

**London Borough of Hillingdon
Planning & Enforcement Appeals
Response to final draft NPPF (July 2018)**

The following response considers the key planning issues raised in the new NPPF (A formal response to the draft NPPF was submitted to PINS in April 2018, following cabinet approval)

Plan Making:

The new NPPF strengthens the requirement for councils to produce local plans compared to the draft version. It states that Local plans and spatial development strategies must, as a minimum, "seek to meet the area's objectively assessed needs" to be declared sound. This phrase reinforces the soundness test laid down in paragraph 35 of the finalised framework, which requires plans that are positively prepared, justified, effective and consistent with national policy. The Development Plan for the London Borough of Hillingdon comprises: The Hillingdon Local Plan: Part 1 - Strategic Policies adopted on 08 November 2012; The extant 2007 Saved Unitary Development Plan policies also adopted on 08 November 2012 to serve for an interim period as the Hillingdon Local Plan: Part 2; and The London Plan 2016. On 08 November 2012, when the Council took a decision to formally adopt the Hillingdon Local Plan: Part 1 - Strategic Policies, it also decided to retain for development control purposes those Saved 2007 Unitary Development Plan (UDP) policies which were not being replaced by the Hillingdon Local Plan: Part 1 - Strategic Policies, pending the preparation and adoption of subsequent site specific allocations, development management policies and a policies map. Since that time, the Council has consulted, under Regulation 19, on the proposed Submission Draft of its Hillingdon Local Plan: Part 2 and is this is scheduled to be determined at EIP in August 2018. In accordance with the NPPF requirements the Hillingdon Local Plan has been positively prepared, justified, effective and is consistent with national policy.

Neighbourhood development plans (NDPs) is also enshrined in the finalised framework but to date none have been prepared for the London Borough of Hillingdon.

Securing housing, creating 'high quality' buildings and the protection of the natural and historic environment:

The new NPPF focuses on a number of methodologies, calculations and definitions for securing housing, including affordable housing, and whilst many of these measures are welcomed they are unrelated to the current applications the subject of appeal due to the minor nature of the proposed development. It should be noted however that we have consistently delivered our housing target through completions so for the London Borough of Hillingdon the 'presumption in favour of sustainable development' (footnote 7 of the NPPF) is not triggered (the attached document demonstrates that we have a Five Year Land Supply). Likewise, the London Borough of Hillingdon fully complies with the new NPPF requirement for councils to accommodate ten per cent of their housing requirement on small sites (as opposed to 20 per cent of sites under the draft version).

The importance of design standards is emphasised in the new NPPF. It states that the creation of high-quality buildings and places is 'fundamental' to what the planning and development process should achieve. In particular, councils should try to "ensure that the quality of approved development is not materially diminished between permission and completion, as a result of changes being made to the permitted scheme. The case for the London Borough of Hillingdon is clearly set out in the officers report already submitted to PINS with the questionnaire but the importance of design standards emphasised by the new

NPPF adds further weight to our reasons for refusing planning applications on design grounds.

The new NPPF provides greater clarification for refusing planning applications on highway safety grounds and these are noted. Unlike the previous NPPF it highlights the aspect of 'unacceptable impacts on highway safety' but the severity of the residual cumulative impacts still prevail. The planning applications the subject of a highway safety refusal reason have been considered by the London Borough of Hillingdon to create unacceptable impacts on highway safety and / or to be so severe on residual cumulative impacts to warrant the withholding of planning permission - and thus be at odds with the requirements of the new NPPF.

The natural and historic environment policies are generally in line with those proposed in the previous NPPF so no further comment is necessary.

Town centres and Employment

Town centres are acknowledged and reflected in the final version of the revised NPPF. It recognises that diversification is key to the long-term vitality and viability of town centres, to 'respond to rapid changes in the retail and leisure industries'. Accordingly, planning policies should clarify 'the range of uses permitted in such locations, as part of a positive strategy for the future of each centre'. To check the range of permitted uses within our town centres, shopping surveys (referred to as town centre health checks) are commissioned annually by the London Borough of Hillingdon and these have been submitted as supporting evidence with the Councils statement of case.

Paragraph 20 of the framework reinstates employment in the list of land uses for which strategic policies will be required to set the pattern, scale and quality of development. The Councils strategic objective (set out in part 1 policy E1) is to protect land for employment uses (through employment land designations) to meet the needs of different sectors of the economy and to manage the release of surplus employment land for other uses.

S106 agreements/Affordable Housing Provision

NPPF (2018) Paragraph 57 states "It is up to the applicant to demonstrate whether particular circumstances justify the need for a viability assessment at the application stage. The weight to be given to a viability assessment is a matter for the decision maker, having regard to all the circumstances in the case, including whether the plan and the viability evidence underpinning it is up to date, and any change in site circumstances since the plan was brought into force..."

NPPG Viability (2018) Paragraph 14 states that Benchmark Land Value should be informed by market evidence including current uses, costs and values wherever possible. Where recent market evidence is used to inform assessment of benchmark land value this evidence should be based on developments which are compliant with policies, including for affordable housing. Where this evidence is not available plan makers and applicants should identify and evidence any adjustments to reflect the cost of policy compliance. This is so that historic benchmark land values of non-policy compliant developments are not used to inflate values over time.

NPPG Viability (2018) Paragraph 15 states, "under no circumstances will the price paid for land be a relevant justification for failing to accord with relevant policies in the plan."

NPPG Viability (2018) Paragraph 8 continues to emphasise, "the weight to be given to a viability assessment is a matter for the decision maker, having regard to all the

circumstances in the case, including whether the plan and viability evidence underpinning the plan is up to date, any change in site circumstances since the plan was brought into force."

The key issue is that plan viability testing can never seek to replace scheme specific testing in all circumstances. Viability testing at decision making stage is considered by the London Borough of Hillingdon to be essential especially when the developer Financial Viability Assessment (FVA) submitted as part of the planning application does not meet the local planning policy affordable housing requirement. The developer FVA will continue to be subject to the local planning authority FVA review. This approach will ensure the viability evidence is tested robustly.