



**EXAMINATION OF THE CITY OF YORK LOCAL PLAN  
2017-2033**

**PHASE 2 HEARINGS**

**MATTER 5: HOUSING LAND SUPPLY**

**CITY OF YORK COUNCIL STATEMENT**

## **Matter 5 – Housing Land Supply**

### **The Housing Land Supply Overall**

#### **5.1 Does Policy SS1, and the Plan as a whole, provide an appropriate policy framework for the delivery of housing over the Plan period? If not, how is this to be addressed?**

5.1.1 Yes, Policy SS1, and the Plan as a whole, is considered to provide an appropriate policy framework for the delivery of housing over the plan period. Policy SS1 translates the preferred growth option into policy (see Option 3, discussed in response to Question 4.1 in Matter 4). Policy SS1 provides the strategic context for the delivery of housing, setting out a minimum average annual net housing requirement over the plan period and spatial principles to guide the location of housing to meet growth. Together the quantum of housing (driver of growth) and the spatial principles (factors that shape growth) provide the strategic policy for the delivery of housing growth in accordance with the distribution and location of housing growth identified in Table 1b of Policy SS1 [see PM55 in EX/CYC/58]. Policy SS1 also states that the identification of development sites (for housing, those identified in Policy H1) is underpinned by the principle of ensuring deliverability and viability.

5.1.2 Alongside Policy SS1, Policy H1 and Policy DM1 establish the policy framework for the delivery of housing. Policy H1 allocates sufficient sites to meet the housing requirement of the city, as set out in Table 5.1 [CD001]. These sites provide a range of sites capable of meeting future requirements in line with the spatial strategy and in line with paragraph 47 of the NPPF (2012). Figure 5.1 and Table 5.2 place the sites in the housing trajectory. The updated housing trajectory [EX/CYC/69] confirms there is an adequate supply of land to meet the housing requirement throughout the plan period. The updated five-year housing land supply identified in response to question 5.7 and Appendix 1 '5 Year Housing Land Supply 2021' confirms the supply of deliverable sites to provide five years-worth of housing against the housing requirement, including a 20% buffer and 10% non-implementation rate to allow for choice and completion in the market.

- 5.1.3 The identification of sites gives due regard to the viability and deliverability principles of NPPF paragraph 173, which requires careful attention is paid to viability and costs in plan-making. Plan policies and sites has been subject to viability testing [CD018]. Section 15 of the Plan sets out the key ways of delivering the strategy, for housing growth this includes private developers and planning applications. Policy DM1 secures the necessary infrastructure needed to support development and the creation of sustainable communities, recognising that a key element of the delivery of housing will be to ensure that the infrastructure needed to support development is provided and funded. The implementation of the plan and the delivery of housing is supported by the Infrastructure Delivery Plan [SD128].
- 5.1.4 The policy framework for the delivery of housing is supported by robust evidence and based on ongoing engagement with key stakeholders alongside wider consultation on the development of the plan. Primary evidence supporting Policy SS1 can be found in Matter 4 Appendix 1 Primary Evidence Underpinning the Spatial Strategy and the Viability Assessment Update Study [CD018]. Primary evidence supporting the delivery of H1 includes the Strategic Housing Land Availability Assessment (SHLAA) [SD049A-C], subsequent updates including the most recent housing trajectory [EX/CYC/69].
- 5.1.5 Extensive consultation has enabled effective engagement of interested parties [CD013, EX/CYC/22 and EX/CYC/65].
- 5.1.6 Section 2 and specifically Tables 2.2, 2.3, 2.4 and 2.13 of the SA [CD008] provides a comprehensive summary of the evolution of housing growth and the consideration of alternatives. Policy SS1 has been shown to be the most appropriate, when considered against reasonable alternatives. See response to Question 4.1 of Matter 4 for more detail. The portfolio of housing sites in the Policy H1 are the most appropriate when considered against the reasonable alternatives and have been subject to sustainability appraisal (see response to Question 4.11c).

