
Decision Maker: RENEWAL, RECREATION AND HOUSING PDS COMMITTEE
AND DEVELOPMENT CONTROL COMMITTEE

Date: RRHPDS: 21 March 2023
DCC: 18 April 2023

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

Title: NATIONAL PLANNING POLICY FRAMEWORK UPDATE

Contact Officer: Ben Johnson, Head of Planning Policy and Strategy
E-mail: ben.johnson@bromley.gov.uk

Chief Officer: Tim Horsman, Assistant Director (Planning)

Ward: All Wards

1. Reason for report

- 1.1 This report provides an update on the Government's proposals to amend the National Planning Policy Framework (NPPF)
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2. RECOMMENDATION(S)

- 2.1 The Renewal, Recreation and Housing PDS Committee and Development Control Committee are requested to note the report.

Impact on Vulnerable Adults and Children

1. Summary of Impact: No Impact
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Transformation Policy

1. Policy Status: N/A
 2. Making Bromley Even Better Priority:
 3. (3) For people to make their homes in Bromley and for business, enterprise and the third sector to prosper.
 4. (4) For residents to live responsibly and prosper in a safe, clean and green environment great for today and a sustainable future.
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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: The National Planning Policy Framework is not legislation, but it is a material consideration in the determination of planning applications, and also applies to plan-making. The Planning and Compulsory Purchase Act 2004 (as amended) states that decisions on planning applications must be made in accordance with the Development Plan unless material considerations indicate otherwise.
 2. Call-in: Not Applicable: No Executive decision.
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Procurement

1. Summary of Procurement Implications: N/A
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Property

1. Summary of Property Implications: N/A
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Carbon Reduction and Social Value

1. Summary of Carbon Reduction/Sustainability Implications: N/A

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 From December 2022 to March 2023, the Government consulted on changes to the NPPF¹. This included specific changes intended to be made in spring 2023 (subject to and following consultation); and calls for views on a wider range of proposals, particularly focused on making sure the planning system capitalises on opportunities to support the natural environment, respond to climate change and deliver on levelling up of economic opportunity. The consultation document also signals areas that the Government expect to consider in the context of a wider review of the NPPF to follow Royal Assent of the Levelling Up and Regeneration Bill. The government will consult on the detail of these wider changes later in 2023, reflecting responses to the current consultation.
- 3.2 This report provides details on the key aspects of the proposals likely to come into effect in spring 2023, particularly those which could have specific implications for planning in Bromley. In terms of the medium/longer term proposals, many of these will be subject to further consultation; officers will update members in future when further details are published.
- 3.3 The consultation included a track changes version of the NPPF² setting out the immediate changes. The most relevant changes for Bromley are set out below.

Housing

- 3.4 Local Planning Authorities (LPAs) with an up-to-date local plan will no longer need to continually show a deliverable five-year housing land supply. In this context, 'up-to-date' means where the housing requirement as set out in strategic policies is less than five years old. Bromley's current housing requirement is set out in the London Plan, which will be five years old in March 2026. Up until this date, Bromley will no longer have to prepare an ad hoc five-year housing land supply and will no longer trigger the presumption in favour of sustainable development due to the lack of a five-year housing land supply.
- 3.5 The presumption in favour of sustainable development can still be triggered where the Housing Delivery Test (HDT) indicates that the delivery of housing was below 75% of the housing requirement over the previous three years; however, this does not currently apply to Bromley as previous HDT results have all exceeded 75%. Further changes proposed to the HDT mean that, where the HDT results trigger the application of the presumption in favour of sustainable development, this can be 'switched off' where a LPA can show sufficient permissions for enough deliverable homes to meet 115% of their housing requirement over the specific HDT period. Allowing consideration of approvals as well as completions as part of the HDT is considered to be a positive change, as it is something that the LPA has more direct control over, compared to completions which is entirely down to applicants.
- 3.6 Where a requirement to produce a five-year housing land supply does apply, LPAs will no longer be required to provide housing supply buffers. Currently the NPPF requires LPAs to include a buffer of 5%, 10% or 20% on top of their five-year housing land supply in plan-

¹ Available here: <https://www.gov.uk/government/consultations/levelling-up-and-regeneration-bill-reforms-to-national-planning-policy/levelling-up-and-regeneration-bill-reforms-to-national-planning-policy>

² Available here:

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1126647/NPPF_July_2021_-_showing_proposed_changes.pdf

making or when making decisions. The 5% buffer is expected in all cases as a minimum, the 10% buffer is applied when an Annual Position Statement or recently adopted plan meets specific criteria (as set out in the NPPF) and the 20% buffer is applied as a consequence of the Housing Delivery Test, where a LPA delivers less than 85% of the homes it is required to.

