

**REPORT FOR: OVERVIEW AND
SCRUTINY COMMITTEE**

Date of Meeting:	31 st January 2012
Subject:	Core Strategy – Adoption
Responsible Officer:	Andrew Trehern – Corporate Director of Place Shaping
Scrutiny Lead Member area:	Policy Lead – Councillor Stephen Wright Performance Lead – Councillor Sue Anderson
Exempt:	No
Enclosures:	Harrow Core Strategy (2012) - [Due to the size of the document, it has been circulated to Members of the Committee only. A hard copy has been placed in the Members' Library. The document has been published with the agenda and can be viewed on the website.]

Section 1 – Summary and Recommendations

This report sets out the findings and outcome of the Harrow Core Strategy Examination in Public and informs the Committee of the recommendation to Cabinet and Full Council that the Core Strategy be adopted as part of the development plan for the Borough.

Recommendations:

The Committee is requested to:

1. Note the outcome of the independent examination in public of Harrow's Core Strategy
2. Note that the Core Strategy will be recommended to Cabinet (9th February) and Full Council (10th February) for adoption.

Section 2 – Report

Introduction

1. It is a corporate priority to prepare a series of statutory planning policy documents that together comprise the Local Development Framework (LDF) for the Borough. The Core Strategy is the lead document within the portfolio of LDF documents. Once adopted, all other documents within the LDF must be in general conformity with it.

2. Consultation on the content of a Core Strategy for Harrow commenced in 2005 with a number of community workshops and, since then, there have been several further consultations at each stage of the Strategy's preparation: issues and options (2006); strategic options (2007); draft preferred options (2008); preferred option (2009/10); and pre-submission (2011). At each stage of consultation the Core Strategy has been revised and on 24th June 2011 the document was submitted to the Planning Inspectorate for independent Examination in Public (EiP). Following a pre-Examination meeting with the appointed Planning Inspector on 10th August, hearing sessions were held on various dates between 27th September and 6th October 2011. The Planning Inspector's Report was received by the Council on 13th December 2011.

Options considered

3. The report to Full Council on 10th February 2012 will recommend the adoption of the Core Strategy incorporating the modifications to the Strategy appended to the Inspector's Report. The modifications have been made in light of the discussion of the main issues between the Council's officers and other participants at the EiP hearing sessions. They have been the subject of public consultation and, in making the modifications, the Planning Inspector has taken into account the responses received.

4. The effect of section 23 of the Planning and Compulsory Purchase Act (2004) is to make the Inspector's Report binding upon a local planning authority. Therefore, the only other option that can be considered is withdrawal of the Core Strategy. This would be in breach of the adopted Local Development Scheme and, as the saved policies of the Unitary Development Plan (2004) continue to diminish in relevance, would leave Harrow without an up-to-date development plan. Given recent expressions in the draft National Planning Policy Framework (NPPF) surrounding the importance of up to date development plan documents in controlling development, this would expose the Council to new risks as the NPPF moves towards adoption in the summer. It would also be a significant barrier to the progression of the other important development plan documents in Harrow's Local Development Framework; namely: the Harrow & Wealdstone Area Action Plan, the Development Management Policies DPD and the Site Allocations DPD. Officers therefore consider that the option of withdrawal of the Core Strategy should not be pursued.

Purpose and Outcome of Examination in Public

5. Section 20 of the Planning and Compulsory Purchase Act requires every development plan document to be submitted to the Secretary of State for independent examination. The purpose of the Examination is to determine that the plan has been prepared in accordance with legal requirements and that it is 'sound'.

6. Legal compliance means that the plan has been prepared:

- in accordance with the Local Development Scheme and the Statement of Community Involvement;
- has been the subject of sustainability appraisal;
- has regard to national policy;
- conforms generally to the regional spatial strategy; and
- has regard to the sustainable community strategy for the area.

7. Planning Policy Statement 12: *Local Spatial Planning* (2008) amplifies what is meant by 'sound' in relation to Core Strategies. To be sound, the Core Strategy must be:

- justified (in relation to the evidence base and reasonable alternatives);
- effective (deliverable, flexible, and capable of being monitored); and
- consistent with national policy.

