



# NOTICE OF MEETING

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## **CABINET MEMBER FOR PLANNING POLICY & CITY DEVELOPMENT**

**TUESDAY, 26 JULY 2022 AT 3.30 PM**

**COUNCIL CHAMBER - THE GUILDHALL, PORTSMOUTH**

Telephone enquiries to James Harris - Senior Local Democracy Officer  
Email: 023 92606065

If any member of the public wishing to attend the meeting has access requirements, please notify the contact named above.

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### **Membership**

Councillor Lee Hunt (Cabinet Member)

### **Group Spokespersons**

Councillor Ryan Brent

Councillor Judith Smyth

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## **AGENDA**

### **1 Apologies for absence**

### **2 Declarations of interest**

### **3 Housing Delivery Test Action Plan (Pages 3 - 34)**

The purpose of this report is to seek approval for the publication and implementation of the Housing Delivery Test Action Plan 2022. The report also includes an update on the Council's Housing Delivery Test Action Plan 2021.

Recommended that the Housing Delivery Test Action Plan 2022, attached as Appendix 1, be approved for publication and implementation.

### **4 Options for increasing Planning Committee Capacity (Pages 35 - 42)**

The purpose of this report is identify options available to increase the capacity of the planning committee to enable the determination of planning applications.

Recommended that the Cabinet Member consider the options below:

- (i) Increase the level of delegation to Officer to therein to refine the types of application that require Planning Committee Consideration, or
- (ii) Increase the frequency of Planning Committee meetings and subsequent officer and other resource required to appropriately meet this increased frequency.

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18 July 2022

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# Agenda Item 3



<b>Title of meeting:</b>	<b>Planning Policy and City Development Portfolio Decision Meeting</b>
<b>Date of meeting:</b>	26 July 2022
<b>Subject:</b>	Housing Delivery Test Action Plan
<b>Report by:</b>	Ian Maguire, Assistant Director of Planning and Economic Growth
<b>Wards affected:</b>	All
<b>Key decision:</b>	No
<b>Full Council decision:</b>	No

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## 1. Purpose of report

- 1.1. To seek approval for the publication and implementation of the Housing Delivery Test Action Plan 2022. The report also includes an update on the Council's Housing Delivery Test Action Plan 2021.

## 2. Recommendations

- 2.1 That the Housing Delivery Test Action Plan 2022, attached as Appendix 1, be approved for publication and implementation.

## 3. Background

### Introduction

- 3.1 The Housing Delivery Test (HDT) was introduced by the Department for Levelling Up, Housing & Communities (DfLUHC) in 2018 to ensure that local authorities are held accountable for their role in ensuring new homes are delivered.
- 3.2 The HDT assesses the number of homes built in each local authority area over the previous three years and compares these against local housing requirements. Local Planning Authorities that fail to meet delivery targets are required to take appropriate action to address under delivery.
- 3.3 Portsmouth City Council, in the decision to approve the Portsmouth draft Local Plan consultation document on 27th July 2021 has rejected the Government's target of more than 17,000 homes and believes that decisions on housing need should be made by local people in Portsmouth. Notwithstanding this the City Council recognises that the requirements under the Housing Delivery Test are binding upon it and irrespective of the targets set by Government remains committed to working to deliver the housing that the people of Portsmouth need.

3.4 The 2021 HDT results were published in January 2022 and identified that Portsmouth had achieved 54% of the housing required in the City over the three years from 2018 to 2021, below the 95% requirement; the Council are therefore required to produce an Action Plan to address housing delivery. In addition, as the figure is below 75% presumption in favour of sustainable development is in effect as well as a buffer of 20% will also be applied to the City's 5-year housing land supply calculation, until the Council can demonstrate an HDT result over 75%.

3.5 This means that planning permission should be granted unless the site is protected under the NPPF, or the adverse impacts of the proposal demonstrably outweigh the benefits.

### Purpose

3.6 National Planning Practice Guidance (NPPG) sets out the requirements for the action plan: "It will identify the reasons for under-delivery, explore ways to reduce the risk of further under-delivery and set out measures the authority intends to take to improve levels of delivery." An Action Plan should be produced within six months of the HDT results publication.

3.7 The Housing Delivery Test Action Plan 2022 has been prepared in line with the NPPG. The plan recognises that delivering growth within the City is a complex issue and sets out how the Council has been working continuously to find solutions to address these issues.

3.8 The Action Plan provides an analysis of potential causes of lower housing delivery for the past three years of delivery (2018-21), the on-going delivery challenges faced by the City and how these could be addressed.

### Findings

3.9 The evidence set out in the Housing Delivery Action Plan, on performance of the development management service and delivery on strategic housing sites supports the conclusion that the main constraints to delivery in the city are not due to the how the Council's Planning Service performs but rather by inherent structural issues facing the city caused by its unique geography, market position and the Government's frequent changing of housing targets and position on the nitrate pollution issue in the Solent; This has contributed the constraints to housing delivery set out below:

- Land Availability - ongoing limited land availability restricting choice of sites, and notably a land supply which largely consists of challenging brownfield development sites
- Need for nitrate mitigation under the Habitat Regulations: The moratorium on granting planning permissions for new homes in Portsmouth between April and November 2019 (the 2019/2020 period of the Housing Delivery Test) while a strategic solution was developed and the uncertainty this caused in the development industry in the region.



- Viability challenges due to site specific constraints, high cost of brownfield land development and the low value of development land in the city

3.10 The Council has already begun to remedy many of these factors using the tools available to it including building dwellings itself, reviewing the current Local Plan to identify more development opportunities, adopting an interim Nitrate Neutrality Strategy and working with developers to ensure developments are viable within the city.

3.11 The Action Plan in Appendix 1 of the report sets out work that the Council will undertake and what is already being done to address to constraints set out above, these include:

- Prepare the revised Local Plan and identify new housing allocations.
- Continue work on studies including Strategic Housing and Economic Land Availability Assessment and evidence on market demand.
- Regular Brownfield Register updates.
- Continue to support Portsmouth City Council Housing department and Council owned Ravelin Housing company by providing advice in delivering affordable housing across the city.
- Work with the PfSH Authorities on future SDOA identification work
- Updated South Hampshire Spatial Position Statement to be undertaken and agreed by PfSH and Local Authorities.
- Continue to update unilateral Statement of Common Ground /documents with Neighbouring Authorities
- Whole Plan Viability Assessment
- Housing and Economic Land Availability Assessment including call for sites
- Updated Interim Nutrient Neutral Mitigation Strategy with co-operation on any appropriate longer term strategic solutions with PfSH or other partners

3.12 The majority of these actions will be undertaken by the Planning Service working with partners external and internal.

#### **4. Reasons for recommendations**

4.1 It is recommended that Portfolio Holder approves the Housing Delivery Test Action Plan 2022 for publication and implementation.

4.2 The Action Plan highlights the work the Council has undertaken to date as well as outlining the actions the Council will implement in order to tackle the difficulties the City faces in meeting the housing need for the community.

#### **5. Integrated impact assessment**

5.1 The recommendations of this report have no impact on the protected equalities groups.

## 6. Legal implications

- 6.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990 require that planning applications must be determined in accordance with the development plan, unless material considerations indicate otherwise.
- 6.2. The preparation of an action plan where housing delivery has fallen below 95% over the previous three years is a requirement of the NPPF (paragraph 76). The NPPF is a material consideration in planning decisions and must also be taken into account in the preparation of Local Plans. The Housing Delivery Action Plan would similarly form a material consideration in decision making.

## 7. Director of Finance's comments

- 7.1 There are no direct financial implications as a result of approving the recommendations within this report.
- 7.2 The costs associated with the implementing the action plan will be met from existing cash limited budgets.

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Signed by: Assistant Director of Regeneration

## Appendices:

Appendix 1: Portsmouth Housing Delivery Action Plan 2022 - 2023 - July 2022

## Background list of documents: Section 100D of the Local Government Act 1972

The following documents disclose facts or matters, which have been relied upon to a material extent by the author in preparing this report:

<b>Title of document</b>	<b>Location</b>
National Planning Policy Framework (2021)	<a href="https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/91761/nppf-2021.pdf">National Planning Policy Framework - GOV.UK (www.gov.uk)</a>
National Planning Policy Guidance: Housing supply and delivery	<a href="https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/91761/nppg-2021.pdf">Housing supply and delivery - GOV.UK (www.gov.uk)</a>

The recommendation(s) set out above were approved/ approved as amended/ deferred/ rejected by ..... on .....

