

CLG SELECT COMMITTEE INQUIRY INTO THE NATIONAL PLANNING POLICY FRAMEWORK

SUBMISSION BY THE LONDON FORUM OF AMENITY AND CIVIC SOCIETIES

We are writing on behalf of the London Forum of Amenity and Civic Societies to provide your Committee with our views on the NPPF and how it is working in order to help your Committee make recommendations for change.

Who we are and what we do:

The London Forum is a charity established 25 years ago to network and support community and civic groups within the Greater London area and to represent them to policy and decision makers. There are over 130 members.

Our main roles are:

- to help our members understand the planning system, including changes proposed by the Government – the NPPF, NPPG and changes to secondary planning legislation – and changes by the Mayor to planning, housing, transport, economic development and environmental policies;
- to make representations to the Government on the NPPF, NPPG and changes to secondary planning legislation and to the Mayor, including being a key participant at every Examination in Public of the London Plan; and
- to equip our members to tackle their local planning problems.

Peter Eversden is the Chairman and together with Michael Bach, who chairs the Planning and Transport Committee, have made a major contribution to the London Plan and to commenting on Government proposals for change to the planning system. Michael Bach previously worked for the predecessor departments to DCLG, writing national planning policy and guidance, especially on housing, town centres and the location of development – planning **for** more sustainable patterns of development

General comments about the NPPF:

As you will see from our comments below, the only references to London in the NPPF are:

- the recognition that in London the “development plan” includes the London Plan and that the local planning authority is the London Borough (Glossary and para 211);
- the recognition that regional strategies outside London have been revoked (footnote 41 on page 49); and
- that the NPPF revokes GOL Circular 1/2008

This says something about the NPPF:

- **it is not about places** – you would not know it is about England, that England is a highly-urbanised country, that planning for rural areas, towns or cities, let alone London, will require different approaches. London in particular requires a special approach – which, whilst recognised by the existence of the London Plan, is not acknowledged in the NPPF. The “one-size-fits-all” approach of the NPPF (and, it is conceded, in the previous PPGs and PPSs) fails to acknowledge, for example, the

very different approach needed to planning for housing. This issue is also relevant to assessing the likely impact of changes to permitted development for town centre uses.

- **it is primarily about process and development management not planning for more sustainable patterns of development** – although recognising that the economic rationale for planning is to ensure that the “right type is available in the right places and at the right time to support growth and innovation”, the NPPF does not suggest the most sustainable ways for our urban areas to develop. It did ultimately recognise the need to make effective use of land by reusing land that has been previously developed (para 17, 8th bullet and para 111)
- **it is not about promoting the right growth in the right place** - it does, however, propose that local planning authorities seek to:
 - actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable (para 17, 11th bullet – last but one principle!);
 - plan positively for the location, promotion and expansion of clusters or networks of knowledge-driven, creative or high technology industries (para 21, 4th bullet);
 - allocate a range of suitable sites to meet the scale and type of retail, leisure, commercial, office, tourism, cultural, community and residential development needed in town centres (para 23, 6th bullet);
 - allocate appropriate edge of centre sites for main town centre uses that are well connected to the town centre where suitable and viable town centre sites are not available. If sufficient edge of centre sites cannot be identified, set policies for meeting the identified needs in other accessible locations that are well connected to the town centre (para 23);
 - support a pattern of development which, where reasonable to do so, facilitates the use of sustainable modes of transport. (para 30);
 - plan for new development in locations and ways which reduce greenhouse gas emissions (para 95).

This does not, however, provide guidance on how best to secure more sustainable patterns of development in the way that previous PPGs and PPSs, especially PPG13, did. The new National Planning Policy Guidance does not really pick up the challenge, although it has explicitly revoked a lot of useful guidance.

The London Dimension

London is fortunate to have the London Plan which is able to provide a place-specific appropriate strategy. In practice the London Plan has little difficulty in being in general conformity with the NPPF, largely because the NPPF is silent on many of the issues.

The NPPF should make clear that London has significant differences requiring policy response, compared to other parts of the UK.

London has a regional spatial development strategy, the London Plan. That Plan forms the basic Core Strategy for each of London's 33 boroughs to which they add, in their Local Plan, the policy extensions or additions that are required for that part of the capital.

