of 2013. The new YorProperty scheme is voluntary and landlords and/or agents can sign up for accreditation

⁵ Please see http://www.york.gov.uk/downloads/file/1516/letting_property_to_students-the_2013_2014_code_of_best_practice_for_landlords_and_students
http://www.york.gov.uk/housing/hmo/Landlords_accreditation_scheme/

if they agree to meet certain standards which promote safe accommodation. Once accepted, properties of accredited members will be marketed on a branded website, supported by City of York Council. The aim behind accreditation is to provide landlords with information and skills to build successful businesses, to help tenants identify safe, high quality accommodation and for self-certification of private rented properties to dominate. As the scheme comprises an element of self-regulation on the parts of landlords and letting agents, 10% of properties registered with the scheme will be inspected annually to ensure the validity of the scheme. More information about the scheme can be found at www.yorproperty.co.uk. This will seek voluntary compliance by private landlords with good standards in the condition and management of their properties and their relationship with their tenants. Additional licensing which would require all HMO landlords to obtain a license is also being considered by the Council.

- 3.9 The exercise of powers available to the Council under the Housing Act 2004 does not directly control the scale and distribution of HMOs but importantly, it does provide opportunities for intervention to secure improvements to the management and maintenance of HMOs. Accordingly, it presents the Council with the opportunity to pursue complementary measures to support its planning policies. These measures cannot be developed through this SPD however and are instead covered by separate legislation.

4.0 Policy Framework

Local Plan (2005)

- 4.1 At the time of preparing the City of York Draft Local Plan (2005) the use class order provided no distinction between a dwelling occupied by one household, such as a family, and that of a dwelling occupied by up to 6 unrelated people. Albeit, shared houses where there are 6 or more residents did not fall within Class C3, and were defined as HMOs and fell within the Sui Generis use class. Accordingly, the Council had very limited control over the occupation of dwellings in the private rented sector by groups of up to 6 people.
- 4.2 It was within this context that Policy H7 'Residential Extensions' and Policy H8 'Conversions' of the City of York Draft Local Plan were written to control the conversion of properties to flats and for Houses in Multiple Occupation (for more than 6 people). These policies, appended at Annex 1 for information, essentially seek to ensure that residential amenity is protected. To support local plan policies Supplementary Planning Guidance on extensions and alterations to private dwelling houses was prepared which provide a reference for householders, builders and developers intending to alter or extend residential buildings.

~~Core Strategy Submission (Publication)~~ Emerging Local Plan

- 4.3 Work is currently underway on preparing a new Local Plan for the City of York. The Local Plan is a citywide plan which will help shape future development in York up to 2030 and beyond. It sets out the opportunities and

~~policies on what will or will not be permitted and where, including new homes and businesses. Using existing evidence base work and consultation undertaken as part of the Local Development Framework process as a starting point the council have prepared a draft Local Plan document that has been through a consultation process. Policy ACHM6 'Houses in Multiple Occupation' shown at Annex 2 replicates the policy approach set out in the original April 2012 Draft SPD in seeking to control the concentration of HMOs where further development of this type of housing would have a detrimental impact on the balance of the community and residential amenity. Policy CS7 'Balancing York's Housing Market' of the Core Strategy Submission (Publication) (2011) supports housing development which helps to balance York's housing market, addresses local housing need, and ensure that housing is adaptable to the needs of all of York's residents throughout their lives. This will be achieved in a number of ways as set out in the policy, which is shown at Annex 2. With regard to HMOs, the Local Development Framework (LDF) will seek to control the concentration of Houses in Multiple Occupation, where further development of this type of housing would have a detrimental impact on the balance of the community and residential amenity.~~

4.4 The emerging Core Strategy Local Plan continues to recognise that higher education institutions and the student population form an important element of the community and the presence of a large student population contributes greatly to the social vibrancy of the City and to the local economy. The Council are committed to ensuring their needs are met and will continue to work with the City's higher education institutions in addressing student housing needs. However, it is also recognised that concentrations of student households, often accommodated in HMOs, can cause an imbalance in the community which can have negative effects. These can include a rise in anti social behaviour, increases in crime levels, parking pressures and decreased demand for local shops and services, sometimes leading to closures. It can also put pressures on family and starter housing as owner occupiers and buy to let landlords compete for similar properties and have implications for non students seeking accommodation in the private rented sector.

