
Report to the Mayor of London

by David Hogger BA MSc MRTPI MCIHT

an Inspector appointed by the Secretary of State for Communities and Local Government

Date: 15th December 2015

GREATER LONDON AUTHORITY ACT 1999

PART VIII

REPORT ON THE EXAMINATION IN PUBLIC INTO THE MINOR ALTERATIONS TO THE LONDON PLAN

Examination Hearings held on 21st and 22nd October 2015

File Ref: SDS0025

Abbreviations Used in this Report

EiP	Examination in Public
EU	European Union
GLA	Greater London Authority
HRA	Habitats Regulations Assessment
IIA	Integrated Impact Assessment
m	Metre
MALP	Minor Alterations to the London Plan
NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance
PTAL	Public Transport Accessibility Level
TfL	Transport for London

NON TECHNICAL SUMMARY

This Report concludes that the London Plan, as changed by the Minor Alterations, provides an appropriate basis for the strategic planning of Greater London provided the Suggested Changes¹ ; the Further Suggested Changes²; the deletion of the proposed alterations to policy 5.2³; and my recommendations in this Report, are all accepted.

The recommendations can be summarised as follows:

Housing:

- Clarification of the types of residential development to which the relevant Building Regulations apply;
- Clarification of the consequences if the provision of lifts is found to be not viable; and
- Deletion of references to The Lifetime Homes Standards.

Parking:

- Inclusion of a more specific reference to the consideration of air quality implications.

¹ Library documents MA/SC/01 and MA/SC/02

² Library document MA/SC/04

³ Library document MA/SC/03

Introduction

1. This report contains my assessment of the Minor Alterations to the London Plan (MALP) in accordance with the terms of the Greater London Authority (GLA) Act 1999 (as amended) and the Town and Country Planning (London Spatial Development Strategy) Regulations 2000 (the Regulations). The Minor Alterations relate to Housing Standards and Parking Standards only.
2. The London Plan should be consistent with national policy⁴ and this is set out in the National Planning Policy Framework (NPPF), which is supported by the National Planning Practice Guidance (NPPG). Although the NPPF refers primarily to local plans I consider it reasonable to apply the principles of soundness to the London Plan and note that this is the approach adopted by other Inspectors who have undertaken similar Examinations. The MALP should therefore be positively prepared, justified, effective and consistent with national policy (paragraph 182 of the NPPF).
3. The starting point for the examination is the assumption that the Mayor considers that the MALP do not have an adverse effect on the soundness of the London Plan. The MALP were published for consultation on 11th May 2015 and the Mayor published two Schedules of Suggested Changes (one for each topic) on 21st August 2015⁵ (including a Suggested Change deleting the proposed alterations to Policy 5.2 and its supporting text⁶, for which an explanatory note was issued on 24th August 2015); and Further Suggested Changes (Housing) on 29th September 2015⁷. All these changes were considered alongside the ‘original’ Minor Alterations at the hearing sessions. Unless otherwise highlighted in this Report, **I recommend that the GLA adopts all the suggested changes put forward by the Mayor (prior to the hearing sessions) in the four documents⁸ referred to above, unless they have been superseded by further changes following the hearings. For the avoidance of doubt, where there has been a series of changes to the same text, the most up-to-date version should be adopted.**
4. Unaltered London Plan policies, supporting text, tables and maps are not subject to this Examination and I have not attached weight to responses regarding issues outside the scope of the proposed Minor Alterations. This Report does not comment on all the representations made, although they have all been considered. The focus is on the issues that I consider to be crucial to the soundness of the MALP. The changes instigated and recommended by me primarily stem from the discussion at the hearings and my consideration of the post-hearing submissions. They are identified in bold in the Report (**IRC**) and are set out in full in the Appendix.

Format of the Report

5. At the request of the Mayor I have divided the Report into two sections – one for each topic and I have used the prefix H (Housing) or P (Parking) as

⁴ Section 41 of the GLA Act

⁵ Library documents MA/SC/01 and MA/SC/02

⁶ Library document MA/SC/03

⁷ Library document MA/SC/04

⁸ Library documents: MA/SC/01; MA/SC/02; MA/SC/03; and MA/SC/04

appropriate. I have considered whether or not there are any ‘links’ between the housing and parking standards that should be addressed but I have concluded that no such links exist that would have implications for the soundness of the MALP.

