

THE LONDON FORUM of Amenity and Civic Societies

Founded 1988

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To Gavin Barwell,
Conservative Candidate for Croydon Central

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3rd May 2017

Dear Gavin Barwell,

London Forum's response to the Housing White Paper: Fixing our broken housing market

The London Forum of Amenity and Civic Societies (London Forum) represents some 130 civic and amenity societies across Greater London, seeking to influence the planning, environment and transport policies of both the Government and the Mayor of London to ensure that they meet the needs of Londoners.

We welcomed your appointment as Minister for Housing, Planning and London which offered the prospect of having, for the first time in about 10 years, a Minister who would understand that the needs of London in terms of planning and housing are very different from the rest of England. We were very much encouraged by some of your decisions with regard to both planning and housing policy which demonstrated this understanding.

The Housing White Paper – why it does not work for London

The Housing White Paper – which is mainly about planning for housing – is very disappointing in that there is almost no reference to London, let alone any recognition of the very different governance arrangements for both planning and housing, very different market conditions and huge pressures. The White Paper is disappointing in that many of the proposed policy changes on this menu would be inappropriate for London – a **“one-size-fits-all” does not work for London.**

The main reasons why these proposals are inappropriate for London are:

- The Mayor's London Plan, sets the strategic planning framework for London boroughs. It is policy compliant with the NPPF and
- almost all the proposals in the White Paper, for assessing objectively-assessed need, ensuring maximum use of previously-developed sites, and using public transport accessibility to support higher-density housing, were pioneered by the London Plan;
- The GLA provides a London-wide SHMA and SHLAA, which, after working in cooperation with the Boroughs, identifies possible housing sites and their housing potential.
- Unlike the rest of the country, where the supply of sites includes both previously-developed and greenfield land, London uses a capacity-based approach, where, as a result, it maximises the use of “brownfield” sites - between 95% and 100% of new housing is built on “brownfield sites”.

We are particularly concerned about the Government's response to the Local Plans Expert Group, in particular to the over-prescriptive approach to the form and content of local plans. London borough local plans reflect not only the fact that the strategic framework is provided by the London Plan, but also the diversity of challenges each borough faces. London boroughs, beyond the strategic issues, should be able to make their local plan appropriate to their borough. The proposal that the "detail" will be contained in neighbourhood plans is unworkable in the London context as even in 5 years' time the coverage of neighbourhood plans will not be very great and, their emphasis will not be on identifying housing sites but on place-making.

Nature of the NPPF

We are concerned that the NPPF does not help secure "the right development in the right place", it merely describes the plan-making process – it is about process rather than outcomes. What is needed is more policy on how to create more sustainable patterns of development. In London, of course, that is done by the London Plan.

The challenges of planning for housing in London

What London needs is:

- housing that meets the needs of Londoners for a place to live – too many sites, especially in Inner London, have been used for housing that does not meet this need – "objectively-assessed need" has to be defined in terms of people's need for a home;
- more affordable housing; and
- for communities to have greater say over the type of housing that is built.

We do not believe that housing developers in London are even beginning to tackle "objectively-assessed need" – London local plans need to shape what is produced to ensure that the real need for housing in London is delivered. There are many empty Buy-to-Leave investment properties in the capital in recent developments and a large number of unimplemented permissions. Tower blocks – some 450 are in the pipeline for London – are not the answer, either to affordability or to creating communities.

We ask that the changes in policy help to address those problems and particularly that the changes in the NPPF explicitly acknowledge the specific circumstances in London and adjust them accordingly.

Attached is the response London Forum submitted to the White Paper.

If you are elected and remain in the Ministerial post you have held, we would welcome the opportunity to discuss this with you and your officials.

Yours sincerely,



Peter Eversden MBE
Chairman

Michael Bach
Chairman: Planning, Environment and Transport Committee

“FIXING OUR BROKEN HOUSING MARKET”: HOUSING WHITE PAPER: FEBRUARY 2017 LONDON FORUM RESPONSE

Who we are and what we do

- The London Forum of Amenity and Civic Societies (London Forum) is an umbrella group for some 130 amenity and civic societies across Greater London. We promote good planning in London through engaging with the Government, the Mayor of London through the Greater London Authority, Transport for London and other Mayoral bodies and to empower our members by holding events to help them engage the planning system in their boroughs.
- The London Forum has responded to DCLG consultations to the planning system, including the NPPF, NPPG, changes to permitted development rights and other changes to the system from the perspective of how these would affect London. We also responded to the Local Plans Experts Group’s proposals for local plans. A major theme has been our concern about the inappropriateness of much Government policy and advice, designed for the whole of England, for application to London. This is a key theme in our response to this White Paper.
- We have participated in the preparation of and examination into every edition of the London Plan, made input and responded to SPGs, especially on housing, and have engaged with the GLA on successive versions of their Strategic Housing Land Assessment (SHLA) and Strategic Housing Market Area Assessment (SHMAA), and the refinement of the Sustainable Residential Density Matrix.

Key Messages

- Our key messages in response to this consultation are:
 - **many of the issues are inappropriate or not relevant to the situation in London**, where the London Plan provides the strategic spatial strategy for London borough plan-making, undertakes strategic analysis of housing need (SHMAA) and housing land supply (SHLA) and has well-developed, well-established policies for planning and guidance for housing. We have highlighted this in the text (see comments in red);
 - **the proposed amendments risk changing the NPPF from a policy document for planning for development to a rule-book for the plan-making process and risks the document losing sight of the spatial planning outcomes it should be seeking** – it would be thin on what we are trying to achieve but heavy on process.
 - **the proposed changes in response to the Local Plans Expert Group, which have prompted some of these proposals, do not relate to the situation in London**, especially the existence of the London Plan and the nature of the issues, which mean that Local Plans need to be tailored to local circumstances. However, the proposed “new framework for plan-making” based on a local plan limited to strategic policies and “more detailed matters addressed through neighbourhood plans” would be totally inappropriate in London where neighbourhood plans will have limited coverage. London Forum **strongly objects** to this proposal. (Question 1)

