

## Notice of meeting of

### Executive

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|---------------|---|
| <b>To:</b>    | Councillors Steve Galloway (Chair), Sue Galloway, Jamieson-Ball, Macdonald, Orrell, Reid, Runciman, Sunderland and Waller |
| <b>Date:</b>  | Tuesday, 13 March 2007  |
| <b>Time:</b>  | 2.00 pm   |
| <b>Venue:</b> | Guildhall   |

### AGENDA

#### Notice to Members - Calling In:

Members are reminded that, should they wish to call in any item on this agenda, notice must be given to Democracy Support Group by:

**10:00 am on Monday 12 March**, if an item is called in *before* a decision is taken, *or*

**4:00 pm on Thursday 15 March**, if an item is called in *after* a decision has been taken.

Items called in will be considered by the Scrutiny Management Committee.

#### 1. **Declarations of Interest**

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

## **2. Exclusion of Press and Public**

To considering excluding the press and public from the meeting during consideration of Annex 7 to agenda item 9 (Proposed Sale of Housing Revenue Account Land), on the grounds that it contains information relating to the financial or business affairs of particular persons, which is classed as exempt under Paragraph 3 of Schedule 12A to Section 100A of the Local Government Act 1972, as amended by the Local Government (Access to Information) (Variation) Order 2006.

## **3. Minutes (Pages 1 - 14)**

To approve and sign the minutes of the Executive meeting held on 27 February 2007.

## **4. Public Participation**

At this point in the meeting, members of the public who registered their wish to speak regarding an item on the agenda or an issue within the Executive's remit can do so. The deadline for registering is **10:00 am on Monday 16 January 2006**.

## **5. Executive Forward Plan (Pages 15 - 16)**

To receive an update on those items that are currently scheduled on the Executive Forward Plan.

## **6. Minutes of the Social Inclusion Working Group (Pages 17 - 26)**

This report presents the minutes of a recent meeting Social Inclusion Working Group and asks Members to consider the advice given by the Working Group in its capacity as an advisory body to the Executive.

## **7. Deciding and Delivering Council Priorities – Audit Commission Report (Pages 27 - 30)**

This report summarises the main findings and recommendations arising from the Audit Commission's study of arrangements for deciding and delivering the Council priorities.

**8. Scrutiny Report - Guidance for Sustainable Development**  
(Pages 31 - 82)

This report presents the final report on the scrutiny review relating to 'Guidance for Sustainable Development', which has been endorsed by the Scrutiny Management Committee for referral to the Executive.

*Note: Annexes B-I to the above report are available to view on-line along with the agenda for this meeting but have not been included in the printed papers. Copies may be obtained, if required, from Democratic Services – please see contact details at the foot of this agenda. The address of the Council's website is <http://www.york.gov.uk/> The agenda and reports for this meeting can be found in the 'council meetings' section of the website.*

**9. Proposed Sale of Housing Revenue Account Land for the Development of Affordable Housing at Dane Avenue, Morritt Close and Chapelfields Road** (Pages 83 - 114)

This report seeks Executive approval for the leasehold sale of three Housing Revenue Account (HRA) owned sites to housing associations, for the building of approximately twenty new affordable homes for rent.

**10. Urgent Business**

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

Democracy Officer:

Name: Fiona Young

Contact details:

- Telephone – (01904) 551024
- E-mail – [fiona.young@york.gov.uk](mailto:fiona.young@york.gov.uk)

For more information about any of the following please contact the Democracy Officer responsible for servicing this meeting:

- Registering to speak
- Business of the meeting
- Any special arrangements
- Copies of reports

Contact details are set out above.

City of York Council

Committee Minutes

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|               |   |
|---------------|---|
| MEETING       | Executive   |
| DATE          | 27 February 2007  |
| PRESENT       | Councillors Waller, Steve Galloway (Chair),<br>Sue Galloway, Macdonald, Orrell, Reid, Runciman,<br>Sunderland and Jamieson-Ball |
| IN ATTENDANCE | Councillors Bartlett and Kirk   |

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**PART A - MATTERS DEALT WITH UNDER DELEGATED POWERS****162. Declarations of Interest**

The Chair invited Members to declare at this point any personal or prejudicial interests they might have in the business on the agenda. No interests were declared.

**163. Minutes**

RESOLVED: That the minutes of the Executive meeting held on 13 February 2007 be approved and signed by the Chair as a correct record.

**164. Public Participation / Other Speakers**

It was reported that there had been one registration to speak at the meeting under the Council's Public Participation Scheme. In addition, two Council Members had requested to speak, with the permission of the Chair.

Alan Hunton spoke in relation to agenda item 12 (Future of the Connexions Service), as Executive Manager of Guidance Services, a current provider of Connexions services. He read out a statement which outlined the history of Connexions and Guidance Services' involvement, and suggested that the Council await the new quality standards for IAG for young people and the outcome of reviews of adults' IAG before determining its final actions with regard to the transition of Connexions services. In the meantime, current arrangements could remain in place. Guidance Services would continue to work with the Council to make a success of its final decision, whatever that might be.

Cllr Madeleine Kirk spoke in relation to agenda item 10 (Government's Proposals for the Post Office Network). She referred to previous post office closures in 2004 and expressed the view that further cuts to the network would increase the fragility of the remaining service. She suggested that the draft response to consultation should include strong representations for a proper public consultation on the proposals, should comment that the proposed national access criteria were inflexible and not environmentally sustainable and should query whether the classification of

'deprived urban and rural areas' would be subject to periodic review. The response should also express support for the continuation of the all pay service.

Cllr Martin Bartlett spoke in support of the subject of agenda item 15 (Notice of Motion to the Executive concerning North Yorkshire and York Primary Care Trust), as the proposer of the motion.

**165. Executive Forward Plan**

Members received and noted an updated list of items listed on the Executive Forward Plan at the time the agenda for this meeting was published.

**166. City of York Council - Local Development Scheme**

Members considered a report which informed them of the production of a revised Local Development Scheme (LDS) for the City of York, as required under the Planning and Compulsory Purchase Act 2004, and sought approval to submit the revised LDS to the Government Office for Yorkshire and Humber.

The revised LDS, which was available to view on the Council's website, had been considered by the Local Development Framework Working Group (LDFWG) at their meeting on 1 February 2007. The LDFWG had approved the document for submission to the Government Office, subject to some minor amendments recommended by Officers, a review of the work programme and any changes necessary as a result of the Group's recommendations on the York North West Area Action Plan. These amendments were detailed in the minutes of the LDFWG meeting, attached as Annex A to the report. Members were invited either to approve the LDS, subject to the recommendations of the LDFWG (Option 1) or to seek further amendments via the LDFWG / request Officers to prepare an alternative plan (Option 2). Option 1 was recommended.

Paragraphs 7-13 of the report set out details of progress made since submission of the Council's original LDS in March 2005 and highlighted those factors which had influenced the preparation to date of the Local Development Framework.

Members expressed surprise at the comments made by the Shadow Executive on this item, in view of the fact that Opposition Members had been fully involved in the discussions at the LDF Working Group meeting.

RESOLVED: (i) That the proposed Local Development Scheme be approved for formal submission to the Government Office for Yorkshire and the Humber, subject to the recommendations of the LDF Working Group as set out in the minutes at Annex A.

REASON: To ensure that the Local Development Scheme for York is submitted to Government Office as required under the Planning and Compulsory Purchase Act.

(ii) That authority be delegated to the Director of City Strategy, in consultation with the Executive Member and Shadow Executive Member for City Strategy, to make any other necessary changes arising from the recommendations of the LDF Working Group and the Executive, prior to submission to Government Office.

REASON: To ensure that the recommendations of the LDF Working Group and the Executive are incorporated into the submission draft LDS.

(iii) That authority be delegated to the Director of City Strategy, in consultation with the Executive Member and Shadow Executive Member for City Strategy to make any minor changes arising from comments made by Government Office or the Planning Inspectorate following formal submission.

REASON: To enable the authority to respond to any comments made by Government Office or the Planning Inspectorate that would lead to minor changes to the LDS.

#### **167. York North West Area Action Plan**

Members considered a report which provided an update on progress towards production of a joint Area Action Plan (AAP) covering the York Central and British Sugar sites, as agreed by the Executive on 12 September 2006, and proposed a programme for preparation of the AAP. The draft programme was attached as Annex 1 to the report.

Work already undertaken in preparation for the York Central Area Action Plan would now be transferred to the joint AAP. This included work on a Consultation Strategy for the Issues and Options stage and a Scoping Report for a Sustainability Appraisal. Details of the Consultation Strategy and feedback received were contained in Annexes 2-5, which had been made available on the Council's website. A report on the joint AAP had been considered by the Local Development Framework Working Group (LDFWG) at their meeting on 1 February 2007. Minutes of that meeting were attached as Annex 6.

Two options were available, namely:

**Option 1** – to proceed with the timetable set out in Annex 1 for preparation of the AAP, resulting in adoption of the AAP by the end of 2010;

**Option 2** – to prepare the AAP to an alternative timescale, whilst ensuring all statutory requirements were met.

The recommendation in the report was for Option 1. However, Members indicated that their preference was for Option 2. Development of the sites should be progressed as speedily as possible, in view of their importance to York's economic growth.

RESOLVED: (i) That the programme set out in the report for the preparation of the Area Action Plan and for its inclusion in the revised Local Development Scheme, having regard to the recommendations and amendments of the LDF Working Group, be noted.

(ii) That Officers be instructed to revise the programme, with the objective of bringing forward the milestone target for the completion of public consultation on the Aims and Options paper before the end of September 2007.

(iii) That Officers be requested to report back on how other parts of the timetable can be compressed.

(iv) That the Community Consultation Strategy for York Central, which will be taken into account in undertaking the public consultation relating to the York Northwest Area Action Plan, having regard to the recommendations and amendments of the LDF Working Group, be noted.

REASON: In order to produce a timely plan that is likely to be implemented, and thus ensure that the development of these important sites is not jeopardised by internal milestones.

#### **168. City of York's Local Transport Plan 2006-2011 Capital Settlement**

Members considered a report which drew attention to the 2007/08 capital settlement for the City of York's second Local Transport Plan (LTP2), covering the period 2006-2011.

The final version of York's LTP2 had been approved by the Executive on 21 March 2006 and submitted to meet the deadline of 31 March. A Delivery Report on the first LTP had been submitted in July, as required. The final Local Transport Capital Settlement had been received in a letter from the Government Office for Yorkshire and the Humber on 18 December 2006. This had stated that the Plan had been assessed as 'excellent' and the Delivery Report as 'very good'. Consequently, the integrated allocation for 2007/08 had been given a +12.5% uplift, and indicative funding for subsequent years had also been increased. York had also received an increased share of the road safety allocation paid out by the Department of Transport from the national Safety Camera Partnership income.

The increased funding allocation, which provided additional resources to implement the aims, policies and measures contained in the LTP2, had been included in the capital programme for 2007/08 to 2010/11. Details of schemes to be undertaken in 2007/08 would be presented for approval to the Executive Member for City Strategy and Advisory Panel (EMAP) on 26 March 2007.

RESOLVED: (i) That the contents of the report be noted and that Officers be thanked for their hard work in achieving an 'excellent' rating for LTP1.



(ii) That it be noted that the detailed transport capital programme for 2007/08 will be presented for approval at the City Strategy EMAP on 26 March 2007.

REASON: For information, and in recognition of the Council's success in this area.

#### 169. **Quality Bus Controls**

Members considered a report which presented the options available to local authorities to improve the quality of local bus services. This report had been prepared in response to a motion proposed at full Council on January 2007, and remitted to the Executive without debate. The motion expressed concern at the bus fare increases introduced by First Buses in January 2006 and called for a report examining the case for a Quality Contract and other measures to ensure the continued growth of bus patronage needed to meet LTP targets.

The report outlined the elements the public transport 'offer' identified by market research as influencing public choice, namely cheaper fares (8%), more frequent buses (14%), more reliable journey times (8%), more routes (8%) and quicker journey times (8%). The following options were explored:  
**Option 1** – maintain and develop the current voluntary Quality Bus Partnership (QBP).

**Option 2** – introduce Punctuality Improvement Partnerships (PIP) with bus service providers.

**Option 3** – introduce Quality Partnership Schemes on key corridors and routes.

**Option 4** – establish a Quality Contract agreement.

The recommendation was to prepare detailed proposals for a PIP, to be delivered through the existing QBP, in accordance with Options 1 and 2. The QBP had already agreed at their last meeting to work together to develop a PIP. Furthermore, the government was proposing to strengthen the role of PIPs by establishing a new performance regime involving the collection of punctuality data by bus operators and making local authorities accountable for punctuality in their areas. This approach was also in line with the importance placed by York residents on quicker and more reliable bus services. Option 3 was not recommended, as it would involve a protracted consultation process with bus operators, might subject the Council to legal challenge and could lead to some smaller operators leaving the market. Option 4 was not recommended because preparation and implementation of an application would take considerable time and expense, with a low chance of success.

With reference to Opposition comments reported in the Press, Members highlighted the fact that the Road Transport Bill had not yet been enacted and that the Council had no powers to control fare levels on commercial bus services. Any such control would be likely in any event to involve a subsidy arrangement, for which funding could only be found by reducing other public service standards in the City.

RESOLVED: (i) That Officers carry out preparation for a Punctuality Improvement Partnership (PIP) in advance of the Road Transport Bill's passage through Parliament, to enable a strengthened PIP to be introduced in York in 2008, to be delivered through the existing voluntary QBP.

(ii) That Officers present detailed proposals for a PIP to the Executive Member for Transport and Planning, following consultation with the QBP.

REASON: To improve the efficiency and attractiveness of bus services, in particular by comparison to the private car, and to meet the expected more stringent requirements of the Traffic Commissioner in terms of improving punctuality.

(iii) That the Council maintain and develop the Quality Bus Partnership.

REASON: To ensure that the QBP continues to operate as a relevant and useful forum.

#### **170. Park and Ride Bus Contract Options**

Members considered a report which examined options for the procurement of the Park and Ride bus service, to enable the preparation of a contract to operate the service for the next five years, with a possible extension for a further three years.

The existing 5-year contract with First York had commenced on 1 April 2002. Transport Consultants (the TAS Partnership) had been commissioned to review the existing service and provide options for the proposed new contract. Their conclusion was that current service performance was acceptable and the services were well used. However, there was a need to update the service in terms of vehicles and branding and to address issues of reliability and bus service provision. Problems relating to the current split of responsibilities could also be resolved in the new contract, by introducing a performance regime or by transferring liability for repairs to the Council.

The report outlined the four main options for the new contract arrangements, as investigated by TAS:

**Option 1** – continuation of the present arrangement, whereby the operator paid a fixed licence fee to the Council. This would provide a guaranteed income but did not enable the Council to benefit from increased patronage.

**Option 2 (recommended)** – a modification of the present system that retained the licence fee but introduced an element of revenue sharing, dependent on increased patronage.

**Option 3** – a contractual arrangement under which the Council would take the revenue risk and income, with the operator providing the service at a fixed price. This would provide no incentive for the operator to increase patronage.

**Option 4** – a contractual arrangement similar to option 3, but with the an element of revenue sharing above an agreed base level. This would

provide an incentive for growth and would signal a partnership approach but would require further investigation if considered worth pursuing.

With regard to procurement options, it was recommended that the service be tendered using the European Union (EU) restricted route, whereby a select list was first prepared before inviting tenders. An open route was not recommended as it would permit any suitable operator within the EU to tender, leading to an unmanageable process. Approval was sought to negotiate with First to extend the existing contract, which terminated in March, to cover the interim period prior to establishment of a new arrangement.

With reference to recent Press reports in respect of comments in Annex E to the report, Members stressed that the Council had no intention of excluding pensioners from concessionary fares on park and ride services.

RESOLVED: (i) That Officers be authorised to negotiate and prepare an interim licence with First York to extend the existing contractual arrangements until the new contract is in place.

REASON: To ensure the continuation of the service and licence fee income to the Council.

(ii) That approval be given to tender the park and ride service in accordance with the terms detailed in Option 2, as set out in paragraph 46 of the report, and with the specification and responsibilities split, as detailed in Annex D.

REASON: To enable the provision of an improved service, with the highest opportunity of an increased income to the Council.

(iii) That approval be given for the procurement of the park and ride service in accordance with the restricted route and the programme detailed in paragraph 56 of the report..

REASON: To ensure that the service is procured in accordance with financial regulations.

## **171. Government's Proposals for the Post Office Network**

Members considered a report which advised of the Government's proposals for the future of the Post Office Network and asked the Executive to consider a response to the consultation on these proposals.

On 14 December 2006, the Trade and Industry Secretary had announced a new strategy for the Post Office Network. An investment package designed to preserve the network had been announced, involving investment of up to £1.7bn and including proposed new access criteria to ensure continued access to services in rural communities and deprived urban areas. The consultation paper stated that there would be up to 2,500 closures over an 18 month period, but there was no information as to where these would be.

The report set out some initial comments around the seven questions included in the consultation paper. Members were asked to consider these and any initial observations they wished to make.. All Council Members would be invited to submit observations to be considered when preparing the Council's formal response to the consultation, which must be submitted to the Department for Trade and Industry (DTI) by 8 March 2007.

Members commented on the importance of post offices in keeping town and village centres alive, reducing the social isolation of elderly people and cutting down on car travel, thus contributing to the sustainability agenda. Comments were also made on the arbitrary nature of the differentiation between urban and rural post offices of and the way in which post offices had been selected for closure on previous occasions.

RESOLVED: (i) That the report be approved as the basis for the Council's response to central government, subject to the wording in the final letter being agreed with the Leader of the Council, but that the following refinements to the thrust of the Officer report be accommodated in any reply:

- a) Q1. **Issues & Challenges:** Add at end of 2<sup>nd</sup> paragraph: *'The economic importance of Post Offices to other nearby small businesses and amenities should be recognised.'*
- a) Q3. **Access Criteria:** Replace with: *'The proposed Access Criteria appear to have been drawn up with the decision to close 2,500 POs in mind rather than recognising any social or community need. It is not clear why radius rather than population density or social need is used as the principle criteria for determining closures. The proposed access criteria for existing developments conflicts with that required for new housing developments- the Y&H Regional Spatial Strategy states that new housing should be built within 10 minutes walk (about 600-1000m) of local services in urban areas and 20 minutes (1200- 2000m) in rural areas. This is considerably less than the proposed access criteria of 1 mile and 3 miles respectively. It is not clear why existing communities should be provided with a lower level of service than new developments. Particularly in rural areas where public transport is often less available and frequent than in urban areas, the impact of traffic congestion also needs to be taken into account when considering Post Office closures.'*

REASON: To ensure that the Council's response reflects Members' views and the importance of local post offices to City of York residents.

## 172. **Child Protection Update Report**

Members considered a report which provided an update on the work of the newly established Safeguarding Children's Board and sought approval for the adoption of a high level child protection policy for the Council.

The process of establishing the Board, to replace the former Area Child Protection Committee, had been agreed by the Executive in March 2006. The Board was now fully operational and was embracing the wider safeguarding expectation. Its first business plan, attached as Annex 1 to the report, had been developed through a clear process of consultation, including shared access to the consultation undertaken for the new Children and Young People's Plan.

The Board had completed an audit of the Council's key arrangements for safeguarding and promoting the welfare of children, under the guidance in Section 11 of the Children Act. This had identified as a significant deficit the lack of a council-wide Child Protection Policy. In order to address this omission, approval was sought for a draft policy, attached as Annex 2 to the report.

RESOLVED: (i) That the development of the Business Plan 2007-10 of the local Safeguarding Children's Board (Annex 1) be noted and its contents endorsed.

(ii) That the draft Child Protection Policy for the Council, as attached at Annex 2, be approved.

REASON: To address the need for a child protection policy and to adopt a policy which sets out clearly the commitment of the Council to the Rights of the Child, together with principles of good practice.

### **173. Future of Connexions Service**

Members considered a report which proposed a strategy for the management of new responsibilities following the transfer to the Council of a government grant previously paid to the Connexions Service.

In York and North Yorkshire, Connexions had been set up as a limited company, the business of which had been transferred in 2004 to North Yorkshire County Council (NYCC), in order to resolve a VAT issue. In April 2008, the Connexions statutory functions under Section 8 of the Employment and Training Act 1973 and Sections 114 and 140 of the Learning and Skills Act 2000 would transfer to the local authority. These functions could be delivered in house or commissioned from external partners. Funding for service delivery would be paid directly to the local authority. The current Connexions Board had agreed to wind up its functions as soon as the transfer of funding was complete. Staffing issues would be dealt with by NYCC, as employer of all the central Connexions staff.

The local authority must now establish a new Young People's Service, combining the functions of the Youth Service with those of Connexions. Strategic accountability for the service would be via the YorOK Board and the 14-19 Partnership. The YorOK Board had considered the outcome of consultation and endorsed a set of principles to be borne in mind when deciding the future of Connexions in York. These were listed in paragraph

24 of the report. The Executive were asked to consider the following options for future delivery of the service:

**Option 1** – increase in-house provision. This would meet all of the needs identified by the consultation and was the option with most support from partners.

**Option 2** – roll forward existing contracts. This would delay action to meet the needs identified in consultation.

**Option 3** – carry out a thorough review of needs and redesign a specification for future tendering. This also ran the risk of delay, due to the need for complex contract negotiations.

In respect of the comments made on this item under Public Participation, Members indicated that the in-house option would enable the service to become more efficient, which was vital in view of the expected net loss of funds. However, it was expected that some elements of the services might be procured externally should a clear benefit be identified. The speaker's comments on Guidance Services' willingness to work with the Council were welcomed.

RESOLVED: (i) That the transfer of Connexions Service Responsibilities to the local authority from April 2008 be noted.

