

Report of: Executive Member for Housing and Development

Meeting of:	Date	Ward(s)
Full Council	25 February 2021	All

Delete as appropriate	Exempt	Non-exempt

SUBJECT: Draft Local Plan – modifications for consultation
1. Synopsis

- 1.1 The purpose of this report is to provide an outline of proposed changes (known as modifications) to the Draft Local Plan to be consulted on.
- 1.2 Following several rounds of consultation from 2017 to 2019 the Draft Local Plan was submitted to the Secretary of State for Independent Examination in February 2020. This process - conducted by Planning Inspectors - establishes whether the Draft Local Plan is considered 'sound', meaning it is compliant with planning legislation and guidance. A Local Plan must be considered 'sound' in order for it to be formally adopted and then used to determine planning applications.
- 1.3 Following correspondence with the Planning Inspectors as part of the Examination, concerns were raised by the Planning Inspectors in relation to housing supply and the Sustainability Appraisal (part of the Integrated Impact Assessment (IIA)) accompanying the plan. Changes are proposed to the Draft Local Plan and accompanying documents to address these issues. In addition, significant changes to the Use Classes Order were introduced in September 2020, which require a number of policies to be redrafted and updated. Subject to approval by Full Council in February 2021 it is proposed that there is consultation on these proposed changes to enable the Examination process to progress.

2. Recommendations

- 2.1 To approve the modifications that are proposed to the following Draft Local Plan and supporting documents for consultation:
- Strategic and Development Management Policies schedule of modifications (at Appendix 1)
 - Site Allocations schedule of modifications (at Appendix 2)
 - Bunhill and Clerkenwell Area Action Plan schedule of modifications (at Appendix 3)
 - Integrated Impact Assessment (IIA) examination addendum (at Appendix 4)
 - Proposed changes to the Policies Map (at Appendix 5).
- 2.2 To authorise officers to make minor changes to the consultation documents and to delegate authority to the Corporate Director of Environment and Regeneration (in consultation with the Executive Member for Housing and Development) the power to authorise other changes.
- 2.3 To note that public consultation on the modifications to the Draft Local Plan and associated documents (subject to feedback from the Planning Inspectors examining Islington's Local Plan) is provisionally scheduled to take place for a minimum of six weeks starting in March 2021. Following this, all revised documents including responses (known as representations) received will be submitted to the Planning Inspectors examining the Local Plan.
- 2.4 To authorise the Corporate Director of Environment and Regeneration, in consultation with the Executive Member for Planning and Development, to approve appropriate changes to the Draft Local Plan during the rest of the Independent Examination process.

3. Background

- 3.1 Each Local Planning Authority (LPA) is required to produce a Local Plan setting out the strategic planning priorities for its area, opportunities for development and clear policies on what will or will not be permitted and where. The Local Plan provides the basis for making decisions on planning applications, and both it and the evidence behind it need to be kept up-to-date to ensure that it can help the Council to better deliver on its objectives including through its Development Management functions, as well as reflect relevant changes in national and London Plan policy. Islington's current Local Plan includes the Core Strategy (2011), Development Management Policies, and Site Allocations and Finsbury Local Plan Development Plan Documents (DPDs) (all 2013). All these documents are in the process of being reviewed in light of new evidence, and national and regional planning policy changes.
- 3.2 The Draft Local Plan was submitted to the Secretary of State on 12 February 2020. The Council received preliminary questions from the Planning Inspectors appointed to examine the Draft Local Plan on 20 February 2020. This requested additional information on the housing trajectory, the Council's views on housing supply and the deliverability of a number of sites which form part of the five-year land supply. Clarity was also sought in relation to different aspects of Site Allocations. Following the Council's response to this preliminary letter, two further letters were received from the Inspectors seeking further clarification on housing supply, the housing trajectory and site deliverability.