The London Plan has in most of its policies defined requirements for policies that should be in those Local Plans, so that the Objectives of the London Plan can be met.

We have analysed this in more detail later.

Housing

The one area of the greatest potential difference is housing, where the opportunities for using greenfield sites are limited by Green Belt and the constraints on finding sites mean that more than 95% of sites are previously-developed land and the vast majority are "windfall" sites. This means that development plans in London, whilst taking the "objectively assessed need" into account are limited by the supply of sites – it is a capacity-based approach.

This is explored more fully below

Town Centres

The key issues are:

- the stated commitment to "town centres first" is welcome, but there is a need for this to be more clearly understood as supporting the economic, social and environmental objectives of sustainable development;
- the policy appears to be and is primarily thought of as guiding development management decisions, whereas it should drive the vision and strategy for town centres which require long-term commitment and consistency of application, as well as a clear understanding of the impacts of changes in policy/secondary legislation which are likely to have an adverse impact on the town centre;
- the Government needs to recognise the economic rationale for supporting town centres – the value of critical mass of economic activities not just shopping, taking advantage of the agglomeration economies, the synergy between uses, the ability to take advantage of the accumulated physical and social infrastructure; and to see town centres as key drivers of the local, sub-regional and, in some cases, the regional economy;
- the Government needs to recognise the environmental and social advantages of co-locating activities and facilities in accessible locations and the need to support these advantages through other policies and through by encouraging public and private investment and avoiding changes in policy and in secondary legislation that deconstructs these advantages;
- the Government needs to see them as places whose success is critical to the future of our town and cities, as well as promoting healthy communities. The policy applies to all sizes of centres from city centres to neighbourhood centres;
- the Government has failed to produce regular performance information on the application of "town centre first" policy by assessing both the location of new applications and new completions of town centre uses. This type of monitoring was recommended by the 1996 Select Committee. A good deal of work was put into

establishing a consistent framework for defining town centres and for receiving planning information. DCLG has not published an data later that 2008 for new retail completions, but collecting completions with a delay of several years is historic information. Monitoring applications and permission, including appeals for major developments (over 1,000sqm (gross) floorspace), would be more effective.

The London Forum, therefore, considers that:

- **the town centres first policy needs a review to evaluate its effectiveness and impact in order to refocus it as a positive and proactive policy for promoting vital and viable town centres.** Both the Scottish and Welsh Governments have recently undertaken reviews to improve the effectiveness of their policies
- **the location of new planning applications and permissions for town centre uses over 1,000sqm (gross) floorspace should be monitored.** This would be a more immediate measure of policy performance than monitoring completions.
- **NPPF section 2 on ensuring the vitality of town centres needs to be restructured and strengthened, to recognise their economic importance, made more positive in its promotion of town centres and the importance of a range key town centre uses.**

Changes to the Use Classes Order and General Planning and Development Order

Recent changes to the Use Classes Order, whilst nominally seeking to bring vacant and underused premises into use as housing, appear to encourage developers to strip out offices and shops to bring about a short-term increase in housing whilst not recognising the likely impact on town centres, especially smaller centres.

Although London Boroughs secured a exemptions from the **offices to housing** changes to the UCO and GPDO, in those areas where housing values greatly exceed those of offices, developers have sought to strip out a large number of offices, mostly in attractive locations and many still in active use. We attach a short paper from London Borough of Richmond to illustrate the problem. The London Forum is particularly concerned about the loss of offices in town centres as this would have the effect of reducing the vitality and viability of those centres. We have added an Annex on the situation in Richmond-upon-Thames.

The most recent changes to allow shops under 150sqm, outside conservation areas to change to housing as long as it is not in a “key centre”, is potentially highly damaging to neighbourhood centres if it encourages developers to target such shops. It would also work against the NPPF theme 8: Promoting Healthy Communities and lead to social exclusion if local shops meeting a community’s day-to-day needs are targeted by developers.

In addition to two of the main themes – housing and town centres – that the Committee has chosen, we have taken the liberty of looking at whether the NPPF is fit for purpose when applied to London.

We hope that you find these comments useful for your review. We would be happy if give evidence to the Committee.

