

**Decision Maker:**        **Development Control Committee**

**Date:**                    **14<sup>th</sup> February 2012**

**Decision Type:**        Non-Urgent                    Non-Executive                    Non-Key

**Title:**                    **LONDON PLAN DRAFT SUPPLEMENTARY PLANNING  
GUIDANCE - HOUSING**

**Contact Officer:**        Stephanie Turner, Planning Policy Officer  
Tel: 020 8313 4477    E-mail: stephanie.turner@bromley.gov.uk

**Chief Officer:**            Bob McQuillan, Chief Planner

**Ward:**                    Borough-wide

---

**1.    Reason for report**

- 1.1    The Mayor of London has produced a draft Supplementary Planning Guidance (SPG) on Housing. The document covers a number of areas including housing supply, quality and choice, affordable housing, stock and investment, social infrastructure and mixed use development. The SPG is currently out for consultation until 24<sup>th</sup> February 2012.
- 1.2    A copy of the document has been placed in the Members room for information and is also available online at <http://www.london.gov.uk/consultation/draft-housing-supplementary-planning-guidance>.
- 

**2.    RECOMMENDATION**

Members are asked:

- (i)    to agree the comments sections (i) within the report as the basis for the Council's response to be submitted to the GLA by the 24<sup>th</sup> February 2012.

### Corporate Policy

1. Policy Status: Existing policy.
  2. BBB Priority: Excellent Council.
- 

### Financial

1. Cost of proposal: N/A
  2. Ongoing costs: N/A.
  3. Budget head/performance centre: N/A
  4. Total current budget for this head: £N/A
  5. Source of funding:
- 

### Staff

1. Number of staff (current and additional): N/A
  2. If from existing staff resources, number of staff hours: N/A
- 

### Legal

1. Legal Requirement: No statutory requirement or Government guidance.
  2. Call-in: Call-in is not applicable.
- 

### Customer Impact

1. Estimated number of users/beneficiaries (current and projected): Borough-wide.
- 

### Ward Councillor Views

1. Have Ward Councillors been asked for comments? N/A.
2. Summary of Ward Councillors comments: N/A

### 3. COMMENTARY

- 3.1 The draft Housing SPG which is out for consultation does not set out new policies but provides guidance to supplement the housing policies in the recently published 2011 London Plan (LP). It has been informed by the Government's draft National Planning Policy Framework (NPPF) which when finalised will replace previous national planning policy guidance.
- 3.2 The key issues for Bromley are set out below together with the suggested comment to be submitted on behalf of the Council.

#### General comment:

- 3.3 *The SPG contains a vast amount of supplementary guidance including various standards such as those relating to wheelchair accessible housing. It is considered useful to have this guidance all contained in the one place, however the level of detail set out on existing policy is excessive in parts and makes the document unnecessarily lengthy. There are areas of the document which do not offer any supplementary guidance but appear to provide background information and justification to the policy. We would ask that this information is removed from the SPG and contained within a separate background document if necessary.*
- 3.4 *It is important that the Executive Summary and the SPG main document are consistent with one another. There are areas where the guidance in the executive summary does not appear to be consistent with the main document itself. For example, with regard to housing supply, the executive summary states that Boroughs and other partners are advised to "demonstrate that they have a 15 year supply of land in terms of PPS3 by rolling forward their annual targets....." However, the main document at Para 1.1.3 states that the targets in Table 3.1 of the LP "cover a ten year period rather than the fifteen suggested by national guidance. The Mayor considered the national requirement was unrealistic in the particular circumstances of London...." The executive summary does not appear to acknowledge this.*

#### Housing Supply

- 3.5 The housing supply section of the document provides guidance on the strategic approach to increasing housing supply as set out in LP Policies 3.3 and 3.4. The first part focuses on the use of targets and the second part focuses on optimising housing potential.
- 3.6 Para 1.1.4 makes reference to the LP annual housing provision monitoring targets which are based on the London Strategic Housing Land Availability Assessment and Housing Capacity Study 2009 (SHLAA). The LP housing provision monitoring targets are set out in Table 3.1 of the draft SPG (and also in the London Plan). Bromley's annual monitoring target as set out in Table 3.1 is 500 dwellings per annum. Boroughs and other Stakeholders are advised to take account of the robust strategic foundations of the LP Housing Targets in setting their own targets. Para 1.1.10 states that depending on local circumstances, boroughs may wish to support their targets by drawing on local updates to the different components of the Strategic Housing Land Availability Assessment (SHLAA).
- 3.7 **Comment:** *LBB welcome the acknowledgement that there will be local circumstances that need to be taken into account when setting LDF housing targets. Some of the sites which contributed to the London wide SHLAA may need to be reassessed to have regard to more up to date information. For example, since the SHLAA was undertaken, there have been changes to the phasing and delivery of some of the sites within the Bromley Town Centre Area Action Plan and also further work has been undertaken to assess the character of the borough for the forthcoming Core Strategy. There are large areas of the*

