

## **SLOUGH BOROUGH COUNCIL**

**REPORT TO:** Planning Committee **DATE:** 25th April 2018

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**WARD(S):** ALL

### **PART I** **FOR DECISION**

## **CONSULTATION ON THE DRAFT REVISED NATIONAL PLANNING POLICY FRAMEWORK (NPPF)**

### 1. **Purpose of Report**

The purpose of this report is to seek Members' comments on the proposed changes to the National Planning Policy Framework (NPPF), which are currently out for consultation, and highlight what the implications of these changes could be for planning in Slough.

### 2. **Recommendation(s)/Proposed Action**

The Committee is requested to resolve that:

- a) The changes proposed in the Draft National Planning Policy Framework highlighted in this report be noted.
- b) The proposed responses to the consultation on the National Policy Framework be agreed.

### 3. **The Slough Joint Wellbeing Strategy, the JSNA and the Five Year Plan**

#### 3a. **Slough Joint Wellbeing Strategy Priorities**

This will have an impact upon the following SJWS priorities:

4. Housing

#### 3b. **Five Year Plan Outcomes**

The new National Planning Policy Framework will help deliver the following Five Year Plan outcomes:

- Slough will be an attractive place where people choose to live, work and visit.
- Our residents will have access to good quality homes.
- Slough will attract, retain and grow businesses and investment to provide jobs and opportunities for our residents

### 4. **Other Implications**

(a) Financial

The proposed work can be met from existing budgets.

(b) Risk Management

Recommendation	Risk/Threat/Opportunity	Mitigation(s)
That the proposed responses to the consultation on the National Planning Policy Framework be agreed and sent to MHCLG.	Failure to respond to the consultation on the proposed changes to the National Planning Policy Framework could result in inappropriate changes being made.	Agree the recommendations.

(c) Human Rights Act and Other Legal Implications

There are no Human Rights Act Implications as a result of this report.

(d) Equalities Impact Assessment

There are no equality impact issues

(e) Workforce

There are no specific workforce implications arising from this report.

5. **Supporting Information**

Introduction

- 5.1 The purpose of this report is to provide a summary of the main changes proposed in the consultation on the updated Draft National Planning Policy Framework and the implications for the preparation of the Slough Local Plan and determination of planning applications.
- 5.2 Draft updates to national planning guidance have also been produced which, when finalised, will form part of the Government's online Planning Practice Guidance.
- 5.3 The National Planning Policy Framework (NPPF) sets out the Government's planning policies for England and how these should be applied in determining planning applications. It also sets out how Local Plans should be produced and so any changes to the NPPF will be applicable to the work being carried out on the review of the Local Plan for Slough.
- 5.4 The Framework was first introduced in 2012 by bringing together around 1,000 pages national planning policy and guidance into a single document.
- 5.5 This is the first proposed major update of the National Planning Policy Framework which will also incorporate policy proposals previously consulted on in the [Housing White Paper](#) and the [Planning for the right homes in the](#)

[right places consultation](#). It also takes account of the announcement in the Budget of the need for a strategy to build 300,000 homes a year.

- 5.6 The consultation document has a series of questions about the proposed changes to Government policy which are set out on a topic by topic basis. This report considers each of these topics and sets out the Council's proposed comments on the questions.

#### Proposed Changes to the NPPF

#### **Achieving Sustainable Development**

- 5.7 The presumption in favour of sustainable development remains at the heart of the National Planning Policy Framework.
- 5.8 The interpretation of this policy, as set out in the original NPPF, has been the subject of much debate and litigation. As a result the proposed changes are intended to clarify how the presumption in favour of sustainable development should be applied.
- 5.9 For plan making the main change to the policy is to set out an expectation for objectively assessed needs to be accommodated unless there are strong reasons not to, including any unmet needs from neighbouring areas.
- 5.10 The recognition that sustainable development requires unmet needs to be met from neighbouring areas will strengthen our case for the northern expansion of Slough into South Bucks. Green Belt will, however, continue to be one of the strong reasons for restricting the overall scale of development in a plan area.
- 5.11 For decision making, the new Framework clarifies how the presumption in favour of development will apply where there are no relevant development plan policies, or the policies most important to determining the application are out of date.

