



Planning Committee

16 November 2011

Report from the Assistant Director, Planning & Development

Wards affected:
All

London Plan and National Planning Policy Framework

1.0 Summary

1.1 This report updates Members on current planning policy issues which will affect future planning decisions and plan preparation within Brent. At a national level, a draft National Planning Policy Framework was issued in July for public consultation, for which an officer response has been submitted to the Secretary of State. At a London level, a revised version of the London Plan was published in July. This report provides a summary of key issues arising, and implications for Brent, of both documents.

2.0 Recommendations

- 2.1 That Planning Committee notes the adoption of a revised London Plan and the implications of this for making planning decisions in Brent.
- 2.2 That Planning Committee endorses the officer response to the Secretary of State on the draft National Planning Policy Framework.

3.0 Detail

Introduction

- 3.1 Since the last meeting of the Planning Policy Committee, two significant, strategic planning documents, which bear upon the future of plan preparation and planning decisions in the borough, have been produced.
- 3.2 First, the revised London Plan was published in July. Although the general spatial strategy of the Plan remains much as before, there are a number of detailed changes which will have an effect upon plan preparation and decision making locally. The London Plan is the only Regional Plan in England that will remain in force after the Localism Bill is enacted later this year.

- 3.3 At a national level, a draft National Planning Policy Framework was issued by the Secretary of State for public consultation in July also. The proposals outlined in the Framework have potentially far-reaching consequences for planning in England, as evidenced by the national debate that ensued after the publication of the draft.

London Plan

- 3.4 The following is a summary of the key changes to the London Plan and of those parts of the plan that relate directly to Brent.

Format of Policies

- 3.5 One of the main changes to the Plan relates to the format of policies, which can refer to actions by the Mayor, boroughs or other stakeholders. The policies are also divided into parts for Strategic, Planning decisions and LDF preparation as in the example shown in Appendix 1.

London's Places

- 3.6 The following are key policies relating to Outer London (NB policy numbers in the London Plan are shown in brackets):
- Outer London: Vision & Strategy (policy 2.6) - this policy seeks to realise the potential of outer London by, for example, ensuring that the significant differences in the nature and quality of Outer London's neighbourhoods are recognised
 - Economy (2.7) - e.g. improving access to competitive business locations
 - Transport (2.8) - the Mayor will, and boroughs and other stakeholders should, recognise and address the distinctive orbital, radial and qualitative transport needs of outer London
 - Co-ordination Corridors - London-Luton-Bedford (2.3) - this growth corridor straddles the A5 within London, and policy seeks to ensure that authorities co-ordinate planning and investment within it, including necessary infrastructure such as new transport provision.
- 3.7 There are a number of Opportunity Areas identified by the London Plan for Brent. These are locations where regeneration and growth are to be focussed.

Opportunity Areas (2.13)

- Colindale / Burnt Oak (12,500 new homes, 2,000 jobs)
 - Park Royal / Willesden Junction (1,500 new homes, 14,000 jobs)
 - Wembley (11,500 new homes, 11,000 jobs) - (4th largest in London in terms of growth in new homes)
- 3.8 Strategic Outer London Development Centres (2.16). This is a new designation in the London Plan intended to put emphasis on the strategic role of centres and the need to develop specialist roles within them. Designations relevant to Brent are as follows:

- Wembley - designated for leisure / tourism / arts / culture / sport
(N.B. Wembley is also recognised as a Strategic Cultural Area (4.6))
- Park Royal - designated for media / logistics / industry / green enterprise

London's People

- 3.9 Quality & Design of New Housing (3.5). This policy sets out new minimum space standards and borough LDFs should incorporate space standards that conform to these. There is a greater emphasis on design quality. The table below compares the new London Plan space standards with the standards that Brent currently applies in its Supplementary Planning Guidance (SPG17).

