

**REPORT FOR: OVERVIEW AND
SCRUTINY COMMITTEE**

Date of Meeting:	12 th June 2012
Subject:	Pre-Submission Development Management Policies DPD
Responsible Officer:	Andrew Trehern – Corporate Director of Place Shaping
Scrutiny Lead Member area:	Environment and Enterprise
Exempt:	No
Enclosures:	Schedule and Development Management Policies DPD (Due to the size of this document it has been circulated to Members of the Committee only and can be viewed on the Council's website)

Section 1 – Summary and Recommendations

This report summarises the changes that have been made to the Development Management Policies DPD to prepare it for pre-submission consultation and submission to the Planning Inspectorate for Examination in Public.

Recommendations:

The Committee is requested to consider and comment on the pre-submission version of the Development Management DPD which is to be reported to Cabinet at its meeting of 20th June 2012.

Section 2 – Report

A. Introduction

1. Harrow's Core Strategy was adopted on 16th February 2012 and comprises a spatial strategy for development to 2026 complimented by strategic planning policies covering thematic and neighbourhood issues. The London Plan (2011) also forms part of the development plan for Harrow and contains a comprehensive suite of 'planning decisions' policies on matters of relevance across the capital. For local development management policies, however, Harrow continues to rely on the saved provisions of the Unitary Development Plan (2004).
2. It is a corporate priority to prepare a new Development Management Policies development plan document (DPD), alongside other DPDs, to give effect to and support the Core Strategy. A draft suite of 'preferred option' development management policies was published for consultation during May and June last year, and the outcome of this consultation was reported to the LDF Panel on 19th July 2011. The focus of the LDF team during the second half of the year was the Core Strategy Examination in Public.
3. Annex 1 of the recently published National Planning Policy Framework (NPPF) gives 12 months for decision takers to give full weight to existing development plan policies beyond which they should be given due weight according to their consistency with the NPPF. In view of this deadline, and the age of the Harrow Unitary Development Plan, there is now a pressing need to progress the Development Management Policies DPD through the development plan process to adoption early next year.
4. This report introduces the 'pre-submission' Development Management Policies DPD and explains how its preparation has responded to last year's consultation, the adoption of the replacement London Plan (July 2011) and Harrow's Core Strategy (February 2012), as well as the recent publication of the NPPF.

B. Options Considered

5. In view of the Council's commitment, set out in Harrow's Local Development Scheme (LDS) and corporate priorities, to prepare a Development Management Policies DPD, and the local policy vacuum that would open up if the Unitary Development Plan saved policies are not replaced, the option not to progress with the preparation of the DPD can be discounted.

6. In terms of policy content, the 2011 consultation draft Development Management Policies DPD represented the Council's 'preferred option' and included some possible alternative approaches, although in many policy areas the strong direction given by national policy and the London Plan mean that there are no realistic alternatives. The 'pre-submission' Development Management Policies DPD has been prepared taking account of responses to the 2011 'preferred option' consultation document.

C. Pre-Submission Development Management Policies DPD

7. The pre-submission Development Management Policies DPD will be published for consultation under Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012 (previously 'Regulation 27'). This represents the final stage of consultation, being the version of the DPD that it is intended to submit for Examination in Public, and requires consultees to consider whether the plan meets legal requirements and is 'sound'. The tests of soundness are explained later in this report (see 'Next steps').

8. The schedule attached to this report sets out in detail how the pre-submission Development Management Policies DPD addresses the responses received during the preferred option consultation. The preparation of the pre-submission document has also been informed by strategic policy documents that have been adopted in the period since the 2011 consultation; namely:

- the National Planning Policy Framework (NPPF);
- the London Plan; and
- the Harrow Core Strategy.

9. The following paragraphs summarise and explain the main policy changes by chapter:

Character and Amenity

10. This chapter contains criteria based policies for the design & layout of development, the protection of locally designated views, and for the management of shopfront and advertisement applications. A separate policy to deal specifically with the application of Lifetime Neighbourhoods principles has been added in response to the London Plan (various policies) and Core Strategy Policy CS1(E). The policy relating to the Borough's Areas of Special Character (ASC) has been imported into this chapter from the conservation and heritage chapter, reflecting the principal function of this policy as a local landscape/character designation rather than a heritage asset.

