

Meeting	Local Plan Working
Date	29 January 2015
Present	Councillors Merrett (Chair), Ayre, Barnes, D'Agorne, Funnell, Healey, Horton, Orrell (Substitute), Simpson-Laing, Steward (Vice-Chair) and Warters
Apologies	Councillors Reid

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## 17. **Declarations of Interest**

Members were asked to declare any personal interests not included on the Register of Interests, any prejudicial interests or any disclosable pecuniary interests which they may have in respect of business on the agenda.

Councillor D'Agorne declared a personal non prejudicial interest as a member of York Environment Forum.

Councillor Healey declared a personal non prejudicial interest as a member of York Environment Forum.

Councillor Merrett declared personal non prejudicial interest as a member of York Environment Forum.

## 18. **Minutes**

Resolved: That the minutes of the Local Plan Working Group held on 17 December 2014 be approved and signed by the Chair as a correct record, subject to the following amendment:

Councillor Warters requested that his comment that 78% of overall growth in York's population during the period 2013 to 2037 is a result of net international migration be included in the minutes.

## 19. Public Participation

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

There had been five registrations to speak on the agenda items as follows:

Mr Parish had registered to speak on behalf of Strensall Parish Council. He advised that he was in attendance to answer any questions and to thank Officers for their hard work on the Strensall and Towthorpe Village Design Statement documents. The Parish Council had raised the money to have the document published and the document attached to the agenda was a draft and a visually higher quality final document would be produced in due course. The Chair thanked Mr. Parish and those working on other design statements for their involvement.

Philip Crowe spoke on behalf of York Environment Forum in relation to safeguarded sites. He advised that community groups do not wish to see development on safeguarded sites and suggested that developers must include sufficient infrastructure within the allocations to deal with the adjoining safeguarded sites as there is a need to ensure that the safeguarded sites are sustainable. He suggested that the Council may wish to consider Option 3 to revisit the proposed allocations, to impose higher densities and to replace a number of safeguarded sites. He closed his submission by posing a question to Members - does York want growth at any price?

Alan Charlesworth spoke to raise concerns, that in his view, a decision on safeguarded land was being made on incomplete information. He referred to the legal opinion sought in July 2014 by community groups and the fact that the opinion of that Counsel had been reiterated to Members in an open letter. He considered that Mr Hobson QC had advised on a narrow set of assumptions, with no assessment of need and had not been supplied with the specifics of safeguarding. He suggested that the Earswick site had been singled out for distinct treatment as the only safeguarded sites where concerns over access and sustainability had been raised, that it could be brought forward in years 1-15 of the Plan and was therefore a 'back-door' allocation. It was his contention that all safeguarded sites should be removed from draft Local Plan.

Tony Fisher spoke to advise that he was pleased that the Council was taking the time to re-draft and reconsider the Local Plan. He referred to community groups own consultations and recommended further sensitivity testing for housing need and the opinion on backlog and shortfall. He advised that groups were awaiting the new Communities and Local Government figures before making a challenge to the housing need figures. He called into question the robustness of the plan and asked the council to suspend drafting to allow for further work to be carried out. He advised that he was representing residents through the York Alliance who are willing to work with the council to ensure a proper draft.

Julian Sturdy MP had registered to speak on firstly the Village Design Statements. He commended the volunteers that had worked on the VDS in Strensall and Towthorpe and in Wheldrake but also for the work on the Neighbourhood Plans that are also coming forward. He referred to the safeguarded land issue and the impact safeguarded land has on rural communities. He considered that the wording is confusing and it should be named 'reserved land' but that this was an issues for Government to resolve. He referred to discussions in Parliament and that Ministers have reiterated that there is nothing in government planning policy that would require planning past 15 years. He felt that there was no willingness in York to protect the rural setting. He asked Members to re-think the issue of safeguarded land.

**20. Wheldrake Village Design Statement/Supplementary Planning Document**

Members considered a report which presented a summary of the responses received following a consultation on Wheldrake Village Design Statement (VDS). A number of amendments were proposed as a result of the consultation. Subject to Members' views, it was intended that the amended document became draft Supplementary Planning Document (SPD) to the emerging Local Plan. The document would thus be a material planning consideration when considering applications for development within the designated Village Design Statement area.

Officers outlined both of the reports for the Wheldrake and the Strensall and Towthorpe VDS and advised that both draft VDS went to consultation in summer 2014. Responses to the consultation were outlined in annex B of the report. As a result of the consultation a number of amendments had now been made and the final VDS were being presented to Members.

Officers asked Members to note that the whist the textual element of the documents was complete and being presented for Members consideration, the visual design of the documents would be completed at a later stage. Officers also wished to record thanks to the groups who had worked in conjunction with the Council to produce the documents.

Members noted the work ongoing in the city on VDS but also on Neighbourhood Plan documents and welcomed such work. Some Members queried the weight which can be afforded to these documents when they are used at Planning Committees. Officers confirmed the plans are material planning considerations and should be considered accordingly.

The Chair also thanked the groups involved in producing the document.

Recommended: That, in accordance with Option 1, Cabinet be recommended to:

- (i) Approve Wheldrake Village Design Statement, as attached at Annex A of the report, as a draft Supplementary Planning Document to the emerging Local Plan.
- (ii) Delegate to the Director of City of Environmental Services in consultation with the Cabinet Member, the making of any incidental changes to the Village Design Statement as a result of the recommendations of Cabinet.
- (iii) Delegate to the Village Design Statement group and officer the final graphic design.

Reasons: (i) Wheldrake Village Design Statement follows in the footsteps of other previous examples that have been agreed; observing the general

guidance and principles required in their production, whilst successfully defining the individual qualities of the villages and bringing forward appropriate Design Guidelines.

