

Decision Maker: **DEVELOPMENT CONTROL COMMITTEE**

Date: **Tuesday 11 September 2018**

Decision Type: Non-Urgent Non-Executive Non-Key

Title: **NATIONAL PLANNING POLICY FRAMEWORK 2018**

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Chief Officer:

Ward: (All Wards)

1. Reason for report

The Government published a revised National Planning Policy Framework (NPPF) on 24th July 2018. The NPPF sets out the Government's planning policies for England and how these should be applied. It must be taken into account in preparing the development plan and is a material consideration in planning decisions. This report outlines key changes from the 2012 NPPF which are of particular relevance to Bromley. The implications of these changes will normally be incorporated by officers in committee agendas on Planning matters.

2. **RECOMMENDATION**

Members note the publication of the revised NPPF.

Impact on Vulnerable Adults and Children

1. Summary of Impact: N/A
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Corporate Policy

1. Policy Status: New Policy: The National Planning Policy Framework 2018 sets out government's planning policies for England and how these are expected to be applied. It amends the previously published NPPF 2012 and is a material consideration in planning decisions.
 2. BBB Priority: Children and Young People Excellent Council Quality Environment Safe Bromley Supporting Independence Vibrant, Thriving Town Centres Healthy Bromley Regeneration Not Applicable:
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Financial

1. Cost of proposal: No Cost:
 2. Ongoing costs: Not Applicable:
 3. Budget head/performance centre: Planning
 4. Total current budget for this head: £1.667m
 5. Source of funding: Existing Revenue Budget 2018/19
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Personnel

1. Number of staff (current and additional): 65.86 ftes
 2. If from existing staff resources, number of staff hours:
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Legal

1. Legal Requirement: Statutory Requirement:
 2. Call-in: Not Applicable:
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Procurement

1. Summary of Procurement Implications: No implications
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Customer Impact

1. Estimated number of users/beneficiaries (current and projected): Borough-wide
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Ward Councillor Views

1. Have Ward Councillors been asked for comments? Not Applicable
2. Summary of Ward Councillors comments:

3. COMMENTARY

Background

- 3.1 Following the housing White Paper *Fixing our broken housing market* (Feb 2017), and the consultation on *Planning for the right homes in the right places* (Sept 2017), the Government published a Draft Revised NPPF for consultation in March 2018. The intention was to amend the 2012 framework to incorporate new housing policy proposals on which the Government had previously consulted and to make updates and changes to other aspects of planning policy such as planning for town centres and transport. The Government made some amendments as a result of the representations and published the revised NPPF on 24th July 2018.
- 3.2 The Secretary of State announced that the revised Framework will enable the “*building of attractive and better-designed homes in areas where they are needed*” and make it “*easier for councils to challenge poor quality and unattractive development*”. He stated that the “new rule book” will provide stronger protection for the environment and will “*greater responsibility and accountability for housing delivery from councils and developers*”.

Role of the NPPF

- 3.3 Annex 1 to the NPPF sets out how the revised policy framework should be used in decision making and plan preparation. The policies in the NPPF are material considerations which should be taken into account in dealing with planning applications from the day of publication, however existing policies should not be considered out-of-date simply because they were adopted before the revised Framework was published. Rather, they should be given due weight according to their degree of consistency to the policies in the Framework. Reports on planning applications to Development Control and Plans Sub Committees set out the aspects of national, regional and local planning policy relevant to individual applications.
- 3.4 For the purpose of examining plans, the revised framework applies to those plans which will be submitted to the Secretary of State for examination after 24th January 2019, therefore, as Bromley’s Local Plan is already at examination stage, the Inspector is required to use the 2012 NPPF. Para 214 advises that where such plans do not proceed to become part of the development plan, the policies contained within the 2018 Framework will apply to subsequent plans produced.

Key Changes

Design

- 3.5 The revised NPPF states that the creation of high-quality buildings and places is “fundamental” to what the planning and development process should achieve. In Para 124 “*Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Being clear about design expectations, and how these will be tested, is essential for achieving this. So too is effective engagement between applicants, communities, local planning authorities and other interests throughout the process.*” It promotes the use of “visual tools” such as design guides and codes to help provide clarity about expectations at an early stage in the development process. It emphasises that Local planning authorities should seek to ensure that the quality of approved development is not materially diminished between permission and completion as a result of changes being made to details of the permitted scheme.

