

Public Document Pack

Simon Young, Solicitor
Head of Legal and Democratic Services



LICENSING AND PLANNING POLICY COMMITTEE

Thursday 7 December 2017 at 7.30 pm

Council Chamber - Epsom Town Hall

The members listed below are summoned to attend the Licensing and Planning Policy Committee meeting, on the day and at the time and place stated, to consider the business set out in this agenda.

Councillor Graham Dudley (Chairman)	Councillor Rob Geleit
Councillor David Wood (Vice-Chairman)	Councillor Tina Mountain
Councillor Michael Arthur	Councillor Martin Olney
Councillor Steve Bridger	Councillor David Reeve
Councillor Chris Frost	Councillor Alan Sursham

Yours sincerely

A handwritten signature in black ink, appearing to read 'S Young', written over a horizontal line.

Head of Legal and Democratic Services

For further information, please contact Sandra Dessent, tel: 01372 732121 or email: sdessent@epsom-ewell.gov.uk

AGENDA

1. QUESTION TIME

To take any questions from members of the the Public

Please note: Members of the Public are requested to inform the Democratic Services Officer before the meeting begins if they wish to ask a verbal question to the Committee.

2. DECLARATIONS OF INTEREST

Members are asked to declare the existence and nature of any Disclosable Pecuniary Interests in respect of any item of business to be considered at the meeting.

3. MINUTES OF PREVIOUS MEETING (Pages 3 - 6)

The Committee is asked to confirm as a true record the Minutes of the Meeting of the Committee held on 26 October 2017 (attached) and to authorise the Chairman to sign them.

4. EPSOM & EWELL COMMUNITY INFRASTRUCTURE LEVY REGULATION 62 STATEMENT (Pages 7 - 26)

This report serves as an information item to the Committee, enclosing the CIL annual report, prior to it being published on the Borough Council's website.

5. INTRODUCING THE BROWNFIELD LAND REGISTER (Pages 27 - 34)

The government has recently introduced the requirement that local planning authorities prepare a Brownfield Land Register. This document identifies available, deliverable and developable sites for new housing that exist on previously developed land. The Council is required to publish this document by 31 December 2017.

6. LOCAL PLAN AFFORDABLE HOUSING POLICY - STATEMENT ON THE EXEMPTION OF SMALL SITES FROM DEVELOPMENT CONTRIBUTIONS (Pages 35 - 58)

The government has introduced changes to National Planning Practice Guidance in the wake of a Written Ministerial Statement (WMS) on whether local planning authorities can continue to seek developer contributions (for affordable housing) from development proposals of ten or fewer dwellings. The introduction of this approach will restrict our ability to meet the local demand for affordable housing. It will further exacerbate need and over time has the potential to significantly impact on our role as the local housing authority.

In response, the Council prepared a position statement that set out the justification and evidence for its continued application of its own adopted policy, which allows the Council to access contributions from proposals of five or more dwellings. Following recent appeal decisions we have revised our position statement so that our justification and evidence is clearer and concise.

7. PLANNING IMPROVEMENT ACTION PLAN 2017 (Pages 59 - 96)

The Planning Advisory Service (under the aegis of the Local Government Association) facilitated a Planning Improvement Peer Challenge in September 2017. The Peer Review report is attached at **Annexe 1**. This report sets out the management response to the findings of this review, set out in Annexe 2. The action plan at **Annexe 2** was adopted by the Planning Committee on 13 November 2017 with the exception of those items under section 4 of the plan that fall for consideration and adoption by this committee.

**Minutes of the Meeting of the LICENSING AND PLANNING POLICY COMMITTEE
held on 26 October 2017**

PRESENT -

Councillor Graham Dudley (Chairman); Councillor David Wood (Vice-Chairman); Councillors Michael Arthur, Steve Bridger, Rob Geleit, Tina Mountain, Martin Olney, David Reeve, Alan Sursham and Clive Smitheram (as nominated substitute for Councillor Chris Frost)

In Attendance: Councillor Alex Clarke and Councillor Tella Wormington

Absent: Councillor Chris Frost

Officers present: Sandra Dessent (Democratic Services Officer) and Karol Jakubczyk (Planning Policy Manager)

17 QUESTION TIME

No questions had been submitted or were asked by members of the public.

18 DECLARATIONS OF INTEREST

No declarations of interest were made by councillors regarding the item on the Agenda.

19 MINUTES OF PREVIOUS MEETING

The Minutes of the Meeting of the Licensing and Planning Policy Committee held on 14 September 2017 were agreed as a true record and signed by the Chairman.

20 PLANNING FOR THE RIGHT HOMES IN THE RIGHT PLACE - THE COUNCIL'S RESPONSE

The government had published a consultation paper seeking proposed changes to the planning system that it believed would help meet the objectives set out in the Housing white paper, published at the end of 2016. The proposals included a standard national methodology for calculating the Borough Council's objectively assessed housing need which when applied produced a figure of 579 new homes per annum compared to 418 new homes, the scale of need that was identified through the Council's own evidence.

The Committee was asked to consider a report detailing a draft response to the government's consultation which was to be published as part of the current Local Plan consultation process.

The government's formula for assessing housing need was discussed in comparison to the Council's formula and the Committee were informed that the government's simplified formula utilized far less data to calculate the figure, in essence:

Local housing need = (1+adjustment factor) x projected household growth

It was noted that the figure of 579 homes calculated using the above formula could not be revised downwards by applying evidence produced for the Council's Local Plan, and whilst it was likely that the figures would be revised every five years, the 'one size fits all' approach where specific local constraints could not be factored in would result in an unviable housing need figure for the Borough.

The scope to transfer part of the requirement for new homes to other boroughs was discussed and it was noted that the Council had a duty to cooperate with neighbouring boroughs. However whilst we were required to demonstrate that discussions on cross boundary strategic issues had taken place, it was likely that our neighbouring boroughs were in the same position as Epsom & Ewell, namely that our neighbours also have a limited supply of available housing sites and will not be able to meet their own housing needs. In order to address the shortcomings of the current policy of Duty to Cooperate the government were proposing that local authorities pursued a 'statement of common ground' instead with the aim to provide a road map and a record of cross-boundary co-operation. To that end, it was noted that the Council were already in discussion with its three Housing Market Area partners (Elmbridge, Kingston and Mole Valley) in conjunction with whom the borough's original objectively assessed housing need was calculated, to agree an approach which would likely exceed that being handed down through this current consultation. It was noted that it was important to provide evidence to the Planning Inspectorate that other boroughs had been consulted, in order to minimise the risk of intervention.

It was subsequently agreed to add a comment to the question 9 response as follows:

'However the Borough Council notes that while the use of a limited number of statements of common ground between authorities that collectively comprise a HMA may be logical, a more extensive usage may ultimately prove onerous. The Borough Council understands that the DCLG envisages scenarios where neighbouring and related local planning authorities potentially become signatories of multiple statements of common ground. Such an approach is not welcomed.'

With regard to the subject of neighbourhood planning referred to in question 11, it was agreed to amend the first part of the response to more accurately reflect the facts, as follows:

'In Epsom and Ewell to date there has been no interest in bringing forward a neighbourhood plan, however the borough has been a residents association lead council since established in the 1930s and, as such, embodies the principles of true localism.'

Regarding the process to ensure that infrastructure providers, including housing associations were engaged throughout the exercise, it was agreed to amend the response to question 15, as follows:

'...The Government should place a legal/mandatory requirement upon providers to engage with the local planning authority.'

With regard to the required contributions to affordable housing that developers were obligated to make, the Committee discussed the current viability schemes which were regarded as unsatisfactory by the Council, and 'claw back' arrangements that to date Planning Inspectors had taken a hard line against local authorities implementing. As part of the decision making process for local planning applications it was common practice to add a condition regarding the claw back process, and the possibility of including a viability statement in the Local Plan was discussed. It was agreed that officers would consult with the legal team and respond by email to members of the committee by Friday 3 November.

It was also agreed to add more detail to the response in question 12 to include more of the information included in the response of question 16.

Three further minor amendments were identified as follows:

Page 28, response to question 16, fourth para to read:	'...they must generate enough cash both to pay for their operations and the cost of financing either via debt or to shareholders...'
Page 31, response to question 18 c) to read:	'Yes – the Borough Council supports the additional increase becoming a national standard.'
Page 32, response to question 19 to read:	'The Borough Council has no specific comment to make but would be very interested to hear the industry's responses...'

It was also agreed that the Borough Council's formal response be the subject of a press release as well as being published on the Council's website.

Accordingly, the Committee:

- (1) Considered the draft comments to the government's proposals and, subject to the amendments detailed above, agreed that these form the basis of the Council's response to the consultation.

- (2) Agreed that the Borough Council's formal response to the consultation be published as part of the current Local Plan consultation process in order to inform local residents and communities of the fact that the government is driving the scale of growth proposed for Epsom & Ewell.

The meeting began at 7.30 pm and ended at 9.40 pm

COUNCILLOR GRAHAM DUDLEY (CHAIRMAN)

Epsom & Ewell Community Infrastructure Levy Regulation 62 Statement

Report of the:	Head of Place Development
Contact:	Karol Jakubczyk
Urgent Decision?(yes/no)	No
If yes, reason urgent decision required:	N/A
Annexes/Appendices (attached):	Annexe 1: Community Infrastructure Levy Regulation 62 Report October 2017
Other available papers (not attached):	

Report Summary

The Community Infrastructure Levy (CIL) enables a charge to be levied on new development in order to help fund the delivery of new infrastructure across their area which is needed to support new development. We have been collecting CIL from liable developments since July 2014.

The Charging Authority is required under Regulation 62 of the Community Infrastructure Regulations 2010 (as amended) to prepare and publish an annual report that sets out how much CIL has been spent or allocated, and how much remains available. This is to ensure the levy is open and transparent. This report serves as an information item to the Committee, enclosing the CIL annual report, prior to it being published on the Borough Council's website.

Recommendation

This report has been prepared for the Committee's information. Members of the Committee are asked to note the content of the latest Regulation 62 Report for the year April 2016 until March 2017 which will be published on the Borough Council's website before 31 December 2017.

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 the vision set out in the Sustainable Community Strategy, and it will assist in the achievement of all the Council's Key Priorities. The Community Infrastructure Levy (CIL) is the principle mechanism that will ensure that

future developments contribute towards the delivery of community infrastructure that is needed to support growth.

2 Background

- 2.1 The CIL is a local levy on new development that local authorities can choose to introduce to help fund the delivery of new infrastructure across their area. The implementation of CIL is closely guided by the Community Infrastructure Levy Regulations 2010 and subsequent Amending Regulations.
- 2.2 We started work on introducing CIL during 2012; publishing our preliminary and draft charging schedules during the second half of 2013. Our draft charging schedule was the subject of an independent examination during the first quarter of 2014. Following the examination we adopted our charging schedule and commenced charging from 1 July 2014. We have responsibility as both the Charging and Collecting Authority for development taking place in the Borough.
- 2.3 The Community Infrastructure Regulations state under Part 7 (Regulation 62 (4)) that a charging authority must prepare a report for any financial year that it collects CIL. The Regulations require that such a report must include the following information:
 - 2.3.1 the total CIL receipts for the reported year;
 - 2.3.2 the total CIL expenditure for the reported year;
 - 2.3.3 summary details of CIL expenditure during the reported year including –
 - i. the items of infrastructure to which CIL (including land payments) has been applied,
 - ii. the amount of CIL expenditure on each item,
 - iii. the amount of CIL applied to repay money borrowed, including any interest, with details of the infrastructure items which that money was used to provide (wholly or in part),
 - iv. the amount of CIL applied to administrative expenses pursuant to regulation 61, and that amount expressed as a percentage of CIL collected in that year in accordance with that regulation; and
 - 2.3.4 the total amount of CIL receipts retained at the end of the reported year.
- 2.4 Since introducing CIL we have prepared and published one previous Regulation 62 Report. That Report covered the reporting period during April 2015 until March 2016. Our latest Regulation 62 Report covers the period during April 2016 until March 2017. A copy of our latest Regulation 62 Report is included under **Annexe 1**.

3 The Regulation 62 Statement

- 3.1 The Regulation 62 Statement notes that during the report period April 2016 until March 2017, we collected monies to the total of £2,097,990.03 from liable developments. The Statement identifies the developments from which we received Levy receipts under Table 1.
- 3.2 The Statement notes that during the reporting period we raised invoices totalling £1,393,214.24. The liable developments which were invoiced are detailed under Table 2.
- 3.3 The Statement further identifies those development proposals from which CIL receipts remained outstanding (at April 2017). These are identified under Table 3. It is noted that not all of these proposal will be implemented, and that some may be superseded by fresh applications. Nevertheless, this does provide an insight into how many additional Levy receipts may be forthcoming in the short-term.
- 3.4 Finally, the Statement sets out the scale and detail of allocated Levy expenditure (under Section 4). This was comprised of £80,000.00 allocated from the 5% administration fee towards Planning Policy Team salaries (directly supporting the implementation of CIL), and £476,009.00 allocated from the 80% main CIL fund as top-up funding for the Plan E Epsom Town Centre Major Highway Improvement Scheme.

4 Financial and Manpower Implications

- 4.1 A staff resource is already in place to ensure the day-to-day implementation of our CIL regime. This resource is directly funded from CIL funds, namely the 5% administrative fee. A proposal to extend this resource further, beyond the current end date of December 2019, is being prepared and may form the subject of a separate report to the Council's Strategy & Resources Committee.
- 4.2 ***Chief Finance Officer's comments:*** *The Regulation 62 Statement at Annexe 1 details the CIL invoiced, collected and spent during 2016/17. Regulations require CIL to be applied to funding local infrastructure projects, although 5% may be used to fund the revenue cost of administering the CIL scheme.*

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

- 5.1 A Charging Authority is required under Regulation 62 of the The Community Infrastructure Levy 2010 (as amended) CIL Regulations require that we produce a report for any financial year that we collect CIL and publish it by 31 December. The publishing of the enclosed Regulation 62 Statement we will meet this requirement.

6 Sustainability Policy and Community Safety Implications

6.1 None for the purposes of this report.

7 Partnerships

7.1 None for the purposes of this report.

8 Risk Assessment

8.1 As the CIL Charging and Collecting Authority we are required to be open and transparent in our activities associated with the Levy – particularly, in respect of how we distribute and spend collected monies. The publication of the Regulation 62 Statement will demonstrate transparency, fully minimising any risk that may have arisen from this process.

9 Conclusion and Recommendations

9.1 Members of the Committee are asked to note the content of the latest Regulation 62 Report and that it will be published on the Borough Council's website before 31 December 2017.

Ward(s) Affected: (All Wards);

Epsom & Ewell Borough Council Community Infrastructure Levy Regulation 62 Report Reporting Period 2016 – 2017



Page 11

Epsom & Ewell Borough Council
Community Infrastructure Levy
Regulation 62 Report Reporting Period 2016 – 2017
October 2017

Contents

Introduction2

Overview of Community Infrastructure Levy 2016 – 2017.....3

1. Total CIL Receipts 2016 – 20173

2. Total CIL Invoices Raised During 2016 – 20176

3. Potential Community Infrastructure Levy Receipts from developments granted permission9

4. Summary of Allocated CIL Expenditure13

5. Summary of Unallocated CIL Monies14

**Epsom & Ewell Borough Council
Community Infrastructure Levy
Regulation 62 Report Reporting Period 2016 – 2017
October 2017**

Introduction

The Community Infrastructure Levy (CIL) is a local tax on new development that local authorities can choose to introduce to help fund the delivery of new infrastructure across their area. The implementation of CIL is closely guided by the Community Infrastructure Levy Regulations 2010 and subsequent Amending Regulations.

The Borough Council chose to introduce CIL during 2012; publishing its preliminary and draft charging schedules for CIL during the second half of 2013. The Borough Council's draft charging schedule for CIL was the subject of an independent examination during the first quarter of 2014. Following the examination the Borough Council formerly introduced CIL and commenced charging from 1 July 2014. The Borough Council is both the Charging and Collecting Authority for development taking place in the Borough.

The Community Infrastructure Regulations state under Part 7 (Regulation 62 (4)) that a charging authority must prepare a report for any financial year that it collects CIL. The Regulations require that such a report must include the following information:

- a) the total CIL receipts for the reported year;
- b) the total CIL expenditure for the reported year;
- c) summary details of CIL expenditure during the reported year including –
 - i. the items of infrastructure to which CIL (including land payments) has been applied,
 - ii. the amount of CIL expenditure on each item,
 - iii. the amount of CIL applied to repay money borrowed, including any interest, with details of the infrastructure items which that money was used to provide (wholly or in part),
 - iv. the amount of CIL applied to administrative expenses pursuant to regulation 61, and that amount expressed as a percentage of CIL collected in that year in accordance with that regulation; and
- d) the total amount of CIL receipts retained at the end of the reported year.

The Regulations require that the charging authority must publish the report on its website no later than 31st December following the end of the reported year.

Epsom & Ewell Borough Council
Community Infrastructure Levy
Regulation 62 Report Reporting Period 2016 – 2017
October 2017

Overview of Community Infrastructure Levy 2016 – 2017

1. Total CIL Receipts 2016 – 2017

During the Reporting Period April 2016 – March 2017 the Borough Council received payment from CIL liable developments to the total value of **£2,097,990.03**. The table below (Table 1) sets out in detail the CIL liable developments that made payment during the Reporting Period. Please note that some of these liable developments were invoiced for payment during the previous Reporting Period (April 2015 – March 2016). These developments made either full or part payment during the current Reporting Period, which is the reason why they feature in this Report. For example, reference 15/00098/FUL, the housing development on the former NESLOT Animal Husbandry land was invoiced during August 2015 and made part payment of CIL during 2015 – 2016; payment was completed during the current Report Period. Likewise there will be liable developments invoiced during the current Reporting Period that will complete payment during the next Reporting Period (2017 – 2018).

