



Despatch Date: Friday 13 July 2018

## **Individual Cabinet Member Decision Making - Planning Services**

Monday, 23 July 2018

9.30 am in Committee Room 3, Civic Centre, High Street, Esher

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ب تو اس دستاویز میں دیئے گئے پتے یا ٹیلی فون نمبر پر ہم سے رابطہ کریں۔

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### **Part I Items**

**Page Nos.**

#### **1. Declarations of Interest**

All Members present are required to declare, at this point in the meeting or as soon as possible thereafter

- (i) any disclosable pecuniary interests and / or
- (ii) other interests arising under the Code of Conduct

in respect of any item(s) of business being considered at this meeting.

#### **Planning Services – Councillor J.W. Browne**

#### **2. Local Plan Position Statement following Drake Park Appeal Decision 5 - 12**

Contact Officer: Mrs. T. Hulse Direct Line: 01372 474175

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**Committee: Individual Cabinet Member Decision Making - Planning Services**

**Date of meeting: 23 July 2018**

<b>Subject:</b>	Local Plan Position Statement following Drake Park Appeal Decision
<b>Lead Officer:</b>	Deputy Planning Policy Manager
<b>Portfolio Holder:</b>	Councillor James Browne, Portfolio Holder for Planning Services
<b>Link to Council Priorities:</b>	P2
<b>Exempt information:</b>	None
<b>Delegated status:</b>	For Resolution
<b>Key decision:</b>	No

**Executive Summary:**

This report reflects on key matters raised by the Secretary of State and the Planning Inspector in their respective reports on the ‘Drake Park’ decision which relate to the preparation of Elmbridge’s new Local Plan.

A draft Local Plan Position Statement has been produced to highlight the key matters and assure stakeholders and interested parties that the Council is committed to responding positively to the challenge of housing and affordability in Elmbridge and is working hard to progress a new Local Plan.

Local Plan Working Group agreed on 23 June 2018 that approval should be sought from the Portfolio Holder to publish the Local Plan Position Statement on the Council’s website.

**Recommendation: that the Cabinet Member for Planning Services approve the position statement for publication on the Council’s website following a two-week call-in period.**

**Report:**

**1. Background**

1.1 The ‘Drake Park’ application sought outline planning permission for over 1,000 homes and supporting services. The site is within land designated as Green Belt; a strong policy tool which seeks to keep land open, where new development is considered inappropriate (subject to limited exceptions) which is, by definition, harmful to the Green Belt and should not be allowed except in Very Special Circumstances.

1.2 The Council refused planning permission in November 2016 on four reasons, primarily that the proposal would be inappropriate development in the Green Belt and would be harmful to the character and openness of the Green Belt and that the applicant had not demonstrated Very Special Circumstances.

- 1.3 This decision was appealed in part on the grounds that the need for new homes and the current limited supply of housing land would outweigh the harm to the Green Belt.
- 1.4 The appeal was recovered by the Secretary of State (SoS) as it involved 'proposals for residential development of over 150 units or on sites over 5 ha, which would significantly impact upon the Government's objective to secure a better balance between housing demand and supply and create high quality, sustainable, mixed and inclusive communities and proposals for significant development in the Green Belt'.
- 1.5 Following a Public Inquiry held in October/ November 2017, the appeal was recommended for dismissal by the Planning Inspector, which was upheld by the SoS in May 2018.

## **2. Key Matters**

- 2.1 Officers have taken stock and evaluated the key matters raised by the SoS and the Planning Inspector in their respective reports on the 'Drake Park' decision which relate to the preparation of Elmbridge's new Local Plan. The key matters are below:
  - a) The SoS and Planning Inspector's reports highlight the importance of a plan-led planning system. They both concluded that, in this instance, the provision of housing did not amount to 'Very Special Circumstances' necessary to justify inappropriate development in the Green Belt even when there is a deficit in housing land supply and subsequently supply policies are deemed out of date. However, both commented that it seemed 'more than likely than not that the emerging local plan will promote some Green Belt sites for housing'.
  - b) The identification of an objectively assessed need figure for housing (OAN) and 5- year housing land supply figure for Elmbridge was a key theme. However, the debate on housing need figure is likely to become redundant, when the national standardised housing methodology is introduced by the Government in the revised NPPF. This is due to be published in July 2018.
  - c) The Planning Inspector under a took an assessment of the Borough's 5 year housing land position. This equated to a current housing land supply of 2.65 years. This is a realistic reflection of the Council's current position (2017/18). Officers are currently undertaking additional work to identify further land within the Borough which has the potential for housing. The outcome of this work is expected to increase our housing land supply position.
  - d) The commentary within the respective SoS and Planning Inspector's reports highlighted the pressing need to progress the new Local Plan.