	Dwelling type	LP Table 3.3	SPG17	
Flats	1p	37	33	
	1b2p	50	45	
	2b3p	61	55	
	2b4p	70	65	
	3b4p	74		
	3b5p	86	80	
	3b6p	95	80	
	4b5p	90		
	4b6p	99	90	
	2 storey house	2b4p	83	75
		3b4p	87	
		3b5p	96	80
		4b5p	100	
3 storey house	4b6p	107	95	
	3b5p	102		
	4b5p	106		
	4b6p	113		

b=bedrooms p=persons standards are sq metres

- 3.10 Affordable Housing (3.11) - There have been changes to London Plan policy towards affordable housing provision, as summarised below:

- boroughs should maximise affordable housing provision
- London target now 13,200 units p.a. rather than 50%
- does not reflect new affordable rent policy
- LDFs can express targets in absolute or percentage terms
- 60% social rent / 40% intermediate or sale (Brent remains at 70:30 as per Core Strategy)
- priority to affordable family housing

London's Response to Climate Change

3.11 New policies are as follows:

- Minimising Carbon Dioxide Emissions (5.2) - replaces the previous requirement for 20% of energy use in buildings to be derived from renewable sources. This sets targets for major development to reduce CO₂ emissions, expressed as improvement of 25% over building regulation requirements up to 2013
- Retrofitting (5.4) - states that LDFs should develop policies regarding sustainable retrofitting of existing buildings
- Urban Greening (5.10) - states that development should contribute to urban greening through tree planting, green roofs and walls and soft landscaping

London's Living Places & Spaces

3.14 New policies are as follows:

- Architecture (7.6) - sets out criteria for assessing schemes
- Protecting local open space and addressing local deficiency (7.18) - this resists the loss of local open spaces
- Land for food (7.22) - land for growing food will be encouraged near to urban communities. Existing allotments should be protected and potential spaces for food growing should be identified in LDFs

Transport / Infrastructure

3.14 New policies are as follows:

- Funding Crossrail and Other Strategically Important Infrastructure (6.5) - £600 million sought
- Community Infrastructure Levy (8.3) - refers to the intention of the Mayor to bring forward a draft charging schedule to use CIL to fund strategically important infrastructure, initially focusing on Crossrail. Brent has objected to the level of charge and objections will be considered by an Inspector at Examination in Public in December
- Parking (6.13) - allows for Outer London Boroughs to make a local case for a lower parking standard for office development (current max of 1 space per 100 sq m but can be 1 per 50 sq m)

National Planning Policy Framework

- 3.15 The new National Planning Policy Framework will replace all existing national planning policy and guidance included in PPGs and PPSs and Best Practice Guides. This means that several thousand pages of national policy and guidance will be replaced by a document which, in its draft form, is 58 pages long. This is rationalised by government as handing planning powers back to local communities.

- 3.16 The formal consultation period on this closed on 17th October so a response on behalf of Brent was made by officers. This is attached as Appendix 3. Although a simplification of policy and guidance is welcomed within our response, there are some specific concerns about the implications for local planning of an absence of firm policy in certain areas.
- 3.17 It is also important to note that the situation in London will be significantly different from the rest of the country. London retains regional or strategic planning through the London Plan, whereas regional plans will cease to exist elsewhere. As borough LDFs have to be in general conformity with the London Plan then there is much less scope for individual boroughs such as Brent to frame its own planning policies as it wishes. It is also not clear at present whether individual borough Plans will have to demonstrate that they conform to the new national policy framework, by obtaining a certificate of conformity from government, as local authorities outside London will be required to do. If the London Plan is in conformity with the new national policy framework then it follows that London borough plans in turn will be in conformity with the framework.
- 3.18 The following is a summary of the key specific issues within the draft National Planning Policy Framework which are of concern and may affect planning future development and infrastructure within the Borough. These are described below under the headings listed within the Framework.

General

- 3.19 Given the shortening of planning policy within the Framework, the Council is keen to avoid a situation where any change to the existing planning policy framework leads to a relaxation of planning restrictions which encourages development in locations which are less accessible by public transport and more heavily car dependent.

