



CABINET

11 December 2013

Subject Heading:

Proposals for Business and Employment Uses within Industrial Areas

Cabinet Member:

Councillor Robert Benham

CMT Lead:

Cynthia Griffin

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Policy context:

Havering Local Development Framework 2008, Havering Business Growth Strategy 2013, London Plan 2011, National Planning Policy Framework 2012,

Financial summary:

There are no financial implications for the Council with regards to preparing and implementing the Advice Note. The intention of the Advice Note is to strengthen the local economy and have positive financial impacts by setting out additional guidance as a material consideration against which proposals for employment generating uses within designated industrial areas may be considered in the course of determining planning applications.

Is this a Key Decision?

No

When should this matter be reviewed?

June 2015

Reviewing OSC:

Towns and Communities

The subject matter of this report deals with the following Council Objectives

<i>Ensuring a clean, safe and green borough</i>	<input type="checkbox"/>
<i>Championing education and learning for all</i>	<input type="checkbox"/>
<i>Providing economic, social and cultural activity in thriving towns and villages</i>	<input checked="" type="checkbox"/>
<i>Valuing and enhancing the lives of our residents</i>	<input checked="" type="checkbox"/>
<i>Delivering high customer satisfaction and a stable council tax</i>	<input type="checkbox"/>

SUMMARY

This report seeks Member approval for a non-statutory Planning Advice Note which sets out the key considerations that will be taken into account when determining planning applications for (non-industrial) business and employment uses within the Borough's Industrial Areas.

The purpose of the note is to demonstrate the Council's 'in principle' commitment to responding positively to proposals which have the potential to grow the Havering economy.

The report makes clear that the policies of the Havering Local Development Framework will continue to provide the formal policy context for the consideration of such proposals and will retain the statutory pre-eminence afforded by Section 38(6) of the Planning and Compulsory Purchase Act 2004.

RECOMMENDATIONS

That Cabinet:

(1) approve the Planning Advice Note (as set out in Appendix 1) for use by the Regulatory Services Committee as 'good practice' guidance to demonstrate the Council's commitment to economic growth;

(2) approve publication of the Note on the Council's website; and

(3) notwithstanding (1) and (2), recognise that the current national planning legislation will continue to afford the policies in the Havering Local Development Framework (as the statutory Development Plan) greater weight than the Advice Note in the formal planning decision making process.

REPORT DETAIL

The Advice Note in Appendix 1 sets out the proposed approach to proposals for business and employment uses (non-industrial) within the Borough's designated industrial areas.

The Note has been prepared to recognise the importance of Havering providing a positive climate for economic growth. It establishes a more flexible approach to the type of development permitted within designated industrial areas than is currently

set out in Havering's adopted planning policies. This is in recognition of the Council's commitment to supporting business growth and developing a strong and prosperous economy which provides employment opportunities for our residents and the right climate for businesses to invest.

It is intended that this note will provide helpful advice to businesses and developers by setting out the considerations that will be taken into account by officers and Regulatory Service Members when providing informal pre-application advice and determining planning applications for business uses within the Borough's designated industrial areas.

The note reaffirms existing local planning policy as set out in the adopted Havering Local Development Framework and will be a material consideration. It sets out considerations that the Council may take into account which require supplementary evidence to be provided by the applicant in support of their application.

The note broadly reflects the National Planning Policy Framework (NPPF) 2012 which places significant weight on the need to support economic growth through the planning system which should operate to encourage and not act as an impediment to sustainable growth. To help achieve economic growth the NPPF expects local planning authorities to plan proactively to meet the development needs of business and support an economy fit for the 21st century.

Members should note, however, that the policies of the Local Development Framework will remain the primary planning policy context for the consideration of planning applications and must carry greater weight in the formal planning decision making process.

Officers consider that the Advice Note is the most effective and time efficient way of the Council showing its business commitment without preparing a formal alteration to the Local Development Framework because the Advice Note could be in place as soon as it has been approved by Members.

REASONS AND OPTIONS

Reasons for the decision:

To set out the type of evidence that may be considered in respect of proposals in designated industrial areas and to reflect Havering's broad support for measures that promote economic growth.

To assist officers and Regulatory Service Members when considering applications for non-industrial business uses with designated industrial areas by clearly setting out the considerations that may be taken into account.

Other options considered:

The option of continuing to apply the Council's planning policies as set out in the Local Development Framework and London Plan without this additional Advice Note has been rejected as it may have an adverse impact on business growth in Havering for the reasons set out in the report. The adoption of the Advice Note enables the Council to demonstrate its commitment to a prosperous local economy more quickly than formal alteration to the Local Development Framework.

IMPLICATIONS AND RISKS

Financial implications and risks:

There are no financial implications for the Council with regards to preparing and implementing the Advice Note.

The intention of the Advice Note is to strengthen the local economy and have positive financial impacts by setting out additional guidance against which proposals for employment generating uses within designated industrial areas will be considered when determining planning applications.

As reported, the note reflects the National Planning Policy Framework, in supporting economic growth. Under the current financial regime, the Council can be seen to keep 30% of any increased business growth yield.

Legal implications and risks:

The legal weight afforded to the Advice Note in determining planning applications is limited as it is not part of the formal Havering Local Development Framework.

Only adopted Development Plan Documents which fall within Regulation 5(1)(a)(iv) of the Town and Country Planning (Local Planning) (England) Regulations 2012 can be used as "*development management and site allocation policies, which are intended to guide the determination of applications for planning permission*".

The Advice Note cannot lawfully set out the Council's policies relating to the development and use of land unless formally adopted as a Development Plan Document in compliance with Section 17(3) of the Planning and Compulsory Purchase Act 2004.

However, the Council is nevertheless entitled under its ancillary powers under Section 111 of the Local Government Act 1972 to produce research documents and analysis, including good practice guides (for example for shop fronts and trees) without the need to include the guidance as a Development Plan Document.

If the Council were to consider the preparation of a Supplementary Planning Document under Regulation 8(3) of the Town and Country Planning (Local Planning) (England) Regulations 2012 to deal with these issues it would have to be in conformity with the relevant policy in the Development Plan. Regulation 8(3)

states; *“Any policies contained in a supplementary planning document must not conflict with the adopted development plan”.*

Human Resources implications and risks:

None specific to this report, the Advice Note can be prepared and implemented using existing staff resources.

Equalities implications and risks:

The application of the guidance will follow as appropriate the statutory requirements of the Equality Act 2010 and in particular the requirements set out in Section 149 of the Equality Act 2010.

BACKGROUND PAPERS

Havering Local Development Framework 2008
Business Growth Strategy 2013
London Plan 2011
National Planning Policy Framework 2012