

Notice of meeting of

Local Development Framework Working Group

- To:** Councillors Merrett (Chair), Barton, D'Agorne, Levene, Potter, Reid, Riches, Simpson-Laing and Watt (Vice-Chair)
- Date:** Monday, 2 April 2012
- Time:** 5.00 pm
- Venue:** The Guildhall, York

AGENDA

1. **Declarations of Interest**

At this point, members are asked to declare any personal or prejudicial interests they may have in the business on this agenda.

2. **Minutes** (Pages 3 - 8)

To approve and sign the minutes of the meeting of the Local Development Framework Working Group held on **5 March 2012**.

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 30th March 2012**.

4. Controlling the Concentration of Houses in Multiple Occupation - Supplementary Planning Document Consultation Outcomes. (Pages 9 - 128)

This report follows on from an earlier report on the draft Controlling the Concentration of Houses in Multiple Occupation (HMO) Supplementary Planning Document (SPD) considered by LDF Working Group Members on 9 January 2012. Its purpose is to inform Members of the outcomes of the recent consultation on the draft SPD. It also seeks approval from Members for the revised SPD (attached at Annex 2 of this report) to be used to determine planning applications following the commencement of the Article 4 Direction on 20 April 2012.

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

Democracy Officer:

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- Review existing policies and assist in the development of new ones, as necessary; and
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City of York Council

Committee Minutes

MEETING	LOCAL DEVELOPMENT FRAMEWORK WORKING GROUP
DATE	5 MARCH 2012
PRESENT	COUNCILLORS MERRETT (CHAIR), D'AGORNE, LEVENE, POTTER, REID, RICHES, SIMPSON-LAING AND WATT (VICE-CHAIR)
APOLOGIES	COUNCILLORS BARTON

23. DECLARATIONS OF INTEREST

At this point in the meeting, Members are asked to declare any personal or prejudicial interests they have in the business on the agenda.

Councillor Simpson Laing declared a personal interest in item 4 as she is on the York and North Yorkshire Housing Board. Also a personal interest in item 5 as she resides within the York Central area.

Councillor Riches declared a personal interest in item 5 as he resides within the York Central area.

Councillor Merrett declared a personal interest in item 5 in relation to cycle issues as a member of the Cycling Touring Club.

Councillor D'Agorne declared a personal interest in item 5 in relation to cycle issues as a member of the Cycling Touring Club.

24. MINUTES

RESOLVED: That the minutes of the last meeting held on 9th January 2012 be approved subject to the following amendment:

Minute 22 recommendation be amended to reflect that Councillor Reid had asked for it to be made clear that the SPD

would come back to the LDF Working Group.

25. PUBLIC PARTICIPATION

It was reported that there had been no registrations to speak under the Council's Public Participation Scheme.

26. STRATEGIC HOUSING MARKET ASSESSMENT.

Members considered a report which had been commissioned by the York and North Yorkshire Strategic Housing Partnership to provide a comparative sub-regional Strategic Housing Market Assessment.

On 12 December 2011 the York and North Yorkshire Strategic Housing Market Assessment was approved by the York and North Yorkshire Housing Board. Officers reported that it is now for each of the individual authorities to sign off the report and for Members to approve the York specific appendix as an evidence base to inform the Local Development Framework and the councils planning policies for new homes.

Members received a presentation from property and planning consultants GVA who had been commissioned to undertake the new SHMA on behalf of North Yorkshire Strategic Housing Partnership.

Members raised the following queries about the data contained in the SHMA:

- Concerns regarding some of the data not reflecting current prices in York, for example a 1 bedroom self contained property is considerably more than £375 per calendar month.
- The treatment of Students in the figures, particularly in relation to international migration and whether Houses of Multiple Occupation are defined as a single household.
- The assumptions used behind the international migration figures and the possibility they may change due to government policy.

- The SHMA appears conservative in how it concluded the need for affordable homes and consideration needs to be given to how it feeds into the Core Strategy.
- The figures are subject to constant change and it is difficult to say what is correct.
- The SHMA provides a snapshot analysis and projects housing need over the next five years. Some of the data used (eg house prices, rents, household incomes) may be updated or refreshed during the lifetime of the study.

Following the presentation, Members agreed Option 1 with the understanding that some of the information contained in the SHMA is already dated, particularly in respect of Government Policy and the Councils housing waiting list. They asked that clarification of the points raised be provided at a future meeting.

RESOLVED: That the LDF Working Group recommends that Cabinet approve Option 1 to accept and sign off the findings of the North Yorkshire SHMA and the York specific annex to enable the SHMA to be used as an evidence base to inform the Local DF.

REASON: To ensure the council has an up to date and robust evidence base that will inform the Local Development Framework

27. YORK CENTRAL AND FORMER BRITISH SUGAR SITES - UPDATE ON TRANSPORT AND ACCESS APPROACH.

Members considered a report which was presented to them further to a report to the LDF Working Group in December 2011. It set out the findings of work undertaken to establish a transport approach and site access strategy on the York Central (YC) and former British Sugar/Manor School sites.

At the meeting in December 2011, Members deferred endorsing any York North West transport approach until such time as the background studies had been made publicly available and additional work requested by Members had been undertaken.

Officers outlined the report and members made the following comments:

- Timeframes for commencement of development on York Central were discussed. Officers confirmed that following recent discussions with Network Rail, it was now clearer what their requirements would be and consequently progress has been made.
- Asked that Officers continue to consider the impact on the route to schools, particularly Poppleton Road School, from the Leeman Road area.
- A meaningful approach to the consultation with residents should be undertaken. This should include an exhibition showing the proposed access to York Central from Water End, given that it is a large piece of engineering which will change the landscape in the area.
- As part of ongoing discussions and negotiations attention should be paid to differentiating between those infrastructure elements that are essential and those that are desirable.

Members thanked Officers for the additional work which had been carried out since the December meeting.

- RESOLVED: (i) That Members noted and recommended that Cabinet to endorse the approach outlined in the draft York Northwest Transport Masterplan, and its use in pre-planning enquiries, and planning applications within the York Northwest corridor.
- (ii) That Members noted and recommended that Cabinet endorse the proposed approach to accessing the York central site, the next steps to arriving at a preferred option, and the ultimate use of a preferred access approach to inform ongoing plan preparation development enquiries and public funding bids.
- (iii) Note and endorse the proposed approach to undertake work to pursue the delivery of new pedestrian/cycle links and rail halt/link at the Former British Sugar/ Manor School Site, with

the next step to engage with appropriate parties to take this forward.

- REASONS:
- (i) To ensure that development in the corridor responds appropriately to its transport related context in promoting sustainable travel and mitigating residual impacts.
 - (ii) To ensure that this strategic regeneration site is re-developed and appropriately serviced.
 - (iii) To ensure that these strategic opportunities are progressed and appropriate provision is made for delivery

28. SUPPLEMENTARY PLANNING DOCUMENT FORMER BRITISH SUGAR/MANOR SCHOOL SITE.

Members considered a report which summarised the responses received on the consultation on the draft Supplementary Planning Document (SPD) for the former British Sugar/Manor School site which took place last year. A revised SPD document had been produced incorporating suggested changes to respond to issues raised and was attached as a report annex showing tracked changes.

The report asked Members to note the consultation findings and recommend approval of the revised document for approval.

Officers outlined the report and Members attention was drawn to the following key points:

- Policy Framework – the document now reflected the approval of the 2011 York and North Yorkshire Strategic Housing Market Assessment by the York and North Yorkshire Housing Board.
- Quality Place/Environment – additional reference to the need for all types of open space had been added to strengthen the requirement following consultation.
- Figure 17 – additional plans had been included to clarify the access approach.

Members queried whether the Council would be considering the adoption of green spaces within the site and felt that it was important for officers to consider at an early stage how such spaces would be managed as service charges are often unaffordable for potential residents of new properties.

RESOLVED: (i) Note the responses received to the consultation.

- (ii) Recommend to the Cabinet that Option 1 is taken forward, with the proposed revisions to the SPD outlined in Annex 2 to be used for development management purposes and the addition of further mention of the management of green spaces at the site.

REASONS: (i) To ensure the SPD is revised to take account of issues raised from the consultation together with other issues which have emerged since publication of the draft.

- (ii) To provide robust planning guidance to assess the acceptability of emerging development proposals and future planning applications for the area.

Cllr D Merrett, Chair

[The meeting started at 5.00 pm and finished at 7.00 pm].



Local Development Framework Working Group**2 April 2012**

Report of the Director of City Strategy

Controlling the Concentration of Houses in Multiple Occupation Supplementary Planning Document Consultation Outcomes**Summary**

1. This report follows on from the earlier report on the draft Controlling the Concentration of Houses in Multiple Occupation (HMO) Supplementary Planning Document (SPD) considered by Members on 9 January 2012. Its purpose is to inform Members of the outcomes of the recent consultation on the draft SPD. It also seeks approval from Members for the revised SPD (attached at Annex 2 of this report) to be used to determine planning applications following the commencement of the Article 4 Direction on 20 April 2012. The SPD will remain a draft SPD until such a time as the Core Strategy has been through examination and is formally adopted by the Council.
2. The role of the SPD is to provide guidance on how planning applications for change of use to HMO will be determined in order to allow the Council to manage the spread of HMOs. It will also ensure that unsustainable large concentrations of HMOs in our neighbourhoods are not created.

Background

3. As Members are aware, HMOs make an important contribution to York's housing offer, providing flexible and affordable accommodation, not just for students but for young professionals and low-income households who may be economically inactive or working in low paid jobs. It is also recognised that there is likely to

be an increased demand for HMOs following the changes to the national benefit rules. As such, HMOs are regarded as a valuable asset to the city's housing offer. However, it is important to ensure that communities do not become imbalanced through unsustainable large concentrations of HMOs.

4. An Article 4 Direction comes 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. The Controlling Concentrations of HMOs SPD provides guidance on how these planning applications will be determined.

Consultation

5. Consultation on the draft SPD commenced on 23 January 2012 and a number of consultation techniques were used in accordance with the adopted Statement of Community Involvement (2007). Consultation ran until the 5 March 2012. During this consultation period a Focus Group Event was held.
6. A Consultation Statement has been prepared (attached at Annex 1 of this report), the purpose of which is to summarise the draft Controlling the Concentration of HMOs SPD consultation. It is not intended to replicate this document however an outline of the document distribution and publicity, alongside the headline outcomes of the Focus Group Event and consultation responses are set out below.

Document Distribution and Publicity

7. Approximately 2,900 consultees on the LDF Database, key stakeholders relevant to HMO issues and those individuals who had expressed an interest in HMOs either through their local Councillor or the Article 4 Direction consultation were sent an email, or a letter, informing them of the consultation and the opportunity to comment, alongside details of the web page and where to find more information. An internal consultation was also undertaken with relevant Officers and all Members were informed of the consultation and how to comment.
8. All of the consultation documents were made available to view and download on the Council's website. A link to an online survey was also posted on the Council's website. Hard copies of the

consultation documents were placed in all of the City of York Council libraries and at the Council's receptions at 9 St. Leonards Place, the Guildhall and Library Square. It was also possible for those who required hard copies to ring or email the Integrated Strategy team and request a copy of the documents.

9. In addition to writing to consultees and distributing the consultation documents, it was sought to further publicise the consultation. This was achieved through the following:

- A City of York Council press release was issued to coincide with the start of the consultation period on 23 January 2012 which can be seen at Annex C;
- A notice was placed in the features section of the City of York Council website homepage publicising the consultation and providing a direct link to the Draft SPD webpage as shown at Annex D;
- A public notice was published in the Evening Press on Wednesday 25 January 2012. This set out what is being consultation upon, the consultation period and ways to respond alongside where the documents are available for inspection. Please see Annex E for a copy of the notice;
- Whilst there was not an edition of Your Voice/Your Ward published within the consultation period information about the consultation was provided to all Neighbourhood Management Officers to include, as appropriate, in the powerpoint presentations that run during ward committee surgeries;
- There was no meeting planned for the Inclusive York Forum during the consultation period, to ensure that its' members were aware of the consultation and the opportunity to comment information about the consultation was circulated via email to those on the Inclusive York Forum distribution list; and
- Information was provided to the chair of the York Residents Association who briefed their Members on the consultation and how to comment. Representatives were also sought to attend the Focus Group Event.

Focus Group Event

10. A Focus Group Event was held on 21 February 2012. The purpose of the event was to cover a range of issues relating to HMOs in York. The half day event was well attended by 37 people and was pitched as structured but informal to encourage discussion. A range of stakeholders were invited including residents, landlords and representatives from the Universities. Care was taken to invite an equal mix of interested parties to ensure a balanced debate. Attendees took part in three break-out sessions, brief conclusions from these sessions are set out below. However, please see the note of the event at Annex F to the Consultation Statement which is appended to this report for more detail of the diverse range of views and opinions of those who attended the event.

11. Balanced Communities Break Out Session
A number of attendees favoured a street level approach however several alternative approaches were put forward, including upper and lower thresholds for different areas across the city and also not having an overarching policy approach and judging each HMO planning application separately. Concern was raised about the implications that may arise from imposing a restrictive policy approach.

12. Residential Amenity Break Out Session
A range of issues were discussed, however the main amenity issues considered to be a problem when there are high concentrations of HMOs were bin storage/litter, parking, property maintenance, increased crime levels and lack of community integration.

13. Raising Standards in the Private Rented Sector Break Out Session
There was scepticism about whether a voluntary accreditation scheme was the best way to help address poor standards in the private rented sector. Those likely to participate in such a scheme would be the good/responsible landlords/agents, whilst disinterested landlords could happily operate outside of the scheme given the healthy demand for private rented accommodation in the City. There was some significant support for a local compulsory scheme, such as licensing of all HMOs, in order to establish a level playing field and to ensure that all landlords complied.

Consultation Responses

14. A total of 85 responses were received. 47 people completed the comments form which incorporated a questionnaire, of which 25 completed it online via the online survey. Representations were received from a variety of groups, organisations and individuals.

Policy Approach

15. The majority of respondents did not support a neighbourhood only approach to assessing concentrations of HMOs as it was considered that this would still result in clusters of HMOs at street level. Although a number of alternative approaches were proposed, overall, respondents suggested that a threshold approach at both neighbourhood and street level was the best way to control the concentration of HMOs. A number of thresholds were proposed by respondents ranging from 0% to 40%, however the majority considered that between 10% and 15% was appropriate. A number of respondents suggested that there should be exceptions to the agreed threshold where there are only a small number of C3 dwelling houses remaining.
16. A number of comments were received in support of the policy approach set out in the draft SPD relating to consideration of residential amenity, stating that the Council's powers, policies and procedures were listed fully. Comments were also received that suggested that guidance on residential amenity alone will not contribute to addressing amenity issues and that the measures should be put in place to ensure that the guidance is enforced.

Accreditation Scheme/Licensing

17. A large number of comments were received on the issue of monitoring landlords. It was suggested by a number of respondents that strict monitoring of landlords should be undertaken by the Council and that there should be compulsory registration of landlords otherwise the worst landlords would not be under any scrutiny. It was also suggested by several respondents that additional licensing for all HMOs should be introduced which would give the Council complete control of all HMOs. It was felt by a number of respondents that a voluntary accreditation scheme will be ineffective in as a way of increasing housing standards.

18. Colleagues in Housing have been involved in the consultation process and as such are informed of the consultation outcomes with regard to the monitoring of landlords. The Council are able to secure improvements to the management and maintenance of HMOs (both internal and external) through licensing under the Housing Act 2004. 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 planning policies, such as this SPD. These measures however cannot be developed through the SPD but are covered by separate legislation under the Housing Act.

The Revised SPD

19. The proposed approach set out in the SPD has been guided by the LDF Vision for all of York's current and future residents having access to decent, safe and accessible homes throughout their lifetime. A key element of this is maintaining community cohesion and helping the development of strong, supportive and durable communities. The SPD supports Policy CS7 'Balancing York's Housing Market' of the emerging Core Strategy which for HMOs seek 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.
20. 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 can be said to tip from balanced to unbalanced. Under the threshold approach an assessment of the proportion of households that are HMOs is undertaken within a given area.

