

Comments made by various organisations to the draft NLP Small Sites policies H2

The Design Council wrote "We agree with the principle of encouraging development on smaller sites but note that the cumulative impact of this densification will be harder to plan for particularly in outer London with potential long-term impact on local communities."

"The expectation that small sites can meet 38% of the annual housing target of 65,000 homes appears optimistic and would represent a significant densification of existing neighbourhoods. In Outer London boroughs, where 68% of the total units are expected to be delivered on small sites, there will be a key challenge to plan for this impact through accompanying intensification, improvements to public transport capacity and interconnectivity and to avoid perpetuating a culture of car use. There is potential for this process to bring significant benefits to existing residents and this will be crucial in maintaining support for denser housing schemes."

"The cumulative impact of small site development will need to be planned for in a positive way. This will mean ensuring that sites are not only developed for housing and that opportunities are taken to ensure that commercial and community uses are also developed/expanded where required."

"Clearly, scrutinising smaller schemes will be the remit of local planning authorities rather than the GLA but in our view it would not be advisable to imply that smaller schemes require less design scrutiny or that they are less likely to benefit from tools such as design review."

"It is crucial that the design codes and development consent orders are prepared in a democratic way considering the priorities and concerns of local people. The detailed content of future Supplementary Guidance on design codes will be important and we request that we are consulted on the draft of this SPG."

The **Home Builders Federation (HBF)** commented "There are few small developers out there currently who are 'champing at the bit' waiting to take advantage of the change of policy. Moreover, many companies will be discouraged from operating in London owing to the complexities and costs associated with operating in London. One of the UK's three biggest house builders refuses to operate in London for these very reasons. The HBF has no small developer members who currently operate in London."

The RTPI wrote "The plan introduces puts additional pressure on to the capitals infrastructure without sufficient explanation of how this will be delivered and funded. The Policy H2 Small Sites raises particular concerns in terms of infrastructure planning as the sites are expected to be windfalls, with ad hoc planning contributions."

"For Policy H2, we are concerned that the high targets specified may be overpromising. Many more small sites would need to be identified and brought forward and there is no clear evidence this is feasible. The GLA may feel that setting an ambitious target and supporting it with the small sites policy will bring new sites forward. However in many areas there has already been a significant amount of work aimed at trying to bring these sites forward. It is not safe to rely on a far greater number of homeowners and small landowners being willing to sell their land or subdivide their properties. This is particularly the case given that the target period begins in 2019, which is very soon considering it would require a major shift in approach."

“This is especially important since the policy could put additional burden on planners, due to an increased number of applications and the need to produce area based Design Codes. If capacity is not available within boroughs, there will be a need to procure these skills from consultants. This will have financial implications for planning departments whose budgets are being cut. These Design Codes will take time to produce and will not be ready for 2019 when the policy is due to start. It will also be important to ensure to ensure the drive for large numbers of small sites does not lead to an increase in housing that does not comply with standards for example around space and daylight.”

“And finally we are concerned about the potential impact delivering the small sites target will have on infrastructure planning and delivery. If over a third of units are meant to be delivered from small sites, such an uplift may impact the infrastructure capacity. There is lack of understanding in Policy H2 about how this will be planned.”

London’s local authorities generally claimed that the small sites target set for them in the NLP is unachievable and out of scale with previous windfall site develop. Many of them wrote along the lines that the small sites part of the housing target was not consulted on as part of proposed methodology for the Mayoral SHLAA and boroughs were not briefed on the proposed approach in its subsequent discussions with the GLA. They claim this represents a basic failure in the procedural aspects of undertaking the SHLAA and the proposed approach appears to have been introduced following an analysis of the results that were consulted on and a realisation that London's housing needs were unlikely to be met.

Many pointed out the potential impact on Local Authority resources from a rise in small site applications and the need to prepare Design Codes; the potential increase in house conversions which will likely result in the loss of family accommodation; the potential difficulty to refuse inappropriate infill development due to the presumption in favour of small housing development (especially in the absence of Design Codes, and the limited criteria upon which to base this decision); unsustainable development in inappropriate locations; the potential ad-hoc small scale residential development that may increase the population of local areas without the provision of the necessary infrastructure and services to accompany it and that planning applications for development on small sites are often as contentious and complex as those for larger ones.

Boroughs made the point that Policy H2 is not in general conformity with paragraph 48 of the 2012 NPPF [*nor is it with the June 2019 NPPF version paragraph 70*] which states that “Local planning authorities may make an allowance for windfall sites in the five-year supply if they have compelling evidence that such sites have consistently become available in the local area and will continue to provide a reliable source of supply. Any allowance should be realistic having regard to the Strategic Housing Land Availability Assessment, historic windfall delivery rates and expected future trends, and should not include residential gardens.”

Boroughs that commented in more detail made the following points on the original draft NLP.

City of London “A presumption in favour of small sites could potentially impact on the potential for office development contrary to the priority given in policies SD4 and SD5 to office and other CAZ strategic functions in the City.”

Local London is a partnership comprising the London Boroughs of **Barking & Dagenham, Bexley, Enfield, Greenwich, Havering, Newham, Redbridge and Waltham Forest**. They wrote:-

“The Boroughs require greater flexibility to increase the delivery of homes and have serious reservations about the deliverability of small sites, concerns about the quality of development, access and integration into the existing urban fabric.”

“Local London is concerned at both a policy and practical level with the Policies relating to small site development. With regard to Policy H2 we believe the criteria for a presumption in favour are too broad and have the potential to adversely impact on the character and environmental quality of very suburban, low density, locations.”

“We are also concerned about the resource implications of properly managing Policy H2 through the use of ‘area wide design codes’ and the timing of the implementation of the Policy. Local Authorities are already under considerable financial pressure and securing and resourcing professional staff to produce design codes will be challenging. The codes will also take some time to draft and consult. If the intention of the Policy is to achieve ‘Good Growth’ in accordance with Policies GG1 to GG6 the preparation of design codes is a prerequisite for the implementation of Policy H2. Therefore, **a phasing of the implementation of Policy H2 should be set out to allow reasonable time for Boroughs to prepare and adopt areas design codes in advance of development and the application of the presumption in favour.** We also believe that the Mayor should proceed with some caution with regard to this Policy as design codes are not going to provide a one size fits all solution for small sites which are often widely distributed and with unique site specific parameters to consider which could lead to an increase in the incidence of Planning by appeal.”

“With regard to the Policy for development of small sites set out in H2 we are also concerned that it will be in the nature of the incremental increase in the residential population of town centres and other locations arising from small site development that the provision of new social, health, educational, local transport and leisure and recreation facilities, if funded through planning agreements, will lag considerably behind the pace of development. Boroughs will need to aggregate contributions from a series of developments over time in order to secure the significant pot of funds necessary to provide new facilities. This will work against the full realisation of the Good Growth Policies.”

“If the Mayor is seeking to achieve ‘Good Growth’ through this Plan with a very high proportion of development on small sites he, with the support of the Boroughs, should seek Government agreement to a change to the current policy set out in the Ministerial Statement of 24th November 2014 in order to recognise the special circumstances in London created by the London Plan.”

