

## **MPs to take evidence from the new Ministers for Planning and Housing**

The London Forum of Amenity and Civic Societies (London Forum) is an umbrella organisation for over 130 resident, conservation, civic and community organisations and other affiliated bodies in Greater London, with an aggregate membership of over 100,000.

The London Forum has commented on the draft NPPF and various consultations on changes to the Use Classes Order. We have played a major part in London Plan and various Mayoral planning and transport documents.

Our response focuses, as requested on the proposals announced by the Government on 6 September.

To inform the questions raised during this session the Committee invites stakeholders to submit limited written evidence addressing any of the following topics.

- **How the package of proposed measures will contribute to the Government's ambition to provide communities with a greater say about development in their area?**

The proposed measures in the Secretary of State's announcement fall into six groups:

- **Intervention in the housing market** – increasing investment in the private rented sector, affordable housing guarantees, tackling empty homes and helping first-time buyers – none of these would enable communities to have a greater say in shaping the development of their area.
- **Bringing forward housing proposals more quickly** – accelerating large housing schemes and getting public sector land back into use – neither of these are locally-driven nor subject to local control.

In London these are likely to be driven through the Mayor's London Plan Opportunity Areas and the Mayor's Development Corporation. The opportunity for local people to influence these is very slight. The Opportunity Area Planning Frameworks (OAPFs) are proposing a very large quantity of development at densities in excess of London Plan policies and include tall buildings that are out of place with their surroundings. The consultation on the OAPFs fail to address these issues. Local people are powerless to influence the proposed scale of development.

- **Reducing delay and red tape** – these proposals threaten to take decision making away from the local level and handing it over to the Planning Inspectorate. The emphasis seems to be on speed of decision making. London Boroughs, considering the complexity of their operating environment have tended to take longer to make decisions than rural areas. A combination of conservation areas and closer proximity to neighbours have meant that the task is more complex.

Whilst we support greater efficiency, the principle of decisions being made at the local level has to be maintained. Recovering jurisdiction over cases purely on the basis of their size is the antithesis of localism. Major developments should be brought through the Local Plan. Effectively “calling in” major schemes to push them through – something done by State Governments in Australia – brings the planning system into disrepute and cuts out local people. It risks the system becoming driven by “cronyism” and lobbying by developers keen to take schemes out of local control.

The proposal to introduce an “appeal” process for S106 agreements is the negation of localism, asking a planning inspector to arbitrate a revised S106 agreement. Local planning authorities are capable of negotiating revised agreements and are better placed to strike the right balance.

- **Supporting locally-led, large-scale housing developments** – the use of call-in powers - taking decisions out of the hands of the local planning authority - needs to be retained as a reserve power to be used in the last resort, rather than the first resort, for large housing projects. The sophistry of reserve powers is just that. The risk – as indicated above – is the use of call-in powers not to test the proposals, but to push them through. This risks charges of “favouritism”.
- **Helping homeowners improve their homes** – the three-year “freedom” to build large conservatories will not create additional housing, but is likely to revive proposals that were previously refused due to their likely impact on neighbours. This “freedom” will appeal to those previously refused, but would greatly reduce local control. The potential impact of such large extensions – not just conservatories – is that it could cut out a considerable amount of light for neighbours. It would also reduce the size of gardens by allowing up to half the garden to be taken for an extension without requiring consent.
- **Getting empty offices into use**  
See below
- **Remove broadband cabinets from planning control**

See below

- **What the economic and wider impacts—such as on the provision of social housing—will be of the proposed changes to speed up the planning process and to allow revisions to section 106 agreements?**

See above

- **What will be the impact on the Planning Inspectorate and local planning authorities of the proposed changes intended to speed up the planning process and to allow section 106 agreements to be re-assessed?**

See above

- **What will be the impact of the proposed changes to the rules on permitted development intended to make it easier to undertake home improvements such as house extensions?**

See above

- **How the use of Planning Performance Agreements and greater powers to award costs in planning appeals will affect the planning process?**

Planning Performance Agreements can already be used. If there are to be greater power to award costs this should apply equally to appellants and third parties should also be able to apply for costs.

- **How planning authorities should be able to adjust Green Belt land?**

The power to adjust Green Belt boundaries already exists through local plans, but this would require local planning authorities to co-operate more fully than at present. However, we do not think that current duty to co-operate is fit for purpose.