Approach

21. In line with the outcomes of the consultation, a combined approach of both a neighbourhood and street level analysis of HMOs is proposed 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.*

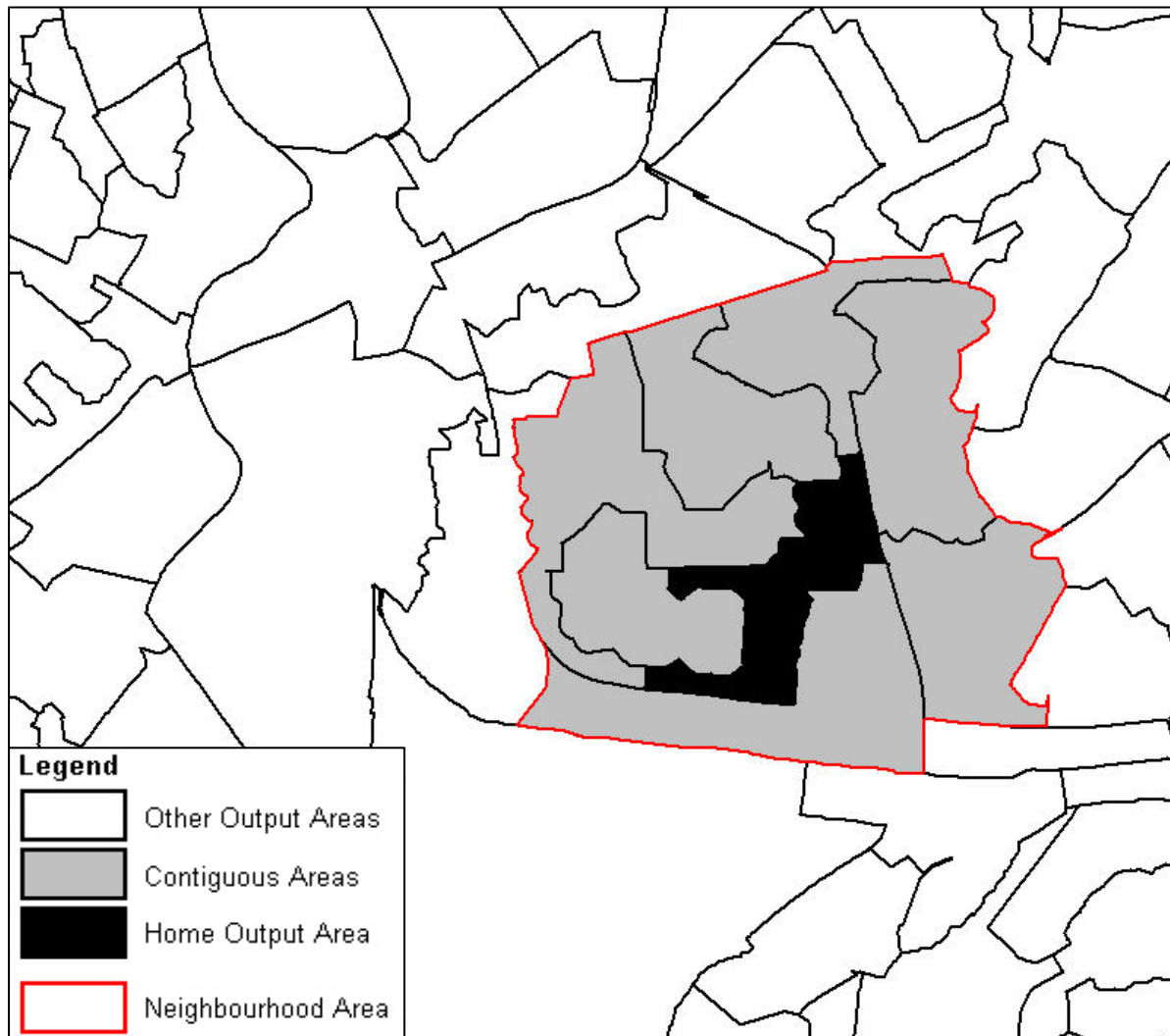
22. The aim of the policy is to continue to provide HMO accommodation to meet the City's housing needs but to manage the supply of new HMOs to avoid high concentrations of this use in an area. Given York's compact nature and well connected public transport network it is considered that the spreading 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.

Neighbourhood Level

23. It is considered that for York, some issues arising from concentrations of HMOs can be a neighbourhood matter, going beyond the immediate area of individual HMOs. A neighbourhood approach assessment of HMOs will address the impact large numbers of HMOs can have on decreasing demand for some local services, particularly local schools, doctor and dental surgeries and changes in type of retail provision, such as local shops meeting day to day needs becoming take-aways.

24. Following best practice, it is considered that one 'Output Area' (capturing approximately 125 households, defined by the Office National Statistics) is too small to properly represent a neighbourhood and accordingly, 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 1. 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 1



Street Level









25. 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 will 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. 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.
26. 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 2.

Figure 2



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 applicaiton street
-  Application Property

Residential Amenity

27. A large number of respondents supported the residential amenity section of the consultation draft SPD. As set out in the appended Consultation Statement at Annex 1 the majority of respondents thought that the right amenity issues had been adequately covered

and that the guidance would contribute to addressing amenity issues. As such, this section of the SPD remains largely unchanged. Albeit, further detail and explanation has been added for clarity.

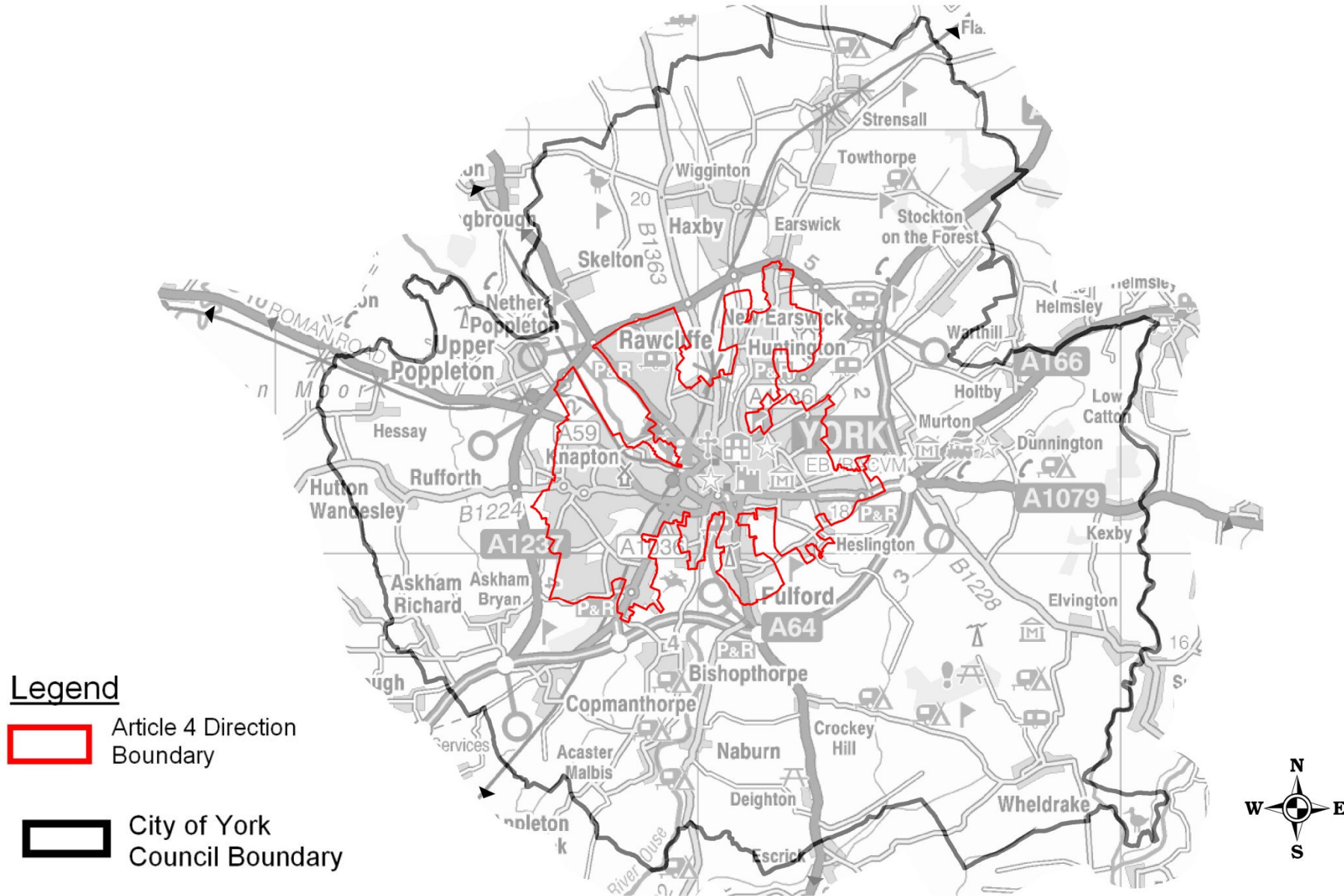
Enforcement

28. Several comments were received as part of the consultation highlighting the importance of enforcement in ensuring the provisions of SPD are implemented correctly. In response to these comments a new section has been added to the SPD. This provides information on planning enforcement and indicates 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.

Scope of the SPD

29. The guidance will apply to all planning applications for change of use from dwelling house (Use Class C3) to HMO (Use Class C4) within the main urban area (i.e. the extent of the Article 4 Direction), as shown overleaf at Figure 3. It will also apply to planning applications for the change of use from dwelling house (Use Class C3) to 'sui generis' large HMOs across the Local Authority area. 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.

Figure 3



Options

30. The options below are available to Members.

Option 1: To recommend to Cabinet to approve the SPD at Annex 2 for Development Management purposes as a material consideration when determining of HMO planning applications.

Option 2: To recommend to Cabinet to approve a revised SPD with an alternative approach to assessing concentrations of HMOs

Analysis of Options

Option 1

31. The SPD at Annex 2 responds to the outcomes of the detailed consultation undertaken and a number of consultation comments have directly shaped the SPD. This includes the proposed neighbourhood and street level approach which was the preferred approach from the majority of respondents.
32. Members were previously advised that a combined approach could be seen to be overly onerous and given that street level assessment of HMOs is untested, the Council could be open to challenge at appeal. It should be noted that a number of Local Authorities such as Milton Keynes, Southampton, Bournemouth and Exeter are pursuing various untested approaches to assessing HMO applications arising from the implementation of Article 4 Directions.
33. An approach that covers both a neighbourhood and street level assessment of HMO concentrations will give the Council greater control in managing concentrations of HMOs. It is considered that the combined approach set out in the SPD at Annex 2 can be justified because of the varied nature of issues that can arise from large numbers of HMOs. The policy approach set out at in the SPD acknowledges that issues arising from concentrations of HMOs affect both neighbourhoods and individual streets and that this requires different approaches.

Option 2

34. Members may wish to pursue an alternative approach, such as one of the approaches suggested by respondents through the consultation (please see Annex 1). There is a risk however that should an alternative approach be explored there may not be a

policy in place when the Article 4 Direction comes into force on 20 April 2012.

Council Plan

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

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

Implications

36. 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

Recommendation

37. That the LDF Working Group recommends the Cabinet to:

- i) approve the attached draft SPD to be used for Development Management purposes in accordance with Option 1; and
- ii) delegate to the Director of City Strategy in consultation with the Cabinet Member City Strategy the making of any changes to the SPD that are necessary as a result of the recommendations of the LDF Working Group.

Reason: So that the SPD be approved and used for Development Management purposes to support the emerging LDF Core Strategy and the Article 4 Direction which comes into force on 20 April 2012.

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and Transport
Tel: 01904 551488

Martin Grainger
Head of Integrated
Strategy Unit
Tel: 01904 551317

**Report
Approved**



Date 16 March
2012

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

All

For further information please contact the author of the report

Background Papers

Houses in Multiple Occupation Technical Paper (2011) CYC

*'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*

Annexes

*Annex 1: Controlling the Concentration of Houses in Multiple
Occupation Supplementary Planning Document Consultation
Statement (March 2012)*

*Annex 2: Draft Controlling the Concentration of Houses in Multiple
Occupation Supplementary Planning Document (March 2012)*

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Annex A: List of LDF Database Consultees

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Specific Consultation Bodies

Acaster Malbis Parish Council	Haxby Town Council
Acaster Selby & Appleton Roebuck Parish Council	Heslington Parish Council
Askham Bryan Parish Council	Hessay Parish Council
Askham Richard Parish Council	Heworth Without Parish Council
Bilborough Parish Council	Highways Agency
Bishopthorpe Parish Council	Holtby Parish Council
BT Group plc	Home Office
Catton Parish Council	Huby Parish Council
Claxton & Sandhutton Parish Council	Huntington Parish Council
Clifton Without Parish Council	Kexby Parish Council
Colton Parish Council	Kyle & Upper Ouse Internal Drainage Board
Copmanthorpe Parish Council	Lillings Ambo Parish Council
DE Operations North (Catterick Office)	Local Government Yorkshire and Humber
DEFRA	Long Marston Parish Council
Deighton Parish Council	Moor Monkton Parish Council
Department for Constitutional Affairs	Murton Parish Council
Department for Media, Culture & Sport	Naburn Parish Council
Department for Work & Pensions	National Grid
Department of Trade & Industry	Natural England
Dunnington Parish Council	Nether Poppleton Parish Council
Earswick Parish Council	Network Rail
East Cottigwith Parish Council	New Earswick Parish Council
East Riding of Yorkshire Council	Newton on Derwent Parish Council
Elvington Parish Council	North Yorkshire & York PCT
English Heritage Yorkshire and the Humber Region	North Yorkshire County Council
Environment Agency	Northern Gas Networks
Escrick Parish Council	Office of Government Commerce
Flaxton Parish Council	Osballdwick Parish Council
Fulford Parish Council	Overton Parish Council
Gate Helmsley & Upper Helmsley Parish Council	Powergen Retail Ltd
Hambleton District Council	Rawcliffe Parish Council
Harrogate Borough Council	Rufforth with Knapton Parish Council
Harton Parish Council	Ryedale District Council

Selby District Council	Department
Sheriff Hutton Parish Council	Thorganby Parish Council
Shipton Parish Council	Upper Poppleton Parish Council
Skelton Parish Council	Warhill Parish Council
Stamford Bridge Parish Council	Wheldrake Parish Council
Stillingfleet Parish Council	Wiggington Parish Council
Stockton on the Forest Parish Council	York Consortium of Drainage Boards
Strensall & Towthorpe Parish Council	York Health Services NHS Acute Trust
Sutton upon Derwent Parish Council	Yorkshire Ambulance Service NHS Trust
Sutton-on-the-Forest Parish Council	Yorkshire Forward
The Coal Authority Planning & Local Authority Liaison	Yorkshire Water - Land Property & Planning

General Consultation Bodies

British Geological Survey	Royal Institute of Chartered Surveyors
Business Link York & North Yorkshire	Safer York Partnership
CABE	Science City York
CBI	The War Memorial Trust
Churches Together in York	Visit York (formerly York Tourism Partnership)
Commission for Racial Equality	York & North Yorkshire Chamber of Commerce
Community Rangers	York City Centre Partnership Ltd
Disability Rights Commission	York Council for Voluntary Service
Disabled Persons Advisory Group	York Diocesan Office
Equality and Human Rights Commission	York England
Forestry Commission	York Guild of Building
Help the Aged	York Hospitals NHS Trust
Housing Corporation	York Minster
Institute of Directors Yorkshire	York Mosque
National Farmers Union	York Racial Equality Network
National Museum of Science & Industry	York Science Park
North Yorkshire & York Primary Care Trust	York-Heworth Congregation of Jehovah's Witnesses
Patients Forum	Yorkshire Business Pride (City Centre Partnership)

Other Groups/Organisations

20th Century Society	Bishop of Selby (Diocese of York)
3Ps People Promoting Participation	Bishophill Action Group
5 LLP	Blackett, Hart & Pratt LLP
A J M Regeneration Ltd	Boots plc
Acomb Green Residents Association	Bovis Homes Ltd
Acomb Planning Panel	Bramhall Blenkarn Architects Ltd
Acomb Residents	Bright Street Sub Post Office
Action Access A1079	British Waterways (Yorkshire Office)
Active York	Browns of York
Adams Hydraulics Ltd	BTCV (York)
Age Concern	Buccleuch Property
All Saints RC School	Cadbury Trebor Bassett Ltd
Alliance Planning	Cambridge Street Residents Association
Ancient Monuments Society	Camerons Megastores
Andrew Martin Associates	Campaign for Better Transport (Formerly Transport 2000)
Arriva Yorkshire	Campaign for Real Ale
ASDA Stores Ltd	Carers Together
Ashtenne Asset Management Ltd	Carl Bro
Ashtenne Industrial Fund LLP	Carr Junior Council
Askham Bryan College	Cass Associates
Askham Grange	CB Richard Ellis
Associated British Foods plc	CE Electric UK
Atisreal UK (Consultants)	CEMEX
BAGNARA	Centros
Bang Hair	CgMs
Barratt Developments PLC	Chapelfields Residents Association
Barratt Homes (York) Ltd	Chris Thomas Ltd Outdoor Advertising Consultants
Barry Crux and Company	Christmas Angels
BBC Radio York	Church Commissioners for England
Beck Developments	Civil Aviation Authority
Bell Farm Residents Association	Clementhorpe Community Association
Belvoir Farm Partners	Clifton Moor Business Association
Bettys Café Tea Rooms	Clifton Planning Panel
Bio-Rad Laboratories Limited	Clifton Residents Association

Colliers CRE	Dringhouses and Woodthorpe Planning Panel
Commercial Development Projects Limited	Dringhouses West Community Association
Commercial Estates Group	DTZ
Company of Merchant Adventurers of the City of York	Dunnington Residents Association
Composite Energy Ltd	DWA Architects
Confederation of Passenger Transport (Yorkshire)	Economic Development Board
Connexions	Elvington Park Ltd
Conservation Area Advisory Panel	Energy Efficiency Advice Centre
Constructive Individuals	England & Lyle
Copmanthorpe Residents Association	Entec UK Ltd
Cornlands Residents Association	Environment Forum
Costco Wholesale UK Ltd	Erinaceous
Council for British Archaeology	Euro Car Parks Ltd
Countryside Properties (Northern) Ltd	Evans of Leeds Ltd
CPP Group Plc	EWS
CPRE (York and Selby District)	F & B Simpson D Kay and J Exton
Craftsmen in Wood	Faber Maunsell
Crease Strickland Parkins	Family Housing Association (York) Ltd
CRED Ltd (Carbon Reduction)	Family Mediation
Crockey Hill Properties Limited	Farming & Wildlife Advisory Group
Crosby Homes	Federation of Residents and Community Associations
CSSC Properties Ltd	Federation of Small Businesses
CTC North Yorkshire	Fenwick Ltd
Cunnane Town Planning LLP	First York
CYC Mansion House	First/Keolis Transpennine Ltd
Cyclists Touring Club (York Section)	FLP
Dacre Son & Hartley	Foxwood Residents Association
Dales Planning Services	FRD Ltd
David Chapman Associates2488	Freight Transport Association
Diocese of Ripon and Leeds	Friends Families & Travellers
Disabled Peoples Forum	Friends of St Nicholas Fields
Dobbies Garden Centres PLC	Friends of the Earth (York and Ryedale)
Dodsworth Area Residents Association	Fulford Residents Association
DPDS Consulting Group	Fusion Online

