

Draft National Planning Policy Framework London Borough of Camden response

1. The main points of Camden's response are as follows:
 - we welcome the reduction in the amount of national policy guidance and the flexibility and freedom that this will give councils, but have concerns about many aspects of the NPPF and have made a number of suggestions to make the document clearer and more effective;
 - we dispute the assertion that planning is a brake on economic growth or the main factor in the lack of housing and consider that this is the wrong starting point for changes to planning policy;
 - we support the principle of the presumption of sustainable development. However, this must apply to development that is genuinely sustainable, taking into account and balancing all aspects of sustainability - economic, social and environmental. As presently drafted the NPPF does not do this but emphasises economic development to the detriment of the other elements;
 - the NPPF should be amended to ensure all development takes full account of, and strikes a balance between, economic, social and environmental factors, with the relative weight to be given to these elements being dependent on the specific circumstances of a development scheme / local plan and the local area. The NPPF must allow councils flexibility to respond to local circumstances;
 - the definition of sustainable development used by the draft NPPF is deficient and should be more closely aligned with that in current PSS4;
 - Camden strongly supports the plan-led system and welcomes the emphasis on this in the draft NPPF. However, the draft is not sufficiently clear and consistent about the relationship between the plan-led system and the presumption in favour of sustainable development;
 - we also have concerns about, and have suggested amendments to, the wording of the NPPF on:
 - heritage,
 - design,
 - protecting open space,
 - the consideration of the cumulative impact of developments,
 - the use of supplementary planning documents,
 - protecting employment land and premises,
 - transport and parking,
 - accessible homes,
 - offices,
 - schools,
 - brownfield land,
 - conformity with the NPPF, and
 - sustainable buildings.
2. Our more detailed comments are set out below.

General comments

3. Camden welcomes the reduction in the amount of national policy guidance and the flexibility and freedom that this will give councils. However, while concise guidance is helpful, clarity and content are key. We have concerns about many key aspects of the NPPF and have made a number of suggestions to make the document clearer and more effective.
4. Camden strongly disputes the assertion that planning is a brake on economic growth and that high house prices are due to a lack of supply caused by the planning system. To blame planning for slow growth and lack of development is to ignore the numerous factors causing this situation, such as wider economic circumstances; the difficulties in securing finance for both developing and purchasing homes; and land banking by developers. This misconception is the wrong starting point for changes to the planning system or to planning policy and we do not support measures that prioritise short term economic growth over medium and long term considerations and social and environmental matters.
5. The vast majority of applications are granted planning permission, both in Camden and nationally (c85%). In addition, Camden routinely meets 8 and 13 week targets for decisions. We have a proven track record of dealing positively with major applications, such as King's Cross Central and the Francis Crick Institute (UKCMRI), securing appropriate supporting infrastructure and community facilities while protecting and enhancing local character and the quality of life of local communities. To achieve the best outcomes in such cases, Camden has strongly adopted planning policies that promote growth in the most appropriate locations while balancing the needs of residents, businesses and future generations. As currently drafted, the emphasis in the NPPF on economic growth and lack of adequate checks on the granting of planning permission would undermine councils' ability to secure high quality, sustainable growth that strikes an appropriate balance in meeting economic, social and environmental needs.
6. Areas with high land values such as central London boroughs face great difficulties in providing and maintaining the amenities communities need, including housing. The draft NPPF places too much emphasis on economic matters without properly balancing the social and environmental matters. Allowing lower value uses to be displaced and not adequately providing the homes, infrastructure and services needed in these areas will be harmful to the local, London and national economy and further exacerbate the recruitment/retention issues faced by businesses and public services. The NPPF must allow councils in this situation the flexibility to respond to local circumstances.

7. The draft fails to clearly articulate the key principle that planning manages and balances competing interests in the use and development of land in the public interest. This should be clearly set out in the final draft.