8. The Planning Inspector's Report confirms that Harrow's Core Strategy is legally compliant and 'sound'.

Main Issues and Inspector's Modifications

9. Following the Examination in Public hearing sessions the Planning Inspector's Report into the Core Strategy addresses nine main issues:

- overall housing delivery;
- the affordable housing target;
- the principle of the intensification area;
- detail on the intensification area;
- garden land development
- tall buildings, views and heritage;
- strategic industrial locations;
- open space; and
- monitoring and implementation

10. A brief summary of each of these issues, and the Inspector's findings in relation to them, is set out below. For full details of the issues and modifications refer directly to the Inspector's Report available on the LDF pages of the Council's website.

Housing Delivery

11. Participants at the hearing sessions had raised concerns about the Core Strategy's housing target, relative to household growth projections and the London Plan, and the robustness of the relevant evidence.

12. With modifications to the reasoned justification of the Core Strategy, the Inspector was persuaded that the apparent disparity between the Borough's household growth projection (of 23,000 households) and the proposed housing target (of 5,345 homes) is properly addressed at the regional level, through the London Plan, which directs much of London's growth to vacant land in the east of the Capital. However, the Inspector did not accept that a statistical 'surplus' arising from Harrow's over-provision of housing relative to London Plan targets in recent years can be discounted from the Borough's housing target for the plan period of the Core Strategy. As a consequence of this conclusion, the Core Strategy's housing target was increased by the Inspector from 5,345 to 6,050 for the period 2009 to 2026.

13. The Inspector rejected criticism that the Council's reliance on the London-wide Strategic Housing Land Availability Assessment (SHLAA) was not robust. He also found there to be no clear evidence that the housing sites identified by the Council would not be deliverable, and that there should be no reliance on windfall sites, but emphasised the importance of regular monitoring through the plan period to trigger review and intervention in the event of under-delivery.

14. The Inspector accepted as appropriate the inclusion of a minimum target of 3 pitches during the plan period for the Gypsy and Traveller community.

Affordable Housing

15. The submission Core Strategy included a 40% target for the provision of affordable housing over the plan period, with site specific requirements to be negotiated on a case-by-case basis and informed by a range of considerations, including viability. The target was the subject of extensive discussion at the relevant hearing session with sustained opposition from developer participants who opined that such a target could not be supported in light of the available economic evidence.

16. The Inspector agreed with the Council that the plan-wide affordable housing target for the entire plan period should be set high and should not be anchored to the current, poor economic circumstances. With modifications to the policy wording and reasoned justification to increase clarity about the nature of the target and the range of scheme specific considerations, the Inspector concluded that the approach to affordable housing provision is sound.

Intensification Area - Principle

17. Discussion of the principle of the Harrow & Wealdstone Intensification Area focused on the adequacy of infrastructure, particularly that relating to transport and especially whether growth should be conditional upon

improvements. The Inspector found there to be no clear evidence to disprove the conclusions of the Council's Transport Audit, which indicate a relatively limited impact upon transport infrastructure, and that it would not be realistic to fund improvements ahead of development. In terms of other infrastructure, he noted that the Council's Infrastructure Delivery Plan is intended as a 'live' document that will be kept up-to-date to respond to the changing infrastructure requirements over time.

18. With modifications to policies to deliver infrastructure 'in tandem' with development and to give effect to the Infrastructure Delivery Plan, and clarification that the arrangements for securing contributions will be set out in the Harrow & Wealdstone Area Action Plan, the Inspector was satisfied that the principle of the Intensification Area is sound.

19. Some participants had raised concern about the viability of a requirement for development to achieve greenfield run-off rates within the Intensification Area. This part of the Core Strategy is modified to clarify that the requirement for greenfield run-off rates is aspirational.

Intensification Area – Detail

20. This matter primarily concerned whether there was a need for diagrammatic representation of housing-led and employment-led areas on the Harrow and Wealdstone sub area map. The Inspector agreed with the Council that such diagrammatic notation is not necessary. A modification to the policy was made to clarify the Core Strategy's preference for directing new community facilities to Harrow town centre.

