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MEETING	LOCAL DEVELOPMENT FRAMEWORK WORKING GROUP
DATE	10 JANUARY 2011
PRESENT	COUNCILLORS STEVE GALLOWAY (CHAIR), MERRETT (VICE-CHAIR), POTTER, D'AGORNE, AYRE, REID, SIMPSON-LAING AND WATT

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## **28. 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. Councillor Potter declared a personal non-prejudicial interest in agenda item 4 "Houses in Multiple Occupation and Article 4 Direction", as a resident in an area with high levels of student housing.

## **29. MINUTES**

RESOLVED: That the minutes of the LDF Working Group meeting held on 13 December 2010 be agreed as a correct record.

## **30. PUBLIC PARTICIPATION/OTHER SPEAKERS**

It was reported that there had been 5 registrations to speak in relation to item 4, Houses in Multiple Occupation (HMOs).

Caleb Wooding, a representative of the Green Party and a Student based in York advised the Working Group that the Council needs to develop a strategy to provide housing for all. The University is expanding and that 2<sup>nd</sup> and 3<sup>rd</sup> year students require privately rented accommodation. He suggested the following:

- Improve transport links to the University to all areas of the City and Students would be able to spread out into other areas.
- Private sector accommodation is welcoming for students rather than living in University accommodation.
- A policy that could assist is a lodger scheme that offers a 25% discount on Council tax to take in a student lodger.
- He welcomes further research into the matter.

Mark Warters representing Osbaldwick Parish Council asked Members whether they felt the existing housing stock in York is worthy of protection from being developed into HMOs. In reference to paragraph 24 of the Officers report, he pointed out that other Local Authorities had brought in

measures to bring HMOs under planning controls and asked that York does the same. He felt that there is no need for further consultation and urged Members to progress the matter now rather than waiting until a later date.

Neil McTurk representing York Residential Landlords Association advised that the strength of feeling amongst landlords was apparent from the high numbers in attendance at the meeting. He felt that not all stakeholders affected by the proposals had been consulted. He queried whether the HMOs situation in York is bad enough to warrant article 4 direction. He suggested that Officers already have sufficient powers to tackle HMOs using planning controls and that HMOs are not just lived in by students, but professionals and low income tenants that also require this sort of housing. The Officers report finds no adverse effect on the schools in the areas with higher numbers of HMOs and asked Members if they wanted a high quality rental sector or a retraction.

John Nixon representing Badger Hill Residents Community Group advised that the problem in Badger Hill is that houses are being converted at an alarming rate. The HMOs in the area have between 4 and 10 occupants and are often next to the homes of elderly people. He welcomed the article 4 direction for the Badger Hill area and feels it should also be applicable in other areas of York. He referred Members to page 62 of the agenda which contained comments submitted by the residents group including the fact that many residents are considering moving from the area.

Councillor Morley, Ward Councillor for Osbaldwick thanked Officers for their engagement with communities. He advised that areas of concentration of HMOs are developing, particularly in the East of the City and he welcomed the direction of the report. He felt that immediate article 4 direction would be too risky and recommended a years notice period.

### **31. HOUSES IN MULTIPLE OCCUPATION AND ARTICLE 4 DIRECTIONS.**

Members received a report that followed on from a paper that had been considered by the Working Group at their meeting on 6 September 2010. The report provided an update of work undertaken in exploring a planning response to the issue of Houses in Multiple Occupation (HMOs), including the possibility of Article 4 Directions being used. The report provided a summary of work undertaken since 6 September 2010.

Officers updated that they had received 29 emails from landlords, the majority of which stated that the Council already has enough powers to tackle HMO's, that further consultation is required and that members need to consider the role of HMOs in the City and that there is a danger York will be considered to be anti-student.

The report followed on from the 6<sup>th</sup> September 2010 report and covered the following:

- An update on revised government guidance published on 5<sup>th</sup> November 2010.
- Information on other Local Authority approaches to implementing Article 4 Directions, such as Manchester.
- Work undertaken on developing an evidence base exploring the spatial extent and concentrations of student housing, quantitative research on crime and housing statistics and qualitative research comprising of street surveys and contact with residents including the Badger Hill Residents Community Group and Osbaldwick.
- Guidance from legal services on the appropriateness of implementing an article 4 direction.

The Chair confirmed the following:

- That Article 4 Direction is not retrospective and that if a dwelling is a HMO already, it would not be affected. Officers confirmed that this is correct.
- That the Working Group could not make a decision on this issue only a recommendation to the Councils executive.

