

Gedling Local Planning Document (Part 2 Local Plan): Examination

Hearing Position Statement in relation to
Matter 5: Housing

Submitted on behalf of Northern Trust
Company Ltd (Representor Number:
9151009) in respect of Land at Flatts Lane,
Calverton

January 2017

Issue 5a: Housing Provision and Distribution

Q1. Is the overall level of housing provision and its distribution in the Plan consistent with the ACS? [Policy LPD 63]

- 1.1 Northern Trust Company Ltd (“Northern Trust”) does not consider that the overall level of housing provision planned for within the LPD, or its distribution, is consistent with the Greater Nottingham Aligned Core Strategies (ACS).

Overall level of housing provision

- 1.2 The housing requirement within the ACS is clearly drafted as the minimum number of houses required in order to meet the needs identified at that time. The ACS housing requirement for the Gedling Borough was informed by the Government’s 2008-based household projections; which are now several years out-of-date. More recent, 2014-based projections¹ indicate that the population of the Borough is expected to increase at a greater rate than previously anticipated. In the circumstances, the adopted housing requirement within the ACS should be seen as an absolute minimum for the Gedling Borough over the plan period.
- 1.3 It is critical that the Local Planning Document (LPD) identifies sufficient sites to deliver at least the number of houses required under ACS Policy 2. In order to achieve this, and in line with national policy², sufficient ‘flexibility’ should be provided to ensure that identified housing needs can be met even if allocated sites fail to deliver as anticipated.
- 1.4 In that regard, research undertaken by DCLG indicates that between 10-20% of planning permissions are not implemented, whilst a further 15-20% are subject to a revised application process which delays delivery³. As a result, it is reasonable to assume that upwards of 15% of the total supply anticipated within the plan period – in excess of 1,000 dwellings – will not come forward by 2028. It is therefore essential to allow the flexibility of additional provision.
- 1.5 By failing to acknowledge that not all sites that are allocated come forward in a plan period and failing to include flexibility, the LPD includes a very high degree of risk that the minimum requirement will not be delivered.
- 1.6 The Local Plans Expert Group⁴ (LPEG) identified this as a particular problem in maintaining the supply of homes which are required to meet needs:

“...because Plans tend only to allocate the minimum amount of land they consider necessary, once adopted, there is little that Local Plans can do to address any shortages that appear in the five year supply...” (Paragraph 11.2)

¹ 2014-based sub-national population projections (May 2016)

² Paragraph 14, National Planning Policy Framework (DCLG, March 2012)

³ DCLG Presentations to the HBF Planning Conference (September 2015)

⁴ A panel of planning and housing experts from both the public sector and the development industry with a remit to consider how local plan making can be made more efficient and effective

- 1.7 The LPEG report⁵ sets out a clear recommendation that Local Plans should make provision for, and provide a mechanism for the release of developable ‘reserve sites’ equivalent to 20% of their housing requirement. This is a particular issue where, as in Gedling, Green Belt boundaries are (and as proposed will be) tightly drawn around the urban area. The identification of a greater number of sites to provide an in-built reserve in the LPD would be a positive way of reducing the delivery risk which is currently inherent within it and ensure it meets the test of soundness of being “effective” – i.e. deliverable over its plan period.
- 1.8 By only allocating sufficient sites to meet the minimum requirements if all sites are develop as anticipated, GBC is failing to ensure that the minimum housing requirement within the adopted ACS will be met. As a result, the overall level of housing provision in the LPD is inconsistent with the ACS.

