



Notice of a public

Decision Session - Executive Member for Economy and Strategic Planning

To: Councillor Mason (Executive Member)

Date: Tuesday, 24 January 2023

Time: 4.00 pm

Venue: The George Hudson Board Room - 1st Floor West Offices (F045)

AGENDA

Notice to Members – Post Decision Calling In:

Members are reminded that, should they wish to call in any item* on this agenda, notice must be given to Democracy Support Group by:

4:00 pm on Thursday 26 January if an item is called in *after* a decision has been taken.

*With the exception of matters that have been subject of a previous call in, require Full Council approval or are urgent which are not subject to the call-in provisions. Any called in items will be considered by the Customer and Corporate Services Scrutiny Management Committee.

Written representations in respect of item on this agenda should be submitted to Democratic Services by **5.00pm** on **Friday 20 January**.

1. **Declarations of Interest**

At this point in the meeting, the Executive Member is asked to declare any disclosable pecuniary interests or other registerable interests he might have in respect of business on this agenda, if he has not already done so in advance on the Register of Interests.

2. **Minutes** (Pages 1 - 8)

To approve and sign the minutes of the last two meetings held on 25 October and 1 November 2022.

3. **Public Participation**

At this point in the meeting members of the public who have registered to speak can do so. Members of the public may speak on agenda items or on matters within the remit of the committee.

Please note that our registration deadlines are set as 2 working days before the meeting, in order to facilitate the management of public participation at our meetings. The deadline for registering at this meeting is **5:00pm on Friday 20 January 2023**.

To register to speak please visit www.york.gov.uk/AttendCouncilMeetings to fill in an online registration form. If you have any questions about the registration form or the meeting, please contact Democratic Services. Contact details can be found at the foot of this agenda.

Webcasting of Public Meetings

Please note that, subject to available resources, this meeting will be webcast including any registered public speakers who have given their permission. The meeting can be viewed live and on demand at www.york.gov.uk/webcasts.

During coronavirus, we made some changes to how we ran council meetings, including facilitating remote participation by public speakers. See our updates (www.york.gov.uk/COVIDDemocracy) for more information on meetings and decisions.

4. Quarterly Economic Update (Pages 9 - 22)

This report provides updates on the local financial climate, core business support activity and Council-led initiatives, an update on the national and local economy, key account management work, events and initiatives, progress against major milestones, and inward investment work.

5. Article 4 Direction - Heslington (Pages 23 - 58)

This report provides an update on and confirms the Article 4 direction covering sensitive buildings within the Heslington Conservation Area.

6. Urgent Business

Any other business which the Executive Member considers urgent under the Local Government Act 1972.

Democracy Officer

Margo Budreviciute

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This information can be provided in your own language.

我們也用您們的語言提供這個信息 (Cantonese)

এই তথ্য আপনার নিজের ভাষায় দেয়া যেতে পারে। (Bengali)

Ta informacja może być dostarczona w twoim własnym języku. (Polish)

Bu bilgiyi kendi dilinizde almanız mümkündür. (Turkish)

یہ معلومات آپ کی اپنی زبان (بولی) میں بھی مہیا کی جاسکتی ہیں۔ (Urdu)

 **(01904) 551550**

For more information about any of the following please contact the Democracy Officer responsible for servicing this meeting

- Registering to speak
- Written Representations

- Business of the meeting
- Any special arrangements
- Copies of reports

Contact details are set out above

City of York Council

Committee Minutes

Meeting	Decision Session - Executive Member for Economy and Strategic Planning
Date	25 October 2022
Present	Councillor Mason
Officers in Attendance	Neil Ferris, Corporate Director of Place

10. DECLARATIONS OF INTEREST (16:01)

The Executive Member was asked to declare, at this point in the meeting, any disclosable pecuniary interests or other registerable interests he might have in respect of business on the agenda, if he had not already done so in advance on the Register of Interests. None were declared.

11. MINUTES (16:01)

Resolved: That the minutes of the previous meeting held on 26 July 2022 be approved as a correct record and be signed by the Executive Member.

12. PUBLIC PARTICIPATION (16:01)

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

Written representations were received from the Parish Council Chairs of Escrick, Stillingleet and Cawood who supported the Officer's recommendations within the report.

Councillor Crane from Selby District Council also submitted a written representation in opposition to some aspects of the report, stating that Selby Council has engaged constructively with CYC on the preparation of the Local Plan.

13. CITY OF YORK COUNCIL RESPONSE TO CONSULTATION ON SELBY DISTRICT COUNCIL 'PRE-SUBMISSION PUBLICATION LOCAL PLAN CONSULTATION'. (16:02)

The Executive Member considered a report that provided a summary of concerns raised in response to consultation by Selby District Council (SDC) on the proposed submission version of the Selby District Local Plan regarding the allocation at Heronby and its the potential impact on City of York Council (CYC).

In presenting the report, the Corporate Director of Place summarised the concerns detailed in the report and emphasised the need for further work to understand the impacts of the development on transport and education within the CYC boundary and how these would be mitigated. He confirmed that the council wished to engage further with SDC and their local plan to deliver a successful project.

The Executive Member expressed agreement with the concerns set out in the report and, having noted the written submissions referred to under Public Participation,

Resolved: That approval be given to submit to Selby District Council a response to the formal consultation on the pre-submission Selby District Council Local Plan, including:

- a. Objections to the evidence base related to the allocation of Heronby regarding transport impacts to CYC, as well as the implications of the necessary highway improvements within CYC boundary.
- b. Objections to the approach related to the allocation of Heronby to education provision and the potential impact on CYC students.
- c. Concern regarding the deliverability of the Heronby allocation given the lack of evidence on viability.
- d. Objection to the selection of Heronby as the site for a new settlement when assessed against the two other preferred options and, more specifically, against Church Fenton.

- e. Objection to the level of engagement SDC has had with CYC in developing the evidence base and on strategic matters that cross administrative boundaries with regard to the significant adverse impacts the allocation of Heronby would have on CYC under Duty to Cooperate.

Reason: City of York Council has been formally consulted under Regulation 19 of The Town and Country Planning (Local Development) (England) Regulations 2012 (as amended).

Cllr Mason, Executive Member

[The meeting started at 16:01 and finished at 16:09].

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Meeting	Decision Session - Executive Member for Economy and Strategic Planning
Date	1 November 2022
Present	Councillor Mason
Officers in Attendance	Simon Brereton, Head of Economic Growth Will Clarke, Economic Growth Officer Anthony Dean, Public Protection Manager

14. **DECLARATIONS OF INTEREST (16:00)**

The Executive Member was asked to declare, at this point in the meeting, any disclosable pecuniary interests or other registerable interests he might have in respect of business on the agenda, if he had not already done so in advance on the Register of Interests. None were declared.

15. **PUBLIC PARTICIPATION (16:00)**

It was reported that there had been two registrations to speak under the Council's Public Participation Scheme.

Councillor Kilbane spoke about the Inclusive Growth Fund. He spoke about the cost of living crisis and income disparities within York, explaining that economic circumstances are the main determinant of life expectancy. He also argued for targeted intervention and financial inclusion in certain areas in York, including places in Clifton, Tang Hall and Westfield.

Flick Williams spoke about access issues for the York Christmas Markets and asked questions regarding changes of footstreet hours, what training was provided to barrier guards, and what changes have been introduced to improve the temporary barriers on Spurriergate for people with access needs.

16. FOOD SERVICE PLAN (16:07)

The Executive Member considered a report that presented the Food Service Plan for 2022/2023, which is a statutory requirement for the Council, and this is overseen by the Food Standards Agency (FSA). The Public Protection Manager provided a review of what was achieved in 2021/22 and summarised what the Council plan to do to ensure compliance in 2022/23 in terms of hygiene and standards.

He noted that in 2021/22, all onsite inspections for A and B rated premises were completed but the requirement to inspect all C rated premises was not achieved due to several issues. Of those inspected, 86% were broadly compliant with 41% achieving a food hygiene rating score of 5. In terms of food standards, the Council also had to undertake an assessment on all the unrated businesses, of which there were 1100 on the register. Overall, following interventions, 382 written warnings were issued, 2 premises voluntarily closed, 5 hygiene improvement notices were served and there are 3 pending prosecutions being considered.

For 2022/23, the Council plans to comply with the minimum FSA standards but also go beyond it to deal with a backlog of inspections as a result of the pandemic. They aim to inspect A, B and C rated premises alongside inspect premises that are non-broadly compliant, rated 3 or 4, butchers' shop, newly registered businesses and ones that have had complaints. Animal food and feed inspections will be undertaken by North Yorkshire County Council.

The Executive Member welcomed the Plan and in answer to his questions, Officers confirmed that food standards across businesses have partially dropped, and this can be attributed to the pandemic, financial restrictions, and staffing, amongst others. They then highlighted the importance of these wider inspections to ensure businesses are compliant with regulations and that standards don't drop.

Resolved:

- i. That the Food Service plan is approved.

Reason: To ensure the Council has a plan to fulfil its obligations under the Food Law Code of Practice.

17. INCLUSIVE GROWTH FUND UPDATE (16:16)

The Executive Member considered a report that provided an update on the actions set out in the Inclusive Growth Fund, as agreed by the Executive Member at the Decision Session on 18 September 2019.

Officers provided a background to the Fund and some of its eight inclusive growth projects, the challenges faced and the successes since its approval in September 2019. They also confirmed that York has signed up to the Good Business Charter before explaining that all of the Inclusive Growth funding has now been committed to the projects, with the commitment that it will be spent by the end of the 2022/23 financial year.

The Head of Economic Growth then addressed some comments from public participants and discussed the importance of the York Poverty Truth Commission, which communicates with experts, residents, and local businesses to understand issues, during the cost of living crisis. He then went on to explain that residents across the whole city are experiencing difficult economic circumstances so there needs to be an inclusive strategy for all residents. Rising costs for small businesses were also noted and Officers confirmed that the Council is focussing on assisting them through this Fund and other projects.

The Executive Member welcomed the strategy, especially in relation to small businesses and mental health support, during the pandemic and the cost of living crisis;

Resolved:

- i. That the progress made on the agreed Inclusive Growth Fund projects be noted.

Reason: So that the Council nurtures a pipeline of projects that positively address inclusive growth in the City of York.

18. QUARTERLY ECONOMIC UPDATE (16:28)

The Executive Member considered a report providing updates on the local financial climate, core business support work and Council-led initiatives, and included an update on the state of the national and local economy, key account management work, progress against major milestones, and inward investment.

The Head of Economic Growth detailed the report, highlighting that the price of energy and petrol is driving inflation and having a large impact on households and businesses. He explained that this has affected mortgage rates, business borrowing costs, business loans, debts, transport costs and wage resulting in low confidence levels for businesses. He also stated that the Council predicts 1 in 5 households in York will suffer due to the cost of living increase.