Garden Land Development

21. The Core Strategy's position on garden land development has evolved throughout the Examination process. The Council proposed changes initially to respond to London Plan Inspectors' report, which cast doubt on the Mayor's policy position of allowing boroughs to introduce a presumption against garden land development. However, the Mayor's decision to adopt the replacement London Plan with his original policy position intact, and the need for any presumption against garden land development to be locally justified, was the subject of much discussion at the relevant hearing session. As a consequence, the Council sought restoration of the Core Strategy's original stance against garden development.

22. In a paper put forward by the Council in support of its position, a wide ranging justification for resisting garden development was identified. The Inspector found that many of the reasons put forward were, in fact, site specific and not sufficient to justify a local presumption against such development. However, the Inspector was persuaded that sporadic, unplanned garden development would run counter to the Council's strategy of concentration on previously-developed land and, in particular, the Intensification Area. For this reason alone, the Inspector was satisfied that a local presumption against garden development is justified.

23. Some participants had argued that garden land often provides suitable sites for the development of new family homes and, in accepting the need for

a local presumption against garden land development in the above circumstances, the Inspector noted that it will be a challenge for the Council to ensure that family homes are provided as part of the redevelopment of identified, previously developed sites. He concluded on this issue that, if monitoring reveals a failure to deliver family homes, this may provide grounds for planning decisions to be made which are contrary to policy.

Tall Buildings, Views and Heritage

24. The issue of tall buildings, defined in the Core Strategy as buildings of 30 metres (broadly equivalent to ten storeys) or taller, remained a contentious issue for resident and developer participants throughout the Examination process. The submission Core Strategy sought to consider the suitability of sites for tall buildings within the Intensification Area through the Area Action Plan and, in response to English Heritage, the Council had sought to introduce a policy presumption against tall buildings throughout the rest of the Borough.

25. The Inspector was broadly content with the approach of delegating the consideration of tall buildings within the Intensification Area to the Area Action Plan but with modifications to the Core Strategy to recognise that the principle of one tall building, on the Dandara site, has already been accepted by the Secretary of State. In relation to the rest of the Borough, the Inspector was not satisfied that there is sufficient evidence to justify a blanket presumption against tall building proposals. Accordingly, this will be a matter that will need to be addressed through Development Management Policies DPD and the Borough's recently commissioned view management framework, which seeks to manage local views of key landscape features and landmarks.

26. The Inspector was satisfied that modifications to the Core Strategy, to take into account identified views and the opportunity to create new visual linkages between the Intensification Area and Harrow Hill when assessing the potential to accommodate tall buildings, would provide a balanced and justified approach. He also agreed that the Core Strategy is sufficiently robust with regard to the protection of the Borough's heritage assets.

Strategic Industrial Locations

27. The Inspector agreed with the Council that a 'managed' approach to the release of surplus industrial and business use land is justified, and that with modifications the Core Strategy would be clear that the consolidation of land in Wealdstone, including the Strategic Industrial Location (SIL), will be considered through the Area Action Plan. He also agreed that the Core Strategy's undertaking to secure the retention of the majority of SIL land should be retained.

28. Modifications to the ordering of policies ensures clarity between land within the Intensification Area, to be managed through the Area Action Plan, and a sequential approach to the release of sites elsewhere in the Borough. These modifications do not alter the substance of the policies.

Open Space

29. After discussion at the relevant hearing session the Inspector was persuaded that the Core Strategy's strong presumption against any net loss of open space in the Borough is justified. Modifications to the Core Strategy emphasise this presumption, including that which relates to the reconfiguration of open space, and clarifies that only the development of small scale facilities required to support open space use will be acceptable on land designated as open space.

Monitoring and Implementation

30. The Inspector indicated early on in the Examination process that he had concerns regarding the robustness of the submission Core Strategy's arrangements for monitoring and implementation. Such arrangements are an integral part of the LDF process and their importance is emphasised in PPS 12: *Local Spatial Planning* (2008) as a means of ensuring the delivery of a DPD's objectives.

31. In response to the Inspector's concerns revised monitoring arrangements, including clear targets, triggers and contingencies, were prepared by the Council as a basis for discussion at the hearing sessions. With the modifications to the monitoring and implementation regime, the Inspector concluded that the Core Strategy is sound in this regard.