Distribution

- 1.9 Northern Trust maintains that the distribution of housing proposed in the LPD is inconsistent with that anticipated at Policy 2 of the ACS.
- 1.10 The number of houses to be provided adjacent to the ‘Urban Area’ (i.e. Arnold and Carlton) and at Hucknall is expressed as ‘approximately’ figures, and could be exceeded should additional sites be identified through the Part 2 Local Plan process⁶. In contrast, the number of houses anticipated within the ‘Key Settlements for Growth’ and the ‘Other Villages’ are expressed as ‘up to’ figures, reflecting the maximum level of development within those settlements which is likely to be appropriate given their location within the Green Belt⁷. Whilst this distinction is accepted, and there is scope to provide less than the envisaged numbers for the Key Settlements and Other Villages whilst still according with the ACS, it is essential that the particular needs of individual settlements are taken into account. Urban concentration is a sound overarching principle, but to be sustainable the Plan must have regard to the pattern of development which reflects need.
- 1.11 The implications of the scale of reduction proposed for the level of housing in the Key Settlements and Other Villages, compared to the ACS, would result in insufficient dwellings being provided to meet identified needs.
- 1.12 GBC does not provide sufficient evidence to justify such a significant extent of ‘under provision’ of housing in the Key Settlements and Other Villages. Nor does it address the adverse implications that would arise from not meeting local needs and whether sustainable development would be achieved. Instead, GBC simply contends that such an approach is acceptable given the scope to provide additional development within the Urban Area.

⁵ Report to the Communities Secretary and to the Minister of Housing and Planning (Local Plans Expert Group, March 2016)

⁶ Paragraph 91, Footnote 22, Report to Broxtowe Borough, Gedling Borough and Nottingham City Councils on the Examination of the Greater Nottingham Aligned Core Strategies: Part 1 of the Local Plan (24 July 2014) [LPD/POL/07]

⁷ Paragraph 95, Inspector’s Report on the Examination of the Greater Nottingham – Broxtowe Borough, Gedling Borough and Nottingham City – Aligned Core Strategies: Part 1 of the Local Plan (24 July 2014) [LPD/POL/07]

- 1.13 The adjustments made to the distribution relative to that assumed in the ACS are not therefore justified and the proposed housing distribution is not consistent with the ACS.

Q2. Although the distribution of housing differs in the Plan to that set out in the ACS, would it accord with the Spatial Strategy of the ACS?

- 1.14 The distribution of housing proposed in the LPD fails to accord with the Spatial Strategy of the ACS as it will fail to ensure that local needs are met within the Key Settlements and the Other Villages, as set out in our response to Q1 above.

Q5. Would this provide sufficient flexibility if problems were to arise with sites coming forward, particularly given that 7,250 homes is a minimum requirement?

- 1.15 As set out in detail in our response to Q1, the LPD does not provide sufficient flexibility to ensure that the minimum level of housing required will be delivered over the plan period.

Q6. Is the distribution of homes between the Key Settlements appropriate? How has this distribution evolved? Is it clear how and why the housing requirement has been reduced in the Key Settlements? [Policy LPD 63]

- 1.16 Northern Trust maintains that the distribution of new housing within the Key Settlements is not positively prepared or consistent with national policy. National planning policy requires LPAs to allocate sufficient sites to ensure that development needs are met, with sufficient flexibility to adapt to changes in the market.
- 1.17 The level of housing proposed in Calverton (in particular) in the LPD fails to respond to this requirement and is, therefore, not consistent with national policy, not positively prepared and will not be effective in delivering the level of housing required in Calverton.
- 1.18 As a result, additional development should be directed to Calverton as part of the overall increase required for the following reasons:
- Calverton is a suitable location for new housing growth as it provides *“a good range of facilities compared to other similar sized settlements”*⁸.
 - The settlement is a legacy of its coal mining past; the regeneration of which is *“ongoing and remains a priority for the Borough”*⁹.
 - The settlement has the highest proportion of residents who are unable to afford rent in the Borough. As a result, there is a need for 81 (net) additional affordable homes in Calverton over the plan period¹⁰.

⁸ Paragraph 5.2, Gedling Local Planning Document Publication Draft (Gedling Borough Council, May 2016) [LPD/REG/02]

⁹ Paragraph 2.85, Greater Nottingham Aligned Core Strategies – Part 1 Local Plan (September 2014) [LPD/REG/01]

- 1.19 Calverton should be the focus for additional development in the Key Settlements and further land should be allocated for development in the LPD. Such an approach would reflect the sustainability of the settlement and its ability to accommodate housing growth.
- 1.20 GBC has already acknowledged through the LPD process that the Flatts Lane site is suitable for residential development and advocates its release from the Green Belt. In light of the comments above, Northern Trust maintains that Land at Flatts Lane should be allocated for housing development within the current plan period.

