

REPORT TEMPLATE: FORMAL BODIES & MEMBER ONLY EXECUTIVE - REGULATORY REPORTS

HARINGEY COUNCIL

Agenda item: 10

Planning Applications Sub - Committee

On 30th October 2006

Report Title: **Supplementary Planning Guidance**

Forward Plan reference number (if applicable): **not applicable**

Report of: **Assistant Director, Planning Environmental Policy and Performance**

Wards(s) affected: **All**

Report for: **Non-Key Decision**

1. Purpose

1.1 To note and approve changes to Supplementary Planning Guidance (SPG) as a result of public consultation and the adoption of the Unitary Development Plan (UDP) in July 2006. To note a programme of Supplementary Planning Documents to review and replace SPG.

2. Recommendations

- 2.1 That the Sub-committee approve changes to Supplementary Planning Guidance;
- 2.2 That the Sub-Committee approve the Planning Obligations Codes of Practice Nos.1 and 2; and
- 2.2 That the Sub-Committee note the programme of Supplementary Planning Documents as attached as Appendix 3

Report Authorised by: **Shifa Mustafa, Assistant Director, Planning Environmental Policy and Performance.**

Contact Officer: **Ciara Whelehan, Senior Policy Officer, x 5516**

3. Executive Summary

3.1 Draft Supplementary Planning Guidance has been prepared in parallel with the emerging UDP and were subject to public consultation in September 2003. This report recommends that five SPG be updated and adopted to bring them in line with the adopted UDP policies, the UDP Inspector's recommendations and recent changes to Government legislation. In addition, two Codes of Practice have been

prepared on employment and training and health planning obligations.

3.2 The Government Office for London advises that adopted SPG should be replaced as soon as possible by Supplementary Planning Documents (SPD) as part of the Council's Local Development Framework. A programme to review and replace SPG is attached as Appendix 3 to this report.

4. Reasons for any change in policy or for new policy development (if applicable)

4.1 The limited number of draft SPG are to be updated for the following reasons:

- To bring SPG in line with adopted UDP policy
- To address the UDP Inspector's recommendations where they relate to SPG
- To update SPG with recent legislation – DCLG Circular 01/2006 Design and Access Statements and ODPM Circular 05/2005 – Planning Obligations.

4.2 Updating the SPG is necessary to avoid conflict with the adopted UDP policies and to give clarity to development control negotiations and decisions.

5. Local Government (Access to Information) Act 1985

5.1 The following documents were used in the preparation of this report:-

- Haringey Unitary Development Plan, Adopted (July 2006)
- Haringey Draft Supplementary Planning Guidance 1a: Design Guidance (September 2003)
- Haringey Draft Supplementary Planning Guidance 3a: Density, Dwelling Mix, Floorspace Minima, Conversions, Extensions and Lifetime Homes (September 2003)
- Haringey Draft Supplementary Planning Guidance 8a: Waste and Recycling (September 2003)
- Haringey Draft Supplementary Planning Guidance 10: The Negotiation, Management and Monitoring of Planning Obligations (September 2003)
- Haringey Draft Supplementary Planning Guidance 11: Affordable Housing (September 2003)
- Planning Policy Guidance (PPG) 12 Development Plans (December 1999)

5.2 The Planning Policy Team and documents are located at 639 High Road, Tottenham, London, N17 8BD.

6. Background

6.1 Draft Supplementary Planning Guidance has been prepared in parallel with the emerging UDP. The UDP has been prepared under the Town and Country Planning Act 1990 and the Town and Country Planning (Development Plan) (England) Regulations 1999. Therefore, the SPGs have been prepared under the 'old system', in accordance with the guidance in Planning Policy Guidance (PPG) 12 'Development Plans'.

