

 <p>h&f the low tax borough</p>	<p align="center">London Borough of Hammersmith & Fulham</p> <p align="center">COUNCIL</p> <p align="center">3 JULY 2013</p>
<p align="center">DEVELOPMENT MANAGEMENT LOCAL PLAN: ADOPTION OF DOCUMENT</p>	
<p align="center">Report of the Cabinet Member for Transport and Technical Services : Councillor Victoria Brocklebank-Fowler</p>	
<p>Open Report</p>	
<p>Classification: For Decision Key Decision: No</p>	
<p>Wards Affected: All</p>	
<p>Accountable Executive Director: Nigel Pallace, Executive Director Transport and Technical Services</p>	
<p>Report Author: Trevor Harvey, Team Leader Development Plans</p>	<p>Contact Details: Tel: 020 8753 3039 E-mail: (trevor.harvey@lbhf.gov.uk)</p>

1. EXECUTIVE SUMMARY

- 1.1 This report seeks the adoption of the Council's Development Management Local Plan (DM LP).
- 1.2 The report also seeks agreement to the revocation of the Unitary Development Plan (UDP), the remaining extant policies of which will expire upon the adoption of the DM LP. It also seeks agreement to the revocation of supplementary planning guidance associated with the UDP.
- 1.3 In addition, the report notes that the Council must announce both the adoption and availability of the DM LP and other supporting documents, as well as the revocation of the Unitary Development Plan and supplementary planning guidance.

2. RECOMMENDATIONS

- 2.1. That Council resolves to adopt the Development Management Local Plan (see Appendix 1).
- 2.2 That Council approves the revocation of the supplementary planning guidance identified in paragraph 5.6 of the report.

3. REASONS FOR DECISION

- 3.1 The adoption of the Development Management Local Plan will provide the Council with up to date development management policies that will assist in helping to determine individual planning applications and development proposals.

4. INTRODUCTION AND BACKGROUND

- 4.1 The Development Management Local Plan (DM LP) was formerly known as the Development Management Development Plan Document. When adopted, the DM LP will replace the borough's remaining saved policies in the Unitary Development Plan (UDP as amended in 2007 and 2011) and will be used, together with the Core Strategy and London Plan, to help shape the borough and to determine individual planning applications and deliver development.
- 4.2 In November 2011, the Council carried out consultation on the Development Management Local Plan (DM LP). After consultation the DM LP and the representations were submitted for independent examination in July 2012. The public hearing took place in October 2012.
- 4.3 During the Examination the council suggested a number of minor changes to the submission DM LP, for example to clarify or expand upon policy matters. In his draft report the Inspector also recommended a number of main modifications to make the plan sound. These main modifications were made available for consultation from November 2012 until January 2013. The Inspector considered the comments that were received and in February issued his final report.
- 4.4 The Inspector concluded that subject to inclusion of the modifications "that the Hammersmith and Fulham Development Management Local Plan provides an appropriate basis for the future planning of the Borough". The modifications may be seen in his Report and include:
- Inclusion of a policy on the presumption in favour of sustainable development, in support of the National Planning Policy Framework;
 - Updated references to heritage assets, in accordance with the National Planning Policy Framework; and
 - Greater flexibility in respect of housing quality and mix.
- 4.5 The next stage in the DM LP process is adoption by full Council.

5. PROPOSAL AND ISSUES

- 5.1 When the Development Management Local Plan (see Appendix 1) is adopted by the Council it will become, together with the Core Strategy and London Plan, part of the development plan for the borough.

- 5.2 Although the policies in these documents make up the statutory development plan for the borough, with which applications for planning permission must be determined in accordance, these will be supported by the Planning Guidance SPD (to be adopted July 2013) which will provide additional detail on the application of strategic and boroughwide policies. The SPD will be a material consideration in planning decisions although it will not be part of the development plan.