*borough which are developed at a density lower than the lowest density range as set out in the London Plan density matrix. Local character and context may therefore override density considerations in some areas of the borough.*

3.8 Section 1.2 refers to the sources of housing supply including:

- housing in growth areas and coordination corridors,
- opportunity areas and areas for intensification,
- brownfield including surplus publicly owned land,
- town centre renewal and other mixed use development
- small sites
- residential conversions
- private garden land development
- other small infill developments
- non self contained accommodation
- flats above shops
- airspace developments over existing and new non residential premises
- live-work units

3.9 Para 1.2.19 highlights the important roles that gardens can play including defining local context and character, providing safe, secure and sustainable environments and play spaces, supporting biodiversity, protecting London's trees, green corridors and networks, abating flood risk and mitigating the effects of climate change and enhancing the distinct character of suburban London. Para 1.2.20 reiterates the presumption against the development on back gardens where locally justified. It is therefore important that the density matrix is not applied simplistically to justify intensification of residential areas (Para 1.2.22).

3.10 **Comment:** *LBB support the guidance contained within the SPG relating to Garden Land Development.*

3.11 Guidance regarding the London Plan density matrix (London Plan Table 3.3) and Policy 3.4 is included within the SPG. It states that their inherent flexibility means that Table 3.3 in particular should be used as a guide rather than an absolute rule so as to take proper account of other objectives.

3.12 **Comment:** *LBB welcome the recognition that the density matrix should be used only as a guide and that other factors such as local circumstances and public transport accessibility and capacity should also be taken into account. However, the importance of local character and context should also be referred to within this part of the SPG.*

3.13 Para 1.3.19 states that the broad ranges within the density matrix provide a sufficiently flexible framework within which boroughs can refine their approaches to their local circumstances while still conforming to the broad parameters of the strategic policy when preparing their LDF's. Importantly the SPG states at Para 1.3.36 that in refining the

matrix for local application through LDF policy, boroughs should not as a matter of policy principle go below the range for a particular type of setting/location.

- 3.14 **Comment:** *LBB have previously objected to the lower range of 35 units per ha and have argued that this is not consistent with existing densities in parts of suburban Bromley. Large areas of the borough are already developed at a density lower than the lowest density range of 35 units per ha as set out in the matrix and it may not be appropriate to develop small sites with no requirement for infrastructure at a higher density. When assessing applications therefore LBB would still have regard to local context which may override density considerations. We would therefore ask that the Mayor considers removing the minimum density of 35 units per ha to have regard to the character of outer London boroughs such as Bromley and to reflect the approach taken in the National Planning Policy Framework (NPPF).*
- 3.15 Para 1.3.21 makes reference to the use of Public Transport Accessibility Levels (PTALs) to measure the ease of access to the public transport network and to assess a sites capacity.
- 3.16 **Comment:** *The Council believes that the current PTAL system does not adequately address accessibility issues outside the main outer London town centres. Specifically, PTALs fail to recognise that the destinations of those living in outer London are many, varied and frequently lack the credible public transport options taken for granted in more central locations.*
- 3.17 In order to use PTALs when assessing what density is appropriate to a site, because of the way they are calculated, the precise location of the access point to a site may be crucial in determining what PTAL value would apply and in consequence what density would be considered acceptable.
- 3.18 **Comment:** *The PTAL information relating to precise locations should be more readily available to local authorities to increase the accuracy and a more sensitive assessment of appropriate density.*
- 3.19 Development densities and public transport provision are relatively low in outer London and residents are more dependent on the car than elsewhere in the capital. Parking therefore poses particular issues in outer London. Para 1.3.43 states that The Mayor has asked the Outer London Commission to investigate this and provide advice on how policy might be implemented more sensitively to meet residents' needs within the overall objectives of the Plan and those of the NPPF. The Commission is currently testing a range of options.
- 3.20 **Comment** – *LBB welcome the acknowledgement that residents are more dependent on the car in outer London than they are elsewhere in the capital. LBB have previously objected to the parking standards in the current London Plan on the grounds that they do not recognise the particular circumstances of outer London. In assessing the level of parking provision required for a particular development, account should be taken of the planned social composition of the development and changing attitudes towards car ownership and car use.*