**5.2 We understand through the latest housing trajectory update [EX/CYC/69] that the sources of housing land supply underpinning the Plan are as follows:**

- **8,642 dwellings on allocated new strategic housing sites (ST)**
- **1,703 dwellings on allocated housing sites (H)**
- **1,853 dwellings (commitments – unimplemented permissions as at 1 April 2021)**
- **3,113 dwellings (cumulative completions between 2017-2021)**
- **planning permission or resolution to grant planning permission as at 1 April 2021)**
- **720 dwellings in communal establishments /student accommodation**
- **1,764 dwellings on windfall sites (from 2024/25 – 2032/33 @196 per annum)**

**This provides a total housing supply of a minimum of 17,795 dwellings during the Plan period. Is this correct?**

5.2.1 Yes.

**5.3 We note that the windfall allowance per annum has been increased from 169 dwellings per annum in previous housing trajectories (e.g. [EX/CYC/17]) to 196 dwellings per annum in the 2021 Housing Trajectory [CYC/EX/69]. Is this correct? If so, what is the basis and justification for this change in the windfall allowance?**

5.3.1 Yes, this is correct. The housing windfall allowance has been updated using latest housing monitoring data for the period 2011-2021, resulting in the 196 dpa figure in the 2021 housing trajectory [EX/CYC/69].

5.3.2 The approach to the windfall estimate within the 2021 housing trajectory [**CYC/EX/69**] is consistent with the approach used in EX/CYC/17The approach was subject to public consultation at Preferred Sites stage (Windfall Allowance Technical Paper, 2016) [SD055] and confirmed in SHLAA 2018 Appendices (Annex 4, Windfall Paper Update, May 2017) [SD049b].

5.3.3 Paragraph 48 of the NPPF is clear that where an allowance is to be made for windfall sites, there should be compelling evidence that such sites have consistently become available and will continue to provide a reliable source of supply. The Framework also states that an allowance should be 'realistic' and have regard to:

- (1) Historic windfall delivery
- (2) The SHLAA
- (3) Expected future trends

5.3.4 The Council's method used to calculate the windfall allowance focusses on the supply generated from two main categories both of which capture sites not identified in the Local Plan process because they fall outside the scope of proposed allocations (which are 0.2 hectares or above) These are: .

- (1) Small site development (sites of less than 0.2 hectares)
- (2) Change of Use and Conversion development

5.3.5 To determine if it is reasonable to include an allowance for these sites in the first five years of delivery, CYC's approach considers the number of homes in the same categories of sites with extant planning permission expected to deliver in the short-term (see Table 3). This is to reduce the potential for double counting.

5.3.6 The approach captures sites which have proved a significant contribution to past housing completions. Evidence from updated data and trends, using a 10- year timeframe (2011 – 2021), is outlined in Table 1, Table 2 and Graph 1 and Graph 2 below. The data shows:

- The two sources of windfall sites included within the council's windfall estimate have contributed a total of 65% of the Council's total net windfall completions.
- Total net completions from the two sources of windfall sites included with the windfall estimate is 1,962 dwellings.

- Conversions and change of use have provided nearly 50% of overall net windfall completions.
- Windfalls have generally mirrored overall trends in housing completions over the last ten years.
- Unimplemented housing consents records reveal 481 unimplemented consents (from a total 1853 within the latest housing trajectory [EX/CYC/69]) on sites of less than 0.2 ha or changes of use or conversions to existing dwellings. Of this figure, 141 net homes have approval via 'prior approval'.
- Net completions from conversions and change of use increased with changes to permitted development rights in 2013 (office to residential prior approval). However, these have levelled off since the peak in 2016/17.
- Net completions from very small windfalls have been relatively consistent in the last ten years.