Appropriateness and relevance to London

- This is a general problem for the NPPF, by trying to write policy for England without recognising the difference between most English local authorities and major cities, let alone London, it risks producing “policy” which has less relevance and is less appropriate for these areas – a “one-size-fits-all” does not work well.
- Not only are the issues and challenges different than in most of the rest of England, but the administrative structure and the types of plans are different than most of the rest of England, even though the plans may be policy compliant with the NPPF and conform generally with national policy.
- The following questions propose action which is inappropriate for London: **1(a) & (b), 4, 5, 8(a), (b), (c) and (d), 9, 12(a), 13(c),16(a), (b) & (c), 17(a) & (c),24, 28(b), 29 and 32(a)**

Need to distinguish between outcomes and process

- If a distinction were made between the NPPF and policy guidance on the process issues, the NPPF could focus more effectively on creating more sustainable patterns of urban development. It should paint a picture of where we are going and what we are trying to achieve and separate out the “how to do it” process advice. We therefore agree with the Government’s proposal “to set out in policy the key strategic priorities that every area is expected to plan for”.

Proposals from the Local Plans Expert Group

- London Forum **does not agree** that the Local Plans Expert Group proposals should be implemented in London, because:
 - London has a spatial strategy – the London Plan – which means the form and content of London borough local plans can focus on strategic policies, place-making and site allocations;
 - the circumstances in London are very different from most places outside London – highly urbanised;
 - the size and high development potential and pressures in London's boroughs,
 - the need for them to have policies in general conformity with the London Plan in a way which helps its policies and objectives to be achieved, but, in particular,
 - the needs and pressures are very different from borough to borough.
- Local Plans in each borough in London must be tailored to their specific needs and circumstances, including:
 - a range of strategic borough policies on all planning subjects to express those in the NPPF and the London Plan in a way appropriate within each borough; and
 - a spatial approach to the development of the borough, which has place-based strategic policies, place-based policies with site-specific allocations for each locality that describe what changes are required or would be allowed in each one.

- Most London boroughs already have Local Plans that meet their needs – they should not be required to change their format.
- London Forum, therefore, **agrees** with the Government's proposal “to give local planning authorities more flexibility over the types of plans they produce (Para A.14), “to set out in policy the key strategic priorities that every area is expected to plan for” (A.16) and then to allow local authorities to choose what type of Local Plan they want. London Boroughs should not be a required to comply with a “national” format. London Forum **supports** a single policy document rather than a short document plus a proliferation of supporting documents.
- In London, Neighbourhood Plans will not provide the detail or replace site allocation plans in boroughs, because these issues will be covered by Local Plans. The SHLAA process in London and the borough's key strategic policies will have determined the potential housing in each locality and its type to meet borough-wide objectives and targets. The role of neighbourhood plans in London, even in 5-10 years’ time, will not provide the necessary coverage.
- London Forum wants Local Plans to be comprehensive and spatial, and therefore **strongly objects** to the “one-size-fits-all” approach described as “the new framework set out in para A.16 and Box 1.

Our full response follows on the next pages.

Peter Eversden MBE
Chairman

Michael Bach
Chairman:
Planning, Environment & Transport Committee

Question 1: Getting Local Plans in place

Do you agree with the proposals to:

a) Make clear in the National Planning Policy Framework that the key strategic policies that each local planning authority should maintain are those set out currently at paragraph 156 of the Framework, with an additional requirement to plan for the allocations needed to deliver the area's housing requirement? (para 1.10, 1st bullet)

London Forum **agrees** with the strategic priorities identified in NPPF para. 156, but recognises that in London the London Plan provides:

- a more extensive set of policy requirements – setting the strategic framework for each Borough to develop and express more fully to meet their own needs;
- a London-wide SHLAA process, prepared in cooperation with the London boroughs, which identifies potential sites and applies an agreed method of assessing each site for its housing development potential, with which the boroughs are familiar. This arrives at an agreed set of housing targets; and
- a spatial framework for planning not only for the development of housing, but also to meet the objectively-assessed need for the range of uses itemised in para 156, and to meet the third core principle in para 14. London borough plans are required to articulate both how and where these needs are to be met.

London Forum **supports** the proposal that, subject to local plans meeting the minimum expectations in para 156, there should be flexibility as to how they do it. We, therefore, **strongly support** the statement in para A.14, if that means the freedom to include “more detailed matters” in London borough Local Plans – **i.e. to retain the existing model of local plans.**

However, London Forum would **strongly object** if this means that “detailed matters” should be relegated to neighbourhood plans, which, even in 5 years' time, will have very limited coverage in London

As we have seen with the imposition of permitted development rights, one size does not fit all. London borough local plans **will** be very different from those covering most of the rest of England.

The London Forum, therefore, **would strongly oppose** any proposal to “standardise” the policies in local plans beyond the proposed minimum coverage in para. 156, leaving each local planning authority to develop its own policies, whilst in general conformity with national policy and in London with the London Plan, giving each local authority the freedom to tailor their plan to reflect their local circumstances and the vision and priorities of their local communities, as proposed in para 155 of the NPPF.

We would **strongly oppose** the proposal by the Local Plans Review Group to restrict local plans to “key strategic priorities” relegating “more detailed matters” to neighbourhood plans or more focused development plan documents. It is widely acknowledged that the take-up of neighbourhood planning has been patchy in London and that even in ten years' time the option of stripping out the “detail” would be inappropriate for London. This is another case of the “one-size-fits-all” approach being a non-starter.

The Government should emphasise para. 155 of the NPPF as a requirement for all Local Authorities to engage fully with community groups, residents, businesses and other local organisations in plan preparation.

