

Annex A:

City of York

Planning Policy Housing Delivery Action Plan

November 2021

1) Introduction

- 1.1 This document, the City of York Planning Policy Housing Delivery Action Plan (HDAP), has been prepared by the council in response to the Government's introduction of the Housing Delivery Test (HDT) in November 2018.
- 1.2 The HDT for the City of York identifies that the council has delivered 83.7% of the net housing requirement (need). The net housing requirement figure is not the housing figure in the emerging Local Plan, but a figure arrived at by the Government's application of the 'standard methodology' introduced in the 2018 National Planning Policy Framework (NPPF).
- 1.3 As a consequence of not delivering 95% of the housing requirement, an action plan (this document) is necessary.
- 1.4 As a consequence of not delivering 85% of the housing requirement, the council will also need to apply a 20% buffer on its five year housing land supply. This is applied as a default to the council's five housing land supply.
- 1.5 This document is the council's first Planning Policy HDAP and has been prepared with input from key stakeholders from across the council. The Action Plan will be embedded in the work of the council across all relevant teams. It should be noted that the Action Plan is necessarily limited to the areas of work the council has the ability to influence.
- 1.6 Section 7 of this report, the Action Plan, provides a proportionate approach to working towards increasing housing completions in the City of York Area. It does not advocate a fundamental shift as the degree to which the council have not delivered against this newly introduced HDT target needs to be considered in light of the data and trends within this report and its annexes which show that between 2011/12 and 2020/21 housing completions in York have shown a steady increase. As such the approach that has been taken seeks to accentuate the existing work of the authority to increase housing delivery to meet local need.
- 1.7 The City of York Council will update the HDAP annually following the publication of the HDT data and will review implementation of actions and amend the plan as necessary. This will provide insight into the approach the council have taken in the Action Plan.
- 1.8 A HDAP should consider the root causes of under delivery and identify the actions that the respective authorities will undertake to help increase housing delivery in future years. The scope and nature of an action plan is not fully prescribed by national policy or guidance. The approach taken must relate to local circumstances and needs. To this end, this document reflects best practice and discusses the following:

- What is the Housing Delivery Test?
- What does the Housing Delivery Test mean for the City of York?
- The council's approach to housing delivery
- An overview of historic delivery in the City
- Understanding the key issues and barriers
- The Action Plan

1.9 Evidence base used to inform this work includes:

- Annual Housing Monitoring Updates¹.
- Strategic Housing Land Availability Assessment: Housing Supply and Trajectory Update April 2021² (EX CYC 56)
- Housing Needs Update September 2020 (EX CYC 43a)

2) What is the Housing Delivery Test?

2.1 The aim of the HDT is to encourage local planning authorities to boost housing supply and is a means of monitoring housing delivery locally. This is achieved through measuring the net additional supply of new homes against the homes required. Performance results of each Local Planning Authority (LPA) in England are due to be published in November each year.

2.2 The methodology for calculating the HDT measurement is set out in the Housing Delivery Test Measurement Rule Book³. This rule book uses the 'standard method' formula to identify the net housing requirement. This addresses projected household growth and historic under-supply. The HDT includes adjustments for student and other communal accommodation⁴.

2.3 The HDT then uses a percentage measurement to compare the number of net new homes delivered over the previous three years against the authority's net housing requirement.

2.4 The Ministry of Housing, Communities and Local Government (MHCLG) publishes the HDT result for each local planning authority in England annually in November, or as soon as possible thereafter.

¹ Available here: <https://www.york.gov.uk/downloads/download/819/annual-monitoring-reports>

² Available here: <https://www.york.gov.uk/downloads/file/6530/ex-cyc-56-shlaa-update-april-2021->

³ <https://www.gov.uk/government/publications/housing-delivery-test-2019-measurement>

⁴ This is calculated by MHCLG using two nationally set ratios based on England Census data and informed by the Authority's Housing Flows Reconciliation (HFR) return.

- 2.5 It should be noted that the Government's most recent HDT results have reduced councils' housing requirement figures following a 'Covid-19 adjustment' that reflects the "*temporary disruption caused by the first national lockdown*" in March 2020.
- 2.6 The housing requirement (or need) of Local Authorities is taken from the HDT Measurement Rule Book and is applied as follows:
- the lower of either an up-to-date local plan housing target (adopted within the last five years);
 - or, local housing need calculated using household projections for the last three years and the standardised objectively assessed housing (OAN) need methodology for years from 2018/19 (plus neighbours' unmet need where relevant).
- 2.7 The HDT requires that local planning authorities meet their housing need across the previous three year period based on the housing requirement released by the Government. Depending on the level of housing delivery achieved, the following actions apply in accordance with the 2021 NPPF:
- the authority should publish an action plan if housing delivery falls below 95%;
 - a 20% buffer on the LPA's five year land supply if housing delivery falls below 85%; and
 - application of the presumption in favour of sustainable development if housing delivery falls below 75%, subject to the transitional arrangements set out in paragraph 11d of the NPPF.

3) What does the Housing Delivery Test mean for the City of York?

- 3.1 In advance of an adopted Local Plan, the housing requirement for the council is not the housing target within the emerging local plan but a housing requirement target established using the Government's standard methodology referenced in paragraph 2.2
- 3.2 Additionally, the City of York does not have a requirement to deliver the unmet housing need of surrounding Local Authorities in accordance with the Duty to Cooperate (DtC) as neighbouring authorities identified a general consensus that York will meet its own objectively assessed need (OAN).
- 3.3 The Housing Delivery Test Measure, published in January 2021 establishes the below housing requirement figures. Please see the breakdown of requirement against delivery in Table 1.

