

## DRAFT NEW LONDON PLAN – EXAMINATION IN PUBLIC

### Statement on Matter M20

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#### ***Small sites and small housing developments:***

#### **M20. Are the presumption in favour of small housing developments of between 1 and 25 homes in Policy H2 and the targets in Table 4.2 justified and deliverable and will the policy be effective?**

The new London Plan recognises that the delivery of housing cannot rely solely or even primarily on large sites identified in the SHLAA and/or allocations in local plans, especially with a greatly increased overall annual housing target and those of individual boroughs. Previous national policy discouraged reliance on windfall sites, but since London relies almost entirely on reusing previously-developed land, much of London's supply comes from unallocated sites.

The proposal to "significantly increase the contribution of small sites" (H2 A 1) by setting a London-wide target of 38% of net additional housing being from small sites, will put a lot pressure on boroughs not only to find these sites but to "optimise" the density of development using a "design-led approach" (see especially Policies GG2 and D6).

London Forum is **very concerned** that:

- The current proposals are part of a package of policies (D1, D2 and D6) which seek to remove considerations of accessibility which might guide the appropriate density of development, in favour of an as yet untried "design-led approach", which relies on a whole package of measures, such as characterisation studies, studies of accessibility to local services, amenities and social infrastructure, and area-wide design codes, all of which have yet to be designed and road-tested, and about which we have strong reservations. We do not consider that boroughs have the tools, skills and resources to prepare them for this change. The boroughs are not ready for a change from a public transport accessibility/connectivity-based approach to density to a so-called "design-led approach". The "limits" should not just be set by design considerations – connectivity and accessibility to local services, etc on foot will also be important considerations.
- The new approach, where everything appears to be up for private negotiation between the developer and planning officers, is an unequal process, largely based on judgement and bargaining skills, which results in deals done in private where officers give "commitments" to the developers in pre-application advice, before the public even see an application. This is a step in the wrong direction, which excludes the community from having any influence over the nature and intensity of development, other than one of opposition in

which they find themselves fighting the planning officers as much as the applicant. This is a recipe for conflict and a complete lack of public confidence in the planning system.

### **Extent of the area for intensification:**

London Forum specifically **objects to the extent of the areas produced by including areas within 800m of the limits of the town centre boundaries** applied to what in most cases are linear centres – this is not a proxy for access to key services which are usually located in the central area and/or the primary frontages not the periphery. We are concerned that this definition embraces large areas where access to public transport, local services, facilities and social infrastructure would not be within easy walking distance. This would not meet the test in Policy D6 A 2, which is based on both connectivity **and** accessibility to and the capacity of surrounding social infrastructure. (NB: this also applies to Policy H1 B 2a, minor modification footnote 35, as well as H2 D 2, new minor modification footnote 37B and paragraph 4.2.5 (line 2))

London Forum, therefore, has **strong doubts about both the extent of the areas of search, the densities proposed and the range of local services, amenities and social infrastructure to which housing on these sites would have easy access.** The emphasis on “optimising density” on these sites using a “design-led approach”, is in danger of losing sight of what the London Plan is trying to achieve – “Good Growth” in the form of sustainable pattern of development – walkable communities which support high levels of access to a wide range of local facilities.

Most of all, we have concerns about delivery – whether these sites will be developed at high densities, whether local communities will accept this degree of change unless the planners and developers engage with them from the outset. The system that is being designed – the “design-led approach”, where everything is agreed behind closed doors between the planners and the developer, will be increasingly unacceptable.

### **In particular:**

#### **a) Is the modelling of delivery from small sites in the SHLAA justified, including reliance on PTALs?**

London Forum **strongly supports** Policy H2 and especially Table 4.2 which seeks to project from an assumed annual level of windfall sites and some unstated assumptions about the density of development, with remarkable precision the net housing completions which London boroughs are expected to deliver over the next ten years.

**The use of PTALs** is a strong indicator of the appropriateness of higher density developments due to their access to public transport and connectivity to local opportunities, such as jobs, education and health, but which needs to be supplemented by measures of accessibility to local services, amenities and social infrastructure. We, therefore, agree that development resulting in intensification should be guided by accessibility considerations, but that density should decrease with distance from stations and town centres, rather than, as seems to be implied the density up to 800m away would be the same as for sites adjacent to these locations.