He noted that job vacancies continue to rise with around 3,800 jobs available within a 5 mile radius of York. Unemployment rates remain level with 2,440 people claiming out of work benefits, but he explained that this is still higher than pre-pandemic levels.

Officers highlighted the York Business festival which is a month long event focussing on supporting businesses to find ways to alleviate costs and trade better this month and encouraged people to sign up. They also provided updates on the Great British Rail bid, the UK Shared Prosperity Fund, the additional Covid-19 relief fund from which nearly 1000 local businesses benefited from, and the Good Business Charter before he confirmed 100 businesses from York have signed up to it, including Make it York and Yorwaste.

The Executive Member expressed agreement with the concerns set out in the report and,

Resolved:

- i. That the Quarterly Economic Update report is noted.

Reason: To support York's ongoing economic work and understand how York is performing from an economic perspective.

CLLR A MASON, Executive Member
[The meeting started at 4.00 pm and finished at 4.39 pm].



**Decision Session – Executive
Member for Economy and Strategic
Planning**

24 January 2023

Report of the Director of Housing, Economy and Regeneration

Quarterly Economic Update

Summary

1. This report provides updates on the local financial climate, core business support activity and Council-led initiatives, an update on the national and local economy, key account management work, events and initiatives, progress against major milestones, and inward investment work.
2. New data has been published by Government on pay and hours worked in the local economy. This shows that York continues to be a well-paid city in comparison to other locations across the north, but is lagging behind the south. This key Levelling Up issue is the main driver of our Economic Strategy.
3. From a separate Government data set, we can see that average pay in York increased by 9.7% in the year to November 2022, and that this increase was higher than in other northern cities. This is still slightly below the published inflation rate but it is good to see household incomes increasing in the current economic climate.
4. Businesses in York continue to report challenges in the cost of doing business, recruitment and finding premises. While inflation is predicted to fall in early 2023, the national economy is on the brink of a recession and the months ahead will be challenging for many businesses.

Recommendations

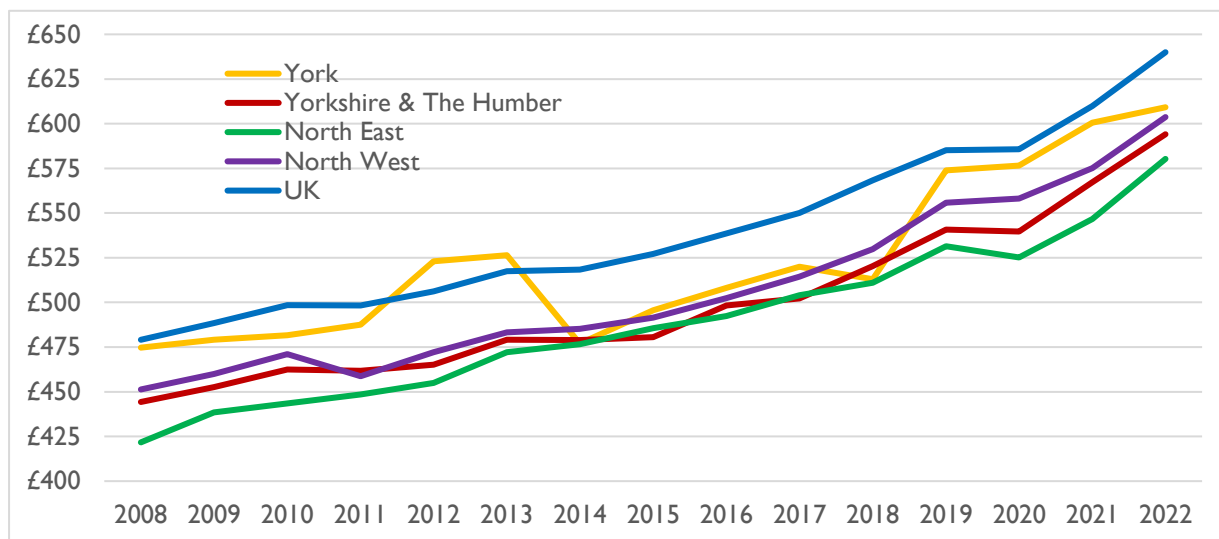
5. The Executive Member is asked to:
 - i. Note the contents of the report

Reason: To support York's ongoing economic work and monitor how York is performing from an economic perspective.

State of the Economy

6. This report covers the period of November 2022 to January 2023. During this time a new Prime Minister has taken office and the Chancellor of the Exchequer has set out Government tax and spending plans in an Autumn Statement. The Bank of England (BoE) raised core interest rates twice, now standing at 3.5%, and warned that the UK is about to enter a prolonged recession that could last until the middle of 2024¹. Industrial action has been occurring across several industries including rail, postal services and nursing with trade unions seeking changes to pay and working conditions. This is a challenging period for the economy with residents and businesses seeing direct impacts on their prosperity.
7. The release of this year's Annual Survey of Hours and Earnings (ASHE) during this period provides an insight into how the incomes of residents and employees in York are changing. The survey takes place in April, so the published figures are from early in 2022 at the start of the current inflationary spiral. When the survey was undertaken, inflation was running at an annual rate of 7% - this is currently standing at 10.7%².
8. For 2022, the median full-time weekly wage for York residents was £609.20. As shown in Figure 1, this is a higher weekly wage than elsewhere in the north of England, with Yorkshire and Humber recording £594.20 a week, UK-wide median of £640 a week.

Figure 1 – Median full-time weekly pay in York vs the north



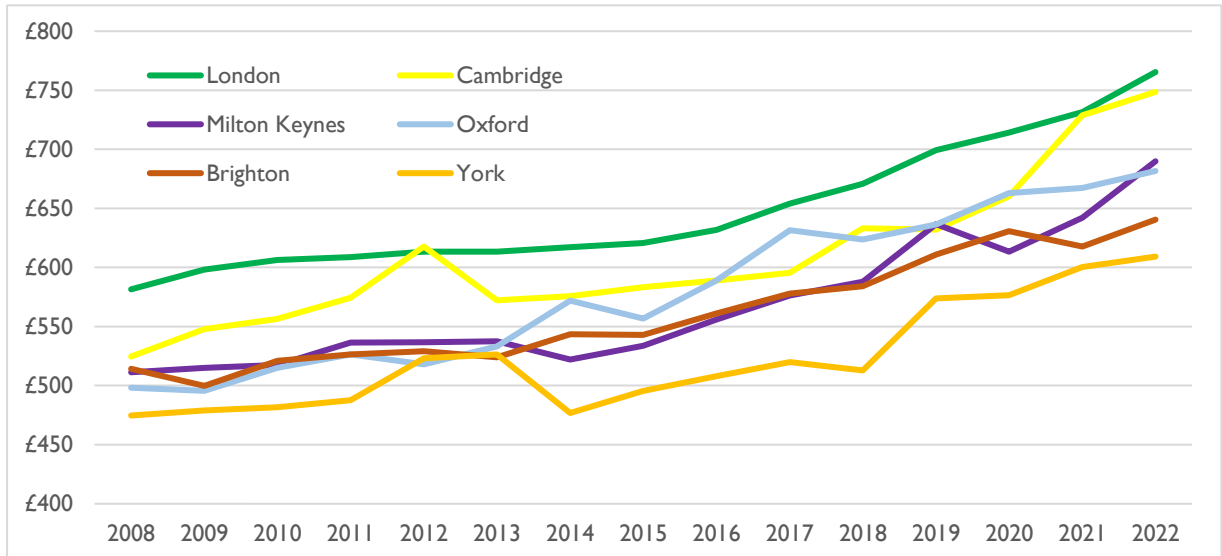
9. The gap between York's full-time median wage levels and southern English towns and cities in Southern England has widened. The weekly

¹ Bank of England, Monetary Policy Report, November 2022 – <https://www.bankofengland.co.uk/-/media/boe/files/monetary-policy-report/2022/november/monetary-policy-report-november-2022.pdf>

² This is the Consumer Price Index (CPI) measure for inflation in December 2022

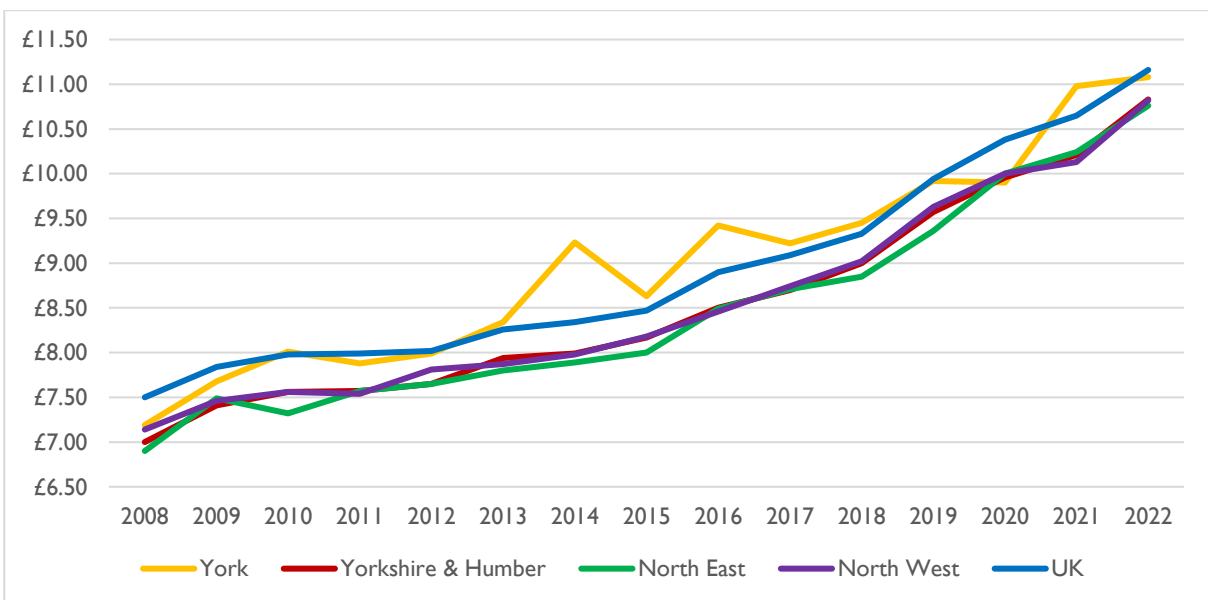
wages in London, Cambridge and Bath are £156, £139 and £90 higher than in York, as seen in Figure 2.