- 3.3 The Inspectors letters dated 30 April and 24 June sought further clarification and justification in relation to a number of matters associated with the Sustainability Appraisal. This included seeking clarification on the assessment of reasonable alternatives, requesting the assessment of specific alternatives and the review of assessment tables and cumulative assessments in order to ensure that all effects are documented. In addition the Inspectors requested that the Council should review all allocations and consider whether different uses or a mix of different uses could feasibly be delivered on a site as part of the IIA and assess these as reasonable alternatives.
- 3.4 In their correspondence the Inspectors also sought further clarification on the issue of housing supply, both in respect of the five-year housing land supply and the housing supply over the full 15 year plan period. Following the Council's initial response on this issue, the Inspectors considered significant concerns remained and sought additional work from the Council to address both shortfall issues. The Inspectors identified that there would need to be additional consultation on the IIA and in relation to the housing matters.
- 3.5 On 1 September 2020 the Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020 came into force significantly changing aspects of the Town and Country Planning (Use Classes) Order 1987. The Inspectors wrote to the Council requesting the Council's view on the potential soundness implications that the changes to the Use Classes Order will have on the Plan's policies and allocations and the Council responded to confirm that policy changes are necessary to address these and that the IIA will consider them holistically. The changes to the Use Classes Order are significant, particularly the introduction of Class E, because previously fine grain policies which sought to control development within specific separate uses now no longer apply in many cases. The changes in relation to class E are summarised below:

Use class before 31 August 2020	Use Class after 31 August 2020	Note
A1 – shops up to 280sqm selling essential goods, and no other such use within 1 km	Class F.2	Not likely in Islington and most of London
A1 - shops	Class E	Can change to any of the activities within new Class E without planning permission.
A2 – financial services eg. bank, estate agents	Class E	
A3 – cafes and restaurants	Class E	
B1a - offices	Class E	
B1b – research and development	Class E	
B1c – light industrial	Class E	
D1 – clinics, health centres, crèches, day nurseries	Class E	
D2- gyms, indoor recreation	Class E	

- 3.6 On 7th October the Council responded to the Inspectors, setting out the progress made on addressing the issues raised and indicating a future timetable. Given the extent of the necessary changes, it is considered that approval for these changes should be sought from Full Council before consultation. The Inspectors in their letter of 9th October confirmed their view that the proposed approach of the Council is appropriate but emphasised that they are keen that there is no further slippage beyond the dates set out and further delays may mean that the evidence behind the plan would become out of date.
- 3.7 The documents proposed to be consulted on are:
- Tables of modifications to the Local Plan (at Appendix 1, 2 and 3)
 - Updates to the Sustainability Appraisal/Integrated Impact Assessment (at Appendix 4) requested by the Inspectors.
 - A document detailing changes to the Local Plan policies maps (at Appendix 5) (e.g. changes to site allocations).

Modifications to the Draft Local Plan

Housing

- 3.8 In order to address the issues raised in relation to housing supply, changes are proposed to the Site Allocations document to allocate 9 additional sites for housing, this includes:
- Six Council owned sites (Drakeley and Aubert Court, Bemerton Estate South, Kerridge Court, New Orleans Estate, Clude Court, and Hillside); and
 - Three other sites (Barnsbury Estate, York Way Estate and Highbury Quadrant Congregational Church).
- 3.9 Changes are also proposed to a number of existing site allocations to increase flexibility to facilitate greater housing delivery – this includes, for example:
- Morrison’s supermarket and adjacent car park, 10 Hertslet Road, and 8-32 Seven Sisters Road, N7 6A (site reference NH1): changed from retail-led mixed use to mixed-use development, with a greater proportion of housing.
 - 1 Prah Road, N4 2RA (site reference FP5): changed from business use to residential use
 - 161-169 Essex Road, N1 2SN (site reference AUS8): changed to recognise the opportunity for residential use on the car park to the rear of the site rather than business use.
 - Archway Campus site allocation (policy ARCH5): the proposed change would allow an element of student accommodation on this site and some commercial use on the ground floor.
 - 500- 502 Hornsey Road and Grenville Works, 2A Grenville Road (site reference OIS10): changed from business-led redevelopment to mixed-use office and residential development. This reflects the recent grant of planning permission for the site on appeal.