“The Plan provides for a very significant increase in the housing projections for boroughs with outer London characteristics with the majority of the housing being provided from small sites - between 47% and 69% for Bexley, Enfield, Havering, Redbridge and Waltham Forest. Newham’s target is a substantial uplift on current London Plan target (excluding LLDC) going from 19,945 to 38,500. This is an increase of 18,555 additional units (or 1,856 annually) a 93% rise. As an example, Newham’s average small sites delivery is 231 (actual 6 year average) as compared to 950 a year in the new target (over 4 times as much).”

“[The Small Sites policy] is an approach that has not been fully tested and scrutinised by the boroughs which have the expertise and local understanding of their areas to assist the Mayor in making informed and robust decisions about the potential of the small sites approach to meeting housing need. Our concern is that the approach set out may be unrealistic and undeliverable.”

LB Barking and Dagenham – “Often proposals for new homes on small sites are poorly designed and executed, and we refuse many such applications. Whilst the Council supports a design code approach it questions the ability of local developers to respond to it based on the experience of the quality of proposals the Council receives.”

“The reliance on small sites reduces the need to work under-used industrial sites harder.”

“As set out in the SHLAA 2017, two routes to calculating the small sites contribution have been undertaken. The second option applies to Barking and Dagenham, this involves the development of a model which calculates a small sites contribution based on a 1 percent change to the existing dwelling stock in PTAL 3 to 6 areas or 800 metres from a train station. The following changes are required to make the figure more realistic: Firstly, stripping out social rented tenure. Secondly, a readjusted gross/ net growth factor - The net and gross growth factors of 2.23 for detached/ semidetached and 1.34 for terrace properties are set uniformly for all chosen areas (PTAL 3 – 6 or are within 800 metres from a train station). It is our view that applying a uniform growth factor for all of these diverse areas is unreasonable. It should be changed so PTAL 3 areas have a net growth factor lower than PTAL 6 given the significant differences in these settings. Thirdly, special dispensation for ‘special heritage areas’.”

“35% of housing supply is from small sites. On these sites the amount of affordable housing achieved is likely to be less than 35% overall as many will be under ten homes such as flat conversions or delivered through permitted development rights. Therefore, to achieve the Mayor’s 50% affordable target significantly more than 50% of homes on the remaining 65% of supply will need to be secured.”

“Policy H2 rightly focuses on the need for good design of small sites but it also needs to address the issues caused by Buy to Let on small sites which will not be captured by this policy. Greater controls need to be placed on new build sale properties to ensure that were they are bought to rent they are subject to the same standards set out in these policies for build to rent.”

LB Enfield – “There is tension due to the new Permission in Principle (PiP) requirements, where PiP will be granted for proposals of 1- 10 units where the site is under 0.1 ha. Due to the small sites rules, the Council cannot secure contributions towards public transport upgrades.”

LB Hammersmith and Fulham – “Hammersmith and Fulham are concerned that the methodology in relation to small sites policy was not consulted on. This has major implications as our borough had a small sites target imposed upon it and have no method of challenging the assumptions made with regards to the target as they do not know how those figures were calculated.”

“Twenty-five units is too large a threshold, and a presumption in favour wouldn’t respect the complexity and neighbourliness of developing in a dense urban environment. A specific or more detailed design code will be needed for designated conservation areas otherwise they should be added to F as an exclusion. We recommend that the threshold is reduced to 10 units for presumption in favour of development.”

LB Haringey – “The Council supports the design policy D1. However, there is concern that this policy requires development to respond to the surrounding context, yet Policy H2 Small Sites is encouraging developments that may be substantially out of character with the existing area. This would be especially evident in outer London boroughs.”

“The proposed Policy presumption in favour of small sites is un-tested and therefore not a reliable basis for setting targets. There is no evidence that the small to medium house builder market within London can grow to sufficiently to meet this target. Such small sites are often not implemented for some time following grant of planning permission, if at all. Further, it would seem to encourage speculation, to maximise land value uplift, where currently this is suppressed as a result of the uncertainty of windfall sites.”

“The Council considers the methodology is not robust, in that it uses a ‘proxy’ for potential housing yield from small sites rather than a detailed assessment of the potential capacity from the three potential types of small sites capacity identified in Policy H2 Small Sites of the draft Plan. The small sites targets set in the draft Plan are therefore not considered to be based on robust evidence and are most likely to be an overestimation of capacity. Such a reliance on uncertain, unidentified windfall / small sites is itself considered contrary to the National Planning Policy Framework, which requires (paragraph 48) that there must be ‘compelling evidence that such sites have consistently become available in the local area and will continue to provide a reliable source of supply.’”

“Haringey has concerns about the usefulness of the design codes the draft Plan requires boroughs to prepare, given that there will be a wide variety of small sites and each one will have its own constraints and context; the codes are unlikely to give developers the certainty they seek in order to bring the small sites forward any more than the current local policy context.”

“The Council has concerns about the ad-hoc and dispersed nature of sites coming forward through the small sites policy and the implications of this for infrastructure planning and the Mayor’s desire for ‘good growth’. Such sites are also constrained with respect to how they can deal with other policy requirements such as flood risk / urban greening and Local Policies to protect the supply of family homes.”

“A further concern is that the NPPF (para 48 and 53) seeks to resist inappropriate development of residential garden land, where it would be harmful to the surrounding area.”

“The approach to small sites will focus a significant proportion of new housing within Outer London into areas with poor access to sustainable transport nodes and for which the Mayor has few identified and deliverable/funded infrastructure projects to address these.”

LB Havering – “The draft London Plan has moved away from the ‘old’ methodology for assessing the potential contribution of small sites. In previous London Plans, the methodology for identifying the contributions that may come forward linked to small sites has been based around historic trends of completions. The draft London Plan is heavily reliant on sites having potential to accommodate more dense forms of development.

“Development on small sites will jeopardise the character and appearance of settled and established neighbourhoods and be detrimental to character and street-scene.”

“It is noted that the draft London Plan seeks to mitigate some of the issues around small sites by boroughs preparing area design codes. In practice this overlooks that boroughs are already under considerable pressure in regard to resources for plan-making and that securing and resourcing staff to produce these will be extremely challenging and, as a result, there may be an unintended consequence of creating an adverse impact on ‘mainstream’ plan preparation. The preparation of such codes may itself be protracted because of community concerns and they may lag behind such developments coming forward and so be out of step with the ambition of the draft London Plan.”

“The potential impact of the development of small sites for homes will impact adversely on local social and community infrastructure provision (including its funding). Small incremental increases in local populations linked to the delivery of small sites will make robust infrastructure planning for these communities much more challenging and it will be difficult for infrastructure providers (such as utility companies) to plan timely and effective provision.”

“Focussing the draft London Plan on small sites rather than large ones will overlook that smaller developers and builders may be less resilient in the face of continuing economic uncertainty and may lack the technical resources of larger ones.”

“The draft London Plan does not acknowledge that existing communities will have concerns about a reliance on small sites especially if these are in settled and established neighbourhoods. It would be unfortunate if the housing aims of the draft London Plan cannot be secured because of opposition in local communities either to individual proposals or the efforts of boroughs to develop planning policy and guidance for them. Small sites are unlikely to be able to make significant contributions to achieving the levels of affordable homes that the draft London Plan seeks.”

