

Executive

26 January 2023

Report of the Corporate Director of Place
Portfolio of the Executive Member for Finance and Major Projects

City of York Local Plan

Summary

1. The purpose of this report is to seek agreement on the Local Plan proposed modifications and associated evidence base, propose the production of a range of thematic SPD's, consider an Article 4 Direction and further evidence gathering in relation to how best to control short term holiday lets and HMOs to support the implementation of the Local Plan and to recommend Members to move forward with the Local Plan adoption process.

Recommendations

2. The Executive is asked to:
3.
 - i. approve the schedules of modifications and evidence provided at Annexes 1 to 8 inclusive and Table 1 of this report and agree to commence consultation on the Proposed Main Modifications and the associated evidence base.
 - ii. delegate authority to Corporate Director of Place, in consultation with the Executive Member for Finance and Major Projects, to agree any minor (non-material) amendments and to sign off the publication version of the Local Plan Proposed Modifications prior to public consultation.

Reason: For the Local Plan found to be 'sound' the proposed modifications must be formally consulted as set out in the Town and Country Planning (Local Planning (England) Regulations 2012. (Regulations 23,24,25 relating to Examination period)

- iii. to delegate authority to Corporate Director of Place, in consultation with the Executive Member for Finance and Major Projects, to collate the results of the consultation on the Proposed Main Modifications and the associated evidence base, and submit them to the Inspectors for them to draft their report; and
- iv. in the event that there are no material changes following the conclusion of the consultation exercise on the Proposed Main Modifications and the associated evidence base and following receipt of the Inspectors' report, to agree to the submission of the Local Plan (as modified in accordance with the Proposed Main Modifications and the associated evidence base) and the Inspectors' report to Full Council by the Leader, in consultation with Corporate Director of Place, to recommend adoption.

Reason: To support progress towards adoption of the Local Plan, which will ensure the Council meets its statutory and national planning policy requirements.

- v. approve the proposed list of Supplementary Planning Documents (SPD's) to be produced to support the implementation of the Local Plan

Reason: To support implementation of the Local Plan.

- vi. agree the preparation of an evidence base to support the possible introduction of an Article 4 direction to remove permitted development rights to allow changes of use from office to residential.

Reason: To support implementation of the Local Plan.

- vii. note the evidence gathering in relation to short term lets and HMOs.

Reason: To establish how best to monitor and control these uses and support implementation of the local plan.

Local Plan Proposed Modifications and Evidence Base

- 4. The Publication Draft Local Plan ("Draft Plan") was submitted for independent Examination on 25 May 2018. Examination hearings commenced on 10 December 2019 with Phase 4 hearings closing on 22 September 2022. The hearings addressed all of the topics and issues covered by the Local Plan, including housing requirement; housing sites;

employment sites and policies, infrastructure provision, environmental and sustainability policies and Gypsy and Traveller provision.

5. The purpose of the Examination process is for the Planning Inspectors to assess whether the Draft Plan is “sound”; that is:
 - **Positively prepared** – the plan should be prepared based on a strategy which seeks to meet objectively assessed development and infrastructure requirements, including unmet requirements from neighbouring authorities where it is reasonable to do so and consistent with achieving sustainable development;
 - **Justified** – the plan should be the most appropriate strategy, when considered against the reasonable alternatives, based on proportionate evidence;
 - **Effective** – – the plan should be deliverable over its period and based on effective joint working on cross-boundary strategic priorities; and
 - **Consistent with national policy** – the plan should enable the delivery of sustainable development in accordance with the policies in the Framework.

6. During the examination, a number of matters were identified that required modifications to make the Draft Plan “sound”. A consultation on the proposed Main Modifications to the Draft Plan is proposed to take place from early February 2023 for a period of six weeks.

7. This consultation is focused on the proposed Main Modifications to both policy text and the associated policy map. Comments from representors can relate only to the proposed Main Modifications and must address matters of soundness as detailed above.

8. The consultation will include the following (provided as Annexes to this report):
 - Annex 1 – Local Plan Main Modifications Schedule
 - Annex 2 - Local Plan Additional Modifications Schedule
 - Annex 3 - Local Plan Policy Map Modifications Schedule
 - Annex 4 – Sustainability Appraisal Addendum
 - Annex 5 – Sustainability Appraisal ST15a
 - Annex 6 – Habitat Regulation Appraisal Addendum
 - Annex 7 – Habitat Regulation Appraisal ST15a
 - Annex 8 – Equalities Impact Assessment Addendum

9. A schedule of additional modifications will also be published for information and to help with clarity. These are modifications to aid clarity, fix text errors and update references but which do not make changes to the policy intent or content.
10. A summary of the key changes to both policy and maps is provided below for clarity.