Future Prospects	Hull Road Planning Panel
Garden History Society	I D Planning
George Wimpey North Yorkshire Ltd	Include Us In - York Council for Voluntary Service
George Wimpey Strategic Land	Inclusive City
George Wimpey West Yorkshire Ltd	Indigo Planning Ltd
Geraldeve	Institute of Citizenship
GHT Developments Ltd	Jan Molyneux Planning
Gillygate Surgery	Jarvis Plc
Gordons LLP	Jennifer Hubbard Planning Consultant
Grantside Ltd	Job Centre Plus
Green Land & Property Holding Ltd	Joseph Rowntree Foundation
Greenwood Residents Association	Joseph Rowntree Housing Trust
Grosvenor Residents Association	Kentmere House Gallery
Groves Neighbourhood Association	KeyLand Developments Ltd
Guildhall Planning Panel	Kindom
GVA Grimley LLP	King Sturge LLP
Halcrow Group Ltd	Kingsway West Residents Association
Halifax Estates	Knapton Lane Residents Association
Hallam Land Management Ltd	Knight Frank
Hartley Planning Consultants	La Salle UK Ventures
Haxby & Wiggington Youth & Community Association	Lambert Smith Hampton
Health & Safety Executive	Land Securities Plc
Healthy City Board	Land Securities Properties Ltd
Her Majesty's Courts Service	Landmatch Ltd
Heslington East Community Forum	Lands Improvement
Heslington Sports Field Management Committee	Langleys
Heslington Village Trust	Lawrence Hannah & Skelton
Heworth Planning Panel	LEAF
Higher York Joint Student Union	Leda Properties Ltd
Hogg Builders (York) Ltd	Leeds City Council
Holgate Ward Labour Party	Leeman Road Community Association
Home Builders Federation	Leeman Road Millennium Green Trust
Home Housing Association	Leeman Stores
Howarth Timber Group	LHL Architects

Lidgett Grove Scout Group	National Trust
Lifelong Learning Partnership	Natural England
Lindsey Residents Association	Navigation Residents Association
Lions Club	Nestle UK Ltd
Lister Haigh Ltd	Network Rail
Lives Unlimited	Newsquest (York) Ltd
Local Dialogue LLP	NMSI Planning & Development Unit
Loxley Homes	North Yorkshire Fire & Rescue Service
LXB Properties Ltd	North Yorkshire Forum for Voluntary Organisations
Marks & Spencer plc	North Yorkshire Learning & Skills Council
Marsden Homes Ltd	North Yorkshire Police Authority
McArthur Glen Designer Outlet	NorthCountry Homes Group Ltd
McCarthy & Stone Ltd	Northern Affordable Homes Ltd
Meadlands Residents Association	Northern Planning
Melrose PLC	Northern Rail
Mental Health Forum	Northminster Properties Ltd
Metro	Norwich Union Life
Micklegate Planning Panel	Novus Investments Ltd
Miller Homes Ltd	Npower Renewables
Minsters Rail Campaign	Nunnery Residents Association
Monks Cross Shopping Centre	NXEC
Mouchel	Oakgates (York) Ltd
Mulberry Hall	Older Citizens Advocacy York
Muncaster Residents Association	Older People's Assembly
Nathaniel Lichfield	O'Neil, Beechey, O'Neil Architects
National Car Parks Ltd	O'Neill Associates
National Centre of Early Music	Opus Land Ltd
National Express Group Plc	Osballdwick Parish Council
National Federation of Bus Users	P & O Estates
National Grid Property Ltd	Park Grove Residents Association
National Offender Management Service	Parochial Church Council Church of the Holy Redeemer
National Playing Fields Associations	Passenger Transport Network
National Rail Supplies Ltd	Paul & Company
National Railway Museum	Persimmon Homes Yorkshire Ltd

Piccadilly Autos	RSPB (York)
Pilcher Developments Ltd	RTPI Yorkshire
PLACE/Yorkshire Wildlife Trust	Rushbond Group
Places for People	Safer York Partnership
Planning Prospects Ltd	Sainsbury's Supermarket Ltd
Playing Fields Association (York & North Yorkshire)	Sanderson Weatherall
Plot of Gold Ltd	Sandringham Residents Association
Poppleton Road Memorial Hall	Savills
Poppleton Road Primary School	Scarcroft Residents Association
Poppleton Ward Residents Association	Science City York
Portford Homes Ltd	Scott Wilson
Positive Planet	Scottish Power
Potts Parry & Ives Chartered Architects	Selby & York Primary Care Trust
Pre-School Learning Alliance	Shelter
Purey Cust Nuffield Hospital	Shepherd Construction
Quintain Estates & Development plc	Shepherd Design Group
R S Cockerill (York) Ltd	Shepherd Homes Ltd
Railway Heritage Trust	Shirethorn Ltd
Ramblers Association (York Area)	Siemens Transportation Systems
Rapleys	Signet Planning
Raymond Barnes Town Planning Consultant	Skelton Consultancy
Redrow Homes (Yorkshire) Ltd	Skelton Village Trust
REIT	Smiths Gore
Residents of Runswick Avenue, Beckfield Lane & Wetherby Road	Society for the Preservation of Ancient Buildings
RIBA Yorkshire	South Parade Society
River Foss Society	Spawforth Associates
Road Haulage Association	Speedy Wine
Robinson Design Group	Sport England
Rollinson Planning Consultancy	Spurriergate Centre
Royal Mail Group Plc	St Georges Place Residents Association
Royal Mail Group Property	St Paul's Church
RPS Planning & Development	St Paul's Square Residents Association
RSPB	St Sampson's Centre
	Starbucks Coffee Company

Stephenson & Son
Stewart Ross Associates
Stockholme Environment Institute
Stone Soup
Storeys:ssp Ltd
Strutt and Parker
Supersave Ltd
Sustrans
T H Hobson Ltd
Talkabout Panel
Tang Hall and Heworth Residents
Tangerine
Taylor Wimpey UK Ltd
Terence O'Rourke
Tesco Stores Limited
The Barton Willmore Planning Partnership Anglia
The British Wind Energy Association
The Castle Area Campaign Group
The College of Law
The Co-operative Group
The Crown Estate Office
The Dataquest Partnership
The Development Planning Partnership
The Dragon Fireplace Company
The General Store
The Georgian Group
The Grimston Bar Development Group
The Gypsy Council
The Helmsley Group Ltd
The Inland Waterways Association Ouse-Ure Corridor Section
The JTS Partnership
The Land and Development Practice
The Landowners Consortium
The Moor Lane Consortium
The North Yorkshire County Branch of the Royal British Legion
The Retreat Ltd
The Showmen's Guild of Great Britain
The Theatres Trust
The Wilberforce Trust
The Woodland Trust
Theatre Royal
Tiger Developments
Tilstons Newsagents
Tom Adams Design Consultancy
Top Line Travel of York Ltd
Tower Estates (York) Ltd
Tribal MJP
Trustees for Monks Cross Shopping Park
Trustees of Mrs G M Ward Trust
Tuke Housing Association
Tullivers
Turley Associates
UK Coal Mining Ltd
United Co-operatives Ltd
University of York
Vangarde
Veolia Transport UK Ltd
Victorian Society
Visit York
Voluntary Sector Forum for Learning Difficulties
W A Fairhurst & Partners
W M Birch & Sons Ltd
Walmgate Community Association
Walton & Co
Ware and Kay LLP
Water Lane Ltd

Welcome to Yorkshire	York Civic Trust
Westgate Apartments	York Coalition of Disabled People
Wheatlands Community Woodland	York College
White Young Green Planning	York Conservation Trust
Whizzgo	York Cycle Campaign
Wilton Developments Ltd	York District Sports Federation
Wimpey Homes	York Environment Forum
Without Walls Board	York Georgian Society
WM Morrison Supermarkets PLC	York Green Party
Woodlands Residents Association	York Homeless Forum
World Heritage Working Group	York Hospitality Association
WR Dunn & Co. Ltd.	York Hospitals NHS Foundation Trust
WSP Development and Transportation	York Housing Association Ltd
Wyevale Garden Centres	York in Transition
York & District Citizens Advice Bureau	York Leisure Partnership
York & District Trade Council	York Minstermen
York & North Yorkshire Business Environmental Forum	York Museums Trust
York Access Group	York Natural Environment Panel
York Ainsty Rotary Club	York Natural Environment Trust
York Air Museum	York Older People's Assembly
York and District Trades Union Council	York Open Planning Forum
York and North Yorkshire Partnership Unit	York Ornithological Club
York Arc Light	York People First 2000
York Archaeological and Yorkshire Architectural Society	York Practice Based Commissioning Group
York Archaeological Forum	York Professional Initiative
York Archaeological Trust	York Property Forum
York Autoport Garage	York Racecourse Committee
York Blind & Partially Sighted Society	York Railway Institute
York Business Park Developments Ltd	York Railway Institute Angling Section
York Carers Together	York Residential Landlords Association
York Central Landowners Group	York Residents Against Incineration
York City Centre Churches	York St John University
York City Centre Ministry Team/York Workplace Chaplaincy/One Voice	York Student Union
	York Tomorrow

York Traveller's Trust

York TV

York Women's Aid

York@Large

Yorkshire & The Humber Strategic Health Authority

Yorkshire Architectural and York Archaeological Society

Yorkshire Coastliner

Yorkshire Footpath Trust

Yorkshire Housing

Yorkshire Inland Branch of British Holiday & Home Parks Association

Yorkshire Local Councils Association

Yorkshire MESMAC

Yorkshire Naturalists Union

Yorkshire Philosophical Society

Yorkshire Planning Aid

Yorkshire Rural Community Council

Yorkshire Wildlife Trust

Yorwaste Ltd

Youth Forum

Youth Service - V & I Coordinator

In addition approximately 950 individuals from the LDF database were consulted, this includes those who had responded on previous consultations and those who had registered an interest in the LDF. Local MPs and MEPs were also formally consulted, as well as other City of York Council departments.

Annex B: Copy of Letter to Consultees

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City Strategy

9. St. Leonard's Place
York
YO1 7ET

20 January 2012

Dear Sir/Madam

**Local Development Framework Supplementary Planning Documents
Consultation**

We are writing to inform you about the opportunity to comment on the following Supplementary Planning Documents (SPD):

- Controlling the Concentration of Houses in Multiple Occupation SPD;
- Subdivision of Dwellings SPD; and
- House Extensions and Alterations SPD.

The purpose of an SPD is to expand upon policy or provide further detail to policies in Development Plan Documents such as the Local Plan or Core Strategy. SPDs do not have development plan status, but once adopted they are afforded significant weight as a material planning consideration in the determination of planning applications.

The consultation period for the SPDs starts on **Monday 23 January 2012** and ends at **5pm on Monday 5 March 2012**. All responses must be received in this period. Representations can be made online or in writing. A comments form is available however representations by letter or email will also be accepted.

The consultation documents are available on the Council's website at www.york.gov.uk/LDF/SPD/ or by contacting Integrated Strategy by email at intergratedstrategy@york.gov.uk or by calling 01904 551482. Hard copies of the consultation documents are also available to view in all City of York libraries and the Council receptions at 9 St Leonard's Place, the Guildhall and Library Square.

Director: Bill Woolley

www.york.gov.uk

Following consideration of the representations received during the consultation period the SPDs will be finalised and presented to Members before being formally adopted.

If you require any further information on the consultation please do not hesitate to contact Frances Sadler in relation to the Controlling the Concentration of Houses in Multiple Occupation SPD at frances.sadler@york.gov.uk or 01904 551388. For information in relation to the Subdivision of Dwellings SPD and House Extensions and Alterations SPD please contact John Roberts at john.roberts@york.gov.uk or 01904 551464.

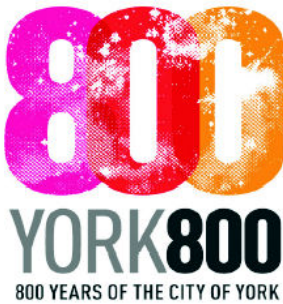
Yours sincerely

A handwritten signature in black ink that reads "M. P. Grainger". The signature is written in a cursive style with a long, sweeping underline.

Martin Grainger
Head of Integrated Strategy

Annex C: City of York Council Press Release

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PR2472

23 January 2012

For immediate release

Residents' views sought on new planning policy guidance

City of York Council is asking for residents' views on how future decisions on key planning applications are determined.

A consultation starts today (Monday 23 January) and asks for views on draft supplementary planning policy guidance set out in the following documents:

- Controlling the Concentration of Houses in Multiple Occupation SPD
- Subdivision of Dwellings SPD
- Houses Extensions and Alterations SPD

The purpose of a Supplementary Planning Documents (SPD) is to develop policies in more detail than in the council's main development plan documents such as the Local Plan or Core Strategy.

PRESS RELEASE

www.york.gov.uk/news

SPDs do not have development plan status, but once adopted they are afforded significant weight as a material planning consideration in the determination of planning applications.

Members of City of York Council's Cabinet recently agreed proposals for consultation, for deciding on future House in Multiple Occupation (HMOs) planning applications at a meeting on 10 January.

Houses in Multiple Occupation (HMOs) 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, young professionals, and low-income groups. Whilst HMOs are regarded as a valuable asset to the city's housing offer there has been debate about the wider impacts increasing concentrations of HMOs have, such as the loss of family and starter housing, impacts on school rolls and viability of local shops in some neighbourhoods,

It has already been agreed that the concentration of HMOs will be controlled through an Article 4 Direction which will come into force on 20 April 2012, removing permitted development rights, so that planning permission will be required in future to change a property into an HMO.

PRESS RELEASE

www.york.gov.uk/news

Under the proposed Supplementary Planning policy, the proportion of houses in an area or street would be assessed. If the proportion of HMOs were above an agreed threshold, planning permission for future HMOs would be recommended for refusal, to ensure that communities do not become imbalanced.

The other SPDs set detailed policy frameworks on sub-division of properties and an updated approach to property extensions.

The consultation period for the SPDs starts on **Monday 23 January and ends at 5pm on Monday 5 March 2012. All responses must be received in this period.**

Representations can be made online or in writing (letter or email will also be accepted).

The consultation documents are available on the council's website at <http://www.york.gov.uk/ldf/spd/> or by contacting Integrated Strategy at: intergratedstrategy@york.gov.uk or by calling 01904 551482.

Hard copies of the consultation documents will also be available to view in all libraries and the following council receptions at 9 St Leonard's Place, the Guildhall and Library Square.

PRESS RELEASE

www.york.gov.uk/news

Following consideration of the representations received during the consultation period the SPDs will be finalised and presented to Members before being formally adopted.

Councillor Dave Merrett, Cabinet Member for City Strategy, said “These are an important set of proposals which will affect our future approach to Houses in Multiple Occupation, how we maintain balanced communities, good living arrangements and the character of the streets where we live. Please take the time to look at them and send us your views and comments.”

ENDS

The York 800 programme marks the 800 years since the city was granted a Royal Charter by King John in 1212, allowing York to take charge of its own affairs by electing a council, creating the post of mayor, and giving its people a voice. A huge array of events throughout the year will give residents the chance to get involved in the celebrations especially, Charter Weekend (7-9 July) which will include the climax of a choral celebration, Ebor Vox, and a flotilla of hundreds of boats on the River Ouse. Many more details of the year-long programme are available on www.york800.com

The council’s five key priorities for 2011-2015 are:

- **Create jobs and grow the economy**
- **Get York moving**
- **Build strong communities**
- **Protect vulnerable people**
- **Protect the environment**

PRESS RELEASE

www.york.gov.uk/news

CITY STRATEGY:

All media enquiries should be directed to the council's press office on 01904 551068 or 552005.

- The council's cabinet member for City Strategy is Councillor Dave Merrett on 07765558514
- The Conservative group spokesperson is Councillor Paul Healey 07769930234
- The leader of the Green group is Councillor Andrew D'Agorne on 01904 633526.
- The leader of the Liberal Democrat group is Councillor Carol Runciman on 01904 764356
- The Independent Councillor is Cllr Mark Warters on 01904 413370

For further information please contact:

Debbie Manson

Communications & Media

City of York Council

Tel: 01904 552005

Fax: 01904 551064

Mob/out of hours: 07767318082

Email: debbie.manson@york.gov.uk

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PRESS RELEASE

www.york.gov.uk/news

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Annex D: Feature on City of York Council Website Homepage

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800

YORK800

800 YEARS OF THE CITY OF YORK

York is celebrating in a big way in 2012. It is 800 years since the city was granted a Royal Charter by King John in 1212, allowing York to take charge of its financial affairs and to trade freely. In response, York's citizens created a council led by a mayor to manage the city's affairs, laying the foundations of local democracy.