Table 1. City of York Housing Delivery Requirements and Completions (including Emerging Local Plan targets)	2017/18	2018/19	2019/20	Total
HDT Local Housing Requirement	832	1066	979	2877
HDT Net Completions	1331	451	627	2409
Emerging Local Plan Requirement	822	822	822	2466

3.4 Table 1 identifies that the City of York has achieved delivery of **83.7%** against the HDT housing requirement. In comparison against the emerging local plan requirement of 822dpa, the council has achieved delivery of 97.7%. In the scenario where the emerging Local Plan was adopted the council would therefore be very close to achieving the housing requirement.

HDT vs York’s emerging Local Plan

3.5 In accordance with Annex 1 of the NPPF (2021), the City of York Local Plan is being examined under transitional arrangements following its submission in May 2018. This means it is being assessed against the 2012 NPPF. The methodology for establishing the council’s emerging local plan requirement can be seen in the City of York Housing Need Update, January 2019⁵ and the Housing Need Update, September 2020⁶.

3.6 The City of York Council’s emerging Local Plan seeks to deliver a minimum annual average of 822 net new homes per year over the Plan period (2017/18 to 2032/33⁷). This equates to 13,152 net new homes over the plan period and are anticipating. Additionally, the plan seeks to ensure that Green Belt will endure beyond the plan period for a minimum of 5 years. On this basis, the Council also project forward the objectively assessed housing requirement (790dpa) for a further 5 years equating to an additional 3950 net new homes or an overall requirement of 17,102 net new homes between 2017-2038.

3.7 The emerging City of York Local Plan intends to deliver homes beyond the minimum requirements based on need outlined above to ensure the holistic masterplanning of sustainable communities and to negate the need to identify safeguarded land. The housing trajectory within the SHLAA⁸ (Base Date 1st April 2020) identifies supply capacity of over 17,000 homes over the plan period (2017-2033). However, the plan seeks to deliver over 20,000 new homes in

⁵ Available here: [EX/CYC/9](#)

⁶ Available here: [EX/CYC/43a](#)

⁷ Based on an objectively assessed housing requirement of 790pa and a backlog total of 32pa between 2012-2017.

⁸ Available SHLAA (2018): [EX/CYC/56](#)

total over the plan period and a supplementary five years to ensure green belt permanence (2017 – 2038).

- 3.8 Included in these figures is the council's aim to deliver up to 4,000 affordable homes through the application of Local Plan affordable housing policy, the council's Housing Delivery Programme and commuted sums.
- 3.9 The HDT therefore raises the annual target for net housing delivery beyond what the council have been planning and preparing for. Greater clarity on the council's housing requirement in the forthcoming years will be established through the Local Plan examination and eventual adoption of the Local Plan.
- 3.10 There are no direct implications of not adhering to the Planning Policy HDAP. The indirect risk of not meeting housing requirement figures (within the HDT until the point at which the Local Plan is adopted) is that increasingly the protection afforded to the green belt and the historic fabric will be challenged in planning applications via 'special circumstances' due to increasing housing need.

4) The council's existing approach to housing delivery

- 4.1 The council's approach to housing delivery is embedded in the City of York Council Plan (2019-2023) establishes eight key outcomes (seven of which will improve the quality of life for all residents, and one will enhance the way the council works):
- good health and wellbeing
 - well paid jobs and an inclusive economy
 - getting around sustainably
 - a better start for children and young people
 - a greener and cleaner city
 - **creating homes and world-class infrastructure**
 - safe communities and culture for all
 - an open and effective council.
- 4.2 A series of key performance indicators (KPI's) monitor how the Council are progressing towards these outcomes. Details of the KPI's selected to monitor performance in 'creating homes and world class infrastructure' can be seen in Appendix 2 along with details of the actions the council are going to carry out over the Plan period.
- 4.3 Progressing the emerging Local Plan through to adoption is the council's key driver for ensuring housing delivery that meets local needs and is supported by relevant infrastructure. The emerging Local Plan is a key document not just in

the planning department, but across the council, setting the regulatory baseline for spatial development across the city.

- 4.4 As identified in the paragraph 3.3 to 3.7, the emerging Local Plan and its evidence base, the SHLAA, Housing Need Assessment and housing trajectory, identify a pipeline of sustainable and deliverable housing in line with the city's strategic objectives and inherent character and environment through the plan period and beyond.
- 4.5 The housing trajectory identifies that this will be achieved through delivery from the below sources whilst also allowing for a 10% non-implementation rate.
- Housing Allocations above 5 hectares (ST sites);
 - Housing Allocations between 0.2 and 5 hectares (H sites);
 - From Non Allocated Unimplemented Consents;
 - Communal Establishments/Student Accommodation;
 - Windfall Allowance.
- 4.6 The City of York Housing Delivery Programme (HDP) commits to developing over 600 new homes over the next 5 years on 8 council owned sites as part of the HDP. As part of this programme, the council has committed to a minimum of 40% affordable homes on these sites. Eight sites were originally identified to deliver this ambition, however over time new opportunities are being explored for sites both within and outside of the programme.
- 4.7 The HDP operates on a cross subsidy model whereby the market sale homes on each site help to fund the development costs of the affordable homes. This way the programme is financially sustainable in the long term, allowing the council to develop a second phase of the HDP beyond the initial 8 sites identified. It is anticipated that additional windfall sites will be identified to support this ambition.
- 4.8 The HDP also aims to provide new and flexible opportunities for housing delivery including self and community builds, the strategic disposal of land, and through the second hand shared ownership programme.
- 4.9 The council maintain a register of previously developed ('Brownfield') land in accordance with the Town and Country Planning (Brownfield Land Register) Regulations 2017⁹. Sites within Part 1 of the Register are either draft allocations within the new Local Plan or have the benefit of planning permission subject to meeting the required threshold (i.e. has an area of at least 0.2 hectares or is capable of supporting at least 5 dwellings).