LB Hillingdon – “The Mayor's approach to small site development has the potential to destroy much of the suburban character of outer London through inappropriate development. This is an unacceptable outcome of a policy that will fail to deliver growth in a sustainable manner. The reference to the development of small sites should be removed from the policy.”

“The starting point for the small sites target is an assumption that 1% of residential units within 800 metres of a railway station, town centre boundary or high PTAL level will deliver additional residential units in the form of residential conversions or intensification. The Council believes that the Mayor's assumptions regarding the number of units within these contours is incorrect, whilst the 1% per year assumption is not based on any sound evidence.”

“The Council is concerned that the flood risk implications of the small sites policy have not been fully assessed. Sites of this size are not sequentially tested in terms of flood risk and would have to be dealt with as part of the windfall sites process, which does not allow the LPA to plan for an appropriate level of mitigation.”

LB Hounslow – “While a design-code based approach to small sites is welcomed, the policy needs to be supported with guidance on the form of these documents to ensure the effective, consistent, application across London.”

LB Islington – “H2(B)(1) – we support the sentiments behind this part of the policy, but consider that more careful wording is required. The current wording relegates character to a minor consideration. We also consider that the wording in the supporting text, para 4.2.7, should be brought into the policy. We consider the following wording is more appropriate and provides balance between evolving and protecting character: “optimisation of housing delivery may necessitate changes and evolution to the character of an area, but this should be done constructively with full objective consideration of the existing character (taking particular account of conservation areas) having equal weight in any determination. In the first instance, development proposals should aim to incorporate development within the existing character.””

“H2(E) - the wording in this part of the policy suggests that where borough's do not have a design code, the presumption (essentially attributing heightened weight) would apply unless very specific harm is demonstrated. The policy does not specify lack of affordable housing, space standards or

other important policies, hence there is a real risk that the presumption could lead to approval of sub-standard development.”

“H2(F)(2) – we note that the draft plan has policies on optimising sites, but by setting the presumption cut off at a specific number of units (25), there is a risk that will incentivise developments of 23 or 24 units coming forward in order to utilise the presumption, but which could otherwise provide more units. Combined with the concern about how the presumption interacts with affordable housing noted above, this would be concerning. Additional wording to clarify optimisation requirement would be supported.”

“H2(H) – we note the support for seeking small sites affordable housing contributions for sites of ten or fewer units. Islington have operated such system since 2012 and have received millions of pounds which has been used to develop new council housing in the borough. We do not agree with the general strong encouragement for flexibility for payment prior to occupation, which the plan suggests should be the standard collection method.”

LB Lambeth – “The preparation of design codes to cover all the circumstances affecting Lambeth will have very significant resource implications for the borough’s planning service. There is strong concern about the poor outcomes that may result in the period before the design codes are in place.”

“Lambeth does not support the presumption in favour of small housing development in relation to residential conversions and infill development within the curtilage of a house. Boroughs should be allowed to develop locally-specific policy approaches to these forms of development, based on local evidence of need and local characterisation studies.”

LB Lewisham – “We feel policy H2 should go further by removing the presumption in favour in Conservation Areas.”

“Pressure will also be placed on London Boroughs to determine a significant increase in small sites applications and to defend unsympathetic development of poor quality including on garden land. A rush of development will also have an effect on the environment through the use of finite resources, movement of materials and the short life-cycle of existing development being demolished to make way for additional housing.”

“H2 encourages London Boroughs to prepare Character Studies, simple area-wide rules within Design Codes and more granular, place specific Local Plans which will take time and staff resources to prepare. These will generate a need for additional training of Development Management Officers to be able to apply Design Codes and Local Plan policies to planning applications.”

“A presumption in favour of small site development will make it more difficult to refuse applications, even if they are out of character with their surroundings as it will be difficult to demonstrate that the development would give rise to an unacceptable level of harm to residential privacy, designated heritage assets, biodiversity or a safeguarded land use that outweighs the benefits of additional housing provision. Context and housing standards need to be added as considerations, otherwise the limited criteria listed at present could result in poor quality accommodation and design e.g. single aspect units in order to avoid overlooking. Tests of impact on neighbouring amenity should include impacts on privacy, as well as outlook, overbearing relationship and daylight.”

“Policy H2 should go further by removing the presumption in favour in Conservation Areas.”

“Granting PIPs are not necessarily the best approach to ensuring small sites are delivered.”

“If a number of ‘small sites’ come forward in the same area they can have a more significant cumulative impact in terms of infrastructure provision.”

“Lewisham have, for a number of years, been successfully implementing policy DM33 from our Development Management Local Plan which resists development on garden land and amenity areas and in turn seeks to protect local character. This has been implemented whilst we have at the same time been largely exceeding our house building targets and we wish to continue to be able to support new development but not at the expense of local amenity.”

LB Merton – “In Merton between FY05 and FY16 an average of 0.19% of properties in the output areas within 800m of a station or town centre came forward for development each year. Methodology B assumes that in Merton the new small sites policies will result in a five-fold increase in the number of houses coming forward for redevelopment each year. We feel that this is unrealistic and seek evidence from the GLA on how new policies would result in such an increase in sites coming forward.”

“Merton’s experience of delivering small sites is that these sites can often cause some of the highest levels of neighbour concerns and objections compared to sites that are many times their size and deliver far more homes and jobs. Residents have told us both via planning applications and the Local Plan process of their concerns at intensifying suburban neighbourhoods and the ability of local infrastructure to cope with the incremental demands of new households. Small sites rarely have additional funding via planning obligations or Community Infrastructure Levy (CIL) that can help to provide local infrastructure to support new homes. A ministerial statement (November 2014) clearly states that central government do not support seeking planning obligations from small sites, including crucial contributions to affordable housing.”

LB Newham – “It is considered that H2 significantly oversteps the London Plan’s strategic role and in doing so risks LBN’s ability to deliver sustainable development that meets the evidenced local need through a plan-led process.”

“Rather than rely on past trends, arguably the only realistic indication of future projections - which suggests a small site delivery of around 2500 for LBN between 2019 and 2029 - the GLA’s modelled approach instead produces a 9500 small sites figure.”

“Reliance on conversions as a significant source of supply remains problematic in an LBN context because it involves loss of family-sized houses. Newham’s evidence base (ONEL SHMA 2016) is clear that the highest housing need (regardless of tenure) is for 3 bed family homes.”

“LBN object to both the requirement of Design Codes in order to deflect the presumption in favour of small sites, considering this to be redundant if an authority has an up to date local plan which appropriately plans for small sites provision, and point H regarding affordable housing given the threshold of 11 units, which fails to align with LBN’s approach. “

“H2 in its current form perpetuates environmental injustice, privileging those already well off, at the expense of those that have already suffered poor housing, which is finally improving due to sustained efforts by LBN.”

LB Redbridge – “The Council considers that the Mayor’s definition of a ‘small site’ should accord with the NPPF and be redefined as development of 9 or less units.”

“Part A of Policy SI2 focuses only on major development with regard to zero carbon requirements, and makes no reference to small sites. As the Council has seen its target increase by 76% from 1,123 to 1,979 homes per year, with small sites contributing 938 homes, this means that close to half of the homes planned will not be required to meet zero carbon-emissions targets.”