Table 1: Community Infrastructure Receipts 2016 – 2017

Planning Ref	Address	Decision Date	Date invoiced	Amount Invoiced	Amount Received 16-17
15/00493/FUL	KINGS LODGE, 28 CHURCH ST	25/08/2015	05/11/2015	£18,750.00	£9,375.00
15/00344/RES	168 East Street	29/07/2015	10/08/2015	£69,329.46	£23,109.82
14/01837/FUL	Acer House	09/06/2015	07/10/2015	£137,678.57	£91,785.71
15/00098/FUL	NESLOT	20/08/2015	11/12/2015	£1,155,642.80	£770,428.00
13/01613/FUL	Heron Court, Alexandra Road	15/12/2014	24/06/2016	£67,925.00	£67,925.00
14/00355/FUL	7 Stoneleigh Park Road	14/08/2014	18/05/2016	£4,625.00	£4,625.00
15/00297/FUL	2 Riverview Road	13/07/2015	27/09/2016	£13,281.61	£13,281.61
14/01855/FUL	Priam Lodge Stables, 83 Burgh Heath Road	17/07/2015	19/04/2016	£15,803.57	£15,803.57
15/00634/FUL	26 Amis Avenue	21/09/2015	12/07/2016	£16,071.43	£16,071.43

Epsom & Ewell Borough Council
Community Infrastructure Levy
Regulation 62 Report Reporting Period 2016 – 2017
October 2017

15/01548/FUL	6 to 8 Chuters Grove	24/03/2016	20/05/2016	£18,482.14	£18,482.14
15/01574/REM (also 15/01133/FUL)	4 to 6 Chuters Grove	24/03/2016	20/05/2016	£18,482.14	£18,482.14
15/01323/FUL	Berridale, 15 College Road	22/06/2016	05/10/2016	£73,851.45	£73,851.45
15/01215/FUL	News Shop, 12 Ruxley Lane	26/01/2016	28/10/2016	£5,223.21	£5,223.21
15/01860/FUL	44 Dorking Road	09/05/2016	28/10/2016	£11,571.43	£11,571.43
15/00577/FUL	47 Northcroft Road	11/09/2015	18/05/2016	£8,705.36	£8,705.36
15/00705/FUL	51 Dorking Road	11/09/2015	15/06/2016	£11,116.07	£11,116.07
15/01448/FUL	41 Green Lanes, West Ewell	29/03/2016	21/06/2016	£4,593.75	£4,593.75
15/01544/FUL	60 Cox Lane	01/04/2016	15/06/2016	£11,316.96	£11,316.96
15/01337/FUL	13 Pine Hill, Epsom	29/02/2016		£33,274.55	£33,274.55
15/00340/FUL	39 Salisbury Road	11/09/2015	06/06/2016	£14,208.02	£14,208.02
15/01532/FUL	Ashley House, Ashley Road	16/06/2016		£185,089.29	£185,089.29
15/00967/FUL	Kit Stone Kitchens, 77-79 South Street	23/11/2015	06/09/2016	£8,035.71	£8,035.71
15/00362/FUL	Land Rear Of 13 To 26 Elm Road & 121 To 159 Kingston Road	08/07/2015	19/04/2016	£56,300.89	£56,300.89
16/00225/RES and 15/00804/OUT	86 Grosvenor Road	19/07/2016	31/08/2016	£38,305.15	£38,305.15
15/00674/FUL	137 Riverview Road, Ewell	29/09/2015	08/08/2016	£7,875.00	
15/01366/FUL	24 Ruxley Close, West Ewell	02/12/2014	05/04/2016	£3,348.21	£3,348.21
15/01370/FUL	Sunnybank, The Ridge	17/02/2016	10/08/2016	£43,800.00	£43,800.00
14/01579/FUL	3 Alexandra Road	01/04/2015	08/03/2016	£32,650.89	£32,650.89
15/01335/FUL	93 Ruxley Lane, West Ewell	27/01/2016	11/01/2017	£12,264.28	

Epsom & Ewell Borough Council
Community Infrastructure Levy
Regulation 62 Report Reporting Period 2016 – 2017
October 2017

15/00508/FUL	405 Kingston Road	27/08/2015	11/08/2016	£6,750.00	£4,875.00
14/00795/FUL	RO 72 Stoneleigh Broadway	14/07/2015	20/07/2016	£66,701.79	£44,467.91
15/00076/FUL	27 Ewell Park Way	05/08/2015	13/09/2016	£19,425.00	£9,712.50
16/00410/FUL	The Epsom Framing Company, 41 Waterloo Road	15/08/2016	11/01/2017	£621.51	£621.51
15/00176/FUL	14 Station Avenue	24/06/2015	16/01/2017	£10,178.57	£10,178.57
14/00967/FUL	NESCOT Care Home	19/12/2014	18/01/2017	£267,160.00	£267,160.00
15/00992/FUL	Ryebrook Studios, Woodcote Side	26/01/2016	19/10/2016	£67,633.93	£22,545.93
15/01561/FUL	Trevi, 33 Heathcote Road	26/03/2016	02/08/2016	£31,004.46	£31,004.46
15/00604/FUL	93 Chessington Road	28/08/2015	05/05/2016	£60,699.64	£60,699.64
13/01718/FUL	Meadowcroft, 56 Longmead Road	10/02/2015	07/02/2017	£18,550.00	£9,275.00
16/00608/FUL (resubmission of 15/01336)	15 Pine Hill, Epsom	12/09/2016	02/11/2016	£10,261.21	£10,261.21
16/00348/FUL	School Bungalow, Longmead Road	31/08/2016	15/02/2017	£36,427.94	£36,427.94
				£2,693,015.99	£2,097,990.03

Epsom & Ewell Borough Council
Community Infrastructure Levy
Regulation 62 Report Reporting Period 2016 – 2017
October 2017

2. Total CIL Invoices Raised During 2016 – 2017

During the Report Period the Borough Council raised invoices for payment from CIL liable developments totalling **£1,393,214.24**. The table below (Table 2) sets out in detail the CIL liable developments invoiced during the Reporting Period.

Please note that a number of the developments were granted permission during previous Reporting Periods. This is not unusual. Our expanding knowledge of the CIL process suggests that this is normal, particularly in cases where the development is not immediately “shovel-ready”. Invoicing of liable developments takes place when the liable party submits a commencement notice, which notifies the collecting authority of their proposed start date, or when the collecting authority establishes that development has started in the absence of a commencement notice. The latter instance is a disqualifying event, in terms of the phased payment regime, and as a consequence should it occur the liable party is required to make an immediate payment in full.

There have been a small number of cases where the Borough Council has learned of liable developments commencing retrospectively. In all cases the Borough Council issued invoices seeking immediate payment in full. Where payment was not forthcoming, the Borough Council’s Legal Team have been instructed to pursue recovery. During the Reporting Period the Borough Council was successful in recovering payments in full, in addition to all surcharges and interest incurred.

Table 2: Community Infrastructure Levy Invoices Raised 2016 – 2017

Planning Ref	Address	Decision Date	Date invoiced	Amount Invoiced
13/01613/FUL	Heron Court, Alexandra Road	15/12/2014	24/06/2016	£67,925.00
14/00355/FUL	7 Stoneleigh Park Road	14/08/2014	18/05/2016	£4,625.00
14/01855/FUL	Priam Lodge Stables, 83 Burgh Heath Road	17/07/2015	19/04/2016	£15,803.57
15/00297/FUL	2 Riverview Road	13/07/2015	27/09/2016	£13,281.61
15/00634/FUL	26 Amis Avenue	21/09/2015	12/07/2016	£16,071.43

Epsom & Ewell Borough Council
Community Infrastructure Levy
Regulation 62 Report Reporting Period 2016 – 2017
October 2017

15/01548/FUL	6 to 8 Chuters Grove	24/03/2016	20/05/2016	£18,482.14
15/01574/REM (also 15/01133/FUL)	4 to 6 Chuters Grove	24/03/2016	20/05/2016	£18,482.14
15/01323/FUL	Berridale, 15 College Road	22/06/2016	05/10/2016	£73,851.45
15/01215/FUL	News Shop, 12 Ruxley Lane	26/01/2016	28/10/2016	£5,223.21
15/01860/FUL	44 Dorking Road	09/05/2016	28/10/2016	£11,571.43
15/00577/FUL	47 Northcroft Road	11/09/2015	18/05/2016	£8,705.36
15/00705/FUL	51 Dorking Road	11/09/2015	15/06/2016	£11,116.07
15/01448/FUL	41 Green Lanes, West Ewell	29/03/2016	21/06/2016	£4,593.75
15/01544/FUL	60 Cox Lane	01/04/2016	15/06/2016	£11,316.96
15/01337/FUL	13 Pine Hill, Epsom	29/02/2016	Payment made in advance of invoice	£33,274.55
15/00340/FUL	39 Salisbury Road	11/09/2015	06/06/2016	£14,208.02
15/01532/FUL	Ashley House, Ashley Road	16/06/2016	Payment made in advance of invoice	£185,089.29
15/00967/FUL	Kit Stone Kitchens, 77-79 South Street	23/11/2015	06/09/2016	£8,035.71
15/00362/FUL	Land Rear Of 13 To 26 Elm Road & 121 To 159 Kingston Road	08/07/2015	19/04/2016	£56,300.89
16/00225/RES and 15/00804/OUT	86 Grosvenor Road	19/07/2016	31/08/2016	£45,661.76
15/01366/FUL	24 Ruxley Close, West Ewell	05/02/2016	05/04/2016	£3,348.21
15/00674/FUL	137 Riverview Road, Ewell	29/09/2015	08/08/2016	£7,875.00
15/01370/FUL	Sunnybank, The Ridge	17/02/2016	10/08/2016	£43,800.00

Epsom & Ewell Borough Council
Community Infrastructure Levy
Regulation 62 Report Reporting Period 2016 – 2017
October 2017

15/01335/FUL	93 Ruxley Lane, West Ewell	27/01/2016	11/01/2017	£12,264.28
14/00952/FUL	5A Stoneleigh Park Road	07/11/2014	29/11/2016	£4,750.00
15/00508/FUL	405 Kingston Road	27/08/2015	11/08/2016	£6,750.00
14/00795/FUL	RO 72 Stoneleigh Broadway	14/07/2015	20/07/2016	£66,701.79
15/00076/FUL	27 Ewell Park Way	05/08/2015	13/09/2016	£19,425.00
16/00410/FUL	The Epsom Framing Company, 41 Waterloo Road	15/08/2016	11/01/2017	£621.51
15/00176/FUL	14 Station Avenue	24/06/2015	16/01/2017	£10,178.57
14/00967/FUL	NESCOT Care Home	19/12/2014	18/01/2017	£267,160.00
16/00608/FUL (resubmission of 15/01336)	15 Pine Hill, Epsom	12/09/2016	02/11/2016	£10,261.21
15/00992/FUL	Ryebrook Studios, Woodcote Side	26/01/2016	19/10/2016	£67,633.93
15/01561/FUL	Trevi, 33 Heathcote Road	26/03/2016	02/08/2016	£31,004.46
15/00604/FUL	93 Chessington Road	28/08/2015	05/05/2016	£60,699.64
15/00492/FUL	Court Lodge, Court Lane	09/06/2016	09/03/2017	£80,580.86
15/01500/FUL	Ardingly Court, Woodcote Road	21/03/2016	15/03/2017	£21,562.50
16/00348/FUL	School Bungalow, Longmead Road	31/08/2016	15/02/2017	£36,427.94
13/01718/FUL	Meadowcroft, 56 Longmead Road	10/02/2015	07/02/2017	£18,550.00
				£1,393,214.24

Epsom & Ewell Borough Council
Community Infrastructure Levy
Regulation 62 Report Reporting Period 2016 – 2017
October 2017

3. Potential Community Infrastructure Levy Receipts from developments granted permission

The following, Table 3, sets out those liable developments that may in the future generate further CIL receipts. At the end of the reporting period (April 2017), the parties involved had yet to assume liability to pay CIL or the proposal had yet to commence. It is possible that some of these proposal will either be unimplemented, or will be superseded by fresh applications. Nevertheless, the data set out in this table provides an indication of how much CIL money may be forthcoming in the next report period (April 2017-March 2018).

Table 3: Outstanding CIL Liable Developments April 2017

Planning Ref	Address	Decision Date	Liability Notice Date	Potential CIL Amount	Status at April 2017
14/01750/RES	57 Woodlands Road	21/04/2015	25/08/2015	£77,946.43	Awaiting assumption of liability and commencement
14/01857/FUL	London Road Lodge	03/06/2015	27/07/2015	£7,633.93	Awaiting assumption of liability and commencement
15/00377/FUL	R/O 35 The Avenue	28/07/2015	13/08/2015	£56,785.71	Awaiting assumption of liability and commencement
15/00339/FUL	17 Riverview Road	10/08/2015	21/08/2015	£9,100.45	Awaiting assumption of liability and commencement

Epsom & Ewell Borough Council
Community Infrastructure Levy
Regulation 62 Report Reporting Period 2016 – 2017
October 2017

15/00951/FLH	26 Meadway	13/11/2015	20/11/2015	£16,205.36	Awaiting assumption of liability and commencement
15/00336/FUL	R/ 44-48 Stoneleigh Broadway	23/11/2015	23/11/2015	£50,198.14	Awaiting assumption of liability and commencement
15/00686/FUL	15A Upper High Street	23/11/2015	25/11/2015	£3,214.29	Awaiting assumption of liability and commencement
15/00489/FUL	The Roveries, 59-63 Cox Lane	15/12/2015	12/01/2016	£61,339.29	Awaiting assumption of liability and commencement
15/01388/FUL	Grange Mansions, Kingston Road	24/02/2016	02/03/2016	£44,745.54	Awaiting assumption of liability and commencement
14/00242/FUL	70 Worple Road	11/07/2014	15/07/2014	£30,500.00	Awaiting commencement notice
14/00077/FUL	287 Kingston Road	06/08/2014	18/08/2014	£9,250.00	Awaiting Assumption of Liability
14/00296/FUL	Ewell Post Office, 4-5 Market Parade	26/08/2014	08/09/2014	£34,500.00	Awaiting assumption of liability and commencement
13/01759/FUL	Wey Stores, 34 Hogsmill Way	22/09/2014	29/09/2014	£9,000.00	Awaiting assumption of liability and commencement

Epsom & Ewell Borough Council
Community Infrastructure Levy
Regulation 62 Report Reporting Period 2016 – 2017
October 2017

14/00167/FUL	Garages 1-9 Ormonde Avenue	08/01/2015	14/01/2015	£7,375.00	Awaiting assumption of liability and commencement
14/01442/FUL	54 Rosebery Road	04/03/2015	05/03/2015	£3,990.00	Awaiting assumption of liability and commencement
14/01014/FUL	Berridale, 15 College Road	05/03/2015	26/03/2015	£43,750.00	Awaiting assumption of liability and commencement
15/00632 FUL	Epsom Marble 49 High Street Ewell	22/09/2015	16/10/2015	£1,875.00	Awaiting assumption of liability and commencement
15/01514/FUL	11 Danetree Road	15/04/2016	20/04/2016	£7,657.56	Awaiting assumption of liability and commencement
15/00228/FUL	Land at Lord Rosebery Lodge, 6 Elm Grove	26/04/2016	05/07/2016	£25,741.07	Awaiting Commencement Notice
15/00766/FUL	83 Manor Green Road	25/05/2016	03/08/2016	£6,910.71	Awaiting assumption of liability
15/01870/FUL	16 Kirby Close, Ewell	26/05/2016	05/07/2016	£7,102.94	Awaiting Assumption of Liability
15/01899/FUL	1 Clandon Close, Stoneleigh	01/07/2016	05/07/2016	£22,830.88	Awaiting Assumption of Liability
16/00215/FUL	93-95 High Street	07/07/2016	20/09/2016	£4,058.82	Awaiting assumption of liability
16/00055/FUL	85 Rosebery Road	12/07/2016	13/09/2016	£7,895.68	Awaiting assumption of liability

Epsom & Ewell Borough Council
Community Infrastructure Levy
Regulation 62 Report Reporting Period 2016 – 2017
October 2017

16/00311/FUL	1 Chestnut Avenue, Ewell	29/07/2016	14/09/2016	£11,669.12	Awaiting assumption of liability
16/00631/FLH	2 Denham Road, Epsom	22/09/2016	27/09/2016	£6,741.45	Awaiting assumption of liability
16/00712/FUL	1 Gadesden Road, West Ewell	04/10/2016	19/10/2016	£13,191.18	Awaiting assumption of liability
16/00296/FUL	The Roveries, 59 - 63 Cox Lane	02/03/2017	08/03/2017	£86,177.61	Awaiting assumption of liability
16/00585/FUL	45 Manor Green Road	16/09/2016	28/09/2016	£20,484.48	Awaiting assumption of liability
16/00709/FLH	21 The Green, Ewell	30/11/2016	03/01/2017	£36,301.34	Awaiting assumption of liability
16/01103/FLH	6 Courtlands Drive, Ewell	08/12/2016	11/01/2017	£0.00 (Self-build relief approved)	Awaiting Commencement Notice
15/01848/FLH	28A Woodcote Park Road	13/05/2016	08/03/2017	£26,889.71	Awaiting assumption of liability
16/01340/FUL	Epsom Common Working Mens Club 121 - 122 Stamford Green Epsom	06/03/2017	27/03/2017	£4,725.87	Awaiting assumption of liability
				£746,537.56	

**Epsom & Ewell Borough Council
Community Infrastructure Levy
Regulation 62 Report Reporting Period 2016 – 2017
October 2017**

4. Summary of Allocated CIL Expenditure

During the report period, the Collecting Authority agreed to commit the following CIL expenditure:

- Planning Policy Team salaries = £80,000.00
This expenditure was directly allocated from the 5% Administration Fee, which is incorporated with the Levy. Since the introduction of CIL, the Collecting Authority had collected in excess of £3,600,000.00 in CIL receipts. Of the total CIL receipts the 5% Administration Fee stood at around £185,000.00. The spending of the allocated monies has extended into the next report period (April 2017 – March 2018).

The allocated monies have been deployed by the Collecting Authority to fund the Planning Policy Administrator role, which sits within the Planning Policy Team. The post holder is responsible for the day-to-day administration and implementation of CIL – in terms of identifying liability, collection and recovery (of unpaid CIL). Funding this post has ensured that the Collecting Authority provides consistently good level of customer service and that CIL collection is undertaken in an efficient and timely manner.

- Plan E Epsom Town Centre Highway Improvements = £476,009.00
This expenditure was allocated from the main CIL fund (IE the main 80% fund). It is being used as top-up funding to support the delivery of the [Plan E Epsom Town Centre Major Highway Improvement Scheme](#). This is a major highway improvement scheme that has its roots in the Plan E Epsom Town Centre Area Action Plan; which forms part of the Epsom & Ewell Local Plan. In addition to the expenditure allocated from our CIL fund, the Scheme has also received funding from Surrey County Council and the Coast to Capital Local Enterprise Partnership. The Scheme is being implemented by Surrey County Council.

**Epsom & Ewell Borough Council
Community Infrastructure Levy
Regulation 62 Report Reporting Period 2016 – 2017
October 2017**

5. Summary of Unallocated CIL Monies

At the end of the reporting period, the following CIL is awaiting allocation:

- Main CIL (80% of all CIL) – £2,481,112.22
- Local Scheme (15% of all CIL) – £554,460.23
- Administration (5% of all CIL) – £104,820.08

This page is intentionally left blank

Introducing the Brownfield Land Register

Report of the:	Head of Place Development
Contact:	Susie Legg
Urgent Decision?(yes/no)	No
If yes, reason urgent decision required:	N/A
Annexes/Appendices (attached):	
Other available papers (not attached):	None Stated

Report Summary

The government has recently introduced the requirement that local planning authorities prepare a Brownfield Land Register. This document identifies available, deliverable and developable sites for new housing that exist on previously developed land. We are required to publish this document by 31 December 2017.

In many respects the Register duplicates the work that we have already done when preparing our latest Strategic Housing Land Availability Assessment. The only difference being that it highlights those sites that are genuinely available to the house building industry. The intended purpose of the Register is to promote the redevelopment of previously developed sites for new homes.

The Regulations provide a further “Part 2” Option, which provides an opportunity to provide appropriate sites the added status of “permission in principle”. We are not recommending that the Borough Council takes this approach as it adds little to our existing Core Strategy policies, which provide in principle support to the redevelopment of previously developed sites in the urban area for housing.

Recommendation (s)

- (1) The Committee agrees to the publication of a Part 1 Brownfield Land Register, and authorises the Head of Place Development to finalise the content of the Register in accordance with the Regulations.**
- (2) The Committee agrees that no sites shall be included in Part 2 of the Register due to the reasons set out in paragraph 8.1 of the report.**

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

- 1.1 Securing the delivery of new homes in the right locations is a key objective of the planning system. The delivery and implementation of the Epsom & Ewell Local Plan contributes towards all of the Council's Key Priorities. The publication of a Brownfield Land Register will make a contribution towards directing new homes to sustainable locations.

2 Background

- 2.1 Local planning authorities are required by the government to prepare and publish a Brownfield Land Register. This identifies previously developed (brownfield) land within their area that is available and considered suitable for residential development. The preparation and publication of the register is governed by the Town and Country Planning (Brownfield Land Register) Regulations 2017.
- 2.2 The government's aim is for the Brownfield Land Register to improve the quality and consistency of data on brownfield land held by local planning authorities. There is nothing new about this approach; in many respects this current initiative follows the same path taken by the National Land Use Database, or NLUD, which sought to do the same thing twenty years ago. It is noted that whilst considerable resource was committed to the NLUD process the outputs, in terms of previously developed sites coming forward for redevelopment, were limited.

3 What is a Brownfield Land Register?

- 3.1 A Brownfield Land Register is essentially a list of previously developed sites within a local authority's area that are considered suitable for residential development.
- 3.2 The Regulations divide the Register into two parts:
 - 3.2.1 Part 1 comprises all brownfield sites considered by the local authority to be appropriate for residential development
 - 3.2.2 Part 2 comprises those sites listed in Part 1, that the local authority deem suitable to be granted 'permission in principle' for residential development
- 3.3 It is intended that the Registers provide transparent and publically accessible information about suitable and available sites. The government has provided a template for the Register to ensure that local authorities provide information in a standardised manner. Local planning authorities are required to publish Registers by 31 December 2017. Once published, Registers must be reviewed annually.