Members made the following comments:

- The maps produced by Officers show the scale and impact of HMOs on the housing map of the city and that certain Members had in the past suggested setting a policy to ensure that the Universities seek to provide accommodation for their students. Such a policy had not been adopted and some Members had voted against the York University planning application as it had not demonstrated how it would assist in meeting the increased demand for student housing.
- A Member moved to adopt Option 2 and to advertise the making of an article 4 direction. 12 months notice should be given and the whole main urban area as outlined on the Officers housing map should be included. This was seconded.
- Extend the consultation where further information would be useful, especially in respect of the impact on schools.
- Some Members had visited Headingley which has a high level of HMOs. Although York is not on the same level, adopting article 4 direction would be a precautionary approach to stop the same problems occurring.
- Low level and ongoing problems associated with HMOs that concern local residents.
- Members acknowledged that there are planning controls available to tackle HMOs but the article 4 direction would offer the Council more say over how many and the location.
- Officers need to ensure all relevant groups are included in any future consultation.
- Members are not anti-student or landlord, but recognise the need to help residents and get the balance right.

The Chair advised that the housing map is the result of a period of time and build of HMOs. Recommending an article 4 direction is the easy part and the next step will be the working group and the planning committees deciding what thresh hold to apply. It is prudent to consult with all relevant groups over the next 12 months and work towards deciding a thresh hold.

Members considered the following options:

- Option 1: Await the outcomes from the focus group and student survey before considering making an Article 4 Direction to remove permitted development rights for changes from Class C3 (dwellinghouse) to Class C4 (HMOs).
- Option 2: Progress with implementing a city wide Article 4 Direction, that covers the main urban area, as soon as possible to remove permitted development rights for changes from Class C3 (dwellinghouse) to Class C4 (HMOs).
- Option 3: Progress with implementing a more limited, area specific Article 4 Direction as soon possible, to remove permitted development rights for changes from Class C3 (dwellinghouse) to Class C4 (HMOs).
- Option 4: An alternative approach as directed by Members of the LDF Working Group.

- RESOLVED: (i) That it be recommended to the Executive that Option 2 be approved.
- (ii) That Officers continue to work with the Stakeholders identified in the report, as well as Landlord representatives, with a view to establishing detailed planning guidance which can be applied when the Directive is implemented and also to consider additional ways of mitigating the effects that concentrations of short term let properties might have on local neighbourhoods.

REASON: To enable the Council to manage the spread of HMOs.

## **32. BIODIVERSITY AUDIT.**

Members received a report that presented the Biodiversity Audit Report. The audit identified species and habitats which were of UK or local conservation concern and provided baseline information on which to prioritise further action. Habitat action plans would be developed as part of the Biodiversity action for the priority habitats and sites identified and they would include specific targets and proposals for action.

Members considered the following options:

- Option 1: To recommend to the Executive that the Biodiversity Audit be approved for publication as part of the Local Development Framework evidence base; or
- Option 2: To request further work from officers.

Officers went through the key issues in the Biodiversity Audit Report and responded to Members' questions in respect of specific Sites of Importance for Nature Conservation (SINC).

The following written representation was noted:

- Letter from Atkins Limited dated 7 January 2011 in respect of British Sugar SINC designation
- Letter from Colliers International dated 23 December 2010 on behalf of KeyLand Developments Ltd in respect of SINC Citation Site 35, Severus Hill Water Reservoir

Officers were thanked for the work that had been carried out to produce the comprehensive audit.

- RESOLVED: (i) That it be recommended to the Executive that the Biodiversity Audit be approved for publication as part of the Local Development Framework evidence base.
- (ii) That it be recommended to the Executive that the list of sites identified in Appendix 1 of the report be approved for formal recognition as Sites of Importance for Nature Conservation (SINC) subject to the two sites listed above (British Sugar and Severus Hill) being retained on the Candidate SINC list until the representations have been considered.
- (iii) That the written representation received be referred to the North Yorkshire SINC Panel and be given further consideration by the LDFWG in due course.

- REASONS: (i) So that the Biodiversity Audit can be used as part of the Local Development Framework evidence base and to avoid delays to the Core Strategy production.
- (ii) So that the sites identified as SINC's can be used in considering allocations made within the LDF and on any planning applications that may impact upon them.
- (iii) In accordance with the procedures that have been established to provide an objective, consistent and defensible designation system for wildlife sites.

Cllr S F Galloway, Chair

[The meeting started at 5.30 pm and finished at 7.00 pm].