⁹ The Register, which is accompanied by an interactive map can be viewed on the following page and is updated annually: <https://www.york.gov.uk/BrownfieldRegister>

- 4.10 At this time, no sites will be deemed as having ‘permission in principle’, however after the examination of the emerging Local Plan work could be conducted to consider moving sites into Part 2 of the Register.
- 4.11 It is recognised that York shares a housing market area with Selby District Council and links strongly to neighbouring districts. Work with neighbouring authorities under the Duty to Cooperate establishes that there is no requirement for the City of York to allow for greater housing provision within its area due to unmet provision in the wider area; It is accepted that each authority will meet it’s own identified housing need.
- 4.12 Given the commitment to housing delivery, data is gathered on a regular basis to inform the council’s Key Performance Indicators (KPIs) and evolve the council’s approach as well as to update regional monitoring reports and MHCLG’s Housing Flows Reconciliation (HFR) returns.
- 4.13 Six monthly updates of the council’s housing performance are captured in monitoring reports. These monitoring reports are available on the council’s website¹⁰. The information provided within these reports is the result of compiling data from a number of sources comprising:
- Results from 6 monthly site visits to verify the number of housing completions which have been carried out on each consented housing site,
 - Analysis of monthly Building Control completions returns that provide information of both City of York Council and private building inspection records,
 - Regular contact with developers/applicants for each site with consent for over 10 dwellings, communal establishments and university managed students accommodation providing additional bed spaces to accurately monitor completions and to estimate the likely level of completions over the term of the build programme, and
 - Monitoring of extant consents, new permissions, developments allowed on appeal and the inclusion of development through certificates of lawful development previously not included within housing returns.
- 4.14 City of York Council’s affordable housing performance is monitored by our Housing Team with annual updates provided online¹¹. Analysis of the future affordable housing supply through an assessment of consented schemes, projects within the Housing Delivery Programme and potential from draft

¹⁰ The latest versions can be accessed using the link below:

<https://www.york.gov.uk/downloads/download/819/annual-monitoring-reports>

¹¹ These can be viewed using the link below: <https://www.york.gov.uk/housing/affordable-housing-completions/1>

housing allocations indicates that up to a further 4,000 homes can be provided over the Plan period.

- 4.15 Data collection and information gathering exercises are refined regularly to improve the quality of our understanding on delivery. Refinements are developed based on key learning from the data and on the basis updated planning policy. A key example of this is a recent piece of work undertaken to *'make a realistic assessment of likely rates of delivery, given the lead-in times for large scale sites'* in line with National Planning Policy Framework 2019 (paragraph 72 (d)).
- 4.16 To provide a robust insight into delivery assumptions, officers contacted all agents/applicants/ developers involved in residential sites with consent for 10 or more homes including student and communal accommodation in the City of York Local Authority area. Included within the request for information was a request to highlight potential issues that influence delivery and lead in times to development and to share any problems or barriers in taking forward the scheme. Whilst these requests have been made during two waves of the covid-19 pandemic, to date we have experienced around a 95% response rate to these requests. See analysis from these pieces of work in Appendix 3.
- 4.17 This information, like all information gathered, is fed into the council's Local Plan evidence base.

5) An overview of historic delivery in the City

Historic Data

- 5.1 A detailed overview of the council's housing performance over a ten year period between 2011 and 2021 can be found in Appendix 1. It should be noted that the records provided in Appendix 1 do not include development resulting from student and communal accommodation schemes as prior to 2016/17 Housing Flow Reconciliation (HFR) returns these did not include these figures as a result of a reporting inaccuracy that has now been reconciled.
- 5.2 A ten year timescale has been deemed appropriate to apply as it represents a significant market cycle over which time trend analysis is meaningful in determining the achievements of actions within our housing market. A shorter monitoring period may well magnify short term trends whilst a longer period may even out fluctuations to the point where market signals are missed.
- 5.3 This historic housing completion data shows a steady increase in housing completions with new build homes providing a significant majority of these completions (74%). Change of use, including prior approvals, accounted for 24.5%. With the prior approval regime being updated on a regular basis, the source of new residential dwellings via this route may not come from the same

source however there are still multiple avenues for housing completions via prior approval.

