When telephoning, please ask for: Laura Webb
Direct dial 0115 914 8511
Email constitutionalservices@rushcliffe.gov.uk

Our reference:
Your reference:
Date: Monday, 1 October 2018

To all Members of the Cabinet

Dear Councillor

AGENDA SUPPLEMENT

Please note the attached documents below for the meeting of the Cabinet to be held on Tuesday, 9 October 2018, the agenda for which has already been published.

Yours sincerely

Sanjit Sull
Monitoring Officer

AGENDA

7. Report on the 5 year Housing Supply in Rushcliffe (Pages 1 - 12)

Membership

Chairman: Councillor S J Robinson
Vice-Chairman: Councillor D Mason
Councillors: A Edyvean, G Moore and R Upton

Rushcliffe Borough Council

Rushcliffe Community Contact Centre
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Nottingham
NG2 6BU

In person
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8.30am - 5pm
First Saturday of each month
9am - 1pm

By telephone
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Cabinet

9 October 2018

5 Year Housing Supply Position in Rushcliffe

Report of the Executive Manager - Communities

Cabinet Portfolio Holder for Housing, Planning and Waste Management, Councillor R Upton

1. Purpose of report

1.1. Further to the motion agreed at Full Council on 27 September 2018 (see appendices) this report provides an update on the current 5 year housing supply position in Rushcliffe Borough along with the reasoning and impacts of that current position.

1.2. This report identifies the actions that the Council has been taking to deliver the identified Local Plan Part 1 (Core Strategy) allocated strategic sites and evidence a 5 year housing supply in accordance with the NPPF. It also stipulates the key difficulty and obstacles in accelerating the delivery to meet the current projected 5 year housing supply delivery.

1.3. The report seeks Cabinets endorsement for a review of Rushcliffe's current housing target through the appropriate channels and a continued pressure to progress the Gamston Strategic Allocation.

2. Recommendation

Further to the agreed Full Council Motion on the 27 September 2018 it is RECOMMENDED that Cabinet:

a) Instruct the Chief Executive to facilitate the ongoing lobbying of Central Government to raise the impact of the lack of delivery of key strategic sites is having on Rushcliffe Communities and the Council's ability to achieve the local plan part 1 in accordance with the agreed Full Council motion.

b) Instruct the Chief Executive to take the necessary actions to facilitate delivery the Gamston Strategic Allocation in whole or part.

3. Reasons for Recommendation

3.1. Rushcliffe Borough Council is required to provide around 6000 new dwellings for Nottingham City Council in addition to its own allocation as the City does not have sufficient land available to be able to meet housing need.

3.2. Rushcliffe's housing target within the plan period, (excluding those it also needs to provide for other authorities) is approximately 7150, but the overall combined figure including the individual needs of the City is 13,150 new dwellings by 2028, twice the levels of other Greater Nottingham district councils.

3.3. Rushcliffe's Core Strategy is not technically aligned with any other neighbouring authorities and it is not proportionally recognised or given any weight when assessing 5 year housing supply, particularly in at planning appeals.

3.4. The City and County Councils have promoted and actively pursued over many years to have significant parcels of land in their ownership allocated for development within Rushcliffe suburban development area. At the Gamston site the land owned by the two public sector land owners equates to 33% of the allocation. The delivery of this housing development site is now critical for the Borough to achieve its overall housing target and establish a 5 year housing supply strengthening Rushcliffe's position in resisting speculative residential developments in other parts of the Borough.

3.5. Despite the best endeavours of Rushcliffe, both the County and City Councils have delayed the delivery of this development site, in particular the County Council have not formally engaged with the other private landowners to bring forward an outline planning application for consideration. The position of the land owned by the City and County Councils further hampers the delivery of the site by the other private sector landowners due to the need to provide improved access to the site from the A52 (Lings Bar).