These proposals are unsuitable for London – where London boroughs are under extreme pressure for development, with very high housing values squeezing out economic and social/community uses. Each London borough should, without repeating NPPF or London Plan policies, be able to develop policies in general conformity with those documents, which reflect the special needs of their local communities. Plans should not be list of generic statements, but should convey the vision, strategy and policies for achieving it.

b) Use regulations to allow Spatial Development Strategies to allocate strategic sites, where these strategies require unanimous agreement of the members of the combined authority?

This is not applicable to London local plans, but see our response to Q2.

c) Revise the National Planning Policy Framework to tighten the definition of what evidence is required to support a ‘sound’ plan?

No – this should be in National Planning **Guidance** - the NPPF should set out the policy principles rather than be a “how to do it” process document. This would be more appropriately set out in a different, guidance document, rather than overloading the NPPF with process. The NPPF, if it needs expansion, should be to promote spatial planning rather than to clog up the clarity of the message about the nature of plans.

The evidence base for objectively-assessed need for different uses, not just housing, should be set out in guidance. We **agree** the need for a proportionate approach to provide clear and concise evidence. (Para A.19)

Question 2: Consultation and examination procedures

What changes do you think would support more proportionate consultation and examination procedures for different types of plan and to ensure that different levels of plans work together?

At present the whole process is still too confrontational, at both the consultation and examination stages. At the consultation stage, the deadlines and process for responding provides little opportunity for discussion or mediation in response to representations, often designed to improve the local plan. By the time it reaches examination, the role of the Council is to stonewall and reject all proposals even in the roundtable discussion framework, and the Inspector is primarily interested only in “soundness” and “legal correctness” not the likely impact or quality of the policies. This is extremely frustrating for communities and generates unnecessary antagonism between the community and the local planning authority.

Proposals to ensure that consultation and examination procedures are proportionate seem to focus on reducing public engagement and limiting the prospect of conflict resolution.

It is expected that the Duty to Cooperate will require London boroughs to work with their adjoining boroughs to plan for the optimising land use and the development of sustainable communities across boundaries.

Question 3: Assessing housing requirements

Do you agree with the proposals to:

a) amend national policy so that local planning authorities are expected to have clear policies for addressing the need for homes to rent that people on low wages can afford and the specific requirements of groups with particular needs, such as older and disabled people?

Yes – the NPPF focuses too much on numbers and not enough on the different segments of the housing supply which are poorly addressed by the housing market, especially housing for older people and for students, which would improve the “fit” between specific needs and what the market is likely to provide. The annual increment should be targeted to reduce pressure on the existing stock, such as housing for students or providing smaller, more manageable housing in locations that are more accessible to local services that are attractive to older people wanting to move leading to the release of larger units.

London Forum **strongly supports** the delivery of homes to rent that people on low wages can afford. That requires more planning for 'Build-to-Rent' homes and a large increase in the supply of social rented homes to replace those lost by the Right to Buy. Support should be given by Government to the policies of the London Mayor to achieve a minimum percentage of affordable homes in all large housing developments and to have a proportion of those for rent related to the London Living Wage level.

b) from early 2018, use a standardised approach to assessing housing requirements as the baseline for five-year housing supply calculations and monitoring housing delivery, in the absence of an up-to-date plan?

The proposed new baseline from April 2018 for calculating housing requirements will be too late for the preparation of the replacement London Plan for which the SHMAA process is about to be published and implemented. There must be close liaison by the Mayor and DCLG Ministers to ensure the basis of assessing housing need is agreed before the Examination in Public of the draft new London Plan commences.

However, we doubt that the “standardised approach to assessing housing requirements” proposed for areas outside London will be appropriate for London, where a sophisticated approach to assessing housing needs and to assessing housing capacity is more appropriate to London’s special circumstances – where “need” and “capacity” need to be reconciled. This is another case where a “one-size-fits-all” approach is inappropriate. It is notable that the Local Plans Review Group chose to disregard the situation in London in both their analysis and their recommendations.

This requirement for a standardised approach would be inappropriate for London

Question 4: Making enough land available in the right places

Unfortunately, the NPPF provides no policy or guidance for spatial planning, especially with regard to what constitutes “the right places”, with the exceptions of locating key uses in town centres or close to major public transport interchanges. There is no guidance as to what are the “right places” in terms of creating sustainable patterns of development.

The “right places” – the most sustainable places – for housing are urban infill, followed by urban extensions where there is good accessibility to local facilities, public transport and employment.

In London reusing previously-developed land is the only option, but accessibility will determine the appropriateness for higher density development.

Do you agree with the proposals to amend the presumption in favour of sustainable development so that:

- a) authorities are expected to have a clear strategy for maximising the use of suitable land in their areas?

This is a very loose use of the terms “maximising the use of suitable land”. If it is – as in Para A.42 – about prioritising the use of previously-developed land within urban areas or that “maximum use is made of brownfield sites that are suitable for homes” – **we strongly support** this. This has always been the case in London where the proportion of development on previously-developed land exceeds 95% in most London boroughs. In London, “brownfield first” is not a matter of choice, but a necessity.

However, we have been very concerned about the use of the word “maximise” in relation to the maximising the development potential of housing sites to the extent of exceeding the maximum densities for any site set out in the London Plan Density Matrix. The London Plan now requires that the development potential of sites is “optimised”, rather than “maximised”. This is assessed for each site against London Plan Density Matrix and Local Plan policies for factors that could restrict or allow different types and densities of development, including local public transport accessibility and capacity as well as the local character and context.

Maximising the use of land without those constraints can lead to development in unsustainable locations or unsustainable development with overloading of local infrastructure, services and transport and unsuitable types of homes.

There should be no suggestion that the development potential of sites should be “maximised” – we would be **strongly opposed** to such an approach being reintroduced in London.

This is an example of where the terms need to be used with care, as well as indicating that this approach has always been the case in London. If the NPPF refers to making the maximum use of brownfield sites, meaning to use brownfield sites before resorting to choosing greenfield sites, that should remove the possible ambiguity. However, the term “maximise” in a London context is toxic in that it has resulted in densities in excess of the maximum density in the appropriate density range in the London Plan Residential Density Matrix.

