



Notice of meeting of

Local Development Framework Working Group

To: Councillors Steve Galloway (Chair), Potter (Vice-Chair), D'Agorne, Merrett, Ayre, Reid, Simpson-Laing and Watt

Date: Monday, 6 September 2010

Time: 4.30 pm

Venue: The Guildhall, York

AGENDA

1. **Declarations of Interest**

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

2. **Minutes** (Pages 3 - 6)

To approve and sign the minutes of the meeting of the Local Development Framework Working Group held on 5 July 2010.

3. **Public Participation**

At this point in the meeting, members of the public who have registered their wish to speak, regarding an item on the agenda or an issue within the remit of the Working Group, may do so. The deadline for registering is **5.00 pm on Friday 3 September**.

4. **Student Housing Report** (Pages 7 - 22)

In response to recent changes in Houses in Multiple Occupation (HMO) legislation, the City Development team, alongside colleagues in Development Control have been exploring a planning response to the issue of HMOs and specifically student housing, including the possibility of Article 4 Directions being used with regard to emerging government policy. This paper provides

Members with an update of this work and identifies further work that could be undertaken.

5. LDF Core Strategy (Pages 23 - 44)

This report considers the implications of recent government policy changes on the LDF Core Strategy, in particular the revocation of Regional Spatial Strategies (RSS).

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

Democracy Officer:

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City of York Council

Committee Minutes

MEETING	LOCAL DEVELOPMENT FRAMEWORK WORKING GROUP
DATE	5 JULY 2010
PRESENT	COUNCILLORS STEVE GALLOWAY (CHAIR), D'AGORNE, MERRETT, REID, SIMPSON-LAING, WATT AND PIERCE (SUBSTITUTE FOR COUNCILLOR POTTER)
APOLOGIES	COUNCILLORS AYRE AND POTTER
IN ATTENDANCE	COUNCILLOR HUDSON

1. **DECLARATIONS OF INTEREST**

At this point in the meeting Members were asked to declare any personal or prejudicial interests they might have in the business on the agenda. None were declared.

2. **MINUTES**

RESOLVED: That the minutes of the last meeting of the Local Development Framework Working Group held on 12 April 2010 be approved and signed by the Chair as a correct record subject to the following amendment:

In Minute 19 under the comments to the report, the reference to Paragraph 17(i) to be amended to read – Members commented that the way the percentages expressed are misleading and that while 52% felt York's economy should grow by 1000 or more jobs, but a much larger amount, 91% had suggested a 1000 or less amount would be preferable and the wording should reflect this. Members commented there were other examples of this throughout Annex A and Officers advised they would look into the matter.

3. **PUBLIC PARTICIPATION/ OTHER SPEAKERS**

It was reported that there had been two registrations to speak under the Council's Public Participation Scheme. An additional request to speak from a Council Member had also been received and granted by the Chair.

Councillor Gillies, referred to the lack of progress made since 2007 in relation to the provision of affordable housing in the city despite there being a number of planning approvals on sites. He pointed out that developments were not progressing despite there being an urgent need for affordable housing. He stated that there was a need to move forward and to assist this he recommended that a requirement target of 25% should relate to both brownfield and greenfield sites.

Representations were received from a representative of Persimmon Homes. She referred to the lack of consultation undertaken with developers in relation to this study and to her concerns in respect of serious flaws in the document, which did not reflect the current economic climate. She asked Members to reject the draft report to allow Officers to work with developers to ensure that the recommendations of the study worked for both the public and private sectors.

Representations were also received on behalf of the York Property Forum and the York Chamber of Trade. It was pointed out that the present 50% requirement had produced only a handful of affordable dwellings and was a disincentive to developers. He stated that it was premature to agree the proposed amendments in the current economic climate and that it would be in everyone's interest to continue the dialogue between Officers and consultees.

4. AFFORDABLE HOUSING VIABILITY STUDY.

Members considered a report which advised them of the production of the Affordable Housing Viability Study (AHVS) for York as required by national planning guidance in Planning Policy Statement 3 (PPS3) Housing.

It was confirmed that the study acknowledged the recent downturn in the national and local housing markets with the proposal for a short term target of 40% affordable housing on greenfield sites and 25% on brownfield sites without social grant on sites of 15 dwellings or more. Although it was acknowledged that changes in the housing market would require revisions of these targets over the plan period.

The Group received a presentation from Dr Richard Fordham of Fordham Research who was commissioned by the Council to produce the AHVS. This included an overview of the Study's methodology, the results, current targets and threshold recommendations and the Dynamic Model.

Members questioned a number of points in respect of the presentation and report which included:

- Definition of the policy on affordable housing and details of the consultation undertaken with developers at a workshop earlier in the year;
- Evidence in relation to the cushions (landowner additional profit) which would be gained if there was an uplift in the market;
- Resubmission of applications/phasing of developments and the affect of these on affordable housing requirements;

- Tolerance of accuracy in respect of demolition costs on a number of sites;
- Concern that developers were still requesting rejection/deferral of a study which reduced affordable housing targets;
- Reference to the housing waiting list and the need for 1000 affordable units per year;
- That the proposed policies were evidence based and acknowledged changes in the market;
- Was it the target for 5-10 dwellings or site area which defined this target;
- Recommendation (iv) to refer to 'Opposition Spokesperson' rather than 'Shadow Executive Member'.

In answer to questions Members were informed that evidence for the study had been gained both from experience of previous work undertaken by Fordham Research and information received from local and nationally recognised data sources. It was also confirmed that details of target definition would be clarified in a report to the Planning Committee which will set out the interim approach for Development Control, until the Core Strategy is adopted.

Consideration was given to possible deferral of the report to allow further discussions between Officers, Housing Associations and developers in relation to the assumptions in the model.

Following further discussion it was

- RESOLVED:
- (i) That LDF Working Group recommends to the Executive that approval be given for the publication of the Affordable Housing Viability Study as part of the Local Development Framework evidence base.
 - (ii) That approval be given to the use the principles of the Dynamic Model and the conclusions of the study to formulate the Core Strategy Policy which will be brought back to the LDFWG for consideration with the remainder of the Core Strategy Submission Draft.
 - (iii) To recommend that the Executive adopt the targets and thresholds in the Study for Development Control purposes and the Dynamic Model principles as an interim approach until the Core Strategy is adopted.¹
 - (iv) Delegate to the Director of City Strategy, in consultation with the Executive Member and Opposition Spokesperson, the making of any

incidental changes arising from the recommendation of the LDF Working Group, prior to its publication as part of the Local Development Framework evidence base.²

- REASON:
- (i) So that the Affordable Housing Study can be used as part of the Local Development Framework evidence base and to avoid delays to the Core Strategy production.
 - (ii) To ensure that the Core Strategy Policy is based and supported on an up to date evidence base.
 - (iii) So that affordable housing is enabled and delivered in accordance with this up to date evidence base.
 - (iv) So that any recommended changes can be incorporated into the Affordable Housing Viability Study.

Action Required

- | | |
|---|----|
| 1. Refer to Executive. | DG |
| 2. Undertake the making of any incidental changes as delegated. | DG |

Cllr S F Galloway, Chair

[The meeting started at 4.30 pm and finished at 5.45 pm].



Local Development Framework Working Group**6 September 2010**

Report of the Director of City Strategy

Student Housing**Summary**

1. In response to recent changes in Houses in Multiple Occupation (HMO) legislation, the City Development team, alongside colleagues in Development Control have been exploring a planning response to the issue of HMOs and specifically student housing, including the possibility of Article 4 Directions being used with regard to emerging government policy. This paper provides Members with an update of this work and identifies further work that could be undertaken.

Background*Historical context*

2. Previously, Use Class C3 of the Town and Country Planning (Use Classes) Order 1987 (as amended 2005) provided no distinction between a dwelling occupied by one household, such as a family, and that of a dwelling occupied by up to 6 unrelated people, such as students. Shared houses where there are 6 or more residents did not fall within Class C3, and were defined as Houses in Multiple Occupation. Accordingly, the City Council as the local planning authority had very limited control over the occupation of dwellings in the private rented sector by groups of up to 6 people – a key characteristic of student housing in York.
3. It was within this context that policies H7 'Residential Extensions' and H8 'Conversions' of the City of York Draft Local Plan were written to control the conversion of properties to flats and for Houses in Multiple Occupation (for more than 6 people). These policies, appended for information, essentially seek to ensure that residential amenity is protected.

