

**REPORT TO:** CABINET

**DATE:** 16 FEBRUARY 2023

**TITLE:** LOCAL PLAN REVIEW

**PORTFOLIO HOLDER:** COUNCILLOR MICHAEL HARDWARE,  
PORTFOLIO HOLDER FOR REGENERATION AND  
STRATEGIC GROWTH

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**This is a Key Decision**  
**It is on the Forward Plan as Decision Number I012710**  
**Call-in Procedures may apply**  
**This decision will affect all wards.**

**RECOMMENDED that Cabinet:**

- A** Endorses the revised approach set out in the report together with the updated timetable for the preparation of the Harlow Local Development Plan Review.
- B** Agrees that the development plan for Harlow town centre will now be contained within a consolidated, single plan for the whole district.
- C** Subject to recommendations A and B, approves the Local Development Scheme (LDS) as set out in Appendix B to this report.

#### **REASON FOR DECISION**

- A** To establish a timetable for the review of the Harlow Local Development Plan (HLDP) in order to comply with requirements of Planning Policy Guidance, the National Planning Policy Framework and Regulation 10A of the Town and Country Planning (Local Planning) (England) Regulations 2012.
- B** To provide a consolidated and comprehensive development plan framework for the district.

- C** To agree a timetable for the HLDP Review. The timetable will be set out in an updated Local Development Scheme (LDS) which will present the stages of production, consultation, examination and adoption in accordance with the Planning and Compulsory Purchase Act (2004) as amended.

## **BACKGROUND**

1. The Harlow Local Development Plan (HLDP) was adopted in December 2020, following public examination, and provides a spatial planning framework to shape and guide the development of Harlow until 2033.
2. In October 2021 Cabinet considered a report that highlighted the recommendation of the Planning Inspector in his report to the Council that Policy H3, which related to Houses in Multiple Occupation (HMO's), should be subject of a review two years after the adoption of the Local Plan. This was to assess whether the one in five limit, set out in criterion (a) of the policy, remained effective i.e. the number of HMOs in a given street would not exceed one out of a row of five units.
3. The report also set out an indicative timetable, through an updated Local Development Scheme (LDS), that provided a programme that set out the steps that would be prepared leading to the formal submission for examination of an amended local plan, in respect of Policy H3, if this was considered necessary.

## **ISSUES/PROPOSALS**

### **Review of Policy H3**

4. Since the adoption of the HLDP, and the implementation of the policy, the application of criterion (a) has been monitored and a review has been undertaken, in conjunction with officers from Environmental Health, in order to assess its effectiveness. The outcome of this review is set out in more detail in the technical paper, attached as Appendix A to the report.
5. The review has revealed that following the adoption of the HLDP only five planning applications have been submitted to the Council for consideration in respect of HMO's and, of these, three have been refused planning permission, one was a duplicate and one was withdrawn.
6. Planning enforcement has had eight concerns raised regarding HMOs with two enforcement cases in relation to the regulation of HMOs, and whilst not specifically cited as an enforcement issue, policy H3 criteria (a) remains relevant to help manage the potential impact on existing residents.
7. In addition, Environmental Health through their role of granting licenses for HMOs have not received complaints that would be necessarily ameliorated by criterion (a) of the policy. These were mainly in relation to rubbish and noise

nuisance and so it is not considered that the criterion should be changed at this stage.

8. With regards covenant control, since 2020 there have been 13 covenant approvals and 7 refusals. These were for long-standing existing HMOs going through a change in ownership where the Council would not have legal grounds to contest covenant variation due to the length of time. Covenant control is separate from planning control and the outcome of an application is not dependent on planning policy.
9. Reviewing the number of relicensed registrants there has only been one new license issued, compared to around 300 existing licenses issued previously. This suggests that the number of dwellings with potential for conversion to HMOs has diminished, and that applications for future HMOs is likely to be limited.
10. The review has been undertaken against the background of the Covid-19 pandemic and the ensuing economic conditions. However, it is clear from this process that the use of the policy to limit HMOs to one in a row of five houses, to regulate the proliferation of HMO's, remains valid and supports the effective implementation of the policy. In terms of the Inspector's recommendation to review Policy H3 two years after its adoption, it is considered the policy is working effectively to date.
11. At this moment in time, therefore, it is not considered necessary to pursue a focused review of the Local Plan on a single issue, as had originally proposed in the Cabinet Report of December 2021. However, the Council will continue to monitor the situation through the Authority Monitoring Report (AMR), published annually, which provides an on-going review of the implementation of all the policies in the adopted HLDP. Should circumstances change, a further report will be brought to Cabinet.

### **Harlow Local Development Plan Full Review**

12. Moving forward, however, Government guidance, as set out in Planning Practice Guidance (PPG), states that for plans to be effective they need to be kept up to date. In this respect the National Planning Policy Framework (NPPF) states that policies in local plans and spatial development strategies, should be reviewed to assess whether they need updating at least once every five years, and should then be updated as necessary. This requirement to review local plans is set out in Regulation 10A of the Town and Country Planning (Local Planning) (England) Regulations 2012.
13. In the Council's case this means continuing to monitor the HLDP, its strategies and policies since adoption in December 2020 over a five-year period until December 2025, in order to determine whether it needs to be reviewed and updated at the end of this period. This would also require a review of existing technical evidence that underpinned and supported the strategy, policies and proposals set out in the Plan, to ensure the spatial approach remained up to date and justified. Where necessary additional technical work may need to be

commissioned to ensure that full consideration is given to the latest socio-economic and environmental conditions in Harlow.