4. Supporting Information

4.1. The National Planning Policy Framework (NPPF) sets out that local planning authorities (LPA) should identify and update annually whether or not they have a supply of 'specific deliverable' sites sufficient to provide five years' worth of housing against their overall housing requirement.

4.2. To be considered deliverable, sites should be available immediately and there should be a realistic prospect that housing will be delivered on the site within five years. This means that even where a site has been allocated in the Local Plan and it was expected to deliver homes in part or in full over the next five years, these homes may not be considered as deliverable if, for example, planning permission has not yet been secured.

4.3. Where LPAs cannot demonstrate a five-year housing supply at any point during the plan period, even recently adopted planning policies for the supply of housing will be considered 'out of date' in respect of the determination of particular planning applications. This means that planning applications for new homes which are not in accordance with the Local Plan may still be deemed acceptable.

4.4. Rushcliffe is particularly at risk from this aspect of national policy given the reliance that has had to be placed on large urban extensions to deliver the especially high housing target (13,150 homes by 2028). Large urban extensions can take some time to go through the planning process, for initial infrastructure to be provided for and for annual construction rates to gain momentum. Therefore it is important that key parties, landowners and developers engage in regular and constructive dialogue to achieve delivery.

4.5. Like many other Authorities, Rushcliffe Borough Council is not currently able to demonstrate a 5 year housing supply. National policy dictates that the homes immediately have to be made up from elsewhere within Rushcliffe, even if those sites are remote from Nottingham and in less sustainable locations. As a result the Authority has received a number of speculative, large scale, housing development applications in areas where development is either not planned for, or well in excess of the planned level of growth in its Core Strategy and whilst not exclusive to, this has been particularly prevalent in the settlement of East Leake due to its location outside of the Green Belt. Despite trying to resist these speculative developments, Rushcliffe has recently lost a number of planning appeals on the basis that it is not currently able to demonstrate a 5 Year Housing Supply, in no small part due to the continuing delays in delivering the two largest of its six strategic housing allocation sites (Fairham Pastures (Clifton) and Gamston).

4.6. These planning appeals are costly financially and in terms of officer time/resources to defend and also reputationally as the lack of a 5 year land supply is more often than not a key determining factor in speculative development being submitted and approved.

4.7. However, it is not the case that Rushcliffe has not been approving housing applications nor that it doesn't have any allocated sites that have led to this position. The recently submitted Local Plan Part 2 seeks to increase housing numbers in several key settlements to address the current short fall in housing delivery. This is partly due to the fact that of the 6 Strategic Housing Allocation sites only half of these are currently approved and starting to deliver housing. Of the three sites that aren't currently delivering, Newton has a signed S106 agreement, resulting in the grant of outline planning permission and Fairham Pastures (Clifton) have indicated that signing of the Section 106 is imminent. The developer of the third site, Gamston, is yet to submit a planning application, largely due to two of the landowners, the City and County Councils, not fully cooperating with all members of the consortium to deliver a comprehensive development. This frustration of the planning process has caused understandable uncertainty and concerns over

equalisation of costs and viability amongst the remaining private sector landowners' and difficulties in accessing their parts of the site that itself has led to the delays in delivering this site.

4.8. Rushcliffe is seeking recognition and support in drawing the issue to the attention of Ministers of the Ministry of Housing, Communities and Local Government (MHCLG); The Planning Inspectorate and Homes England as whilst it recognises that it cannot be the only Authority facing the issue, the fact that the Borough Council engaged with the Duty to Cooperate in taking on the City Councils housing requirements it is being hampered by both the City and County Council's failure to fully cooperate and bring forward their land for development at Gamston.

4.9. As a result the impact on Rushcliffe's ability to achieve its housing target as originally planned in the Local Plan Part 1, has been frustrated and the Borough's difficulty in achieving a 5 year housing supply is being masked by these external influences over which the Borough has limited powers to exert any resolution.