The city wants to get its residents, businesses and visitors involved in the year-long celebration to understand the city's unique past; create a sense of belonging in the city today; and make a step change for the future.

[Programme of events for 2012 \(PDF\)](#)
www.york800.com

A B C D E F G H I J K L M N O P Q R S T U V W X Y Z

Do it online



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-  [Book it](#)
-  [Report it](#)
-  [Find it](#)
-  [Have your say](#)

[A to Z of online services »](#)
[Do it online homepage »](#)

Features



Consultation on the future of Burnholme Community College
 Following discussions with governors and York Education Partnership we are holding a public consultation on the future of the college. The consultation runs until 20 April 2012



Fairtrade Fortnight in York
 27 February to 11 March is Fairtrade Fortnight. Find out about Fairtrade in York – a Fairtrade City



Her Majesty the Queen's visit to York
 The Queen will visit York during her Diamond Jubilee Year on Maundy Thursday, 5 April 2012



Consultation on supplementary planning documents
 Supplementary planning documents for houses in multiple occupation, house extensions and alterations and subdivision of dwellings



Roadworks
 Notices of temporary traffic restrictions in York for March



Do you want to hold a street party?
 Our practical guide to organising a street party to celebrate York 800 or the Queen's Diamond Jubilee

Find us on [facebook](#) Follow us on [twitter](#) See us on [flickr](#) Watch us on [YouTube](#)

Our services

- Advice and benefits**
 Benefits | Council tax | Emergencies including flooding | Trading standards
- Business and economy**
 Asset management | Commercial property | Food safety and standards | Health and safety | Licences and street trading | Markets
- Community and living**
 Births, deaths and marriages | Childcare | Equality and diversity | Youth Offending Team
- Council and democracy**
 Council publications | Councillors | Wards | West Offices building
- Education and learning**
 Parental support | Schools and Colleges | Training and development
- Environment and planning**
 Parks and open spaces | Planning | Pollution | Rubbish, waste and recycling | Street care and cleaning
- Health and social care**
 Carers | Children and family care | Help for adults | Services for older people
- Housing**
 Affordable housing | Council housing | Housing advice | Improvements and repairs
- Jobs and careers**
 Job vacancies | Casual and supply work | Working for the council
- Leisure and culture**
 Arts and entertainment | Libraries and archives | Sports, clubs and centres
- Transport and streets**
 Cycling | Parking | Park & Ride | Public transport
- Visiting York**
 Local attractions

Latest news

Support for national Credit Union conference in York this week
 Up on the roof top
 B1227 Clifford Street/Tower Street Footway Alterations and Carriageway Reconstruction
[View all news items](#)

Help using this site

Browsealoud
 Changing the size of the text
 Translation

Do it online

Online transactions with City of York Council
 Council meetings
 Online maps
 Online surveys
 View planning applications online
 Roadworks

What's on

Shine (formerly School's Out)
 Ward committee meetings
 York City of Festivals
 Yortime
 Events, clubs and groups

Useful websites

Air quality monitoring
 Cycling City York
 Your guide to everything cycling-related in York
 Imagine York
 Historic photos of York
 Safeguarding Adults
 Safeguarding Adults York
 Safeguarding Children
 City of York
 Safeguarding Children Board works with children, parents and professionals to make our children's lives safer
 Visit York
 York's tourism website
 Without Walls
 Local Strategic Partnership
 YOR OK
 Information for children, young people, parents, carers and practitioners
 York Live
 Traffic, bus and train information

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Appendix E: Public Notice

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The Draft SPD Consultation was advertised in 'The Evening Press' newspaper on Wednesday 25 January 2012. The Press newspaper provides news coverage for York, North and East Yorkshire

Wednesday, January 25, 2012 **The Press 33**

thepress.co.uk/classified

Public Notices

Public & Legal Notices

CITY OF YORK COUNCIL

The following applications have been received by the City of York Council

PLANNING (LISTED BUILDINGS AND CONSERVATION AREAS) ACT AND REGULATIONS 1990

11/03344/FUL for conversion and two-storey extension of agricultural building to form new dwelling. Erection of detached garage at Chapel Farm, 111 The Village, Stockton On The Forest, York

11/03408/OUT for outline application for two storey detached dwelling with associated garage and access from Croft Court (resubmission) at Land To Rear Of Ivy Dene Cottage, 14 Main Street, Bishopthorpe, York

11/03409/FUL for conversion and extension of barn to form new dwelling and erection of detached car barn (resubmission) at Barn To South Of Greystone, Church Lane, Nether Poppleton, York

11/03380/FUL and 11/03381/LBC for conversion of former stable block and coach house from office to 2no. dwellings with garages (resubmission) at The Old Stables, 292 Tadcaster Road, York

11/03428/FUL for change of use from retail (use class A1) to mixed use retail and cafe (use class A1 and A3) at The Little Mill Shop, 20 Shambles, York

12/00016/LBC for alterations to 21 to 24 Hawthorn Terrace to include the installation of thermal board linings to external walls, replacement of skirting boards, window boards and architraves at 21 Hawthorn Terrace. Hawthorn Terrace Central, New Earswick, York

11/03301/FUL for flat roof extension and 11/03302/LBC for Internal and external alterations including flat roof link to outbuildings at Ye Olde Starre Inne, 40 Stonegate, York

11/03349/GRG3 and 11/03350/CAC for demolish former public toilet building and pave the surface to match adjacent at Former Public Conveniences, Parliament Street, York

11/03422/LBC for internal alterations at Railway Station, Station Road, York

12/00060/LBC for conversion of outbuilding to 2 storey detached dwelling with single storey extension at The Old Rectory, Sandy Lane, Stockton On The Forest, York

11/03318/LBC for alterations to 1 to 16 Chestnut Grove to include the installation of thermal board linings to external walls, work to include removal of skirting boards, window boards and architraves and replaced with new to match existing profiles and 11/03317/LBC for Replacement Windows at 1-16 Chestnut Grove, New Earswick, York

11/03296/FUL for erection of two storey dwellinghouse at Lyngarth Cottage, 76 The Village Stockton On The Forest, York

11/03379/LBC for alterations including roof light to the rear and replacement windows at 11 Mount Parade, York

TOWN AND COUNTRY PLANNING (Development Management Procedure) ORDER 2010. Notice under Article 13 (4) or (5) of application for planning permission.

12/00024/REMM for reserved matters application for details of landscaping and external appearance of proposed two storey building for business use granted under outline permission 09/02291/OUTM at Land Adjacent To Northminster Business Park, Wykeham Road, Upper Poppleton, York

12/00087/FULM for erection of 12no. two and three storey dwellings with garage block at Turf Tavern, 277 Thanet Road, York

Applications and plans can be inspected at www.york.gov.uk and during office hours. anyone wishing to make representations should do so in writing within 21 days to:-

Development Management, City of York Council, 9 St Leonard's Place, York YO1 7ET
Dated: 25 January 2012

City of York Council is consulting on the following Supplementary Planning Documents (SPDs):

- Controlling the Concentration of Houses in Multiple Occupation SPD.
- Subdivision of Dwellings SPD.
- House Extensions and Alterations SPD.

The consultation documents are available on the Council's website at www.york.gov.uk/LDF/SPD/ or by contacting Integrated Strategy by email at integratedstrategy@york.gov.uk or by calling 01904 551482. Hard copies of the consultation documents are also available to view in all City of York libraries and the Council receptions at 9 St Leonard's Place, the Guildhall and Library Square.

The consultation ends at 5pm on Monday 5 March 2012. All responses must be received in this period. Representations can be made online or in writing to SPD Consultation, Integrated Strategy Unit, City of York Council, FREEPOST (YO239), York, YO1 7ZZ or by email to integratedstrategy@york.gov.uk.

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Annex F: Focus Group Event Feedback

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*Houses in Multiple Occupation Focus Group Event
Tuesday 21 February 2012
Friends Meeting House
Feedback*

1.0 Introduction

- 1.1 The focus group event held on Tuesday 21 February 2012 at the Friends Meeting House in York was part of the Controlling Concentrations of Houses in Multiple Occupation (HMO) Supplementary Planning Document (SPD) consultation. The aim of the following note is to broadly capture the diverse range of views and opinions of those who attended the event. It should be noted that the views expressed in this note are of those who attended the conference and not necessarily the views of City of York Council.

2.0 Agenda

- 2.1 Upon arrival, attendees were provided with name badges which had different colour dots on them. This split the attendees into three groups, each with a mix of attendees from a range of interest groups, including residents associations, parish councils, landlords and representatives from the higher education institutions. The purpose of this was to generate debate between the different interested parties in the break sessions.
- 2.2 The day was pitched as informal but structured with the event starting with a short presentation to provide context to the event. Attendees then took part in three break-out sessions: (1) Balanced communities (2) Residential amenity (3) Raising standards in the private rented sector
- 2.3 Feedback from all sessions during the day is provided below. Throughout the note the 'group' is often put forward as a single body, however it is important to acknowledge that many of the points that follow may have come from individuals within the groups. Accordingly, the comments below do not represent the collective view of the group, rather the range of comments raised by various members of the groups as discussions evolved.

3.0 Feedback from break out sessions

Balanced communities

- 3.1 The purpose of this breakout session was to explore the proposed policy approaches set out in the SPD as well as whether there are alternative policy approaches we should consider. Attendees were asked to comment on the neighbourhood and street level policy approaches and the merits of assessing concentrations on a neighbourhood or street level, or whether this should be done at both neighbourhood and street level. A discussion was also had about appropriate thresholds and alternative approaches to those set out in the SPD.

Red Group

- 3.2 Under the Neighbourhood approach it was felt that it would give a less precise means of measuring impact and that areas where existing HMO levels are high would skew future change in that area. It was considered that houses on the periphery of saturated 'neighbourhoods' would become the focus of new HMOs which could raise property prices and force areas into blight. Comments were made that areas with high concentrations of Council or Housing Association properties are unlikely to become the focus of HMO student rentals, it was queried whether the neighbourhood approach could take this into account by removing those homes from the assessment. It was considered that the street level approach would be more precise and relevant than the neighbourhood. The general consensus among the group was for a threshold of nothing higher than 10% to be applied at the street level. It was suggested that in building up a database of HMOs the Council should use local parish council or neighbourhood groups as source of 'on the ground' knowledge to help map current HMOs.
- 3.3 It was considered that it may be more appropriate to pursue an alternative approach whereby a range of thresholds are set citywide, based on access to services or public transport. One example given was that around public transport nodes a higher density of HMOs could be more appropriate in those locations. It was also suggested that the Council could allow those areas already populated by students to be recognised as student housing areas. There were both very positive and very negative comments expressed in response to this suggestion.
- 3.4 Discussions in this group focused mainly on student HMOs and it was suggested that there is the potential that an approach which focuses on responding to student housing issues can be seen to negatively impact on other non student HMO groups. Concern was expressed over whether planning permission can be applied for retrospectively as it can be the case that those legally contracted to live in a property sub-let to other residents, turning the property into an HMO without the landlords knowledge.

Green Group

- 3.5 Whilst there was general support for the neighbourhood approach the overwhelming consensus was that the street level approach would be the most appropriate. Representatives from the University of York and York St. John University commented that a recent debate on this issue with students highlighted that the street level approach was favoured. It was stated that generally, most students prefer to live off campus and as part of the wider community but they are not in favour of student 'ghettos'. Cllr. Warters expressed the view that residents of Osbaldwick do not support a thresholds based approach and that each application should be judged on its own planning merits. It was felt that local residents should ultimately have the choice over what change happens in their area.
- 3.6 A discussion was had around the need for better management of properties but that more co-ordination with the Council is needed for landlords to achieve this, especially on refuse collection. It was stated that consideration needs to be given to how the SPD will affect property agents and landlords as contractual arrangements are reliant on security that planning permission would be granted. It was suggested that any information the Council hold on the locations of HMOs which would use to determine a planning application, should be made accessible to the wider public.

Blue Group

- 3.7 This group noted that HMOs are a valuable part of the housing market and favoured the street level approach as it was felt by some that an approach based on neighbourhood areas would be likely to engineer student 'ghettos'. However there was support for a neighbourhood approach based on a 10% threshold using the smaller output areas rather than clusters of output areas. An alternative approach was also put forward that would be based on upper and lower thresholds at both the neighbourhood and street level which would allow for certain streets/areas to have higher concentrations of HMOs. These could relate to streets which are currently more saturated, and/or to other streets that are more accessible for students. This would reduce the pressure on other peripheral streets and give more certainty to developers/landlords. It was considered that otherwise, the HMO market would be stalled. Comments were made that buy-to-let investors will not purchase property without certainty of gaining planning consent. As a result of this it was commented that rental prices could be likely to escalate in areas where the supply of HMOs is constrained.
- 3.8 There was also discussion around specific issues for non student HMOs such as for the homeless/other special need groups, where anonymity is necessary. It was queried whether planning applications could be submitted without a named applicant, given likely public opposition to some non student HMOs.

Residential amenity

- 3.9 To explore how large concentrations of HMOs can affect residents' attendees were asked to comment on the amenity issues that can be created in areas of high numbers of HMOs. They were also asked to consider whether the proposed approach in the Draft SPD will tackle amenity issues.

Red Group

- 3.10 With regard to litter/bin storage it was suggested that the Council creates a problem by not providing sufficient wheelie bins for the number of residents in an HMO, or allowing landlords to provide own wheelie bins, which then won't be collected. It was suggested that if the Council provided extra wheelie bins it could reduce the amount recycled so the Council risks not meeting their recycling targets. Parking was also considered to be a key concern, it was discussed that residents can purchase resident only parking passes, it was suggested that a problem arises because the Council is selling more passes than available on-street parking spaces. Comments were made that some narrow terraced streets have parking on both sides and larger cars and commercial vehicles can't travel down them. It was suggested that this problem is compounded by workers in the city centre parking in residential streets to avoid very high car parking charges in public car parks.
- 3.11 It was discussed that because of the annual turnover of students, students and residents tend not to integrate creating a lack of community integration. It was noted that students do integrate with other students in the private rented sector, but not with local residents. However, in certain areas some residents have successfully made extra efforts to integrate with students (and vice versa), including invites to parties which was seen to be a very positive approach. An example was given in Heslington where a Good Neighbour Group has been set up, involving representatives from the

local community, University, etc which provides a good focus point for discussion of issues and concerns, often with positive outcomes.

- 3.12 It was accepted that a minority of students can cause problems (to noise, nuisance, anti social behaviour etc) and it was suggested that some students are incapable of living rationally and looking after themselves and that the Universities need to take more responsibility in dealing with such students. It was suggested that the Universities do have procedures in place, but it was queried whether this only applies to students living on campus. It was also suggested that there is a minority of landlords who are unscrupulous and irresponsible and there should be procedures in place for dealing with them. It was suggested that a key problem in terms of nuisance is the promotion of cheap alcohol at Student Union bars.

Green Group

- 3.13 In this group concern was raised that crime is a significant issue, comments were made that often many HMO's have a keyless locking system on doors and new students don't realise how to operate them properly so the crime rate rises at the start of a new student year as students become victims of crime. This is often because they are seen as good targets by criminals given the expensive items they bring with them such as laptops.
- 3.14 With regard to property maintenance it was suggested that if a property is well maintained by the landlord, students tend to look after it and respect it better than a poorly maintained property. However comments were made that some landlords just want to make money and don't see that property maintenance and the welfare of their residents as a priority.
- 3.15 The issue of bins was raised as a problem, particularly that they are often overfilled, with some instances given where landlords don't help to resolve problem and the Council appear to be uninterested unless there is a rat infestation. It was suggested that the Council needs to be more proactive in providing information on bin collection dates, with more detail on the Council website, leaflet drops and/or collection date stickers on bins etc.
- 3.16 This group also noted that many problems aren't just with students; and it was suggested that other non student HMO residents can be problematic too.

Blue Group

- 3.17 Whilst the overall public perception of HMOs is negative it was discussed that the public need to understand that HMOs bring financial benefits to areas, in relation to student HMOs this includes jobs and economic benefits.
- 3.18 There was concern that where dwellings are converted to HMOs some landlords/applicants are not honest with descriptions, for example, planning applications may indicate a lounge or workshop/utility, but once permission granted, rooms become bedrooms. It is very difficult to detect once permission is granted and it was queried whether the Council has any powers to ensure that rooms are as agreed in planning permission. Officers commented that this can be done through Planning Enforcement. Another view was put forward that some landlords consider the ratio of private space and communal space to be very important, for the benefit of the residents of the properties and don't want to just cram bedrooms into properties. It was suggested that there is less demand for accommodation made up of only

private living space. Also, concern was raised that HMOs/extensions can result in a loss of valuable garden space which is an issue as food prices rise and growing your own food will become increasingly important.

- 3.19 It was suggested that there is a common misconception that only student accommodation involves an increase in parking, however most households (including family households) have seen a significant rise in car ownership. Comments were made that it is a nationwide issue as car ownership increases. It was suggested that often people park their car on nearby streets passing problem on to someone else. There was a discussion that residents are concerned that HMOs generally have a significant negative impact on the character of an area. Comments were made that when estates were planned, careful consideration was given to space around dwellings, vistas etc, however, with an increase in HMOs, this careful planning is lost.

