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Dear Sir / Madam,

### **YORK LOCAL PLAN: PUBLICATION DRAFT (Regulation 19 Consultation)**

Thank you for consulting with the Home Builders Federation on the York Local Plan: Publication Draft Consultation.

The HBF is the principal representative body of the house-building industry in England and Wales. Our representations reflect the views of our membership, which includes multi-national PLC's, regional developers and small, local builders. In any one year, our members account for over 80% of all new "for sale" market housing built in England and Wales as well as a large proportion of newly built affordable housing.

The HBF is keen to work with the City of York to ensure that a sound Local Plan can be provided in a timely manner. This would be to the benefit of all concerned with the development and future economic success of the city. The HBF would be happy to engage with the Council upon matters of mutual interest to ensure that swift progress upon the Local Plan can be made as a clear, robust and up to date local plan is essential to enable the housebuilding industry to deliver both the market and affordable homes that the communities of York and its environs so obviously need.

### **Duty to Co-operate**

A Duty to Cooperate Interim Statement has been produced as part of the evidence to support the York Local Plan. It is clear that work has been undertaken with duty to cooperate bodies. However, as ever, it is the efficacy of this work and its translation into the plan that is key. It is considered that the current evidence base does not provide sufficient guidance in this regard particularly in relation to the production of the current Local Plan document. It is recommended that further emphasis is placed on the current Local Plan document within any further iterations of the Statement.

### **Plan Period**

The Local Plan document states that the plan covers the period from 2017 to 2032/33 with the exception of the Green Belt boundaries which will endure up to 2037/38. However, it is evident that other policies within the plan also include information to the period to 2037/38. This appears to provide opportunity for confusion and it is considered that it may be more appropriate to move to a consistent plan period to 2037/38.

It is also noted that the 2032/33 plan period will not ensure a 15 year time horizon post adoption as preferred by the NPPF, paragraph 157<sup>1</sup>. Whilst it is recognised this may have implications for the evidence base, site allocations and plan policies, the HBF recommends that the Council considers extending the end date of the Plan.

### **Policy SS1: Delivering Sustainable Growth for York**

*Policy SS1 is not considered to be sound as it is not positively prepared, effective or consistent with national policy for the following reasons:*

#### Housing Requirement

Policy SS1 sets a need to deliver a minimum annual provision of 867 new dwellings over the plan period to 2032/33 and post plan period to 2037/38. This is based in part on the evidence provided within the 2016 SHMA and the GL Hearn SHMA Addendum 2017. The Addendum was produced to take into consideration the 2014 revised sub-national population and household projections from ONS and CLG.

Advice from GL Hearn within the SHMA Addendum is that the York Local Plan should include a 10% market signals adjustment to the 867 baseline figure. This would increase the figure to 953 dwellings per annum. GL Hearn state that the market signals adjustment is based on an assessment of both market signals and affordable housing need. Without this adjustment neither of these elements have been taken into consideration within the housing requirement. It is therefore considered that the Local Plan is not compliant with the NPPF as it has not taken into account market signals and housing affordability.

Paragraph 17 of the NPPF states that *'every effort should be made objectively to identify and then meet the housing, business and other development needs of an area, and respond positively to wider opportunities for growth. Plans should take account of market signals, such as land prices and housing affordability, and set out a clear strategy for allocating sufficient land which is suitable for development in their area, taking account of the needs of the residential and business communities'*.

In assessing their own housing needs the Council must also take into account any shortfall in housing delivery between the time period covered by their housing need evidence and the plan period.

The Council should, therefore, reconsider its position with regard to the overall level of housing provision, which does not reflect market signals and affordability, and is not considered to be in the spirit of positive planning and the NPPF objective to significantly boost the supply of housing. If the Plan is found subsequently not to be

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<sup>1</sup> And retained within Paragraph 22 of the 2018 draft NPPF.

NPPF compliant it may, again, be rejected by the Secretary of State, leading to further delay in York having a plan in place.