Key Local Plan Main Modifications

University of York

- Policy ED1: University of York
 - Policy ED2: Campus West
 - Policy ED3: University of York Campus East
11. The policy text for the three policies directly related to the University has been modified. Despite the significant drafting amendments, the intent of the policies remain broadly the same as originally drafted. As part of discussions with the University and with Historic England the key change in approach is to remove the general 23% density limitation on both Campus West and Campus East. This has been replaced with a design and masterplanned led approach.

Student Housing

- Policy ED5: York St. John University Further Expansion
 - Land at Heworth Croft (SH1)
12. York St John University has land allocated at Heworth Croft (SH1) for student housing in Policy ED5. During Phase 3 hearings the inspectors requested that the Council identified an appropriate capacity and proposed policy modifications to that effect. Following discussions with the University and upon review of some initial capacity work, modifications seek to clarify that the site can potentially support a development of around 400 student bedspaces.

Affordable Housing

- Policy SS1: Delivering Sustainable Growth for York
- Policy H10: Affordable Housing

13. As part of the Inspectors' scrutiny of the overall affordable housing need in York and the plan's response to it, the Council was asked to consider quantifying the proportion of need that could achievably be delivered by 2033. Accordingly, a target of 45% has is introduced in Policy SS1 by way of modification. The target balances realistic delivery expectations with ambition, being based on reasonable assumptions that the estimated delivery of affordable housing will be supplemented by other sources of supply.
14. Policy H10 sets out the Council's approach to affordable housing contributions from new residential development. On smaller sites (less than 14 dwellings), the policy requires an off-site financial contribution. A potentially complex approach to calculating the off-site contributions is proposed to be replaced with a flat rate of 10% on all proposals of between 5 and 14 dwellings.

Student Housing and Affordable Housing

- Policy H7: Off Campus Purpose Built Student Housing
15. The inspectors also requested the Council explore the potential for contributions to affordable housing to be sought from student housing developments (off-campus and/or not university owned sites). Viability testing was subsequently carried out, which demonstrated that a contribution could be introduced without compromising development viability.
 16. On this basis of the viability evidence, modifications are proposed to Policy H7 which require student housing proposals to make a financial contribution to affordable housing at a rate of 2.5% per bedspace. Requiring student housing schemes to make financial contributions to affordable housing is one of the measures proposed to help increase provision and move towards the 45% target (referred to in paragraph 12).

Gypsy and Traveller

- Policy SS1: Delivering Sustainable Growth for York
 - Policy H5: Gypsies and Travellers
 - Policy H6: Travelling Showpeople
17. The Draft Plan proposed the following provision for Gypsy and Travellers and Travelling Showpeople:

- 3 additional pitches on CYC sites to meet the needs of Gypsies and Travellers that do meet the definition.
 - 44 pitches to be delivered on Strategic Sites for Gypsies and Travellers that did not meet the definition.
 - 3 plots for Travelling Showpeople.
18. However, this provision was based on a Gypsy and Traveller Accommodation Assessment (GTAA) undertaken in 2017 and was not considered to reflect up-to-date need. The Council commissioned an update to the GTAA in June 22. This GTAA identified a different requirement for Gypsy, Traveller and Travelling Showpeople to that originally proposed within the Plan. Whilst the overall numbers of pitches has not increased, the updated evidence identified a change in the need and delivery required.
19. Modifications are proposed as below to address the updated identified need:
- 10 additional pitches on CYC sites to meet the needs of Gypsies and Travellers that do meet the definition.
 - 30 pitches to be delivered on Strategic Sites for Gypsies and Travellers that do and do not meet the definition.
 - 4 plots for Travelling Showpeople Policy SS1: Delivering Sustainable Growth for York.
20. Further work has been done in response to the Inspectors' request for the location and delivery trajectory of the 10 pitches on CYC sites to be provided. This information has been submitted to the Inspectors, published on the Examination Library website and is also provided as Annex 9.

Key Policy Map Main Modifications

21. The Local Plan Policy map will set detailed inner and outer greenbelt boundaries for the first time. These proposed detailed boundaries are shown on the Policy Map. As part of the discussion at the Local Plan hearings and to address the Inspectors concerns, modifications have been proposed to some boundaries. A number of these amendments were formally consulted on in 2019 and 2021. The boundaries were later discussed in detail during the phase 3 and 4 sessions in 2022 and further modifications proposed.