DETAILED PROPOSALS

Greater emphasis on the London Dimension:

London is fortunate to have a regional spatial development strategy, the London Plan. That Plan forms the underlying basis for the Core Strategy for each of London's 33 boroughs to which they add, in their Local Plan, the policy extensions or additions that are required for that part of the Capital. The London Plan is an integral part of the Local Plan.

The London Plan has in most of its policies defined requirements for policies that should be in those Local Plans, so that the Objectives of the London Plan can be met.

Therefore, the Plan Making section of the NPPF from page 37 needs to recognise that.

In paragraph 150 there should be a reference to the Glossary on the meaning of the 'development plan' or a cross reference to paragraph 211 or an addition in paragraph 150 to state that **In London, the 'development plan' includes the policies of the London Plan.**

Paragraph 151 should have the first sentence modified to 'Local Plans must be prepared with the objective of contributing to the achievement of sustainable development **and, in the area covered by the GLA, to the objectives and policies of the London Plan.**'

Page 2 of the NPPF covers 'sustainable development' but it would benefit from having the words from the UK Sustainable Development Strategy of 'living within the planet's environmental limits' added into the third bullet point of paragraph 7.

In paragraph 12 it is not sufficient that having Local Plans in place is 'highly desirable', it must be a requirement.

Paragraph 13 should have an addition: **In London, the London Plan provides additional guidance to local authorities for their Local plans and decisions.**

Paragraph 14 requires that "Local Plans should meet objectively assessed needs" but in London there is not sufficient land to meet all housing needs. The capital is capacity limited. It is not possible to "meet anticipated needs over the plan period" as required by the policy in NPPF paragraph 21 second bullet point.

There are development plans in all local authorities. Therefore the words in paragraph 14 that some may be "absent" or "silent" are not the kind of expressions that should be in the NPPF and their meaning is not clear and not defined in the Glossary.

The first core planning principle in paragraph 17 is strongly supported but the actions of the Government in introducing 'top-down' planning law changes for permitted development and uses of existing buildings totally defeats the principle. Such imposed interferences prevent local planning authorities and communities from shaping their surroundings and stops them from being plan-led with predictable outcomes. They cut across achievement of the principles in the third bullet point of paragraph 17 for delivering infrastructure and thriving local places and prevent a plan-led approach to the policies in paragraph 18 onwards for securing economic growth. The permitted conversion of any office building to flats can harm the local economy and prevent local authorities carrying out the policy in NPPF paragraph 51 for preventing such changes when they are "inappropriate". Also, for planning for "the needs for land or floorspace for economic development" as in NPPF paragraph 161. Uncontrolled conversion of shops to flats and

A1 uses to other uses nullifies the plan led development of town centres and local facilities as required by NPPF paragraph 70.

The eighth bullet point of paragraph 17 dealing with the use of brownfield land should require a brownfield land first policy. There should be a clear policy preference for the use of previously developed land, otherwise greenfield sites and the Green Belt will be targeted by developers claiming that the local planning authority has not identified sufficient land for its housing needs or that brownfield sites are unsuitable for 'viability' reasons.

Housing

NPPF PART 6: Delivering a wide choice of high quality homes

Infill, re-use of previously-developed land and density

For housing, the most sustainable options which are infill development and urban extensions, are not promoted in the NPPF. That should be corrected. The emphasis on the re-use of previously-developed land was a last-minute, grudging concession to the rural lobby. In London almost 100% of housing sites come from this source and a high proportion are "windfall" sites – unallocated sites. The NPPF needs to recognise that London is different in this respect and that a different, capacity-based approach is needed to identifying land for housing.

The NPPF should give a policy lead for intensification of use of land in urban areas, particularly for residential use in town centres and in places of good transport, with increased densities, providing the resulting developments are character and context sensitive and sustainable in terms of the demand they make on infrastructure and services. The Government has taken great pride in removing the minimum density requirement of 30 dwellings per hectare (the equivalent of 12 dwellings/acre advocated by the TCPA) saying that Government should not impose standards, yet recently Eric Pickles has advocated significantly increasing densities in Inner London without any evidence base for this statement. In contrast the London Plan has a highly-sophisticated policy for relating the density of development to location, context and public transport accessibility, from which the Government could develop national guidance to help local planning authorities tackle the issue and to help paint a picture of what development at different densities could look like. There is an urgent need for advice.