Delivering sustainable development

8. Camden supports the principle of the presumption of sustainable development. However, the presumption must apply to development that is genuinely sustainable, taking into account and balancing all aspects of sustainability - economic, social and environmental. We support the statement in paragraph 11 that “these three components should be pursued in an integrated way, looking for solutions which deliver multiple goals.” However, as presently drafted the NPPF does not do this but emphasises economic development to the detriment of the other elements.
9. There are strongly worded statements in the NPPF saying that “significant weight” should be placed on the need to support economic growth (e.g. paras 13 and 54) but there are no equivalent statements on social and environmental matters. The effect of this is that the NPPF gives greater weight to economic considerations. Proper consideration of social and environmental matters is vital to support growth and successful places and communities. Development that delivers only one element at the expense of the others will not be genuinely sustainable.
10. It is equally important that development looks to the long term, as well as responding to current economic circumstances. Short-term economic considerations should not override the need to consider either the immediate or long term effects of growth and development. Development that focuses on the economic element of sustainability but does not adequately provide or consider infrastructure and amenities, nor take into account its surroundings and environmental considerations will not adequately meet either future or current needs for viable, vibrant places that are valued by communities and attractive as places to live, work and visit.
11. Therefore the NPPF should be amended to ensure all development takes full account of, and strikes a balance between, economic, social and environmental factors, with the relative weight to be given to these elements being dependent on the specific circumstances of a development scheme / local plan and the local area.
12. The definition of sustainable development as set out in the NPPF will be key to the application of the presumption. The Bruntland Commission definition referred to in paragraph 9 is an established, overarching description of the concept of sustainability. However, it is not in itself sufficient to underpin the key element of national planning policy. We suggest that elements of the definition of sustainable growth in current PPS4: Planning for Sustainable Economic Growth which says that

growth should be "...within environmental limits, but also enhance environmental and social welfare..." should be incorporated into the definition of sustainable development used in the NPPF.

13. In addition to supporting wording in the Framework that will ensure that high quality, genuinely sustainable development that is in accordance with local plans will be quickly approved, we consider that it is important that the NPPF also explicitly states that
 - controlling inappropriate development is a legitimate and important aspect of the planning system; and that
 - development proposals that are not genuinely sustainable and are of a poor quality should not be granted planning permission.
14. As currently drafted the final part of para 14 suggests that the onus will be on councils to demonstrate that the adverse impacts of development outweigh the benefits, rather than on the applicant to demonstrate that the scheme is acceptable. We object to this and believe it is the role of those promoting a scheme to demonstrate its acceptability. There are significant resource implications for councils if more work is needed to resist poor schemes than is currently the case.
15. In addition, the implication of the current wording of paragraph 14 is that councils will have to assess the impacts and benefits of all schemes, no matter how small, against national policy. This would be disproportionate and the sentence should be redrafted to remove this implication.
16. It is vital that the wording used in the NPPF is clearly understandable. Any uncertainty and conflicting interpretation caused by a lack of clarity, contradictory, inconsistent or ambiguous wording and poorly defined concepts will be resolved in appeals and in the courts, delaying and adding cost to the planning process, contrary to the government's intentions.

Plan-making

17. Camden strongly supports the plan-led system and welcomes the emphasis on this in the draft NPPF. However, the draft is not sufficiently clear and consistent about the relationship between the plan-led system and the presumption in favour of sustainable development.
18. For example, while paragraph 14 recognises the role of local plans in decisions, para 19 states that "*the default answer to development proposals is yes, except where this would compromise the key sustainable development principles set out in this Framework,*" with no mention of the role of local plans. Also, paragraph 62 states that local plans are the starting point for the determination of planning applications, but paragraph 63 goes on to say that in determining proposals, authorities should apply the presumption in favour of sustainable

development. There is no further explanation on the relationship between the two and how they should be considered in practise.

19. Such inconsistency and uncertainty will cause problems in the implementation of the NPPF. The final draft should ensure that it is clear how an assessment of an application should take into account and balance the presumption with local plans (which would in any event be promoting sustainable development).
20. We suggest that the statement in para 19 should be amended to state that “the default answer to development proposals is yes, ~~except~~ where this is in accordance with the local plan and would not compromise the key sustainable development principles set out in this Framework.”
21. It is important that the NPPF is clear that proposals should be approved only if they are of good quality and meet local and national policy. This would be consistent with the recent article in the Financial Times by George Osborne and Eric Pickles said that “the answers to proposals for responsible, careful growth should be “yes,” unless there are strong reasons to the contrary.”
22. In setting out core planning principles, paragraph 19 should also make reference to good design and to the need to tackle climate change. The phrase “and not significantly harm the amenity of neighbours” should be added to the final bullet point on amenity.
23. Paragraph 20 states that “*objectively assessed development needs should be met... unless the adverse impact significantly and demonstrably outweighs the benefits...*” It is not clear what factors would significantly and demonstrably outweigh the benefits and how this would be assessed. This paragraph needs redrafting to clarify, otherwise such unclear wording will only create uncertainty and grounds for legal challenges to plans.
24. Paragraph 21 appears to introduce a change in emphasis for the role of supplementary planning documents (SPDs) so that they can only be used in more limited circumstances than currently is the case. SPDs have been used very effectively throughout the country to provide guidance and clarification on complex policy issues and on major sites to help secure their development. SPDs can be a flexible, quick and responsive tool and are often welcomed by both the development industry and local communities. In the spirit of localism, local councils should be free to prepare SPD of a nature and number that they deem appropriate to properly plan for their communities.
25. In addition, reducing the scope of SPDs, along with much reduced national policy guidance, is likely to create a need for more detail in local plans, which would lead to longer plans which are slower to produce.

