



Planning Committee

3rd July 2012

Report from the Assistant Director, Planning & Development

Wards affected:
All

National Planning Policy Framework

1.0 Summary

- 1.1 This report updates Members on changes to national planning policy through the publication of the new National Planning Policy Framework in March 2012. This report provides a summary of key policies within it and the implications for Brent.

2.0 Recommendations

- 2.1 That Planning Committee notes the contents of the new National Planning Policy Framework and the implications of this for making planning decisions in Brent.

3.0 Detail

Introduction

- 3.1 Planning Committee, in November 2011, agreed the council's formal response to the draft National Planning Policy Framework (NPPF) which had been made available for public consultation. The proposals outlined in the Framework were highly controversial and were considered to have potentially far-reaching consequences for planning in England.

National Planning Policy Framework

- 3.2 The new National Planning Policy Framework, which was published on March 27th 2012, has replaced nearly all existing national planning policy and guidance included in national Planning Policy Guidance notes and Planning Policy Statements. It took immediate effect and reduced national planning policy to under 50 pages from several hundred pages.
- 3.3 Nearly all of the fundamental principles of previous planning policy remain, with a few notable differences which are explained below, and revisions since the draft have restored a number of important policies. There is, however, much less detail which

could give rise to more cases being determined at appeal, especially where no guidance is included or where the precise meaning of policy may be open to interpretation.

- 3.4 The key policies in the new NPPF are summarised below and, where there has been a substantial change from the draft, this has been highlighted by a strike through showing a deletion from the text in the draft and new text inserted since the draft is underlined:

Presumption in Favour of Sustainable Development

- Absent from the draft version, it includes the Brundtland definition of sustainable development
- For plan- making: Local planning authorities (lpa's) should positively seek opportunities to meet the development needs of their area and prepare Local Plans to meet objectively assessed development needs.
- For decision-taking: Approve proposals that accord with statutory plans without delay
- Grant permission where the plan is absent, silent, ~~indeterminant~~ or relevant policies are out of date

Core Planning Principles

These underpin plan making & decision-taking.

- Plan-led, with succinct Local & Neighbourhood Plans
- Creative exercise in finding ways to enhance & improve places
- Take into account: local circumstances, land prices, housing affordability, environmental quality, health & wellbeing - protecting Green Belts around them, recognising intrinsic character and beauty of the countryside
- Seek high quality design & good standard of amenity
- Support low carbon future, enable re-use (e.g. conversion of existing buildings)
- Allocate land of less environmental value where ~~practical & consistent~~ with other ~~objectives~~ polices in this Framework
- Encourage reuse of land that has been previously developed (brownfield land)
- Promote mixed-use developments, ~~vibrant places~~ & recognise multiple benefits of open space (wildlife, recreation, flood prevention, carbon storage, food production)
- Conserve heritage assets
- Make fullest use of public transport, walking & cycling

- ~~Default answer is 'YES' except where this would compromise sustainable development~~

Economy

- Planning should encourage and not act as an impediment to sustainable economic growth
- 'avoid long term protection of employment sites' remains but caveated by 'where there is no reasonable prospect of a site being used for that purpose'

Town Centres

- Sequential approach to development strengthened from draft - ~~lpa's should prefer applications for retail and leisure uses to be in town centres~~ lpa's should apply a sequential test to main town centre uses
- now applies to all main town centre uses including offices

Transport

- Facilitate economic growth
- ~~Where practical & where reasonable~~ encourage low emission solutions
- No requirement to apply maximum parking standards, although it remains in the London Plan
- Housing
- now includes an explicit reference to prioritising 'brownfield' land for development
- Lpa's with a record of persistent under delivery will have to find an extra 20% on top of 5 year supply
- Windfall sites can be included in 5 year supply if compelling evidence that sites consistently become available

Design

- Good design is indivisible from good planning
- should contribute positively to making places better for people
- ~~Promote good design that ensures attractive, usable & durable places~~
- Local & Neighbourhood plans should develop robust & comprehensive policies
- Permission should be refused for development of *obviously poor design*
- Local design review arrangements & national design review for major projects

Historic Environment

- Conserve heritage assets in manner appropriate to their significance
- Balanced judgement will be needed when taking into account effect of development proposal on non designated heritage assets

Natural Environment

- Aims to minimise adverse effects (rather than enhance)
- Encourage reuse of previously developed brownfield land
- Allows for loss of open space, sports and playing fields if benefits clearly outweigh loss
- Identify in local & neighbourhood plans protection for 'Local Green Spaces' – demonstrably special to local community

Climate Change

- Council targets on decentralised energy or carbon emissions reduction should not make development unviable
- Local requirements for building's sustainability...should be consistent with the Government's zero carbon policy and adopt nationally described standards.
- Local plans should apply sequential, risk based approach to location of development (flood risk)

Plan - making

- Development Plan to be consistent with NPPF – including presumption in favour of sustainable development
- Only policies that provide a clear indication of how decision maker should react to development should be included
- Produce a Local Plan – can be reviewed in whole or in part
- SPDs – used to help applicants make successful applications or aid infrastructure delivery ~~only where these bring forward sustainable development.~~ There should be no additional financial burden.

3.5 In addition to the NPPF itself, some technical guidance has been produced dealing with flooding and mineral extraction which retain the key elements of the former Planning Policy Statements dealing with these topics.

3.6 There is also an Annex on Implementation which has substantial implications for planning in Brent. This states that lpa's may give full weight to relevant policies adopted since 2004 for 12 months, even if there is a degree of conflict with the NPPF. Where there is conflict, or where the NPPF is silent, no weight can be given to policies

adopted before the 2004 Planning & Compulsory Purchase Act (i.e. saved UDP policies) as of March 27th. The Framework states that lpa's should progress revisions to Plans as quickly as possible to take account of the Framework. The implication for Brent is that many saved UDP policies, adopted prior to the 2004 Act, will need to be reviewed as they may be afforded very little weight if relied upon in determining planning applications. It is proposed that work will commence on bringing forward a new Development Management Policies document as part of the LDF before the end of this financial year.

4.0 Financial Implications

4.1 There are no direct financial implications arising from this report. However, the need to review saved policies in the UDP will have cost implications in terms of staff resources necessary and to fund the process of statutory consultation and Examination.

5.0 Legal Implications

5.1 The borough's plans and planning decisions will have to be in line with the new NPPF.

6.0 Diversity Implications

6.1 There are no diversity implications arising from this report.

7.0 Staffing/Accommodation Implications

7.1 The need to bring forward the preparation of a Development Management Policies document will require appropriate staff resources to be applied to this.

8.0 Environmental Implications

8.1 Clearly the introduction of a new National Planning Policy Framework has major implications for development everywhere and so it is important in shaping the environment in Brent.

9.0 Background Papers

National Planning Policy Framework, March 2012

Contact Officers

Any person wishing to inspect the above papers should contact Ken Hullock, Planning & Development 020 8937 5309

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