

# Miss Louise Barton comments

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Policy H1 -2. undermines the enlightened approach taken by the Mayor's Environment Strategy as it opens up the possibility of garden "grabbing" within the vicinity of railways and tube stations. Longer term the policy has deeply worrying adverse consequences for gardens throughout London as it implies that once this 800m halo of gardens around infrastructure is successfully exploited by developers, the radius will be extended again and again through successive London Plans until all the gardens in London are developed. Gardens are an important component of green infrastructure - contributing to biodiversity, human well being, flood prevention and cleaner air. It is vital that they are preserved

Page: [Policy GG2 Making the best use of land](#)

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GG2 D - completely fails to support gardens which are an essential part of London's green infrastructure - improving human health and well being, promoting biodiversity and helping with flood prevention and air quality. The lack of reference to gardens is deeply worrying and lends support to the contention that the Mayor's intention is to solve the housing crisis by razing the City of its gardens. This is not the answer.

This policy also directly conflicts with the Mayor's stated objective in his enlightened, *London Environment Strategy*, proposal 5.1.1b: *Through the new London Plan the Mayor will consider policies that ensure any development outside the protected green space network does not lead to an unacceptable loss of the benefits of existing green infrastructure; the Mayor will also provide advice to householders about how gardens contribute to green infrastructure at a local level ....*

Page: [Policy GG3 Creating a healthy city](#)

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GG3 E. - plan for green infrastructure .....

Agree with this policy but planning statements must clear be and not ambiguous. The ambiguity of many planning policies mean developers can, and regularly do, challenge Councils leading to them being able to resile from green space and affordable housing obligations. Clear, precise planning statements are the the most effective first base in ensuring developers conform to the letter of the London Plan.

Page: [Policy GG4 Delivering the homes Londoners need](#)

Section: [1.4.3](#)

1.4.3 & 1.4.4

There are three major issues which have not been addressed here:

(1) There must be considerably more "Blue Sky" thinking regarding the supply of houses in London and particularly inner London. London cannot go on supplying 66,000 per year without severely compromising green infrastructure and the integrity of the City. Brownfield sites along the Thames are rapidly being redeveloped and while a changing economy will always throw up new brownfield sites, they are unlikely to provide more than a fraction of the alleged need. Gardens will come under increasing threat and in time other green infrastructure. The bottom line is London will not be able to supply the alleged housing needs, if it wants to remain a civilised city.

The bar must be raised - fewer dwellings built and 75% of those constructed must be affordable - either funded by the state or by private industry, with those supplied by the private sector having an in perpetuity affordable element. For example, houses can only be resold/rented to NHS workers to restrict wider demand. In addition, there must be policies to restrict overseas buyers. Overseas buyers should only be eligible to purchase London property after living here for two years and those purchases could only be of new properties. The secondary market would thus not be available to first time overseas buyers.

(2) The Mayor must lobby to cease the government's policy to "bribe" local authorities to build houses by providing grants based on the number of dwellings constructed. Against a background of falling central government payments to local authorities, these "bribes" are becoming an increasingly important source of revenue and as such are leading to bad planning decisions. The councils are so fixated on delivery that they are allowing developers to resile from green space and affordable housing obligations in sizeable developments. It only takes a developer to threaten not to deliver the houses because the affordable housing element is considered too onerous for Councils to back down - affordable housing allocations dropping from 30% to 5% are not uncommon in some areas.

(3) This leads to a third point. Developers must be made more accountable. Too often the developers run rings around planning departments when they seek to resile from affordable housing and green space obligations. This is not surprising as planning officers are not financial officers and it is relatively easy to "cook the books" to show that margins are under pressure on the basis of say a 30% affordable housing allocation as opposed to 5%.