.....  
Signed by:



# Housing Delivery Test Action Plan 2022 - 2023



XXXXX 2022

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# 1 Introduction

## 1.1 Context: Housing delivery and supply

- 1.1.1 The Government has pledged to progress the target of delivering 300,000 new homes a year by the mid-2020s. 216,000 new homes were supplied in 2020/21 (lower than the 243,000 new homes supplied in the previous year in part due to the disruption to housebuilding caused by Covid-19 in early 2020). Prior to this, new housing supply had been increasing year-on-year since 2013 in part due to the expansion of permitted development rights allowing more conversions to residential use without planning permission.
- 1.1.2 Portsmouth City Council (PCC) has responded to the challenge of boosting the delivery of new homes by taking a proactive approach to working with developers and landowners to help facilitate delivery on several very complex brownfield sites within the geographical confined area of a small 'island city'.
- 1.1.3 The current Portsmouth Plan Core Strategy 2027 (PCLP') was adopted in January 2012 following an Examination in Public (EiP). The Local Plan sets out that during the plan period 2012 to 2027 the housing target was to be 12,254 net new dwellings with an average delivery of 584 per annum. However, the housing requirement set in the Local Plan (adopted January 2012) was 5 years old in April 2017, so housing requirements after this date are now based on the Government's Standard Method 'local housing need' figure
- 1.1.4 The Government's **Housing Delivery Test** measures whether the Council's housing requirement (housing completions) have been met on average **over the last 3 years**. The **5-year housing land supply** is a calculation of whether there is a deliverable supply of homes to meet the planned housing requirement **over the next 5 years**; the Council's five-year land supply, with an appropriate buffer<sup>1</sup>, must be set out in accordance with the Government's standard method target.
- 1.1.5 It is important to note that while Portsmouth City Council, as the Local Planning Authority, is responsible for the suitable allocation of land in the city for housing and the granting of planning permissions for new dwellings with appropriate conditions, the Housing Delivery Test relates to the number of annual completions of new homes constructed in the city and compares this against the housing requirement set by Government using their methodology. While PCC, in the decision to approve the Portsmouth draft Local Plan consultation document on 27<sup>th</sup> July 2021 has rejected the Government's target of more than 17,000 homes and believes that decisions on housing need should be made by local people in Portsmouth, the City Council nevertheless recognises that the requirements under the Housing Delivery Test are binding upon it and irrespective of the targets set by Government remains committed to working to deliver the housing that the people of Portsmouth need.

## 1.2 Housing Delivery Test

- 1.2.1 The Housing Delivery Test (HDT) was introduced by the Government in 2018 as a monitoring tool in order to speed up the delivery of housing. The HDT is an annual measurement of housing delivery in terms of the total number of new houses and flats (including student and other C2 delivery) completed in a local authority area annually. The HDT results for all local authorities in England have been published annually since Feb 2019.

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<sup>1</sup> As per para. 74 of the National Planning Policy Framework (updated 2021).

- 1.2.2 The HDT will be used to determine the level of consequences applied to the local authority where the delivery of the housing requirement has not been met. The National Planning Practice Guidance (PPG) provides further details on Government planning policies set out in the National Planning Policy Framework (NPPF), including the Housing Delivery Test measurement. This states where delivery of housing has fallen below the housing requirement, certain policies set out in the NPPF will apply. Depending on the level of under-delivery these are:
- The authority should publish an action plan if housing delivery falls below 95%;
  - A 20% buffer on the local planning authority's 5 year land supply if housing delivery falls below 85%; and
  - Application of the presumption in favour of sustainable development if housing delivery falls below 75% subject to the transitional arrangements (NPPF Paragraph 222).
- 1.2.3 These consequences apply concurrently. For example, those who fall below 85% should produce an action plan as well as the 20% buffer. The consequences will continue to apply until the subsequent HDT measurement is published. The relevant consequences for any under-delivery will then be applied. Should delivery meet or exceed 95% no consequences will apply.
- 1.2.4 In line with NPPF Paragraph 11, the primary implication of the presumption in favour of sustainable development for decision takers is that policies which are most important for determining applications are out of date and hence planning permission should be granted unless:
- The application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
  - Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF as a whole.

### 1.3 Housing Delivery Test Results (January 2022)

- 1.3.1 The HDT Measurement Rule Book (February 2019) sets out the method for calculating the HDT result. The HDT compares the net homes delivered over the **previous three financial years** to the homes that should have been built over the same period as identified by the housing requirement for each authority. The housing requirement is either that identified in a recently adopted Local Plan i.e. where the plan is less than 5 years old, or a standard methodology is applied, as set out in the HDT Technical Note (February 2019), namely the annual average household growth plus any unmet need. Portsmouth CC is required to use the standard methodology target.
- 1.3.2 The previous years' (January 2021) HDT results set out that the City scored 80% with an under-delivery of 481 dwellings over the previous three years (2017 - 2020) against the standard method target of 855 dwellings per annum. Student accommodation made up 59% of the total completions for the 2017-2020 period however this trend has not continued as the number of student accommodation completions declined both in 2019/20 and 2020/21 making up only 13% and 6% of permitted sites as of 31.03.2020 and 31.03.2021 respectively.
- 1.3.3 The most recent HDT results were published by the MHCLG on 19 January 2022 for the 2018/19 - 2020/21 period. Similar to the previous year's HDT there was a rolling shortfall of 1023 dwellings which meant that PCC received a score of 54%. Therefore, as a consequence of the HDT result, there is a requirement for PCC to prepare an Action Plan and include a 20% delivery buffer on top of the annual minimum housing target and apply the presumption in favour of sustainable development. The Action Plan should cover the period 1 April 2022 to



31 March 2023. The Housing Delivery Test results 2018/19 - 2020/21 as published are set out in Table 1 below.

- 1.3.4 In light of the temporary disruption caused by the national lockdowns announced during 2020 to 2021 due to the Coronavirus Pandemic, MHCLG has reduced the period for measuring the homes required in 2019/20 by one month and by 4 months in 2020/21. Table 1 below shows what the original figure would have been in brackets if the government had not adjusted the period to take into account the impact of COVID 19. PCC's required housing number was reduced from 855 to 794 in 2019/20 and from 854 to 569 meaning that PCC scored 54% rather than the expected 53% .

**Table 1: Portsmouth Housing Delivery Test Result, January 2022**

	Year			Total
	2018-19	2019-20	2020-21	
<b>Number of homes required</b>	857	794 (855)	569 (854)	2220 (2566)
<b>Number of homes delivered</b>	627	270	300	1197
<b>Difference</b>	-230	-524 (-585)	-269 (-554)	-1023
Housing Delivery Test Result				54%
Housing Delivery Test Consequence				Presumption and 20% buffer

- 1.3.5 To put these results in context, across South East England a total 33% of Local Planning Authorities housing delivery fell below 75% threshold therefore are subject to the application of the presumption in favour of sustainable development set out in paragraph 212 of the National Planning Policy Framework. This is an increase in housing under-delivery in the region compared to the previous Housing Delivery Test results, where only 25% had delivered less than 75% of their housing target. This is reflected similarly across the Partnership for South Hampshire (PfSH) sub region where currently three Local Authorities saw their housing delivery fall below 75% which is an increase on the previous year as can be seen in Table 2 below.

**Table 2: PfSH Authorities and Isle of Wight Housing Delivery Test Results 2020 and 2021**

Area Name	Housing Delivery Test: 2020 measurement	Housing Delivery Test: 2020 consequence	Housing Delivery Test: 2021 measurement	Housing Delivery Test: 2021 consequence
East Hampshire	181%	None	138%	None
Eastleigh	173%	None	178%	None
Fareham	79%	Buffer	62%	Presumption
Gosport	84%	Buffer	100%	None
Havant	72%	Presumption	74%	Presumption
New Forest	107%	None	141%	None
Portsmouth	80%	Buffer	54%	Presumption
Southampton	129%	None	138%	None
Test Valley	173%	None	184%	None

Area Name	Housing Delivery Test: 2020 measurement	Housing Delivery Test: 2020 consequence	Housing Delivery Test: 2021 measurement	Housing Delivery Test: 2021 consequence
Winchester	129%	None	139%	None
Isle of Wight	54%	Presumption	58%	Presumption

### **Presumption in favour of sustainable development**

- 1.3.6 The NPPF in paragraph 11 states that when it comes to decision-making the presumption in favour of sustainable development will apply where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
- The application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed, or
  - Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.
- 1.3.7 There is a footnote 8 attached to this section which clarifies what is meant by 'out-of-date'. This includes, for applications involving the provision of housing, situations where the local planning authority cannot demonstrate a five-year supply of deliverable housing sites (with the appropriate buffer, as set out in paragraph 74 of the NPPF); or where the Housing Delivery Test indicates that the delivery of housing was substantially below (less than 75%) of the housing requirement over the previous three years.
- 1.3.8 As housing delivery within the City has fallen below 75% the Council must apply the presumption in favour of sustainable development when making decisions on planning applications. This means that, in accordance with para. 11 d) of the NPPF, decisions on applications involving the provision of housing should be granted permission, unless NPPF protected areas or assets of particular importance provides a clear reason for refusing the development proposed, or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the NPPF taken as a whole. However, as Portsmouth also has also been unable to demonstrate a five-year housing land supply in recent years, this presumption currently applies already.

