


<p align="center"><b>London Borough of Hammersmith &amp; Fulham</b></p> <p align="center"><b>FULL COUNCIL</b></p> <p align="center">24 January 2018</p>		
<b>ADOPTION OF THE LOCAL PLAN</b>		
<b>Report of the Cabinet Member for Environment, Transport and Residents Services – Councillor Wesley Harcourt</b>		
<b>Open Report</b>		
<b>Classification: For decision</b> <b>Key Decision: Yes</b>		
<b>Consultation:</b> Legal and Finance		
<b>Wards Affected:</b> All		
<b>Accountable Director:</b> Jo Rowlands, Director of Regeneration, Planning and Housing Services		
<b>Report Author:</b> Matt Butler, Head of Policy & Spatial Planning	<b>Contact Details:</b> Tel: 020 8753 3943 <a href="mailto:matt.butler@lbhf.gov.uk">matt.butler@lbhf.gov.uk</a>	

## 1. EXECUTIVE SUMMARY

- 1.1. This report seeks recommendation for the adoption of the Council’s Local Plan. The Local Plan sets out the Council’s vision in the Labour Manifesto commitments to see, amongst other things, more people in decent affordable homes; a stronger local economy that provides training and job opportunities for local people; a ‘greener’ borough; and securing and promoting health facilities for residents. It contains strategic objectives and strategic policies for the regeneration of the borough over the next 15 -20 years.
- 1.2. The report also confirms that upon adoption of the Council’s Local Plan, the Core Strategy 2011 and the Development Management Local Plan 2013 will be fully superseded for the purposes of future planning decision making in the borough. It also seeks agreement to the formal revocation of the supplementary planning guidance associated with the Core Strategy and Development Management Local Plan, as the policies to which the guidance relates will no longer be applicable.
- 1.3. In addition, the report notes that the Council must announce both the adoption and availability of the Local Plan and other supporting documents, as well as the replacement of the Core Strategy and the Development Management Local Plan and the revocation of the supplementary planning guidance.

## **2. RECOMMENDATIONS**

- 2.1. That approval be given by Full Council for the adoption of the Local Plan incorporating the main modifications recommended by the Inspector (set out at Appendix 2) and the minor modifications (detailed at Appendix 3) and for adoption and publication of the Local Plan to take effect from 23<sup>rd</sup> February 2018.
- 2.2. That approval be given by Full Council for the revocation of the supplementary planning guidance identified in paragraph 4.6 of this report and for revocation to take effect from 23<sup>rd</sup> February 2018.

## **3. REASONS FOR DECISION**

- 3.1. To progress the Local Plan to adoption in accordance with the current Local Development Scheme, to ensure that an up-to-date Local Plan for the borough is in place and to comply with regulatory requirements.
- 3.2. The adoption of the Local Plan will provide the Council with up-to-date policies that will assist in delivering its regeneration and corporate objectives especially when determining planning applications and promoting development opportunities.

## **4. PROPOSAL AND ISSUES**

- 4.1. If the Local Plan (see Appendix 1) is adopted by the Council it will become, together with the London Plan, part of the development plan for the borough.
- 4.2. 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 with, unless material considerations indicate otherwise. These will also be supported by the Planning Guidance SPD (to be adopted in February 2018) 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 Local Plan adoption requirements

- 4.3. After adoption, it will be necessary under the Town and Country Planning (Local Planning) (England) Regulations 2012 to make the Local Plan, along with the Inspector's Report and other documents supporting the Local Plan, 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 Local Plan. The adoption statement must be sent to the Secretary of State.
- 4.4. 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,

Historic England, and the Environment Agency and parties who are likely to be affected by or have an interest in the decision to adopt the Local Plan.