## Housing Quality

- 3.21 The document sets out a number of baseline and good practice standards which are summarised in Annex 2.1. Baseline standards are those which are endorsed by the

Mayor as addressing issues of particular strategic concern. Para 2.1.11 states that the extent to which proposed developments depart from this baseline should be taken into account in planning decisions. Those which depart significantly, either in terms of failure to meet with a number of baseline standards or the extent of failure to meet particular baseline standards, are unlikely to be acceptable. Good practice standards are those put forward by the Mayor as representing general good practice. Para 2.1.12 states that departure from individual standards in this category is in most circumstances unlikely to justify refusal of planning permission whilst failure to meet a number of them is likely to lead to more thorough consideration of the design aspects of a scheme and should a satisfactory outcome not be achieved, to be resisted by decision makers.

3.22 **Comment:** *There are several 'good practice' standards which the Council feel should be upgraded to 'baseline' standards:-*

*Para 4.5.1 – minimum bedroom sizes*

*Para 4.6.1 – two WCs in properties designed for five or more people*

*Para 6.1.1 – Code for Sustainable Homes Level 4*

3.23 The quality and design standards set out in Annex 2.1 are very detailed and cover both external and internal design matters. The intention is to ensure that all homes meet specific design and layout standards associated with numerous policies and codes, including Lifetime Homes, Building for Life, Secured by Design, Sustainable Homes and Housing Quality.

3.24 **Comment;** *Whilst the standards will ensure that new housing stock can easily be adapted for changing circumstances, it will inevitably add to development costs as developers will be required to include floor space for additional facilities (e.g. lifts) that may or may not be required in the future.*

3.25 A number of the requirements in the Annex, for example 3.1.4., would normally be dealt with under the Building Regulations and should not therefore require direct action by the local planning authority. Similarly, other requirements (such as 4.5.1) relate to current Environmental Health space standards and again could involve separate consideration. However, in practice, if the standards are to be fully implemented, many of the detailed requirements must be accepted by developers in the first instance and would need to be included in the drawings accompanying a planning application to avoid the need for amendments at a later stage in the development process.

3.26 **Comment:** *The design requirements would need to be fully checked by the Council before validation of the application and could potentially require a greater commitment of officer resources and slow down the decision making process. In order to minimise the impact of these changes, it would be necessary to require applicants to indicate all relevant information clearly in the drawings and to confirm that the standards have been met. It would also be appropriate to amend the list of local requirements for planning applications (which sets out the information required to validate an application) and current application forms to ensure that the additional information is available 'at a glance'. Any change to the planning application forms would be a matter for the Government and it is understood that this issue is currently under review. Consequently, whilst such improvements to the design of new housing are generally to be welcomed, the impact of strictly applying these standards in terms of officer resources, increased costs of development, impact on the economy and possible appeals where schemes fail to meet all of the requirements must be carefully considered. In these circumstances, it may be that a degree of flexibility in the guidance should be introduced to enable local circumstances to be taken into account in appropriate cases*

- 3.27 Para 2.3.16 states that local planners may seek to restrict or encourage specific dwelling types, for example it may be desirable to restrict 2b4p, 3b6p and 4b8p dwelling types particularly in affordable housing because it prevents a child from having a bedroom to themselves when the dwelling is fully occupied.
- 3.28 **Comment:** *The suggestion that boroughs may wish to dissuade the provision of 2 bed 4 person units is not in line with LB Bromley's approach in regard to affordable housing. LB Bromley seeks that two bedroom affordable units are 4 rather than 3 person where possible because that size of unit avoids the likelihood of future overcrowding as two children may be able to share the second bedroom.*