4.10. In seeking to resolve the situation, to date the Borough Council has arranged a number of meetings with the various landowners and developers involved in the Gamston and Fairham Pastures (South of Clifton) sites as follows:

Fairham Pastures (Clifton) Development

4.11. Whilst the Fairham Pastures (Clifton) consortium has positively engaged in the process and continues to remain committed to developing the site; due to the complexities in the ownership structure of the site, over which the Borough Council has little influence, the S106 has been delayed but assurance have been received from the lead developer about completing this in the near future. Regular dialogue has been maintained and when required the lead partner of the consortium has reacted to requests for information and communication.

Gamston Development

4.12. Meetings with the Gamston Consortium have also be held on a regular basis over the past 12 months, however the County Council have, with the exception of representatives from their Highways Department, not been fully represented at meetings. Furthermore whist the City Council have sent representatives the speed of their responses to actions and failure to openly commit to actively engage with the other private landowners has not helped. Needless to say, the exclusion of any of the various parcels of land that form part of the strategic housing allocation not only results in less development being achievable on this site, but also impacts on the costs and potential viability of the site, all of which have further impacts on the Borough Councils 5 Year Housing Supply position.

5. Alternative options considered and reasons for rejection

5.1 There are no alternative options.

6. Risks and Uncertainties

6.1. The Council continues to receive enquiries and pre-application submissions of a speculative nature from landowners and developers who, aware of the Council's current 5 Year Housing Supply position and of recent appeal outcomes, are keen to promote their sites for growth. These are in a number of locations, however due to its location outside of the Green Belt; East Leake remains an area of the Borough being targeted for such speculative development. Unplanned growth in settlements, or significant additional growth over and above levels already planned for, is proving very difficult to defend and the unwelcomed outcomes of these appeals are costly financially; costly to those communities impacted by the additional growth; costly to the reputation to the Borough and also costly to the morale of staff seeking to defend very difficult positions.

7. Implications

7.1. Financial Implications

7.1.1. There are no direct financial implications arising from the recommendations in this report, however the costs incurred by the Council on two Public Inquiries was £40,000 (18/19 budget £12,200).

7.2. Legal Implications

7.2.1. There are no direct legal implication's arising out of this report. However, the requirements of the NPPF and delivery of housing are key priorities. Failure to bring forward these sites represent a significant cost to the Council both in real terms and reputationally.

7.3. Equalities Implications

7.3.1. There are no equalities impacts associated with the content of this report

7.4. Section 17 of the Crime and Disorder Act 1998 Implications

7.4.1. None

7.5. Other implications

7.5.1. None

8. Link to Corporate Priorities

Delivering a strong five year housing land supply will support the Council's priorities of:

- Delivering economic growth to ensure a sustainable, prosperous and thriving local economy; and

- Maintaining and enhancing our residents' quality of life.

9. Recommendations

It is RECOMMENDED that

a) Instruct the Chief Executive to facilitate the ongoing lobbying of Central Government to raise the impact of the lack of delivery of key strategic sites is having on Rushcliffe Communities and the Council's ability to achieve the local plan part 1 in accordance with the agreed Full Council motion.

b) Instruct the Chief Executive to take the necessary actions to facilitate delivery the Gamston Strategic Allocation in whole or part.

For more information contact:	Paul Taylor Sustainable Site Delivery Officer 0115 914 8252 ptaylor@rushcliffe.gov.uk
Background papers available for Inspection:	The Meeting of the Full Council Report 27 September 2018
List of appendices:	Location Map of Nottingham Green Belt and Key Strategic Housing Allocations; Information on the Appeals received in the past 24 months, including a table of those appeals lodged with the Planning Inspectorate against decisions to refuse housing applications (June 2016-June 2018) in Rushcliffe; and The Full Council Motion from 27 September 2018.