#### Expiry of the existing policies

- 4.5. The Local Plan will supersede all Core Strategy 2011 and Development Management Local Plan 2013 policies, therefore, upon the adoption of the Local Plan, these policies will no longer be in force.
- 4.6. The replacement of the Core Strategy and Development Management Local Plan policies mean that any associated Supplementary Planning Document (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 SPDs to be revoked include:
  - Planning Guidance SPD 2013 (to be replaced by a 2017 version)
  - Earls Court and West Kensington Opportunity Area Joint SPD
  - South Fulham Riverside Regeneration Area SPD
  - White City Opportunity Area Planning Framework SPD

## **5. OPTIONS AND ANALYSIS OF OPTIONS**

- 5.1. The Options available to the Council are as follows:
  - I. To adopt the Local Plan incorporating main modifications recommended by the Inspector (as set out in Appendix 2);
  - II. To adopt the Local Plan with the main modifications (Appendix 2) and the additional minor modifications (Appendix 3) if the additional modifications (taken together) do not materially affect the policies that would be set out in the document, if it was adopted with the main modifications, but no other modifications; or
  - III. To withdraw the proposed Local Plan and to retain the current development framework.
- 5.2. The recommendation is Option II above, that the Council adopt the Local Plan incorporating the main modifications recommended by the Inspector (Appendix 2) and the minor modifications detailed at Appendix 3.
- 5.3. The Council is legally required to incorporate any main modifications recommended by the Inspector if it chooses to adopt the Plan. The additional minor modifications are necessary technical changes resulting from representations received during the public consultations and at the hearing sessions held in June 2017.
- 5.4. It is considered that Option III above to withdraw the Local Plan would be at odds with the Council's vision and Local Development scheme.

## **6. CONSULTATION**

- 6.1. In January 2015 and September 2016, the Council carried out consultations on the Local Plan. The Proposed Submission Local Plan which was consulted on in September 2016 and was approved for Consultation by Cabinet on 4<sup>th</sup> July 2016. After consultation, the Local Plan and the representations were

submitted for independent examination to the Secretary of State in February 2017. The public hearings took place in June 2017.

- 6.2. During the Examination, the Council suggested a number of minor changes to the Proposed Submission Local Plan document (approved by Cabinet in July 2016), for example to clarify or expand upon policy matters. The Inspector also recommended a number of main modifications to make the plan sound. These main modifications were made available for consultation from August until 15<sup>th</sup> September 2017. The Inspector considered the comments that were received and will issue his final report before the end of November 2017.
- 6.3. The key modifications to the Local Plan since Cabinet in July 2016 include:
- providing greater clarity in policy H03 'Affordable Housing' on the key considerations when negotiating for affordable housing, as well as clarity over when viability assessments will be required.
  - amendments to policy to accord with national policy which requires affordable housing to be sought only on schemes of 11 units or more
  - amendments to policy TLC6 'Betting Shops' to provide clarity that the requirement is to consider the impact and concentration of such uses on a case by case basis, subject to certain criteria.
  - further detail on how gypsy and traveller needs will be considered during the plan period.
  - further detail on waste apportionment targets for the borough in Policy CC6 and how these will be met during the plan period.
  - further detail provided in Policy CC10 'Air Quality' on the assessment of air quality in new development proposals.
- 6.4. The Inspector will decide whether, subject to inclusion of the modifications, the Hammersmith and Fulham Local Plan provides an appropriate and sound basis for the future planning of the Borough. The main modifications recommended by the Inspector, as well as the additional minor modifications proposed by the Council, may be seen in Appendix 2 and 3 of this report or on the Council website. ([www.lbhf.gov.uk/localplan](http://www.lbhf.gov.uk/localplan)). The Inspector has reached a decision based on these main modifications and issued his report (Appendix 4) to the council on 19<sup>th</sup> December 2017.
- 6.5. The Local Plan has been subject to sustainability appraisal (SA) which will accompany the Local Plan when it is adopted. There is also a report that sets out how earlier consultation has been undertaken and summarises the main issues raised and how these have been addressed in the Local Plan.

## **7. EQUALITY IMPLICATIONS**

- 7.1. An Equalities Impact Assessment (EQIA) was prepared to accompany the draft Local Plan. It is a background document to the Local Plan. The changes made to the Local Plan as a result of modifications and minor changes have not impacted significantly on the EIA and there are no significant equality implications.
- 7.2. The EQIA assists the Council in demonstrating compliance with its public sector equality duty under Section 149 of the Equality Act 2010.

