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Title: Planning and Regeneration Committee – Response to National Planning Policy Framework Consultation

### **Executive Summary**

On 14 July 2020, the Planning and Regeneration Committee noted the following standing delegation, which was agreed by the London Assembly at its Annual Meeting on 1 May 2013:

*That authority be delegated to Chairs of all ordinary committees and sub-committees to respond on the relevant committee or sub-committee's behalf, following consultation with the lead Members of the party Groups on the committee or sub-committee, where it is consulted on issues by organisations and there is insufficient time to consider the consultation at a committee meeting.*

Following consultation with party Group Lead Members, the Chair of the Planning and Regeneration Committee sent a response to National Planning Policy Framework Consultation.

### **Decision**

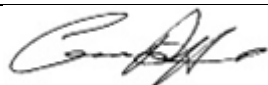
That the Chair, in consultation with the Deputy Chair, agrees the Response to National Planning Policy Framework Consultation, as attached at **Appendix 1**.

### **Assembly Member**

I confirm that I do not have any disclosable pecuniary interests in the proposed decision and take the decision in compliance with the Code of Conduct for elected Members of the Authority.

The above request has my approval.

**Signature**



**Date**

15/3/21

**Printed Name**

Andrew Boff AM, Chair of the Planning and Regeneration Committee

## Decision by an Assembly Member under Delegated Authority

Notes:

1. The Lead Officer should prepare this form for signature by relevant Members of the Assembly to record any instance where the Member proposes to take action under a specific delegated authority. The purpose of the form is to record the advice received from officers, and the decision made.
2. **The 'background' section (below) should be used to include an indication as to whether the information contained in / referred to in this Form should be considered as exempt under the Freedom of Information Act 2000 (FoIA), or the Environmental Information Regulations 2004 (EIR). If so, the specimen Annexe (attached below) should be used. If this form does deal with exempt information, you must submit both parts of this form for approval together.**

### Background and proposed next steps:

On 14 July 2020, the Planning and Regeneration Committee noted the following standing delegation, which was agreed by the London Assembly at its Annual Meeting on 1 May 2013:

*That authority be delegated to Chairs of all ordinary committees and sub-committees to respond on the relevant committee or sub-committee's behalf, following consultation with the lead Members of the party Groups on the committee or sub-committee, where it is consulted on issues by organisations and there is insufficient time to consider the consultation at a committee meeting.*

Following consultation with party Group Lead Members, the Chair of the Planning and Regeneration Committee sent a response to the National Planning Policy Framework Consultation.

### Confirmation that appropriate delegated authority exists for this decision

Signed by Committee Services



Date 15/3/21

Print Name: Diane Richards

Tel: 07925 353 478

### Financial implications

#### NOT REQUIRED

Signed by Finance

N/A

Date .....

Print Name

N/A

Tel: .....

### Legal implications

The Chair of the Planning and Regeneration Committee has the power to make the decision set out in this report.

Signed by Legal



Date 15/3/21

Print Name

Emma Strain, Monitoring Officer

Tel: X 4399

Additional information should be provided supported by background papers. These could include for example the business case, a project report or the results of procurement evaluation.

**Supporting detail/List of Consultees:**

Nicky Gavron AM (Deputy Chair of the Planning and Regeneration Committee)

**Public Access to Information**

Information in this form (Part 1) is subject to the FoIA, or the EIR and will be made available on the GLA Website within one working day of approval.

If immediate publication risks compromising the implementation of the decision (for example, to complete a procurement process), it can be deferred until a specific date. Deferral periods should be kept to the shortest length strictly necessary. **Note:** this form (Part 1) will either be published within one working day after it has been approved or on the defer date.

**Part 1 – Deferral**

**Is the publication of Part 1 of this approval to be deferred? No**

Until what date: (a date is required if deferring)

**Part 2 – Sensitive information**

Only the facts or advice that would be exempt from disclosure under FoIA or EIR should be included in the separate Part 2 form, together with the legal rationale for non-publication.

**Is there a part 2 form - No**

**Lead Officer/Author**

Signed



Date: 15.3.21

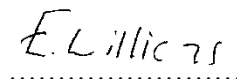
Print Name

**Steph Griffiths**

Tel: x1328

Job Title

Countersigned by  
Director



Date: 15.3.21

Print Name

**Ed Williams**

Tel: x4399

**City Hall**

The Queen's Walk

More London

London SE1 2AA

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# LONDON ASSEMBLY

**Andrew Boff AM****Chair of the Planning and Regeneration Committee****Nicky Gavron AM****Deputy Chair of the Planning and Regeneration Committee**

Ministry of Housing, Communities and Local Government

(Sent by email)

15 March 2021

**Re: National Planning Policy Framework and National Model Design Code: consultation proposals**

We are writing to you as Chair and Deputy Chair on behalf of the London Assembly's cross-party Planning & Regeneration Committee with regard to the proposed changes to the National Planning Policy Framework. We set out our response below to question 3 of the consultation document which concerns Article 4 directions: *'Do you agree with the changes proposed in Chapter 4? Which option relating to change of use to residential do you prefer and why?'*

The Committee and the wider London Assembly have had longstanding concerns about various expansions of permitted development rights (PDRs) for many reasons, but above all because they bypass democratic scrutiny. The Assembly has passed a range of motions on this, particularly in opposition to the continuation of the office-to-residential PDR.<sup>1</sup> The Committee expressed its view on PDRs in letters to the Secretary of State, dated 17 April 2020<sup>2</sup> and 24 August 2020.<sup>3</sup> Most