4 Definition of a Brownfield Site

- 4.1 The definition “brownfield site” means the same as “previously developed land”. The latter is defined by national planning policy as:

“Land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure.” It should be noted that, amongst other things, this excludes *“land in built up areas such as private residential gardens, parks, recreation grounds and allotments; and land that was previously developed but where the remains of a permanent structure or fixed surface structure have blended into the landscape in the process of time.”* Brownfield land also includes previously developed land in the Green Belt.

5 Brownfield Land Register Part 1

- 5.1 The government intends that Part 1 of the Register provides a comprehensive list of all brownfield sites in a local authority’s area. These sites will be considered suitable for housing, irrespective of their planning status. For a site to be entered on Part 1 it must meet the relevant criteria set out in the Regulations. These are listed below:

5.1.1 At least 0.25 hectares or capable of supporting at least 5 dwellings;

5.1.2 Suitable for residential development;

5.1.3 Available for residential development; and

5.1.4 Residential development is achievable

- 5.2 The Regulations state that for a site to be considered ‘suitable for residential development’, it either has been allocated in a local development plan document for residential use, has planning permission for residential use or is considered by the local authority to be appropriate for residential use. They continue by stating that regard must be had to the natural and built environment and any adverse impact on the local amenity, which such development might cause for intended occupiers of the development or occupiers of neighbouring properties.

- 5.3 The Regulations state that for a site to be deemed ‘available’ the relevant owner(s) or developer must have expressed an intention to sell or develop the land at a date not more than 21 days before the entry date on the register.

- 5.4 Finally the Regulations state that for a site to be deemed ‘achievable’, the local authority should be of the view that development is likely to take place within 15 years of the entry date on the register.

- 5.5 The criteria effectively restrict the inclusion onto the Register to sites that are genuinely available for development.

6 Part 1 Commentary

- 6.1 Work is already underway in preparing our Brownfield Land Register Part 1. Our recently completed Strategic Housing Land Availability Assessment (SHLAA) has served as a solid basis for Part 1. The sites identified in our SHLAA have already been assessed in terms of their suitability, availability and deliverability, and this information is already in the public domain as part of the SHLAA findings report published during July 2017.
- 6.2 The Regulations require that the following information be prepared for Part 1:
 - 6.2.1 Site reference (we will use the SHLAA reference number)
 - 6.2.2 Site name / address
 - 6.2.3 Easting (X) / Northing (Y)
 - 6.2.4 Site size in hectares
 - 6.2.5 Ownership status (a choice of 4 options e.g. owned by a public authority)
 - 6.2.6 Indication of whether the site is considered to be deliverable within 5 years
 - 6.2.7 Whether the site has planning permission and a link to the details of this (this will be achieved through a link via Public Access)
 - 6.2.8 The minimum net number of dwellings which is considered achievable (this information will be taken directly from the SHLAA)
 - 6.2.9 Any other information which may be useful (for example where the site may be the subject of a development brief)
 - 6.2.10 Date the site was added onto the register
- 6.3 In accordance with the Regulations, landowners/ developers are being contacted to confirm the availability of their site(s) and whether they want those details to appear on our Register Part 1. The deadline for responses is 1 December 2017. The content of the Register Part 1 will reflect those responses.
- 6.4 Once published, our Brownfield Land Register Part 1 will identify sites that were assessed as part of our SHLAA and meet the necessary criteria set out by the Regulations (see Paragraph 5.2). We anticipate that Register Part 1 will be updated in April 2018.

- 6.5 It highlighted that the Brownfield Land Register Part 1 to be published during December 2017 will not identify any potential new housing land beyond that identified within the SHLAA 2017. The completion of the Register Part 1 will not alter our current housing land supply position.

7 Brownfield Land Register Part 2

- 7.1 The Register Part 2 could form a subset of Part 1. For example, the Register Part 2 could comprise those sites from Part 1 that a local planning authority has decided could be suitable for granting 'permission in principle' for residential development. The intended purpose of this approach is to separate decision making on issues such as land use, location and amount of residential land from matters of technical detail. It is the government's view that granting 'permission in principle' for sites included within a Register Part 2 would firmly establish the principle of residential development. This could provide greater certainty for developers and encourage them to bring forward proposals. The government believes this will help to boost housing supply across the country.
- 7.2 The process for preparing and publishing a Register Part 2 is more complex. The Regulations require local planning authorities to undertake further publicity, public notifications and consultation. This includes the display of site notices and provision of information on the internet. The Regulations allow new sites to be added onto the Register Part 2 at any time providing the procedures for reviewing sites on the Register have been followed, including consultation.
- 7.3 Once a site has been identified in a Register Part 2, it will benefit from 'permission in principle' to be developed for housing. The permission in principle will specify the number of new houses that could be delivered on the site. Inclusion on the Register Part 2 does not by itself mean that development for housing will take place. A developer will still need to make an application to the local planning authority for consent in relation to technical details. Such an application must be made within 5 years or the site being entered onto the Register Part 2. The technical consent application considers all other relevant planning matters other than the principle of development.

8 Part 2 Commentary

- 8.1 The inclusion of sites within Part 2 of the Register is not mandatory, as there is a decision to be taken. As our adopted Core Strategy already directs development towards previously developed land in the built up area, (which would include brownfield sites), it implies that any brownfield sites which appear on our Register Part 1 are, in principle, suitable for residential development. On that basis it is considered that the creation of a further Register Part 2 is unnecessary, as it would add little to our existing suite of policies. It is therefore being recommended that we do not include any sites within Part 2.

9 Financial and Manpower Implications

- 9.1 Preparing, maintaining and publishing a Brownfield Land Register Part 1 is required by legislation. Producing a Register Part 1 will draw upon staff resources currently committed to the production of the Local Plan. However, the workload associated with the production of a Register Part 1 will be reduced as much of the information has been obtained from our existing SHLAA. Future updates of the SHLAA and brownfield register will be combined to ensure an efficient use of resources.
- 9.2 We do not propose to undertake the procedures to include any sites within a Register Part 2. This is because there is no mandatory requirement to do so and it would add little to our existing local plan policies.
- 9.3 **Chief Finance Officer's comments:** *None for the purposes of this report.*

10 Legal Implications (including implications for matters relating to equality)

- 10.1 The Town and Country Planning (Brownfield Land Register) Regulations 2017 require us to prepare, maintain and publish a register of previously developed (brownfield) land by 31 December 2017.
- 10.2 **Monitoring Officer's comments:** *The legal implications have been considered in the body of the report.*

11 Sustainability Policy and Community Safety Implications

- 11.1 The concept of a brownfield register is positive, as it supports housing development on previously developed land, which our Local Plan policies encourage.
- 11.2 There are no Community Safety implications.

12 Partnerships

- 12.1 No specific considerations.

13 Risk Assessment

- 13.1 The Register must be prepared and published in the required format by 31 December 2017. Owners or developers of sites which are considered suitable to be entered on Part 1, have been contacted and asked to respond by 1 December 2017. This should leave sufficient time to allow the publication of the Register Part 1 prior to the deadline.

14 Conclusion and Recommendations

- 14.1 Our Brownfield Land Register Part 1 will contain information derived from the SHLAA (subject to the approval of site owners/ developers). It is considered unnecessary to produce and publish a further Register Part 2.

- 14.2 The Committee are asked to note that work is underway to produce and publish a Brownfield Land Register Part 1 prior to the 31 December 2017 deadline.

Ward(s) Affected: (All Wards);

This page is intentionally left blank

Local Plan Affordable Housing Policy - Statement on the Exemption of Small Sites From Development Contributions

Report of the:	Head of Place Development
Contact:	Karol Jakubczyk
Urgent Decision?(yes/no)	No
If yes, reason urgent decision required:	N/A
Annexes/Appendices (attached):	Annexe 1: Draft Statement on the Exemption of Small Sites from Development Contributions (Affordable Housing) Annexe 2: Planning Appeal Inspectors' Decision Letters

Other available papers (not attached):

Report Summary

The government has introduced changes to National Planning Practice Guidance in the wake of a Written Ministerial Statement (WMS) on whether local planning authorities can continue to seek developer contributions (for affordable housing) from development proposals of ten or fewer dwellings. The introduction of this approach will restrict our ability to meet the local demand for affordable housing. It will further exacerbate need and over time has the potential to significantly impact on our role as the local housing authority.

In response, the Council prepared a position statement that set out the justification and evidence for its continued application of its own adopted policy, which allows the Council to access contributions from proposals of five or more dwellings. Following recent appeal decisions we have revised our position statement so that our justification and evidence is clearer and concise.

Recommendation (s)

That the Committee:

- (1) Considers the current situation relating to this matter in the aftermath of the publication of the WMS and recent planning appeal Inspector decision letters; and**

- (2) Agrees to adopt the Statement on the Exemption of Small Sites from Development Contributions (Affordable Housing), subject to any revisions and additions, as the Council's position on the WMS for deployment in negotiations on developments on small sites and in any associated planning appeals.**

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

- 1.1 Our Local Plan provides the spatial planning mechanism for implementing the vision set out by our Key Priorities. The Core Strategy sets out our planning policy for delivering new additional affordable housing units through the development process. While the affordable housing contribution from small sites has been relatively small (in the past) this position is changing as the availability of larger sites diminishes.
- 1.2 The Annual Service Plan includes related planning policy objectives and an overarching objective of Quality of Life, the achievement of which will be affected by our ability to meet affordable housing need.

2 Background

- 2.1 The Council's Core Strategy sets out (under Policy CS9) our affordable housing target for the Plan Period. Up to 2022 the Core Strategy envisages that we would achieve 35% of the total housing delivery as affordable housing. Our policy states that we will seek contributions (either on-site or financial) for affordable housing on development where there is a net gain of 5 units. Since its introduction, most housing developments (of five or more dwellings) have provided some form of contribution towards meeting housing need.
- 2.2 Since its adoption, we have strived to meet this target. This has proved to be challenging for a number of reasons. The turbulent economic conditions experienced in the wake of the 2007/ 2008 economic downturn have nationally had a significant impact on the development industry, which has typically manifested itself in a slow-down in house building. It is noteworthy that house building rates in Epsom & Ewell have not been as adversely impacted as they have elsewhere.
- 2.3 Our ability to meet our affordable housing target has been further constrained by repeated interventions from the Secretary of State. These interventions started with a Written Ministerial Statement (WMS) introduced in November 2014. This first WMS sought to change national planning policy by preventing local planning authorities from seeking financial contributions towards affordable housing from development proposals comprised of ten dwellings or fewer. This first WMS was successfully challenged in the High Court by a consortium of local planning authorities. This allowed us to return to our Core Strategy policy position.

- 2.4 However, during May 2016 the Court of Appeal quashed the High Court's decision. This allowed the Secretary of State to introduce a fresh WMS and made associated changes to national Planning Practice Guidance. These reinstated the position that developments of ten dwellings or fewer be exempted from making financial contributions towards meeting affordable housing need. The Secretary of State has said that the justification for this intervention is to help small and medium sized enterprise house builders – unburdening them so that they can build more new homes, faster.
- 2.5 In order to establish the impact of the second WMS on our Local Plan policy, we were quick to seek a legal opinion. This concluded that the second WMS is part of the national planning policy cannon, and is therefore an important material consideration for decision makers. As such, we are advised that we can legitimately weigh it against other factors, in the planning balance, provided that those factors are fully justified by relevant evidence. Ultimately it is for a local planning authority to decide on each relevant application where there are sufficient local circumstances to allow the implementation of local policy.

3 Position Statement on the Exemption of Small Sites from Development Contributions

- 3.1 After taking account of the legal opinion provided by Counsel we prepared a full statement setting out how we would continue to apply our Core Strategy policy. This document was published at the end of 2016. It was accompanied by a full justification as to why we had taken this decision. Two neighbouring planning authorities; Elmbridge and Reigate & Banstead; took a similar approach. At the time of publication we firmly believed that this initial statement was robust and sound – particularly as it draws heavily on primary evidence. We have referenced our initial statement at application and appeal.
- 3.2 While Elmbridge Borough Council has enjoyed success in the use of their position statement, Reigate & Banstead Borough Council have not – in contrast they have lost a number of planning appeals on this issue. Consequently, Reigate & Banstead Borough Council are no longer seeking developer contributions towards affordable housing from proposals of ten dwellings or fewer.
- 3.3 To date our initial statement has been considered in three planning appeal Inspector's decision letters. These are included under Annexe 2. In the first of these (chronologically), the Inspector took the view that the content of the WMS was national planning policy. It is particularly noteworthy that the Inspector writing the second appeal decision (again chronologically) took a more thorough position on the status of the WMS. The Committee are asked to note that Inspector agreed with our legal opinion, conceding that the WMS is a material consideration that can be weighed against other material considerations; including evidence of local conditions. Unfortunately, that Inspector was not fully convinced by our evidence –

although he did acknowledge that the Borough is an unaffordable place to live. In the third decision letter (to consider this issue), the Inspector concerned referred to the status of the WMS as national policy, and did not accept that our evidence was sufficient to override this.

- 3.4 In the wake of the three decision letters we could have responded in one of two ways. We could have taken them as a rejection of our policy approach and therefore ended all attempts to seek affordable housing contributions from proposals on small sites. However, we maintain that our position on this matter is strongly supported by local evidence. Our Local Plan evidence base very clearly demonstrates the acute scale and nature of affordable housing need across the Borough. Wider evidence; including that prepared and referenced in the government's recent "Planning for the Right Homes in the Right Places"; fully supports the position that we are one of the most unaffordable locations to buy homes in the country. Furthermore, our evidence demonstrates that the application of our local plan policies has not had an adverse financial impact upon the local development industry (including SME house builders). On that basis, we continue to strongly believe that our approach is robust and sound.
- 3.5 Consequently the decision was made to re-draft our statement, in order for the evidence to read more clearly and concisely – for the benefit of applicants and Inspectors. The latest draft of our position statement is included under **Annexe 1**.
- 3.6 The Statement explains and provides justification for our continued approach of seeking affordable housing contributions on developments of 10 units or fewer. We are taking this approach because of the exceptional local circumstances relating to housing affordability, delivery and supply. We believe that these are material considerations that are supported by relevant evidence, which have a bearing on development management decisions and any subsequent appeals. We also believe that our policy approach has neither had an adverse impact upon the delivery of new homes on small development, nor has it been financially harmful to small and medium enterprise developers.
- 3.7 The Statement focuses upon the following key issues – affordable housing need; house prices, land supply and viability; and an overview of the role played by small sites (in meeting affordable housing need) and what would happen if our access to such sites was restricted. The Statement also sets out the increasing importance of the role small sites will have to play as sources of housing land supply. While it is possible that we may, as part of the emerging revision to the Local Plan, consider the allocation of larger housing development sites, it is unlikely that such sites will be coming forward for development in the short-medium term. This places a higher responsibility on those sites, including small sites that are available for construction now. We maintain that this is a strong local material consideration that should be taken into account on a proposal by proposal basis.

4 Financial and Manpower Implications

4.1 None for the purposes of this report.

4.2 **Chief Finance Officer's comments:** *The financial implications are as set out within the report*

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, ... and

(c) any other material considerations."

5.3 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. However, it has long been established that policy constitutes a material consideration, which must be weighed in the balance when determining applications. If newer national policy supersedes local policies, the national policy should normally be given significant weight, often overriding weight, unless other considerations indicate otherwise.

5.4 **Monitoring Officer's comments:** *It is undoubtedly the case that small site developments could make an important contribution to the delivery of affordable housing in the Borough. It is, however, considered that we will have an uphill task to convince an inspector on appeal that the balance of considerations favours requiring provision of affordable housing (on-site or by way of commuted sum) on developments of between 5 and 10 homes. We sought advice from leading counsel, who suggested ways in which we could seek to provide evidence which might tip the balance in favour of requiring contributions.*

6 Sustainability Policy and Community Safety Implications

- 6.1 Meeting our local housing needs is a key component of securing a sustainable pattern for new development across the Borough. Our Local Plan evidence base clearly demonstrates that the greatest area of housing demand is for affordable (social rented) accommodation. National planning policy (NPPF Paragraph 14) sets out the basis for presumption in favour of sustainable development.
- 6.2 There are no community safety implications of this report.

7 Partnerships

- 7.1 None for the purposes of this report.

8 Risk Assessment

- 8.1 There is a risk that we will be unable to meet affordable housing demand should we lose the ability to access small sites as a source of affordable housing land supply. The likelihood of this happening has increased proportionality to the availability and supply of major housing sites. In simple terms, the potential contribution from smaller sites has become more important to meeting need. This position is likely to be sustained for at least the five years – as the process for considering and allocating larger housing development sites catches-up with demand. Maintaining our existing affordable housing policy is a sound response to this area of risk.
- 8.2 While we are confident that our approach is sound – in terms that is positively prepared, justified and effective (as per NPPF Paragraph 182) – the potential that an Inspector considers our approach inconsistent with national planning policy (the WMS) remains. Our legal opinion has concluded that the WMS is a material consideration, as is the acute level of affordable housing demand that we experience. Nevertheless, there remains a risk that Inspectors may give the WMS overriding weight on their basis of their individual judgement.

9 Conclusion and Recommendations

- 9.1 Our evidence, and indeed evidence from government continues to demonstrate that affordability is the most significant housing issue facing the Borough. The current shortage in available, deliverable and developable sources of housing land supply means that we need to optimise every potential source of affordable housing contribution that we legitimately can. Maintaining our existing policy, which provides applicants with the opportunity to submit open-book viability appraisals appears to offer a sound way forward. The Committee are asked to consider the situation that the Borough Council finds itself – particularly in the aftermath of the WMS and recent planning appeal decision letters.

- 9.2 Subject to the Committee agreeing to maintain the Borough Council's adopted planning policy approach that they agree to the publication and use of the revised position statement (subject to any additions or amendments).

Ward(s) Affected: (All Wards);

This page is intentionally left blank

Executive Summary

Following success in the Court of Appeal on 11 May 2016 a Written Ministerial Statement (WMS) on affordable housing was reinstated. Its reinstatement has had a significant impact on how local planning authorities seek to meet local affordable housing needs through new development. This is because the WMS states that contributions should not be sought from housing developments comprised of 10 units or fewer. The WMS is expressed in unqualified terms. However, the Court of Appeal has confirmed, that, as with all elements of national planning policy, a local planning authority is entitled to depart from the guidance contained in the WMS if material considerations indicate that it is appropriate so to do.

The Council considers that local evidence and circumstances are such that the thresholds within the adopted Core Strategy Policy CS9 which requires contributions from proposals of five or more dwelling remains sound. This position statement sets out the justification and the evidence for the continued application of its policy. It focusses upon the following considerations:

- Affordable housing need & house prices,
- Housing delivery & the role of small sites,
- Housing land supply; and
- Impact on the delivery from SME builders.

The existing need for affordable housing in Epsom & Ewell at 2016 stands at 4,658 homes¹. This compares with an overall objectively assessed need over the forthcoming plan period of 7,106 dwellings². There are currently around 857 people on the Council's housing register, who are hoping to be allocated one of the scarce social homes available in the Borough. Typically we have around 100 affordable rented properties that become available each year – for example during 2016/17 we had 114 affordable rented properties become available; in comparison during the previous year we only had 79.

The average price for home in the Borough in September 2017 was £474,775, in comparison to UK average of £226,367. However, the gross average income for a full time working resident was £41,818, which result in the Borough having an extremely high affordability ratio of house prices to incomes. It is unsurprising that the Borough has the second highest level of housing benefits claimants in employment across the whole South East. The need and shortage of affordable housing is chronic and there is a pressing need to achieve the Core Strategy's target to deliver 950 affordable homes by 2022.

The Local Plan evidence³ shows that there is currently not enough available housing land to meet the overall demand for housing and the Council is unable to demonstrate a 5 year housing land supply against the objectively assessed housing need. Epsom & Ewell is heavily constrained in terms of where new development can go – in particular, the opportunities for new large scale housing are extremely limited. This means that small sites play a significant role within Epsom & Ewell's housing land supply and housing delivery into the immediate future. Indeed, 60% of all valid residential planning permissions are from small sites.