- 5.4 Over 80% of new build housing completions are taking place on brownfield sites in accordance with the council's policy of prioritising brownfield sites over greenfield locations where possible. As large brownfield sites become developed and as greenfield sites have been identified as draft allocations in the Local Plan to meet identified need, if/when these become adopted sites the proportion of development on greenfield sites is likely to increase over future years.
- 5.5 The trend for net housing consents also shows a considerable increase with the average consents at the end of the period more than quadrupling that at the beginning of the period. Figures show four consecutive years of more than 1,100 net approvals between 2017/18 and 2020/21.
- 5.6 At 1st April 2021 a total of 7,811 net additional homes had not implemented consent. This indicates a healthy level of provision to be confident of sustained housing growth in future years even whilst acknowledging analysis of historic consents and responses from the council's housing implementation survey suggests that around 10% of all consents will not be implemented¹². Due to 86.6% of all net unimplemented consents being on brownfield sites that tend to require remediation and potential infrastructure delays this indicates a phased future housing supply rather than an immediate increase to housing completions.
- 5.7 During the last 10 years housing supply from net windfall sites, by far the largest proportion derives from conversions/change of use and from very small windfalls (sites below 0.2ha)¹³. This is anticipated to be a source of housing completions into the future as reflected by the council's housing trajectory as these completions arise from sources that the Local Plan does not identify.
- 5.8 Trends identify a decreasing number of windfall sites above 0.2 hectares in 2018/19 onwards aligning with the identification of sites through the SHLAA site allocations in the emerging City of York Local Plan.
- 5.9 Between 2012 and 2016/17, at least 1,544 bed spaces of student accommodation provided by the University of York were completed. This data was not included in our returns and is not included in the housing trajectory. However, this equates to 618 additional homes when applying the appropriate ONS ratio. The approach to allowing the inclusion of student accommodation is set out in DCLG's "Definition of "General Housing Terms" in November 2012¹⁴ which states that "purpose-built (separate) homes (eg self-contained flats

¹² See paragraphs 6.2 to 6.4 of the SHLAA Housing Supply and Trajectory Update April 2021.

¹³ See paragraph 3.41 of Annex 4 of the SHLAA, available here: [EX/CYC/56](#)

¹⁴ <https://www.gov.uk/definitions-of-general-housing-terms> which states

clustered into units with 4 to 6 bedrooms for students) should be included. Each self-contained unit should be counted as a dwelling”.

5.10 Appendix 1 also provides details on completions in 2020/21 (1st April 2020 – 31st March 2021). Data highlights the following:

- Housing completions are taking place across small (<10 dwellings), medium (10-49 dwellings), large (>50 dwelling) sites on both greenfield and brownfield land with 56.6% of homes taking place on large sites.
- 51% of all net housing completions took place within the city centre and its extensions during 2020/21. A further 19.3% of homes were provided in the urban area, whilst 17.2% were completed in the sub-urban area and 12.5% were in rural or village locations. In each area of the authority new build properties formed the largest proportion of all net additional completions.
- A net total of 1,133 new homes were approved, the largest proportion of which was for new build properties (93.4%). Notable housing schemes approved during the monitoring year were through draft housing allocation H1a & b: Former Gas Works, Heworth Green (607), the Castle Mills Car Park site in Piccadilly (106) and Vacant Land on Eboracum Way (62) whilst 233 student cluster flats were approved at Frederick House, Fulford Road all of which were new build schemes.
- The largest contributor to the overall consented homes was new build schemes approved in the city centre and its extensions. The 814 net homes approved in this location made up almost 72% of all net approvals granted in the authority area. New homes planned at The Former Gas Works, Heworth Green (607), the Castle Mills Car Park site in Piccadilly (106) making up the largest part of this total.
- Sites with a capacity of more than 50 new homes made up the greatest number of net homes approved in the authority area and this was reflected in both the City Centre and Urban locations. However, approvals on small sites of less than 10 homes in both sub-urban and rural/village locations made up almost all of the consented development.
- At 1st April 2021, of the 7,811 net housing approvals 7,179 (91.9%) were on sites with a capacity of greater than 50 new homes.

Determination of Planning Applications

5.11 City of York Council’s performance over the previous 3 years has exceeded the national target for determination of applications within the statutory timeframe for major and minor applications as shown in the table below:

Table 2: Determination of major and minor applications against statutory timeframes

Year	Majors	Minors
National Target	80%	70%
2018-19	92.50%	81.00%
2019-20	96.60%	89.10%
2020-21	98.30%	89.40%

5.12 Further analysis of performance reveals that an approval rate of almost 86% has been achieved when determining both major and minor applications over the last 3 monitoring years.

Table 3: Major application grant and refusal rates.

Year	Granted		Refused	
	Number	%	Number	%
2018-19	43	89.60%	5	10.40%
2019-20	38	100.00%	0	0.00%
2020-21	46	92.00%	4	8.00%
Overall	127	93.38%	9	6.62%

Table 4: Minor application grant and refusal rates.