11. Policy 1 (*Achieving a High Standard of Development*) has been substantially revised to provide more comprehensive criteria for design and layout considerations and privacy and amenity. This responds in particular to Core Strategy Policy CS1(B) and the need to ensure comprehensive replacement policy criteria for the design and layout of development.

12. Policy 3 (*Protected Views and Vistas*) has been substantially revised to reflect London Plan policies 7.11 and 7.12, the London View Management Framework and the recently completed Harrow Views Assessment, which forms an addition to the evidence base.

13. Minor changes to wording and criteria of policies 4 (*Shopfronts and Signs*) and 5 (*Advertisements*) have been made to improve their application. Policy 6 (*Areas of Special Character*) has been amended to provide a clear statement against substantial harm, in response to consultee comments, and to provide criteria which more accurately represent the special characteristics of the designated areas.

Conservation and Heritage

14. This chapter contains policies for the Borough's designated and non-designated heritage assets. Designated heritage assets comprise listed buildings, conservation areas, scheduled ancient monuments and registered parks and gardens. Non-designated heritage assets comprise locally listed buildings, archaeological priority areas and locally listed parks and gardens. As noted above, the Area of Special Character policy has been exported to the Character and Amenity chapter.

15. Policy 7 (*All Heritage Assets*) has been retained as a single, comprehensive policy of principles for all heritage assets but has been revised in response to consultation responses and the NPPF. Support was received for the policy's enabling development provisions, but these have been separated to form a specific new policy (Policy 8) and revised, in line with the NPPF, to deal with impacts and significance.

16. Policy 9 (*Conservation Areas*) and 10 (*Listed Buildings*) continue to provide specific, detailed criteria in relation to these designated assets, but have been revised in response to consultee comments to clearly state the substantial weight that will be afforded to their protection. The criteria have been organised and amplified to set out how preservation and enhancement of assets will be achieved.

17. In response to consultee comments a new policy (Policy 11) has been introduced to manage development affecting locally listed buildings. Similarly, in response to comments, archaeology policies have been re-ordered to provide a logical progression – Policy 12 (*Scheduled Ancient Monuments*)

and Policy 13 (*Archaeology*) – and have been substantially re-written to provide ensure appropriate levels of protection, consistent with the NPPF.

18. As with listed buildings, Policy 14 (*Nationally Registered Historic Parks and Gardens*) has been revised in response to consultee comments to underscore the presumption against harm or loss, and a new separate policy (Policy 15) has been added to deal specifically with locally listed sites.

Environmental Sustainability

19. This chapter gives effect to the Core Strategy by setting out the detailed, local requirements for the mitigation of flood risk and for sustainable building design.

20. Policies 16 (*Managing Flood Risk*) and 17 (*On Site Water Management and Attenuation*) have been substantially revised, in light of consultee comments and the policy recommendations of new evidence base documents¹. They now include design and layout criteria for sites at risk of flooding, a presumption against the loss of undeveloped floodplain, and afford substantial weight to the achievement of Greenfield run off rates.

21. Policy 18 (*Protection and Enhancement of River Corridors and Watercourses*) has been substantially revised to clarify the circumstances in which it will be applied, and to provide increased flexibility in the requirements for undeveloped buffer zones. The requirements for river restoration, previously in a separate policy, are now included in this policy and again flexibility has been introduced to allow for financial contributions in lieu of river restoration in some circumstances. These changes respond to consultee comments.

22. The preferred option policy on resource efficiency and environmental standards has been replaced by three new policies: Policy 19 (*Sustainable Design and Layout*); Policy 20 (*Decentralised Energy Systems*); and Policy 21 (*Renewable Energy Technology*). This is to ensure that local policies reflect the LDF preparation requirements of the London Plan² and the commitment given in Core Strategy Policy CS1(T) to bring forward policies which compliment those in the London Plan in respect of climate change.

