

REPORT FOR: Planning Committee

Date of Meeting: 15 September 2010

Subject: **INFORMATION REPORT –
National Planning Policy Update**

Responsible Officer: Stephen Kelly - Divisional Director of Planning

Exempt: No

Enclosures: None

Section 1 – Summary

The purpose of this report is to keep the Committee abreast of changes to national planning policy and the implications of such changes for development management and plan-making in Harrow. This report covers the publication of Planning Policy Statement 4: Planning for Sustainable Economic Growth, Planning Policy Statement 5: Planning for the Historic Environment, and two new draft Planning Policy Statement on Planning for a Natural and Healthy Environment, and Planning for a Low Carbon Future in a Changing Climate.

FOR INFORMATION

Section 2 – Report

Introduction

Government guidance and national statements on planning policy are contained with Planning Policy Statements (PPS) and Planning Policy Guidance (PPG). These documents seek to explain statutory provisions and provide guidance to local authorities and others on the interpretation and implementation of planning policy and the operation of the planning system. Local authorities must take their contents into account in preparing their development plan documents, and where applicable, in determining individual planning applications and appeals.

Over the past three years the Government has been committed to revising and streamlining national guidance. Recent revisions include PSS4: Planning for Sustainable Economic Growth, published in December 2009 and PPS5: Planning for the Historic Environment published in March 2010.

The revised PPS4 replaces the out-dated PPG4 on industrial and commercial development as well as PPG5 on simplified planning zones; PPS6 on town centres; and parts of PPG7: rural areas and PPG13: transport. The new PPS5 replaces PPG15: Planning and the Historic Environment and PPG16: Archaeology and Planning.

In addition to publication of the new PPSs, consultation was also undertaken in March 2010 on two new draft PPSs on Planning for a Natural and Healthy Environment, and Planning for a Low Carbon Future in a Changing Climate. The first draft PPS is intended to replace the existing PPS9 on biodiversity and geological conservation and PPG17 on planning for open space, sports and recreation. The second is intended as a supplement to PPS1: Delivering Sustainable Development. However, it remains unclear at this time whether either draft PPSs will be progressed to final publication, as the new coalition Government has made its intentions clear to replace all existing PPS's and PPG's.

Nevertheless, it will take the new Government time to prepare and consult on a new set of national policy documents, which may include a reform of the current planning system. In the interim, the existing suite of documents remains extant and it is therefore important that Panel members are advised of the content of new or emerging PPSs and any potential implications for development management and plan-making in Harrow.

Planning Policy Statement 4: Planning for a Natural and Healthy Environment

The new PPS4 came into force on 29 December 2009. It brings together and replaces all of the Government's key planning policies relating to economic development and town centres. The statement covers a range of policy objectives and agendas, including climate change, social inclusion, accessibility and inclusive design, which all feature alongside the need for an efficient, competitive and innovative retail and leisure sector. But for the first

time these objectives are set within a clear overarching policy to promote sustainable economic growth.

Significantly, the PPS broadens the definition of economic development to include traditional Class B¹ uses, but also public and community uses, main town centre uses and any other development which either provides employment opportunities or generates wealth or produces an economic output or product, with the exclusion of housing development. The implications of broader definition are dealt with in more detail below.

Implications for plan-making

The emphasis in PPS4 remains on a “plan led” approach and the protection of the vitality and viability of town centre areas. Local Planning Authorities (LPAs) are requested to establish a clear economic vision and strategy through their LDF. Local planning policies are to be fully informed by regional assessments and based on a robust evidence base. This requires LPAs to:

1. assess the need for new retail and employment floor space having regard to both quantity and quality;
2. identify any deficiencies in local convenience shopping and other facilities;
3. make choices about which town centres will accommodate the need identified – paying particularly to the assessment of quality especially in areas of decline or deprivation;
4. plan positively for consumer choice– including small shops and services;
5. identify a range of sites to accommodate need – including a reassessment of the town centre hierarchy and existing sites allocated for economic development; and
6. produce a Local Economic Assessment to assist in the establishment of an effective evidence base.