Year	Granted		Refused	
	Number	%	Number	%
2018-19	282	84.20%	53	15.80%
2019-20	238	83.80%	46	16.20%
2020-21	214	85.90%	35	14.10%
Overall	734	84.56%	134	15.44%

6) Understanding the key issues and barriers

6.1 The council have gathered evidence from a wide range of sources including planning appeals and views from colleagues and key stakeholders involved in the planning and housing delivery process in order to understand the potential influencing issues and barriers associated with housing delivery in York. This information has been considered alongside direct knowledge of local sites, land and development capacity through working. The identified key issues and barriers are below:

- a. The planning process
- b. Economic Drivers
- c. Resources and Capacity
- d. Physical and Environmental Constraints
- e. Other

6.2 Many of the issues and key barriers are well documented, with some of them intrinsic to the physical character of the City of York area and some of the emerging from central government's economic policies. The council's ability to influence each of the barriers ranges but it is noted that each barrier requires a multitude of steps and stakeholders to come together to achieve the agreed aim.

a) The planning process

6.3 **Adopting a Local Plan and defining of the Green Belt boundaries.** Plan preparation is demonstrably slower in Green Belt areas than elsewhere¹⁵. The City of York do not have an up to date Local Plan and is tasked with defining the detailed Green Belt boundaries in the authority, which endures beyond the 15 year plan period and enables development needs to be met.. The Council are seeking to secure these boundaries via the forthcoming examination of the emerging Local Plan. Examination of the plan is currently ongoing¹⁶ with next stages due to take place in late 2021/ early 22.

6.4 **Determining planning applications in the absence of an up to date Local Plan and confirmed Green Belt boundaries.** City of York have saved from the Yorkshire and Humber Regional Spatial Strategy (RSS) (2008) (YH9(C) and Y1 (C1 and C2)) which relate to York's Green Belt and the key diagram insofar as it illustrates general extent of the Green Belt. These policies set the general extent of York's Green Belt to approximately 6 miles from the city centre. In line with the decision of the Court in *Wedgewood v City of York Council* Judgment, and in advance of the adoption of a Local Plan, decisions

¹⁵ Lichfields (April 2017): Planned and Deliver – Local Plan making under the NPPF:

https://lichfields.uk/media/3000/cl15281-local-plans-review-insight_mar-2017_screen.pdf

¹⁶ See <https://www.york.gov.uk/planning-policy/new-local-plan-examination/1>

on whether to treat land as falling within the Green Belt for development management purposes should take into account the RSS general extent of the Green Belt, the draft Local Plan (April 2005) (DCLP), the emerging Local Plan (2018), insofar as can be considered against paragraph 48 of the NPPF (2019) and site specific features in deciding whether land should be regarded as Green Belt.

- 6.5 Twelve of the identified draft housing allocation sites are identified to be with the general extent of York's Green Belt equating to 7,773 dwellings. In advance of the adoption of the plan, each of these sites would need to be judged in line with the above requirements and that very special circumstances can be demonstrated in line with NPPF's requirement for development in green belt locations. As a result, many of the sites are being held by the developers until boundaries to the green belt are approved by the inspectors and are working with the Council to progress technical aspects of their sites to progress post adoption.
- 6.6 **Delivering supporting infrastructure.** Over 12,000 new homes within the Council's housing trajectory are from strategic sites (sites above 5 hectares), with four of the strategic sites due to delivery between 1000 and 4000 new homes. This level of development not only needs considerable time to prepare the site, but considerable investment in infrastructure from a multitude of agents. The site known as York Central (ST5), brought forward by York Central Partnership is an example of this. Not only are a number of landowners working in partnership to bring forward this site, they are a number of pieces of infrastructure across a number of phases that need to come together to unlock the potential of the site and ensure quality in terms of place and services.
- 6.7 **Supporting developer confidence to make applications through an adopted Local Plan and other policy and guidance documents.** The City of York Local Plan – Publication Draft (February 2018) (and proposed updated set out in the Proposed Modifications Consultation carried out in summer 2019 and 2021) allocated 40 residential sites. At 1st April 2021, of these sites, 2 are already complete, 13 have planning approvals, 1 site has a resolution to grant planning permission subject to the execution of a legal agreement, 7 have had applications submitted that are currently pending consideration whilst 17 (42.5%) have yet to have an application submitted. The high number of sites that have yet to have an application may suggest that developer confidence in the progression of the Local Plan is not sufficient to make an application.
- 6.8 Comments have been received from local plan consultation highlight the lack of Supplementary Planning Documents (SPDs) to provide guidance and further direction of the Local Plan policies. The subject of 'exception sites' being used as an example of an area in which a SPD may generate more sites for the development of affordable homes.

- 6.9 **Proportionate approach to planning, specifically self-build.** Whilst the council supports the delivery of housing in a range of ways, there is a view that the approach to securing planning consent should be more proportionate according to the type of development to be consented. As an example, for self-build consents is considered that the planning approach is not proportionate as it is the same process for determining a single plot as it is for strategic sites of over 5ha.
- 6.10 **Lack of clarity in planning definitions.** Older people's independent living and extra care properties there is a lack of clarity about whether these homes are to be considered Use Class C2 or C3. Developers are looking to build extra care accommodation (independent living apartments with on-site care) and they are keen for this to be classified as Use Class C2, to avoid social housing S106 contributions. This then leads to protracted discussion and debate and requirement for additional evidence. Clearer national guidance is required for this as there is case law which supports both C2 and C3 classifications.
- 6.11 Developers hoping to build independent living and extra care accommodation for older people as Use Class C2 are then seeking to develop on green belt and unallocated sites as they are arguing that it should not detract from land allocated as C3 housing.
- 6.12 Additional and well documented issues across the board include:
- Sufficient resourcing and skills within planning departments
 - Protracted S106 negotiations and timescales
 - Time needed to prepare large strategic sites

b) [Economic drivers](#)

- 6.13 **High land prices** – The council's Housing Delivery Programme (HDP) currently utilises council owned land, however, once exhausted it will be difficult to acquire more as the cost of land is extremely high. This is exacerbated when competing against large house builders who will not necessarily provide the same level of affordable housing that publicly funded schemes aspire to provide.
- 6.14 High land purchase prices within York can result in viability issues should the housing market experience fluctuations. A number of sites have been held back for development until the market corrected itself.
- 6.15 High land values also results in some developers looking to other nearby authority areas with lower land prices. Market conditions vary across the region and many developers are building the same design of property in a number of

locations without the associated high land acquisition costs incurred here in York.