#### ***Do you agree with the changes to the sustainable development objectives and the presumption in favour of sustainable development?***

- 5.12 *The Council welcomes the recognition that in order to deliver sustainable development Local Plans will be expected to meet unmet housing needs from neighbouring areas unless there are strong reasons not to.*

#### **Plan Making**

- 5.13 The draft NPPF has introduced the concept of having three tiers of plans. It states that as a minimum, authorities should produce a Strategic Plan which addresses the strategic priorities for the area.
- 5.14 Where more detailed issues need to be addressed a Local Plan may be produced with local policies. Alternatively a Neighbourhood Plan can be produced for a local area.

- 5.15 The Preferred Spatial Strategy that we have been developing for Slough appears to fit with the concept of a Strategic Plan in that it indicates the broad locations for development, has a strategy for meeting objectively assessed needs and allocates sites to deliver the strategic priorities for the area. It will, however, be necessary to include strategic policies and consider to what extent what new local policies will be needed to guide development.
- 5.16 There is now a legal requirement to produce a plan and the draft NPPF states that plans and their policies will need updating at least every five years.
- 5.17 We have been unable to progress the review of the Local Plan for Slough as fast as we would like primarily because of the delays in making a decision about Heathrow but also because of the need to resolve cross border issues. Once these have been resolved it should be possible in the future for Slough to review its plan within the five year cycle.
- 5.18 The draft NPPF puts great emphasis upon the need for effective cooperation between local planning authorities and other relevant bodies. It states that in order to demonstrate effective and on-going working authorities should prepare a Statement of Common Ground documenting progress in addressing cross boundary issues.
- 5.19 We have been able to sign Statements of Common Ground with most of our neighbouring authorities and so this requirement is welcomed. We are also engaged in joint working through the proposed “Joint Growth Study” with Windsor & Maidenhead and South Bucks and the “Joint Spatial Planning Framework” for the Heathrow area which is being prepared through the Heathrow Strategic Planning Group.
- 5.20 As a result the increased emphasis upon making the Duty to Cooperate work effectively is to be welcomed.
- 5.21 The draft NPPF proposes changes to the way in which Local Plans are assessed. The key tests of soundness remain the same but critically it is no longer necessary to show that the plan contains the most appropriate strategy. Instead it now has to show that it an appropriate strategy.
- 5.22 The draft NPPF introduces the expectation that plans should use digital tools to assist consultation and presentation of policies. Consultation at the Issues and options stage for the Local Plan did incorporate digital tools such as social media to assist with consultation.
- 5.23 A new approach to viability is proposed in where by Local Plans are expected to be clear about the contributions expected in association with development sites.

***Do you agree with the further changes proposed to the tests of soundness, and to the other changes of policy in this chapter that have not already been consulted on?***

- 5.21 *The Council fully supports the proposed change to the test of soundness for Local Plans which will now have to show that they have “an” appropriate strategy rather than “the most appropriate” strategy.*

### **Decision- making**

- 5.22 The draft NPPF does not propose many substantive changes to the existing guidance on decision making. It does, however, set out a new approach to viability whereby there should be no need for viability assessments to be carried out at the application stage where developments accord with all relevant policies. It also asks the following questions about viability:

***The revised draft Framework expects all viability assessments to be made publicly available. Are there any circumstances where this would be problematic?***

- 5.23 *The Council supports the principle of making all viability assessments public but would be concerned if this meant that as a result developers provided less information. This could complicate and prolong the process and so there may have to be circumstances where market sensitive information is not made public.*

***Would it be helpful for national planning guidance to go further and set out the circumstances in which viability assessment to accompany planning applications would be acceptable?***