The LDF team is satisfied that the scope and methodology of the retail study and employment land review we commissioned last year meet the requirements set out in points 1 through 5 above. With regard to the Local Economic Assessment, this is currently being prepared by Harrow’s economic development team and will be available to inform the final Core Strategy.

In addition to the above, in preparing their LDF documents there is a duty on Council’s to use the evidence to plan positively for economic development. The PPS provides some additional tools to enable this, including:

- flexibility to introduce local thresholds for impact assessments and scope to apply local impact criteria should there be specific circumstances to justify doing so;
- provision to place greater policy emphasis on planning for competition and consumer choice including retail mix, role of smaller stores and outdoor markets; and
- when selecting sites, the ability to take into consideration:
 - physical regeneration and employment opportunities; and

¹ B class uses include Office, Industry, Warehouse and Distribution and Laboratories.

- whether deprived areas should be given preference over others with similar characteristics.

In terms of impacts on the production of Harrow's LDF, the Core Strategy is being developed to include the revised definition of economic development and to reflect the new PPS's other requirements. This will involve a move away from the thematic policies of the Core Strategy Preferred Option, which contained separate policies for economic development and employment and town centres and retail. The pre-submission version of the Core Strategy will instead move to a more spatial policy that will incorporate retail, town centres, employment and economic development into one policy to help deliver the Intensification Area and regenerate district and local centres. In this vein, where our evidence base identifies that a need exists for a particular scale and form of development within a town centre, such need will be clearly expressed in the policy. This will assist in facilitating the sequential site and impact tests required of planning applications, which may otherwise prevent a particular town centre strategy being fully achieved. However, further consideration will need to be given to whether the additional policy tools offered up to LPAs should be employed and the circumstances in which they might be applied.

Implications for development management

The PPS contains development management policies that are to be applied directly when determining planning applications. The main aspects of the development management policies are that local planning authorities need to adopt a positive and constructive approach towards planning applications for economic development and to also look favourably on other non traditional economic use applications unless there is a good reason to believe that the social, economic or environmental cost of the development would outweigh the benefits.

The policy statement retains the "sequential test" which promotes economic development in central town centre sites first for shops, leisure facilities and offices rather than edge or out of centre sites. It also introduced a requirement for an "impact test" for proposals over 2,500 sq m, which assesses the economic, social and environmental impacts of the development.

Proposals which fail to demonstrate compliance with the sequential approach, or which are likely to lead to a significant impact, should be refused. Likewise, applications that fail to secure high quality or inclusive design should not be accepted.

The onus lies with the applicant to demonstrate compliance with the sequential approach, and to demonstrate that their proposals will not result in significant impacts. Supporting guidance - 'Planning for Town Centres Practice Guide' - has been prepared to assist in further interpretation of the policies of the PPS, and to guide LPAs, applicants and other stakeholders through the process of preparing effective town centre strategies and undertaking sequential site and impact assessments.

Nonetheless, the LDF team still envisage a number of development management issues arising. With regard to the new 'impact' test, a key issue

will be how colleagues in development management might choose to interpret what constitutes a 'significant' adverse impact. Such interpretation will need to be consistent, given this forms grounds for refusal.

With respect to the broadening of the definition of economic development, this change is likely to give rise to some potential issues with regard to the interpretation of development that generates employment, wealth or an economic output. One such issue, pertinent to Harrow, is in respect of applications for change of use on non-designated sites where the current use is Class B and where the UDP policies seek to retain such sites in Class B employment use. Greater flexibility may need to be applied in such cases. However, again the onus will be on the applicant to sufficiently demonstrate that the alternative use proposed meets the objectives set out in the PPS, as well as complying with the sequential and impact tests.

The LDF Team has already run a training session with development management colleagues on the new PPS4 but further sessions may be warranted if issues arise in the course of implementing the requirements of the PPS e.g. in how to assess sequential tests and impact tests submitted as part of the planning application.

Planning Policy Statement 5: Planning for the Historic Environment

The widely respected but out dated Planning Policy Guidance Notes 15 (Planning and the Historic Environment) and 16 (Archaeology and Planning) have been replaced by new guidance in a unified document, PPS5. This follows, and heavily modifies, an earlier draft PPS15, which received poor endorsement by practitioners during its consultation stage and was subsequently never taken forward.