### **The Housing Delivery Test Action Plan**

- 1.3.9 This Action Plan considers the possible reasons for the under delivery of new housing against the Government's targets during the past three years and whether these relate to the Council's responsibilities as the local planning authority, and how these might be addressed to aid future delivery in the City.
- 1.3.10 The PCC HDT Action Plan summarised in Section 4 of this report has been produced by the LPA in-line with requirements set out in national planning guidance which states that such plans should:
- outline the local challenges;
  - identify actions to address under delivery in so far as possible; and
  - set out measures to maintain or improve levels of delivery

## **1.4 National Planning Practice Guidance**

- 1.4.1 The National Planning Practice Guidance (NPPG) for Housing and Delivery sets out that the Local Planning Authority (LPA) may wish to include an analysis of under-delivery in their Action Plans considering any:
- Barriers to early commencement after planning permission is granted and whether such sites are delivered within permitted timescales;
  - Barriers to delivery on sites identified as part of the 5 year land supply;
  - Whether sufficient planning permissions are being granted and whether they are determined within statutory time limits;
  - Whether the mix of sites identified is proving effective in delivering at the anticipated rate;
  - Whether proactive pre-planning application discussions are taking place to speed up determination periods;
  - The level of ongoing engagement with key stakeholders to identify more land and encourage an increased pace of delivery;
  - Whether particular issues such as infrastructure or transport could be addressed at a strategic level.
- 1.4.2 Chapter 2 of this report sets out an initial analysis of potential barriers to housing delivery in Portsmouth.
- 1.4.3 The NPPG also sets out potential actions LPAs could consider as part of the Action Plan:
- revisiting the Strategic Housing Land Availability Assessment (SHLAA) / Housing and Economic Land Availability Assessment (HELAA) to identify sites potentially suitable and available for housing development that could increase delivery rates, including public sector land and brownfield land;
  - working with developers on the phasing of sites, including whether sites can be subdivided;
  - offering more pre-application discussions to ensure issues are addressed early;
  - considering the use of Planning Performance Agreements;
  - carrying out a new Call for Sites, as part of plan revision, to help identify deliverable sites;
  - revising site allocation policies in the development plan, where they may act as a barrier to delivery, setting out new policies aimed at increasing delivery, or accelerating production of an emerging plan incorporating such policies;
  - reviewing the impact of any existing Article 4 directions for change of use from non-residential uses to residential use;
  - engaging regularly with key stakeholders to obtain up-to-date information on build out of current sites, identify any barriers, and discuss how these can be addressed;
  - establishing whether certain applications can be prioritised, conditions simplified or their discharge phased on approved sites, and standardised conditions reviewed;
  - ensuring evidence on a particular site is informed by an understanding of viability;
  - considering compulsory purchase powers to unlock suitable housing sites;
  - using Brownfield Registers to grant permission in principle to previously developed land; and
  - encouraging the development of small and medium-sized sites.
- 1.4.4 In light of the NPPG requirements, Chapter 3 of this report identifies actions that were taken in the period 1 April 2020 to 31 March 2021 by the LPA, often in conjunction with other PCC colleagues and/or external parties. Chapter 4 sets out any conclusions drawn.



## 2 Potential Barriers to Housing Delivery

### 2.1 Introduction

- 2.1.1 The Planning Practice Guidance sets out a series of factors which may impact upon housing delivery. This section analyses each factor recommended in the PPG and has been updated to conclude whether it may have impacted on the delivery of new homes during the 2018/17 to 2020/21 period.

### 2.2 Potential Barriers to Commencements

- 2.2.1 The PPG recommends that the LPA examine barriers to early commencement after planning permission is granted and whether such sites are delivered within permitted timescales. Barriers to commencement by the LPA could include granting permissions with overly restrictive conditions and allocated sites with insurmountable constraints, either through inappropriate or out of date allocations.

#### Planning permissions

- 2.2.2 As can be seen in Table 3 below since April 2018 a total of 42 dwellings with planning permission were not delivered in the city because of a lapse of permission where development failed to commence within the permitted timescales. To compare this to what was successfully delivered in the city during this time, this figure is 7% of the total number of dwellings commenced and 3% of the total number of dwellings constructed. This shows that the majority of the permissions that the City Council is permitting are being delivered, however there are still some schemes that don't come forward.
- 2.2.3 There is a comparatively small number of dwellings that remain 'under construction' for a lengthy period (138 dwellings which would represent 11% of the amount delivered during this period), suggesting there perhaps are some smaller sites that have implemented their planning permission but have possibly stalled in their construction. The reasons for this are unknown but could be investigated further if resourcing allows. Given that for a start to be made in most cases planning constraints and conditions on development would have need to have been satisfied it is likely that viability, finance or other non-planning related constraints are responsible for these developments not proceeding.
- 2.2.4 Whilst every dwelling is needed to help meet Portsmouth's housing target, as the proportion of dwellings with lapsed permissions is so minor compared with the number total dwellings completed during this period, it seems unlikely that the Council was creating major barriers to commencement through conditions attached to the grant of planning permission or other planning related issues.

**Table 3: Number of dwellings commenced and lapsed since April 2018 - March 2021**

Year	Dwellings Commenced	No of Dwellings where permission has lapsed	No of dwellings under construction for more than 5 years	Dwellings completed
2018 - 2019	257	16	32	648
2019 - 2020	288	18	32	270
2021 - 2022	49	8	74	300
Total	594	42	138	1,218

## Housing Delivery on Allocated Sites

- 2.2.5 The PPG recommends that the Local Planning Authority reviews whether the mix of sites identified in the adopted Local Plan is proving effective in delivering at the anticipated rate. The current Portsmouth Plan (2012) is reliant on a small number of strategic sites to meet the bulk of the councils housing target; a site allocations document was intended to follow the Core Strategy but was overtaken by a change in direction in national planning policy. The Council's SHLAAs and HELAAs (from 2012 to 2019) also sought to identify potential housing opportunities during this period. As can be seen in Table 4 below, delivery on the adopted Strategic Sites was limited in the 2018 to 2021 period. There has been some housing delivery in the city centre largely from a significant amount of new student accommodation and office to residential conversions under permitted development rights. (However the implication of the housing allocations for Tipner and Port Solent are yet to come forward.
- 2.2.6 New master planning work is being undertaken for these sites. Portsmouth City Centre and Tipner in particular are considered to have potential to deliver significantly more development and new homes than was envisaged by the 2012 Core Strategy. Progress on the evidence base for progression the revised allocations is outlined in the Councils Annual Monitoring Report<sup>2</sup>.

**Table 4: Delivery on allocated sites 01.04.2018 - 30.03.2021**

Strategic Allocation	Core Strategy allocation	2018/2019	2019/2020	2020/2021	Total
PCS1: Tipner	1,730	0	0	0	0
PCS2: Port Solent	500	0	0	0	0
PCS4: Portsmouth City Centre	1,600	553*	57*	277*	887
PCS6: Somerstown and North Southsea	539	0	0	0	0

\*These are student completions with every 2.5 student bedrooms providing the equivalent of 1 dwelling

**Table 5: Anticipated Strategic Site delivery outlined in the current Portsmouth Plan**

Plan Period	Anticipated Strategic Site Delivery
2012 - 2017	729
2017 - 2022	1,871
2022 - 2027	519

- 2.2.7 When considering potential past reasons for under delivery of development on the city's strategic sites there needs to be consideration of the specific constraints which face them as urban and brownfield land:
- Land assembly** - many of the city's strategic sites have required or will require significant land assembly either by Portsmouth as the Local Authority or a private developer / partnership. This has been a notable constraint for the City Centre and Tipner Strategic Development Area sites, resulting in delays for both sites.
  - Changing market conditions** - Changes at a national and global level have led to delays in bringing strategic sites forward in the City. The City Centre had secured permission for retail led expansion and redevelopment in the late 2000's, however the changing market following the 2008 recession and the continuing move to online has removed much of the demand that would have driven that scheme and resulted in the need for an all new approach to the area.

<sup>2</sup> <https://www.portsmouth.gov.uk/services/development-and-planning/planning-applications/annual-monitoring-reports/>

- 2.2.8 The strategic sites identified in the Portsmouth Plan have not be able to be delivered on the trajectory envisioned by the Core Strategy, in part due to the constraints identified above. The existing allocations are being revisited as part of the preparation of the new Local Plan.
- 2.2.9 It should be noted that changing National Policy has also been factor in 'under-delivery'. The Government has introduced the Standard Method approach to calculating since initial proposals for many of the city's strategic sites were developed and adopted, resulting in much higher housing targets for the city than the adopted Local Plan and its supporting evidence were prepared to deliver (420 per annum). The following table illustrates how the housing targets have changed over time during this period, first as revised inputs became available, then changes to the standard method took effect.

**Table 6 Portsmouth Housing Need Standard Methodology**

Date of release	Change	Annual figure
Jan 2012	Local Plan adopted (Policy PCS10)	420
Sep-2017	Initial publication	835
May-2018	Revised affordability	863
Sep-2018	Revised household projections	595
Oct-2018	Revised NPPF	863
May-1019	Revised affordability	867
Dec-2020	Revised Methodology	855
Apr2021	Revised affordability	872
Apr 2022	Revised affordability	906

### 2.3 Insufficient housing land supply

- 2.3.1 We should also consider whether there was sufficient identified land available for housing during the 2018/19 to 2020/21 period.

#### Portsmouth 5-year land supply

- 2.3.2 As can be seen in Table 7 below Portsmouth had close to a five year land supply during 2017-2019 when the council was still meeting the government's housing delivery target, however whilst there was a decline in 2019/20 to 3.8 in 2020/21 the Councils five year land supply remained at 3.8
- 2.3.3 The primary reasons for the decline in the five year land supply are likely to have been the slow delivery of the strategic sites allocated in the 2012 Plan (see section 2.2 for further analysis) and to some degree the limited amount of available development land within the city in general.