In addition, there is the problem of conflicts of interests. Councils often employ outside consultants to assess the viability of developers claims that they cannot meet the requisite affordable housing obligations. These consultants can be conflicted as they often work for the developer in some other capacity. I have seen reports where consultants identify faults/misleading costs in the analysis, only for the report's conclusion to state in "weezley" words that on balance the developer is justified in stating he cannot meet the affordable housing allocation. Consultants advising councils should be specialised in working for Councils - they should not work on both sides of the fence.

SB3 - 2.3.4 -

It is inevitable that London will not be able to supply its alleged housing needs and satellite developments beyond its borders will need to be established to provide affordable houses for a commuting London workforce. But a much stricter policy background must be provided.

(1) First, the Mayor should argue for more incentives to be provided to encourage people to live in the North. Modern communications mean that workforces do not necessarily need to live near their customer bases. Any government subsidisation of housing, for example, should be provided preferentially to individuals living and working (or seeking work) in the North.

(2) Secondly, while the Mayor's willingness to work with Councils outside London is commendable and sensible, he must be careful to ensure that new town satellites are strategically placed in terms of need and are not serving the commercial objectives of wealthy developers.

Take Shepway District Council's proposed new Otterpool Park new town on junction 11 of the M20. This will essentially provide a workforce resource for London and is the type of entity that may be needed in the future to serve London's employment needs given its internal constraints. But, this proposed development of 12,000 homes (30,000 people) is not sustainable as it represents the second new town on 3 consecutive junctions of the M20 - Ashford on junction 9 and 10 (currently over 120,000 people in the Borough of Ashford with the population rising rapidly) and now Otterpool Park with 30,000 people on junction 11. There is no demonstration of need for this latter development and absolutely no acceptance by local people because of the adverse environmental and social impacts caused by the combined impact of both Ashford and Otterpool.

This development is motivated by profit rather than need. The major drivers and ultimate beneficiaries of this proposal are the Reuben brothers, two of the wealthiest individuals in the UK (topped the Sunday Times Rich List in 2016 and ranked 3rd in 2017 - and Conservative Party donors). They closed down Folkestone racecourse - Kent's only racecourse - in order to maximise profit from its land bank. An Inspector after the latest EIP rejected an 800 dwelling development on the racecourse on the basis of it being unsustainable. But Shepway led by the Reuben Brothers bought land using taxpayers' money beside the racecourse so that it could propose a collaboration with the Brothers for a much larger development of 12,000 dwellings (Otterpool Park) under the so called, locally led garden towns villages and cities policy. THIS IS THE TYPE OF DEVELOPMENT THE MAYOR SHOULD NOT SUPPORT AS IT IS TOTALLY UNSUSTAINABLE

Page: [Policy H1 Increasing housing supply](#)

Section: [H1](#)

H1 2a below

*a. sites with existing or planned public transport access levels (PTALs) 3-6 or which are located within 800m of a Tube station, rail station or town centre boundary[35]*

While the support of brownfield sites is wholly commendable and necessary - it cannot include gardens which are also classed as brownfield sites.. This policy means houses with large gardens will be extensively developed within the vicinity of transport links with very significant loss of important garden green space. Where will such a policy end? The next London Plan will extend the radius for intensified development by another 800m and then again and gain. What happens when all the garden green space is consumed? Do we then build on public parks? This is a bad policy with deeply concerning long term implications and one which contradicts the Mayor's enlightened London Environment Strategy.

The policy should be re-worded to exclude the development of gardens. Large houses could be converted to flats and in some cases rebuilt as purpose built flats on the same building footprint. - It should be clearly stipulated in planning policy that gardens in the 800m perimeter will remain intact.

Not only will this policy lead to garden "grabbing" but it is wholly inequitable in that it will make a number of lucky home owners very wealthy as property developers will be added to the demand equation.

