

York Local Plan Phase Three Hearings.

Policies H7 & H8

Councillor Mark Warters

29th June 2022.

Introduction

- 1.1. The distortion of the residential housing market in areas surrounding the two main Universities has been evident for some years now, the wording of former policy ED 10 in The CYC Development Control Local Plan 2005 requiring York University or York St. John's to accommodate any extra demand created by an increase in student numbers on their campuses or on land in their ownership, or control having been changed to that in Policy H7 which has led to a huge increase in off campus accommodation be that in Purpose Built Student Accommodation (PBSA) or with the continuing loss of residential family homes to the student let market (C4 tax educational council tax exempt properties now 3,900).
- 1.2. In the areas surrounding York University the impact of decisions in relation to ST27 are crucial regarding any increase in student numbers.
- 1.3. Policy ED1 and H7 refer to York University providing accommodation on campus in the first instance but the 'economically prudent' phrase is added which compromises the policy.
- 1.4. In reality the Universities have expanded too far and too fast with the sheer number of students, many international contributing to the economy of the University the PBSA and the student let market but distorting the local housing market, changing whole neighbours and communities beyond recognition to the detriment in many cases of the residential community.
- 1.5. In many cases York University only commits to providing on campus accommodation for first year students, so when say 1000 additional on campus accommodation units are built that gives an additional off campus demand in the second year of a three year course of 1000 units in the third year that demand increases to 2000.
- 1.6. Education policies need tightening up to require extra accommodation demand created by York University expansion to be fully accommodated on campus for full duration of courses.
- 1.7. Education policies ought to be encouraging remote/virtual teaching, most certainly in the case of international students not just for the pressure this would take off the local housing market but for the obvious environmental concerns.

Policy H8

- 2.1. For the majority of the York people living in areas surrounding the two Universities it is Policy H8 that is of most significance.

- 2.2. Unfortunately Policy H8 which was drawn up and introduced in policy documents on a word for word basis from the Controlling the Concentration of Houses in Multiple Occupation SPD (2012) has not operated properly since introduction.
- 2.3. In April 2012 CYC Cabinet received a report (agenda item 14) that detailed how the consultation had been taken into account when introducing the CYC Article 4 Direction that was to come into force on the 20th April 2012.
- 2.4. The Article 4 Direction duly came into force and the SPD became the document that has been used to determine C3 to C4 planning applications since.
- 2.5. In the decade of operation the SPD has been poorly applied and administered by CYC, record keeping relating to the CYC 'database' on HMO numbers has been found to be very inaccurate on many occasions, a recent LGSCO ruling requiring CYC to improve record keeping.
- 2.6. Whilst I have been very involved in trying to resist the ongoing conversion of C3 to C4 properties in Osbaldwick and Murton and have therefore taken a very keen interest in the application of the SPD it has been increasingly evident in recent years that other councillors were aware of the limitations of the SPD and its poor application by CYC.
- 2.7. The SPD was reviewed in 2014, I made the same points as I made in 2012 as did Osbaldwick Parish Council and the Badger Hill Residents Group. (Annex 1)
- 2.8. I made attempts at CYC Local Plan Working Group meetings in 2015 to have the matter put on an agenda and discussed, to no avail, Executive was approached similarly to no avail, I have raised questions at CYC Full Council for years on the inadequacy of this SPD and how it was poorly administered, again to no avail.
- 2.9. All the while over the last decade approvals, certainly in Osbaldwick have contributed to a distortion of the local housing market pricing out families and first time buyers and a deterioration in neighbourhood environment and community cohesion.
- 3.0. In December 2021 I submitted a motion to Full Council requesting council took action to revisit the SPD with a view to halving the acceptable percentage thresholds. (Annex 2).
- 3.1. This was supported unanimously in the end which demonstrates the whole elected membership of CYC have no confidence in the SPD that actually forms the wording of Policy H8.
- 3.2. Subsequent to that vote the Lead officer at CYC with responsibility for planning has refused to act upon that instruction from Full Council on the basis that to do so would jeopardise the progress of the Local Plan, preferring instead to take forward an obviously flawed, outdated policy and offer to review the SPD if/when the Local Plan is passed for adoption.
- 3.3. Given the huge increase in PBSA it is not unreasonable to expect CYC to have revisited policy H8 and the SPD it was written from to have taken account of those changed circumstances, in the absence of a responsible review by CYC this Local Plan inquiry is virtually the last hope of seeing a sensible review of the policy and SPD.
- 3.4. The 20% threshold at Neighbourhood Level introduced in the SPD by CYC was simply an arbitrary figure plucked from thin air based on what some other local authorities were doing with the C3 - C4 issue at the time. All that has occurred

in the decade since has areas previous 'full' have been left alone and the professional student let landlords have moved to other areas to progressively fill those up.