- 6.16 Access to land is consistently brought up by Registered Provider (Housing Association) partners as a significant barrier to developing in York. For affordable housing delivery specifically, this is linked to the insufficiency of government (Homes England) capital grant funding to compete for sites in the York market.
- 6.17 Registered Providers being unable to access land impacts on both affordable housing and overall delivery, as Registered Providers can develop at a faster build out rate due to not relying on maintaining market prices via a slow “absorption rate” of completions.
- 6.18 The land supply challenge is exacerbated by some large landowners assigning development a low priority at current market returns – e.g. multinational owners of brownfield sites.
- 6.19 **Site Viability.** Land bought by developers when land values were at their peak, over 10 years ago, has resulted in a small but significant number of sites that have either taken a considerable amount of time to develop as the market conditions correct themselves or has been land banked for future development to ensure that the viability of residential projects is achieved. Additionally, as viability of the site changes, this has resulted in some renegotiation in relation to contributions the sites should make towards meeting policy requirements and S106 contributions.
- 6.20 **Alternative high yielding land uses.** The city centre and fringes have experienced significant student accommodation and hotel developments in recent years, both uses achieving greater returns to investors than that of C3 residential schemes.
- 6.21 There isn't a level playing field for residential development. Developers of student flats, and office-to-residential conversion, do not pay affordable housing commuted sums and some/any other s106 requirements. As well as disadvantaging other forms of residential development for the sites, this also reduces sums available for strategic investment in affordable housing and other infrastructure.
- 6.22 **Sales complexities.** Delivery of alternate uses to residential development, such as hotel and student accommodation, is less complex as a single operator can purchase the whole scheme, whereas, a residential development usually requires the sale of properties to a large number of individuals or investors. Some of this risk can be offset in residential development through the Private Rented Sector (PRS), with whole developments being built for sale to

institutional investors. However, this remains a relatively new and untested concept in York.

6.23 Competition. Much of York's housing land is in the control of a small number of commercial house builders. This lack of competition does not incentivise a quick and efficient build out of homes. Often a commercial builder will not have two sites under construction if competing for the same buyers.

6.24 Absorption rates. the rate at which newly constructed homes can be sold or believed to be able to be sold into the local market, are seen as a fundamental driver in build out rates once detailed planning permission is granted. This is reflected in changes to the NPPF since its introduction in 2012 which seek to encourage different tenures and a number of different buyers markets such as purpose build student accommodation, build to rent, starter homes which in turn will encourage higher build out rates and can support the business plan of the multi-national housebuilders. This includes affordable housing. It has been found that "schemes with more affordable housing (more than 30%) built out at close to twice the rate as those with lower levels of affordable housing as a percentage of all units on site."¹⁷The homogeneity of housing delivery can also stifle the creation of different products and consequently markets and again stifle build out rates.

6.25 Remediation costs. In the council's experience, there is still a strong view amongst many landowners that remediation should be considered a legitimate development cost that should be netted off planning gain rather than land value. A landowner of a contaminated site still expects to achieve market value. This means that the only viable form of development is high density apartments that achieve enough yield to cover market value plus remediation, otherwise the site remains undeveloped, thus constraining supply. The inherent challenges could result in low quality developments that do not necessarily meet the city's housing need, or the site viability remains too risky for a developer to secure finance.

6.26 Vacant properties. A study undertaken in the mid-2010s by the North East Civic Trust identified that there was potential for up to 1,500 apartments in the vacant city centre spaces above commercial areas. Consequently, the council, working with housing associations to try to obtain government funding to address this opportunity, has found it incredibly difficult to release these spaces as the cost of converting often difficult/inaccessible spaces does not provide a viable yield. This is in part made more difficult by conservation issues. Feedback from developers and agents has identified that if there were to be some relaxation of the requirements inside buildings to retain existing layouts and some period features it may be possible to make these spaces economic

¹⁷ "Start to Finish, What factors affect the build-out rates of large scale housing sites?" Second Edition, Lichfields

for residential based redevelopment. This will become ever more pressing as the current decline of the retail market leaves more and more potentially vacant properties in the city centre.