Page: [Policy H1 Increasing housing supply](#)

Section: [4.1.6](#)

H1- 4.1.6

*Also set out in the London Housing Strategy, is the Mayor's aim to ensure that Londoners have an opportunity to purchase new homes before they are marketed overseas – particularly those homes that ordinary Londoners are more likely to be able to afford. The Mayor is discussing with major homebuilders steps to make more new homes available to Londoners before anyone else. The Mayor would keep any such steps under review to ensure that they deliver his objectives. Their effectiveness will be monitored and the Mayor will consider other measures if necessary.*

This is a step in the right direction but more radical solutions are required to provide homes for Londoner's. The following are the type of policies the Mayor should be either, pursuing or lobbying for policy change.

(1) First, there must be the recognition that London cannot continue to provide houses at the alleged required rate of 66,000 per year without seriously damaging the integrity of the City. This applies particularly to inner London. Other solutions should be found including co-ordinating development in boroughs/Councils outside London to provide satellite towns for commuters.

(2) Secondly, there must be meaningful policies to reduce the demand for housing:

(a) The Mayor should ban all foreign purchases of UK property within the M25, by those foreigners who have not lived in the UK for 2 years. Purchases will be permitted after 2 years but only of new dwellings. Thus, first time foreign buyers will be denied access to the secondary housing market

(b) To fund social housing which is the only practical way to provide affordable housing where supply is constrained, capital gains at a rate of 20% should be levied on the profit on all housing sales within the M25. This includes individuals' prime residence.

(c) Council tax should be doubled on second homes in London and Councils/Boroughs should be given the authority to requisition houses for rent if they are left vacant for 18 months

Page: [Policy H2 Small sites](#)

Section: [N/A](#)

Policy H1 -2. undermines the enlightened approach taken by the Mayor's Environment Strategy as it opens up the possibility of garden "grabbing" within the vicinity of railways and tube stations. Longer term the policy has deeply worrying adverse consequences for gardens throughout London as it implies that once this 800m halo of gardens around infrastructure is successfully exploited by developers, the radius will be extended again and again through successive London Plans until all the gardens in London are developed. Gardens are an important component of green infrastructure - contributing to biodiversity, human well being, flood prevention and cleaner air. It is vital that they are preserved

Page: [Policy H2 Small sites](#)

Section: [H2](#)

*To deliver the small sites targets in Table 4.2, boroughs should apply a presumption in favour of the following types of small housing development which provide between one and 25 homes:*

1. *infill development on vacant or underused sites*
2. *proposals to increase the density of existing residential homes within PTALs 3-6 or within 800m of a Tube station, rail station or town centre boundary through:*
  1. *residential conversions*
  2. *residential extensions*
  3. *the demolition and redevelopment of existing buildings*
  4. *infill development within the curtilage of a house*
3. *the redevelopment or upward extension of flats and non-residential buildings to provide additional housing.*

This is a bad policy and should be retained only if it is extensively amended. These are the reasons.

(1) It will mean further loss of important garden green space. There is already extensive incremental garden loss through building via permitted development rights and this is having a major cumulative impact. This policy will lead to a step jump in loss as gardens could be fully developed.

(2) The policy contradicts the Mayor's enlightened London Environmental Strategy, Proposal 5.1.1b: *Through the new London Plan the Mayor will consider policies that ensure any development outside the protected green space network does not lead to an unacceptable loss of the benefits of existing local green infrastructure; the Mayor will also provide advice to householders about how gardens contribute to improving green infrastructure at a local level...*

(3) The policy has concerning long term implications for the loss of important garden green space which needs to be retained to promote biodiversity and human health and well being, and to mitigate flooding and air pollution. The policy implies that each successive future London Plan will extend the radius for intensified development, leading over time to the effective loss of London's gardens and further implying that other green space such as public parks over time will become vulnerable to housing development.

(4) The policy is inequitable in that it will result in a further increases in the price of houses near to transport infrastructure as property developers add to the demand equation.