Legislative changes

4. New local powers to control HMOs were introduced on the 6 April 2010 with a new Use Class Order coming into force meaning that any change of use to an HMO requires planning permission. The new Use Class Order effectively splits the old C3 class into two classes C3 (Dwellinghouses) and C4 (Houses

in Multiple Occupation). As set out in Circular 05/2010, the new C4 class covers shared dwelling houses occupied by between 3 and 6 unrelated individuals who share basic amenities. Properties containing the owner and up to two lodgers do not constitute HMOs for these purposes. To classify as an HMO, a property does not need to be converted or adapted in any way.

Further proposed changes to legislation

5. Following the formation of a new Coalition Government, further amendments to HMO legislation have been proposed, whereby the need for planning permission for changes from C3 to C4 uses will not be required. Instead, they are proposed to be covered by permitted development rights. This was outlined in a statement by the Housing Minister on 17 June 2010 and should be taken as a material consideration when determining planning applications, in particular for those planning applications submitted on or after 17 June 2010. The proposed changes mean that should Local Authorities wish to exert tighter planning controls on the development of HMOs, permitted development rights would have to be removed through an Article 4 Direction. An Article 4 Direction would mean that planning permission, within a given area, would then be required for a change of use from a dwelling house to an HMO. It should be noted that the effect of an Article 4 Direction is not to prohibit development, but to require a planning application to be submitted for development proposals, to which it applies, in a particular geographical area. As such, there would be a requirement to develop a policy response to provide guidance for determining planning applications.

Current policy position in York

6. Whilst there is no up to date policy guidance in the Local Plan on HMOs City Development have been advising that DC Officers take into consideration the provisions of Policy H8 'Residential Conversions' (attached at Annex One for information). In assessing an application for the change of use of a dwelling to an HMO consideration should be given to the impacts of the proposed change of use on the streetscape and residential amenity, alongside the impact the additional residents may have on parking provision. The impacts of the proposal should be considered both in respect of the change of use itself, but also the cumulative impact an additional HMO may have where concentrations of HMOs exist. Should the application involve external alterations such as an extension, the provisions of Policy H7 'Residential Extensions' should be taken into account, assessing whether the proposed alterations would cause harm to the character or appearance of the building or area, ensuring that the proposed extension would not result in an unacceptable reduction in private amenity space within the curtilage of the dwelling.
7. It should be noted that shared housing in the private rented sector in the form of HMOs is by no means limited to students or recent graduates. Its role varies across the city and tenants come from a huge variety of backgrounds and with a wide range of income levels. Private landlords through the provision of HMOs thus make a valuable contribution to meeting housing

needs in the city. This report recognises that students form just one part of this wider sector.

8. In response to Member and residents concerns we are currently considering student housing, undertaking work to explore the impact of concentrations of student housing in certain parts of the city. The outcomes of this work may result in an Article 4 Direction, should the evidence suggest this is necessary. Should an Article 4 Direction be implemented we would need to consider the production of a development management policy. This would differ from a strategic level Core Strategy policy and could take the form of a Supplementary Planning Document, or an interim planning policy statement in the short term.

Article 4 Directions

9. An Article 4 direction is a decision made by a Local Planning Authority (LPA) or the Secretary of State preventing certain specified development from enjoying the benefit of permitted development rights that are granted under the Town and Country Planning (General Permitted Development) Order (GPDO) 1995.
10. An overview of the Article 4 process is provided below. If the proposals are implemented this could be the Council's principal method of controlling changes of use from dwellings to HMOs.

Article 4 process

11. Changes to the Article 4 procedure were recently implemented in April 2010 giving greater power to Local Planning Authorities. Now, the Secretary of State's role is altered from determination (i.e. where the Secretary of State's approval is required) to oversight (where the Secretary of State may intervene). The changes are important because it is now possible to make Article 4 Directions that come into effect immediately and which can be confirmed by the Local Planning Authority (rather than having to be submitted and then confirmed by the Secretary of State within 6 months – a process which could be time consuming.)

Procedure for Article 4 Directions

12. Detailed procedure is contained in Article 5 of the 1995 GPDO (as amended by SI 2010/654). A summary of the key points is below:
 - The permitted development to be removed is identified and the area within which the direction will take effect.
 - A direction is made by the LPA.
 - As soon as practicable after the direction is made, notice must be given by the LPA by local advertisement, on site (at least two locations for at least six weeks) and by serving notice on owners and occupiers (unless individual service is impracticable).

- The notice must contain information specified under legislation and it must give a period of 21 days within which representations concerning the direction may be made to the LPA.
- If the direction is not one, which is to have immediate effect, the notice must specify the date on which it is proposed it will come into force.
- A copy of the direction, notice and map defining the area to which the direction relates must be sent to the Secretary of State.
- The Secretary of State has the power to cancel or modify any LPA Article 4 Direction before it is confirmed.
- In deciding whether to confirm the direction, the LPA has to take into account representations it has received during the specified period.
- If the Local Planning Authority confirms the direction, a further notice must be given and the confirmed direction must be sent to the Secretary of State.

Other relevant points about Article 4 Directions

13. The following additional points should be noted:

- Ministerial guidance suggests that the boundaries of land subject to directions should be drawn as tightly as possible having regard to the circumstances of the case.
- Wide area directions will not normally be approved.
- An Article 4 Direction cannot be used to withdraw permitted development rights in respect of a development, which has already been carried out.
- However, under Article 3(5) of the GPDO, permitted development rights are excluded in relation to unlawful uses, for so long as enforcement action may still be taken in respect of the breach.
- There is no right of appeal against the making of an Article 4 direction.
- An Article 4 direction is registered as a Local Land Charge.

Guidance on Article 4 Directions

14. Circular 9/95 provides guidance on Article 4 Directions. Although Circular 9/95 was published prior to the changes giving LPAs more power to confirm their own directions, it is still of relevance to LPAs making and confirming directions under the new arrangements introduced in April 2010. The Circular suggests that the following should be provided:

- a full statement of the LPA's reasons and grounds for making the direction must be submitted, including a description of the site and/or area covered by the direction and of the character and surroundings;
- the LPA would need to identify any known proposals to carry out development which could damage an interest of acknowledged importance and address the harm which might arise from the exercise of permitted development rights, referring in particular to any rights exercisable for limited periods. The nature of the proposal should be stated and an explanation given of its likely effect;

- where the direction is not aimed at an immediate threat, the measures taken to inform those with an interest about the proposed direction and of any representations received;
- where visual considerations are important, photographs of the site and its surroundings; and
- where there is urgency, the reasons for urgent treatment and the period within which a decision is needed.

Liability for compensation

15. A right to claim for compensation can arise under Section 108 of the Town and Country Planning Act 1990 for people who have an interest in land and suffer loss as a result of withdrawal of their permitted development rights. The right to compensation arises if an application is made specifically for planning permission for development formerly permitted by the GPDO and no more, and this is refused, or granted subject to conditions other than those in the GPDO. It is the LPA that has to pay compensation if the right arises. The right can be claimed for:

- Abortive expenditure (this would include expenditure incurred in the preparation of plans for the purpose of any development). If a landowner, with a view to acting on his existing permitted development rights, commissioned an architect to prepare plans, he may be able to claim compensation if those existing PD rights are subsequently withdrawn, and his subsequent planning application is refused, or granted subject to conditions more onerous than those in the GPDO.
- Other loss or damage directly attributable to the revocation or modification of the permitted development rights. This includes depreciation of land value in certain circumstances, where permitted development rights are taken away and loss is suffered which is directly attributable to their removal. "Directly attributable" suggests a close causal link e.g. a claimant can show that they had an established business, and that as a result of removal of PD rights, they have lost future profits.

16. If Article 4 Directions are made removing the right to convert from a dwelling to a HMO, there is a risk that the Council would receive claims for compensation. Currently, local authorities are liable to pay compensation for the 12 months following the effective date of making all directions. The Government propose to change the law so that compensation only has to be paid if a direction is made with immediate effect, or with less than 12 months notice.

Current Evidence Base

17. It is important to establish whether there are student housing issues in the city requiring further control through an Article 4 Direction and policy approach. Below is a summary of our ongoing work exploring student housing in the city.