Figure 2 – Southern England and York full-time weekly pay



- When looking at part-time workers, the median part-time hourly wage in York was £11.08 an hour. This figure is higher than elsewhere in the North as shown in Figure 3. The UK median part-time hourly wage is just above York's at £11.16 per hour, however, York's part-time pay is also less than in Southern England.

Figure 3: Median part-time hourly pay in York



- As discussed in the new Economic Strategy, York's wage levels are strong in comparison to the north of England, average in national terms but below the levels seen in southern England. This year's ASHE data

reinforces that analysis and further demonstrates the need to develop more better-paid roles in York’s growth industries while pushing up productivity and pay in high volume sectors such as retail, hospitality and social care.

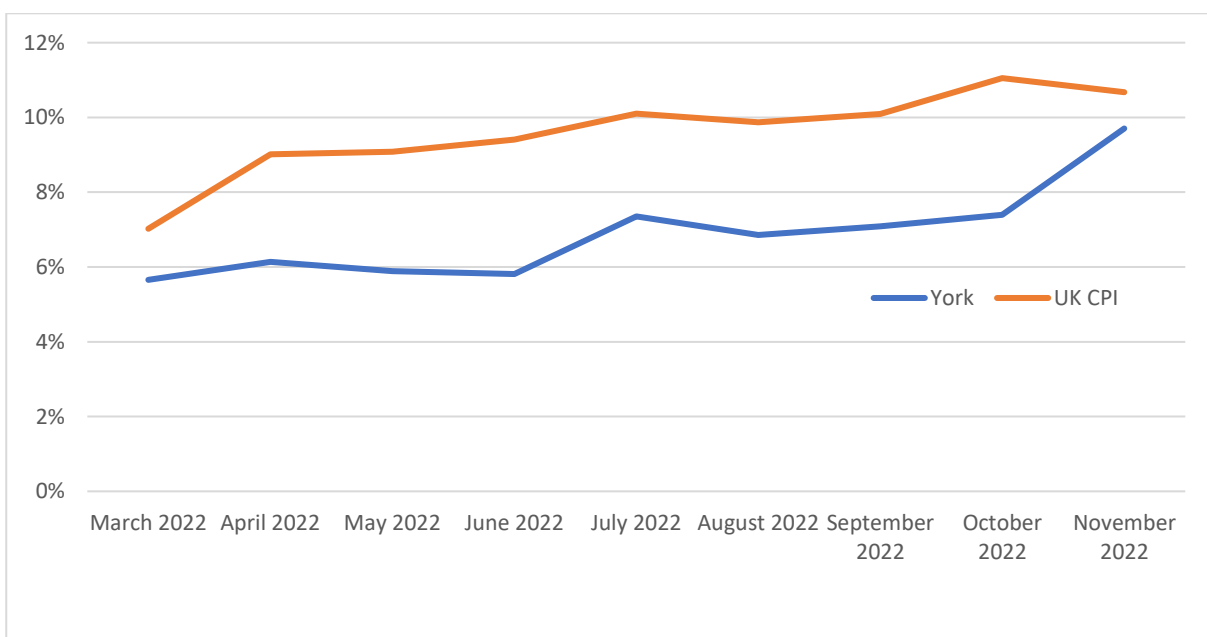
- Alongside ASHE data, the Government also publishes monthly real time information (RTI) on wages for local authority areas. Whilst this RTI data does not differentiate between full-time and part-time pay, it does provide a more up-to-date insight into wage levels in York as it is a monthly average based on daily estimates of the average pay packet.

Table 4 – Annual percentage change in RTI Median Wages for northern cities, Nov 2021 to Nov 2022

	York	Manchester	Liverpool	Sheffield	Leeds	Tyneside
Year to Nov 2022	9.7%	9.2%	9.0%	7.9%	6.8%	6.5%

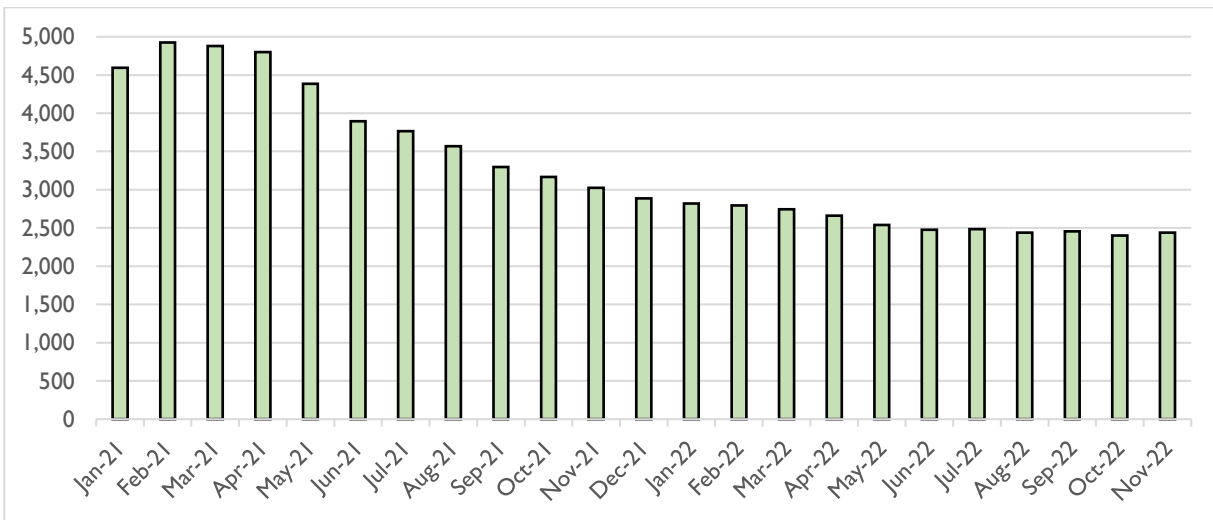
- According to this metric, York’s overall median wage for November 2022 was £2,114, which suggests that pay in York increased 9.7% in the year November 2021 to 2022 (see Table 4). While this is still below inflation, it represents significant growth and is higher than elsewhere in the North. The annual increase in RTI median pay for York has risen steadily since June 2022, getting closer to inflation in recent months, as shown in Figure 5 .

Figure 5 – Increase in York median pay vs. inflation, Nov 2021 to Nov 2022



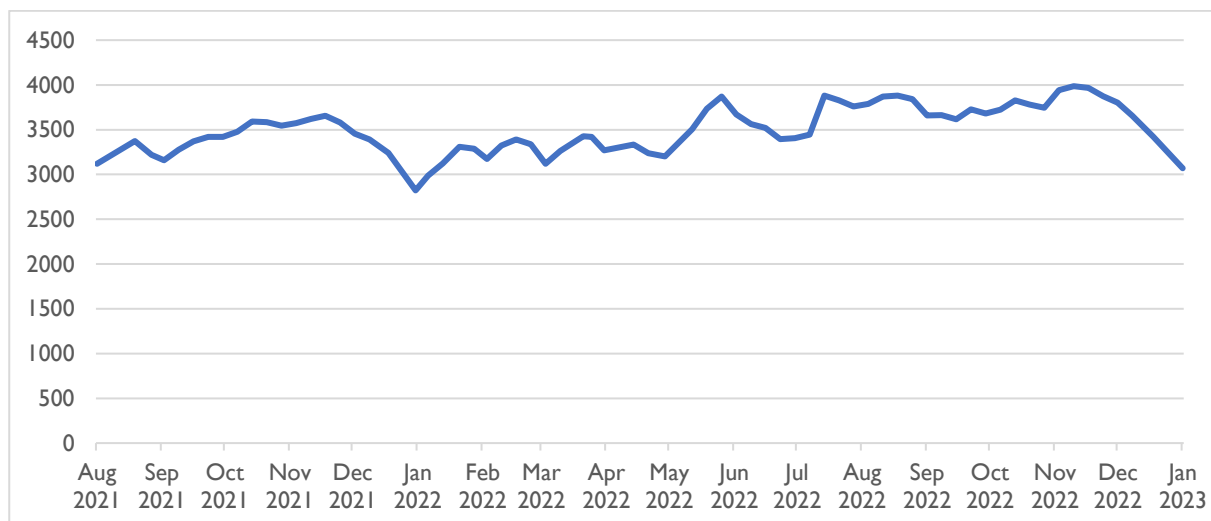
14. In terms of unemployment, York’s claimant count appears to have levelled out. As seen in Figure 6, the claimant count had fallen for 15 consecutive months. But, since June 2022, the number of people claiming out of work benefits has been within the range of 2400-2500 people. The provisional reading for November 2022 was 2,440 people claiming out of work benefits, with the gender split being 1,400 male and 1,040 female.

Figure 6 – York’s Claimant Count 2021-22



15. At the beginning of January 2023, there were 3,071 job vacancies within 5 miles of York City Centre, according to the job website Indeed. This is a decrease of about 800 vacancies from the beginning of Q4 in 2022, as seen in Figure 6. This matches the pattern seen in the previous year, and is due to seasonal recruitment, with businesses employing new staff for the Christmas period and the number of vacancies dropping in the new year. The average number of vacancies across 2022 was 3,548.

Figure 7 – Job vacancies within 5 miles of York City Centre



Business Intelligence

16. During the last quarter there were 18 virtual and in person conversations with key accounts, as well as a sector roundtable discussion with tech sector companies. Ten of these companies were from the rail sector, five were tech, and there was one each from the insurance, energy and engineering/manufacturing sectors.
17. Discussions were predicated on how to bring the varying sectors together, and to outline available and potential support priorities. The rail sector Skills Centre of Excellence. discussions are ongoing alongside higher and further education and rail industry representatives. The main discussion topics remain the same key issues as have been raised by local business over the course of the last six months:

The Cost of Doing Business

18. Since September 2022, the Energy Bill Relief Scheme has been crucial in shielding business from rising wholesale gas and electricity costs after Russia's invasion of Ukraine. Both large and small firms are finding it increasingly difficult to pass on costs to customers.
19. Companies need more detail about any potential support that may come in April 2023 when the current support package expires. Firms expect their energy costs to more than double (151%) if Government support is no longer available from April 2023.
20. General inflationary pressures persist and are one of the most reported sources of anxiety by many of our SMEs. There has been a slight fall in

transport and freight costs but increases in energy costs have taken any slack from savings there.

21. Supply chain issues are easing slightly but firms have had to hold increased stock levels to minimise any disruptions, and the availability and price of raw materials is affecting all sectors. This is impacting cash flow and investments.
22. Obtaining credit is becoming more difficult for smaller firms as banks are seeking more security. At least one firm that we are aware of has had its current loan conditions amended, and it is highly likely that this is a pattern that will increase in the coming months. There is still some demand for working capital but not for investment capital.
23. Anecdotally, due to a combination of all the challenging factors set out in this report, the feedback from many businesses is that they are now in survival mode.