¹ North East Surrey and Kingston upon Thames Strategic Housing Market Assessment 2016

² North East Surrey and Kingston upon Thames Strategic Housing Market Assessment 2016

³ Epsom & Ewell Strategic Housing Land Availability Assessment 2017

The key objective behind the WMS, was to remove the perceived financial obstacle (of affordable housing provision) to small and medium-sized house builders and thereby enable them to contribute towards the 'significant boost'⁴ in housing supply. While this perception may have some foundation in other parts of the country that is not the case in Epsom & Ewell. In the Borough, the pattern of historic delivery does not demonstrate that the current requirements as set adopted within the Core Strategy Policy CS9, have deterred development on smaller sites.

Moreover, our evidence demonstrates that development of smaller sites (i.e. of fewer than 10 dwellings) would not be rendered unviable by our affordable housing requirements. It is noteworthy that in some years, development on small sites has equated to 26% of all housing completions. This is not an insignificant contribution to housing supply. It is the Council's view that this demonstrates a strong and consistent record of high numbers of new dwellings coming forward from small-scale developments; which have not been adversely prejudiced by Core Strategy Policy CS9.

In order to ensure that affordable housing obligations do not place a burden on the delivery of new housing (regardless of scale) express provision is made within Core Strategy Policy CS9 to allow exceptions to the requirements of the policy where required to achieve viability. Moreover, it is often the case that commuted sums in lieu of onsite provision are accepted. The Borough Council has used these commuted sums to deliver 109 social rented homes and 18 intermediate affordable homes.

On that basis, the Borough Council considers that Core Strategy Policy CS9 has not adversely affected the viability of new development. It has been thoroughly assessed through the adoption of new local plan policies and site allocations, and as part of the Community Infrastructure Levy (CIL) Charging Schedule. These process have confirmed that our policy approach does not have an adverse financial impact on small-scale developments, or the developers who bring them forward.

To conclude, the Council has due regard to the WMS and the associated changes to national planning practice guidance. Nevertheless, we need to comply with both the Government's policy delivering development on previously land and continue to deliver affordable units (to meet the identified local need) as required under NPPF Paragraph 50.

This can only be achieved by continuing to apply Core Strategy Policy CS9 as part of the planning application decision making process. Where applicants consider that the requirement is disproportionate, we will request that the relevant information setting out scheme viability is submitted for independent assessment as set out in our Developer Contributions SPD. All relevant evidence will then be considered on a case by case basis and be used to assess the weight to be attached to local and national policies and guidance.

⁴ The NPPF Paragraph 47.

1. Introduction

- 1.1 A Written Ministerial Statement (WMS) was laid before the House of Commons on 28 November 2014, which amongst other things, indicated that contributions should not be sought for developments comprised of 10 units or fewer. The content of the WMS was successfully challenged in the High Court by West Berkshire Council and Reading Borough Council in July 2015. The Government subsequently challenged the High Court's decision in the Court of Appeal. On 11 May 2016, the original High Court ruling was quashed and the changes to national policy reinstated.
- 1.2 Our policy is set out in CS9 of the Core Strategy. This states that we will seek contributions (either on-site or financial) for affordable housing on development where there is a net gain of 5 units. Since its introduction, most housing developments (of five or more dwellings) have provided some form of contribution towards meeting housing need. Due to the predominantly constrained nature of the Borough and the type of development sites coming forward, the potential affordable housing contribution from smaller sites is highly valued. The importance of these smaller sites has increased as the plan period has progressed – this is principally due to the front-loaded delivery of new housing (see Section 3 for further details).
- 1.3 It would appear that our policy towards affordable housing does not align with the position set out in the WMS and Planning Practice Guidance. Having taken legal advice, we are of the view that the WMS and associated Guidance are important material considerations, which can legitimately be weighed against other factors (in the planning balance) provided that those factors are fully justified by relevant evidence. An overview of the legal position obtained by the Borough Council is included under Annex 1.
- 1.4 Resolving the conflict between Core Strategy Policy CS9 and the WMS requires that decision takers assess the weight attached to both sides of the conflict, in addition to other material considerations. Ultimately it is for the Local Planning Authority to decide on each relevant application where there are sufficient local circumstances to allow the implementation of local policy.
- 1.5 This Statement seeks to explain and provide justification for our approach of continuing to seek affordable housing contributions on developments of 10 units or fewer. We are taking this approach because of the exceptional local circumstances relating to housing affordability, delivery and supply. We believe that these are material considerations that are supported by relevant evidence, which have a bearing on development management decisions and any subsequent appeals.
- 1.6 The statement is relevant to both planning applications and challenges through the appeal process.

2. Affordable Housing Need & House Prices

- 2.1 The Council current Core Strategy Policy CS9 sets a target that overall, 35% of new dwellings should be affordable. This equates to the provision of 950 new affordable homes over the period 2007-2022.
- 2.2 Demand for affordable housing in Epsom & Ewell has been acute for over ten years. This is sharply evidenced by our most recent [SHMA](#) (June 2016) and [our previous SHMAs](#) (2008, updated 2009). The 2016 assessment advised that 60% of the objectively assessed housing need (OAHN) figure of 418 new homes per year must be affordable. In September 2017, the Government published a consultation, which included a proposed standard methodology⁵ to identify an OAHN figure. This standard methodology produced a needs figure for Epsom & Ewell of 579 new homes per year. On that basis, the need to deliver a greater number of affordable homes each year will continue to rise.
- 2.3 Every single affordable home that we can secure is critical in meeting demand. The context is as follows. There are only 2,400 affordable rented homes in Epsom & Ewell. At just 8% of the total housing stock, this represents one of the most limited supplies of social housing in the Country. By comparison the neighbouring Borough of Elmbridge has in access to some 5,500 affordable rented homes.
- 2.4 Added to the problems created by a severely limited supply of social housing, the existing social stock in Epsom & Ewell becomes available for re-letting at around half the frequency expected when compared to turnover in the rest of the Country. Once allocated a home our residents stay put and do not move on to other forms of tenure, a clear indicator of the lack of affordability in the Borough.
- 2.5 There are in excess of 2,200 applicants⁶ currently on the housing waiting list. These people are hoping to be allocated one of the scarce 2,400 social homes. Within that context it is unsurprising that average waiting times are lengthy. Our evidence shows that during 2016/2017 applicants could expect to wait an average around 200 weeks to be allocated a home. The waiting list has increased as have the waiting time by almost an entire year from the 152 week average wait during 2015/2016.
- 2.6 Private rents have risen in the Borough by over 40% in the past five years (Home Truths South East). This serves as a constraint the private rented sectors' ability to provide a viable alternative to social housing. It is unsurprising that within this context, the Borough has the highest number of families in B&B accommodation in Surrey – it should be noted that this is even higher than the larger and more urban Royal Borough of Kingston upon Thames which neighbours Epsom & Ewell.

House Prices

⁵ DCLG Consultation: Planning for the right homes in the right places. September 2017

⁶ This is for 2016.

- 2.7 Housing affordability is a key corporate issue – its importance being reflected by its prominent position within our Corporate Plan. Whilst high house prices are not unusual across the South East of England, they are most sharply felt in the North East Surrey sub-region that borders Greater London. This has been graphically evidenced in the Government's own Housing White Paper⁷, which identifies Epsom & Ewell as one of ten districts or boroughs in the Country with the highest ratio of median house price to median earnings. This confirms what we have known for some time – that Epsom & Ewell is, in relative terms, one of the most unaffordable places to live in the Country (inclusive of Greater London).
- 2.8 We monitor average property prices through its Local Plan Annual Monitoring Report this provides an important contextual indicator to the position set out above. Our latest Monitoring Report (2014/15) shows that average property prices have continued to rise, by 10% to 24% across the Borough, effectively increasing unaffordability. Recent data from the Land Registry indicates the average price for home in the Borough in September 2017 was £474,775, in comparison to average UK price of £226,367. The average price paid for a flat or a maisonette in Epsom & Ewell is £304,370 and a semi-detached house commanding £543,286. Further evidence on house prices in Epsom & Ewell is included under Annex 2.
- 2.9 The average house price in September 2017 was in excess of £470,000 whereas the gross average income for a full time working resident was £41,818 and, as such, the Borough has a high affordability ratio of house prices to incomes. Consequently, the Borough is an extremely difficult place to get a step on the ladder where average wages, house process and limited ability to save for a deposit combined to price out would be homeowners. It is also noteworthy that the Borough has the second highest level of housing benefits claimants in employment across the whole South East.

3. Housing Delivery and the role of Small Sites

- 3.1 Our monitoring data shows that a large proportion of new development in Epsom & Ewell continues to be delivered on small sites. In the last five years since 2012, 241 units have been delivered on sites of less than 10 units and where there has been a net increase in housing. This equates to 16% of the total net amount of homes built during that period, Table 1 provides a breakdown of proportion of completions from small sites over the past 6 years.

Table 1: Proportion of Housing completions on small sites

Year	No. units from sites of 10 or fewer	Total No. of units	% on small sites
2016/17	64	307	21%
2015/16	39	169	23%
2014/15	51	193	26%
2013/14	48	234	21%
2012/13	39	522	8%
2011/12	33	289	11%
Total	274	1,714	16%

⁷ Fixing our broken housing market Figure 3 Affordability Ratio by Local Authority 2015.

- 3.2 In terms of the type of sites coming forward in the Borough 57 current planning permissions are for developments of fewer than 10 units where there is a net increase in housing. This is 60% of all current valid residential planning permissions. In 2016/17 71% of all residential permissions granted (based on the number of units) were under 10 units and under 1000sqm. It is clear that these small sites form a significant proportion of development in the Borough and contribute significantly to both market and affordable housing provision.
- 3.3 Throughout this Statement, we have underscored the important role that small sites play, and will continue to play, in terms of meeting affordable housing need. Under this section we detail how the contribution from small development sites translates into on-the-ground delivery.
- 3.4 Affordable housing delivery is monitored on an annual basis through the Local Plan Annual Monitoring Report. During the five year period from April 2008 to March 2013, 29% of all new homes completed were classified as 'affordable homes'. More recently the delivery of new affordable homes has improved; during the period 2012-13, 40% of all housing completions were affordable - equating to 207 new affordable homes.
- 3.5 In Epsom & Ewell small development sites have tended to make a financial contribution towards meeting affordable housing needs; as opposed to physical on-site contribution of a new affordable home. In many cases this is because we have taken developer's viability statements into full account – namely, that smaller development sites are frequently unable to sustain an on-site contribution. Nevertheless, these financial contributions have proved vital in addressing need on the ground.
- 3.6 We have set out part of the case for financial contributions under Table 2. This illustrates the scale of new affordable homes delivered with the assistance of commuted sum funding. The evidence speaks for itself, clearly demonstrating that financial contributions from small development sites have helped to deliver 127 new additional affordable homes (through a combination of new- built and acquisitions) whilst supporting the better use of the existing social housing stock, during the Plan period, a key element of the NPPF⁸.

Table 2: Affordable homes delivered with the assistance of commuted sum funding

Scheme	No. of homes delivered/ under construction/ due for occupation imminently	Cost
Affordable <i>rented</i> homes (new build and acquisitions)	45 supported housing units 16 family sized houses on a stalled development site 13 new build rented homes made available as homeless prevention accommodation	£1.6M

⁸ Third bullet point of paragraph 50- 'where they have identified that affordable housing is needed set policies for meeting this need on site, unless off-site provision or a financial contribution broadly equivalent value can be robustly justified (for example to improve or make more effective use of existing housing stock)...'

	20 new build affordable homes in a regeneration area	
Empty homes returned to use as affordable rented homes	12 homes for occupation by homeless households (block of 8 flats and 4 cottages)	£739,000
Wheelchair accessible affordable rented homes	3 (2 of which are new build)	Costs included in schemes above and below
Sub-total – rented units	109	
Intermediate affordable housing units	10 new build units in a regeneration area 8 new build units on a stalled development scheme	£478,000
Sub-total – intermediate units	18	
Total units and cost	127 £2,827,000/127 =	£22,259

- 3.7 It is acknowledged that the period of successful on site affordable housing delivery can be principally attributed to the “front-loading” of the Core Strategy housing target – a period when our strategic housing site allocations came forward. There are now only a handful of genuinely strategic development opportunities left.
- 3.8 Therefore, the smaller sites, yielding between 5 – 9 dwellings make up a sizable proportion of our current supply. Until we, and the development industry, are once again in a position to facilitate the delivery of new strategic housing allocations, we have to consider these smaller sites to meet the Borough’s affordable needs. If that source of supply were cut-off then we run the very real risk of falling into an intractable cycle of delivering no affordable housing. That period could endure for at least five years.
- 3.9 The Government continues to prioritise the delivery of new housing on brownfield sites. This is an approach supported in the Council’s Core Strategy and the majority of housing that has come forward in the Borough since the adoption of the Core Strategy has been on previously developed land. However, Epsom & Ewell is heavily constrained in terms of where new development can go - the opportunities for new large scale housing are extremely limited. As a consequence, the Core Strategy has directed development to the defined built up area of Epsom & Ewell and within the remaining hospital cluster sites. Emphasis is on the re-use of suitable previously developed land for housing.
- 3.10 Nevertheless, the evidence demonstrates a strong performance of housing delivery (against the Core Strategy target) during the current local plan period. This is best illustrated by through the Housing Trajectories and Five Year Housing Land Supply Statements contained within the Local Plan Annual Monitoring Reports prepared during 2005 – 2013. Collectively these illustrate how the Core Strategy target has been met and exceeded. Throughout this period the Borough’s housing land supply has consistently been in excess of the five year supply requirement.

3.11 However, that same evidence illustrates that the larger housing sites that have formed the bulwark of local supply are now beginning to dry up, and that the remaining sources of supply will come from smaller non-strategic sites. In order to address this issue we are making good progress in preparing a new Local Plan and are working towards a draft plan submission in 2018. This will seek to identify future sources of housing land supply. However, until those sites come forward through the planning system, we will remain reliant upon the smaller non-strategic sites to meet both affordable and market housing need. For that reason Core Strategy Policy CS9 remains a vital mechanism for securing new affordable housing.

4. Epsom & Ewell's Housing Land supply

4.1 A review of current and extant planning permissions alongside the Epsom & Ewell Strategic Housing Land Availability Assessment 2017 has identified a supply of 2,275 units for the next 15 years (2017-2032). However, against the Objectively Assessed Housing Needs figure of 7,106 units (418 per annum) between 2015 and 2032, this equates to 1.3 years of housing land supply. Consequently, Epsom & Ewell can achieve less than 40% of the projected housing need resulting in a residual requirement of 4,381 units, across the forthcoming 17 year plan period.

Future Land Supply- Importance of small sites

4.2 The Strategic Housing Land Availability Assessment 2017 (SHLAA)⁹ considers sites with the potential to accommodate 5 or more net dwellings. This yield is considered 'strategic' within the local context. This approach is in accordance with Planning Practice Guidance and reflects the local circumstances relating to land supply and housing delivery.

4.3 The SHLAA 2017 has identified 57 sites (over 5 units) which are considered to be either deliverable or developable and which have the potential to deliver an estimated 1,807 new homes. The average anticipated yield from the small SHLAA opportunity sites is 6.5 units. Table 3 shows that of the 57 sites, 31.5% are classified as small sites with the potential to deliver between 5 and 10 units. In total, 45% of the 'deliverable' SHLAA sites opportunity sites anticipated to come forward within the next 5 years are small sites.

Table 3: Breakdown of SHLAA 2017 sites

SHLAA Site Type	Deliverable Units & (no. of sites)	Developable Units & (no. of sites)	
	1-5 yrs	6-10 yrs	11-15 yrs
Small SHLAA sites (5-10 units)	27 (5)	86 (11)	18 (2)
Medium SHLAA sites (11-19 units)	26 (2)	94 (7)	32 (2)
Large SHLAA sites (20 + units)	156 (4)	1136 (18)	232 (6)
Total	209 (11)	1316 (36)	282 (10)

⁹ The SHLAA 2017 is a technical evidence base document that informs the preparation of the Epsom & Ewell Local Plan. It seeks to identify the location, nature and scale of future available and deliverable sources of housing land supply.

- 4.4 Further analysis shows that in total, 131 new homes could be delivered from these SHLAA small sites, of these, 27 new homes are anticipated to be delivered within the next five years. This equates to 12% of the total yield from SHLAA sites within this period (the remainder of the five year supply is made up of sites that are under construction or committed and includes sites outside of the SHLAA thresholds of which 60% is from sites of 10 or fewer). The SHLAA and the 5 year land supply confirms that a significant proportion of the Borough's future housing land supply comes from small sites.
- 4.5 In order to gain a fuller understanding of how the small sites identified within our SHLAA will contribute towards meeting affordable housing need, further assessment was undertaken. This is set out under Table 4 below. The evidence demonstrates the potential contribution to affordable housing provision from small sites across the forthcoming plan period (2015-2032). Specifically, Table 4 indicates the invaluable contribution of over 5% to affordable housing delivery in the next 5 years from Small SHLAA sites

Table 4: Anticipated on site affordable housing provision from SHLAA sites within the next 5 years

	% of contribution	Total potential units within 1-5 yrs	No. of affordable units within 1-5 yrs	% of total affordable units 1-5 yrs	Total potential units 2017-32	No. of affordable units 2017-2032	% of total affordable units 2017-2032
Small SHLAA sites (5-10 units)	20%	27	5.4	7.1	131	26	3.9
Medium SHLAA (11-19 units)	11-14 (20%)	15	3	3.9	73	14.6	2.1
	15-19 (40%)	11	4.4	5.85	79	15.6	2.3
Large SHLAA sites (20+ units)	40%	156	62.4	82.9	1524	609.6	91.5
Total	----	195	75.2	100%	1,807	665.8	100%

- 4.6 It is acknowledged that on site affordable housing provision is not always achievable due to viability. In these exceptional instances, the Council is able to negotiate equivalent cash in-lieu contributions. Table 5 sets below out the potential commuted sum contribution which could be achieved from small sites. **The figures used in Tables 5 & 6 are indicative and have been reproduced here to support the Statement. These figures are not to be used for any other purpose.**
- 4.7 The values identified in Table 5 have been produced using the Council's Housing Commuted Sum Calculator. They provide an upper potential value based on current market asking prices and a lower value based on the lower quartile 2015 figures published in the SHMA 2016.
- 4.8 The off-site provision cost assumptions are summarised in Table 6. The potential scale of contribution was based on an average scheme providing No.6 x 2 bed houses with a 20% profile. This would represent the average site yield of the Small SHLAA sites and a 2 bed house is considered the mean housing offer.

Table 5: Anticipated financial contribution towards affordable housing provision from Small SHLAA sites within the next 5 years- SHOULD WE INCLUDE THIS???

Timeframe (yrs)	No. of sites	Total No. of units	Equivalent On-site affordable units	Estimated equivalent financial contribution based on current asking prices (£)*	Estimated equivalent financial contribution based on Lower Quartile data (2015) from SHMA 2016*
1-5	5	27	5.4	246,057 x 5.4= 1,328,707	97,637 x 5.4 = 527,239
6-10	11	86	17.2	246,057 x 11= 2,706,627	97,637 x 11= 1,074,007
11-15	2	18	3.6	246,067 x 2= 492,134	97,637 x 2= 195,274
Total	18	131	26.2	4,527,468	1,796,520

Table 6: Upper and Lower Commuted Sum Off- Site Provision Cost Assumptions per site

	Upper Off Site Provision Costs (current market asking prices based from Zoopla 21/06/2017)	Lower Off Site Provision Costs (lower quartile data (2015) from the SHMA 2016)
Open Market Value of 2 bed house	£440,013	£230,500 (property)
Market rental of a 2 bed house	£1,338pcm (£308 pw)	£1,009 pcm (£232 pw)
Affordable rental (80% full market offer)	£246 pw	£185 pw
Social rent (80% affordable rental)	£200 pw	£148 pw
Profit	20%	20%
Total Commuted Sum	£246,057	£97,637

4.9 Table 5 shows that even if the lower quartile costings were used, the potential commuted sums would be significant. Furthermore, reflecting on the Council's past successful delivery facilitated by commuted sums, as highlighted in Table 2, the potential values identified in Table 5 would enable further significant and much needed delivery.