¹⁰ Paragraph 4.3, Local Housing Need (Gedling Borough Council, May 2016)
[LPD/GRO/04]

Issue 5b: Housing Supply in the Plan Period

Q8. Have sufficient sites been allocated in the Plan to meet the target of 7,250 homes set out in the ACS? [Policies LPD 63 – LPD 68 and Policy LPD 70]

- 1.21 Insufficient sites have been identified within the LPD to ensure that the minimum level of new homes required in the ACS is met.
- 1.22 It is unrealistic to expect that every identified site – either brownfield or greenfield – will be delivered or will provide the number of new homes anticipated within the plan period. Recent DCLG analysis has indicated that between 10-20% of planning permissions are not implemented, whilst a further 15-20% are subject to a revised application process which delays delivery¹¹.
- 1.23 The identification of additional sites or ‘reserve’ sites in the LPD would be a positive way of reducing the delivery risk which is currently inherent within it and ensure it meets the test of soundness of being “effective” – i.e. deliverable over its plan period.
- 1.24 By failing to acknowledge that not all sites that are allocated come forward in a plan period and failing to include flexibility allowances or ‘reserve sites’, the LPD includes a very high degree of risk that the minimum requirement within the ACS will not be delivered.

Q10. Should a buffer be included? If so, what level should it be? Specifically, have sufficient sites been allocated to meet the housing target and should more housing be allocated?

- 1.25 As noted in our response to Q1 above, research by DCLG and LPEG has indicated that a notable proportion of all planning permissions are not implemented, and those that are implemented are often delayed.
- 1.26 Northern Trust maintains that it is appropriate for a buffer to be included within the LPD to ensure that the minimum housing requirement over the plan period is met. In line with LPEG’s recommendations, a buffer equivalent to 20% of the housing requirement should be planned for (i.e. 1,450 dwellings).

Q18. Is a windfall allowance of 230 homes in the last 5 years of the Plan period appropriate?

- 1.27 It is agreed that it may be appropriate to include an allowance for housing delivery on small windfall sites over the plan period, but only if there is “*compelling evidence that*

¹¹ DCLG Presentations to the HBF Planning Conference (September 2015)

such sites have consistently become available in the local area and will continue to provide a reliable source of supply”, as required by national planning policy¹².

- 1.28 GBC intends to include a windfall allowance of 230 dwellings for the last five years of the plan period (i.e. 46 dwellings per annum). This represents an uplift from the ACS windfall allowance of 208 dwellings over the last five years (i.e. 42 dwellings per annum), but appears to be justified in light of GBC’s review of the delivery of windfall sites between 2005/6 and 2014/15, which indicates that the average number of completions on small windfall sites (excluding garden land) has increased from 40 to 46 dwellings per annum¹³.
- 1.29 All of the windfall sites are expected to come forward within the Urban Area. This remains an appropriate approach that is consistent with the ACS and justified given that settlements beyond the Urban Area are heavily constrained by Green Belt.

Q20. Does the housing trajectory demonstrate realistically that the housing development, for which the Plan provides, will come forward within the Plan period? [Appendix A]

- 1.30 The Council's housing trajectory fails to demonstrate that the minimum housing requirement for the Borough will realistically be met within the plan period as it relies on all of the identified sites being delivered, and at the rate anticipated in the trajectory. This is a flawed and unrealistic approach for the reasons explained in our response to Q1 above.

Q28. Overall, does the Plan deal adequately with uncertainty? Is sufficient consideration given to monitoring and triggers for review?

- 1.31 As detailed within our response to Q1, the LPD fails to make sufficient allowance or provide flexibility to ensure that housing needs are met in the eventuality that allocated sites fail to deliver as anticipated.

Q29. Should the development of brownfield sites be undertaken prior to the use of greenfield sites? If so, how would this be achieved and what would be the implications for housing supply and deliverability?