4.5 It is considered that monitoring the spatial distribution and impacts of student housing will allow the Council to identify if it is necessary to prevent an increase in the number of student households in certain areas to ensure communities do not become imbalanced. As discussed in Section 3.0, this control can be achieved through an Article 4 Direction and the removal of permitted development rights, requiring landlords to apply for planning permission to change a property into an HMO.

5.0 Policy Approach

5.1 The policy approach to determining planning applications for change of use to HMO is guided by the emerging Local Plan LDF Vision to build strong communities. ~~for all of York's current and future residents having access to decent, safe and accessible homes throughout their lifetime.~~ A key element of the LDF Local Plan is its role in meeting the needs of specific groups, including students and supporting development which helps to balance York's housing

~~market, maintaining community cohesion and helping the development of strong, supportive and durable communities.~~

- 5.2 There is evidence to demonstrate that it is necessary to control the number of HMOs across the city to ensure that communities do not become imbalanced. A policy approach for the development management for HMOs of all sizes is required. A threshold based policy approach is considered most appropriate as this tackles concentrations of HMOs and identifies a 'tipping point' when issues arising from concentrations of HMOs become harder to manage and a community or locality can be said to tip from balanced to unbalanced.
- 5.3 Whilst there is no formal definition of what constitutes a balanced community, recently, there have been attempts to establish what constitutes a large HMO proportion and the threshold at which a community can be said to be/or becoming imbalanced. Useful precedents have been set in a number of Authorities. For York, through consultation, a threshold of 20% of all properties being HMOs across a neighbourhood and 10% at street level have been established as the point at which a community can tip from balanced to unbalanced.
- 5.4 Under the threshold approach an assessment of the proportion of households that are HMOs is undertaken within a given area. In assessing change of use planning applications, to capture as many different types of shared accommodation as possible the Council will use the following:
- council tax records - households made up entirely of students can seek exemption from Council Tax and the address of each exempt property is held by the Council. This applies to properties occupied only by one or more students either as full time or term time accommodation. Properties falling within 'Halls of residence' on campus will not be included, however some accommodation owned or managed by the universities off campus will included;
 - licensed HMOs - records from the Council's Housing team of those properties requiring an HMO licence will be utilised. These are those properties that are three storeys or over and are occupied by five or more persons;
 - properties benefiting from C4 or sui generis HMO planning consent – in addition to those properties already identified as having HMO permission, where planning permission is given for a change of use to C4 HMO or a certificate of lawful development issued for existing HMOs this will be recorded in the future to build up a clearer picture of HMO properties; and
 - properties known to the Council to be HMOs – this can be established through site visits undertaken by the Council's Housing team in response to complaints for example. Local knowledge of known HMOs is welcomed where there is demonstrable evidence that properties are operating as HMOs. If there is not sufficient evidence it will be assumed that properties are not HMOs.

- 5.5 These data sets will be collated to calculate the proportion of shared households as a percentage of all households. It is considered that these sources will provide the best approach to identifying the numbers and location of HMOs in an area, although it is accepted that it may not be possible to identify all properties of this type. The data will be analysed to avoid double counting, for example, identifying where a property may be listed as a licensed HMO and have sui generis HMO planning consent. Given that there are multiple data sources the HMO database will be updated a number of times a year to reflect these data sources ~~the information collated may be expected to change over the course of the calendar year as houses and households move in and out of the private rented sector it is considered appropriate to base the assessment on a single point in time.~~ Accordingly, data from the HMO licence register will be updated quarterly as and when the register is updated, planning permission and certificate of lawful use permissions will be updated monthly and Council Tax data will be updated annually, in May, to allow for a complete picture of Council Tax returns. Additional properties that become known to the Council will be added as and when they are confirmed to be HMOs. Updating the HMO database in this way will allow for best picture of existing HMOs to be known. City wide mapping ~~is~~ will be made available online for information, however for data protection reasons street level information collated in assessing a planning application can not be made public.
- 5.6 It is important to understand the appropriate geographic level at which the threshold approach should be applied. For York, it is considered appropriate to assess concentrations of HMOs at neighbourhood and street level. An approach that covers both neighbourhood and street level assessment of HMO will give the Council greater control in managing concentrations of HMOs. Under this approach, HMOs at a neighbourhood and street level will both be controlled, acknowledging that issues arising from concentrations of HMOs affect both neighbourhoods and individual streets
- 5.7 A combined approach of both a neighbourhood and street level analysis of HMOs will be undertaken to determine HMO planning applications. This will seek to control concentrations of HMOs of more than 20% of all households at a neighbourhood area and 10% at the street level. The following approach will be used:

Applications for the change of use from dwelling house (Use Class C3) to HMO (Use Class C4 and Sui Generis) will only be permitted where:

- *It is in a neighbourhood area where less than 20% of properties are exempt from paying council tax because they are entirely occupied by full time students, recorded on the Council's database as a licensed HMO, benefit from C4/Sui Generis HMO planning consent and are known to the Council to be HMOs; and*
- *Less than 10% of properties within 100 metres of street length either side of the application property are exempt from paying council tax because they are entirely occupied by full time students, recorded on the*

- Council's database as a licensed HMO, benefit from C4/Sui Generis HMO planning consent and are known to the Council to be HMOs; and*
- *The accommodation provided is of a high standard which does not detrimentally impact upon residential amenity.*

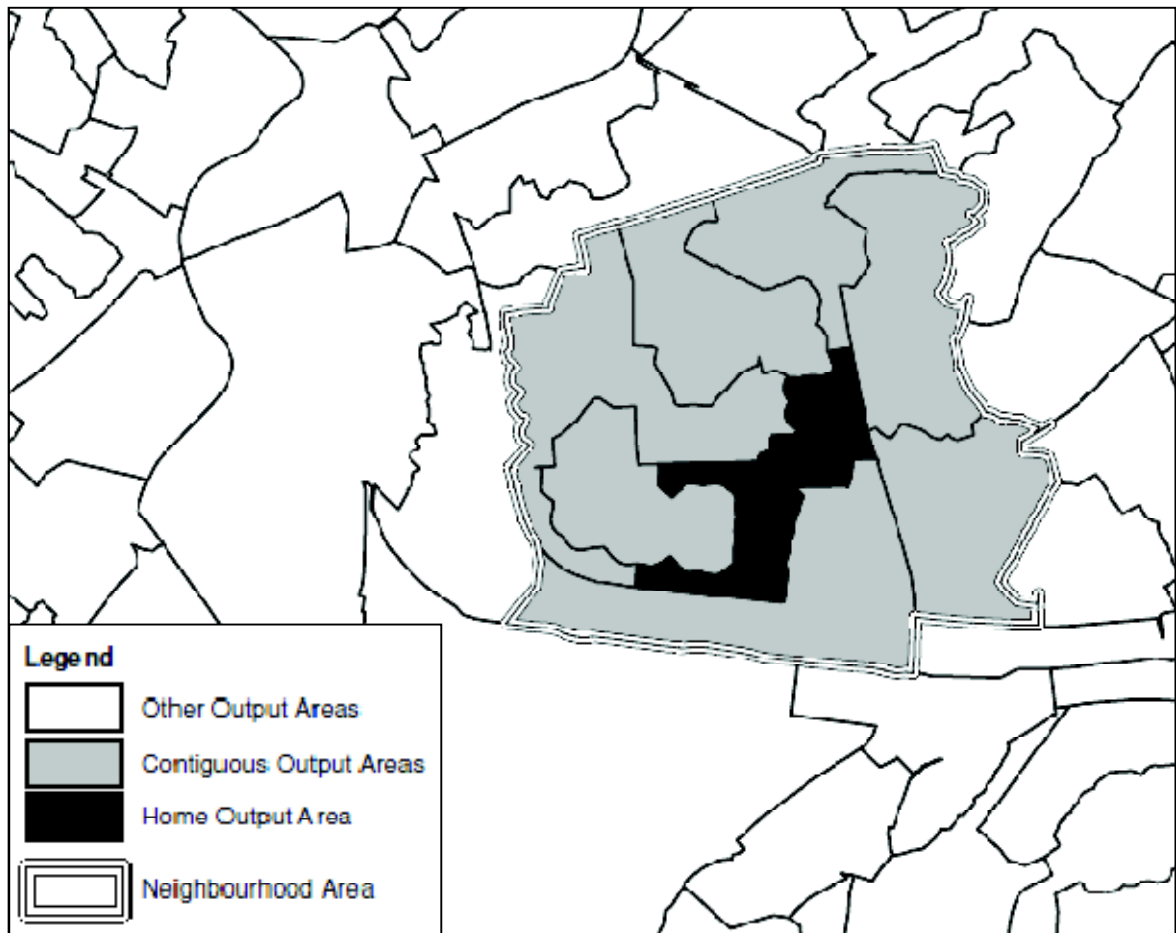
- 5.8 The aim of the policy is to continue to provide HMO accommodation to meet the City's housing needs but to manage the supply of new HMOs to avoid high concentrations of this use in an area. Given York's compact nature and well connected public transport network it is considered that the spreading out of HMOs to avoid unsustainable concentrations of HMOs will still mean that for students in particular, HMOs will remain highly accessible. Further information on the policy approach is set out below.