LB Richmond Upon Thames – “Small sites policy must distinguish between stations with vastly different levels of service.”

“Redevelopment and conversions cannot be viable where there are such existing high value land uses across many parts of the borough.”

“It appears that the Mayor has not taken account of home ownership rates in the small sites assumptions methodology.”

LB Southwark – “Southwark is characterised by having enormous diversity in terms of its urban form. There are significant differences between the characteristics of many neighbourhoods located shoulder to shoulder. Consequently, any design code appropriate to one area may be entirely inappropriate for another area. This means the council may have to carefully produce a considerable number of separate design codes to reflect each of Southwark’s neighbourhoods. Prior to the production, consultation on and adoption of area design codes, the council would need to undertake detailed analysis of the design features and characteristics of all its neighbourhoods. The council simply does not have the resources to undertake this work and does not anticipate the requisite resources to be forthcoming.”

“Should the Mayor be minded to progress the small sites policy then it is strongly recommended the policy should not come into effect until boroughs have adopted local design codes. Boroughs should be given a reasonable timeframe in which to prepare local design codes and support in their preparation.”

“It is important that the small sites policy does not undermine the operation of Local Plan policies.”

LB Sutton – “Small sites will fail to deliver anything like the quantity of affordable units that Londoners require, and push households, especially families, out of London altogether as they seek areas that still offer the quality of life they aspire to.”

“The methodology makes no allowance for local designations such as ‘Areas of Special Local Character’ (ALSC). These areas would be significantly and irrevocably damaged by the presumption in favour of small site delivery advocated in Policy H2”

“The draft London Plan appears to have derived this H2 policy from the study “Transforming Suburbia: Superbia Semi Permissive”. However, the London Borough of Sutton have **major reservations regarding the viability calculations** and their relevance to the borough. The consultants who produced this report overestimated the development income resulting from a suburban redevelopment by over 100% and that a true reflection of the development income would render the example scheme unviable. An example scheme using actual land registry sales data in Sutton would have a shortfall of £811,758 .”

“Policy H2 would apply small site proposals within PTALs 3-6 or within 800m of a Tube Station, rail station or town centre boundary. In Sutton this would cover almost the entire borough, only excluding some Green Belt and Strategic Industrial Locations (See Map 1). This approach has a disproportionate impact in outer suburban boroughs such as Sutton and would destroy areas of high quality suburban

housing. At the recent Sutton Local Plan examination, the Planning Inspector agreed with the council that the London Plan areas for intensification around town centres should not be applied in Sutton.”

“The small sites estimate equates to 79% of Sutton’s overall target 939 dpa. Given that the small site distribution covers almost all of the housing stock in Sutton, the policy approach of H2 makes it impossible to properly plan and manage future housing supply, and any associated infrastructure.”

“The London Borough of Sutton urges the Mayor to reconsider the approach to small sites and recommends that the draft London Plan methodology uses Approach 2 in the London SHLAA (12-year trend for small sites) which is more realistic about small site delivery rates.”

LB Tower Hamlets – “Primarily, the delivery of homes on small sites will be time consuming for all elements of planning services. The creation of suitable design codes, especially in boroughs, like ours, with a number of conservation areas and numerous different housing typologies will require significant resources. In addition, this approach will be resource intensive for development management services (in many cases small sites involve a similar level of officer time – in particular due to the resident interest they attract – to far larger schemes, which deliver many more homes).”

“We recommend that the wording of part E of the policy is amended to read ‘designated heritage assets and their settings’. Consideration should also be given to restricting the presumption in favour of development where it would impact on locally listed buildings and their settings, and locally designated views.”

LB Waltham Forest – “Design Codes are a welcome idea to support small sites and ensure that areas have consistent character; however, securing and resourcing professional staff to produce design codes will be challenging. The Design Codes will also take some time to draft and consult on. Therefore, **a phasing of the implementation of Policy H2 should be set out to allow reasonable time for Boroughs to prepare and adopt areas design codes in advance of development and the application of the presumption in favour.**”

LB Wandsworth – Policy H2 could be improved by reference to the significant coverage of conservation areas in London and CA management strategies in establishing relevant densities/built form and grain and sympathetic design.”

Royal Borough of Greenwich – “Our primary concern is with the modelling approach used to calculate the housing delivery target for small sites (Policy H2), which has resulted in an increase in the small sites component of the overall housing target from 226 to 681 dwelling per annum.”

“Back garden development is not a regional issue and should be left for boroughs to deal with.”

“Policy H2 - Whilst the Royal Borough agrees with the principal of encouraging smaller house builders into the housing market, it disagrees with the presumption in favour of small housing developments in the absence of a design code. This will lead to unsustainable development in inappropriate locations. Furthermore, there is no interim arrangement which allows local authorities time to produce a Design Code once the London Plan is adopted. The presumption in favour of small housing developments should not apply to conservation areas as this undermines the character of the area that the conservation area designation seeks to protect.”

“Policy H2C - The listed actions for increasing planning certainty on small sites are unnecessary and overly prescriptive, and have significant resource and time implications for Local Plan production.

Parts B (the development of design codes) and D (the presumption in favour of certain types of small housing development) are sufficient to increase planning certainty on small sites.”

“Policy H2D(2)(d) encourages infill development within the curtilage of a house. This is contrary to the current London Plan policy 3.5 which states that boroughs may introduce a presumption against back garden development in Local Plans. Many boroughs, including Royal Greenwich, have chosen to introduce a policy in their local plan to make clear the circumstances in which back garden development may be appropriate. The draft London Plan assumes a blanket presumption in favour of back garden development without any detail of the circumstances in which this may or may not be appropriate. This will lead to inappropriate development in back gardens that will harm the amenity of adjacent occupiers. Back garden development is not a regional issue and should be left for boroughs to deal with in their local plans.”

Royal Borough of Kensington and Chelsea – “The design policies are highly prescriptive and appear to try and counter balance the potential adverse impact the greater thrust for delivery has from small sites.”

“Paragraph 4.2.11 refers to amalgamations and that these should be resisted where they are not meeting identified requirement of large families. Amalgamations are a particular issue in this borough and it is considered that the wording could be more robust in this paragraph. It is important to clarify that the need for larger families is identified through strategic borough-wide evidence and is not specific to personal circumstances. It is also considered that given the overwhelming need to provide more housing in London, there should be clear policy protection not just for residential floorspace, but also for units which meet minimum space standards. This is an important component of the Draft London Plan which is missing.”

Royal Borough of Kingston – “For small sites, the criteria for refusal under the presumption is limited to a very narrow set of criteria, but excludes design quality, overshadowing, access to outdoor amenity space, noise, energy efficiency, internal layout and space standards and transport issues. It is also noted that flat conversions are often the least satisfactory type of home in terms of the quality of the living accommodation, and such developments should therefore be subject to more rigorous assessment, rather than less.”

“RBK questions the evidence for delivery of housing from small sites at the rate set out in the SHLAA. There is also no clear evidence from industry that housing is deliverable at this scale in terms of capacity within the construction industry, resources and materials and the desire of the industry to release new homes at this rate and impact on viability.”