REASON: In order to prepare for the new responsibilities.

(ii) That an integrated service for young people be established.

REASON: In order to continue the strategy already developed and to streamline management costs,

(iii) That staff teams be integrated in locality bases.

REASON: To provide a more accessible service to young people.

(iv) That some work continue to be sub-contracted to the private, voluntary and community sectors.

REASON: To purchase provision from those who can deliver specialist work beyond the scope and expertise of the Council.

(v) That the Council manage the Connexions contract as a direct provider, as set out in Option 1, subject to continuing reassurance that this option represents an efficient use of available resources.

REASON: In order to establish the terms of reference for the transfer document and to authorise staff to carry out the related work programme.

(vi) That the operation of the current contract be reviewed in order to establish whether there is a need to continue to procure specific services from external providers.

REASON: To ensure continuity of provision and maintain service quality.

(vii) That a further report be received, from the Directors of Learning Culture and Children's Services, Resources, and People and Improvement, once transfer documents have been agreed with North Yorkshire County Council.

REASON: So that a final decision can be made about the deployment of resources from April 2008 and to be satisfied that the Council is not exposed to unfunded risks and liabilities.

## **PART B - MATTERS REFERRED TO COUNCIL**

### **174. Children and Young People's Plan**

Members considered a report which recommended the adoption of the Children and Young People's Plan 2007-2010 recently approved by the Board of the Children's Trust (YorOK).

Publication of a plan was required under The Children and Young People's Plan (England) Regulations 2005. Although York's current plan covered the period 2005-2008, the authority had decided to update it a year earlier than originally intended. This was to reflect significant changes within the sector since 2005, to align planning in York more closely with the national cycle, to ensure consistency with the Local Area Agreement and to prepare for Joint Area Review in 2008.

Production of the plan had been undertaken through the YorOK Board, who had established a Reference Group to ensure that work progressed in a timely, co-ordinated and high quality manner. The draft plan approved by the Board at their meeting on 17 January was attached as Annex 1 to the report.

RECOMMENDED: That the Children and Young People's Plan 2007-2010, as attached at Annex 1, be approved.

REASON: To improve outcomes for children and young people in York.

### **175. Sub-regional Approach to Strategic Housing**

Members considered a report which advised on recent developments designed to enhance joint working on strategic housing issues across the sub-region and proposed that the City of York should participate in the sub-regional partnership and governance framework.

Following their affordable housing review of the district authorities in North Yorkshire, the Audit Commission had produced a report setting out a number of interim recommendations for improving joint working. This identified the strategic housing role as one of the areas where joint working could be beneficial. Subsequently, a special meeting of the North Yorkshire Chief Housing Officers Group had agreed that York and

Richmondshire would be joint leaders in taking forward work in this area. The Government Office for Yorkshire and the Humber (GOYH) had also been encouraging local authorities to work more sub-regionally, in order better to meet housing needs and access regional funding. To date, however, decisions made at a sub-regional had lacked a proper political mandate.

To improve governance arrangements, it was proposed that the North Yorkshire Housing Forum should form a Strategic Housing Board. This would comprise one elected member, supported by the lead officer, from each of the eight local authorities, one from the county council and one from each of the national park authorities. The Board would sit as a sub group of the Association of North Yorkshire Councils and would agree its terms of reference in conjunction with the Association. Although it was not a strategic requirement to develop a sub-regional housing partnership of this nature, it was recommended that this option be agreed, in view of GOYH's strong encouragement for a sub-regional approach. Failure to take part could hold back the sub-regional agenda and would leave York outside any sub-regional developments.

A broad remit for the board was set out in paragraph 14 of the report and draft terms of reference in paragraph 15. The Executive Member for Housing suggested that the following be added to the terms of reference:

*"That all papers are to be given two weeks in advance of the meetings."*

RECOMMENDED: (i) That Option 1, to participate in a sub-regional partnership for strategic housing and to appoint the Executive Member for Housing as the Council's representative on the partnership, be approved.

(ii) That the Executive Member for Housing, in consultation with the Director of Housing and Adult Social Services, be authorised to represent and take decisions relating to sub-regional housing issues on behalf of the City of York Council at partnership meetings

REASON: To develop a governance framework through which sub-regional housing issues can be agreed and investment bids signed off, to ensure North Yorkshire is better placed when competing for funding on a regional basis, as well as raising the profile of York within the sub-region and that of the sub-region as a whole, and to improve the sharing of best practice.

**176. Notice of Motion to the Executive concerning North Yorkshire and York Primary Care Trust**

Members considered a report of the Director of Housing and Adult Social Services which provided advice on a notice of motion. The motion had been submitted by Cllr Bartlett and seconded by Cllr Livesley, for consideration by the Executive before referral to full Council, under Standing Order 11(a)(i).



The notice of motion, submitted on 9 February, read as follows:

“This Council:

- Supports the Press campaign to ‘Let your Doctor decide’ which calls on North Yorkshire and York Primary Care Trust (NYYPCT) to scrap the Prior Approval Panel;
- Records its thanks to those MPs and North Yorkshire Councils who have recorded their support for the ‘ditch the debt’ motion passed by the York Council at its meeting on 25<sup>th</sup> January;
- Remains concerned that reductions, restrictions and delays in NHS treatment in York could have a negative impact upon Council services and budgets.”

The report provided information on the factual background to the motion. It explained the ‘Prior Approval’ system introduced by NYYPCT on 1 January, outlined the current situation regarding the PCT’s budget overspend and discussed the potential impact of reductions in NHS expenditure on services provided by the Council. Members were asked to consider this information and decide whether to submit the notice of motion to full Council at this stage, with recommendations (Option 1) or whether to request further information before doing so (Option 2).

Members indicated their support for the motion and its referral to full Council. It was suggested that any further information received be referred to Council in the form of a supplementary report.

**RECOMMENDED:** That Council consider the motion, which is supported by the Executive, together with the information contained in the report and any additional or updated information provided before the deadline for publication of the Council papers, which will be provided in a supplementary report to Council.

**REASON:** In accordance with the requirements of the Council’s Constitution, as set out in Standing Order 11.

S F Galloway, Chair

[The meeting started at 2.00 pm and finished at 3.35 pm].

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**Executive Meeting 13 March 2007**

**EXECUTIVE FORWARD PLAN**

**Table 1: Items scheduled on the Forward Plan which were due to be submitted to this week's meeting**

| <b>Report</b>                      | <b>Author</b> | <b>Current Position</b>   | <b>Likely Revised Date</b> |
|------------------------------------|---------------|---------------------------|----------------------------|
| Thin Client / Competition Strategy | Simon Wiles   | Deferred for further work | 27/3/07                    |

**Table 2: Items scheduled on the Forward Plan for the Executive Meeting on 27 March 2007**

| <b>Report</b>   | <b>Author</b>                      | <b>Current Position</b>                  | <b>Likely Revised Date</b> |
|---|------------------------------------|--|----------------------------|
| Thin Client / Competition Strategy  | Simon Wiles                        | Deferred from 27/2/07 and 13/3/07        | N/a                        |
| Efficiency Programme, Including Strategic Procurement Programme                                     | Simon Wiles                        | Deferred from 27/2/07                    | N/a                        |
| Corporate Asset Management Plan   | Director of Resources              | Deferred from 13/3/07                    | N/a                        |
| Neighbourhood Services Re-structure   | Terry Collins                      | Deferred from 13/3/07 and previous dates | N/a                        |
| Monk Bar Garage – Future Use of Site  | John Urwin                         | Deferred from 30/1/07                    | N/a                        |
| Annual Audit Letter   | Liz Ackroyd                        | On schedule                              | N/a                        |
| Minutes of LDF Working Group and Economic Development Partnership Board                             | Dawn Steel                         | On schedule                              | N/a                        |
| Race Meeting Review   | Peter Evely                        | On schedule                              | N/a                        |
| Production of Foie Gras: Notice of Motion from Cllr Blanchard Referred from Full Council on 25/1/07 | Director of Neighbourhood Services | On schedule                              | N/a                        |
| Waste PFI – Updated OBC   | Sian Hansom                        | On schedule                              | N/a                        |
| CPA Refresh 2006  | Liz Ackroyd                        | On schedule                              | N/a                        |
| <i>Admin Accommodation Project Update Report</i>  | <i>Maria Wood</i>                  | <i>To be deferred</i>                    | <i>12/6/07</i>             |

**Table 3: Items scheduled on the Forward Plan for the Executive Meeting on 10 April 2007**

| <b>Report</b>  | <b>Author</b> | <b>Current Position</b> | <b>Likely Revised Date</b> |
|--|---------------|-------------------------|----------------------------|
| Final Report from Highways Maintenance Procurement PFI Scrutiny Review | Dawn Steel    | Deferred from 13/3/07   | N/a                        |



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**Executive**

**13 March 2006**

**Report of the Head of Civic, Democratic and Legal Services**

**Minutes of the Social Inclusion Working Group**

**Summary**

1. This report presents the minutes of the recent meeting of the Social Inclusion Working Group and asks Members to consider the advice given by the Working Group in its capacity as an advisory body to the Executive.

**Background**

2. The revised Constitution agreed by Council on 27 April 2006 created a number of Working Groups whose role is to advise the Executive on issues within their particular remits. The Groups are:
  - Social Inclusion Working Group (equalities issues)
  - Young People's Working Group (young people's issues)
  - Local Development Framework (LDF) Working Group (matters relating to the review of the Local Development Framework)

The Constitution also includes a Protocol on Councillor Working Groups, which sets out rules and guidelines for the establishment and operation of Working Groups.

3. To ensure that the Executive is able to consider the advice of the Working Groups, it has been agreed that minutes of the Groups' meetings will be brought to the Executive on a regular basis. The Executive has also agreed to receive minutes of the meetings of the Economic Development Partnership Board, which acts as an advisory body to the Council and to the Local Strategic Partnership.
4. Consideration of the minutes of the above bodies has been scheduled on the Forward Plan for the Executive, as follows:
  - 13 March – Social Inclusion Working Group and Young People's Working Group
  - 27 March - LDF Working Group & Economic Development Partnership Board

In accordance with the Forward Plan, this report presents the minutes of the Social Inclusion Working Group meeting on 17 January 2007 (Annex A). The Young People's Working Group (YPWG) has not met since 25 October 2006. The minutes from that meeting were presented to the Executive on 5 December 2006. Therefore, there are no minutes from the YPWG attached to this report.

### **Consultation**

5. No consultation has taken place on the attached minutes, which have been referred directly from the Working Group. The minutes are still in draft form, pending approval at the Group's next meeting, on 21 March 2007. It is assumed that any relevant consultation on the items considered by the Group was carried out in advance of their meeting.

### **Options**

6. Options open to the Executive are either to accept or to reject any advice that may be offered by the Working Group, and / or to comment on the advice.

### **Analysis**

7. There are no resolutions within the attached minutes which require the specific endorsement or approval of the Executive. However, Members may wish to note in particular:
  - a. the Group's comments in respect of the forthcoming Employment (Age) Regulations 2006 (Minute 23) and
  - b. the Group's decision to support an application received from the York Racial Equality Network for funding in the sum of £950 (Minute 24).

### **Corporate Priorities**

8. The aims in referring these minutes accord with the key principles of improving the Council's organisational efficiency.

### **Implications**

9. There are no known implications in relation to the following in terms of dealing with the specific matter before Members, namely to consider the minutes and determine their response to the advice offered by the Working Groups:
  - **Human Resources (HR)**
  - **Equalities**
  - **Legal**
  - **Crime and Disorder**
  - **Property**
  - **Other**

### Financial Implications

9. Members are advised that the Equalities Officer has delegated authority, in accordance with his budgetary powers, to consider and determine funding applications of the nature of the one submitted by the York Race Equality Network. Details of these are generally submitted to the Working Group to enable it to be kept informed of all equalities related initiatives.

### Risk Management

10. There are no risk management implications associated with the referral of these minutes.

### Recommendations

11. Members are asked to consider the minutes attached at Annex A and to decide whether they wish to respond to any of the advice offered by the Social Inclusion Working Group.

### Reason:

To fulfil the requirements of the Council's Constitution in relation to the role of Working Groups.

### Contact details:

**Author:**

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Principal Democracy Officer  
01904 551024  
email:  
*fiona.young@york.gov.uk*

**Chief Officer Responsible for the report:**

Suzan Hemingway  
Head of Civic, Democratic and Legal Services

**Report Approved****Date** 01.03.07**Specialist Implications Officer(s)** None**Wards Affected:****All****For further information please contact the author of the report**

### Annexes

Annex A – Minutes of the meeting of the Social Inclusion Working Group held on 17 January 2007

### Background Papers

Agendas and associated reports of the above meeting (available on the Council's website).

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City of York Council

Committee Minutes

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|           |  |
|-----------|--|
| MEETING   | SOCIAL INCLUSION WORKING GROUP   |
| DATE      | 17 JANUARY 2007  |
| PRESENT   | COUNCILLORS CUTHBERTSON (CHAIR),<br>FAIRCLOUGH, SUE GALLOWAY, KING, POTTER<br>AND SCOTT  |
|           | NON VOTING CO-OPTED MEMBERS:<br>JACK ARCHER – OLDER PEOPLE’S ASSEMBLY<br>SUE LISTER – OLDER PEOPLE’S ASSEMBLY<br>RITA SANDERSON – BME CITIZENS OPEN<br>FORUM (YREN)<br>DARYOUSH MAZLOUM – BME CITIZENS OPEN<br>FORUM (YREN)<br>GLYNIS GARNER – DISABLED PEOPLE’S FORUM<br>KAREN WILSON – DISABLED PEOPLE’S FORUM |
| APOLOGIES | COUNCILLOR JAMIESON-BALL   |

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**20. DECLARATIONS OF INTEREST**

The Chair invited Members to declare at this point any personal or prejudicial interests they might have in the business on the agenda, in addition to the standing declarations below:

Cllr King – as a member of the Access Group  
Cllr Potter – as Older People’s Champion  
Cllr Scott – as Young People’s Champion

No further interests were declared.

**21. MINUTES**

RESOLVED: That the minutes of the Social Inclusion Working Group held on 22 November 2006 be signed as a correct record and the “easy read” version, be noted.

Arising out of consideration of Minute 16 (Involving Young People in the Social Inclusion Working Group) Officers updated that Jules Horsler had met with officers from the youth service to develop a proposal for the involvement of young people based on the recommendations of the SIWG. This proposal required development with the appropriate forums and although progress had been made, further discussions were needed (and a meeting had been arranged with YREN for later in the month) before a formal paper could be brought to the meeting. This would be done in March. It was likely that this will

involve a request for resources (approx £2,000) to pay for sessional work with groups of young people.

The Chair also reported that further consideration would be given at the next meeting to the participation and inclusion of young people from the BME group.

In relation to Minute 15 (The Feasibility of a Centre for Independent Living (CIL) for York) Cllr S Galloway updated that a meeting was to be held shortly to progress the setting up of a CIL in York and that a further update would be brought to the next meeting.

In relation to the Forward Plan item, Members indicated that there was a need for a formal forward plan to be agreed for future meetings to assist both Members and Officers and to help with the planning of future meetings.

## **22. PUBLIC PARTICIPATION**

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

## **23. AGE DISCRIMINATION**

Members considered a report, which summarised the forthcoming Employment (Age) Regulations 2006 and outlined the amendments made to the Council's HR processes in order to comply.

In summary the Regulations:

- Set a default retirement age of 65;
- Allowed employers to have a retirement age below 65 as long as they can demonstrate that it is appropriate and necessary;
- Give employees the right to request to work beyond their retirement age;
- Make it compulsory for employers to consider any such request.

The regulations make it unlawful on the grounds of age to:

- discriminate directly against anyone, unless objectively justified;
- discriminate indirectly against anyone unless objectively justified;
- subject someone to harassment;
- victimise someone because they have made or intend to make a complaint or allegation or have given or intend to give evidence in relation to a complaint of discrimination on grounds of age;
- discriminate against someone after the working relationship has ended.

It was reported that prior to the introduction of the regulations the Council's Comprehensive Equalities Policy already included the aim:

“to ensure that no one who deals with the Council receives less favourable treatment on the grounds of age.”

It was reported that from September 2006 guidance on age discrimination had been included in the relevant HR process and that changes were also required to other policies and practises elsewhere in the Council.

In addition to the legal implications of the Regulations, work had been undertaken through the Council’s Equality in Employment Improvement Plan (EEIP) to analyse the Council’s age profile and to consider what, if any, action needed to be taken in this area.

During the informal session, prior to the meeting, presentations had been made to the Group from Tracey Carter, Programme Director [easy@york](mailto:easy@york) and James Drury on “Improving Customer Service with [Easy@York](http://www.easy@york)” and from Chris Tissiman of the HR Corporate Development Team on the forthcoming Employment (Age) Regulations 2006.

Arising out of the earlier session the main points raised were

- How could the age profile be altered throughout the council’s workforce?
- Consideration should be given to where job adverts were placed e.g. young peoples journals.
- Need to feedback details of the Groups discussion on “Improving the Diversity of the Council’s Workforce” from the 20 September 2006 meeting to Chris Tissiman.
- Examine how we promote careers in local government and target the audience e.g. Older Peoples Assembly, School Citizenship lessons, Universities/Colleges
- Use exit interviews to ascertain any problems to assist with future recruitment.
- Promotion of work placements within the authority.
- Need to make the Council a more attractive place to work for all age groups.
- Concerns raised regarding Annex 1 to the report, which set out the “Criteria to be used when selecting employees to be dismissed by reason of redundancy” which included
  - a. Could discriminate against young people e.g. length of work experience and women who may have had career breaks.
  - b. Caution should be exercised in relation to the Sickness Absence criteria as this should be considered in conjunction with the Disabled Discrimination Act and disabled people in general.
- The need to amend Annex 2, in particular
  - a. Page 19, paragraph 6.1 to replace the word “between” in the third line with “in excess of “.
  - b. Concerns at tone of letter in Annex 2, Appendix B (Standard letter informing an employee of a meeting to discuss a request not to retire)

- c. Questioned reference to the word “dismissal” in paragraph 9.3. and suggested its replacement with “when the employment will end”

- RESOLVED:** i) That the Social Inclusion Working Group note the action taken by the Council in respect of the Employment Equality (Age) Regulations 2006.
- ii) That Officers be requested to consider rewording the letter in Annex 2, Appendix B in a less formal manner, in line with the Groups comments, and report back to a future meeting.

**REASON:** To comply with statutory requirements, to protect the Council from risk and to further support the Council’s approach to equalities and social cohesion and inclusion.

#### 24. **APPLICATION FOR FUNDING TO SUPPORT EFFECTIVE COMMUNITY INVOLVEMENT IN THE SOCIAL INCLUSION WORKING GROUP**

Members considered a report, which detailed an application received from the York Racial Equality Network (YREN) who hosted a regular community forum that sent representatives to the Social Inclusion Working Group.

Their application was made up as follows:

|              | <b>Amount Requested<br/>£</b> | <b>Purpose</b>                                 | <b>Summary of what funding would pay for</b>                    |
|--------------|-------------------------------|--|---|
|              | 480                           | A - Making meetings accessible and inclusive   | Child care, transportation and interpretation costs             |
|              | 500                           | B - To support engagement with wider community | Research, development, design and hosting of website (one year) |
| <b>Total</b> | <b>980</b>                    |  |   |

Officers confirmed that the application met the criteria established by Group in July for receipt of financial support.

Rita Sanderson, representing YREN, outlined further details in relation to the application.

**RESOLVED:** That the funding application made by the York Racial Equality Network (YREN) in the sum of £980 be granted in full by the Equality Officer, in accordance with his budgetary authority.

REASON: The funding application meets the criteria established by the SIWG and the budget to support this work for 2006/07 has sufficient resources to meet this expenditure.

## 25. COMMUNITY FORUMS REPORTS AND FEEDBACK

### i) Older Peoples Assembly

Sue Lister, circulated a copy of the York Older People's Assembly 50+ newsletter (Volume 1, Issue 11) and referred to the need to change many people's perceptions of old people. She pointed out that older people should be considered a "vital resource" as referred to in a Times article published last year. She also referred to the 50+ Festival and events when mental health and physical fitness had been promoted.

### ii) Disabled People's Forum

Glynis Garner, reported that a meeting had been set up in October 2006 when a Steering Group had been formed which met in December. She confirmed that permanent representatives from the Forum would be elected in February to attend future SIWG meetings.

Karen Wilson pointed out that the Forum was a genuine user led group which ensured that it was representative of disabled people's views.

### iii) BME Citizen's Open Forum (YREN)

Rita Sanderson, confirmed that YREN were now looking at their work plan for next year and she asked Group members if they had anything to include on the plan. Members confirmed that [Easy@York](#) would be contacting the Forum direct regarding consultation on improving customer service in the Council. Rita also confirmed that the Forum was considering translating some of their leaflets into Polish in response to the increase in the Polish population in the York area.

Following the updates, Members felt that it would be useful if they received dates of the various forums meetings to enable them to attend, if at all possible, as observers.

RESOLVED: That the representatives be thanked for their updates.

REASON: To updated Members on the work of the various community groups involved with the SIWG.

## 26. FORWARD PLAN

Members considered business for future meetings of the Group.

RESOLVED: That the Social Inclusion Working Group examine the following at future meetings:

March 2007 -

- The Gender Equality Duty – due to come into force April 2007
- To receive input from the Lesbian, Gay Bisexual Transgender Forum (LGBT) on the most appropriate ways of collecting data about sexuality.
- Involving young people – update.
- Centre for Independent Living (CIL) – update

Future Meetings -

- Promotion of [Easy@York](#) initiative and follow up consultation feedback.
- Age Discrimination – feedback.

REASON: To focus the future work of the Social Inclusion Working Group.