The new PPS is substantially shorter than the documents to be replaced and written in the form of national policies, rather than the discursive text and appendices of the old guidance. Much of the supporting information formerly available in the old documents has been displaced to an accompanying document, the Historic Environment Planning Practice Guide, which was published by English Heritage, alongside the PPS.

The Government's overarching aim is that the historic environment should be conserved and enjoyed for the quality of life it brings to this and future generations. Policies to secure this end should recognise that England's heritage assets are a non-renewable resource and ensure that development decisions are based on firm evidence. Proposals should take account of the wider social, cultural, economic and environmental benefits of heritage conservation. But it is also essential that assets are put to viable and appropriate uses and intelligently managed change may sometimes be necessary if they are to be maintained for the long term. Their positive contribution to local character and effective place-making should be properly recognised and promoted within the planning system.

Implications for plan-making

There are significant changes of emphasis discernable within the new policies. One is an enhanced recognition of the importance of a reliable and

well documented evidence base to support the Plan-making process. This should be maintained in the local Historic Environment Record (HER), which in London is managed by English Heritage.

There is recognition that the LDF should set out a positive and proactive strategy for the conservation and enjoyment of the historic environment, taking into account its potential to be the catalyst for regeneration in an area, the stimulus it can provide to inspire imaginative and high-quality design and to perpetuate its mixed patterns of land-use, which are usually sustainable and likely to remain so. At a local level, plans should consider the special qualities and local distinctiveness of the historic environment and how these can contribute to the spatial vision in the Core Strategy.

Taking a more spatial policy approach to structuring Harrow's Core Strategy will ensure that the policies have regard to the specific historical environment of a place. The Core Strategy will draw upon the Characterisation Study, the conservation area SPDs and conservation appraisals to derive the evidence base required to support local historic policies and satisfy the requirements of the PPS. Such policies will seek to acknowledge, maintain and enhance our historic assets, especially those that provide for the character of an area, such as that present in Pinner, parts of Stanmore and Cannon's Park, as well as Harrow on the Hill.

In addition to place specific heritage policies, additional monitoring criteria will need to be introduced through the Core Strategy. To satisfy the PPS, these will necessarily need to consider the impact of planning policies on historic assets, monitor decay as well as outright loss and should consider the means by which to respond to threats to long-term use and health.

Implications for development management

The policies of PPS5 require that LPAs should ensure that sufficient information on the significance of any heritage assets accompanies all applications. Any heritage asset affected by a proposed development should therefore be assessed by appropriate experts and in the case of archaeological assets this may, on occasion, require assessment or field evaluation prior to determination of the planning application. Where loss of significance of a heritage asset is justified, then planning conditions should be used to record and advance the understanding of the heritage asset before it is lost.

There is also an overt recognition that not every aspect of an asset's setting may positively contribute to its significance. In such circumstances, high quality design of development can enhance or better reveal the significance, which may be seen as a positive benefit and part of the process of place-making.

Another noticeable shift is a new recognition that the historic environment should play some part in delivering the government's objectives to reduce greenhouse gas emissions and secure sustainable development. As they embody stored energy from the past, the retention of historic buildings is inherently sustainable, but there will be pressure to improve their day-to-day performance in energy efficiency e.g. through upgrading the efficiency of boilers or providing effective loft insulation. Neither of which are usually at all

contentious in terms of historic character, but there will also be pressure for microgeneration, solar heating systems and window renewals, all of which could have a deleterious impact on appearance.

Where proposals that are promoted for their contribution to mitigating climate change have a potentially negative impact on heritage assets, the PPS recommends early negotiation. This may result, for example, in secondary glazing rather than outright renewal of windows, or careful siting of solar panels in inconspicuous locations, case-by case discussions which could absorb increasing amounts of officer time, even if clear guidance is published on Council or English Heritage websites.