The spatial extent of student housing

18. In order to understand the spatial extent of student housing within the city a mapping exercise has been undertaken to explore where students live. Given that ONS Census data is nine years out of date we have chosen to use Council Tax records. Households made up entirely of students can seek exemption from Council Tax and the Council holds the address of each exempt property. These have been collated to show the proportion of student households as a percentage of all households. This applies to properties occupied only by one or more students either as full time or term time accommodation. Properties falling within 'Halls of residence' on campus have not been included. It does however include some accommodation owned or managed by the universities off campus. The findings are shown below in Table 1:

Table 1: Proportion of student council tax exemption as a percentage of all households

Ward	Proportion of student council tax exemptions as a percentage of all households
Heslington	27.77%
Hull Road	14.82%
Fishergate	10.53%
Guildhall	6.42%
Clifton	5.07%
Heworth	4.48%
Osbalwick	3.31%
Micklegate	2.89%
Fulford	2.36%
Holgate	0.65%
Westfield	0.38%
Dringhouses and Woodthorpe	0.37%
Huntington and New Earswick	0.35%
Bishopthorpe	0.34%
Heworth Without	0.34%
Rural West	0.21%
Skelton	0.19%
Acomb	0.19%
Haxby and Wiggington	0.15%
Wheldrake	0.12%
Strensall	0.03%
Derwent	0%

Source: Council Tax Data 2009

19. This exercise has shown that student housing is dispersed across the city. The wards with the highest concentrations of student households, as a proportion of all households, are Heslington (27.77%), Hull Road (14.82%) and Fishergate (10.53%). Given that these concentrations are significantly higher than for the rest of the city our research has initially focussed on these three wards to start to explore the impact of high proportions of student housing. Albeit, we recognise that data at ward level may mask more localised concentrations of student housing. We are currently undertaking

further work to explore the spatial extent of student housing at a more localised level. Whilst this work is ongoing and needs further refinement it has initially highlighted pockets of concentrations in the Guildhall, Clifton, Heworth and Osbaldwick wards.

20. Recently, there have been attempts by other Local Authorities to establish what constitutes a large student proportion and the threshold at which a community can be said to be/or becoming imbalanced. Best practice has been established in Glasgow and Fife (no more than 5% HMOs in a street), Belfast (30% per street) and more recently Charnwood Borough Council has adopted a threshold in Loughbrough of 20%. Albeit, these are in relation to the Unitary Development Plan Process rather than the Local Development Framework, which focuses much more on, policies being evidence based. The National HMO Lobby suggests that communities lose balance using the parameters of when HMOs exceed 10% of households.

Exploring the impacts of student housing

21. The impacts of large numbers of student housing can be social, cultural, physical and economic. However is it often the social element and the replacement/displacement of established residents with a transient, generally young and single social grouping that is a primary factor in concerns regarding student housing. Particularly that this replacement/displacement can result in unbalanced communities. However, there is no formal definition of what constitutes a 'balanced community'.
22. The perceived indicators of the potential effects of large numbers of student housing often cited by local residents in student areas comprise:
 - higher incidences of anti social behaviour;
 - increased levels of crime and the fear of crime;
 - poorer standards of property maintenance and repair;
 - littering and accumulation of rubbish;
 - noise between dwellings at all times and especially music at night, alongside late night street disturbance;
 - decreased demand for some local services, particularly local schools;
 - increased parking pressures arising from shared households;
 - changes in type of retail provision, particularly local shops becoming take-aways; and
 - lack of community integration and 'community spirit' resulting in less commitment to maintain the quality of the local environment.
23. It is important to acknowledge that large numbers of student housing may potentially lead to the above issues, but it does not necessarily follow that these issues will be created. This is particularly pertinent given the widening participation in higher education, which means that the characteristics of the student body have diversified and that a single characterisation of the idea of a 'student' is no longer possible. In addition it is important to recognise that these are only potential impacts and that students as a population should not in anyway be stigmatised. This is especially important given the numerous

benefits the city enjoys by having several Higher Education Institutions located within it and a large student population. The universities in particular are rooted as institutions and have long standing physical, social, cultural and economic relationships with the city and play a pivotal role in the city's economy.

24. The above indicators have been investigated for the wards identified as having the highest proportion of student households; Fishergate, Heslington and Hull Road. Summaries of our findings are presented overleaf at Table Two. It has only been possible to investigate the indicators at this stage at ward level, as this is the level that data has historically been collected and is therefore the scale that data is most readily available across a range of topics to allow for comparisons to be made. If we were to take the work further, similar indicators would have to be explored at a more local level.

Table Two: Summary of Existing Evidence Base

	Population¹ (All People)	Incidences of Anti Social Behaviour in 2009	Percentage of Residents Who Think That Anti Social Behaviour is a Problem in Their Local Area	Incidences of Reported Crime in 2009	Incidences of Burglaries in 2009	Incidences of Littering in 2009	Incidences of Noise Complaints in 2009	Percentage of residents who think that drunk and rowdy behaviour is a problem in their local area	Percentage of residents who agree that their local area is a place where people from different backgrounds get on well together	Percentage of residents who think there is a problem with people not treating each other with respect and consideration in their local area	Proportion of homes in disrepair² in the private rented housing stock	Proportion of households in the private rented housing sector who are very satisfied or quite satisfied with their local area
York Average	181,094 (193,307)	606	11%	661	79	25	113	18%	79%	23%	23%	97%
Fishergate Ward	7,921	733	5%	682	76	32	136	5%	78%	26%	21%	94%
Heslington Ward	4,122	55	8%	190	18	2	13	16%	95%	0%	17%	100%
Hull Road Ward	8,269	536	10%	617	83	22	182	12%	68%	23%	37%	91%

Sources: Safer York Partnership; City of York Council Neighbourhood Services; Place Survey (2009); Private Sector House Conditions Survey (2008)

1 Relates to 2001 ONS Census data. York population in brackets relates to ONS mid year 2007 experimental projections.

2 Dwellings where one or more of the key building components are old and because of their condition, need replacing or major repair; or dwellings where two or more of the other building components are old and, because of their condition need replacing or major repair

Other considerations

25. Although primary school age pupil numbers have been decreasing since 2004 in all wards (Hull Road and Heslington at a faster than average rate). Colleagues in Learning, Culture and Children's Services have indicated that whilst there are low numbers of school age pupils in the catchment areas of schools within our case study wards, it is not necessary for pupils to attend the schools to live in the catchment area. As such, the primary schools are not being seriously affected despite there being few school age pupils actually living in the surrounding area.
26. Parking Services generally receive very few specific complaints about parking in student areas, such as Fishergate, Heslington and Hull Road wards. This is because many areas of student housing are in Residents' Priority Parking Scheme areas also known as 'ResPark' zones. The ResPark scheme gives priority to residents and their visitors. It does not guarantee you a space but gives you priority over other vehicles. Permits are required for every vehicle (except motorbikes and bicycles).
27. Unfortunately, we currently have no information on historic retail provision, as such, it has not been possible to assess whether there has been a change in retail provision as student numbers have increased. This could be investigated further.

Analysis

28. Changes to HMO legislation in April 2010 gave Local Authorities greater control over HMOs by introducing a requirement for planning permission to change a property from a dwelling (C3) to an HMO (C4). Following concerns regarding HMOs in relation to student housing, raised by residents, Members and Parish Councils through the Development Control process, City Development have explored the spatial extent of the student population and the potential indicators of large numbers of student housing.
29. Information collected to date does not indicate any significant deviations from the average across the city across a wide range of indicators such as crime, littering and noise. Nor are there significant concerns regarding school roles and parking pressures. However, it has only been possible to collate information at ward level. We acknowledge this may be masking more localised issues, supported by initial work focussing on a lower than ward scale. Accordingly, data collected on a more localised level is required, complemented where necessary through street surveys and questionnaires.
30. The new Coalition Government proposes to grant permitted development rights for all changes from C3 to C4. Informal consultation is underway, with a view to implementing these changes on 1 October 2010. If these changes are implemented, the only way to ensure prospective HMO landlords must still submit a planning application, is to implement an Article 4 Direction for the area in question, which will withdraw the permitted development right. This is a complex process, and one that should only be entered into should there be

compelling reasons to warrant the removal of residents' permitted development rights. At this stage (subject to further Government Guidance being issued) it appears that it will not be possible to make very wide Article 4 directions (e.g. covering the whole of the city) forbidding the change of use from C3 to C4. Separate directions would be needed for specific areas and each will need to be justified.