Cllr I Cuthbertson  
Chair

[The meeting started at 6.00 pm and finished at 8.00 pm].



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## **Executive**

13<sup>th</sup> March 2007

### **Report of Director of People and Improvement**

## **Deciding and Delivering Council Priorities – Audit Commission report**

### **Summary**

1. This report summarises the main findings and recommendations arising from the Audit Commission's study of our arrangements for deciding and delivering the Council priorities.
2. The full report was considered by the Audit and Governance Committee on 31<sup>st</sup> January 2007. Based on the council-wide implications of prioritisation, its importance and the clear links between prioritisation and CPA, the committee recommended that the key matters raised in the report should also be considered by the Executive.

### **Background**

3. The Audit Commission carried out a review of the council's prioritisation arrangements in mid 2006. One of the purposes of this review was specifically to help the Council to understand the improvements necessary to respond effectively to the prioritisation Key Line Of Enquiry in the CPA Corporate Assessment process.

### **Key Messages**

4. The Commission commented positively on the way that the Council has identified its priorities as part of the development of the Corporate Strategy. However it identified a significant amount of remaining improvement work to deliver the priorities and embed them into the day to day business of the Council.
5. Five main improvement themes were identified by the Commission. These are:
  - Improving links between service planning and prioritisation
  - Ensuring that decisions on resource allocation are influenced by priorities
  - Integrating priorities into our performance management systems
  - Learning from experience in delivering our priorities
  - Ensuring priorities are owned by everyone in the Council and communicated both internally and externally

6. The Organisational Effectiveness Programme (OEP) approved by the Executive in July 2006 included a number of actions to address the majority of the improvement recommendations made by the Commission. Actions not already in the OEP have since been incorporated within it as part of developing priority Delivery and Innovation Plans (DIPs).
7. Good progress has been made since in delivering these actions. Priority champions have helped drive the delivery of priorities forward; priorities have been widely communicated; and service planning processes have been improved to make much stronger links to priorities. In addition, the delivery of the OEP and Corporate Strategy remain high on the agenda for the Chief Executive and recently appointed Director of People and Improvement.
8. However a key area which remains to be improved is the way in which priorities influence the allocation of resources, in particular as part of the budget process. Further work on this planned but needs to be completed relatively quickly. This is an important area which we need to improve, it will be critical in CPA terms and will be a focus of attention for the Commission when they assess our progress in June.

### **Consultation**

9. The full Audit Commission report, update letter and recommendations have been considered by the Corporate Management Team and the Audit and Governance Committee. Improving the way that the Council prioritises and delivers its priorities forms a key part of the OEP approved by the Executive in July 2006.

### **Options**

10. Prioritisation is one of the 4 key strands within the CPA Corporate Assessment process. As referred to above, the Executive have previously approved a range of actions to improve the way that the Council prioritises and delivers its priorities as part of the OEP.

### **Corporate Priorities**

11. The actions outlined in this paper directly support the delivery the Council's organisational effectiveness priorities – in particular “improving leadership at all levels .....”.
12. Improving prioritisation will also support more effective delivery of the Council's nine service-related priorities which are set out in the Corporate Strategy.

### **Implications**

13. Improving the way that the Council prioritises and delivers its priorities potentially impacts on the way that the Council allocates its financial, human, legal, IT and property resources.



## Risk Management

14. Failure to implement improvements to our prioritisation arrangements is likely to affect the Council's ability to deliver its priorities and affect the Council's CPA corporate assessment rating.

## Recommendation

15. Members of the Executive are asked to:
- note the key findings of the Audit Commission study and the actions in response to them
  - support further work on improving our prioritisation arrangements

Reason: To note the progress in improving the Council's prioritisation arrangements and support work on improving them further

### Contact Details

#### **Author**

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Executives  
Tel No. 01904 551723

#### **Chief Officer Responsible for the report:**

Heather Rice, Director of People and  
Improvement

Report Approved ✓ Date: 28<sup>th</sup> February 2007

#### **Specialist Implications Officer** **Wards Affected**

CMT 6<sup>th</sup> December  
ALL

#### Background papers:

Audit and Governance Committee report 31<sup>st</sup> January 2007 - Deciding and Delivering  
Council Priorities

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**Executive****13 March 2007**

Report of the 'Guidance For Sustainable Development Scrutiny Sub Committee'

**Guidance For Sustainable Development****Summary**

1. The purpose of this report is to present to the Executive the final report on the scrutiny review relating to 'Guidance for Sustainable Development'. At its meeting on 26 February 2007, Scrutiny Management Committee endorsed this report for referral to the Executive.
2. The main findings arising from the work carried out by the Scrutiny Sub Committee are as follows:
  - The council has a number of obligations as set out in various legislative Acts with international, national and regional guidance. The obligations to promote sustainable building and sustainable planning practices require the local authority in partnership with others to actively promote and adopt measures to reduce harmful emissions, mitigate against and adjust to climate change.
  - Addressing Climate Change is not simply a matter of reducing CO<sub>2</sub> emissions from heat and power sources. The recommendations therefore refer to water usage, natural carbon grounding, lifelong building, bio-diversity and waste management.
  - York's development documents are now out of step with Planning Policy statement 22 regarding embedded renewable generation – i.e. domestic scale wind, solar or biomass generation and the report addresses this.
  - York's lack of a strategic approach to trees has left the city performing joint fourth poorest in respect of national urban and rural tree density requirements. This is particularly poor given the role of trees in improving air quality and carbon grounding.
  - York's historic environment should not be an obstacle to increased sustainable build within the city, indeed this environment offers many opportunities.

## **Background**

3. This report had previously been considered by Scrutiny Management Committee and they requested that advice be sought from the Head of Network Management (City Strategy) on the associated highways implications, in an effort to clarify the relationship with existing and ongoing Supplementary Planning Guidance and improve understanding of the hugely technical issues.

## **Consultation**

4. Relevant officers from City Strategy, particularly those responsible for the preparation of the Local Development Framework, have been heavily involved throughout the review process and where possible the report at Annex A and the recommendations reflect the views expressed.
5. Following the request from Scrutiny Management Committee the following officers then reviewed the recommendations contained within the final report to identify any potential gaps, duplication, and to provide a focus for action:
  - LSP and LAA officers
  - Transport Planning Unit and Network Management Section
  - York Consultancy

## **Options**

6. The options available to the Executive are:
  - i. to approve the recommendations arising from the scrutiny review in full or part;
  - ii. to endorse the spirit of those recommendations but propose some specific actions to reflect the intent of the findings; or
  - iii. to reject the proposed recommendations and outline alternative proposals, where applicable
7. In considering the available options, the Executive will wish to consider any potential financial or other impact and the appropriateness, or otherwise, of supporting the scrutiny recommendations in part or full – see comments included in implications schedule within the final report.

## **Analysis**

8. The final report is structured to provide a view of the key issues around sustainability in planning, complimentary to the development of a robust (and Climate Change aware) Local Development Framework. As such, it details research and findings within the following headings:
  - Climate Change and Sustainable Planning and Development
  - Recognising Environmental Whole Life Costs and the Eco-Footprint
  - Addressing Climate Change, Insecurity of Fuel Supply and Fuel Poverty
  - Solar Gain

- Community Light
- Extreme Water Scenarios
- Air Quality, Carbon Grounding, and Trees
- Future Proofing the Past
- Future Proofing the Future: Life Long Building
- Supporting Understanding and Application of Sustainable Development

### **Corporate Priorities**

9. The wider topic of sustainability has been a Council corporate aim for many years. The recently approved Corporate Priorities now incorporate more specific priorities in respect of sustainability. A detailed breakdown of how recommendations fit with achieving corporate priorities is given within the report.

### **Implications**

10. The implications arising from each of the recommendations have been addressed as part of the officer consultation previously referred to. In addition, detailed comments from the Head of Financial Services and officers within City Strategy are included in the summary of implications grid included in the final report.

### **Risk Management**

11. The report highlights the issues and implications for York arising from various national and regional guidance. The risks to the Council are that its responsibilities to promote an understanding of Climate change, energy efficiency, good water management and better holistic sustainable practice in planning and building might not be strategically and uniformly addressed through any other review in the near future.

### **Recommendations**

12. The Executive is asked to consider the final scrutiny report on Guidance on Sustainable Development together with its recommendations and associated implications, and indicate its views on those recommendations.

### **Contact Details**

**Author:**  
Melanie Carr  
Scrutiny Officer  
Scrutiny Services  
Tel No. 552063

**Chief Officer Responsible for the report:**  
S. Hemingway  
Head of Civic, Democratic and Legal Services

**Report Approved**



**Date** 26.10.06

**Specialist Implications Officer(s)**

Financial - Peter Steed, the Head of Financial Services

Tel No: 551745

Advice from City Strategy – Kristina Peat

Tel No. 551666

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

All



**For further information please contact the author of the report**

**Background Papers:** See Annex A

**Annexes**

Annex A: Final Report Guidance on Sustainable Development

Annex B: Scrutiny Topic Registration Form

Annex C: Sustainable Developer Guidance Energy Chapter Draft

Annex D: Sustainable Developer Guidance Water Chapter Draft

Annex E: Sustainable Developer Guidance Buildings Chapter Draft

Annex F: Sustainable Developer Guidance Renewable Energy Chapter Draft

Annex G: Sustainable Developer Guidance Land Use Chapter Draft

Annex H: Sustainable Developer Guidance Waste Chapter Draft

Annex I: Promotion of Sustainable Construction Methods and the Implications for Building Control Staffing levels.



**ANNEX A**

# Sustainable Development Scrutiny Sub-Committee

## Guidance for Sustainable Development.



Work on York's Eco-depot October 2006 © Christian Vassie

**Sustainable Development Scrutiny Sub-Committee October 2006**

**Scrutiny Management Committee 26 February 2007**

**Executive Reading March 2007 2006**

## Chair's Foreword

This scrutiny report represents some two years' work by the Planning & Transport Scrutiny Committee.

It has served a variety of functions:

- providing an opportunity for members to learn about the issues;
- informing the structure of the sustainability section GP4a and the renewable energy section of the draft Local Plan [4<sup>th</sup> set of changes], approved in 2005
- informing the draft Special Planning Guidance report produced in Autumn 2005
- providing an opportunity for dialogue between the local and national heritage groups and the council on the subject of environmental sustainability
- providing an opportunity for dialogue with architects and developers , particularly those involved in the restoration of old buildings.
- providing an opportunity to see how the city's Building Control team might be involved in encouraging more environmentally sustainable construction.

The wide array of recommendations reflects the length of time the scrutiny board has worked on this subject and the breadth of its overview.

It is clearly critical that progress on environmental sustainability requires a pro-active and rigorous set of planning documents. Through the on-going debate about the challenges posed to us all by Climate Change it is evident that the energy consumption of buildings, both domestic and commercial, makes a very significant contribution to CO2 emissions.

This scrutiny report tackles this from two ends: firstly, proposing tough requirements for all new buildings, and, secondly, proposing that historic buildings are also required to improve their energy efficiency.

The recommendations propose that the city's emerging planning documents, including the LDF, no longer simply encourage action but require action on energy efficiency, water efficiency, and use of renewable energy. In doing this City of York Council will not be out on a limb but simply adopting best practice from around the country. The Scrutiny Board believes this is vital if we are to make real progress on tackling CO2 emissions and combating our contribution to Climate Change. We also believe that this would have the very real benefit of encouraging the development of renewable energy companies in the region. We do not believe that there is any evidence that developers would decide that York was no longer an attractive place to develop.

These recommendations include historic buildings, requiring applicants to demonstrate why they shouldn't incorporate energy and water efficiency measures into projects. Our discussions with architects, heritage groups, and developers showed a welcome degree of pragmatism and an acknowledgement that, with energy bills rising rapidly, there will come a point where old or historic buildings will become increasingly difficult to sell or rent if their energy bills are significantly higher than bills for other properties. For example, refusing even bespoke double glazing on



historic buildings makes little sense when bespoke double glazing is successfully employed on historic buildings across Europe.

It was clear talking with heritage groups that the incorporation of environmentally sustainable measures wasn't a prime concern, the prime concern was to see high quality work.

Sustainability does not only impact on buildings, of course. The report also refers to the natural environment and the preservation and creation of open spaces across the city. With so many large sites now available to development (Hungate, York Central, the British Sugar site, a part of the Nestlé site, etc). York should be seeking ways to ensure that provision is made for high quality open space. It could be argued, for example, that the Hungate site would be more attractive to visitors and residents if it had, instead of roads, a network of canals and cycle paths, like Amsterdam.

The report includes recommendations on access to health facilities. Current planning documents require a green travel plan, but this is solely for employees. It surely makes sense that public transport access to doctors surgeries, for example, be included into planning officers' and planning committees' considerations.

Building Control have indicated a willingness to act as a portal for best practice, to ensure that all building developments across the city have access to the best information on environmentally sustainable solutions. The board welcomes this proposal.

Examples of best practice should be available on the internet via a dedicated website. Information on the site should include the data on the performance of renewable energy installations at schools and public buildings across the city. This database will enable the public, architects and developers across York to see that renewable energy, water efficiency and energy efficiency measures do what they say they do. This will encourage the adoption of best practice.

Lastly, this report should be seen in the context of the various other scrutiny reports dealing with the subject of sustainability that have been produced over the past two years.

This subject is complex because it is so broad, as is reflected in the number of recommendations. That breadth allows for the creation of huge swathes of vagueness, seas of loop holes that effectively preclude real progress taking place. It is therefore vital that, wherever possible, the city's planning guidance move as far as it can in 'requiring' progress in its planning documents rather than simply 'encouraging' it.

Cllr Christian Vassie,

Chair of Planning & Transport/Sustainable Development Scrutiny Sub-Committee  
City of York Council 8<sup>th</sup> October 2006

**Contents**

|  |     |
|--|-----|
| <b>Chair's Foreword</b>  | Pg. |
| <b>Contents</b>  | Pg. |
| <b>Executive Summary</b>   | Pg. |
| <b>Summary of Recommendations</b>  | Pg. |
| <b>Summary of Implications of Recommendations to the City of York Council</b>                                      | Pg. |
| <b>Final Report</b>  | Pg. |
| <b>Final Comments from the Board</b>   | Pg. |
| <b>Board Members and Contact Details</b>   | Pg. |
| <b>Glossary</b>  | Pg. |
| <b>Annexes</b>   |     |
| <b>A. Scrutiny Topic Registration Form</b>   | Pg. |
| <b>B. Sustainable Developer Guidance Energy Chapter Draft</b>  | Pg. |
| <b>C. Sustainable Developer Guidance Water Chapter Draft</b>   | Pg. |
| <b>D. Sustainable Developer Guidance Buildings Chapter Draft</b>   | Pg. |
| <b>E. Sustainable Developer Guidance Renewable Energy Chapter Draft</b>  | Pg. |
| <b>F. Sustainable Developer Guidance Land Use Chapter Draft</b>  | Pg. |
| <b>G. Sustainable Developer Guidance Waste Chapter Draft</b>   | Pg. |
| <b>H. Promotion of Sustainable Construction Methods and the Implications for Building Control Staffing levels.</b> | Pg. |

## **SUMMARY OF RECOMMENDATIONS**

**Executive support is sought in particular for Recommendations 1, 2, 3(i), 4, ,5, 6, 7, 9, 10, 11, 12, 13, 14, 15, 16 and 17, to ensure that these recommendations can be taken forward as a significant part of the statutory consultation on the Local Development Framework.**

- 1. That the Draft Supplementary Planning Guidance (SPG) for Sustainable Design and Construction, which provides the minimum expected standards (including BREEAM 'Very Good'. Future statements from developers must clearly address the SPG and the Local Development Framework documents that will replace it e.g.:**
  - i. Showing that 'whole life' costs of buildings, including sourcing of materials, building materials type and thermal efficiency (BREEAM), have been properly evaluated and accounted for in terms of best practice;**
  - ii. Limiting the footprint of buildings and embracing the 'life-long building principles, by ensuring the capacity to extend into roof space through consideration of appropriate roof angles and building methods to allow for appropriate insulates and / or basements rather than gardens and open spaces.**
- 2. That the Draft SPG for Sustainable Design and Construction and the Local Development Framework (LDF) documents which will replace it, require developers to evidence measures supporting the achievement of the national and regional renewable energy targets.**

**These targets require major proposals for employment, retailing and residential development to incorporate appropriate renewable energy heating or power systems.**

**The expectation is that at least 10% of the predicted annual energy requirements of a particular development will be met by means of independent renewable energy generation up until the end of 2010. This will increase to 15% from the end of 2010 until the end of 2015 and increase again to 20% from the end of 2015 until the end of 2020".**

**Developments which do not achieve this target on site will be required to make an S106 contribution for off-site provision.**

- 3. That, in view of part of the development at Fieldside place having been overshadowed by flats built on an adjoining site, greater emphasis needs to be placed in respect of maximising solar gain through all new developments. To this end:**
  - i. The Draft SPG for Sustainable Design and Construction and the LDF documents that will replace it should require developers to evidence assessment of the impact of development proposals on solar gain in**

neighbouring developments, whether they be existing structures or proposed structures in receipt of prior planning permission.

- ii. All planning proposals should be assessed in the future to ensure that proposed new developments or major refurbishments do not impact upon measures for active (i.e. micro-generation through solar thermal or solar PV technology) and passive (i.e. glazed elements maximizing heating and lighting through day-lighting) solar gain in existing developments surrounding them. The Local Plan, and the LDF documents that will replace it, should ensure that sustainability forms a coherent thread, removing contradictions or conflict between sections on, say, housing and transport and the historic environment.
4. That the Draft SPG for Sustainable Design and Construction and the LDF documents that will replace it include a provision to ensure that all new or significantly refurbished developments should give consideration to incorporating sustainable – renewably powered - street lighting [as defined in this council’s Street Lighting Strategy if approved by the Executive]. Officers to research and investigate the inclusion of a more detailed policy to address this issue as part of the development of the LDF
  5. That the Draft SPG for Sustainable Design and Construction and the LDF documents that will replace it include a provision for all new developments requiring developers to replace proposals for impermeable hard standing areas with plans incorporating standing (or forms of pavier) which proves higher levels of soak away such as permeable grass through growth paviers.
  6. That the Draft SPG for Sustainable Design and Construction and the LDF documents that will replace it include a provision for all new developments requiring developers to provide water butts to ensure rainwater harvest and recycling from roof run-off at properties and minimize reliance on potable water supply and the energy used to treat it.
  7. That the Draft SPG for Sustainable Design and Construction and the LDF documents that will replace it include a provision for all new developments requiring developers to show full consideration and incorporation of features for grey water recycling.
  8. That, in recognition of the important role broadleaved deciduous trees play in carbon grounding, mitigating the impacts of Climate Change and improving air quality, the City of York Council’s Arboricultural Officer lead work to create an Authority wide Tree Policy and Strategy ensuring:
    - i. Succession planting and the consistent management and protection for all public trees across all directorates. Schools, Parks, Highways, Housing, Children’s and Adult’s Services, Car Parks and Property.
    - ii. The replacement of all trees removed for unavoidable reasons, be these planning, end of life or disease with between 2-5 broadleaved

deciduous native species, preferably within close proximity to the area where the original specimen was removed, depending on site conditions.

- iii. All street and highways development proposals and schemes prior to approval being given for work to be carried out should be verified by the Arboricultural Officer to evidence proposals for:
- Considering and protecting established trees.
  - Incorporating new planting of species to compliment highways schemes selected as appropriate to the environmental setting by the Arboricultural Officer

The resulting Policy and Strategy should be drafted with the objective aim of significantly increasing the number of viable trees within the authority boundary annually. To achieve a minimum target of 7% cover (the national average) within the next 10 years in line with the National Forestry Strategy as York now has the fourth lowest densities of all Regional Local Authorities with only 3.7%. Outcomes and obstacles to achieving this aim will be reported to the Executive annually by the Council's Arboricultural Officer. The Officer's Annual Tree Policy and Strategy report will be recognised as part of the Air quality Strategy and Action Plan and at a time appropriate as part of the proposed Climate Change Strategy.

The resulting Policy and Strategy will be sent to meetings of the Executive Members for City Strategy and Neighbourhood Services, Adult and Housing Services and Children's Services, to ensure its immediate incorporation into other local authority strategic and policy documents.

The resulting Strategy will be equally applicable to the Authority's own operations and developers.

9. That the Draft SPG for Sustainable Design and Construction, and the LDF Core strategy include a provision for all new developments encouraging developers to plant a fruit tree for each new property or, if a fruit tree is not suitable, root stock for location of another small native species, such as rowan or crab apple, to encourage local produce production and /or provide food for wildlife.
10. That the Draft SPG for Sustainable Design and Construction, and LDF Core strategy include a provision for all new developments requiring developers to show planting plans for verges and front gardens. Such plans to include a reasonable proportion of medium to large scale native deciduous tree species to improve air quality and provide shading and, in instances where this will not be proven to obstruct measures for winter 'solar gain' in surrounding buildings, to include native evergreen species such as Holly, Yew and Scots Pine, to support bio-diversity.