If there is no consideration of PTAL, a rail station with 3 trains per hour, no regular bus service, and in PTAL 1b, is treated for planning purposes in exactly the same

way as a Tube station with 20 trains per hour and good bus interconnectivity in PTAL 6b. Proximity to station, without reference to frequency of service or to connections, is not sufficient.

There must be restrictions on the scale of development in areas without adequate access to public transport, otherwise there will be an increase in car use; an unintended consequence of poorly-worded policies and in direct conflict with the 'Mayor's target for 80% of all journeys to be made by walking, cycling and public transport'.

In Policy H2 there are several references to "appropriate" locations.

**PROPOSAL:** "Appropriate locations" should be more suitably defined, for example as 'public transport access levels (PTALs) 3-6 AND located within 800m walking distance of a Tube station, rail station or town centre'.

That should be in an additional footnote 37D with a link to it in Policy H2 B 1).

**PROPOSAL:**

In Policy H1 B 2 (a) change the words "boundary" in line 3 and H2 D2 remove "boundary" in line 2 to 'primary retail frontages'.

The 800m from a town centre boundary is too crude and inappropriate as a measure of accessibility to local services, amenities and local social infrastructure.

**b) Is it realistic to expect the small sites target to be achieved in the outer London Boroughs?**

The targets for Outer London look challenging, but the opportunities may be mainly from "small" windfall sites.

**c) Has adequate consideration been given to the cumulative impact on infrastructure, affordable housing provision and the character of some neighbourhoods as referred to in paragraph 4.2.5?**

The issue of cumulative effect of optimising housing density on a series "small sites" could be the overloading of existing infrastructure – part of the assessment of whether to intensify development should be influenced by the capacity of existing infrastructure. Small sites may have less ability to support affordable housing. Reconciling the more intensive development of small sites with the character of the local neighbourhood is likely to prove challenging, unless the constraints on optimising the density within such neighbourhoods is recognised. In conservation areas, developments will need to take account of area character appraisals and management plans. Similarly, design codes will be needed. London Forum is not convinced that any of these are yet in place in many boroughs.

London Forum has **severe doubts** whether London boroughs are likely to be sufficiently equipped to assess what degree of intensification can be accommodated. Few boroughs have necessary information and skills to undertake character appraisals, accessibility and capacity studies and the capacity to draw up design codes. The "small sites policy" and "the design-led approach" are unlikely to be ready for operation for some time.

Paragraph 1.2.3 of the NLP infers that appropriate locations for development are 'places where local amenities are within walking and cycling distance, and public transport options are available for longer trips'. However, Policy D6 'Optimising Housing Density' states in paragraph 3.6.2 'It will not be normally necessary for minor developments to undertake infrastructure assessments or for boroughs to refuse them on the grounds of infrastructure capacity'. What is a minor development – a "small housing development"?

That could lead to the construction of a quarter of a million new homes by Policy H2 on incremental small sites without any infrastructure assessment. This is of significant concern to London Forum and its community group members and we make proposals for changes to the NLP density policies.

### **Policy H2 D 2) (c) and H2 D 3)**

London Forum is **very concerned** about the implications this is likely to have for conservation areas and the public realm that makes a place special. We note however the statement in para 4.2.7 about conservation areas and the words "designated heritage assets" in Policy H2 E which includes conservation areas that according to the NPPF should protect conservation areas that ought to be changed only in accordance with their management plans.

### **PROPOSALS:**

1) There should be a cross reference at the end of Policy H2 D  
- "See paragraph 4.2.7."

2) The words removed from paragraph 4.2.7 by the MSC should be restored:

'Special attention will be required within conservation areas to ensure that increased housing provision is accommodated in a way that also complements and enhances an area, taking into account conservation area character appraisals and management plans.'

### **d) Is the policy support for infill development within the curtilage of a house consistent with national policy in paragraph 53 of the NPPF which refers to resisting inappropriate development of residential gardens?**

No. The minor suggested change to Policy H2 D 2 d) by the footnote 37C "Subject to the total area of ground covered by buildings within the curtilage of the dwelling house not exceeding 50% of the total area of the curtilage (excluding the ground area of the original dwelling house)" has improved the policy but it is contrary to Policy G4 for the protection of green and open spaces.

The current London Plan states in paragraph 7.62 "The richness of London's biodiversity is also dependant [sic] on private gardens."