22. Post the hearing sessions, Inspectors issued additional comments on specific sites and the proposed greenbelt boundaries. A detailed response was submitted to the Inspectors, published on the Examination Library website and is also provided as Annex 10.
23. The Proposed Modifications Schedule at Annex 3 supersedes all previous Policy Map Proposed Modifications Schedules. It incorporates all of the policy map changes that are proposed to be taken forward. Where a modification appears in a previous schedule but is not within the current Proposed Map Modifications Schedule it has not been taken forward. The key changes to the Policy Map which have not been formally consulted on before are listed below:
- An area of the central campus of Askham Bryan is proposed to be removed from the greenbelt
 - An additional area of land is proposed to be allocated for a secondary school if required as part of the site allocation at ST15. This is shown as ST15a
 - An area of land adjacent to the Imphal Barracks allocation is proposed to be removed from greenbelt
 - The boundary at St Peters School has been amended to remove land from the greenbelt
 - A 400m buffer zone is now shown on the Policy Map around Strensall Common to reflect the requirements of Policy GI2a. A 5.5km buffer zone is also identified in Policy GI2a and is shown on a separate inset map. Wording associated with Policy GI2a formed part of the 2021 consultation, but associated Policy Map additions were not.
24. The modifications include updates to boundaries and allocations where sites have been built out and only a small part of the site remains.
25. On the originally published Policy Map 'Conservation Areas' and 'Areas of Archaeological Importance' were denoted by a star. Both these designations are mapped by the Council and it is proposed to add these boundaries onto the Policy Map for ease and clarity of use.

Evidence Base

26. Alongside the Main Modifications, it is intended to formally consult on evidence published since the Local Plan was originally submitted and which has not yet been consulted on. Table 1 below provides a list of these documents along with the associated CYC Examination Library reference and date published.

Table 1: Updated Evidence

Examination Library Ref	Title	Date added
EX/CYC/76	Housing Supply Update 16 May 2022	16-May-22
EX/CYC/76a	Housing Land Supply Update Addendum Responses to representations made to EX/CYC/76 21 June 2022	24-Jun-22
EX/CYC/76b	Appendix 4 Part 1 - Major Sites with Consent	27-Jun-22
EX/CYC/76c	Appendix 4 Part 2 - Major Sites (Allocations) Consent	27-Jun-22
EX/CYC/76d	Appendix 4 Part 3 - Approved Communal Est Sites	27-Jun-22
EX/CYC/76e	Appendix 4 Part 4 - Allocations No Consent - Non-strategic	27-Jun-22
EX/CYC/76f	Appendix 4 Part 5 - Allocations No Consent - Strategic Sites	27-Jun-22
EX/CYC/76g	Appendix 4 Part 6 - Resolution to Grant	27-Jun-22
EX/CYC/76h	Appendix 4 Part 7 - Communal Estabs No Consent	27-Jun-22
EX/CYC/77	Windfall Update Technical Paper 2022	16-May-22
EX/CYC/79	Phase 2 Infrastructure Note May 2022	18-May-22
EX/CYC/86	Green Belt Topic Paper 1 Annex 7 update 23 June 2022	24-Jun-22
EX/CYC/87	Local Plan Forecasting Report	30-Jun-22
EX/CYC/87a	Local Plan Modelling Report	30-Jun-22
EX/CYC/88	Gypsy and Traveller Accommodation Assessment	07-Jul-22
EX/CYC/89	Sustainable Transport Study By Wood July 2022	08-Jul-22
EX/CYC/91	Comparative Effects Of Different Spatial Distributions	08-Jul-22
EX/CYC/92	Local Housing Needs Assessment By Icenl July 2022	08-Jul-22
EX/CYC/99a	Viability Assessment of ST7 - July 2022	21-Jul-22
EX/CYC/99b	Viability Assessment of ST14 - July 2022	21-Jul-22
EX/CYC/99c	Viability Assessment of ST15 - July 2022	21-Jul-22
EX/CYC/104	Draft Climate Change Strategy June 2022	24-Aug-22
EX/CYC/105	Draft Economic Strategy June 2022	24-Aug-22
EX/CYC/106	Air Quality Annual Status Report June 2022	24-Aug-22
EX/CYC/107/1	Housing Trajectory Note August 2022	24-Aug-22