## Housing Choice

### Affordable Housing

- 3.29 The Mayor has already published draft guidance on how the new affordable rent product should be used to implement the policies of the 2011 London Plan. Consultation responses on this will inform finalisation of the present SPG. In addition, he has prepared a draft early Alteration to the 2011 Plan to address Affordable Rent as a policy matter in its own right. Both of these recent publications were reported to Members of the Development Control Committee on 12<sup>th</sup> January 2012. The following comments should therefore be read together with the boroughs previous comments on the draft guidance on affordable rent.
- 3.30 Para 4.3.23 of the SPG and London Plan Policy 3.11D and Para 3.69 give the boroughs the flexibility to express affordable housing targets as percentages or as absolute numbers depending on what is most effective in their local circumstances. However, the local target must be translatable back into dwellings to show how the borough will contribute to achievement of the London-wide target.
- 3.31 **Comment:** *LBB Welcome the ability for boroughs to set targets in their LDF's rather than having a blanket percentage target figure imposed London wide.*
- 3.32 Para 4.2.16 makes reference to the pan London average investment monitoring benchmark for affordable rents at 65% of market rent across the programme as a whole, taking into account the need to provide family sized housing at a lower proportion of market rents. It also states that Local Planning authorities should avoid trying to set rent levels for this product through the planning system as to do so would raise questions of conformity with both national policy and the London Plan.
- 3.33 **Comment:** *LBB have recent experience of Registered Providers (RPs) seeking flexibility to allow for a revised mix (i.e. a mix of less than 60% rented and more than 40% shared ownership), based on their organisation's desire to maintain rents at well below 80% market rents, and in some parts of the borough no more than c.50% of market rents. There is a concern that RP's rent setting policies could undermine the delivery of rented units on S106 sites.*
- 3.34 Para 4.3.28 notes that the GLA intends to explore ways to address the tension between affordable rent set at 80% of market rent and the proposed welfare benefit cap of £26,000.
- 3.35 **Comment:** *It is considered that this is a key issue for the future occupancy and sustainability of affordable rented housing. Further advice from the GLA on this matter would be welcomed.*

- 3.36 Para 4.4.5 states that it may be appropriate for the calculation of affordable housing on a site to be in terms of habitable rooms or floorspace.
- 3.37 **Comment:** *It is encouraging to see an acknowledgment that the affordable housing contribution should be considered potentially by floorspace or habitable rooms, as well as units, given scenarios of differing sizes of habitable rooms or differing numbers of habitable rooms within units of different tenures. This is a fairly frequent issue encountered in applications received by LB Bromley.*
- 3.38 Para 4.4.7 makes reference to the importance of partnership working between the borough, developer, registered providers and where appropriate, the Mayor.
- 3.39 **Comment:** *Clarification from the GLA on how the partnership between boroughs and developers will work with RPs would be welcomed particularly having regard to the substantial number of planning applications concerning small-medium sized sites within LB Bromley's pipeline.*
- 3.40 Para 4.4.18 requires applicants in conjunction with a registered provider to submit appraisals to accompany their application and states that both developers and registered providers should have discussions with the planning and housing departments and with the HCA at an early stage in advance of submitting a planning application or bid.
- 3.41 **Comment:** *The requirement for developers to engage with an RP prior to progressing a scheme is to be welcomed. However, there will need to be clarity as to how this works in practice, particularly given new funding arrangements. Our experience is that frequently developers seek outline planning consent (without having a confirmed RP partner), to establish the scale/ type/ form of development and only subsequently, after the affordable housing amount and mix has been determined in that outline consent, seeks offers from RPs for the affordable housing element.*
- 3.42 Para 4.4.25 refers to the Affordable Housing Development Control Toolkit.
- 3.43 **Comment:** *The Affordable Housing Development Control toolkit gives no advice as to grant levels, and it is unclear how a future revision of the toolkit could handle the uncertainty of actual rent levels that RPs will apply under Affordable Rent on s106 sites (see earlier comment under Para 4.2.16). Should the local authority look to see that the toolkit submitted maximises rent at 80% of market rent for all rented units, when assessing viability - when in practice developers will (and are already) quoting examples of RPs offering much less (based on the RP calculating substantially under 80% MR rent levels). Independent valuation advice (eg. VOA) again will not in itself provide new insights into the resources available for affordable housing unless the GLA/ HCA/ RPs actively and accurately make available the information.*
- 3.44 Later paragraphs 5.2.7, 5.2.8 and 5.2.9 note the new programme-based approach and that further guidance will be provided on the implications of this new model for the planning system.
- 3.45 **Comment:** *If this new guidance adequately addresses the issue and is published in a timely manner then it is welcomed by LB Bromley.*
- 3.46 Para 4.4.30 This paragraph notes the role of 'cascade' clauses. To maximise affordable housing output on schemes with a long build out time and/or at times of economic uncertainty, the London Plan provides support for the use of 'cascade agreements' or



'contingent obligations'. Cascade agreements are intended to deal primarily with uncertainties over changes to the funding of affordable housing and should allow for the preferred level of affordable housing output to be reduced if the required level of public investment should not be available and increased if additional grant is made available. Contingent obligations address economic uncertainties which may arise over the lifetime of a development proposal.