23. Policy 22 (*Prevention and Remediation of Contaminated Land*) has been amended to set out the circumstances in which a risk assessment will be required, in response to consultee comments, and to give effect to such

¹ Specifically, the Level 2 Strategic Flood Risk Assessment and Harrow's Surface Water Management Plan.

² In particular: Policy 5.3 *Sustainable Design and Construction*; Policy 5.5 *Decentralised Energy Networks*; and Policy 5.7 *Renewable Energy*.

assessments in the decision making process. The policy has also been updated to reflect the NPPF.

24. In response to consultee comments and the NPPF, the preferred option policy on non-native species management has been deleted. This is because such matters are adequately controlled through the requirements of other, dedicated legislation.

Green Belt, Metropolitan Open Land and Biodiversity

25. Policies for the control of development in the Green Belt are provided in the NPPF and the London Plan. The London Plan also applies an equivalent approach to development in Metropolitan Open Land. This introductory text to this chapter has been substantially amended to signpost these provisions. The chapter goes on to provide local policies where these are needed to supplement the NPPF and London Plan, and to deal with local open space, biodiversity and landscape matters.

26. Policy 23 (*Redevelopment of Previously-Developed Sites within the Green Belt and Metropolitan Open Land*) has been substantially amended to reflect revised national policy in the NPPF and to ensure that there are robust, local criteria for the management of development proposals in these locations. The reasoned justification to the policy has been expanded to restore some of the detailed provisions that were in the PPG 2 annex but have not been reproduced as part of the NPPF.

27. A new policy (Policy 24) has been introduced on the use of Green Belt and Metropolitan Open Land. This responds to the NPPF, which states that local authorities should plan for the beneficial use of the Green Belt, and will ensure that existing UDP policies on uses are appropriately replaced.

28. Harrow's Core Strategy justifies a continuing presumption against the loss of open space, but allows for ancillary development (such as sport pavilions) where this is needed to enable proper functioning of the space. Pursuant to this approach, Policy 25 (*Protection of Open Space*) has been amended to provide tight criteria for reconfiguration, ancillary development and the use of existing ancillary of buildings.

29. The Core Strategy also seeks new open space to support growth across the Borough. New Policy 26 (*Provision of New Open Space*) gives effect to the requirement in respect of major residential development proposals.

30. Following consultation comments Policy 27 (*Protection of Biodiversity and Access to Nature*) and Policy 28 (*Enhancement of Biodiversity and Access to Nature*) provide strengthened criteria and give effect to Harrow's Biodiversity Action Plan. These policies relate to all biodiversity within the

Borough, and consequently the preferred option policies relating to sites of nature conservation importance and areas with features of importance are unnecessary and have been deleted.

31. As with non-native species (above), sites of special scientific interest (SSSI) are protected by dedicated legislation. The preferred option policy relating to SSSIs has therefore been deleted.

32. Policies on sport, recreation and floodlighting are now contained in the community infrastructure chapter. Separate policies on allotments and cemeteries are considered unnecessary as these form part of local open space protected by Policy 25, and their enhancement is unlikely to be delivered through development management. A new policy on trees and landscaping has been introduced to ensure that existing UDP provisions are appropriately replaced.

Housing

33. Strategic housing policies are contained in the London Plan and Harrow's Core Strategy. The introductory text this chapter has therefore been amended to clearly signpost these provisions, leaving the policies in this chapter to focus on local, qualitative aspects of housing development.

34. Policy 32 (*Housing Mix*) is a new policy to give effect to a housing mix which it is intended to set out in a Planning Obligations SPD. The provisions give effect to Core Strategy Policy CS1(I) and replace the preferred option 'new housing' policy which is considered superfluous in light of the adopted spatial strategy.

35. New policies have been introduced to provide criteria for conversions of offices and the conversion of houses to smaller units (Policy 33). These respond to the Core Strategy and ensure that existing UDP provisions are appropriately replaced.

36. A new policy (Policy 34) has also been introduced to provide criteria for the consideration of amenity space provision. Again this responds to the Core Strategy and ensures that existing UDP provisions are appropriately replaced.