**Table 1: Historic Annual Windfall completions**

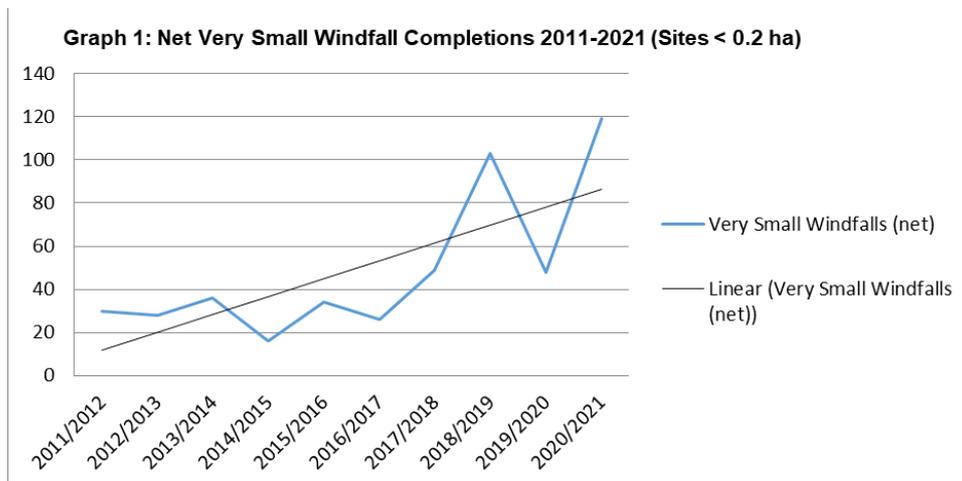
Year	Net Dwelling Gain	Net Windfall Completions	Proportion of Windfalls as a % of Overall Completions
2011-2012	321	117	36.45%
2012-2013	482	122	25.31%
2013-2014	345	164	47.54%
2014-2015	507	182	35.90%
2015-2016	1121	650	57.98%
2016-2017	977	516	52.81%
2017-2018	1296	308	23.77%
2018-2019	449	260	57.91%
2019-2020	560	187	33.39%
2020-2021	622	490	78.78%
<b>2011-2021</b>	<b>6680</b>	<b>2996</b>	<b>44.85%</b>

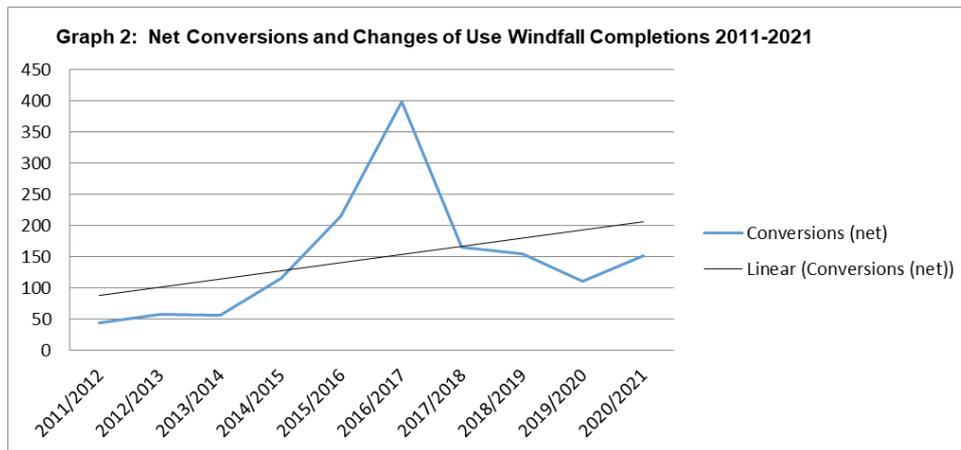
**Table 2: Historic Annual Windfall completions for sources of windfall sites included in CYC Estimate**

Year	Small Sites	Conversions	Total Windfall
2020/21	119	152	271
2019/20	48	111	159
2018/19	103	155	258
2017/18	49	166	215
2016/17	26	399	425
2015/16	34	216	250
2014/15	16	116	132
2013/14	36	56	92
2012/13	28	58	86
2011/12	30	44	74
<b>Average</b>	<b>48.9</b>	<b>147.3</b>	<b>196.2</b>