Proposed Further Work

31. As discussed, work undertaken has focused at ward level. We recognise that information at this level may be hiding more pronounced concentrations of student housing at a more local level, which may be impacting on neighbourhoods. Further work is needed to identify more localised concentrations of student housing. This would likely indicate pockets of concentrations in additional wards to the three wards with the highest proportion of student houses in proportion to all households (Fishergate, Heslington and Hull Road). We have begun to explore this and current work suggests the additional wards likely to have more local pockets of concentrations include Guildhall, Clifton, Heworth and Osbaldwick.
32. Once the more local level concentrations of student housing have been identified, to assess whether these concentrations are having a negative effect on their neighbourhoods it would also be necessary to collate information on some of the potential indicators of student housing discussed at paragraph 22, namely littering, crime and property maintenance. Given that data has historically been collated at ward level and is therefore more readily available at this scale, undertaking street surveys will be critical, as would obtaining resident's views through consultation.
33. Despite best practice approaches to establish a threshold at which a community can be said to be/or becoming imbalanced (discussed at paragraph 20) national evidence suggests that a universal and fixed cut-off point to restrict the concentration of student housing is not appropriate given that concentrations can have different impacts in different places. Instead, place-specific flexible thresholds, arrived at through an assessment of what constitutes a 'balanced community' should be carried out. The outcomes of this assessment will identify if the 'tipping point' has been reached upon which a community tips from balanced to unbalanced. This assessment is likely to include consultation on the following factors:
 - Residential amenity.
 - Appearance of properties and local environment.
 - Range of local services.
 - Parking pressures.
 - Fear of crime/safety.
 - Quality of life.
34. This would be part of the detailed consultation with residents described above, however students, Higher Education Institutions, Student Unions and

local businesses should also be consulted to explore what constitutes a balanced community and to identify a locally specific 'tipping point'.

Options

35. The following options are available to Members:

Option One: Accept the findings of work undertaken at ward level and continue to monitor student housing numbers and HMO applications in the city, awaiting the outcomes of the Government's consultation on its proposed changes to HMO legislation.

Option Two: Instruct Officers to undertake the proposed further work identified in paragraph 31 to identify local concentrations of student housing and request a future report to the LDFWG setting out further work to be undertaken.

Option Three: Instruct Officers to undertake all of the proposed further work identified in paragraphs 31 to 34.

Analysis of Options

Option One

36. The Government's proposed changes to HMO legislation is currently the focus of limited informal consultation with bodies such as the Planning Officers Society, the Royal Town Planning Institute and the National HMO Lobby. The outcomes of this consultation will inform the Government's decision on whether to implement the proposed changes. An announcement is due in October 2010. Within this context, Members could accept the existing work undertaken at ward level and instruct officers to continue to monitor student housing numbers, typically in the form of HMOs, utilising the provisions of the Local Plan, specifically Policies H7 and H8. However, selecting this option would not address Members and Parish Council's queries regarding the impacts of student housing at a more local level. Should the Government decide not to implement the proposed changes, thereby continuing to require planning permission for changes from a dwelling to an HMOs, it would still be necessary for the Council to implement an appropriate policy response for determining planning applications.

Options Two and Three

37. Under Option Two Officers would undertake further detailed city wide mapping to identify those areas with the highest concentrations of student housing at a more local level. The outcomes of this work could then be reported back to the LDF Working Group, along with a proposed methodology for undertaking further work, at an early stage. This report would allow Members to comment on the spatial extent of student housing on a more localised level, help prioritise further work and consider the need for an interim

policy response. This would include the consideration of overall work load implications.

38. Option Three would involve Officers undertaking all of the further proposed work without updates to the LDF Working Group, only reporting the findings back to the LDF Working Group upon completion.
39. It should be noted that both Options Two and Three would have workload implications. Preparation of the LDF in relation to the Core Strategy and Allocations Development Plan Document is currently a Council priority. It is anticipated that work on student housing would need to be phased to fit in with existing LDF workloads. There is also a risk that the outcomes of the further work may still not make a compelling case for an Article 4 Direction.

Next Steps

40. If Members were to approve the Officer recommendation below to instruct Officers to undertake further proposed work in accordance with the approach outlined in Option Two, it is anticipated that an initial report would be prepared on the outcomes of the work to identify more localised concentrations of student housing, alongside a proposed methodology for the consultation work as detailed in paragraphs 32, 33, and 34. This could be reported to the LDF Working Group in November 2010. The level of further work beyond that, including consultation, will be dependant on the outcomes of the initial report on more localised concentrations of student housing.

Corporate Priorities

41. Exploring the impacts of student housing relates to the following Corporate Strategy Priorities:
 - The Sustainable City
 - Thriving City
 - The Learning City
 - The City of Culture
 - The Safer City
 - The Healthy City
 - The Inclusive City

Implications

42. The implications are as listed below:
 - **Financial:** None
 - **Human Resources (HR):** None
 - **Equalities:** None
 - **Legal:** Yes (see body of report)
 - **Crime and Disorder:** None
 - **Information Technology (IT):** None

- **Property:** None
- **Other:** None

Recommendations

43. It is recommended that Members:

- (i) Instruct Officers to undertake further proposed work in accordance with the approach outlined in Option Two.

Reason: To explore if there is compelling evidence to justify an Article 4 Direction as a means of exerting tighter controls on the spatial extent of student housing and if required, develop a policy approach.

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Report Approved

Date 27/08/10

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

All

For further information please contact the author of the report

Annexes:

Annex One: Extract from City of York Local Plan 4th Set of Changes (April 2005)
Policy H7 and Policy H8

**Annex One: Extract from City of York Local Plan 4th Set of Changes
(April 2005) Policy H7 and Policy H8**

Policy H7: Residential Extensions

Planning permission will be granted for residential extensions where:

- a) the design and materials are sympathetic to the main dwelling and the locality of the development; and
- b) the design and scale are appropriate in relation the main building; and
- d) there is no adverse effect on the amenity which neighbouring residents could reasonably expect to enjoy; and
- e) proposals respect the spaces between dwellings; and
- g) the proposed extension does not result in an unacceptable reduction in private amenity space within the curtilage of the dwelling.

Justification for Policy H7

Residential extensions are generally acceptable provided they are sympathetically designed in relation to their host building and the character of the area in which they are located and do not detract from the residential amenity of existing neighbours. Particular care is needed, however, in the design of front extensions and dormer extensions. Pitched roofs on extensions will normally be the most appropriate with large, box-style roof extensions being resisted in most cases.

Policy H8: Conversions

Planning permission will only be granted for the conversion of a dwelling to flats or multiple occupation where:

- the dwelling is of sufficient size (min 4 bedrooms) and the internal layout is shown to be suitable for the proposed number of households or occupants and will protect residential amenity for future occupiers.
- external alterations to the building would not cause harm to the character or appearance of the building or area; and
- adequate off and on street parking and cycle parking is incorporated; and
- it would not create an adverse impact on neighbouring residential amenity particularly through noise disturbance or residential character of the area by virtue of the conversion alone or cumulatively with a concentration of such uses.
- adequate provision is made for the storage and collection of refuse and recycling.

Justification for Policy H8

Houses in multiple occupation (HMO's) are those occupied by a number of unrelated people who do not live together as a single household. They include

bed-sits, hostels lodgings and bed and breakfasts not primarily used for holiday purposes.

The Use Classes Order (1987) does not distinguish between a dwelling occupied by a conventional household, and that of a dwelling occupied by up to six residents living together as a single household. Therefore a change of use from a family dwelling to one occupied by no more than six individuals does not constitute as a change of use.

There is potential for the number of dwellings in the City to be increased by the sensitive conversion of large dwellings. Such conversion can ensure a continued life for properties and can contribute to meeting housing need. Nonetheless, in certain situations, a concentration of such conversions can have an adverse impact on the residential environment. In considering this impact, attention will be given to the character of the street, the effect on and the amount of available amenity space, parking requirements, traffic generation and any other material planning considerations particular to the case.

The number of residential conversions will be monitored to calculate the contribution that they make to the Local Plan's housing requirement and so that the cumulative impact of several conversions in any one location can be ascertained.



Local Development Framework Working Group**6th September 2010**

Report of the Director of City Strategy

LDF Core Strategy**Summary**

1. This report considers the implications of recent government policy changes on the LDF Core Strategy, in particular the revocation of Regional Spatial Strategies (RSS).

Background

2. Since the Core Strategy public consultation in autumn last year there have been a number of key changes nationally that have effected the context in which decisions are made. Chief among these is the change in Government and the adoption of the 'Localism' agenda which has led to the revocation of Regional Plans. The nature of these changes are considered in detail in paragraphs 3 and 4 below. It should be noted however, that the commitment to plan making remains as does the local need for an adopted development plan for the City of York to provide certainty and clarity about the Council's planning position.