11. That the Draft SPG for Sustainable Design and Construction, and LDF Core strategy include a provision for all new developments where boundaries between adjacent properties need to be identified, requiring developers not to use fencing or walls, and to submit and implement, in place of these, plans for the incorporation of native species hedging at the next nearest suitable planting season, ie. beech, hawthorn, lime, field maple in Autumn and Holly and / or Yew in early spring.
12. That environmental sustainability be specifically referred to within the context of 'Historic Environment' in the Local Development Framework, including sustainable development and design, in view of the contribution environmental sustainability makes towards the protection of historic buildings and in line with the principles of Planning Policy Statement 22.
13. That those parts of the LDF relating to 'Historic Environment' refer to improving the use of good quality, historic buildings, including space above shops, by encouraging the incorporation of high quality insulation and double glazing, where it is possible to do so without compromising the appearance of the building.
14. That the LDF Core Strategy prohibit overdevelopment, particularly in terms of excessively high buildings. Development should enhance the historic environment and, where possible, incorporate buildings and sensitive traffic-free public green space with the mutual aims of:
  - i. Providing good views of architecturally significant build whether this is historic or modern
  - ii. Improving biodiversity and green corridors
  - iii. Improving air quality and rain water soak away
  - iv. Creating a greater percentage of open public space across the city encouraging low cost 24 hour a day leisure activity.
15. That the LDF Core Strategy show measures for the active preservation of green spaces and gardens, particularly in the city centre, and the inclusion of new green space and/or sustainably designed (i.e. reliant on recycled rainwater and/or powered where relevant by solar means) water features in major new developments, such as Hungate, York Central etc.
16. That the LDF documents must ensure the creation of 'life-long' buildings, i.e. structures that can be adapted to people's changing living and working requirements over time. Plans for new buildings or major refurbishments should embrace 'life-long' homes principles by evidencing;
  - Sufficient amenity space
  - Capacity for economically reasonable adaptation for mobility aids
  - Parking provision within the buildings footprint including communal blocks, or flats i.e. within basements etc.

- **Storage space within the buildings footprint for the separation of recyclates, including communal blocks or flats (i.e. within basements etc.)**
  - **Roof angles and cavity on all new build allowing for extension to the liveable space into attics/lofts.**
  - **The provision of space, especially in respect of communal blocks, or flats, – be it communal or private – external and/or internal (i.e. communal drying rooms) to hang out washing to defray from the use of dryers.**
17. **That the Draft SPG for Sustainable Design and Construction, and LDF Core strategy include a requirement that access to public transport services be of material consideration when evaluating planning proposals for health service provision, such as dentists' and doctors' surgeries, and that this be reflected in the LDF.**
  18. **That work involving engagement with local architects to assess interest, familiarity with and use of sustainable buildings methods be conducted by officers in Buildings Control.**
  19. **That Buildings Control investigate the sourcing and availability of materials for sustainable development in York and make that information readily available to the public.**
  20. **That the City of York Council produce its own Sustainable Developers Guide, using the amalgamated chapters as a starting point**
  21. **That a feasibility study be carried out to explore the viability of Building Control acting as the Council's promoter of sustainable construction, as set out in the 'Promotion of Sustainable Construction Methods and the Implications for Building Control staffing levels' report found as Annex H to this scrutiny report.**
  22. **That a single unified web portal be created with a direct link from the City of York Council's Home page and a title along the lines of 'Climate Change and Sustainable Planning in York', which provides centrally linked information regarding;**
    - i. **Supporting information about the (Draft) Supplementary Planning Guidance (SPG) for Sustainable Design and Construction, and the primacy of sustainability within the LDF.**
    - ii. **The Air Quality Strategy.**
    - iii. **Tree Policy and Strategy.**
    - iv. **Bio-Diversity Strategy.**
    - v. **Climate Change Policy and Strategy.**
    - vi. **All other local authority strategic documents and reports including HECA with a bearing on climate change mitigation.**
    - vii. **The energy and water management performance data collected in public buildings, including schools - via the 'Display' mechanism –**

- with year on year improvements and a description of actions to demonstrate best practice across the city
- viii. Links to External Sites providing best practice guidance on Sustainable Construction.
  - ix. Links to education establishments within the region offering training courses in sustainable construction, environmental management, qualifications in SAP and BREEAM assessment etc. Including 'Science City York' where relevant.
  - x. Details of 'Exemplar' projects within the city and the region; i.e. Fieldside place and the Eco-Depot.
  - xi. Links to information regarding grants schemes promoting sustainability i.e. low carbon buildings programme.
23. That the City of York Council, in consultation with the Local Strategic Partnership and steering group of LA21, adopt and monitor the following Local Quality of Life Indicators, with a particular bearing on energy and environmental impact:
- i. Levels of key air pollutants;
  - ii. Carbon dioxide emissions by sector and per capita emissions;
  - iii. Average annual domestic consumption of gas and electricity (kwh)
24. That the improving reputation of the authority related to the standards of sustainable construction applied to the Eco-Depot be maintained through the adoption of a policy requiring equal or higher standards of sustainable construction for all future commissioned properties, or the refurbishment of properties within the authority's portfolio. That this policy be applied whether the property is public amenity, business or domestic - i.e. equally to schools, leisure facilities and office environments.
25. That the Executive support proposals to formally request the Yorkshire and Humber Assembly to endorse the development of recognised voluntary standards above the minimum (or those readily achievable in buildings envelope), promoting lower energy usage and emissions. To assist with this, the Executive also support proposals to establish a framework for the adoption of Part Y, as outlined in the Energy chapter annexed to this report, an annual awards framework for Developments and a web portal advertising this, including the consideration of:
- Automatic registration and certification based on specification.
  - Published Information about awards for annual round based on evaluation against spec of final build, details of judging criteria, candidate development and build profiles + Hyper Links
  - Publication of Outcomes & Event for Regional Award Winners + hyperlinks
  - Indication of winners as high achieving Exemplar Projects from sum total of data base



## Summary of Implications of Recommendations For City of York Council

| Implications Recommendation 1. |  |
|--------------------------------|--|
| <b>Finance</b>                 | <p>The main financial implications are based around the additional constraints on the planning process. The impact of these are very hard to quantify without a thorough review, which must be undertaken as specific issues come forward in the future. Any constraint that significantly increases costs for developers will have an impact in terms of the amount of development that will take place in the city, which in turn will have a knock on effect on the level of capital receipts that the Council can realise from the sale of its own land and buildings and therefore reinvest in the capital programme. A reduction in the level of development will result in the Council not meeting other targets such as the number of affordable homes that are built (already set at 50% of any new development).</p> <p>There is the potential that the planning process will stifle new major developments in the city. . It may be sensible to relax elements of the planning process where sustainable development takes place e.g. in a housing scheme reduce the affordable housing element.</p> <p>Any decision to introduce additional constraints into the planning process is likely to increase developer's costs this could result a reduction in both the desirability of building within York and in the value of relevant development land. The latter of these could result in the council receiving reduced receipts for its disposals which would have a direct impact on the overall capital programme for York.</p> <p><b>SMC Comment</b></p> <p>1<sup>st</sup> paragraph last sentence – SMC considered that this <b>may</b> result in the Council not meeting other targets rather than '<b>will</b> result in the Council not meeting other targets'</p> <p>3<sup>rd</sup> paragraph first sentence – SMC considered this <b>could</b> increase developer's costs rather than '<b>is likely to</b> increase developer's costs'</p> |
| <b>Human Resources</b>         |  |
| <b>Equalities</b>              |  |
| <b>Legal</b>                   |  |
| <b>Crime and Disorder</b>      |  |
| <b>Information Technology</b>  |  |
| <b>Property</b>                |  |
| <b>City Strategy</b>           | The current Draft Supplementary Planning Guidance Sustainable Design & Construction includes the elements mentioned in this  |

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|                                       | <p>recommendation. The consultation ends in May and it is hoped the SPG will be approved in June/July. This will follow BREEAM training for councillors and officers.</p> <p><b>Advice given</b><br/>Agreement can not be given to this recommendation being included in the approved SPG until after the consultation period, the consideration of the responses and the agreement of the relevant committee.</p>   |
| <b>Implications Recommendation 2.</b> |  |
| <b>Finance</b>                        | As Per Recommendation 1  |
| <b>Human Resources</b>                |  |
| <b>Equalities</b>                     |  |
| <b>Legal</b>                          |  |
| <b>Crime and Disorder</b>             |  |
| <b>Information Technology</b>         |  |
| <b>Property</b>                       |  |
| <b>City Strategy</b>                  | <p><b>None</b> The information given above relating to the SPG is also relevant here. The current draft includes a 10% renewable requirement; this is subject to the consultation on the document as mentioned above. The SPG is considered an interim guidance measure while the LDF policies are developed.</p> <p><b>Advice given</b><br/>Consideration of this recommendation can take place as part of the development for the LDF policies, particularly the section of this recommendation relating to the increased percentage over time of renewables required.</p> |
| <b>Implications Recommendation 3.</b> |  |
| <b>Finance</b>                        | As Per Recommendation 1  |
| <b>Human Resources</b>                |  |
| <b>Equalities</b>                     |  |
| <b>Legal</b>                          |  |
| <b>Crime and Disorder</b>             |  |
| <b>Information Technology</b>         |  |
| <b>Property</b>                       |  |
| <b>City</b>                           | The elements of this recommendation have not been included in the  |

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| <b>Strategy</b>                       | current Draft SPG Sustainable Design & Construction (details above).<br><br><b>Advice given</b><br>To be supported in principle and go forward as part of the consultation for the SPG and the LDF process.  |
| <b>Implications Recommendation 4.</b> |  |
| <b>Finance</b>                        | As Per Recommendation 1  |
| <b>Human Resources</b>                |  |
| <b>Equalities</b>                     |  |
| <b>Legal</b>                          |  |
| <b>Crime and Disorder</b>             |  |
| <b>Information Technology</b>         |  |
| <b>Property</b>                       |  |
| <b>City Strategy</b>                  | <b>None</b> The current Draft SPG Sustainable Design & Construction (details above) does not currently include this element. This could legitimately become a material planning consideration subject to consultation<br><br><b>Advice given</b><br>To be supported in principle and go forward as part of the consultation for the SPG and the LDF process. |
| <b>Implications Recommendation 5.</b> |  |
| <b>Finance</b>                        | As Per Recommendation 1  |
| <b>Human Resources</b>                |  |
| <b>Equalities</b>                     |  |
| <b>Legal</b>                          |  |
| <b>Crime and Disorder</b>             |  |
| <b>Information Technology</b>         |  |
| <b>Property</b>                       |  |
| <b>City Strategy</b>                  | <b>None</b> As above.<br><br><b>Advice given</b><br>As above   |
| <b>Implications Recommendation 6.</b> |  |

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| <b>Finance</b>                        | As Per Recommendation 1   |
| <b>Human Resources</b>                |   |
| <b>Equalities</b>                     |   |
| <b>Legal</b>                          |   |
| <b>Crime and Disorder</b>             |   |
| <b>Information Technology</b>         |   |
| <b>Property</b>                       |   |
| <b>City Strategy</b>                  | <p><b>None</b> The current Draft Supplementary Planning Guidance Sustainable Design &amp; Construction includes the elements mentioned in this recommendation. The consultation ends in May and it is hoped the SPG will be approved in June/July.</p> <p><b>Advice given</b><br/>Agreement can not be given to this recommendation being included in the approved SPG until after the consultation period, the consideration of the responses and the agreement of the relevant committee.</p> |
| <b>Implications Recommendation 7.</b> |   |
| <b>Finance</b>                        | As Per Recommendation 1   |
| <b>Human Resources</b>                |   |
| <b>Equalities</b>                     |   |
| <b>Legal</b>                          |   |
| <b>Crime and Disorder</b>             |   |
| <b>Information Technology</b>         |   |
| <b>Property</b>                       |   |
| <b>City Strategy</b>                  | <p>As above.</p> <p><b>Advice given</b><br/>As above.</p>   |
| <b>Implications Recommendation 8.</b> |   |
| <b>Finance</b>                        | <p>As Per Recommendation 1</p> <p>The funding for the objective of increasing tree cover in the city boundary from 3.7% to 7% within 10 years, will have to be identified either from within existing revenue or capital resources, and form part of future budget processes. (Especially as the proposed increase would cover the equivalent area of around 1,200 football pitches)</p>  |

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|                                       | <p><b>SMC Comment</b></p> <p>Re first sentence – SMC considered that funding <b>may</b> have to be identified either from within existing revenue or capital resources, rather than <b>will</b> have to be identified’</p>   |
| <b>Human Resources</b>                |  |
| <b>Equalities</b>                     |  |
| <b>Legal</b>                          |  |
| <b>Crime and Disorder</b>             |  |
| <b>Information Technology</b>         |  |
| <b>Property</b>                       |  |
| <b>City Strategy</b>                  | <p><b>None</b> A draft Tree Strategy has been produced however it covers many policy and strategy areas and as such has not been progressed further</p> <p><b>Advice given</b><br/>This is supported in principle subject to further work on tree policies for the LDF, the Climate Change Strategy and the council Sustainable Development Strategy.</p>  |
| <b>Implications Recommendation 9.</b> |  |
| <b>Finance</b>                        | As Per Recommendation 1  |
| <b>Human Resources</b>                |  |
| <b>Equalities</b>                     |  |
| <b>Legal</b>                          |  |
| <b>Crime and Disorder</b>             |  |
| <b>Information Technology</b>         |  |
| <b>Property</b>                       |  |
| <b>City Strategy</b>                  | <p><b>None</b> The elements of this recommendation have not been included in the current Draft SPG Sustainable Design &amp; Construction (details above).</p> <p><b>Advice given</b><br/>To be supported in principle to go forward as part of the consultation for the SPG and the LDF process. Suggested amendments to the recommendation include ‘That the Draft SPG for Sustainable Design and Construction, and the LDF Core strategy include a provision that encourages developers to plant a fruit tree for each new property, or a small native species, such as rowan or crab apple if a fruit tree is not</p> |

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|  | suitable, to encourage local fruit production and/or provide food for wildlife  |
| <b>Implications Recommendation 10.</b> |   |
| <b>Finance</b>                         | As Per Recommendation 1 There could also be future revenue / capital consequences arising from the impact on buildings and boundaries due to the need for future maintenance work caused by the tree planting.  |
| <b>Human Resources</b>                 |   |
| <b>Equalities</b>                      |   |
| <b>Legal</b>                           |   |
| <b>Crime and Disorder</b>              |   |
| <b>Information Technology</b>          |   |
| <b>Property</b>                        |   |
| <b>City Strategy</b>                   | <p><b>None</b> As above.</p> <p><b>Advice given</b><br/>As above and suggested changes to the recommendation include 'That the Draft SPG for Sustainable Design and Construction, and LDF Core strategy include a provision for all new planning applications to show planting plans for verges and front gardens. Such plans should include a reasonable proportion of native deciduous tree species to improve air quality, improve amenity, and provide shading; and to include native evergreen species such as Holly, Yew and Scots Pine to support bio-diversity, where this will not be proven to obstruct measures for winter 'solar gain' in surrounding buildings.'</p> |
| <b>Implications Recommendation 11.</b> |   |
| <b>Finance</b>                         | As Per Recommendation 1   |
| <b>Human Resources</b>                 |   |
| <b>Equalities</b>                      |   |
| <b>Legal</b>                           |   |
| <b>Crime and Disorder</b>              |   |
| <b>Information Technology</b>          |   |
| <b>Property</b>                        |   |
| <b>City Strategy</b>                   | <b>None</b> As above.   |

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|  | <b>Advice given</b><br>As above.  |
| <b>Implications Recommendation 12.</b> |   |
| <b>Finance</b>                         | None  |
| <b>Human Resources</b>                 |   |
| <b>Equalities</b>                      |   |
| <b>Legal</b>                           |   |
| <b>Crime and Disorder</b>              |   |
| <b>Information Technology</b>          |   |
| <b>Property</b>                        |   |
| <b>City Strategy</b>                   | None <b>Advice given</b><br>To consider this recommendation as part of the LDF consultation and policy formulation. |
| <b>Implications Recommendation 13.</b> |   |
| <b>Finance</b>                         | None  |
| <b>Human Resources</b>                 |   |
| <b>Equalities</b>                      |   |
| <b>Legal</b>                           |   |
| <b>Crime and Disorder</b>              |   |
| <b>Information Technology</b>          |   |
| <b>Property</b>                        |   |
| <b>City Strategy</b>                   | None<br><b>Advice given - As above</b>  |
| <b>Implications Recommendation 14.</b> |   |
| <b>Finance</b>                         | As Per Recommendation 1   |
| <b>Human Resources</b>                 |   |
| <b>Equalities</b>                      |   |
| <b>Legal</b>                           |   |
| <b>Crime and Disorder</b>              |   |
| <b>Information Technology</b>          |   |

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| <b>Property</b>                        |                                       |
| <b>City Strategy</b>                   | None <b>Advice given</b><br>As above. |
| <b>Implications Recommendation 15.</b> |                                       |
| <b>Finance</b>                         | As Per Recommendation 1               |
| <b>Human Resources</b>                 |                                       |
| <b>Equalities</b>                      |                                       |
| <b>Legal</b>                           |                                       |
| <b>Crime and Disorder</b>              |                                       |
| <b>Information Technology</b>          |                                       |
| <b>Property</b>                        |                                       |
| <b>City Strategy</b>                   | None <b>Advice given</b><br>As above  |
| <b>Implications Recommendation 16.</b> |                                       |
| <b>Finance</b>                         | As Per Recommendation 1               |
| <b>Human Resources</b>                 |                                       |
| <b>Equalities</b>                      |                                       |
| <b>Legal</b>                           |                                       |
| <b>Crime and Disorder</b>              |                                       |
| <b>Information Technology</b>          |                                       |
| <b>Property</b>                        |                                       |
| <b>City Strategy</b>                   | None <b>Advice given</b><br>As above  |
| <b>Implications Recommendation 17.</b> |                                       |
| <b>Finance</b>                         | None                                  |
| <b>Human Resources</b>                 |                                       |
| <b>Equalities</b>                      |                                       |
| <b>Legal</b>                           |                                       |
| <b>Crime and Disorder</b>              |                                       |
| <b>Information</b>                     |                                       |



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| <b>Technology</b>                      |   |
| <b>Property</b>                        |   |
| <b>City Strategy</b>                   | <p><b>None</b> Access to public Transport is already a core provision in the council's planning policy.</p> <p><b>Advice given</b><br/>This recommendation be considered in due course as part of development of the LDF</p>  |
| <b>Implications Recommendation 18.</b> |   |
| <b>Finance</b>                         | <p>As a scrutiny report promoting engagement of this sort, insufficient detail is given, at this stage, to enable the impact of the proposal to be accurately assessed. However, if these regulations require significant additional work then this will result in pressures on affected areas which will have to be met by reductions in the provision of alternative services or additional resources being deployed. Any decision to deploy additional resources must be considered as part of the Council's budget process alongside the wide range of funding pressures.</p> |
| <b>Human Resources</b>                 |   |
| <b>Equalities</b>                      |   |
| <b>Legal</b>                           |   |
| <b>Crime and Disorder</b>              |   |
| <b>Information Technology</b>          |   |
| <b>Property</b>                        |   |
| <b>City Strategy</b>                   | <p><b>None</b> The consultation on the current Draft SPG Sustainable Design &amp; Construction has included breakfast seminars for the construction industry. Currently BC officers provide information in response to inquiries but do not have resources to take a proactive approach.</p> <p><b>Advice given</b><br/>Further consideration should be given to this recommendation once Draft SPG has been agreed.</p>  |
| <b>Implications Recommendation 19.</b> |   |
| <b>Finance</b>                         | <p>The impact of this cannot be fully assessed, at this stage, based on the level of detail available in the report.. However, there are likely costs in terms of Building Control Officer workload. This may result in a need for additional building control inspectors which would have to be identified either from existing resources or form part of a future budget process.</p>   |

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| <b>Human Resources</b>                 |  |
| <b>Equalities</b>                      |  |
| <b>Legal</b>                           |  |
| <b>Crime and Disorder</b>              |  |
| <b>Information Technology</b>          |  |
| <b>Property</b>                        |  |
| <b>City Strategy</b>                   | <p><b>None</b> As above.</p> <p><b>Advice given</b><br/>As above</p>   |
| <b>Implications Recommendation 20.</b> |  |
| <b>Finance</b>                         | The impact of this cannot be fully assessed, at this stage, based on the level of detail available in the report.. However, it is likely to result in one off expenditure in terms of developing and producing the guide which would have to be identified either from existing resources or form part of a future budget process. |
| <b>Human Resources</b>                 |  |
| <b>Equalities</b>                      |  |
| <b>Legal</b>                           |  |
| <b>Crime and Disorder</b>              |  |
| <b>Information Technology</b>          |  |
| <b>Property</b>                        |  |
| <b>City Strategy</b>                   | <p><b>None</b> The Draft SPG Sustainable Design &amp; Construction provides some of this information.</p> <p><b>Advice given</b><br/>Additional information contained in the chapters mentioned in this recommendation to be considered as part of the consultation and policy development for the LDF.</p>                        |
| <b>Implications Recommendation 21.</b> |  |
| <b>Finance</b>                         | The impact of this cannot be fully assessed, at this stage, based on the level of detail available in the report.. However, it is likely to result in one off expenditure in terms of feasibility costs which would have to be identified either from existing resources or form part of a future budget process.                  |
| <b>Human</b>                           |  |

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| <b>Resources</b>                       |  |
| <b>Equalities</b>                      |  |
| <b>Legal</b>                           |  |
| <b>Crime and Disorder</b>              |  |
| <b>Information Technology</b>          |  |
| <b>Property</b>                        |  |
| <b>City Strategy</b>                   | <p><b>None</b> The Draft SPG Sustainable Design &amp; Construction forms the basis for this work.</p> <p><b>Advice given</b><br/>Following the agreement of the SPG this work should take place.</p>   |
| <b>Implications Recommendation 22.</b> |  |
| <b>Finance</b>                         | One off development costs and officer management. The resourcing of this would have to be identified either from existing resources or form part of a future budget process.   |
| <b>Human Resources</b>                 |  |
| <b>Equalities</b>                      |  |
| <b>Legal</b>                           |  |
| <b>Crime and Disorder</b>              |  |
| <b>Information Technology</b>          |  |
| <b>Property</b>                        |  |
| <b>City Strategy</b>                   | <p><b>None</b> The 'Guidance for Sustainable Development' report and this recommendation covers a very wide range of issues as mentioned above but lacks some focus. However its broad nature clearly demonstrates the connection between these issues and the requirement of sustainable development principles to take all into account when considering decisions. This recommendation is, therefore, describing a council Sustainable Development Strategy</p> <p><b>Advice given</b><br/>Work is currently taking place on this and it is hoped to take a proposal to the Executive Committee of the Council in March/April 2007.</p> |
| <b>Implications Recommendation 23.</b> |  |
| <b>Finance</b>                         | The additional measurement of PI's may result in additional resources that would have to be identified either from existing resources or form part of a future budget process.   |