EX/CYC/107/2	Affordable Housing Note August 2022	24-Aug-22
EX/CYC/107/3	Student Housing Policy H7 Note August 2022	24-Aug-22
EX/CYC/107/4	SH1 Land at Heworth Croft Capacity Note August 2022	24-Aug-22
EX/CYC/107/8	Infrastructure Gantt Chart May 2022 Revised August 2022	24-Aug-22
EX/CYC/119	Retail Strategic Sites Briefing Note November 2022	29-Nov-2022
	SA - Main Modifications incorporating SA Technical Note - ST15a	Published as part of this consultation
	HRA - Main Modifications incorporating HRA - ST15a	Published as part of this consultation

Post Consultation

27. Once the formal consultation period is finished the responses received will be reviewed. A report will be prepared summarising all representations along with the Council's response to points raised. This will then be submitted to the Planning Inspectors for consideration along with the final version of the main modifications. It is anticipated this will be in May of 2023.

Supplementary Planning Documents (SPDs)

28. In addition to the Local Plan Proposed Modifications, the Council is proposing to produce a range of thematic SPD's to further support the delivery and implementation of the plan. Following previous agreement at Executive in September 2018, the Council committed to producing the following SPDs:

- Strategic Site SPDs (for each of the strategic development sites);
- Sustainable Transport for Development;
- Health and Well-being;
- Cultural Well-being;
- Green Infrastructure;
- Affordable Housing;
- Gypsy and Travellers and Travelling Showpeople;
- Lower Derwent Valley;
- Low Emission;
- Sustainable Design and Construction;

- Managing Environmental Quality;
- Local Heritage List;
- Self Build and Custom Build Housing; and
- a Review existing draft SPDs including HMOs, Sub-division of dwellings and house extensions.

29. However, following the progress of the Local Plan, it is considered that the originally agreed list may not be the best way to support the delivery of the Plan or represent the most effective use of resource. A revised approach is set out below.
30. It is not necessary for all the strategic sites allocated within the Plan to be subject to individual SPD's to support their delivery. A number of the strategic sites are beginning to advance pre-application discussions as the Plan progresses. The Local Plan policies for each site provide a clear framework for development and it is considered that the application process, including pre-application discussions, are sufficient to deliver the strategic sites. This is considered a better use of Council resource, particularly given an SPD would have to be produced in collaboration with the landowner/ developer. Moreover, the development of SPDs could potentially hinder rather than speed up delivery timeframes.
31. There are also SPD's that could be combined. The Green Infrastructure and Lower Derwent Valley SPDs would possibly be better as one broader SPD rather than two separate SPD's as they are closely related.
32. Additionally, it is considered that some of the individual topic SPD's would be more successfully delivered as themes running through all of the SPDs. Health and wellbeing, cultural wellbeing, equalities, disabilities and accessibility and environmental issues should be embedded approaches into all the SPD's. It is proposed that all SPD's include a delivery and monitoring section. This section may provide standard condition and informative wording to demonstrate how the Council would secure the requirements of the plan policies. Additionally, it could set out monitoring requirements (if appropriate) and how these would be secured.
33. It is considered that the below SPD's may better support the Local Plan.

Climate Change

34. This SPD is already in production and will provide overarching guidance on how to apply the climate change policies within the plan. It will also

include practical advice for homeowners on how to incorporate environmental measures into their improvement and extension schemes as well as advising on approaches to be taken in schemes of larger scale, including those of strategic importance.

Affordable Housing

35. This SPD is already in production and will explain how much affordable housing will be sought from different scales and types of development, the mechanisms for securing it and how and when viability will be considered. It will provide guidance on delivery of other types of housing which expand housing choices and will outline design considerations for ensuring affordable housing is well integrated and indistinguishable from market housing.

Gypsy and Travellers and Travelling Showpeople

36. This would provide detailed guidance on how to deliver Gypsy and Traveller pitches within the strategic site allocations and on Council sites as required by policy and the GTAA. Several of the strategic site sites are likely to come forward quickly as the Plan progresses to adoption and it is considered that this SPD is important to secure the delivery of the required number of pitches and also ensure they are provided to high standard of design.

Green Infrastructure and Biodiversity Net Gain

37. It is expected that this SPD would support applicants to follow the forthcoming legal requirement to ensure development results in a biodiversity net gain of at least 10%. It would set out the process for achieving biodiversity should that net gain not be achievable on an applicant's site, including the process by which landowners could offer land as a potential for hosting off-site biodiversity net gain.

Sustainable Transport

38. A Sustainable Transport SPD is required to set out the transport design standards for new development in York, including, but not limited to car and cycle parking standards, bus stop/ transport hub design, development masterplanning to maximise use of active modes, public transport services, vehicle charging infrastructure and highways design.