Plan Making

- The Framework provides a reduced level of detailed guidance and prescription compared to existing national planning policy. Whilst this will give local authorities the flexibility to produce a single local plan, our response emphasised the need for transitional arrangements to be put in place to ensure that local planning authorities can continue to progress plans-whilest the NPPF is introduced.
- The Framework implies a change in emphasis for the role of supplementary planning documents (SPDs) so that they are necessary only where these bring forward sustainable development and impose no additional financial burden. Our response states that SPDs have been effective in providing guidance and clarification on complex policy issues where such guidance would be inappropriately included in a development plan and that they should continue to do so.

Core Principles

- Our response requested some guidance as to where to focus growth, since the framework does not provide guidance on where that economic growth should be focussed, either at the national level or in terms of appropriate specific types of location.

- As currently drafted one of the core principles is 'Where practical & consistent with other objectives, allocations of land for development should prefer land of lesser environmental value'. Our response gave the view that this was insufficiently strong as it is unlikely to ensure that development opportunities are taken, in the first instance on land of lesser environmental value rather on land of higher value such as open space.
- Our response stated that the Council would wish to continue to encourage town centre rather than out of town development, and to continue to encourage the use of public transport through the specification of maximum parking standards where appropriate. We would therefore not wish any relaxation of planning controls which encourage development in less sustainable locations.

Planning for town centres

- Our response expresses concern in relation to the sequential test and, particularly, the fact that, within the Framework, offices are no longer included within this. Our response stated that this could have a detrimental impact on the health of outer London town centres and also be unsustainable in terms of encouraging people to move away from public transport as a means of getting to work.

Planning for employment land

- Our response suggested some re-wording to the existing wording on employment land which it was felt could lead to the potential loss of land best-suited to long term use for business and industry because of a short term fall off in demand (for example, potential office locations close to the strategic highway network).

Planning for transport

- Our response supported the emphasis within the policy framework on giving people a real choice about how they travel, and that encouraging use of sustainable transport patterns reduces the levels of investment required in costly transport infrastructure.
- Our response supports the role of travel plans as described within the Framework, and suggested that it may be useful to make reference to the requirement to monitor the impact of travel plans by prospective applicants.
- The Framework makes no explicit reference to parking standards, and in doing so, the draft is, in effect, proposing that there will no longer be a requirement for local planning authorities to set out maximum parking standards. This could lead, ultimately, to locally-defined car-parking requirements in locations less accessible by public transport that encourage large numbers of car trips to be generated.
- The Framework also removes the requirement for office development to follow a sequential approach to development, as is currently the case in national policy. The Council suggests that it may be useful to include a specific reference to the role of maximum parking standards, which will reinforce the need to promote town centre locations ahead of out of town centre locations.

- Our response strongly supported the need to protect routes and corridors for future transport infrastructure which will widen transport choice, as this will facilitate the Council's ability to achieve longer term strategic transport aspirations

Planning for housing

- The Framework removes the national target for the proportion of development on brownfield land. Our response stated that, not only is this more likely to lead to the development of greenfield sites, particularly outside existing urban areas, but there will be less incentive for developers to bring forward "difficult to develop" sites in inner city urban areas. This is particularly important where it helps to meet the Council's sustainable regeneration objectives.
- The Framework requires an additional allowance of 20% specific deliverable sites in addition to those required to provide five years of housing when considered against housing requirements. Our response expressed concern around the ability of Councils to deliver this, and refers to our experience that optimising delivery on sites which are capable of being brought forward tends to be more successful.

Planning for Communities

- The Framework shifts the emphasis of presumption against development of open space to say that, development on open space may be supported if the economic benefits of development outweigh the social and health disbenefits of losing the open space. In our view, this equation is too difficult to quantify fairly, particularly regarding the health and social disbenefit of losing open space. Therefore, our response states that the presumption against development of open space areas should be maintained.