Procedural Requirements and the Duty to Co-operate

6. The GLA Act establishes the statutory requirements in relation to the preparation of the MALP and confirms that the Mayor (amongst other things) must have regard to the need to ensure that the London Plan is consistent with national policies and other statutory strategies. The GLA has published separate Integrated Impact Assessments (IIA)⁹ for the Housing and the Parking documents. These cover, for example, Strategic Environmental Assessment, Sustainability Appraisal, community safety, health impacts and equality impacts. A Habitats Regulation Assessment has been carried out in relation to the Parking Standards MALP¹⁰.
7. In terms of consultation and the duty to co-operate, the Note to the EiP Inspector dated 21 August 2015¹¹, sets out the approach adopted by the GLA and I am satisfied that it is in general conformity with the statutory requirements. The Mayor has satisfactorily undertaken the procedural requirements and the duty to co-operate and no evidence has been submitted that would lead me to a different conclusion.

THE HOUSING STANDARDS MALP

Main Issues

8. The purpose of the Housing Standards MALP is to bring them up-to-date with Government policy. Against this background and taking into account all the representations, written evidence and the discussions that took place at the examination hearing I have identified five main issues upon which the soundness of the MALP, in terms of Housing Standards, depends. I have considered whether or not the Housing Standards MALP have any significant implications for other policies in the London Plan but on the evidence before me I conclude that they do not and therefore that is not identified as a main issue.

Issue H1 – Is the Evidence on which the Housing Standards MALP are based sufficiently robust, in particular the Integrated Impact Assessment; the Evidence of Need; and the Viability Assessment¹²?

9. The Integrated Impact Assessment (IIA) establishes 16 sustainability objectives against which the policy topics of: water efficiency; residential space; and accessibility, are assessed. Bearing in mind the Mayor is only reviewing the Housing Standards, then this is an appropriate approach to take because it is proportionate and relevant to the alterations being considered. The Mayor has made it clear from where the baseline information has been sourced and what other plans and programmes have been taken into account.

⁹ Library documents MA/CD/03 and MA/CD/04

¹⁰ Library document MA/CD/05

¹¹ Library document MA/EX/01

¹² Library documents MA/CD/03, MA/KD/03 and MA/KD/04

It is also clear where there are gaps in the evidence (for example no information was found regarding the levels of accessibility in existing London housing stock)¹³ but I am satisfied that there are no omissions of such fundamental importance that the Mayor’s policies would be put at risk. In any event there is a commitment to monitoring and up-dating the evidence as necessary, thus ensuring that the Mayor can re-act appropriately should there be a significant change in circumstances.

10. In terms of the evidence of need¹⁴ it is clear that consideration has been given to a range of information relating to internal space, access, water efficiency and carbon dioxide reduction targets. In terms of internal space, the need for good design (which encompasses space) is a fundamental requirement and the NPPF makes it clear that high quality and inclusive design should be sought. Although the optional space standard is just that – optional, the NPPG advises that the justification for requiring any such standards should be provided¹⁵. The Mayor has satisfactorily achieved this through the Evidence of Need document.
11. Similarly in terms of the optional access requirements a wide range of evidence has been assessed, including with regard to meeting the needs of the elderly, infirm and families with young children. I consider that the evidence is robust and proportionate and that it provides sufficient justification for the inclusion of M4(2) and M4(3) optional access requirements.
12. The Viability Assessment addresses the potential impact of the standards on the current London housing market and assesses a number of scheme types across 43 locations. It concludes that the implementation of the housing standards would not have significant consequences for the viability and delivery of housing in London and I agree that this is a reasonable conclusion to draw on the evidence before me.
13. No changes are proposed to policy 5.15 on Water Use and Supplies (only to the supporting text which is amended to refer to the application of the optional requirement set out in part G of the Building Regulations). The evidence supports such an approach and I note that no significant objections were submitted regarding the proposed textual change.
14. I conclude that the evidence on which the Housing Standards MALP are based is proportionate and sufficiently robust.

Issue H2 – Do the Proposed Alterations to the Housing Standards Sufficiently Reflect National Advice?

