

Report of the Corporate Director of Place
Portfolio of the Executive Member for Economy & Strategic Planning and the
Executive Member for Housing & Safer Neighbourhoods

City of York Planning Policy Housing Delivery Action Plan (HDAP)

Summary

1. This Planning Policy 'Housing Delivery Action Plan' (HDAP) (Annex A) has been prepared in response to the Government's introduction of the Housing Delivery Test (HDT) in November 2018. The HDT is a measure of how many new homes have been delivered within the Local Planning Authority (LPA) area over the past three years against how many homes should have been delivered. The result is expressed as a percentage.
2. The result dictates the actions or measures the LPA is either required to undertake or the penalties it faces, as stated in the National Planning Policy Framework (NPPF) 2021. This is as follows:
 - 95% = A pass
 - Between 85% to 95% = An action plan needs to be prepared to assess why the council under delivered and to remedy it.
 - Between 75% and 85% = Council need to identify a buffer of 20% more land (on top of their five-year housing land supply calculation) as well as developing an action plan.
3. The HDT result for the City of York for 2020 identifies that the council has delivered 83.7% of the Government's net housing requirement for York. As a consequence of not delivering 95% of the housing requirement, an action plan (the HDAP) must be prepared and published.
4. This HDAP is the council's first, and has been prepared with input from key stakeholders from across the council. It presents the context of York's housing market and recognises where the council is already successfully helping to improve housing delivery. It also outlines a range

of measures to continue to support housing delivery such as continued support for the council's Housing Delivery Programme (HDP), working with local stakeholders such as housing associations and developers to maximise delivery in accordance with the emerging Local Plan and confirming the process for selling small self-build sites, as well as supporting community-led development. Opportunities are also being developed to deliver new homes through refurbishing, repurposing and improving existing buildings. The HDAP will be embedded in the work of the council across all teams.

5. The Planning Policy Housing Delivery Action Plan articulates the work already underway in the council to support delivery of housing. The 'Action Plan' seeks to enhance those streams of work and to further embed them across all relevant teams. It should be noted that the Action Plan is necessarily limited to the areas of work the council has the ability to influence.
6. The Council's proactive approach is in line with our Council Plan priority to create homes and world-class infrastructure. As part of this, the council's Housing Delivery Programme (HDP) is making a significant contribution to the city's housing stock as well as leading the way in terms raising housing standards and developing local construction supply chains. The HDP has successfully:
 - progressed construction and sales at Lowfield Green;
 - secured planning permission at Burnholme and Duncombe Barracks and tendered the projects
 - Progressed provision of affordable homes through the second hand shared ownership programme;
 - Obtained grant funding to provide more affordable homes through the Rough Sleeping Accommodation Programme;
 - Obtained grant funding to support the Ordnance Lane project and our community and self-build housing ambitions;
 - Prepared a planning application and financial business case for the site at the Ordnance Lane and Hospital Fields Road site;
 - Commenced design and viability work at York Central; and
 - Commenced public engagement, design and business case development work at Willow House and the South Walmgate Estate

Recommendations

7. The Executive is asked to:

- 1) Approve the Housing Delivery Action Plan and support the implementation of the Plan across corporate teams.

Reason: To ensure that the council complies with its duties as set out within the NPPF and PPG (setting out appropriate actions for the council to consider and explore in the short, medium and long term in an attempt to increase housing supply and delivery), and to fulfil the council's approach for 'creating homes and world-class infrastructure' within the Council Plan (2019 – 2023).

