

Committee(s)	Dated:
Planning and Transportation Committee	05/03/2024
Subject: City Corporation response to government consultations on brownfield land prioritisation and permitted development rights	Public
Which outcomes in the City Corporation's Corporate Plan does this proposal aim to impact directly?	1,2,3,4
Does this proposal require extra revenue and/or capital spending?	No
If so, how much?	n/a
What is the source of Funding?	n/a
Has this Funding Source been agreed with the Chamberlain's Department?	n/a
Report of: Bob Roberts, Interim Executive Director of Environment	For Decision
Report author: Gudrun Andrews, Head of Planning Policy	

Summary

The government has recently launched two new consultations relating to strengthening planning policy within the National Planning Policy Framework (NPPF) for brownfield development, and changes to Permitted Development (PD) rights in relation to air source heat pumps, electric vehicle (EV) charging and residential extensions. The consultations conclude on 26 March and 2 April 2024 and the outcomes of which may be reflected in future versions of the NPPF or confirmed PD changes.

This paper sets out the proposed consultation responses highlighting areas of interest or concern to the City Corporation, which are included in full in Appendix A and B.

Recommendation

Members are asked to:

- Agree the proposed responses at Appendix A and Appendix B to the government's consultations on: Changes to various permitted development rights and Strengthening planning policy for brownfield development

Main Report

Background

1. The government frequently consults upon changes to planning regimes including proposed changes to the NPPF or permitted development (PD) rights. The most recent amendments to the NPPF were made in December 2023 which introduced changes in relation to housing targets and supply, concluding a consultation which closed in early 2023.
2. This report proposes responses to two government consultations relating to [brownfield land](#) and [changes to permitted development \(PD\) rights](#). These consultations conclude on 26 March 2024 and 9 April 2024, respectively.
3. The brownfield land consultation seeks views on how the government may strengthen national policy in relation to brownfield land, including through amendments to the 'presumption in favour of sustainable development' within the NPPF, and proposals to review the threshold for referrable applications to the Mayor of London. These proposals respond to comments the government received within the Spring 2023 NPPF consultation and the outcomes of an expert panel [report](#) into the London Plan commissioned by the government in late 2023.
4. The permitted development rights consultation proposes changes to PD rights in relation to air source heat pumps, EV charging and residential extensions with the aims of boosting housing delivery and facilitating the uptake of lower carbon technologies.

Proposal

5. It is proposed that the responses to the two government consultations as included within Appendix A and B are submitted on the government's consultation portal on behalf of the City Corporation. Key messages are included below.

Strengthening planning policy for brownfield development- amendments to presumption in favour of sustainable development

6. The definition of brownfield (or previously development land) is set out in [Annex 2](#) of the NPPF. The full consultation response included at Appendix A highlights some uncertainty around proposed flexibility in the application of policies and highlights potential unintended consequences resulting from any housing delivery trigger-point changes. Further detail is set out below.
7. Section 2 of the consultation proposes flexibility in the application of policies relating to residential internal layouts. This would mean applying the same

degree of flexibility being currently afforded in relation to daylight and sunlight policies (see NPPF, paragraph 129c). In the absence of further detail, the response queries whether nationally described space standards (applied in London through the London Plan) would be subject to such flexibility (see questions 2 and 3).

8. Section 3 proposes a new presumption in favour of sustainable development on previously developed land for urban 'uplift' areas, which includes the whole of Greater London. This would introduce a 'tilted balance' in favour of sustainable housing development on brownfield land where the housing delivery test (HDT) results fall below 95% of the target over the previous three years. For brownfield land only, this is a significant increase from the current 75% of the housing requirement.
9. As set out in the consultation response (see question 7) the City Corporation is confident that it will be able to deliver the required housing over the plan period. However, the HDT measures over a three-year period and the annual results can be variable, ranging from between 32% to 330% of the target over the last five years. Therefore, if the 95% trigger is introduced it is possible that a future HDT measure could trigger the presumption. The application of the presumption would have negative implications on the ability to support and promote office and other development within the square mile, risking the aims of the City Plan and other Corporation strategies (see question 8). The response to question 9 concludes that if this new trigger and presumption is included then this should apply nationally.
10. Section 4 relates to increasing the threshold of residential applications referable to the Mayor (currently 150 homes). The response at question 13 concludes that this should remain unchanged, as due to the type of planning applications received this will have negligible impact on the City Corporation.

Permitted Development Rights consultation

11. The full consultation response is included at Appendix B. This consultation proposes some changes in relation to residential extensions and the scope of buildings which allow residential upwards extension, and rebuilding; electric vehicle (EV) charging and siting; and air source heat pumps and siting. The response agrees with the scope of the changes proposed, subject to some additional safeguards to protect amenity.
12. The consultation contains proposed changes to enable the construction of larger extensions and outbuildings to existing dwellinghouses. Given the nature of the residential stock of the square mile it is considered that the impacts will be negligible, so no comments have been included for a majority of the questions. Responses are however provided to in relation to whether permitted development rights should also apply to flatted development, the location of residential bike stores in conservation areas and the age of buildings which could benefit from upwards residential development (see questions 15, 19 and 25).

13. The consultation also proposes some additional flexibility in relation to the installation of electric vehicle charging outlets and supporting equipment. It is considered that these changes are unlikely to impact upon the city due to the lack of surface car parking, therefore no comments have been included for section 5 (questions 36 to 43).
14. Other matters proposed within the consultation relate to the removal of imitations in relation to the citing of air source heat pumps near boundaries. The response agrees with the removal of boundary restrictions, subject to appropriate siting, integration into the design and noise attenuation (see questions 44 to 52).

Next Steps

15. Responses will be submitted to the two consultations (see Appendix A and B) before the closing dates of 26 March and 2 April on the government's consultation portal.

Corporate & Strategic implications

16. The response to the consultation has been prepared to ensure the aims of the emerging City Plan 2040 and adopted Local Plan are not compromised by changes to the planning regime at a national level. The City Plan has been prepared to contribute to corporate objectives.

Risk management reporting

17. There are no risk implications relating to the content of the response.

General implications

18. There are not considered to be any financial, resource or legal implications relating to the content of the response.

Equalities implications

19. There are no equalities issues raised as a result of the consultation response. However, the response at Appendix A does suggest that the government may wish to further consider equalities issues as it progresses with the outcomes of the consultation.

Conclusion

20. The report sets out the main content of the proposed City Corporation response to the two government consultations. It raises some concerns about potential implications of proposed changes to the presumption in favour of sustainable development on brownfield land. Any application of the presumption could have negative impacts on the ability to deliver the wider aims of the City Plan and

other corporate strategies to protect and support office development within the square mile.

Appendices

- Appendix 1 – Proposed response to the permitted development rights consultation
- Appendix 2 – Proposed response to strengthening planning policy for brownfield development consultation

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