- 6.2 PPG12 states that Supplementary Planning Guidance (SPG) can take the form of design guides or area development briefs, or to supplement specific policies in the development plan. SPG must be consistent with national and regional guidance and the policies set out in the adopted UDP. PPG12 stipulates that SPG should be prepared in consultation with the general public, businesses and other interested parties and their views should be taken into account before it is finalised. Paragraph 3.16 of PPG12 states that where SPG have been subject to consultation, are consistent with the development plan and have been adopted by the Council, they carry substantial weight in determining planning applications.
- 6.3 The Council's Executive on 8 July 2003 approved for consultation purposes the deposit draft UDP and associated draft SPG. The draft SPG were approved for development control purposes.
- 6.4 A public consultation exercise was undertaken on 35 SPG notes in September 2003. The Council received 268 representations of objection and support during the consultation period.
- 6.5 As the SPG were drafted and subject to public consultation prior to the commencement of the Planning and Compulsory Purchase Act, 2004 and are closely linked to the UDP process, the documents can be adopted as Supplementary Planning Guidance.
- 6.5 The Unitary Development Plan was adopted on 17 July 2006. Under the 2004 Act, the adopted UDP policies are automatically "saved" for three years. Adopted SPG will be linked to these 'saved' UDP policies. The Government Office for London advises that adopted SPG should be replaced as soon as possible by Supplementary Planning Documents (SPD) as part of the Council's Local Development Framework.
- 6.6 The Sub-Committee is recommended to approve changes to five draft SPG to bring them in line with the adopted UDP policy, to address the UDP Inspector's recommendations where they relate to SPG and to update the SPG with recent legislation. Officers have considered the representations on these SPG and a summary of representations and responses is attached as Appendix 2.
- 6.7 Therefore, the following documents have been updated:
- SPG1a Design Guidance
 - SPG3a Density, Dwelling Mix, Floorspace Minima, Conversions, Extensions and Lifetime Homes
 - SPG8a Waste and Recycling
 - SPG10a The Negotiation, Management and Monitoring of Planning Obligations
 - SPG10b Affordable Housing
- 6.8 In addition, it is recommended that two Codes of Practice published on Employment and Training and Health. These Codes of Practice will assist in development control negotiations on planning obligations and relate to the employment and health impacts of development proposals.

- 6.9 The remaining draft SPG have not been affected by the UDP review process and are in conformity with the adopted UDP. They will continue to be used for development control purposes in accordance with the Executive resolution in July 2003. The Government Office for London advise that these draft SPG, unaffected by the UDP should not be adopted and should be replaced by a programme of Supplementary Planning Documents as part of the Council's Local Development Framework. The draft SPG will form part of the evidence base for future SPD preparation. The programme to review and replace SPG with Supplementary Planning Documents is attached as Appendix 3.
- 6.10 The first two SPDs to be produced will be on housing and conservation areas. The Housing SPD will review policies on housing density, dwelling mix, affordable housing and conversions. It will supplement the UDP and give local interpretation to the Mayor of London's Supplementary Planning Guidance on Housing. A member steering group will be established to oversee the preparation of the SPD.
- 6.11 The Conservation Area Supplementary Planning Document will supplement policies in the Conservation chapter of the adopted UDP. It will provide guidance to applicants and developers, aid development control decisions and assist the Council in its function of preserving and enhancing the character and appearance of its conservation areas. The SPD will be informed by conservation area character appraisals and will contain management proposals for the conservation areas. On 28 September 2006, the Planning Applications Sub-Committee approved a programme of public consultation on draft conservation area character appraisals.
- 6.12 The SPDs will be subject to public consultation and a sustainability appraisal process and will be adopted by January 2008.

7. Description

- 7.1 The five SPGs have been reviewed and updated in accordance with the adopted UDP policies, the UDP Inspector's Report and recent changes to legislation. Final versions of the SPGs and Codes of Practice are attached as Appendix 1. The proposed changes are highlighted below.
- 7.2 SPG1a Design Guidance
- New paragraph F.4 added relating to wind corridors and wind tunnel effects in response to Inspector's recommendation, paragraph 2.212 of his report.
 - Reference to Circular 01/2006 and requirement for design and access statements
- 7.3 SPG3a Density, Dwelling Mix, Floorspace Minima, Conversions, Extensions and Lifetime Homes
- Changes to bring SPG in line with UDP policies on density and Restricted Conversions Areas.
 - Bruce Grove Restricted Conversion Area map amended to cover the entire ward (to accord with policy HSG11).
 - Dwelling mix for affordable housing changed to accord with SPG10b.
 - A new paragraph on Lifetime Homes added.

7.4 SPG8a Waste and Recycling

- New Section 5.0 providing guidance on the content of waste management plans in response to Inspector's recommendation (paragraph 2.135) of his report.

7.5 SPG10 The Negotiation, Management and Monitoring of Planning Obligations

- Update list of benefits which has been removed from the UDP
- Update SPG to reflect new Government guidance contained in Circular 05/2005
- Allows for maintenance payments to pay for new facilities and pooling contributions to help pay for services and infrastructure

7.6 SPG10b Affordable Housing

- To bring the SPG in line with adopted UDP policy and Council's Housing Strategy
- Updated to reflect the 2005 Housing Needs Survey
- Updated calculation of developer contribution given that Total Cost Indicators (TCIs) are not used anymore. The financial contribution will be based on the amount of average grant per unit.