- 2) Delegate authority to the Executive Member for Strategic Planning and Economy for sign off of the publication version of the HDAP

Reason: To agree presentation of the publication version of the HDAP

Background

8. Housing delivery is of critical importance both nationally and locally. Nationally the Ministry for Housing, Communities and Local Government (MHCLG) has established a target to deliver 300,000 net additional homes annually.
9. MHCLG have developed the standard methodology to establish LPA's housing need or requirement and embedded this in the 2018 NPPF and its subsequent iterations, alongside the HDT. This methodology was adopted by MHCLG to clarify the methodology of arriving at a LPA's housing requirement.
10. The standard methodology supersedes the methodology used for establishing a local housing requirement established in the 2012 NPPF. Consequently, the minimum housing requirement in the emerging Local Plan is different to the housing requirement established by the HDT as the emerging Local Plan is being examined under transitional arrangements. This means it is being assessed against the 2012 NPPF.
11. The HDT Measure, published by MHCLG, in January 2021 specifies a higher housing requirement for the City of York of 2877 over the three years, 2017/18 to 2019/20. The emerging Local Plan establishes a minimum target of 822 net additional homes annually or 2466 over 3

years. This local plan target is based on an objectively assessed housing requirement of 790pa¹ and a backlog total of 32pa between 2012-2017. The breakdown of housing requirement against delivery can be seen in Table 1.

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

12. Against the HDT, the council has achieved delivery of 83.7%. Against the emerging Local Plan requirement, the council has achieved delivery of 97.7%.
13. As stated in paragraph 2, as a consequence of not delivering 95% of the housing requirement, the HDAP is necessary.
14. National Guidance outlines that a HDAP should consider the root causes of under delivery and identify the actions that the respective authorities will undertake to help increase housing delivery in future years. The scope and nature of an action plan is not fully prescribed by national policy or guidance. The approach taken must relate to local circumstances and needs.

Consultation

15. The HDAP has been consulted on with colleagues across the council namely: Planning and Development Services, Transport, Highways and Environment, Housing, Economy and Regeneration, Asset Management, Housing Strategy and Policy, and Housing Standards and Adaptations.
16. As stated in the section 6 of the HDAP, the document will be used as a consultation tool with external stakeholders such landowners, developers, agents, neighbouring authorities and other external stakeholders as appropriate.

¹ See Housing Need Update (2020) prepared by GL Hearn. Local Plan document ref EXCYC43a.

Options

17. Option 1 - A do nothing approach to writing a HDAP.
18. Option 2 - The positive preparation and adoption of the HDAP.

Analysis

19. Option 1 would result in the council not complying with the National Planning Policy Framework and PPG and the 'Council Plan 2019 to 2023', both of which take a positive approach to delivering housing in accordance with local need.
20. A do nothing approach also risks undermining the council's positive approach to housing and planning, both development management and planning policy.
21. Option 2 is an opportunity to ensure that the council complies with its duties under the NPPF and in line with Planning Practice Guidance (PPG), whilst also reasserting the council's positive stance to delivering housing according to local need and supports the council's case in planning appeals and the forthcoming emerging Local Plan examination.
22. Further, option 2 builds on the housing monitoring work the council already undertakes annually and requires that the council reflect further on the monitoring work to identify both the challenges and opportunities for maximising housing delivery. The opportunities are then formulated into an action plan.
23. The preparation and adoption of the HDAP also has the advantage of further focusing discussion across the council to appropriately resource and coordinate with colleagues to realise the action plan.

Council Plan

24. The HDAP directly supports the achievement of one of the Council Plan 2019-2023 outcomes areas, Creating homes and world-class infrastructure and indirectly supports the other seven outcome areas.
25. As stated in the Council Plan "The delivery of higher levels of market and affordable housing through the Local Plan, combined with the council's own ambitious Housing Delivery Programme and support for community-

led housing, will begin to provide more affordable housing options for York's residents."

