

Meeting:	Local Development Framework Panel
Date:	5 <sup>th</sup> June 2007
Subject:	Local Development Scheme 2007 – Saved Policies – Mayor’s Representations
Key Decision:	Yes
Responsible Officer:	Graham Jones – Director of Planning Services
Portfolio Holder:	Marilyn Ashton Planning, Development & Enterprise
Exempt:	No
Enclosures:	Appendix A - Selected HUDP policies referred to in Mayor’s letter

## SECTION 1 – SUMMARY AND RECOMMENDATIONS

At its meeting on 26<sup>th</sup> February 2007 the Panel recommended to Cabinet the revised list of Harrow Unitary Development Plan saved policies to be submitted to the Secretary of State by 1<sup>st</sup> April 2007. The Mayor’s Office has commented on the submission and advised the Government Office for London (GOL) accordingly. GOL has invited the Council to comment on the GLAs representations by 4<sup>th</sup> June 2007. This report sets out the suggested Council response.

### **RECOMMENDATION:**

The Panel is requested to recommend to the Leader that the Panel’s comments on the Mayor’s letter (14<sup>th</sup> May 2007) be submitted to GOL as the Council’s response.

## **SECTION 2 - REPORT**

### Background

In line with the Planning & Compulsory Purchase Act 2004, the Harrow Unitary Development Plan (and all its policies) has been 'saved' for a period of three years from 28 September 2004. The intention in saving policies is that they would continue to have effect until such time as policies in the Local Development Framework take their place. The Act provides that the Secretary of State can issue a direction extending saved policies beyond the initial three-year period.

The review of the saved policies was carried out against criteria set out in Planning Policy Statement 12: Local Development Frameworks and the protocol on saved policies issued by the Department of Communities and Local Government. The policies to continue to be saved also should be in general conformity with the London Plan. GOL has asked the Mayor to provide an opinion on whether or not the policies to be extended meet this criteria.

### Considerations

For information, the 4 policies on which the Mayor has specifically commented are set out in Appendix A. The Mayor's opinion on these policies, and Conclusions, has been extracted from his representation, and together with the suggested Council response, are set out as follows:-

#### **Policy EP18 - Landfilling**

##### Mayor's opinion

The GLA agree with Harrow's analysis that this policy be allowed to lapse and its recommendation that London Plan Policies 4A.1, 4A.2 and 4A.3 and new waste policies 1 to 6 of the London Plan Early Alterations provide a comprehensive policy framework to ensure that there is sufficient waste management and disposal facilities to meet London's needs. Policy EP18 of the UDP is out of date and falls significantly short of the requirements of these policies and it is therefore not in general conformity with the London Plan. Most aspects of the London Plan waste policies can be applied directly in development decisions (with the exception of identifying new sites and forecasting waste arisings). Given that the London Plan is part of the development plan, the lapsing of this policy will enable the Council to apply those aspects of London Plan waste policy that can be applied directly to decision-making, most notably 4A2, 4A3 and new waste policy 1.

Suggested Council response - The Council notes the Mayor's comments.

#### **Policy EP8 - Energy Conservation and Efficiency**

##### Mayor's opinion

It is proposed that this policy be allowed to lapse. The GLA agree that this policy should lapse but do not agree with Harrow's view that this policy merely repeats London Plan Policy, or that it relates only to London Plan Policy 4A.7. Rather than repeat policy 4A.7, Policy EP8 is less comprehensive and not in general conformity, being substantially deficient in seeking to address climate change in comparison to Policies 4A.7, 4A.8 and 4A.9 of the London Plan. The lapsing of this policy will therefore provide the council with a comprehensive energy

conservation, efficiency and renewable energy policy framework in the London Plan that can be applied directly to decision-making.

#### Suggested Council response

The Council notes the Mayor's views and agrees that London Plan Policies 4A.7, 4A.8 and 4A.9 should apply. It also notes that the Further Alterations to the London Plan, when adopted, will further update matters on climate change.