Westminster City Council – “Design codes are not the same as planning permission in principle, outline planning permission or a local development order. Criterion D is wrong in saying that a presumption in favour of small housing development means approving developments that accord with such a code. There is a huge range of factors other than design that have to be taken into account, particularly in a densely-developed and complex urban area like Westminster. The list of considerations for sites where a design code has not been prepared (criterion E) is insufficient given the possible implications of development of small sites on their locality. This is particularly true in Westminster, where the extent of existing mixed use areas means a presumption in favour of residential can have negative consequences. The list of considerations should therefore be made more extensive as follows: “Where there is no such design code, the presumption means approving small housing development unless it can be demonstrated that the development would give rise to an

unacceptable level of harm to residential privacy, the operational requirements of neighbouring businesses (see agent of change principle), designated heritage assets (including conservation areas, listed buildings and their setting), biodiversity, publically accessible open space, flood risk, or a safeguarded land use that outweighs the benefits of additional housing provision.”

“Criterion G deals with matters of building regulation and adoption of standards that are at the discretion of the local planning authority and not the Mayor. If the Mayor considers these are matters on which he wishes to express a view this should be done in the supporting text, not policy.”

“Whilst any efforts to increase the delivery of affordable housing are welcome, reference in criterion H to off-site contributions from sites delivering less than 10 residential units or 1,000 sq. m. gross floorspace is contrary to paragraph 31 of the national planning practice guidance and this will have to remain a matter for local planning authorities to decide. Paragraph 4.2.12 goes further than the policy it supports by “encouraging” boroughs to take this course; if this is retained it should be explained that this is contrary to national policy.”

West London Alliance is a partnership of seven London councils - **Barnet, Brent, Ealing, Hammersmith and Fulham, Harrow, Hillingdon and Hounslow**. They wrote “The draft London Plan puts emphasis on the role of small sites being used to deliver a significant proportion of the supply targets in boroughs. Small sites will of course have a role in delivering the homes Londoners need, however the level of emphasis put on these sites to deliver homes at the scale required is unrealistic. For example, some boroughs in West London who already have permissive planning codes relating to small sites, in line with those proposed in the draft London Plan, will be required to increase delivery tenfold. This is simply unrealistic and may set the system up to fail to deliver the targets, reducing the credibility of the entire system.”

London Councils – “The methodology set out in the Strategic Housing Land Availability Assessment (SHLAA) used to calculate small sites targets is opaque and has led to significant targets for some boroughs which are not, seemingly, based on previous development trends. There was very limited consultation on the modelling used to provide small sites targets for boroughs. Further consultation is necessary to establish realistic targets. The small sites target is also a crude device for leveraging delivery on this kind of land. Sites are often complex, but also can be opportunities for creative development which may not necessarily be purely based on the delivery of numbers of residential units (e.g. through innovation in design or mixed use development). Strict numerical targets could limit opportunities for other uses which would not be possible on other sites.”

“In areas where it can be shown that the cumulative impact on small developments is having a harmful impact on local infrastructure capacity borough should have the ability to refuse planning permission or work with the GLA to find ways to ensure that the necessary infrastructure is provided.”

“Boroughs are very concerned that there was very limited collaboration in assessing the capacity of small sites within the SHLAA and that the methodology is based solely on modelling (rather than borough-led data input on available site and development trends).”

“London Councils are concerned that the high housing targets and policy focus on the conversion of units on small sites will erode the stock of larger family sized units in London. The SHMA identifies that 45% of annual housing need in London is for units that are two bedrooms and above and that 40% of affordable housing need (for intermediate and low cost rental products) is for units of 2 bedrooms and above. Ensuring that an appropriate mix of housing sizes is delivered across boroughs

is essential to delivering mixed and inclusive communities. London Councils is supportive of the delivery of all unit types and recognises that the conversion of larger dwellings into smaller units is appropriate in some locations. However, it is important that boroughs and the GLA monitor housing stock, particularly on smaller sites in outer boroughs to ensure that there is not a harmful overall impact.”

“If smaller sites become the main focus of development and regeneration teams in local authorities this could require increased resource to ensure that affordable workspace provision is maintained, or the introduction of new affordable space decreases.”

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There were many community responses in February 2018 to the draft NLP opposing densification of the suburbs.

Barnet Residents Association wrote “Here in our area the most valued feature is the presence of family houses, the major distinction between inner London and the suburbs. The Plan is not only failing to offer any protection for this housing, it is actively encouraging wholesale replacement with smaller properties.”

“Developers have trawled and trawled again to find vacant plots of land to build on and such sites have largely dried up. So, what is left? Intensification in town centres has proceeded apace. But otherwise what is left has to be the conversion or replacement of the existing housing stock to greater density.”

Battersea Society wrote “Policy H2 will provide a perverse incentive for owners to extend houses with purely vanity projects or for speculative gain.”

Bexley Civic Society wrote “Our Council knows what can be achieved locally, in reality about half the Mayor's [housing] target.”

Brentford Community Council wrote “Our borough [Hounslow] is experiencing difficulty in regulating back development on enclosed sites leading to outbuildings being used as unplanned additional units, known as “beds in sheds” We request that section F of Policy H2 is extended to exclude additional housing units within fully enclosed residential sites.”

Brixton Society wrote “H2 Small Sites: We have previously urged our borough to adopt similar policies, so this is welcome.”

Culverley Green Residents Association commented “Like perhaps no other city in Europe London dominates the country in respect of its economy and most aspects of social and cultural life. This overwhelming historic and ever growing dominance over many years has resulted in an overheated London economy and housing market with public transport and other infrastructure that cannot simply cope. This has led to totally unrealistic targets for housing, the delivery of which are not supported or justified by the allocated sites in the SHLAA or any realistic yield from small sites, house conversions, change of use or windfall sites. The pursuit of these targets is going to take place by increasing the contribution from outer London boroughs and rammed through by the removal of numerical density guidance (Policy D6), presumption in favour of residential development (Policy H2D) and the acceptance of the destruction of local character of areas to accommodate this growth (Policy H2 B(1)). This overall approach is entirely unjustified and unacceptable.”

“LA housing waiting lists are dominated by families, yet the mix advocated by the London Plan is for predominantly small units on the premise that larger units are occupied by people who share.”

“Design review even at its best is only advisory, and in our experience it is rare for panels to actually openly advocate refusal on the grounds of poor design, this coupled with both a London Plan advocating development at all costs (e.g. ‘decision making has to change from preserving what is there to encouraging and facilitating’) and a government with the same mindset there is no longer any sense that the local community and its views, a desire to retain local distinctiveness or quality, or even any notion of approaching new development with the eminently sensible approach of ‘does this meet local needs, will it fit in its context or neighbourhood, is it well designed, does it make a positive contribution to the neighbourhood and the townscape, if I was a single person/young mother/elderly disabled person would I want to live there/feel safe/feel joy at my surroundings’ has any place in the town planning and development process at all, it has all boiled down to a set of totally unrealistic targets predicated on accommodating unfettered market led growth. The London Plan should be managing growth.”

Ealing Fields Residents Association wrote “The smaller terraced houses in the borough provide a source of accommodation suitable for families and it is important to ensure that this stock is not unduly reduced because of conversion into flats or larger HMOs.”