**Table 3: Analysis of Net Windfall Unimplemented Consents (1<sup>st</sup> April 2021)**

Size/Type of Windfall	Brownfield Sites	Greenfield Sites	Total
Very Small Windfalls (Less than 0.2 ha)	134	11	145
Conversions/COU	300	36	336
<b>Totals</b>	<b>434</b>	<b>47</b>	<b>481</b>





5.3.7 Windfall completions from changes of use and conversions are expected to provide a reliable source of supply into the future, notwithstanding the recent levelling off of conversions and change of use. The primary change is the combination of various A, D, and B class development into a new 'E' Class. Additionally, permitted development rights have been introduced to demolish vacant office buildings and rebuild for residential uses. Furthermore, permitted development rights introduced in 2013, that led to the peak of change of use and conversions in 2016/17, have been made permanent. It is reasonable to assume a limited supply of changes of use of agricultural buildings, given the agricultural use of land within York's green belt.

5.3.8 Where sites come forward that accord with Green Belt policies (GB1, GB2, GB3 and GB4), these sites will contribute to the windfall allowance.

5.3.9 There are no policy changes, or any data relating to market dynamics, which would hinder the development of small sites below 0.2 hectares. It is therefore expected that these sites would continue to provide a reliable source of supply as windfall sites.

5.3.10 There is compelling evidence that windfall sites have consistently become available and will continue to provide a reliable source of supply.

**5.4 Is the estimate of windfall numbers identified by the Plan appropriate and realistic? Is the approach consistent with the Framework? Given the time that has passed since the Plan was submitted, is the identified windfall allowance in the Plan (169 dwellings per annum) still appropriate, realistic and justified?**

5.4.1 The windfall estimate of 169 dpa in the Plan at present is not considered to be appropriate, realistic or justified based on the updated data and evidence. However, the updated windfall estimate of 196 dpa is considered appropriate, realistic, justified and in accordance with the paragraph 48 of NPPF (2012) as it has regard to the SHLAA, is based on updated data and rates of delivery and future trends. Further detail is discussed in response to Q 5.3.

**5.5 Are the suggested rates of planned housing development realistic and achievable when considered in the context of the past completion rates? What actions are being taken to accelerate housing delivery? Where is the evidence to support the approach adopted?**

5.5.1 Yes, the rate of planned housing development is considered realistic and achievable in the context of past completion rates.

5.5.2 Section 2.4 of Annex 5 of the SHLAA 2018 [SD049b] provides specific local evidence of historic delivery rates. CYC's standard delivery and lead in times are set out in the SHLAA 2018 [Annex 5 'SHLAA Assumptions Evidence Base' SD049b]. CYC standard delivery and lead in times were the subject of consultation with national, regional and local professionals working in the house building sector undertaken in 2015, via the Housing Implementation Survey (HIS) [Annex 5 of SD09b]. The survey and results identify assumptions which were tested across the breadth of site sizes (1-10 to exceptionally large sites of 500+).

5.5.3 This evidence identified above is supplemented by more recent information in Table 4.

**Table 4 Example Residential Build Out Rates for strategic sites**

Site Name/Address	Greenfield / Brownfield	Capacity of Site (No. of homes)	Housing Mix	Build Out Years	Units Built Per Annum	Outlets
Former Terry's Factory Bishopthorpe Road (09/01606/OUTM)	BF	500	1 x detached house 113 x town houses 312 x flats	2015/16 to 2020/21 - site ongoing	71	2
The Grain Stores Water Lane (11/00860/OUTM)	BF	215	89 x detached houses 36 x semi-detached houses 82 x town houses 8 x flats	2016/17 to 2019/20	53.75	1
Germany Beck (01/01315/OUT)	GF	655	46 x detached houses 16 x semi-detached houses 4 x detached bungalows 46 x town houses	2018/19 to 2020/21 site ongoing	37.33	1
Derwenthorpe/Land to West of Metcalfe Lane, Osbalwick (Update to SHLAA 2018) (03/02709/OUT)	GF	520	68 x detached houses 134 x semi-detached houses 6 x semi-detached bungalows 234 x town houses 42 x flats	2012/13 to 2019/20 (N.B. 40 homes still to be built)	60.5	1