Recruitment

24. Staff recruitment is still the most frequent challenge raised during conversations with businesses, along with the concern of retaining experienced trained staff.
25. There is still a huge demand in the tech, insurance and rail sectors. Some bigger companies in the city are actively recruiting from further afield to work remotely where possible but are still encountering competition and increased wage demands.
26. Firms are facing significant wage pressures from staff, as well as from competitors in their sector, particularly as employees increasingly feel the squeeze from cost-of-living increases.

Premises

27. Availability of premises continues to be a concern for businesses looking to relocate. To better understand the current situation, data from Costar has been provided by the LEP. This shows the current stock and availability categorised into several different areas as follows:

York City Centre office market

- Market contains about 1,500,000 ft²
- The current vacancy rate is 2.6%
- Rents grew by 4.4% over the last 12 months

Outer York office market

- Market contains 2,000,000 ft²
- Vacancy rate is Circa 7.6%
- Rents grew by 4.3% in 2022

Retail market

- Vacancy overall is 2.1%
 - Shopping centre vacancy rate is 6.7%
 - Retail Park vacancy rate is 2.5%
 - General retail vacancy rate is 1.5%

28. This data demonstrates the attractiveness of the York commercial property market to investors and the shortage of available space that potential occupiers are reporting.

Rail Sector update

29. Joint dialogue with rail companies and academia is ongoing, exploring how both can work together to deliver clear training routes into the sector. The commitment made in our Great British Rail HQ bid to develop a Centre of Excellence for Rail Skills underpins this work.

30. We are currently working with two rail companies outside the York area who wish to engage with the local supply chain. One is a major Tier 1 supplier to Network Rail looking for support in making introductions to local supplier companies, the other is a rail freight company seeking help from the York rail tech community to work on a specific challenge.

31. The team is also working with the Birmingham Centre for Railway Research and Education to identify local rail companies who might wish to attend an international visit to Germany to meet other rail companies and explore potential collaborations and employment opportunities. We hope to share a presentation of York rail tech community through the Department for International Trade rail lead based at the British Embassy in Berlin in due course.

32. We are aware of three rail companies wanting to discuss available premises in York. Their focus is primarily around proximity to similar companies to stimulate collaboration, and we are actively facilitating these conversations, all of which have been triggered by lease break clauses.

33. One of these companies has already moved to York as our rail skills cluster has enabled them to better fill longstanding vacancies. They have now recruited 10 members of staff and expect to recruit a further 20 over the next 12 months.

Supported Business Growth and Inward Investment

34. The Council's Business Growth and Inward Investment teams are key elements in building relationships with local economic partners and businesses, offering guidance and support, and timely information.
35. The Business Growth Managers (GMs) currently have over 150 active business support connections in train, with the Inward Investment Officer (IIO) fielding numerous queries for potential landings in York, including direct foreign investment.
36. Regular meetings are held with key intermediaries, including Adventure, Mercia, IUK Edge, British Business Bank, Department for International Trade, Enterprise Works at the University of York, FSB, WNY Chamber, York Science Park, the Guildhall, Y&NY Growth Hub, York St John University, StreetLife, York College, York Creatives, University of York, Barclays Eagle Labs, Scale-Up Programme and Lloyds Bank.
37. The Economic Growth Team are also leading on developing key sector opportunities within the City including professional services, retail, creative tech and media arts, hospitality, tourism, bioeconomy and health and life sciences. Already the GMs and IIO have pulled together sector resources and initiated key working relationships which will reap future benefits.
38. The GMs have a seat on variety of boards and groups within the City providing a key Council presence to help guide and influence decision making. Partners now include York Tourism Advisory Board, York High St Forum steering group, York St John University Business School Advisory Board, Skills Support for the Workforce and WNY Chamber Property Steering Group.
39. Networking events, sessions hosted and attended by the GMs and funding opportunities continue to yield important new business introductions and drive business investment. Work includes:
 - Co-ordination of the *York Digital Focus* event, part of Leeds Digital Festival

- Delivery of the third in a series of successful *Women in Business* events in partnership with NatWest Bank
- Delivery of four *Connect Over Coffee* events for businesses
- Funding provided to WNY Chamber by CYC has led to 20% increase in York membership numbers. GMs now have these details as leads for potential support
- Funding provided by CYC to FSB has led to numerous masterclasses and podcast recordings (including website creation, customer retention strategy, social media strategy and how to win awards) have led to 120 positive business interactions. Again, details have been obtained to generate leads and potential support
- Generation of 156 interactions with businesses via partnership working with YNY Growth Hub, including attending the Courageous Females course, Your Small Business Board (Peer to Peer), Strive Live (for start-ups) and sessions on marketing, staffing and digital skills, access to finance and more
- Planned delivery of three webinars and one in-person event with Google Digital Garage in 2023
- Working with Enterprise Nation to plan delivery of a start up event, and with The CPD unit at University of York to plan an Employment and Skills conference in the next quarter.

40. Promotion of the City, especially with international partners, is a key aspect of the team's remit and as such:

- A promotional city developments film to showcase York has been made, led by the BID. Designed for use by city-wide partners for multiple purposes, including attracting direct foreign investment. This will be launched in January 2023
- Attendance at York Property Forum focussed on *Making Heritage Modern, Relevant and Attraction*, leading to a working relationship with the Minster, including support to highlight the York Minster Precinct
- Linking York Vikings Rotary and York Nebraska Rotary through a third parties to discuss opportunities to connect
- Initial exploratory meetings with Dijon, aiming to build on the civic engagement between our city and theirs, as well as identifying commercial opportunities.

41. Two new business have now located in York through the efforts of the team, one from the tech sector, the other working in green energy solutions. One of these companies has taken premises at the University of York's Catalyst, initially employing ten people, with a view to expand.

42. There are several other potential companies in the pipeline exploring the local area as a base, including large international businesses:
- An international business looking to expand close to east coast of UK (near ports) with a manufacturing facility totalling up to 500,000 ft² to produce aluminium bottles/cans for beverage industry
 - US-owned business, developing a medical device, looking for manufacturing facility and cleanroom and storage
 - Eastern European company looking for land on which to develop a battery recycling facility to provide feedstock for locally based Gigafactory

York Business Festival

43. York Business Festival was delivered through the business support partnership throughout November 2022, based on the five key themes of the Economic Strategy:
- An economy driven by good business
 - Thriving businesses supported by sustainable growth
 - A greener economy
 - A thriving workforce, and;
 - York as a global City
44. A programme of 30 events – webinars, seminars, workshops and networking - covered a broad range of issues such as green jobs, business start ups and entrepreneurs, innovation, sector sessions focussing on rail and hospitality, importing/ exporting, apprenticeships, sustainability, and employees, skills and the talent pipeline.
45. Alongside teams from the Council, partners supporting delivery of the event include the University of York, the Institute of Directors, York and North Yorkshire LEP, York St. John University, Chamber of Commerce, Warwick University, Chamber of Commerce, the Department for International Trade, and numerous individual speakers from business organisations and the business community.
46. Over 1,000 businesses attended the Festival, and feedback from them will now be collated in a report for the Executive Member in the new year.

Economic Strategy and Partnership

47. The City's *Economic Strategy* was agreed by the Council's Executive on 22 November as part of the 10 Year Strategy and Policy framework,

which also includes Climate Health and Wellbeing 10 year strategies, and the emerging 10 year City Plan.

48. Full Council ratified the Economic Strategy on 15th December 2022 as part of report from the Executive Leader on the 10 Year Strategy and Policy Framework.
49. A preliminary meeting of the new Economic Partnership was held in October 2022. The Partnership discussed the new Economic Strategy, including its impact on equalities issues. The Partnership will meet again in March 2023.

UK Shared Prosperity Fund (UKSPF)

50. City of York Council's UKSPF Investment Plan received formal Government approval in early December 2022. An expression of interest application process has subsequently been established on the Council's website for potential bidders with a deadline of 8 January 2023.
51. This deadline has been set to allow uptake to be reported to the Partnership Board at their January meeting, and to make any remedial changes to the delivery timetable, where necessary.
52. York has been allocated £5,848,801 to spend over three years to March 2025. This amount is made up of a core allocation of £5,107,510, and £741,291 that has been specifically allocated for the Department for Education's *Multiply* Adult Numeracy programme.
53. This first expression of interest phase concerns two of the three programme interventions – Communities and Place, and Local Business Investment – with year three People and Skills expressions of interest to be invited in Summer 2023. The value of this current tranche is around £1.48m

Consultation

54. Consultation and engagement on the economy, and related issues, through Members and officers, partners and residents are pivotal elements of our approach, and central to informing our work using evidence-based information and research.
55. All ongoing consultation work has been outlined in the body of the report.

Council Plan

56. Our work addresses the following outcomes from the Council Plan:

- Good health and wellbeing;
- Well-paid and an inclusive economy;
- A better start for children and young people;
- A greener and cleaner city; and,
- Safe communities and culture for all.

Implications

- **Financial** – no financial implications;
- **Human Resources (HR)** – no implications;
- **One Planet Council / Equalities** – our work positively supports the Council's equalities objectives;
- **Legal** – no implications;
- **Crime and Disorder** – no implications;
- **Information Technology (IT)** – no implications;
- **Property** – no direct implications

Risk Management

There are no specific risks identified in respect of the recommendations.

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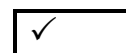
**Report
Approved**



Date: 16 January 2023

Wards Affected: List wards or tick box to indicate all

All



For further information please contact the author of the report

Glossary:

CYC – City of York Council

FSB – Federation of Small Businesses

GM – Growth Manager (CYC)

IIO – Inward Investment Officer

LEP – Local Enterprise Partnership

SME – Small and medium (business) enterprises

UKSPF – UK Shared Prosperity Fund

WNY Chamber – West and North Yorkshire Chamber of Commerce

YNY LEP – York and North Yorkshire Local Enterprise Partnership



**Decision Session - Executive Member
for Economy and Strategic Planning**

24 January 2023

Report of the Director of Environment, Transport & Planning

**Confirmation of an article 4 direction for the Heslington
conservation area**

Summary

1. On 9 June 2022 City of York Council (CYC) made a non-immediate article 4 direction covering sensitive buildings within the Heslington Conservation Area, in accordance with the decision of the Executive on 27 August 2020 (“the Direction”). A six-week consultation with residents and interested parties elicited five responses which either supported the Direction or raised no objections to it. Officers consider that an article 4 direction to protect the Heslington conservation area is justified and that the Direction should be confirmed, coming into effect on 10 June 2023.