Ealing Matters wrote “The Plan is starting to encroach on non-strategic matters that should be for Boroughs rather than the Mayor. This is particularly the case for Policy D8 and its requirement that Boroughs must identify locations for tall buildings in their Plans. It is also evident in Policy H2’s requirement that there be a presumption in favour of development on small sites. By interfering in non-strategic areas like this the Plan is removing democratic accountability from too many areas of decision making. Inclusion in the London Plan will remove the requirement for locally elected representatives to justify their decisions to the people who elect them.”

“Policy H2 raises very great concerns for many residents in Ealing and we object to it strongly. The Borough has a longstanding and well publicised problem of ‘beds in sheds’ and unauthorised HMOs which the planning authority has proved powerless to manage. We are concerned that the presumption in favour of intensifying residential uses will encourage the proliferation of substandard housing conversions and homes in residential back gardens by unscrupulous developers.”

“The presumption in favour of development within the curtilage of a dwelling house would set its back on the safeguards against garden grabbing that Greg Clark introduced in 2010. It will intensify the loss of family accommodation through conversion of family homes into houses of multiple occupancy which has become an accelerating trend in recent years. The new opportunities this policy would create will drive up house prices as developers compete for available sites and put traditional family homes ever further from the reach of normal families.”

“As things stand, the SHLAA does not justify Ealing’s targets either in absolute terms nor as they compare with nearby boroughs. If they are adopted they will destroy many of the Borough’s most cherished neighbourhoods. The borough, is expected to deliver 28,000 new homes over the next 10 years or 2,800 per annum. Of all London Boroughs it is expected to deliver the largest increase over the targets set by the 2011 London Plan.”

“Development on this scale is comparable to the creation of a new town. New towns have traditionally been distinguished by careful planning to determine where so many homes would be

built. Such plans do not exist in Ealing. The nearest thing Ealing has is a core strategy which was adopted in 2012 and provides for 14,000 new homes to be built over a 15 year period – or 890 homes per annum. Most of the sites identified in the core strategy have already been built out, or will be shortly. At an occupancy rate of 3 people per unit, the population of the Borough would increase by around 84,000 people if the London Plan’s target is to be met, or by 25%. A huge range of infrastructure and services would be required to support so many new residents, but our borough is currently experiencing a sharp decline in the services our communities rely on. Our hospital and police stations are due to close, civic buildings are being sold off, new school provision cannot keep pace with current demand, our main library is to be reduced by two thirds and our green spaces are being sold off and/or built over. Is anyone considering what new demands the growth in numbers will put on systems that are being reduced this way?”

Hadley Wood Neighbourhood Planning Forum – “There is no consideration in the plan of the cumulative impact of developing very many small sites on accessibility, environment, character and services. This is a huge omission, given that the plan includes net housing completion targets of almost a quarter of a million homes on small sites, and in some suburban boroughs this is 78% of the total target.”

“The policy states ‘where there is no such design code, the presumption means approving small housing development unless it can be demonstrated that the development would give rise to an unacceptable level of harm to residential privacy, designated heritage assets, biodiversity or a safeguarded land use ...’. These criteria are both difficult to measure and not comprehensive. They do not reference harm to the character of the area in terms of architectural design, loss of trees and greenery, loss of views and light. They do not reference harm in terms of flooding and waterlogging. They do not reference harm in terms of congestion. Presumption in favour where there is no design code must be balanced by a better defined and more comprehensive set of compliance criteria.”

Highgate Society wrote “The principle of developing small sites is welcomed with reservations. However there are major problems in that current procurement procedures make it almost impossible for smaller developers to work in the public sector, because framework agreements and the pre qualification questionnaires have a default position which automatically cuts out the smaller suppliers.”

Just Space wrote “Policy H2 - We have grave concerns about the implications of the wider Town Centres policy for the potential loss of community venues, affordable and free access to communal, sport and heritage-related activities, and other valued assets such as locally based or ethnically valued businesses and employment. This is especially important in view of the overlap between regeneration areas and town centres, as shown in Figure A 1.5 where the loss of social infrastructure and community assets in the context of London’s poorest communities would have a devastating effect.”

“There is a heavy reliance on small sites. This has much to commend it but would tend to produce only or mainly dwellings for the open market and thus not help meet the backlog of need nor the top priority current needs. We envisage displacement pressures on private tenants and thus disproportionately on weaker groups in society including some ethnic groups. These issues are simply missing, as far as we can tell.”

“The requirement is to prove “an unacceptable level of harm”, which is an onerous as well as variable and subjective assessment.”

“Equalities considerations are not present in any discussion of this policy. The IIA notes that it is unknown whether this policy H2 might have negative effects on objectives 1 “ To make London a fair and inclusive city where every person is able to participate, reducing inequality and disadvantage and addressing the diverse needs to the population”, and 2. “To ensure London has socially integrated communities which are strong, resilient and free of prejudice”.”

The Kew Society wrote “The new policy focusing on small sites and on the outer Boroughs risks being undeliverable and needs full local engagement so that practical ways of achieving “good growth” can be identified taking account of the character of the local area.”

London Forum gave comments that were similar to the points above by civic and community groups. The wrote: “Presumption in favour where there is no design code must be balanced by a better defined and more comprehensive set of compliance criteria. London Forum considers the ability of boroughs to develop and publish design codes for identified locations is limited by lack of resources and skills. What are ‘underused sites’ referenced in Policy H2? 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. Back gardens are recognised in the National Planning Policy Framework (NPPF) in Chapter 6, paragraph 53, which says that “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”. That should be reflected in Policy HS2.”

“Paragraph 1.2.3 infers that appropriate locations 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’. This could lead to the construction of a quarter of a million new homes on incremental small sites without any infrastructure assessment. This is of significant concern to London Forum and its community group members. “Presumption in favour” should apply only for small sites and increasing density in places where there are adequate local amenities. A definition is required of the minimum set of local amenities necessary for presumption in favour of approval to be appropriate.”

“Back garden development should not be encouraged unless the plots are large and can be divided with their own access. The Policy should make that clear.”

“Policy H2 D 2) should have “town centre boundary” in its opening section replaced by “town centre primary shopping frontages” and the same change should be made to paragraph 4.2.5.”

“London Forum is concerned that the figures in Table 4.2 of around 1,000 homes annually for ten years on small plots of land in some outer London boroughs would seriously adversely affect the amenity of surround residents unless their rights are defended in development control decisions. There could be more strain on local infrastructure if that is already overloaded.”

London Tenants Federation wrote “Policy H2 Small Sites - we are worried that social housing will be targeted for small scale demolition and development through this policy, resulting in on going loss of precious social-rented homes, green and play spaces. Section B(1) is of concern in this respect.”

Newham Union of Tenants wrote “We propose that the Mayor should, with the boroughs, develop a London-wide list / online map of potential small development sites to match co-operatives / community led housing organisations with available development sites (particularly public land) for

homes that will remain in perpetuity at costs that can be afforded by households of below median income levels.”

The Enfield Society strongly objected to the inclusion of the small sites policy. “We do not think that it is appropriate for the London Plan, a strategic planning document, to have such a policy. Also of concern to Enfield is the presumption in favour of development of small sites (in the same Policy H2 Small Sites).”