4.10 We are in the process of undertaking a partial review of our Core Strategy, focusing on housing policies and allocations. If any larger sites suitable for allocation come forward these will be considered through the Local Plan process. In the past we have sought to take account of the development economics effecting candidate allocation sites by carrying out strategic level viability appraisals. We intend to apply that process to larger candidate allocation sites and use any outputs to inform potential site specific affordable housing requirements. It is possible that such an approach may help to enhance affordable housing delivery. However, it is equally possible that it also identifies, at an early stage, financial obstacles to meeting need.

4.11 Nevertheless, even if we are able to identify large sites that are capable of making a greater contribution towards affordable housing need it is unlikely that these sites will be in a position to deliver any new housing within the next 5 years. Consequently, the delivery of affordable housing would be

significantly limited, which places a higher emphasis upon any contribution that can be gained from smaller sites.

5. Impact on the delivery from SME Builders

- 5.1 The Borough Council acknowledges that simply demonstrating a great need for affordable housing across the Borough, and how difficult it will be to address that need in the absence of contributions from small sites is not sufficient justification for pursuing an alternative approach to national policy. The Borough Council refers to the Court of Appeal decision (Paragraph 53), which appears to identify the rationale beyond the Government's decision to amend national planning policy. That is principally to halt the decline, or encourage the expansion of house building by smaller firms as a means of increasing the overall provision of new housing. If that is the reason driving changes in national policy then it is reasonable that the Borough Council consider the impact that its established policy approach has had upon this sector – specifically whether it has acted as a constraint. To this end the Statement provides an overview of the impact of the policy approach on development viability – with a focus upon the role of smaller firms.
- 5.2 Throughout the preparation and production of new local plan policy we have been mindful of any adverse impacts upon development viability. As a consequence, we have, for some time, sought to inform our policy making processes by accessing market signals relating to development viability. This has seen local plan policy options tested through viability appraisals – to ensure that they did not render development unviable. There is no evidence that any of our policies have at any point made new development unviable. Furthermore there is no evidence that our policy approach to affordable housing has specifically harmed small-medium enterprise (SME) housebuilders. Indeed, the majority of our new developments continue to be delivered by SME builders, with 60% of all valid residential planning permissions are from small sites. The Council has been unable to find any clear historical or recent trend for residential permissions on small sites lapsing. Furthermore, Officers are not aware of any local instances of stalled development due to viability issues relating to planning obligations associated with the requirements of Policy CS9.
- 5.3 Our approach towards securing new affordable housing has from the outset been informed by market signals. The policy and associated supplementary guidance provide applicants the opportunity to demonstrate viability through an independent financial appraisal process. This approach has been applied since the introduction of the policy, in order to negotiate a fair contribution from small sites. Since its adoption the policy has been securing new affordable homes from smaller sites, and critically it has not prevented development proposals from coming forward.
- 5.4 The viability evidence in support of the Borough Council's policy approach was validated through the comprehensive viability appraisals carried out in support of the introduction of the Community Infrastructure Levy (CIL). This work was carried out by the independent consultancy Peter Brett.
- 5.5 The development appraisals carried out in support of the CIL sought to establish whether there is sufficient viability within development (whether it be

housing or commercial) to accommodate Levy payments and the policy requirements set out in the Local Plan. It is particularly noteworthy because it made the following assumption that:

“A significant proportion of residential land transactions within Epsom & Ewell are for smaller sites capable of accommodating up to 14 apartments or houses. This figure is significant in that for 15 units and above, schemes are required to make a contribution of 40% affordable housing provision. For 14 units and under, the requirement for affordable housing is reduced to 20% and for 4 units and under there is no requirement towards affordable housing. From examining available market evidence we have therefore used three bands of land values, with smaller sites being higher value compared to sites capable of accommodating more units.” Epsom & Ewell Community Infrastructure Levy Viability Study June 2012

- 5.6 The methodology used by the appraisals used benchmark land values that reflected Local Plan policy. Namely, that those land values were based on sites delivering 4 units or less; 5 – 14 units; and sites delivering 15 units or more. The appraisals tested schemes at with requirements for 40% and 20% affordable housing. Although strategic in nature, the appraisal methodology was robust and reflected local conditions and values. Critically for the purposes of this statement, the appraisals demonstrated that residual land values after policy contributions (including affordable housing) remained high. It is noteworthy that the appraisals concluded that the Borough Council (as CIL Charging Authority) could have considered a higher Levy rate – but rather than take this approach the recommendation was to set a charge well below the identified viability ceiling. The Borough Council followed that recommendation – on that basis, with an improving economy (since 2012) it is assumed that typical residual values (particularly for smaller developments) remains high.
- 5.7 The Borough Council introduced the Levy on 1 July 2014. Since its introduction the Borough Council, acting as the Collecting Authority has collected in excess of £4,100,000.00. The Latest CIL Regulation 62 Report details all of the developments that are liable for the Levy; the developments that have been invoiced; and the collected receipts. This demonstrates that residential development, of all types and scale, has continued to come forward taking full account of Levy payments and Local Plan policy requirements.
- 5.8 On the basis of the above we conclude that neither the Levy nor our Local Plan policy requirements have had an adverse impact on growth taking place within the Borough. It is also stressed that the Borough Council’s approach provides applicants with an opportunity to identify an extraordinary on-site development costs through the open-book appraisal process. As a consequence, if there are demonstrable viability reasons for reduction in the contribution towards affordable housing the Borough Council will take these into account. There are many examples of Borough Council taking such evidence into account – thereby ensuring that growth is not unduly prejudiced.

6. Conclusion

- 6.1 Without the ability to collect affordable housing contributions from small sites we will be limited in our capacity to support the delivery of new affordable homes, and therefore to meet the acute need identified across the Borough.
- 6.2 Contributions secured to date have positively contributed to the delivery of affordable housing provision. It is clear that those contributions made from smaller sites are an invaluable source of supply currently and into the future. We anticipate that this will be particularly acute over the next five years due to the current absence of larger housing allocations.
- 6.3 Critically, the available evidence demonstrates that Core Strategy Policy CS9 has not had a negative impact on development coming forward from small sites. There is no evidence to suggest that local SME builders have been adversely burdened by our policy approach. In those untypical cases where an impact may arise, our approach provides developers with a mechanism to demonstrate that their development proposal is unviable. This allows for a reduction or in exceptional circumstances a waiving of any contribution on the basis of that site specific viability evidence.
- 6.4 We have due regard to the WMS and the associated changes to national planning practice guidance. Nevertheless, we need to comply with both the Government's policy delivering development on previously land and continue to deliver affordable units (to meet the identified local need) as required under NPPF Paragraph 50.
- 6.5 We can only achieve this by continuing to apply Core Strategy Policy CS9 as part of the planning application decision making process. Where applicants consider that the requirement is disproportionate, we will request that the relevant information setting out scheme viability is submitted for independent assessment as set out in our Developer Contributions SPD. All relevant evidence will then be considered on a case by case basis and be used to assess the weight to be attached to local and national policies and guidance.

Annex 1 Legal Position on Written Ministerial Statement

Following the decision by the Court of Appeal, and the subsequent amendment of the Planning Practice Guidance, the Borough Council sought legal advice to establish where it stood within this changed policy landscape. The advice noted that the West Berkshire decision established that the Ministerial Statement is a lawful policy for the Secretary of State to issue as policy guidance. It also noted that whilst the Court of Appeal did not consider the wording of the Guidance it would be reasonable to assume that it could also be regarded as a lawful statement of policy (or amplification of how the policy in the Ministerial Statement is expected to be applied).

The advice to the Borough Council highlighted that the Court of Appeal held that it was not necessary for a policy to expressly set out exceptions to its terms in order for it to be lawful. This did not mean that there could not be exceptions to the policy when it came to be applied in the circumstances of an individual case, but simply that there was no legal requirement for such exceptions to be spelt out in the wording of the policy (or to be limited to the terms of any exceptions that were expressly set out).

It was also highlighted that the Court of Appeal recognised that despite the apparently all-embracing terms of the Ministerial Statement, it was in law no more than a material consideration. Therefore, like any other material consideration it was a matter for the planning judgment of the decision maker in the individual case to decide how much weight to give to the policy expressed in the Statement and to determine whether there were circumstances which would merit an exception being made when applying the policy to the facts of that case.

As a matter of law, the policy in the Ministerial Statement (and repeated in the Guidance) on thresholds for affordable housing is a material consideration rather than a mandatory requirement. The Borough Council has a duty under s.70(2) Town & Country Planning Act 1990 to have regard to that material consideration, but how it should weigh in the planning balance is a matter for the Borough Council's planning judgment. When the Council is determining a planning application, it is for the Council to decide how much weight to give to that policy guidance, both in itself, and in relative terms when compared to the different thresholds in the Core Strategy. The Borough Council is, therefore, free, as a matter of law, to decide that it wishes to give more weight to the Core Strategy position than to the more recent national guidance and so to depart from that national guidance.

However, should the Borough Council exercise this freedom and refuse planning permission on the basis that there is no or inadequate provision for affordable housing – then it acknowledges that it can expect to have to justify that position in the event that there is an appeal. The Borough Council further acknowledges that if it cannot provide a sound evidential justification for its position, it cannot realistically expect its decision to be supported. This Statement sets out the data that the Borough Council will draw upon to maintain its established and successful policy approach.

Annex 2 House Prices in Epsom & Ewell

The National Housing Federation has collated data¹⁰ on this particular issue. Their Study has already been used by Elmbridge Borough Council in defence of their policy approach on this matter. The Federation's Study ranks average house prices across the South East Region. Although the Borough is not the most unaffordable area (that honour falls to our neighbour and Housing Market Area Partner, Elmbridge Borough Council) it remains in the top 10%. Data from the Land Registry¹¹ indicates the average price for home in the Borough in September 2017 was £474,775, in comparison to average UK price of £226,367. The average price paid for a flat or a maisonette in Epsom & Ewell is £304,370 and a semi-detached house commanding £543,286.

Coupled to this the Borough has a high affordability ratio of house prices to incomes. It is also noteworthy that the Borough has the second highest level of housing benefits claimants in employment across the whole South East. This is a critical factor as these are the residents are in greatest need of the affordable housing being forward through our policy approach.

More recent data¹² compiled to support Article 4 Directions served upon office buildings in Epsom Town Centre provides signals of rising prices for flats and apartments. This is relevant as it provides an insight to the increasing unaffordability of this type of housing (for those in greatest need). Specifically our data has shown that whilst the lost office sites have yielded new residential accommodation it has typically taken the form of high-value units that do not fully meet local needs. Typically, these units were marketed for between £400,000.00 up to £700,000.00. The higher end of these conversions was noted at £750,000.00 for a two bed unit. Due to not requiring planning permission, these new residential units have not included any affordable units, which is an acute area of local need.

Unsurprisingly our latest data shows that house prices across the Borough continue to rise. Whilst the Borough is not as unaffordable as some of its immediate neighbours it continues to be a very difficult place for people to afford to buy. Established evidence demonstrates that the South East of England experiences high levels of affordable housing demand, coupled with prices that continue to rise higher than anywhere else in the Country (outside of London).

There is no local planning policy intervention approach that can change that pattern. However, our policy approach to delivering affordable housing (whether on site or by way of commuted sum) can continue to secure affordable housing for people to rent, which continue to be the area of greatest need¹³.

¹⁰ Home Truths 2015/16, National Housing Federation http://s3-eu-west-1.amazonaws.com/pub.housing.org.uk/Home_Truths_201516_South_East.pdf

¹¹ Data from the Land Registry September 2017

¹² Epsom Town Centre Office to Residential Article 4 Direction Study (November 2015)

¹³ SHMA (July 2016) Page 147

This page is intentionally left blank

Planning Improvement Action Plan 2017

Report of the:	Head of Place Development
Contact:	Mark Berry
Urgent Decision?(yes/no)	No
If yes, reason urgent decision required:	
Annexes/Appendices (attached):	Annexe 1: Planning Improvement Peer Challenge Report – 30 October 2017 Annexe 2: Planning Improvement Action Plan – November 2017
Other available papers (not attached):	Department for Communities and Local Government revised guidance on potential designation published in November 2016

Report Summary

The Planning Advisory Service (under the aegis of the Local Government Association) facilitated a Planning Improvement Peer Challenge in September 2017. The Peer Review report is attached at Annexe 1. This report sets out the management response to the findings of this review, set out in Annexe 2. The action plan at Annexe 2 was adopted by the Planning Committee on 13 November 2017 with the exception of those items under section 4 of the plan that fall for consideration and adoption by this committee.

RECOMMENDATION (S)

- (1) Agree those actions listed under Section 4 of the Epsom and Ewell Planning Improvement Action Plan November 2017;
- (2) Notes and endorses the establishment of a Working Group by the Planning Committee to oversee the implementation of the Plan comprising the Chair of Planning Committee, Chair of Licensing and Planning Policy Committee, Chair of Audit, Crime & Disorder and Scrutiny Committee, the Chief Executive, the Head of Place Development and one additional Member who is not on either of the planning-related committees.

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

- 1.1 Sound and defensible planning decisions reflect the Council's core values and it is fundamental to all four of the Council's key priorities to ensure that we have appropriate planning policies and that we can make sustainable decisions in the light of those.
- 1.2 The revision of the Local Plan is rightly at the top of the Council's service plan priorities and it is necessary to ensure that the decision-making process that translates policy into sustainable development is sound. The planning improvement plan therefore is a key piece of work for the Place Development Service and one that assumes a high corporate profile given the threat of designation.
- 1.3 Designation could result in the Borough Council's role in determining major planning applications being stripped away for a period. The improvement plan will hopefully demonstrate that the Borough is committed to change and that it can continue to make major planning decisions for the benefit of the Borough.

2 Background

- 2.1 The Government monitors planning authorities on a range of measures. In particular, there are measures for "speed" of decision-making, and for "quality" of decision-making. The Government separately monitors "major" planning applications, and "minor" and other decisions.
- 2.2 Monitoring of the speed of decisions is focussed on decisions being made within the 8- or 13-week period (depending on whether it is minor or major) or within the extension period agreed with an applicant. In respect of both major and minor applications, the Council's performance on speed of decision-making is not a cause for concern.
- 2.3 Monitoring on "quality" of decisions is focussed on the percentage of local planning authority decisions which are overturned on appeal. In relation to minor applications our performance is good. For the last period covered by the published statistics (July 2014 to June 2016) fewer than 1% of minor applications were overturned on appeal. In relation to major applications, however, the position is quite different.
- 2.4 Performance is monitored by looking at a 2-year rolling period. The period runs from the beginning of April to the end of March. However, the Government also takes into account decisions made on appeal in the nine months following the end of the monitoring period, in an effort to ensure that the final outcome of any appeal, in relation to an application determined in the period, is taken into account.

- 2.5 The potential for designation under the new (at that time proposed) 10% performance measure for quality of decision-making (major decisions) came to light in January 2016 shortly after the Department for Communities and Local Government (DCLG) had published the performance data table P152 for 2013 - 2014.
- 2.6 This showed that, based upon the two-year period 2013 – 2014, Epsom and Ewell was the poorest performing district authority in the country. 16.1% of this authority's decisions on major applications were overturned at appeal. Although this was based upon a relatively low number of decisions (five cases) it was clear that the Borough was at risk of designation if the proposed 10% measure was confirmed.
- 2.7 The Council consequently invited the Planning Advisory Service (PAS) to work with the authority and the main resulting action was a training session for Members on the subject of "Making Defensible Planning Decisions". This took place on 28 April 2016. It followed an earlier similar training session on 10 June 2015 on "Decision-making, Committees and Probity" which formed part of the induction training for new Members elected in 2015.
- 2.8 It is worthy of note that, of the five allowed appeals, only one in the period 2013 – 2014 was a case where Members had overturned an officer recommendation. The other four had been recommended for refusal by officers. The only case where a partial award of costs had been made was the Sainsbury's appeal (Application No. 11/01144/FUL).
- 2.9 Progress against this performance indicator has been charted since and, when the two-year rolling period April 2015 – March 2017 had been assessed, it showed that, even before all relevant pending or potential appeals had been determined, the Borough had already triggered the 10% threshold.
- 2.10 The Council had determined 29 major applications in those 2 years and of those the Council had already lost three appeals by the end of March 2017. A decision was awaited on 1 Chase Road which was subsequently then also allowed bringing the total overturn percentage to 13.8%. A further decision on the Dairy Crest site in Alexandra Road is expected in December.
- 2.11 All four of these allowed decisions were a result of an over-turned officer recommendation at Committee. Three of the overturns all occurred at one Committee meeting on 6 October 2016.
- 2.12 At present there one outstanding appeal (see 2.10 above) from the relevant two-year period. If this goes against the Council our performance would be 17.2%. If the Council wins the appeal, it would remain at 13.8% - over the relevant threshold.

- 2.13 Officers wasted no time in contacting DCLG and Planning Advisory Service (PAS) for further advice in the light of the looming prospect of designation. Both were very responsive.
- 2.14 DCLG officers counselled that further input from PAS would be desirable and commended the Borough for being proactive in trying to address the issue.
- 2.15 Consequently, PAS agreed to provide a fully-funded package of support. This included a facilitated discussion, held on 10 July 2017, with Members about the Improvement Plan. The draft plan at that stage was considered to be a good start.
- 2.16 PAS agreed to facilitate a Local Plan workshop with relevant Members to assist in the preparation for the Issues and Options stage and to undertake an independent review of the Council's work to-date. The workshop was held on 13 July 2017 and a report on the Local Plan by Nigel Payne, a former senior planning inspector, was subsequently received.
- 2.17 The final part of the initial PAS package was a Peer Challenge (Review) of the Planning Service which was offered to run alongside the Improvement Plan. This was held on 19 – 21 September 2017.
- 2.18 This report is principally about the Council's response to the Peer Review. The final report was issued on 30 October 2017 and may be found at **Annexe 1**.

3 Proposals

- 3.1 The Peer Review report is self-explanatory and has a helpful executive summary. The report highlights the need for a clearer focus on improvement in a number of areas and there is an urgent need for the Council to develop and adopt a SMART improvement plan.
- 3.2 The report identifies areas of good practice but also sets out the need for improvements in a number of other areas. The primary presenting issue is the fact that the Council is under the threat of "designation" for poor performance in the quality of its decision-making on major applications. The reason for this is that, over a two-year period, 4 out of 29 major planning applications have resulted in appeal decisions going against the Council's decision. The scope of the Peer Challenge was much broader than this and the draft report identifies a wide range of themes where there is scope for improvement.
- 3.3 Some of the actions within the report relate to changes to policy, and are within the purview of the Licensing & Planning Policy Committee.

- 3.4 Based on the report, an Improvement Plan has been drawn up. The Peer Review team agreed that the draft improvement plan covered many of the key issues necessary but considered that a revised improvement plan was required to cover fully the issues stated under Paragraph 7.4 of the report. The revised Improvement Plan attached at **Annexe 2** takes an action-based approach with clear and measurable targets and accountability. There are a large number of fairly urgent and high/critical priority actions that should demonstrate that the Council is committed to change.
- 3.5 Most of these are not a one-off action but require a sustained effort to ingrain new ways of working that will run alongside and be part of a whole change in culture for both Officers and Members. We aspire to high standards although the quality of the service needs to be tailored to the available resources.
- 3.6 A big part of the change in culture will be around the front-loading of the planning process so that issues can be identified early and problems addressed, where possible, before a proposal is considered by the Planning Committee.
- 3.7 Members should be engaged earlier-on where major proposals are concerned, Officers need to be more engaged with Members through the process and Officers and Members need to engage in discussions about acceptable process.
- 3.8 There needs to be tighter management of the Development Management process to allow front-loading of major proposals and a better prioritisation of resources to achieve the best outcomes. Amongst other requirements are a need for various procedural changes, important adjustments to the planning committee itself, a sustained clear focus on the Local Plan, training, improved performance monitoring and a business process review of the planning service.
- 3.9 The improvement plan (with the exception of Section 4) was adopted by the Planning Committee at a special meeting on 13 November 2017. It was also agreed that a Working Group of Members and Officers should be established to oversee the implementation of the plan. This would be a high-level group comprising the Chair of the Planning Committee, the Chair of the Licensing and Planning Policy Committee, the Chair of Scrutiny Committee, the Chief Executive and the Head of Place Development and it will be chaired by a further, independent Member (unrelated to either of the planning-related committees). The group could initially meet fortnightly but the frequency could change as implementation of the plan progresses.

