

APPENDIX 1 – Relevant Policies and Guidance

National Planning Policy Framework

When deciding whether or not to take enforcement action, local planning authorities are expected to have regard to the National Planning Policy Framework (NPPF) issued by Government in 2012. The NPPF states that enforcement action is discretionary and local planning authorities should act proportionately in responding to suspected breaches of planning control. It advocates that local planning authorities should consider publishing a local enforcement plan to manage enforcement proactively in a way that is appropriate to their area. This should set out how the local authority will monitor the implementation of planning permissions, investigate alleged cases of unauthorised development and take action where it is appropriate to do so. The NPPF acknowledges that effective enforcement is important as a means of maintaining public confidence in the planning system.

A draft Enforcement plan to be adopted as a Supplementary Planning Document (SPD) is currently the subject of consultation. This sets out the City's approach to planning enforcement and explains the principles and procedures the City will follow to ensure that development is properly regulated. It contains standards and targets to be worked to and confirms that where possible the City will seek to achieve these objectives through negotiation rather than formal legislative action.

The NPPF also states:

Achieving sustainable development

7. There are three dimensions to sustainable development: economic, social and environmental. These dimensions give rise to the need for the planning system to perform a number of roles:
 - A social role – supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect that community's needs and support its health, social and cultural well-being; and ...
9. Pursuing sustainable development involves seeking positive improvements in the quality of the built, natural and historic environment, as well as in people's quality of life, including (but not limited to);
 - Improving the conditions in which people live, work, travel and take leisure: and ...

Core Planning Principles

17. Within the overarching roles that the planning system ought to play, a set of core land-use planning principles should underpin both plan-making and decision-taking. These 12 principles are that planning should:

- proactively drive and support economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs. Every effort should be made objectively to identify and then meet the housing business and other development needs of an area, and respond positively to wider opportunities for growth. Plans should take account of market signals, such as land prices and housing affordability, and set out a clear strategy for allocating sufficient land which is suitable for development in their area, taking account of the needs of the residential and business communities;
- always seek to secure high quality design and good standard of amenity for all existing and future occupants of land and buildings; ...

6. Delivering a wide choice of high quality homes

47. To boost significantly the supply of housing, local authorities should:

- Use their evidence base to ensure that their Local Plan meets the full, objectively assessed needs for market and affordable housing in the housing market area, as far as is consistent with the policies set out in this Framework, including identifying key sites which are critical to the delivery of the housing strategy over the plan period;

58. Local and neighbourhood plans should develop robust and comprehensive policies that set out the quality of development that will be expected for the area. Such policies should be based on stated objectives for the future of the area and an understanding and evaluation of its defining characteristics. Planning policies and decisions should aim to ensure that developments:

- will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development
- create safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion and ...

Safe developments are again championed in section 8 Promoting healthy communities paragraph 69.

11. Conserving and enhancing the natural environment

109. The planning system should contribute to and enhance the natural and local environment by:

- Preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution or land instability; and ...

123. Planning policies and decisions should aim to:

- avoid noise from giving rise to significant adverse impacts and health and quality of life as a result of new development:
- identify and protect areas of tranquillity which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason

Planning Practice Guidance

National Planning Practice Guidance 'Ensuring effective enforcement' published 6 March 2014 and updated regularly provides advice which the City has regard to in its decision making process.

Policy Context

The Development Plan consists of the London Plan dated March 2016 (consolidated with alterations since adoption in 2011) and the City of London Local Plan adopted 15 January 2015.

The London Plan

The London Plan contains the following policies which are most relevant to the consideration of this case:

Policy 3.3 Increasing Housing Supply

Strategic

- A The Mayor recognises the pressing need for more homes in London in order
to promote opportunity and provide a real choice for all Londoners in ways
that meet their needs at a price they can afford
- B Working with relevant partners, the Mayor will seek to ensure the housing need identified in paragraphs 3.16a and 3.16b is met particularly through provision consistent with at least an average of 42,000 net additional homes across London which will enhance the environment, improve housing choice and affordability and provide better quality accommodation for Londoners
- C This target will be reviewed by 2019/20 and periodically thereafter and provide the basis for monitoring until then

LDF preparation

- D Boroughs should seek to achieve and exceed the relevant minimum borough annual average housing target in Table 3.1, if a target beyond 2025 is required, boroughs should roll forward and seek to exceed that in Table 3.1 until it is replaced by a revised London Plan target
- Da Boroughs should draw on the housing benchmarks in Table 3.1 in developing their LDF housing targets, augmented where possible with extra housing capacity to close the gap between identified housing need (see Policy 3.8) and supply in line with the requirement of the NPPF
- G Boroughs should monitor housing capacity and provision against the average targets in Table 3.1, local housing needs assessments and the

sensitivity ranges set out in the SHLAA report and update in the London Plan Annual Monitoring Report

Policy 3.14 Existing Housing

Strategic

- A The Mayor will, and boroughs and other stakeholders should, support the maintenance and enhancement of the condition and quality of London's existing homes.

Planning decisions and LDF preparation

- B Loss of housing, including affordable housing, should be resisted unless the housing is replaced at existing or higher densities with at least equivalent floorspace
- C This policy includes the loss of hostels, staff accommodation and shared accommodation that meet an identified housing need, unless the existing floorspace is satisfactorily re-provided to an equivalent or better standard. The loss of housing to short term provision (lettings less than 90 days) should be resisted.

Paragraph 3.81 of the London Plan states:

To address London's housing needs and sustain its neighbourhoods, existing housing should be retained where possible and appropriate, except where there are acceptable plans for its replacement. Short term letting especially for holiday lets, can result in a serious loss of housing, and should be resisted...