Implications

- The Housing Delivery Action Plan as presented in this report can be delivered within currently approved budgets. The council historically has received funding from New Homes Bonus from the delivery of new housing units however the government is considering the future of such funding going forward.
- There are no human resources (HR) implications. Resourcing within the Forward Planning team is under review. Should HR implications arise from work undertaken to implement the Planning Policy HDAP, these will be reported as appropriate.
- All work proposed will be undertaken in line with the one planet council objectives. An equalities impact assessment (EIA) has been undertaken and is attached at Annex E. The EIA has identified that the Action Plan is likely to have a positive effect on social considerations through the continued positive support and provision of housing delivery.
- Legal Implications - The Housing Delivery Test has been introduced by Government through changes to the National Planning Policy Framework and associated Planning Practice Guidance. All Local Planning Authorities are subject to this relatively new annual test and the requirements/penalties then placed upon each authority as dictated by the result. The council could decide not to comply with the NPPF and PPG. However, this would make examination of the emerging Local Plan, any challenges to housing delivery, and any challenges to the five-year housing land supply position very difficult. The test is relatively new; the thresholds are high and the penalties (higher land supply target and the possibility of the Local Plan policies relating to housing supply carrying less/limited weight in the decision-making process as the 'presumption in favour of sustainable development' is engaged.)

If the council does not provide a framework for greater delivery through the HDAP for enough homes to come forward this could be a material factor in decision making if the 'presumption in favour of sustainable development' as set out in the NPPF is engaged. This could potentially lead to far more housing than is actually required

and that development could be built in locations which are seen as less desirable than those identified within the emerging Local Plan, as either specific housing allocations or as indicated by a settlement's development boundary for example.

- There are no crime and disorder implications.
- There are no information technology (IT) implications.
- There are no property implications. Should property implications arise from work undertaken to implement the Planning Policy HDAP, these will be reported as appropriate.

Risk Management

There are no direct risks inherent in approving the HDAP. The HDAP is designed to mitigate the risk against being in a position where the 'presumption in favour of sustainable development' is engaged and therefore the housing supply policies in the council's emerging Local Plan carry less/limited weight, so that development could take place in less desirable locations. It needs to be recognised that the HDAP and its actions whilst they will mitigate the risk, they will not eliminate the risk as many of the factors involved are outside the control of the council. This ranges from a site owner's desire/priorities in building out, how much a land owner is financially asking for their site, right through to the wider political and financial climates of which the housing development industry operates.

26. Risks associated with not positively preparing a HDAP are stated in paragraph 18/19. Ultimately these risk the sustainable development and spatial strategy put forward for York in the emerging Local Plan and consequently both the Green Belt and protections centred on protecting the historic fabric of York.
27. The publishing and Member endorsement of the Action Plan reduces risk against challenge to housing delivery and may be used as a material consideration in future decision-making. In advance of the adoption of York's Local Plan (likely late 2022/early 2023), lack of an action plan presents an opportunity for continued challenge against the Council's approach, particularly in the short-term related to the five year housing land supply.

28. Where the council does not demonstrate meeting 85% of the housing delivery test requirement, the council is asked to also demonstrate a 20% uplift in housing delivery against the housing delivery test requirement. The council is not currently able to identify a five year housing land supply against the Government's requirement, with the appropriate buffer (20%) and as such planning permission may be granted in accordance with the presumption in favour of sustainable development in the NPPF paragraph 11d as follows:

“d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out of date, granting permission unless:

i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed⁷; or

ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.”

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Background Papers:

EXCYC_16_SHLAA_Figure 6: Detailed Housing Trajectory Updated
EX CYC 43a_ Housing Needs Update September 2020
Annual Housing Monitoring Updates

Annexes

Annex A: City of York Planning Policy Housing Delivery Action Plan,
November 2021
Annex B: HDAP Historic Housing Completions Data Annex B
Annex C: HDAP Creating homes and world-class infrastructure KPIs
Annex D: HDAP Analysis of Responses to 2020 Request for Housing
Delivery Estimates
Annex E: Equalities Impact Assessment

List of Abbreviations Used in this Report

HDAP - Housing Delivery Action Plan
HDP - Housing Delivery Programme
HDT - Housing Delivery Test
LPA - Local Planning Authority
MHCLG - Ministry for Housing, Communities and Local Government
PPG – Planning Practice Guidance
NPPF - National Planning Policy Framework