

## **London Plan – Minor Alterations June 2015**

### **Representation on behalf of Pocket**

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#### **General Comments**

Pocket has made a number of representations in the past number of years on the emerging policies of the London Plan, REMA and FALP. The evolution of the policies which have emerged have assisted Pocket in developing its intermediate housing model which has now delivered hundreds of new homes for Londoners who could not otherwise afford to buy in the open market.

Overall we consider the proposed changes with the Minor Alterations to the London Plan (MALP) should be supported as they have successfully incorporated and more importantly interpreted the changes set out within the Technical Housing Standards for the circumstances of London. Furthermore we note that reference is made to a new Housing SPG 2015 and we would wish to meet with GLA officers at an early opportunity to provide Pocket's experience of the interpretation of the current policy within the SPG by LPA's across London and how it is considered that the wording of the SPG could be strengthened to further support the provision of innovative forms of intermediate housing across London.

However Pocket is deeply concerned about the imposition of Building Regulation M4 (2) for all new units in London (with the exception of wheelchair housing for which M4 (3) applies). The imposition of this requirement is hugely onerous upon developers such as Pocket and significantly exceeds previous policy guidance. The Housing SPG (and LHDG) which were developed by the GLA and which have led housing design in London for the past five years provides the allowance for flatted housing schemes to be without a lift for schemes which are four storeys or less and this has worked well to date.

Pocket's model for the delivery of intermediate homes has been revolutionising the delivery of affordable homes across London and the model of providing compact but extremely well designed and efficient homes means Pocket can compete for development sites with private developers and thus can continue to deliver new homes for Londoners. This means that Pocket is perhaps one of the few affordable housing providers that remain able to compete in central areas of London for sites with private developers. Pocket's designs seek to minimise cost during the build process to make homes as affordable as possible to new purchasers but also to reduce service charges and future maintenance costs so that homes remain affordable. In order to achieve cost effective development many of Pocket's schemes have previously been no more than four storeys in order to address both the Housing SPG and Building Regulation stipulations that require lifts be provided for scheme with five floors or more. This has led to the delivery of cost effective developments which have maximised affordable homes.

However the proposed wording of Policy 3.8 and accompanying paragraph 4.28a appears to set a default position that all development with more than one storey requires step free access to the dwelling. The logical consequence of this will be that all flatted developments of more than a storey in height will require lift access.

Paragraph 4.28a highlights that this requirement could be a substantial issue but provides no guidance other than to say it could be subject to 'site specific' viability assessments and consideration of on-going maintenance costs. As noted below we do not consider this wording is appropriate and puts the emphasis on developers providing lifts in schemes of two to four storeys in height unless the developer can demonstrate the viability of delivering the scheme is harmed.

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Furthermore the longer term impact upon residents of inheriting additional service charge costs has not been factored into this approach. It is considered that the reverse should be in place and that boroughs should only be able to impose this imposition if the viability of doing so has been proven and that future long term costs to residents should also be a consideration.

Building Regulation M4 (2) is an optional requirement that in our view should only be applicable if the case for its inclusion has been made by an individual LPA and only where a viability case for its inclusion has been made. This wording does not reflect the wording of Policy 3.8 and Paragraph 4.28a which indicate that the viability assessment is to demonstrate why a lift cannot be provided. Furthermore by including this into the London Plan it is being made effectively a mandatory requirement to be introduced by all LPA's across London as the Local Plan for each authority has to be in general conformity with the London Plan. In addition within London, the London Plan forms part of the development plan (s.38 (2)) for the purposes of determination of applications (s.38(6)) and thus notwithstanding the application of the optional requirements in their Local Plans (which have to be viability tested) LPA's could impose conditions based on Policy 3.5 and 3.8 of the London Plan.

The Impact Assessment prepared by AMEC which accompanies the MALP identifies the issue and even recognizes this will reduce the provision of new homes but sweeps the impact under a broad generalisation that no change is not an option.

*“Whilst this approach is very similar to existing London Plan policies, there is a change to the ‘lifetime homes’/M4 (2) standard which must now be step free. Given the number of dwellings delivered as flats this could reduce the number of dwellings delivered to M4 (2) as their delivery would be subject to the provision of a lift, which would be subject to a viability assessment. However the only alternative to this approach is no policy. The adoption of the national standards also improves enforcement of the policy approach as it will be administered through the building control process. In addition the adoption of the national standards means that the policy is more enforceable (sic) as it is applied the Building Regulations. Therefore the proposed MALP are considered to have a positive effect on this objective.”*

Firstly the assumption that M4 (2) is a ‘like for like’ replacement to Lifetime Homes is incorrect. There are a number of subtle and telling differences between the two and more importantly Lifetime Homes was not referenced in Building Regulations which allowed for flexibility in its application.