DCLG's consultation paper 'Planning for the right homes in the right places' sets out a proposed standard methodology for calculating the housing need for each Borough. This consultation paper states that the starting point for calculating housing need in an area should continue to be a demographic baseline, which is then modified to account for market signals (the affordability of homes). CLG has used this methodology to calculate a baseline housing need figure for York of 1,070. The consultation paper states that there should be very limited grounds for adopting an alternative method which results in a lower need than the proposed standard approach. The reasons for doing so will be tested rigorously by the Planning Inspector through examination of the plan. Rejection of the plan on these grounds will, again, leave the Council without an adopted local plan.

The draft NPPF also states that *'in determining the minimum number of homes needed, strategic plans should be based upon a local housing need assessment, conducted using the standard method in national planning guidance – unless there are exceptional circumstances that justify an alternative approach which also reflects current and future demographic trends and market signals'*.

#### Economic Growth

The York Local Plan states that York is a key economic driver and looks to provide sufficient land to accommodate an annual provision of around 650 new jobs. It is important to ensure there is an appropriate balance between employment and homes.

As noted in our previous comments to the Plan, neither the 2016 SHMA, nor its addendum have considered the implications of the LEP ambitions for growth. This should be factored into the housing need assessment (whether using the Council's methodology or the DCLG standard methodology) to ensure that there is an appropriate balance between employment growth aspirations and homes.

#### Sustainable Sites

Policy SS1 states that where viable and deliverable, the re-use of previously developed land will be phased first. It is not clear how this will work in practice. The NPPF (paragraph 111) refers to encouraging rather than prioritising the effective use of previously developed land. The PPG (ID: 10-009) specifically refers to encouragement through incentives such as lower planning obligations or different funding mechanisms and the Government are providing encouragement through the introduction of brownfield registers.

It is therefore recommended that the policy text be amended to refer to sustainable sites, or if reference to previously developed land is to be retained that 'will be phased first' is replaced with 'be encouraged'.

HBF propose that the policy is modified as follows:

- *'Deliver a minimum annual provision of **1,070** ~~867~~ new dwellings over the plan period to ~~2032/33 and post-plan period to~~ 2037/38. This will enable the*

*building of strong, sustainable communities through addressing the housing and community needs of York's current and future population'.*

- *'Where viable and deliverable, the **use of sustainable sites** ~~re-use of previously developed land~~ will be phased first'.*

### **Policy H1: Housing Allocations**

*Policy H1 is not considered to be sound as it is not positively prepared, effective or consistent with national policy for the following reasons:*

We are keen that the Council produces a plan which can deliver against its housing requirement. To do this it is important that a strategy is put in place which provides a sufficient range of sites to provide enough sales outlets to enable delivery to be maintained at the required levels throughout the plan period. The HBF and our members can provide valuable advice on issues of housing delivery and would be keen to work proactively with the Council on this issue.

The HBF also strongly recommends that the plan allocates more sites than required to meet the housing requirement as a buffer. This buffer should be sufficient to deal with any under-delivery which is likely to occur from some sites. Such an approach would be consistent with the NPPF requirements for the plan to be positively prepared and flexible. The HBF recommends as large a contingency as possible (circa at least 20%) to the overall housing land supply to provide sufficient flexibility for unforeseen circumstances and in acknowledgement that the housing requirement is a minimum not a maximum figure.

The HBF does not comment on the merits or otherwise of individual sites therefore our representations are submitted without prejudice to any comments made by other parties on the deliverability of specific sites included in the overall HLS, 5 YHLS and housing trajectories.

In principle, the use of gross to net ratios for sites is considered appropriate. However the use of 70% for large strategic sites may be an over-estimate given the significant infrastructure contributions that are likely to be required. It is considered that it is more appropriate for the Council to continue to work with site promoters, owners or the relevant developer to ensure appropriate numbers are used.

The housing supply makes an allowance for windfall sites of 169 dwellings per annum from year 4. This is evidenced by the Windfall Technical Paper. However, it is noted that the use of historic windfall in an area where there has been no adopted Plan may not provide the most appropriate basis for windfall development going forward.

