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- any necessary garden landscaping maintenance; and
 - refuse and recycling facilities.
- 5.46 A further condition will be attached to any permission to ensure that the accommodation remains occupied by students. Without such a condition it would be necessary to consider the scheme for affordable housing given that there may be the opportunity for non students to occupy the properties.
- 5.47 Whilst it is recognised that counting students can be difficult and student numbers can vary depending on what source or definition is used, applicants should present a proven need for student housing by providing an assessment of:
- existing and likely future student numbers and numbers requiring accommodation taking into account the proportion of students who study from home
 - a review of the current level of provision, including the level of vacancies and the quality of accommodation
 - the likely future supply of accommodation based on extant planning permissions
- 5.48 Only full time students should be included in the analysis. Part-time students should be excluded based on the assumption that they are already housed for the duration of their part-time studies.

Delivery

- Key Delivery Partners: Developers; and Further and Higher Education Establishments.
- Implementation: Planning applications

Policy H8: 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 or 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 or 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.

See also Policy ENV2

Explanation

- 5.49 An evidence base exploring the spatial distribution and impact of Houses in Multiple Occupation (HMOs), typically occupied by student households, indicates that it is necessary to control the number of HMOs to ensure that communities do not become imbalanced. This control is achieved through an Article 4 Direction, which came into force on 20 April 2012. The Article 4 Direction removes permitted development rights and requires a planning application to be submitted to change a property into an HMO. Policy H8 and the Controlling the Concentration of HMOs Supplementary Planning Document (2012, amended July 2014) (SPD) provide guidance on how these planning applications will be determined. Under Policy H8, 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.
- 5.50 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.
- 5.51 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.

5.52 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. 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 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.

5.53 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 residents⁴;
- 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;
- there is sufficient space for storage provision for waste/recycling containers in a suitable enclosure area within the curtilage of the property; and

⁴ 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 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.
- 5.54 If flexibility to let a property to both family groups and shared tenants is sought an application for a flexible C3/C4 use is recommended. This would allow continuous occupation of a building as either a dwellinghouse for a family or an HMO for unrelated tenants for a period of 10 years without the need for subsequent planning applications. If the property is currently occupied as an HMO, and greater flexibility is required, a planning permission would be required before the building can be used flexibly for C3/C4 uses. Applications seeking a flexible permission will be assessed against the provisions of Policy H8.
- 5.55 Further information can be found in the Controlling the Concentration of HMOs Supplementary Planning Document (2012, amended July 2014).

Delivery

- Key Delivery Partners: City of York Council; and landlords.
- Implementation: Planning applications.

Policy H9: Older Persons Specialist Housing

The City of York Council and its partners will work together to enable the delivery of specialist (supported) housing and registered care housing for vulnerable people including for the ageing population, such as extra-care accommodation. Developments specifically designed to meet the accommodation needs of older people will be supported where they:

- contribute to meeting an identified need;
- are well designed to meet the particular requirements of residents with social, physical, mental and/or health care needs; and
- are in an accessible location by public transport or within walking distance to a range of community facilities including shops, medical services and public open spaces or these are provided on-site.

Strategic sites (over 5ha) should incorporate the appropriate provision of accommodation types for older persons within their site masterplanning. For sheltered/extra care accommodations a mix of tenures will be supported.

Where development falls within Use Class C3, affordable housing provision will be required.

See also Policy H10

Explanation

- 5.56 The council is committed to meeting the specific housing needs of the aging population and people with disabilities or additional mobility requirements. The City of York has a population that is older than the national average, with a high proportion of people aged 85 or over. As people live longer this trend is predicted to continue with significant growth in the city's population aged over 65. The health of