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| <b>Human Resources</b>                 |  |
| <b>Equalities</b>                      |  |
| <b>Legal</b>                           |  |
| <b>Crime and Disorder</b>              |  |
| <b>Information Technology</b>          |  |
| <b>Property</b>                        |  |
| <b>City Strategy</b>                   | <p><b>None</b> The indicators mentioned in this recommendation have been included in the Local Area Agreement which is currently with Central Government for approval.</p> <p><b>Advice given</b><br/>Following agreement of the LAA this should be used as a basis for the review of the community strategy.</p>  |
| <b>Implications Recommendation 24.</b> |  |
| <b>Finance</b>                         | <p>Any decision to introduce additional constraints into the planning process is likely to increase developer's costs this could result a reduction in both the desirability of building within York and in the value of relevant development land. The latter of these could result in the council receiving reduced receipts for its disposals which would have a direct impact on the overall capital programme for York.</p> <p>The additional costs incurred on the Eco Depot were funded from both prudential borrowing and government grant. The on going revenue savings from more sustainable construction do not yet fund the additional costs incurred in construction. If this trend continues either the functional elements of any new Council funded build will be compromised, or additional funding will need to be diverted from existing budgets or form part of a future budget process. Such a priority is unlikely to be achievable without a major investment of additional funds from sources external to the Council.</p> |
| <b>Human Resources</b>                 |  |
| <b>Equalities</b>                      |  |
| <b>Legal</b>                           |  |
| <b>Crime and Disorder</b>              |  |
| <b>Information Technology</b>          |  |
| <b>Property</b>                        |  |
| <b>City Strategy</b>                   |  |

| <b>Implications Recommendation 25.</b> |   |
|--|---|
| <b>Finance</b>                         | None.   |
| <b>Human Resources</b>                 |   |
| <b>Equalities</b>                      |   |
| <b>Legal</b>                           |   |
| <b>Crime and Disorder</b>              |   |
| <b>Information Technology</b>          | <p>More details would be required about timescales and the underlying purpose of the proposed "unified web portal", to be precise but in summary:</p> <p>If it is to be part of the new council website (it would look the same as the new website and be part of the new navigation structure) a folder structure could be set up and someone trained to use the content management system (the software that is used to run the new website). This would be the more straightforward option, considering that several of the documents mentioned are already available on the site and so would avoid duplication. It would then be a case of bringing these documents together in one place and adding any others that are required. Any documents such as plans and strategies would need to be supplied in PDF format. Guidance could be given on how to produce PDF documents.</p> <p>Developing of a new website with a separate look and feel would be a larger piece of work not possible in the immediate future (before April) as once the new council website has been launched in November the web team is committed to developing the intranet and Children's Trust Unit website. A formal request for web team time would need to be submitted to easy@york in this case.<br/>[comments submitted by web team]</p> |
| <b>Property</b>                        |   |
| <b>City Strategy</b>                   |   |

## Final Report: Guidance for Sustainable Development.

### Summary

1. Members of the Executive are presented with the final report of the Sustainable Development Scrutiny Sub-Committee (formerly Environment & Sustainability Planning and Transport Scrutiny Board) delivering their research and findings regarding the approach our Local Authority might take to delivering more sustainable planning and development.
2. Background Between 2005 and 2006 Scrutiny at the City of York Council promoted robust strategic approaches to carbon reduction and more sustainable energy sourcing across the authorities own activities<sup>1</sup>. These approaches covered all sectors of authority operations except transportation fuel.
3. Commercial Services Scrutiny Board completed work regarding improved approaches to the recycling and reuse of domestic goods and landfill minimisation.
4. Whilst sustainable energy use and landfill minimisation are key considerations within this report, the work of the former Planning and Transport Scrutiny Board<sup>2</sup> has a broader scope.
5. The report where ever possible highlights the complex inter-relationships between causes and effects implied by the now commonly used yet rarely explained term 'Climate Change'. In doing so it introduces a broad spectrum of interconnected sustainability issues as they relate to planning and recommends approaches the authority must take if it is to meet its targets in respect of planning and the climate change agenda.

### Climate Change

6. The world is warming and, for the most part, the international scientific and political community agree this is the result of human activities. These activities have altered the chemical composition of the atmosphere, creating a build up of greenhouse gases<sup>3</sup>; including Carbon dioxide (CO<sub>2</sub>). The gases act like a thickening blanket, trapping the sun's heat and causing the planet to warm up; this is described as 'global warming'. During the last century, temperatures rose by 0.7C and 2005 was the second warmest year ever recorded. Present

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<sup>1</sup> Through the delivery of reports regarding;

- a. CO<sub>2</sub> reduction from domestic property: public and private
- b. Sustainable Street Lighting
- c. Reducing managing and monitoring energy consumption in council property
- d. Ensuring increasingly sustainable supply and embedded micro-generation in council property

<sup>2</sup> See Annex A for the topic registration form

<sup>3</sup> See Glossary for a definition of Green House Gasses

evidence suggests a further increase of between 1.5C and 5.9C in global mean temperatures over the next century.

7. As the temperatures have risen, global weather patterns have been affected. Even in Yorkshire we are increasingly enduring extreme weather events such as tornados, flooding and droughts.
8. Internationally, droughts are causing tropical forests to die back and each year more are susceptible to raging summer fires. Record temperatures and drought conditions in July 2006 stopped many Horse Chestnut trees in the UK's producing Conkers<sup>4</sup>. Our trees are dying, without them less atmospheric CO<sub>2</sub> will be locked up adding to a cycle of destruction unprecedented in the history of the planet.
9. Global droughts are seeing natural food sources and farmed crops fail leading to increased human migration and increasing death rates for both human beings and many wildlife species through famine. All recent endeavours to achieve global economic stability are threatened by climate change.
10. International Glaciers and Polar ice caps are melting, the worlds seas are rising and decreasingly saline, some marine life will die, coastal erosion will increase and so will the risks of flooding.
11. 'Climate Change' is the term which encapsulates all the causes and effects of global warming upon our planet. The international 'Climate Change Agenda' (as set out in the Kyoto Protocol) devolves Nationally in the recently revised UK Climate Change Programme 2006 and Climate Change and Sustainable Energy Act 2006. The Government is committed to support the process of adapting to the changes in climate that will occur over coming decades and has outlined its expectations of local authorities and their public and private partners in respect of this.
12. In addressing climate change local authorities need to understand the issues and imperatives for action, and how to ensure their operations, their partners operations and individual citizens are ready to adapt to the changes and mitigate against the effects locally<sup>5</sup>.
13. Members of the former Planning and Transport Scrutiny Board endorse the Housing Scrutiny Boards recommendation for the City of York Council to prepare a Climate Change Strategy and Action Plan.

### **Climate Change and Sustainable Planning and Development**

14. National Planning Policy legislation and associated guidance - 2004 to date - has begun to mainstream sustainability in response to climate change. Prior to

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<sup>4</sup> See Guardian Article 'Where have all the Conkers gone' **Wednesday October 4, 2006**

<sup>5</sup> Some specific details of the anticipated effects for our region can be sourced via the UK Climate Impacts Programme, (UKCIP) provides scenarios that show how our climate might change and co-ordinates research on dealing with our future climate.

this time, the environmental dimension of many planning proposals was only partially addressed. Local planning authorities' powers were mainly focused on the spatial<sup>6</sup> and visual impact of a development rather than its long-term impact on natural resources, health, climate etc.

15. The new legislation is forcing change. It is moving forward with the national code for sustainable building, tighter building regulations on thermal efficiency and EU Energy Performance Directives on energy and landfill which, when taken across the piece prioritise sustainability and planning for a future that it is as far a possible environmentally cost neutral.

### **Recognising Environmental Whole Life Costs and the Eco-Footprint**

16. Decisions regarding planning and design and the use of building materials have wide reaching environmental consequences, energy used in the manufacture, delivery, and incorporation of materials and appliances into buildings accounts for over 10% of total energy consumption in the UK alone; described as embodied energy. Choices architects and developers make in sourcing materials impact upon globally finite resources such as minerals, and fossil fuels.
17. Approximately 50% of total ozone damaging Chlorofluorocarbons (CFC's) produced were through uses such as air conditioning, refrigeration, fire extinguishers and insulation in buildings (Blowers, 1993). Poorly evaluated industrial practices, building techniques, waste disposal, and transportation have led to ground, air and water pollution so hazardous to life that we are now having to invest millions in time and costs to reclaim a fit environment for ourselves and future generations. We are realising that our approaches to building must change.
18. Requiring developers to whole life cost, which may be characterised as a systematic approach of balancing capital costs with revenue costs evidencing optimum financial solutions over a building's lifespan, is not a new concept. The building industry embraced this change, by acknowledging that whole life costing was effective at demonstrating the cost effectiveness of applied techniques in the market place.
19. Planning and developers are increasingly required to extend the principals introduced by whole life costing to evidencing the lifespan environmental impacts of their proposals and the materials used for the build.
20. The ecological footprint (or eco-footprint for short) is a tool measuring our ecological performance parallel with that of whole life costing. It tracks how much individuals, organisations, cities, regions and nations, consume and compares this amount to the resources nature can provide, for example land, water energy and other resources.

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<sup>6</sup> Spatial: the way things are laid out, in proximity to one another and other natural features



21. The application of whole life costings principals incorporating environmental or eco-footprinting is not a new concept, for over a decade, the Buildings Research Establishment's (BRE) Environmental Assessment Method (BREEAM) has been used to assess the environmental performance of both new and existing buildings. BREEAM<sup>7</sup> is recognised by the UK's construction and property sectors as a measure of best practice in environmental design and management and has been used as the basis of the Sustainable Buildings Code.

**Executive support is sought in particular for Recommendations 1, 2, 3(i), 4, ,5, 6, 7, 9, 10, 11, 12, 13, 14, 15, 16 and 17 below, to ensure that these recommendations can be taken forward as a significant part of the Local Development Framework.**

#### **RECOMMENDATION 1**

**That the Draft Supplementary Planning Guidance (SPG) for Sustainable Design and Construction, , provides the minimum expected standards including BREEAM 'Very Good'. Future statements from developers must clearly address the SPG and the sustainability policies Local Development Framework documents that will replace it. For example;**

- i. By showing 'whole life' costs of buildings, including sourcing of materials, building materials type and thermal efficiency (BREEAM) have been properly evaluated and accounted for in terms of best practice.**
- ii. Limiting the footprint of buildings and embracing the 'life-long building principles, by ensuring the capacity to extend into roof space through consideration of appropriate roof angles and building methods to allow for appropriate insulates and or basements rather than gardens and open spaces.**

<sup>7</sup>

BREEAM assesses the performance of buildings in the following areas:

- management: overall management policy, commissioning site management and procedural issues
- energy use: operational energy and carbon dioxide (CO2) issues
- health and well-being: indoor and external issues affecting health and well-being
- pollution: air and water pollution issues
- transport: transport-related CO2 and location-related factors
- land use: greenfield and brownfield sites
- ecology: ecological value conservation and enhancement of the site
- materials: environmental implication of building materials, including life-cycle impacts
- water: consumption and water efficiency

## **The Integration of Sustainability into Planning Policy Frameworks**

22. The National planning policy framework requires Regional Assemblies and Local Planning Authorities to conduct a sustainability appraisal of the development framework documents and adopt sustainable practice in planning. In brief national governments planning policy statements:

### **Endorse;**

- i. The use of brown-field site and the refurbishment of existing buildings envelope as a priority.
- ii. Redevelopment of areas of deprivation to encourage regeneration in line with Local Area Agreements.
- iii. Redevelopment of town and city centres to ensure mixed usage throughout the 24 hour period.
- iv. Increased emphasis on mixed development incorporating domiciliary, business shopping and leisure facilities, minimising reliance on transportation.
- v. The integration of a greater proportion of green space within all built areas for the combined purposes of leisure and nature habitat. Greater protection for existing green corridors and natural features.
- vi. The integration of renewable energy, community energy netting and Combined Heat and Power (CHP).
- vii. Better management of Water to prohibit summer droughts and seasonal flooding through integrated soak-away, grey water recycling and the proper assessment of developmental impact on flood plain or natural run off areas.
- viii. Greater awareness of transport networking which prioritises pedestrian and cyclist access then access through well devised public transport nets.

### **Prohibit;**

- i. The development of out of town shopping complexes etc.
- ii. Development increasing reliance on private car ownership and transportation.
- iii. Negative statements and approaches to renewable energy production.

## **Addressing Climate Change, Insecurity of Fuel Supply and Fuel Poverty.**

23. The National Planning Policy framework and buildings regulations require Regional Spatial Strategies (RSS) and Local Development frameworks to incorporate 'Planning Policy Statement 22: Renewable Energy' (PPS22) emphasising the development of positively expressed policy on integrated renewables.
24. National Government requires<sup>8</sup> planning authorities to create policies on a par with Merton, Croydon and Calderdale. National clarification of PPS22 stated that "It is now essential that all planning authorities follow this example".

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<sup>8</sup> The Minister for Housing and Planning (Yvette Cooper) Written Ministerial Statements *Thursday 8 June 2006* Communities And Local Government PPS22. See Also requirements in the Climate Change and Sustainable Energy Act 2006

25. Calderdale Council's policy requires at least 10% of the energy to be used in sizable new development to come from on site RE sources up to 2010 with a 'rising' target' established after 2010. The Planning Inspectorate's ruling on the Calderdale's 'step up' microgeneration policy in their Replacement Unitary Development Plan established the opportunity to raise the percentage threshold over time and establish policy which reflects targets within the Kyoto protocol.
26. This will become even more important if energy efficiency standards in building regulations rise reducing the impact of a 10% only target. The Calderdale policy '12.66a' follows;
27. "To help meet the national and regional renewable energy targets, major proposals for employment, retailing and residential development will be required to incorporate appropriate renewable energy heating or power systems. The expectation will be that at least 10% of the predicted annual energy requirements of a particular development should be met by means of independent renewable energy generation up until the end of 2010. This will increase to 15% from the end of 2010 until the end of 2015 and increase again to 20% from the end of 2015 until the end of 2020".
28. In Norwich targets have been further stepped up within the period to a 30% micro generation target and Chichester has a target that rises to 50%, whilst Milton Keynes requires all new developments have net zero carbon emissions. Nationally where such policies have already been adopted, they run hand in hand with policies ensuring that developers, not achieving targets, pay into a fund to promote higher standards.

## **RECOMMENDATION 2**

**That the Draft Supplementary Planning Guidance (SPG) for Sustainable Design and Construction and the Local Development Framework documents that will replace it require developers to evidence measures supporting the achievement of the national and regional renewable energy targets.**

**Whereby, major proposals for employment, retailing and residential development are required to incorporate appropriate renewable energy heating or power systems.**

**The expectation being that at least 10% of the predicted annual energy requirements of a particular development will be met by means of independent renewable energy generation up until the end of 2010. This will increase to 15% from the end of 2010 until the end of 2015 and increase again to 20% from the end of 2015 until the end of 2020".**

**Developments, which do not achieve this target on site will be required to make an S106 contribution for off-site provision**

## Solar Gain

29. Future building must aim to minimise the energy consumption of business and domestic property whilst maximising the efficiency of energy usage. The relationship between buildings and the local microclimate can reduce the amount of energy required for heating. In addition buildings must be designed to incorporate maximum sourcing of their energy requirements through natural – zero-carbon - not just sustainable means.
30. In order to achieve these objectives architects, designers, planners and builders must demonstrate an understanding of micro-climate, relational positioning, spatial thermal dynamics, and solar gain (unmediated light and heat entering the building from the sun).
31. During the course of their investigations Board Members visited St Nicholas Field's Environmental Community Centre, Kirklees Council regarding the Sun cities and Zen solar programmes and the Housing Association responsible for Fieldside Place. In respect of the latter project they expressed concern regarding the impact of later development through high build shading upon the solar gains designed into Field side place. In response to which they noted the need for a better understanding of such impacts to be evidenced and removed at an early point in development proposals.

### **RECOMMENDATION 3**

**That in view of part of the development at Fieldside place having been overshadowed by flats built on an adjoining site greater emphasis needs to be placed in respect of maximising solar gain through all new developments.**

- i. **That the Draft Supplementary Planning Guidance (SPG) for Sustainable Design and Construction and the Local Development Framework documents that will replace it require developers to evidence assessment of the impact of development proposals on solar gain in neighbouring developments, whether they be existing structures or proposed structures in receipt of prior planning permission.**
- ii. **That all planning proposals be assessed in the future to ensure that proposed new developments or major refurbishments do not impact upon measures for active (i.e. micro-generation through solar thermal or solar PV technology) and passive solar (i.e. glazed elements maximizing heating and lighting through day-lighting) gain in existing developments surrounding them. The Local Plan, and the Local Development Framework documents that will replace it, should ensure that sustainability forms a coherent thread, removing contradictions or conflict between sections on, say, housing and transport and, the historic environment.**

## Community Light

32. Sources of energy and how they are used, controlled and maintained, not only impact upon the internal and external layout of a building or buildings but also upon the wider environs and need to be key design considerations at an early point in a projects development.
33. The approach taken to single developments or modernisations may differ from larger sites which should maximise opportunities to create and connect to 'Community Heating and/or Power Networks' in accordance with EU Directives now enshrined in UK legislation.
34. Developers of larger sites should automatically show consideration proposals to develop or expand Community Heating Networks providing a highly efficient and renewable source of energy. The site layout may affect the feasibility of connecting to existing and/or proposed Community Heating Networks. Considerations should include the length of any connecting infrastructure and any potential physical barriers.
35. Considerations ought to extend to lighting schemes. Developers working medium to large scale sites and smaller sites where practical should work in partnership to maximise the use of renewably grid netted and/or solar street lighting and solar lighting for bus shelters or other similar community facilities.
36. Well designed schemes for lighting benefit community safety whilst enhancing architectural and landscape features after dark and add to the marketability of developments. Schemes must not contribute to light pollution and its negative impact on amenity, clarity of the night skies or wildlife, whilst the energy required for the lighting itself should be from renewable sources. To minimise environmental impacts of external lighting schemes developers should ensure:
  - Lighting levels are the minimum necessary to achieve safety and enhancement objectives.
  - Energy is photovoltaic or renewably sourced.
  - Energy efficient lamps are used.
  - Uncontrolled floodlighting should be avoided and all light fittings. should be shielded to minimise any light pollution.
  - Particular care is taken to apply the above guidance with floodlighting schemes for sports pitches or late night shopping or leisure amenities complexes as these have historically been high light polluters and high energy consumers.

**RECOMMENDATION 4**

**That the Draft Supplementary Planning Guidance (SPG) for Sustainable Design and Construction and the Local Development Framework documents that will replace it include a provision to ensure that all new or significantly refurbished developments should give consideration to incorporating sustainable – renewably powered - street lighting [as defined in this council’s Street Lighting Strategy if approved by the Executive]. Officers to research and investigate the inclusion of a more detailed policy to address this issue as part of the development of the Local Development Framework (LDF).**

**Extreme Water Scenarios**

37. Demand for water nationally has more than doubled since 1970, leading to stresses on water supply, treatment and disposal. Rising consumption levels are placing increasing pressure on river, groundwater, flood meadow and other wetland ecosystems.
38. All ‘potable’ water, that is water treated to make the quality drinkable, requires energy. It is imperative that all new developments are designed to work in harmony with and minimise their impact upon the water environment and reduce demands upon potable water usage.
39. Changed climatic conditions are not only bringing hotter drier summers to the UK but rising sea levels and autumn through spring storms which are exacerbating flood risk in already flood prone areas. Design features which detract from the natural absorption of rainfall into the ground and speed up run-off need to be avoided to mitigate against flood and improve balanced year round ground water levels. This is of particular importance to flood prone cities such as York.

**RECOMMENDATION 5**

**That the Draft Supplementary Planning Guidance (SPG) for Sustainable Design and Construction and the Local Development Framework documents that will replace it include a provision for all new developments requiring developers to replace proposals for impermeable hard standing areas with plans incorporating standing (or forms of pavier) which proves higher levels of soak away such as permeable grass through growth paviors.**

**RECOMMENDATION 6**

**That the Draft Supplementary Planning Guidance (SPG) for Sustainable Design and Construction and the Local Development Framework documents that will replace it include a provision for all new requiring developers to provide water butts to ensure rainwater harvest and recycling from roof run-off at properties and minimize reliance on potable water supply and the energy used to treat it.**

**RECOMMENDATION 7**

**That the Draft Supplementary Planning Guidance (SPG) for Sustainable Design and Construction and the Local Development Framework documents that will replace it include a provision for all new developments requiring developers to show full consideration and incorporation of features for grey water recycling.**

**Air Quality, Carbon Grounding, and Trees**

40. The National Planning Policy framework forces a greater degree of respect for all our natural environment which has been threatened by encroaching development in the past. It also recognises the value of this environment and extending the reach of this environment into our cities to air quality, social inclusion, leisure and amenity.
41. Until carbon grounding technologies become practical the greatest resource we have for removing atmospheric CO<sub>2</sub> are trees, five broadleaved trees at peak health being capable of removing or grounding a ton of carbon annually.
42. Climate change has placed our trees and the other wildlife they support under threat. During the course of the Scrutiny it emerged that in York, the absence of balanced approaches to planning and trees have left us falling far short of National tree density requirements both within our rural and urban landscape. We are the joint fourth poorest local authority for trees regionally.
43. Whilst other local authorities have recognised the importance of trees to air quality by ensuring that their Air Quality Strategy's and Action Plan's work with well defined Tree Policy's and Action Plan's, York has yet to adopt any corporate and city wide strategic approach to the latter at all.