Raising standards in the private rented sector

- 3.20 This breakout session focused on raising standards in the private rented sector, particularly through an accreditation scheme. Attendees were asked what they thought were the benefits of an accreditation scheme to landlords, agents and tenants. There were also asked to comment on what incentives should be offered as part of a voluntary accreditation scheme.

Red Group

- 3.21 It was suggested that student renting is more stable for landlords and therefore more attractive. It was questioned what the price difference was between renting to a family and sharers.
- 3.22 The group discussed the benefits of an accreditation scheme, it was suggested that landlords receive no benefits from a 'good' inspection and that there is currently inconsistency of enforcements for licensed properties. It was suggested that fewer inspections for a lower fee model may be attractive to landlords and that landlords can negotiate with the Council. It was stated that sometimes problems arise from how people live in the properties rather than faults with the property and that the National Landlords Associations have started to identify solutions for this.
- 3.23 It was suggested that the Council should go straight to additional licensing instead of going through a voluntary scheme. However it was queried whether there is there sufficient evidence obtained to show need for additional licensing. It was also questioned what impact an additional licensing scheme could have on the private rented sector.

Green Group

- 3.24 It was discussed that some landlords are on the Code of Best Practice but that this is more of a building management code rather than safeguarding tenants. It was suggested that landlords need to do more than just provide certificates and that it is important to engage with disinterested landlords. It is also important to improve/engage with letting agents. It suggested that there have been fewer complaints with Code of Best Practice properties which shows that it may be working, but not sufficient to prove it. It was commented that there are no sanctions against landlords within the Code of Best Practice who are mainly reward however there are sanctions under the Housing Act. It was suggested that training (using online

seminars) should be made compulsory even if take-up of the Code of Best Practice is voluntary.

- 3.25 The group considered that incentives for landlords to join an accreditation scheme could include an information pack, it being free of charge or low cost and that there is a need to identify things that need to be addressed and help availability of properties. For student responsibilities it was suggested that a student information pack and student feedback would be helpful, alongside training of landlords. It was also suggested that post termination of tenancy feedback form could be used as an incentive. It was queried whether Council leaders have stated that an accreditation scheme will be compulsory.
- 3.26 It was considered that mandatory licensing is the only way to make sure that all landlords comply but that any regime needs enforcement to be effective. A discount fee could be used as an incentive to get landlords to sign up to a licensing scheme. Without a mandatory scheme not all landlords will be identified.
- 3.27 It was suggested that higher standards in the private rented sector will reduce the availability of cheap rent and that some tenants don't complain about landlords or standards of property for fear of losing deposit and also the time taken to do anything. There was also a discussion around a University of York housing survey about new build housing especially for students and that there are national standards for on-campus accommodation.

Blue Group

- 3.28 Comments were made that whilst the York Residential Landlords Association (RLA) already promotes good practice there are 1,500 non-member landlords operating in the City. As such it was suggested that it is important to encourage higher membership of the RLA and that the Council should promote this. It was stated that the RLA is surprised and disappointed that the Council has not been proactive in discussing the introduction of an accreditation scheme with the RLA. It was suggested that the Council should utilise all existing powers instead of adding more bureaucracy
- 3.29 It was considered that the Council should seek to prosecute more bad landlords and it was queried whether it is better to spend money tackling the minority of bad landlords rather than introduce more costs for all landlords. It was stated that the information available is confusing for new landlords. Any scheme needs uniformity and consistency.
- 3.30 It was discussed that energy ratings included on property information would be a step toward improving energy rating of property and that voluntary schemes attract good landlords. The group also considered other local authority approaches and Oxford City Council was referred to which now has compulsory licensing for all HMOs because a voluntary scheme didn't work. It was stated that Leeds City Council has a mixed approach.

**Annex G: Osbaldwick Parish Council Public
Meeting Minutes**

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OSBALDWICK PARISH COUNCIL

Notes of Public Meeting on HMOs held 20th February 2012 in The Village Hall Osbaldwick

Mr Graham Bradbury, from Copmanthorpe, the independent chair of the meeting introduced himself and the representatives from City of York Council Martin Grainger and Frances Sadler explaining that they would give a short introductory talk supported with video display of the draft document on the Article 4 Direction distributed for consideration. This would be followed by a question and answer session and a statement from the Ward Councillor Mark Warters.

The presentation included pages to explain all types & sizes of HMO's it also gave details of the area covered, which included the whole of Osbaldwick and showed a provisional figure of 20% of properties to be allowed in an area as yet undefined as to being a street, area, or a batch of 650 to 750 houses.

At this stage Cllr Warters read extracts from his response to the draft out for consideration and a large section of his comments are given below.

For the sake of clarity the letter is shown below in its entirety.

Dear Martin,

Re. LDF SPD CONSULTATION CONTROLLING THE CONCENTRATION OF HOUSES IN MULTIPLE OCCUPATION SPD

I write this letter as Ward Councillor for Osbaldwick on behalf of local residents who have made their views on HMOs abundantly clear in recent years, Osbaldwick Parish Council, Murton Parish Council and Meadlands Area Residents Association.

You are undoubtedly aware of the issues surrounding the un-restricted spread of HMOs, largely student HMOs, in this part of York in close proximity to the rapidly expanding University of York. I do not intend covering old ground and will concentrate on commenting on the SPD. However, please consider my comments within the context of appendix A, Osbaldwick Parish Council FOI request 22/9/10 and FOI request 30/1/12 which clearly show the numbers of students and accommodation units on the University of York campus. Appendix B, Council Tax exempt properties 2001 – 2012.

On behalf of the people I represent I COMPLETELY REJECT the use of a threshold approach, either at street or neighbourhood level, when the Article 4 Direction comes into force on the 20th April 2012. Whenever I have spoken at the LDFWG, executive or Cabinet meetings in the past to press the case for the Article 4 Direction I have always expressed the view that each application for change of use from a dwelling house (C3) to HMO (C4) needs to be dealt with like any other planning application – on its own merits – and not within an artificial threshold of acceptability that will impart a presumption in favour of the change of use to a HMO if the application is within an area below the threshold level.

The fact that York Council has chosen an extremely high threshold of 20% for consultation only serves to strengthen my conviction that THIS APPROACH IS WRONG. If the Article 4 Direction was introduced in this way with a 20% threshold it would not be so much a restriction as an invitation

to the student let landlords to 'fill up' a ward like Osbaldwick up to the 20% (or whatever % is deemed acceptable) level. Having followed this issue closely it was noticeable at Cabinet on the 10th Jan. 2012 that no representatives from the various student landlord associations were in attendance, perhaps they did not consider it necessary to object to a 20% threshold?

Areas such as Badger Hill, which is almost at a 20% threshold, Hull Road, Heslington, Fishergate etc. will be deemed 'full' leaving the Osbaldwick Ward next in the firing line, and on behalf of the residents I WILL NOT accept this scenario, certainly not in a Ward that has on the one hand been earmarked for a huge greenbelt housing expansion on the pretext of housing shortages and on the other hand is then to see 1 in 5 properties potentially turned into student HMOs, which by virtue of the physical changes to the properties and the revenue extracted from these over developed and over occupied properties will never be used as family homes again.

I am not going to suggest alternative threshold levels as I believe that approach to be wrong and unpalatable to local residents. I note references in the SPD to the approaches taken by other authorities, what happens elsewhere is not my concern and indeed York Council ought to consider leading rather than merely following when it comes to this issue.

Because the University of York is located on the suburban periphery of York and is subject to a huge expansion programme with a very low level of on-campus accommodation, the detrimental effects of this large body of people placed into a small distinct area of the City all requiring accommodation has led to what is best described as a 'suburban campus'; I suggest that these effects are more noticeable in the East of York than for example other cities with centrally located University complexes, city centre dwellers would expect (rightly or wrongly) a greater level of traffic, late night noise and disruption than those living in the suburbs.

I note the references in the SPD to 'balanced and mixed communities' as though this is to be used as a pretext to introducing a 20% level of HMOs in this area. Not only would these 20% of properties introduce a disproportionately large number of residents into an area but there would be a significant demographic change to an area.

I do not believe these imposed changes can be justified within the mixed communities theme but if I was to accept that viewpoint I would ask what elements of 'balanced and mixed communities' are demonstrated on the University of York Campus or the privately built and run student accommodation blocks? What is the percentage of affordable family housing units, old people's accommodation, children's facilities, schools, shops, pubs etc. on the University campus? Indeed many of the private accommodation blocks have been allowed by York Council, to be developed as 'gated' exclusive developments – no attempt at a mixed community!

The Council Tax paying residents of York living in areas most affected by the activities of the University of York have NEVER been consulted on whether they wish to live as part of an ever spreading suburban campus. I made my views on this situation well known prior to the May 2011 local elections and if my election is not taken as a clear indication of the views of the residents on this matter I will not hesitate in organising a Parish Poll to allow them to express their views if a threshold based Article 4 Direction is pushed through. However, I do wish to make the following specific points;

1. As explained earlier a 20% threshold is unacceptable which would see areas currently below this level targeted for the spread of HMOs.
2. Areas currently above the 20% threshold would therefore see a presumption against any further HMO change of use.

In a street such as Siward Street, Hull Road currently with over 50% student HMOs this would prevent any current owner occupier from ever selling their property for market value, given that selling to the landlord letting market is the only exit route for residents on such streets.

A threshold approach would lack the flexibility to allow this escape route for residents, it upsets me to suggest this, but areas with an existing 50% or more concentration of student HMOs may, given the unwillingness of families to move into such situations, have to be abandoned to landlords. This is an illustration of why each HMO change of use has to be assessed on its own merits.

3. Encouraging the spread of (largely) student HMOs with a high threshold will, as it is doing now, price families and young professionals out of the rental market. Why would a landlord rent to a family when a traditional house can be turned into a 5, 6, 7 bed or even more, generating a greater income with students and having a property exempt from Council tax?

4. The references to residential amenity on page 16 para. 6.25 are welcome and are ALL SUPPORTED. In particular reference to ensuring that “there is sufficient space for additional cars to park”.



How will this be assessed within the planning system? Given York Council policies on maximum parking provision how are the public going to be re-assured that a 5/6/7 bed HMO with 1.1 parking spaces is acceptable with the inevitable turning over of the road and verges to a de-facto residential car park whilst the York Council and University of York authorities delude themselves as to the success of the University travel plan.

Such considerations obviously lead on to the concerns over loss of front gardens for parking spaces. I fully support concerns expressed by others, notably Dr. Roger Pierce and his suggestion that a policy whereby “the applicant will be expected to offer assurances that tenants will be prohibited from keeping any more cars in the locality beyond those that can be accommodated in the designated parking spaces”.

5. Reference is made in 6.25 to “the dwelling is large enough to accommodate an increased number of residents”. Perhaps policy ought to specify a maximum level of occupancy for HMOs in standard residential properties linked to the AVERAGE occupancy of properties in the immediate area, i.e. student HMOs with 5/6/7 occupants in a street of semi-detached properties with average residential occupancy of between 3 and 4 will have disproportionate effects on the balance of the community. Limiting occupancy of HMOs to the surrounding average would be a sensible move.

6. As set out in 6.28, removal of permitted development rights from properties granted C4 HMO planning permission is FULLY SUPPORTED. The point regarding retention (and hopefully maintenance) of rear gardens is welcome not just from the residential and bio-diversity aspects but from the land drainage/waterlogging perspective that is now evident in areas that have seen gardens replaced with hard standing.

7. References to HMO applicants submitting and implementing management plans for the external areas of the property in 6.30 are FULLY SUPPORTED, however concerns have to be raised as to the subsequent resources provided to inspection and enforcement of such plans. I look forward to the collation of the consultation responses and subsequent debate of the issue by Cabinet in March/April and hope that when the Article 4 Direction is finally introduced its implementation meets the expectations of residents in the Osbaldwick Ward.

QUESTIONS & ANSWERS SESSION COMMENCED

Q Why did they pick the figure of 20%

A It was a figure used elsewhere and is included for discussion.

Q Will there still be an appeals procedure after 29th April.

A Yes.

Q What happens when an area reaches its threshold.

A No more would be approved for that area

Q If an objection is raised would CYC take any notice.

A We would try.

Q Why is the threshold so high.

A What do you think it should be?

vote taken 20% 0

15% 0

10% 5

5% or less 20+

Q Can anyone buy a house & convert prior to 20th April 2012

A Yes

Q Should HMO's be licensed.

A A fair question

Q The University is not happy with the Article 4 Direction.

A Yes we know

Q Why are student houses exempt from Council Tax.

A Sorry I dont know.

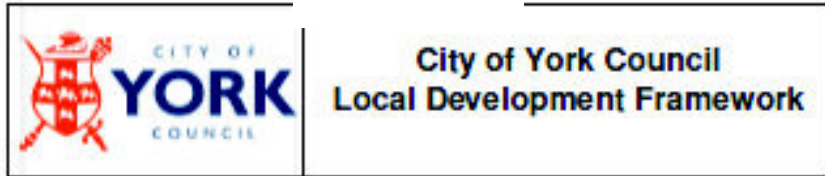
Q Problem is Universities are run as a business.

A I cant comment

The chairman and Ward Councillor both thanked Martin & Francis for attending and closed the meeting

**Annex H: Copy of Comments Form, including
questionnaire**

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Consultation Draft Controlling Concentrations of Houses in Multiple Occupation Supplementary Planning Document

Comments Form

Please return to City of York Council by 5pm on Monday 5 March 2012

THIS FORM CAN ALSO BE DOWNLOADED AT:

www.york.gov.uk/LDF/SPD/

	1. Personal Details*	2. Agents Details (if applicable)
Title:	_____	_____
First Name:	_____	_____
Last Name:	_____	_____
Job Title: (Where relevant)	_____	_____
Organisation: (Where relevant)	_____	_____
Address Line 1:	_____	_____
Address Line 2:	_____	_____
Address Line 3:	_____	_____
Address Line 4:	_____	_____
Post Code:	_____	_____
Telephone No:	_____	_____
Email Address: (Where relevant)	_____	_____

* If an agent is appointed, please only complete the 'Title', 'Name' and 'Organisation' in (1) Personal Details, but complete full contact details of the agent in (2) Agent Details.

Questions

Assessing Concentrations of HMOs

1. Do you think a threshold of 20% is appropriate across a neighbourhood area? If not what would be an appropriate percentage?

Yes No

Please use this box to set out your comments

2. Do you think a threshold of 20% is appropriate for a street level assessment of concentrations of HMOs? If not what would be an appropriate percentage?

Yes No

Please use this box to set out your comments

3. Which of the following options do you think is appropriate for managing HMOs?

Option 1: Do you think the neighbourhood area approach set out in Option 1 is the best way to manage concentrations of HMOs?

Yes No

Please use this box to set out your comments

Option 2: Do you think the street by street approach set out in Option 2 is the best way to manage concentrations of HMOs?

Yes No

Please use this box to set out your comments

Option 3: Do you think a neighbourhood and street level approach set out in Option 3 is the best way to manage concentrations of HMOs?

Yes No

Please use this box to set out your comments

Option 4: Do you think there is another approach not covered by Options 1, 2 or 3 that would be the best way to manage concentrations of HMOs?

Yes No

Please use this box to set out your comments

Residential Amenity

4. Do you think the right amenity issues have been adequately covered in this section?

Yes No

Please use this box to set out your comments

5. Do you think the guidance in this section would contribute to addressing amenity issues arising from concentrations of HMOs?

Yes

No

Please use this box to set out your comments

THANK YOU FOR TAKING THE TIME TO RESPOND

**Please return this form using the following freepost address
by 5pm on Monday 5 March 2012 to:**

**SPD Consultation
Integrated Strategy Unit
City of York Council
FREEPOST (YO239)
York, YO1 7ZZ**

Or by email to:

integratedstrategy@york.gov.uk

**A large print version is available on request
Tel: 01904 551482**

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**ANNEX 1: Controlling the
Concentration of Houses in Multiple
Occupation Supplementary Planning
Document Consultation Statement
(March 2012)**

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Consultation statement

SUPPLEMENTARY
PLANNING
DOCUMENT

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

March 2012

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Annexes

Annex A: List of LDF Database Consultees

Annex B: Copy of Letter to Consultees

Annex C: City of York Council Press Release

Annex D: Feature on City of York Council Website Homepage

Annex E: Press Notice

Annex F: Focus Group Event Feedback

Annex G: Osbaldwick Parish Council Public Meeting Minutes

Annex H: Copy of Comments Form, Incorporating Questionnaire

1.0 Introduction

- 1.1 The purpose of this report is to summarise the draft Controlling the Concentration of Houses in Multiple Occupation (HMO) Supplementary Planning Document (SPD) consultation. The responses from this consultation have been used to develop the revised SPD.
- 1.2 The consultation commenced on 23 January 2012 and a number of consultation techniques were used in accordance with the adopted Statement of Community Involvement (2007). Consultation ran until the 5 March 2012. During this consultation period a Focus Group Event was held.
- 1.3 This report outlines the consultation documents that were produced; sets out who was consulted; outlines the methods and techniques used during the consultation, and summarises the key issues raised in the responses received.