The document will consider all aspects of transport design and incorporate the guidance contained in central government's "Decarbonising Transport" and "Gear Change" documents, as well as the anticipated guidance to be given for production of Local Transport Plans and the upcoming revisions being made to Manual for Streets, amongst other policy documents.

Residential Design – alterations and extensions

39. The Council has an guidance related to residential design. This is broadly fit for purpose, and it is intended that a review and update. This will include up to date guidance on climate and environmental improvements (linking to the Climate Change SPD as necessary) as well as accessibility design guidance for homes.

Conversion, Small Sites and Self Build

40. In order to deliver the required housing to meet York's needs, approximately 2,600 homes are expected be delivered via windfall sites as well as conversions. Strategic sites are also required to deliver plots for people who wish to self build. This SPD will provide design guidance to support delivery on these often complex types of site typologies. It will also include up to date guidance on climate and environmental improvements (linking to the Climate Change SPD as necessary) as well as accessibility design guidance for homes.

HMOs

41. The Council has guidance related to the delivery of HMO's. This is considered to be broadly fit for purpose. However, it does require an update and additional guidance around how to best ensure through the use of conditions that the size of the HMO is secured appropriately via the planning process.
42. The Council also has licensing of HMO's with additional licensing coming into effect in early 2023. It is important that the planning service and the licensing service have a joined up approach to manage the impact of HMO's on the surrounding area. This can be done, in part, by including a new section within the updated SPD specifically related to delivery and monitoring. This could include standard conditions which could:
 - secure the number of occupiers
 - removal of permitted development rights if considered appropriate

- secure the number of car parking and cycle parking spaces required to be provided
- secure the number of refuse containers required to be provided

43. A standard informative could also be included which would provide information relating to the licensing scheme and remind applications that this is a mandatory requirement.
44. A petition was received by the Council requesting an additional Article 4 Direction to remove Permitted Development Rights to extend existing HMOs in Use Class C4 within Badger Hill and other residential areas close to the University of York. The petition states that this is required due to “an increasing number of HMO’s are being enlarged with neither local residents nor the planning system being able to consider the impact of: littering and the accumulation of rubbish; noises between dwellings especially at night; increased parking problems and less commitment to maintain the quality of the local environment.
45. The issues raised in the petition can not necessarily be addressed via the removal of permitted development rights, although there may be instances in which this is an appropriate response. The update to the HMO SPD can set out a range of mechanisms that can help address the issue raised.
46. The additional licensing to be introduced early in 2023 will control numbers within HMO’s and the Council is working on a joined up approach to both enforcement and approving/licensing HMO’s initially.

Shopfront Design and Advertisements

47. Given the historic nature of the centre of York and the number of these type of applications received, it is considered that guidance on both shopfront design and the design and placement of adverts would aid both the Development Management team and applicants. It should simplify the submission process and speed up the determination as requirements would be clear for applicants.

S106 and CIL Guidance

48. This will provide detailed guidance for developers on the Council’s approach to securing S106 obligations to support a consistent approach by Development Management in respect of individual planning

applications. It will also seek to indicate how S106 agreements will work alongside CIL.

Heritage and Conservation SPD / City Walls SPD

49. This will provide detailed guidance on alterations and extensions to listed and historic buildings. It will detail how to ensure that development proposals (including signage/advertisements) would be consistent with and sympathetic to the scheduled monuments/listed buildings. It will also provide a detailed section on proposals directly affecting the City Walls as well as their setting.

Programming

50. The Climate Change and Affordable Housing SPD's are already in the process of being drafted and the timeline is shown in the Local Development Scheme approved by Executive 15 December 2022. The Gypsy and Travellers and Travelling Showpeople SPD is considered as a priority for the reasons detailed above. For the remainder of the proposed SPDs above, it is considered that the new administration should determine how suggested SPD's would be best programmed, to support the delivery of the Local Plan.

Article 4 Direction – removal of Permitted Development Prior Approval Rights to convert from Office to Residential

51. In 2013 the Government introduced a temporary prior approval process for changing office uses into residential. The prior approval process was made a permanent right in April 2016.
52. Applications for prior approval are not subject to the same assessment process as a planning application. There is no requirement to demonstrate the office use is no longer required and proposals are not required to provide for affordable housing or other policy requirements and mitigations.
53. Office to residential conversions via the prior approval process can lead to a significant loss of employment floorspace which can have a detrimental impact on economic development. Table 2 below provides details of the permissions granted under this type of application since 2013. Given the implications of changes in working patterns since 2020 and covid lockdown it is not clear if the downward trend will reverse.