Modifications to respond to the Use Classes Order changes

- 3.10 A number of changes are proposed throughout the Local Plan to update references to use classes and Main Modifications are also proposed to several policies to take into account changes to the Use Class Order.
- 3.11 The most significant changes are in relation to retail, leisure and services policies. These policies have been updated to retain a degree of control in some circumstances whilst recognising the flexibility of Class E. The changes also set out how proposals for Class E should be considered in different designations. Changes to the retail and leisure policies include taking a proportionate 'tiered' approach to development involving Class E proposals, recognising the flexibility provided by Class E in many circumstances, whilst also setting out how potential impacts can be considered and mitigated depending on the location and scale of proposals. The changes recognise the importance of maintaining the retail function of Primary Shopping Areas and Specialist Shopping Areas within town centres within the context of Use Classes Order changes and to appropriately condition new development to achieve this, whilst recognising the benefits of flexibility provided by new use Class E elsewhere in Town Centres and Local Shopping Areas.
- 3.12 Updates to other policies have been made to reflect the changes to the Use Classes Order. These include:
- Business floorspace and affordable workspace policies B1 to B3 have been updated to acknowledge the context of Class E and confirm the approach to securing new office, research and development and industrial uses in key employment locations.
 - Vale Royal/Brewery Road Locally Significant Industrial Site (LSIS) Policy SP3 has been changed to clarify that B2 and B8 industrial uses alongside the light industrial element of Class E will be sought from new development, with light industrial uses secured through condition.
 - The Affordable Workspace policy B4 has been updated to reflect changes to the Use Classes Order in order to maintain the current approach. Further clarifications around the approach to viability have also been made in the supporting text.
 - The Social and Community Infrastructure policy SC1 has been updated to recognise the reclassification of health centres, nurseries and day centres into Class E. Clarification has been added that where flexible uses are proposed but the retention/re-provision of a specific social and community use is necessary (e.g. a health centre) that specific use will be secured.
 - Cycle Parking Standards/Transport Assessments have been updated to clarify how these should be applied to Class E with additional clauses to deal with what should happen if general Class E is applied for.
 - Site Allocations (policies SA1 and AAP1) have been updated to clarify that where specific uses are mentioned these should be secured at planning stage to ensure development contributes to meeting development needs.
 - The Bunhill and Clerkenwell Area Action Plan has been updated to updated to reflect the changes to the Use Classes Order, this includes a clarification to policy BC2 that new retail and leisure uses are encouraged in Local Shopping Areas (LSAs) specifically.
 - Key glossary definitions have been updated to reflect changes to Use Classes.

Other modifications

3.13 In addition to the changes identified above, other modifications changes are proposed, including:

- Changes to respond to issues raised by representations at Regulation 19 stage, including those identified as part of Statements of Common Ground.
- Updates and clarifications to specific policies and/or supporting text to help with their effectiveness or where there has been a change in circumstances, for example for an element of energy Policy S5 has been updated to recognise the changing role of gas boilers in the context of achieving reductions in carbon emissions.
- Further changes have also been included in response to the latest draft of the London Plan, this includes changes related to the definition of Gypsies and Travellers for the purpose of assessing needs for Gypsy and Traveller accommodation.
- Changes have also been made in relation to the promotion of non-motorised modes of transport for deliveries in Policy T5.
- Corrections to address errors or inconsistencies identified.

Sustainability Appraisal/IIA update

3.14 In order to address the issues identified by the Inspectors a number of updates are proposed to the IIA. This includes:

- Updated assessments of all site allocations against all the Sustainability Appraisal objectives (this was previously focused on some objectives).
- An update to the assessment of cumulative effects of policies.
- The consideration of policy alternatives has been expanded and where necessary the assessment of additional alternatives has been included.
- The policy assessments have been reviewed for minor effects not previously mentioned as well as to take into account modifications made to the plan.

Policies Map changes

3.15 This document sets out changes to the Local Plan Policies Map, including those that are required as a result of proposed modifications to the plan.