- 2.2 The draft position statement highlights the key matters and seeks to assure stakeholders and interested parties that the Council is committed to responding positively to the challenge of housing and affordability in Elmbridge and are working hard to progress a new Local Plan.
- 2.3 To discourage further speculative planning applications, the draft position statement concludes with details of how to promote land for development through the Local Plan process.

### **3. Conclusion**

- 3.1 Formal member approval is sought to publish the Local Plan Position Statement as set out in Appendix A of this report following a two-week call-in period.

#### **Financial implications:**

The cost of defending the Drake Park appeal was £202,678.00

#### **Environmental implications:**

None for the purpose of this report.

#### **Legal implications:**

None for the purpose of this report.

#### **Equality Implications:**

None for the purpose of this report.

#### **Risk Management Implications:**

None for the purpose of this report.

#### **Community Safety Implications:**

None for the purpose of this report.

#### **Background papers:**

None

#### **Enclosures/Appendices:**

Appendix 'A': Draft Local Plan Position Statement following Drake Park Appeal Decision

#### **Contact details:**

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## **Introduction**

This statement seeks to assure stakeholders and interested parties that the Council is committed to responding positively to the challenge of housing and affordability in Elmbridge and are working hard to progress a new Local Plan.

It follows the Government's publication of its draft revisions to national planning policy and the Secretary of State (SoS) for Housing, Communities and Local Government, James Brokenshire MP endorsement of the Council's decision to refuse outline planning permission for the development of land East of Weylands House Molesey Road and South of Field Common Lane, Walton-on-Thames (commonly known as 'Drake Park') in May 2018.

## **Planning Policy Context**

The National Planning Policy Framework (NPPF) provides the parameters and requirements for local plan making and decisions on planning applications. In March 2018 the Government published its draft revisions to the NPPF, it included proposals that could have implications on our Local Plan. The Council's full consultation response can be found [here](#).

The 'Drake Park' application sought outline planning permission for over 1,000 homes and supporting services. The site is within land designated as Green Belt; a strong policy tool which seeks to keep land open, where new development is considered inappropriate (subject to limited exceptions) which is, by definition, harmful to the Green Belt and should not be allowed except in Very Special Circumstances.

The Council refused planning permission in November 2016 for a number of reasons, primarily that the proposal would be inappropriate development in the Green Belt and would be harmful to the character and openness of the Green Belt. The appellants sought to argue that the need for new homes and the current limited supply of housing land would outweigh the harm to the Green Belt.

The appeal was recommended for dismissal by the Planning Inspector, which was upheld by the SoS. The Planning Inspector's and SoS reports can be found [here](#).

The Council has taken stock and evaluated the key matters raised by the SoS and the Planning Inspector in their respective reports on the 'Drake Park' decision which relate to the preparation of Elmbridge's new Local Plan.

## **The importance of a plan-led planning system**

The Government has been clear that all parties in the development process need to play their part in speeding up the delivery of much-needed new homes to tackle the nation's housing crisis. The Government considers Local Plans to be a key part of its comprehensive programme of planning reform and targeted investment to ensure the homes local communities need are built.

Current and draft national planning policy reinforces the Government's clear and strong emphasis on delivering sustainable development within a plan-led planning system. More specifically, the draft NPPF paragraph 15 states, amongst other things, that the planning system should be genuinely plan-led. There

are other references within the draft NPPF and both the SoS and Planning Inspector's reports, respectively, as to the importance of a plan-led system.

### **The need for a new Local Plan and the interpretation of paragraph 49 of the NPPF**

The Council is producing a new Local Plan as the need for new homes in the Borough is significantly higher than our current housing target and it was clear that any uplift in need, could not be met through the current spatial strategy.