Change in Policy Context

3. The coalition agreement published in May 2010 by the new government made a commitment to '*rapidly abolish Regional Spatial Strategies and return decision making powers on housing and planning to local councils*'. Following on from this on 6th July the Secretary of State for Communities and Local Government (CLG), Eric Pickles, announced the revocation of Regional Strategies with immediate effect under s79(6) of the Local Democracy Economic Development and Construction Act 2009. RSSs therefore no longer form part of the statutory development plan, making LDFs the basis for local planning decisions. The letter and guidance about its significance are attached at Annex 1.
4. The change has significant implications for decisions made by local planning authorities and inspectors about strategic housing provision and other policies in LDFs. The

announcement was made in a letter sent to chief planning officers in local planning authorities across England. It included the guidance highlighted below:

- Local planning authorities will be responsible for establishing the right level of local housing provision in their area, and identifying a long term supply of housing land without the burden of regional housing targets. Some authorities may decide to retain their existing housing targets that were set out in the revoked Regional Strategies. Others may decide to review their housing targets. We would expect that those authorities should quickly signal their intention to undertake an early review so that communities and land owners know where they stand.
- It is important for the planning process to be transparent, and for people to be able to understand why decisions have been taken. Local authorities should continue to collect and use reliable information to justify their housing supply policies and defend them during the LDF examination process. They should do this in line with current policy in PPS3.
- Local planning authorities should continue to use their plans to identify sufficient sites and broad areas for development to deliver their housing ambitions for at least 15 years from the date the plan is adopted. Authorities should also have a five year land supply of deliverable sites. This too will need to reflect any changes to the overall local housing ambition.

Response to Policy Changes

5. In early August, house builder CALA Homes launched a legal challenge to the government's decision to revoke RSSs. They argue that the Secretary of State breached his obligations under European law by failing to assess the environmental effects of withdrawing RSSs and that the government should have put in place transitional arrangements. Their challenge centres on their proposals to build 2,000 homes in Winchester on a site that was identified in the South East Plan (RSS for the South East). They are seeking the reinstatement of the Plan. They have requested a hearing in the first half of September.
6. The Communities and Local Government Select Committee has launched an inquiry into the abolition of RSSs. The Committee will be focussing particularly on the implications for house building in the absence of regional targets. The inquiry is expected to take place during the Autumn.
7. Research undertaken by Roger Tym and Partners provides some insight into how local authorities are responding to the revocation of RSS. The researchers undertook a survey of policy planners in a sample of 70 local authorities across England. They found that just over half (51%) of the authorities surveyed expected to review their housing targets following the abolition of RSS, whilst 35% said they expected to stay with existing targets (12% were undecided).

8. With regard to employment figures, 22% of those authorities surveyed said that they expected to review their targets following the revocation of RSS, with 26% undecided. Half of those questioned said that they anticipated retaining their existing employment targets.

Potential Implications for the LDF Core Strategy

9. The revocation of RSS has important implications for the production of York's LDF Core Strategy. These relate specifically to the levels of housing and employment growth which will effect the overall LDF spatial strategy including decisions on the Green Belt and related factors such as the provision of essential infrastructure. These issues are explored in more detail below.

Housing

10. The Regional Spatial Strategy (RSS) for Yorkshire & the Humber (2008) included a housing requirement for York of 640 homes per annum for the period April 2004 - March 2008 and 850 homes between April 2008 - March 2026.
11. Prior to the publication of RSS the figures included within the document were the subject of a report to the Council's Executive on 18th December 2007. The Council's response included the following key points:
 - despite concerns regarding the ability of the City to absorb the additional numbers, we recognise the higher household projections since draft RSS and the need identified in our Strategic Housing Market Assessment (SHMA);
 - we are prepared to accept a step up to 850 per annum, but this should be from 2011 not 2008, to allow time to put the necessary LDF spatial strategy in place in a way that reflects York's environmental constraints and addresses transport infrastructure constraints; and
 - additional growth must be conditional on two things: (1) a recognition of the important role of windfalls in future housing provision; and (2) substantial assistance with infrastructure costs being made available from national and regional sources.
12. With regard to windfalls, the published RSS recognised the high number of windfalls which had come forward across the region historically, but pointed to the important role of Strategic Housing Land Availability Assessments (SHLAAs) in identifying sites and areas that would previously have been accounted for in windfall calculations. This approach reflects national guidance set out in PPS3 (June 2010) which makes it clear that local authorities, in planning for housing land, should not plan for a set level of windfalls, except in the most exceptional of circumstances.
13. The figures included within RSS were considerably less than the national household projections for York. This was in recognition of the City's

environmental constraints including protecting the historic character and setting of the City and other regeneration priorities of the plan which prioritised development in the large urban areas such as Leeds. The latest figures provided by CLG are based on the 2006 population projections and were released in March 2009. The number of households in York is projected to grow to 117,000 in 2031. This equates to 1,400 new households per year. This is a trend based analysis that does not take account of economic considerations.

14. The RSS figures were also lower than the net housing demand included in the Council's SHMA, published in 2007. The SHMA concludes that to achieve a balanced housing market in York, an additional 982 dwellings would be needed per annum. It should be noted however that the study indicates that this is not necessarily a compelling argument for changing housing targets as other factors have to be borne in mind, including infrastructure constraints and the character and setting of the city.

Employment

15. The adopted RSS included an annual potential job growth figure for York of 2,130, but allowed for the use of local employment studies to modify its projections. The adopted figure was significantly higher than the figures included for York in the draft RSS in 2005 (544 jobs a year).
16. Prior to the adoption of RSS, on 18th December 2007 the council's Executive considered a report on the proposed amendments recommended by the Secretary of State, including the change to the employment figures. The council's response raised the following points:
 - the employment figures proposed (2,130) are way in excess of the potential identified in our own Employment Land Review (ELR, 2007) of 1060 jobs a year;
 - York's ELR figures are a realistic and sustainable figure for York as they reflect past rates of growth, would deliver Science City York aspirations to grow by 5% a year and would allow York to fulfill its important local and regional economic role;
 - we are concerned that the Regional Economic Model includes a significant element of double-counting; and
 - the RSS should be amended to state that plans only have to 'take account of' the employment projections set out, rather than 'help to deliver'.
17. Following the adoption of RSS in 2008, the council published a further Employment Land Review (2009) which indicated that the total number of jobs in York would increase between 2006 – 2029 by 25,600. Therefore projecting York's job growth to 2029 at 1,113 a year.

Delivery Against RSS Targets

18. The rate of housing delivery in York has been falling. The table below sets out delivery rates for housing in York since 2004 against the targets set out in the RSS. The table highlights the impact of the recession on delivery over the last three years.

Table 1: Rates of Housing Delivery

	2004/05	2005/06	2006/07	2007/08	2008/09	2009/10	TOTAL
Housing							
RSS Target	640	640	640	640	850	850	4260
Delivery Rate	1160	906	798	523	451	507	4345

19. In terms of employment, job growth has been forecast at 1,113 jobs a year. The Annual Business Inquiry (ABI) from the Office of National Statistics provides data on the number of jobs in York over the past ten years as set out in the table below. This enables a comparison with the 1,113 a year forecast although it should be noted that these figures are limited to employees, for example they do not include those who are classed as self employed or partners.

Table 2: Estimate Number of Employee Jobs

Year	Employee Jobs
1999	93,350
2000	93,800
2001	102,050
2002	100,300
2003	104,170
2004	100,350
2005	99,500
2006	97,700
2007	102,000
2008	101,200

Core Strategy - Spatial Strategy

20. The draft LDF Core Strategy was published for the purpose of public consultation in Autumn 2009 and reflected the national policy position at that time. It was in conformity with the RSS and accordingly incorporated a housing requirement for York of 640 homes per annum for the period April 2004 - March 2008 and 850 homes between April 2008 - March 2026. Beyond the end date of RSS (2026), an annual rate of 850 homes per year was projected forward until the end date of the LDF (2030). Discounting for dwellings that had been completed, had consent or were part complete meant that the spatial strategy needed to direct the

location of an additional 13,442 homes by 2030 (these figures are currently being updated).

21. Whilst acknowledging that the SHLAA should identify most available sites for the short and medium term, given the timescale of the LDF (to 2030), the approach in the Core Strategy Preferred Options was to include an allowance for windfalls after fifteen years although this was at risk.
22. In terms of the levels of employment growth the LDF position was based on the City of York's Employment Land Review (2009) indicated that the total number of jobs in York would increase between 2006 – 2029 by an average of 1,113pa.
23. The approach to housing and employment led to the key diagram included as figure 1 attached. The spatial strategy included as part of the document concentrated development within the main urban area and identified key development sites in the City. In addition it also identified two potential future areas for urban extensions for housing (Areas A & B) and employment (Area C) along with land around the existing Northminster Business Park for employment (Area I).
24. The draft Core Strategy published for public consultation, within the context of national policy at that time, attempted to balance both housing and employment growth and through its policy approach create places where people want to live and work, that are safe and inclusive, well planned and built, and offer equality of opportunity and good services for all.

