

## DRAFT NEW LONDON PLAN – EXAMINATION IN PUBLIC

### Written Representation Contribution

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Matter/Hearing	M39 - Density - Tuesday 5 <sup>th</sup> March 2019

#### M39 Density

**M39. Would Policy D6 on Optimising density be effective in achieving the intentions in Policy GG2 on making the best use of land and is the policy approach justified especially bearing in mind the cumulative impact on the environment and infrastructure? In particular:**

- a) Would the provisions of Policy D6 provide an effective strategic context for the preparation of local plans and neighbourhood plans? Would the detailed criteria provide an effective and justified basis for development management, are they all necessary and do they provide sufficient clarity about how competing considerations are to be reconciled by the decision-maker?
- b) Will leaving density to be assessed on a site-by-site basis compared to the matrix in The London Plan of 2011 be effective?

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#### Policy D6 Optimising **Housing** Density

The **Policy D6, Para D Items 1 to 4**, requests **Density Parameters** to be provided:

- 1) number of units per hectare
- 2) number of habitable rooms per hectare
- 3) number of bedrooms per hectare
- 4) number of bed-spaces per hectare.

**Once information for Policy D6 Items 1 to 4** are provided, the policy does **not** provide any methodology or analysis of these parameters to establish the acceptability or otherwise of a development to meet the policy, as there are no detailed criteria to demonstrate the acceptability or otherwise that a proposed development optimises the density of the site in accordance with the policy. Values for Items 1 to 4 can be offered by a developer for a proposal, but as there is no defined procedure to evaluate whether those values are acceptable to meet the policy, the policy requirement is superfluous.

**The Policy Statement A** describes **objectives** but these are **subjective, vague** and open to various interpretations and therefore the **“Design Led Approach”** suggested is indeterminate and insufficient to withstand a challenge by an applicant if referenced as grounds for a refusal. Even if done so, an Inspector can only judge the proposal on an indeterminate personal evaluation which is costly and very unsatisfactory for both an applicant and an LPA.

**Statement Part A** refers to the following evaluation criteria to determine optimal development density:

- **Item 1** has no measurement identifiers as a basis to define the requirement that would determine built form or character. It does not include the local Housing or Residential Densities, or population densities in this Built Form criteria for defining character.
- **Item 2** requires a subjective assessment of walking accessibility, cycling accessibility which is variable and depends upon an individual’s fitness. In what respect are walking and cycling accessibility measured? What if the site is on a gradient? This would assist in one direction but be a difficulty in the other direction – it’s not just a distance parameter. However, this statement calls for one parameter which is definable i.e. PTAL. The other assessments can be quantified but are more technical.
- **Item 3** requires a subjective assessment of the capacity of surrounding infrastructure. Unless **specific units of measurement of infrastructure capacity** are provided with appropriate limits and tolerances, these parameters are again just assumptions which could be challenged if used as a reason for refusal.

#### **Statement Part B**

- **Item 1** Does Not provide a mechanism to evaluate levels of various other **infrastructure equivalents** to the measurement of **Public Transport Accessibility (PTAL)**.
- **Item 2** Does not provide a mechanism to quantify any ability to support higher densities by encouragement of increased levels of active travel – By not providing transport accessibility, residents have no option other than walking or cycling which is OK for the fit and able, but not so for elderly, frail or disabled. So how do you differentiate between those requirements in the Policy?
- **Item 3** Again, other than PTAL there is no mechanism or parameter to measure other infrastructure requirements to support proposed increased densities. Unless the proposal is a major development which involves the provision of support infrastructure for the development from the outset, there is no methodology of defining incremental requirements for improved infrastructure for small or infill developments. The summation of multiple infill, redevelopments places gradual increased pressure on existing infrastructure which is not measured. ***(It just makes life incrementally more difficult for those that have to suffer it!)***

This **“Design Led Approach”** is not a **policy, just a list of interactive sets of objectives**, the majority of which are **not quantifiable**. Without a methodology of evaluation, the **Statement at “EA”** does not provide a substantial basis for a refusal that could withstand a challenge to the Planning Inspectorate as there is no actual criteria specified to evaluate the parameters against which a refusal could be upheld - it is too subjective.

It is unclear, once figures for these parameters have been provided, what the actual policy is for determining their acceptability or otherwise of a proposed development.

It is understood that reasons for the deletion of the **Density Matrix** was that its guidance was **not being followed by LPAs or applicants**. The current text of the policy indicates the **Matrix** is **“only the start of The Policy”** and that **“applicants should provide justification for failing to meet the ranges stated in the Matrix”**, but these **‘justifications’** were rarely provided or even requested by LPAs and the guidance was subsequently allowed to lapse. Removal of the Density Matrix was a result of Planning Officers and Planning Committees placing **more ‘weight’ on meeting housing provision targets** than on meeting the **requirements of local character and densities; not that the Density Matrix policy itself was unsound or flawed.** If **Professional Planning Officers** fail to follow their own Policies or Guidance, evolved over the passage of time, but then introduce any “excuse” to avoid the implementing those policies; **what is the point of the Profession?**

The new NPPF (July 2018) at para 16 d) and para 122 state:

16. Plans should:

- d) contain policies that are **clearly written and unambiguous**, so it is evident how a decision maker should react to development proposals; ...
- e) be accessible through the use of digital **tools to assist public involvement** and policy presentation;” And;

The Density Matrix was a clearly drafted policy which community groups could easily interpret and was one such ‘tool’ available to assist public involvement!