To date the Council has carried out a considerable amount of work in preparing its new Local Plan. A Strategic Options consultation (Regulation 18) was published in December 2016 which outlined initial options of how we could respond to the challenge of addressing our housing need. This included the consideration of whether there are Exceptional Circumstances to potentially amend the Green Belt boundary.

At this early stage the emerging Local Plan carries very little weight and we acknowledge that paragraph 14 of the NPPF remains engaged as a consequence of the test set out in paragraph 49; we have a shortfall in housing land against local housing need. As such, 'housing applications should be considered in the context of the presumption in favour of sustainable development'.

But as evidenced, through the SoS and Planning Inspector's reports when considering housing proposals in Green Belt locations, the 'tilted balance' is not automatically applied as there are specific policies in the NPPF (relating to Green Belt) which need to be applied first. The draft NPPF follows the same approach and there is no significant change expected in our or the Government's interpretation.

This was certainly the case in the 'Drake Park' appeal and the SoS and the Planning Inspector deliberated whether the harm to the Green Belt is clearly outweighed by other considerations. Both afforded "significant weight" to the benefits of housing delivery and economic benefits and "moderate weight" to the affordable housing, public park and replacement community hall. However, they considered that those matters did not amount to "very special circumstances" in the circumstances of the appeal.

That approach demonstrates that notwithstanding a shortfall in housing need and a local plan at an early stage, the provision of housing is highly unlikely to amount to the "very special circumstances" necessary to justify inappropriate development in the Green Belt.

### **The need for housing and the supply of housing land in Elmbridge**

A key theme of the 'Drake Park' Public Inquiry was the identification of an objectively assessed need figure for housing (OAN) for Elmbridge.

The Council's own evidence, the Strategic Housing Market Assessment 2016 (SHMA) initially identified the OAN for Elmbridge as 474 new homes per annum (pa). This evidence was then updated by the Council to take account of more recent population projections, this resulted in the need for an additional 21 homes pa (in total 495 pa).

However, the SoS agreed with the Inspector that a worsening trend in prices and rents justified a market signals uplift to the OAN by 20% to 569 pa. That uplift accommodated the need for affordable housing and employment and therefore no further uplifts were justified. For the purpose of the appeal, the SoS determined that the uplifted figure should be the basis for an assessment of the 5 year housing land supply position.

The Council accepts the uplifted OAN figure but fully expects that this needs figure will become redundant, when the national standardised housing methodology is introduced by the Government in the revised NPPF. This is due to be published in July 2018.

Notwithstanding the above the SoS and the Inspector considered that the findings of the SHMA 2016 should not be rendered out of date merely because new projections have been issued since it was prepared. This is considered an endorsement that the qualitative information on housing need in the Borough (e.g. the breakdown of the type and size of homes) remains relevant.

The Inspector under a took an assessment of the Borough's 5 year housing land position, incorporating the uplifted OAN figure, a proportion for previous under supply and a 5% buffer (to allow choice in the market). This equated to a current housing land supply of 2.65 years. The Council accepts this is a realistic reflection of its current position (2017/18) noting that as outlined by the SoS and the Inspector this is broad indication of supply and not a precise figure.

The Council is currently undertaking additional work to identify further land within the Borough which has the potential for housing. The outcome of this work is expected to increase our housing land supply position.

### **The Local Plan Programme**

Progress on the new Local Plan is continuing. In response to our Strategic Options consultation (Dec 2016-Feb 2017) we have been further developing our Local Plan evidence base as well as undertaken a number of additional evidence base studies. Much of this work is now concluding and will inform the next key stage in the Local Plan preparation.

The Local Development Scheme (November 2017) provides the latest programme, we are making every effort to meet this timetable. However, our delivery is dependent on central Government publishing the update to national planning policy including the standard methodology for housing need and the capacity of our external delivery partners to help in the preparation of the evidence base.

### **Promoting land for development**

Previously land owners, agents, communities and other interested parties have had the opportunity to promote sites for future housing and any other uses. We have already received a positive response to these previous 'Call for Sites' exercises.

If you have yet to put forward a site, we would strongly encourage you to do so at this early stage of the plan preparation, so it can be fully considered. This particularly important for larger sites which may require infrastructure improvements and investment. To discuss promoting a site, please contact us at [planningpolicy@elmbridge.gov.uk](mailto:planningpolicy@elmbridge.gov.uk).

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