The term “maximise” should be used with caution and be clear that this refers to using brownfield sites rather than greenfield sites wherever appropriate. Great sensitivity is needed so that it is **not** interpreted as maximising the density of development!

- b) it makes clear that identified development needs should be accommodated unless there are strong reasons for not doing so set out in the NPPF?

No. The policies in the NPPF are not spatial. The NPPF does not prioritise the right development in the right place – on brownfield sites in sustainable locations with access to a range of facilities and services. In London this is done by the London Plan. In addition, protected views and other spatial and heritage policies in the London Plan and in borough Local Plans must be applied. These include the constraints identified in question 4(c) below.

- c) the list of policies which the Government regards as providing reasons to restrict development is limited to those set out currently in footnote 9 of the National

Planning Policy Framework (so these are no longer presented as examples), with the addition of Ancient Woodland and aged or veteran trees?

No, “designated heritage assets” needs expansion to specifically include the Site Management Plans of World Heritage Sites, including the views into and out of them, as well as listed buildings, conservation areas and local green spaces.

d) its considerations are re-ordered and numbered, the opening text is simplified and specific references to local plans are removed?

No, changing 'meet' to 'accommodate' in the current words of NPPF para. 14: "Local Plans should meet objectively assessed needs" – is less precise and less prescriptive, even passive! The whole of the NPPF is based on meeting the development needs of the area, often explicitly “in full” (see para 14, 17, 18, 20, 21, 23, 47, 50, 54, 72, 85,.....) This would represent a very real relaxation of the need to deliver “sustainable development”. However, we would strongly suggest that the reference in NPPF para 23, 6th bullet does need to be changed!

The proposals in para A.39 are otiose – Para 14 of the NPPF is a very clear and tight statement of Government policy.

The NPPF needs to reconcile the current approach to requiring plans to plan positively - “objectively identifying and then meeting housing, business and other development needs of an area” (NPPF para 17) – and the loss of buildings in town centres or close to public transport which are the preferred locations for main town centre uses such as offices.

Question 5: Improving local authorities’ role in land assembly and disposal

Do you agree that regulations should be amended so that all local planning authorities are able to dispose of land with the benefit of planning consent which they have granted to themselves?

The issue described in para A.43 not a London issue, however, London Forum considers that this is generally an area where there is a need for greater transparency and accountability to remove the scope for corruption and conflict of interest. Greater safeguards are necessary especially with arms-length companies and unaccountable development corporations.

Question 6:

How could land pooling make a more effective contribution to assembling land, and what additional powers or capacity would allow local authorities to play a more active role in land assembly (such as where ‘ransom strips’ delay or prevent development)?

London Forum **supports** land pooling as a means of land assembly – this is already possible in London.

Land pooling could be more effective in London if Transport for London and other public land owners worked with local authorities to assemble land across borough boundaries that would enable more holistic and sustainable development.

London Forum **supports** the proposal that disposal of land held for planning purposes for less than best consideration should no longer require consent from the Secretary of State.

Question 7: Regenerating housing estates

Do you agree that national policy should be amended to encourage local planning authorities to consider the social and economic benefits of estate regeneration when preparing their plans and in decisions on applications, and use their planning powers to help deliver estate regeneration to a high standard?

Yes, but community engagement by local authorities must be emphasised and the types of homes to be delivered should include both ones for current occupiers as well as to meet local needs. However, it should be recognised that there are social, heritage and economic costs of estate generation which must be considered.

Question 8: **(This needs to be revised for an urban, let alone London context)**

Do you agree with the proposals to amend the National Planning Policy Framework to:

a) highlight the opportunities that neighbourhood plans present for identifying and allocating small sites that are suitable for housing?

Possibly that would be suitable in rural areas and even towns outside London, but in London, the main purpose of neighbourhood plans is less about identifying housing sites than place-shaping. There is a call to communities to identify small sites for development during borough SHLAA processes which are comprehensive and would identify most sites, but a significant proportion of small sites come forward outside the plan process. Windfall, previously-developed sites are a significant proportion of sites developed.

In London, any small sites that can be identified by the local authority and its communities should be added to a small sites register for development by small and medium builders.

However, given the patchy coverage and slow progress with neighbourhood plans in London, it would take too long to rely on neighbourhood plans to identify and allocate small sites. These sites tend to come forward as windfall sites rather than through the development plan process.

This proposal is inappropriate in London

b) encourage local planning authorities to identify opportunities for villages to thrive, especially where this would support services and help meet the authority's housing needs?

Not applicable in London, as the scale of development needed to support additional or maintain existing social infrastructure is likely to be considerable.

This is likely to be unsuitable in London.

c) give stronger support for 'rural exception' sites – to make clear that these should be considered positively where they can contribute to meeting identified local housing needs, even if this relies on an element of general market housing to ensure that homes are genuinely affordable for local people?

No comment.

d) make clear that on top of the allowance made for windfall sites, at least 10% of sites allocated for residential development in local plans should be sites of half a hectare or less?

No. That requirement is totally unsuitable for being imposed on London's boroughs. In many London Boroughs, few sites are as large as half a hectare. The NPPF must not attempt to standardise across all areas in such respects. The Government should recognise that a different approach is required in London and in groups of metropolitan authorities whose new mayors may develop policies across those authorities, similar to the London Plan. Indeed, many towns which have tightly-drawn boundaries also have a dearth of large sites.

This is unsuitable in London.

e) expect local planning authorities to work with developers to encourage the sub-division of large sites?

Yes – to encourage phasing and encourage small/medium-sized builders.

and

f) encourage greater use of Local Development Orders and area-wide design codes so that small sites may be brought forward for development more quickly?