15. The Written Ministerial Statement dated 25 March 2015 sets out the approach to be taken towards setting technical standards for new homes. In essence the system is streamlined, with reliance being placed on the existing mandatory Building Regulations plus additional optional Regulations on water and access, and a new optional national space standard. The optional standards should only be introduced if they address clearly evidenced need and where the impact on viability has been considered.

¹³ Paragraph 7.2 of IIA

¹⁴ Library document MA/KD/03

¹⁵ Paragraph 020 (ID: 56-020-20150327)

16. There would be no benefit in repeating national advice in this Report, suffice to say that the NPPF establishes the broad approach to be taken in terms of, for example, the provision of quality homes, meeting the challenge of climate change and ensuring the viability of sustainable development. More detailed advice can be found in the NPPG¹⁶.
17. I have already concluded, under H1 above, that the evidence in terms of need and viability is robust. It demonstrates that the Mayor has a clear understanding of the housing needs in London and seeks to promote inclusion and community cohesion. The requirements established in national advice, for example in relation to design, climate change and viability, are satisfactorily reflected in the Housing Standards MALP.

Issue H3 – Are the Proposed Housing Standards Adequately Justified?

18. It is not clear to the lay person whether or not the ‘requirements’ referred to in policy 3.5C apply to both residential new build and conversions. The Mayor confirmed that that dwellings delivered as a result of a conversion or change of use are not generally required to meet Part M of the Building Regulations. In all other respects, however, the policy does apply to all new dwellings, including conversions and change of use. In the interests of the proper application of the policy the Mayor has agreed to clarify the situation and I agree that this is necessary to ensure that the LP remains justified and effective. I therefore recommend **IRC H1**, **IRC H3**, and **IRC H4**.
19. A number of concerns were expressed by respondents regarding the level of precision in some of the terminology used by the Mayor, for example how would it be determined whether or not a room is ‘functional and fit for purpose’ (policy 3.5C). Although I am mindful that NPPF paragraph 154 advises that only policies that provide a clear indication of how a decision maker should react to a proposal should be included in the plan, it is clear that this reference in policy 3.5C should be interpreted as a broad objective, especially as further guidance is available elsewhere in the London Plan and in the Mayor’s Housing Supplementary Planning Guidance. I am satisfied that the Mayor has achieved an appropriate balance between precision and flexibility in the MALP (Housing Standards).
20. The justification for strongly encouraging higher ceiling heights of 2.5m (Note 3 to Table 3.3) was questioned by some respondents. The Mayor confirmed that higher ceilings would ensure that dwellings (many of which are high density flats) would achieve appropriate quality, particularly in terms of light, ventilation and sense of space. They would also contribute to reducing overheating in homes during the summer months. The NPPF supports aspiration (albeit within the confines of realism) and I consider the Mayor’s approach, in the circumstances, to be appropriately aspirational and justified. The fact that this aspiration is embedded in what is essentially supporting text and is not an explicit requirement of the policy, adds weight to my conclusion on this matter.
21. The Notes to Table 3.3 refer to ‘studio’ development. In the interests of consistency with the Table itself the reference should be to ‘one person dwelling’ and I recommend **IRC H2** accordingly.

¹⁶ Reference ID: 56-001-20150327

22. The adopted London Plan currently requires 100% of new dwellings to be built to ‘Lifetime Homes’ standards (see also paragraph 29). However, under the revised approach only one optional standard can be required for any given dwelling¹⁷. The Mayor is therefore proposing that 90% of new homes meet the M4(2) standard (accessible and adaptable dwellings) and that 10% meet the wheelchair user dwellings standard as set out in M4(3).
23. The Mayor has considered a wide range of matters in coming to his conclusion that a 90%/10% split is justified¹⁸. There was no significant dispute regarding the Mayor’s evidence on this matter and I am satisfied that the approach being followed is sound. There is, however, a lack of clarity in terms of the type of development the accessibility standards would apply to. In order to ensure that the most appropriate strategy is followed **IRC H4** is recommended.
24. Concerns were raised regarding the adaptation and retention of wheelchair user dwellings. Whilst I understand these concerns, other measures are available to address these issues (for example legal agreements) and other advice is available. It would not be reasonable to expect the London Plan to embrace every eventuality or address every policy permutation but these are issues which should be monitored in order to ensure that the Mayor’s accessibility objectives in this regard are being achieved.
25. Historically lifts have only been required in dwellings in London of five or more storeys but to comply with Building Regulation M4(2) step free access is required. Consequently there are implications, particularly in terms of viability, for blocks of four storeys or less. The Mayor has undertaken viability testing for this scenario (as explained at the Technical Session) and concludes that overall the provision of lifts in these circumstances would not have a significant impact on viability or delivery. No substantive evidence was submitted that would lead me to conclude that there would be a significant risk to development as a result of this requirement. In any event paragraph 3.48A makes it clear that the ‘requirement’ may be subject to viability assessments and consideration of on-going maintenance costs, so there is sufficient flexibility to enable any unforeseen circumstances to be addressed. Nevertheless further clarification regarding viability and service charges is required and I recommend **IRC H5** accordingly. It was suggested that this approach may discourage the provision of dwellings that require step free access but no evidence was submitted to clearly substantiate this claim and I have therefore afforded it little weight.
26. I conclude that the proposed housing standards are adequately justified.