- 3.10 Section 4 of the improvement plan relates to the planning policy issues mentioned in the Peer Review report. The review was broadly complimentary about the Council's approach to reviewing the Local Plan but made some positive suggestions which have been incorporated into the improvement plan.

4 Financial and Manpower Implications

- 4.1 The up-dated improvement plan contains a column on resources. Most actions are achievable within existing budgets plus an anticipated 20% uplift in planning fees promised to be delivered within this financial year (Now expected in January 2018).
- 4.2 There may be some external resource available from PAS but it is uncertain how much, if any of this, will be free of charge.
- 4.3 The Head of Place Development is principally responsible for the delivery of the plan and he is reprioritising his time to ensure that he can give the improvement plan the focus it requires. There may be some short-term knock-on impact on his availability for other things.
- 4.4 A Business process Review is recommended as a way of ensuring that we are being as efficient as possible within the resource constraints that we have and that we eliminate any waste. At the same time we can ensure that the Development Management process is adequately resourced to deliver the sustained up-lift in performance that is required.
- 4.5 There are clearly resource considerations for Members' time commitment to this as well. The front-loaded planning process may involve additional meetings especially for the ward Members concerned. There will also be some additional training events, a possible annual review of appeal decisions (planning tour) and there is the proposed Working Group.
- 4.6 Resources allocated to the Local Plan will continue to be kept under review.
- 4.7 **Chief Finance Officer's comments:** *If the Council is unable avoid designation this will have a significant impact on planning income as the Council is likely to miss out on fees from major applications where applicants choose to by-pass the Local Planning Authority.*
- 4.8 *The budgeted position currently assumes a level income from major planning applications, therefore, loss of this income will result in a funding shortfall for the Planning Service. Major planning applications typically account for over half of the total fee income for the planning service.*
- 4.9 *However, if the Council avoids designation and is able to increase individual planning charges by 20% this will make available additional resources to potentially fund improvements to the Planning Service*

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

- 5.1 Responding positively to the Peer Review team's recommendations will be important to the Council in ensuring that it remains in control of the planning process.
- 5.2 If the Council cannot demonstrate a sufficient level of commitment to change, there is a real prospect of the Local Planning Authority being bypassed on the issues of greatest import. The need for an up-to-date Local Plan is also closely linked to this as the Borough's performance on decision-taking and plan-making are both within the government's sights when assessing the performance of the authority.
- 5.3 ***Monitoring Officer's comments:*** *There are no direct legal implications arising from this report. None of the proposals in the action plan are legally controversial. It is important that members and officers work together within the legal framework for determining planning applications to ensure that all decisions are robust, and made for sound planning reasons, so that we have the best possible chance to avoid designation, now or in future. It is always possible, in all areas, to improve what we do and how we do it. In addition to addressing the issues which have contributed to the current risk of designation, the plan sets out a clear commitment to improvement, which will promote good governance.*

6 Sustainability Policy and Community Safety Implications

- 6.1 The best way to secure sustainable development within the Borough is to retain control locally. There are no particular community safety implications arising from this report.

7 Partnerships

- 7.1 The Borough's partnerships are in large measure dependent upon its ability to perform its function as a Local Planning Authority. If that control is lost, there would be a potential significant knock-on impact on the whole community.

8 Risk Assessment

- 8.1 The risk of designation is great and serious so the most important risk is that of not delivering on a programme of improvement such that the government is not persuaded that the Council is committed to change.
- 8.2 This risk can be mitigated by ensuring that there is adequate focus on the issues and that the improvement plan is properly resourced. Sustained improvement will help to ensure that we fall out of the "danger-zone" and that over a two-year rolling period we will achieve that. To ingrain the changes envisaged there will need to be a shift in culture that can sometimes take longer to deliver than the procedural changes themselves. Nonetheless, there is a palpable commitment to change and an increasing focus on the issues identified in the report.

- 8.3 The creation of a Working Group comprised of Officers and Members will help to ensure that this focus is sustained and that the plan is followed-through.

9 Conclusion and Recommendations

- 9.1 There is a clear risk that the Council will be designated in relation to major applications. If that happens, major applications could be submitted direct to the Planning Inspectorate (acting on behalf of the Secretary of State) for consideration/ determination by a planning inspector. It is considered that the actions suggested in the Improvement Action Plan represent the best chance of avoiding designation; ultimately, we need to make better decisions. The proposed actions also seek to set an agenda for continuing improvement in the way our planning functions operate, which should bring a range of benefits for the Council and for applicants.
- 9.2 Success will be measured in the actual outcomes from this plan. It is proposed that a Working Group comprised of key Members and Officers be set up to oversee the implementation of the plan over the initial months until the key actions have been completed and changes in practice and culture fully embedded.
- 9.3 The plan references the resources necessary to implement it. The prospect of a 20% planning application fee increase in addition to the support of others both internally and externally should be sufficient to deliver the requisite change. A proposed Business Process Review in planning will help to identify areas for improvements to the deployment in the future.
- 9.4 It is recommended that the Committee should agree those actions listed under Section 4 of the Epsom and Ewell Planning Improvement Action Plan November 2017 following its adoption by the Planning Committee on 13 November 2017 and note the establishment of a Member/Officer Working Group to monitor its implementation.

Ward(s) Affected: (All Wards);



Planning Improvement Peer Challenge

Epsom and Ewell Borough Council

On site September 19th – 21st 2017

Final Report October 30 2017



1.0 Executive Summary

1.1 The Council needs to significantly improve its focus and more meaningfully demonstrate its commitment to improve the quality of its planning decision making given the threat of Government designation. Although the Council can point to some early 'green shoots' of changing the approach to planning decision making, the pace of improvement in the Planning Service needs to be prioritised at all levels to avoid reputational damage and potential designation. We recognise Service concerns about a lack of capacity but this needs to be properly evidenced and we address this in our recommendations,

1.2 Prioritising and acting quickly on the most critical themes in an agreed Improvement Plan will be important to demonstrate to Government that the Council has recognised it needs to improve, and is serious about changing processes and culture now and how it is going to sustain improvement into the future. If additional short term capacity is required to achieve this it will be important for the Planning Service to demonstrate a strong business case to the Leadership Team.

1.3 The Planning Service can point to some good outcomes on the ground and between 2013/4 and 2015/6 it enabled the development of over 300 affordable homes. As early adopters and being seen as 'best practice' of the Community Infrastructure Levy (2012) to support the Core Strategy, it has demonstrated a clear ability to adopt new funding models to support local infrastructure. However the Service needs to throw off its slightly 'isolationist' image and work more strongly and openly with other internal services.

1.4 Stronger ownership and management of the Development Management process is required to build greater trust and confidence among the Leadership Team and with Legal and Democratic Services officers. A cohesive and supportive Leadership Team to help drive improvement in the Service could help build improvement planning capacity

1.5 We fully recognise that while the 'presenting' issue is the record on major appeals, the planning process starts much earlier. To that extent our report and recommendations address the process from initial pre application inquiries through to the appeal or issue of consent. A clear message we want to give is that the Service needs to prioritise and manage its resources to ensure that the process is front loaded and managed more effectively. In particular this will involve earlier member engagement in major applications with more opportunity to shape the eventual outcome and better officer/member engagement.

1.6 Development of the Local Plan Review offers a clear opportunity for the Planning Service to help shape both the spatial and longer term corporate vision for the Borough. Relentless implementation of a deliverable Local Plan Programme backed by adequate resources is vital to plan, manage and deliver significant market and affordable housing growth in the area.

1.7 The fact that the Council commissioned the peer challenge and has already taken on board some of its emerging improvement plan actions is very encouraging.

2.0 Recommendations

2.1 Priority Actions

1. Develop and adopt a SMART Improvement Plan with a focus on our recommendations in section 7 but prioritising:

- management and ownership of performance on major decisions/appeals including a clear understanding of the effect of the timing of decision making over a rolling two year designation period ;
- agreeing key accountabilities at Planning Service, corporate and Planning Committee level;
- strengthening opportunities for ward member engagement and as necessary Planning Committee in the pre application process;
- deciding whether to adopt interim policy on seeking developer contributions for affordable housing on sites with 10 dwellings or less;
- engendering stronger Development Management ownership of committee report production including meeting deadlines and better engagement with Legal and Democratic Services;
- supporting management at member and officer level of Planning Committee meetings including length, ward member role, presentation and timing of officer information, robustness of any reasons for refusal;
- running member training/briefing, perhaps jointly with officers on viability and examine opportunities to test developer assumptions with alternative viability assessor;
- managing of major appeals to provide the most robust defence of the reasons for refusal;
- setting up post briefing meetings between Chair/Vice, Planning managers, Legal and Democratic Services officers to ensure united view on decisions taken; and
- creating strong opportunities for officers and members to jointly learn from appeal decisions and undertaking annual/regular training for members on making sound planning decisions.

2.2 Development Management

2. Utilise any uplift in planning fees to increase capacity to support improvement in this element of the Service.

3. Undertake a resource/productivity/benchmarking review in association with Planning Advisory Service to help ensure that resources are aligned to key Service priorities.
4. Work with support services to ensure weekly lists of applications are sent to ward members and others/organisations that request it and encourage members to liaise effectively with officers in advance of Planning Committee to promote a culture of 'no surprises'.
5. Ensure a stronger pre application offer working to agreed timescales, that is also properly resourced, and involves appropriate stakeholders including members.
6. Encourage developers to use Planning Performance Agreements on major applications where appropriate.

2.3 Planning Committee and Members

7. Ensure that Planning Committee decision making consistently follows the principles of sound decision making and good governance and acts in the best interests of the Borough as a whole through:
 - using Planning Committee to decide items of strategic importance focusing most attention on 'major' applications where members need to weigh the balance of decision making carefully;
 - reviewing existing call in and delegation procedures to support the strategic focus of Planning Committee decision making;
 - review public speaking protocol to ensure fairness and equality to applicants and objectors;
 - insisting on substitute members being provided with induction training before being allowed to vote; and
 - examining use of recording and/or web casting to promote greater efficiency and public engagement
8. Ensure that a well-balanced training plan reflects the changing needs of Planning Committee members in light of national and local trends.
9. Ensure that expert advisers at Committee are treated with courtesy and respect and ensure that their expert evidence is given the proper weight in the decision making process.

2.4 Planning Policy

10. Change internal processes to ensure that the Leadership Team can better own and support the Local Plan Review.
11. Focus on strong implementation of the Local Plan Review to the set programme timetable with excellent programme management backed by clear resources.

12, Examine opportunities to secure high quality design through use of master plans, design briefs/codes and access to high quality urban design and conservation advice.

13. Develop an agreed stronger corporate narrative around the necessity of growth to secure balanced communities for a longer term future of all citizens and pivotal role of Local Plan in this 2040 vision.

3.0 Background and scope of the peer challenge

3.1 This report is a summary of the findings of a planning improvement peer challenge organised by the Local Government Association (LGA) in cooperation with the Planning Advisory Service (PAS) and carried out by its trained peers. Peer challenges are managed and delivered by the sector for the sector. They are improvement orientated and are tailored to meet individual councils' need. Indeed they are designed to complement and add value to a council's own performance and improvement focus. They help planning services review what they are trying to achieve; how they are going about it; what they are achieving; and what they need to improve.

3.2 The peer challenge involves an assessment against a framework for a local authority planning function which explores:

- **Vision and leadership** - how the authority demonstrates high quality leadership to integrate spatial planning within corporate working to support delivery of corporate objectives;
- **Community engagement** – how the authority understands its community leadership role and community aspirations. Then how the authority uses spatial planning to deliver community aspirations;
- **Management** - the effective use of skills and resources to achieve value for money, accounting for workload demands, ensuring capacity and managing the associated risks to deliver the authority's spatial vision;
- **Partnership engagement** – how the authority has planned its work with partners to balance priorities and resources to deliver agreed priorities; and
- **Achieving outcomes** - how the authority and other partners are delivering sustainable development outcomes for their area.

3.3 In addition as part of the peer challenge, Epsom and Ewell asked us to look at the following key areas:

- support to the Council in relation to the potential 'designation' of the Planning Service triggered under the Government's "Quality of Decision-Making" criteria concerning upheld planning appeals on major applications April 2015- March 2017;

- robustness in the handling of major appeals process;
- the Council's Planning decision-making process and especially decisions taken at Planning Committee and including mutual trust, understanding and confidence;
- governance arrangements, business processes and resources allocated to the Planning Service and associated support services;
- progress in developing the local plan including the roles of both members and officers; and
- effectiveness of performance management, reporting and accountability.

3.4 We agreed with the Council that our on-site feedback and report would be grouped around the key themes of:

- quality of planning decision making and outcomes;
- Planning Committee and member engagement;
- Local Plan review;
- performance management and processes; and
- accountability and financial awareness.

3.5 Peers were:

- Tracy Darke – Head of Development Services, Warwick District Council;
- Cllr Mike Haines - Independent Member, Teignbridge District Council;
- Simon Cole - Head of Planning Policy, Ashford Borough Council; and
- Robert Hathaway - Peer Challenge Manager, LGA associate.

3.6 PAS and the LGA where possible will support councils with implementing the recommendations as part of the Council's improvement programme. It is recommended that the council discuss ongoing PAS support, including the cost of it, with Martin Hutchings, Improvement Manager, Martin.Hutchings@local.gov.uk. A range of support from the LGA – some of this might be at no cost, some subsidised and some fully charged is available <http://www.local.gov.uk>. For more information contact Mona Sehgal Mona.Sehgal@local.gov.uk.

3.7 As part of the peer challenge impact assessment and its evaluation, PAS or the LGA may get in touch in 6-12 months to find out how the Council is implementing the recommendations and what beneficial impact there has been.

3.8 The team appreciated the welcome and hospitality provided by Epsom and Ewell Borough Council and partners and the openness in which discussions were held. The team would like to thank everybody they met during the process for their time and contribution.

4.0 Quality of Planning Decision making and Outcomes.

Expertise

4.1 The Council's ability to take rounded and balanced planning decisions is enhanced by the availability of generally strong internal expertise. For a small District Council the support of dedicated officers providing expert advice on strategic housing, arboricultural, ecological, contaminated land, land drainage and noise pollution is good. Given the high value placed on environmental management and protection by the Borough's residents and environmental groups the provision of such advice is important. We pick up in another part of the report the lack of capacity in conservation and urban design skills that we think is vital to plug as soon as possible.

Delegation

4.2 The Council benefits from a high percentage of delegated decisions that has clear potential to deliver efficient decision making. Delegation rates at around 94 per cent helps ensure that the Council can benefit from avoiding the more time consuming and costly approach of taking planning decisions at the monthly Planning Committee. This rate of delegation would be expected with an authority that has a low number of major applications. However we do feel that some other gains can still be made. One example would include reviewing whether small council projects need to come to Planning Committee for decision –there were three of these at the September 2017 meeting. We are aware that the Council intends to review the scheme of delegation at some point and perhaps this matter, along with any other gains, can be picked up then. Another would be a review of the Council's member call in (which the Council recognise needs doing) to ensure consistency and to make sure that only the most important applications were coming to Planning Committee.

Outcomes

4.3 The planning system has enabled and facilitated some good quality outcomes that contribute to the quality of life within Epsom and Ewell. Examples we saw or were told about include:

- Hollymore Lane (mixed use retail/housing) ;
- 87 East St (Sanctuary Housing);
- NESLOT Phase 1 (housing); and
- Epsom Square and Station (Plan E for town centre).

Speed

4.4 Speed of decision making while not meeting challenging local targets nevertheless meets national targets for both majors and non-majors. The Council receives approximately 1000 applications (excluding trees) every year. In the period October 2015 – September 2017 the Council has approved 75 per cent of its major

applications in eight or 13 weeks or via an agreed extension of time. In relation to non-major applications the figure is 92.5 per cent over the same period.

Appeals Performance

4.5 We recognise that the vast majority of Planning Committee decisions are in line with officer recommendations. Decisions in line with officer recommendations increased between 2016/7 and 2017/8 (part) rising from 83 per cent to 89 per cent. However all of the four upheld major appeals in the Government performance review period resulted from member overturns of officer recommendations at Planning Committee; with three of the overturns at one Committee meeting on 6 October 2016 (discussed in the next section). One other possible appeal decision could come before December 2017. If it is allowed, the performance figure would worsen to 17.2 per cent but even if it is dismissed the Council would still find itself the wrong side of the Government's ten per cent threshold.

4.6 We recognise that the Council performs generally well in defending its overall planning decisions at appeal. The Council has successfully defended approximately two out of every three appeals over the last three years. However the number of appeals that have gone against the Council on major applications over the government's rolling 2-year performance assessment period (April 2015 – March 2017) is higher than the performance threshold of 10%, thereby putting the council at risk of having its planning service designated.

4.7 The Council has already 'lost' four appeals of the 29 decisions on major applications taken during this time. Three of these refusals were Planning Committee overturns of officer recommendations at one particularly difficult and long meeting. Our report includes significant focus on how the Council can improve the preparation and operation of the Committee's work.

4.8 The Government's 10 per cent appeals target aims to make sure that authorities are making tough decisions in line with policy and are not just turning down hard decisions. Planning Committees should be seeing the hardest, most controversial applications and the hardest of these are going to be the ones that are most likely appealed. How Epsom and Ewell handles the decision making on these is about ownership, preparation and especially about how the officers and members on Planning Committee work together.

4.9 It is vital that the Council robustly defends its planning decisions through the appeals process. Officers must prioritise resources and work efficiently and effectively together to ensure both Policy and Development Management reasons are fully explored. We were advised by Planning Service staff that due to the pressure of workloads and priorities that this wasn't always possible. For example at a recent appeal at 1 Chase Rd, Epsom. The Service recognises there were some gaps in its evidence around a qualitative employment land survey and the five year housing land supply data. Legal officers and some Planning Committee members

also advised that they were not always fully aware of which decisions were appealed and felt that joint working was not always effective.

Reasons for Refusal

4.10 The Council does not have clear processes to systematically learn from its appeal decisions that would help members and officers test the policy and material consideration basis of their decisions. We recommend it reintroduces the practice of a review of appeal decisions and lessons learnt being presented to Planning Committee. This needs to then link back into member training plans and briefings.

4.11 Having said this the Council clearly understands the main themes where member concerns have in at least some instances lead to unsustainable decisions, namely:

- inadequate parking;
- unacceptable traffic impact on surrounding road network;
- inadequate provision for affordable housing notwithstanding that viability was assessed by an independent assessor; and
- character, especially where height, bulk and mass was considered inappropriate to the area and where development would be overbearing to neighbours.

4.12 It is clearly important that the Planning Committee pays particular attention to the advice it receives from its planning, highways, viability and other experts. Committee members are not expected to be experts but expected to listen to the professional advisers and then apply judgement. We would recommend that where members wish to go against officer recommendations, they make strenuous efforts to explain their rebalancing (the weight) of policies and material considerations to reach a different decision. This has the potential to secure stronger decision making.

4.13 Members told us that they would value as much support as possible from officers in framing robust and defensible reasons. We would comment that more effective and early engagement between officers and members is required to build trust and confidence. Thus while Planning Committee members must give justified planning reasons - officers should support and advise. Asking officers to help members draft reasons and advise them of concerns at an early stage would seem sensible. It is useful for members to have considered reasons for refusal prior to the Committee meeting and to have taken advice on their legality/enforceability /reasonableness.

