

Decision Maker: DEVELOPMENT CONTROL COMMITTEE

Date: Thursday 28 January 2021

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

Title: LONDON PLAN UPDATE

Contact Officer: Ben Johnson, Head of Planning Policy and Strategy
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Chief Officer: Tim Horsman, Assistant Director (Planning)

Ward: (All Wards);

1. Reason for report

- 1.1 This report provides an update on the progress of the draft new London Plan, following further correspondence between the Mayor of London and the Secretary of State (SoS) in December 2020 and the publication of an updated draft new London Plan (entitled the 'Publication London Plan')
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2. **RECOMMENDATION(S)**

- 2.1 **That Development Control Committee note this report.**

Impact on Vulnerable Adults and Children

1. Summary of Impact: No impact
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Corporate Policy

1. Policy Status: Not Applicable
 2. BBB Priority: Regeneration
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Financial

1. Cost of proposal: N/A
 2. Ongoing costs: N/A
 3. Budget head/performance centre: N/A
 4. Total current budget for this head: N/A
 5. Source of funding: N/A
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Personnel

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

1. Legal Requirement: Planning and Compulsory Purchase Act 2004; Greater London Authority Act 1999
 2. Call-in: Not Applicable
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Procurement

1. Summary of Procurement Implications: N/A
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Customer Impact

1. Estimated number of users/beneficiaries (current and projected): N/A
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Ward Councillor Views

1. Have Ward Councillors been asked for comments? N/A
2. Summary of Ward Councillors comments: N/A

3. COMMENTARY

Background

- 3.1 The Mayor of London is preparing a new London Plan, which, once adopted, will form part of Bromley's Development Plan and will be used to assess planning applications.
- 3.2 The following reports have previously been considered by Development Control Committee, and provide a useful background for this report:
- 'Draft London Plan Update' Development Control Committee report dated 23 July 2019, available from:
<http://cdslbb/documents/s50071016/Draft%20London%20Plan%20UpdatePART%201%20REPORT%20TEMPLATE.pdf>
 - 'London Plan Update' Development Control Committee report dated 3 October 2019, available from:
<https://cds.bromley.gov.uk/documents/s50073162/LONDON%20PLAN%20UPDATE%20REPORT.pdf>
 - 'London Plan Update' Development Control Committee report dated 28 January 2020, available from: <http://cdslbb/documents/s50078220/Local%20Plan%20Update.pdf>
 - 'London Plan update - note for Development Control Committee 18/03/2020' - Matter Arising report at the Development Control Committee on 18 March 2020, available from:
<http://cdslbb/documents/b50014516/MATTER%20ARISING%20-%20LONDON%20PLAN%20UPDATE%20Wednesday%2018-Mar-2020%2019.30%20Development%20Control%20Committee.pdf?T=9>

December 2020 correspondence and further directions

- 3.3 On 9 December 2020, following several months without any further correspondence from the SoS, the Mayor wrote to the SoS¹ noting his intention to publish a new London Plan based on his best understanding of the SoS's views to date (i.e. incorporating changes which address the issues raised in the SoS's March 2020 letter).
- 3.4 The SoS responded on 10 December 2020². The letter included two Annexes; Annex A³ which provides updated wording for the Directed Changes originally issued in March 2020; and Annex B⁴, which directs two further changes relating to the definition of a tall building and the release of industrial land for housing. In terms of next steps, the SoS notes that he is pleased that the Mayor shares his sense of urgency in getting the London Plan published, and that he will be in a position to formally agree to the publication of the London Plan following re-submission of an 'Intend to Publish' version of the plan which incorporates amendments that address the SoS's directed changes.
- 3.5 On 21 December 2020, the Mayor responded to the SoS⁵ and included an updated 'Intend to Publish' version of the London Plan, entitled the 'Publication London Plan'⁶, which the Mayor considers addresses all matters set out in the SoS letter of 10 December 2020.

¹ https://www.london.gov.uk/sites/default/files/letter_from_the_mayor_of_london_9_december_2020.pdf

² https://www.london.gov.uk/sites/default/files/201210_sos_letter_to_mayor_london_plan.pdf

³ https://www.london.gov.uk/sites/default/files/201210_sos_annex_a_changes_to_fulfill_directions.pdf

⁴ https://www.london.gov.uk/sites/default/files/201210_sos_annex_b_further_directions.pdf

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https://www.london.gov.uk/sites/default/files/secretary_of_state_for_housing_communities_and_local_government_21_12_20.pdf

⁶ https://www.london.gov.uk/sites/default/files/the_publication_london_plan_2020_-_tracked_version.pdf

3.6 The SoS responded on the 24 December 2020⁷, noting the need for further consideration of the Supreme Court decision in relation to the Airports National Policy Statement to determine if this has any implications with respect to your draft London Plan. However, the SoS reiterated in the letter that he wants to see the London Plan published as soon as possible and sought to reassure the Mayor that he will not be raising any further issues and fully expects to be able to formally respond by 1 February 2021.