Assessing concentrations of HMOs

Neighbourhood Level

- 5.9 As highlighted in the evidence base underpinning the Article 4 Direction, it is considered that some issues arising from concentrations of HMOs can be a neighbourhood matter, going beyond the immediate area of individual HMOs. Particularly a decreasing demand for local schools and changes in type of retail provision, such as local shops meeting day to day needs becoming take-aways. Accordingly, a consistent and robust understanding of a 'neighbourhood area' has been developed.
- 5.10 Following best practice, it is considered that one 'output area' (capturing approximately 125 households, defined by the Office for National Statistics) is too small to properly represent a neighbourhood and accordingly, in assessing concentrations of HMOs a cluster of contiguous output areas will be applied. The number of contiguous output areas varies depending upon local circumstances but typically clusters comprised of between 5 and 7 output areas capturing 625 to 875 households will be used to calculate concentrations of HMOs at the neighbourhood level. An example of a cluster of output areas is shown at Figure 2. The 'home output area' is where the planning application is located. To ensure a consistent and robust approach, all adjoining output areas to the output area where the planning application is located will be used to form the neighbourhood area in all cases.

Figure 2: Neighbourhood Area



Street Level






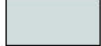


- 5.11 An assessment of concentrations of HMOs at street level will allow the Council to manage the clustering of HMOs along streets. This would prevent whole streets from changing use from dwellinghouses to HMO. Such control may be beneficial for those streets with property types that are particularly suited to HMO use and would protect the character of a street by maintaining a mixed and balanced community. This could avoid the situation where whole streets or large sections of streets change use to HMOs; the effects of which are most keenly felt out of term time when properties are empty.
- 5.12 A street by street approach will address the impacts large concentrations of HMOs can have on increased levels of crime and the fear of crime, changes in the nature of street activity, street character and natural surveillance by neighbours and the community outside of term times, standards of property maintenance and repair, increased parking pressures, littering and accumulation of rubbish, noise between dwellings at all times and especially music at night. Although it is important to note that it is not suggested that these impacts can be attributed to the occupants of HMOs such as students, who can often be the victims of crime for example or suffer from a poor quality environment.

5.13 It is considered that a length of 100 metres of street frontage can reasonably be considered to constitute a property's more immediate neighbours and is therefore the proposed distance threshold for assessing concentrations of HMOs at street level. This is proposed to be measured along the adjacent street frontage on either side, crossing any bisecting roads and also continuing round street corners. This is illustrated at Figure 3.

Figure 3: Street Level



Legend

-  100m starting point
-  100 metres
-  100 metres
-  Properties not included
-  Properties within 100m on application street on opposite side of the road
-  Properties within 100m on same side of the road
-  Properties within 100m that turn the corner from application street
-  Application Property