Planning for Places

- The importance of meeting climate change objectives are described towards the end of the Framework in the Planning for Places section. Given the strategic importance and cross cutting nature of this issue, our response suggested that reference to this be within the Core Principles section of the Framework, so that it is seen as a headline issue.

3.19 In general terms, our response emphasises that Brent Council agrees that the planning system needs to do all it can to promote sustainable economic growth. Our response emphasises Brent's good track record of delivering economic growth and that the substantial increase in housing delivery over recent years to meet projected population growth has demonstrated this. Our response emphasises that it is not the current planning system that is holding up the delivery of these developments.

4.0 Financial Implications

4.1 There are no direct financial implications arising from this report. However, the London Plan now includes a policy on Community Infrastructure Levy (CIL) which refers to the intention of the Mayor to bring forward a draft charging schedule to use CIL to fund strategically important infrastructure, initially focusing on Crossrail. Clearly

the final sum required by the levy from development in Brent will determine how much funding from CIL is available for infrastructure identified locally.

5.0 Legal Implications

5.1 The London Plan forms part of the development plan for Brent, therefore decisions on planning applications have to have full regard to relevant policies in the plan. Also, Borough Core Strategies and other Development Plan Documents have to be in general conformity with the London Plan. The boroughs plans and planning decisions will also 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 There are no staffing or accommodation implications arising from this report.

8.0 Environmental Implications

8.1 Clearly the introduction of a new National Planning Policy Framework will have major implications for development everywhere and so the final document will be important in shaping the environment in Brent. The revisions to the London Plan have introduced some changes which will impact on, for example, the sustainable design of buildings and the provision of energy which have implications for the environment generally.

9.0 Background Papers

The London Plan, July 2011

Draft National Planning Policy framework, July 2011

Contact Officers

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

Chris Walker

Assistant Director, Planning & Development

Appendix 1. Example Policy in London Plan

POLICY 3.1 ENSURING EQUAL LIFE CHANCES FOR ALL

Strategic

- A The Mayor is committed to ensuring equal life chances for all Londoners. Meeting the needs and expanding opportunities for all Londoners – and where appropriate, addressing the barriers to meeting the needs of particular groups and communities – is key to tackling the huge issue of inequality across London.