- 3.5. Policy H8 and the associated SPD are clearly not working and a few examples of how other local authorities base threshold levels and implement policy makes interesting reading (Annex 3). Leeds City Council being a particularly good example.



Councillor Mark Warters
Councillor for Osbaldwick Ward

9 Yew Tree Mews
Osbalwick Village
York
YO10 3PQ

Tel No: 01904 413370

Martin Grainger,
Head of Integrated Strategy,
City Strategy, City of York Council,
9 St. Leonard's Place,
York
YO1 7 ET

20th February 2012

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, 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.

Kind regards

Mark Warters.

From Cllr Warters



Houses in Multiple Occupation

“Council notes that following the introduction of the new use class of C4 ‘Houses in Multiple Occupation’ in April 2010 and a requirement for planning permission to be sought for a change from a C3 (single household dwelling house) and the subsequent change by the incoming Conservative/Lib Dem coalition government to make this change of use ‘permitted development’ City of York Council introduced an Article 4 Direction to exert a tighter control on such HMO formation and require planning permission to be sought for C3 to C4 conversion.

The Article 4 Direction was introduced in York in April 2012 and the main tool for controlling the distribution of HMOs were the threshold limits of 20% C4 HMOs at a ‘Neighbourhood Level’ and 10% at a ‘Street Level’.

Council believes that in the light of the large number of off campus purpose built student accommodation flats approved and built in recent years, the large number recently approved awaiting construction and ongoing applications for such developments that the time has come to revisit the ‘Controlling the Concentration of Houses in Multiple Occupation’ Supplementary Planning Document 2012 (revised 2014) with a view to reducing the acceptable threshold levels of HMOs in residential streets.

Council understands from ongoing planning applications that the pressure on family homes in residential areas near the two Universities for conversion to C4 HMOs is not abating as could be reasonably thought after all the purpose built Student accommodation approvals and completions.

Council resolves therefore in the interests of protecting residential family homes for family use to request Executive to consider initiating without delay a review of the HMO Supplementary Planning Document with a view to halving the acceptable percentage thresholds to 10% at ‘Neighbourhood level’ and 5% at ‘Street Level’.”

Annex 3

Mail 17:32 Wed 29 Jun

democracy.brighton-hove.gov.uk

92%

Appendix 2 – HMO Thresholds in Other Local Planning Authority Areas

Local Planning Authority	Threshold in Article 4 areas
Barking & Dagenham	10% of the total number of houses in the road; and no two adjacent properties, apart from dwellings that are separated by a road, should be converted.
Welwyn & Hatfield	20% within 50m
Birmingham	10% within 100m
Bath	25% within 100m
Milton Keynes	20% within 100m
Southampton	10% within 40m
Leeds	No specific threshold but Article 4 Direction in place.
Oxford	The proportion of properties within 100 metres of street length either side of the property does not exceed 20%
Exeter	25% within certain areas, no radius from individual properties.
Leicester	No specific threshold but Article 4 Direction in place.
Manchester	No quantified threshold, merely "high concentration", however supporting text to policy states " <i>once a 20% threshold is reached problems become harder to manage, but... a tipping point would be difficult to set universally across Manchester due to varying capacities of neighbourhoods to accommodate this type of housing</i> "
Nottingham	10% within the Census Output Area within which a development proposal falls and all Contiguous Output Areas (those with a boundary adjoining the Home Output Area). <i>(draft policy yet to be subject to examination)</i>
Plymouth	No specific threshold but Article 4 Direction in place.
Portsmouth	10% within 50m
Warwick	10% within 100m, and the proposal does not result in a non-HMO dwelling being sandwiched between 2 HMOs; or lead to

Councillor Mark Warters. (Osbalwick & Derwent)

29th June 2022.