- 6.27 **Brownfield site constraints.** Large brownfield sites identified in the Plan as allocation sites have been delayed significantly as a result of remediation requirements, the infrastructure needed for access and utilities whilst the sourcing of government funding can cause significant delays. The Local Plan priorities brownfield development, however, there are inherent delays associated with developing these sites compared to less complex issues surrounding construction on Greenfield land.
- 6.28 **Access to funding for developers.** It is difficult for small developers to access funding at sensible rates, either from banks or from private investors. As a result, new builds are released slowly as smaller developers often do not have sufficient working capital to work on (say) three houses at the same time. Larger developers can sometimes be vulnerable to this, particularly for more marginal areas or sites.
- c) [Resources and capacity](#)
- 6.29 **Grant funding** - The uncertainty of funding has caused viability issues for the council's affordable housing projects. Delays are being experienced in the process of gaining funding from Homes England that would allow for the discounted sale or shared ownership of affordable self-build homes on land for self-builds and negotiations have not concluded.
- 6.30 **Labour, material shortfalls and high costs** - It is well documented that in the construction industry that there are significant labour supply shortages, with a significant reduction (nationally) of people joining the construction sector, many existing construction workers retiring early and a lack of relevant skills amongst existing construction workers in trades such as bricklayers, plasterers, architects and quantity surveyors, constraining the house building market. The Letwin Review identifies a shortage of bricklayers as being a particular cause of concern to the industry, needing urgent remedial action.
- 6.31 The current shortage of materials and the increasing costs of materials and labour, may not have had an implication on delivery to date but it is likely to have an impact in the near future.
- 6.32 **Improving construction and environmental standards** - moving towards higher constructions standards specifically in relation to carbon emissions places requires upskilling of the entire workforce across the sector and for additional financing to meet new standards.

6.33 One example of this is when delivering of zero carbon Passivehaus housing that the (HDP) aspires to achieve in its next phase of schemes, it is resulting in more time spent liaising with contractors before going out to the market.

6.34 Additional well document constraints include:

- Funding cuts from central government
- Resourcing within planning departments
- Lack of sufficient engagement throughout the process

d) [Physical and environmental constraints](#)

York is characterised by a compact urban area surrounded by several small settlements. The compactness of the main urban area and the distinct settlement pattern is a key feature of the city.

6.35 York is located within a vale and at the confluence of two rivers. Development is restricted by flood plains and a mix of ground conditions ranging from heavy clay to sandy land. This can often result in the need for more expensive and complex foundations adding time to build programmes that can impact on the financial viability of sites and in the case of flooding, residential development will need to apply mitigation measures.

6.36 York is restricted from expansion beyond its urban edge by Green Belt identified primarily to safeguard the character and setting of the city. The impact of the Green Belt in York is explored in more detail in paragraphs 6.2 and 6.3 above.

6.37 The city is unique in England with the only complete medieval city walls in England and its easily recognisable medieval street pattern, 2,000 years of unbroken urban development, rich and varied historic archives, the largest and grandest of northern Europe's Gothic cathedrals. It has one of the highest concentrations of designated heritage assets in England. It has well preserved and deep archaeological deposits. Taken together, this means the need to protect and enhance these assets necessitate the design and conservation policies provide a critical framework for discussions around site capacity, massing, density, heights and views.

6.38 York's Green Infrastructure includes nine Sites of Special Scientific Interest (SSSI); three of which (Strensall Common, the River Derwent and Derwent Ings) are also of international importance as indicated in the City of York Biodiversity Audit (2011).

6.39 The road network combines a series of main arterial routes leading to the compact historic city centre that is enclosed by the bar walls. The outer ring

road is only partially dualled meaning both congestion and accessibility are factors that need to be assessed in the planning process. Funding streams for the northern part of the ring road have helped to plan for major improvements in future years that will allow for major planned housing developments to take place.

e) Other

6.40 Impact of the Covid pandemic. 28.6% of respondents to the request for Housing Delivery Estimates stated the Covid-19 pandemic as being a likely factor that would adversely affect their delivery programmes. This is reflected in an announcement by Housing Minister Christopher Pincher that the Housing Delivery Test will be calculated using a four-month adjustment to the housing requirement figures to account for fluctuations in construction output due to the Covid-19 pandemic. As such the 2021 housing requirement will be lesser than would otherwise have been expected.

7) The Action Plan

7.1 Delivery against the action plan will support delivery of net additional homes in York but will not guarantee delivery against the HDT Measurement target for the reasons outlined in the previous section (Understanding key issues and barriers) as many of the factors are beyond the council's control or influence.

7.2 The areas within the council's influence will also require sufficient stakeholder engagement from landowners, agents and other stakeholders and partners in the delivery process such as Homes England.

a) The planning process

- 1. Corporate prioritisation of the emerging Local Plan Work to secure an adopted Local Plan.** This will set a clear planning policy framework to give direction for future growth of the city. The issues surrounding the appropriate housing requirement for York will be addressed, the formal setting of the Green Belt boundaries will provide clarity on the land that can be developed outside the current urban area.
- 2. Introduction of the HDT to Duty to Cooperate (DtC) Meetings.** Ensure that the agenda for DtC meetings includes a discussion on the housing delivery and the housing delivery test. This will similarly apply to forthcoming work with the new North Yorkshire Council.
- 3. Support clarity in decision making.** Complete a series of Supplementary Planning Documents (SPDs) are to provide specific guidance and detail to policies within the Local Plan. The series includes an Affordable Housing SPD, a Self and Custom House Building SPD and Climate Change SPD.

- 4. Fast tracking applications.** The council is in the process of creating an application process that should allow for the 'fast tracking' of allocated sites in the emerging Local Plan by potentially granting planning permission ahead of the adoption of the Plan on a case-by case basis.
- 5. Enhance monitoring procedures.** Developers are now requested to complete a pro-forma that includes details of lead in times and housing delivery programmes whilst also being asked to add comments about potential delays that may be incurred in the delivery of their sites. This is intended to improve our ongoing monitoring work and assist us in making more accurate housing projections. In turn this will have positive effects of future planning of requirements, for example, in predicting accurate additional school place requirements and transport modelling.