Consultation on Modifications and emerging National Policy

32. Following the close of the pre-submission consultation, the Council reviewed all of the comments received and prepared a schedule of 'minor modifications'. To enable the Planning Inspector to take these into account, the modifications were the subject of public consultation from 8th July until 19th August 2011. As a result of discussions and matters arising during the Examination hearing sessions, a further public consultation on post-hearing modifications was carried out between 24th October and 5th December 2011.

33. At the request of the Inspector, the post-hearings consultation also sought to solicit views on the implications for the Core Strategy of the Government's statements made in the 2011 Budget, in the 'Planning for Growth' document and in the draft National Planning Policy Framework. Paragraph 7 of the Inspector's Report confirms that he has taken into account the representations received in respect of these matters. The Inspector's Report does not identify any conflict between Harrow's Core Strategy and the Government's emerging position with regard to the planning system and national planning policy.

Sustainability Appraisal and Habitats Assessment

34. Section 19 of the Planning and Compulsory Purchase Act (2004) and the Environmental Assessment of Plans and Programmes Regulations (2004) require local planning authorities to carry out sustainability appraisal of development plan documents and to prepare a report of the findings of the appraisal. The Regulations prescribe the requirements for Environmental Assessment pursuant to relevant European Union directives. However as a

matter of national policy, the UK Government requires sustainability appraisal to also assess economic and social effects, as well as those in relation to the environment.

35. At all stages of the Core Strategy's preparation the Council has undertaken sustainability appraisal of the document, in accordance with requirements and proportionate to the level of detail contained within the document at the stage reached. This includes the public consultations on modifications made throughout the EiP process, as described above. The Sustainability Appraisal Report has been made available alongside the Core Strategy at each stage of public consultation. The final Sustainability Appraisal Report, relating to the Core Strategy which it is proposed to adopt, will be permanently available for inspection alongside the Core Strategy at the Borough's libraries, the Civic Centre and online.

36. The Conservation of Habitats and Species Regulations 2010 (the Habitats Regulations) requires local planning authorities to make an 'appropriate assessment' of the implications for designated 'European' sites of a plan that they intend to bring into effect. The Habitats Regulations prescribe the requirements for Habitats Assessment pursuant to relevant European Union directives.

37. The Council has undertaken an assessment in accordance with the Habitats Regulations, and in consultation with Natural England, of the impact of the Core Strategy on all European sites within a 15 kilometre radius of the Borough boundary. The assessment was first carried out for the Preferred Option Core Strategy and updated at each subsequent stage of the Strategy's preparation. As with the Sustainability Appraisal, the Habitats Assessment has also been made available alongside the Strategy for public consultation. The final Assessment, relating to the Core Strategy which it is proposed to adopt, will be permanently available for inspection on the Council's website.

Procedure Upon Adoption

38. The Core Strategy is not only a key planning document, it also has much wider significance (outlined below) as a statutory document, by setting out the Borough's long term spatial vision to 2026. Having invested over six years in its development, it is therefore important that the document is used by as many people as possible responsible for shaping the future of Harrow. For this reason, prior to final publication, the existing document is to be subject of a re-formatting/design to make it accessible to a wide range of audiences. This re-design will not change the content, but is focused on improving the "look and feel" of the document to future users.

39. Section 23 of the Planning and Compulsory Purchase Act (2004) gives power to a local authority to adopt a development plan document following compliance with any modifications recommended by the inspector who carried out the independent examination of the document. Regulation 36 of the Town and Country Planning (Local Development) (England) Regulations (2004) as amended requires the local planning authority to fulfil the following obligations as soon as reasonably practicable after the adoption of a development plan document. They are to:

- make available for inspection, at the same locations as the pre-submission document, the adopted document, an adoption statement and the sustainability appraisal report;
- publish the adoption statement on the authority's website;
- advertise the availability of the adoption statement and the adopted development plan document;
- send the adoption statement to any person who has requested to be notified of the adoption of the development plan document; and
- send the development plan and the adoption statement to the Secretary of State.

40. Officers of the LDF team have prepared an adoption statement and will comply with the post adoption requirements following a decision by Full Council to adopt the Core Strategy. Officers will notify the Portfolio Holder for Planning, Development and Enterprise once all of the post adoption requirements of the local planning authority have been discharged in relation to the Core Strategy.