4.14 We are also aware of councils whose protocols demand that where members wish to overturn an officer's recommendation to Committee, such an application is not determined at that Committee but is referred to a future meeting. This allows time for officers to prepare a report based on potential reasons for refusal or conditions for approval examining the strengths and weaknesses thereby risk assessing any

potential decision. A variant on that theme would be the Chair calling for a short break at Planning Committee where members appeared minded to go against officer's recommendation to allow time for a mini risk assessment of the decision. We would not be dogmatic on the Committee introducing any of these examples but they are additional options to safeguard member's decision making (see also 5.22)

5.0 Planning Committee and Member Engagement

Composition

5.1 The Planning Committee is formed by dedicated and knowledgeable experienced members. We think that the size of the Committee at 13 members allows it to be large enough to have a range of experience but not so large that it is unwieldy. The Chair and Vice Chair work together well. We feel that their confidence to lead is improving although it is important that the Chair ensures that he works with his Committee to promote the highest levels of governance and efficiency in decision making.

Training and Awareness

5.2 Full members of the Planning Committee are required to have a basic level of induction and training before they can sit on Committee. This is good practice. Both officers and members themselves need to ensure that the training is kept up to date and reflects both local and national requirements. We understand that currently, substitute members on Planning Committee do not need to be trained. This approach needs to change. We recommend that the Council amends its Constitution or procedures to make sure substitutes have the same induction as full members. Such an approach supports good governance and probity in decision making.

5.3 We commend the Council for running a well-attended Planning Committee member training event on taking defensible planning decisions. This arose as a result of the Council recognising in 2016 its poor performance in 'quality of decision making' based on Government's 2013/4 appeals performance.

5.4 We have seen the slides and would unequivocally support the advice given. Possibly in the light of this Peer Challenge and the context of potential designation, this training could be refreshed and broadened to support other recommendations we make on areas such as earlier engagement with ward members at pre application stage. Might it be also be the case that repeated messages on making stronger more defensible decisions may now gain more traction given the different context that the Council finds it in? We certainly feel this is worth exploring using real life examples to aid learning and future decision making.

Planning Committee Reports

5.5 We consider that the management and ownership of the production of officer reports to the Planning Committee could be significantly improved. It appears that

Democratic Services and Legal officers are often unsighted of what reports are due to come to Planning Committee. They told us that reports are regularly late, missing internally agreed deadlines. This has significant effects on efficiency and effective joint working between internal departments and has led in part to a breakdown in trust and confidence between internal officers. Given the regular necessity of section 106 agreements in major applications, it is vital that legal services have good knowledge of what planning applications are due to be reported and have adequate time to check these. This aids sound and good decision making.

5.6 We recognise that the Development Management Service feels under resourced and pressurised (see section 8 regarding resources).but we consider that strong and visible leadership is required in the production of Planning Committee reports. Getting reports and accompanying plans ready in time for such a publicly visible and important decision making committee is an essential part of an efficient Planning Service.

5.7 We were also surprised to learn that the Chair and Vice Chair of the Planning Committee rarely had any indication of what items were due to come to Committee. The Chair and Vice Chair do meet with managers at what is locally termed a 'call over' meeting before Planning Committee. However this occurs after the Planning Committee agenda and reports have been published and available to the public for a number of days. This 'call over' meeting is effectively a Chair and Vice Chair's briefing which is clearly required and some important areas for clarification come out of this meeting. While we recognise the clear responsibility of the Head of Service and Service Manager to bring forward planning reports in a timely manner, we consider that stronger engagement with the Chair and Vice Chair (as well as internal officers we mentioned above) can help manage the Committee agenda. This in terms of the number of applications, the complexity and the readiness of reports for determination.

Timing of Planning Committee

5.8 The need for a better managed agenda and timely information was brought into sharp focus for us when we learnt that since June 2016, there have been three occasions when the Planning Committee has gone beyond 10.30pm. And on October 2016, at a particularly taxing and challenging Planning Committee which resulted in three refusals which were then successfully appealed, the meeting ended just before midnight!

5.9 We are concerned about the late night sessions on a number of grounds including:

- public engagement – is it reasonable to expect applicants/objectors/public to engage in the process at such a late hour?
- members – does debate and decision making that late into the night facilitate sound decision making?

- officers – is it fair to expect officers to give their best post 10 pm when Planning Committee is intensive and when they are likely to have been in work all day?

5.10 Indeed the controversial 1 Chase Road item (discussed elsewhere in the report) did not start until 11pm, by which time the Development Manager and Solicitor supporting the Planning Committee left for home.

5. 11 We recognise that since February 2017 the Planning Committee has not run later than 9.35pm which is more reasonable. However to avoid a repeat of such late night decisions we would recommend that Planning Committee work with relevant officers to consider solutions to late night decision making. A number of options, that may not be mutually exclusive, could include:

- starting the meeting earlier – we recognise the issue of travelling back from London for some members and applicants/objectors but other planning Committees around London and other major cities manage this;
- having a guillotine at an appropriate time say 10pm with another evening scheduled in the municipal diary as a reserve night as soon as possible thereafter to complete the business;
- managing the number and complexity of items brought to Planning Committee recognising the need to take decisions in as timely a manner as reasonably possible; and
- ensuring that debate is focussed and non-repetitive and that the Chair calls for a motion and vote in a timely manner.

Officer Presentations and Expert Advisors

5.12 Opportunities exist to ensure that planning managers and case officers who present decisions to Planning Committee exude confidence and authority in their judgements. When we attended Planning Committee in September 2017 the quality of officer preparation and presentation was mixed and on occasions overly long. Corporate managers who had attended Planning Committee also told us that officers did not always present a fully united front to members and other attendees.

5.13 Members need to take advantage of the best advice available from internal officers and from Surrey's highways officers. We heard that on at least some occasions, members had not acted as courteously to highway officers at SCC as they could have. Given the importance of highways and parking to members, a strong relationship needs to be developed. Otherwise officers may be reluctant to attend.

Ward Members Predetermination

5.14 Listening to the Planning Committee at its September 2017 meeting, we were concerned that there was a blurring of some roles and responsibilities of members. It was clear to us that at least one member of the Committee was clearly representing their ward interests only and it appeared that they may have been pre-determined to vote in a certain way before hearing the views of the Committee.

5.15 We were told that what we saw and heard was not a 'one off'. This suggests a misunderstanding among at least some members of the Committee in relation to their role. The role and responsibility of members of the Committee is to take decisions on behalf of the whole of the Borough in line with planning policy and material considerations. It is not to act as local ward councillors when taking decisions on applications in their wards.

5.16 The Planning Committee needs to be alive to the perception of decision making from the viewpoint of planning customers, agents and general public. While the primary obligation rests on Committee members to act in accordance with appropriate standards, it is important that the Chair/Vice and legal officers step in to remind members of their roles and responsibilities when necessary. It is important that the Council acts to limit the risks of a finding of maladministration and of legal proceedings. The Code of Conduct covers this issue.

Pre Planning Application Meetings

5.17 In order to promote earlier member engagement in the planning process we recommend that the Council establish informal pre planning application briefings for ward members and as necessary for Planning Committee members. Ideally these would take place as part of the pre application offer of the Council.

5.18 We detected that members had an overly cautious approach to engagement with officers and, especially, developers/agents. However ward councillors are strongly encouraged to participate at the pre-application stage, where it is appropriate and beneficial for them to do so (section 25 Localism Act 2011)

5.19 Such pre application briefings have the clear potential to encourage developers, agents, councillors and officers to discuss issues in a more informal setting. The purpose of these briefings would be to inform ward councillors of emerging proposals for major developments and enable key local issues of relevance to the development, including any Section 106 matters, to be identified. Such early engagement will enable the developer to understand and address any significant local concerns as early in the development process as possible including any priorities to mitigate the impact of the proposed development. Plymouth has a useful Code of Conduct that supports member engagement in pre application discussions that links to the principles set out in its Statement of Community Involvement.

Public Speaking

5.20 We would also suggest that the Planning Committee revisit the issue of public speaking to ensure transparency and fairness to planning paying customers and objectors and interested parties, all users of the system. The present system allows public speakers to register on the night of the Planning Committee. This is unusual in our experience and this system does not allow for any interested party to be fully forewarned of who is speaking at Committee. For example, it has been the case that an objector has turned up on the night to speak against a proposal.

5.21 Without any protocol or time to contact the applicant/agent this then means that Planning Committee only hear the objector in person. This does not seem fair or just. In order to redress this imbalance we feel that it is important that both the paying planning customer and any objectors need to be forewarned of who is speaking to allow equal and fair access to address Committee.

Post Committee Briefing

5.22 We understand that there have been occasions where there has been either some confusion in relation to the exact reasons for refusal or where on reflection some amendments have been suggested post committee. It is a maxim that the decision taken at Planning Committee is the decision. In order to avoid any confusion we suggest that a briefing meeting is held on the morning after committee between Chair or Vice or both, planning manager, legal officer and democratic services officer

6.0 Local Plan Review

Progress

6.1 We commend the Council for prioritising the Local Plan Review (LPR) as a key corporate priority. An independent assessment of the LPR has confirmed that the Council has made a good start on the evidence base but much remains to be done. The Council has traditionally been an early adopter of new planning policy initiatives being in the forefront of Core Strategy development in 2007 and was early in introducing the Community Infrastructure Levy (CIL).

6.2 The Council recognises that despite the LPR being a corporate priority it has encountered some delays. The revised Local Plan Programme adopted in 2016 has not met all its planned milestones, for example planned adoption slipping over a year from July 2018 to December 2019. This was primarily due to a lack of staff which was addressed with the appointment in late 2016 of a couple of two year full time fixed term posts to improve speed. The Local Plan team is therefore now well-resourced at present containing an experienced team of both full time and contracted staff.

6.3 Progress on the evidence base over the last 9 months has therefore understandably accelerated. Local stakeholders we spoke to had valued the engagement of the Council over the various studies. With the completion of recent studies including green belt stage 1, strategic housing market and land availability area assessments and constraints, the Council is now out to public consultation on its 'Issues & Options' stage. However, in order to continue with this level of progress, it is vital for the Council to retain its current staff capacity and expertise beyond the end of 2018.

6.4 As a corporate priority, it is important that the risks inherent in the Plan-making process are fully understood and corporately-owned by officers and members. On-going, strong and transparent project management of the process is crucial as the Plan-making process enters the stage where specific policies and allocations are proposed. This may require a more realistic timetable to achieve a sound Plan than the Council has currently.

6.5 The LPR focuses on updating the 2007 Core Strategy and 2015 Development Management Policies Plan and critically the necessary evidence base to support this. This provides a clear platform for the Local Plan to play a major role in shaping the emerging Council wide 2040 vision and the opportunity to enhance the role of the Planning Service 'front and centre' in terms of managing growth for the Borough. Successful adoption of the LPR review is vital to the development of a 2040 vision that politicians, staff, the public and businesses can rally behind.

Member Engagement

6.6 We found good member engagement in the LPR processes and members indicated that their sense of understanding and ownership was continuing to grow. Member briefings include leading group and all party member briefings and LPR workshops. The Chair and Vice Chair of Licensing and Policy Planning Committee (LPPC) exhibited a good understanding of the issues and challenges involved.

6.7 We think there are opportunities to make sure that growing member engagement and confidence in the LPR through the LPPC, filters through to members of the Planning Committee. We see that growing member engagement in planning policy offers the potential to cross fertilise into greater confidence and appreciation of the benefits of engaging at an earlier stage in the planning application as ward councillors. It would be good for officers and members to look for opportunities for joint training or briefings, perhaps especially at Chair and Vice Chair level and involving both managers at Planning Policy and Development Management where relevant.

6.8 We would encourage broader internal Leadership Team awareness and ownership of the LPR to bulwark its passage through what will doubtless be challenging issues ahead. While the June 2017 internal Leadership Team 'Highlight' report on LPR progress appears comprehensive, key corporate managers told us

that they were unaware of some of the main issues and timescales for the Local Plan, for example the release of public information for the 'Issues and Options' Stage. Given that measures in priority 2 of the Place Development Service Plan include 'awareness of and engagement with the issues with Leadership Team' plus an action for the Chief Executive is 'to support member' engagement' –it is vital that communication and engagement across Leadership Team is strong.

Growth, Housing and Design

6.9 Major challenges of the next stage of the LPR include:

- taking all reasonable steps to meet high levels of unmet market and affordable housing need;
- significantly higher densities of housing;
- moving from indicative areas for housing growth to definitive lines on a plan;
- demand for better highways and schools infrastructure; and
- likely release of green belt land.

6.10 It is encouraging that officers have already briefed members using narrative and pictorial examples on options for housing growth as part of the 'Issues and Options' public consultation. We were told that whatever the actual strategy chosen, it was likely that the number of dwellings per hectare would have to rise considerably in new developments. It is clear from speaking to members and officers and from appeal decisions that the Planning Committee finds accepting high modern housing development somewhat challenging. However accepting much higher density housing, often flatted and over three/four storeys in the right locations may be necessary to meet identified housing need.

6.11 Government expects authorities to be able to manage the challenges of housing growth. It is also clear from appeal decisions that Planning Inspectors will not allow personal tastes in design to trump the need for housing. Going forward, it will be important for the Service to ensure it has access to high quality urban design expertise to help shape the best form of higher density living in the area. This both in terms of detailed briefs, masterplans and planning decision making. It should also explore opportunities to promote high quality design through its own development and through encouragement to the private sector

6.12 Visiting areas that have already perhaps successfully started to manage this change and benefited from additional growth may be an option for the Council. Examples that sub regional economic partners pointed us to were Woking who they felt had managed the transition well.

Duty To Cooperate

6.13 We support the vital need of the Council to continue to discharge its duty to cooperate to build on the strategic joint working arrangements that have existed across Surrey. It has a good base given the jointly prepared Strategic Housing Market Assessment (SHMA) in partnership with two neighbouring Surrey districts and the Royal Borough of Kingston in London. It was good to hear that the Council is in the process of expanding this working relationship beyond its existing Housing Market Area (HMA) partners to include the London Borough of Sutton and Reigate and Banstead.

6.14 Strategic working supports a policy base approach to show to the Government that the Council is doing all it reasonably can to significantly improve the supply of housing land. We agree with the Council that meeting housing need must be tackled in a sub-regional strategic way given that its evidence shows that it is almost certainly not going to be able to meet all its housing need in the Borough. Therefore, enhancing communications and working relationships with neighbouring authorities is likely to be crucial in securing the timely progress of the Local Plan Review.

Affordable Housing

6.15 We found some confusion among planning, housing and legal officers and with members about the Council's policy stance in relation to requiring contributions for affordable housing on developments of ten houses or fewer.

6.16 The Council has traditionally performed relatively well in delivering affordable housing through the planning system. Although the last year has seen a sustained healthy delivery of new affordable units (102 in total) there has been a dramatic decline in new planning permissions for affordable housing with none having been granted in the 2015/16. We recognise that the supply of affordable housing is partly cyclical, dropping off when no large sites are built. However given that small sites can continue to make a contribution to supply, it is vital that the Council adopts a clear evidenced position as to why it should seek contributions on small sites.

6.17 The Council has an unadopted written policy position on this backed by housing need evidence and Counsel's advice. However this has not been fully shared with Leadership Team or brought before members. We would encourage the Council to consider whether they wish to bring this emerging policy into force as soon as possible. Members see this as a massive priority for local people and get very frustrated that the planning system and especially private developers can't help more to meet this need.

Viability and Affordable Housing

6.18 Members told us they could not really understand how it was possible for developers to avoid meeting the adopted Local Plan policy tests requiring contributions towards affordable housing on the grounds of viability. The Council

obtains independent consultancy viability advice from at least two well regarded practices to feed into its planning decisions. However there appears to be a clear lack of confidence among members on this professional advice.

6.19 This lack of confidence has not been helped by the way on at least one occasion of how the supply of viability information is presented to members at Planning Committee. A number of interviewees told us about the 6th October 2016 Planning Committee meeting where they said that vital information about an affordable housing contribution was not presented at an opportune moment.

6.20 In summary, Planning Committee was considering at least three applications that night that in policy terms required affordable housing contributions. The last of these items, the redevelopment of 1 Chase Rd, Epsom was listed for approval subject, among other conditions, to a legal agreement requiring £223,000 affordable housing contributions. Planning Committee refused two housing developments recommended for approval earlier in the meeting, with members referring to Chase Rd as the exemplar to follow in relation to policy and affordable housing contributions. However when 1 Chase Road was introduced by officers, members were advised that a viability assessment had concluded that the affordable contribution was to be zero. Unsurprisingly the application was refused. All three major applications refused that night were successfully appealed.

6.21 In order to improve Planning Committee confidence in viability assessments we feel there is benefit in running a training session with one of the viability consultants using real life examples in a non-decision making forum. This could help members better understand the figures in a non-decision making forum. Another option is to utilise an alternative viability assessor to further test developer's assumptions. We think that this can only help build a stronger appreciation of the viability testing process and help build trust and confidence on viability issues between officers and members.

6.22 The issue of viability again provides a major incentive to advance the LPR to the timescales set out in the present Local Plan Programme. This on account of the fact that the plan and sites allocated will be subject to viability testing as part of the LPR and its adoption. This has the potential to significantly increase supply and enable members to prioritise their Section 106 requirements within an agreed and independently examined viability envelope. This may also entail a need to review the CIL Charging Schedule, as currently this top-slices developer contributions.

7.0 Performance Management and Processes

Improvement Plan

7.1 We feel that the Council could have made more concrete progress in addressing improvement needs since the appeals issue was first identified. The Service became aware of the potential for designation in January 2016 following the Government's

publication of the appeals performance data between 2013/4. This showed that during this period the Council was the poorest performing district in England with 16 per cent of decisions on major applications resulting in upheld appeals.

7.2 We recognise that the Service has identified many of the issues that need to change. Themes include:

- general governance issues:
- pre application and pre committee engagement with members:
- communication and reporting; and
- training and awareness.

7.3 These are contained in a draft Improvement Plan that has been shared with the Development and Policy Manager, Planning Committee members, Chief Executive and Head of Legal. To date planning staff have not been involved in the development of the plan and it is vital to hear the ideas of staff and engender ownership. The draft plan requires consultation, engagement and ownership of Leadership Team and supporting services especially Legal and Democratic Services.

7.4 We agree that the draft improvement plan covers many of the key issues that the Service and Council need to address. We consider that the following issues are important to consider as part of a revised improvement plan seeking to improve the quality of decision making:

- demonstrating a clear understanding of the context;
- recognising where the Service was during the 2015/7 performance period and what it will change moving forwards to avoid repeating the same outputs;
- ensuring that narrative is concise and supports a SMART plan and contains or promotes clear visuals and metrics demonstrating a good understanding of how performance will be tracked and managed e.g. major decisions and appeal results coming into the quarterly reporting periods and dropping out of the two year rolling period;
- prioritising the main issues, for example earlier member engagement appears far more important at present than reviewing the scheme of delegation;
- focussing on both process and cultural change backed by clear targets such as pre application briefings on majors, weekly application lists (highlighting majors) going to ward members, earlier officer triage of likely controversial applications, managed report production, managed committee agendas with earlier involvement of chair/vice, post committee meeting briefings;

- ensuring that the most robust reasons for refusal are attached to decisions;
- focussing on significantly improving joint working across all relevant service areas including legal and democratic services;
- supporting the strongest level of joint working between development management and policy and supporting services in the defence of appeals;
- creating a strong learning culture between officers and members on the outcome of appeals; and
- creating a framework for officer and Planning Committee accountability and ownership and celebrating success.

Designation and Implications

7.5 Given, as discussed earlier in the report, that the Council is going to be 'caught' by the Government's performance criteria, the Council clearly needs to act and act quickly. Part of this is by adopting a robust improvement plan that recognises the issues, diagnoses the reasons and leads to resourced action plans and delivery to show changes in approach and culture. This can then provide confidence to Government and planning users that the Council is monitoring and managing quality of decision making to the best of its ability. Urgency is required as Government will be writing to potentially designated Council in early 2018 and examine their response that would seek to explain why designation is unnecessary.