37. Policies 36 (*Children and Young People's Play Facilities*), 37 (*Sheltered Housing, Care Homes and Extra Care Housing*) and 38 (*Large Houses in Multiple Occupation and Hostels*) have been retained with minor changes in response to consultee comments. These include clarification that play facilities will only be sought from developments involving a net increase in child yield, and the extension of Policy 37 to include extra care housing.

Employment and Economic Development

38. This chapter sets out policies for the management of employment land supply and for supporting sustainable economic development in the Borough.

39. The Core Strategy recognises that there is a modest surplus of employment land in the Borough and sets out a sequential approach for the release of sites. Policies in this chapter have been substantially revised to achieve greater consistency with the Core Strategy. Policy 39 (*Managing Land Supply: Industrial and Business Use Land and Floorspace*) provides criteria for release and amplifies the sequential approach. Policy 40 (*Managing Land Supply: Town Centre Offices and Northolt Road*) make equivalent provisions for the management of office space supply.

40. New Policy 41 (*Economic Activities and Development*) provides support for economic development within business and industrial use areas, and for comprehensive redevelopment of estates. Policy 42 (*Working at Home*) continues to support appropriate home working activities and, in response to consultee comments, has been amended to require the incorporation of space for home working within major new residential development.

41. Policy 43 (*Hotel and Tourism Development*) has been amended to ensure that hotel development is inclusive to all and provides a proportion of wheelchair accessible bedrooms. This reflects the London Plan and consultee comments. An additional requirement for Travel Plans with major hotel proposals, and criteria for the consideration of guest house and B&B proposals, have been included to ensure that existing UDP provisions are appropriately replaced.

42. In response to consultee comments Policy 44 (*Loss of Public Houses*) has been amended to limit application of the policy to purpose-built pubs, and to include evening economy activities as being appropriate alternative uses for these premises.

Town Centres and Retail Development

43. This chapter sets out the policies for town centre development and changes of use. The objective of the policies is to maintain and improve the vitality and viability of town centres.

44. Policy 45 (*New Town Centre Development*) is a new policy to give effect to the London Plan and Core Strategy by directing town centre development to town centre sites, and to set out strict criteria for the consideration of out of town proposals.

45. Policies 46 (*Primary Shopping Frontages*), 47 (*Secondary and Designated Shopping Frontages*) and 48 (*Other Town Centre Frontages and Neighbourhood Parades*) have been amended to improve clarity and, in response to consultee comments, increase flexibility. Specifically, they allow for proposals that would breach the proportion of non-retail frontage permitted within a centre to be approved if the proposal would, nonetheless, contribute to the centre's vitality and viability.

46. Policy 49 (*Vacant Shops in Town Centres and Neighbourhood Parades*) is a new policy setting out criteria for the use of shops in centres with a long-term vacancy problem. This has been introduced to ensure that existing UDP provisions are appropriately replaced.

47. Policy 50 (*Mixed Use Development in Town Centres*) has been amended, in response to consultee comments, to provide a positive context and supporting criteria for mixed use proposals.

48. Policy 51 (*Evening Economy*) has been simplified, by focusing on impacts, to allow greater flexibility for proposals that are appropriate to the centre in which they are located.

Transport and Waste

49. This chapter sets out the local policy requirements of development in relation to transport and waste matters.

50. Policy 52 (*Parking Standards*) has been substantially revised in response to consultee comments and the London Plan. However the broad approach, of applying London Plan standards, remains. Flexibility has been built in for the consideration of proposals that would involve levels of provision not consistent with the London Plan, and criteria for car free development and car clubs have been amplified/clarified. An additional provision deals with the design and layout of parking areas.

51. To reflect the provisions of the Core Strategy a new policy (Policy 53) has been introduced to specify the requirements for transport assessments and to give effect to them in the decision making process. A further new policy (Policy 54) deals with the servicing requirements of new development, and has been introduced to ensure that existing UDP provisions are appropriately replaced.

52. Policy 55 (*Waste Management*) has been amended to amplify the requirements for on-site waste management in new development. In response to consultee comments, the policy now also requires major development proposals to provide a site waste management plan.