Table 2: Number of prior approvals and associated office floor space

	No of Prior Approvals Granted	Amount of Lost Net Floor Space when implemented (M ²)
2013/14	7	0
2014/15	14	1647.7
2015/16	12	6613.8
2016/17	11	11493.6
2017/18	10	4024.8
2018/19	4	1646.1
2019/20	3	550
2020/21	1	9815
2021/22	1	0
Totals	63	35791

54. The Plan has an annual target to provide around 650 new jobs that will support sustainable economic growth, improve prosperity and ensure that York fulfils its role as a key economic driver within both the Leeds City Region and the York, North Yorkshire and East Riding Local Enterprise Partnership area. The ongoing loss of good quality office space could detrimentally impact on jobs growth by reducing the stock of available office space. It is considered that further investigation should be undertaken to ensure that remaining office space is protected where necessary.
55. Officers will be undertaking further research on this issue to establish whether there is sufficient evidence and a need to provide the basis for an Article 4 direction to remove this right either within the city centre, or subject to findings, a wider area to ensure that office space to support economic growth is protected.

Holiday Lets

56. In addition to the above list of suggested SPDs, the Council acknowledges that short term holiday lettings are becoming an increasing issue in the City, particularly as more people are holidaying in the UK. A Council Motion was tabled at Full Council on 20th October 2022, regarding controlling short term and holiday lets. The motion noted that Council has concerns about the unrestrictive nature of whole home lets and their wider impact on a city with a long-standing and serious

housing supply and affordability problem. In relation to work that could be delivered through Strategic Planning Policy specifically, the motion requested Executive to:

- Agree to commence the process of compiling an evidence base, from which the council can consider adopting a new policy in the future on controlling the spread of short term and holiday let accommodation, post-adoption of the Local Plan;
- Consider bringing forward, in a report to Executive in due course, options for S106 planning conditions that include, but are not restricted to:
 - Exclusivity sales periods for York residents on new build developments;
 - Main residence only conditions / restrictions on short terms lets on new developments;
- Consider the impact of short term holiday lets in the development of the council's various housing policies, including the loss of ordinary family and other housing in York;

57. Following the above motion at Full Council, officers will be undertaking further research on the issues highlighted, to establish an evidence base from which a potential policy approach can be explored.

58. The issue of short term holiday lets is also being considered in the Government's forthcoming Levelling Up & Regeneration Bill, which will place local communities at the heart of the planning system. The Government recognises that too many new homes are being bought by investors speculating on the housing market and leave them empty or flip them to short term holiday rentals. The Bill proposes to address these issues with council tax measures on empty homes, to supplement an additional stamp duty on non-residential buyers. As set out in his letter to all MPs on 5th December 2022, the Secretary of State for Levelling Up, Housing & Communities intends to table an amendment at Commons Report to enable a registration scheme for short term lets in England, which would be discretionary for local authorities. Consultation on how the scheme would be administered is likely to take place before Government's summer recess, with a view to the scheme being up and running as soon as possible afterwards. Additionally, it is proposed that a consultation will take place on reviewing the Use Classes Order to potentially define holiday and short terms lets separately within the Order.

Consultation

59. There has been wide consultation with colleagues across the council as modifications to the Local Plan have developed and evolved throughout the examination process, namely: Planning and Development Services, Transport, Highways and Environment, Housing, and Economy and Regeneration. Colleagues have also been consulted on the latest modifications and a formal six-week public consultation is proposed to commence early February as set out at paragraph 6.
60. Individual SPDs will be subject to separate consultation activities, which will be individually tailored as they come forward.

Options

61. Option 1 – Agree the consultation on the proposed modifications and evidence base to the Local Plan
62. Option 2 – Do not agree the modifications and evidence base for formal consultation
63. Option 3 – Agree the list of SPD's proposed to be delivered
64. Option 4 – Do not agree the list of SPD's and revert to the originally proposed SPD's.
65. Option 5 – Agree to evidence gathering related to the possibility of an Article 4 direction for the removal of permitted development rights for a change from office to residential use
66. Option 6 – Do not agree to evidence gathering for a possible article 4 direction.

Analysis

67. Option 1 would result in the formal consultation and submission to the Planning Inspectorate and allow the Local Plan to progress to adoption. As the plan progresses through the stages to adoption, the policies within the plan gain weight. This provides certainty to developers when considering bringing forward sites for development.

