

 the low tax borough	London Borough of Hammersmith & Fulham COUNCIL 3 JULY 2013
PLANNING GUIDANCE SUPPLEMENTARY PLANNING DOCUMENT: ADOPTION OF DOCUMENT	
Report of the Cabinet Member for Transport and Technical Services: Councillor Victoria Brocklebank-Fowler	
Open Report	
Classification: For Decision Key Decision: No	
Wards Affected: All	
Accountable Executive Director: Nigel Pallace, Executive Director Transport and Technical Services	
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1. EXECUTIVE SUMMARY

- 1.1 This report seeks approval for the adoption of the Council's Planning Guidance Supplementary Planning Document (SPD) which includes policies that supplement the Council's Core Strategy and proposed Development Management Local Plan. The SPD establishes more detailed guidance on the application of policies that are concerned with managing development proposals within the borough.

2. RECOMMENDATIONS

- 2.1 That Council resolves to adopt the Planning Guidance Supplementary Planning Document (see Appendix 1).

3. REASONS FOR DECISION

- 3.1 The adoption of the Planning Guidance SPD will provide applicants with more detailed guidance on how the Council will apply policies within the Core Strategy and Development Management Local Plan.

4. INTRODUCTION AND BACKGROUND

4.1 The Planning Guidance Supplementary Planning Document (SPD) has been prepared under the terms of the Planning and Compulsory Purchase Act 2004 and the accompanying Town and Country Planning (Local Planning) (England) Regulations 2012.

4.2 The overall objectives of the SPD are to:

- establish more detailed guidance on the application of policies within the Core Strategy and Development Management Local Plan that are concerned with managing development proposals within the borough; and
- help applicants make successful applications and to aid infrastructure delivery.

5. PROPOSAL AND ISSUES

5.1 When the Development Management Local Plan (DM LP) is adopted by the Council (in July 2013) it will replace the existing Unitary Development Plan (UDP). The Council's Core Strategy and Development Management Local Plan, together with the London Plan, will comprise the statutory development plan for the borough.

5.2 The Planning Guidance SPD will provide more detail on the application of the strategic and boroughwide policies. The SPD will be a material consideration in planning decisions although it will not be part of the development plan.

CONTENT OF THE SPD

5.3 The SPD provides guidance on a variety of topics (see document in Appendix 1). It contains a brief identification of the overarching policy context, including national and London wide policy for each topic. Additionally, for each topic area there is a description of the local context. Each section then includes policies that the Council will apply when considering development proposals.

5.4 The topics included in the SPD relate to those issues that are of particular importance to Hammersmith and Fulham. They cover topics that frequently need to be addressed when considering proposals and applications for development, eg design, flood risk and contaminated land. The topics are set out in 6 sections, namely:

Housing

- Housing Quality

Design

- Access
- Guidance for lightwells

- Buildings of Merit
- Shopfront design
- Conservation area guidelines
- Archaeology

Amenity

- Hot food takeaways
- Contaminated land
- Noise and environmental pollution

Sustainability

- Flood risk mitigation and sustainable drainage (SUDs)
- Storage of refuse and recyclables
- Biodiversity
- Sustainable construction
- Sustainable energy

Transport

- Transport

- 5.5 The policies within the SPD have been derived from a number of sources, including the existing UDP (where these were considered to be too detailed for the Core Strategy or DM LP), UDP Supplementary Planning Guidance and former Government Planning Policy Statements and Guidance that have been replaced by the National Planning Policy Framework.
- 5.6 The policies were subject to informal consultation with a number of specific consultation bodies, such as the Environment Agency and neighbouring boroughs, before formal consultation took place in Summer 2012. The policies were also subject to Equality Impact Assessment.
- 5.7 The Council was not required to carry out a sustainability appraisal for the SPD (this now only applying to development plan documents) pursuant to the Planning and Compulsory Purchase Act 2004. However, the policies were considered against the requirements of the Environmental Assessment of Plans and Programmes Regulations 2004 and a draft screening statement was made available and relevant statutory consultation bodies were asked to make representations.
- 5.8 There were no objections to the Council's view that the SPD was not likely to have significant environmental effects. As a consequence the decision was taken that an SEA was not required because, amongst other things, the SPD is a low level planning policy document among the suite of Council planning policy documents; it only supplements adopted policy and does not introduce new policy; and it supplements adopted planning policies that have been subjected to Sustainability Appraisals.