7.7 Planning Obligation Code of Practice No 1: Employment and Training

- Contributions to be made to offset the adverse impacts arising from loss of employment generating uses
- Construction training for local residents in proportion to the scale of the development activity within the borough
- Opportunities for local businesses to compete for work which is related to the development

7.8 Planning Obligation Code of Practice No 2 :Guidance Note 2: Health

- Investment in health services and facilities is required to ensure that standards of provision can be maintained
- As well as providing capital costs of providing new and investing in existing health facilities, developers may be required to contribute to the revenue cost of maintaining these facilities for a period of one year.
- A new model designed by the NHS London Healthy Urban Development Unit will now be employed, which estimates the revenue and capital cost implications of new residential developments
- The London Plan provides a planning policy basis to ensure that developers contribute to the provision of health facilities to provide for increased population arising from new developments. It does not make decisions about where any financial contributions received will be allocated to; the Haringey PCT or/and other relevant Council services. Decisions about where this money will be distributed do not fall within the scope of this Code of Practice note, but will be made through a separate process.

8. Consultation

- 8.1 The draft SPG were subject to public consultation in September 2003. The summary of representations and responses is attached as Appendix 2.

9. Summary and Conclusions

- 9.1 Draft Supplementary Planning Guidance has been prepared in parallel with the emerging UDP and were subject to public consultation in September 2003. This report recommends that five SPG be updated and adopted to bring them in line with the adopted UDP policies, the UDP Inspector's recommendations and recent changes to Government legislation. In addition, two Codes of Practice have been prepared on employment and training and health planning obligations.
- 9.2 The Government Office for London advises that adopted SPG should be replaced as soon as possible by Supplementary Planning Documents (SPD) as part of the Council's Local Development Framework. A programme to review and replace SPG is attached as Appendix 3 to this report.

10. Recommendations

- 10.1 That the Sub-Committee approve changes to Supplementary Planning Guidance
- 10.2 That the Sub-Committee approves the Planning Obligations Codes of Practice Nos. 1 and 2
- 10.2 That the Sub-Committee note the programme of Supplementary Planning Documents as attached as Appendix 3.

11. Comments of the Director of Finance

- 11.1 Any financial implications arising from the proposed changes to Supplementary Planning Guidance and its replacement by Supplementary Planning Documents will need to be kept under review and managed within approved budgetary resources.

12. Comments of the Head of Legal Services

- 12.1 The Head of Legal Services comments that Supplementary Planning Guidance now has limited weight and is essentially a stop gap measure. The new system for Supplementary Planning Documents will require an adoption statement specifying that any person aggrieved by the SPD may appeal to the High Court for permission to apply for judicial review, and will also require a consultation statement and sustainability appraisal report. The fact that the Government Office for London raises no objection to the adoption of SPG, while advising replacement as soon as possible, is important to explain the context of these SPGs.
- 12.2 Government advice in Circular 5/05 recommends the preparation of Codes of Practice so as to increase public confidence in the planning obligations system and assist developers by improving speed, predictability, transparency and accountability. The planning policy relevance of the Employment and Training Code of Practice is greater when dealing with applications involving the loss of employment land. The planning policy relevance of the Health Code of Practice stems from the London Plan. Although neither of these Codes of Practice have been the subject of Consultation, their publication after approval by the Sub-Committee should assist prospective developers in accordance with Government advice.

13. Equalities Implications

13.1 Supplementary Planning Guidance ensures that planning and land use aspirations of the people of Haringey are taken into consideration. The following examples show how equalities issues have been taken into account in the above SPG.

- Disabled, the elderly and those with mobility difficulties: requirement that all housing be built to Lifetime Home Standards and 10% wheelchair accessible. Also the requirement to provide design and access statements
- Socially excluded and unemployed: s106 agreements requiring major employers to provide training and jobs for local people
- Low incomes: with limited access to private or public sector housing, s106 agreements contribute to affordable housing provision meeting housing need in the borough.

14. Use of Appendices / Tables / Photographs

14.1 Appendix 1: Supplementary Planning Guidance and Planning Obligations Codes of Practice Nos. 1 and 2

14.2 Appendix 2: Summary of Representations and Responses

14.3 Appendix 3: Programme of Supplementary Planning Documents