“Achieving Appropriate Densities” at New NPPF para 122 states:

122. Planning policies and decisions should support development that makes efficient use of land, taking into account:

- c) the **availability and capacity of infrastructure and services** – both existing and proposed – as well as their potential for further improvement and the scope to promote sustainable travel modes that limit future car use;
- d) the desirability of **maintaining an area’s prevailing character and setting** (including **residential gardens**), or of promoting regeneration and change; and ...”

The NPPF therefore requires LPAs to **define clearly written and unambiguous policies on Housing and Residential Densities** relating to **availability and capacity of infrastructure and services**, which is **exactly** what the guidance of the **Density Matrix** tried to provide.

*“One of the key strengths of the **SRQ Matrix**, allowing a **wide audience to understand** the meaning being conveyed. As a non-prescriptive tool, best utilised early in the planning process, it is able to set a negotiable foundation for the **appropriate density of development for a specific site**”.* <sup>[1]</sup>

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[1] Greater London Authority; GLA Density Project 4: Exploring Character and Development Density - Final Report

Community groups have used the Density Matrix to ascertain general acceptability of a proposal that meets local acceptable parameters that define 'character'; if the density matrix is removed there are no criteria by which community groups can assess these parameters.

The preferred solution would be to modify and **improve the Density Matrix** as a result of experience including additional parameters such as **“bed-spaces per hectare”** (and/or **“habitable area/hectare”** as 'Open Plan' areas invalidate the 'habitable room' parameter) or more components and require developers to provide **credible justification** for deviation from the matrix guidance. **Not to remove it completely!**

Thus, the policy **D6** to remove the **Density Matrix**:

- **Is not Justified** – as the policy is not the most appropriate strategy, when considered against alternatives i.e. **an improved Density Matrix**;
- **Is not Effective** – as the policy is not deliverable in that it does **not** provide an acceptable means of analysis of the required parameters to allow a compliant objective decision;

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**c) Will leaving density to be assessed on a site-by-site basis compared to the matrix in The London Plan of 2011 be effective?**

The Density Matrix was used on a site-by-site basis as the parameters of Housing and Residential Density was calculated based upon the site area. The proposed replacement is a **“Design Led Approach”** which has no quantifiable parameters, is subjective and proposed by developers to undermine any numerical analysis which could impede developers' proposals gaining approval for inappropriate proposals.

Without a method of analysis of appropriateness of a development a proposal's density ranges relative to local site setting, or PTAL. There are no development management criteria to assess its acceptability.

The London Borough of Croydon have included more area **“setting designations”** for suburban developments in their recently published “Suburban Design Guide” - Supplementary Planning Guidance SPD2 (consultation closed).

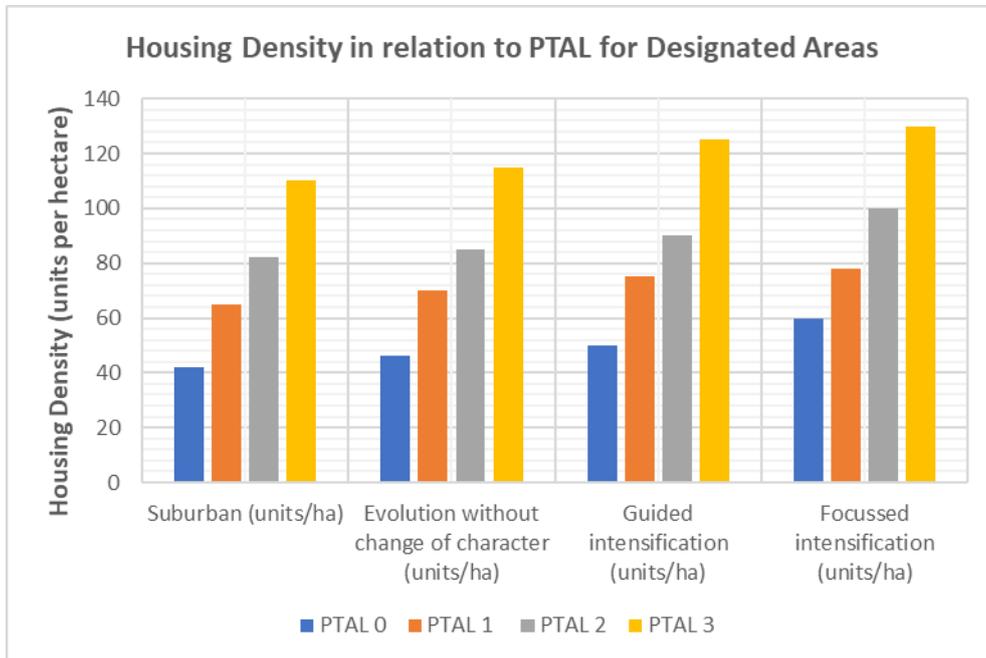
New Area definitions are for:

