

## **Making Efficient Use of Land - Optimising Housing Delivery**

<b>Report of the/contact:</b>	Interim Head of Planning, Viv Evans
<b>Urgent Decision?(yes/no)</b>	No
<b>If yes, reason urgent decision required:</b>	N/A
<b>Annexes/Appendices (attached):</b>	None
<b>Other available papers (not attached):</b>	National Planning Policy Framework Draft National Planning Policy Framework Core Strategy Development Management Policies Document Plan E Epsom Town Centre Area Action Plan Issues & Options Consultation 2017

### **Report summary**

The adopted Core Strategy commits to delivering sustainable development and this includes the efficient use of development land. Through the new Local Plan, the Borough Council seeks to positively respond to the significant need for new homes and the challenge posed by the constraints of Green Belt, the generally low-rise nature of existing development in the Borough and the limited supply of housing land in Epsom & Ewell.

Changes in national planning policy are placing a greater emphasis on local planning authorities and developers responding positively to increases in housing delivery.

This national and local context in relation to housing need and housing land supply, require the development potential of housing sites be optimised. This is material planning consideration. This will mean that where proposals for new development and/or redevelopment are acceptable in principle the opportunity should be taken to optimise housing supply notwithstanding current policies in existing adopted policy documents and a more flexible approach to housing density and building heights so that the capacity for future homes in the Borough can be optimised.

This report advises Members of the material considerations when assessing planning applications against the current adopted policies in relation to conflicting demand from different use, densities and building heights. This advice should be reflected in the decisions of the Planning Committee.

## **Recommendation (s)**

### **That the Committee:**

- (1) Considers the current situation relating to this matter following the publication of changes in national planning policy; and**
- (2) Acknowledge the national and local material considerations in relation to housing need, housing land supply and the need to optimise development land and that due weight be attached to these matters when assessing planning applications against current adopted local policies.**

## **1 Implications for the Council's Key Priorities, Service Plans and Sustainable Community Strategy**

- 1.1 The Local Plan provides the spatial planning mechanism for implementing the vision set out by the Key Priorities. The delivery and implementation of the Epsom & Ewell Local Plan contributes towards all the Council's Key Priorities. The Local Plan review process will set out how sustainable growth will be delivered during the next plan period.

## **2 Background**

- 2.1 Nationally there is a much greater emphasis upon appropriate, or higher densities from new housing developments. The draft revision to the NPPF seeks to make the most effective use of development land. The most important change for the Borough comes at NPPF Para 123, which states –

“Where there is an existing or anticipated shortage of land for meeting identified housing needs, it is especially important that planning policies and decisions avoid homes being built at low densities, and ensure that developments make optimal use of the potential of each site.”

- 2.2 The preparation and production of the emerging update to the Local Plan and its supporting evidence base has identified a new challenge for the Borough. Following the publication of the Borough wide Strategic Housing Market Assessment, the Strategic Housing Land Availability and Green Belt Study it is clear that the Borough has a high objectively assessed housing need, yet lacks a sufficient supply of available, developable and deliverable housing sites to meet that need in full. Crucially, the Council currently cannot demonstrate a 5 year housing land supply to meet housing need. This is a material consideration when assessing the planning applications against adopted policy.

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- 2.3 The Borough Council's Core Strategy provides a strategic policy context for this issue. The overarching principle of Core Strategy is set out in Policy CS1 which states that the Council will expect the development and use of land to contribute positively to the social, economic and environment improvements necessary to achieve sustainable development- both in Epsom and Ewell, and more widely.
- 2.4 More specifically, Core Strategy Policy CS7 commits the Borough Council to "seek to ensure sufficient housing is provided to meet the Borough's housing requirements...". In addition, Core Strategy Policy CS5 seeks to protect and enhance the visual character and appearance of the Borough's built environment. This sets out to achieve this objective by securing high quality and inclusive design. Critically in respect of this issue it clearly states that all development should make efficient use of land and have regard to the need to develop land in a comprehensive way.
- 2.5 The Borough Council's approach towards housing density and taller residential buildings is set out under Development Management Policies DM11 and DM13 respectively. These policies seek to manage the intensity of new development by limiting new housing developments (in most cases) to densities of 40 dwellings per ha or fewer, and buildings heights up to a maximum of 12m. The exception to this being Epsom Town Centre, where Plan E Policy E7 allows for buildings up to a maximum height of 16m in certain locations. This could serve to restrict the 'capacity' of sites located within the existing built areas.

### 3 Proposals

- 3.1 In light of the above, it is considered that to achieve sustainable development on those sites that are available, deliverable and developable, housing should be fully optimised to ensure that the Borough responds positively to the requirement to provide as a minimum for its objectively assessed needs for housing and other development. Ultimately, this is likely to result in developing some sites at higher densities and which could involve taller buildings.
- 3.2 Members, as decision makers, should attribute weight to the wider national and local material planning considerations when assessing residential development schemes against current local adopted policy. This will ensure that sound and balanced decisions on planning applications are reached and that future development in the Borough positively contributes to achieving sustainable growth.
- 3.3 When reaching a balanced decision greater weight maybe attributed to the need to deliver new homes and subject to conformity with other relevant policies. For example, this may result in development that exceeds the density and / or height parameters of Policy DM11, Policy DM13 and Plan E Policy E7.