Recommendations

2. The Executive Member is asked to:
 - i. Authorise the confirmation of the Direction.

Reason: Officers consider that it is expedient to confirm the Direction due to the convincing justification for strengthening planning control in the Heslington Conservation Area; local support for doing so; and the availability of external funding and adequate resources.

Background

3. Article 4 directions may be served by local planning authorities to

restrict particular types of development to private dwelling houses within conservation areas by requiring owners to apply for planning permission for works that would otherwise be permitted development. Within conservation areas, article 4 directions are typically served to protect historic and traditional features such as windows, doors, building materials and boundary treatments and discourage their replacement with inappropriate alternatives; and to control the installation of external equipment such as aerials and solar panels that may affect the character of the area. Article 4 directions may cover a whole conservation area or particular properties within them.

4. CYC has a number of adopted conservation area appraisals that include recommendations for article 4 directions, including the Heslington Conservation Area Appraisal, adopted in 2009, which recommended that consideration should be given to serving an article 4 direction.
5. Since 2015 Heslington Parish Council (“the PC”) has asked CYC to serve an article 4 direction to restrict certain permitted development rights in order to conserve traditional features which contribute to the architectural and historic character and appearance of the Conservation Area. In 2018, the PC offered a sum of £3000 (consisting of £2000 of ward funding and £500 each from the PC and Heslington Village Trust) to CYC to fund the preparation and implementation of a direction.
6. Policy HES: 6 of Heslington Parish Neighbourhood Plan Submission Version September 2019 highlights particular characteristics that contribute to the village’s distinctive character, stating that the impact on these characteristics will need careful consideration to ensure that development is sustainable and appropriate to the local context. The characteristics include vernacular forms, the variety of historic styles and construction methods including use of materials that respect and are sympathetic to the context and building traditions and supports reinstating original features where inappropriate modern materials or other external features have been introduced to listed buildings

or elsewhere.

7. The Explanation to Policy D4 (Conservation Areas) of the CYC Local Plan Publication Draft Feb 2018 supports the use of Article 4 Directions in the following terms: *“Whilst it is the quality and interest of an area as a whole which is recognised through designation, it is often the cumulative impacts of small changes over time which erode the special qualities and significance of a place. Where necessary, and with public support, Article 4 Directions will be introduced to help to control potentially damaging alterations.”*
8. A report recommending the making of the Direction was prepared for consideration by Executive which is appended to this report as Annex B. At the Development Plan Working Group meeting on 21 August 2020 Members resolved that further information should be provided to the Executive on the costs of implementation and enforcement of the proposed Direction and clarification of the number of properties affected by the withdrawal of permitted development rights for the installation of solar panels and how the impact of this aspect could be mitigated. This information was provided in an Addendum for the Executive dated 27 August 2020 which is appended to this report as Annex C.
9. The procedure for serving and confirming a direction is set out in Schedule 3 of the General Permitted Development Order 2015 and entails: making the direction; giving notice, via local advertisement, site display and by post to affected owners and the Secretary of State, followed by a 6-week consultation period; considering any responses; producing a report to Executive/Executive Member to confirm the direction within 2 years; if confirmed, notifying those referred to above. If not confirmed, the direction will lapse.
10. On 27/08/20 the Executive resolved the following: *“That officers be authorised to prepare and serve a non-immediate Article 4 Direction covering parts of the Heslington Conservation area, and to finalise the boundary of the area covered by the Direction in consultation with parish council representatives.”*

11. The Direction was made on 9 June 2022, covering permitted development consisting of the alteration or installation of roofing materials, rooflights, solar panels, chimney stacks, porches or small extensions, boundary treatments, windows, doors and satellite dishes, on the basis that these features can affect the special qualities of the conservation area identified in the Heslington Conservation Area Appraisal and the Heslington Neighbourhood Plan. The Direction applies to development on relevant elevations only – those facing or clearly visible from the public sphere. The boundary of the Direction excludes listed and the majority of non-conforming modern buildings to avoid imposing unnecessary regulation.

Consultation

12. Following making of the Direction the Notice was published in *The Press*, posted within the Conservation Area and letters of notification and consultation were sent to the Secretary of State, all residents affected and other stakeholders (including Heslington Parish Council, Heslington Village Trust, York Civic Trust, Historic England, the University of York, Halifax Estates) on 10 June 2022. The notification and consultation documents were also made publicly available on the CYC website and in York Explore.
13. The consultation elicited five responses which are précised in the Table of Responses at Annex D. The comments submitted either supported the Direction (3 no.), proposed extensions to its scope (1 no.), or sought clarification about its application to an individual property (1 no.). No responses objected to the Direction or considered it to be unmerited. Officers' response to the comments are included in the Table.
14. In deciding whether to confirm a direction, CYC must take into account any representations received during the consultation period.

Options

15. Executive Member may wish to consider:
 1. Varying the scope of the Direction.

2. Allowing the Direction to lapse.
3. Authorising the confirmation of the Direction. (**Recommended**)

Alternative Options

Varying the Direction

16. No objections were received to the Direction. York Civic Trust made a number of recommendations, including to extend the Direction to cover the 1970s-era housing development at Turner's Croft, Peel Close and West Moor Lane; and to extend the scope of the Direction to restrict alterations to chimney pots and the installation of heat pumps. With regard to the modern housing, it is considered that it would be inappropriate to apply an article 4 direction to an area that has not been assessed as being of special architectural or historic interest. However, the qualities of this area can be considered as part of any review of the conservation area appraisal in the future.
17. With regards to the suggested inclusion of additional forms of development in the types restricted, officers are satisfied that alterations to chimney pots would be covered by the existing provisions within the direction, and the installation of heat pumps in sensitive locations would already require planning permission through the provisions of the General Permitted Development Order 2015.
18. Although not a subject of the responses received during the consultation, the inclusion of solar panels in the Direction is a particularly sensitive restriction because mitigating and adapting to the effects of climate change is a priority for the Council as well as the Government. The effects of the proposed Direction in these regards were considered by the Executive in the Addendum, Annex C, which concluded that as a consequence of the small number of dwellings with roofs suitable for the optimal installation of solar panels, and the availability in many cases of alternative solutions for improving energy efficiency and incorporating appropriate technology, the impact of the proposed Direction on climate change mitigation would be very low.

19. Officers are currently developing an SPD on climate change. This will provide practical guidance on how to adapt buildings, including advice on historic properties. DCSD team (the council team responsible for this report) are part of the working group developing the SPD, and have provided draft guidance to inform its development. In the meantime, sources of national guidance on appropriate energy efficiency measures for historic buildings will be included in correspondence with residents in connection with the statutory notifications and consultation of this Direction.
20. An article 4 direction does not constitute a ban on any particular development, rather it brings the cited works under planning control so that they may be considered in accordance with local and national planning policy and guidance; and permitted development rights remain on elevations not affected by the direction (usually on rear and many side elevations).
21. Officers consider that the confirmation of the proposed Direction would be unlikely to prevent energy efficiency measures being pursued but rather that bringing these matters into the planning sphere would allow the principles of sustainable development embedded within planning guidance to be applied in order to ensure that the significance of heritage assets is conserved while allowing sympathetic changes to support their continued use and address climate change.
22. Consequently, officers do not recommend varying the scope or extent of the Direction.

Allowing the Direction to lapse

23. The Direction represents a long-standing aspiration by local bodies including Heslington Parish Council and Heslington Village Trust to strengthen planning controls to protect the conservation area in accordance with Policy D4 (Conservation Areas) of the CYC Local Plan Publication Draft Feb 2018, and the Conservation Area Appraisal of 2009. These bodies have supported this

initiative with funding, and permitting the Direction to lapse would fail to address their long standing concern to strengthen planning controls in the Conservation Area.

24. Officers consider that the provisions of the Direction are justified and that permitting the Direction to lapse would allow the low-level but incremental erosion of architectural and historic character that is evident in the Conservation Area to continue.

Authorising the confirmation of the Direction

25. Background sections 4-7 above set out the rationale for the Direction with regards to planning policy and local support.
26. No objections to the Direction have been received during the course of the consultation period.
27. Officers consider that there is convincing justification for strengthening planning control in Heslington Conservation Area; local support for doing so; and external funding and adequate resources are available, and therefore recommend the confirmation of the non-immediate Direction covering parts of the Heslington Conservation Area.

Timetable

28. The Direction has to be confirmed by the Executive in order for it to come into force. If confirmed, the Direction would come into effect on 10/06/2023. This is 12 months from when the Direction was made.

Council Plan

29. The targeted making of article 4 directions where they have local support would support the CYC Plan 2019-2023. In particular, one of the eight core outcomes sought by the Council Plan is “a greener and cleaner city”. This component seeks the protection and enhancement of York’s environment: *York’s rich built and*

natural environment underpins people's quality of life and attracts millions of visitors to the city each year. Protecting and enhancing these environments for existing and future generations is a key priority for the council and our residents (p.14). In helping to protect the special character of the Heslington Conservation Area the Direction would contribute to this core outcome. Another core outcome is "an open and effective council". This component seeks to ensure that the Council does *things that matter for residents and communities, which means that we believe in giving local communities control over what's important to them, wherever possible, and involving them in delivering the solutions. We recognise in addressing challenges, the best approach is often to build on the strengths and the assets that we have in our communities.* In supporting the long-standing aspiration of local stakeholders for more effective planning controls in the Heslington Conservation Area the Direction would contribute to this core outcome.

Implications

30.

- **Financial** The administrative costs of preparing and serving a direction are estimated to be covered by the contribution from Heslington Parish Council. Any additional costs are anticipated to be minimal and can be accommodated within the DCSD section budget. The service of Direction precludes any risk of CYC being liable for payment of compensation to any owners affected by giving 12 months' notice of the planning restrictions. In 2018 the Government introduced standard planning fees for applications made under article 4 directions, which were formerly free for applicants. Consequently, planning applications resulting from a direction would not impose any additional costs on the LPA beyond any other planning application, and they are likely to be relatively straightforward to process due to the small scale of the works subject to control.
- **Human Resources (HR)** The preparation and service of an article 4 direction can be prioritised above less urgent work within existing DCSD staffing. It is likely that the number of

additional planning applications generated as a result of the Direction would be low due to the tendency of residents to undertake works on a 'like for like' basis to avoid the formalities of applying for planning permission. Some internal legal advice will be required in preparing the documentation. It is not anticipated that any additional staffing provision would be required for the implementation of the recommendations of this report.