26. We are also concerned that paragraph 21 as currently worded is inconsistent with the current approach taken across the country on Conservation Area Appraisals. These involve thorough investigation and assessment of the significance of the conservation area to enable informed decisions to be made. Without them decisions would be inadequately informed, heritage lost and the historic environment harmed. The parts of the NPPF on SPDs should recognise this key role.
27. Paragraph 37 states that councils “*should have up to date evidence about the historic environment in their area and use it to assess the significance of heritage assets and the contribution they make to their environment.*” We support this statement. However, supplementary planning documents in the form of conservation area appraisals, rather than local plans, are the most appropriate place to include this. As noted above, paragraph 21 on SPD, as currently worded, is not consistent with such an approach.
28. Paragraph 41 on cumulative impact, and in particular the last sentence is unclear and should be redrafted.
29. In relation to conformity of local plans with the NPPF, reference should be made to “general conformity”. This would be consistent with the statements in the NPPF on neighbourhood plans and with the current situation with borough plans and the London Plan. It is entirely appropriate that local authorities should be able to produce plans that respond to local circumstances, evidence and aspirations within the overall framework set by national policy.
30. The draft NPPF does not make reference to the fact that London retains a regional tier in planning. Reference to the London Plan and clarification on its relationship to the NPPF would be helpful.
31. There is a need for sensible transitional arrangements to ensure that the production and introduction of the NPPF do not cause a delay in plan-making. The government should clarify these arrangements, although the NPPF itself would not be the right place to set them out.

Development management

32. We do not support the statement in paragraph 58 that consents relating to how a development is built or operated can be dealt with at a later stage. In terms of construction management and servicing, we consider it vital these issues are examined during the pre-application stage to ensure the design does not negatively impact on the operation of the public highway during construction and operation.
33. There is a lack of reference in the NPPF to the cumulative impact of development. The ability to properly consider cumulative impacts, on matters such as parking, is critical to the quality of life of those who live and work in an area. This is particularly important in areas that have a

large number of small developments. There therefore needs to be greater recognition of cumulative impacts, including in planning obligations, in the final version of the NPPF.

34. While we understand why the government has decided that enforcement does not need to be covered in a policy statement, we consider that it would be helpful if the NPPF made reference to the role and importance of enforcement in ensuring that development meets planning objectives.

Planning for prosperity

35. As stated above, Camden supports the need to achieve sustainable economic growth. However, it is important that the NPPF should make reference to the need to respond to medium and long term economic needs as well as short term market pressures.
36. Paragraph 75 as currently drafted would undermine councils' ability to protect occupied employment land and premises. For example, in Camden, other uses, such as housing, have higher values than employment uses. Therefore, our policies to protect employment uses are vital to support Camden's existing businesses and economy. Paragraph 75 should be amended to clarify that it is not intended to refer to occupied and occupiable premises or to employment land and floorspace identified in evidence base studies as needed for local jobs and the local economy.
37. We are concerned that offices are no longer included within the sequential approach. Offices underpin town centre retail, services, vitality and economic viability as well as the public transport that serves these centres. Excluding offices from the town centre first approach, along with other aspects of the draft NPPF (e.g. no maximum car parking standards), will lead to out-of-centre offices with generous parking which will undermine existing town centres. We therefore strongly urge that a sequential approach to offices development is included in the final NPPF.

Transport

38. We are concerned about a number of aspects of the NPPF's approach to transport. The draft NPPF should:
 - specifically refer to the aim of reducing the need to travel, particularly by car;
 - recognise the importance of integrating land use and transport;
 - set maximum national standards for car parking. Their exclusion will lead to increased car parking and car use and promote development that is less, rather than more, sustainable.
39. The third bullet point of paragraph 86 says that decisions should consider whether "*improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development.*" It should be explicitly stated that any such changes to the

public highway are paid for by the developer, e.g. through planning obligations.