**Table 7: Portsmouth's 5 year Land Supply position since April 2016**

Monitoring Year	Land Supply in years
2016-2017	5.1
2017-2018	4.7
2018-2019	4.7
2019-2020	3.8
2020-2021	3.8

## Engagement with stakeholders on identifying development land

- 2.3.4 This section looks whether there was sufficient on-going engagement with key stakeholders (for example, landowners, developers, utility providers and statutory consultees) during the 2018-21 period to identify land for new homes and encourage an increased pace of delivery.
- 2.3.5 The City Council undertook stakeholder engagement as part of its preparation of the annual Housing and Economic Land Availability Assessment (HELAA). As part of the HELAA work a number of "Call for Sites" have been undertaken, including three in the period from 2018 -21: in the summer 2018 autumn 2019, and autumn of 2021. Major landowners and agents active in the city were contacted, as well as relevant individuals who had previously expressed an interest through previous Planning Policy consultations. The details of the consultation were placed on the Council's website. Key information on specific aspects, such as size of site, current use, proposed scale of development etc. was sought from respondents in a consistent manner.
- 2.3.6 These consultations resulted in limited numbers of new sites being put forward for development, with many of the sites being put forward already being identified and assessed by the Council. The summer 2018 consultation receiving six responses (of which four were already known sites), and the autumn 2019 consultation receiving responses relating to 12 sites, six of which were already identified for housing).
- 2.3.7 The limited numbers of sites put forward, and the high proportion of sites being put forward which were already known of by the City Council, suggests that a lack of stakeholder engagement by the City Council is not limiting factor for the number of potential housing sites coming forward, but it is instead physical or land ownership constraints limiting the availability of sites for development in the city.

## 2.4 Effective Development Management Service

- 2.4.1 This section addresses the parts of the list identified in the PPG that are relevant to the development management process as follows:
- Whether sufficient planning permissions are being granted and whether they are determined within statutory time limits;
  - Whether proactive pre-planning application discussions are taking place to speed up determination periods;

### Sufficient granting of planning permissions

- 2.4.2 As can be seen in Table 8 below there were 2,748 dwellings granted planning permission and 1,261 dwellings completed in the three year period plus a further 594 commencing; a ratio of 60% homes granted to homes delivered (or 73% if included commenced schemes).
- 2.4.3 The fact that the number of completed dwellings amount to less than half of the number of dwellings granted planning permission during the same period would strongly suggest that the development management process is not holding up delivery in the city and that there are may be other reasons, outside of the Local Authority's control, for lower housing delivery.

**Table 8: Dwellings permitted, commenced and completed during 2018 - 2021**

Monitoring Year	Dwellings Permitted	Dwellings Commenced	Dwellings Completed
2018/2019	945	257	648

Monitoring Year	Dwellings Permitted	Dwellings Commenced	Dwellings Completed
2019/2020	1,418	288	270
2020/2021	385	49	300
<b>Total</b>	<b>2,748</b>	<b>594</b>	<b>1,218</b>

#### Determination times

- 2.4.4 Table 9 shows that a majority of planning applications were determined within the statutory period with on average 89% of major and 78% of minor applications being determined within the 13 week and 8 week deadline respectively. This would suggest whilst these rates could be still be increased/ improved, (the steps being taken / proposed to address this taken since are outlined in Chapters 3 and 4) the speed of which applications are determined by the Council are unlikely to be significant constraint to delivery.

**Table 9: Percentage of Applications Determined by year and time (Source MHCLG)**

Year	Major decisions within 13 weeks	Major decisions, over 13 weeks	Minor decisions within 8 weeks	Minor decisions over 8 weeks	Other decisions within 8 weeks	Other decisions over 8 weeks
2016/17	85%	15%	84%	16%	90%	10%
2017/18	82%	18%	77%	23%	83%	17%
2018/19	94%	6%	74%	26%	78%	22%
2019/20	83%	17%	76%	24%	81%	19%
2020/21	100%	0%	78%	22%	74%	26%

#### Pre-application discussion

- 2.4.5 The NPPG suggests that LPAs should ensure that proactive pre-planning application discussions are taking place to speed up determination periods. As can be seen in Table 10 below, Portsmouth City Council processed a significant number of pre application discussions, though there was a gradual decline during the HDT period this could reflect the uncertainty affecting housing development due to the COVID 19 pandemic at this time (see section 2.6). The reasonably low refusal rates for the same period (Table 9) could indicate that nature of pre-app discussions undertaken were effective.
- 2.4.6 It is clear that the council are being proactive in having pre-planning application discussions with applicants (both internal and external) to speed up determination periods and achieve suitable outcomes and is therefore not a barrier to development coming forward.

**Table 10: Pre-application cases received April 2018 to March 2021**

Year	2018-2019	2019-2020	2020-2021
<b>No of Pre-Apps</b>	525	479	438

**Table 11: Applications by type and decision 2018 - 2021 (Source MHCLG)**

Application Type	Decision	Year		
		2018-2019	2019-2020	2020-2021
Major	Granted	94%	83%	100%
	Refused	6%	17%	0%
Minor	Granted	81%	87%	89%
	Refused	19%	13%	11%

## 2.5 Development Viability

- 2.5.1 The adopted Portsmouth Local Plan (2012) and the supporting Community Infrastructure Levy (CIL) have been prepared with city-wide viability appraisals.
- 2.5.2 Portsmouth generally has two main constraints which affect development viability in the city, the first of these is the lower housing sales prices than much of the surrounding area, with the average house price for PCC being the 203rd lowest (out of 339) at £237,526<sup>3</sup> of the Local Authorities nationwide, this is exacerbated further when considered in the context of South East England which is characterised by higher house prices. The 2nd main issue is a lack of unconstrained land in the city for development caused by the city's geography. The majority of the sites identified as being suitable for development within Portsmouth are Brownfield land (these sites have an assumed value of £1,250,000 per hectare (PCC Viability Study, 2020), compared to an assumed benchmark for £25,000 for agricultural land).
- 2.5.3 Understandably, there have been delays to the determination of some planning applications due to the time involved in addressing complex on-site issues and the negotiation of planning obligations including affordable housing and transport contributions. Some of these delays are linked to the processes for appraising planning application viability assessments for example with regard to meeting policy requirements for affordable housing provision.
- 2.5.4 There are some sites within identified regeneration areas which have not come forward, in part due to uncertainty with regard to viability. This is linked to necessary policy requirements for the area and specifically flood risk infrastructure to accommodate a provision of residential development and/or other sensitive uses. A full, long term flood defence strategy for the whole city area, which provides the required approach and timescales for implementation, had not been finalised at the time of preparing the adopted Local Plan.
- 2.5.5 There are factors which can affect the viability of a development within Portsmouth some elements are required to be in-line with national guidance or to overcome constraints which would otherwise prevent development, that weren't anticipated when the Local Plan and CIL were adopted in 2012. An example of this would be contributions required under the Habitat Regulations to mitigate the impacts of residential development on the Solent's Special Protection Areas (SPAs) including the finalised Solent Recreation Mitigation Strategy (2017) and the Interim Nutrient Neutral Strategy (2019). These requirements have added additional costs to residential development that have made the viability in Portsmouth even more challenging during the 2017 -20 period.
- 2.5.6 The City Council has commissioned a Viability Study in support of the preparation of the new Local Plan and consulted on the requirements for development contributions, which the Council is currently compiling

## 2.6 COVID 19 Pandemic

- 2.6.1 The unprecedented emergence of the Coronavirus has brought numerous challenges upon the Council as a whole, including challenging the Development Management service's ability to continue progressing planning applications in a timely fashion during successive lockdowns. However, officers have continued to work diligently from home, and the Council moved to online Planning Committee meetings to ensure democratic decision making could continue.

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<sup>3</sup> PCC Development Viability Assessment – October 2020

- 2.6.2 There has also been a significant impact on the construction industry itself with many sites being unable to continue working during the initial lockdown in March 2020. The subsequent restrictions on employers with regards to social distancing in the workplace has limited the number of staff on sites which has impacted on the speed of which sites have been delivered.
- 2.6.3 It is recognised that the Ministry for Housing Communities and Local Government reduced the housing requirement for 2019/20 by one month and by three months in the HDT 2021, the implications of which will impact the next set of HDT results. Given the significant reduction in the commencements during 2020/21 set out in Figure 3 it is likely that the impact of the Pandemic will continue to be felt for some time to come which will impact the results of future HDTs.

## 2.7 Conclusions

- 2.7.1 The Council needs to produce an updated Housing Delivery Test Action Plan following the publication of the Housing Delivery Test results in January 2022; the number of new homes built in Portsmouth in the past three years was an average of 53%<sup>4</sup> of the city's set annual housing target; below the government's highly aspirational target of 95% deliver for all planning authorities.
- 2.7.2 Having analysed the factors identified in the PPG that may be responsible for under-delivery of new homes against the government's assessed annually housing target, the data available for the 2018/19 - 2020/21 period indicates that the City Council's planning service has been performing well with a large majority of planning applications being determined within required timeframes, whilst there was a drop in the number of homes permitted compared to the previous year a majority of schemes which came forward were approved (92% for majors and 86% for minors on average). Regular stakeholder engagement on identifying development sites in the city was also undertaken during this time.
- 2.7.3 However, possible barriers have been identified in the challenges of delivering of large scale strategic sites allocated in the 2012 Core Strategy, including land assembly, changing market conditions and new viability constraints (including flood defence needs and habitat mitigation requirements). The 5-year land supply did dwindle during this period, and there are recognised constraints on land supply (including the development of challenging brownfield sites), but this is unlikely to have been a significant constraint given the identified opportunities at that time. The COVID-19 Pandemic has had some impact on delivery in the short term in particular with regards to the restrictions during March to July 2020, November 2020 and then again during December 2020 to February 2021 it is expected that there will be a long-term impact on housing delivery for some time to come. This is added to by the viability challenges in the city due to site specific constraints, high cost of brownfield land development and the low value of development land.
- 2.7.4 The impact of Government's changing national policy, including a significantly higher housing target than was envisioned when the Local Plan was adopted, should also be considered.
- 2.7.5 This evidence supports the conclusion that the main constraints to delivery (as reflected in delivery in the 2018 - 21 period) in the city are not therefore due to the how the Council's Planning Service performs but rather by inherent structural issues facing the city caused by its unique geographical constraints, market position, changing environmental case law and the Government's position on the nitrate pollution issue in the Solent.