Appendix

Location Map of Nottingham Green Belt and Key Strategic Housing Allocations

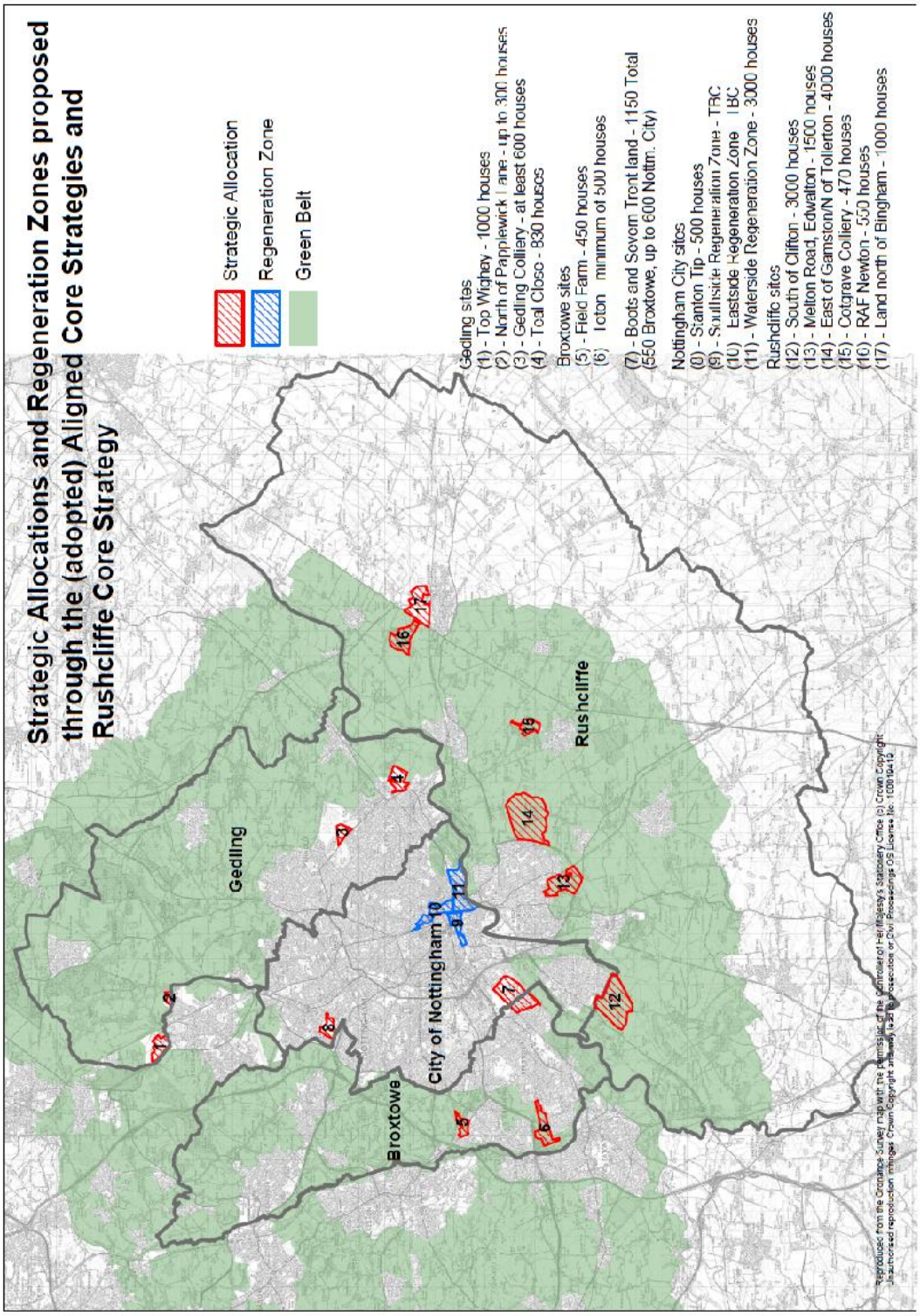

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Table of appeals lodged with the Planning Inspectorate against decisions to refuse housing applications in the past 24 months (June 2016-June 2018) in Rushcliffe.

