

**Decision Session – Executive Member for
Transport and Planning**

16 August 2018

Report of the Assistant Director for Planning and Public Protection.

EPetition: Approve More Houses for Lower Income Residents in York

Summary

1. This report outlines the approach proposed, to respond to an EPetition, entitled 'Approve more houses for lower income residents in York', which was submitted by a local resident on 12th April 2018.

Background

2. The EPetition was submitted to the Council on 12th April 2018. The petition as submitted had 1,011 signatories as at 11/04/18 and currently remains open for people to sign.

3. The petition states:

“We hereby call on City of York Council to change it's planning permission procedures, making applications for planning permission to build/ convert luxury flats or student accommodation harder to encourage property developers to instead focus on more housing for low to medium earners, who make up a much larger proportion of the population than the luxury flat market. Rents and house prices in York are amongst the highest in the North of England, and the Council needs to address this by fixing the mix of accommodation approved.”

4. A full copy of the EPetition with selected quotes from the petition is attached as Annex A to this Report.
5. The Council's guidance on petitions / EPetitions requires that where they contain more than 10 signatories, they must be added to the Council's

Petition Schedule and considered by the Executive Member at a Decision Making Session where relevant. As the EPetition had 1,011 signatories on it at the time of submission to the Council, it has been entered on the Council's Petition Register, to be dealt with through the relevant process.

6. The EPetition is asking the Council to adjust the planning rules to restrict the amount of luxury flats and student accommodation in the city and to focus the housing mix more on affordable housing and family homes.
7. The resident's accompanying letter further states "*With the Local Plan set to lock in all of the city's biggest brownfield sites in for the foreseeable future, it has never been more important to look at the mix of housing in York right now*".

Options

8. Officers are asking the Executive Member to note the petition.

Analysis

9. The EPetition refers to both proposals to develop land and the granting of planning permission. Consideration has therefore been given to the information relevant in both the Local Plan process and separately, the planning application process.
10. The Local Plan process does not in itself grant planning permission but sets locally determined policies that support the National Planning Policy Framework (NPPF). Planning applications are determined separately following the statutory process for determining applications, which includes public consultation. The determination of planning applications will not necessarily be at the same time as the Local Plan adoption but the submitted Local Plan is a material consideration in planning decision making. In the context of para 216 to the NPPF the emerging Plan can be afforded weight according to:
 - a. The stage of preparation of the emerging plan;
 - b. The extent to which there are unresolved objections to relevant policies, and;
 - c. The degree of consistency of the relevant policies in the emerging plan to the policies in the Framework.

National Planning Policy

11. The current NPPF seeks to ensure that local housing needs are met through the provision of a range of house types and sizes based on current and future demographic trends, market trends and the differing needs of the various sectors of the community. Authorities are required to identify the size, type, tenure and range of housing that is required in particular locations reflecting local demand. In addition, it requires councils to set policies for meeting identified affordable housing need and that those policies should be sufficiently flexible to take account of changing market conditions.
12. The Government released a revised National Planning Policy Framework (NPPF) on 24th July 2018 and requires that it is used as a material consideration in planning decisions from its publication. This revised NPPF similarly includes requirements for affordable housing, housing mix and type of accommodation. Local authorities are still required to build an evidence base on this matter and input this into development plans, such as the Local Plan. It is important to note that the revised NPPF also has a transition period of 6 months to ensure that progress is not hindered on plans already in the final stages of preparation or at examination. Plans submitted prior to January 2019 will be judged against the original NPPF.

York's New Local Plan

13. York's Local Plan was submitted to the Secretary of State for Examination in Public on the 25th May 2018. This follows comprehensive consultation between 2013 and 2018 and the development of a comprehensive evidence base underpinning the policies within the document.
14. As required by the NPPF, the Local Plan has considered in detail issues relating to housing mix and affordable homes. The Council commissioned a Strategic Housing Market Assessment (2016) and subsequent addendums (2016 and 2017) to consider these issues in detail and to inform housing policies within the plan.
15. The SHMA considers that for both market and affordable housing there is a need for a mix of house sizes across the city and suggests that the focus of new housing provision should be on two and three bed properties reflecting the continued demand for family housing and the

demand from older persons wishing to downsize but still retain flexible accommodation.

16. Accordingly, the SHMA has underpinned policies in the plan to meet these requirements. A summary of the applicable policies in the Local Plan are (see Annex C):

H3: Balancing the Housing Market – focussing on housing mix and requiring residential development to balance the housing market by including a mix of types of housing which reflect the diverse mix of need across the city. Applicants are required to demonstrate this with evidence for their proposals.

H10: Affordable Housing – seeking to provide affordable housing as part of residential development with an increasing percentage of provision corresponding to the development size. Further this policy supports pepper potting of development throughout the residential scheme and mixed tenure. In addition, the policy requires that affordable housing provided should remain affordable in perpetuity. Where a developer believes the criteria cannot be fully met, they have the opportunity through open book appraisal to demonstrate to the Council's satisfaction that the development would not be viable.