Subsequently, there were statements submitted to the NLP EiP Panel in response to the Panel’s questions for the hearing on Matter 20 on Policy H2 for small sites.

MHCLG wrote “In its response to the draft London Plan, the Government set out that it was concerned about the impact that Policy H2 D2d would have and that this appeared to be contrary to the 2012 NPPF.” Also, “It is inconsistent with national policy regarding the application of S106 contributions.” and “Permitted Development rights are there for homeowners to use for their own property and uses, rather than for the creation of new properties with new and additional occupants.”

The Mayor’s statement explaining the GLA methodology for small sites included:-

20.10 Small site capacity includes housing completions through new build developments, change of use and residential conversions. The borough-level small sites housing targets reflect the identified capacity in each borough; full details are available in the SHLAA. The targets are derived from a modelling exercise that examined the scope in each borough to increase net additional housing supply within existing residential areas through conversion of houses to flats and new-build infill development of 10 or fewer homes. Findings from the modelling are then added to a remaining windfall trend for housing completions on other types of small sites not covered in the modelling.

20.11 The modelling uses the most up-to-date Census data for houses, which excludes purpose-built or converted flats, with amendments made to remove estate regeneration schemes and changes to the existing stock of homes since 2011 through conversions.

20.12 The modelling accounts for a range of factors that will impact upon delivery, including heritage assets and conservation status, PTALs, proximity to stations and town centres, and the age and typology of the existing housing stock.

20.13 A net growth factor is applied to different residential typologies that reflects average uplifts that have been achieved on different housing typologies on residential intensification schemes. The net growth factor of detached and semi-detached homes is 2.23 and for terrace homes it is 1.34. These provide a robust and realistic assumption for the average level of net additional housing that could be achieved through residential intensification in each borough, without seeking to estimate or determine the form or density of development at a site-specific or neighbourhood level.

20.14 Finally, a growth rate, or rate of intensification, is then applied to the stock of qualifying houses in each output area. A rate of 1 per cent is used in defined spatial areas, with 0.25 per cent used within defined spatial areas within conservation area designations.

20.15 A neighbourhood of 100 semi-detached or detached homes would be expected to provide 22 new homes.

20.18 Design codes will typically define the range of possible plot scales, shape, materials, layouts, urban forms, street and style of development in a defined area. They do not prevent development that falls outside of the parameters set out in a design code, however, proposals that do fall outside these parameters will be subject to more scrutiny. The Mayor has recently invited boroughs to bid for funding to prepare Housing Design Codes. The Mayor is also preparing supplementary planning guidance on the principles of appropriate development on small sites and the preparation of Housing Design Codes.

20.23 Appropriate intensification within conservation areas will be managed by design guidance, conservation area appraisals and conservation area management plans to ensure that design is of high quality.

20.35 In the interim, [pending the work to prepare area-wide design codes] the implementation of Policy H2 will be supported by supplementary planning guidance, prepared by the Mayor, on the principles of appropriate development on small sites. This guidance is being prepared for publication before publication of the London Plan.

Hadley Wood Neighbourhood Planning Forum wrote in response to the Panel's questions on M20:-

"The New London Plan targets 245,730 net housing completions on small sites (a very high proportion of which will be gardens), without any adequate consideration of the level of local amenities or accessibility.

- This is almost 40% of the total of new homes across London.
- In Richmond it is a staggering 78%
- In Enfield it is 52% (nearly 10,000 new homes)

Rather than 'good growth', these policies would dramatically increase house building in;

- POORLY CONNECTED AREAS.
- AREAS WITHOUT GOOD INFRASTRUCTURE

What is the definition of a town centre boundary? At Cockfosters, is it the last shop at the southern end of the High Street? This is already 0.7km from Cockfosters Tube Station, so adding the '800m from a town centre boundary' would extend the area covered to a total of 1.5km 'as the crow flies' from Cockfosters Tube station.

1500m from a station is not an accessible and well connected area.

Presumption in favour of small sites makes no reference whatsoever to the level of local amenities.

What is a reasonable 'set of local amenities' to define an 'appropriate location' in 1.2.3?

Our 'rural' outer suburb location has no NHS GP surgery, no NHS dentist, no bank, building society or post office, no secondary school, an over-subscribed primary school, no direct public transport access to the nearest hospitals, a single 'corner-shop' convenience store, no public house, and is in PTAL zones 0, 1a & 1b."

LB Barking and Dagenham wrote " We are extremely concerned about the over-emphasis on housing delivery on small sites. Currently this amounts to 22.9% of the borough's housing target." and " We query how setting strategic expectations for delivery on small sites specifically can be considered positive planning, as it does not allow for differences between boroughs or, indeed, between inner and outer London. There is no national policy expectation that small site housing targets be set within development plans."

Just Space wrote “This policy seems not to have been evaluated in any systematic way. Cumulative effects on social infrastructure could become burdensome in many places and capacity should be covered in the codes of practice which the draft Plan requires boroughs to prepare, and in CIL studies. We are particularly concerned that the policy, as drafted, pays no attention to the previous tenure and occupancy of whatever housing is to be demolished or vacated in these small schemes. While owner-occupiers initiating intensification on their home plots may be assumed to be no problem, a growing proportion of suburban homes are now owned by PRS and HMO landlords. It’s a reasonable assumption that they will be more financially-motivated than owner-occupiers, so a lot of PRS space may be lost.”

“We have urged that, even if the panel agrees with the scrapping of the density matrix (D6), it’s upper density limits should be enforced on small sites until acceptable design codes are in place, and that these codes must specify rigid density maxima to be acceptable in order to discourage speculative bidding-up of land prices.”

Boroughs Bexley, Bromley, Camden, Enfield, Harrow, Havering, Islington, Newham and Wandsworth all submitted responses on similar lines. They wrote that the targets for small housing development in NIP Table 4.2 are unjustified and undeliverable, effectively rendering the Plan unsound. The targets and the related draft policy H2 rely on a methodology which is unsupported by any evidence and which anticipates a level of growth which far exceeds trends, and as a result the targets are set at a level which will never be achieved.

They criticised the policy proposal that for small sites, PTAL 3 is treated the same as PTAL 6b.

They pointed out that across London, a six-fold increase on recent completions would be required to meet the proposed targets, based on eight years of completions from the London Development Database.

Several claimed that the failure to make realistic assumptions regarding small sites is contrary to the NPPF 2018 paragraph 70, which states that where an allowance is made for “windfall sites as part of anticipated supply, there should be compelling evidence that they will provide a reliable source of supply” and that the allowance should be “realistic, having regard to the strategic housing land availability assessment, historic windfall delivery rates and expected future trends.”.

They wrote that when the draft methodology was shared with them in November 2016, the draft SHLAA suggested that “a trend based approach will be used for small sites under 0.25ha.” However, they claim, this approach was eventually discarded for the small sites methodology settled upon, suggesting that the methodology was developed at a later date to bridge the gap between objectively assessed need and identified capacity of approximately 40,000 new homes a year on large sites identified by the SHLAA.

Boroughs wrote that the Character Map utilised for large sites in the SHLAA takes into account networked buffers to reflect more realistic pedestrian access routes and behaviour, but the small sites model does not, with no reason offered. The Outer West London boroughs suggested that applying the GLA’s own Character Map to the small sites model would reduce their modelled element of the small sites target by an average 29.