The Council-wide Significance of Adopting the Core Strategy

41. At a time when public and private funding is scarce and public scrutiny of Council's actions is high, the achievement of co-ordinated decision making must be placed high on the Council's agenda. The adoption of the Core Strategy establishes a shared long-term vision for how Harrow, and the places within it, should develop by 2026. It therefore provides the foundations for a framework to guide not only private investment decisions in the Borough, but also those of our public sector delivery partners, ensuring such decisions are both co-ordinated and maximise the social, economic and place-making benefits that new development, growth and investment can deliver.

42. Work has already begun with Housing Services to ensure that the new suite of Council Housing policies align with the spatial strategy and vision of the Core Strategy. This includes the consideration of how best to utilise the Housing revenue and property accounts, in association with private, HCA¹ and RSL² investment, to maximise affordable housing delivery whilst ensuring that this also provides the right mix of new affordable and supported accommodation in the right places across the Borough.

43. It is therefore crucial that all other Council strategies, plans and programmes now begin to align to this spatial strategy and vision and be required to demonstrate the contribution each will make towards achieving it.

44. Proposals for the preparation of a new Corporate Plan, Property Strategy, revised Cultural Strategy, Open Spaces Strategy and the Harrow Community Infrastructure Levy, as well as others, offers the opportunity to begin this process now. However such action represents only the first stepping stone to the Council putting across a clear and consistent message about its plans for the future of its area to businesses and the community at large. Other changes will be required, including procedural changes, changes in internal and external operational working and responsibilities and,

¹ Homes and Communities Agency

² Registered Social Landlord

significantly, a more effective and engaged Local Strategic Partnership that also includes the local development industry.

45. The achievement of co-ordinated decision making must be a core focus of the new Directorate to emerge out of the merger of Place Shaping and Communities & Environment and from the proposals for an Operational Board to sit below and inform the decisions of the Corporate Strategy Board.

Legal Comments

46. The effect of adoption of the Core Strategy is to make it part of the development plan for the Borough. This means that when a decision needs to be made, for example, on a planning application, the decision must be made in accordance with the policies set out in the Core Strategy unless material considerations indicate otherwise.

47. Following adoption of the Core Strategy, any person aggrieved by the adoption of the document may challenge the validity of the document by making an application to the High Court under Section 113 of the Planning and Compulsory Purchase Act (2004). Any such application must be made within six weeks of the date of adoption.

Equalities Impact

48. An equalities impact assessment has been undertaken of the Core Strategy. This builds on the previous EqlA's prepared for all previous formal stages of the Core Strategy's production. This confirms that the proposed policies of the Core Strategy will have a positive impact on target groups. The EqlA is available to view on the LDF pages of the Council's website.

Financial Implications

49. The cost of complying with the post adoption requirements and publishing the adopted Core Strategy is contained within the existing LDF budget.

Performance Issues

50. The following tables summarise how the relevant Place Shaping performance indicators are expected to be influenced by the adoption of the Core Strategy:

PLANNING SERVICES (relevant indicators only)			
Performance indicators which will be impacted by the Core Strategy	Current performance of those indicators		Potential impact of the Core Strategy
	Target Q2 11/12	Actual Q2 11/12	
Deliver Harrow's long term spatial vision	Progress in accordance with the timetable in	Yes	The adoption of the Core Strategy in February 2012 accords with LDS

	the revised LDS		timetable
Meeting Harrow's housing need – number of new homes provided	400	434	Makes provision for a 15-year housing supply in accordance with government guidance PPS3 that meets the existing and new London Plan strategic housing requirement for Harrow.
Processing of major planning applications in accordance with statutory timescales or Planning Performance Agreements	60%	50%	The adoption of the Core Strategy will provide a clear spatial strategy for the Borough and strategic policies of relevance to major development proposals which should help to improve major applications processing.
Other planning (i.e. non-enforcement) appeals allowed	30%	33%	The adoption of the Core Strategy will update the development plan for Harrow and must be given weight as such by Planning Inspectors which should support Council decisions which accord with the Strategy.
Percentage of committee overturns for planning applications	0%	0%	The adoption of the Core Strategy will provide a clear spatial strategy for the Borough and strategic policies of relevance to major development proposals which should help to align officer recommendations and committee decisions
Total number of planning applications approved	No target	317	The adoption of the Core Strategy will provide a clear spatial strategy for the Borough and