40. This bullet point goes on to say that only in cases where the transport impacts of development are 'severe' can applications be refused on transport grounds. The draft does not take account of the cumulative impacts of separate developments. Planning applications granted that do not present a 'severe' impact on the network in isolation will quickly amount to a significant impacts alongside all other developments within the borough. We are concerned that the NPPF will make our policies on, for example maximum parking standards and securing quality bicycle parking, increasingly difficult to use and defend. The NPPF must explicitly state that councils can safeguard against the cumulative transport impacts of development.
41. Transport impacts are not sufficiently considered in key sections, such as Sustainable Communities and Design. The Framework should also recognise the importance of the transport sector's role in climate change and connecting communities.

Communications infrastructure

42. We object to paragraph 99 which restricts councils' ability to consider the need for communications infrastructure. Local authorities should be able to question whether infrastructure installations are required and consider whether current installations are being fully utilised when determining planning applications.
43. The NPPF should state that communications infrastructure on the public highway should be designed to minimise clutter and not disrupt pedestrian movement, and that installations below ground should be preferred in built up areas.

Previously used land

44. We are concerned that the NPPF does not explicitly promote the development of previously used land. The NPPF should state that development should be located in the most appropriate and sustainable locations and should therefore clearly promote the use of brownfield sites before greenfield land.

Planning for People

Housing

45. We suggest that other factors have been far more significant than extensive and complex national planning policy in deterring the development of housing sufficient to meet need. Key factors include the state of the economy and housing market, which has made it difficult for would-be first time buyers and buy-to-let landlords to secure mortgages and also for developers, including Housing Associations, who are dependent on the ability of prospective purchasers to borrow, to borrow themselves. Other policy changes, in particular the regime for affordable

housing funding and, insofar as it is likely to fuel demand for affordable housing, welfare reform, are also beginning to have an impact on levels of development. We are beginning to see schemes under development and proposed schemes becoming unviable without a significant reduction in the proportion of affordable housing originally envisaged (and expected by the Council's planning policy). The adoption of a new National Planning Policy Framework will not solve these problems, but they need to be addressed by the government if housing supply is to increase sufficiently to meet long-term need.

46. Our experience in negotiations has been that national and regional housing targets often carry more weight with developers than those set at local level, which inevitably vary between the areas in which they are seeking to develop. While we welcome the flexibility for councils in reduced national planning policy guidance on housing, we do have some concerns that the loss of guidance on some matters, for example on percentages of affordable housing, may potentially reduce councils' negotiating power with developers.
47. We are confident that Camden's adopted planning policy framework is based on an extensive and compelling evidence base. However, we have concerns that across the country insufficient resources, expertise, evidence or political will may affect the ability of local plans to properly consider all factors necessary in meeting housing needs. This will affect the ability to achieve the government's stated ambition that "everyone should have the opportunity to live in high quality, well designed homes, which they can afford, in a community where they want to live."
48. Since the publication of the draft NPPF the CLG have stated that the 20% additional sites referred to in paragraph 109 is not intended to be additionally identified land, rather that this is land already identified in an authority's 15 year housing supply which is brought forward earlier alongside the existing five year supply. This should be clearly explained in the final version of the NPPF.
49. We are supportive of local authorities working to bring empty properties back into use, as recommended in paragraph 109, and Camden has a good track record in this area. However, the funding for this work has been removed and our ability to bring empty properties back into use is at risk. Although the HCA has allocated funding for bringing empty properties back into use, it seems that this funding is intended primary for Private Registered Providers to create Affordable Rent tenancies with longer leases, and will therefore not be a viable funding stream for local authorities seeking to support their own empty property work.
50. The draft NPPF makes no reference to the accessibility of homes for those with disabilities and mobility difficulties as a consideration in development. This is an important element of ensuring that new housing is genuinely sustainable by enabling people to properly meet their needs.

This should be added to the list of design considerations in paragraph 116.

Design

51. We welcome the stated “great importance” attached to design in the NPPF but this is undermined by weak wording. In particular we object to the phrase “planning permission should be refused for development of obviously poor design...” in paragraph 121, which will fail to promote and secure high quality design. The wording from para 34 of current PPS1 should be used in the NPPF (i.e. Design which is inappropriate in its context, or which fails to take the opportunities available for improving the character and quality of an area and the way it functions, should not be accepted.)
52. The third bullet point in paragraph 116 on design which says that “*new development should respond to local character...*” is weaker than, and not consistent with, paragraph 178 which refers to “*the desirability of new development making a positive contribution to local character and distinctiveness.*” Para 116 should be amended to explicitly refer to developments making a positive contribution to local character.

