

<b>Committee:</b>	<b>Date:</b>
Planning and Transportation	13 June 2017
<b>Subject:</b> Neighbourhood Planning Act	<b>Public</b>
<b>Report of:</b> Remembrancer	<b>For information</b>
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### Summary

This report advises the Committee of the enactment of the Neighbourhood Planning Bill previously reported to the Committee, and updates the Committee on developments during the passage of the Bill. These include further announcements about the measures to restrict the use of planning conditions, additions to the Bill concerning local plans and drinking establishments, and a policy indication about the use of 'article 4' directions to restrict commercial-to-residential conversions.

### Recommendation

The Committee is invited to receive this report.

### Main report

1. The Neighbourhood Planning Bill was reported to the Committee at its meeting of 25<sup>th</sup> October 2016. The Bill has now completed its passage through Parliament and become an Act.
2. The measures described in the October report survived the passage of the Bill and have accordingly become law. They will be brought into force through regulations in the usual way at a later date. Officers will monitor the position and take the necessary steps to prepare for timely implementation.
3. It will be recalled that the measures of greatest practical significance to the Committee concern the use of planning conditions. Pre-commencement conditions will no longer be permitted without the written agreement of the developer, and some further types of condition will be prohibited by regulations.
4. After the October report the Government published its response to a consultation on these measures. It proposes a ten-day limit for an applicant to respond to proposed pre-commencement conditions before they are deemed to be agreed. It also promises further detail about the other types of condition

which are to be prohibited. Broadly speaking, these will be conditions which unreasonably impact on the deliverability of a development, reserve outline application details, require the development to be carried out in its entirety, require compliance with other regulatory requirements, require land to be given up, or require payment of money or other consideration.

5. Three measures of note were added to the Bill after the October report. The first makes clear that local plans must identify and address the strategic priorities for the development and use of land in area concerned. The local plan for the City already seeks to do this. The second new measure empowers the Secretary of State to require planning authorities to prepare joint development plans. This measure is aimed at areas without local plans in place and is unlikely to affect the City.
6. The third measure, accepted by the Government following a defeat in the House of Lords, will remove permitted development rights for the demolition or change of use of pubs and other drinking establishments. Such development will accordingly require local planning permission. The measure is prompted by concern about the declining number of pubs.
7. During proceedings on the Bill the Government came under pressure about the conversion of office buildings into homes, following the introduction of a permitted development right in 2013. In response, the Housing and Planning Minister clarified the Government's position with respect to 'article 4' directions, whereby local planning authorities may restrict permitted development rights with the approval of the Secretary of State. The Minister indicated that the Government would not seek to limit the scope of an article 4 direction so long as the authority was meeting the housing requirements identified in its local plan and could show that the direction was necessary to protect the amenity and wellbeing of its area.
8. The City is among the areas exempt from the permitted development right until 2019, under national regulations. Members' approval will in due course be sought for an article 4 direction to take the place of the exemption once it expires. The City currently meets the housing targets which are set in the London Plan and reflected in the City's local plan. The London Plan is currently under review and the implications of any changes in housing targets will need to be considered in seeking approval for an article 4 direction.

### **Background papers**

- 25<sup>th</sup> October 2016, Item 7 (Report of the Remembrancer on the Neighbourhood Planning Bill)

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