- **Equalities** When considering the recommendations in this report, regard must be given to the public sector equalities duty to eliminate unlawful conduct under the Equality Act 2010. The duty is set out at Section 149 of the 2010 Act. It requires the Council, when exercising its functions, to have 'due regard' to the need to eliminate discrimination (both direct and indirect discrimination), harassment and victimization and other conduct prohibited under the Act, and to advance equality of opportunity and foster good relations between those who share a 'protected characteristic' and those who do not share that protected characteristic.

The report to the Executive of 27 August 2020 advised that the Better Decision Making tool had been completed and no impacts on Equalities or Human Rights arising from the proposal were identified. Since that time the Council has introduced guidance for the preparation of Equality Impact Assessments (*Guidance on Equality Impact Assessment 2021*), replacing the Better Decision Making Tool, which has been considered in the preparation of this report. Officers conclude that the confirmation of the Direction would not be detrimental to people with protected characteristics or affect human rights.

The *Guidance* includes consideration of the effects of decisions on particular socio-economic groups such as carers, low income groups and military veterans. It is considered that low income households could be negatively affected by the effect of the Direction as a consequence of the additional costs that applying for planning permission or carrying out alterations to

an acceptable quality in the conservation area could entail. In mitigation, it should be noted that the Fulford & Heslington ward is among the least deprived in the city (based on information from Strategic Intelligence Hub, CYC); those affected by the Direction are limited to c.70 properties; the types of works covered by the Direction are elective, i.e. the Direction does not require owners to carry out any work; and that there will be a range of options for any works of maintenance and alteration varying between relatively low-cost works, e.g. repairs and upgrades such as insulation, draught proofing and secondary glazing; and more more expensive wholesale replacement of building fabric. Works of maintenance and like for like replacement could still be carried out without planning permission. Consequently, officers consider that any negative effects of the confirmation of the Direction on low income groups would be low.

- **Legal**

The Council has powers to make and review conservation areas and management plans by virtue of Part II. Section 69(1(a)) of the Town and Country (General Permitted Development) (England) Order 2015 (as amended).

The Council's powers to make Article 4 Directions are contained in Articles 4, 5 and 6 of the Town and Country (General Permitted Development) (England) Order 2015 (as amended).

Section 108 of the Town and Country Planning Act 1990 provides for the payment by the Council, in limited circumstances, of a statutory compensation to persons who have incurred abortive expenditure or otherwise suffered loss or damage as a direct result of the withdrawal of permitted development rights by an Article 4 Direction. However, so long as 12 months' notice is given before the Article 4 direction takes effect as is the case in the present matter, no compensation will be payable.

The making of a direction under Article 4 renders the Council liable to pay compensation to people who have applied and been refused permission or been granted permission with

conditions. Under the planning system there is a general principle that once permission has been granted, either by a specific grant of planning permission or by means of a Development Order, the right to develop is guaranteed and can only be withdrawn upon payment of compensation. However, the provisions of The Town and Country Planning (Compensation) (No.3) (England) Regulations 2010 will protect a Council from compensation claims provided the Direction takes effect not earlier than 12 months from the date of making.

- **Crime and Disorder** There are no known Crime and Disorder implications.
- **Information Technology (IT)** There are no known IT implications.
- **Property** There are no known Property implications.
- **Other** There are no known Other implications.

Risk Management

31. There are no known risks.

Contact Details

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Director Environment, Transport & Planning, tel. 2547

Report Approved **Date** 12/01/2023

Specialist Implications Officer(s)

Patrick Looker
Finance Manager
Tel No. 1633

Ruhina Choudhury
Senior Solicitor
Tel No. 5086

Wards Affected: *Fulford & Heslington Ward*

All

For further information please contact the author of the report

Background Papers:

[Heslington Conservation Area Appraisal](#) 2009

[Heslington Neighbourhood Plan Submission Version](#) 2019

Annexes

Annex A: Article 4(1) direction for Heslington

Annex B: Report to Executive 27 August 2020, Proposal for an article 4 direction for the Heslington conservation area

Annex C: Addendum for Executive 27 August 2020

Annex D: Heslington Article 4 Direction Consultation: Table of Responses

THE COUNCIL OF THE CITY OF YORK
TOWN AND COUNTRY PLANNING (GENERAL PERMITTED DEVELOPMENT)
(ENGLAND) ORDER 2015 (AS AMENDED)
DIRECTION MADE UNDER ARTICLE 4(1) WITHOUT IMMEDIATE EFFECT RELATING
TO HESLINGTON CONSERVATION AREA

WHEREAS the Council of the City of York (“the Council”) being the appropriate local planning authority within the meaning of Article 4(5) of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) is satisfied that it is expedient that development of the description set out in the Schedule One below should not be carried out on the land shown edged red on the attached plan in Schedule Two (comprising parts of Main Streets, Holburns Croft, Hall Park and School Lane) unless planning permission is granted on an application made under Part III of the Town and Country Planning Act 1990 (as amended).

NOW THEREFORE the Council in pursuance of the power conferred on it by Article 4(1) of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) hereby directs that the permission granted by Article 3 of the said Order shall not apply to development of the description set out in the Schedule One below on the land shown edged red on the attached plan in Schedule Two (comprising parts of Main Streets, Holburns Croft, Hall Park and School Lane).

SCHEDULE ONE

The Article 4 Direction removes the following permitted development rights:

Article 3 Schedule 2 Part 1

Class A	The enlargement, improvement or other alteration of a dwelling house to front or side elevations facing a highway.
Class C	Any alteration to the roof (i.e roofing materials and roof-lights) of a dwelling house to front or side elevations facing a highway.
Class D	The erection or construction or demolition of a porch outside any external door of a dwelling house to front or side elevations facing a highway.
Class G	The installation, alteration including demolition of a chimney or flue which projects proud of the roof slope on a dwelling house.

Article 3, Schedule 2 Part 14

Class A	The installation, alteration of microgeneration solar PV or solar thermal equipment on the front or side facing roof slopes of a dwelling house or a block of flats; or a building situated within the curtilage of a dwelling house or a block of flats.
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Article 3 Schedule 3 Part 2 (Note this applies to dwellings only)

Class A	The erection, construction, improvement or alteration of a gate, fence, wall or other means of enclosure facing a highway.
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MADE under the **COMMON SEAL**
of **THE COUNCIL OF THE CITY OF YORK**

this ninth day of June 2022

in the presence of:



CA Allen
.....

13752

Authorised officer

Print Name: GERARD ALLEN

CONFIRMED under the **COMMON SEAL** of
of **THE COUNCIL OF THE CITY OF YORK**

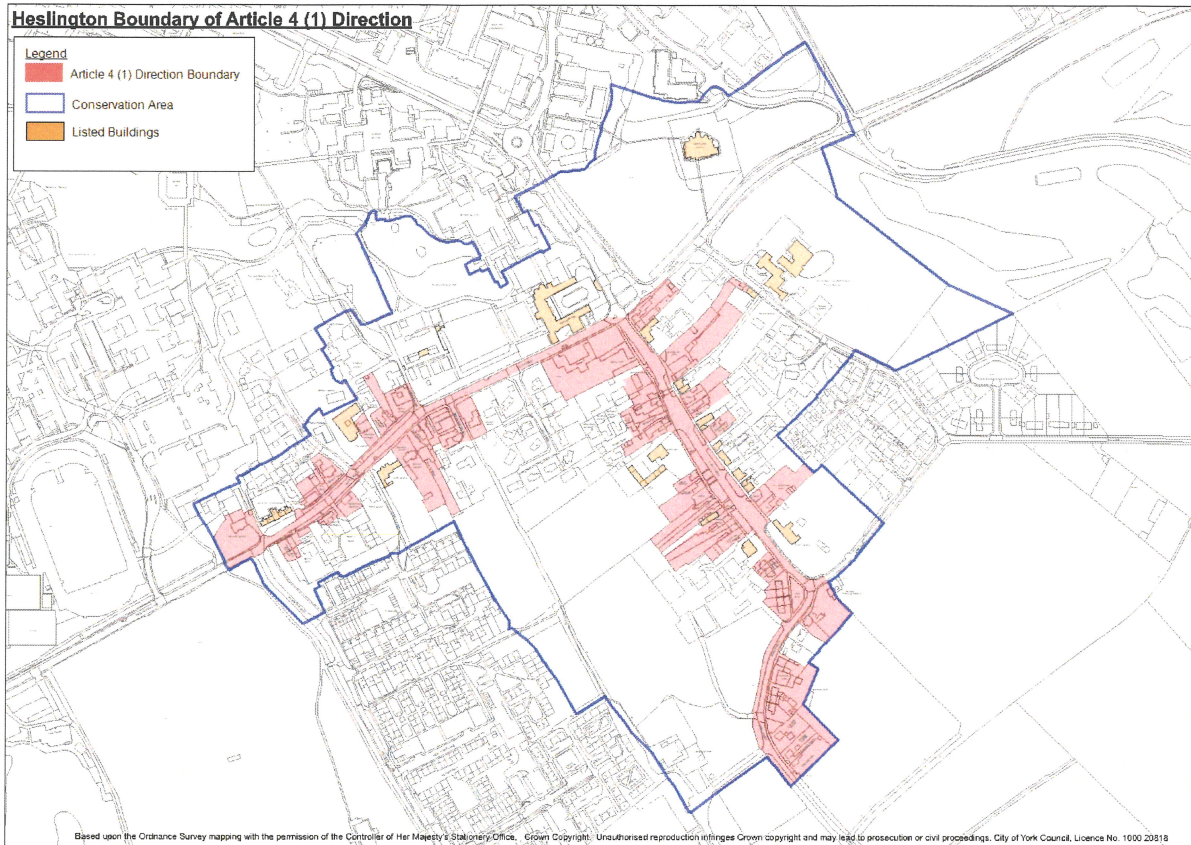
this day of2022

in the presence of:

.....

Authorised officer

SCHEDULE TWO: PLAN



CAH



Executive

27 August 2020

Report of the Corporate Director of Economy and Place
Portfolio of the Executive Member for Economy and Strategic Planning

Proposal for an article 4 direction for the Heslington conservation area

Summary

1. CoYC has a number of adopted conservation area appraisals that include recommendations for article 4 directions that have not been taken forward. Heslington Parish Council has asked the Council to implement an article 4 direction within Heslington, and funding is available to pursue this project. Officers consider that an article 4 direction to protect the Heslington conservation area is justified and that this should be pursued as a discrete project.

Recommendations

2. Executive is asked to consider:
 - 1) Authorisation to prepare and serve a non-immediate article 4 direction covering parts of the Heslington conservation area (see map, Annexe A).

Reason: Officers consider that it is expedient to proceed with this project due to the convincing justification for strengthening planning control in Heslington Conservation Area; local pressure to do so; and the availability of external funding and adequate resources.