14. The effectiveness of the HLDP policies will therefore be monitored through the AMR. An AMR is a statutory requirement of the Town and Country Planning (Local Planning) 2012 regulations and as well as monitoring the production of development plan documents and the delivery of housing targets it must also monitor the implementation of policies. The AMR is published annually and will enable officers to make recommendations as to whether further HLDP reviews are necessary and what policies may need to be amended, deleted or added in the five-year review period.
15. Originally it had been intended to provide the statutory planning framework for Harlow Town Centre through a separate Area Action Plan. More recently a Town Centre Masterplan SPD has been prepared and adopted to provide interim planning guidance. The review of the HLDP now provides an opportunity to consolidate the area of Harlow town centre with that of a single local plan for the whole district. This would consolidate the number of statutory planning documents in the area and provide a more comprehensive approach to facilitate the future planning and regeneration of Harlow. The Town Centre Masterplan SPD will, however, remain in place to provide supplementary guidance to assist in the consideration of planning applications.
16. Supporting the preparation of local plans, the Council is also required to prepare and keep an up-to-date Local Development Scheme (LDS) that sets out the timetable for the production of development plan documents and, where applicable, supplementary planning and related documents. The latest LDS was prepared in 2021 and needs to be updated to reflect the latest position in respect of the timetable for the HLDP Review.
17. Based on the legislative arrangements relating to the preparation of local plans, including assembling robust, and up to date technical evidence to underpin future planning strategies, policies and proposals, the updated LDS is attached as Appendix B and indicates a plan making programme through to potential Adoption of an updated plan in early 2027.
18. This timetable, however, will be predicated on any subsequent changes made by Government to the plan making system and the resultant implications and the availability of resources in the Planning Inspectorate (PINS). Where necessary an updated LDS would be reported to Cabinet for further consideration. It is noted, however, the LDS is not subject to public consultation or public examination.
19. The LDS would also be updated to reflect other policy documents that will be prepared and the stages of their production and consultation. This includes the development of additional Supplementary Planning Document's (SPD's). The LDS will, therefore, continue to be reviewed and updated as the need arises.
20. It is pointed out, however, that this review process will be undertaken against the backdrop of "Levelling-up and Regeneration Bill: reforms to national

planning policy” that has been recently published by the Department of Levelling-Up, Housing and Communities (DLUHC) for public consultation (closing date 2 March 2023).

21. When published by the Government, this could change elements of the plan making process, and this could influence elements of the overall review process of the HLDP. It is understood, for instance, that further guidance will be provided on how housing figures should be derived, as well as on matters relating to design and density. In addition, new National Development Management Policies (NDMPs) are likely to be put in place that would negate the need for duplication in local plans of nationally important policies. Should the need arise Cabinet will be advised of any implications that will need to be taken into consideration in the review of the HLDP.
22. The updated LDS would be published on the Council’s website and circulated to interested parties. Officers will now begin preparing the background work for the HLDP Review, gathering intelligence and evidence to support the changes that may be required to the Plan.

## **IMPLICATIONS**

### **Strategic Growth and Regeneration**

As set out in the report.

**Author: Tanusha Waters, Assistant Director – Planning and Building Control**

### **Finance**

As set out in the report.

**Author: Simon Freeman, Deputy to the Chief Executive and Director of Finance**

### **Housing**

As contained in the report.

**Author: Andrew Murray, Director of Housing**

### **Communities and Environment**

None specific.

**Author: Jane Greer, Director of Communities and Environment**

### **Governance and Corporate Services**

As contained in the report.

**Author: Simon Hill, Director of Governance and Corporate Services**

## **Appendices**

Appendix A – Homes in Multiple Occupation - Review of Policy H3 Criterion (a)

Appendix B – Local Development Scheme 2023

## **Background Papers**

Harlow Local Development Plan - <https://www.harlow.gov.uk/planning-and-building-control/planning-policy/harlow-local-development-plan/harlow-local>  
Local Development Scheme 2021 - <https://www.harlow.gov.uk/planning-and-building-control/planning-policy/new-local-plan/local-development-scheme>  
Statement of Community Involvement - <https://www.harlow.gov.uk/planning-and-building-control/planning-policy/statement-community-involvement>  
Inspector's Final Report November 2020 - <https://www.harlow.gov.uk/planning-and-building-control/planning-policy/new-local-plan/local-plan-examination/local-plan-1>  
Town Centre Masterplan Framework SPD

### **Glossary of terms/abbreviations used**

AMR – Authority Monitoring Report  
CIL – Community Infrastructure Levy  
HLDP – Harlow Local Development Plan  
LDS – Local Development Scheme  
HMOs – Houses in Multiple Occupation  
NPPF – National Planning Policy Framework  
PPG – Planning Policy Guidance  
SPD – Supplementary Planning Document