Meeting Housing Need

In London it is not possible for local authorities to meet the policies in NPPF paragraph 47 to "use their evidence base to ensure that their Local Plan meets the full, objectively-assessed needs for market and affordable housing in the housing market area". There is not enough land in London for the homes that are required.

That makes it impossible for boroughs to "identify and update annually a supply of specific deliverable sites sufficient to provide five years worth of housing against their housing requirements with an additional buffer of 5% (moved forward from later in the plan period) to ensure choice and competition in the market for land." nor to "increase the buffer to 20%" following the "persistent under delivery of housing" that has happened in the past twelve years nor to "maintain delivery of a five-year supply of housing land to meet their housing target" nor the requirement of para. 49.

The NPPF ignores both the housing crisis in London and the lack of sites (see above).

The GLA Mayor produced an altered version of the London Plan in January 2014 but was unable in it to meet London's housing need. He stated that 42,000 homes could be built each year against a requirement of over 60,000 homes annually to deal with the backlog. He has set a target of 49,000 new homes annually, based on actions and changes in funding, some of which require Government action. The target he has set for social housing is less than half the requirement.

In London the 'windfall sites' (NPPF paragraph 48) are essential for finding sites for housing and that should be recognised.

Affordable Housing

Paragraph 50 refers to "affordable housing" but there should be a distinction made between housing that is affordable on a shared equity basis, housing that is available at affordable rents and social housing that is available at rents which do not require housing benefit for those people working on average non-professional earnings.

NPPF PART 7: Requiring good design

In the fourth bullet point of paragraph 58 the word **context** should be added after the word 'character'. That is because guidance refers to 'character and context'.

In paragraph 59 the words 'should consider using design codes' will not achieve consistent outcomes and should be stated as **should produce design codes**.

The word 'great' in paragraph 63 is unnecessary. The policies preceding that one will help to determine if any harm would be caused by "innovative designs". Avoiding harm is not given enough attention in this section of the NPPF but is as important as the making of a positive contribution.

Paragraph 67 fails to consider the impact of advertisements on local residents and their community spaces. There has been a significant change in the technology for advertisement displays which are now very bright and changing frequently, as shown by those along the elevated section of the M4 in London. After "surroundings" the words **including local homes, communities and public space** should be added.

NPPF PART 8: Promoting healthy communities

Promoting and protecting community facilities:

This section identifies the needs of communities for a range of facilities, yet it does not provide sufficient protection for them being lost to other uses. Key social and communities are too easily lost, especially in London where housing can outbid them. A policy is needed that more explicitly recognises these uses, such as vital social infrastructure (health, education, libraries) and vital community facilities (including open spaces, sports facilities, post offices, pubs, community meeting places, premises for the voluntary sector, etc). A much stronger policy is needed which starts from a presumption in favour of maintaining the particular facility, and, where there is a clear need, failing that the same or similar use, before agreeing to its "loss" to other uses. This sequential approach was previously used for playing fields and other open spaces, but needs to be adopted for a range of social infrastructure and community uses. The growing campaign to give greater protection for pubs is but one example. A sequential approach urgently needs to be reinstated for open spaces.

In the first bullet point of paragraph 69 the words **permeability and new through routes** should be placed after “neighbourhood centres”. That would help local authorities to seek to connect parts of the area when there are developments and to require new tall buildings to have accessible space and walking routes through their ground floor.

Planning for new facilities

The requirement to plan positively for objectively-assessed need has clearly failed in the education sector and health is not much better.

A third bullet point should be added to paragraph 72 for the provision of schools:

- **require developers of new homes that would place demand on local schools that cannot be met to contribute financially to extra school places**

Add to the end of paragraph 73 for open space, sport and recreation: **and how it will be delivered, including the use of Community Infrastructure Levy.**

The policy for Local Green Space designation in paragraph 76 is strongly supported.

NPPF PART 9: Protecting Green Belt land

In paragraph 82 the word “only” should be moved after the word “established”.

The bullet point “development brought forward under a Community Right to Build Order.” should be **removed** from paragraph 90 as being permitted in the Green Belt. The Local Authority would need to have designated a change in the Green Belt first, when reviewing Green Belt boundaries (paragraph 84). The policy in paragraph 89 makes clear that they should have planned for homes in the Green Belt, if intended, in that “limited affordable housing for local community needs under policies set out in the Local Plan” can be appropriate. However, the policy should make clear that such additional housing must be connected by public transport.