5.5.4 Table 1 in response to question 5.3 identifies that housing delivery has exceeded the housing requirement figure across three consecutive years.

5.5.5 Actions to accelerate delivery can be found in the City of York Planning Policy Housing Delivery Action Plan 2021 (see: <https://www.york.gov.uk/HousingDeliveryActionPlan> which identifies 22 actions where the CYC can influence delivery.

5.5.6 The council is working in partnership with Homes England and site promoters on a self-sustaining freestanding garden village at Land West of Elvington Lane (ST15) in accordance with a partnership agreement (currently being drafted). Within this emerging agreement, the scope of work will include consideration of innovative methods of accelerating this development.

**5.6 Is the housing trajectory update [EX/CYC/69] realistic? In the context of footnote 11 of the NPPF, does it form an appropriate basis for assessing whether sites are deliverable?**

- 5.6.1 Yes, the housing trajectory is realistic and in the context of footnote 11 forms an appropriate basis for assessing whether sites are deliverable when read in combination with the SHLAA (2018) [SD049a, SD049b and SD049c] including the SHLAA 2021 Update [EX/CYC/56] and the Local Plan Viability Report [CD018]. The housing trajectory update [EX/CYC/69] illustrates the expected rate of delivery of specific deliverable sites and developable sites over the plan period (2017-2032/33) using the assumptions contained with SHLAA documents (SD49a and SD049b) alongside site specific information on allocated sites is set out in Annex 2 of the SHLAA 2021 update [EX/CYC/56].
- 5.6.2 Assumptions included in the trajectory directly respond to paragraph 47 of the NPPF (2012). Assumptions regarding lead in times and build out rates were the subject of a Housing Implementation Survey (see Annex 5 of SD04b) and are used where planning consent is not in place. Density assumptions (see paragraphs 2.6.2 to 2.6.4 of SD049a are based on an archetype approach for non-strategic sites, whilst density assumptions for strategic sites take a bespoke approach.
- 5.6.3 Sites within the five-year housing land supply <sup>1</sup>in light of the judgement<sup>[OBJ]</sup> that the NPPF definition of deliverable is not a 'closed list'.
- 5.6.4 All sites included within the trajectory's five-year housing land supply are available now. This has been considered on a site-by-site basis. The SHLAA 2021 update [EX/CYC/56] sets this out alongside updated information on 5-yr supply including allocated sites, unimplemented housing consents, approval of university managed student accommodation and communal establishments (accommodation that can be reasonably be considered part of the dwelling stock such as care homes, hostels, school boarding and barracks).

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<sup>1</sup> East Northamptonshire Council v Secretary of State for Housing, Communities and Local Government