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<sup>4</sup>Inclusive of an adjustment for the initial pandemic lockdown in March 2020.

### 3 Actions to Improve Housing Delivery

To address the key issues identified in Chapter 2 (land availability, development viability, and nitrate mitigation) the Council has outlined several possible key actions to help deliver new homes in Portsmouth. This chapter will address each issue and set out what actions have been taken to date and under the 2021 Housing Delivery Action Plan or will be taken. These are specific identified interventions in addition to those which are already being implemented as outlined in this chapter.

#### 3.1 Development Management

- 3.1.1 Although Development Management has not been identified as a significant barrier to delivering new homes, the COVID-19 pandemic has had a significant impact on the Development Management Team with reductions in the service capacity resulting in a backlog of applications awaiting determination by the Planning Service. An issue that many local planning authorities have seen during this time.
- 3.1.2 A number of different approaches have been taken to reduce this backlog. Principal among them has been the carrying out of a full process review using the Council's System Thinking interventionist. This process review has identified a number of areas where efficiencies can be created and process wastage removed.
- 3.1.3 While steps are being taken to improve the determination process, the Council has also sought to increase staffing capacity. This has been done in two ways; the outsourcing of a number of cases to a private sector company experienced at managing planning applications, and the recruitment of additional temporary contract staff to increase the number of professional planners assessing and processing applications.
- 3.1.4 Through the review and amendment of internal processes to remove duplication and wastage it is considered that the Council will be in a position to retain a sustainable workforce to meet demand and ensure all applications have a decision within the expected timeframe. The Department is also continuing to actively promote the wider use of Planning Performance Agreements to establish a clear officer resource for projects (including other key departments such as Highways) against agreed determination timeframes, providing significant pre application advice for applicants as part of this process in order to ensure well designed housing and swift delivery. The use of PPA templates is being deployed across the DM team for all major applications. Other measures being considered include the wider use of s106 Unilateral Undertakings, required potentially at the validation stage of applications, to ensure that delays in application determination are minimised.
- 3.1.5 Greater use of bodies such as Design South East and the Design Council is also being promoted to help deliver optimal development layouts and designs that, when submitted, can be processed and approved without significant delay. This would require the developer to fund the design workshop/panel

#### 3.1 Land Availability

- 3.1.1 There are two main mechanisms that the planning team can use to attempt to address housing land supply issues in the City (in addition to the measure outlined in chapter 2) the first is to revisit the housing land supply through the Housing and Employment Land Availability Assessment (HELAA) and the second is to work with neighbouring authorities through the Duty to Cooperate to accommodate any unmet need arising.



### **Housing and Economic Land Availability (HELAA)**

- 3.1.2 Portsmouth City Council has increased the level of ongoing engagement with key stakeholders to identify more land and encourage an increased pace of delivery. This includes engagement with the Council's 'development arm', the Strategic Developments teams and the Housing service. The Council's HELAA will be reviewed annually to identify deliverable opportunities for new homes in the city, including engagement with landowners and key stakeholders as required.
- 3.1.3 Portsmouth City Council first published a SHELAA assessment in 2009 with the most recent version being published in August 2021, informed by an updated Call for Sites. The preparation of 2021 HELAA has identified potential land for an additional 4,681 dwellings on 10 broad locations and 293 sites, 1,496 of which are available within the first 5-year period. The HELAA has considered a wide range of sites including public sector (including Council owned land) and due to the nature of the city a large number of brownfield sites.
- 3.1.4 The HELAA has identified a large number of small and medium sized sites in order to attempt to decrease reliance on the main strategic allocations. Due to the built up nature of the city and areas of challenging viability in the city, sites can be difficult to bring forward. This is reflected in the City Council's new draft Viability Study (2020) which underpins the recommended approach for levels of developer contribution and affordable housing proposed in the Council's Regulation 18 draft Local Plan (published Sept 2021); which sets aspirational targets for affordable housing of 30% but accepts case by case viability testing may be necessary as the Viability Report recommended a 20% target for affordable housing. It is hoped that taking on board these recommendations informed by viability testing will increase the levels of housing delivery on small and medium sized sites across the city by ensuring that developer contribution requirements are not set at a level that is too onerous.
- 3.1.5 The HELAA, identifies developable land within the city. The 2021 HELAA identified potential land for an additional 4,681 dwellings on 10 broad locations and 293 sites 1,496 of which are available within the first 5 year period. This is significantly less than is needed showing that readily available and deliverable land is in short supply within the city.
- 3.1.6 The City Council will continue to update and revise its HELAA to take account of any additional sites coming forward and will revisit the assumptions made on the capacity of identified sites as and when new information becomes available. The Council are also undertaking work to contact all current HELAA site owners and land owners in key development areas (City Centre and Cosham) to ensure that the sites are still available and that there is still an intention to develop.

### **Working with others - duty to cooperate**

- 3.1.7 As a consequence of the constraints on land availability outlined in Chapter 2, the Council is proactive working with other local authorities to meet the City's unmet housing need. This section summarises the Duty to Co-operate and Statements of Common Ground with regard to housing delivery.
- 3.1.8 The Localism Act 2011 sets out the statutory framework regarding the Duty to Cooperate. The duty to co-operate covers a number of public bodies and these are set out in the *Town and Country Planning (Local Planning) (England) Regulations 2012* (as amended). Further information is contained in the National Planning Policy Framework (NPPF) (paragraphs 24 – 27, NPPF 2021).

- 3.1.9 Local authorities are under a Duty to Co-operate with each other and with other prescribed bodies on strategic matters such as housing, economic growth, transport and infrastructure provision which have cross-boundary implications. This needs to be undertaken constructively, actively and on an ongoing basis to maximise the effectiveness of Local Plan preparation in the context of strategic cross-boundary matters.
- 3.1.10 In South Hampshire, there is a long history of effective cross-boundary working between local authorities and their strategic partners. PCC has been a founding member of the Partnership for Urban South Hampshire (PUSH) which was formed in 2003 and renamed the Partnership for South Hampshire (PfSH) in 2019. PfSH includes twelve local authorities and closely collaborates with the Solent Local Enterprise Partnership, the Environment Agency, Natural England and Homes England.
- 3.1.11 In June 2016 the South Hampshire Spatial Position Statement was published, it sets out development targets for each Council to 2034. It is based on significant cross-boundary evidence and will assist local authorities in meeting the duty to cooperate on strategic and cross-boundary matters. Further work is currently being undertaken to update the evidence base to take into account the provisions of the latest NPPF including the provisions of the Standard Methodology. This will inform a new spatial strategy covering the period to 2036 with a long term vision to 2050. The document will also represent a multi-lateral statement of common ground.
- 3.1.12 Statements of Common Ground (SoCG) are being prepared and will be maintained on an on-going basis throughout the plan making process. The advice in the national Planning Practice Guidance (PPG) is that as a minimum these statements should be published when the area covered and the governance arrangements for the co-operation process have been identified and the substantive matters to be addressed have been determined. The SoCG can then be used to identify any outstanding matters that will need to be addressed and the process for reaching agreements and where possible an indication of when such statements are likely to be updated.
- 3.1.13 The Council have undertaken work to agree and continue to update SoCG, with the following neighbouring authorities, and others as may arise:
- Partnership for South Hampshire (multi-lateral statement covering the South Hampshire sub-region)
  - Fareham Borough Council; and
  - Havant Borough Council.
- 3.1.14 Through internal collaboration within and working with strategic partnerships such as PfSH the Council is working hard to identify land both within and outside the authority area. The Council will continue to work proactively with other authorities on the distribution of housing need across the sub-region, including any SoCG on agreed contributions to Portsmouth's unmet housing need.

#### **The new Portsmouth Local Plan**

- 3.1.15 The emerging Local Plan 2038 (LP2038) has regard to changes to national planning policy since 2015, new evidence studies, public consultation, and a revised PfSH Position Statement currently under development. Portsmouth is seeking to respond positively to the challenge of housing delivery. Though the city has very little greenfield land available for potential housing development given that it is heavily urbanised. The significant open areas it does have are public open spaces and/ or areas of protected habitat of strategic importance

to the City and the local communities, to providing necessary access to open space for residents.