## **RECOMMENDATION 8**

**That, in recognition of the important role broadleaved deciduous trees play in carbon grounding mitigating the impacts of Climate Change and improving air quality, the City of York Council's Arboricultural Officer lead work to create an Authority wide Tree Policy and Strategy ensuring:**

- i. Succession planting and the consistent management and protection for all public trees across all directorates. Schools, Parks, Highways, Housing, Children's and Adult's Services, Car Parks and Property.**
- ii. The replacement of all trees removed for unavoidable reasons, be these planning, end of life or disease with between 2-5 broadleaved deciduous native species, preferably within close proximity to the area where the original specimen was removed, depending on site conditions.**
- iii. All street and highways development proposals and schemes prior to approval being given for work to be carried out should be verified by the Arboricultural Officer to evidence proposals for:**
  - Considering and protecting established trees.**
  - Incorporating new planting of species to compliment highways schemes selected as appropriate to the environmental setting by the Arboricultural Officer**

**The resulting Policy and Strategy should be drafted with the objective aim of significantly increasing the number of viable trees within the authority boundary annually. To achieve a minimum target of 7% cover (the national average) within the next 10 years in line with the National Forestry Strategy as York now has the fourth lowest densities of all Regional Local Authorities with only 3.7%. Outcomes and obstacles to achieving this aim will be reported to the Executive by the Authority's Arboricultural Officer annually. The Officer's Annual Tree Policy and Strategy report will be recognised as part of the Air quality Strategy and Action Plan and at a time appropriate as part of the proposed Climate Change Strategy.**

**The resulting Policy and Strategy will be sent to meetings of the Executive Members for City Strategy and Neighbourhood Services, Adult and Housing Services and Children's Services to ensure its immediate incorporation into other local authority strategic and policy documents. The resulting Strategy will be equally applicable to the Authority's own operations and developers.**



**RECOMMENDATION 9**

**That the Draft Supplementary Planning Guidance (SPG) for Sustainable Design and Construction, and LDF Core strategy to include a provision for all new developments encouraging developers to plant a fruit tree for each new property or, if a fruit tree is not suitable root stock for location another other small native species such as rowan or crab apple. To encourage local produce production and /or provide food for wildlife.**

**RECOMMENDATION 10**

**That the Draft Supplementary Planning Guidance (SPG) for Sustainable Design and Construction, and LDF Core strategy to include a provision for all new developments requiring developers to show planting plans for verges and front gardens. Such plans to include a reasonable proportion of medium to large scale native deciduous tree species to improve air quality and provide shading and, in instances where this will not be proven to obstruct measures for winter 'solar gain' in surrounding buildings, to include native evergreen species such as Holly, Yew and Scots pine to support bio-diversity.**

**RECOMMENDATION 11**

**That the Draft Supplementary Planning Guidance (SPG) for Sustainable Design and Construction, and LDF Core strategy to include a provision for all new developments where boundaries between adjacent properties need to be identified, requiring developers not to use fencing or walls and to submit and implement, in place of these, plans for the incorporation of native species hedging at the next nearest suitable planting season, ie. beech, hawthorn, lime, field maple in Autumn and Holly and or Yew in early spring.**

**Future Proofing the Past**

44. A significant proportion of York's economy is based upon its rich historic built environment which not only makes the city attractive to tourists but also to businesses wishing to locate here. Development must preserve this heritage whilst creating an equally significant and dynamic inheritance for generations in the buildings constructed today.
45. The re-use of existing buildings that do, or could, positively contribute towards the local environment is of primary importance. The majority of buildings can, with investment, be adapted to meet present and future needs. Where buildings are structurally sound and do not present another environmental hazard demolition should not be considered. The re-use and adaptation of existing buildings represents high sustainable advantages by;

- Reducing the demand for and associated environmental impacts of developing new Greenfield site.
  - Reducing the demand for and associated environmental impacts of new building materials.
  - Reducing the environmental impacts of the construction process.
  - Promoting a sense of place and historic and cultural continuity.
  - Providing the opportunity to upgrade insulation, heating, lighting and ventilation efficiency standards.
  - Providing the opportunity to adapt previously unusable space – i.e. basements and lofts – to habitable standards.
  - Providing the opportunity to modify access – particularly of internal spaces – to disability access standards.
46. Working sustainably within a historic environment was initially considered to be one of the biggest obstacles to achieving higher environmental standards by the Board. Consultation with interested bodies such as English Heritage and Energie Cites however proved that improving air quality, mitigating against flooding and extending a buildings useful life are material to the preservation of our historic environment.
47. Improvements in technologies such as solar PV, which can now be bought in a form that mimics slate, stone or clay roof tiling or, double glazing techniques which allow the embedding of old glazed features such as stained glass between panels are allowing historic buildings to an increasingly full part in the sustainability of city environments.

#### **RECOMMENDATION 12**

**That references to the Historic Environment in the Local Development Framework, make reference to environmental sustainability, as protecting the historic environment, and not exclude environmentally sustainable development and design, as environmental sustainability has a contribution to make towards the protection of historic buildings; in line with Planning Policy Statement 22.**

#### **RECOMMENDATION 13**

**That references to the Historic Environment in the Local Development Framework, make reference to improving the use of good quality, historic buildings, including space above shops, by encouraging the incorporation of high quality insulation and double glazing where it is possible to do this without compromising the appearance of the building.**

#### **RECOMMENDATION 14**

**That the LDF Core Strategy prohibits overdevelopment, particularly in terms of excessively high buildings, development should enhance the historic environment and where possible incorporate buildings sensitive**

**traffic free public green space with the mutual aims of:**

- i. **Providing good views of architecturally significant build whether this is historic or modern**
- ii. **Improving biodiversity and green corridors**
- iii. **Improving air quality and rain water soak away**
- iv. **Creating a greater percentage of open public space across the city encouraging low cost 24 hour a day leisure activity.**

#### **RECOMMENDATION 15**

**That the LDF Core Strategy shows measures for the active preservation of green spaces and gardens, particularly in the city centre and the inclusion of new green space and/or sustainably designed (i.e. reliant on recycled rainwater and/or powered where relevant by solar means) water features in major new developments, such as Hungate, York central etc.**

#### **Future Proofing the Future: Life Long Building.**

48. To secure sustainability, development must build in adaptability, durability and flexibility to both its existing and new buildings. Buildings are more likely to be occupied and re-used if they can be easily adapted to meet the changing needs of our population. Flexible builds:
  - Attract a greater range of potential purchasers or tenants, ensuring the best sale, or rental values and minimise vacancy time and under-occupation.;
  - Increase the sell-on or re-let value of a building.
49. Whilst the approaches to life long building alter subtly at the detailed level to the refurbishment or redevelopment of existing build and new build, certain key principals can be applied to both. First steps are about maximising flexibility across a spectrum of changing needs.
50. Contractors and developers should be able to evidence flexible approaches to building and renovation at point of application, these should;
  - incorporate possible mixed uses within a building, or complex of buildings such as living accommodation above shops particularly larger development areas.
  - allow for adaptation of the individual space to accommodate for the growing home working market. Particularly domestic property, but also a useful indicator of the need to be able to adapt industrial and office space to domestic or multi-purpose use later.
  - incorporate readily adaptive space layouts;
  - including expansion space such as basements or lofts made thermally efficient and damp proof at point of build, refurbishment or renovation for ease future use.

- built forms that incorporate easily accessible and changeable utilities installations.
- flexible spaces for changing spatial requirements of building occupiers, including consideration of the merits of non-structural or frame internal walls.
- Improve or maximise the buildings internal and external accessibility without resorting to mechanical aids such as lifts wherever possible. This will mean best use of: gradients, accessible routes, entrance position, level changes, ramps, and the planning of internal disability access features etc.

#### **RECOMMENDATION 16**

**That the Local Development Framework documents must ensure the creation of 'life-long' buildings, i.e. structures that can be adapted to peoples changing living and working requirements over time. Plans for new buildings or major refurbishments should embrace 'life-long' homes principals by evidencing;**

- Sufficient amenity space**
- Capacity for economically reasonable adaptation for mobility aids**
- Parking provision within the buildings footprint including communal blocks, or flats i.e. within basements etc.**
- Storage space within the buildings footprint for the separation of recyclates including communal blocks, or flats i.e. within basements etc.**
- Roof angles and cavity on all new build allowing for extension to the liveable space into attics/lofts.**
- The provision of space, especially in respect of communal blocks, or flats, – be it communal or private – external and/or internal (i.e. communal drying rooms) to hang out washing to defray from the use of dryers.**

#### **RECOMMENDATION 17**

**That the Draft Supplementary Planning Guidance (SPG) for Sustainable Design and Construction, and LDF Core strategy to include a requirement that access to public transport services be of material consideration when evaluating planning proposals for health service provision, such as dentists and doctors' surgeries, and that this be reflected in the LDF.**

### **Supporting Understanding and Application of Sustainable Development**

51. During the course of the scrutiny, Board Members were aware of the increasing pressure to adopt sustainable practice – discussed in more detail under corporate objectives and other significant drivers below - across all sectors of

public and private life. They also considered mechanisms used at other local authorities to encourage greater sustainability.

52. At an authority level these included the production of 'online' and hard copy 'Sustainable Developer Guides' covering best practice and information about local exemplar projects, architects and suppliers promoting high sustainable design and build. Amalgamated chapters of such guidance were created as discussion papers to inform the Board's work and these are attached at Annexes B-G.
53. The Head of Building Control attended the Board's meeting in September 2005 to feed back on discussions with the Joseph Rowntree Trust (JRT), who are keen to work with the Council on sustainable development. The Trust, who are looking for projects coming up in the future where sustainable materials could be used, further highlighted the issue of organisations being able to access information regarding sustainable practice materials and advisors at a local level.
54. The Head of Building Control also advised that discussions had been held with the Federation of Master Builders to gain a better understanding of where clients wanting to commission sustainably designed and constructed property could go to get necessary support and expertise.
55. Members believe that it would be useful to create a unified resource to ensure individuals and organisations such as JRF are pointed to grants funding – such as the sustainable buildings code – trade suppliers, architects and others who could ensure the sustainability of their project was achieved.
56. Members felt that the role of buildings control in enforcing agreed planning consents and assessing builds best fitted them to devising broader community, trade and buildings support and the initial design stages required to create a data resource encouraging the sourcing, use and application of sustainable materials and methods.

**RECOMMENDATION 18**

**That work involving engagement with local architects to assess interest, familiarity with and use of sustainable buildings methods be conducted by officers in Buildings Control.**

**RECOMMENDATION 19**

**That buildings control investigate the sourcing and availability of materials for sustainable development in York and make that information readily available to the public**

**RECOMMENDATION 20**

**That the City of York Council produce its own sustainable developers**

guide using the amalgamated chapters as a starting point

**RECOMMENDATION 21**

**That a feasibility study be carried out to explore the viability of Building Control acting as the Council's promoter of sustainable construction, as set out in the 'Promotion of Sustainable Construction Methods and the Implications for Building Control staffing levels' report found as Annex H to this scrutiny report.**

**RECOMMENDATION 22**

**That a single unified web portal be created with a direct link from the City of York Council's Home page and a tile along the lines of 'Climate Change and Sustainable Planning in York' which provides centrally linked information regarding:**

- i. Supporting information about the (Draft) Supplementary Planning Guidance (SPG) for Sustainable Design and Construction, and the primacy of sustainability within the LDF.**
- ii. The Air Quality Strategy.**
- iii. Tree Policy and Strategy.**
- iv. Bio-Diversity Strategy.**
- v. Climate Change Policy and Strategy.**
- vi. All other local authority strategic documents and reports including HECA with a bearing on climate change mitigation.**
- vii. The energy and water management performance data collected in public buildings, including schools, - via the 'Display' mechanism – with year on year improvements and a description of actions to demonstrate best practice across the city**
- viii. Links to External Sites providing best practice guidance on Sustainable Construction.**
- ix. Links to education establishments within the region offering training courses in sustainable construction, environmental management, qualifications in SAP and BREEAM assessment etc. Including 'Science City' where relevant.**
- x. Details of 'Exemplar' projects within the city and the region; i.e. Fieldside place and the Eco-Depot.**
- xi. Links to information regarding grant schemes promoting sustainability i.e. low carbon building programmes**

**Corporate Objectives and other Significant Drivers**

57. In considering sustainability in its most meaningful sense it is not surprising that the recommendations made within this report support virtually all of the authorities 'Corporate Objectives' or priorities. A summary of how recommendations support the Authority to demonstrably meet the objectives is given below:

**Decrease the tonnage of biodegradable waste and recyclable products going to landfill:**

- Recommendation 1: In implying greater consideration for the re-use of materials and the use of materials with longevity exceeding the whole-life, including environmental, costs of sourcing.
- Recommendation 16: In ensuring developers build in appropriate storage facilitating waste separation and recycling

**Increase the use of public and other environmentally friendly modes of transport;**

- Recommendation 17: in ensuring planning proposals consider the local services, especially health, available to people within walking or easy public transportation distance.

**Improve the actual and perceived condition and appearance of city's streets, housing estates and publicly accessible spaces;**

- Recommendations 8,9,10 11 and 15: In promoting greener spaces large and small and the inclusion of trees and other natural softening features throughout the built environment.

**Increase people's skills and knowledge to improve future employment prospects;**

- Recommendations 18,19,20,21 and 22: In supporting people to understand and access the skills, education, techniques and expertise required to conduct effective business in an economic environment increasingly driven by sustainability as a material consideration.

**Improve contribution that Science City York makes economic prosperity**

- See above

**Improve the health and lifestyles of the people who live in York, in particular among groups whose levels of health are the poorest**

- Recommendations 8,9,10 11 and 15: In promoting greener spaces large and small and the inclusion of trees and other natural softening features throughout the built environment. This will improve air quality for all and encourage greater use of open amenity space and walking

**Improve the quality and availability of decent affordable homes in the city**

- Recommendations 1, 2, 3, 6, 7 and 16: in supporting the development of homes which cost least in terms of energy and water consumption throughout their life and which are readily adaptable to peoples changing life circumstances.

**Improve our focus on the needs of customers and residents in designing and providing services.**

- All recommendations in supporting the authority its partners and citizens to adapt to and mitigate against climate change.

**Improve leadership at all levels to provide clear, consistent direction to the organisation**

- Recommendations 18,19,20,21 and 22: In supporting people to understand and access the skills, education, techniques and expertise required to conduct effective business in an economic environment increasingly driven by sustainability as a material consideration. Recommendations 23,24 and 25 supporting the authority to act as an exemplar of best practice both internally and in its relationship with partners both locally, nationally and region wide.

**Improve the way the Council and its partners work together to deliver better services for the people who live in York**

- Recommendations 1, 18,19,20,21, 22, 23, 24 and 25: In supporting achievement through partnership to address climate change

**Improve efficiency and reduce waste to free-up more resources**

- Recommendation 24: In mitigating against rising costs from unsustainable practice.

58. In addition to supporting the authority in partnership with individuals, public and private sector organisations to achieve the above Corporate Objectives the recommendations made by the Board ensure that:

- i. Our Local Development Framework incorporates minimum enforceable levels of sustainability already tested at other Local Authorities.
- ii. Our special planning guidance encourages reflects the ethos of striving for sustainable excellence.
- iii. Recent changes to the National Planning Policy framework promoting greater sustainability are embedded within the Local Development Framework from the outset.
- iv. Our authority meets the Audit Commission's aims for increased sustainable assessment in the Comprehensive Performance Assessment (CPA); for more information regarding Comprehensive Performance Assessment see glossary.
- v. Our citizens are given greater access to and understanding of the imperatives for sustainable building and how to achieve this. Through the authority's acknowledgement of its role as an exemplar and disseminator of guidance in line with the National Governments Sustainable Development Strategy 'Securing the Future'.
- vi. The authority complies with its legislative obligations as defined by the Climate Change and Sustainable Energy Act 2006.

59. At their meeting February 2006 the former Planning and Transport Scrutiny Board were briefed regarding the March 2005 publication of the UK Government Sustainable Development Strategy 'Securing the Future'. The associated guidance for monitoring, entitled 'Local Quality of Life Indicators – Supporting Local Communities to Become Sustainable', includes complementary indicators for Local Authorities and Local Strategic



Partnerships<sup>9</sup>. The guidance recommends Local Authorities and Local Strategic Partnerships adopt nine local quality of life indicators, three of which had a particular bearing on sustainable energy and environmental impact:

- Levels of key air pollutants;
- Carbon dioxide emissions by sector and per capita emissions;
- Average annual domestic consumption of gas and electricity (kwh).

60. Whilst the Board was advised that the indicators are presently voluntary (i.e. non-statutory), they were drafted to flesh out statutory indicators and help monitor the effectiveness of Sustainable Community Strategies. The Board decided to approve the following recommendation in their final report.

**RECOMMENDATION 23**

**That the City of York Council in consultation with the Local Strategic Partnership and steering group of LA21 adopt and monitor the following Local Quality of Life Indicators, with a particular bearing on energy and environmental impact:**

- **Levels of key air pollutants;**
- **Carbon dioxide emissions by sector and per capita emissions;**
- **Average annual domestic consumption of gas and electricity (kwh)**

61. Whilst the Board recognised the significant step forward the Eco-Depot development represents in the authority's own approach to sustainability within the property portfolio, they were anxious that this should not be an isolated exemplar project. The authority should maintain and promote better environmental building standards in all its future property acquisitions in line with its commitments to Climate Change and its role as champion of best practice.

**RECOMMENDATION 24**

**That the improving reputation of the authority related to the standards of sustainable construction applied to the Eco-Depot be maintained through the adoption of a policy requiring equal or higher standards of sustainable construction for all future commissioned properties or the refurbishment of properties within the authorities portfolio. That this policy be applied whether the property is public amenity, business or domestic, i.e. equally to schools, leisure facilities and office environments.**

62. In order to encourage the adoption of higher than minimum standards of sustainability the Board consulted the Yorkshire and Humber Assembly

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<sup>9</sup> Published August 2005

regarding the creation of an awards framework to recognise and reward regional excellence.

**RECOMMENDATION 25**

**That the Executive write to the Yorkshire and Humber Assembly, requesting the development of recognised voluntary standards above the minimum of those readily achievable in buildings envelope promoting lower energy usage and emissions, and thereafter establish a framework for adoption of Part Y as outlined in the Energy chapter annexed in this report, an annual awards framework for Developments and a web portal advertising this, including the consideration of:**

- **Automatic registration and certification based on spec.**
- **Published Information about awards for annual round based on evaluation against spec of final build, details of judging criteria, candidate development and build profiles + Hyper Links**
- **Publication of Outcomes & Event for Regional Award Winners + Hyper Links**
- **Indication of winners as high achieving Exemplar Projects from sum total of data base**

**Consultation and Research**

63. During the course of their investigation and review, Members of the former Planning and Transport Scrutiny Board conducted the following research;
- Examination of planning guidance for sustainable development used elsewhere in the UK.
  - Further information from the Local Government Association (LGA) and the Local Government Information Unit (LGIU) where relevant.
  - Liaison with the City Development Team to ensure sustainability is incorporated into the fourth set of changes to the Local Plan.
  - Keeping abreast of legislative changes taking place affecting regional planning guidance, including targets for waste disposal and renewable energy, and how statutory requirements and could be incorporated and their implications assessed.
  - Consultation with English Heritage, consultation with and visits to Housing Association responsible for Fieldside Place, St Nicholas Field's Environmental Community Centre, Kirklees Council regarding the Sun cities solar programme and Zen.
64. During the course of the Scrutiny Members considered the enforceable and voluntary mechanisms this and other Local Authorities had available to them to influence sustainability in development including:
- i. Special Planning Guidance.
  - ii. The Council's current planning policy framework.

- iii. The developing Regional Spatial Strategy (RSS)
- iv. The developing Local Development Framework (LDF)
- v. The Council's incorporation of sustainable approaches into the design and construction work of its property portfolio.
- vi. Ways of improving Council advice on sustainable design and construction.
- vii. Ways of raising awareness of the range of options available for sustainable design and construction
- viii. The communication of best practice from other local authorities and Europe
- ix. Provision of affordable housing and housing for an ageing population and their relationship with sustainable design and construction
- x. Mechanisms for regular revisions to Supplementary Planning Guidance and related frameworks enforcing sustainability.