Issue H4 – Would the Proposed Housing Standards result in any Significantly Adverse Implications?

27. It was suggested by participants that the Mayor’s approach could lead to a reduction in the overall provision of housing (primarily for reasons of viability). However, the IIA indicates that taken as a whole there would be no significant adverse implications of the Housing Standards MALP and the Viability

¹⁷ Building Regs 2010: Approved Document M

¹⁸ See page 25 of the Mayor’s Statement on Matter 1

Assessment¹⁹ concludes that the Mayor’s approach does not represent a significant determinant in the viability and delivery of housing in London. In terms of affordability no evidence was submitted to satisfactorily demonstrate that the consequences of the MALP (Housing Standards) would have a significant detrimental impact on the affordability of properties in the capital. Similarly I am satisfied that there is little cogent evidence to show that there would be significant adverse implications for the private rented sector or for the provision of starter homes. I am satisfied that there is sufficient flexibility in the Mayor’s approach to ensure that there would be little risk to the delivery of housing and that consequently the requirement to meet objectively assessed housing need in London would not be threatened. In any event the monitoring mechanisms are in place to enable appropriate action to be taken should circumstance so dictate.

28. It was suggested by respondents that the emphasis on step free housing would be at the expense of achieving high quality urban design. However, several of the policies of the London Plan (for example policy 7.4: Local Character and policy 7.6: Architecture) emphasise the need for new development to assimilate well within the existing streetscape and there is no reason to doubt that the Mayor (and the London Boroughs) will continue to require appropriate high quality design, in accordance with the NPPF.

Issue H5 – Is the Mayor’s Approach to Transition, Monitoring and Review Sound?

29. The transition period will only extend up to the date the MALP (Housing Standards) are adopted. The ‘Housing Standards Policy: Transition Statement’²⁰ does not form part of the document before me for examination but provides sufficient advice for prospective developers in the interim. After the adoption of the MALP it is important that appropriate monitoring and review mechanisms are in place to ensure delivery. In this regard there is no reason to challenge either the role of the Annual Monitoring Report in providing appropriate up-dates or the commitment of the Mayor to review the policy position should it be required. The Mayor’s approach is sound.

Other Matters

30. Paragraph 7.5 refers to the Lifetime Homes Standards. These have now been superseded and in order to ensure that the Mayor is following the most appropriate strategy, I recommend in **IRC H6**, that the reference be deleted.
31. The Mayor is proposing a small number of further minor changes to the text which although they do not relate specifically to matters of soundness, I nevertheless endorse in the interests of clarity and being up-to-date.

CONCLUSIONS AND RECOMMENDATIONS ON THE HOUSING STANDARDS MALP

32. The consultation version of the Housing Standards MALP has a number of deficiencies, many of which have been rectified by the Suggested Changes published in August 2015, prior to the hearing. Nevertheless I have set out a

¹⁹ Library document MA/KD/04

²⁰ Library document MA/KD/02

small number of further changes in the Appendix which are needed to ensure soundness and I recommend, for the reasons set out above, that those changes are included in the adopted version of the MALP (Housing Standards).

