MAYOR OF LONDON'S DRAFT INTERIM HOUSING SUPPLEMENTARY PLANNING GUIDANCE

COMMENTS OF THE LONDON FORUM

These comments of the London Forum focus on Part 1 of the Interim Housing SPG – Supply and concentrate on:

- Housing targets and objectively-assessed need;
- Optimising housing potential and density

Housing Targets and Objectively-Assessed Need for Housing

The SPG fails to clarify what constitutes "objectively-assessed need" for housing. A common-sense, commonly-understood interpretation would be to specify it in terms a home to live in by households who currently or over the period of the Plan will need one. By definition that does not include "second homes" or properties bought as an investment but not for letting, or put the other way round, any new properties built which do not become a primary residence or are not let privately, will not meet "objectively-assessed need" for a home to live in year round.

Since London struggles to find enough sites let alone deliver new housing, the phenomenon of "second" homes/investment/"buy-to-leave" properties spreading outwards from Prime Central London is pre-empting the use of key housing sites which fails both to optimise the potential of the sites and, more importantly, fails to meet any of the objectively-assessed need. These key housing sites are being "wasted" as "second" homes/investment/"buy to leave" displaces potential primary residences, leaving "need" unmet but the sites no longer available.

The London Forum **objects** to the failure of the SPG to recognise/acknowledge the issue.

Para 1.1.7 "advises" that "all opportunities to secure sustainable housing capacity should be fully realised in order to meet London's strategic housing requirements and help close the gap between need and supply across London as a whole". This is then quotes the requirements of the NPPF that planning authorities must seek to meet "the full, objectively-assessed needs for market and affordable housing in the housing market area"

What constitutes "objectively-assessed need"? The London Plan recognises the pressing need for more homes (para 3.14A), due to London's increasing number of households who need both market and affordable housing (para 3.16b) and to meet existing backlog in housing need – in short a home – somewhere to live as the household's primary residence. There is no reference to meeting the demand for second homes or housing as an investment. If new housing is diverted for

these purposes, then the amount of net additions to meeting "objectively-assessed need" will be reduced.

Where a high proportion of newly-completed buildings fail to provide **net additions** to the housing stock that will meet the need for housing used year round for people needing to live in London, it cannot be contributing to meeting "objectively-assessed need".

Optimising housing potential and density

London Plan policy on housing potential and density has not changed since the 2004 London Plan, apart from changing the "maximising" to "optimising" the potential of housing sites.

The key messages from successive plans are summarised in the latest Plan (2015) – it should be noted that no change was made to the density policy or its reasoned justification from the previous plan.

Policy 3.4: Optimising Housing Potential:
Taking into account local context and character, the design principles in chapter 7 and public transport capacity, development should optimise housing output for different types of location **within** the relevant density range shown in Table 3.2 [Sustainable residential quality (SRQ) density matrix]. Development proposals which compromise this policy should be resisted" [London Forum's emphasis]

Para 3.28 explains that additional factors include social infrastructure, open space and play

Para 3.30 explains that good public transport connectivity and capacity means that densities may be at the higher end of the appropriate density range, and where connectivity and capacity is limited density should be at the lower end of the appropriate density range.

Policy 2.15: Town Centres and its reasoned justification (paras 2.72E and 2.72F) merely highlights the opportunities for high-density, residential-led, mixed-use developments in and around town centres and points (Para 2.72F) that residential development "is likely to have scope to go towards the top of the relevant density range", although it suggests that "The Housing SPG provides guidance on the exceptional circumstances in which these ranges can be exceeded."

Policy 8.4: Monitoring and Review set key performance indicators for the implementation of the London Plan. For optimising the density of residential development the target is that over 95% of development should comply with the housing density location and the density matrix in Table 3.2. This underlines the need for developments to be **within** their appropriate density range and, by

definition for any exceptions to be rigorously tested and robustly justified. Our concerns are that there are too many examples of densities greatly exceeding the maximum densities without any clear reasons to justify this degree of departure from the policies of the London Plan.

What does the Draft Interim Housing SPG say?

The Draft Interim SPG, whilst constantly referring to "exceptional circumstances", does nothing to explain what would constitute such conditions.

In para 1.1.9 suggests that for large sites it would take a combination of size, character and accessibility to give them the "scope for higher density development toward the top, or in justified exceptional circumstances above the density ranges set out in the London Plan." This is highly unconvincing. Sites which have these characteristics would have been developed sooner, but even so these are factors which are used to justify the choice of range and the appropriate density within it, and there is nothing exceptional to justify going beyond the top of that range.

In short, despite saying that developments with such densities will require rigorous testing before being judged to be exceptional, both the London Plan and this proposed SPG totally fail to identify any significant criteria, which have not already been taken into consideration for identifying the appropriate range, and which would do any more than help determine where **within** that range the density should be selected.

In para1.1.16, the draft interim SPG suggests that "boroughs should examine the potential to increase densities to the top of the relevant SRQ density range on specific sites, particularly in opportunity and intensification areas, town centres and other locations where there is good public transport accessibility." London Forum agrees with that – these are all factors which may justify the choice of density at the upper end of the appropriate density range. However, having used these to determine where **within** the range they would fall, they would not by definition constitute the "robustly justified exceptional circumstances" for exceeding the top of the range.

Para 1.3.5 makes clear that the density matrix should be applied in all cases – "the density ranges are sufficiently wide to accommodate the spectrum of policy considerations which must be taken into account when optimising development at a particular location."

The London Forum is concerned that the key factors determine the appropriate density range and the rest of the factors are subsidiary and merely help position the development within that range. It is suggested that these might be:

- local context – this has already been used to refine the position with the range;
- infrastructure capacity – public transport capacity has already been included, so this would be other types of infrastructure such as social infrastructure; and
- viability – a fairly vague reasoning for being exceptional.

London Forum **strongly agrees** that the key issues of "different settings, different levels of public transport (accessibility, frequency and capacity) and the different sizes of accommodation produce density ranges that are sufficiently wide to accommodate the spectrum of policy considerations which must be taken into account when optimising development at a particular location" and that the draft interim SPG fails to identify any key issues that would do more than nudge densities toward the top of the range. For example, there is nothing in the list that is in para 1.3.7 that would constitute "robustly-justified exceptional circumstances" not already considered within the main factors for determining the appropriate range.

Paragraphs 1.3.8 and 1.3.46 are supported in principle, but there is a need to refer to the presumption in Policy 3.4 and Policy 8.4 that 95% of residential developments will be **within** the appropriate density range to support the requirement for "robustly justified exceptional circumstances".

Paragraph 1.3.46 does, however, contain additional requirements for developments above the density ranges which are welcomed, although these should be sought in all new developments not simply as a mitigating measure for developments with exceptionally high densities. Most of these are requirements in the design section (paras 1.3.53-55)

Proposals:

The London Forum, whilst welcoming the tough test of "robustly-justified exceptional circumstances" rather than the maximum of the range being exceeded at the merest whim, proposes:

- **In para 1.1.9,deleting in lines 24/25 the words ", or in justified exceptional circumstances above" as lacking justification;**

- **In para 1.1.16, deleting the whole of the second sentence starting "in robustly justified exceptional circumstances" and replacing it with: "Developments with densities above the maximum of the appropriate range will need to be rigorously tested and robustly justified as to why an exception should be made to Policies 3.4 and 8.4."**

London Forum proposes adding at the beginning of para 1.3.8 and/or at the beginning of para 1.3.46 the following sentence:

> **"In line with Policies 3.4 and 8.4 there is a policy presumption that the densities of new residential developments will fall <u>within</u> the appropriate density range for that site."**