The Planning and Transport Scrutiny Board/Guidance for Sustainable Development Sub-Committee would like to particularly acknowledge the invaluable assistance of a number of people for their technical support and advice to the Board throughout various points of the Scrutiny. The Board extends its thanks to each of those listed below.

|   |                                |
|---|--------------------------------|
| Kristina Peat                                     | Sustainability Officer CYC     |
| Kate Parsons                                      | Renewable Energy Officer KMC   |
| Martin Grainger                                   | Planning Officer CYC           |
| Gail Goodall                                      | Assistant Planning Officer CYC |
| John Fowler                                       | Building Control CYC           |
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| Janine Riley                                      | Conservation Architects CYC    |
| Julian Horsler                                    | Equalities Officer CYC         |
| English Heritage                                  |                                |
| St.Nicholas Fields Environmental Community Centre |                                |
| The Housing Association Field Side Place          |                                |

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**Background Papers and Further Reading**

| <b>Title and Author(s)</b>   | <b>Publisher and Date</b>                               |
|--|---|
| Planning for Town Centres PPS 6  | ODPM – Crown Copyright                                  |
| Sustainable Development in Rural Areas PPS 7   | ODPM - Crown Copyright                                  |
| Biodiversity and Geological Conservation PPS 9   | ODPM - Crown Copyright                                  |
| Waste PPS 10   | ODPM - Crown Copyright                                  |
| Regional Spatial Strategies PPS11  | ODPM - Crown Copyright                                  |
| Local Development Frameworks PPS 12  | ODPM - Crown Copyright                                  |
| Planning Policy Statement 22: Renewable Energy   | ODPM - Crown Copyright                                  |
| Planning for Renewable Energy - A Companion Guide to PPS22   | ODPM - Crown Copyright                                  |
| Planning and Pollution PPS23   | ODPM - Crown Copyright                                  |
| Planning Policy Guidance 25: Development and flood risk  | ODPM - Crown Copyright                                  |
| Sustainability Appraisal of Regional Spatial Strategies and Local Development Documents                                  | ODPM - Crown Copyright                                  |
| Yorkshire and Humber Energy Policy Statement – Draft 2   | Yorkshire and Humber Assembly                           |
| Securing The Future – The UK Government Sustainable Development Strategy   | Crown Copyright 2005                                    |
| The Sustainable Buildings Task Group report & The Sustainable Buildings Task Group report: one year on May 2004-May 2005 | Department of Trade and Industry June 2004 & 2005       |
| The Energy White Paper   | TSO 2003  |
| Volume 2 Renewable Energy Planning   | AEAT Report to the Govt Office for Yorks and the Humber |
| The Sustainable and Secure Buildings Act   | HMSO Crown Copyright 2004                               |
| Draft Yorkshire and Humber Plan  | Regional Assembly for Yorkshire and the Humber          |

Climate Change and Sustainable Energy Act  
2006

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**Executive****13 March 2007**

Report of the Head of Housing and Adult Social Services

**Proposed sale of Housing Revenue Account land for the development of affordable housing at Dane Avenue, Morritt Close and Chapelfields Road.****Summary**

1. This report requests the approval of the Executive for the leasehold sale of three Housing Revenue Account (HRA) owned sites to housing associations for the building of approximately twenty new affordable homes for rent. The approval would be subject to consideration of any objections to their disposal following the posting of a statutory notice in the local press and also conditional on each site obtaining full planning permission for the schemes outlined in this report.
2. The report gives details of the three sites and outlines the proposals for their redevelopment. The report highlights issues that need to be addressed before applications can be submitted for planning permission to develop the three sites and also reports on the feedback received from a consultation of residents living adjacent to each of the sites.

**Background**

3. The need for additional affordable homes in York remains at a very high level and the council has an agreed target of supporting the development of 200 new affordable homes each year. Recent research has shown that a shortage of family housing in particular is exacerbating the problem and there are 2,300 live applications on the council's housing waiting list and over 350 on the register for low cost home ownership opportunities. The current stock of affordable housing cannot meet this need and therefore a key responsibility of the council is to assist in increasing the supply of affordable housing by working in partnership with local housing associations and developers. Wherever possible, the development of homes on greenfield land is avoided in favour of building homes on previously developed land.
4. Each year the Housing Corporation (a government agency) invites housing associations, in full consultation with the local authority, to bid for Social Housing Grant (SHG) to enable them to build new affordable homes. In 2006-2008 the Housing Corporation awarded £6.5m of SHG for new affordable

homes in York. The three sites described in this report offer the potential to provide approximately 20 affordable family houses in the city and the housing associations will be eligible to apply for a proportion (estimated at £1.25m) of this £6.5m funding. Under the terms of the land sale, the council would have the right to nominate tenants to all of the homes both initially (100%) and on re-lets (75%).

## Consultation

5. The Housing Strategy and Enabling team have held preliminary discussions with colleagues in Asset and Property Management, Housing Management and Planning (Development Control) for all three sites. Primarily this has been to establish whether the *principal* of developing these sites was acceptable in policy and planning terms. More detailed discussions will be needed prior to any submission by the housing associations for planning permission.
6. Only the Chapelfields Road site is designated as 'open space' in the Draft Local Plan but all three sites have public access. It is therefore good practice to follow statutory procedures laid down in the Local Government Act 1972 and advertise the *intention* to sell these sites in the local press for two consecutive weeks. If the Executive approves the recommendation of this report, the advertisements will be placed as soon as possible and responses to these reported to the April 24<sup>th</sup> meeting of the Executive.
7. For two of the sites (Chapelfields Road and Dane Avenue) there will be a need to amend the boundaries of existing garden land from adjacent homes to widen the existing access to the sites. Each of the four tenants affected have been consulted with a home visit and their comments are included in the analysis section of this report.
8. All other residents whose homes back onto or are adjacent to each of the three sites were sent a letter advising them of the proposal to develop the land and inviting their comments in time to be included in this report. A summary of responses is given as part of the analysis of each site below, and a comprehensive list of comments and officer responses to them is attached as Annex 5 to this report.
9. Ward Members were also contacted for comments on the proposals. In relation to the Dane Avenue site there was a query regarding the topography of the site and its suitability for development. In respect of Morritt Close, Ward Members asked for clarification of the proposed site boundary.

## Options

10. Three options are presented for consideration.
11. Option One. To support the long leasehold sale of some or all of the three sites to housing associations on the terms outlined in the analysis below and subject to satisfactory planning permissions being obtained for their development as



affordable housing and subject also to the Executive's consideration of any responses to statutory notices being placed in the local press advertising the intention to dispose of the sites. Furthermore that agreement on the precise boundaries of the development sites is delegated to the Head of Housing Services.

12. Option Two. Not to support development of the sites and to retain their ownership in the Housing Revenue Account.
13. Option Three. To sell the freehold of the three sites for private housing development at the best price achievable through an informal tender procedure.
14. Option One is the recommendation of this report.
15. If the recommendation of this report is approved, notices will be placed in the local press with any responses reported to the Executive. If disposal is still approved, officers will work with our housing association partners to take forward the detailed discussions and consultations needed prior to planning permission being sought on each of the sites.

#### **Discretionary payments to tenants affected by loss of garden**

16. To enable an adoptable road to be provided at the Dane Avenue and Chapelfields Road sites it will be necessary to amend the boundaries to existing gardens at 10 and 12 Dane Avenue and 71 and 73 Chapelfields Road. All of these homes are council houses.
17. Good practice will be to make discretionary payments to tenants for the loss of use of part of their garden. There is no current policy agreed on how this should be calculated and therefore it has been based on the current value of garden land at £10 per square metre. In this situation it is recommended that payment be calculated at £5 per square metre in acknowledgement that the council is already the owner of this land, with a minimum payment of £200. The Executive is asked to approve this method of calculation being 50% of the market value of garden land with a minimum payment of £200 to be increased in line with the RPI on an annual basis for any similar proposals in the future. The compensation will need to be paid out of existing Housing Revenue Account budgets.
18. Estimates of the area of garden needed from each of the four addresses have been derived from desktop drawings of plans and will inevitably be subject to some minor variation as more detailed plans are drawn up. Each of four tenants has been consulted on this proposal and are in agreement with it. Details of the estimated payments are included as a confidential annex 7 to this report

## Analysis

19. Table One, below gives a summary of the three sites including the estimated number of homes which may be built on them. Location plans for each site are included as Annex's 1 to 3 of this report. If sold on the private market, none of the sites would be large enough either in area or number of homes (0.3ha or over 15 homes) for there to be a requirement to provide affordable housing under the council's planning gain policies.

| <b>Table One: Summary of sites</b>               |             |                               |   |
|--|-------------|-------------------------------|---|
| <b>Site</b>                                      | <b>Ward</b> | <b>Estimated No. of Homes</b> | <b>Housing association (indicative at this stage)</b> |
| Dane Avenue                                      | Acomb       | 5 houses                      | Yorkshire Housing                                     |
| Former Chapelfields Play Area, Chapelfields road | Westfield   | 9 houses                      | Tees Valley HA  |
| Morritt Close                                    | Heworth     | 6 houses                      | Yorkshire Housing                                     |

20. It is important to emphasise that the site boundaries shown for each of the sites is indicative and may be subject to some minor changes. For the proposed developments at Dane Avenue and at Chapelfields Road the boundary of the sites is more self-defined and therefore the only amendments are likely be in respect of the access roads.
21. For the Morritt Close site it is less clear at this stage where the exact boundary of a new development site would be. This will depend on what is considered satisfactory in planning policy, on the scheme design by the architect for the housing association and on responses to existing residents concerns and ideas. Nevertheless, it is possible at this point to give an assurance that access to the site would only be from the existing road and that there would not be any net loss of storage space/sheds and drying areas that serve the existing flats.
22. If the Executive supports the principle of development it is recommended that delegated authority be given to the Head of Housing Services to agree the exact development site boundaries after planning policies on size, massing, density etc are satisfied.
23. The Housing Corporation have introduced strict criteria on how much of the capital grant funding is available to housing associations for land acquisition costs. It is the view of the Housing Corporation that local authorities should 'gift' land to housing associations. However, they have agreed that where this is not possible a maximum of £5,000 per plot will be allowed. If all of these homes were to be built the council could expect a gross receipt of £100,000 less any planning contributions and abnormal site development costs. If the net receipt due to the council is to be less than £5,000 per plot, the Executive are asked to delegate authority to the Head of Housing Services to approve the final amount received.

## Site analysis

24. A description of each of the three sites is given below together with the outcome of the consultation with local residents that has taken place. Annex 5 of this report includes a comprehensive summary of responses to the consultation for each site together with officer responses to these.
25. **Dane Avenue.** This is a small site has no formal public access – although gates to the site are invariably vandalised meaning that access to it is open. The site is maintained by Parks and Open Spaces on behalf of Housing Services.
26. Discussions have taken place with the tenants of numbers 10 and 12 Dane Avenue from whom an area of garden will be required to enable a prospective adoptable road to be provided.
27. Both tenants support the proposal for a small development of homes and both cited problems of anti-social behaviour by youths going onto the site, discarding alcohol bottles and dumping rubbish on a regular basis. If the development goes ahead the tenants at 10 and 12 Dane Avenue will benefit directly through more secure perimeter fencing and lighting. It is also agreed that the tenant at 10 Dane Avenue will need their garden shed replacing. These enhancements would be undertaken by the housing association in close consultation with the tenants and with the council's Housing Development Manager. Agreement has also been reached with both tenants for a one-off payment for the loss of use of some of their garden land. Details on how this sum has been calculated are given at paragraphs 16 to 18 above and the estimated sums payable to each tenant are given in a confidential Annex 6.
28. Neighbouring residents whose gardens back onto the Dane Avenue site were also sent a letter with a freepost reply form inviting them to comment on the principle of developing this site for affordable housing. From a total of 29 letters that were sent, 11 were returned. Key issues raised by residents included:

### In support of development:

- It will stop anti-social behaviour - especially at the entrance to the site
- It will increase security through lighting especially on the access road
- It will improve the boundary fencing at the access to the site

### In opposition to development:

- Loss of privacy to existing homes
- Reduction in value of owner occupied homes
- No current anti-social behaviour on the site; building family housing will attract this.
- The land should be planted with trees and kept as a wildlife/nature area

29. Responses also included a number of questions about the proposals such as where the access would be, whether perimeter fencing would be improved and whether existing gardens would need to be dug up during construction. These and other issues raised in the consultation are addressed in Annex 5.
30. **Former Chapelfields play area, Chapelfields Road.** This site has not been used as a play area for over 20 years. Its location does not easily lend itself to a suitable play area because it is isolated with little natural policing and is overlooked by only a few houses. The site has sometimes been the subject of vandalism and anti-social behaviour (the reason it was closed many years ago) and there are frequent problems of the electricity sub-station on the site being vandalised and equipment removed.
31. The site itself is designated as 'open space' in the council's Local Plan. This means that an alternative area of open space must be found to substitute that being proposed for any development. Discussions with Lifelong Learning and Culture have concluded with a proposal for this alternative to be an area to the rear of Westfield Primary School. Further details of this are given under the comments of Lifelong Learning and Culture at paragraph 48 of this report and a site plan of the proposed alternative open space provision attached as Annex 4 to this report.
32. Discussions have taken place with the tenants of numbers 71 and 73 Chapelfields Road from whom an area of garden will be required to enable a prospective adoptable road to be provided.
33. Both tenants support the proposal for a small development of homes. If the development goes ahead the tenants at 71 and 73 Chapelfields Road will benefit directly through more secure perimeter fencing and lighting. For both tenants maintaining access to their garages will be an essential part of any agreement and this will be facilitated by the housing association in close consultation with the tenants and with the council's Housing Development Manager. Agreement has also been reached with both tenants for a one-off payment for the loss of use of some of their garden land. Details on how this sum has been calculated is given at paragraphs 16 to 18 above and the estimated sums payable to each tenant are given in a confidential Annex 7.
34. Neighbouring residents whose gardens back onto Chapelfields Road site were also sent a letter with a freepost reply form inviting them to comment on the principle of developing this site for affordable housing. From a total of 10 letters that were sent 7 were returned. Key issues raised by residents included:

In support of development:

- New houses should be built, as the area has been unused for many years.
- New homes should be built but a new metal fence should be included to add security to the back gardens of existing homes as the current wooden fencing has been damaged

In opposition to development:

- There are no anti-social behaviour problems currently associated with the area of land
  - Any housing would be remote and isolated from the rest of the estate
  - The area would be better turned back into a play area for children
  - New homes will spoil the outlook of existing ones
35. Responses also included a number of comments about the proposals including that the new homes would act as a buffer to traffic noise from the ring road and that care would be needed to ensure homes were not let to problem families. These are included in Annex 5 together with officer responses to them.
36. **Morritt Close.** This site lies behind three blocks of low rise (two storey) council owned flats. A significant area of land to the rear of the flats is laid primarily to grass with some semi-mature trees. Initial desktop feasibility studies suggest that up to six houses could be built on this site using the existing access road into Morritt Close.
37. Residents of all the flats in Morritt Close and those living in homes at Theresa Close and Ferguson Way whose gardens back onto the site were sent a letter with a freepost reply form inviting them to comment on the principle of developing this site for affordable housing.
38. From a total of 73 letters that were sent, 33 were returned. Key issues raised by residents included:

In support of development:

- Only concern is to ensure no snickleways or shortcuts created onto Geldof Road
  - It will reduce the opportunity for vandals and burglars to get access to my home (Ferguson Way)
  - Houses are more practical than flats
39. In opposition to development respondents covered a wide range of issues. These can be broadly grouped as the following concerns:
- The existing flats were originally built for older people not families.
  - Residents in the flats live there because it is a quiet area.
  - The area being considered is used as a communal garden.
  - A wildlife habitat will be destroyed/trees cut down.
  - Anti-social behaviour stopped when the fencing put up to stop access to the 68 Centre. Development of homes would reintroduce it.
  - Development will lead to parking/congestion/traffic problems.
  - Drainage/flooding issues if more homes built.
  - Housing association tenants cause problems already.
  - There are more suitable sites nearby.
  - The value of owner-occupied homes will reduce.

- A loss of privacy for neighbouring homes.
- Disturbance caused by during construction.

NB: five of the responses opposing development were identical photocopies.

40. Annex 5 includes officer responses to the concerns expressed by residents.

## Summary

41. There remains a lot of work to be done before firm proposals on any of these sites can be presented for planning approval. It is rarely possible to bring forward development proposals that have every piece of the jigsaw in place. Rather, the process requires that we first identify possible sites and ask housing associations to undertake some desktop feasibility work. At the same time we discuss the principle of development with relevant directorates of the council and with local residents.
42. The recommendation of this report is to support Option One - the 'in principle' disposal of these sites to housing associations. The benefits of this option include:
- A significant contribution towards meeting the council's target of enabling 200 affordable homes to be developed each year.
  - Up to 20 family houses for rent for which there is a particular shortage.
  - Access to an estimated £1.25m of government subsidy that may otherwise be lost to the City, plus an investment of over £1.3m by housing associations on these proposed schemes.
  - Nomination rights to all of the homes in perpetuity.
  - For two of the sites – Dane Avenue and Chapelfields Road – the opportunity to increase security and reduce the opportunity for anti-social behaviour.
43. If the Executive supports Option One this will give sufficient assurance to our housing association partners for them to undertake the further work necessary to address any particular planning issues including those highlighted in this report. This work is essentially still "at risk" and there is no guarantee or presumption that the sites will receive planning permission.
44. If the Executive feels it is more appropriate to support Option Two – retention of the sites in the HRA, there will be no opportunity to develop much needed affordable homes and the two sites at Dane Avenue and Chapelfields Road will in all likelihood continue to be prone to anti-social behaviour. No development would also result in the loss of up to £2.5m of investment in affordable housing in the city.
45. If the Executive supports Option Three – the marketing of the sites for private development, it is impossible to say with certainty whether there would be interest in the sites or the capital receipt they might raise. The comments at

paragraph 49 from the Head of Asset and Property Management suggest that a capital receipt of up to £45k per plot might be achieved based on current land values in the city. However, this must be balanced against the following considerations:

- All three sites are in areas of social housing and therefore not as attractive to private developers.
  - None of the three sites would require a percentage of affordable housing under the council's planning gain policies.
  - Planning restrictions and conditions may mean less homes than those estimated in this report could be built – thus reducing any capital receipt.
  - Any capital receipt would have to be used towards the provision of affordable housing or meeting decent homes standards, otherwise 50% of it would be paid over to the Department of Communities and Local Government.
  - If the council, as landowner, required as a condition of the sale to a private developer that an some affordable housing was included, this would significantly reduce the capital receipt achievable and/or reduce private sector interest.
  - Private development will mean the likely loss of up to £2.5m of investment in affordable housing in the city.
  - Private development will not address York's shortage of affordable housing
46. On balance, Option One is considered to achieve the best outcome for meeting the financial, affordable housing and corporate priorities of the council. Annex 7 attached to this report presents the financial implications of each option to the Housing Revenue Account and the General Fund of each option.

## Corporate Priorities

47. Enabling the building of 200 affordable homes in York each year is an agreed action in the Council Plan 2006 - 2007 and is highlighted as a priority in the council's 2006-2009 Housing Strategy. The proposed developments will also contribute to the council's 2006 – 2009 Corporate Priorities including:
- Improve the actual and perceived condition and appearance of the city's streets, housing estates and publicly accessible spaces.
  - Improve the life chances of the most disadvantaged and disaffected children, young people and families in the city
  - Improve the quality and availability of decent affordable homes in the city.

## Implications

48. **Financial.** The leasehold disposal of the three sites as outlined in Option One would generate a capital receipt of £100k (based on 20 plots at £5k per plot) to the HRA subject to deductions for abnormal costs. In order to retain 100% of

the net receipt it would need to be spent on the provision of affordable housing including meeting Decent Homes Standards in line with capital pooling regulations. Otherwise 50% of the receipt would have to be paid over to the Department for Communities and Local Government (DCLG). Payments to four tenants for the loss of garden land will be less than £2,000 and can be accommodated within existing Housing Revenue Account budgets.

49. **Asset and Property Management.** It is probable that interest to purchase the sites from the private sector would not be substantial because of the relatively small number of homes proposed and the location of the three sites. The price of £5k per plot the maximum that the Housing Corporation will permit. An open market bid based on current housing land value, may achieve a gross capital receipt of up to £45k per plot. The decision for choosing a housing association rather than a private development is that the benefits to the council in meeting corporate and housing objectives are greater.
50. **Learning, Culture and Children's Services.** The Head of Parks and Open spaces has proposed that the open space land which would be lost at the Chapelfields Road site is re-provided at land to the rear of Westfield Primary School. The site at Westfield Primary School is currently designated education land in the Draft Local Plan, has no formal public access and is under the ownership of Education. The proposed land is outside of the school fenced grounds and sandwiched between two sites designated as 'non statutory nature conservation sites'. The area is approximately 0.575ha and significantly larger than the former Chapelfields adventure play area (0.29ha). Re-designation of the whole of this area to public open space will formalise the land as a public amenity and bring it under the day to day management of Parks and Open Spaces.
51. The management team of Learning, Culture and Children's Services have discussed this proposal with the Head teacher at Westfield Primary School and both support the re-designation of the land. Any proposed re-designation will need to be considered formally by the Corporate Services EMAP and put forward as part of the planning process for the Chapelfields Road scheme.
52. A site plan is attached at Annex 4 showing the location of the site at Westfield Primary School. The proposal will have to be considered and approved as part of the planning application for the former Chapelfields adventure playground development proposal.
53. All three developments could, as part of the planning process, be required to make Section 106 payments for education and children's play facilities, amenity open space and sports pitch provision to be used within the local area of the individual developments.
54. **Human Resources.** There are no human resource implications.
55. **Equalities.** There are no equalities implications.



56. **Legal.** Legal Services will undertake enquiries in respect of title on all three sites. These are not expected to prohibit development as proposed. Once the terms have been negotiated for long leasehold disposals Legal Services will formalise the transactions.
57. **Crime and disorder.** As part of the development of each site we will expect the housing to comply with Secured by Design principles and for the police architectural liaison officer to be involved in an advisory capacity.

## **Risk Management**

58. The risks associated with the recommendations of this report relate primarily to the deliverability of the three sites for affordable housing. It is difficult to quantify the risk as each site will be considered in its own right as all the planning and community considerations are worked through.
59. There is a financial risk of the council foregoing some or all of the anticipated receipts for sale of the sites to housing associations either because of lack of planning permission or because of unexpected costs in developing them. However, the anticipated receipts are 'windfalls' and have not been assumed in any budget forecasts.
60. A wider corporate risk is that any reduction in the number of new affordable homes being built will increase pressure on the housing waiting list at a time when the need for more homes has rarely been greater. It will mean that meeting the council's Corporate Priorities in relation to affordable housing and targets in the Housing Strategy are harder to meet. It may also mean that Housing Corporation funding which has been secured for spending in 2006-2008 for affordable housing in York will be lost to the city. If housing associations cannot commit to spending this funding either on these sites or elsewhere, the Housing Corporation will allocate it to another local authority area. It is estimated this funding could amount to £1.25m.
61. Overall, however, in compliance with the council's risk management strategy it is not considered that the impact of these risks is so great as to warrant any special monitoring or separate action plan beyond the need of the Housing Strategy Manager to ensure regular project monitoring.