Secondly in regard to the comment that the alternative is ‘no policy’, no reference is made to M4 (1) Visitable dwellings which includes many of the criteria of Lifetime Homes and is mandatory on all dwellings. The AMEC Impact assessment implies that unless M4 (2) is applied there is no control however the mandatory requirements of M4 (1) are still applicable. Thus the alternative to having no ‘planning’ policy is that all dwellings are still subject to Building Regulations M4 (1). The application of M4 (1) would be appropriate for new homes in almost all cases and would still ensure:

*“that dwellings provided a reasonable provision for most people including wheelchair users to approach and enter the dwelling and access the habitable rooms and sanitary facilities on the entrance storey.” (M4 (1))*

Thirdly it is evident from AMEC’s summary and from Pocket’s understanding of the market that the imposition of this requirement will reduce the provision of homes in London and in particular affordable intermediate homes. This is in our view contrary of the objectives of the London Plan which is to deliver the maximum number of homes across the boroughs to help meet London’s housing crisis.

**MALP – Representation by Pocket continued/...**

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It is considered that boroughs could still seek to apply M4 (2) if they felt certain circumstances allowed for this however they should provide viability evidence within their Local Plans to demonstrate why this should be sought and also ensure that the delivery of affordable homes was not impacted by the imposition of a standard more onerous than the mandatory Building Regulation M4 (1). The failure of the MALP and its accompanying Impact Assessment in not testing the default position of M4 (1) is considered to be a very significant oversight and that the adoption of the optional requirement M4(2) as the base position in London will have a major impact on the delivery of new homes especially intermediate homes across London.

As identified in the Written Statement (25 March 2015) by the then Secretary of State Eric Pickles:

*“New homes need to be high quality, accessible and sustainable. To achieve this, the government has created a new approach for the setting of technical standards for new housing. This rationalises the many differing existing standards into a simpler, streamlined system which will reduce burdens and help bring forward much needed new homes.*

*The new system will comprise new additional optional Building Regulations on water and access, and a new national space standard (hereafter referred to as “the new national technical standards”). This system complements the existing set of Building Regulations, which are mandatory.*

*To implement this new regime, this written ministerial statement sets out the government’s new national planning policy on the setting of technical standards for new dwellings. This statement should be taken into account in applying the National Planning Policy Framework, and in particular the policies on local standards or requirements at paragraphs 95, 174, and 177, in both plan making and decision-taking.”*

The wording of Policy 3.5, Policy 3.8 and accompanying policy guidance in paragraph 4.28a within the MALP will do the reverse of what the Government is seeking to achieve. They will make development in London more expensive and reduce the number of homes (particularly affordable homes) delivered across London. The policies will wrap the delivery of new homes in red tape and mean that most homes are effectively over specified. Viability is already a major issue in schemes and the wording within the London Plan sets a more onerous requirement than has existed in London before. Finally the longer term impact on residents of additional service and maintenance costs for lifts has not been considered and could make schemes less affordable.

We would request therefore a reconsideration of how these policies work in relation to developments between two and four storeys and in particular in relation to schemes which maximise the benefits to Londoners by maximising affordable homes.

**Specific Comments on the MALP**

Policy 3.5 (c): We consider the reference to LDF’s incorporating requirements for accessibility and adaptability in line with M4 (2) should be removed as unnecessary as it is duplicating the guidance within Policy 3.8.

Policy 3.8 (c). This paragraph within the policy should be deleted and replaced with text which states that boroughs may introduce optional requirement M4 (2) within their Local Plan but only where it has been tested against viability and the imposition of this optional requirement should be balanced against the need to deliver new homes.

Paragraph 4.28a: We consider this paragraph should be deleted and the following wording inserted:

**Boroughs should only apply Optional Requirement M4 (2) of the Building Regulations 2015 where there is a clear case to do so and where the viability of the imposition of this Optional Requirement has been tested during the Local Plan process. Boroughs cannot apply M4 (2) unless this viability assessment has been undertaken and there is an adopted policy in place which supports it. In seeking to impose M4 (2) on developers boroughs must be aware that the need to maximise the delivery of housing is primary. Flexibility should be applied to types of provision which comply with the definition of affordable housing but are subsidised in other ways such as directly through discounted land sale, or indirectly if they offer exceptional benefits which on balance justify departures from some normal planning requirements.**