- 5.34 *The principle of resolving viability issues through the Local Plan examination process is welcomed although this will require a lot of additional work and examination time. It is important that this isn't undermined by developers subsequently claiming a change in circumstance. As a result it is important that the Local Planning Authority is able to determine whether a Viability Assessment would be acceptable.*

***What would be the benefits of going further and mandating the use of review mechanisms to capture increases in the value of a large or multi-phased development?***

- 5.35 *The top priority should be to incentivise developers to build their schemes as quickly as possible. It is not considered necessary to make review mechanisms mandatory as long as Councils have the ability to apply them to schemes that are not policy compliant.*

### **Delivering a wide choice of high quality homes**

- 5.36 The draft NPPF now requires local housing needs assessments to be conducted using the standard method in national planning guidance.
- 5.37 This standard methodology involves setting the baseline using National Household Projections, applying an adjustment to take account of market signals using the local affordability ratio. The application of this methodology would reduce Slough's requirement slightly from an average of 927 to 912 a

year. This could have implications for surrounding authorities which are less affordable than Slough which could have an increased housing requirement.

- 5.38 In addition to specifying the number of houses that have to be built the revised Framework will require plans to have policies for a wide range of groups who have specific needs.
- 5.39 With regards to affordable housing the revised Framework states that planning policies should require at least 10% of homes to be available for affordable home ownership unless this would significantly prejudice the ability to meet the identified affordable housing needs of specific groups. This requirement would not apply to schemes that provide solely build to rent homes or specialist elderly persons accommodation. Affordable home ownership includes shared ownership, but also starter homes and discounted market sale homes. The latter two categories are not referred to in the Council's current policy. Regarding the 10% figure the Council currently seeks 5% on sites of 25 to 69 units to help prioritise rented affordable housing.
- 5.40 Affordable housing for rent now includes affordable private rent i.e. if a developer proposes an entirely rented scheme (build to rent) it can include some private rent that counts towards the proportion of affordable housing. This category has to be subject to certain provisions regarding rent levels and eligibility to be treated as affordable but it does not have to be managed by a Housing Association.
- 5.41 The draft NPPF explicitly states that affordable housing should not be sought for developments that are not on major development sites, i.e. sites for fewer than 10 homes. It also reinforces the current vacant building credit policy whereby the affordable housing contribution should be reduced proportionate to the amount of existing floorspace on the site that is reused or demolished. This will narrow down the Council's scope for negotiation around development viability on brownfield sites.
- 5.42 In order to increase the overall supply of housing and diversify opportunities for small builders the NPPF is proposing that at least 20% of the sites identified for housing in local plans are of half a hectare or less.

***What are your views on the most appropriate requirements to ensure that a suitable proportion of land for homes comes forward as small or medium sized sites?***

- 5.43 *Local Plans may only allocated strategic sites. As a result it is considered that the test should relate to the percentage of houses in the published Housing Trajectory*
- 5.44 The National Planning Policy Framework sets out that plan makers should maintain a supply of specific deliverable sites sufficient to provide five years' worth of housing against their housing requirements. Failure to meet the requirement for a five year supply means that the presumption in favour of sustainable development will apply to all applications.

- 5.45 There is a new requirement to prepare a housing delivery test in the draft NPPF. This is proposed to be phased in so that authorities will have to deliver at least 25% of its housing requirement 2018, 45% in 2019, 75% from 2020 onwards. Failure to meet the housing delivery test means that the presumption in favour of sustainable development will apply to all applications. Both the requirement and level of completions will be calculated from Government statistics, but it appears that Slough should pass the housing delivery test for 2018 and 2019. Whether we pass the test after this will depend upon how many houses are built in the next two years.