3.1.16 A 'Regulation 18' draft of the new Portsmouth Local Plan has been prepared. The new Portsmouth Plan has been consulted on during the period of 17th September to the 31st October 2021. There are a number of proposed changes from the existing development plan which aim to increase the supply of housing in the city to meet the government's housing targets including:

- Proposed strategic development site policies - within the city are a number of allocated strategic development sites which are allocated for a mix of uses including predominantly housing, these allocations have been tested to ascertain where further housing development can be achieved, through looking at the mix of uses, opportunities to increase density and promote good design including tall buildings.
- Draft Density policy- the city council is proposing a new density policy that has minimum density requirements across the city that represent a significant uplift compared to the previous policy position. It is anticipated that this will help to enable the delivery of more housing across the city, especially on small and medium sites.
- Draft Housing mix, type and tenure policy- This policy sets the levels of affordable housing, accessible housing and other developer contributions specific to housing. The policy requirements have been informed by the Council's Local Plan Viability Study to be set at a level that allows for the vast majority of identified sites to be deliverable.

3.1.17 The identified strategic sites are considered suitable for mixed-use development including new housing development. The sites largely re-use previously developed land for mixed-use development primarily housing and employment but also providing wider community benefits such as environmental and access improvements. The proposed housing supply for the plan period includes the identified potential non-strategic housing sites from the HELAA assessment which will help to secure a mix of housing types across the City.

3.1.18 The Planning Policy Team are currently reviewing the comments received from the consultation and will amend the policies where necessary to ensure that they are considered sound.

## **3.2 Development Viability and Delivery**

### **Viability Assessment (2020)**

3.2.1 The City Council has produced a Local Plan Viability Study in support of its new Local Plan. The viability study has identified that development viability is a barrier to delivery as set out in chapter two of this report. In response to this the Viability study has made the following recommendations;

3.2.2 That the Council revisits its housing policy and moves to the following total policy requirement.

- The Minimum Policy Requirements (Water efficiency standard and 20% accessible and adaptable, 5% wheelchair Adaptable)
- 20% Affordable Housing on sites of 10 unit and larger.
- Future Homes Standard Option 2.

- 3.2.3 On sites in the lower value area and schemes of six storeys and more the applicant would be able to submit a site-specific viability appraisal (in line with the requirements of paragraphs 10-008-20190509 and 10-009-20190509 of the PPG).
- 3.2.4 These recommendations are in the context of CIL continuing at the current rates and S106 payments, and assuming an environmental mitigation related costs of £5,000/unit.
- 3.2.5 These recommendations reflect the tight development values in the city and are being taken forward by the emerging Local Plan in order to ensure that the policy requirements set do not restrict the ability to deliver residential development in the city. The Council is however seeking to ensure at least 30% of new homes on sites of 10 units or larger are secured as either Affordable or First Homes, notwithstanding the viability constraints, but will seek to ensure individual development viability appraisals are carried out to ensure this policy aspiration does not restrict delivery.
- 3.2.6 The City Council tested the appropriate levels of developer contribution through its Regulation 18 Local Plan consultation having reference to the recommendations coming out of the Viability Study. The responses received during the consultation are currently being reviewed and the policy will be amended as appropriate to achieve soundness.

#### **Council Led Development**

- 3.2.7 The City Council is one of the largest residential landowners in the City and also owns land in neighbouring boroughs including Havant and East Hants. This has allowed the Council to take an active role in delivery of housing within the City.
- 3.2.8 The Council is committed to addressing the City's housing shortage and within its Housing Directorate has implemented schemes to improve the delivery of both affordable and market housing within the city.
- 3.2.9 There are a number of council estate areas within the city where Portsmouth City Council has significant land holdings. The housing management teams in the Council are working to understand where Council owned land holdings can be used to bring forward development.
- 3.2.10 The Council's intention is to build the homes Portsmouth people need and can afford and to ensure that these homes are as energy efficient as possible. The Council is utilising teams capable of delivering homes and have in house expertise in architecture, landscape architecture, building surveying, M&E service and energy services, and is working to expand build capacity.
- 3.2.11 The City Council is currently looking at other forms of development rather than direct delivery which may help us to deliver homes more quickly. Opportunities include considering joint ventures with private developers and with the council's owned housing company which has recently been formed. An opportunity has arisen through One Public Estate grant funding for the City Council to investigate use of its own land for custom or self-build. The first schemes for this are in Havant but once the expertise needed to deliver a scheme in this way is in place these skills can be used in Portsmouth.
- 3.2.12 The City Council has set up Ravelin Housing LTD (RHL), which is a commercially wholly owned development company set up with the aim to deliver both affordable and private housing for sale and for rent. RHL is the commercial development arm of the Ravelin Group Limited, family of companies.




- 3.2.13 RHL has been brought forward by the City Council not to compete with but rather to complement the private sector developers in the city at a time where there is clear evidence that there is market failure. RHL will deliver projects aligned with the Council's corporate objectives, thereby supporting the city's economic growth and regeneration needs whilst specifically focusing on satisfying the demand for new housing of all tenures.
- 3.2.14 RHL's strategic goals aim to deliver multi-tenure housing for sale and rent with a target to deliver 1,000 residential units over 10 years commencing with development delivery from 2021. There have been numerous sites identified for development and are currently in the initial stages of the planning process or at pre application stage.
- 3.2.15 In addition to the schemes being brought forward by Ravelin the City Council has close involvement in a number of the city's strategic sites most notably at Tipner and in the City Centre. This has involved the Council being directly involved in land assembly and compulsory purchase in order to enable the delivery of the strategic sites.

### **Council's Interim Nutrient Neutral Mitigation Strategy**

- 3.2.16 The Council adopted the Interim Nutrient Neutral Mitigation Strategy on 29 November 2019. The Strategy was an interim measure envisioned to last three to four years to help to enable housebuilding to continue within the City whilst a more long term solution was worked on with PFSH and relevant stakeholders.
- 3.2.17 The Interim Strategy, which has utilised water efficiency upgrades to the Council's housing stock, is coming to the end of its anticipated timescale. Updating this strategy will continue to help enable planning permissions to be granted without this risk of legal challenge, helping housing to continue in the city.
- 3.2.18 The Council is in discussions with potential partners such as the Wildlife Trust regarding a land management schemes that reduce the nitrogen load of agricultural land and provide offsetting 'credit' for purchase, alongside suitable legal agreements. There are currently a number of landowners within the catchment offering nitrogen offsetting opportunities which can be secured to enable the grant of planning permission, where this can be agreed with the local planning authority and Natural England. The Council is currently in discussions on a partnership agreement that would help to enable minor housing schemes in the city in view of the recognised viability constraints the city faces. The Council has been signposting applicants for major development proposals to the Trust and other mitigation options in the meantime.
- 3.2.19 Whilst the Council is continuing to liaise with potential partners to find a more permanent solution to nitrates in the City the adoption of the Interim Nutrient Neutral Mitigation Strategy has enabled development to resume and its impact on the delivery of housing within the City.

## 4 Monitoring the Council's Progress

4.1.1 With the publication of the Housing Delivery Test Results in January 2021 where Portsmouth scored less than the 95% for the first time that the Council was required to produce a Housing Delivery Action Plan. This section provides an update on the actions set out in the Housing Delivery Action Plan 2021 - 2022 and scores them using a RAG system to show the Council's progress

	Green: The action has been completed		Amber: Work to address the action has commenced		Red: The action has not yet been implemented
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Strategic Issue	Action	Update	Score
Housing Land Supply	Prepare the revised Local Plan and identify new housing allocations.	<p>The Council is continuing to work on its Draft Local Plan with a Reg 18 Consultation occurring between Sept to Nov 2021 with adoption expected in 2023.</p> <p>Several Sites have been identified in the draft Local Plan and currently the Planning Policy Team are working with both developers and other partners to ensure that the sites continue to be viable and available to meet the Council's housing need. New Strategic Housing Allocations in the emerging Local Plan which were not present in the 2012 plan include, Cosham, Lakeside and Fratton Park / the Pompey Centre.</p>	Amber
	Continue work on studies including the Housing and Economic Land Availability Assessment and evidence on market demand.	Work on the revised HELAA is continuing with a 'Call for Sites' held in January 2022 and publication expected in May 2022	Amber
	Regular Brownfield Register updates.	The Brownfield Register was updated in Dec 2021 and continues to be updated annually as required.	Green
	Work with the PfSH Authorities on future Strategic Development Opportunity Area (SDOA) identification work	Work with the other PfSH authorities continues to identify suitable Strategic Development Opportunity Area within the sub region. The potential SDOA's for the sub region have been identified and a sifting process in being undertaken to determine the most appropriate.	Amber
	Updated South Hampshire Spatial Position Statement to be undertaken and agreed by PfSH and Local Authorities.	Work is continuing to update the South Hampshire Spatial Position Statement. The Position Statement is supported by evidence on SDOAs, SA/HRA, Transport and Green Infrastructure.	Amber
	Continue to update unilateral Statement of Common Ground /documents with Neighbouring Authorities	The Council currently has three unilateral Statement of Common Ground /documents with Neighbouring Authorities in place and	Green