Should information be provided by developers that indicates potential delays to projects this can be flagged up to various teams within the council that may be in a position to assist and work collaboratively with them to avoid the stalling of sites. This has been carried out on sites in the past where, for example, additional funding has been identified through Homes England and helped deliver homes in a timely manner.

The scope of the new permitted development rights for uses falling into Class E is significant and may result in a significant level of housing delivery via this route. The Council will monitor the impact of new permitted development rights, Class MA, on housing delivery.

- 6. Implement the review S106 agreement process and conditions attached to planning permissions.** This exercise looked back over recent permissions at different points within the process and identified challenges in the planning application process that could be simplify or streamline the process.
- 7. Improve engagement with developers, landowners, registered providers and university estates.** Continue to keep in regular contact with applicants of sites with 10 or more homes planned to confirm phasing and progress. Increase engagement via the council's Developers Forum and York Chamber of Commerce's Property Forum. Discuss the HDAP with developers at the bi-annual Developers Forum and ask for comment and ideas on the document as well as their ideas about local skills and resourcing.
- 8. Set out a clear process for determining whether an extra care site can be considered to be C2 or C3** so that this does not have to be reviewed for each application. This will be explored with colleagues across the council and in neighbouring authorities to determine an efficient mechanism to do this. Where appropriate greater clarity and guidance will be sought from central government.
- 9. Reviewing the Brownfield Register.** The Brownfield register will be reviewed on the back on the results of the forthcoming Local Plan examination to identify suitable and delivery sites where appropriate.

10. Undertake a piece of work with stakeholders to reviewing the approach to residential land use. Work with stakeholders to ensure general needs housing, specialist and older people housing and student housing competing for land is prioritised according to need and with appropriate planning obligations applied across the board to ensure the market meets local need particularly for affordable housing. This piece of work could also look at the role of the build to rent market and visitor accommodation.

11. Ensuring necessary infrastructure provision. Secure funding and further improvements to the highways network, notably the outer ring road and around York Station and seeking and build on successful delivery of infrastructure programmes such as the improvements to the York Outer Ring Road completed in 2019.

b) Organisational focus

12. Enhance strategic planning team capacity. The council is actively recruiting to planning positions within the strategic planning team to build additional capacity, skills and knowledge to progress the emerging Local Plan alongside its implementation as well as the delivery of other planning policy documents.

13. Develop a housing strategy. The strategy will reflect who we are as the Strategic Housing Authority in York, what we do, why we do it, what our priorities are and how we interact/influence across all housing tenures.

14. Adopt a housing focused Supplementary Planning Document (SPD). The SPD will identify further detail on delivering housing against the emerging Local Plan policies. This document will consider affordable housing, specialist accommodation and residential standards'. Work on the SPD is progressing for consultation in 2022.

15. Supporting the deliverability of the Housing Development Programme. This programme is currently involved in the development and delivery of eight council owned sites for housing and actively provides affordable homes within the local authority area. The programme goes beyond the delivery of these eight sites and includes work to unlock grant funding and additional sites for affordable homes to meet different incomes across the City of York area as well as seeking to improve processes and skills across the city. Some examples are identified below:

- securing approximately £469k of capital and £109k of revenue funding to deliver 6 affordable homes, with support, for rough sleepers
- supporting families into homeownership via the second hand shared ownership programme part funded by Homes England.
- working according to a new public engagement strategy which significantly increases the amount of time and effort spent fully

understanding the site context and the views of local stakeholders however it will provide greater certainty and speed through the planning process. This is evidenced in the development of the 'Delivering Better Places' design manual which has created a political and citizen consensus around what great places look and feel like.

- working with appointed contractors earlier in the development process to ensure that there are less unknowns when housing developments are planned, with greater investment in surveys and site investigations.
- getting more engaged in the pre-application stage of development, from the very start of the design process with a council planner providing advice as soon as possible also. This is echoed by in the greater amount of public engagement through the council's webpages.
- securing grant funding from the LGA to undertake learning sessions with York College and contractors around low energy design and construction. It is anticipated that this will increase the local expertise in construction and result in a more efficient build process across the city.

16. Working in partnership on major regeneration sites. The council is committed to working collaboratively and creatively on major regeneration sites such as Castle Gateway and York Central.

17. Bring forward the council portfolio. The council owns a number of commercial properties across the city centre that will be explored for their residential capacity in the coming years. An example of this is the building occupied by Holland and Barrett on Coney Street purchased by the council in 2019.

18. Confirming the process for identifying, preparing and selling of small self-build sites. The council are shortly confirming this process to improve timescales.

19. Look at construction skills in the local economy – work alongside the economic growth team to understand local pressures related to existing construction skills and labour and identify objectives the council and stakeholders can move towards to improve the strength of the local construction industry.

20. Consider the role and impact of Modern Methods of Construction (MMC) and modular building - with local developers in the City for York's housing market area and its potential to improve delivery rates.

21. Improve engagement with the public – residents, businesses and visitors. An engagement project called, my city centre, is shaping a new long term vision for the city centre with local stakeholders providing. This exercise will provide greater clarity for all stakeholders as well as provide a starting point for initiating new projects and making applications for funding.

22. Ensuring York is an attractive place to invest. City of York Council is the sole shareholder of Make It York a commercial business that was established in 2015 to bring together the marketing and promotion, economic development and tourism functions of the city.