THE PARKING STANDARDS MALP

Main Issues

33. The purpose of the Parking Standards MALP is to review parking standards in outer London, especially where public transport accessibility levels are lower. Against that background and taking into account all the representations, written evidence and the discussions that took place at the examination hearing I have identified five main issues upon which the soundness of the MALP, in terms of Parking, depends. I have considered whether or not the Parking Standards MALP have any significant implications for other policies in the London Plan but on the evidence before me I conclude that they do not and therefore that is not identified as a main issue.

Issue P1 - Is the Evidence on which the Parking Standards MALP are based sufficiently robust, in particular the Integrated Impact Assessment²¹ and the Habitats Regulations Assessment²²?

34. The Integrated Impact Assessment (IIA) document clearly sets out the methodology used by the Mayor and addresses the Mayor’s legal requirements to carry out environmental, social, economic, health, equality and community safety impact assessments. Key sustainability objectives are identified and three options are assessed against the objectives. There was some criticism that none of the three options precisely mirror what is now proposed in the MALP (Parking Standards). However, it would not be realistic for every potential option to be considered – a proportionate approach is required. In any event I consider that the ‘preferred option’ in the IIA sufficiently reflects the approach now being advocated. Much of the flexibility that is being introduced by the Mayor (which was not explicit in the preferred option that was appraised) is expressed in the supporting text and not in policy 6.13 itself. I therefore conclude that, in the circumstances, a pragmatic and proportionate approach has been taken towards the gathering, up-dating and analysis of the evidence in this respect.
35. Table 6.1 of the IIA provides a summary of the impact of the three options and identifies that for the preferred option there may be a small number of consequences that ‘detract from the achievement of the IIA objective, although not significantly’. These ‘non-significant’ impacts, however, must also be seen within the context of the London Plan as a whole, which includes a range of policies, for example on air quality and open space, which are directed towards addressing such impacts. Taken as a whole I am satisfied that the evidence in the IIA is sufficiently robust and proportionate.
36. In terms of the Habitats Regulations Assessment (HRA) the main sensitivities of, and key threats to, European protected nature conservation sites have

²¹ Library document MA/CD/04

²² Library document MA/CD/05

been identified. It is concluded that the Alterations would have no likely significant effect on such sites and no evidence was submitted that would enable me to draw any conclusions to the contrary.

Issue P2 – Do the Proposed Alterations to the Parking Standards Sufficiently Reflect National Policy?

37. Paragraph 39 of the NPPF sets out a number of factors to be considered in the formulation of parking standards and the Written Ministerial Statement dated 25th March 2015 provides further advice that ‘local planning authorities should only impose local parking standards for residential and non-residential development where there is a clear and compelling justification that it is necessary to manage their local road network’²³.
38. The modelling undertaken by Transport for London (TfL) was based on the assumption that by 2031 there will be an additional 24,000 car owning households with an average of 1.4 cars per household. Past trends (2004-2014) show that in inner London there is an average of 0.77 spaces per dwelling and in outer London it is 1.14 spaces²⁴. It can reasonably be assumed that the future increase in households and the relative under-supply of off-street parking will further increase the pressure for on-street parking with consequent implications for the safety of local road network. This situation was reflected in a letter to the Mayor from the Minister of State for Housing and Planning dated 27th January 2015 in which he expresses the view that in London ‘more parking spaces should be provided alongside new homes that families want and need an insufficient number of parking spaces risks creating a vicious cycle where clogged up streets leave motorists to run a gauntlet of congestion, unfair fines and parking restrictions’.
39. Policy 6.13Ee (as amended by Parking Suggested Change 1²⁵) specifically refers to paragraph 39 of the NPPF, as does paragraph 6.42j (as amended by Parking Suggested Change 2) of the supporting text. Furthermore, the adopted London Plan itself (for example in paragraph 0.16H and in the supporting text to policy 6.13: Parking) provides confirmation that the Mayor has given due weight to national policy on parking standards.
40. Concerns have been expressed about the impact of the Parking Standards MALP on air quality and health and I address these in paragraphs 48 to 64. In broad terms, however, I am satisfied that appropriate account has been taken of national policy in the proposed alterations relating to parking standards.

Issue P3 – Is the Balance that would be achieved between Car Parking Provision and the Promotion of Sustainable Means of Movement Appropriate?

41. Paragraph 29 of the NPPF states that ‘the transport system needs to be balanced in favour of sustainable transport modes’. This approach is tempered, however, by the acknowledgement that ‘different policies and measures will be required in different communities’.