Yes. Using LDOs in London would be effective for any site for which the local authority needs specific development to take place. However, LDOs have not had much take-up, especially in London, due to their up-front resource demands on local planning authorities. They could give certainty to communities and can speed up planning approval because developers know what they should be offering in their schemes.

LDOs can be developed and approved more quickly than Neighbourhood Plans.

Question 9: A new generation of new communities

How could streamlined planning procedures support innovation and high-quality development in new garden towns and villages?

NOT RELEVANT TO LONDON -

Green Belt land

Question 10:

London Forum's primary concern is the Green Belt within London, where our members support the London Plan's protection for Green Belt. In particular, Metropolitan Open Land, parks and open spaces used in the capital by the public should have the same if not stronger protection as the Green Belt. The London Plan SHLAA process excludes Green Belt land for meeting housing need and the London Plan policies protect all open space land.

Do you agree with the proposals to amend the National Planning Policy Framework to make clear that:

a) authorities should amend Green Belt boundaries only when they can demonstrate that they have examined fully all other reasonable options for meeting their identified development requirements?

See above

- b) where land is removed from the Green Belt, local policies should require compensatory improvements to the environmental quality or accessibility of remaining Green Belt land?

See above

- c) appropriate facilities for existing cemeteries should not to be regarded as 'inappropriate development' in the Green Belt?

No comment

- d) development brought forward under a Neighbourhood Development Order should not be regarded as inappropriate in the Green Belt, provided it preserves openness and does not conflict with the purposes of the Green Belt?

This proposal conflicts with Q10 a) above.

- e) where a local or strategic plan has demonstrated the need for Green Belt boundaries to be amended, the detailed boundary may be determined through a neighbourhood plan (or plans) for the area in question?

No - not through a neighbourhood plan, but by a specific site allocation proposal in a Local Plan, so that the implications for its surroundings and conformity with other policies and needs in the Local Plan can be considered at an Examination in Public.

- f) when carrying out a Green Belt review, local planning authorities should look first at using any Green Belt land which has been previously developed and/or which surrounds transport hubs?

No to 'previously developed' as that is too general and may result in the loss of pieces of Green Belt land that have had buildings erected on them for sports and other facilities. These should not be seen as development opportunities.

Question 11:

Are there particular options for accommodating development that national policy should expect authorities to have explored fully before Green Belt boundaries are amended, in addition to the ones set out above?

No

Question 12: Strengthening neighbourhood planning and design

Do you agree with the proposals to amend the National Planning Policy Framework to:

- a) indicate that local planning authorities should provide neighbourhood planning groups with a housing requirement figure, where this is sought?

No – whilst this might be appropriate in rural areas, if only to secure affordable housing, this would be inappropriate or even impossible within many neighbourhood plan areas in London. London Borough targets are set by the London Plan and sites are identified through the London-wide SHLAA process and are allocated through the Local Plan.

This would be inappropriate for London

b) make clear that local and neighbourhood plans (at the most appropriate level) and more detailed development plan documents (such as action area plans) are expected to set out clear design expectations; and that visual tools such as design codes can help provide a clear basis for making decisions on development proposals?

Agreed. The Government should emphasise the importance of design policies in section 7 of the NPPF and make clear that they are not merely a matter for subjective opinion to be challenged by developers at appeals against planning refusal.

c) emphasise the importance of early pre-application discussions between applicants, authorities and the local community about design and the types of homes to be provided?

Agreed.

d) makes clear that design should not be used as a valid reason to object to development where it accords with clear design expectations set out in statutory plans?

No. Poor design should be a valid reason for refusal whether or not expectations are defined in Local Plan sections for the specific site.

and

e) recognise the value of using a widely-accepted design standard, such as Building for Life, in shaping and assessing basic design principles – and make clear that this should be reflected in plans and given weight in the planning process?

Agreed. Weight should be given also to guidance by the Design Council, Historic England, national amenity societies, the Port of London Authority and the Mayor of London.

Question 13: Making efficient use of land

Do you agree with the proposals to amend national policy to make clear that plans and individual development proposals should:

a) make efficient use of land and avoid building homes at low densities where there is a shortage of land for meeting identified housing needs?

Yes – London introduced a minimum density of 35dwelling/hectare within London in 1976 – it is still the lowest acceptable density for houses in low-density suburban areas in the London Plan sustainable residential quality density matrix (London Plan, Table 3.2), but certain Outer London Boroughs show **average** densities of newly-completed housing that are lower than the minimum density for lowest density range. The London Plan key performance measure requires 95% of developments to be within the appropriate density range for the site, with only 5% being above maximum or below the minimum density.

b) address the particular scope for higher-density housing in urban locations that are well served by public transport, that provide opportunities to replace low-density uses in areas of high housing demand, or which offer scope to extend buildings upwards in urban areas?

Yes, this is a key policy in the London Plan and Local Plans, subject to taking into account issues such as views, overlooking, design, space standards and impact on conservation areas, Metropolitan Open Land and World Heritage Sites.

However, we **strongly object** to the proposals for “upward extensions” involving additional flats as proposed in a previous consultation. These proposals should be subject to the same policies as any other extensions – assessed against the policies of the development plan.

c) ensure that in doing so the density and form of development reflect the character, accessibility and infrastructure capacity of an area, and the nature of local housing needs?

Yes, particularly for character and context. The London Plan has a Policy 3.4: Optimising Housing Potential and the Sustainable Residential Quality Matrix (Table 3.2) to encourage development in the most appropriate density range. London Forum supports the use of terraced housing, mews and mansion blocks which would provide high-density housing, but avoid high-rise developments.

The London Plan pioneered a comprehensive approach to this issue. The NPPF and NPPG could adopt/adapt this approach for guiding the right development to the right place. A spatial planning dimension to the NPPF is long overdue, rather than being predominantly about process.

d) take a flexible approach in adopting and applying policy and guidance that could inhibit these objectives in particular circumstances, such as open space provision in areas with good access to facilities nearby?