CONSULTATION ON THE DRAFT SPD

- 5.9 Consultation on the draft SPD began in June 2012 and ended on 7 September 2012.
- 5.10 The SPD was made available in the Hammersmith Town Hall and at the libraries and Fulham Town Hall. The SPD was also put on the Council's website. In addition, the Council wrote to specific consultation bodies outlined in the Regulations and to general consultation bodies, such as amenity groups, residents associations, businesses and others.
- 5.11 The Council received representations from 24 organisations and individuals, and these representations broke down into 343 different comments (see consultation response schedule in Appendix 2). Although there was considerable support for the SPD, a number of changes to the policies and supporting text have been made as a result of consideration of these representations. Most of the changes are of a minor or technical nature, however the draft section on the river has been deleted from the finalised document. A summary of the main issues raised and how these have been addressed is set out below. Further detail is within Appendix 2.

ISSUE	HOW ADRESSED
Housing	
Some calls for clarification of relationship with Mayor's Housing SPG	Relationship explained to representors. Clarification made to SPD where appropriate.
Design	
Request for clarification of relationship between planning and building control.	Additional explanatory text included in Design section.
Need for outline applications to have sufficient detail in conservation areas.	Additional explanatory text included.
Concern at duplication of some SPD policies with Development Management Local Plan.	Delete draft SPD design policies 11 Lifetime Homes and 12 Wheelchair Accessible Homes.
Amenity	
Need to strengthen text on impact of construction and demolition works	Additional text included.
Sustainability	
Include greater reference to needs of residents with mobility difficulties.	Additional text included.
River	
Objections to policies from Environment Agency (EA) and	Delete whole section. The policies add little to guidance elsewhere in

Port of London Authority (PLA), particularly concerning the perceived SPD's "support" for residential moorings.	the London Plan, Core Strategy and Development Management Local Plan. In addition, objection from the EA and PLA will make policies difficult to implement.
Transport	
Request for clarification of blue badge parking.	Additional text included.

ADOPTION

- 5.12 The 2004 Act requires adoption of the SPD to be by resolution of the Council. After adoption, the SPD together with an adoption statement will be made available on the Council's website and elsewhere in accordance with Regulations. A copy of the adoption statement will also be sent to all those who asked to be notified of the adoption of the SPD.

6. OPTIONS AND ANALYSIS OF OPTIONS

- 6.1. Approval by full Council of the adoption of the Planning Guidance SPD is a legal requirement 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 Planning Guidance SPD has involved a number of consultation exercises and opportunities for community and other engagement as outlined in section 5 above. There are also post adoption consultation requirements (see paragraph 5.12).

8. EQUALITY IMPLICATIONS

- 8.1 An EIA was prepared to accompany the draft Planning Guidance SPD which showed that there were no significant equality implications. The changes made to the SPD as a result of consideration of representations have not impacted significantly on the EIA.

9. LEGAL IMPLICATIONS

- 9.1 The adopted SPD will be a material consideration to which regard will have to be had when considering any planning application.
- 9.2 The Planning and Compulsory Purchase Act 2004 (as amended) and the Town and Country Planning (Local Planning) Regulations 2012 require that the SPD be in general conformity with the London Plan and not conflict with the adopted development plan.
- 9.3 The post-adoption requirements are set out in paragraph 5.12 of this report.

9.4 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. Planning Guidance Supplementary Planning Document

Appendix 2. Consultation Response Schedule (Planning Guidance SPD)
- April 2013