Boroughs have calculated that net growth factor of 2.2 units in areas of semi-detached or detached houses and 1.3 units in areas of terraced housing is far above historic trends.

They point out that the London Plan Viability Study and its addendum indicate that the majority of the small sites schemes were viable only in value Bands A-C, making them largely unviable in outer London. Despite the GLA's own evidence indicating that small sites are unlikely to be viable in these locations, the draft London Plan apportions targets for small sites development to outer London boroughs.

Local authorities expressed concern that disputes over the application of the presumption in favour of development may lead often to appeals.

They are concerned that the gross conversion factors do not take account of de-conversions and loss of existing residential uses.

Also, that Policy H2 is weak in respect of securing contributions towards affordable housing supply on sites with 10 or fewer units, which is in itself contrary to national policy. The potential scale of new homes delivered on small sites set out in Policy H2D could result in significant under-delivery of affordable housing potential across London.

In responding to the NLP EiP Panels' question "What will happen in the interim pending the work to prepare area-wide design codes referred to in Policy H2 B 2)?" boroughs wrote that they expected unsatisfactory developments would occur. Small sites development, at the rate that is proposed in the DLP will have significant cumulative impacts in terms of amenity and the knock-on affects to the character of neighbourhoods, and on the provision of infrastructure and affordable housing.

LB Wandsworth wrote that "The potential impact on retaining a balanced housing stock offering a range of housing types and sizes to meet needs and demand, and on achieving mixed and balance communities should have been considered if further extensive house conversion are encouraged." "The policy does not cross-refer or even acknowledge the more limiting Policy D6 which requires that capacity should be determined, planned for and phased to support growth."

South London Partner Boroughs (Royal Borough of Kingston-upon-Thames, the London Borough of Merton, the London Borough of Richmond-upon-Thames and the London Borough of Sutton) response to the Panel's Questions covered similar points and included "The Partner Boroughs are concerned with: • The lack of evidence used to justify the modelling; • The approach to windfall sites and its consistency with national policy; • The impact of PTAL ratings in the modelling; and • The lack of collaboration with boroughs on small site modelling."

"Policies seeking to increase the delivery of housing from small sites should be a matter for Local Plans South London Partner Boroughs/Matter 20 8 to address and Policy H2 should be deleted. Until an alternative approach emerges from the Mayor in collaboration with the boroughs, the small site targets should be calculated using the historic trend based data (12-year trend) that was identified in the SHLAA 2017."

West London Alliance on behalf of its member authorities Barnet, Brent, Ealing, Harrow, Hillingdon and Hounslow submitted a statement to the Panel's questions for NLP EiP M20 which was similar to the points above. They added that "The model results in disproportionately high targets for outer London – in West London targets 218% higher than 2004/5-15/16 trends. It takes no account of the availability of social and other infrastructure there (especially given its dispersed pattern of provision)

or of its huge diversity in character and quality. Its use of PTALs overestimates sustainable intensification opportunities here.” and

“We are concerned that even after the qualifications the policy may militate against boroughs planning for larger-scale development and strategic approaches to town centres in particular. The policy encourages fragmented approaches to wider development opportunities, including town centre revitalisation, undermining the opportunity for longer-term, properly considered strategic approaches supporting balanced and sustainable communities and better infrastructure solutions, ensuring the most effective use of land.” and

“The reference to conservation areas is not necessarily consistent with the duty in section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to preserve and enhance conservation areas.” and

“Given the centrality of design codes to the Policy H2 approach of proactive encouragement of housing delivery, good design and higher residential density, it is striking that there is no recognition of any consequence for delivery or quality from the delay there will inevitably be in their preparation.”

London Councils were represented at the hearing on Policy H2 by DLP Planning Ltd of Bristol.

Their statement included “The presumption in favour of small housing developments of between 1 and 25 homes in Policy H2 and the targets in Table 4.2 is not justified, not deliverable and the policy will not be effective.” “The policy is not sound in accordance with Paragraphs 48 and 182 of the 2012 National Planning Policy Framework (NPPF).”

“Boroughs are concerned about the lack of collaboration they have had with the SHLAA and, in particular, the lack of opportunity to input into the method for calculating capacity of the modelled approach to small sites. The PPG (Housing and economic land availability assessment: Paragraph: 008 Reference ID: 3-008-20140306) states that regular working should be undertaken with LPAs in the housing market area, but in respect of the modelled approach to small sites this has not been the case.”

“There are concerns that Policy H2 will encourage the conversion of family sized housing, into smaller units, reducing stock, which will have the effect of working against the objective in Policy GG4 of creating mixed and balanced communities.”

“The outer London boroughs consider that the small sites targets are unrealistic and are mainly not based on evidence of past delivery (i.e. trend based), instead they are assumption based – and this is highly uncertain. The target increases on average is 162% (compared to the past 8-year trend) and for some outer London boroughs it’s in excess of 500%. London Councils notes that other representations made to the dLP cite concerns with the housing market’s ability to deliver the homes identified.”

“The likely impact of missing the targets is the inability of some Boroughs to be able to demonstrate a 5 year housing land supply, and this risks opening up other locations which are not included in the plan-led approach.”

“The policy will erode boroughs’ abilities to reject inappropriate development on small sites due to the presumption in favour of development. Small sites typically yield fewer contributions toward infrastructure and affordable housing than large sites. The cumulative impact of small developments on social infrastructure need to be adequately considered.”

“The dLP’s evidence base has failed to adequately assess the environmental and social implications of the proposed small sites housing targets. There is no comparison between a business as usual approach (trend based windfalls) and the proposed small sites distribution on a London wide basis, nor on a more appropriate geography of a borough by borough basis. The IIA/SEA does not explain what reasonable alternatives had been considered and therefore fails to establish why they had been rejected. The requirement to consider alternatives is iterative of the plan making process, failure to do will result in a non-compliant SEA.”

“London Councils identified a further barrier to increased delivery, which relates to the significant under resourcing of the London boroughs. The cumulative impact of the dLP will undoubtedly increase pressure on planning departments. As well as the expected significant increase in planning applications, the approach to design and density is likely to be resource intensive which could prolong the decision and plan making processes. Adequate resourcing to deal with the level of planning applications to permit the scale of development envisioned in the dLP effectively has not been considered.”

“London Councils have fundamental concerns about resourcing to achieve the level of design-codes required to adequately address the range in character areas across London and the individual boroughs.”

Extracts above are from written submissions at various stages of consultation and examination of the draft New London Plan, compiled by London Forum of Amenity and Civic Societies in August 2019.

The Inspector chairing the small sites hearing refused to allow discussion of the GLA's proposed changes NLP/FSC/04 to Policy H2, even though there was a Panel Note to state that discussion on any of the GLA's suggestions would be allowed. That was a significant issue and prevented the EiP Panel being provided with participants' arguments for alteration to some of the Mayor's Further Suggested Changes (FSCs).

Subsequently in July 2019 the GLA amended the FSCs for Policy H2 considerably. Comment on those is in another London Forum document ‘Response to final FSCs for Policy H2’, submitted together with this paper.