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Dear Mayor,

### **Response to Minor Alterations to London Plan: Housing Standards**

Thank you for the opportunity to comment on the Minor Alterations to the London Plan. While the Council broadly supports the alterations which are proposed to the London Plan, there are a few areas of concern which we wish to highlight.

#### **1. Legality of the changes**

The greatest concern the Council has with the MALPs is that they seek to do something for which there is no legal basis. Both the Building Act 1984 (as amended by the Deregulation Act 2015) and the NPPG make clear that the decision whether to adopt the voluntary standards is one for the local planning authority. Other than for applications that he takes over, the Mayor is not a local planning authority. He cannot dictate to a borough how it should exercise its discretion to adopt the optional standards or not and conversely, boroughs cannot fetter their discretion by simply doing what the Mayor tells them. In every case the LPA would have to show that it has thought for itself about both the need to adopt the standards and the local impacts on viability.

It is therefore not appropriate for the Mayor to say that the optional requirement should be applied across London. What the Mayor can do (and should – as it would be genuinely helpful to boroughs) is say that in his view, the evidence of pan-London need and impact on viability that he has brought forward means that his presumption is that boroughs should exercise their discretion unless there are compelling local reasons why not. Therefore paragraph 3.36 should not refer to the Mayor adopting the Nationally Described Space Standard – or if it does, only to the extent that he is a local planning authority, and he can state that boroughs should adopt it in the light of evidence of need and the fact that very similar standards have been applied London-wide without any negative effect since 2011. The NPPG again is clear that this is a judgement for LPAs.

#### **2. Viability report**

The viability report supporting the MALPs is very broad-brush and does not, for example, deal with issues like the increased build costs that might arise from the design and materials requirements for developments affected by heritage designations. As time goes on, it will decreasingly constitute the kind of up-to-date viability evidence the NPPF says

should underpin local plan policies. Therefore, the alterations to policy 3.5C should say that in the light of the evidence of need and viability impacts brought forward by the Mayor boroughs should, in preparing LDFs, generally adopt the requirements unless there are compelling local considerations justifying non-adoption.

### 3. Pooling contributions

Since 6 April 2015 the restrictions on using section 106 to pool contributions towards infrastructure mean that the use of “local funds” of the kind mentioned in Policy 5.2F and referred to in paragraph 5.18 would need to be approached very carefully. Requiring infrastructure to make a development acceptable in planning terms may be acceptable, but pooling contributions might not.

### 4. Encouraging a range of sizes

The notion in paragraph 3.36 that the standards are minimum which developers are encouraged to exceed needs to be strengthened to make the message clearer that larger units are acceptable and welcomed.

There has been growing interest in Westminster for the development of single person dwellings of around the 25-30sqm size, but with generous shared amenity space, providing an innovative solution to the affordability problems of young professionals in the city. Alongside a range of unit sizes, the council feels that this type of development should be encouraged across London and that the wording at the end of paragraph 3.36 does not adequately do this. Instead we suggest the following:

*“Single person dwelling units of less than 37 square metres may be permitted if the development proposal is demonstrated to be of exemplary design (including shared amenity space or facilities for residents, for example) and contributes to achievement of other objectives and policies of this Plan, including delivery of relatively affordable housing in high-value areas”.*

### 5. Step-free access

Policy 3.8 might deal with the access standards by taking them out of the list in paragraphs ‘Bc’ and ‘d’ and having a standalone paragraph saying that in preparing LDFs boroughs are encouraged to adopt the voluntary standards in the light of evidence of need justifying 90% of new housing meeting M4(2) and 10% M4(3).

Paragraph 3.48A mentions viability and on-going maintenance costs of providing step free access to dwellings, but fails to mention listed building constraints which may also make this impossible to provide without compromising the heritage importance of a building.

### 6. Energy

Policy 5.2 updates carbon targets in line with 2013 Building Regulations – although this is formalising a change of approach previously communicated – so carbon reduction expected is 35% beyond Building Regulations 2013, which is as per the figures already rebased from the previous 2010 target of 40%.

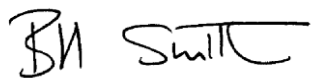
The introduction of a new 'interim' carbon target for non-domestic buildings in 2016 is noted and welcomed. This will have positive benefit to Westminster – allowing us to offset to a target of 50% in respect of non-domestic buildings from 2016 – 2019, and will provide a useful interim 'step' in terms of industry gearing up towards 2019 targets.

## 7. Water

Policy 5.15 clarifies the requirement for the optional higher standard of water use across London equivalent to 105litres pppd excluding an allowance of 5litres pppd. Westminster supports this change.

The Council looks forward to inputting into the development of the London Plan in future, and will also be providing comments on the Mayor's Interim Housing SPD in due course.

Yours sincerely

A handwritten signature in black ink, appearing to read 'BA Smith'.

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Policy, Performance and Communications  
Westminster City Council