17. Complementary policies are also included for Promoting self build and custom house building (H4) and provision of Older Persons Accommodation (H9) wherein the Council support the provision of new homes as well as homes for those with specialist housing needs.
18. Further, Policy H7: Student Housing requires the University of York and the York St John University to address the need for any additional student housing which arises because of their future expansion of student numbers. In assessing this need, consideration would also be given to the capacity of independent providers of bespoke student housing in the city.
19. All of these policies were consulted on within the Pre-Publication draft Local Plan (Regulation 18) between 18th September and 30th October 2017. The consultation responses were reported with proposed changes to the Plan to Members at Local Plan Working Group (23/01/18) and Executive (25/01/18) . Members agreed to proceed to the next stage of the Local Plan process and consequently the Publication Consultation (Regulation 19) commenced between 21st February- 4th April 2018.

20. In line with the Regulations, all of the responses received to the Regulation 19 consultation were submitted with the plan to be considered by our appointed Planning Inspector(s) directly, including any representation made in relation to the above policies. These policies will be considered with regard to these representations at the forthcoming Local Plan examination.
21. Paragraph 182 of the NPPF states that the Local Plan will be examined by an independent inspector whose role is to assess whether the plan has been prepared in accordance with the Duty to Cooperate, legal and procedural requirements, and whether it is sound". The 'tests of soundness' against which the plan will be assessed consider whether the plan is:
- **Positively prepared** – the plan should be prepared based on a strategy which seeks to meet objectively assessed development and infrastructure requirements, including unmet requirements from neighbouring authorities where it is reasonable to do so and consistent with achieving sustainable development;
 - **Justified** – the plan should be the most appropriate strategy, when considered against the reasonable alternatives, based on proportionate evidence;
 - **Effective** – the plan should be deliverable over its period and based on effective joint working on cross-boundary strategic priorities; and
 - **Consistent with national policy** – the plan should enable the delivery of sustainable development in accordance with the policies in the Framework.
22. Although the petition was received outside of the Publication consultation and is therefore non-duly made in respect of the Regulation 19 consultation, we acknowledge that it is clearly linked to the policies in the Local Plan. We have consequently submitted the petition to the appointed Inspectors as a non-duly made representation . The programme officer has subsequently confirmed that the Inspectors will not be considering this as part of the examination as it is not considered directly relevant to an issue of either soundness or legal compliance.

Planning Application Process

23. Planning applications are determined in accordance with national and local planning policy. Currently, the NPPF and the Local Plan Approved

for Development Control Purposes (2005) are material planning policy considerations. In addition, the Local Plan (Publication version (2018)) as submitted can be afforded weight in accordance with paragraph 216 of the NPPF which attributes weight based upon:

- d. The stage of preparation of the emerging plan;
- e. The extent to which there are unresolved objections to relevant policies, and;
- f. The degree of consistency of the relevant policies in the emerging plan to the policies in the Framework.

24. In addition, Members specifically endorsed interim targets for Affordable Housing setting out the thresholds at which affordable housing must be provided and the commuted sum payment structure in lieu of an adopted Local Plan. This was based on:

- our Affordable Housing Viability Study (AHVS) (2010)
- targets approved at the Get York Building Executive in August (2014)
- changes to national planning guidance following the Court of Appeal dated 11 May 2016, which gave legal effect to the policy set out in the Written Ministerial Statement of 28 November 2014

25. The details of the endorsed interim targets are provided at Annex B. The interim targets have formed the basis for determining and negotiating the delivery of affordable housing on schemes where development is above the threshold for provision until recently. Following Submission of the Local Plan, Policy H10: Affordable Housing, which is informed by the SHMA (SHMA 2016), has gained more weight than the interim targets and will be applied when considering applicable applications (see Annex C).

26. The aforementioned Strategic Housing Market Assessment (2016) provides up-to-date evidence base to reflect current market trends and requirements for housing mix and affordable housing. This is therefore also a material consideration in planning applications to negotiate the delivery of affordable housing on applicable development sites.

Next Steps

27. Policies in relation to housing mix and affordability as set out in the Local Plan will be considered as part of the Examination in Public. Any

modifications agreed through the Examination will be subject to further public consultation in due course.

Council Plan

28. The course of action outlined above accords with the following priority from the Council Plan:

- **A council that listens to residents**

Implications

29. The following implications have been assessed.

- **Financial** – None;
- **Human Resources** - None;
- **Community Impact Assessment** – None;
- **Legal** – None

Risk Management

30. None.

Recommendations

31. It is recommended that the Executive Member:

- (i) notes the content of the EPetition

Reason: It is considered that the policy position in the emerging Local plan, which is based on a sound evidence base, will guide development and inform the consideration and determination of planning applications.

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Report
Approved



Date

Specialist Implications Officer(s):

Alison Hartley, Senior Solicitor, Planning

Wards Affected:

All

For further information please contact the author of the report

Background Papers:

[Brief Guide to dealing with Petitions](#)

Glossary of Abbreviations

None

Annex A: E Petition entitled 'Affordable Housing in York'

Annex B: Interim Affordable Housing Targets

Annex C: Policies H4 and H10 from the Local Plan Publication version (2018) submitted for Examination on 25th May 2018.

Abbreviations used in report:

AHVS Affordable Housing Viability Study
NPPF National Planning Policy Framework
SHMA Strategic Housing Market Assessment