- (ii) So that changes recommended as a result of discussions at this meeting can be made, in liaison with the Village Design Statement group.
- (iii) To allow changes to the final graphics/layout as required e.g. improved photo quality, or number of pages to meet print specifications.

**21. Strensall with Towthorpe Village Design Statement/Supplementary Planning Document**

Members considered a report which presented a summary of the responses received following a consultation on Strensall with Towthorpe Village Design Statement (VDS). A number of amendments were proposed as a result of the consultation. Subject to Members' views, it was intended that the amended document became draft Supplementary Planning Document (SPD) to the emerging Local Plan. The document would thus be a material planning consideration when considering applications for development within the designated Village Design Statement area.

Recommended: That, in accordance with Option 1, Cabinet be recommended to:

- (i) Approve Strensall with Towthorpe Village Design Statement, as attached at Annex A of the report, as a draft Supplementary Planning Document to the emerging Local Plan.
- (ii) Delegate to the Director of City and Environmental Services in consultation with the Cabinet Member the making of any incidental changes to the Village Design Statement as a result of the recommendations of Cabinet.

- (iii) Delegate to the Village Design Statement group and officer the final graphic design.

- Reasons:
- (i) Strensall with Towthorpe Village Design Statement follows in the footsteps of other previous examples that have been agreed; observing the general guidance and principles required in their production, whilst successfully defining the individual qualities of the villages and bringing forward appropriate Design Guidelines.
  - (ii) So that changes recommended as a result of discussions at this meeting can be made, in liaison with the Village Design Statement group.
  - (iii) To allow changes to the final graphics/layout as required e.g. improved photo quality, or number of pages to meet print specifications.

## **22. Changes to Affordable Housing National Planning Guidance**

Members considered a report that provided an update on new National Planning Policy Guidance that related to affordable housing.

Officers outlined the report to advise that councils can no longer seek financial contributions on small rural sites. We have managed to secure contributions on smaller sites between 2 and 10 dwellings but will no longer be able to. The changes will be taken through to Local Plan policy and be applied.

Members questioned a number of points:

- Page 209 of the agenda annex 14 – A member queried how the commuted payment been calculated. Officers explained it is the difference between the average York property price and the fixed RSL price.
- Whether it is the Council that sets the percentage target. It was confirmed that it is.

A member commented that Leaders of District and county councils in North Yorkshire are in disagreement with the

changes as it means there will be no affordable houses in rural settings which will have an impact for families and services such as schools in rural areas.

Resolved: That the changes to the new national planning policy guidance and the consequent reduction in the supply of affordable housing and Section 106 contributions be noted.

Reason: To keep the Local Plan Working Group informed of new guidance.

### **23. City of York Local Plan - Safeguarded Land**

Members considered a report which provided further information on the role of safeguarded land and the reasons for the draft Local Plan including such a designation for some sites. It made reference to a legal opinion sought from John Hobson QC on how the Local Plan should address this matter. Both the instructions to Counsel and the legal opinion on the matter were included as Annex A and Annex B to the report.

The Director of City and Environmental Services spoke to inform Members of some of the key points as follows:

- The aim of the report was to set out the principle of safeguarding land. The report did not look at specifics of land supply or comment on specific sites.
- Ministerial views are not the same as policy. The Department for Communities and Local Government (DCLG) have advised the Council to go by written guidance and case law. As York is unique due to its Green Belt status, it is not the case that the Council can simply look at policy hence seeking a Counsels advice.
- Members were reminded that the Monitoring Officers' advice or those individuals instructed by him, is the only legal advice which should be considered by Members. Other legal opinions are not a legal opinion to the Council.
- The question put to the Counsel was about the matter of policy and not about specific sites.

In response to some of the comments made by the public speakers, the Head of Planning and Environmental

Management spoke to emphasise that further reports on housing need would be coming back to the Local Plan Working Group once new figures were available from the DCLG. Reports would also be brought concerning land supply for consideration and debate. In relation to safeguarded land Officers wanted to test the permanence issue of Green Belt with a QC to take a view and to consider the role of safeguarded land in achieving that permanence. If there is a need for permanence how do we go about setting green belt boundaries. QC provided advice as outlined in the report.

Members referred to the legal advice sought by local interest groups and whether it was appropriate for Members to ignore alternative views. Officers advised that whilst Members were entitled to consider alternative views or request Officers to look at other views, the advice as given earlier in the meeting remained the same in that the only legal advice to Members is that of the monitoring officer or of those instructed by him.

Members then questioned a number of points as follows:

- Whether the evidence supplied to the Counsel on which he based his views was correct. Officers confirmed it was correct.
- Confirmation that other Local Authorities without a Local Plan in place are seeing high numbers of planning applications coming forward. Officers confirmed they are aware that this is happening elsewhere in country.
- The question of Windfall sites and if they should be taken into account and the basis on which the Council have to consider them or not consider them. Officers confirmed that issues of housing supply including the consideration of windfalls will be covered in a future report to the LPWG.

Following further lengthy discussion a Member suggested deferral to enable Officers to further consider the submissions by the community group. Other Members argued that the advice being provided within the report should be accepted by Members and any further delay to the Local Plan is unacceptable.

It was moved and seconded to defer a decision on the principle of safeguarded land. When put to the vote this motion was lost.

It was then moved and seconded to approve option one. When put to the vote this motion was carried.

Recommended: That Cabinet be recommended to agree Option 1 to the report to include safeguarded land designations in the Plan to ensure that the Green Belt will endure for a minimum of ten years beyond the end of the Plan period.

Reason: So that a National Planning Policy Framework (NPPF) compliant Local Plan can be progressed.

Cllr D, Merrett Chair

[The Meeting Started At 5.00 pm And Finished At 7.25 pm].

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