### **Policy H7 – Dwelling Mix**

#### Mayor's opinion

It is proposed that this policy be saved. Although Harrow's analysis states that this policy is in general conformity with the London Plan, the GLA's view is that the requirement for a split of 35%: 15% for social rented and intermediate be contained within the policy, rather than the supporting text. This issue, as well as others relating to the affordable housing Policies, was set out in our response to Harrow's notice to adopt. At the time the Mayor accepted the adoption of these policies, acknowledging the difficulties in making further changes to the UDP at the time. It remains the GLA's position however, that Harrow seeks to resolve these issues through the development of the Local Development Framework.

#### Suggested Council response

The Council notes the Mayor's views, and intends to resolve the issues referred to by the Mayor through the development of the Local Development Framework.

### **Policy H18 – Accessible Homes**

#### Mayor's opinion

It is proposed that this policy be saved. Although H18 seeks to ensure that a proportion of homes built conform to Lifetime Homes standards and wheelchair housing provision, it does not sufficiently meet the requirements of London Plan Policy 3A.4, which seeks 100% lifetime homes and 10% wheelchair housing. The GLA does not agree that this Policy is in general conformity with the London Plan; however, the Mayor did originally agree that this policy should be adopted due to the special circumstances that were applicable. It was recognised that Harrow council went against the Inspectors recommendation to delete this policy and strengthened it at post modifications stage, thus demonstrating a clear commitment to providing accessible housing. Although this was welcomed at the time, we feel now that Policy H18 should be allowed to lapse and that London Plan Policy 3A.4 should be applied to new residential development in the borough.

#### Suggested Council response

Whilst the Council notes the Mayor's views, it is unable to support deletion of Policy H18. This would result in the consequential loss of Supplementary Planning Document: Accessible Homes which is up to date, having being adopted in April 2006 and of which the Mayor may not have been aware at the time of commenting on the saved policies. Policy H18 taken together with this SPD largely achieves the objectives of London Plan Policy 3A.4. In due course, any deficiencies of Policy H18 will be redressed in the Core Strategy and the SPD on Accessible Homes revised accordingly

### **Mayor's Conclusions**

There are policies in the 2004 UDP that the Council has requested the Secretary of State to save beyond September 2007. A number of these are out of date and not considered to be in general conformity with the London Plan and which, if

allowed to be saved through Secretary of State Direction, could cause significant harm to the implementation of some key strategic policy areas in the London Plan. These relate to waste, energy, housing and inclusive design. As you are aware the issues relating to comprehensive waste management and energy and reducing impacts on climate change and socially inclusive design are all key aspects of the London Plan, the implementation of which should not be undermined by the retention of out of date, ineffective policies that are not in general conformity with the London Plan. These policies should therefore expire and the relevant London Plan policies, which are already part of the development plan, should be applied directly to development proposals until the emerging Harrow Local Development Framework is adopted.

The GLA recognises that many of these policy issues will be redressed in the Council's emerging Local Development Framework and look forward to the production of sound Development Plan Documents that are in general conformity with the London Plan in due course. You will be aware that the London Plan is currently undergoing draft further alterations (September 2006) and that the comments made in this letter are based only on the general conformity of UDP policies with the published London Plan (2004) and early alterations (December 2006). Therefore policies saved beyond September 2007 may raise non-conformity with the future published London Plan.

#### Suggested Council response

The Council notes the Mayor's Conclusions, and his acknowledgement that the Council's review has recognised the need to further address the important areas of waste, energy, housing and inclusive design. It also welcomes his acknowledgment in his comments on specific policies that it is most appropriate for the Council to resolve certain issues referred to by the Mayor through the development of the Local Development Framework.

#### Consultation

There is no statutory requirement to consult with the public on the Mayor's views on the saved policies which, in the very limited time available, would in any event be impracticable. Informal discussion with GOL officers can be undertaken on the Mayor's opinions, if necessary.

#### Statutory Requirements

The Council must revise its Local Development Scheme at such time as it considers appropriate or when directed to do so by the Secretary of State.

#### Financial Implications

Costs associated with preparing this response on the Mayor's comments will be met from the existing approved Planning Services budget.

