

London is lucky to have an up-to-date plan!

The London Planning & Development Forum discussed the implications of the draft NPPF and what is new in the newly adopted London Plan. Andy Rogers took the minutes.

Discussion Topics

1. Draft National Planning Policy Framework

Brian Waters introduced this very topical item by referring to extensive media coverage, culminating in a Financial Times article written jointly by Eric Pickles and George Osborne (and published on the same day as the meeting) that defended the much-criticized draft NPPF and planning reforms as being “key to our economic recovery”. Because the Chancellor stated “no one should underestimate our determination to win this battle”, it was clear that the Government accepts adoption of the NPPF to be controversial as well as being critical to Treasury policy direction.

A short presentation by Stephen Webb of SNR Denton, Solicitors (*pictured RIGHT*) gave his view of the legal perspective. He started by admitting to being a localism sceptic who believes that governments should govern and that problems embodied in the localism agenda are of the coalition’s own making. While the system will still be plan-led, the NPPF makes it clear that plans must not only be up to date but also clear and specific if the default to an application is to be “yes”. This gives the encouraging message that development should always happen unless there is a clear reason why not - but at the same time there is a considerable lack of clarity. It is not a developers’ charter, despite over-reaction by the National Trust and the CPRE. A preference for brownfield development is only implied, not stated: and housing need, in the absence of RSSs, will depend on properly researched evidence. However, PINS has already advised that the NPPF is a material consideration for decisions and this is likely to lead to five or six years of planning by appeal. The NPPF will incentivise local authorities to produce Local Plans urgently – except in London, where the recently-updated London Plan is already clear and robust. In summary, the NPPF’s pro-development approach is a step in the right direction.

A wide-ranging discussion was then opened to the meeting.

PE said he shares the scepticism about localism – neighbourhood planning may well be con-

trary to proper local development framework plans. Does the NPPF as drafted mean that new Local Plans will inevitably be NIMBY in character?

SW suggested there will be simpler Local Plans, written to show why there should be no development in certain places, but the effectiveness of this will be limited by a lack of local authority resources.

PE pointed out that half of local planning authorities have no plan in place yet – and even those who do will find they need to be rewritten.

AC added that Local plans and especially the London Plan make reference throughout to current PPGs and PPSs, which will suddenly be irrelevant when the NPPF is adopted. JL confirmed that is right, but as the London Plan had been signed off by the Secretary of State only five weeks ago, it has very great weight – although another quick review might be necessary to bring it into line (for example with regard to housing figures – see below).

SW confirmed that legally PPG/Ss will be superseded by the NPPF and therefore have little weight in planning decisions. This will leave a technical void (for example on issues such as noise levels) that needs to be filled by publication of technical advice to supplement the NPPF.

JL hopes that it will be possible to get government acknowledgement of a temporary changeover that retains consideration of technical matters. MS confirmed that TCPA has argued for a transitional phase for temporary compliance. While the London Plan trumps the NPPF (being a statutory rather than advisory document), outside the GLA this will not apply until new sound Local Plans are produced, giving the NPPF considerable weight.

There is also confusion about financial contributions – SW confirmed that these are referred to in the NPPF (eg paragraph 39), despite an article in Planning magazine claiming the opposite. EK suggested the main role of the NPPF will be in respect of planning gain delivery and mitigation of impacts.

DB added that a second level of guidance is



required, especially on CIL and infrastructure funding. He pointed out that housing need is referred to rather than housing capacity: LPAs outside London will have to update their housing figures, but without having proper resources to do so. Details of the Neighbourhood Plan arrangements are not yet available (although apparently imminent), but to what extent will they relate to the Borough/District Plans and cross-boundary liaison?

JM noted that a key issue in London is potential conflict between the London Plan and the NPPF (eg over issues such as CAZ). JL agreed that there may be a legal conflict on this issue and that reviews cannot be quick due to evidence base requirement and the need for soundness.

BW reported that in his own west London mews there is already a conflict between the locals’ overwhelming support of a change of use from workshop to housing and the LPA’s adopted policy of retaining workshop use.

TB said that housing need as a government priority is being approached in the wrong way: blaming a lack of (affordable) housing on complex planning rules is wrong. The government’s strategy for new housing should be different.

AC asked how eco-towns (as originally envisaged) fit into the NPPF. BW suggested that they

had failed because it was held that “democracy was threatened” and this may be why there is opposition to the NPPF.

DB said that government policy is neutral on where development should be located – there is no interest in spatial strategy within the NPPF, which is its failure. The allocation of national resources cannot be left to local authorities. MS added that there is already a conflict between BIS allocations and the NPPF/Localism agenda.