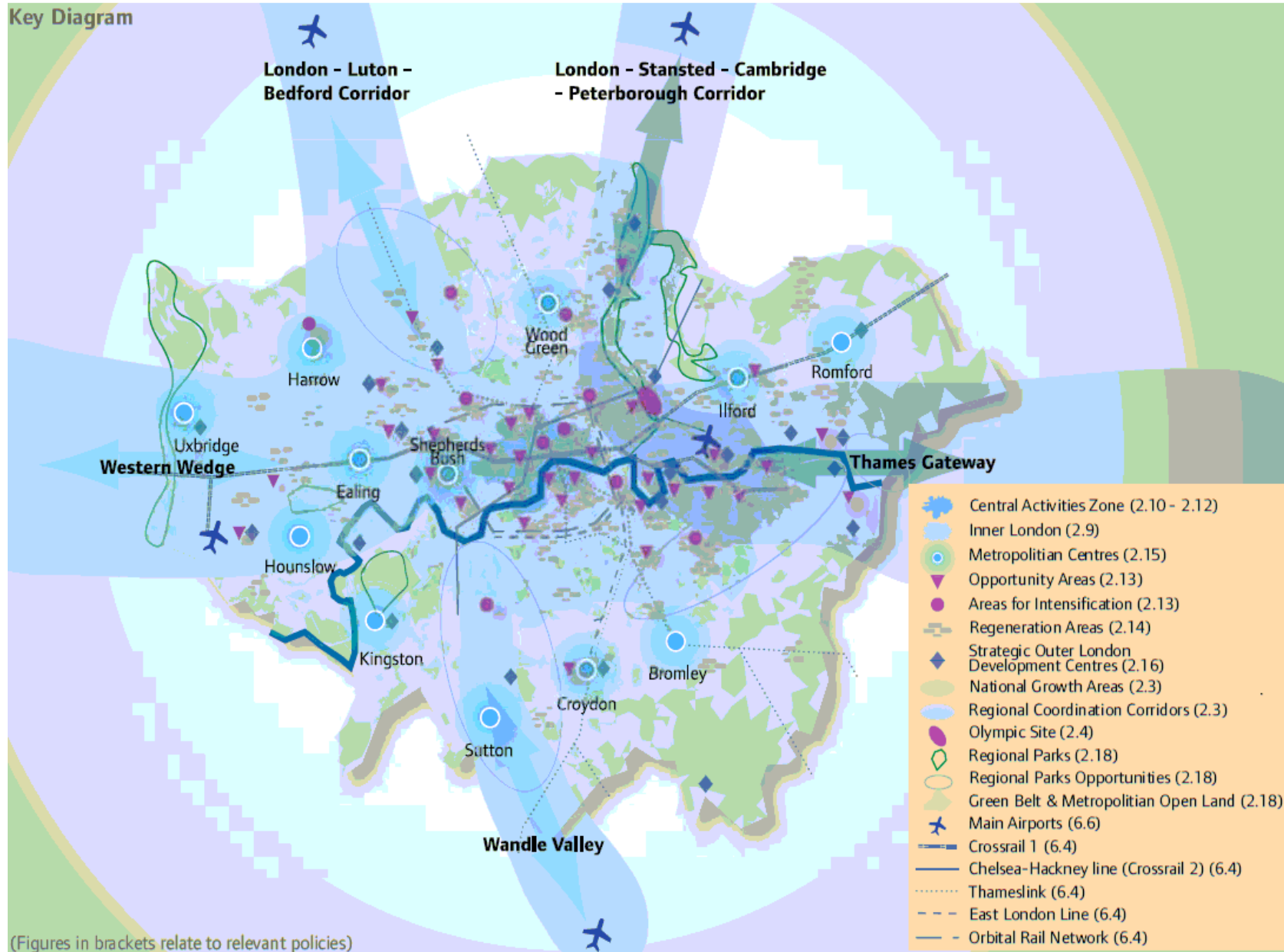
Planning decisions

- B Development proposals should protect and enhance facilities and services that meet the needs of particular groups and communities. Proposals involving loss of these facilities without adequate justification or provision for replacement should be resisted.

LDF preparation

- C In preparing DPDs, boroughs should engage with local groups and communities to identify their needs and make appropriate provision for them, working with neighbouring authorities (including on a sub-regional basis) as necessary.

Appendix2 Key Diagram from London Plan



Appendix 3 Brent's Response to Consultation on the draft National Planning Policy Framework.



REGENERATION AND PROJECTS
Director: Andy Donald

Planning Service
4th Floor, Brent House
349 High Road, Wembley
Middlesex, HA9 6BZ

TEL 020 8937 5309
FAX 020 8937 5207
EMAIL ken.hullock@brent.gov.uk
WEB www.brent.gov.uk

Alan C Scott
National Planning Policy Framework
Department for Communities and Local
Government
Eland House Bressenden Place
London
SW1E 5DU

Date: 17th October 2011
Your ref:
Our Ref:

Dear Mr Scott

Draft National Planning Policy Framework – London Borough of Brent Response

Thank you for giving Brent Council the opportunity to submit a response to the consultation on the proposed new National Planning Policy Framework.

Brent Council agrees that the planning system needs to do all it can to promote sustainable economic growth. Brent has a good track record of delivering economic growth and the substantial increase in housing delivery over recent years to meet projected population growth has demonstrated this. It should be noted that Brent, along with many other local authorities, has a large number of consents for new housing and commercial development in the pipeline. It is not the current planning system that is holding up the delivery of these developments.