²³ Written Statement To Parliament, Rt Hon Eric Pickles March 2015

²⁴ Summarised in the Notes of the Technical Session

²⁵ Library document MA/SC/02

42. It must be remembered that I am examining the Parking Standards MALP within the context of the London Plan as a whole and the Mayor’s response to my Final Matters question 2b clearly summarises the framework provided by that Plan. I need to weigh the amount of ‘new’ car parking that would be provided (and the consequent increase in car travel) against the availability of sustainable means of movement. TfL confirmed that the number of additional car trips resulting from the MALP (Parking Standards) would be very small²⁶ and I was given no evidence to the contrary. At the same time it is clear that the Mayor is placing significant emphasis on the provision of improved public transport and schemes to encourage more cycling and walking²⁷. I am satisfied that an appropriate balance will be achieved, particularly as the opportunity to increase parking provision will mainly only be available in areas of comparatively poor public transport provision.

Issue P4 – Is the Reliance Placed on Public Transport Accessibility Levels (PTALs) Justified?

43. PTALs (as defined in the document’s Glossary) are a well-established and well-understood approach to measuring connectivity. The PTAL methodology is subject to review and updating and although the Mayor recognises there may be some limitations (for example in terms of the effect new rail services may have on bus services) he considers that there is currently no justification for re-assessing the approach taken. A number of respondents did raise concerns about the accuracy of PTALs but no feasible alternatives were suggested and there was a general acceptance at the hearing, that although not perfect, PTALs should continue to form the basis of the Mayor’s approach and I agree.
44. In terms of the specific wording of policy 6.13 I am satisfied that the use of the word ‘generally’ in front of PTALs 0-1 is justified. This adds a degree of flexibility which will enable outer London Boroughs to assess whether or not there are specific circumstances that may justify more generous parking provision in specific proposals outside PTALs 0-1. The description of a PTAL level of 0-1 being ‘low’ is a frequent and recognised approach which I consider to be appropriate in the circumstances.
45. Reference is made in the supporting text (paragraph 6.42j) to ‘a more flexible approach’ being acceptable in some limited parts of PTAL2. The intention is that it will be up to the outer London Boroughs to determine where it might be appropriate to adopt a more flexible approach. On balance, and bearing in mind the advice is not within the policy itself, I consider this to be justified because it will enable the relevant Borough to take into account the particular circumstances of a particular proposal.

Issue P5 – Would the Proposed Parking Standards result in any Significantly Adverse Implications?

Delivery of Dwellings

46. It is estimated that that the land required to accommodate the potential additional parking could result in the loss of between 100 and 260 dwellings a

²⁶ TfL Statement P010

²⁷ Table 6.1 of the London Plan

year²⁸ across London. This represents no more than 1% of the total number of dwellings proposed and I do not consider that this represents a significant threat to the need to significantly boost housing supply or to meeting objectively assessed need.

Urban Design

47. National policy (for example NPPF paragraph 56) and the London Plan (for example policies 7.2 on Inclusive Design and 7.4 on Local Character) establish a strong framework for the provision of high quality design. Whilst the Mayor acknowledges that the provision of additional parking could result in an unattractive environment, he confirms that if parking is fully integrated into a development and a high standard of materials and planting is achieved, then high quality is attainable. I was given no evidence to demonstrate that the MALP would result in a material deterioration in the quality of urban design and conclude that no further changes are required in this regard.

Air Quality

48. The issue of air quality is clearly of great significance and I have considered the wide range of views regarding the approach that the Mayor should take, including two legal opinions²⁹ to which I have attached significant weight. Before addressing the evidence before me, however, it is clear to me that the Mayor recognises the national importance to be attached to the issue of air quality (as embodied in a number paragraphs in the NPPF and the NPPG). The NPPF establishes the fact that the reduction of air pollution is a key planning principle³⁰ and the NPPG sets out the issues to be addressed in the consideration of a planning application³¹. The accompanying Table in the NPPG sets out the steps a local planning authority might take in considering air quality and I note that there are two references to including ‘mitigation’ in any deliberations.
49. Compliance with national policy is evident in the adopted London Plan and in particular policy 7.14 which establishes the planning framework through which air quality in London can be improved. In terms of the Parking Standards MALP, the significant amount of modelling work that has been undertaken³² (which was explained at the Technical Seminar) further demonstrates the Mayor’s commitment to addressing the issue.
50. Of particular relevance is the EU Directive on Ambient Air Quality 2008/50/EC (the Directive)³³. In summary this obliges the UK to ensure that levels of NO₂ are below a defined level (limit value) and once the level has been attained it should not be exceeded. This should have been achieved by 2010. Several objectors to the Mayor’s approach (in summary) argue that air pollution limits are absolute and that any deterioration in air quality, at whatever level, would render a proposal unsound. They consider that the delivery of mitigation measures should not be counted in favour of a proposal because such