Residential Amenity

- 5.14 The purpose of this SPD is to provide guidance on the change of use from a dwellinghouse to an HMO. This may not involve any internal or external alterations to the property but the change of use in itself constitutes 'development'. The Council seeks a standard of development that maintains or enhances the general amenity of an area and provides a safe and attractive environment for all, including neighbouring residents and the occupants of HMOs themselves.
- 5.15 It is recognised that concentrations of HMOs can impact upon residential amenity and can, in some cases, create particular issues with regard to:
- increased levels of crime and the fear of crime;
 - poorer standards of property maintenance and repair;
 - littering and accumulation of rubbish;
 - noises between dwellings at all times and especially at night;
 - decreased demand for some local services;
 - increased parking pressures; and
 - lack of community integration and less commitment to maintain the quality of the local environment.
- 5.16 Several of these issues can be most keenly felt during out of term times when properties can be empty for long periods of time. It is also important to note that occupants of HMOs, such as students, are often be the victims of crime or suffer from a poor quality environment themselves.
- 5.17 In assessing planning applications for HMOs the Council will seek to ensure that the change of use will not be detrimental to the overall residential amenity of the area. In considering the impact on residential amenity attention will be given to whether the applicant has demonstrated the following:
- the dwelling is large enough to accommodate an increased number of residents⁶;
 - there is sufficient space for potential additional cars to park;
 - there is sufficient space for appropriate provision for secure cycle parking;
 - the condition of the property is of a high standard that contributes positively to the character of the area and that the condition of the property will be maintained following the change of use to HMO;
 - the increase in number of residents will not have an adverse impact on noise levels and the level of amenity neighbouring residents can reasonably expect to enjoy;

⁶ Whilst planning powers cannot be used to enforce internal space standards of existing dwellings and the level of facilities to be provided, planning can be used to secure adequate living conditions in dwellings in so far as they are affected by sunlight, daylight, outlook, privacy and noise. These factors can impinge on the internal layout of dwellings, especially HMOs and will be taken into consideration.

- there is sufficient space for storage provision for waste/recycling containers in a suitable enclosure area within the curtilage of the property; and
- the change of use and increase in number of residents will not result in the loss of front garden for hard standing for parking and refuse areas which would detract from the existing street scene.

5.18 In some cases, such as parking and bin storage there are Council standards which may be useful for applicants to refer to. For further advice on the above please see the planning guidance section of www.york.gov.uk.

5.19 The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 is the principal statutory instrument that controls the display of advertisements in England. The legislation includes certain groups of outdoor advertisements, including property 'for sale' and 'to let' boards which benefit from 'deemed consent'. These advertisements do not require planning consent, provided that the advert is displayed in accordance with the criteria set out in the regulations. Importantly, any board advertising a property for sale or to let must be removed within 14 days of the completion of the sale or granting of tenancy. The Council recognises that the proliferation of to let boards can detract from the street scene and adversely effect residential amenity. As such, the provisions of the Town and Country Planning (Control of Advertisements) Regulations 2007 will be rigorously enforced.

5.20 Permitted development rights under the General Permitted Development Order⁷ allow certain types of development to proceed without the need for planning permission. The most commonly used permitted development rights relate to dwelling houses. In York, properties benefiting from a Sui Generis HMO planning permission already have permitted development rights removed for certain types of development within the curtilage of the property, such as small scale extensions and alterations to the roof, including dormer windows. Where it is considered reasonable to do so, the Council may decide that it is necessary to remove permitted development rights for properties benefiting from C4 HMO planning permission. This would be achieved through attaching planning conditions to permission for change of use to C4 HMO. In the interest of residential amenity, such planning conditions may seek to resist inappropriate alteration or extension to properties and to avoid the hard surfacing of gardens. This will ensure that HMOs with gardens are able to revert back to dwelling houses for family occupation over the lifetime of the property. In some cases it may also be considered necessary to attach a condition to retain garages for the purposes of vehicle parking and the storage of cycles and bins.

5.21 A number of changes and additions to the rights to carry out works or change the use of land or buildings without needing planning permission have recently been made through changes to Permitted Development Rights in May 2013.

⁷ Permitted development rights are provided by the Town and Country Planning (General Permitted Development) Order 1995 (the GPDO) and the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008

This includes changes to domestic rear extensions. For HMOs falling under the new Use Class C4 the Council's position on this at present is that they do not benefit from permitted development rights and therefore planning permission is required for additions/alterations to these type of properties