- 3.7 Changes are proposed to the process of calculating housing need. The NPPF will be amended to make it clear that the standard method for calculating local housing need is an advisory starting point and is not mandatory; this was the case previously, but the explicit reference will provide useful clarity.
- 3.8 In terms of meeting housing need, the NPPF changes mean that LPAs are not required to review and alter Green Belt boundaries if this would be the only way of meeting housing need in full. Similarly, if housing need can be met only by building at densities which would be significantly out-of-character with the existing area (taking into account the principles in local design guides or codes), this may be an adverse impact which could outweigh the benefits of meeting need in full.
- 3.9 The proposed NPPF revisions would amend the 'tests of soundness' that apply to Local Plan examinations; plans (including proposed housing targets) will no longer be required to be 'justified', and instead, a Local Plan examination would assess whether the LPAs proposed target meets need as far as possible, taking into account other policies in the NPPF; and whether it will be effective and deliverable. The purpose of these changes is to provide more certainty that LPAs can propose a plan with a housing requirement that is below their local housing need figure, so long as proposals are evidenced, the plan makes appropriate and effective use of land, and where all other reasonable options to meet housing need have been considered. It is noted that the process of establishing a housing requirement in London is the remit of the London Plan; however, the proposed changes relating to consideration of Green Belt and increased densities would also apply to future versions of the London Plan.
- 3.10 Changes are proposed to make clear that LPAs should give greater importance to Social Rent homes, when addressing their overall housing requirements in their Local Plan and making planning decisions.
- 3.11 The proposed NPPF amendments will also provide further support relating to consideration of older persons housing, ensuring that the needs of older people are met; particular regard is given to retirement housing, housing-with-care and care homes, which are identified as important typologies of housing that can help support an ageing population.

Design

- 3.12 Amendments to the NPPF are proposed to emphasise the role of beauty and placemaking in strategic policies; and create a stronger link between good design and beauty by making additions to Chapters 6, 8 and 12 of the NPPF. The term 'beauty' is not defined by the NPPF, although our assumption is that the LPA will be responsible for determining what is beautiful in the local context, through provision of policy, guidance, design codes, etc.
- 3.13 LPAs will be encouraged to use planning conditions to require clear details of a scheme's design and materials; conditions should reference clear and accurate plans and drawings which provide visual clarity about the design of development, as well as clear conditions about the use of materials where appropriate, so they can be referred to as part of the enforcement process.
- 3.14 A new policy is proposed which would require LPAs to take a positive approach towards

well designed upward extension schemes, particularly mansard roofs. The rationale for the amended policy is unclear, particularly as this type of upwards extension is often unsuccessful with countless examples of poor design; it is simply not the case that mansards are universally suitable, as the consultation document seems to suggest. The amendment is completely at odds with policy and guidance elsewhere in the NPPF and PPG which defers consideration of design matters to LPAs.

Environment and Climate Change

- 3.15 Replacing old renewable and low carbon energy sources with more powerful and efficient models will be made easier. Changes to paragraphs 155 and 158 of the existing NPPF will enable the re-powering of renewable and low carbon energy schemes where planning permission is needed, and providing that the impacts of any development proposal are or can be made acceptable in planning terms.
- 3.16 The NPPF will also be amended with a new paragraph 161 to give significant weight to the importance of energy efficiency through adaptation of buildings, whilst ensuring that local amenity and heritage continues to be protected.

4. POLICY IMPLICATIONS

- 4.1 Policy implications are set out in the report.

5. LEGAL IMPLICATIONS

- 5.1 The NPPF is a material consideration in the determination of planning applications. Section 38(6) of the Planning and Compulsory Purchase Act 2004 (as amended) states that decisions on planning applications must be made in accordance with the Development Plan unless material considerations indicate otherwise.
- 5.2 The NPPF also applies to plan-making. Any future Local Plan review will need to be consistent with national planning policy in order to demonstrate it is 'sound'.

Non-Applicable Sections:	Impact on Vulnerable Adults and Children; Personnel/Procurement/Financial/Property/Carbon Reduction and Social Value Implications; Customer Impact.
Background Documents: (Access via Contact Officer)	<p>Bromley Local Plan 2019, available from: https://www.bromley.gov.uk/downloads/file/51/bromley-local-plan</p> <p>London Plan (adopted 2 March 2021), available from: https://www.london.gov.uk/sites/default/files/the_london_plan_2021.pdf</p> <p>National Planning Policy Framework (July 2021), available from: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1005759/NPPF_July_2021.pdf</p> <p>National Planning Practice Guidance, available from: https://www.gov.uk/government/collections/planning-practice-guidance</p> <p>Levelling-up and Regeneration Bill: reforms to national planning policy, available from: https://www.gov.uk/government/consultations/levelling-up-and-regeneration-bill-reforms-to-national-planning-policy/levelling-up-and-regeneration-bill-reforms-to-national-planning-policy</p> <p>National Planning Policy Framework (showing indicative changes for consultation), available from: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1126647/NPPF_July_2021_-_showing_proposed_changes.pdf</p>