Consultation Responses Relating to the Spatial Strategy

25. Reports to the LDF Working Group in January and April 2010 provided Members with information that came out of the consultation. With regard to future housing and employment growth and the spatial strategy in summary the citywide questionnaire included the comments below.
 - 90% of respondents supported the key constraints used to help shape the spatial strategy relating to green infrastructure, flood risk and historic character and setting.
 - 43% of respondents felt that York's economy should grow by 1000 jobs per year and 9% by more than this amount.
 - 58% of respondents felt that we should be building less than 850 new homes a year.
 - Around 60% of respondents felt that land should not be identified in the draft green belt for housing or employment. However, if we had to identify land in the draft green belt for housing, 67% of respondents felt that Areas A and B would be most suitable. 58% of respondents believed that Area C was suitable for industrial and distribution employment, whilst 41% agreed that Area I was suitable.

York - Sub-Regional City (main urban area)
Defined by RSS and relates to the main urban area of York as the focus of employment, housing, shopping, health, leisure, business and public service



Local Service Centres
The most sustainable settlements after York itself, ensuring good access to services, employment and public transport



Villages



Small Villages



General extent of the proposed Green Belt



- 1 **York Northwest**
- 2 **Castle Piccadilly**
- 3 **Heslington East (pp)***
- 4 **Hungate (phase 1 pp)**
- 5 **Nestle South**
- 6 **Germany Beck (pp)**
- 7 **Derwenthorpe (pp)**
- 8 **Terry's**
- 9 **Laythorpe area**

*pp: planning permission granted



Potential Areas of Search

- A Monks Cross, Huntington
- B East of Metcalfe Lane, Osbaldwick
- C North of Hull Road
- I Northminster Business Park (nb existing employment allocation shown as)

- York North West Area Action Plan
- City Centre Area Action Plan

Existing/proposed new or relocated Park and Ride site*
*exact locations to be determined



Tram-train

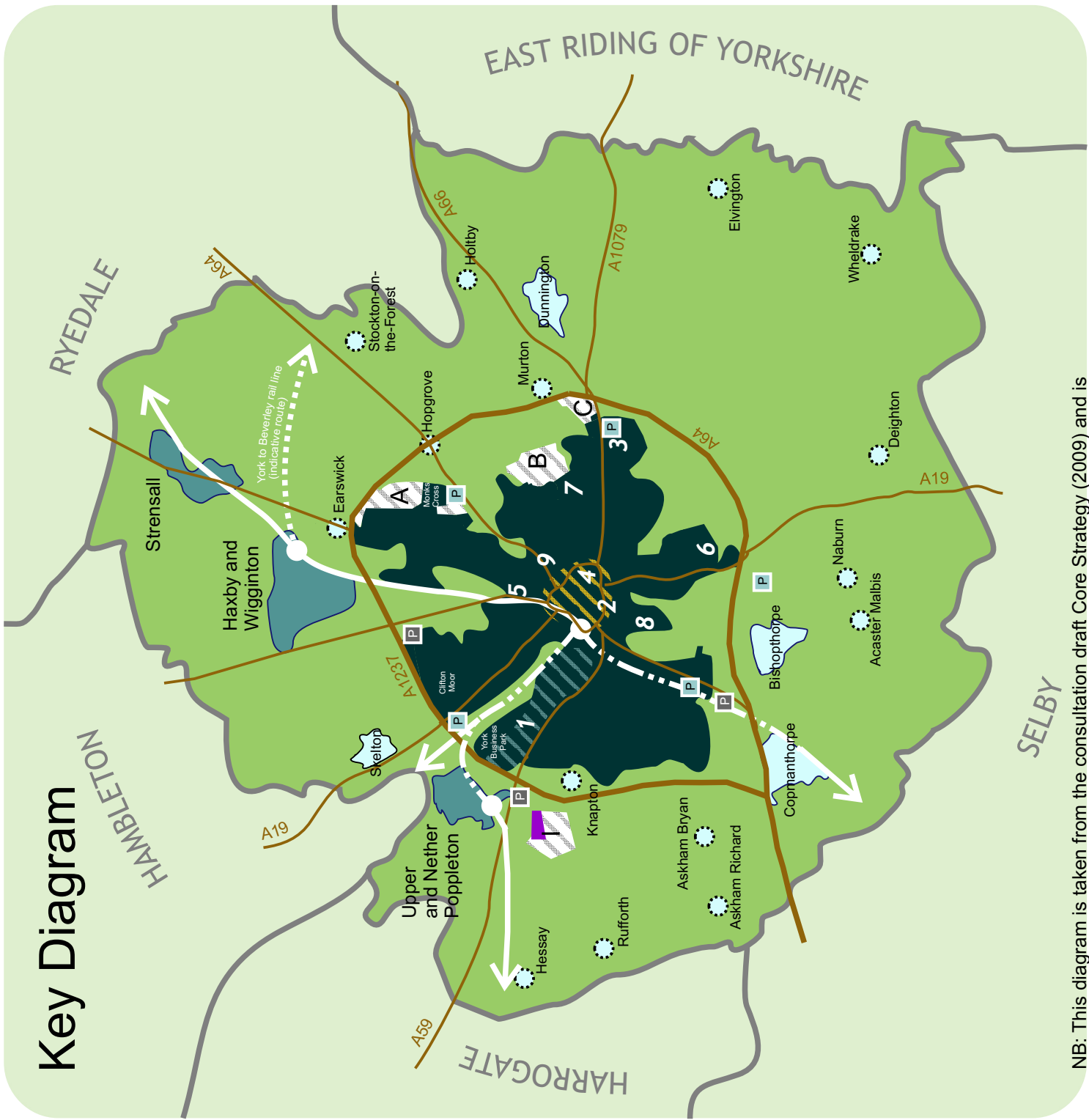


Main rail network



Main road network

Key Diagram



NB: This diagram is taken from the consultation draft Core Strategy (2009) and is based on the housing and employment figures included within that document.

- 77% of respondents agreed that we should be allowed to include a higher level of windfalls in the plan.

26. Through the other forms of consultation a variety of other issues were raised including those highlighted below.

- Concerns surrounding the levels of growth of housing, employment and retail including implications for the green belt, infrastructure implications and the environmental impact of the proposed overall approach. Although there was support for focusing growth on the main urban area.
- Comments both against and for the proposed areas of search, including issues about phasing and location and whether the outer ring road should form a constraint.
- Support for the precautionary approach to flood risk and the focus on previously developed land.
- Discussion on how to deliver the right mix and type of housing, comments both for and against the inclusion of windfalls and the need for a flexible approach to housing density.
- A recognition that YNW is essential to achieving the Core Strategy vision.

Analysis

27. In revoking RSSs the Secretary of State hands back to local planning authorities the direct responsibility for a series of policy decisions. Significant among these is the question relating to the level the council, as local planning authority, should set for its strategic housing requirement. An important aspect of the Secretary of State's announcement is the stress placed on reasonableness and the justifying of decisions.

28. The change in policy context gives rise to some key issues highlighted below in relation to the overall spatial strategy. These include:

- level of future housing & employment growth;
- the distribution of development; and
- appropriate infrastructure provision.

Level of future housing & employment growth

Issue 1: The continuing relevance of the evidence supporting the RSS housing figures for York in light of:

- response to the LDF Core Strategy Consultation indicating that a majority of respondents thought that we should be building fewer than 850 homes per year;
- the latest CLG projections for York;
- identified housing need to create a balanced housing market; and

- the impact of the recession on the level and potential phasing of housing delivery.

Issue 2: The continued use of the employment figures included within the preferred options document given the impact of the recession and the role of the Core Strategy in balancing housing and employment growth. This includes the need to recognise York's Sub Regional Economic Role and the view of 43% of respondents to consultation that York's economy should grow by 1000 jobs per year and 9% by more than this amount.

The distribution of development.