- 5.22 Should the change of use from dwelling house to HMO also involve alteration, extension, or subdivision detailed guidance is provided in the Draft House Alterations and Extensions SPD and Draft Subdivision of Dwellings SPD. These SPDs set out the planning principles that the Council will use to assess such developments and in essence, seek to ensure that they do not have an adverse impact on residential amenity, including noise impacts. They cover issues such as bin storage, parking, good design, appropriate extensions to protect the character of an area and private amenity space. Applicants should also consult the Interim Planning Statement on Sustainable Design and Construction which is designed to help achieve the Council's objectives for sustainable development.
- 5.23 Given the important role shared housing plays as part of the city's housing offer, the condition of HMO properties should be of a high standard and this high standard is maintained. This is particularly important given that the Private Sector Stock Condition Survey (2008) identified that nearly 40% of HMOs failed the decent homes standard⁸. As such, in the interest of visual amenity and where considered reasonable to do so, the Council will request that the applicant submit and implement a management plan for external areas of the property, including arrangements for the regular maintenance of gardens and bin storage. This will be secured by planning condition. The Council is committed to continue working with partners such as the universities in improving standards of HMOs and tackling any residential amenity issues.
- 5.24 As set out in Section 3.0, the Council are able to secure improvements to the management and maintenance of HMOs (both internal and external) under the Housing Act 2004. In particular, applicants are encouraged to sign up to the forthcoming accreditation scheme. It should be noted that compliance with the planning requirements set out in this SPD does not mean that an HMO is compliant with other legislation and requirements.

Regularising Existing HMOs

- 5.25 A landlord may be eligible to apply for a 'Certificate of Lawfulness' to regularise an existing HMO dwelling which is not lawful under the Council's planning records. A certificate can be applied to regularise a large or small HMO. A small C4 HMO occupied on or before 20th April 2012 (when the Article 4 direction became effective) will be deemed the lawful use after this date. Satisfactory evidence will be required to demonstrate the lawful occupation of the HMO since 20th April 2012. If a Landlord does not want to

⁸ To meet the Decent Homes Standard, dwellings are required to be in a reasonable state of repair. For more information please see http://www.york.gov.uk/info/200486/repairs_and_modernisation/1075/major_improvements_and_maintenance/2 http://www.york.gov.uk/housing/Housing_plans_and_strategies/stockcon/

regularise their HMO, it is strongly recommended that they retain sufficient documentation to demonstrate lawful use as a small HMO since 20th April 2012, or 10 years as a large HMO. This will reduce the owner's risk of the Council taking enforcement action against them.

Flexible C3/C4 Permissions

5.26 For those landlords wanting to let their properties to both families and groups of individuals it is recommended that a flexible C3/C4 permission is sought under Schedule 2, Part 3, Class E of the Town and Country Planning (General Permitted Development) Order 1995 (as amended). This would require a planning application to be submitted, but would allow continuous occupation of the building as either use for a period of 10 years without the need for subsequent planning applications. Applications seeking a flexible permission will be assessed against the provisions of this SPD and the threshold approach. Properties benefitting from a flexible permission will be added to the HMO database and be taken into consideration in threshold calculations irrespective of whether the property is being let as a C3 dwellinghouse or C4 HMO.

Enforcement

5.27 Enforcement will play a key role in ensuring the provisions of this guidance are implemented correctly. For more information on the Council's approach to planning enforcement and how to report an enforcement case please see the Council's website⁹. It should be noted that the Council can only take action on a breach of planning control when a material change of use has actually occurred, not when a property has been sold but remains unoccupied, or when it is in the process of conversion.

Pre-application Advice

5.28 The Council offer pre-application planning advice in a structured, time-bound manner which is subject to a set fee depending on the proposal. Advice can be sought as to whether permission/consent is required and/or in relation to the prospects of permission/consent being granted. This may be particularly useful for applicants wishing to understand whether the thresholds have been breached and if further change of use to HMO is likely to be granted. Information on our pre application advice service is available via our pre application webpage¹⁰. This provides answers to common enquiries, and guidance on our schedule of fees for advice. For further information please contact planning enquires, details can be found at the end of this document.

6.0 Monitoring and Review

6.1 Monitoring and review are key aspects of the Government's 'plan, monitor and manage' approach to the planning system. This SPD must involve monitoring

⁹ http://www.york.gov.uk/info/200390/planning_enforcement/346/planning_enforcement
<http://www.york.gov.uk/environment/Planning/enforcement/>

¹⁰ http://www.york.gov.uk/info/200385/planning_advice/318/planning_advice/2

of the success and progress of its guidance to make sure it is achieving its aims and making necessary adjustments to the SPD if the monitoring process reveals that changes are needed. The policy approach and in particular the thresholds will be reviewed annually to ensure that it continues to provide opportunities for a balance of household types and meets the needs for HMOs.