#### Other considerations

There are no crime and safety considerations arising from this report, but such considerations will be key elements of the saved policies and the planning documents being prepared for inclusion in the Local Development Framework.

### SECTION 3 - STATUTORY OFFICER CLEARANCE

Chief Finance Officer	<input type="checkbox"/>	Name: ...Carol Maduka.....
		Date: 30th May 2007.....
Monitoring Officer	<input type="checkbox"/>	Name: Adekunle Amisu .....
		Date: 30 <sup>th</sup> May 2007.....

### SECTION 4 - CONTACT DETAILS AND BACKGROUND PAPERS

**Contact:** Dennis Varcoe, Service Manager – Policy and Research  
 (Phone: 020 8736 6082 e-mail [dennis.varcoe@harrow.gov.uk](mailto:dennis.varcoe@harrow.gov.uk))

**Background Papers**

Report to LDF Panel on 26<sup>th</sup> February 2007 entitled ‘Local Development Scheme 2007 – Saved Policies’

**IF APPROPRIATE, does the report include the following considerations?**

1.	Consultation	YES
2.	Corporate Priorities	YES
3.	Manifesto Pledge Reference Number	A2, C1, D4, F2, F3

**HARROW UNITARY DEVELOPMENT PLAN POLICIES ON WHICH THE MAYOR HAS COMMENTED**

**Energy Conservation and Efficiency**

**EP8 DEVELOPMENT PROPOSALS SHOULD MINIMISE ENERGY USE THROUGH APPROPRIATE DESIGN, LAYOUT, ORIENTATION, DENSITY AND LOCATION.**

**Landfilling**

**EP18 THE COUNCIL SUPPORTS A SHIFT AWAY FROM LANDFILL TOWARDS MORE SUSTAINABLE FORMS OF WASTE MANAGEMENT THAT EMPHASISE WASTE REDUCTION AT SOURCE AND RECYCLING. LANDFILLING WILL NOT BE PERMITTED UNLESS THE COUNCIL IS SATISFIED THAT:-**

**A) THE PROPOSAL REPRESENTS THE BEST PRACTICABLE ENVIRONMENTAL OPTION FOR THAT PARTICULAR TYPE OF WASTE;  
AND**

**B) THE EFFECTS OF THE PROPOSAL ON THE APPEARANCE AND QUALITY OF THE LAND INVOLVED AND SURROUNDING AREA, INCLUDING IMPACT ON RESIDENTIAL AMENITY AND ECOLOGICAL IMPACT, ARE ACCEPTABLE.**

**Dwelling Mix**

**H7 THE COUNCIL WILL SEEK THE PROVISION OF A MIX OF DWELLINGS, TYPES, SIZES AND TENURES IN LARGE HOUSING DEVELOPMENTS. THE APPROPRIATE MIX IN ANY SCHEME SHOULD REFLECT:-**

**A) THE HOUSING NEEDS OF THE BOROUGH;**

**B) THE DEMOGRAPHIC AND POPULATION STRUCTURE;**

**C) THE NATURE OF THE PROPOSED DEVELOPMENT AND MARKET CONSIDERATIONS; AND**

**D) THE CHARACTERISTICS OF THE SITE AND ITS RELATIONSHIP TO THE SURROUNDING AREA.**

**Accessible Homes**

**H18 THE COUNCIL WILL ENCOURAGE NEW HOUSING DEVELOPMENT, INCLUDING CHANGES OF USE AND CONVERSIONS OF BUILDINGS INTO FLATS, TO BE ACCESSIBLE TO ALL. IN LARGER RESIDENTIAL SCHEMES, THE COUNCIL WILL SEEK TO ENSURE THAT A PROPORTION OF THESE ARE BUILT AS LIFETIME HOMES OR CAPABLE OF ADAPTATION TO WHEELCHAIR HOUSING. ALL WHEELCHAIR HOUSING, PROVIDED AS PART OF A NEW RESIDENTIAL DEVELOPMENT, SHOULD BE IN A SUITABLE LOCATION IN ORDER TO MEET THE NEEDS OF THE OCCUPANTS.**