Yes, but there needs to be more emphasis on creating or maintaining walkable neighbourhoods. Whilst increased densities can help to support local social infrastructure, such as local shops and services, primary school, GP surgeries, local parks within easy walking distance.

Question 14: Minimum densities

In what types of location would indicative minimum density standards be helpful, and what should those standards be?

Minimum density standards should be used in London where public transport accessibility (PTAL) figures are 3 or below. The London Plan Sustainable Residential Density Matrix sets a set of appropriate density ranges with a key performance indicator that 95% of developments should be within the appropriate range for the site – that is neither above the maximum nor below the minimum. Monitoring shows that a number of Outer London boroughs do not meet this standard.

Question 15: More intensive use of sites

What are your views on the potential for delivering additional homes through:

- more intensive use of existing public sector sites, or in urban locations more generally? and
- how this can best be supported through planning (using tools such as policy, local development orders, and permitted development rights)?

No for the use of permitted development rights for adding homes within public sector sites; local authorities must be able to decide what development is appropriate and what the design should be. Public sector sites can contain buildings or parks of historic value and they must be protected. Archaeological assessments of the sites should be considered before development.

PROPOSALS FROM CHAPTER 2

PROVIDING GREATER CERTAINTY

Question 16: Housing land supply

There is a fundamental flaw in allowing housing development in any location if an authority does not have a 5-year supply of land – any unallocated site should be required to meet the same tests as those applied for selecting allocated sites, including that of the choice of a sustainable location and access to a range local services and social infrastructure. A shortfall of sites should not be the excuse for granting consent for otherwise unsustainable sites. A lack of allocated sites does not make development of otherwise unsustainable sites into “sustainable development”. This needs to be said explicitly in the NPPF and/or the NPPG. This is a similar qualification to “brownfield first” as many brownfield sites will be in unsustainable locations. However, this issue is unlikely to arise in London – see below.

Do you agree that:

a) where local planning authorities wish to agree their housing land supply for a one-year period, national policy should require those authorities to maintain a 10% buffer on their 5-year housing land supply?

Not applicable in London where ten-year housing targets with average annual minimum targets are agreed with the Mayor and subject to annual monitoring reports.

b) the Planning Inspectorate should consider and agree an authority’s assessment of its housing supply for the purpose of this policy?

Local Plans of London's boroughs should be assessed for the soundness of their SHMA and SHLAA processes and outcomes and the conformity of their policies and targets with the London Plan. It should be noted that the system is very different in London – it is less a question of identifying more greenfield sites, but of assessing the capacity of potential development sites through a London-wide SHLAA process co-ordinated by the GLA in cooperation with the London Boroughs. The London Plan housing targets are arrived at by negotiation and are subject to scrutiny at the EiP. The EiP hears any disagreements. At the Local Plan EiPs there is no role for the Inspector to reassess the London Plan target.

This would inappropriate in London

c) if so, should the Inspectorate’s consideration focus on whether the approach pursued by the authority in establishing the land supply position is robust, or should the Inspectorate make an assessment of the supply figure?

See answer to (b) above – the Inspector has no role in London borough Local Plans.

Inappropriate in London

Question 17: Neighbourhood Plans

Unlike neighbourhood plans outside London where allocating sites for meeting local housing need is a critical purpose of the plan, in London neighbourhood plans are primarily about place making rather than allocating sites for housing, due to the highly built up nature of most neighbourhood plan areas. This section is inappropriate for London.

In taking forward the protection for neighbourhood plans as set out in the Written Ministerial Statement of 12 December 2016 into the revised NPPF, do you agree that it should include the following amendments:

a) a requirement for the neighbourhood plan to meet its share of local housing need?

No – a neighbourhood plan can only contribute to meeting the local authority’s housing need if it has the sites to do so. The concept of meeting its “share” is inappropriate unless there the opportunities for doing so. This concept is appropriate in areas where sites can be found, but in highly-urbanised areas like London boroughs this may not be possible – a “requirement” would be unimplementable. This is another case that demonstrates that a “one-size-fits-all” approach does not work for London. A bald requirement without any concessions for exceptional local circumstances would be unreasonable.

This is one of three criteria in NPPF para 49 – the second criterion should not be a “deal breaker” where it cannot be met. The proposed additional criterion should not be applied to London, where neighbourhood plans are mainly about place making rather than for identifying housing sites.

This would be inappropriate in London.

b) that it is subject to the local planning authority being able to demonstrate through the housing delivery test that, from 2020, delivery has been over 65% (25% in 2018; 45% in 2019) for the wider authority area?

The 'housing delivery test' is difficult to apply in London because of the unimplemented permissions and the Buy-to-Leave housing developments. The ‘housing delivery test’ should not be used anywhere to dictate to elected local authorities, and certainly not until it has been revised to take account of unimplemented permissions and the Buy-to-Leave housing developments, which are outside local authority control.

c) should it remain a requirement to have site allocations in the plan or should the protection apply as long as housing supply policies will meet their share of local housing need?

No Site Allocations in neighbourhood plans should not be a universal requirement nor should it be dependent upon allocations elsewhere in the local authority

It would be inappropriate in London.

Question 18: Deterring unnecessary appeals

What are your views on the merits of introducing a fee for making a planning appeal?

We would welcome views on:

a) how the fee could be designed in such a way that it did not discourage developers, particularly smaller and medium sized firms, from bringing forward legitimate appeals;

- b) the level of the fee and whether it could be refunded in certain circumstances, such as when an appeal is successful; and
- c) whether there could be lower fees for less complex cases.

London Forum supports introducing fees for planning appeals proportionate to their scale, similar to planning application fee scales. The fee for an appeal should be for the local authority to assess, to cover its costs of defending the decision it has reached with the support of its local community.