A garden may be an important local amenity for wildlife, mature trees and local drainage. Just because it has not been built on it does not mean it is underused.

NPPF in Chapter 6, paragraph 53 states "Local planning authorities should consider the case for setting out policies to resist inappropriate development of residential gardens, for example where development would cause harm to the local area".

### **PROPOSAL:**

**The NPPF policy should be reflected in Policy H2 D with similar words.**

The adverse effect of back garden development on areas where the back gardens in a street or neighbourhood together create a larger haven for wildlife and other biodiversity, as well as affording some mitigation for poor air quality and benefitting the quality of life of the residents, should be protected in considering applications, particularly where such development is cumulative.

**e) Will the provisions of Policy H2 provide an effective strategic context for the preparation of local plans and neighbourhood plans? Are the detailed criteria necessary and would they provide an effective basis for development management? Are the qualifications at Policy H2 HA-HC justified in themselves and would they effectively eliminate the positive presumption for small housing developments?**

This will depend on a lot of preparatory work being done in the next two years. London Forum does not believe that the boroughs have the skills or resources to put in place all the required character studies, design codes and work on accessibility to local services, amenities and social infrastructure to assess schemes to translate Policies D2 and D6 to assess proposals coming forward under this policy.

The qualifications in Policy H2 HA-HC are for the most part a reminder of the other policies in the London Plan that apply to all housing projects.

There is a possible conflict in Policy H2 D 2) b) for home extensions with Policy H2 F 3), which states that there should be net additional housing, plus Policy H2 F 5) for additional housing to be self contained. That would imply that home extensions must deliver a self-contained annex or flat for sale or rent.

**PROPOSAL:**

There should be an additional paragraph of explanation following Policy H2 as follows:

"The increased density achieved by Policy H2 D (2) (b) and (c) should deliver additional homes wherever possible. Residential conversions should be achieved in a way that ensures Houses in Multiple Occupation are of suitable construction and contain dwellings of size that accords with local policies and will offer security of tenure and are monitored by boroughs.'

**f) Based on the historic delivery from sites below 0.25 hectares (whether allocated or windfalls), how will the Plan's expectations for delivery be achieved?**

This is best answered by the GLA and the boroughs.

**g) What will happen in the interim pending the work to prepare area-wide design codes referred to in Policy H2 B 2)?**

London Forum is **very concerned** about this – it has strong parallels with Brexit. If this were the agreed solution, we would need a transition period. However, we are concerned that, in the absence of an agreed framework, "judgement" would be used, as it is already with major cases where the Mayor is calling in cases that are contrary to the current London Plan but are favoured by the GLA because they involve intensification.

**h) Are the provisions of Policy H2 H) relating to affordable housing requirements for minor developments justified, notwithstanding that they are inconsistent with national policy?**

Yes – a combination of higher land values and higher densities than elsewhere, means that affordable housing contributions can be borne by small sites.

London Forum makes the following additional suggestions for changes:

**PROPOSALS**

**Figure 4.3 - Proximity to town centres** - is not easy to read. It should be half a mile from the centre, not the edge/boundary. The PTAL map and statistics in Figure 4.2 is explained as being available to boroughs at a local level from the GLA web site for application in determining planning applications. Such information on proximity to town centres should also be available from the GLA at a local level and the source should be given in the New London Plan. (see comments above on Policy H1 B 2) a), et al).

**Policy H2 H** may be in conflict with Policy H5 B and paragraph 4.5.5 for developments involving more than 10 units or over 1,000sqm.

**Paragraph 4.2.5** should have “town centre boundary” in its second line replaced by ‘town centre primary shopping frontages’.

**Paragraph 4.2.5** The last sentence of should be replaced by “This should be done in consultation with local people and in a way that does not harm the qualities that make places special for the community nor the setting of heritage assets.”

**Paragraph 4.2.5** should be followed by an extra paragraph ‘Conversion of homes into **Houses in Multiple Occupation** should be monitored to ensure space and living standards are satisfactory and there is not overcrowding in them.

**Paragraph 4.2.9** - The loss of garden land, an acknowledged extremely important resource for biodiversity in Greater London, would not be “mitigated” by green roofs and street trees – these items should be in addition to green space and not a replacement for that amenity. **Those words about mitigation should be deleted.**

**Paragraph 4.2.11:** London Forum **supports** this “policy” on amalgamations and it should be made into a policy with H2.