Next Steps

3.16 Following the public consultation on Modifications to the Draft Local Plan, comments received will be compiled and submitted to the Planning Inspectors examining the Local Plan. The modifications will then form part of the Draft Local Plan that is being examined. It is anticipated that the examination hearings will take place in summer/autumn 2021. The Planning Inspectors will then write a report determining whether the plan is 'sound' and can be adopted. This report is binding and the Local Plan can only be adopted in line with the findings of the report. Commonly, the Inspectors will suggest modifications to the plan to resolve issues. Such modifications would be subject to public consultation prior to the final Inspectors' report being issued. Any subsequent decision to adopt the Local Plan requires the approval of Full Council.

4. Implications

4.1 Financial implications:

The cost of producing the Local Plan and the associated consultation costs will be met through existing budgets within the Planning and Development division.

4.2 Legal Implications:

The draft Local Plan has been prepared in line with relevant planning regulations. The consultation will comply with Islington's Statement of Community Involvement, which sets out how stakeholders with an interest in development in the borough can be involved in developing planning policies.

4.3 Environmental Implications and contribution to achieving a net zero carbon Islington by 2030:

The draft Local Plan is subject to an IIA. This brings together into a single framework a number of assessments of the social, environmental and economic impact of planning policies. The IIA follows the prescribed structure for the Sustainability Appraisal process as the basis of the framework while incorporating the requirements of the Equalities Analysis (EqA) and the Health Impact Assessments (HIA). The IIA has been updated to address the issues raised by the Inspectors and take into account modifications to the plan. The IIA process is iterative and the IIA will continue to consider the sustainability of the Local Plan and its potential environmental impacts up to final adoption. The draft Local Plan proposes a number of policies to mitigate and prevent climate change, including policies which seek specific energy efficiency standards and which promote decentralised energy networks.

4.4 Resident Impact Assessment:

The Council must, in the exercise of its functions, have due regard to the need to eliminate discrimination, harassment and victimisation, and to advance equality of opportunity, and foster good relations, between those who share a relevant protected characteristic and those who do not share it (section 149 Equality Act 2010). The Council has a duty to have due regard to the need to remove or minimise disadvantages, take steps to meet needs, in particular steps to take account of disabled persons' disabilities, and encourage people to participate in public life. The Council must have due regard to the need to tackle prejudice and promote understanding.

A Resident Impact Assessment (RIA) has been completed. The RIA refers to a contemporaneous process (the IIA, see above) which the Local Plan must undertake to assess environmental and equalities issues. The RIA will be informed by the IIA. The IIA previously completed for the Draft Local Plan included an Equalities Impact Assessment. The update to the IIA includes an Equalities Impact Assessment of the proposed modifications.

The outcome of the completed RIA is positive. The draft Local Plan policies, taken together and including proposed modifications, are not considered discriminatory for people with any of the protected characteristics, overall there are unlikely to be negative impacts in relation to equality of opportunity and they are unlikely to have a negative impact on good relations between communities with protected characteristics. The intention of the draft Local Plan is to address inequality within the boundaries of national and regional planning policy. For example, a key priority of

the draft Local plan is the delivery of genuinely affordable housing with a strategic target of 50% of all new housing developed in the borough to be affordable. This is intended to go as far as possible within the boundaries of national and regional planning policy to address the serious affordability issue of housing in the borough.

5. Reason for recommendations

5.1 The modifications to Islington's Local Plan review and associated documents are proposed to address the issues raised by the Planning Inspectors as well as provide updates to policies including to address where circumstances have changed including the changes to the Use Classes Order. The consultation and subsequent submission of responses to the Planning Inspectors is required to enable the examination to continue to its next stage.

Appendices

Appendix 1: Strategic and Development Management Policies schedule of modifications

Appendix 2: Site Allocations schedule of modifications

Appendix 3: Bunhill and Clerkenwell Area Action Plan schedule of modifications

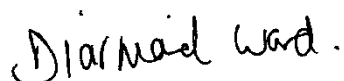
Appendix 4: IIA/Sustainability Appraisal examination addendum

Appendix 5: Proposed changes to the Policies Map

Appendix 6: Resident Impact Assessment

Final report clearance:

Signed by:



Executive Member for Housing and Development

Date 16/02/2021

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