7.6 When a planning service is 'designated' it means that customers have the choice of asking the Planning Inspectorate to process and decide major planning applications. This not only potentially reduces the control and input that the Council and its committee has over major planning applications but also a loss of significant fee income. Therefore the importance of the Council retaining its planning decision making responsibility is vital on a number of fronts including the danger of:

- loss of control as community leaders with planning decisions taken outside the Borough by the Planning Inspectorate;
- difficulty for planning customers and objectors in engaging in the planning process;
- having to do much of the work but lose the planning fees; and
- significant reputational damage for the Council.

Resources, Priorities

7.7 Officers within the Service consider that it does not have adequate resources to devote to completing the improvement plan in the face of competing priorities. It is for the Council to assess what its priorities are but as a peer challenge team we consider the issue to be time critical given the impending 'designation' process.

7.8 We concur with what we were told that the Development Management service lacks resilience and appears largely reactive. We were told that any sickness, extended periods of leave or even the pressure of a major or controversial application or appeal produces delays/issues in other the processing of planning applications and increases stress.

7.9 However since 2011 workloads for all planning services are high with most planning services having had to cut their budgets by at least 40 per cent. Without a much fuller review of workload, workflows and productivity it is impossible for the peer challenge team to comment on whether resources are sufficient.

7.10 The Service needs to ensure that it utilises its staff and resources in the most productive and efficient manner. Prioritisation is vital for staff, other services and customers. Decisions need to be taken at the lowest level possible (subject to necessary safeguards) and avoiding as many hand offs and bottlenecks In order to do this we would recommend a productivity review involving an analysis of workflow demand, processes etc and benchmarking.

7.11 While other services said they were willing to support the delivery of an effective planning service – they said that communication and trust and confidence in the Service were variable but low. Many interviewees felt that the Service was mainly working in its own ‘bubble’ and was slightly isolationist. However even within the Service area we were also told of service areas or individuals who didn’t feel fully engaged.

7.12 Service productivity is not helped but what we were told was a relatively poor IT offer compared with many other councils. This is recognised corporately and is a key area for change.

Green Shoots of Change

7.13 We do commend the Council for delivering early ‘green shoots’ in managing how it can improve the quality of its decision making. For example the Council deferred two major applications at its July 2017 Planning Committee that we were advised would possibly have been refused and gone to appeal. . Planning Committee subsequently approved these applications at its September 2017 meeting. Both these applications fitted the risk profile of some of the upheld major appeal decisions. This shows that the Development Management Service can work effectively and proactively with the Chair and Vice Chair to manage risk.

7.14 We were also told that at least some members were more actively engaging with officers in advance of reports going to Committee. We recognise that these changes are new and not embedded or backed by clear processes. But even these changes give us some confidence that members are willing to adapt their approach. Our earlier recommendation about a more formalised approach to engaging with ward councillors should help support a change in culture.

8.0 Accountability and Financial Awareness

8.1 Given the importance to the Service and Council of avoiding 'designation' it seems vital to the peer challenge team that this becomes a key corporate priority. The corporate dashboard contains some information on development management and appeals. But currently this is not specific enough to provide assurance on managing the 'quality of decisions made for major development' which is the obvious presenting issue in relation to potential designation. For example the number of major appeals by quarter including those coming into and dropping out of the Government's rolling two year performance period would seem to be an important indicator to report on and manage.

8.2 While responsibility for change needs to be invested in the Head of Place Development, supported by the Development Management service manager, we recommend that the Improvement Plan is overseen by a steering group including the Chair/Vice Chair of Planning Committee, Chief Executive and Head of Legal. Planning Committee also needs to better own its own performance and it will be important for the Service to report high quality statistical performance to members. This will help improve accountabilities. Other councils have found that making relevant improvement themes specific targets in performance appraisals from Leadership Team to support staff helps drive change.

Use of Funds

8.3 Strong collection of Community Infrastructure Levy (CIL) funds has supported investment in 'Plan E' at Epsom town centre and contributed to improvements in infrastructure via highways and schools. The Council has shown a positive creative attitude to the use of CIL funds, allocating five per cent to subsidise a graduate planner for two years to support the LPR. Good performance in collecting Planning Delivery Grant has been used to support Local Plan preparation and the Council has an allocated budget sufficient to meet a large proportion of LPR fees. We received mixed reports from officers as to whether the Council had budgeted for full LPR costs including the examination and it will be important for the Leadership Team to be clear on this.

8.4 The Council has committed to ring fence to the Service any uplift in planning fees authorised by the Government. The Government has announced the raising of national planning fees by 20 per cent by the end of 2017. This would potentially bring an additional income in the region of £60,000 into the Service. It will be for the Council to prioritise this additional resource but it clearly provides some financial headroom to address the issues raised in the report and in support of the improvement plan.

8.5 The Council has received significant amounts of money from developers via section 106 agreements attached to planning consents. This has particularly funded historically good numbers of affordable housing units. While the Service has

indicated that it monitors the spend and use of these monies, at least some corporate officers we spoke to were uncertain of a named officer and the process for monitoring and spend. Again we recommend stronger and more effective internal communication between Planning Service officers and other service teams. Also other services need to understand the housing trajectories and plan for the additional growth within their services.

Pre applications and Planning Performance Agreements (PPAs)

8.6 It will be important for the Service to maximise its income in the face of continued austerity in the public sector. In 2016/7 the Service received £279,000 in fees and anticipates over £370,000 in 2017/8. In 2016/7 it received pre application income of £31,000 but a number of planning agents told us that the Service could do more to promote a stronger pre application offer. We were told that responses can be very slow. This is because while the Service is collecting increased fees it is not prioritising the provision of a timely response with additional resource.

8.7 It is important that the Service takes the opportunity to help shape proposals or give clear indications that development is unacceptable. Early and clear planning advice can help the private sector de-risk its projects providing more certainty and confidence. We heard of at least one instance where investment in the town centre did not proceed when one potential developer walked away due to the lack of a timely response.

8.8 Slow responses to pre applications have also led some developers and planning agents to submit planning applications as almost 'de facto' pre applications. This leads to a number of potentially negative consequences including refused applications becoming 'free goes' resulting in two sets of costs but only one planning fee.

8.9 We would encourage a stronger use of Planning Performance Agreements (PPAs) that provide for greater certainty for developers and agents in relation to issues to be addressed, timescales and resources. Vitally the Council can use PPAs to legitimately charge for the provision of its services involved in deciding the application. This can lever in additional funds to backfill the prioritisation of in house staff on major PPA schemes. Unlike many councils who use PPAs routinely (for example Portsmouth and Plymouth), the Council is dealing with its first one for which it will collect £8,000. It needs to build on this on appropriate major applications. Of course early engagement between developers, officers and members will support many of our other recommendation for stronger earlier engagement in planning applications.

9.0 Further Support

9.1 PAS would be happy to discuss with Epsom and Ewell developing a package of further support some of which will be available at no cost and some paid for at cost. Specifically, we recommend exploring PAS support around:

- designation & improvement planning advice;
- training for the Planning Committee. <https://www.local.gov.uk/pas/pas-support/planning-committee-support>; and
- [Productivity & Resource Review https://www.local.gov.uk/pas/pas-support/value-money/pas-productivity-resource-review-future-proofing-planning-service](https://www.local.gov.uk/pas/pas-support/value-money/pas-productivity-resource-review-future-proofing-planning-service)

9.2 There are also tools and materials available on the [PAS website](#) which can be downloaded and used for free. Some of these are listed below.

9.3 DM tools: PAS has produced a suite of materials which should help with various aspects of the DM process. The councils have already had access to support for their DM service from PAS, particularly in relation to the DM challenge kit. The resources below are available to download and use.

- [DM Challenge Toolkit](#): ideal for focusing improvement work and useful as part of a wide-ranging review or for simply making a few process changes
- [Key principles for good management](#): a series of 'key principles' for managing parts of the planning process.
- [Pre-app processes](#): PAS has a number of pre-application resources available to download and use.
- [Conditions](#): PAS has produced a best practice not on applying and discharging conditions
- [Project managing major applications](#): PAS has produced a new note about handling major applications
- [Plan Making Support](#)



Local Government Association Local Government House, Smith Square, London SW1P 3HZ

Telephone 0207 664 3000 Fax 0207 664 3030

Email info@local.gov.uk

www.local.gov.uk

Epsom and Ewell Planning Improvement Action Plan 2017

Key Theme	Actions	Responsibility	Completion	Resources	Progress	Priority H/M/L	RAG
Overall: Agreeing key accountabilities – Service, corporate and committee level.	Adopt this Improvement Plan	MB	13.11.17	MB with support from LT, Dem. Serv's, engagement with staff and members beforehand.	Committee meeting scheduled for 13.11.17 Report prepared and draft improvement plan drafted 31.10.17	Critical	
	Secure all necessary resource to deliver this action plan	KB/MB	30.11.17	KB with support from LT and PAS. Identify additional short-term assistance for MB in delivery.	KB/SY/MB discussion 23.10.17 Confirmed that current temporary resource can be sustained until 20% fee uplift confirmed 24.10.17	Critical	
	Secure and carry a productivity and resource review of DM	KB/MB	Subject to availability	Possibly PAS supported by EEBC Officers. MB to identify options and agree with KB.	Preliminary discussions with Martin Hutchings PAS 10.11.17	High	
1. Procedural changes to the DM process	Develop template for PPA-style project plan for all major applications.	AC	09.11.17	AC with support from MB	Prepared	Critical	
	Start using template for all major applications setting out key dates and charting progress against them.	AC	From 13.11.17	DM Team to maintain and share with Chair/Vice Chair fortnightly	Implemented	Critical	
	Investing more in the pre-app advice stage – Recruit additional Support Officer for DM.	MB	November 2017	Secure additional DM capacity initially through recruiting additional agency support using additional 20% fee income until the Productivity and Resource Review is completed.	Temporary resource agreed until Christmas.	Critical	
	Weekly DM team triage /surgery between DM team members and Head of Place Development to prioritise work, having regard to financial considerations, and other factors	MB/AC	From 13.11.17	Achieved through re-prioritisation of time.	Initial meeting held 13.11.17	Critical	
	Review call-in and delegation procedures to support strategic role of Committee.	AC with support from SY	14.12.17	Report to Planning Committee. Additional assistance from Legal and Democratic Services esp. following SY's departure.	Scheduled for 14.12.17 Planning Committee	Medium	
	Managing appeals – project plan / project teams , based on timetable for the appeal	AC	Triggered by next appeal	Template to be created. Project team to include all relevant officers (i.e. anyone undertaking any tasks in connection with the appeal – usually the case officer, manager, maybe legal (especially where inquiry or s106 will be involved), and maybe customer services.		High	

Epsom and Ewell Planning Improvement Action Plan 2017

Key Theme	Actions	Responsibility	Completion	Resources	Progress	Priority H/M/L	RAG
	Managing of major appeals – Management to vet all evidence to be submitted beforehand.	AC	From next major appeal.	AC with Case Officers		High	
	Inform relevant members and officers when appeals are received as well as when they are determined. Produced in time for fortnightly Chairman's briefing.	AC	From 01.11.17	AC using available sources – possibly on a shared drive and use of VIT.		Critical	
	Promote use of Planning Performance agreements on major applications.	MB and DM Team	Immediately	Use additional income from PPAs to supplement resources as required. Speak to RAC Club.	Already happening at pre-app stage.	High	
	Pre-app service that is properly resourced and involves appropriate stakeholders and Members.	AC and DM Team	From November 2017	Secure additional DM capacity initially through recruiting additional agency support using additional 20% fee income until the Productivity and Resource Review is completed.	Temporary resource agreed until Christmas. Need to deal with outstanding backlog 13.11.17	Critical	
	Re-assess unit cost for minor/other applications and use information to inform the design of the application process and prioritisation of work.	MB	Feb/March 2018			High	
2. Tighter management of the Planning Committee process	Member Training Sessions to promote the highest levels of governance and efficiency in decision-making.	MB/FC	Jan/Feb 2018	PAS support – re-run previous training with adjustments?		High	
	Bring forward Chairman's call-over to between the draft and final stages of report preparation.	MB with support from Democratic Services and Chair/Vice Chair	Discuss timing with SD and agree implementation date. Trial in December and then from January Committee – following revised Member protocol below.	Simply re-schedule.	Initial discussions between Planning and Democratic Services regarding the scheduling of these 10.11.17	High	

Epsom and Ewell Planning Improvement Action Plan 2017

Key Theme	Actions	Responsibility	Completion	Resources	Progress	Priority H/M/L	RAG
	Revised Planning Member protocol to reflect the procedural and cultural changes in this plan and current best practise.	SY with support from AC	Report to December Planning Committee?	SY before he goes	Scheduled for 14.12.17 Planning Committee	High	
	Advise Members to seek support from officers in framing potential grounds for refusal Early engagement - ask for advice in advance (where possible) on legality enforceability and reasonableness	SY with Chair	From December Committee	Monitoring Officer to instigate. Chair of Planning to reinforce. PAS support and internal officers' input to training. Head of Place Dev to sustain.		High	
	Implement "cooling-off" period by deferral of potential Member overturns.	Chair/Vice Chair	Immediately	Close liaison between Chair and lead planning and legal professionals at Committee. Already in operation but needs to be maintained.	Already happening – e.g. Birchcrof and Hollydene/ Court Lodge site.	Critical	
	Review public speaking protocol to ensure fairness and equality to applicants and objectors. – Min 48-hour's-notice?	SY/Dem Serv's	Report to Planning Committee in December?	Dem Serv's officers and report	Scheduled for 14.12.17 Planning Committee	High	
	Reduce front-led presentation at Committee but ensure that Officers exude confidence and authority and are united and that plans photos are available.	MB with support from AC	From November Committee	Training session with Officers on 1 November 2017. Use of Nicci Bonifanti for more professional training.	Training session held 01.11.17	high	
	Send e-mail reminding members to treat expert advisers with respect	Chair	Before November Planning Committee	Chair	Done 07.11.17	High	
	Discuss timing of committees with members and consider ways to achieve shorter meetings and whether to change start time.	MB with Chair/Vice Chair	Report to December Planning Committee	Dem Serv's and Member's time. Potential saving in time.	Report scheduled for 14.12.17 Planning Committee	Medium	
	Officers post Committee briefing meetings on Friday morning.	MB/AC/SD	From December Planning meeting	Relevant Officers with support from Dem Serv's.	November meeting handled by e-mail exchange – no need to meet.	High	

Epsom and Ewell Planning Improvement Action Plan 2017

Key Theme	Actions	Responsibility	Completion	Resources	Progress	Priority H/M/L	RAG
	Ensure that deadlines are met for submission of reports to Legal and Democratic Services	MB/AC	From November Planning Committee	Additional DM support mentioned above will help to add resilience and ensure that this is achieved. Productivity and Resource Review which will require some internal resource even if PAS	Deadlines met for November	Critical	
	Investigate use of ModGov for planning to assist with above.	AC with support from Democratic Services	Before December Planning Committee	Assistance from colleagues in Democratic Services. Cooperation and input from Planning case officers. Period of transition will then need to be agreed if it is feasible.	Under consideration for December Committee.	High	
3. Front-loading of the DM process to include Members earlier	Schedule fortnightly Chair/Vice-Chair briefing.	MB in consultation with Chair	From early November	Officer time and Chair/Vice/Chair	In-train 10.11.17 but not yet scheduled.	Critical	
	Bespoke Ward member briefing on major planning applications to which all Committee members are invited.	AC and Case Officer	From November 2017	Requires additional support in DM funded from 20% up-lift in planning fees.	Temporary resource agreed until Christmas	High	
	Involve members in Pre-app meetings.	AC and Case Officer	From November 2017	Requires additional support in DM funded from 20% up-lift in planning fees.	Additional resource agreed temporarily until Christmas.	High	
4. Policy changes and delivery	Introduce regular briefings so that the Leadership Team can better own and support the Local Plan Review.	MB/KB	Immediately	Already scheduled.	Regular meetings already scheduled – November 2017	Critical	
	Consider adopting interim policy on Affordable Housing on 10 units or less.	KJ		Interim policy written but subject to minor adjustments. Report to L&PPC	To be reported to the 7 December L&PPC meeting	Critical	
	Agree resource plan to back up agreed Local Plan Programme	KJ with support from MB	By end of November	Plan already well advanced. Will need input from LT and formal approval from Committee.		Critical	
	Strong and transparent project management	KJ with support from MB		Regular meetings with Chair and Vice-Chair of L&PPC and briefings with LT mentioned above.		High	
	Secure high quality design: Design guidance SPD and expertise.	KJ	April 2018?	Will need concerted effort from MB/KJ with support from Urban design expertise		Medium	
	Review Height and Density Policies in 2015 DM Policies document	KJ	April 2018?	Policy Team		Medium	

Epsom and Ewell Planning Improvement Action Plan 2017

Key Theme	Actions	Responsibility	Completion	Resources	Progress	Priority H/M/L	RAG
	Re-advertise vacant heritage officer post	MB	January 2018	Re-evaluate existing vacant P/T post and, subject to the outcome of that, re-advertise using funds from 20% uplift in planning fee income.		High	
	Developing a stronger corporate narrative around need for growth through a series of Member Briefing evenings.	MB/KJ	On-going	Sustained series of Members' Briefing evenings and already embarked on the journey		Critical	
5. Cultural changes for Members and Officers	Workshop with DM team and key colleagues from other services to discuss how DM can be more integrated corporately.	MB	February 2018	Internal – AC and MB and officers from other services. Workshop with DM Team first and then with colleagues. Actions to be included within this plan.		High	
	Joint Member/Officer training to reinforce collaborative working and strengthen trust	MB	April 2018	PAS? Internal?		Medium	
	Officer Training on front-loading the DM process	MB	1 November	Internal as part of officer training session mentioned above	Officer Training session held. Need to follow-through and	Critical	
	Decision-making following principles of sound decision-making and acting in the interests of the whole Borough.	MB with support from FC/SD	Jan/Feb 2018	PAS?/Internal. Training – see below.		High	
6. Specific training needs	A well-balanced training plan including Member training on viability and making sound planning decisions and national/local trends. Learning from appeals.	MB with support from FC	December 2017	MB and Dem Serv's with PAS support		Critical	
	Substitute Members to receive induction training.	MB with support from FC	January 2018 onwards.	MB to do internal training following introduction of revised protocol.		Medium	
	In the interim inform members that only those so-trained may sub on the Planning Committee	Chair and Head of Legal	From November Planning Committee	FC and Chair		High	
	Annual appeals review – "Planning Tour"	MB and Chair	April 2018	Needs preparation by planning officers in consultation with Chair/Vice Chair. May require Saturday attendance and coach hire		Low	
	Implement appeals review as a regular Committee agenda item.	AC with support from SD	From December Committee meeting	Ac and Dem Serv's time		Medium	

Epsom and Ewell Planning Improvement Action Plan 2017

Key Theme	Actions	Responsibility	Completion	Resources	Progress	Priority H/M/L	RAG
	Training Members to avoiding pre-determination and making sure that Members adhere to good practice.	MB with support from Monitoring Officer	Members training session – when?	Monitoring Officer's oversight. E-mail and from Chair linked to above-mentioned revised member protocol PAS support and internal officers' input to training		High	
	Members to receive training regarding professional advice and explaining their rebalancing of material considerations where minded to go against it.	MB with support from Monitoring Officer	Jan/Feb	PAS support and internal officers' input to training.		High	
7. Better performance information	Introduce regular report to Planning Committee on appeal decisions (especially with regard to the two-year rolling period and quality indicator)	MB	From January 2018	Already produced for LT. Need to share more widely.		Critical	
	Regular information on new appeals to key officers and members.	AC	From January 2018	Make available in shared drive for members and officers to access.		Medium	
	Consider end-to-end performance of DM process with DM Team and then review key performance indicators to monitor.	MB/AC	By end of November 2017	DM team		Critical	
	In light of the above, review all current planning performance reporting templates and adjust standard reports as appropriate	MB	Implement from January 2018	Support from ICT/ Access database expertise and G McT's team		Medium	
8. IT Issues	Meeting between DM team and ICT team to identify actions. Identified actions to form part of this plan as it evolves and/or feed into BPR process.	MB/PW	Identify issues November 2017 and develop action plan in January 2018	Support from ICT. Timing/funding to implement any identified actions.		Medium	