2.0 Consultation Documents

- 2.1 A number of documents were produced as part of the consultation to inform people about what the process involved, how they could respond and also ways in which they could contact the Integrated Strategy team.
- 2.2 The following main consultation documents were produced:
 - Draft Controlling the Concentration of HMOs SPD;
 - Strategic Environmental Assessment Screening Report; and
 - Comments Form, incorporating a questionnaire.
- 2.3 Previously all SPDs were subject to Sustainability Appraisal. The purpose of which is to promote sustainable development through the better integration of sustainability considerations into policy development. Sustainability Appraisals included the requirement for Strategic Environmental Assessment (SEA) which is a system of incorporating environmental considerations into policies, plans, programmes and strategies. When the regulations were amended in 2009¹, the requirement for Sustainability Appraisal for SPDs was removed. However, SPDs are still subject to the requirements set out by the SEA. Accordingly, the draft SPD was subject to a screening report to determine the need for an SEA and to support the Draft SPD consultation. The three statutory bodies for the SEA process are English Heritage, Natural England and the Environment Agency. As set out in Annex 1, these statutory bodies were consulted, as required.

¹ The Town and Country Planning (Local Development) (England) (Amendment) Regulations 2009

2.4 As well as the main consultation documents, it was considered appropriate to include the following additional supporting reports which were made available as part of the consultation:

- City of York Council Houses in Multiple Occupation Technical Paper (2011);
- '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; and
- Article 4 Direction and Plan.

2.5 There were several ways in which people and organisations could comment on the consultation documents. These were by:

- filling in the comments form (electronically or in writing);
- writing to the Integrated Strategy team using the address found in the documents and publicity material. This was a freepost address;
- emailing the Integrated Strategy team using the email address found in the documents and publicity material; or
- using the Council's 'consultation finder' and completing an online survey, taken from the questionnaire incorporated in the comments form, which could be found on the Council's website.

3.0 Document Distribution and Publicity

3.1 To support the production of York's Local Development Framework (LDF), the Council have compiled a database to include statutory consultation bodies and key stakeholders, alongside individuals who have registered an interest in the York LDF process or have expressed an interest to be informed of the progress of planning documents in York. The LDF database comprises a number of categories; specific consultation bodies, general consultation bodies, other groups/organisations and individuals. These groups of consultees (approx. 2,900) were sent an email or a letter informing them of the consultation and the opportunity to comment, alongside details of the web page and where to find more information. Please see Annex A for further information. As set out in Annex A, each of the Local Strategic Partnership boards, as well as other groups such as the Open Planning Forum, Youth Council, Environment Forum and Property Forum were informed of the consultation and how to make comments. A copy of the letter sent to consultees can be found at Annex B.

- 3.2 Key stakeholders relevant to HMO issues, not already on the LDF Database were also identified and sent an email or letter to inform them about the consultation. This included the York Residents Association, York Residential Landlords Association alongside student representatives and accommodation staff at all of York's Higher Education Institutions.
- 3.3 Those individuals who had expressed an interest in HMOs either through their local Councillor or the Article 4 Direction consultation were also sent an email or a letter informing them of the opportunity to comment and details of the web page and where to find more information.
- 3.4 An internal consultation was also undertaken with relevant Officers and all Members were informed of the consultation and how to comment.
- 3.5 All of the consultation documents were made available to view and download on the Council's website. A link to the online survey was also posted on the Council's website. Hard copies of the consultation documents were placed in all of the City of York Council libraries and at the Council's receptions at 9 St. Leonards Place, the Guildhall and Library Square. It was also possible for those who required hard copies to ring or email the Integrated Strategy team and request a copy of the documents.
- 3.6 In addition to writing to consultees and distributing the documentation, the Council sought to further publicise the consultation and give details on how and when comments could be made. This was achieved through the following:
- A City of York Council press release was issued to coincide with the start of the consultation period on 23 January 2012 which can be seen at Annex C;
 - A notice was placed in the features section of the City of York Council website homepage publicising the consultation and providing a direct link to the Draft SPD webpage as shown at Annex D;
 - A public notice was published in the Evening Press on Wednesday 25 January 2012. This set out what is being consulted upon, the consultation period and ways to respond alongside where the documents are available for inspection. Please see Annex E for a copy of the notice;
 - Whilst there was not an edition of Your Voice/Your Ward published within the consultation period information about the consultation was provided to all Neighbourhood Management Officers to include, as appropriate, in the powerpoint presentations that run during ward committee surgeries;
 - There was no meeting planned for the Inclusive York Forum during the consultation period, to ensure that its' members were aware of the consultation and the opportunity to comment information about the consultation was circulated via email to those on the Inclusive York Forum distribution list; and
 - Information was provided to the chair of the York Residents Association who briefed their Members on the consultation and how to comment. Representatives were also sought to attend the Focus Group Event.

4.0 Events and Meetings

- 4.1 Details about the events held as part of the consultation are outlined below.

Focus Group Event

- 4.2 A Focus Group Event was organised by the Council and held during the consultation period on 21 February 2012. The purpose of the event was to cover a range of issues relating to HMOs, including the impacts of large concentrations of HMOs, how the Council should assess change of use planning applications to HMO when the city's Article 4 Direction comes into force and raising standards in the Private Rented Sector, including the introduction of an Accreditation Scheme in York. The half day event was well attended and was pitched as structured but informal to encourage discussion. A range of stakeholders were invited including residents, landlords and representatives from the Universities. Care was taken to invite an equal mix of interested parties to ensure a balanced debate. The event was attended by 37 people.
- 4.3 The Focus Group Event used a consultation technique known as 'carousel' style. It began with a short presentation setting the context for the event. Attendees then took part in three break-out sessions: (1) Balanced communities (2) Residential amenity (3) Raising standards in the private rented sector. A note of the event can be found at Annex F which broadly captures the diverse range of views and opinions of those who attended the event.

Osballdwick Parish Council Public Meeting

- 4.4 Officers were invited to attend a public meeting by Osballdwick Parish Council to discuss the Draft SPD. This took place on 20 February 2012. Following a short presentation by Officers there was a questions and answer session. A range of issues were discussed as set out in Annex G.

5.0 Consultation Response

- 5.1 A total of 85 responses were received. 47 people completed the questionnaire as part of the comments form, of which 25 completed it online via the online survey. A copy of the comments form which included the questionnaire can be found at Annex H. Representations were received from a variety of groups, organisations and individuals.

6.0 Summary of Responses

- 6.1 The following sections set out a summary of the main issues raised by respondents who submitted comments as part of the Draft SPD Consultation. Following an overview of the responses to the questionnaire, comments have been grouped under thematic headings. It should be noted that the views

expressed below are of those who submitted representations as part of the consultation and not necessarily the views of City of York Council.

- 6.2 For the issues raised by attendees at the Focus Group Event and by residents at the Osbaldwick Parish Council Public Meeting please see Annex F and G.

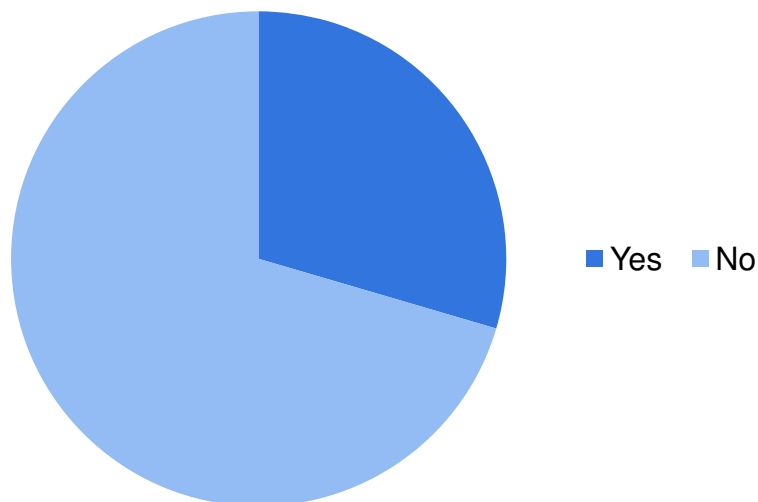
Questionnaire

- 6.3 The following provides a summary of those respondents who completed the questionnaire, either by filling in the comments form or completing the online survey. Detailed comments from the questionnaire, including alternative thresholds, are set out in the sections following this one. It should be noted that in some instances respondents answered the questions only as a 'least unacceptable' policy approach, if one 'had to be taken' and did not think there should be a policy for controlling HMOs.

Question 1

- 6.4 Figure 1 below shows that the majority of people who responded to the questionnaire did not think that a threshold of 20% is appropriate across a neighbourhood area. This represents almost three quarters of respondents.

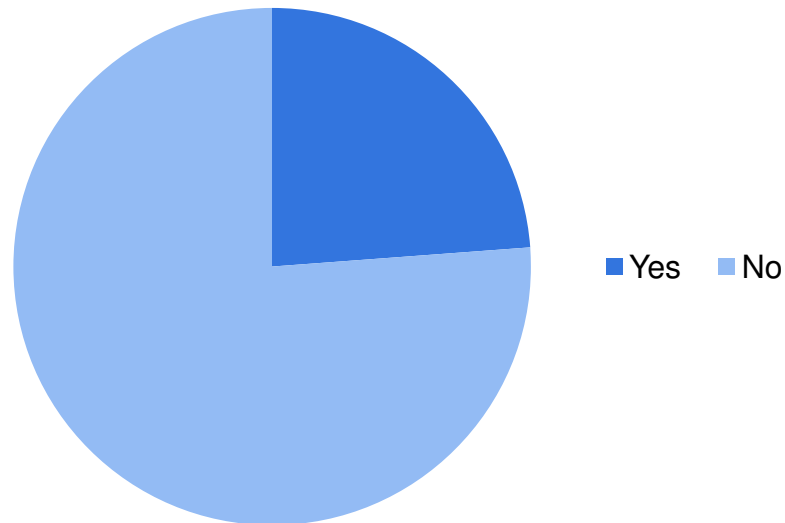
Figure 1: Do you think a threshold of 20% is appropriate across a neighbourhood area?



Question 2

- 6.5 When asked whether they thought a threshold of 20% is appropriate for a street level assessment of HMOs the majority of respondents said no (76%), as shown overleaf at Figure 2.

Figure 2: Do you think a threshold of 20% is appropriate for a street level assessment of concentrations of HMOs?



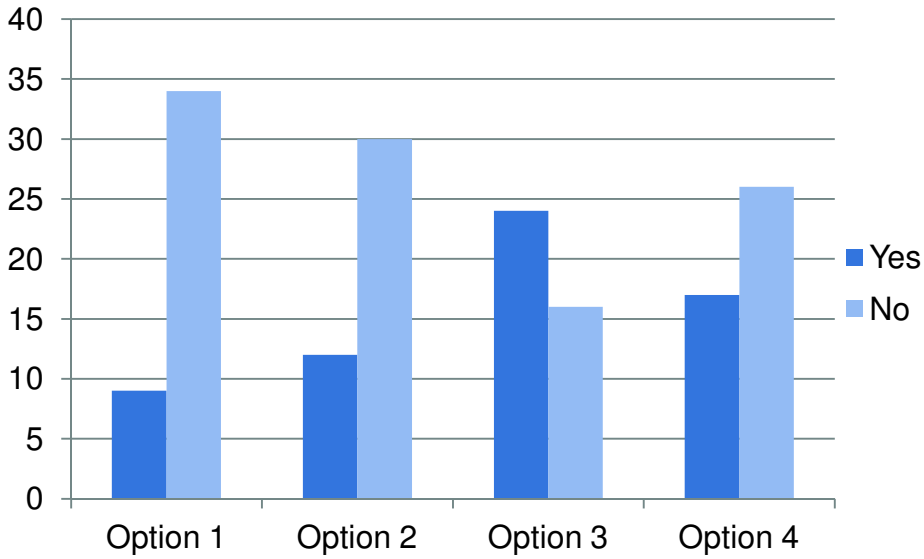
Question 3

6.6 Question 3 asked people which of four options they thought was the most appropriate for managing HMOs. The options are set out in the Draft SPD and comprise:

- Option 1: Do you think the neighbourhood approach set out in option 1 is the best way to manage concentrations of HMOs?
- Option 2: Do you think the street by street approach set out in Option 2 is the best way to manage concentrations of HMOs?
- Option 3: Do you think a neighbourhood and street level approach set out in Option 3 is the best way to manage concentrations of HMOs?
- Option 4: Do you think there is another approach not covered by Options 1, 2 and 3 that would be the best way to manage concentrations of HMOs?

6.7 The results of question three are shown in the bar chart at Figure 3. This shows that the preferred option by respondents was the neighbourhood and street approach, followed by another alternative approach. Please see paragraph 6.21 below for detail on the alternative approaches suggested. The least favoured option was Option 1, the neighbourhood approach.

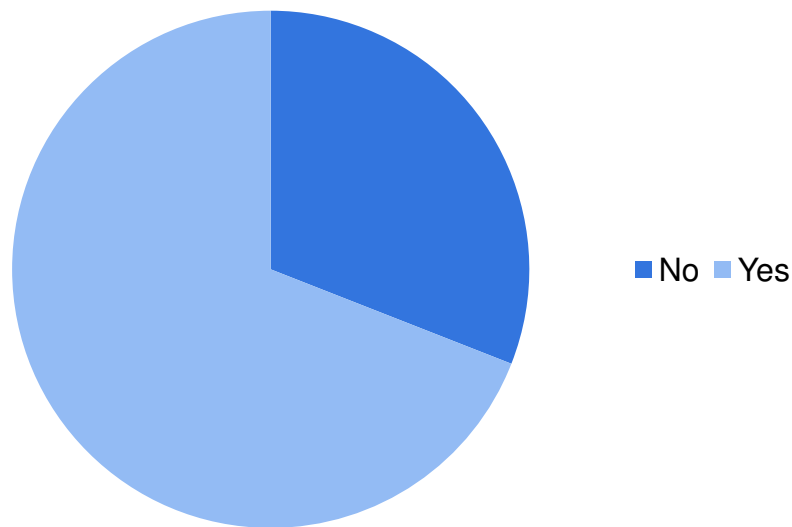
Figure 3: Which of the options do you think is appropriate for managing HMOs?



Question 4

6.8 Respondents were asked whether they think the right amenity issues has been adequately covered in the Draft SPD. The majority (69%) thought that we had got it right as shown at Figure 4.

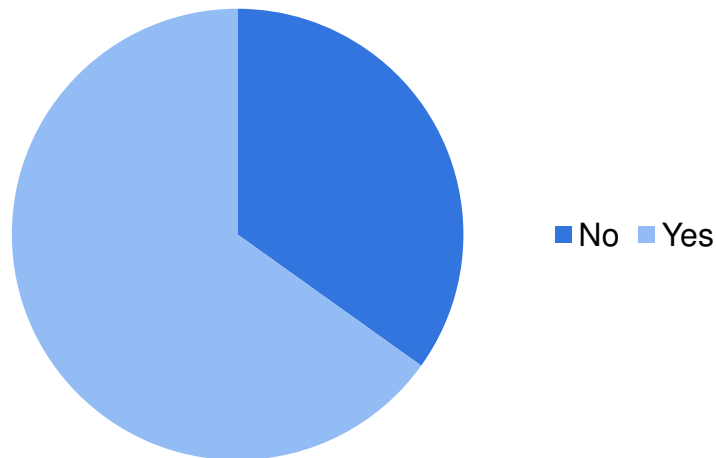
Figure 4: Do you think the right amenity issues have been adequately covered?



Question 5

6.9 Following on from question 4, respondents were asked whether they thought the guidance in the draft SPD would contribute to addressing amenity issues. The majority of respondents thought that it would (65%), with only 35% of respondents suggesting that amenity issues wouldn't be addressed through the measures in the draft SPD as shown at Figure 5.

Figure 5: Do you think the guidance would contribute to addressing amenity issues arising from concentrations of HMOs?



Neighbourhood Area Approach

- 6.10 It was considered by several respondents that 20% is too high a threshold at the neighbourhood area level and that 10% or less would be more appropriate, with several other respondents suggesting 5% to ensure that no street had over 20% and to protect estates of family housing. It was also suggested that the ideal would be to have no HMOs at all but that a threshold of less than 5% would be acceptable. Whilst one respondent suggested that at 20% the balance of a neighbourhood has been destroyed, another respondent suggested that this is not the case and that a threshold of more than 20% should be used. One respondent suggested a threshold of 40% would be appropriate.
- 6.11 Another respondent suggested that a neighbourhood area approach could be manipulated by interest groups and be problematic for the Council to manage. It was also suggested that the neighbourhood approach is too obscure. There was also concern from a number of respondents that this approach would not prevent clusters of HMOs on individual streets and that it is too vague and would still result in hotspots of HMOs.
- 6.12 One respondent suggested that 20% is acceptable across a neighbourhood area but consideration must be given to location given that some areas (Hull Road for example) operate at a higher level. It was suggested that what is appropriate in one area may not necessarily be appropriate in others. Another respondent commented that 20% is incorrect as a threshold and referred to the National HMO Lobby's approach of 10% of all properties or 20% of the population as the tipping point in a neighbourhood.

Street Level Approach

- 6.13 A large number of respondents supported this approach. Whilst there was support for allowing each case to be taken on its merits more easily through a

street level approach, one respondent felt that a street only approach would still allow for large concentrations of HMOs to be created in neighbourhoods which would impact upon local schools and amenities. One respondent suggested that 1 property in 5 is an imbalanced community and that the threshold should be 1 property in 10 i.e. 10% rather than 20%. It was suggested that a street level approach would prevent the clustering of HMOs along streets and that it is street level where the effects of high concentrations of HMOs can be most keenly felt.