COMMITTEE OVERTURN?	APPEAL METHOD	COSTS AWARDED?	WAS 5YR SUPPLY AN ISSUE?	DATE DECISION RECEIVED	DCCASENO	SITE ADDRESS	DESCRIPTION	IMPACT
Yes	Written Reps	Yes	Yes	23-Feb-18	17/01549/FUL	The Hall Nottingham Road Keyworth Nottinghamshire NG12 5FD	Change of use from restaurant; conversion to four residential apartments	Loss of local business/employment
No	Written Reps	Not sought	Yes	06-Jan-17	16/01466/FUL	Land At Hawksworth Road Screveton Nottinghamshire NG13 8JP	Erection of 6 no. dwellings with associated new access.	Additional dwellings in an unallocated village
No	Written Reps	Not sought	Yes	26-Mar-18	17/00532/FUL	Land To South West Of Poppy Cottage Lombard Street Orston Nottinghamshire	Erection of a detached two storey dwelling and garage	Additional dwellings in an unallocated village
No	Written Reps	Not sought	Yes	29-Mar-17	16/00330/OUT	20 Landcroft Lane Sutton Bonington Nottinghamshire LE12 5PD	Erection of one detached dwelling.	Additional dwellings in an unallocated village
No	Hearing	Not sought	Yes	20-Nov-17	16/01881/OUT	Land North Of Rempstone Road East Leake Nottinghamshire	Outline application for up to 235 dwellings, primary school, infrastructure, green space, associated surface water attenuation & landscaping	Additional dwellings in excess of minimum allocation for East Leake
No	Hearing	Not sought	Yes	18-Oct-17	16/01353/FUL	Land North Of Stragglethorpe Road, Stragglethorpe, Nottingham	The use of land for the stationing of caravans for residential purposes for a single family gypsy pitch, together with the formation of hardstanding and utility/dayroom ancillary to that use.	Additional dwellings in an unallocated village
No	Public Inquiry	Not sought	Yes	23-May-18	16/03123/OUT	Land At OS Reference 456332 Asher Lane Ruddington Nottinghamshire	Outline planning application for proposed development of 175 dwellings including vehicular access, pedestrian links, public open space, car parking, landscaping and drainage	Additional dwellings in excess of minimum allocation for Ruddington as not on an identified site in emerging Local Plan Pt2
No	Public Inquiry	Not sought	Yes	18-Jul-18	17/02292/OUT	Lantern Lane, East Leake	Outline planning application for the erection of up to 195 dwellings, with public open space, landscaping and sustainable drainage system (SuDS) and vehicular access.	Additional dwellings in excess of minimum allocation for East Leake

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Full Council Motion on the 27 September 2018 stated that:

"*Despite building more houses, including social housing, within the Greater Nottingham Housing Market Area, than any other District over the last 7 years, Rushcliffe is being unfairly penalised under current Government Planning Policy.*

This Council would like to express to the Government, in the strongest terms, its frustrations in the delays of developers and landowners in progressing housing sites that have been allocated since December 2014 in our core strategy. This is having an unacceptable impact on the Council's five year land supply, resulting in approvals being given on appeal on housing allocations that it does not support.

The current housing land supply is 3.1 years due to a lack of delivery by landowners and developers on the major allocated housing sites. The soon to be adopted Local Plan Part 2 will provide Rushcliffe with 5 years of housing land supply, but this could quickly be put at risk again through continued inaction by the landowners and developers on the major allocated housing sites.

This Council is calling for government to step up its support in both:

1. *Ensuring that developers and landowners progress the developments on these strategic sites and,*
2. *Increasing the protection for areas outside the core city area, by preventing speculative developments which are not allocated within the Local Plan or the Emerging Local Plan Part 2.*"

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