Further Advice

Key City of York Council Contacts:

Integrated Strategy Unit Planning and Environmental Management

01904 551388

integratedstrategy@york.gov.uk

Development Management

01904 551553

planning.enquiries@york.gov.uk

Planning Enforcement

01904 551553

planning.enforcement@york.gov.uk

Background Papers

'Student Housing' Report to the Local Development Framework Working Group 6 September 2010 and Minutes

'HMOs and Article 4 Directions' Report to the Local Development Framework Working Group 10 January 2011 and Minutes

'Minutes of Working Groups' Report to Executive 1 February 2011 and Minutes

'The Distribution and Condition of HMOs in York' Report to Cabinet 1 November 2011 and Minutes

'Controlling the Concentration of Houses in Multiple Occupation Supplementary Planning Document' Report to Cabinet 10 January 2012 and Minutes

'Controlling the Concentration of Houses in Multiple Occupation Supplementary Planning Document Consultation Outcomes' Report to Cabinet 3 April 2012 and Minutes

Houses in Multiple Occupation Technical Paper (2011) CYC

Article 4 Direction and Plan

Annex 1: Local Plan (2005) Extract

Policy H7: Residential Extensions

Planning permission will be granted for residential extensions where:

- a) the design and materials are sympathetic to the main dwelling and the locality of the development; and
- b) the design and scale are appropriate in relation the main building; and
- d) there is no adverse effect on the amenity which neighbouring residents could reasonably expect to enjoy; and
- e) proposals respect the spaces between dwellings; and
- g) the proposed extension does not result in an unacceptable reduction in private amenity space within the curtilage of the dwelling.

Justification for Policy H7

Residential extensions are generally acceptable provided they are sympathetically designed in relation to their host building and the character of the area in which they are located and do not detract from the residential amenity of existing neighbours. Particular care is needed, however, in the design of front extensions and dormer extensions. Pitched roofs on extensions will normally be the most appropriate with large, box-style roof extensions being resisted in most cases.

Policy H8: Conversions

Planning permission will only be granted for the conversion of a dwelling to flats or multiple occupation where:

- the dwelling is of sufficient size (min 4 bedrooms) and the internal layout is shown to be suitable for the proposed number of households or occupants and will protect residential amenity for future occupiers.
- external alterations to the building would not cause harm to the character or appearance of the building or area; and
- adequate off and on street parking and cycle parking is incorporated; and
- it would not create an adverse impact on neighbouring residential amenity particularly through noise disturbance or residential character of the area by virtue of the conversion alone or cumulatively with a concentration of such uses.
- adequate provision is made for the storage and collection of refuse and recycling.

Justification for Policy H8

Houses in multiple occupation (HMO's) are those occupied by a number of unrelated people who do not live together as a single household. They include

bed sits, hostels lodgings and bed and breakfasts not primarily used for holiday purposes.

The Use Classes Order (1987) does not distinguish between a dwelling occupied by a conventional household, and that of a dwelling occupied by up to six residents living together as a single household. Therefore a change of use from a family dwelling to one occupied by no more than six individuals does not constitute as a change of use.

There is potential for the number of dwellings in the City to be increased by the sensitive conversion of large dwellings. Such conversion can ensure a continued life for properties and can contribute to meeting housing need. Nonetheless, in certain situations, a concentration of such conversions can have an adverse impact on the residential environment. In considering this impact, attention will be given to the character of the street, the effect on and the amount of available amenity space, parking requirements, traffic generation and any other material planning considerations particular to the case.

The number of residential conversions will be monitored to calculate the contribution that they make to the Local Plan's housing requirement and so that the cumulative impact of several conversions in any one location can be ascertained.

**Annex 2: ~~Core Strategy Submission (Publication)~~ Emerging Local Plan
Extract****Policy ACHM6: Houses in Multiple Occupation**

Applications for the change of use from dwelling house (Use Class C3) to HMO (Use Class C4 and Sui Generis) will only be permitted where:

- i. it is in a neighbourhood area where less than 20% of properties are exempt from paying council tax because they are entirely occupied by full time students, recorded on the Council's database as a licensed HMO, benefit from C4/Sui Generis HMO planning consent and are known to the Council to be HMOs; and
- ii. less than 10% of properties within 100 metres of street length either side of the application property are exempt from paying council tax because they are entirely occupied by full time students, recorded on the Council's database as a licensed HMO, benefit from C4/Sui Generis HMO planning permission and are known to the Council to be HMOs; and
- iii. the accommodation provided is of a high standard which does not detrimentally impact upon residential amenity.