Ensuring infrastructure is provided in the right place at the right time

There is a lack of leadership in forward planning for a range of physical and social infrastructure – para 162 of the NPPF needs to give leadership role to local planning authorities to ensure that areas of new housing either have or will have both a range of local social infrastructure sufficient to cater for the growth (eg local shops, a primary school, GP surgery, local park, post office, etc) The local planning authority needs to be given a formal, positive forward planning role. Promoting growth without social infrastructure is inequitable and socially exclusive.

Question 19: Digital infrastructure

Do you agree with the proposal to amend national policy so that local planning authorities are expected to have planning policies setting out how high-quality digital infrastructure will be delivered in their area, and accessible from a range of providers?

Yes – but something more proactive than Para 162 of the NPPF.

Question 20: Investing in our national infrastructure

Do you agree with the proposals to amend national policy so that:

- the status of endorsed recommendations of the National Infrastructure Commission is made clear?

Yes

- authorities are expected to identify the additional development opportunities which strategic infrastructure improvements offer for making additional land available for housing?

Yes

Holding developers and local authorities to account

Question 21: Greater transparency through the planning and build out phases

Do you agree that:

- d) the planning application form should be amended to include a request for the estimated start date and build out rate for proposals for housing?

Yes. The details should be 'required', not merely 'requested', for proposals for "major developments" i.e. 10 or more housing units or 1,000sqm of commercial uses.

b) that developers should be required to provide local authorities with basic information (in terms of actual and projected build out) on progress in delivering the permitted number of homes, after planning permission has been granted?

Yes, especially for “major developments”. In addition, there should be ‘overage’ clauses agreed with permissions to recover excess profits on a shared basis between the developer and the local authority.

c) the basic information (above) should be published as part of Authority Monitoring Reports?

Yes.

d) that large housebuilders should be required to provide aggregate information on build out rates?

Yes – for large schemes – 50 or more housing units or 5,000 sqm or more information should be required for both projected and actual annual completions, with information reported in the AMR. This should inform the updating of the local authority’s housing trajectory.

The Government should devise an undeveloped land tax for sites where planning permission has been granted but development has not taken place.

Question 22: Sharpening local authority tools to speed up the building of homes

Do you agree that the realistic prospect that housing will be built on a site should be taken into account in the determination of planning applications for housing on sites where there is evidence of non-implementation of earlier permissions for housing development?

Yes – but this can be picked up long before an application is made, by asking about previous applications made in last 5 years and what the outcomes have been.

Question 23

We would welcome views on whether an applicant’s track record of delivering previous, similar housing schemes should be taken into account by local authorities when determining planning applications for housing development.

Yes – there are some 270,000 housing units in London alone locked up in unimplemented planning consents. Since the Government is concerned about delivery and will penalise local authorities who do not maintain a high delivery rate, local planning authorities should consider both the viability of schemes but also the delivery track record of the applicant.

Question 24

If this proposal were taken forward, do you agree that the track record of an applicant should only be taken into account when considering proposals for large scale sites, so as not to deter new entrants to the market?

The thresholds might be 50 or more housing units or 5,000sqm of commercial space Medium-sized sites (0.5–5ha) should be included in this consideration.

NB: in London, higher densities mean that the site size threshold should be lower than elsewhere.

Question 25

What are your views on whether local authorities should be encouraged to shorten the timescales for developers to implement a permission for housing development from three years to two years, except where a shorter timescale could hinder the viability or deliverability of a scheme? We would particularly welcome views on what such a change would mean for SME developers.

Better definition is needed of the meaning of 'implement' and what constitutes a 'start' of development and how long stalled development (and for what reasons) would be considered reasonable. London Forum would particularly welcome pressure on developers to bring forward development of the 260,000 housing units and the 455 tall buildings in London, to stop them from just sitting on developers' books as an asset yet blighting sites and not delivering housing to meet the acknowledged "objectively-assessed need" for more housing.

Improving the completion notice process

Question 26

Do you agree with the proposals to amend legislation to simplify and speed up the process of serving a completion notice by removing the requirement for the Secretary of State to confirm a completion notice before it can take effect?

Yes, but clarification is needed of the words in A.106 of planning permission ceasing to have effect 'except in relation to development which has already been carried out.'

Question 27

What are your views on whether we should allow local authorities to serve a completion notice on a site before the commencement deadline has elapsed, but only where works have begun? What impact do you think this will have on lenders' willingness to lend to developers?

As in our response to Q25, there need to be definitions of what constitutes a stalled development and how the reasons should be considered.

The housing delivery test

Question 28:

Do you agree that for the purposes of introducing a housing delivery test, national guidance should make clear that:

a) The baseline for assessing housing delivery should be a local planning authority's annual housing requirement where this is set out in an up-to-date plan?

In London, there should be exemptions for local authorities that have approved their required amount of development or can demonstrate that sites are not yet available due to legal hurdles, contamination, etc.

b) The baseline where no local plan is in place should be the published household projections until 2018/19, with the new standard methodology for assessing housing requirements providing the baseline thereafter?

Not applicable to London.

c) Net annual housing additions should be used to measure housing delivery?

Yes.

d) Delivery will be assessed over a rolling three-year period, starting with 2014/15 – 2016/17?

In London, despite the scale of permissions, the net additional units per year could be problematic as there is little that London boroughs can do to persuade developers to build out their permissions. The threat of “use it, or lose it” might be needed – non-renewal when three-year permission expires. However, this could be counter-productive if developers make a “material start” and then have an indefinite consent, unless the concept of “material start” were abolished.

Question 29

Do you agree that the consequences for under-delivery should be:

a) From November 2017, an expectation that local planning authorities prepare an action plan where delivery falls below 95% of the authority’s annual housing requirement?

b) From November 2017, a 20% buffer on top of the requirement to maintain a five-year housing land supply where delivery falls below 85%?

c) From November 2018, application of the presumption in favour of sustainable development where delivery falls below 25%?

d) From November 2019, application of the presumption in favour of sustainable development where delivery falls below 45%? and

e) From November 2020, application of the presumption in favour of sustainable development where delivery falls below 65%?