## **8. LEGAL IMPLICATIONS**

- 8.1. The preparation and adoption of the Local Plan is governed primarily by the Planning and Compulsory Purchase Act 2004 and the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended).
- 8.2. Throughout the plan-making process, the Council is required to comply with a number of legal duties including but not limited to the “duty to co-operate” (requiring engagement with neighbouring authorities). It is understood that all legal requirements have been complied with through the process, however, in any event the Inspector’s final report should also expressly confirm the Council’s compliance with all relevant legislative requirements (it is understood that the final Inspector’s report will be available prior to the Full Council meeting which will consider the Plan’s adoption).
- 8.3. Given that the Inspector has suggested “main modifications” the Council is legally obliged to incorporate these modifications into the final revision of the adopted Local Plan and will have the Options detailed at paragraph 5.1 of this Report available to it.
- 8.4. Adoption is the final stage of bringing a Local Plan into force. A Local Plan may only be adopted by a decision of Full Council (as set out under the Local Authorities (Functions and Responsibilities) (England) Regulations 2000).
- 8.5. The policies in the new Local Plan will supersede the Core Strategy 2011 and Development Management Local Plan 2013 and this replacement shall be effective immediately following formal adoption of the Local Plan.
- 8.6. The post-adoption requirements are set out in paragraphs 4.3 and 4.4 of this Report.
- 8.7. The Council has the power to revoke supplementary planning documents pursuant to the Town and Country Planning (Local Planning) (England) Regulations 2012.
- 8.8. By Section 133 Planning and Compulsory Purchase Act 2004 a person aggrieved may challenge the Local Plan with permission of the High Court on a point of law within six weeks of adoption.
- 8.9. **Legal Implications section of this Report has been completed by Christopher Todman, Solicitor ([christopher.todman@rbkc.gov.uk](mailto:christopher.todman@rbkc.gov.uk))**

## **9. FINANCIAL IMPLICATIONS**

- 9.1. It is expected that the costs of adopting the Local Plan will be met from existing revenue budgets, mainly those relating to staffing and minor printing costs within the Policy and Spatial Planning budget.

9.2. There is a risk of challenge during the six week period following adoption of the Local Plan. This is unlikely but could potentially result in additional unbudgeted legal and staffing costs.

**9.3. Implications completed by Daniel Rochford, Head of Finance 020 8753 4023.**

## **10. IMPLICATIONS FOR BUSINESS**

10.1. The Local Plan contains strategic objectives and policies that include supporting businesses, particularly local firms and small and medium sized enterprises; encouraging training and employment in order to reduce polarisation and worklessness; and regenerating the most deprived parts of the borough through the provision of homes and jobs.

## **11. COMMERCIAL IMPLICATIONS**

11.1. None.

## **12. IT IMPLICATIONS**

12.1. None.

## **13. OTHER IMPLICATION PARAGRAPHS**

13.1. The subject of the report is not included on a departmental or corporate risk register. All adverse comments on soundness or legal compliance have been taken into account following public consultation and the examination stage of the plan making process.

**13.2. Implications verified/completed by: David Gawthorpe, Team Leader Development Plans team, ext 3384.**

## **14. BACKGROUND PAPERS USED IN PREPARING THIS REPORT**

None.

## **LIST OF APPENDICES**

[Appendix 1 - Proposed Submission Local Plan 2016](#)

[Appendix 2 - Main Modifications to the Proposed Submission Local Plan](#)

[Appendix 3 - Minor Modifications to the Proposed Submission Local Plan](#)

[Appendix 4 - Inspector's Report](#)

[Full Council agenda including all agenda items and appendices](#)

*NOTE: Due to the length of the appendices (~350 pages) they won't be included in the printed agenda – but they can be accessed at the links above. Copies have been placed in the Members' group rooms.*