These are the changes to the policies which need to be made to protect gardens

1. *infill development on vacant or underused sites* should be changed to: *infill development on vacant sites*

2.1. *-residential conversions* should be changed to: *residential conversions on the existing building footprint*

2.2 - *residential extensions* should be changed to: *residential extensions within permitted development rights only*

2.3. *the demolition and redevelopment of existing buildings* should be changed to: *the demolition and redevelopment of existing commercial buildings.*

Add 2.3A - *The demolition and redevelopment of houses subject to rebuilding on the existing footprint.*

2.4. *infill development within the curtilage of a house* should be deleted.

In addition, to further protect gardens, developers' converting houses to flats or demolishing a house to build flats on the same footprint should be required, because of the intensification of development, to enhance the garden through increased tree and hedge planting and by pulling up hard standing and replacing it with vegetation.

The London Environmental Strategy highlights that domestic gardens cover 38,000 hectares of land, or 24 per cent of the land area of London and 14% after decking and paving have been taken into account. The Mayor's aim should be to at least retain the 24% of London land represented by gardens and work on increasing the green proportion to over 14%.

Page: [Policy G4 Local green and open space](#)

Section: [G4](#)

Gardens are only mentioned in passing yet they are a vital component of the green space network - promoting biodiversity and human health and well being and mitigating flooding and air pollution. The garden fabric across London must be given far greater protection through clear, unambiguous planning policies. As it stands the London Plan will allow developers to erode significantly the stock of garden land in London. This is not acceptable or in the public interest.

It is pointless talking about the greening of London and at the same time produce policies which undermine the stock of London gardens . The enlightened London Environment Strategy is undermined by the London Plan with its fixation on housing delivery in a manner which gives developers the policy green light to destroy large swathes of London's gardens. This is unacceptable. Green walls and green roofs are mitigating strategies only and do not replace the loss of green space. Green walls can also be ineffective as they can be created easily to enable a developer to obtain planning consent and then quietly dismantled or allowed to wither.

The Urban Greening Factor is an interesting concept but the bars should be far higher - 0.5 the minimum for commercial development and 0.7 for housing. development. An even better metric for new housing estates would be a 1:1 ratio of build footprint to open green space as green roofs and walls are mitigating strategies only.

Again the policy framework should be strengthened to ensure developers do not resile from their obligations. Green space and affordable housing guidelines in Local Plans are commonly overturned as Councils are effectively blackmailed to provide concessions to developers to ensure housebuilders deliver total dwelling numbers so that Councils can secure the payments from Central Governments. There is resistance to provide adequate green space as developers maintain they cannot achieve their requisite margins. Most of the time this is nonsense but because planning officers are not financial experts it is not difficult for developers to hoodwink these decision makers.

It is accepted that developers require a healthy return to sustain a business and to ride out the low point of an economic cycle - but most of the large developers in London are sustaining very high returns at the expense of local communities. Witness the payments made to the directors of Berkeley Homes - a major house developer along the Thames corridor (St Georges and St Williams in Chelsea & Fulham, for example) - Last year the Chairman received £29m, the Chief Executive received £28m and three other executive directors shared £25m. Admittedly, the payments were mostly in shares but the reason the share price performed so well was in response to the high financial returns enjoyed by the company. Similarly, Persimmon (although not Central London builder) where the Chief Executive will receive £110m, the Finance Director £86m and the Managing Director £48m - again in shares but the share price reflects the high financial returns.

To avoid developers "running rings" around planning departments, policies must be clear, unambiguous and rigorously enforced. House builders should automatically lose their planning permissions if they attempt to resile from green space and affordable housing obligations. This zero tolerance approach should be made clear to developers when planning permissions are granted.

A good starting point to improve greening and biodiversity would be to make it obligatory for all commercial and residential developers to include in their planning applications biodiversity and other baseline data from Greenspace Information for Greater London (GiGL). Research conducted by the Greater London Authority itself in 2016 showed that approximately 18% of planning applications have the potential to impact adversely on nature in the capital, yet only 1% of applications were informed by a data search from GiGL. Again planning departments should adopt a zero tolerance attitude - no data, no planning permission.