Policy 7.3 Designing out Crime

Strategic

- A Boroughs and others should seek to create safe, secure and appropriately accessible environments where crime and disorder, and fear of crime do not undermine quality of life or community cohesion.

Planning decisions

- B Development should reduce the opportunities for criminal behaviour and contribute to a sense of security without being overbearing or intimidating.

In particular:

- c design should encourage a level of human activity that is appropriate to the location, incorporating a mix of uses where appropriate, to maximize activity throughout the day and night, creating reduced risk of crime and a sense of safety at all times
- d places should be designed to promote an appropriate sense of ownership over communal spaces

Policy 7.13 Safety, Security and resilience to emergency

Strategic

- A The Mayor will work with relevant stakeholders and others to ensure and maintain a safe and secure environment in London that is resilient against emergencies including fire, flood, weather, terrorism and related hazards as set out in the London Risk Register

Planning decisions

- B Development proposals should contribute to the minimisation of potential physical risks, including those arising as a result of fire, flood and related hazards. Development should include measures to design out crime that, in proportion to risk, deter terrorism, assist in the detection of terrorist activity and help deter its effects.

Policy 7.15 Reducing and managing noise, improving and enhancing the acoustic environment and promoting appropriate soundscapes

Strategic

- A The transport, spatial and design policies of this plan will be implemented in order to reduce and manage noise to improve health and quality of life and support the objectives of the Mayor's Ambient Noise Strategy

Planning decisions

- B Development proposals should seek to manage noise by:
 - a avoiding significant adverse noise impacts on health and quality of life as a result of new development

The Local Plan

The Local Plan sets out the planning priorities for the square mile reflecting the NPPF and London Plan. The following objectives and policies are relevant to the consideration of this case.

Strategic Objective 5

To ensure the provision of inclusive facilities and services that meet the high expectations of the City's business, resident, student and visitor communities, aiming for continuous improvement in the City's rating in satisfaction and quality of life surveys.

Core Strategic Policy CS3: Security and Safety

To ensure that the City is secure from crime, disorder and terrorism, has safe systems of transport and is designed and managed to satisfactorily accommodate large numbers of people, thereby increasing public and corporate confidence in the City's role as the world's leading international financial and business centre, by:

1. Ensuring that the dense network of buildings and spaces, including the activities they contain, is designed to be safe, minimising the potential for crime and antisocial behaviour and providing for a mix of uses and natural surveillance of streets and spaces
4. Ensuring that security and safety measures are of an appropriate high quality design.
6. Ensuring that development takes account of the need for resilience so that the residential and business communities are better prepared for, and able to recover from, emergencies (including the promotion of business continuity measures).

Policy DM 3.1 Self-containment in mixed use developments

Where feasible, proposals for mixed use developments must provide independent primary and secondary access points, ensuring that the proposed uses are separate and self-contained.

Policy DM 3.2 Security measures in new developments and around existing buildings to ensure that security measures are included in new developments, applied to existing buildings and their curtilage, by requiring:

- developers to seek recommendations from the City of London Police Architectural Liaison Officer at the design stage. New development should meet Secured by Design principals;
- an assessment of the environmental impact of security measures, particularly addressing visual impact and impact on pedestrian flows

Policy DM 15.7 Noise and light pollution

1. Developers will be required to consider the impact of their developments on the noise environment and where appropriate provide a noise assessment. The layout, orientation, design and use of buildings should ensure that operational noise does not adversely affect neighbours, particularly noise-sensitive land uses such as housing, hospitals, schools and quiet open spaces
2. Any potential noise conflict between activities and new development should be minimised. Where the avoidance of noise conflicts is impractical, mitigation measures such as noise attenuation and restrictions on operating hours will be implemented through appropriate planning conditions.

Core Strategic Policy CS21: Housing

To protect existing housing and amenity and provide additional housing in the City, concentrated in or near identified residential areas, as shown in Figure

X, to meet the City's needs, securing suitable, accessible and affordable housing and supported housing, by:

1. Exceeding the London Plan's minimum annual requirement of 110 additional residential units in the City up to 2026:
 - (i) guiding new housing development to and near identified residential areas;
 - (ii) protecting existing housing;
 - (iii) refusing new housing where it would prejudice the primary business function of the City or be contrary to Policy DM 1.1;
 - (iv) exceptionally, allowing the loss of isolated residential units where there is a poor level of amenity.

Policy DM 21.2 Loss of housing

The net loss of existing housing units will not be allowed except where:

- they provide poor amenity to residents which cannot be improved;
- they do not have a separate entrance;
- large scale office development would be prejudiced by the retention of isolated residential units

Policy DM 21.3 Residential environment

1. The amenity of existing residents within identified residential areas will be protected by:
 - resisting other uses which would cause undue noise disturbance, fumes and smells and vehicle or pedestrian movements likely to cause disturbance
 - requiring new development near existing dwellings to demonstrate adequate mitigation measures to address detrimental impact
2. Noise-generating uses should be sited away from residential uses, where possible. Where residential and other uses are located within the same development or area, adequate noise mitigation measures must be provided and, where required, planning conditions will be imposed to protect residential amenity.
5. The cumulative impact of individual developments on the amenity of existing residents will be considered.

Policy DM 21.6 Temporary sleeping accommodation

- 1) Temporary sleeping accommodation will not normally be permitted where it is mixed with permanent residential accommodation within the same building.
- 2) Permanent residential accommodation will not normally be permitted to change use to temporary sleeping accommodation.

- 3) Where temporary sleeping accommodation is permitted, conditions will be imposed to prevent any later changes to permanent residential use in unsuitable accommodation or locations