68. Option 2 would halt further progress of the Local Plan as without modifications being submitted to the Planning Inspectorate the Plan would not be capable of being found sound and its adoption therefore prevented. This presents a risk to the Council as this would mean York remains without an adopted Local Plan. In November 2017 the then Secretary of State for Communities and Local Government wrote to the Council and noted that the authority had yet to adopt a Local Plan, and there was ongoing failure to meet deadlines to achieve that aim. The letter also set out that intervention in the plan making process would be considered under certain criteria, including where:
- the least progress in plan-making has been made
 - policies in plans had not been kept up to date
 - there was higher housing pressure; and
 - intervention would have the greatest impact in accelerating Local Plan production
69. If the Local Plan is not progressed, there is a significant risk that national government would intervene in the plan making process.
70. Additionally, Option 2 would put at risk housing delivery as much of the planned housing is within allocations within the greenbelt. Without an adopted Plan housing land supply would be constrained and developers would be hesitant to invest in bringing forward sites.
71. This would also put the implementation of CIL at risk as the Council is required to have an up to date Local Plan to adopt a CIL.
72. Option 3 would mean that the Council would progress with appropriate SPDs to support the delivery of the Local Plan. The SPD's would provide guidance that would enhance the Local Plan policies and ensure that schemes were delivered to meet these policy objectives. Option 4 and a return to the original SPD's agreed would result in SPD's that may not support the plan's implementation in the most effective way.
73. Option 5 would allow officers to understand the impact that office to residential permitted development rights have had on the stock of office building within the City and whether this is sufficient evidence to consider an Article 4 direction to help protect the remaining office space. This would help support the Local Plan job growth target of 650 jobs a year by ensuring sufficient office space is available.

74. Option 6 would mean that the Council would not understand the impact of the impact that office to residential permitted development rights have had on the stock of office building.

Next steps

75. Following public consultation, all responses received would be reviewed and responses compiled. This assessment would then be submitted alongside the draft Local Plan and associated evidence base for the inspectors' final consideration. Following receipt of the inspectors' report, it is anticipated that the Plan would be taken to Full Council for adoption in Autumn 2023.
76. Once adopted, Government guidance requires Local Plans be regularly reviewed, with a legal requirement that they are reviewed at least every 5 years. The required review would use updated evidence base documents and would be carried out alongside ongoing work on SPDs and Neighbourhood Plans.

Council Plan

77. The Local Plan directly supports the achievement of all of the Council Plan 2019-2023 outcome areas as below:
- **Well-paid jobs and an inclusive economy**
By planning for 650 new jobs on average a year, providing a clear policy framework to achieve this and protecting and allocating land for employment uses.
 - **A greener and cleaner city**
By providing environmental and climate change policies to support new development to reach high levels of sustainability as well as mitigate impact on air quality.
 - **Getting around sustainably**
Through the use of sustainable transport policies to ensure planning applications to deliver sustainable transport initiatives along with cycling and pedestrian routes and incorporating these into new development.
 - **Good health and wellbeing**
The policies of the plan require provision of open space to support new development as well as protecting existing open space and sports facilities.
 - **Safe communities and culture for all**
Through design policies that require new development be designed for all ages and abilities as well as designing public spaces to be

accessible for all ages and life stages, including for those with limited mobility. The plan also requires considerations for how design may impact on crime or perception of safety.

- **Creating homes and world-class infrastructure**

By planning for 822 new homes a year on average and requiring supporting infrastructure in the form of sustainable transport, open space, pedestrian and cycle facilities.

- **A better start for children and young people**

Through the requirement for development to provide new schools via direct onsite provision or via off site contribution as well as protecting existing childcare provision

- **An open and effective council**

By clearly articulating the policy requirements, providing a clear framework for developers when looking to submit planning applications.

Implications

Financial

78. The work as presented in this report can be delivered and funded from reserves identified to complete the plan. The preparation and examination of the Local Plan has incurred significant one-off expenditure totalling over £2m over the last four years. Should the plan fail to proceed at this time and is restarted in the future similar sums of budget would need to be identified to refresh the evidence and prepare for new examinations.

Human Resources (HR)

79. There are no human resources (HR) implications. The work detailed within this report will be produced using resource within existing Strategic Planning Policy Team.