²⁸ Outer London Commission Fourth Report – Residential Parking Standards May 2015 (para 4.4.14)

²⁹ Library documents MA/EX/08 and MA/RD/20

³⁰ NPPF paragraphs 17 and 110

³¹ Under Air Quality Ref: ID: 32-005-20140306

³² Using TfL’s Strategic London Transport Studies Model and the Emissions Assessment Tool

³³ For example Articles 2, 12, 13, 22, 23 and 30

measures should already be being implemented.

51. Balanced against that argument is the fact that the predicted decrease in air quality would be only 0.5%, a figure that I do not consider to be unduly significant. Also any relaxation in parking standards would not be mandatory and in any event a local planning authority would be obliged to have regard to national policy in the decision-making process. There is also the opportunity to improve air quality through mitigation measures, which I consider to be a reasonable way forward because the consequent cumulative improvement could be substantial. This matter was the subject of a written question I forwarded to the Mayor³⁴ on 7th October 2015. In his response³⁵ he confirmed that there is a wide range of measures that are being (or will be) taken, either on-site or at Borough or London-wide level. They include:

- the introduction of the Ultra Low Emission Zone in 2020, which is estimated will decrease emissions of NO_x by about 50% within the Zone and by about 14% London-wide;
- the availability of the Mayor’s Air Quality Fund to support London Boroughs in tackling local air quality hotspots;
- the identification of Low Emission Neighbourhoods which could contribute to reducing overall vehicle kilometres and encouraging the use of low-emission vehicles;
- the promotion of the Ultra Low Emission Vehicle Delivery Plan;
- the implementation of London Plan policy 7.14 which states that all major developments should be ‘at least air quality neutral’;
- retrofitting homes and other buildings with energy efficient measures; and
- investing in green infrastructure.

52. In weighing up the conflicting views I am mindful that the overarching objective is to improve air quality and there is no reason to conclude that mitigation measures would not contribute significantly to achieving that objective. Therefore, provided it can be clearly demonstrated, through appropriate modelling and monitoring mechanisms, that mitigation measures outweigh the predicted 0.5% decrease in air quality that may arise from the implementation of the MALP (Parking Standards), I consider that the way forward being espoused by the Mayor is reasonable. Nevertheless the onus is on the Mayor, in co-operation with the London Boroughs, to undertake the necessary measures, including monitoring and review, to ensure that the overarching objective is achieved as soon as possible.

53. In order to strengthen the requirement to include the consideration of air quality when a decision is being taken on whether or not more generous parking standards should be applied, and to ensure that appropriate weight is attached to the issue of air quality, I recommend that a specific reference to the matter is included in paragraph 6.42k (**IRC P1**).

³⁴ Library document MA/EX/05

³⁵ Library document MA/EX/08

Activity Levels

54. It is likely that the small increase in the number of car journeys will result in a small reduction in journeys undertaken on foot, by bike or on public transport. TfL estimate that there could be a daily decrease in such movement of about 0.3%³⁶. However, this has to be balanced against the fact that increased mobility by car may have benefits in terms of social inclusion. In any event if it could be demonstrated that a proposal would have significant implications in terms of activity levels, then this would be a material consideration that would be taken into account in the determination of any such planning application.

Consequences for Inner London Boroughs

55. There is a complex relationship between parking provision, car ownership and car use. The number and purpose of trips are influenced by many factors. However, TfL estimate that the number additional trips resulting as a consequence of the MALP (Parking Standards) would be very small in the context of existing and projected increases in journeys and that the consequences would be minimal³⁷. The percentage increase of traffic in inner London Boroughs would not be significant. Taking into account the high number of uncertainties in any calculations I am satisfied that the consequences of the MALP (Parking Standards), particularly for inner London Boroughs, could be satisfactorily assimilated. Even if circumstances were to change there is no reason to doubt that this would be identified in the Annual Monitoring Report and that if necessary the Mayor would take appropriate action to address any issues that might arise.