11.10 Under Policy ACHM6, HMO accommodation will continue to be provided to meet the city's housing needs but the supply will be managed to avoid high concentrations of this use in an area. Given York's compact nature and well connected public transport network it is considered that the spreading out of HMOs to avoid unsustainable concentrations of HMOs will still mean that for students in particular, HMOs will remain highly accessible. A threshold based policy approach is considered most appropriate as this tackles concentrations of HMOs and identifies a 'tipping point' when issues arising from concentrations of HMOs become harder to manage and a community or locality can be said to tip from balanced to unbalanced.

11.11 Whilst there is no formal definition of what constitutes a balanced community, recently, there have been attempts to establish what constitutes a large HMO proportion and the threshold at which a community can be said to be/or becoming imbalanced. Useful precedents have been set in a number of Authorities. For York, through consultation, a threshold of 20% of all properties being HMOs across a neighbourhood and 10% at street level have been established, following consultation as the point at which a community can tip from balanced to unbalanced.

11.12 Under the threshold approach an assessment of the proportion of households that are HMOs is undertaken within a given area. In assessing change of use planning applications, to capture as many different types of shared accommodation as possible the Council will use the following:

- council tax records - households made up entirely of students can seek exemption from Council Tax and the address of each exempt property is

held by the Council. This applies to properties occupied only by one or more students either as full time or term time accommodation. Properties falling within 'Halls of residence' on campus will not be included, however some accommodation owned or managed by the universities off campus will included;

- licensed HMOs - records from the Council's Housing team of those properties requiring an HMO licence will be utilised. These are those properties that are three storeys or over and are occupied by five or more persons;
- properties benefiting from C4 or sui generis HMO planning consent – in addition to those properties already identified as having HMO permission, where planning permission is given for a change of use to C4 HMO or a certificate of lawful development issued for existing HMOs this will be recorded in the future to build up a clearer picture of HMO properties; and
- properties known to the Council to be HMOs – this can be established through site visits undertaken by the Council's Housing team in response to complaints for example.

11.13 These data sets will be collated to calculate the proportion of shared households as a percentage of all households. It is considered that these sources will provide the best approach to identifying the numbers and location of HMOs in an area. Although it is accepted that it may not be possible to identify all properties of this type. The data will be analysed to avoid double counting, for example, identifying where a property may be listed as a licensed HMO and have sui generis HMO planning consent. Given that the information collated may be expected to change over the course of the calendar year as houses and households move in and out of the private rented sector it is considered appropriate to base the assessment on a single point in time. Accordingly, data will be updated annually, in May, to allow for a complete picture of Council Tax returns. City wide mapping will be made available online for information, however for data protection reasons street level information collated in assessing a planning application can not be made public.

11.14 In assessing planning applications for HMOs the Council will seek to ensure that the change of use will not be detrimental to the overall residential amenity of the area. In considering the impact on residential amenity attention will be given to whether the applicant has demonstrated the following:

- the dwelling is large enough to accommodate an increased number of residents¹¹;
- there is sufficient space for potential additional cars to park;
- there is sufficient space for appropriate provision for secure cycle parking;

¹¹ Whilst planning powers cannot be used to enforce internal space standards of existing dwellings and the level of facilities to be provided, planning can be used to secure adequate living conditions in dwellings in so far as they are affected by sunlight, daylight, outlook, privacy and noise. These factors can impinge on the internal layout of dwellings, especially HMOs and will be taken into consideration.

- the condition of the property is of a high standard that contributes positively to the character of the area and that the condition of the property will be maintained following the change of use to HMO;
- the increase in number of residents will not have an adverse impact on noise levels and the level of amenity neighbouring residents can reasonably expect to enjoy;
- there is sufficient space for storage provision for waste/recycling containers in a suitable enclosure area within the curtilage of the property; and
- the change of use and increase in number of residents will not result in the loss of front garden for hard standing for parking and refuse areas which would detract from the existing street scene.

11.15 Further information can be found in the *Draft Controlling the Concentration of HMOs Supplementary Planning Document (2012)*