- **How the Government's review of national and local standards should be carried out and what focus should it have?**

The NPPF is largely silent or indeterminate about how to plan for sustainable development and, in particular, how to plan for more

sustainable patterns of development. In particular, it gives no guidance on where and how best to develop our towns and cities, particularly housing.

The main sources of guidance are the previous PPSs and PPGs and the various guidance documents. Local planning authorities, rather than reinvent the wheel, should use these documents to inform their local choices for their local plan strategy and policies. In particular, PPG13 contains useful guidance which is largely lost by the sketchy and incoherent coverage in the NPPF.

There is, however, a need for new guidance to illustrate more sustainable patterns of development, whether to guide urban growth into smarter patterns or to promote town centres as the major drivers of the local economy through exploiting the economic benefits of agglomeration, synergy and choice of jobs, goods and services.

- **What the impact is of the proposal to get empty commercial buildings into use?**

This proposal would do nothing of the sort. Empty, derelict and poorly-located commercial buildings are less interesting to the market than those that are occupied, in good condition and well located. The proposal could, in areas of high housing values, result in the change of use of the more attractive office buildings, reduce the stock of such buildings and undermine the local economy.

This is particularly the case in London, where the price differential would drive out many commercial uses, especially offices. Paragraph 51 of the National Planning Policy Framework already provides a “presumption” in favour of change of use to housing, especially in areas with a shortage of housing, unless there are strong economic reasons for retaining these economic activities. This approach at least provides the local authority with the opportunity to justify retaining the most suitable offices in the most sustainable locations and to retain and promote economic clusters. Changing the Use Classes Order would remove the last vestige of local control or ability to plan for economic development.

This is an ill-conceived, top-down imposed national change in legislation regardless of its appropriateness locally, with the suggestion that local authorities can “opt out” by using Article 4 Directions. The proposal does not understand or has wilfully misunderstood both the procedural and financial implications of using Article 4 Directions.

The proposal removes entirely the possibility of planning for economic development by ensuring a supply of the right premises in the right place,

by enabling the market free-rein to drive out economic uses which are required by the local economy and should be retained in town centres or close to public transport interchanges – in line with the NPPF.

- **Whether the Government's financial incentives to increase investment in private rented housing provide is the most effective solution to delivering housing in this sector?**

No comment

- **Whether the Government's proposals to provide easier access to mortgages are feasible and will get people on to, and moving up, the housing ladder?**

No comment

- **What is the feasibility and what will be the impacts of the Government's plans to accelerate the delivery of major housing sites?**

No comment

- **How feasible are the Government's measures to release surplus public sector land to developers and how might they influence the supply of housing?**

No comment

- **What are the implications for local authorities and for the planning system of the Government's proposal to make it easier for communications providers to install equipment to provide broadband services?**

The proposals by the Government to remove all controls, except on Sites of Special Scientific Interest, would be very damaging to our townscape generally and particularly in conservation areas. Local planning authorities currently assess broadband cabinets on the basis of their impact on amenity and their siting. Problems have arisen where the broadband service provider has been unwilling to establish basic ground rules for the roll-out of their cabinets, as they have not adapted their strategy to fit local conditions. Some operators, such as BT, have been totally intransigent.

Previous controls for telecoms equipment, bus shelters and advertisements have always recognised “special areas” such as National Parks and conservation areas where a different approach is needed.

**Bottom Line:**

Many of the proposed planning changes are unnecessary and potentially very damaging to local economies (eg the commercial to housing change of use – as well as the current hotels to housing proposal) or the local environment (extensions and broadband cabinets).

These are top-down imposed changes and the antithesis of localism – they remove the opportunity for the adoption of locally-specific policies which shape the local environment and maintain, support and promote the local economy. The suggestion that local authorities can “opt out” of the centrally-imposed policy changes through the use of Article 4 Directions is deluded – it takes a year to establish such safeguards and could involve a huge amount of compensation.

The NPPF (particularly para 51) has already made it difficult to retain key economic uses – but at least it enables local planning authorities to justify their policy. An across-the-board legislative change negates any possibility of planning policy being tailored to local circumstances. There is currently nothing stopping local authorities adopting policies to encourage conversions of offices or hotels.

**Michael Bach**  
**Chairman: Planning and Transport Committee**  
**London Forum of Amenity and Civic Societies**