The policies in the earlier draft, PPS15 were particularly criticised for being bias towards applications seeking change within the historic environment. The balance set between preservation and change is more firmly slanted towards conservation in the revised document. The general tenor of PPS5 takes care to be more overtly supportive towards the retention of heritage assets, now seeing them as potential environmental opportunities rather than economic impediments or intractable site constraints.

This is supported by the Government's Vision Statement on the value of the historic environment, with formal support from all Departments across Whitehall, which is published to complement and underpin PPS 5 and the practice guide. Together, this suite of value statements is the benchmark for the protection of our historic environment for the foreseeable future.

Whilst concerns may remain over resource implications for conservation staff, the PPS does provide Council with the policies it needs to protect our historic assets in a manner that should still prove sensible and pragmatic.

A link to PPS5 and its supporting documents can be found in Section 3 to this report.

Draft Planning Policy Statement: Planning for a Natural and Healthy Environment

The draft PPS was published for public consultation in March 2010 and is intended to revise and replace both PPS9: Biodiversity and Geological Conservation and PPG17: Planning for Open Spaces, Sports and Recreation. Consultation on the draft PPS was run concurrently with consultation on a revised draft Circular on 'Biodiversity and Geological Conservation – Statutory Obligations and their Impact', which compliments this draft PPS. Links to both the draft PPS and Circular are provided in Section 3 of this report.

The draft PPS contains policies to maintain and enhance, restore or add to biodiversity and geodiversity through the planning system. It includes policies to promote opportunities for the incorporation of beneficial biological and geological features within the design of development and to maintain networks of natural habitats by avoiding their fragmentation and isolation. It suggests that this may be done as part of a wider strategy for the protection and extension of open space and access routes such as canals and rivers. For the first time planning policy on green infrastructure has been produced, with key considerations being the functions or ecosystem service it provides.

This new policy recognises that there are subtle differences between planning for open space and planning for green infrastructure.

Implications for plan-making

In terms of plan making the draft PPS requires LPAs to keep up to date assessments of open space, sport and recreation needs of existing and future communities, and audit provision taking into account quantity, quality, accessibility, typology and location. This is the same as is currently carried out in PPG 17 studies.

Following on from the evidence gathered, the draft PPS requires that LDFs should set out a strategic approach to green infrastructure network creation, protection and management. LDF policies would need to provide for green infrastructure to help mitigate climate change, avoid habitat fragmentation and identify opportunities to enhance functions of urban green spaces. If the PPS was formally brought into effect, this would require the Council to and keep up to date assessments of the existing and future needs of the community for green infrastructure and carry out audits of the existing provision of such land taking into account its quantity, quality, accessibility, typology and location.

However it should be noted that the new policy does not require LPAs to produce and publish green infrastructure 'strategies', and the expectation is that much of the information already collected for the PPG17 open space strategies could be used to develop the evidence base for green infrastructure delivery.

Regarding open space, sport, recreation and play, LPAs should provide sufficient open space, sports and recreational facilities to meet local communities' needs including:

- priorities for protection, investment, rationalisation and reallocation of these should be identified;
- where deficiencies identified, opportunities to enhance existing facilities or provide new ones should be identified; and
- LPAs should identify opportunities for co-location of facilities.

The LDF should also set out policies for the conservation, restoration, enhancement and enjoyment of the natural environment in their area which are consistent with national, regional and local biodiversity, geodiversity and landscape priorities, objectives and targets. Again, this approach mirrors current guidance.

Implications for development management

A number of development management policies have also been included in the draft statement. It highlights that development plans should not repeat development management policies contained in the PPS or reformulate them unless there are specific factors justifying variation of these policies, therefore this statement, once adopted may need to be referred to for certain development management decisions.

The development management policies cover a wide range of development scenarios. It sets out policy principles guiding the determination of applications in relation to the natural environment, the maintenance of an adequate supply of open space, green infrastructure, sports, recreational and play facilities as well as the determination of applications affecting playing fields and the consideration the wider recreational benefits of floodlighting for sports and recreational facilities over the impact of local amenity.

With regard to the latter, the Harrow UDP contains policy D23 (saved), which deals with flood lighting and mainly focuses on protecting amenity from light pollution, in terms of glow, glare and light trespass. If this draft PPS is formally published, case officers will need to balanced consideration of this policy against the wider benefits to the community of floodlighting on sports pitches, noting that planning conditions can also be used to control the height of the pylons, the lighting intensity and the times the floodlights are used.