- a) *“Evolution without significant change of an area's character”;*
- b) *“Guided Intensification”;*
- c) *“Focussed Intensification”*
- d) *“re-development”*

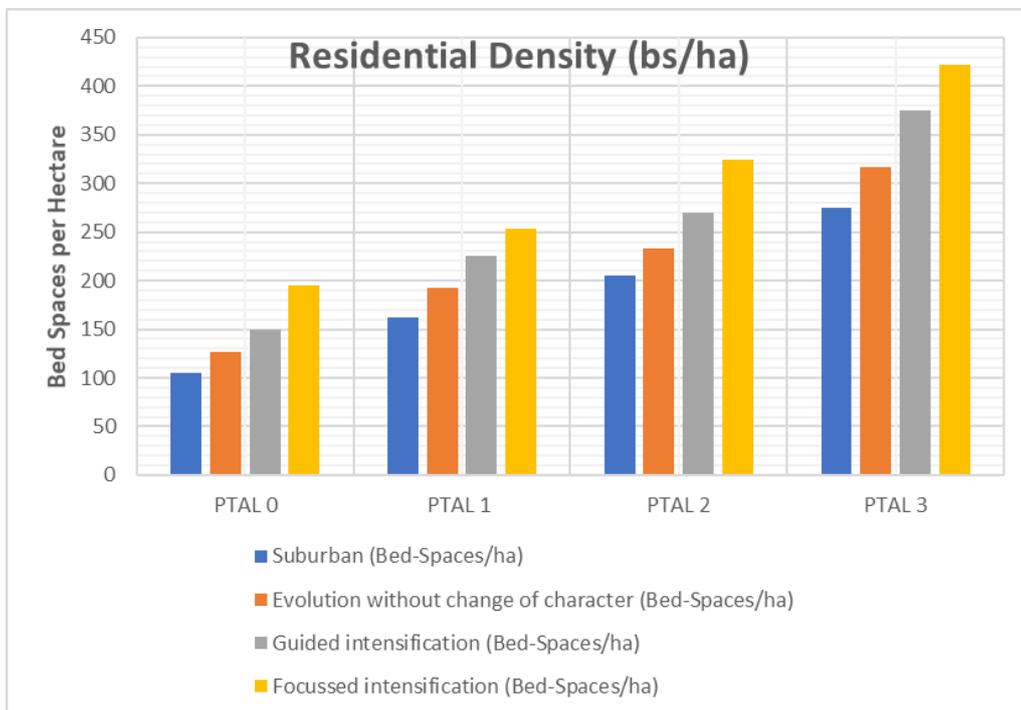
Although these designations have been identified, there is absolutely **NO** guidance in (CLP2) or SPD2 on the appropriate Housing or Residential Densities to reflect the local character or the available Public Transport Accessibility for **ANY** of these new local suburban designations. The Design Guide provides configurations for increased Housing Density throughout the borough including numerous examples of garden developments, but there are no management criteria to actually manage the developments, both from the perspective of appropriate supporting infrastructure or managed increased local populations.

Therefore, developers can propose any number of local developments which could cumulatively be actually unmanageable but the LPA have no policies that can be referenced to manage such local developments, **which is their job!**

During consultation we proposed that ranges could be provided for these new designations – based on the **density matrix ranges** but to remain within the ranges defined by the setting at the appropriate PTAL.



These were suggested Density figures – but the methodology for gradual increased density based upon availability of public transport (PTAL) would provide a **manageable increase in density** for a locality.



A **modified Density Matrix** to include guidance on Housing and Bed-Spaces appropriate for these new designations would allow some semblance of Development Management Control and guidance for developers if suitably modified to include these Sub Settings with thresholds appropriate for a required increase in Public Transport Accessibility once the densities have increased to a specified threshold.

Therefore, **Policy D6** as re-defined does not meet the current **NPPF 35** or new **NPPF para 182** requirements as it:

- **Is not Positively prepared** – as the policy does not quantify or define objectively assessed development and infrastructure requirements;
- **Is not Justified** – as the policy is not the most appropriate strategy, when considered against alternatives i.e. an improved **Density Matrix**;
- **Is not Effective** – as the policy is not deliverable in that it does not provide an acceptable means of analysis of the required parameters to allow a compliant objective decision;
- **And the policy is not Consistent with National Policy** –The policy does not meet **NPPF (2018) paras 16 d), or para 122**. Policy D6 Parts A and B provide subjective and vague definitions which also do not meet the guidance of the **(New) NPPF para 16 d).** and **(new) NPPF para 122**.

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