Background

3. The Heslington Conservation Area Appraisal adopted in 2009

recommended that consideration should be given to serving an article 4 direction on the conservation area. Since 2015 Heslington Parish Council ("PC") has been asking CoYC to serve an article 4 direction to restrict certain permitted development rights in order to conserve traditional features which contribute to the architectural and historic character and appearance of the conservation area. Recently, the PC has offered a sum of £3000 (consisting of £2000 of ward funding and £500 each from the PC and Heslington Village Trust) to CoYC to fund the preparation and implementation of a direction.

4. Policy HES: 6 of Heslington Parish Neighbourhood Plan Submission Version September 2019 highlights particular characteristics that contribute to the village's distinctive character, stating that the impact on these characteristics will need careful consideration to ensure that development is sustainable and appropriate to the local context. The characteristics include vernacular forms, the variety of historic styles and construction methods including use of materials that respect and are sympathetic to the context and building traditions and supports reinstating original features where inappropriate modern materials or other external features have been introduced to listed buildings or elsewhere.
5. At CMT the proposal for an article 4 direction for Heslington was discussed and Officers were asked to consider a strategic approach to the matter of article 4 directions within City of York conservation areas rather than responding only to individual requests.
6. A conservation area is a designated heritage asset identified by the local planning authority as an area of special architectural or historic interest the character or appearance of which it is desirable to preserve or enhance. The City of York has 34 designated conservation areas, which divide approximately into 10 urban or suburban contiguous with the city and 24 discrete village areas. 10 conservation areas have appraisal documents carried out between 2006 and 2011. The majority of these documents recommended the consideration of article 4 directions to assist in managing development to ensure that the character and appearance of the

areas is preserved and enhanced (see Annexe B). Currently, East Mount Road is the only part of a conservation within the City of York that has an article 4 direction. It is understood that this was made in around 2000 in response to local pressure.

7. Article 4 directions may be served by local planning authorities to restrict particular types of development to private dwelling houses within conservation areas by requiring owners to apply for planning permission for works that would otherwise be permitted development. Paragraph 53 of the NPPF advises that "*The use of Article 4 directions to remove national permitted development rights should be limited to situations where this is necessary to protect local amenity or the well-being of the area*". Within conservation areas, article 4 directions are typically served to protect historic and traditional features such as windows, doors, building materials and boundary treatments and discourage their replacement with inappropriate alternatives; and to control the installation of external equipment such as aerials and solar panels that may affect the character of the area. They may cover a whole conservation area or particular properties within them. For example, the Central Historic Core Conservation Appraisal relating to the city centre adopted in 2011 includes specific recommendations for a limited number of principally residential streets around the city rather than a blanket direction on the city centre.
8. The Explanation to Policy D4 (Conservation Areas) of the CoYC Local Plan Publication Draft Feb 2018 supports the use of Article 4 Directions in the following terms: "*Whilst it is the quality and interest of an area as a whole which is recognised through designation, it is often the cumulative impacts of small changes over time which erode the special qualities and significance of a place. Where necessary, and with public support, Article 4 Directions will be introduced to help to control potentially damaging alterations.*"
9. The procedure for serving and confirming a direction is set out in Schedule 3 of the General Permitted Development Order 2015 and would involve: making the direction; giving notice, via local advertisement, site display and by post to affected owners and the

Secretary of State, following which a 6-week consultation period would apply (Historic England and the Parish Council would also be consulted); considering any responses; producing a report to Executive/Executive Member to confirm the direction within 2 years; if confirmed, notifying those referred to above. If not confirmed, the direction would lapse. Explanatory leaflets would be provided to residents via postal correspondence. It is recommended that a direction comes into force 12 months from the date it was made.

10. Considering the Government's proposed reforms to the planning system, in relation to the historic built environment, para 2.8 of the white paper "Planning for the Future" (MHCLG, August 2020) states that conservation areas would be categorised as a "protected" zone *as a result of their particular environmental and/or cultural characteristics, would justify more stringent development controls to ensure sustainability.* Para. 329 states that *The planning system has played a critical role ensuring the historic buildings and areas we cherish are conserved and, where appropriate, enhanced by development. The additional statutory protections of listed building consent and conservation area status have worked well, and the National Planning Policy Framework already sets out strong protections for heritage assets where planning permission or listed building consent is needed.* Para. 330 states that *We also want to ensure our historic buildings play a central part in the renewal of our cities, towns and villages. Many will need to be adapted to changing uses and to respond to new challenges, such as mitigating and adapting to climate change. We particularly want to see more historical buildings have the right energy efficiency measures to support our zero carbon objectives.* Para 331 states that *We will, therefore, review and update the planning framework for listed buildings and conservation areas, to ensure their significance is conserved while allowing, where appropriate, sympathetic changes to support their continued use and address climate change.* The white paper is currently the subject of public consultation (to 29/10/20).
11. Recent changes to permitted development under The Town and County Planning (General Permitted Development) (England) (Amendment) (No. 2 & No.3) Order 2020 do not apply within

conservation areas and therefore they would not prejudice the effectiveness of the proposed article 4 direction.

12. The proposed article 4 direction would affect works which are currently 'permitted' under the General Permitted Development Order that help to improve the energy efficiency of private houses, namely the installation of double glazing and the erection of solar panels and other micro generation equipment. The Climate Change Act 2008 is the basis for the UK's approach to tackling and responding to climate change. It requires that emissions of carbon dioxide and other greenhouse gases are reduced and that climate change risks are prepared for. The Act also establishes the framework to deliver on these requirements. The UK's long-term emissions target is to reduce the emissions of carbon dioxide and/or greenhouse gases by at least 100% of 1990 levels (net zero) by 2050. Mitigating and adapting to the effects of climate change is a priority for the Council (CoYC declared a 'Climate Emergency' in March 2019 and agreed to set a target to become carbon neutral by 2030) as well as the Government. The effects of the proposed article 4 direction in these regards are considered under the Analysis section of this report.

Consultation

13. So far, consultation has taken place with Heslington Parish Council and Heslington Village Trust via their nominated representative. When individual article 4 directions are served statutory consultation would entail consultation with all interested parties including affected householders before Councillors decide whether the direction should be confirmed.

Options

14. Councillors may wish to consider:
 - a) Proceeding with the preparation and service of an article 4 direction for Heslington conservation area. (**Recommended**)
 - b) The nature of the article 4 direction for Heslington in terms of its geographical coverage and types of permitted development

affected.

c) Not proceeding with an article 4 direction for Heslington.

Analysis

15. Heslington conservation area was considered to merit an article 4 direction when assessed in 2009. Recent re-inspection by officers confirms that the area still retains a high degree of preservation of traditional features on dwellings. A small number of harmful alterations, for example PVC windows and insertion of rooflights on front elevations, indicate that there is a tangible threat to the character of the area. Officers consider that an article 4 direction would be justified to bring under planning control the alteration or installation of roofing materials, rooflights, micro generation equipment/solar panels, chimney stacks, porches or small extensions, boundary treatments, windows, doors and satellite dishes, on the basis that all of these features can affect the special qualities of the conservation area identified in the Heslington Conservation Area Appraisal and the Heslington Neighbourhood Plan (a draft article 4 direction is appended at Annexe C, which may be subject to minor amendment in accordance with Legal advice). The direction should apply to development on relevant elevations only – those facing or clearly visible from the public sphere. The area proposed for an article 4 direction is illustrated on the map at Annexe A, being edged in red (this may be subject to minor amendment during the process of developing the scheme in discussion with the Parish Council). This area excludes listed and the majority of non-conforming modern buildings to avoid imposing unnecessary regulation.

16. Councillors may wish to give further consideration to the types of development covered by the direction, for example with regards to development that contributes to energy efficiency. It should be noted that works of maintenance or 'like for like' replacement would not require permission; that the replacement of single glazed windows with double glazed windows would not normally require permission where all other elements of the construction (material, dimensions, mouldings) can be replicated; that

a direction does not constitute a ban on any particular development, rather it brings the cited works under planning control so that they may be considered in accordance with local and national planning policy and guidance; and that permitted development rights remain on elevations not affected by the direction (usually on rear elevations).

17. The protection and enhancement of the built and historic environment is one of the core tenets of sustainable development within the NPPF, along with mitigating and adapting to climate change. The Government is clear in its current white paper that it wishes to see built heritage assets have “the right energy efficiency measures” to ensure their significance is conserved while allowing, where appropriate, sympathetic changes to support their continued use and address climate change. With respect to double glazing, the character of traditional windows can be preserved through the replication of appropriate joinery details whilst incorporating double glazing. With reference to solar panels, there is often potential to install equipment in locations that avoids or reduces harm to visual amenity, for example on secondary elevations, outbuildings or ground mounted.
18. Officers consider that it is important that within conservation areas these matters can be managed in order to ensure that works that are harmful to the significance of heritage assets are avoided and that desirable development is implemented optimally. This would most effectively be achieved through a combination of appropriate planning controls and the production of ‘good practice’ guidance, covering such matters as the significance of historic and traditional fixtures, methodologies for achieving energy efficiency, what may be undertaken through permitted development and the most appropriate locations, design and methodology for installations. Omitting these types of development from the direction would reduce its effectiveness in controlling harmful alterations such as the installation of poorly designed PVC windows or solar panels on the prominent roofslopes of significant buildings.
19. Historic England and the Sustainable Traditional Buildings Alliance have produced extensive guidance on enhancing the energy

efficiency of historic buildings through upgrading fabric and appropriate retrofitting which is available at <https://historicengland.org.uk/advice/technical-advice/energy-efficiency-and-historic-buildings/>. It is very often the case that thermal enhancements to historic buildings can be achieved without harming the significance of the asset that are broadly comparable in their effectiveness to more harmful measures, and much national guidance on appropriate measures is available.

20. The DCSD team is currently working on the production of a local guidance document covering double glazing, but will extend the scope of guidance to include solar panels subject to resource and priorities. In producing guidance attention will be paid to documents produced by other historic cities, and a process of benchmarking our building conservation approach with other local authorities with respect to mitigating and adapting to climate change has commenced with the city of Bath. Guidance on double glazing will be prepared before any article 4 direction took effect, but in the meantime sources of national guidance on appropriate energy efficiency measures for historic buildings will be included in correspondence with residents in connection with the statutory notifications and consultation.
21. Officers consider that the implementation of the proposed article 4 direction would be unlikely to prevent energy efficiency measures being pursued but rather that bringing these matters into the planning sphere would allow the principles of sustainable development embedded within planning guidance to be applied in order to ensure that the significance of heritage assets is conserved while allowing sympathetic changes to support their continued use and address climate change.
22. Due to the principle of restricting permitted development rights there is potential for negative reaction from those affected. In Heslington, this is mitigated by the fact that the proposal was consulted on via the conservation area appraisal in 2008; the non-immediate nature of the direction which means that if confirmed no restrictions would come into force for 12 months; and that the initiative for the direction came from the PC and the Village Trust, and therefore enjoys an important level of local support. In all cases,

Councillors would determine whether to confirm a direction following the statutory consultation period, and the proposed 12 month delay following the making of a direction before it became effective would avoid the risk of compensation and give householders a period of notice of the additional planning controls they would face.