- 6.14 Another respondent suggested that a 20% threshold at street level was acceptable but that in certain saturated areas where there is an acceptance that it is already a 'student area' then allowing the threshold to be broken would make little effect. Other respondents suggested that a 10% or 15% threshold at street level would be more appropriate because higher concentrations can alter the residential 'feel' of an area. One respondent suggested that 5% may be acceptable in areas of family housing. Examples of other Local Authority approaches were given where lower than 20% threshold have been pursued, for example Manchester where 10% has been selected. Another respondent referred to the National HMO Lobby's threshold approach which would see 20% of properties but 40% of the population. It was also suggested that the street level approach should be applied in streets that have not yet been saturated by HMOs.
- 6.15 If a threshold approach has to be taken one respondent suggested that this approach is the most preferred, albeit a higher than 20% threshold should be used, with 40% being proposed by one respondent. Another respondent suggested that 100m is too long for the street frontage and it should instead be reduced to 50m frontage in order to protect individual household from being surrounded by HMOs.
- 6.16 It was suggested that under a street level approach, once streets with properties most suited to HMO use have reached the threshold surrounding streets comprising other property types may come under threat, even if they are bungalows and not suited to conversion of HMO. Another respondent suggested that 10% at street level would prevent the clustering of HMOs where there are properties that are most suitable to be used as HMO.

Neighbourhood and Street Level Approach

- 6.17 A large proportion of respondents supported this approach as being the most effective at preventing overly high concentrations of HMOs. It was suggested that this approach would be beneficial as it looks beyond numbers and considered the impacts on and the nature of the existing community. It was also considered by respondents to be the fairest approach and the most straight forward. It was suggested by another respondent that this approach offers the most robust approach however another respondent suggested that it was too complicated. A number of respondents suggested that applying a 10% threshold at both a neighbourhood and street level is most appropriate and would see a fairer spread of HMOs across areas, such as the Badger Hill estate. Whilst one respondent suggested that in taking this approach they

would not like to see delays in the determination of applications because of planning appeals another respondent commented that the Council should not be deterred from adopting this approach because it might be subject to legal challenge.

- 6.18 If this approach was adopted, one respondent suggested that a threshold of 10% or 15% should be used as a first preference, but that if 10% or 15% was used for street level assessment the neighbourhood threshold could be increased to 20%. It was suggested by another respondent that this approach should be applied to those areas where the tipping point at street level has been exceeded.

Alternative Approaches

- 6.19 It was suggested by one respondent that all of the proposed approaches in the draft SPD will create anomalies and are too complicated; other comments were received suggesting that the proposed method of calculating HMOs is unreliable in so far as establishing HMOs which are unlicensed or not occupied by students and that this underestimates the number of HMOs. Both the University of York and University of York Student Union did not support the threshold concept and suggested that it was artificial and implies that students should be treated differently than other members of the community.
- 6.20 Several respondents did not agree with any of the options put forward. One respondent suggested that the draft SPD was based on best practice from other Local Authorities and that the Council should consider leading on the issue rather than following. It was suggested that this is because in York the University is not centrally located as in other cities and impacts on suburban neighbourhoods which are less able to absorb the impacts. Another respondent commented that there might be a better approach than the ones set out in the draft SPD which will come to light as Local Authorities evaluate their chosen policy approaches which may result in them being reviewed and modified.
- 6.21 A number of alternative approaches were proposed by respondents:
- One respondent suggested that no more than one HMO in a frontage of six properties should be permitted and if permission is granted all landlords should be required to submit a management plan.
 - It was stated that HMOs contain more residents than family houses and as such an approach that explored population density rather than property density would be more appropriate.
 - In the place of 'neighbourhood areas' it was suggested that clearly identifiable communities should be used, such as Badger Hill.
 - Several respondents indicated that there should be specific controls in certain areas of the City and that the threshold should be flexible across the City. Badger Hill was given as an example where it was suggested a threshold of 10% across the Badger Hill estate, to take

account of the fact that some streets have properties that are not suitable for change of use to HMOs.

- The University of York suggested that those streets with existing high concentrations of HMOs should be treated as exceptions because of the impact on the remaining owner occupied who may find it difficult to sell their properties. Another respondent agreed with this approach and suggested that exceptions should apply to areas with over 80% HMOs.
- It was suggested that there should be no threshold other than that achieved through normal buying and selling of properties and that the council should let the market dictate the threshold and occupancy rate of HMOs.
- Another respondent suggested that the needs of an area should be taken into consideration and the effect that HMOs could have on each individual neighbourhood.
- It was suggested by several respondents that a threshold approach is artificial and will impart a presumption in favour of change of use to HMO. Instead it was suggested that each application for change of use to HMO should be dealt with like any other planning application, on its own merits.
- An output area (approximately 125 properties, taken from the Office for National Statistics) is considered to be the most defensible and robust level to assess HMOs and it was proposed that integer values should be used rather than percentages which could cause confusion. 20 properties per output area was proposed.
- It was suggested that the Article 4 Direction has been introduced to deal with student HMOs and that the SPD will impose blanket controls for all HMOs which could be occupied by non student HMOs. This could lead to a serious shortage of HMOs for non students. It is proposed that one solution would be to amend the Article 4 Direction boundary around those areas where students are likely to be concentration rather than covering the entire main urban area.
- Several respondents suggested that the universities should provide more on campus or purpose build accommodation to take the pressure of the City's housing stock.

Residential Amenity

General

- 6.22 A number of comments were received in support of the policy approach set out in the draft SPD relating to consideration of residential amenity, stating that the Council's powers, policies and procedures are listed fully. Some respondents suggested that the wording in this section of the SPD should be strengthened; using the word 'will' rather than 'may' to make it more concrete and meaningful. It was also suggested that to tackle some amenity issues such as bin collection and recycling there should be more information available on the Council's website providing details of services relevant to people living in HMOs.

- 6.23 Several respondents commented that guidance on residential amenity alone will not contribute to addressing amenity issues and that the measures should be put in place to ensure that the guidance is enforced. It was also suggested that adequate Council resources for effective enforcement is essential for addressing amenity issues. The University of York Student's Union suggested that a number of the residential amenity issues covered in the draft SPD are not problems that are restricted to neighbourhoods with large concentrations of HMOs and to imply so is unreasonable.
- 6.24 It was stated by one respondent that residential amenity issues are not isolated issues and that it is not a small minority of landlords causing problems, suggesting that half of the HMOs in Badger Hill would fail the decent homes standard. Another respondent suggested that Badger Hill is an example of how uncontrolled HMO development can destroy what was a very desirable residential suburb.
- 6.25 A number of respondents suggested that in the future if the City's universities and colleges want to expand they should incorporate halls of residence of purpose build student housing into their plans to reduce the impact of HMOs in neighbourhoods. Another respondent suggested that York St. John University should invest money and time into The Groves Council Estate to tackle residential amenity issues, particularly at the start of term.
- 6.26 The University of York commented that it acknowledges that issues can arise when students live within the community and when the University are made aware of issues relating to student behaviour they are dealt with swiftly. They continued that issues are more often connected with the landlords or the council, often in relation to property maintenance or example and that the University support the Council's efforts to raise standards and wished to work with the Council to achieve this.

Accreditation Scheme/Licensing

- 6.27 It was suggested that strict monitoring of landlords should be undertaken by the Council. It was suggested by a large number of respondents that there should be compulsory registration of landlords otherwise the worst landlords would not be under any scrutiny. It was also suggested by several respondents that additional licensing for all HMOs should be introduced which would give the Council complete control of all HMOs. It was felt by a number of respondents that a voluntary accreditation scheme will be ineffective in as a way of increasing housing standards.
- 6.28 A number of respondents referred to Oxford where a compulsory licensing scheme is self financing which could be followed in York. It was suggested that the costs of a voluntary accreditation scheme would fall on the council. It was also suggested by another respondent that in areas of more than 20% concentrations of HMOs licenses should be removed in the cases of poor management by landlords. Bristol was also cited as an example whereby charging for licensing together with non compliance fines fund the policing of

HMO activity and maintains a higher standard of maintenance which is good for residents, students and the city in general.

Parking

- 6.30 Parking was raised by many respondents as a key issue. Comments were received relating to dangerous parking, incorrect parking on grass verges and the blocking of footpaths by cars which can cause access problems for those with buggies. It was suggested that some HMOs have too many cars and there is not sufficient parking space. Some were concerned about the cost of permits in areas where permit parking had been introduced. It was suggested that when garages are turned into bedrooms this limits to opportunities for off road parking. It was suggested by a number of respondents that tenants should be prohibited from having more cars than can be accommodated in designated parking spaces, or that the number of tenants permitted in an HMO should relate to the number of available parking spaces.

Permitted Development Rights

- 6.31 It was suggested by one respondent that permitted development rights should definitely be removed for HMO permissions, with regard to conversion of garages to living accommodation, loss of gardens for parking and to ensure that access to the rear of properties is maintained in order that bins can be stored behind properties. It was considered that these issues are fundamental in maintaining the quality of residential areas and street scenes.

Crime

- 6.32 It was highlighted that crime is likely to be directed at students, rather than perpetrated by them. A number of respondents raised crime as an issue, particularly during the summer months when many houses are left empty.

Property and Garden Maintenance

- 6.33 Badly maintained gardens and properties were also raised as an issue and the removal of some permitted development rights to tackle this was supported. Examples of poor residential amenity were given, including bins and boxes being left scattered at the front of properties. Another respondent suggested that bin storage at the front of properties should not be permitted. The requirement for applicants to submit and implement management plans was fully supported by a number of respondents; however there were concerns as to the subsequent resource implication to enforce this.
- 6.34 It was suggested that poor maintenance inside of properties was also a concern which had not been covered and that it is important that students do not live in unsuitable or unsafe conditions.

Community Integration/Spirit

- 6.35 It was suggested by one respondent that from their experience students only want to take from an area and have not integrated into The Groves community. Another respondent suggested that there's a danger of areas becoming de-populated in the summer recess if most HMOs are student lets and these are allowed to predominate in an area. It was suggested that ghost-town areas can lead to a rise in crime as other cities have experienced, a mixed community is therefore vital.

Local Services

- 6.36 Whilst noise, bin storage/littering are important one respondent does not consider them to be the key factors, instead it is the effects the transient population of HMOs has on schools that is key. Several respondents commented on their experiences of local services and retail provision changing as concentrations of HMOs increase and that it is important they are protected.

Size of Dwellings

- 6.37 With regard to ensuring that dwellings are large enough to accommodate an increased number of residents it was suggested that the SPD should specify a maximum level of occupancy for HMOs in standard properties linked to average occupancy of properties in the immediate area.

Accessibility

- 6.38 This was highlighted as an important issue by the University of York Student Union that has not been covered in the draft SPD which will have a direct impact on student residents of HMOs. It was suggested that it is a key aim of both the Council and the University that students should not need to own a car. It was suggested that this requires good accessibility between home, university and local services and that dispersing HMOs and the student population over a larger area will raise the prospect of serious difficulties in establishing the necessary transport infrastructure.

Other Comments

Existing high concentrations of HMOs

- 6.39 It was felt by several respondents that it is already too late in some areas to control the concentration of HMOs as the damage has already been done by the creation of large numbers of HMOs. Some provided examples where residents had been forced to move out because of the number of HMOs and problems that have been associated with them. It was queried why the draft SPD did not have guidance on addressing existing concentrations of HMOs.

The University of York

- 6.40 University of York Student Union suggested that students come to University to learn about more than their core academic subjects and that part of the University experience is learning to live as a citizen of the city alongside other residents. The University of York commented that the University is an integral part of the City and plays a vitally important role in the City's economic and cultural life. They are opposed to the Article 4 Direction and opposes many aspects of the draft SPD. It was requested that the Council note that there will be a reduction in student numbers living in the private rented sector from 2012 onwards because of additional new accommodation on Heslington East and no significant planning increase in student numbers.

HMO Planning Application Notices

- 6.41 It was suggested that whilst the guidance in the SPD will be a strong factor in determining whether permission is granted it is still important that local residents have the opportunity to comment. It was suggested that to increase awareness it should be mandatory for the Council to display notices on all properties where an HMO application has been made.

Council Tax

- 6.42 A number of respondents queried why students can make use of Council services but don't pay Council Tax and suggested that the Council should lobby the government regarding the non payment of Council Tax. It was suggested that residents in areas of high concentrations of student HMOs should have their Council Tax reduced. It was also suggested that landlords should be liable to pay council tax on behalf on their tenants.

Balanced Communities

- 6.43 It was suggested that in areas of high concentrations of HMOs there is an uneven population mix. It was queried by another respondent why the SPD was seeking balanced communities through the policy guidance when the University of York campus can not demonstrate balanced and mixed communities.

Focus on Student Housing

- 6.44 Concern was raised that the purpose of the draft SPD appeared to be to tackle student housing and that it may negatively impact on non student HMOs. It was suggested by one respondent that there seems to have been no consideration given to the impact the SPD may have on non student HMOs, which can be occupied by a range of people from single professionals to vulnerable adults in supported tenancies. It was also suggested by the University of York Student's Union that the SPD is not a balanced document, making no reference to the benefits to the City of having a large student population.

Negative Impacts of Controlling HMOs

- 6.45 It was suggested that the delay and costs to changing use to HMO introduced by the planning process will seriously limit the ability to bring properties into use for non student HMOs, such as for use by vulnerable people who need supported housing. A sector of housing it is suggested is under-supplied in York. There was concern that the property market will be distorted, with properties historical in HMO use or have already obtained planning permission attracting a premium whilst the value of family housing being depressed. It was suggested that in streets such as Siward Street where there are high concentrations of HMOs current owner occupiers will be prevented from ever selling their property for market value.
- 6.46 There were concerns expressed that if a high threshold is adopted by the Council it will push up rents, pricing families and young professionals out of the private rented sector. It was also suggested that landlords will not seek to rent a 3 bed family property to a family when they can turn it into a 5 or 6 bed HMO.

Extent of Article 4 Direction

- 6.47 Dunnington Parish Council commented that HMOs cluster around the Universities and wish their Parish to be included in the Article 4 Direction area which would allow them to comment on planning applications. If it is not possible to amend the Article 4 Direction the Parish Council request that a second round of HMO zoning is initiated immediately.

Other

- 6.48 It was queried by one respondent whether it was possible to attach planning permission to current owners only, and that if the property is sold the new owner would then be required to seek a new planning permission should they wish to retain the property as an HMO.
- 6.49 It was suggested by one respondent that 'what if' arguments about the impacts of having a policy approach to controlling the concentration of HMO, should not be allowed to de-rail the process that is both well considered and essential to the health and coherence of local communities.

7.0 Strategic Environmental Assessment Screening Report

- 7.1 As set out in paragraph 2.3, the three statutory bodies for the SEA process were consulted. English Heritage and Natural England responded, stating that they have no comments to make.

- 7.2 The Council identified in its SEA Screening Report (January 2012) that there would be no significant environmental effect from the draft SPD and the statutory bodies have not raised concern with the screening report. Accordingly, there is no requirement to pursue the SEA any further.

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**ANNEX 2: Draft Controlling the Concentration
of Houses in Multiple
Occupation Supplementary Planning
Document (March 2012)**

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SUPPLEMENTARY PLANNING DOCUMENT

DRAFT

Controlling the Concentration of Houses in Multiple Occupation

March 2012

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Annex 2: Core Strategy Submission (Publication) Extract

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1.0 Introduction

- 1.1 National policy guidance¹ provides the context for local planning policy to 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 Occupation² 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 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 will be achieved through an Article 4 Direction which 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.