- 3.47 **Comment:** *There is concern that there could be difficulties in preparing S106 agreements in light of the new Affordable Homes Programme Funding arrangements which are largely programme-based rather than individual scheme-based. This matter should be kept under review together with the new funding arrangements.*
- 3.48 Bullet point 3 of paragraph 4.4.8 states that access to employment is important for households in social housing and good public transport access can never be a justification for failing to provide a significant proportion of social housing within a scheme.
- 3.49 **Comment:** *This sentence should be re-drafted to give clearer advice. There could be instances where the provision of social-rented or affordable rented accommodation in areas of low PTAL values would be inappropriate and not contribute to sustainable communities generally.*
- 3.50 Paragraph 4.4.9 gives examples of exceptional circumstances where off site provision may be considered.
- 3.51 **Comment:** *Reference should also be made in this sentence to the need for any alternative site to contribute to sustainable communities.*

### **Stock and Investment**

- 3.52 Part 5 of the SPG provides guidance on Policies 3.14 and 3.15 of the London Plan which relate to existing housing stock and co-ordination of housing development and investment.
- 3.53 **Comment:** *No comment*

### **Social Infrastructure**

- 3.54 Part 6 of the SPG provides additional guidance on policies 3.16-3.19 of the London Plan. Policy 3.16 outlines the key policy requirements for the protection and enhancement of social infrastructure and Policies 3.17, 3.18 and 3.19 cover health, education and sports facilities.
- 3.55 **Comment:** *LBB welcome the guidance contained within this section of the SPG and have no further comment to make.*

### **Mixed Use Development**

- 3.56 The London Plan promotes mixed use developments incorporating housing. Part 7 of the SPG gives guidance on the application of the policies within the London Plan that promote mixed use development. Importantly Para 7.2.8 notes that account should be taken of the vertical and horizontal distribution of uses within a development.

- 3.57 Para 1.3.39 gives guidance on the mixed use of sites and states that where schemes have a substantial proportion of non residential uses e.g. 35%, the density matrix can usefully be complemented by plot ratio.
- 3.58 **Comment** – *LBB welcome the acknowledgement that mixed use sites can be complicated and would ask that local context and character are seen as important factors in calculating density.*
- 3.59 Para 7.4.9 mentions that the Mayor is proposing to prepare an SPG on town centres which will address specific residential issues such as access, security, safety related design issues and night time noise.
- 3.60 **Comment:** *LBB look forward to the opportunity to comment on the forthcoming SPG on Town Centres.*
- 3.61 Section 7.5 relates to the freeing up of surplus industrial land for housing.
- 3.62 **Comment:** *It is essential that as highlighted in Para 7.5.1 this should not undermine the boroughs provision of office and industrial space in the medium- long term.*
- 3.63 Para 7.5.2 reiterates that this release of industrial land should be carefully managed and monitored .
- 3.64 **Comment:** *LBB welcome this acknowledgement.*

#### 4. POLICY IMPLICATIONS

- 4.1 The new Housing SPG will replace the 2005 SPG and the 2010 Interim Housing SPG. It will provide guidance on the implementation of policies in the London Plan. It will assist boroughs in preparing Development Plan Documents and ensuring that these are in general conformity with the LP. It will also be a material planning consideration when determining planning applications and is intended to inform developers, landowners and others when considering or preparing residential and mixed use schemes

|  |   |
|--|---|
| <b>Non-Applicable Sections:</b>                    | Financial, Legal and Personnel  |
| Background Documents: (Access via Contact Officer) | <p>DC Committee Report 12<sup>th</sup> January 2010 The London Plan Draft Revised Interim Housing Supplementary Planning Guidance – Draft for Consultation.</p> <p>DC Committee Report January 2012 – Changes to PPS3 and Supplementary Planning Documents</p> <p>DC Committee Report 8<sup>th</sup> September 2009 Draft Housing Design Guide</p> <p>London Housing Design Guide Interim Edition Mayor of London August 2010</p> <p>The London Plan 2011</p> |