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- 3.4 Similarly, a constrained land supply may lead to conflicting demand from different uses. The local plan evidence is demonstrably clear that the major need is for new homes and the decision-maker will need to consider whether the proposed use of a site represents the most effective. This could result in an increase in mixed-use schemes. Alternatively, the decision maker may consider that those proposals that fail to optimise the potential capacity of a site, or prejudice the developability of a wider site area to be developed for housing should not be positively considered. In those cases, the decision maker should consider deploying Core Strategy Policy CS5, alongside the NPPF as grounds for refusal. Given the Borough's high objectively assessed housing need and limited supply of available, deliverable and developable sites this is considered a robust ground for refusal.
- 3.5 This will also prove positive at the forthcoming Local Plan 'examination in public' where it will need to be demonstrated that the Council is responding positively to the challenge of housing delivery not only in policy making but also in decision making on individual planning applications.
- 3.6 Members and residents (through the Issues & Options Consultation on the new Local Plan (2017) have expressed a desire to consider opportunities to optimise capacity of development sites. This could include increased densities and building heights whilst responding to the Borough's special visual character and appearance.
- 3.7 Potential locations for higher buildings and densities have already been identified through the recent Issues & Options Consultation and the draft NPPF. These locations include town centres, sites in proximity to railway stations; and sites located along transport corridors.
- 3.8 Through the preparation of the Local Plan Members will be able to be set a locally derived design vision for the Borough and the design expectations for future schemes. This would also guide the designing of higher density schemes so that they complement the distinctive character of the Borough and achieve other key design objectives including community safety and provision of adequate amenity space.
- 3.9 Officers are considering the merits of producing a master plan document to form part of the Local Plan evidence base. This could explore suitable place-making concepts and develop new typologies for residential development within Borough that respond to Epsom & Ewell's distinctive character.

## **4 Financial and Manpower Implications**

- 4.1 There are no financial or manpower implications generated by this report. All implications will be managed within existing budgets

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### 5 Legal Implications (including implications for matters relating to equality)

- 5.1 Section 38(6) of the Planning & Compulsory Purchase Act 2004 provides that “if regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise”
- 5.2 Section 70(2) of the Town and Country Planning Act 1990 provides that “in dealing with an application for planning permission or permission in principle the authority shall have regard to
- (a) the provisions of the development plan, so far as material to the application,....
  - (b) any other material considerations.”
- 5.3 This can include emerging Local Plan evidence base documents. Similarly, national planning policy can be communicated in many forms, including circulars, ministerial statements, White Papers, appeal decisions and other means. National policy takes on a particularly important role in the plan preparation process and should be given significant weight, often overriding weight, unless other considerations indicate otherwise.
- 5.4 **Monitoring Officer’s comments:** *None arising from the report.*

### 6 Sustainability Policy and Community Safety Implications

- 6.1 Meeting local housing needs is a key component of securing a sustainable pattern for new development across the Borough. The Local Plan evidence clearly demonstrates a high demand for new homes that significantly exceeds the current supply of housing land. Current national planning policy (NPPF Paragraph 14) and the emerging revisions to the NPPF (Paragraph 11) sets out the basis for presumption in favour of sustainable development.
- 6.1 Objections to higher density schemes and taller buildings often include concerns about their impact on levels of anti-social behaviour and crime. However, well-designed and well-integrated higher density schemes, using tools such as Secure by Design will assist in creating practical, safe and desirable residential environments. The principles of these tools will inform any forthcoming place- making masterplan for the Borough.

### 7 Partnerships

- 7.1 The Borough Council will need to pro-actively engage with the development industry; architects, planning agents, house builders and registered providers to encourage the submission of development schemes which optimise the capacity of each site. This will be primarily through the Council’s pre-application service.

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### 8 Risk Assessment

- 8.1 The Core Strategy's current housing target is considered out of date and Council does not have a 5 year housing land supply or sufficient sites to meet its Objectively Assessed Housing Need figure. Work is progressing to update the Core Strategy and produce a new housing target and housing supply policies to deliver sustainable growth.
- 8.2 By taking a proactive approach to optimising development sites within the plan making and decision making process and identifying where it should and should not go, we will place ourselves in a stronger position to resist unsustainable levels of growth in the wrong locations.
- 8.3 The weight attached to material considerations in reaching a decision is a matter of judgement for the decision maker, however, the decision maker is required to demonstrate that in reaching that decision that they have considered all relevant matters. Failure to take into account of relevant material matters such as those outlined in this report may result unsound decisions and affect the Council's appeal performance.

### 9 Conclusion and Recommendations

- 9.1 The Local Plan evidence base has identified that the Borough has a high Objectively Assessed Housing Need figure and there is a significant shortfall of deliverable and developable housing sites within the Borough. Nationally there is a drive to deliver more homes, faster as well as achieving the effective use of development land.
- 9.2 Therefore, in light of the Borough's housing land supply position, those sites that are available, deliverable and developable should be fully optimised to positively respond to our objectively assessed housing need.
- 9.3 Whilst every planning application will be assessed on its own merits, decision makers will need to carefully balance the current policy requirements with the material planning considerations outlined in this report. This may result in development proposals seeking to optimise the capacity of a proposal site by developing to a higher density (greater than 40 dwellings per ha) or exceed the maximum building height being considered positively.
- 9.4 It is considered that this approach will prove to be a positive policy position at the forthcoming Local Plan 'examination in public' where the Council will have to demonstrate that it is responding positively to the challenge of housing delivery not only in policy making but also in decision- making on individual planning applications.
- 9.5 The report highlights the national and local material considerations in relation to housing need and housing land supply and that due weight should be attached to these matters when assessing planning applications against current adopted local policies.

**Ward(s) affected:** (All Wards);