POST DM LP ADOPTION REQUIREMENTS

- 5.3 After adoption, it will be necessary under the Town and Country Planning (Local Planning) (England) Regulations 2012 to make the DM LP, the Inspector's Report and other documents supporting the DM LP available for inspection and to publish these on the Council's website. The Council must also make an adoption statement available and notify any person who requested to be notified of the publication of the adoption of the DM LP. The adoption statement must be sent to the Secretary of State.
- 5.4 Under the Environmental Assessment of Plans and Programmes Regulations 2004, the Council must also make the sustainability appraisal available and send the adoption statement to consultation bodies, eg. Natural England, English Heritage, and the Environment Agency and parties who are likely to be affected by or have an interest in the decision to adopt the DM LP.

EXPIRY OF THE REMAINING SAVED UNITARY DEVELOPMENT PLAN POLICIES

- 5.5 The DM LP will replace all remaining saved Unitary Development Plan policies (UDP as amended in 2007 and 2011). Upon the adoption of the DM LP, these policies will expire by virtue of the Planning and Compulsory Purchase Act 2004.
- 5.6 The expiry of the remaining saved policies of the UDP will mean that any associated SPG or SPD will be out of date and will not supplement any extant development plan policy, i.e. it will serve no development plan policy objective. Accordingly, they should be revoked. The relevant SPG/SPD consists of:
- Access for All SPD
 - Managing Change of Use in Local Shopping centres SPD
 - Sustainable Construction and the Recycling of Building Materials SPD
 - Storage of Refuse and Recyclables SPD
 - Energy SPD
 - Conservation Area Character Profiles SPG
 - Local Register of Buildings of Merit SPG
 - Design Guidance for Lightwells SPG

- Thames Strategy Kew to Chelsea SPG
- Tables and Chairs on the Public Highway SPG
- 2004 White City SPG: White City Opportunity Area – A Framework for Development

5.7 As the UDP policies are being replaced or superseded by the DM LP, the revocation of the UDP is considered to have no consequential environmental impacts.

6. OPTIONS AND ANALYSIS OF OPTIONS

6.1. Approval by full Council of both the adoption of the DM LP and the revocation of supplementary planning guidance are legal requirements of the Planning and Compulsory Purchase Act 2004 and associated regulations. There are no alternative options to this process.

7. CONSULTATION

7.1. The preparation of the DM LP has involved a number of consultation exercises and opportunities for community engagement as outlined in paragraph 4.2 and others above. There are also post adoption consultation requirements (see paragraph 5.3 above).

8. EQUALITY IMPLICATIONS

8.1 An EIA was prepared to accompany the draft DM LP. It is a background document to the DM LP. The changes made to the DM LP as a result of modifications and minor changes have not impacted significantly on the EIA and there are no significant equality implications.

9. LEGAL IMPLICATIONS

9.1 Preparation and adoption of the DM LP is governed primarily by the Planning and Compulsory Purchase Act 2004 and regulations made by the Secretary of State. The Council must not adopt the DM LP unless it has been modified in accordance with the Inspector's recommendations. The policies in the DM LP will replace the remaining saved UDP policies and they will expire upon adoption of the DM LP.

9.2 The Council can revoke supplementary planning documents pursuant to The Town and Country Planning (Local Planning) (England) Regulations 2012.

9.3 Adoption of the DM LP must be by resolution of the full Council. Given the expiry of the remaining saved UDP policies leaves the SPDs

without a relevant development plan policy, it is considered appropriate to revoke them at full Council at the same time.

9.4 The post-adoption requirements are set out in paragraphs 5.3 and 5.4 of this report.

9.5 Implications completed by Alex Russell, Environmental Services Lawyer 020 8753 2771.

10 FINANCIAL AND RESOURCES IMPLICATIONS

10.1 The costs of adoption will be met from within existing revenue budgets in Transport and Technical Services.

10.2 Implications completed by Gary Hannaway, Head of Finance TTS 020 8753 6071.

11 RISK MANAGEMENT

11.1 The subject of the report is not included on a departmental or corporate risk register.

12 PROCUREMENT AND IT STRATEGY IMPLICATIONS

12.1 There are none.

LOCAL GOVERNMENT ACT 2000 **LIST OF BACKGROUND PAPERS USED IN PREPARING THIS** **REPORT**

No.	Description of Background Papers	Name/Ext of holder of file/copy	Department/ Location
1.	All in public domain		

LIST OF APPENDICES:

Appendix 1. Development Management Local Plan