Community and Infrastructure

53. This chapter sets out policies for the protection of existing, and the provision of new, community, sport and educational facilities.

54. Policy 56 (*New Community, Sport and Education Facilities*) has been amended to allow for the refurbishment and re-use of existing premises, and to set out criteria for the provision of new facilities. In response to consultees, the policy now also seeks community access to new educational and indoor sport development. The preferred option policy on the use of offices as education and training centres has been deleted (this had been located in the Employment and Economic Development chapter) and new criteria to deal with the impact of community and education uses in offices has been included in this policy.

55. New Policy 57 (*Retention of Existing Community, Sport and Education Facilities*) and 58 (*Enhancing Outdoor Sports Facilities*) provide criteria which seek to control the loss of, and support the enhancement of, existing facilities. This includes policy relating to floodlighting proposals. These policies have been introduced to ensure that existing UDP provisions are appropriately replaced, and to reflect the NPPF.

Telecommunications

56. This chapter contains one policy (Policy 59) dealing with proposals for telecommunications development. In response to consultee comments, the policy and the NPPF, the policy has been amended to provide positive criteria for the consideration of proposals, and the consultation requirements of the Code of Best Practice have been moved from the policy into the reasoned justification text. The introductory text to the chapter has also been amended to give greater recognition to the importance and potential future growth of the telecommunications sector.

Implementation, Resources and Monitoring

57. This chapter sets out policy on the use of Planning Obligations (Policy 60) and the use of the Council's enforcement powers (Policy 61). Policy 60 and the associated reasoned justification has been substantially amended to reflect the more focused role of Planning Obligations, following the adoption of a Harrow Community Infrastructure Levy. Minor amendments to Policy 61 clarify the approach to enforcement action, and the reasoned justification now includes reference to Harrow's new enforcement policy.

D. Compliance with tests for “soundness”

58. The pre-submission consultation and Examination in Public will focus on the tests of soundness set out in the NPPF. To be a sound plan, the DPD must be:

- Positively prepared
- Justified
- Effective
- Consistent with national policy

59. In relation to each of these tests:

Positively Prepared

60. The NPPF states that plans should be based on a strategy which seeks to meet objectively assessed development and infrastructure requirements.

61. The Development Management Policies DPD gives effect to the London Plan and the Core Strategy which set out the Borough’s development requirements and, in the case of the Core Strategy, was informed by a local infrastructure delivery plan.

Justified

62. The NPPF states that the plan should be the most appropriate strategy when considered against the reasonable alternatives.

63. The evidence base underpinning the Core Strategy also justifies the provisions of the Development Management Policies DPD. The policies represent the most appropriate local response to the London Plan and the Core Strategy policies.

Effective

64. The NPPF states that the plan should be deliverable over its plan period and based on effective joint working on cross boundary matters.

65. The policies have been drafted to provide positive support for appropriate development and to focus on impacts that need to be managed.

Consistent with national policy

66. The Development Management Policies DPD has been revised to ensure that it complies with the recently published NPPF, as well as taking on board consultee comments wherever possible.

E. Next Steps

67. Subject to Cabinet and Full Council approval, the Development Management Policies DPD will be published for pre-submission public consultation in accordance with Regulations 19 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012 and the Council's Statement of Community Involvement), for a six week period. The pre-submission consultation is scheduled to take place during July and August 2012. Following the consultation, the LDF team will consider all representations received and if necessary produce and consult upon any minor modifications arising from that consultation. It is anticipated that the DPD will be submitted to the Planning Inspectorate in September and that Examination in Public will take place during December. This programme should enable adoption of the DPD to take place by April 2013.

F. Further Editorial Requirements for the Pre-submission Publication of the Development Management Policies DPD

68. Members should note that due to the timeframes involved in the Council reporting procedures that the submission version of the Development Management Policies DPD is still very much a work in progress and is subject to further editing.