NPPF PART 10: Meeting the challenge of climate change, flooding and coastal change

The content of the paragraphs from 100 to 108 for flood risk and coastal erosion are important but need to be abbreviated. There should be strong guidance to support the policies.

Paragraph 103 has a policy for “priority to the use of sustainable drainage systems” but only “in areas at risk of flooding”. It is essential that **all** developments are designed and implemented to use sustainable urban drainage, to re-use ‘grey’ water wherever possible, to have permeable surfaces for open areas and to limit the rate of flow of rainwater into local sewer systems.

The NPPF must be revised to include appraisal of all development applications for the use of sustainable urban drainage as policy.

NPPF PART 11: Conserving and enhancing the natural environment

The policy in paragraph 109 fourth bullet point is strongly supported for preventing development from contributing to air pollution. However, there is little in the NPPF to require local authorities to take action to prevent people being exposed to high levels of harmful particulates. The words in paragraph 124 about Air Quality Management Areas are not sufficient. Local authorities should be using materials on roads which reduce the rate of addition of particulates in the air, have policies for the phasing out of public transport vehicles which contribute to air pollution and operate low emission zones where necessary to meet pollution limits.

The NPPF should have an additional policy for those requirements.

Paragraph 123's third bullet point is strongly supported for the protection from closure of, or restrictions on, established businesses due to complaints from occupiers of developments that should not have been allowed in close proximity to them.

NPPF PART 12: Conserving and enhancing the historic environment

It would be helpful if paragraph 127 had the words added **'Heritage Fringe' areas should be considered and designated if necessary to protect the setting of conservation areas and listed buildings and to ensure that materials for street maintenance and lighting are appropriate.**

'Heritage Fringe' would need a definition in the Glossary but it has been applied by London Borough of Hounslow on their proposals map for areas of distinctiveness that adjoin conservation areas.

In paragraph 132 the words "harm to or loss of" for World Heritage Sites is not sufficient. **There should be no contravention of the policies and requirements in their Management Plan, including the protected views out of them.**

NPPF PART 13: Facilitating the sustainable use of minerals

This part of the NPPF seems to be unnecessarily detailed and should probably be hived off as a separate document.

NPPF SECTION ON PLAN MAKING

An extra set of words are needed after paragraph 151:

In London, the local planning authorities' Local Plans should include policy responses to the requirements for their content as detailed in the London Plan policies.

Paragraph 170 for the preparation of "landscape character assessments" is supported.

NPPF paragraph 173 on viability has caused refusal by developers to fund affordable housing and that has had serious consequences in the failure to meet housing needs. The NPPF policy encourages developers to claim that contribution to the needs in the area and the extra services and facilities their schemes require will make them not viable. The terms "competitive returns" and "viability" are not defined in the Glossary. **This NPPF**

policy has harmed the delivery of sustainable neighbourhoods and extended the negotiating time between local planning authorities and developers, thus delaying scheme approval and delivery.

Few local planning authority officers have the experience in build costs and the design implications of developments to be able to respond to the claim that their requirements would make a scheme not viable.

The words of this policy should be altered to favour sustainable development and the delivery of required infrastructure (as in paragraphs 7, 17, 21, 31, 153, 156 and 157) and reduce the encouragement to developers to get out of reasonable obligations.

In paragraph 175 for the use of Community Infrastructure Levy (CIL) schedules, the words “Where practical” should be removed. All local authorities should have approved CIL schedules securing facilities and infrastructure required by future development.

In paragraph 182 for the examination of Local Plans, the words “Consistent with national policy” in the fourth bullet point should be replaced by **Consistent with the development plan**.

That would ensure the Local Plans of London’s local authorities meet the requirements for their content that defined as part of policies in the London Plan.

The rest of the words in that bullet point are not needed. If they are to be retained, then the words **and the London Plan** should be added at the end.

The reference to the London Plan in the footnote of page 46 as part of the development plan for determining applications is supported.

Peter Eversden
Chairman

Michael Bach
Chairman: Planning & Transport Committee

12 May 2014