			strategic policies of relevance to major development proposals which should give greater certainty to developers and decision makers.
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ECONOMIC DEVELOPMENT (relevant indicators only)			
Performance indicators which will be impacted by the Core Strategy	Current performance of those indicators		Potential impact of the Core Strategy
	Target Q2 11/12	Actual Q2 11/12	
New employment by floorspace (major planning applications)	No target	No data	The adoption of the Core Strategy will provide a clear spatial strategy for the Borough and strategic policies which secure the renewal of employment floorspace and other development to deliver 4,000 jobs
Town centre vacant	No target	6.9%	The adoption of the Core Strategy will provide a clear spatial strategy for the Borough and strategic policies which improve the vitality and viability of town centres and thereby help to reduce vacancy
Empty commercial properties in the borough	No target	8.6%	The adoption of the Core Strategy will provide a clear spatial strategy for the Borough and strategic policies for the managed release of surplus commercial stock and the retention/renewal of that best suited to meet the Borough's economic needs
Vacancy rate	No target	Measured at year	The adoption of the

(North Harrow)		end (subject to availability of data)	Core Strategy will provide a clear spatial strategy for the sub area which supports retail and wider employment generating uses in North Harrow
Vacancy rate (Rayners Lane)	No target	Measured at year end (subject to availability of data)	The adoption of the Core Strategy will provide a clear spatial strategy for the sub area which supports retail and mixed use development in Rayners Lane

What is the current performance of these indicators?	The above tables shows the most recent data (where available) for the current year. The adoption of the Core Strategy will provide the capacity and delivery means that will enable the Council to improve performance against these indicators in future years.
How much will current performance be improved or other negative effects be mitigated?	The adoption of the Core Strategy will ensure the Council delivers upon these performance indicators in a positive and proactive manner.

Environmental Impact

Does the proposal comply with all relevant environmental legislation? Yes

51. The consideration of environmental impacts has been an integral and ongoing part of the process of preparing the Core Strategy as described at paragraphs 34-37 above.

Risk Management Implications

Risk included on Directorate risk register? Yes

Separate risk register in place? Yes

Potential Risks	Commentary	Mitigation Measures
Non Adoption of the Core Strategy	Non adoption of the Core Strategy will result in significant deviation from the Local Development Scheme and throw the ongoing preparation of supporting DPDs into question. If Government changes to the Planning Process are implemented, this will result in	None – It is for the Council to decide to adopt the Core Strategy, or accept that there will be a loss of local control over the determination of applications.

	planning applications being determined by national policy.	
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Corporate Priorities

- Keeping neighbourhoods clean, green and safe: by protecting and enhancing our open spaces and residential gardens; and
- A Town Centre to be proud of; changing Harrow for the better: by providing the policy framework to manage change and maximise the benefits of new development and growth, including securing retail growth, office renewal and improvements to the environment and infrastructure of Harrow Town Centre.
- United and involved communities: the Core Strategy has been through numerous public consultations, and this is reflected in the final policies that have sought to address many of the comments received.
- Supporting and protecting people who are most in need: the Core Strategy has undergone EqlA and has been found to perform positively with regards to many equalities groups, and seeks to improve the social infrastructure of the Borough.

Section 3 - Statutory Officer Clearance

Name: Kanta Hirani	<input checked="" type="checkbox"/>	on behalf of the Chief Financial Officer
Date: 9 th January 2012		
Name: Abiodun Kolawole	<input checked="" type="checkbox"/>	on behalf of the Monitoring Officer
Date: 10 th January 2012		

Section 4 - Contact Details and Background Papers

Contact: Matthew Paterson, Senior Professional Planning Policy, Place Shaping, 020 8736 6082

Background Papers:

- Final Core Strategy
- Sustainability Appraisal and Habitats Regulations Assessment
- Planning Inspector’s Report – December 2011

NB: All of the above background papers are available via the Council’s website