Issue 3: The future distribution of development including implications for the existing draft Green Belt within the context of:

- overall growth levels for housing and employment;
- responses to the LDF consultation document indicating that around 60% of respondents felt that land should not be identified in the draft green belt for housing or employment; and
- based on the growth levels included in the draft Core Strategy produced for consultation responses highlighted that if we had to identify land in the draft green belt for housing, 67% of respondents felt that Areas A and B would be most suitable. 58% of respondents believed that Area C was suitable for industrial and distribution employment, whilst 41% agreed that Area I was suitable.

Issue 4: The inclusion of windfalls. National guidance remains unchanged and indicates that plans should not include a set level of windfalls. The Core Strategy Preferred Options document, given the timescale of the plan (to 2030) includes an allowance for windfalls towards the latter end of the plan (after 15 years). In addition 77% of respondents agreed that we should be allowed to include a higher level of windfalls in the plan. Given the changing national context, subject to Member views, it could be appropriate to lobby Central Government directly on this issue. National guidance could be refined to allow plans to include an allowance for windfalls where there is area based evidence that, with continued economic restructuring and urban renewal, windfalls will remain an important source of new housing opportunities as part of a planned approach.

Appropriate infrastructure provision.

Issue 5: Ensuring that adequate infrastructure is provided to support future levels of sustainable growth.

Options

29. Members have two options in light of the issues raised within this report.

Option 1: Progress the LDF Core Strategy spatial strategy reconsidering the housing and employment figures used for the purposes of public consultation by testing or modifying them in light of the issues raised in paragraph 28 above.

Option 2: Request Officers to come up with an alternative approach to calculating the City's future growth.

Analysis of Options

30. Option 1: reconsidering and further testing the housing and employment figures previously included in the consultation draft Core Strategy in the light of the factors highlighted in paragraph 28 above would allow progress to be made towards an adopted Core Strategy in 2011. At the same time it would provide an opportunity to reflect local issues including whether trajectories need to be reconfigured in light of the recession, changes to the housing market and delivery.
31. Option 2 represents a more substantial review of growth assumptions and would require a sub area based approach to consider the interrelationship between York and neighbouring authorities in terms of housing, employment and travel. This would have time implications for the production of the Core Strategy and would ultimately necessitate further public consultation. A piece of work of this type would be likely to take a minimum of twelve months.

Next Steps

31. If Members wish to progress with option 1 then officers will prepare a report on the LDF Core Strategy pre-submission document for the Working Group to consider in October 2010. If option 2 is the preferred way forward then officers will undertake to develop a methodology and timetable for carrying out the required work.

Corporate Priorities

32. The Core Strategy has the potential to contribute towards the delivery of all the Corporate Priorities through its policies and actions. It will aim to make York a:
 - Sustainable City
 - Thriving City
 - Safer City
 - Learning City
 - Inclusive City
 - City of Culture
 - Healthy City

Implications

33. The following implications have been assessed:

- **Financial** – None
- **Human Resources (HR)** - None
- **Equalities** - None
- **Legal** - None
- **Crime and Disorder** - None
- **Information Technology (IT)** - None
- **Property** - None
- **Other** - None

Risk Management

34. In compliance with the Council’s Risk Management Strategy, there are no risks associated with the recommendations of this report.

Recommendations

35. That Members:

- i) request officers to produce a report for the LDF Working Group in October in line with option 1 outlined in paragraph 29 of this report; and
- ii) request officers to press government to refine the national guidance on windfalls as outlined under issue 4, paragraph 28 of this report.

Reason: To help progress the LDF Core Strategy to its next stage of development.

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**Report
Approved**



Date 27/08/10

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

All

For further information please contact the author of the report

Annexes

- Annex 1: CLG correspondence on revocation of RSS

The Chief Planning Officer
Local Planning Authorities in England

6 July 2010

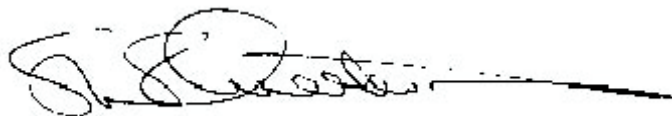
Chief Planning Officer Letter:

REVOCATION OF REGIONAL STRATEGIES

Today the Secretary of State announced the revocation of Regional Strategies with immediate effect.

I have attached some 'questions and answer' advice on immediate issues that may arise from this announcement. It will be important for local planning authorities to carry on delivering local development frameworks and making decisions on applications and the attached document focuses on how to continue taking these forward.

Please address any queries to Eamon Mythen at CLG in the first instance (Eamon.Mythen@communities.gsi.gov.uk).



STEVE QUARTERMAIN
Chief Planner

Guidance for Local Planning Authorities following the revocation of Regional Strategies

The Secretary of State for Communities and Local Government confirmed today that Regional Strategies will be revoked (see the attached copy of the Parliamentary Written Statement). In the longer term the legal basis for Regional Strategies will be abolished through the “Localism Bill” that we are introducing in the current Parliamentary session. New ways for local authorities to address strategic planning and infrastructure issues based on cooperation will be introduced. This guidance provides some clarification on the impact of the revocation; how local planning authorities can continue to bring forward their Local Development Frameworks (LDFs); and make planning decisions in the transitional period.

1. Under what powers are Regional Strategies being revoked?

Regional Strategies have been revoked under s79(6) of the Local Democracy Economic Development and Construction Act 2009 and no longer form part of the development plan for the purposes of s38(6) of the Planning and Compulsory Purchase Act 2004. This guidance covers the period between revocation of Regional Strategies and legislation to abolish them altogether.

2. Do Planning Policy Statements (PPSs) remain in force?

Yes. The Policy Statement on Regional Strategies (February 2010) is cancelled, and references to Regional Strategies in other Policy Statements are no longer valid. But all other PPSs will continue to apply until they are replaced by the National Planning Framework.

3. Will this affect the London Plan?

The London Plan will continue to provide the planning framework for London boroughs. As part of a wider process of decentralisation in London, we are reviewing how powers and discretion can be shifted downwards from central government to the Mayor and Assembly, to London Boroughs and to local neighbourhoods. This will include reviewing the scope for devolving power from the Greater London Authority down to the Boroughs and below.

The following sections provide advice on some of the issues likely to arise following revocation of Regional Strategies, until the “Localism Bill” and the new National Planning Framework are in place. This guidance should be regarded as a material consideration by local planning authorities and the Planning Inspectorate in their decisions.

4. How will this affect planning applications?

In determining planning applications local planning authorities must continue to have regard to the development plan. This will now consist only of:

- Adopted DPDs;

- Saved policies; and
- Any old style plans that have not lapsed.

Local planning authorities should also have regard to other material considerations, including national policy. Evidence that informed the preparation of the revoked Regional Strategies may also be a material consideration, depending on the facts of the case.

Where local planning authorities have not yet issued decisions on planning applications in the pipeline, they may wish to review those decisions in light of the new freedoms following the revocation of Regional Strategies. The revocation of the Regional Strategy may also be a material consideration.

5. Should we continue preparing LDF documents?

Yes – the revocation of Regional Strategies is not a signal for local authorities to stop making plans for their area.

Local planning authorities should continue to develop LDF core strategies and other DPDs, reflecting local people's aspirations and decisions on important issues such as climate change, housing and economic development.

These local plans will guide development in their areas and provide certainty for investors and communities. Local authorities may wish to review their plans following the revocation of Regional Strategies. We recommend reviews should be undertaken as quickly as possible.

6. How does this affect adopted local plans / LDFs?

Adopted DPDs and saved policies will continue to provide the statutory planning framework. Local authorities may decide to review these now that Regional Strategies have been revoked. There is no need to review the whole LDF, only those issues or policies which local authorities wish to revisit. When undertaking consultation and sustainability appraisal on their draft policies, authorities should take an approach that considers the stage reached, the extent of work already undertaken and the scope of the policy changes they are making.

7. What if my LDF document is still being prepared?

Where local planning authorities are currently bringing forward development plan documents they should continue to do so. Authorities may decide to review and/or revise their emerging policies in the light of the revocation of Regional Strategies. Where authorities decide to do this they will need to ensure they meet the requirements for soundness under the current legislation. When undertaking consultation and sustainability appraisal on their draft policies, authorities should take an approach that considers the stage reached, the extent of work already undertaken and the scope of the policy changes they are making.

8. Will Examinations in Public continue for DPDs?

Yes – where local planning authorities are bringing forward new development plan documents or reviewing adopted plans they should present evidence to support their plans. The examination process will continue to assess the soundness of plans, and Inspectors will test evidence put forward by local authorities and others who make representations.