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<sup>1</sup> London Assembly motions: [24 October 2012](#); [5 November 2014](#); [8 September 2015](#); [4 November 2015](#)

<sup>2</sup> Planning Committee, 17 April 2020 <https://www.london.gov.uk/about-us/london-assembly/london-assembly-publications/permitted-development-rights>

<sup>3</sup> Planning & Regeneration Committee, 24 August 2020 <https://www.london.gov.uk/about-us/london-assembly/london-assembly-publications/letter-local-planning-changes-following-covid>

recently, the Committee responded to the consultation on the proposed Class E to residential PDR,<sup>4</sup> and the Assembly passed a motion asking the Prime Minister and the Secretary of State for Housing, Communities and Local Government to reconsider implementing the proposed Class E to residential PDR.<sup>5</sup>

The Committee's position on PDRs is set out in detail in the above correspondence. This stance was informed following in-depth stakeholder engagement from academics, policy experts, planning leads from local authorities and industry. In short, the Committee has been following the impact of the existing office-to-residential PDR in London for many years and has raised concerns before about the low-quality housing this has facilitated, sometimes also in unsuitable locations; the pressure on local employment space including rising rents and eviction of occupiers; the lack of affordable housing and community infrastructure contributions; and loss of funding for local authorities. These adverse consequences have been observed even while Article 4 directions have been more readily available than they would be if the consultation proposals are adopted. If the proposals under this consultation are adopted, we are concerned that the issues above would become further widespread.

In relation to the proposed Class E to residential PDR, we are concerned that this new PDR may result in similarly low-quality housing and result in adverse consequences for the economy of local high streets and town centres. We are not opposed to mixed-use and residential-led development, but this should be done through the planning system so that proper consideration can be given to access and infrastructure needs and the needs of local communities, with proper consultation.

Article 4 directions enable local authorities to designate areas or types of development to which PDR cannot be applied. We were extremely concerned to note that, depending on the construction of individual Article 4 directions, they may not continue to apply to the proposed Class E PDR.<sup>6</sup> As we set out in our response to the Class E PDR consultation, should the proposal go ahead, the Committee firmly believes that current Article 4 directions should be continued and extended to cover the proposed Class E PDR, and that boroughs should be able to take out new directions.

Although Article 4 directions are expensive and time consuming for local authorities, they provide an essential and necessary recourse to protect areas where PDRs could be especially detrimental. As well as time, the committee heard at a meeting in 2019 that Article 4 directions have financial implications on local authorities, who require resources for gathering evidence to support Article 4 directions, as well as using officer time to complete these directions. The process for achieving Article 4 exemptions could be reviewed and improved to ensure it is a feasible way for local authorities to continue to protect shops, offices and other uses from inappropriate conversion, and that there is sufficient time for local authorities to enact new Article 4 exemptions before the proposed new rights, if implemented, become active.

The proposals that are set out in this consultation would strictly limit the operation of Article 4 directions, by adding a new test for situations in which Article 4 directions can exempt change of use to residential, and in all cases seek to limit the geographical area to which Article 4 directions can

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<sup>4</sup> Planning & Regeneration Committee, 28 January 2021

[https://www.london.gov.uk/sites/default/files/class\\_e\\_pdr\\_response\\_final.pdf](https://www.london.gov.uk/sites/default/files/class_e_pdr_response_final.pdf)

<sup>5</sup> London Assembly motion, 4 March 2021

<sup>6</sup> [Planning Resource](#), 11 February 2021

apply. Despite the burden placed on local authorities in implementing the existing Article 4 directions, they have been essential for protecting areas in London from existing PDRs. We strongly recommend against any effort to make it more difficult for local authorities to maintain existing Article 4 directions or to secure new directions.

Further, restricting all Article 4 directions to the ‘smallest geographical area possible’ may result in local authorities taking a piecemeal approach, enacting numerous new Article 4 directions where one direction could have more efficiently covered the area. This proposal would further increase the time and resource costs for local authorities in developing Article 4 directions. **Therefore, the Committee does not agree with the changes proposed in Chapter 4.**

The consultation sets out two options for constructing a new paragraph 53 of the National Planning Policy Framework:

*The use of Article 4 directions to remove national permitted development rights should*

- *where they relate to change of use to residential, be limited to situations where this is essential to avoid wholly unacceptable adverse impacts*
- *[or as an alternative to the above – where they relate to change of use to residential, be limited to situations where this is necessary in order to protect an interest of national significance]*

**The Committee is of the opinion that neither of the options is appropriate, as both would more strictly limit the situations in which a local authority could adopt a new Article 4 direction.**

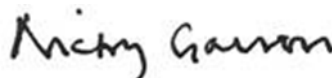
**If one of the options must be applied, we recommend that the first option is selected.** We expect it would be marginally more practicable for local authorities to meet the test in the first option. However, if the first option is selected, we recommend that the word ‘wholly’ is removed from the text.

**Further, to reiterate, we strongly recommend that the existing exemption for the London Central Activities Zone should continue to apply to any new PDR right for Class E to residential conversions, and if there is no general exemption for conservation areas, there should be expedited arrangements for boroughs to be able to apply Article 4 directions to individual conservation areas before the Class E PDR scheme, if implemented, commences.**

Yours,



**Andrew Boff AM**  
**Chair of Planning and**  
**Regeneration Committee**



**Nicky Gavron AM**  
**Deputy Chair of Planning and**  
**Regeneration Committee**