The Council has well established plans and policies in place which support current national policy to encourage development around existing public transport corridors and interchanges which have sufficient additional spare capacity to carry additional demand, or where additional capacity can be developed in order to reduce reliance on the private car. The Council is, therefore, keen to avoid a situation where any change to the existing planning policy framework leads to a relaxation of planning restrictions which encourages development in locations which are less accessible by public transport and more heavily car dependent.

Plan making

Brent welcomes the proposed reduction in the amount of detailed guidance and level of prescription in much of the existing national planning policy. In particular, the proposal to produce a single local plan that can be reviewed in whole or in part is welcomed, although it will be necessary for

transitional arrangements to be put in place to ensure that local planning authorities can continue to progress plans whilst the NPPF is introduced.

The Council has no direct concerns about the proposed presumption in favour of sustainable development, providing that sustainable development is appropriately defined. However, it should be seen in terms of a presumption in favour of sustainable development that complies with the development plan. Where local authorities have up-to-date local plans which promote economic growth, the presumption in favour of sustainable development should be on the basis that proposals comply with the objectives set out in those plans.

The draft NPPF does not recognise that London retains a regional tier of planning. It is important that the document acknowledges this and explains the government's position on how the London Plan should be required to conform to the NPPF. It is also appropriate that if London Borough plans are accepted as being in general conformity with the London Plan, and then the London Plan is considered in turn to be in general conformity with the NPPF, then it should be unnecessary for the boroughs to seek a certificate of conformity with the NPPF.

There appears to be a change in emphasis for the role of supplementary planning documents (SPDs) so that they are necessary only where these bring forward sustainable development and impose no additional financial burden. SPDs have been effective in providing guidance and clarification on complex policy issues where such guidance would be inappropriately included in a development plan, and should continue to do so.

Core Principles

As a general point, there is no direction provided by Government in the framework as to where it is considered that economic growth should be focussed, either at the national level or in terms of appropriate specific types of location. Some guidance as to where it is appropriate to focus growth would be welcomed.

As currently drafted one of the core principles is 'Where practical & consistent with other objectives, allocations of land for development should prefer land of lesser environmental value'. It is considered that this is insufficiently strong as it is unlikely to ensure that development opportunities are taken, in the first instance on land of lesser environmental value rather on land of higher value such as open space. It is suggested that it should also be followed by, 'and in particular previously developed land'.

In addition, it is considered that the Core Principle which starts 'Planning policies and decisions should actively manage patterns of growth to make the fullest use of public transport, walking and cycling...' should instead state that '*Planning policies and decisions should actively manage patterns of growth to minimise travel, particularly by the private car, and promote public transport, walking and cycling.....*'. In this way more sustainable patterns of development will be promoted rather than merely seeking to make use of public transport and facilities for walking and cycling that may already exist.

The Council considers that parts of the revised Planning Policy Framework infer a relaxation of planning controls which might be interpreted by prospective applicants as an opportunity to develop in areas which have not hitherto been promoted by the Council for development and/or in a way which encourages greater reliance on the private car. The Council is keen to continue to encourage town centre rather than out of town development, and to continue to encourage the use of public transport through the specification of maximum parking standards where appropriate.

Planning for Prosperity

Town Centres

There is concern in relation to the sequential test and, particularly, the fact that offices are no longer included within this. This is particularly pertinent to outer London Boroughs such as Brent where it is difficult to retain and attract office development, especially if providers can simply concentrate on out of centre locations (e.g., close to the M25) which are more accessible by car. This could have a

serious and detrimental impact on the health of outer London town centres and also be unsustainable in terms of encouraging people to move away from public transport as a means of getting to work.

It is stated in paragraph 78 that out of centre sites should be considered only if suitable sites for retail and leisure uses are not available in town centres where practical, then in edge of centre locations. In Brent's view this should refer to out of centre sites accessible by a range of transport modes including public transport. In this way more sustainable travel will be promoted.