- 1.32 The National Planning Policy Framework encourages the *“effective use of land by reusing land that has been previously developed (brownfield land), provided that it is not of high environmental value”*¹⁴. This is not, however, a ‘brownfield first’ policy.
- 1.33 GBC’s evidence base clearly demonstrates that there are insufficient sites within the urban area to meet the identified housing needs over the plan period. As a result, it has already been established – through the adoption of the ACS – that a significant

¹² Paragraph 48, National Planning Policy Framework (DCLG, March 2012)

¹³ Paragraph 4.5 and Table 5, Housing Background Paper (Gedling Borough Council, May 2016) [LPD/BACK/01]

¹⁴ Paragraph 14, National Planning Policy Framework (DCLG, March 2012)

proportion of new development in the Gedling Borough will need to take place on greenfield land and / or sites currently within the Green Belt.

Issue 5c: 5 Year Housing Land Supply

Q30. Is it robustly demonstrated that the Plan can deliver a 5 year housing land supply throughout the Plan period, calculated in accordance with national policy and guidance, taking account of past delivery performance and applying the appropriate 5% or 20% buffer?

1.34 Northern Trust maintains that insufficient sites are proposed to be allocated to enable GBC to robustly demonstrate a deliverable five year housing land supply throughout the Plan period of the LPD, for the following reasons:

- Insufficient sites have been allocated to ensure that the minimum housing requirements set out in the ACS are met during the plan period. By only planning for the minimum level of housing required, GBC has failed to recognise that a proportion of sites are unlikely to progress or deliver new housing as anticipated.
- Insufficient flexibility has been provided to enable 'reserve sites' or Safeguarded Land to be brought forward for delivery within the Plan Period should those sites that are intended to be allocated fail to deliver as anticipated. No 'buffer' has been allowed for.
- GBC now accepts that it is appropriate to apply a 20% buffer when calculating the five year land supply given past performance¹⁵. Further detail on this point is provided in our response to Q32 below.
- GBC has not included a 'lapse rate' within the five year land supply calculation¹⁶. It, therefore, assumes that all sites that are identified as being 'deliverable' within the five year period will be delivered as anticipated. This is optimistic.

Q31. What is the current position with regard to housing supply? Is there a 5 year supply? How has this been calculated?

1.35 GBC's latest position on five year housing land supply¹⁷ uses a base date of 31 March 2016. GBC's approach to calculating housing supply is now consistent with the latest advice from the Planning Advisory Service (PAS) and established practice.

1.36 GBC concludes that it is currently able to demonstrate a 3.14 year supply against the housing requirement in the ACS. A shortfall of sites to deliver some 1,264 dwellings over the five year period (1 April 2016 – 31 March 2021) is identified.

¹⁵ Covering letter from the Council to the Inspector (22 December 2016) [EX/21]

¹⁶ Paragraph 3.23, Housing Background Paper Addendum (Gedling Borough Council, December 2016) [EX/22]

¹⁷ Five Year Housing Land Supply Assessment (2016) as at 31 March 2016 (Gedling Borough Council, December 2016) [EX/23]

- 1.37 GBC anticipates that this shortfall in supply “is short term and will be addressed by the delivery of strategic sites in the Aligned Core Strategy and also the adoption of the emerging Local Planning Document which will bring forward additional housing sites”¹⁸.

ACS Allocations

- 1.38 Four sites within Gedling are allocated for housing in the ACS and are relied upon by GBC to deliver housing within the five year period. Northern Trust questions the lead-in times and build-out rates applied to these sites and, therefore, the extent of claimed delivery within the five year period. A ‘high level’ review of these sites and the claimed delivery rates is provided below:
- **Teal Close (ref. 6/782):** Whilst outline planning permission for up to 830 dwellings was granted in June 2014, no reserved matters application has yet been submitted. There cannot, therefore, be a sufficient level of certainty that dwellings will start to be delivered within the next couple of years, particularly given the extent of remediation and ground works required. The expected delivery of 260 dwellings on the site by 2021 is, therefore, unrealistic as development is unlikely to start until 2019 at the very earliest.
 - **North of Papplewick Lane (ref. 6/463):** Outline planning permission for up to 300 dwellings on the site was granted in October 2015. GBC expects that 255 dwellings will be delivered on the site between 2016 and 2021. However, as the site does not yet benefit from detailed planning approval, GBC’s assumed lead-in time is questioned.
 - **Top Wighay Farm (ref. 6/989):** Whilst part of the site is currently under construction for 38 dwellings, the remaining part of the site does not yet benefit from planning permission. The anticipated rate of delivery from the site (188 dwellings between 2016 and 2021) is, therefore, considered to be wholly ambitious as development of the wider site is unlikely to start for at least 2 years.
 - **Gedling Colliery / Chase Farm (ref. 6/131):** GBC resolved to approve an application for 1,050 dwellings on the site in May 2016, subject to the completion of a S106 Agreement. The S106 Agreement has not yet been signed. GBC’s expectation that 288 dwellings will be delivered on the site between 2016 and 2021 is, therefore, wholly optimistic as development is unlikely to start for at least 2 years.