Equalities

80. The Council needs to take into account the Public Sector Equality Duty under Section 149 of the Equality Act 2010 (to have due regard to the need to eliminate discrimination, harassment, victimisation and any other prohibited conduct; advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it and foster good relations between persons who share a relevant protected characteristic and persons who do not share it in the exercise

of a public authority's functions). An addendum to update the original equalities impact assessment (EIA) of the Local Plan has been undertaken and is attached at Annex 8. The EIA has identified that the Local Plan is likely to have a positive effect on social considerations through the continued positive support and provision of housing delivery. SPD's identified in the report will be subject to their own EIA, undertaken as part of their individual preparation.

Legal

81. Legal advice has been sought and provided on the content of this report and the proposed modifications to the draft Local Plan.
82. The procedures which the Council is required to follow when producing a Local Plan derive from the Planning and Compulsory Purchase Act 2004 (as amended) and the Town and Country Planning (Local Development) (England) Regulations 2012.
83. The legislation states that a local planning authority must only submit a plan for examination which it considers to be sound. This is defined by the National Planning Policy Framework as being:
 - **Positively Prepared:** based on a strategy which seeks to meet objectively assessed development and infrastructure requirements;
 - **Justified:** the most appropriate strategy, when considered against the reasonable alternatives, based on proportionate evidence;
 - **Effective:** deliverable over its period and based on effective joint working on cross-boundary strategic priorities; and
 - **Consistent with national policy:** enable the delivery of sustainable development in accordance with the policies in the Framework.
84. In order for the draft Local Plan to pass the tests of soundness, in particular the 'justified' and 'effective' tests, it is necessary for it to be based on an adequate, up to date and relevant evidence base. The Council also has a legal duty to comply with the Statement of Community Involvement in preparing the Plan. (S19(3) 2004 Act).
85. In addition, the Council also has a legal "Duty to Co-operate" in preparing the Plan. (S33A 2004 Act).
86. The Secretary of State for Communities and Local Government wrote to the Council on 16th November 2017 emphasising the importance of up-to date local plans and expressing concern at the lack of progress City of

York had made up to that point. Since then, the Council has been in dialogue with the Secretary of State who continues to monitor progress on the Local Plan closely.

87. There remains a substantial risk of direct interventions by Government into the City's Local Plan making with the consequential inability to steer, promote or restrict development across its administrative area in accordance with its Local Development Scheme.

Crime and Disorder

88. There are no crime and disorder implications.

Information Technology (IT)

89. There are no IT implications.

Property

90. There are no property implications. Should property implications arise from work undertaken to implement the Local Plan or individual SPD's, these will be reported as appropriate.

Other

91. There are no other known implications.

Risk Management

92. The risks associated with not progressing the Local Plan through to adoption are detailed in the report above.

Contact Details

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Chief Officer Responsible for the report:

Chief Officer's name Neil Ferris
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Report Approved **Date** 10 January 2023

Specialist Implications Officer

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

For further information please contact the author of the report

Background Papers:

CD001 - City of York Local Plan Publication Draft (Regulation 19 Consultation) (February 2018)

CD004A - City of York Publication Draft Local Plan Policies Maps – North

CD004B - City of York Publication Draft Local Plan Policies Maps - South

CD004C - City of York Publication Draft Local Plan Policies Maps - City Centre

EX/CYC/20 - Proposed Modifications June 2019

EX/CYC/58 - Composite Modifications Schedule April 2021

Controlling the Concentration of Houses in Multiple Occupation Draft 'Supplementary Planning Document (SPD)

House extensions and alterations (draft) Supplementary Planning Document (SPD)

Executive 27 September 2018 Agenda Reports Pack

Executive Thursday, 27 September 2018 Printed Decisions

Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended) (available at:
<https://www.legislation.gov.uk/uksi/2012/767/contents/made>)
Environment Act 2021
(<https://www.legislation.gov.uk/ukpga/2021/30/enacted>)

Annexes

Annex 1 – Local Plan Main Modifications Schedule
Annex 2 - Local Plan Additional Modifications Schedule
Annex 3 - Local Plan Policy Map Modifications Schedule
Annex 4 – Sustainability Appraisal Addendum
Annex 5 – Sustainability Appraisal ST15a
Annex 6 – Habitat Regulation Appraisal Addendum
Annex 7 – Habitat Regulation Appraisal ST15a
Annex 8 – Equalities Impact Assessment Addendum
Annex 9 - Provision for Gypsies and Travellers and Travelling Showpeople
Annex 10 – Greenbelt Boundaries

List of Abbreviations Used in this Report

HMO - Houses in multiple occupation
GTAA - Gypsy and Traveller Accommodation Assessment
SPD - Supplementary Planning Document