Employment Land

In terms of Government policy towards employment land, the wording proposed could lead to the potential loss of land best-suited to long term use for business and industry because of a short term fall off in demand. It is potentially damaging to longer-term economic growth to lose land from employment use that has the advantage of direct access from the strategic road network, for example. It is suggested that this is reworded to state, '*avoid long term protection of employment land for which there is likely to be no long term demand*'.

Transport

Paragraph 84 deals with the objectives of transport policy. This should include, as an objective, enhancing people's sustainable access to essential services. It should always be an objective of transport policy to improve people's access to essential services and other important facilities. Brent Council supports the emphasis on giving people a real choice about how they travel. The need for major transport infrastructure is reduced by encouraging travel by sustainable modes, both by improving key interchanges, and promoting access by public transport.

Brent Council supports the reference to travel plans. We suggest that it may be useful to make reference to the requirement to monitor the impact of travel plans by prospective applicants.

Brent Council supports the promotion of mixed use developments, and the role of locating local facilities (such as schools and shops) within the developments to ensure that they are as sustainable as possible.

There is no explicit reference to parking standards, although paragraph 93 refers to setting standards for residential and non-residential development. The draft is, in effect, proposing that there will no longer be a requirement for local planning authorities to set out maximum standards. This could lead, ultimately, to locally-defined car-parking requirements in locations less accessible by public transport that encourage large numbers of car trips to be generated with a corresponding adverse impact on sustainability and on those without access to a car. This could be especially problematic when taken together with the removal of the requirement for office development to follow a sequential approach to development, as is currently the case in national policy. The Council suggests that it may be useful to include a specific reference to the role of maximum parking standards. Although these are still referred to within Transport Assessment guidance, the Council sees parking standards as an important tool for encouraging sustainable development, and worth referencing within this policy framework.

The Council is very supportive of the final point on Transport (94) referring to the need to protect routes and corridors for future transport infrastructure which will widen transport choice.

Planning for People

Housing

Brent supports the Government's objectives around increasing housing supply and widening choices. However, the Council is very concerned about the removal of the national target for the proportion of development on brownfield land. Not only is this more likely to lead to the development of greenfield sites, particularly outside existing urban areas, but there will be less incentive for developers to bring forward for development difficult to develop sites in urban areas where there may be some constraints upon development, such as contamination, but where

sustainable regeneration is needed so that it can deliver social as well as environmental benefits. Developing new housing in run-down inner city locations is also more sustainable than development in the urban fringe or beyond.

There are concerns over the workability of requiring an additional allowance of 20% specific deliverable sites in addition to those required to provide five years of housing when considered against housing requirements. In London, it is important to point out that housing supply is capacity rather than demand driven. It is Brent's experience that demand is virtually limitless and the aim should be to optimise delivery on sites which are capable of being brought forward. Exceeding housing requirements by 20% does not, therefore, seem achievable.

Design

Brent Council is concerned about the proposed approach to design. Use of the wording 'permission should be refused for development of obviously poor design

Planning for Communities

Paragraph 129 as currently drafted allows for the development of open space, including playing fields, where they are either no longer required or where the benefits of development clearly outweigh the loss. The Council is concerned that this may tip the balance too far in favour of development where there may be benefits in the form of economic development of some sort which have to be weighed against the effects of the loss of valuable open space that is still used, e.g. playing fields. It is suggested that both criteria should be fulfilled if a loss of space is to be acceptable.

Planning for Places

In relation to climate change, much of the content in the document is supported. However, it is considered that it needs to be a more cross-cutting issue and should be referred to in the core planning principles. There are concerns also about whether the draft NPPF allows boroughs to go further than the Government's timetable for zero carbon development. It is worth noting that the London Plan already exceeds the government timetable.

I would be happy to discuss any of the above points with you and look forward to being informed about future progress of the draft NPPF.

Yours sincerely

Chris Walker
Assistant Director
Planning and Development