9. Will data and research currently held by Regional Local Authority Leaders' Boards still be available?

Yes. The regional planning function of Regional LA Leaders' Boards – the previous Regional Assemblies – is being wound up and their central government funding will end after September this year. The planning data and research they currently hold will still be available to local authorities for the preparation of their local plans whilst they put their own alternative arrangements in place for the collection and analysis of evidence. Notwithstanding, the new Government regards the Regional Leaders' Boards as an unnecessary tier of bureaucracy.

Clarification on policy issues

There are a number of areas where Regional Strategies supplemented the national policy framework. Further clarification on these areas is set out below.

10. Who will determine housing numbers in the absence of Regional Strategy targets?

Local planning authorities will be responsible for establishing the right level of local housing provision in their area, and identifying a long term supply of housing land without the burden of regional housing targets. Some authorities may decide to retain their existing housing targets that were set out in the revoked Regional Strategies. Others may decide to review their housing targets. We would expect that those authorities should quickly signal their intention to undertake an early review so that communities and land owners know where they stand.

11. Will we still need to justify the housing numbers in our plans?

Yes – it is important for the planning process to be transparent, and for people to be able to understand why decisions have been taken. Local authorities should continue to collect and use reliable information to justify their housing supply policies and defend them during the LDF examination process. They should do this in line with current policy in PPS3.

12. Can I replace Regional Strategy targets with “option 1 numbers”?

Yes, if that is the right thing to do for your area. Authorities may base revised housing targets on the level of provision submitted to the original Regional Spatial Strategy examination (Option 1 targets), supplemented by more recent information as appropriate. These figures are based on assessments undertaken by local authorities. However, any target selected may be tested during the examination process especially if challenged and authorities will need to be ready to defend them.

13. Do we still have to provide a 5 year land supply?

Yes. Although the overall ambition for housing growth may change, authorities should continue to identify enough viable land in their DPDs to meet that growth. Strategic Housing Market Assessments and Strategic Housing Land Availability Assessments can help with this. Local planning authorities should continue to use their plans to identify sufficient sites and broad areas for development to deliver their housing ambitions for at least 15 years from the date the plan is adopted. Authorities should also have a five year land supply of deliverable sites. This too will need to reflect any changes to the overall local housing ambition.

14. How do we determine the level of provision for travellers' sites?

Local councils are best placed to assess the needs of travellers. The abolition of Regional Strategies means that local authorities will be responsible for determining the right level of site provision, reflecting local need and historic demand, and for bringing forward land in DPDs. They should continue to do this in line with current policy. *Gypsy and Traveller Accommodation Assessments* (GTAAs) have been undertaken by all local authorities and if local authorities decide to review the levels of provision these assessments will form a good starting point. However, local authorities are not bound by them. We will review relevant regulations and guidance on this matter in due course.

15. How do we establish the need for minerals and aggregates supply without Regional Strategy targets?

Minerals planning authorities will have responsibility for continuing to plan for a steady and adequate supply of aggregate minerals to support economic growth. They should do this within the longstanding arrangements for minerals planning. Technical advice provided by the Aggregate Working Parties, including their current work in sub-apportioning the CLG guidelines for 2005-2020 to planning authority level will assist with this.

Planning authorities in the South East should work from the apportionment set out in the "Proposed Changes" to the revision of Policy M3, published on 19 March 2010.

Planning authorities can choose to use alternative figures for their planning purposes if they have new or different information and a robust evidence base. We will work with the minerals industry and local government to agree how minerals planning arrangements should operate in the longer term.

16. How do we establish the need for waste management without Regional Strategy targets?

Planning Authorities should continue to press ahead with their waste plans, and provide enough land for waste management facilities to support the sustainable management of waste (including the move away from disposal of waste by landfill). Data and information prepared by partners will continue to assist in this process. For the transitional period this will continue to be the data and information which has been collated by the local authority and industry and other public bodies who

currently form the Regional Waste Technical Advisory Bodies. We intend for this function to be transferred to local authorities in due course.

17. Does the abolition of the hierarchy of strategic centres mean the end of policies on town centres?

No. Local authorities must continue to have regard to PPS 4: *Planning for Sustainable Economic Growth* in preparing LDFs and, where relevant, take it into account in determining planning applications for retail, leisure and other main town centre uses.

In assessing any planning applications proposing unplanned growth in out of town shopping centres, particularly those over 50,000 sqm gross retail floor area, local authorities should take account of the potential impacts of the development on centres in the catchment area of the proposal.

18. What about regional policies on the natural environment?

Local authorities should continue to work together, and with communities, on conservation, restoration and enhancement of the natural environment – including biodiversity, geo-diversity and landscape interests. Authorities should continue to draw on available information, including data from partners, to address cross boundary issues such as the provision of green infrastructure and wildlife corridors.

19. What about regional policies on Flooding and Coastal Change?

Local authorities should continue to work together across administrative boundaries to plan development that addresses flooding and coastal change. For flooding matters local authorities already have a duty to co-operate under the Floods and Water Management Act. The Environment Agency will continue to work with local authorities individually and/or jointly to provide technical support on these matters. The Coalition agreement is clear that we should prevent unnecessary building in areas of high flood risk.

20. What about regional policies on Renewable and Low Carbon Energy?

Through their local plans, authorities should contribute to the move to a low carbon economy, cut greenhouse gas emissions, help secure more renewable and low carbon energy to meet national targets, and to adapt to the impacts arising from climate change. In doing so, planning authorities may find it useful to draw on data that was collected by the Regional Local Authority Leaders' Boards (which will be made available) and more recent work, including assessments of the potential for renewable and low carbon energy.

21. What about regional policies on Transport?

Local authorities should continue to ensure their land use and local transport plans are mutually consistent, and deliver the most effective and sustainable development for their area. Local authorities should work with each other and with businesses and communities to consider strategic transport priorities and cross boundary issues.

22. Does the end of Regional Strategies mean changes to Green Belt?

No. The Government is committed to the protection of the Green Belt and the revocation of Regional Strategies will prevent top-down pressure to reduce the Green Belt protection. Local planning authorities should continue to apply policies in PPS2. As part of their preparation or revision of DPDs, planning authorities should consider the desirability of new Green Belt or adjustment of an existing Green Belt boundary, working with other local planning authorities as appropriate.

Parliamentary Statement Revoking Regional Strategies

Today I am making the first step to deliver our commitment in the coalition agreement to “*rapidly abolish Regional Spatial Strategies and return decision-making powers on housing and planning to local councils*”, by revoking Regional Strategies.

Regional Strategies added unnecessary bureaucracy to the planning system. They were a failure. They were expensive and time-consuming. They alienated people, pitting them against development instead of encouraging people to build in their local area.

The revocation of Regional Strategies will make local spatial plans, drawn up in conformity with national policy, the basis for local planning decisions. The new planning system will be clear, efficient and will put greater power in the hands of local people, rather than regional bodies.

Imposed central targets will be replaced with powerful incentives so that people see the benefits of building. The coalition agreement makes a clear commitment to providing local authorities with real incentives to build new homes. I can confirm that this will ensure that those local authorities which take action now to consent and support the construction of new homes will receive direct and substantial benefit from their actions. Because we are committed to housing growth, introducing these incentives will be a priority and we aim to do so early in the spending review period. We will consult on the detail of this later this year. These incentives will encourage local authorities and communities to increase their aspirations for housing and economic growth, and to deliver sustainable development in a way that allows them to control the way in which their villages, towns and cities change. Our revisions to the planning system will also support renewable energy and a low carbon economy.

The abolition of Regional Strategies will provide a clear signal of the importance attached to the development and application of local spatial plans, in the form of Local Development Framework Core Strategies and other Development Plan Documents. Future reform in this area will make it easier for local councils, working with their communities, to agree and amend local plans in a way that maximises the involvement of neighbourhoods.

The abolition of Regional Strategies will require legislation in the “Localism Bill” which we are introducing this session. However, given the clear coalition commitment, it is important to avoid a period of uncertainty over planning policy, until the legislation is enacted. So I am revoking Regional Strategies today in order to give clarity to builders, developers and planners.

Regional Strategies are being revoked under s79(6) of the Local Democracy Economic Development and Construction Act 2009 and will thus no longer form part of the development plan for the purposes of s38(6) of the Planning and Compulsory Purchase Act 2004.

Revoking, and then abolishing, Regional Strategies will mean that the planning system is simpler, more efficient and easier for people to understand. It will be firmly

rooted in the local community. And it will encourage the investment, economic growth and housing that Britain needs.

We will be providing advice for local planning authorities today and a copy has been placed in the house library.

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