G. Legal Comments

69. The legal requirements for the preparation and consultation on Development Plan Documents are set out in the Planning and Compulsory Purchase Act 2004 and the Town and Country Planning (Local Planning) (England) Regulations 2012. A failure to comply with the statutory requirements may result in the DPD being found 'unsound' at the examination in public.

H. Environmental Screening

70. It is a statutory requirement that DPDs are subjected to a Sustainability Appraisal incorporating the requirements of the Strategic Environmental Assessment. A Sustainability Appraisal has been undertaken and will be published for public consultation and comment alongside the DPD.

I. Financial Implications

71. The cost of preparing, publishing and consulting upon the Development Management Policies DPD, Site Allocations DPD and Harrow & Wealdstone Area Action Plan, are provided-for by LDF budget together with a dedicated allocation from Planning Delivery Grant (PDG) funds as set out in the Council's Medium Term Financial Strategy. The time table for progression of

the three documents has been deliberately co-ordinated to maximise savings associated with simultaneous consultation, submission and Examination in Public.

J. Risk Management Implications

Risk included on Directorate risk register? Yes

Separate risk register in place? Yes

Potential Risks	Commentary	Mitigation Measures
Compliance with legislation	To meet the test of 'soundness' of DPDs are required to comply with the legal requirements for preparing and consulting on DPDs under the Planning and Compulsory Purchase Act.	Officers will seek to ensure compliance with the relevant legislative requirements, including the undertaking of Sustainability Appraisal, Equalities Impact Assessment and requirements for consultation. The LDF team will maintain a log that chronicles legal compliance of the DPDs as they progress towards examination and adoption.
Reform of the plan-making system	The Government has now implemented many of its reforms including the publication, following consultation, of a new National Planning Policy Framework.	The recent publication of the NPPF has enabled the resulting national policy position to be fully reflected in the DPD which it is intended to submit.
Inappropriate consultation responses	A real risk with consultation on the DPDs is that consultees will make representations in respect of matters that have already been dealt with through the Core Strategy and are therefore not up for further debate.	The DPD is clear that their purpose is to give effect to the Core Strategy, including the agreed spatial strategy, which includes the broad distribution and quantum of development to be accommodated, as well as the strategic objectives regarding the safeguarding of specific types of land use, including employment and open space.
Resourcing	The DPD is being prepared and published in tandem. There is a risk that at key stages in the plan making process, resources in the LDF team may not be sufficient to maintain the timetable agreed in	Officers will monitor the workload in respect of the three DPDs being prepared and will seek to manage peaks or crunch points in the process. However, the workload associated with any one DPD is dependant on the level of community interest, number of responses received to consultation and the complexity of the

	the revised LDS.	matters raised. Where necessary, additional staff resources may need to be drafted in for short periods. This will be done in consultation with the Director of Planning and seek to give opportunities to those within the department who may wish to gain policy experience.
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K. Equalities implications

Was an Equality Impact Assessment carried out?

72. An equalities impact assessment will be undertaken of the three DPDs. This will build on the previous EQIA prepared for the Core Strategy and will be made available to view on the Council website at the time the documents are published for public consultation.

L. Corporate Priorities

73. The DPD will help to deliver the following corporate priorities:

- **Keeping neighbourhoods clean, green and safe:** by promoting a better quality built environment and public spaces, and considering options for enhancing green infrastructure and access to open spaces.
- **United and involved communities - a Council that listens and leads:** Engagement with the community and others is at the heart of the LDF process. The Development Management Policies DPD responds to the comments received during the 2011 'preferred option' consultation and, by giving effect to the Core Strategy, reflects the many formal and informal stages of consultation undertaken during the preparation of that document.
- **Supporting our Town centre, and local shopping centres and businesses:** The the DPD will provide a positive and clear policy framework to guide the future development and growth within town centres and local parades, as well as securing appropriate investment in infrastructure and required environmental improvement.

Section 3 - Statutory Officer Clearance

Name: Kanta Hirani

on behalf of the*
Chief Financial Officer

Date: 28 May 2012

Name: Abiodun Kolawole

on behalf of the*
Monitoring Officer

Date: 24 May 2012

Section 4 - Contact Details and Background Papers

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