HBF propose that the policy is modified as follows:

- That sites are allocated to provide for at least the CLG methodology housing requirement, with an additional buffer of at least 20%, to support delivery and provide choice and flexibility.
- That the Council engages with the relevant landowner, promoter or developer to ensure that the potential capacities identified are appropriate and to ensure that the proposed allocations are delivery within the plan period.

- That further sites are allocated to meet the needs identified, rather than relying on windfall development.

### **Policy H2: Density of Residential Development**

*Policy H2 is not considered to be sound as it is not effective, justified or consistent with national policy for the following reasons:*

As has been set out in our previous comments, the HBF considers that development densities of 100 dwellings per hectare within the city centre combined with 50 dwellings per hectares within the York urban area is optimistically high. Whilst the NPPF, paragraph 47, does indicate local authorities can set out their own approach to housing density this should be based upon local circumstances and not harm the overall objective of boosting significantly housing supply. The HBF recommends the Council ensure that the appropriate evidence is available to support this policy. The high-density development proposed in this policy may be difficult to market as it would be likely to result in small garden areas, no garages and little parking. It is considered that lower density developments would be more marketable, and the policy should be amended to allow for this flexibility, this flexibility could include allowing developers to take account of local site characteristics, market aspirations and viability.

HBF propose that the policy is modified as follows:

- That the expected net densities are reduced.
- That further flexibility is included within the policy in relation to the mix of housing and the density of development.

### **Policy H3: Balancing the Housing Market**

*Policy H3 is not considered to be sound as it is not effective, justified or consistent with national policy for the following reasons:*

It is acknowledged that this policy is based on the evidence set out in the SHMA. However, it should be noted that the SHMA will only ever identify current deficits and reflects a snap-shot in time. The HBF would like to ensure greater flexibility within this policy to acknowledge that the mix will vary both geographically and over the plan period.

The HBF would also like to ensure that flexibility is built into this policy to reflect market demand and aspirations, not just housing need.

HBF propose that the policy is modified as follows:

- *'Proposals for residential development **should seek to** ~~will be required to~~ balance the housing market by including a mix of types of housing which reflects the **local market demand and the** diverse mix of need across the city'.*
- *'The housing mix proposed should have reference to the SHMA and be informed by:*
  - *Up to date evidence of need including at a local level;*
  - **Market demand and local aspirations;** and
  - *The nature of the development site and the character of the local surrounding area'.*

#### **Policy H4: Promoting Self and Custom House Building**

*Policy H4 is not considered to be sound as it is not effective and justified for the following reasons:*

In principle the HBF is supportive of self-build & custom build for its potential contribution to overall housing supply. However the Council's approach is restrictive rather than permissive by requiring the inclusion of such housing on strategic sites of 5ha and above. This policy approach only changes the house building delivery mechanism from one form of house building company to another without any consequential additional contribution to boosting housing supply.

The HBF would be interested to see the evidence to support the idea that those wanting to self-build would actually consider building within a larger housing development.

HBF propose that the policy is modified as follows:

- ~~'On strategic sites (sites 5ha and above) developers will be required to supply at least 5% of dwelling plots for sale to self-builders or to small/custom house builders subject to appropriate demand being identified. Developers will be able to provide dwelling plots for sale to self-builders or to small/custom house builders if demand is identified. Plots should be made available at competitive rates, to be agreed through Section 106 agreements, which are fairly related to the associated site/plot costs. In determining considering the nature and scale of provision the Council will have regard to viability considerations and site-specific circumstances'~~

#### **Policy H5: Gypsies and Travellers**

*Policy H5 is not considered to be sound as it is not effective, justified or consistent with national policy for the following reasons:*

The HBF has concerns in relation to this policy, particularly in relation to the need for Strategic Allocations to meet the needs of those Gypsies and Travellers households that do not meet the planning definition set out in Planning Policy for Traveller Sites. Further clarity is needed in relation to why provision is needed for those household no longer meeting the definition; whether a pitch on a strategic allocation is an appropriate location for these households particularly at the numbers proposed; what will happen to these pitches if no gypsy or traveller wishes to utilise them; and the management of these pitches.