***Do you agree with the application of the presumption in favour of sustainable development where delivery is below 75% of the housing required from 2020?***

- 5.46 *Because it takes time for changes in policy to effect building rates it is considered that a longer phasing period is required before the 75% figure is applied particularly where Councils have been given a much higher housing requirement compared with what they were previously planning for.*
- 5.47 The new Framework states that authorities should consider imposing a planning condition to bring forward development in a shorter timescale than the current default position of starting within three years of consent. This would not apply where a shorter timescale could hinder the viability or deliverability of a scheme. It also encourages local planning authorities to consider why major developments have not been built out when considering subsequent planning applications on the same site.

#### **Building a strong, competitive economy**

- 5.48 The draft NPPF makes it more explicit the importance of supporting business growth and improved productivity which is part of the Government's industrial strategy. The Local Plan has allocated sites for employment growth in the town centre for offices. One of the principles of Slough emerging Preferred Strategy is the protection of existing employment land.

***Do you agree with the policy changes on supporting business growth and productivity, including the approach to accommodating local business and community needs in rural areas?***

- 5.49 *The Council supports the increased emphasis on supporting business growth.*

#### **Ensuring the vitality of town centres**

- 5.50 The draft NPPF clarifies that allocating sites for town centre uses should look 10 years ahead and not necessarily the whole plan period. It also states that Town Centre boundaries should be kept under review so identified needs for town centre uses can be accommodated
- 5.51 It also amends the sequential approach to planning applications, so that out of centre sites should be considered only if suitable town centre or edge of centre sites are unavailable or not expected to become available within a reasonable period.

- 5.52 The Framework removes the expectation that office developments outside town centres should carry out a specific impact assessment on the basis that this is covered sufficiently by the sequential approach.

***Do you agree with the policy changes on planning for identified retail needs and considering planning applications for town centre uses?***

- 5.53 *The Council supports the reduction in the timescale for planning for town centre uses which recognises the difficulties of forecasting retail and leisure trends over a long period. It also supports all measures which strengthen the town centre first approach.*

**Promoting healthy and safe communities**

- 5.54 The draft NPPF proposes that Councils should consider the social and economic benefits of estate regeneration and use their planning powers to help deliver estate regeneration to a high standard.
- 5.55 There is a new requirement for planning policies and decisions to promote public safety and take account of wider security and defence requirements.

**Promoting Sustainable transport**

- 5.56 The Framework now states that maximum car parking standards for residential and non-residential development should only be set where there is a clear and compelling justification that they are necessary for managing the local road network.
- 5.57 The revised Framework also sets out new policy to recognise the importance of maintaining a national network of general aviation facilities.
- 5.58 The policy on assessing the transport impact of proposals has been amended to refer to highway safety as well as capacity and congestion in order to make it clear that we expect that designs should prioritise pedestrian and cycle movements, followed by access to high quality public transport (so far as possible) as well as to reflect the importance of creating well-designed places.

***Do you agree with the changes to the transport chapter that point to the way that all aspects of transport should be considered, both in planning for transport and assessing transport impacts?***

- 5.59 *The Council supports the new emphasis upon considering all aspects of transport in planning policy and assessing transport impacts. The wording of paragraph 109 should be changed by removing the word “only”. It should state “Development should be prevented or refused on highway grounds if the residual cumulative impacts on the road network or road safety would be severe”.*

**Supporting high quality communications**

- 5.609 The draft NPPF sets out that plan policies should set out the delivery of high quality digital infrastructure, which provides access to services from a range of providers.



### **Making effective use of land**

- 5.61 The draft NPPF states that we should make more effective use of empty space above shops, reallocate land where there is no reasonable prospect of an application coming forward for the allocated use and make it easier to convert retail and employment land to housing where this would be a more effective use. This is, however, qualified by the provision that this should not undermine key economic sectors or the vitality and viability of town centres.
- 5.62 The Framework expects minimum density standards to be used in town and city centres and around transport hubs and proposes that local planning authorities should refuse applications which they consider fail to make effective use of land, in areas where there is an existing or anticipated shortage of land for meeting identified housing needs.