Overall the new draft PPS will simplify and consolidate guidance on the Natural Environment and Open Spaces, and gives useful direction into the management of green infrastructure – a new requirement, which will be expressed in the emerging Core Strategy with the formation of a green grid for Harrow set out in an open spaces policy ensuring an integrated approach to the managing of Harrow's open spaces. The majority of the statement however reaffirms existing guidance and as such there is unlikely to be any major implications for LDF policy formation, unless of course the document changes significantly as a result of consultation.

Draft Supplementary Planning Policy Statement 1: Planning for a Low Carbon Future in a Changing Climate

This is a draft PPS that was the subject of public consultation in March 2010. It is intended to set out the planning framework for securing lasting progress against the UK's targets to cut greenhouse emissions, use more renewable and low carbon energy and to plan for climate change. The draft document combines and updates the existing PPS's on climate change (PPS1 supplement) and renewable energy (PPS22) and it is proposed that it will become a consolidated supplement to PPS1: Delivering Sustainable Development.

It will support and provide an overarching framework for PPS25 (Development and Flood Risk) and emerging planning policies on green infrastructure, as discussed in the context of the draft PPS on Planning for a Natural and Healthy Environment. However the draft PPS does not assemble all national policy relevant or applicable to climate change and therefore will still need to be read alongside other national policy.

This draft PPS sets out clear expectations on LPAs in planning for renewable energy, such as ensuring that development does not prejudice the broad areas identified at regional level for renewable energy and setting out how decentralised energy will supply new development in the area. There have been changes to policy contained within the existing supplement and PPS22 on the provision of decentralised renewable and low carbon energy, whereby LPA-wide targets for decentralised energy to serve new developments, will, over time, become unnecessary as this will be addressed via building

regulations. Increased powers have also been put forward for LPAs to set targets relating to water usage. Amendments have been made to local evidence base requirements including greater encouragement of the use of heat mapping where appropriate and the promotion of greater integration of waste and energy agendas. A proposed policy has been introduced on the expectation for support from LPAs on the take-up of electric and plug-in hybrid cars and the setting of local requirements for cabling and charging infrastructure where appropriate.

The implications of this draft PPS on the evidence base needed in support of the Core Strategy are significant, resulting in a likely requirement for an additional technical study. However, much of this work has already been undertaken by the GLA in support of the energy and climate change policies of the draft Replacement London Plan. Therefore, if Council agrees with the proposed London Plan policies, then it can rely on these for both development plan policy and development management purposes.

Section 3 – Further Information

PPS4 and supporting guidance may be viewed online at:

<http://www.communities.gov.uk/publications/planningandbuilding/pps4>

PPS5 and supporting guidance may be viewed online at:

<http://www.communities.gov.uk/publications/planningandbuilding/pps5>

The draft PPS on Planning for a Natural and Healthy Environment, is available via the following link, along with comments received to consultation:

<http://www.communities.gov.uk/publications/planningandbuilding/naturalenvironmentconsultation>

The draft Supplementary Planning Policy Statement 1: Planning for a Low Carbon Future in a Changing Climate, can be view via:

<http://www.communities.gov.uk/publications/planningandbuilding/ppsclimateconsultation>

Section 4 – Financial Implications

No financial implications are anticipated, other than staff time in reflecting or implementing new national guidance in local policies and development management operation.

Section 5 – Corporate Priorities

The incorporation of the latest national planning statements into Harrow's LDF will ensure policies developed are robust and effective. These new policies in the LDF will help manage future planning issues in a positive way to help build stronger communities through improved retail and job offer, and better recreational facilities and quality of environment.

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on behalf of the
Chief Financial Officer

Date: 20th August 2010

Section 6 - Contact Details and Background Papers

Contact: Matthew Paterson, LDF Team Leader, 020 8736 6082

Background Papers: All relevant documents referred to in this report are set out in Section 3, which also provides the web links should members of the Panel wish to read these.