HBF propose that the policy is modified as follows:

- ~~**'b) Within Strategic Allocations**  
In order to meet the need of those 44 Gypsies and Traveller households that do not meet the planning definition:  
  
Applications for larger development sites of 5 ha or more will be required to:  
• provide a number of pitches within the site; or  
• provide alternative land that meets the criteria set out in part (c) of this policy to accommodate the required number of pitches; or~~

~~• provide commuted sum payments to contribute towards to development of pitches elsewhere.~~

~~The calculations for this policy will be based on the hierarchy below:~~

~~• 100–499 dwellings–2 pitches should be provided~~

~~• 500–999 dwellings–3 pitches should be provided~~

~~• 1000–1499 dwellings–4 pitches should be provided~~

~~• 1500–1999 dwellings–5 pitches should be provided~~

~~• 2000 or more dwellings–6 pitches should be provided~~

### **Policy H9: Older Persons Specialist Housing**

*Policy H9 is not considered to be sound as it is not effective and justified for the following reasons:*

It is not clear from the wording of Policy H9 whether the proposal for strategic sites (over 5ha) to incorporate appropriate provision of accommodation types for older persons refers to C2 or C3 provision. If a particular type of older persons housing is expected to be provided further clarity should be provided. It is also considered that the need for older persons accommodation should be demonstrated and that consideration should be given to the viability of development and the suitability of the site and location.

HBF propose that the policy is modified as follows:

- *‘Strategic sites (over 5ha) should incorporate the appropriate provision of accommodation types for older persons within their site masterplanning, **where the need is demonstrated. The Council will give consideration to the viability of the development and to the suitability of the site to provide appropriate older persons housing.** For sheltered/extra care accommodations a mix of tenures will be supported.’*
- If a particular type of older persons housing is expected to be provided further clarity should be provided.

### **Policy H10: Affordable Housing**

*Policy H10 is not considered to be sound as it is not effective and justified for the following reasons:*

The first line of policy H10 acknowledges the need to improve affordability across the housing market. It is noted however, that this aspiration is not included within the overall housing requirement.

The HBF supports the delivery of affordable housing. The delivery of affordable housing must, however, be balanced against economic viability considerations.

The Council may also want to take into consideration the potential amendments to the definition of affordable homes and their provision, as set out in the current consultation on the draft NPPF.

### **Policy SS2: The Role of York’s Green Belt**

*Policy SS2 is not considered to be sound as it is not effective and justified for the following reasons:*



Policy SS2 states that the sufficient land will be allocated for development to meet the needs identified in the plan and for a further minimum period of 5 years to 2038. As highlighted above the HBF recommends that the Plan period is extended until 2038, and that an additional 20% buffer is provided in relation to allocations to allow for flexibility. Therefore there is likely to be a need for further land to be identified.

It is also considered appropriate to identify Safeguarded Land to meet longer-term development needs stretching well beyond the plan period, and to ensure the Council is satisfied that the Green Belt boundaries will not need to be altered at the end of the development plan period.

HBF propose that the policy is modified as follows:

- *'To ensure that there is a degree of permanence beyond the plan period sufficient land is allocated for development to meet the needs identified in the plan ~~and for a further minimum period of five years~~ to 2038, **with additional land safeguarded for development beyond the plan period.**'*

### **Housing Standards**

There are a number of proposed policies that seek to set standards for new dwellings e.g. Policy CC1: Renewable and Low Carbon Energy Generation and Storage, Policy CC2: Sustainable Design and Construction of New Development, Policy CC3: District Heating Networks. If the York Local Plan is to be compliant with the NPPF then development should not be subject to such a scale of obligations and policy burdens that viability is threatened (para 173 & 174). The Council needs to ensure that each of these policies are taken into account and their cumulative impacts on viability is considered. The need for such policies must also be clearly justified by evidence.

The Council will also be aware of the Written Ministerial Statement dated 25th March 2015 which introduced the Government's Housing Standards. It sought to ensure that the amended Building Regulations were the applicable standards and local planning authorities should not be seeking to require additional standards over and above this requirement. Again, the Council should ensure that these policies are in line with this Ministerial Statement.