Environmental Protection

- 3.6 To protect and enhance biodiversity, plans should identify, map and safeguard components of local wildlife-rich habitats and wider ecological networks, and promote the conservation,

restoration and enhancement of priority habitats. Ancient woodland and veteran trees have been added as a specific “irreplaceable habitat” and have been accorded more protection in Para 175(c) which states that development resulting in the loss or deterioration of such habitat should be refused “unless there are wholly exceptional reasons and a suitable compensation strategy exists”. “irreplaceable habitats” now features in Footnote 6 to Para 11 (the presumption In favour of sustainable development, formerly Para 14) which is the definitive list of NPPF policies which can form part of the reason for refusing development, where the presumption is applied.

- 3.7 Para 182 introduces a new policy known as the “agent of change” principle. Where the operation of an existing business or community facility could have a significant adverse effect on new development in its vicinity, the applicant (or “agent of change”) should be required to provide suitable mitigation before the development has been completed.

Housing

Housing Need

- 3.8 The NPPF requires that housing targets should be determined on the basis of the standard method as recently set out in Planning Practice Guidance, ‘unless exceptional circumstances justify an alternative approach’ (Para 60) For London Boroughs the exceptional circumstance is the strategic distribution of targets within the London Plan, whereby some boroughs are able to provide a greater proportion of London’s housing need.
- 3.9 The requirement for the identification of an annual 5 year housing land supply (5YHLS) of deliverable sites is maintained although a new buffer of 10% is now added where an authority wishes to demonstrate its 5YHLS through an annual position statement or recently adopted plan (para 73b) . Whilst Boroughs who fail to deliver their targets become vulnerable at appeals the revised NPPF now sets an additional Housing Delivery Test, requiring an ‘action plan’ to be prepared if delivery falls below 95% of the target over the previous 3 years (para 75). [Note the definition of “deliverable” housing sites is in the glossary, making clear that sites allocated in the development plan should only be considered deliverable “where there is clear evidence that housing completions will begin on site within five years”].
- 3.10 The Housing Delivery Test also states that from November 2018 there will be transitional arrangements whereby the presumption in favour of sustainable development will apply, initially where delivery of the local housing requirement over the previous three years is less than 25%. The transitional arrangements stiffen the test to 45% in 2019 and 75% in 2020. [Note in addition to the increasing % target, the local housing requirement, calculated over the previous three years will also increase in circumstances where annual targets increase e.g. through the adoption of a new London Plan]. Whilst the requirements of the Housing Delivery Test are likely to be less relevant to Bromley in the first year than the adoption of increased housing targets in a new London Plan, the impact of the test will be felt once fully introduced.

Affordable Housing

- 3.11 The definition of ‘Affordable Housing’ in the Glossary has been expanded to include Build to rent and ‘Starter Homes’. The NPPF exempts purpose-built build to rent housing and accommodation for students or the elderly from the framework's 10 % affordable housing requirement in major schemes.

Optimal Densities

- 3.12 The NPPF highlights the ‘efficient use of land’ (para 122) but importantly clause d) advises that policies and decisions should take into account ‘the desirability of maintaining an area’s prevailing character and setting (including residential gardens), or of promoting regeneration

and change' (emphasis added). However, para 123 advises that where there is an existing or anticipated shortage of land for meeting identified housing needs, it is especially important that planning policies and decisions avoid homes being built at low densities. The NPPF sets requirements for new Local Plans to include minimum densities for town centres and other locations that are well served by public transport. It advises that these standards should 'seek a significant uplift in the average density of residential development within these areas'.

Small Sites

- 3.13 The NPPF requires Local Plans to identify 10% of their housing requirements on sites no larger than 1 ha. This NPPF requirement is not problematic for Bromley and is low, relative to the 72% proposed requirements in the draft London Plan, to which Bromley has objected strongly. [Draft London Plan - 72% of the proposed overall target of 1,424 units per annum required to be met from sites below 0.25 hectares].