Strategic Issue	Action	Update	Score
		continues to work with these authorities to ensure that the documents remain up to date.	
Development Viability and Delivery	Whole Plan Viability Assessment	<p>A viability assessment was completed for the Draft 'Regulation 18' version of the plan for the consultation held in September 2021 - November 2021.</p> <p>The assessment will be updated to assess any amendments made because of the comments received during the consultation.</p>	
	Housing and Economic Land Availability Assessment including call for sites	A 'Call for Sites' was held in January 2022 and the Planning Policy Team are currently updating the Housing and Economic Land Availability Assessment in Summer 2022.	
	Consultation on the draft new Local Plan	The Council consulted of the draft reg 18 version of the plan during September to November 2021. The responses have been collated and work has begun to amend the plan as appropriate.	
	Continue to support Portsmouth City Council Housing and Council owned Ravelin Housing company to deliver new and affordable homes across the city.	The Planning Department continues to work closely with the Housing Department in identifying new housing sites and helping bring applications forward to meet the City's housing need.	
	Updated Interim Nutrient Neutral Mitigation Strategy with co-operation on any appropriate longer term strategic solutions with PfSH or other partners	The scheme was approved at Cabinet in March 2022 - see cabinet report for details. Updated Strategy will be published shortly pending the correct update of the NE methodology.	
Development Management	The use of PPA templates for major applications.	The Development Management Team have implemented the use of PPA templates for major applications and will continue their use when appropriate.	
	Wider use of s106 Unilateral Undertakings at the validation stage of applications to ensure that delays in application determination are minimised.	Wider use of s106 Unilateral Undertakings at the validation stage has been implemented and has had some impact in minimising the delays in determination.	
	Ensure team is fully resourced as required.	The Council continues to work on ways of ensuring that the Development Management Team is fully resourced with the Council looking at ways to improve staff retention and staff	

## 5. Conclusion and Next Steps

5.1.1 PCC has identified the following potential barriers for the 2018-21 period (as identified in section 2 of this report):

- **Housing Land Supply:** while positive engagement and consultation on the identification of development opportunities will continue, the city's constraints on developable land mean that it is unlikely Portsmouth will be able to meet the Government's full housing target for Portsmouth for the plan period without some of our housing need being met from outside of the city, in co-operation with other neighbouring authorities.
- **Development viability and delivery:** Poor development viability in the city restricts growth and limits opportunities for sites to come forward. The Council will seek to set deliverable policies for the new Local Plan informed by the development of the evidence base and through consultation on the draft Plan. PCC will assist delivery in the city through the delivery of its own schemes and continuing to enable a strategic framework/ solutions to the nutrient neutral mitigation requirements for new homes.
- **Development management:** although development management procedures were not found to be barrier to the delivery of new homes during the monitored period, the Council is striving to continue to make improvements its planning applications service for to ensure quality outcomes for all.

5.1.2 The updated Action Plan for addressing the above is attached in Appendix 1.

5.1.3 The Council is content that it is both cognisant of these delivery issues and is working constructively, usually in partnership with third parties, to resolve them with the aim of improving housing delivery. Where necessary actions will be updated, or new actions added in response to currently unforeseen issues or barriers to development, or as a result of changes in government policy, legislation or planning practice guidance. Close working relationships with infrastructure providers, developers and other key stakeholders will be key to ensuring a step change in increasing housing supply locally.

### Next Steps

5.1.4 The Action Plan in Appendix 1 sets out a range of short and medium term actions which aim to increase the delivery of new homes in the City. It also identifies timescales and responsibilities for delivery of the actions, where appropriate. Monitoring of the actions will be undertaken annually following receipt of the annual HDT measurement (anticipated to be November each year), and the annual review of the Action Plan will draw on information from a range of sources including the annual housing completions surveys (which provides figures for the number of new homes completed each year) and other relevant documents.



## Appendix 1: Portsmouth Housing Delivery Test Action Plan 2022

Cause	Evidence	Action	Responsible	Status
Strategic Issue: Housing Land Supply				
Housing Land Supply	Insufficient land to meet future requirements based on government standard housing methodology.	<p>Prepare the revised Local Plan and identify new housing allocations.</p> <p>Continue work on studies including the Housing and Economic Land Availability Assessment and evidence on market demand.</p> <p>Regular Brownfield Register updates.</p> <p>Work with the PfSH Authorities on future SDOA identification work</p>	City Development - Planning Policy	Ongoing
Progress with Duty to Co-operate and sub-regional Strategic Planning	Need for an updated sub-regional strategic (South Hampshire Spatial Position Statement) to deal effectively with housing distribution and unmet housing need.	<p>Updated South Hampshire Spatial Position Statement to be undertaken and agreed by PfSH and Local Authorities and supporting Strategic Development Opportunity Area assessment.</p> <p>Continue to update unilateral Statement of Common Ground /documents with Neighbouring Authorities</p>	<p>Partnership for South Hampshire</p> <p>South Hampshire Local Authorities</p>	Ongoing
Strategic Issue: Development Viability and Delivery				
Identifying developable sites/ Bringing sites forward.	Supporting evidence for deliverability of strategic sites in Local Plan Review	<p>Whole Plan Viability Assessment</p> <p>Housing and Economic Land Availability Assessment including call for sites</p> <p>Consultation on the draft new Local Plan</p> <p>Continue to support Portsmouth City Council Housing and Council owned Ravelin Housing company to deliver new and affordable homes across the city.</p>	City Development - Planning Policy	Ongoing
Nitrates pollution in the Solent	Effective suspension of housing consents without Natural England approved mitigation in place.	Updated Interim Nutrient Neutral Mitigation Strategy with co-operation on any appropriate longer term strategic solutions with PfSH or other partners	PCC City Development - Planning Policy and other South Hampshire LPAs	Ongoing
Development Management				
Potential for delays to grant of planning permission	Need to ensure planning applications are determined with agreed timescales and provide an effective, efficient service.	<p>The use of PPA templates for major applications.</p> <p>Wider use of s106 Unilateral Undertakings at the validation stage of applications to ensure that delays in application determination are minimised.</p> <p>Ensure team is fully resourced as required.</p>	City Development - Development Management	Ongoing

End of document

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<b>Title of meeting:</b>	<b>Planning Policy and City Development Portfolio Decision Meeting</b>
<b>Date of meeting:</b>	26 July 2022
<b>Subject:</b>	Options for increasing Planning Committee capacity
<b>Report by:</b>	Ian Maguire, Assistant Director Planning & Economic Growth, Regeneration
<b>Wards affected:</b>	All
<b>Key decision:</b>	No
<b>Full Council decision:</b>	No

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## **1. Purpose of report**

- 1.1. The purpose of this report is identify options available to increase the capacity of the planning committee to enable the determination of planning applications.

## **2. Recommendations**

- 2.1 Members are asked to consider the options below:
  - 2.1.1 Increase the level of delegation to Officer to therein to refine the types of application that require Planning Committee Consideration, or
  - 2.1.2 Increase the frequency of Planning Committee meetings and subsequent officer and other resource required to appropriately meet this increased frequency.

## **3. Background**

- 3.1 Officers have previously brought reports to Members regarding the role of the Planning Committee. To ensure the efficient operation of the Council and its Planning Committee the Constitution through the Scheme of Delegation prescribes those decisions that, due to their significance or implications are reserved to Portfolio Holders, Committees or Full Council for determination and those decisions that are delegated to Officers to determine in accordance with the adopted guidance and policies of the Council. This Scheme of Delegation includes those specific types of planning applications that are reserved for the determination of the Planning Committee and those that can, therefore be determined by Officers.

3.2 In accordance with the current scheme of delegation as amended in November 2021 at the decision meeting of the Planning Policy and City Development Portfolio Holder following referral to the Governance and Audit and Standards Committee, includes eight grounds that will potentially reserve an application for committee consideration:

- *Para 50. All applications required to be **referred to the Secretary of State** under the *Town and Country Planning (Consultation) (England) Direction 2009* except in the case of applications for certificates of lawfulness or applications for Prior Notifications or Approvals;*
- *Para 51. Any applications where any **Member so requests** to the Assistant Director of Planning and Economic Growth providing a written reason, within 28 days of the registration of the application;*
- *Para 52. Any applications which are likely to have **significant implications** in the opinion of the Assistant Director of Planning and Economic Growth;*
- *Para 53. Any applications which are recommended for approval and that seek planning permission for **1,000 square metres or more of new non-residential floor area or for ten or more new dwellings***
- *Para 54. Any applications which are recommended for approval but on which an objection has been received from a **statutory consultee**, which has not been resolved by negotiation or through the imposition of conditions except in the case of applications for certificates of lawfulness or applications for Prior Notifications or Approvals;*
- *Para 55. Any applications submitted by, or on behalf of, a **Councillor** of the Authority (or their spouse/civil partner or a person with whom they are living as spouse/civil partner), or by any **member of the Council's staff** (or their spouse/civil partner or a person with whom they are living as spouse/civil partner)*
- *Para 56. Any applications, except 'Householder applications', applications for advertisement consent, applications for works to TPO trees, applications in respect of trees in Conservation Areas or applications for minor non-residential alterations or extensions (industrial / commercial / leisure etc extensions, alterations and change of use resulting in less than (net) 250 sq. m of additional floorspace) **submitted by or on behalf of the Council** for its own developments or on land where the Council is the land owner; and*
- *Para 57. Any applications which are recommended for approval where **three or more adverse representations** based on material planning considerations have been received, except in the case of applications for certificates of lawfulness or applications for Prior Notifications*
- *Para 58. Any applications for **Minor Material Amendments** (made under s73 of the Town and Country Planning Act 1990, or any section which*

revokes or re-enacts that section) **or applications for Reserved Matters** following the grant of Outline Planning Permission, that do, in the opinion of the ADPEG have significant implications.