- 5.6.5 Updated site specific information on allocated sites is set out in Annex 2 of the SHLAA 2021 update [EX/CYC/56]. This document brings together information on availability and suitability including confirmation of planning application status, an overview of engagement with the site agent, infrastructure considerations and the Council's justification for the delivery projections. In respect of engagement with the site agent, site viability has not been identified as a constraint with the exception of ST15, and as such there are no other known viability challenges (in the context of achievability and overall deliverability).
- 5.6.6 With respect to addressing residual shortfall within the first five years of the trajectory, the Council's applies a plan based case for applying shortfall over the plan period (commonly known as the 'Liverpool method' to ensure that the plan is both realistic as well as aspirational. This approach is identified in paragraphs 4.4.5 to 4.4.12 of the SHLAA 2018 (EX/CYC/49a) and in paragraphs 6.5 to 6.10 of the SHLAA Update 2021 [EX/CYC/56].
- 5.6.7 The use of the 'Liverpool method' reflects the need for a stepped approach particularly in light of the character of historic delivery rates (averaged 668 net dpa between 2011 and 2021), the Council's trajectory [EX/CYC/69] and implications resulting from recent global events and the impact on the market.
- 5.6.8 The Council's trajectory [EX/CYC/69] includes a number of very large strategic sites. Eight exceptionally large strategic sites (over 500 homes) are projected to deliver 50% of the minimum housing requirement to 2032/33. These sites are a mix of brownfield and greenfield sites and the anticipated start on site linked to requirements for remediation and infrastructure provision.
- 5.6.9 Adjustments have been made to the Housing Delivery Test to reflect the disruption and fluctuations in construction output owing to the pandemic. No account has been made of the pandemic upon the Council's housing requirement and trajectory. This again supports the case for a stepped approach to dealing with shortfall.

**Five-year housing land supply**

**5.7 What is the five-year housing supply requirement upon adoption of the Plan?**

5.7.1 It is anticipated that the Plan will be adopted in late 2022 / early 2023. The five-year housing supply requirement at 1<sup>st</sup> of April 2022 will be available in Summer 2022 and will update the five-year housing supply requirement at 1<sup>st</sup> of April 2021 (which is set out below) with the most up-to-date information.

5.7.2 Row C in the Five-Year Housing Land Supply Calculations identifies residual shortfall between 2011/12 to 2020/21. The calculation of this is as follows:

- Housing Completions post 2012 to 2017 (2012/13 to 2016/17) = 3,432
- Housing Completions post 2017 (2017/18 to 2020/21) = 3,113
- Total Completions 2012 to 2021 = 6,545
- Requirement 2012 to 2021 (2012/13 to 2020/21) is 790 x 9 = 7,110
- Housing shortfall over the plan period = 565 (9 year shortfall) / 12 years (2021/22 to 2032/33) = 47.08
- Five Year Housing Land Supply Shortfall = 47 x 5 = 235

**Table 5. Five Year Housing Land Supply Calculations**

<b>Five Year Housing Land Supply Calculations (Base Date 01.04.22)</b>		<b>Dwelling Number</b>
A	Annual housing requirement across Plan period	790
B	Cumulative housing requirement (2021/22 to 2025/26) (Row A x 5)	3950
C	Residual shortfall (32 x 5) + (15 x 5) (taking account of shortfall from 2011/12 to 2016/17 and 2017/18 to 2020/21)	235
D	<b>Cumulative Housing Requirement plus Shortfall</b> (Row B + Row C)	4185
E	<b>Total dwellings estimated to be complete within 5 years (2021/22 to 2025/26)</b> (all site allocations and unimplemented consents with 10% non-implementation rate applied + windfalls)	5890
F	Under/over supply of housing (Row E - D)	1705
G	20% Buffer required for flexibility	837
H	Remaining over supply (Row F - G)	868
<b>CYC Housing Land Supply for period 2021/22 to 2025/26</b> Row E Divided by (Row D + Row G) x 5		<b>5.86 years</b>

**5.8 Will the Council be able to demonstrate a rolling five-year housing land supply upon adoption of the Plan?**

5.8.1 Yes, CYC can demonstrate a rolling five-year housing land supply on adoption of the plan. The housing requirement over a five-year period is 4,110 homes; with a 20% buffer, totalling 4,932. Table 6 identifies that estimated housing completions exceed this figure throughout the plan period.