ME agreed that planning regulation in itself won’t bring house prices down or create affordable dwellings, but this will not be evident for 5-10 years. Meanwhile there will be a mess of luxury homes and the CPRE will have been proved right.

BW said that relaxation of changes of use might nevertheless do the trick, although JL pointed out that the London Plan does not protect office/workshop uses, despite the policies of certain London boroughs. EK was concerned about the implications of the default “yes” position. BW suggested that developers will target those authorities that don’t produce up to date and sound Local Plans promptly.

SW noted that paragraph 14 of the NPPF does make clear that a “yes” default only applies “unless the adverse impacts of allowing development would significantly and demonstrably outweigh the benefits” and the issues of balance and sustainability will be crucial.

DB agreed that there will be planning by appeal and inspectors will assess the weight that should be given to impacts and sustainability.

TW noted that the transport section of the NPPF is woolly, there is little joined-up thinking, and the use class implications are poorly defined.

MC felt the NPPF counterbalances ‘Growth through Localism’. Housing values will be governed by second-hand housing and therefore new developments won’t affect values in the short term. The gap between supply/demand and affordable housing is the key problem.

BW added that the rental market and possible institutional investment in housing may be critical and MC agreed that the planning system hasn’t itself prevented new housing.

TB said there is a need to reintroduce subsidized council housing to improve quality and supply, but BW noted that such housing had often been of poor quality.

2. The London Plan July 2011

A visual presentation from John Lett of the GLA (see ‘slideshow’ on preceding pages) summarized the new London Plan and its main changes from the previous London Plan of 2008.

EK was encouraged by the build up of a dynamic big picture for London: the London Plan has clearly been understood and greatly improved over time.

PE agreed that the London Plan policies are now better expressed and it’s clear how the Local Plans will fit. The new implementation plan is also helpful, with good practices overall – although he was surprised at some of the Mayor’s rejections of the EIP report’s recommendations.

BW asked whether the local borough plans need to quote London Plan policies. PE said that in his experience this was seldom done by planning officers who often seem ignorant of the London Plan, although its policies are used by community groups in their response to many development

proposals.

DB was concerned that the basis for housing targets in the Plan and the differences between social/intermediate/affordable definitions and figures lead to confusion: this needs to be reassessed in stages. JL confirmed that the GLA is preparing an interim policy to take account of the new market/affordable rent provisions that emerged as the Plan was being finalised.

ME agreed that housing benefit changes might invalidate some aspects of the London Plan housing policies. He also saw a big problem in the 60% proportion of schemes that exceed the density matrix, leading to poor quality cramped developments which also have a damaging effect on land prices: density matrix maximums should be absolute and binding to maintain standards.

PE noted that both Mayors had stated a requirement for there to be no more than 5% of schemes in excess of the maximum density: while this was not being achieved, the final housing SPG, currently out in final draft, will clarify standards and therefore quality.

DB added that the densities produced have not been properly monitored so that whether these excess schemes might have been allowed through planning gain or similar mitigation is not known. PE said also that the new London Plan policy relates density directly to transport capacity.

EK asked how this cycle could be broken and DB said only by Mayoral call-in or more rigorous local authority decisions.

ME pointed out that it’s a basic principle of our planning system that policy must be negotiable and nothing is absolute: flexibility is key. SW agreed that this balancing act is the best part of our system. TB was concerned nevertheless that planning decisions too often relate to economics, not quality.

BW concluded that at least our system gives room for vision and innovation, which is better than rigid zoning as practiced elsewhere. ■

Full minutes and a pdf of John Lett’s slideshow feature may be found at planninginlondon.com >LP&DF >Minutes

ATTENDANCE at Palestra on Monday 5th September 2011, hosted by Urban Design London.

Brian Waters (Chairman); Andrew Rogers, ACA (Acting secretary); Tom Ball, London Forum; Duncan Bowie, Univ Westminster; Adam Cook Landscape Institute; Michael Coupe, London Society; Michael Edwards, UCL; Peter Eversden, London Forum; Ron Heath, RIBA; Esther Kurland, Urban Design London; John Lett, GLA; Jonathan Manns & ano, Knight Frank; Jo Shockley, RICS; Martin Simmons; Tom Wachter, RICS; Stephen Webb, Dentons; Brian Whiteley, RTPI/ALBPO.
Apologies: Faraz Baber, London First; Giles Dolphin, GLA; Alasdair Gaskin, Hon Treasurer.