23. Officers consider that the service of an article 4 direction in Heslington should proceed. Delay could jeopardise the local funding available for this project; and/or cause reputational harm from the failure to support long-standing local aspirations to strengthen planning controls to protect the conservation area in accordance with Policy D4 (Conservation Areas) of the CoYC Local Plan Publication Draft Feb 2018.

24. Officers consider that the production of a broader strategy for implementing article 4 directions in the city's conservation areas is a desirable aspiration because adopted CoYC conservation area appraisal documents recommend broader consideration of article 4 directions, in particular within the central historic core conservation area for which detailed proposals exist; there is tangible threat to the character of many of the City's conservation areas from unsympathetic alterations; York has an outstanding and internationally significant historic environment in which conservation areas have less protection than many other local authority areas. However, in contrast to the Heslington proposal, it is unlikely that most of the costs of pursuing article 4 directions could be secured from external parties, especially if directions were implemented on a priority rather than reactive basis, therefore, for any strategy to be effected, additional funding would be required in the future to implement the proposals. The costs in relation to staffing and financial resources required to pursue a strategic approach and serve multiple directions are significant and this is not considered to be a current priority for the Council. Instead, it is considered most appropriate to consider the use of article 4 directions in response to local concerns on a case-by-case basis and as resources permit.

Council Plan

25. The targeted making of 4 directions would support the CoYC Plan 2015-19, in particular key priority one, with respect to protecting the unique character of the city, environmental sustainability and enjoyment of heritage; and three, with respect to listening to residents to deliver the services they want and working in partnership with local communities.

Implications

26.

- **Financial** The administrative costs of preparing and serving a direction are estimated to be covered by the contribution from Heslington Parish Council. Any additional costs can be accommodated within the DCSD section budget. The service of a non-immediate article 4 direction precludes any risk of CoYC being liable for payment of compensation to any owners affected by giving 12 months' notice of the planning restrictions. In 2018 the Government introduced standard planning fees for applications made under article 4 directions, which were formerly free for applicants. Consequently, planning applications resulting from a direction would not impose any additional costs on the LPA beyond any other planning application, and they are likely to be relatively straightforward to process due to the small scale of the works subject to control.
- **Human Resources (HR)** The preparation and service of an article 4 direction can be prioritised above less urgent work within existing DCSD staffing. It is likely that the number of additional planning applications generated as a result of the article 4 direction would be low due to the tendency of residents to undertake works on a 'like for like' basis to avoid the formalities of applying for planning permission. Some internal legal advice will be required in preparing the documentation. It is not anticipated that any additional staffing provision would be required for the implementation of the recommendations of this report.
- **Equalities** The Better Decision Making tool has been completed and no impacts on Equalities or Human Rights have been identified.

- **Legal**

The Council has powers to make and review conservation areas and management plans by virtue of Part II. Section 69(1(a)) of the Town and Country (General Permitted Development) (England) Order 2015 (as amended).

The Council's powers to make Article 4 Directions are contained in Articles 4, 5 and 6 of the Town and Country (General Permitted Development) (England) Order 2015 (as amended).

Section 108 of the Town and Country Planning Act 1990 provides for the payment by the Council, in limited circumstances, of a statutory compensation to persons who have incurred abortive expenditure or otherwise suffered loss or damage as a direct result of the withdrawal of permitted development rights by an Article 4 Direction.

The making of a Direction under Article 4 renders the Council liable to pay compensation to people who have applied and been refused permission or been granted permission with conditions. Under the planning system there is a general principle that once permission has been granted, either by a specific grant of planning permission or by means of a Development Order, the right to develop is guaranteed and can only be withdrawn upon payment of compensation. However, the provisions of The Town and Country Planning (Compensation) (No.3) (England) Regulations 2010 will protect a Council from compensation claims provided the Direction takes effect not earlier than 12 months from the date of making.

- **Crime and Disorder** There are no known Crime and Disorder implications.
- **Information Technology (IT)** There are no known IT implications.
- **Property** There are no known Property implications.
- **Other** There are no known Other implications.

Risk Management

27. There are no known risks.

Contact Details

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Mike Slater
Assistant Director for Planning and
Public Protection, tel. 1300

Report Date 13/08/20
Approved

Specialist Implications Officer(s) *List information for all*

Implication ie Financial

Patrick Looker
Finance Manager
Tel No. 1633

Implication ie Legal

Heidi Lehane
Senior Solicitor
Tel No. 5859

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

All

For further information please contact the author of the report

Background Papers:

[Heslington Conservation Area Appraisal](#) 2009

[Heslington Neighbourhood Plan Submission Version](#) 2019

Annexes

Annex A: Draft map showing proposed boundary of article 4(1) direction

Annex B: Review of conservation area appraisals: article 4(1) direction
recommendations

Annex C: Draft article 4(1) direction for Heslington

Annex D: Better Decision Making Tool for Article 4 Directions report



Addendum for Executive

27 August 2020

Report of the Corporate Director of Economy and Place
Portfolio of the Executive Member for Economy and Strategic Planning

Proposal for an Article 4 Direction for the Heslington Conservation Area

1. At the Development Plan Working Group meeting on 21 August 2020 Members resolved that further information should be provided to Executive on the costs of implementation and enforcement of the proposed Article 4 Direction and clarification of the number of properties affected by the withdrawal of permitted development rights for the installation of solar panels and how the impact of this aspect could be mitigated.
2. Table 1 records the Resolution and provides the Officers' response with the information requested.

Table 1

Resolution no.	Officer response
ii) That an update be provided to the Executive meeting on the costs of implementing and enforcing the Direction	<p>The only existing comparable Article 4 Direction in a Conservation Area in CoYC area is East Mount Road, which includes 47 dwellings. Development proposals covered by the Direction within a 10 year period (2010-2020) have resulted in 5 planning applications and 4 planning enforcement investigations.</p> <p>Were this to be replicated in Heslington (with up to 33% more dwellings) this would result in fewer than 7 planning applications and 5.5 enforcement investigations over a 10 year</p>

	<p>period, i.e. well under 1 of each p.a. However, it should be noted that there may be differences in the nature of the areas that result in a different balance of cases.</p> <p>In terms of enforcement, the team leader has commented “given the low numbers of dwellings involved and that the enforcement team has sustained a period of closing more cases than have been received for approximately 2 years, additional cases in this region can be absorbed”.</p> <p>In both development management and enforcement terms, the proposed Article 4 Direction is anticipated to have a very low and manageable impact on costs and workloads.</p>
<p>ii) That officers provide further information on the number of properties affected by the Direction with regards to solar panels and how the effects of this restriction can be mitigated.</p>	<p>The optimal orientation for solar panels is facing south, followed by south-east and south-west. Of the approximately 70 dwellings covered by the proposed Direction, approximately 20 possess relevant-facing roof slopes with these orientations. Officers consider that the effects of any restriction on installing panels on these roof slopes could be mitigated by considering suitable alternative locations. Many of the affected dwellings have gardens, outbuildings or extensions to secondary elevations that would be unaffected by the Direction where panels could be mounted. Alternatively, energy-efficient technology such as air source heat pumps could be installed without planning permission (within the parameters of the General Permitted Development Order). Advice regarding such alternatives would be included in local guidance to be produced by DCSD, but guidance from the Government’s statutory adviser on the historic environment Historic England is available in the meantime (see for example</p>

	<p>https://historicengland.org.uk/images-books/publications/eehb-heat-pumps/heag172-heat-pumps/ and https://historicengland.org.uk/images-books/publications/eehb-solar-electric/heag173-eehb-solar-electric-photovoltaics/). Should householders submit planning applications or pre-application enquiries for the installation of solar panels, where proposals are considered likely to cause harm to the architectural or historic character and appearance of the conservation area Officers will advise applicants on alternative works which can be implemented that minimise or avoid harm or that can be carried out without planning permission.</p> <p>Officers consider that as a consequence of the small number of dwellings with roofs suitable for the optimal installation of solar panels, and the availability in many cases of alternative solutions for improving energy efficiency and incorporating appropriate technology, the impact of the proposed Direction on climate change mitigation would be very low.</p>
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Edward Freedman, Conservation Officer
Design, Conservation & Sustainable Development

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Annex D - Heslington Article 4 Direction Consultation: Table of Responses

Consultee	Comments	Support/Oppose	Response
Jeffrey Stern, Little Hall Barn, Heslington	Entirely reasonable, especially with regard to restriction of plastic windows & doors	Support	
Tim Clark, Botland House, Heslington	Contributed historical information about former chapel & query about permitted development with regards to own property		
Historic England	Does not wish to comment		
York Civic Trust	<p>Welcomes article 4 direction and CoYC support for the community in managing change in their environment.</p> <ul style="list-style-type: none"> • Suggests a number of other localities where article 4 directions would be desirable • Notes incremental loss of fabric and character in Main Street • Recommends consideration of Turner’s Croft, Peel Close, West Moor Lane for inclusion in conservation area and article 4 area due to architectural quality and piecemeal development that undermines visual harmony 	Support	<ul style="list-style-type: none"> • Recommendations for other localities are noted. • The housing estate lies outside the conservation area and has not been assessed as having the special architectural or historic interest to merit designation. Consideration of this area could be given for inclusion in the conservation area when the

Annex D - Heslington Article 4 Direction Consultation: Table of Responses

	<ul style="list-style-type: none"> • Proposes additions of chimney pots and heat pumps to the types of development restricted by the direction • Includes quantitative analysis of planning applications in the conservation area since 2001, showing that 85 of 110 were approved, 11 refused, 11 withdrawn, 3 to be determined. 		<p>conservation area appraisal is reviewed.</p> <ul style="list-style-type: none"> • Officers consider that the removal of a chimney pot would constitute the alteration of a chimney and is therefore included in the restriction under Article 3, Schedule 2, Part 1 Class G. Heat pumps are subject to effective planning control via Article 3, Schedule 2, Part 14, Class G.2 paras. (j) and (k) which do not permit installation of heat pumps facing a highway in conservation areas. • Noted that where planning
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Annex D - Heslington Article 4 Direction Consultation: Table of Responses

			permission is required for development the vast majority of applications are approved.
Heslington Village Trust	Strong support for the direction, essential to help preserve architectural character and quality	Support	

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