Large Sites

- 3.14 The NPPF encourages councils to identify opportunities to facilitate land assembly, using their compulsory purchase powers to boost delivery. The potential for voluntary Planning Policy Agreements (PPAs) "where this might achieve a faster and more effective application process" is also highlighted.
- 3.15 The NPPF considers that large numbers of new homes can often be best achieved through planning for sustainable larger scale development including new settlements or significant extensions to existing villages, provided they are well located and designed and supported by necessary infrastructure and facilities (para 72). Neighbouring boroughs, Sevenoaks and Tandridge, are currently proposing larger scale developments, within their draft Local Plans, including approximately 800 dwellings at Broke Hill Golf Course, 600 dwellings at Westerham and a development of up to 5,000 dwellings at South Godstone. [see DCC agenda]

Green Belt

- 3.16 Bromley is at an advanced stage of plan making and therefore Green Belt alterations provisions are not immediately applicable, however, it should be noted that the NPPF clarifies that exceptional circumstances for Green Belt alterations, which can only occur through the preparation or updating of plans, must be 'fully evidenced and justified'. Para 137 sets out criteria to demonstrate that all other reasonable options for meeting identified need have been examined, including the use of brownfield and underutilised land, the optimising of density as indicated in para 3.12 above and demonstration through statements of common ground with neighbouring authorities that they cannot accommodate the need.
- 3.17 For the purposes of planning applications, and therefore immediately applicable, it is important to note the addition of a new exception to the list of inappropriate development in the Green Belt, relating to the provision of affordable housing, as follows:

'limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would: ...

– not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.' (para 145g)

[Note expanded affordable housing definition set out in para 3.11 above]

Economy and Town Centres

- 3.18 The NPPF places greater emphasis on supporting business growth and improved productivity. Requiring policies and decisions to recognise and address locational requirements of sectors, as well as storage and distribution at a variety of scales and in suitably accessible locations. However, where authorities had been required to "assess the needs for land or floorspace for economic development", local planning policies merely have "regard to" local economic development and regeneration policies. Similarly the requirement for office developments outside of town centres to be subject to an impact assessment where the development is over a certain floorspace (2,500sqm for Bromley) has been removed (para 90).
- 3.19 The NPPF states that councils planning for town centres should "respond to rapid changes in the retail and leisure industries and should look at least 10 years ahead when allocating sites to meet the need for town centre uses. Town centre boundaries should be kept under review (so that identified needs for town centre uses can be accommodated). A clearer policy approach is given in relation to town centres in decline to avoid the unnecessary loss of facilities that are important for meeting the community's day-to-day needs.
- 3.20 The sequential approach to planning applications is amended to allow sites that are not available now but are in the pipeline to be taken into consideration (para 87). This avoids prejudicing town or edge of centre sites that are in the pipeline.
- 3.21 The rural economy section now requires policies and decisions to recognise the potential need to accommodate sites for local business and community needs outside existing settlements (provided that impacts on surrounding uses are minimised and that any opportunities to make a location more sustainable are investigated).

Making Effective Use of Land

- 3.22 The 2012 NPPF required policies to avoid the long-term protection of employment allocation sites with no reasonable prospect of being used and decision-makers to consider the merits of alternative uses, having regard to market signals and the relative need for different uses. The NPPF now relates this requirement on any allocated use, not just employment. The NPPF also now refers specifically to "unmet" rather than "relative" need, appearing to involve a more measurable test of whether identified need for uses has been demonstrated to be met through the Local Plan. Councils have also been encouraged to support proposals to convert non-allocated retail and employment land for homes in areas of high housing demand. Although there is a proviso that such proposals do not undermine key economic sectors or sites, or the vitality or viability of town centres, this will likely put further pressure on non-designated sites that are already vulnerable to recent changes to permitted development rights.

4. POLICY IMPLICATIONS

The National Planning Policy Framework 2018 sets out government's planning policies for England and how these are expected to be applied, in both decision taking and policy making.

5. FINANCIAL IMPLICATIONS

- 6.1 At this stage, there are no additional costs expected as a result of the changes made in the revised NPPF published in July 2018.

Non-Applicable Sections:	PERSONNEL IMPLICATIONS, PROCUREMENT IMPLICATIONS, IMPACT ON VULNERABLE ADULTS AND CHILDREN, LEGAL IMPLICATIONS
Background Documents: (Access via Contact Officer)	<p>National Planning Policy Framework 2018 https://www.gov.uk/government/publications/national-planning-policy-framework--2</p> <p>National Planning Policy Framework 2012 http://webarchive.nationalarchives.gov.uk/20180608095821f_/https://www.gov.uk/government/publications/national-planning-policy-framework--2</p> <p>Government response to the draft revised NPPF consultation https://www.gov.uk/government/consultations/draft-revised-national-planning-policy-framework</p>