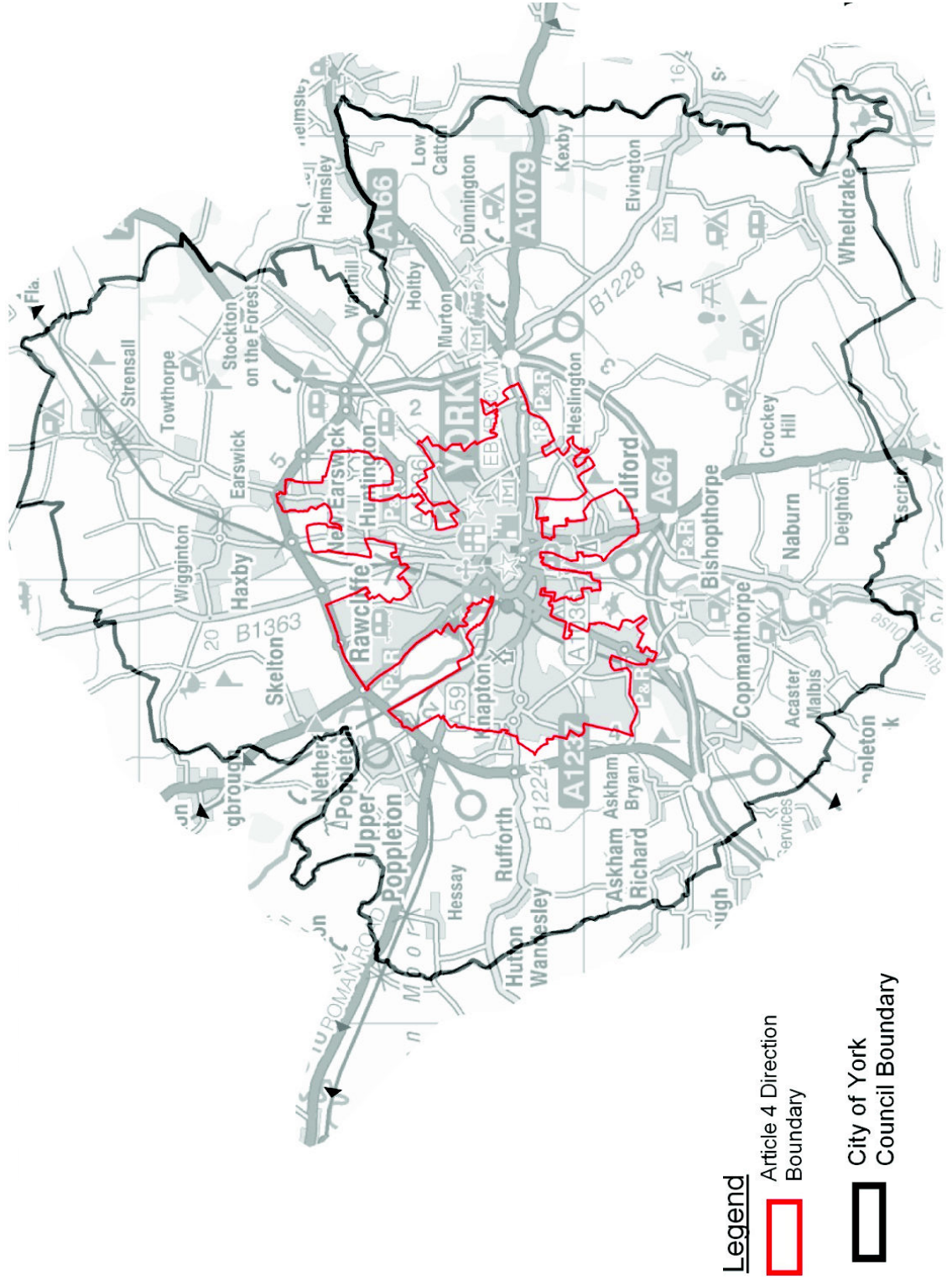
¹ Planning Policy Statement 1 'Creating Sustainable Communities' (2005) and Planning Policy Statement 3 'Housing' (2011)

² 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 change of use 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') 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 and emerging Core Strategy 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 Generis'³ 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 occupants⁴. The new use class, C4, describes, for planning purposes, a house that contains 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 Occupation⁵, 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

³ In a planning sense Sui Generis relates to uses that do not fit within the four main use class categories.

⁴ 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.

⁵ 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

(dwellinghouse) to a use falling within Class C4 (HMO). The effect of the 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 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 Practice⁶ 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 are currently pursuing the implementation of an accreditation scheme. This will seek voluntary compliance by private landlords with good standards in the condition and management of their properties and their

⁶ Please see http://www.york.gov.uk/housing/hmo/Landlords_accreditation_scheme/

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

- 4.1 At the time of preparing the City of York Draft Local Plan 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)

- 4.3 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 recognises 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 LDF Vision 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 is its role in 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.

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 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.

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.

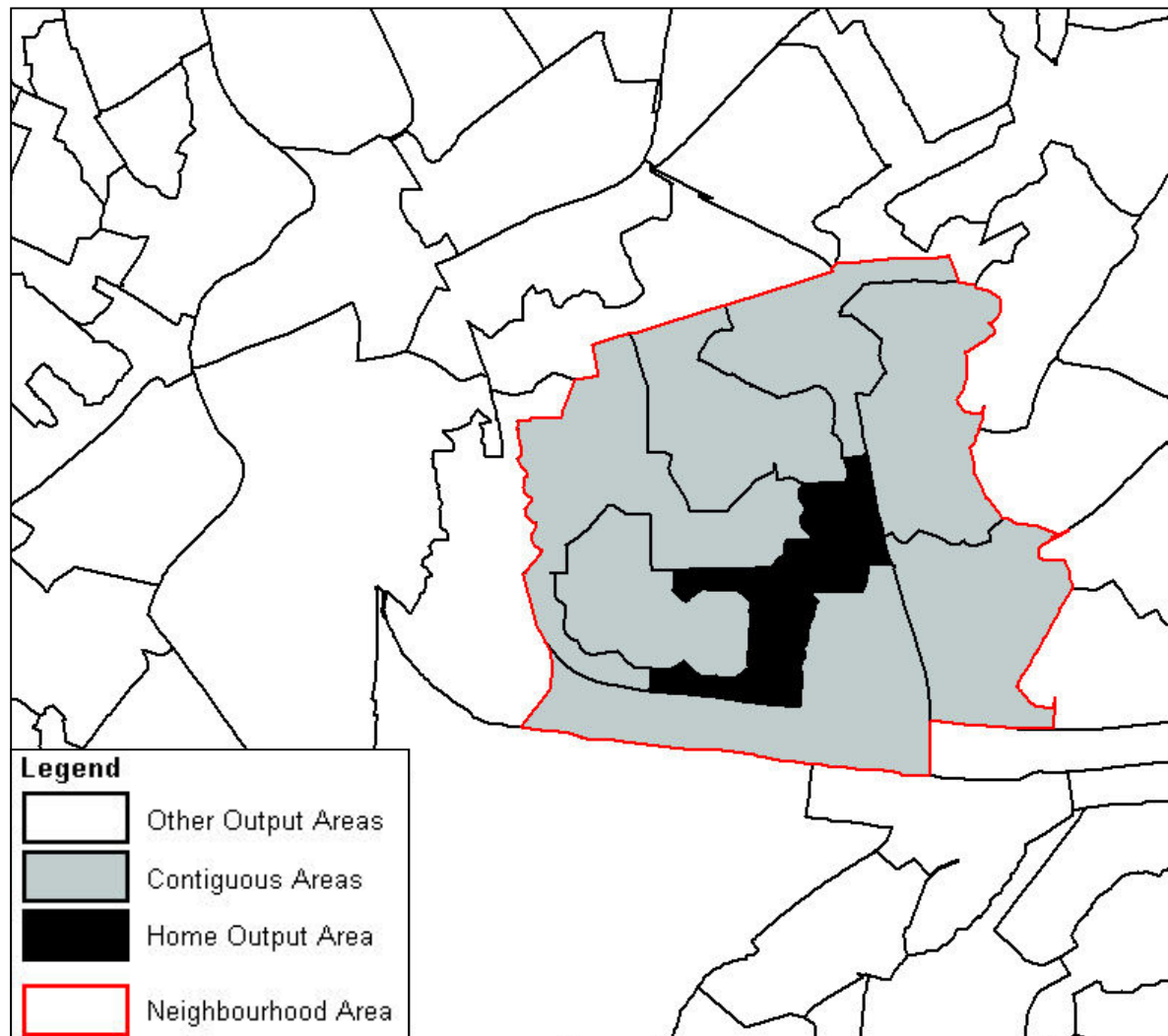
Assessing concentrations of HMOs

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 applicaiton street
-  Application Property

Residential Amenity

5.14 This 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 residents⁷;
 - 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
 - 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.

⁷ 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.

- 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 Order⁸ 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 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

⁸ 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

Construction which is designed to help achieve the Council's objectives for sustainable development.

- 5.22 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 standard⁹. 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.
- 5.23 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.

Enforcement

- 5.24 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 website¹⁰. 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.

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 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.

⁹ 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/housing/Housing_plans_and_strategies/stockcon/

¹⁰ <http://www.york.gov.uk/environment/Planning/enforcement/>

Further Advice

Key City of York Council Contacts:

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integratedstrategy@york.gov.uk

Development Management

01904 551553

planning.enquiries@york.gov.uk

Planning Enforcement

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planning.enforcemenet@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

Houses in Multiple Occupation Technical Paper (2011) CYC

Article 4 Direction and Plan

Annex 1: Local Plan 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) Extract**Policy CS7: Balancing York's Housing Market**

Proposals for residential development must respond to the current evidence base, including the findings of the *Strategic Housing Market Assessment*, *North Yorkshire Gypsy and Traveller Accommodation Assessment (2008)*, *North Yorkshire Accommodation Requirements of Showmen (2009)*, and/or other local assessments of housing need. The Local Development Framework (LDF) will support housing development which helps to balance York's housing market, address 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 the following way:

- i. identifying appropriate housing sites through the Allocations Development Plan Document (DPD) and Area Action Plan (AAP) in accordance with Spatial Principles 1 and 2;
- ii. identifying sites through the Allocations DPD and AAP for at least 36 additional Gypsy and Traveller pitches in the plan period, and land to accommodate at least 13 permanent plots for Showpeople by 2019;
- iii. securing the provision of new specialist housing schemes within major housing developments, including to accommodate those with severe learning disabilities, physical disabilities and dementia;
- iv. enabling higher density development in the most accessible locations, to provide homes for young people (aged 18-25 years). These locations will offer the best access to the City Centre, higher education institutions and a range of day to day services;
- v. delivering an overall mix of 70% houses:30% flats. Sites required for specific housing types and site-specific mix standards will be identified through the Allocations DPD and AAP;
- vi. requiring that all new housing is built to Lifetime Homes standard; and
- vii. controlling the concentration of Houses in Multiple Occupation, avoiding the division of small properties, where further development of this type of housing would have a detrimental impact on the balance of the community and residential amenity.

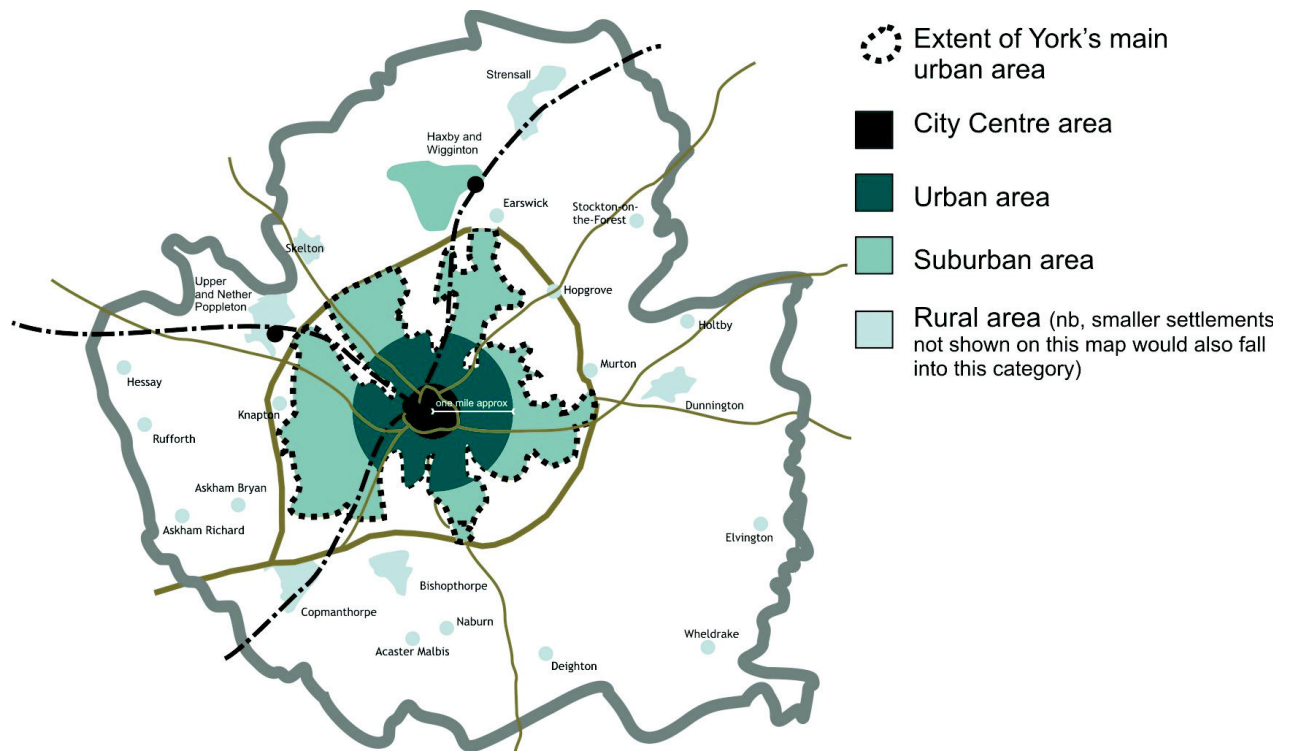
Explanation

- 9.1 *Planning Policy Statement 1 (2005)* makes clear the commitment to building sustainable communities where people want to live. Section 3 'Spatial Strategy' has set out our overall strategy guiding the level and broad location of future strategic housing growth but it is not simply a question of providing more homes, policy has to consider housing quality and choice in order to help future proof communities and help deliver lifetime neighbourhoods. The Housing Strategy for York is regularly updated and reviews the housing market, conditions and needs in York and picks up on some of the headline priorities within local service plans, as well as those that have a wider regional and sub-regional significance. Strategically, its focus is on reducing the number of those in housing need, providing better access to support for those in crisis, and improving housing options across the wide range of housing

need. The supply of homes is only one part of this - alongside other partners, the LDF will help to deliver the priorities of York's Housing Strategy, and, as priorities change, undertake regular policy reviews to assess whether current and emerging needs are being addressed.

- 9.2 The Core Strategy will use the results of the *Strategic Housing Market Assessment (2007)* (SHMA) and, in light of recent housing mix, will prioritise houses rather than flatted development in order to help redress imbalance in the City's housing market overall. The SHMA and other housing needs assessments will be regularly reviewed in order to provide a relevant evidence base reflecting changes in the housing market over the plan period.
- 9.3 York's current housing areas are shown at Figure 9.1.

Figure 9.1 York's Housing Areas



- 9.4 At the heart of a successful policy for meeting future housing pressures must be a policy which provides for people as they grow up and leave home, grow older, and as their circumstances, options and preferences change. We must plan for homes and communities so that people can live out their lives, as long as possible, independently and safely with their families and friends around them. Building new homes and communities designed with older people in mind not only makes sense in terms of meeting the diverse needs of an ageing population, it can also help to open up housing opportunities and choices for younger people. A housing policy for an ageing society is therefore a good housing policy for everyone.
- 9.5 As Section 8 'Housing Growth and Distribution' made clear, this means building lifetime homes and neighbourhoods that are capable of adapting as

people's circumstances change. Lifetime Homes Standards are inexpensive, simple features designed to make homes more flexible and functional for all.

- 9.6 Over the years different housing solutions have evolved as a response to older peoples' needs. These include retirement housing for independent living, and specifically designed housing with support for frail older people and those with specific needs such as dementia. In recent years there has been a shift away from the traditional 'old peoples' home' towards models that offer much more independence and choice. In line with many other areas York has seen the development of 'extra care' housing - self contained housing with options to receive appropriate levels of care as required to sustain independent living.
- 9.7 The emerging Housing Strategy for 2011- 2015 indicates that within York there are currently around 80 specialist housing schemes providing various kinds of housing with some element of on-site care and shared facilities. Most is rented, despite there being a significant preference for owner occupation. There is also an oversupply of 1-bed affordable specialist accommodation and an undersupply of affordable 2-bed accommodation.
- 9.8 It is estimated that there are around 4,000 adults in the York area with a learning disability. There are a growing number of people with complex needs, people living longer with the possibility of early on-set dementia. Until recently, housing options were limited, with a significant number of households living in 'residential care' settings. The growing trend is for households to live independently in their own homes, with appropriate support.
- 9.9 However, we also recognise that there will be a need for further specialist housing options for a small proportion of households. Where specialist provision is required, often by those needing higher levels of care, we must ensure it serves to maximise independence by being a minimum of two bedrooms, self contained and well connected to local amenities and transport networks. We would also encourage a greater range of tenure options, including full and shared home ownership. Housing is central to health and well-being, so associated services need to be planned and integrated to reflect this.
- 9.10 Students 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 Houses in Multiple Occupation (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 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. The impacts of concentrations of student housing in York is explored in the *Houses in Multiple Occupation*

Technical Paper (2011). Monitoring the spatial distribution and impacts of student housing will allow us to identify if it is necessary to control the number of student households in certain areas to ensure communities do not become imbalanced. This control can be achieved through the removal of permitted development rights, requiring landlords to apply for planning permission to change a property into an HMO.

- 9.11 The LDF will support housing development at density levels which reduce overall demand for greenfield land and help engender community cohesion by making more intensive use of land which offers the best access to facilities and services. As would be expected, mixed development sites (those including flatted development) could achieve much higher net densities, however this would not help achieve other aspirations to deliver greater levels of family housing. As such, policy CS9 guides net 'housing' density. Higher density development will be expected in those areas with access to a quality public transport service and a good mix of shops and services. Specific sites will be identified to provide housing options for young people aged 18-25 years, offering the best access to the City Centre, higher education institutions and a range of day to day services. As such, they will be built out at higher densities and with an emphasis on providing communal, flatted development. The dual priorities of providing more family housing and raising suburban densities are compatible, and offer future residents the advantage of the best access to shops, services, and most importantly, public transport linkages.
- 9.12 Site specific density, mix and type targets will be established through the Allocations DPD, AAP and Supplementary Planning Documents and through negotiations undertaken on a site by site basis, to ensure that proposals for housing development reflect local circumstances and the outcomes of the SHMA and to restrain housing types where concentrations are unduly high. Negotiation will also be guided by local visual and amenity considerations in order to help safeguard the character of the City and its villages.

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