5.8.2 Assumptions applied to the rolling five-year housing land supply through the plan period are as follows:

- 196 windfall estimate remains constant
- Use of 10% non-implementation rate

**Table 6: Rolling Five-Year Housing Land Supply**

From	To	Estimated Housing Completions
2021/22	2025/26	5890
2022/23	2026/27	6748
2023/24	2027/28	6704
2024/25	2028/29	6087
2025/26	2029/30	6010
2026/27	2030/31	5431
2027/28	2031/32	4956
2028/29	2032/33	5013

**5.9 The five-year housing supply, as set out in the latest housing trajectory update [EX/CYC/69], includes an allowance for windfall sites – the aforementioned 196 per annum:**

**a) What is the compelling evidence that such sites have consistently become available in the local area and that they will continue to provide a reliable source of supply?**

5.9.1 Please refer back to the evidence discussed in response to 5.3.

**b) Is the allowance made realistic, having regard to paragraph 48 of the Framework?**

5.9.2 Yes, please see the response to 5.3.

**5.10 Does the five-year housing land supply position, as set out in the updated Housing Trajectory 2021 [EX/CYC/69], present the most up-to-date position? Is it consistent with all other remaining up-to-date housing evidence? If not, how is this to be addressed?**

5.10.1 The housing trajectory 2021 [EX/CYC/69] does not set out the most up to date five-year housing land supply position. This is set out in response to 5.7 and 5.12 which present the most up-to-date position. It is consistent with up-to-date housing monitoring information contained within the City of York Council Housing Monitoring Update May 2021 (see <https://www.york.gov.uk/downloads/file/6804/housing-monitoring-update-2020-21>).

5.10.2 The housing trajectory 2021 [EX/CYC/69] supersedes the housing trajectory with a base date of 1<sup>st</sup> April 2020 within the SHLAA 2021 Update [EX/CYC/56]. which uses a. The SHLAA will be updated in Summer 2022 alongside updating the housing trajectory with base date of 1<sup>st</sup> April 2022. This will ensure the housing evidence base is up-to-date and in conformity with the NPPF.

**5.11 Paragraph 5.9 of the submitted Plan identifies that the Council accepts that there has been a persistent under delivery of housing as defined by the NPPF. As such, does the submitted Plan, and any subsequent submitted evidence on meeting housing need and supply, take into account the requirement for a 20% buffer to be applied to the housing supply? Has this buffer been applied to any subsequent update of evidence or proposed modification to the Plan identified?**

5.11.1 Yes, paragraph 5.9 of the plan identifies that a 20% buffer has been applied to the trajectory and allowed for enough land to meet this 20% buffer. The 20% buffer has subsequently been applied to the updated five-year housing land supply presented in response to question 5.7. As stated in paragraph 5.9 “Progress on meeting delivery targets will be assessed through the authority monitoring report and the 20% buffer will be rolled forward within the 5 year supply until such time as the under delivery has been satisfactorily addressed.” Additionally, The Council’s five-year housing land supply position will be on an annual basis.

**5.12 Overall, is there a supply of specific deliverable sites sufficient to provide five years' worth of housing, with an appropriate buffer (moved forward from later in the Plan) to ensure choice and competition in the market for land?**

5.12.1 Yes, there is a supply of specific deliverable sites to provide five years worth of housing, with an appropriate 20% buffer to ensure choice and competition. This is identified in Matter 5 Appendix 1 '5 Year Housing Land Supply 2021' and should be read alongside the five-year housing land supply calculation in response to question 5.7.

*We ask the Council to clearly set out how the five-year supply requirement has been calculated and, as part of this, to identify the specific deliverable sites against which that five-year requirement will be met. Please ensure that this tallies with the delivery of housing shown in the Infrastructure Requirements Gantt Chart (January 2022) [EX/CYC/70].*

The specific deliverable sites (contained in Appendix 1 5-Year Housing Land Supply 2021') against which the five-year requirement will be met is taken from the housing trajectory with a base date of 1st April 2021 [EX/CYC/59j]. This housing trajectory was used in the creation of the Gantt Chart. The Gantt Chart, Housing Trajectory, five-year housing land supply calculation and Appendix 1 5 Year Housing Land Supply 2021 all tally.