## **Recommendations**

62. The Executive is recommended to approve of Option One of this report:
63. To support the long leasehold sale of some or all of the three sites to housing associations on the basis outlined in this report and subject to satisfactory planning permissions being obtained for their development as affordable housing. Furthermore that approval on the precise boundaries and the net capital receipt received for the sites to be delegated to the Head of Housing Services and the Corporate Landlord.

Reason: To increase the stock of affordable family housing in York to which the council will have nomination rights thus helping to meet the housing needs of York residents who are unable to access the private housing market.

64. The Executive is also asked to approve as policy the method of calculating discretionary payments to tenants for the loss of use of part of their gardens as detailed in paragraph 17 of this report. This will provide a consistent basis for how such sums are calculated if any similar circumstances arise.

### Contact Details

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**Report Approved**

**Date** 01 March 2007

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**Wards Affected:** Acomb, Heworth, Westfield

**All**  *tick*

**For further information please contact the author of the report**

**Background Papers:**

None

**Annexes**

Annex 1: Site plan of Dane Avenue development site

Annex 2: Site plan of Chapelfields Road development site

Annex 3: Site plan of Morritt Close development site

Annex 4: Site plan of proposed open space re-provision, Westfield Primary School

Annex 5: Issues raised during resident consultation and officer responses

Annex 6. Analysis of financial options

Annex 7: Confidential estimate of discretionary payments to tenants due to loss of garden land.

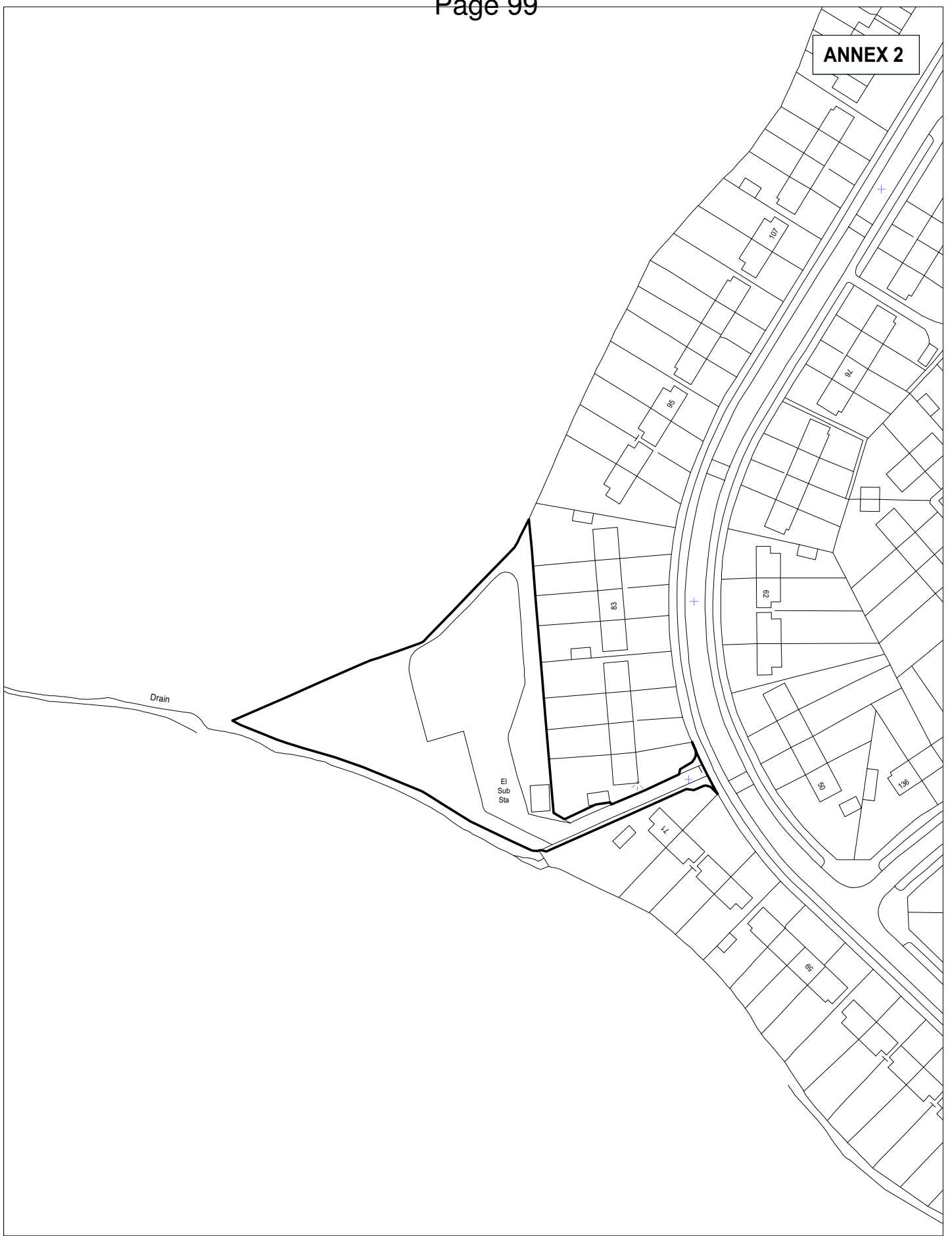
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|   |              |                                 |
|---|--------------|---------------------------------|
| <h2 style="margin: 0;">Dane Ave</h2>        |              |                                 |
| SCALE: 1:1250                               | DRAWN BY: GR | DATE: 15/2/2007                 |
| Originating Group: <b>Property Services</b> |              | Drawing No. <b>PS/A4/107128</b> |

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ANNEX 2



## Former Chapelfields Adventure Playground



SCALE 1:1250      DRAWN BY CC      DATE 26/5/2005

Originating Group  
Property Services

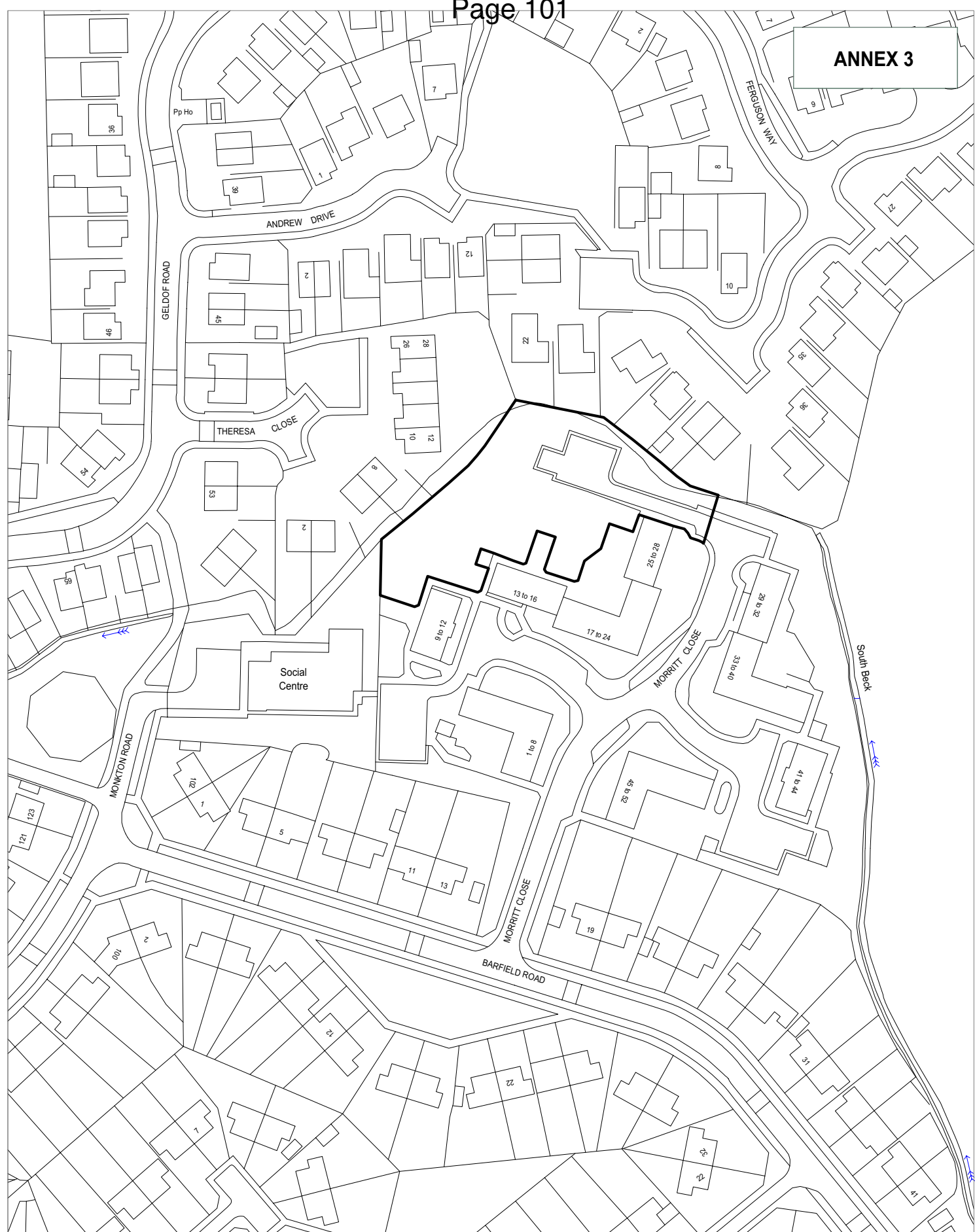
Drawing No.  
PS/A4/106424

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Resources  
Property Services

### Morritt Close

SCALE: 1:1250  
Originating Group:

DRAWN BY: GR

Property Services


DATE 5/2/2007  
Drawing No.

PS/A4/107108



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|   |              |   |
|---|--------------|---|
| <h3>Land to rear of Westfield Primary School</h3> |              |  |
| SCALE: 1:2000                                     | DRAWN BY: GR | DATE 15/2/2007  |
| Originating Group: <b>Property Services</b>       |              | Drawing No. <b>PS/A4/107129</b>   |

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## Issues raised during resident consultation and officer responses

| <b>Dane Avenue</b>  |   |
|---|---|
| <b>Resident Questions</b>   | <b>Officer response</b>   |
| Are you thinking of buying land off the surrounding streets to provide access to the new properties?              | A small strip of land from the gardens at 10 and 12 Dane Avenue will be required to provide access to the site. Both tenants have been visited and agreement in principle reached.  |
| Would the developers be responsible for improving borders between existing residents and the new homes?           | Any development would be built to Secured By Design standards, which would ensure full height fencing to the new properties and the upgrading of any existing fencing backing on to the site that is not secure. The security of both the new and existing homes will be a major consideration if the scheme goes ahead.                  |
| Would the residents in the surrounding streets experience any disturbance? eg would gardens be dug up for drains? | It is highly unlikely that any surrounding gardens or properties would need to be accessed. The site traffic and works would be through the newly created road in to the site on Dane Avenue. In any building works there will be some disruption but we would work closely with the developing housing association to minimise the work. |
| Could road access be provided to the rear of my house?  | Unfortunately not. Although detailed plans are yet to be drawn up the constraints of the site will not enable access to be created to existing homes.   |
| Will the new properties be fenced in so people won't try to cut through existing gardens?                         | Yes. Any properties will meet Secured By Design which would involve full height fencing to the rear gardens of any new homes. Any fencing around the rest of the site would be replaced where it is not secure.   |
| What will happen to the trees?  | Where possible any existing trees would be retained. However it may be necessary to remove some or all of the trees, but any new scheme would include new landscaping.  |
| How will we maintain our hedge if we lose access to the rear of our property?                                     | Should the principle of the development be approved we would expect the housing association to work with the surrounding residents to discuss their boundary options.   |
| There must be bigger, more viable sites?  | Unfortunately there are not enough sites of any type to meet the demand for affordable housing. This site has been highlighted, after investigation, as a viable site for a small development of affordable housing.  |
| <b>Resident comments</b>  | <b>Officer response</b>   |
| Loss of privacy to existing homes   | As with any new development this is the primary concern of existing residents. Any detailed scheme would be designed to meet planning conditions relating to over-looking and proximity to surrounding buildings. The use of landscaping to provide natural screening would also be discussed at that stage.                              |

| <b>Dane Avenue (continued)</b>   |  |
|--|--|
| Loss of market value of owner-occupied homes   | The surrounding area is traditionally one of local authority housing, and one in which many affordable rented homes still exist. On balance we feel that the development would have no significant impact on market value.   |
| There is no current anti-social behaviour; building homes will attract it by putting families in a confined area | Although this has been the response from some of the residents, the houses around the entrance to the site have experienced a range of sustained anti-social behaviour. In terms of new homes increasing anti-social behaviour, it is effective management of the homes by the housing association will reduce that risk |
| The land should be planted with trees and kept as a wildlife reserve   | It would be expected that the housing association would look to replace any lost trees, and the homes will be built to EcoHomes Very Good, which encourages the provision of a natural habitat for indigenous species in gardens.  |

| <b>Former Chapelfields Play Area</b>  |  |
|---|--|
| <b>Resident Questions</b>   | <b>Officer response</b>  |
| Will the homes backing on to the site get a new rear boundary metal fence?  | Any new development would be built to Secured By Design, and any existing fencing that does not meet that standard would be replaced, although it would be unlikely this would be with metal fencing.  |
| Will the new houses be at the same height as existing dwellings?  | Although there are no detailed plans at this stage, it is anticipated that any new development would not exceed two storeys. Residents will have an opportunity to comment on proposals through the statutory planning consultation.   |
| Are the existing utilities strong enough to cope with extra dwellings without affecting the pressure at existing homes? | Should the development be approved investigations in to the current utilities provision will be undertaken and any development would work with the relevant authorities to ensure the existing and new homes have sufficient provision.  |
| Will drainage from the existing houses be affected?   | Approval would be followed up by a detailed site investigation to highlight any problems which would then be addressed during design and construction.   |
| Will vehicular access be created to the rear of the existing properties?  | Although detailed plans are yet to be drawn up the constraints of the site are unlikely to be able to facilitate this.   |
| <b>Resident comments</b>  | <b>Officer Response</b>  |
| There are no anti-social behaviour problems associated with the land  | Currently there are not although NEDL report frequent damage to the electricity sub-station. However, anti-social behaviour was the reason the play area failed. With any piece of spare land it is important wherever possible to design out the opportunity for vandalism and other anti-social behaviour. |

| <b>Former Chapelfields Play Area (continued)</b>                   |  |
|--|--|
| Any housing would be remote and isolated from the estate           | Although on the edge of Chapelfields, the site is a natural extension of the estate, following the line of the beck.   |
| The area would be better turned back into a play area for children | A play area would be difficult to manage at this location. The land will be replaced with a more suitable piece of open land at a nearby location.                                 |
| New homes will spoil the outlook of existing homes                 | Any development would take in to account planning restrictions affecting views and over-looking, with the opportunity for local residents to comment through the planning process. |

| <b>Morrith Close</b>   |  |
|--|--|
| <b>Resident questions</b>  | <b>Officer response</b>  |
| Will there be adequate boundary fencing to the rear of my property?              | Any development would be built to Secured By Design standards which would ensure full height fencing to the new properties. The security of both the new and existing homes will be a major consideration if the scheme goes ahead.  |
| What do you consider affordable housing?   | "Homes provided at a price level that can be sustained by local people in housing need. It can include subsidised housing for rent, shared ownership, discount sale and low cost market housing. Its construction may or may not be publicly subsidised. Sometimes referred to as social housing." <i>"City of York Council Housing Strategy 2006 –2009, page 120"</i> |
| Will the trees that are cut down be replaced?                                    | Unfortunately if the development proceed it would mean the loss of some trees although where possible they would be accommodated as part of the development. The scheme's design would also incorporate new landscaping.   |
| Will this development be the first of a number on 'spare' land in Morrith Close? | This is the only area of land currently envisaged for development at Morrith Close.  |
| Is Huntington to become the dumping ground for York's rejects?                   | Any development will be for people in housing need who are unable to access the private housing market; - exactly the same purpose as the existing council properties in the area. In terms of new homes increasing anti-social behaviour effective housing management and sensitive lettings will reduce that risk.   |
| The land floods. How will this affect ground floor flats?                        | If the scheme was to go ahead detailed site investigations would be carried out to assess and deal with any flood impact. Also, the homes would be built to Eco-Homes Very Good standard, part of which minimises the effect homes have on the storm drainage system.  |

| <b>Morritt Close (continued)</b>  |  |
|---|--|
| Why not build on the other sites around Morritt Close?  | This proposed development is located close to the Victoria Way site, which is also proposed to be developed with 8 family houses for rent. Suggestions for other suitable sites for housing are always welcomed.   |
| How do more houses = better security?   | One of the disadvantages with spare land is that it leaves the rear of houses vulnerable to vandalism and burglary. By building carefully considered schemes to Secured By Design standards this risk can be reduced. Similarly a badly-lit area of spare land often attracts youths to an area which can be threatening to local residents. |
| What will happen to the bike shed and rotary dryers?  | Any existing facilities would be retained or replaced elsewhere on the site.   |
| <b>Resident concerns</b>  | <b>Officer response</b>  |
| The flats were originally built for older people. Residents live there because it is a quiet area   | The flats are not designated as older people's housing either by design of the homes or through their allocation. It is true that many of the current tenants are older but there is no policy or expectation that this will necessarily continue to be the case.  |
| The area being considered is a communal garden with some planting of flowers and fruit  | The area is not a designated communal garden for Morritt Close.  |
| The area is public land/common land   | The area is council owned land and does not have an open space or common land designation.   |
| A wildlife habitat will be destroyed  | Any development would take in to account the existing maturity of the site. It would be expected that the housing association would look to replace any lost trees, and the homes will be built to 'EcoHomes Very Good' standard, which encourages the provision of a natural habitat for indigenous species in gardens                      |
| Anti-social behaviour stopped when the fencing was put up to stop access to the 68 Centre. Development of homes would reintroduce anti-social behaviour | The anti-social behaviour was the result of the land being used as a thoroughfare by youths to the 68 Centre. The proposed development would be served only from the existing access to Morritt Close. Effective management of the homes by the housing association will reduce the risk of anti-social behaviour.                           |
| Development will lead to parking/congestion/traffic problems  | As part of any planning process, the impact on traffic would be considered and any measures advised taken. In terms of parking there should be no further problems as the development would be designed with sufficient parking. It may be possible to increase levels of parking overall for residents of the existing flats.               |
| If the site could accommodate houses they would have been built originally  | The site was designed based around the housing need and design guidelines at that time. The current demand in the Morritt Close area is for family housing and the council has a responsibility to identify sites where new homes can be provided.   |



| <b>Morritt Close (continued)</b>                   |  |
|--|--|
| The area is not intended for young families        | The area is not designated as being suitable only for particular types or tenure of homes. In the interest of creating mixed, sustainable communities and meeting housing need there is a need to provide more family housing. |
| Any new homes should be for the elderly            | As above.  |
| Housing association tenants cause problems already | No evidence was provided to support this.  |
| There are more suitable sites nearby               | Several responses included a map identifying surrounding sites. Some of these are already being developed or have been earmarked, whilst others have access issues. We will investigate fully their suitability for housing.   |
| Value of owner-occupied homes will reduce          | There is no clear evidence of this particularly in the York housing market which remains buoyant.  |
| Loss of privacy for neighbouring homes             | Any detailed scheme would be designed to meet planning conditions relating over-looking and proximity to surrounding buildings. The use of landscaping to provide natural screening would also be discussed at that stage.     |
| Disturbance caused during construction             | In any building works there will be some disruption but we would work closely with the developing housing association to minimise this.  |

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**ANNEX 6****Analysis of Financial Options**

| <b>Option</b>   | <b>HRA Receipt</b>                              | <b>HRA receipt reduced to 50% if diverted to General Fund</b> | <b>Comments</b>   |
|---|---|---|---|
| Option One – To support the leasehold sale of the three sites to housing associations | £100k (based on £5k per plot for 20 houses)     | £50k (based on DCLG clawing back 50% of receipt)              | <ul style="list-style-type: none"> <li>• All of the receipt can be used to invest in Housing meeting the decent homes standard.</li> <li>• If the receipt is not spent on meeting the decent homes standard this 50% has to be returned to DCLG.</li> <li>• The City attracts £2.5m of investment in its housing stock.</li> </ul>  |
| Option Two – Retain the land within the HRA   | £0k   | £0k   | <ul style="list-style-type: none"> <li>• Forgo £2.5m of investment in the housing stock.</li> <li>• Continuation of anti social behaviour.</li> </ul>   |
| Option Three – Sell the land on the open market                                       | £900k maximum based on 20 homes @ £45k per plot | £450k (based on DCLG clawing back 50% of receipt)             | <ul style="list-style-type: none"> <li>• All of the receipt can be used to invest in Housing meeting the decent homes standard.</li> <li>• If the receipt is not spent on meeting the decent homes standard this 50% has to be returned to DCLG.</li> <li>• The Council forgoes investment of £2.5m in its housing stock.</li> <li>• The council does not meet it's affordable homes targets</li> </ul> |

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By virtue of paragraph(s) 3 of Part 1 of Schedule 12A  
of the Local Government Act 1972.

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