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Draft National Planning Policy Framework Published 25th July 2011

The Government has published its long awaited draft National Planning Policy Framework for England which will replace all current Planning Policy Statements and Guidance Notes. At 52 pages long it will replace more than a 1000 pages of PPSs and PPGs.

Relevance to developers, investors and occupiers

Local Planning Authorities will need to ensure that planning decisions are made in accordance with this overriding national planning policy guidance. Given that many development plans - core strategies and site allocation plans are still in the process of being adopted, this overarching guidance will become a key material consideration in determining planning applications.

The new guidance will also mean that many core strategies and other development plan documents will have to be revised so that they comply with this guidance.

What does it say?

It is overtly pro-development with the phrase 'presumption in favour of sustainable development' appearing 19 times and 'sustainable development' 41 times.

Whilst much of the document is a simplification of existing policy there are some important proposed changes which are highlighted in the accompanying Impact Assessment and include the following:

Housing

- i. On top of the requirement to show five years deliverable housing land supply, Councils will have to include an additional allowance of at least 20% to ensure choice and competition.
- ii. Removal of the national target for development of housing on previously developed land (currently 60%). It is considered that this is too blunt a tool. In some areas it is becoming a constraint to development as available brownfield land is diminishing, leading to unnecessarily high densities and land values. It is considered more appropriate for local areas to decide the most suitable locations for housing growth.
- iii. Removal of the national minimum site size threshold for requiring affordable housing to be delivered (currently 15 units). It is considered that this has acted as a constraint to housing provision and better to let local councils set their own thresholds most suited to their areas.
- iv. Allow element of market housing on rural exception sites which are currently restricted to affordable housing only. It is considered that this has restricted supply and again is best left to local communities to determine the needs of their area.



Employment

i. The Framework advises that:

“75. Planning policies should avoid the long term protection of employment land or floorspace, and applications for alternative uses of designated land or buildings should be treated on their merits having regard to market signals and the relative need for different land uses.”

This is reflective of the Government’s proposals to allow change of use from B Class uses to residential without requiring planning permission, and to recognise the merits of non-B Class jobs.

ii. Removal of Office Development from the Town Centre First policy of PPS4, although sites must still be sustainable and accessible. It is considered that this policy is one of the reasons why rent costs are so much higher in Britain than equivalent areas in Europe.

Retail and Leisure

- i. Assessment only to be required if above 2,500 sq.m unless there is a locally set threshold.
- ii. Assessment to be undertaken over a ten year period rather than the currently required five years to better understand impact.
- iii. Retail impact tests reduced from six under policy EC16.1 of PPS4 to two.

Communities

- i. Very significant weight is to be attached to the desirability of establishing new schools inline with the Government’s desire to help this sector.
- ii. Better protection for community facilities outside local centres. Currently advice in PPS4 is restricted to only protecting such facilities in local centres.
- iii. Introduction of a new national Local Green Space designation, to help protect local important landscapes particularly Village Greens.

Green Belts

The definition of appropriate development to be extended to include:

- i. Extension or alteration of any building, not just dwellings, provided not disproportionately larger.
- ii. Infilling/redevelopment of major developed sites not identified in the local plan.
- iii. Local Transport Infrastructure. Park and Ride schemes are already considered appropriate, but it is proposed to extend this to include such developments as small public transport depots.
- iv. Community Right to Build schemes, if backed by the local community. These are likely to relate to small housing schemes (5-10 units).

Parking

Removal of maximum non-residential car parking standards for major developments. These are considered to prevent Councils from developing policies that are more appropriate to their circumstances.

Commentary

This document needs to be seen within the wider context of the Coalition Government's stated objectives to simplify the planning system in England and reduce the administrative burden of the planning system in holding back economic growth. Complimentary measures are also in the pipeline with the proposed changes to the use classes order and the recent consultation on enabling vacant offices to change to residential use without the need for planning permission.

The guidance could also reduce judicial review challenges on ascertaining what Government planning policy is in England. However, given the brevity of the guidance, Local Planning Authority policies and decisions based upon their interpretation of the guidance, may not achieve this objective.

In the absence of a Local Plan which is up to date and consistent with the Framework, paragraph 26 states that planning applications should be determined in accord with the Framework, including its presumption in favour of sustainable development. The Government expects the Framework to increase development, growth and jobs; to increase applications and increase approvals; and reduce appeals and overall development costs.

Paragraph 19, nicely sums up this positive message.....'**Decision-takers at every level should assume that the default answer to development proposals is 'yes', except where this would compromise the key sustainable development principles set out in this Framework.'**

The draft is open for consultation until 17th October. It will be scrutinised by both Houses of Parliament and the Communities and Local Government Select Committee and is expected to be in place by the end of the year.

Expect more Best Practice Guides in the future to compensate for the brevity of the Framework. This is now a material consideration in the determination of applications (albeit of limited weight, given its draft status). Just as we have seen Greg Clark's earlier Ministerial Statement (Planning for Growth) having a positive effect on development decisions, this Framework should be far more fundamental and permanent.



For further information please contact:

Chris Hicks - Director, Planning

Tel: 020 7832 1474

Email: chris.hicks@cgms.co.uk

Mike Straw - Director, Planning

Tel: 020 7832 0252

Email: mike.straw@cgms.co.uk

London
Morley House
26 Holborn Viaduct
London
EC1A 2AT

T: 020 7583 6767

Birmingham
43 Temple Row
Birmingham
B2 5LS

T: 0121 210 2512

Cheltenham
Burlington House
Lypiatt Road
Cheltenham
GL50 2SY

T: 01242 259290

Newark
Newark Beacon
Beacon Hill Office Park
Cafferata Way, Newark
Notts NG24 2TN

T: 01636 653 060

Kettering
Ragsdale
1 Church Lane
Great Cransley
Northants NN14 1PX

T: 01536 790447

Dorset
1 Milkwell
Donhead St Andrew
Shaftesbury
Dorset SP7 9LQ

T: 01747 828 840

Manchester
Adamson House
Towers Business Park
Wilmslow Road, Didsbury
Manchester M20 2YY

T: 01747 828 840

cgms.co.uk