- 3.3 The application of the current scheme of delegation has resulted in a backlog of cases awaiting committee consideration as the frequency of committee meetings and the size of the agenda, and resultant length of meetings are limited by practicality and resource. That backlog will vary as discussion with applicants results in changes to recommendations and public engagement on applications may result in unforeseen objections or consultee concerns. However at the time of drafting this report (early July) the cases awaiting committee consideration numbered 117. These cases require committee consideration under different paragraphs of the Scheme of Delegation:

Paragraph	Reason	Number of cases
51	<i>Member ... requests</i>	56*
53	<i>[Scale]...1,000 square metres or more of new non-residential floor area or for ten or more new dwellings.</i>	9
56	<i>...submitted by or on behalf of the Council</i>	1
57	<i>...three or more adverse representations</i>	51
Total		117

There are no cases requiring committee consideration due to the requirements of paragraphs 50, 52, 54, 55 or 58.

\*54 of the 56 applications requiring committee consideration due to Member request are due to the requirement by Cllr Gerald Vernon-Jackson for all applications involving changes of occupancy in HMOs from 6 occupants to 7 occupants to be considered by the Planning Committee.

- 3.4 Planning Committees currently meet every three weeks and host agendas that, on average in the 2022 municipal year to date, mean they sit for over 3 hours in each meeting.
- 3.5 Utilising the last available full year data (October 2020 to September 2021) it can be noted that Portsmouth City Council reserves more applications for committee consideration than would be considered normal. In that year Portsmouth delegated 92.5% of decisions to officers, compared to a national average of 95.5% or an average of 96.5% from our neighbouring authorities.
- 3.6 It is open to the Council to amend its scheme of delegation and the thresholds therein to refine the types of application that require committee consideration, thus allowing more decisions to be determined by Officer delegation. Any such change to have an effect on the backlog of cases should therefore give consideration to the indicative reasons as to why applications are currently awaiting committee consideration.

- 3.7 The backlog of 117 applications requiring committee consideration means that new applications that would require a committee decision will be subject to delay if all such applications are to be considered in chronological order. Currently the municipal calendar anticipates 3 weekly meetings, with every third meeting dedicated to the specific 54 cases involving changes in HMOs where occupancy increases from 6 occupants to 7 or 8. Officers have consequently predicted the likely agenda contents chronologically with each committee considering the 6 occupant to 7 occupant HMO cases to consider 10 agenda items and each committee considering other matters to consider 8 agenda items. This means new 'HMO' cases would have to wait until April 2023 to receive committee consideration and other new cases would need to wait until March 2023.

#### **4. Reasons for recommendations**

- 4.1 To reduce the backlog of matters requiring committee consideration Members can either reduce the number of applications that require such consideration, by increasing the level of delegation to officers, or increase the number of planning committee meetings to ensure the current backlog is reduced at a greater rate. Both courses of action can of course be utilised in tandem.
- 4.2 The increase in frequency of planning committees can only be achieved through an increase in staffing resources to bring matters to the committee more rapidly and support the committee meetings themselves. Each meeting of the planning committee is a significant investment of time and resources for most councils, and requires the close coordination of planning, democratic services and legal teams. It can be noted that research undertaken by the Local Government Association's Planning Advisory Service has shown that on average applications that are decided at planning committee costs an authority around 10 times more to resource than delegated decisions. The direct cost is of course mostly in Officer time as a significant amount of additional time is needed to support the Committee in their decision making. Each planning committee meeting will require additional time from an experienced planner within the Development Management management team, with an estimated 0.3 FTE needed purely for the additional preparation and delivery of the meetings as compared to managing applications through a delegated process. Each meeting would also require additional resource from the Democratic Services team and Legal Services team. If additional meetings are to be introduced this would also require the faster production of officer recommendation reports and therefore additional Development Management planner resources to increase this productivity. Using comparable hourly rates for relevant staff the additional resourcing needed within the planning department would be approximately £115,000 per annum to support an additional regular committee, ie increasing the number of committees a year from the current 16 to 24.
- 4.3 The resourcing needed within the legal services and democratic services team will also need to be considered with appropriate funding for temporary resources identified as necessary. Each planning committee (which historically on average have 6/7 items) takes approximately 3 days of a legal officer time. On a 4 weekly cycle, which is 13 committees a year this takes up approximately 39 days per year. On a bi-weekly cycle the estimated amount of time would be increased to



approximately 78 days per year. Increasing the number of items per committee to 10 will also increase 130 days per year. There would also be additional legal advice required in connection with the planning applications and s106 agreements and appeals. Legal services does not currently have the capacity to service any additional planning committees and would need additional resources to cover bi-weekly planning committee meetings. This would equate to an extra 0.4FTE of Fee Earner (solicitor) time. Democratic Services have advised that they would intend to stretch existing resources to cover the additional demands but have expressed concerns about the impacts of doing so as well as the availability of rooms and space in the committee calendar for this amount of meetings

- 4.4 An increase in the level of delegation can also be effective in reducing pressure on committee time. This was reviewed extensively in 2021 with the Scheme of Delegation updated most recently in November 2021. As noted in para 3.6 and the table at para 3.3 changes to the scheme of delegation would best be focussed on those thresholds that currently result in more cases being brought to committee.
- 4.5 The current scheme, at para 53, requires all 'Major' applications to come to committee, ie all those with more than 1,000 sqm of additional floorspace or 10+ new homes. 8% of the committee backlog is created by this requirement. It can be noted that in the assessment of the outstanding cases every one of these cases have less than 3 adverse representations suggesting that notwithstanding their scale they are otherwise uncontroversial to local people. Members may therefore wish to remove the requirement for larger case to come to Committee automatically, as described in para 53. This would have the effect of reducing the committee delay by an entire agenda. Large applications that generate significant objections would of course still be brought to committee by virtue of para 57 in any case.
- 4.6 The current scheme, at para 51, provides the right to elected Members to bring matters to Committee. This is certainly an inalienable right in a Member led organisation so while it could be curtailed, by requiring any such requests to be made by more than one member or be agreed by the Chairman for example a review of this right should be approached cautiously. It can be noted that while it is this paragraph that individually results in the largest backlog (48% of those cases waiting committee consideration), only 2 cases have been requested to come to committee outside of the 'HMO' scenario that has required over 60 cases to be taken to Committee. Clearly a revocation of that requirement would have the single most significant impact on the backlog of cases.
- 4.7 The final paragraph of the Scheme of Delegation that could be reviewed is the threshold for the number of adverse representations that requires committee consideration. This was recently raised from 1 to 3, but still accounts for 51 cases 44% of the backlog. The threshold to bring matters to committee in Portsmouth even following the amendment in 2021 is low when compared to near and neighbouring authorities. By comparison in Southampton City Council "five written letters of representation...from five different individuals within the administrative ward of the City" is set as the threshold to bring something to a committee of Members; and in Winchester City Council "six or more representations "... from separate individual addresses..." is the threshold. Both of these thresholds when

compared to other LPAs may be considered high, but gives an illustration of the range that might be considered as an appropriate threshold to set.

- 4.15 Members can note that there are currently 51 cases awaiting committee consideration due to objections. If the threshold of adverse representations required to require committee consideration was raised from 3 to 4 this would reduce by 10 and if raised from 3 to 6 this would nearly have, reducing by 24.
- 4.16 Any or all of these changes to the Scheme of Delegation would assist in reducing the backlog, and more importantly would work to ensure a future backlog did not arise as new applications are made. Without additional resourcing there is no way to increase the rate of reduction of the committee backlog and consequently the Council would need to work with applicants, in particular, to inform them of the likely determination delays and manage any risks arising from potential appeals for non-determination.

## **5. Equality impact assessment**

- 5.1 An equality impact assessment is not required as the recommendations do not have a disproportionate negative impact on any of the specific protected characteristics as described in the Equality Act 2010.

## **6. Legal implications**

- 6.1 Members should note that an applicant may appeal for non-determination where the Council does not determine:
- (i) a minor planning application within 8 weeks
  - (ii) a major planning application within 13 weeks
  - (iii) a planning application subject to an environmental impact assessment.

## **7. Director of Finance's comments**

- 7.1 The report asks Councillors to consider either or both of two options, the first option ask Members to consider a change to the Council's constitution that would allow the number of applications that are required to be referred through the Planning committee to be reduced, the extent to which this could be applied is not known in full or articulated in any detail in the report, and therefore the financial consequences of this are unclear.
- 7.2 The second option is to increase the frequency of Planning Committee meetings, the planning department have estimated that if the number of meetings were to increase from 16 to 24, then the additional officer time would cost in the region of £115,000 per annum. In addition further resource strains would be seen on other services, most notably Democratic Services and Legal Services, who estimate that an addition 0.4FTE of solicitor time would be needed. There is insufficient unallocated cash limited budget in the Planning Service, so if this option was to be considered an additional source of funding would need to be identified

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Signed by: Assistant Director of Regeneration

**Appendices:** None

**Background list of documents:** Portsmouth City Council Constitution Part 2 Section 5B  
Delegation of Decision Making to Officers - As Amended by the decision meetings of the  
Cabinet Member for Planning Policy & City Development on 16 September 2021 and 19  
November 2021.

The recommendation(s) set out above were approved/ approved as amended/ deferred/  
rejected by ..... on .....

.....  
Signed by:

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