### **Policy CC1: Renewable and Low Carbon Energy Generation and Storage**

*Policy CC1 is not considered to be sound as it is not effective, justified or consistent with national policy for the following reasons:*

This policy looks for new buildings to reduce carbon emissions by 28% through the provision of renewable and low carbon technologies or through energy efficiency measures.

The HBF is generally supportive of the use of low carbon and renewable energy, however, it is queried whether this policy is in line with the Governments intentions as set out in Fixing the Foundations and the Housing Standards Review, which specifically identified energy requirements for new housing development to be a matter solely for Building Regulations with no optional standards.



The Deregulation Act 2015 was the legislative tool used to put in place the changes of the Housing Standards Review. This included an amendment to the Planning and Energy Act 2008 to remove the ability of local authorities to require higher than Building Regulations energy efficiency standards for new homes. Transitional arrangements were set out in a Written Ministerial Statement in March 2015.

It is considered that the requirements of this policy could have the potential to add costs to the delivery of housing development, and could have implications for the viability of sites. There are concerns that requirements such as these could lead to the non-delivery of homes.

HBF propose that the policy is modified as follows:

- ~~*'New buildings must achieve a reasonable reduction in carbon emissions of at least 28% unless it can be demonstrated that this is not viable. This should be achieved through the provision of renewable and low carbon technologies in the locality of the development or through energy efficiency measures. Proposals for how this will be achieved and any viability issues should be set out in an energy statement.'*~~

### **Policy CC2: Sustainable Design and Construction of New Development**

*Policy CC2 is not considered to be sound as it is not effective, justified or consistent with national policy for the following reasons:*

This policy requires new dwellings to meet the optional higher national housing standard for water consumption and to achieve a 19% reduction in the dwelling emission rate.

All new homes already have to meet the mandatory national standard set out in the Building Regulations (of 125 litres/person/day). PPG (ID: 56-010) states that where there is a clear local need, local planning authorities can set out policies requiring new dwellings to meet the tighter Building Regulations optional requirement of 110 litres/person/day. In order to introduce the policy the local planning authority must establish a clear need based on: existing sources of evidence; consultations with the local water and sewerage company, the Environment Agency and catchment partnerships; and consideration of the impact on viability and housing supply of such a requirement. The PPG goes on to suggest the types of evidence which might support a tighter water efficiency standard including the identification of areas of serious water stress, or a river basin management plan which highlights the pressure that the water environment faces. The HBF is unaware of any evidence to support the introduction of the optional standards.

As set out above Government have intended the amended Building Regulations to be the applicable standards, for example in relation to the Emission Rate, and local planning authorities should not be seeking to require additional standards over and above this requirement.

HBF propose that the policy is modified as follows:

- ~~*'Proposals will be supported where they meet the following:  
All new residential buildings should achieve:*~~

- ~~i. at least a 19% reduction in Dwelling Emission Rate compared to the Target Emission Rate (calculated using Standard Assessment Procedure methodology as per Part L1A of the Building Regulations 2013); and~~
- ~~ii. a water consumption rate of 110 litres per person per day (calculated as per Part G of the Building Regulations)'.~~

### **Monitoring**

The Council's monitoring as set out in paragraphs 15.22 to 15.30 and Table 15.2 highlights risks including the non-delivery of sites, and sets targets in relation to the delivery of sites. The HBF recommends that specific monitoring triggers are introduced. It is not clear from the table how quickly action will be taken if targets are not met, and if the proposed solutions do not lead to targets being met how long it will be before the final resort of reviewing the plan is considered. Taking into consideration the timeframe for preparing the current plan it is considered that the production of a revised plan may not be a quick solution to the non-delivery of sites and may therefore not be an appropriate resolution. A more appropriate approach would be to introduce further flexibility to the housing supply at this stage through the allocation of additional sites and through the identification of safeguarded land.

### **Future Engagement**

I trust that the Council will find the foregoing comments useful as it continues to progress its Local Plan. I would be happy to discuss these issues in greater detail or assist in facilitating discussions with the wider house building industry.

The HBF would like to be kept informed of all forthcoming consultations upon the Local Plan and associated documents. Please use the contact details provided below for future correspondence.

Yours sincerely,



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