Proposed LPD Allocations

- 1.39 A notable proportion of sites that are proposed to be allocated in the LPD are currently located within the Green Belt. The success of any planning application on these sites, therefore, is reliant on the boundaries of the Green Belt being amended through the LPD, once adopted.
- 1.40 GBC’s own assumptions in relation to lead-in times suggests that development on large sites¹⁹ that are proposed to be allocated in the LPD is unlikely to commence until

¹⁸ Paragraph 33, Five Year Housing Land Supply Assessment (2016) as at 31 March 2016 (Gedling Borough Council, December 2016) [EX/23]

¹⁹ Those between 11 and 250 dwellings

2019/20 (Year 4) even in the strongest market areas (i.e. Arnold / Mapperley and Gedling Rural North)²⁰. In more moderate market areas²¹, development is not expected to commence until 2020/21 (Year 5), whilst development on sites in weak market areas²² isn't expected to commence until 2022/23 (Year 6). This clearly indicates that sites that are currently within the Green Belt but are proposed for allocation in the LPD cannot be relied upon to provide a significant number of completions within the current five year period, unless site-specific evidence to the contrary is available.

- 1.41 In the circumstances, Northern Trust maintains that GBC is unable to demonstrate a five year land supply.

Q32. Is the use of a 5% buffer appropriate when calculating the Council's 5 year supply of deliverable housing? Is there any justification for a 20% buffer?

- 1.42 GBC has now confirmed that it is more appropriate for a 20% buffer to be applied when calculating the Council's five year land supply *"in the light of past performance"*²³.
- 1.43 GBC's most recent Authority Monitoring Report²⁴ confirms that a total of 1,308 (net) dwellings have been completed between 1 April 2011 (the start of the LPD plan period) and 31 March 2016. When considered against the requirement over the same period, this equates to a shortfall of 512 dwellings.
- 1.44 In the circumstances, Northern Trust agrees that a 20% buffer is appropriate as housing completions over the first five years of the plan period have consistently fallen short of the ACS requirement.

Q33. What evidence is there to support the projected completions on the sites expected to deliver homes within the 5 year period 2016 – 2021, in particular on allocated sites which do not currently have planning permission?

- 1.45 As outlined in our response to Q31, GBC relies on a significant proportion of housing delivery to come forward within the next five years on sites that are proposed to be allocated through the LPD process or are allocated in the ACS but do not yet have detailed planning permission.
- 1.46 GBC's own evidence indicates that development on large sites²⁵ that are proposed to be allocated but do not currently have planning permission is unlikely to commence until 2019/20 (Year 4), even in the strongest market areas within the Borough²⁶. Delivery of

²⁰ Table A1, Appendix B: Deliverability Notes, Housing Background Paper Addendum (Gedling Borough Council, December 2016) [EX/22]

²¹ Arnold / Bestwood, Bestwood St Albans, Calverton, Carlton and Gedling Rural South

²² Colwick / Netherfield and Newstead

²³ Covering letter from the Council to the Inspector (22 December 2016) [EX/21]

²⁴ Annual Monitoring Report: April 2015 – March 2016 (Gedling Borough Council, December 2016) [EX/24]

²⁵ Those of between 10 and 250 dwellings

²⁶ Table A1, Appendix B: Deliverability Notes, Housing Background Paper Addendum (Gedling Borough Council, December 2016) [EX/22]

dwellings from these sites cannot, therefore, be relied upon within the current five year period (2016 – 2021).

Turley Office
1 New York Street
Manchester
M1 4HD

T 0161 233 7676