Written Ministerial Statement (WMS) made on 16 December 2020

3.7 In a 'Housing Update' WMS made on 16 December 2020⁸, the SoS stated:

We recognise that to meet the housing needs of the country, London needs to build more homes. Delivery in the capital remains far too low, creating acute affordability changes for its residents, as well as putting severe pressure on the wider South East.

In the short-term we expect to agree the London Plan with the Mayor early in the new year which will set his plan for, amongst other things, meeting London's housing need. This will support greater ambition in London, but alone won't go nearly far enough to meet need in London. We now need to focus on the medium and long term and create a plan to better address London's housing needs, whilst protecting the character of London's communities, particularly in outer London, and London as a place for families.

3.8 This further demonstrates the SoS's intention to approve the draft London Plan for adoption in the very near future.

Discussion

3.9 In terms of the draft London Plan policies themselves, there has been little change of consequence for Bromley since the March 2020 Directed Changes. The Development Control Committee report from 18/03/2020 sets out the headline implications of these directed changes, as follows:

The key headline from the SoS directed changes is that there are no further changes to Bromley's proposed new housing target as set out in the 'Intend to Publish' version of the London Plan. This means that Bromley's housing target will be 774 homes per annum upon adoption of the London Plan.

There are changes to Green Belt policy, in order to bring the London Plan into alignment with national planning policy; the draft new London Plan had originally proposed a more restrictive approach which would not have allowed proposals in the Green Belt, even where very special circumstances were identified.

The SoS has also directed changes to maximum parking standards, although the resultant changes would still result in lower maximum standards than those set out in the Local Plan.

3.10 The two further directed changes from December 2020 are as follows:

- a default definition of a tall building will now apply where there is no local definition set out in a Local Plan (which is the case for Bromley). This definition means that any building of 6 storeys/18 metres or more would be classed as a tall building for the purposes of planning policy, which means that specific policy criteria set out in policy D9 of the new London Plan would apply.

⁷ https://www.london.gov.uk/sites/default/files/sos_to_mol_241220.pdf

⁸ <https://questions-statements.parliament.uk/written-statements/detail/2020-12-16/hcws660>

- Local authorities proposing release of Green Belt or Metropolitan Open Land to accommodate new housing may instead, in exceptional circumstances, consider the re-allocation of industrial land to accommodate new housing, even where such industrial land is in active employment use. This change is a plan-making consideration and is not immediately relevant but could be relevant as we progress with the Local Plan Review, dependent on the issues which arise.

3.11 Upon publication of the new London Plan, officers intend to prepare a detailed report for Development Control Committee, noting the implications of the new plan for Bromley, particularly how it might affect the application of policies in the adopted Bromley Local Plan. As noted in the legal implications of this report, planning legislation dictates that, where Development Plan policies conflict (e.g. policies in the Bromley Local Plan and the new London Plan), the most recently adopted Development Plan policy takes priority. This legal requirement means that some policies in the new London Plan, for example a requirement for car-free development in certain locations, would override any policies in the Local Plan which seek specific levels of car parking.

3.12 At this stage, the draft new London Plan is a material consideration in the determination of planning applications. Given its advanced stage and the fact that the SoS has indicated he is largely content with the ‘Publication London Plan’ published on 21 December 2020, it is capable of having very significant weight (although the actual weight to be applied is a case-by-case judgement).

4. POLICY IMPLICATIONS

4.1 Policy implications are set out in the report. A report providing more detailed commentary on the implications of the new London Plan on the Bromley Local Plan will be brought to a future meeting of Development Control Committee following the adoption of the new London Plan.

5. FINANCIAL IMPLICATIONS

5.1 There are no financial implications at this stage.

6. LEGAL IMPLICATIONS

6.1 When adopted, the new London Plan will replace the current London Plan (2016) and will form part of Bromley’s Development Plan. It will therefore be used for decision making on planning applications alongside the Local Plan (2019).

6.2 Section 38(5) of the Planning and Compulsory Purchase Act 2004 (as amended) states: *“if to any extent a policy contained in a development plan for an area conflicts with another policy in the development plan the conflict must be resolved in favour of the policy which is contained in the last document to become part of the development plan.”*

6.3 This means that where policies in the new London Plan conflict with those in the Bromley Local Plan, the new London Plan would take precedence.

6.4 The new London Plan will also influence any review of the Bromley Local Plan, as there is a requirement for Local Plans to be “in general conformity” with the London Plan.

Non-Applicable Sections:	IMPACT ON VULNERABLE ADULTS AND CHILDREN PERSONNEL IMPLICATIONS PROCUREMENT IMPLICATIONS
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Background Documents: (Access via Contact Officer)	Publication London Plan, available from: https://www.london.gov.uk/sites/default/files/the_publication_london_plan_2020 - tracked version.pdf
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