#### ***Do you agree with the proposed approaches to under-utilised land, reallocating land for other uses and making it easier to convert land which is in existing use?***

- 5.63 *The Council supports the principle of reallocating unused or underutilised land for more effective uses. It does not support making it easier to convert employment land to housing where this would undermine the local economy and supply of jobs.*

#### ***Do you agree with the proposed approach to employing minimum density standards where there is a shortage of land for meeting identified housing needs?***

- 5.64 *The principle of having higher densities in town centres and around train stations is supported. The use of minimum density figures is, however, a very crude tool for ensuring that the most effective use is made of land. Higher density should only be made a requirement in clearly identified areas.*

### **Achieving well-designed places**

- 5.65 The draft NPPF states that plans should, at the most appropriate level, set out a clear design vision and expectations, supported by visual tools such as design guides and codes.
- 5.66 Having done this, design should not be used as a reason to object to development where the scheme complies with local policies. The NPPF makes it clear that “outstanding or innovative designs” should not be given great weight where they are in conflict with local design policies, or would not be sensitive to their surroundings.

### **Protecting Green Belt Land**

- 5.67 The Framework maintains the strong protections of the Green Belt and retains a high bar before Green Belt land may be released.

- 5.68 For the first time the Draft NPPF sets out what steps need to be taken before conclusions can be made as to whether “exceptional circumstances” exist to justify changes to Green Belt boundaries. It states that the plan making authority must examine other reasonable options for meeting its identified need for development. The examination of the plan will then take into account whether the strategy;
- a) Makes as much use as possible of suitable brownfield sites and underutilised land;
  - b) Optimises the density of development, including whether policies promote a significant uplift in density standards in town and city centres and other locations well served by public transport; and
  - c) Has been informed by discussions with neighbouring authorities about whether they could accommodate some of the identified need for development, as demonstrated through the statement of common ground.
- 5.69 It is considered that the clarification set out in the Framework is helpful with regards our proposal for the Northern Expansion of Slough into South Buck’s Green Belt. It confirms that the process that we have been following in developing the Preferred Spatial Strategy is correct and sets out the tests that we will have to meet in order for a proposal to be found sound.
- 5.70 The draft NPPF provides new guidance which states that, where it has been concluded that it is necessary to release Green Belt for development, plans should give first consideration to land which has been previously developed and/or is well served by public transport. Once again this helps to support the proposed Northern Expansion of Slough which would be focused around Langley railway station and include a new major public transport route through it.
- 5.71 Finally the new NPPF adds that plans should set out the way in which the impact of removing land from the Green Belt can be offset through compensatory improvements to the environmental quality and accessibility of remaining Green Belt land. This also is a key feature of the proposed Northern Expansion.

**Do you agree with the proposed changes to enable greater use of brownfield land for housing in the Green Belt, and to provide for the other forms of development that are ‘not inappropriate’ in the Green Belt?**

- 5.72 *The Council does not agree that greater use of brownfield land in the Green Belt for housing is necessarily the most appropriate approach. This can result in residential development taking place on a piecemeal basis in unsustainable locations. The release of land from the Green Belt for housing should be managed in a comprehensive way through the Local Plan process.*

**Transitional arrangements**

- 5.73 The new policies in the NPPF will come into effect from the day of its publication.

- 5.74 There will however be transitional arrangements for Local Plans which will allow those submitted up to six months after the publication of the new Framework to be examined on the basis of the original NPPF. This won't effect the Slough Local Plan but could mean that authorities such as Chiltern and South Bucks could submit a Local Plan with lower housing numbers than would be required using the new standard methodology for calculating objectively assessed housing needs.

## 6 **Conclusions**

- 6.1 The proposed changes to the National Planning Policy Framework will consolidate all of the changes to planning policy that the Government has produced. It is important that this Council engages in the current consultation exercise by setting out its response to the questions that have been asked about the proposed changes to the NPPF.

## 7 **Background Papers**

- 7.1 Planning Practice Guidance

- 7.2 Housing Delivery Test

[Housing White Paper](#)

[Planning for the right homes in the right places consultation](#)