Conclusion on Issue P5

56. I am satisfied that the proposed parking standards would not result in any significant adverse implications that could not be appropriately addressed. The Mayor’s approach is justified.

OTHER MATTERS

57. At my request the Mayor considered three minor issues raised at the hearing, relating to the clarity of policy 6.13; referencing NPPF paragraph 39 in the document; and making specific reference to air quality issues (see library document MA/SC/09). I am satisfied with the Mayor’s response in all regards. A small number of other matters were raised by respondents, for example relating to Car Parking Zones and the future provision of public transport but none of them have significant implications in terms of the soundness of the Parking Standards MALP.

CONCLUSION AND RECOMMENDATIONS ON THE PARKING STANDARDS MALP

58. The consultation version of the MALP (Parking) has a number of deficiencies,

³⁶ IIA Sustainability Appraisal, Section 3, page 21 (MA/CD/04)

³⁷ TfL Statement P010

many of which have been rectified by the Suggested Changes published prior to the hearing. Nevertheless I have set out one further change in the Appendix which is needed to ensure soundness and I recommend, for the reasons set out above, that the change is included in the adopted version of the MALP (Parking Standards).

David Hogger

Inspector

This report is accompanied by an Appendix containing the Inspector’s Recommended Changes

Appendix

Minor Alterations to the London Plan: Inspector’s Recommended Changes

1. HOUSING STANDARDS MALP

Change Number	MALP Reference	Recommended Change. <u>New text is underlined</u> and deleted text is struckthrough
IRC H1	Title of Table 3.3 Add new footnote	Table 3.3 Minimum Space Standards for new development <u>dwelling</u> s* <u>*new dwellings in this context includes new build, conversions and change of use</u>
IRC H2	Note 1 of Table 3.3	*where a studio <u>one person dwelling</u> has a shower room instead of a bathroom
IRC H3	Policy 3.8 Bc and policy 3.8Bd	Add the same footnote to both elements of the policy to read: <u>Unlike the other standards in this Plan, Part M of the Building Regulations generally does not apply to dwellings resulting from a conversion or a change of use. Additional guidance on the applicable requirements of the Building Regulations (amended 2015) can be found in: Approved Document M Access to and Use of Buildings Volume 1: Dwellings.</u>
IRC H4	Paragraph 3.48	 90% of London’s future housing <u>new build housing</u> should be built to Building <u>Regulation</u> requirement ‘M4(2): Accessible and adaptable dwellings’ and the remaining <u>10% of new build housing*</u> should be Add a footnote to read: <u>Unlike the other standards in this Plan, Part M of the Building Regulations generally does not apply to dwellings resulting from a conversion or a change of use.</u>
IRC H5	Paragraph 3.48A	 Generally this will require a lift where a dwelling is accessed above or below the entry <u>entrance</u> storey.....

		Boroughs should seek to ensure that units <u>dwelling</u> s accessed above or below the entry <u>entrance</u> storey in buildings of four storeys or less have step-free access. However, <u>for these types of buildings</u> this requirement may be subject to development-specific viability assessments and consideration should be given to the implication of ongoing maintenance costs on the affordability of service charges for residents. <u>Where such assessments demonstrate that the inclusion of a lift would make the scheme unviable or mean that service charges are not affordable for intended residents, the units above or below the ground floor that cannot provide step free access would only need to satisfy the requirements of M4(1) of the Buildings Regulations. All other standards should be applied as set out in this Plan.</u> Further guidance will be <u>is</u> provided in the revised 2015 <u>Draft Interim</u> Housing SPG.
IRC H6	Paragraph 7.5	 This can be achieved by extending the inclusive design principles embedded in The Lifetime Homes Standards (see Policy 3.8) to the neighbourhood level.

2. PARKING STANDARDS MALP

Change Number	MALP Reference	Recommended Change. New text is <u>underlined</u> and deleted text is struckthrough
IRC P1	Paragraph 6.42k	Consideration should be given to the <u>implications for air quality and the</u> impact of on-street parking measures such as CPZs