Sustainable communities

53. We are concerned about the wording in the second bullet point in paragraph 126, which refers to safeguarding against the “unnecessary loss of valued facilities and services.” The meaning of ‘unnecessary’ is uncertain; it is not clear who defines what is necessary or how this is to be tested. Also, what facilities are considered ‘valued’ is a subjective judgement. This use of subjective terms in a policy document is unhelpful and causes problems in implementation.
54. We do not support the statement in paragraph 127 that councils should only refuse planning permission for a new school if the adverse planning impacts on the local area outweigh the desirability of establishing a school in that area. This should be amended to also refer to population growth/pupil projections and local need.

Open space

55. We strongly object to the weak protection given to open space in para 129 (“*Existing open space ... should not be built on unless ... the need for and benefits of the development clearly outweigh the loss.*”), which would have the effect of undermining the protection of spaces highly valued by their local communities, which once lost will not be replaced. The NPPF should clearly state that development on open spaces designated in local plans should not be permitted unless there is at least equivalent re-provision in terms of amount and quality in the locality.

Planning for Places

Climate change

56. We object to paragraph 150 which states that local requirements for building sustainability should be consistent with the government's zero carbon policy and that councils should adopt nationally described standards. This is contrary to the concept of localism as it takes away local councils' ability to seek the highest possible environmental standards and best practice on sustainable construction.. It should be noted that many local plans and the London Plan already go further than the government position.

Historic environment

57. We are concerned that the draft only refers to refusing consent for applications that would cause 'substantial harm' to designated heritage assets. No reference is made to minor or moderate harm, the cumulative impact of which is a greater threat to the historic environment overall than more obviously harmful developments. HE9.4 in PPS5 covered this, and could be improved on by also including an assessment of the overall state of preservation of a designated area or building, and the desirability to respond to, and halt, erosion. The draft also fails to include the aim of planning to 'preserve and enhance' the historic environment. We are also concerned that, unlike in current PPS15, there is no recognition of the importance of undesignated heritage assets. It is vital that these matters are addressed in the final version of the NPPF.
58. Paragraph 184 omits a requirement for marketing evidence to substantiate the substantial harm/loss tests for heritage assets. This removes a source of evidence needed in making informed decisions. It would therefore be very difficult to judge the second test set out in para 184 that no viable use of the heritage asset itself can be found in the medium terms that will enable its conservation. Reference to the need for marketing evidence should must therefore be included in the final version on the NPPF.
59. Clarification in paragraph 187 of the treatment of loss or harm to individual buildings within designated conservation areas as following the tests for designated heritage assets is welcomed.
60. Paragraph 188 as it joins two separate considerations together with little discussion and is confusing and unclear. Clarification is need on whether the statement "*LPAs should look for opportunities to enhance or better reveal the significance of Conservation Areas*" only refers to plan making or to decision making as well.
61. With regard to applications which affect the setting of a heritage asset, para 188 states that "*LPAS should treat favourably applications that preserve those elements of the setting that make a positive contribution to or better reveal the significance of the asset.*" It is not clear how an

existing element of the setting can 'better reveal the significance' - better than what? We suggest this should read that "positive elements should be preserved and new developments should find opportunities to better reveal the significance."

62. No guidance is given on how the assessment on enabling development referred to in paragraph 190 should be made. This could result in the loss of and harm to the setting, fabric, integrity and value of listed buildings, without adequate or consistent consideration. Policy HE11 in current PPS5 sets out a succinct version of English Heritage guidance on enabling development and it is of great importance that this is retained in the NPPF. Otherwise reference to the EH guidance should be included so that it is clear how such cases should be considered.
63. Paragraph 191 is not clear and would cover archaeological remains and listed buildings. This could relate to building recording prior to demolition of a listed building, which is essential in retaining evidence and knowledge about a heritage asset when the actual fabric has gone. The phrase "*the ability to record evidence of our past should not be a factor in deciding whether such loss should be permitted*" is a concern as any recording conditions attached to a permission could be challenged. Para 183 states that 'heritage assets are irreplaceable' and that only in exceptional circumstances will substantial loss of a listed building be permitted. These cases must not be permitted without a recording condition being secured, which effectively means that the ability to record should be a factor in deciding whether such loss should be permitted. This needs to be made more specific to the type of asset.