No – all these options would be inappropriate in London

Question 30

What support would be most helpful to local planning authorities in increasing housing delivery in their areas?

1 - The provision of support, legal freedoms and encouragement for local authorities to establish with partners’ housebuilding and regeneration companies to make the best use of local authority owned land and properties.

2 - Transferring surplus Government land to local authorities at existing land value.

3 - Further improvements in the Capital Receipts process to enable local authorities to retain, pool and make best local use of receipts from disposals.

- 4 - Review by Government of the adverse effects on the Right to Buy (RtB) discount, its application to new build properties and the extension of it to 2018. It causes problems for HRA management. RtB funds should be fully retained locally. They must be spent within three years at present or paid to the Government with interest. Currently, the government allows local authorities to keep only 30% of the cost for replacement council homes and cannot borrow enough to replace the rest.
- 5 - Removing the constraint that new homes must be let at 'affordable rents' of up to 80% of market rent.
- 6 - Reconsideration by Government of the changes to rent setting policy and the linking of the convergence formula to CPI+1% which reduces the value of LPA housing assets.
- 7 - The Government should allow local authorities to recover the full cost of dealing with major planning applications.
- 8 - Permit flexibility in the staging of CIL receipts to improve viability levels.
- 9 - Removing the cap on HRA borrowing by local authorities against their capital assets.
- 10 - Support by Government for the Mayor of London in requiring housing developments to deliver a minimum percentage of affordable homes in large schemes, including homes at rents related to the London Living wage.
- 11 - Permit pre-commencement conditions.
- 12 - End the enforced sale of social housing units for fund discounts on homes to buy.
- 13 - Consider rent controls to avoid people in the PRS being made homeless.
(e.g. The average weekly rent on a one-bed council flat in Hackney is £89 compared with £216 in the private sector, and this rises to £130 a week for a four-bed council home compared with £417 market rent. 40% of homes sold under Right-to-Buy are being let out by private landlords.)
- 14 - Support small and medium-sized house builders with alternative sources of finance.
- 15 - Proposals are welcomed and supported to amend planning rules so councils can plan for more build-to-rent properties, as well as making more longer-term tenancies available in the rented sector.

Affordable housing

Question 31

Do you agree with our proposals to:

- a) amend national policy to revise the definition of affordable housing as set out in Box 4?

The range of types of home is welcome, but the guideline target rents for Social Housing are determined through the Government's rent policy and that should be changed to leave setting the rents to the local authority, as it wishes.

Affordable rented housing in London must be available to rent at 35% of the London Living Wage.

The provision of Starter Homes at a discount for those under 40 earning up to £90,000 a year in London must not have targets set by Government and it should be left to local authorities to determine where their delivery would be, and would not be, appropriate. Funding of the Starter Home discount must not be provided by the sale of high value social homes.

b) introduce an income cap for starter homes?

There will be very few people under 40 earning £90,000 in London and young people seeking home ownership would be better served by 'Rent-to-Buy' schemes.

c) incorporate a definition of affordable private rent housing?

Such housing would need to be at least 50% below the local market rent in London.

d) allow for a transitional period that aligns with other proposals in the White Paper (April 2018)?

This question is not understood.

Question 32

Do you agree that:

a) national planning policy should expect local planning authorities to seek a minimum of 10% of all homes on individual sites for affordable home ownership products?

No The 10% figure is much too low for London and the Mayor's targets for affordable homes should be supported by Government. It is probably too low for many other parts of the country.

This is inappropriate for London

b) that this policy should only apply to developments of over 10 units or 0.5ha?

Yes. The Mayor of London in his Affordable Housing SPG has set the thresholds for intervention to secure a minimum of 35% affordable homes, rising to 50% and that policy when incorporated in the London Plan should have Government support. Any definitions in the NPPF should support the policies of the Mayor for the capital where there are special requirements and opportunities.

Question 33

Should any particular types of residential development be excluded from this policy?

No

Sustainable Development and the Environment

Question 34: Sustainable development

Do you agree with the proposals to amend national policy to make clear that the reference to the three dimensions of sustainable development, together with the core planning principles and policies at paragraphs 18-219 of the National Planning Policy Framework,

together constitute the Government's view of what sustainable development means for the planning system in England?

No – the NPPF fails to identify how development plans, as spatial planning frameworks, secure sustainable patterns of development – planning is about planning positively for creating sustainable patterns of development, not just about regulation – determining individual planning applications. Planning should promote sustainable development through plans – to get the right development in the right place.

Question 35: Meeting the challenge of climate change

Do you agree with the proposals to amend national policy to:

a) Amend the list of climate change factors to be considered during plan-making, to include reference to rising temperatures?

Yes.

b) Make clear that local planning policies should support measures for the future resilience of communities and infrastructure to climate change?

Yes.

Question 36: Flood risk

Do you agree with these proposals to clarify flood risk policy in the National Planning Policy Framework?

Yes – this needs to go beyond coastal and fluvial flood risk, but also surface water and sewer flooding. The NPPF also needs to address the need to minimise run-off by ensuring that the avoidance of the use of impermeable surfaces, not just forecourt areas but also paving over gardens, and the use of sustainable urban drainage systems (SUDS) to minimise run-off and the potential for both surface water and sewer flooding. Para 103 of the NPPF does not recognise the flood risks in London.

Question 37: Noise and other impacts on new developments

Do you agree with the proposal to amend national policy to emphasise that planning policies and decisions should take account of existing businesses when locating new development nearby and, where necessary, to mitigate the impact of noise and other potential nuisances arising from existing development?

Yes – it needs to be recognised that the “agent of change” applies not only to music venues, pubs, cinemas and other entertainment venues, but also to industrial uses, Thames wharves and other potentially noisy uses which could get “persecuted” by new, neighbouring housing developments.

Question 38: Wind energy developments

London Forum has no comment to make on this matter