

South London Partner Boroughs Response to Panel's Questions

14 December 2018



Note: This is a joint statement of case from the Royal Borough of Kingston-upon-Thames, the London Borough of Merton, the London Borough of Richmond-upon-Thames and the London Borough of Sutton (hereafter the 'Partner Boroughs'). This statement should be read alongside the four Partner Boroughs individual representations on the draft London Plan (2017). All NPPF references in this statement refer to the 2012 version, unless stated otherwise.

Matter 20: Small Sites and Small Housing Developments

a) Is the modelling of delivery from small sites in the SHLAA justified, including reliance on PTALs?

1.1 The Partner Boroughs consider that the modelling of small site delivery in the SHLAA is not based on robust evidence. As a result the small site housing targets in Table 4.2 of the draft London Plan are not justified, not effective, not consistent with national policy and, therefore, not sound. The revised NPPF's footnote 69 (from paragraph 214) makes it clear that the 'old' version of the NPPF applies to the London Plan examination, so the soundness test should still be 'the most appropriate strategy'. This is considered to be a much more stringent test compared with the new revised NPPF, which is only 'an appropriate strategy'. The Partner Boroughs consider that this is not the most appropriate strategy when considered against reasonable alternatives. In particular 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.

Lack of Evidence to justify the Modelling

1.2 The Mayor's SHLAA modelling assumes a 1% annual growth in existing residential areas with PTALs of 3 to 6 or within 800m of a station or a town centre. This growth is expected at a 'net growth factor' of 2.2, in areas of semi-detached and detached

houses, and 1.3, in areas of terraced houses. The modelling also applies reductions in certain circumstances, such as conservation areas. A separate windfall allowance is also identified.

- 1.3** The Partner Boroughs consider that the 1% assumption is not based on evidence and, in fact, has no justification, so cannot be considered a robust approach for planning housing delivery in London. A clear rationale for this approach was essential and should have been provided, however, paragraph 6.24 of the Mayor's SHLAA (2017) (NLP/HOU/002) offers the only insight into its selection, stating the *"1% assumption is considered to provide a reasonable estimate for the level of net additional housing that could be provided in view of the potential impact of the proposed policy changes in the draft London Plan"*. The London Plan EiP Technical Seminar on small sites (6th November 2018) was insightful where a GLA officer admitted that the main driver behind the 1% growth assumption in the modelling was the desired policy outcome. The Partner Boroughs consider it inappropriate for a desired policy outcome to fundamentally influence the modelling; policies should be informed by objective and robust evidence and not the other way around. The Partner Boroughs also question why it is 1%, and not for example 0.5% or 1.5%, and what reasonable alternatives the Mayor has tested before concluding that 1% provided the basis for the most appropriate strategy. The approach taken by the Mayor is contrary and not consistent with national policy. It therefore fails the test of soundness as it is not 'justified' as required by paragraph 182 of the NPPF
- 1.4** Alongside the 1% growth assumption the modelling makes a reduction to 0.25% in conservation areas without justifying why 0.25% is an appropriate figure to use. As above, the 0.25% figure is neither justified nor based on appropriate and robust evidence, it appears that no reasonable alternatives have been tested as required by the NPPF. What constitutes "reasonable" is not justified in the SHLAA and undermines what should be an objective assessment of suitable and available land on which development is achievable. In fact, the Partner Boroughs consider it entirely 'unreasonable' to expect boroughs to rely on small site delivery to meet a large component of their overall housing target when the modelling results in completely notional figures for small sites that are not based on actual specifically identified land. This is a crucial point to note as the small sites figure is really just a windfall allowance.
- 1.5** In addition, the Partner Boroughs would like to draw the Panel's attention to the non-existent evidence or justification for the policy's threshold of 25 homes. The Mayor has not justified why Policy H2 on so called 'small sites' applies to developments of up to 25 homes. It introduces an arbitrary threshold of 25, which causes confusion in light of the national definition of minor and major developments (i.e. the latter being applied for 10 units and above). Other than the explanation set out in paragraph 4.2.3 of the draft New London Plan, where it states that it is "considered to be representative of small housing developments across London", no justification is provided. In fact, Table 1 below (a full London breakdown is available in Annex 1) demonstrates that applying a threshold of 25 is not representative of small sites across the majority of London boroughs. As an example, Richmond has nearly the highest proportion of completions for 1-9 units (i.e. 96%), with the percentages for 10-25 and 26+ units being low for most boroughs. Therefore, this threshold and thus the policy itself is not justified and in fact the evidence shows that there is no reason

as to why this small sites policy should differ from the definitions used in Planning Practice Guidance or the definition of ‘major development’ in planning legislation.

Table 1: Permissions Completed 2015-16 to 2017-18 (Housing Delivery Test Period)

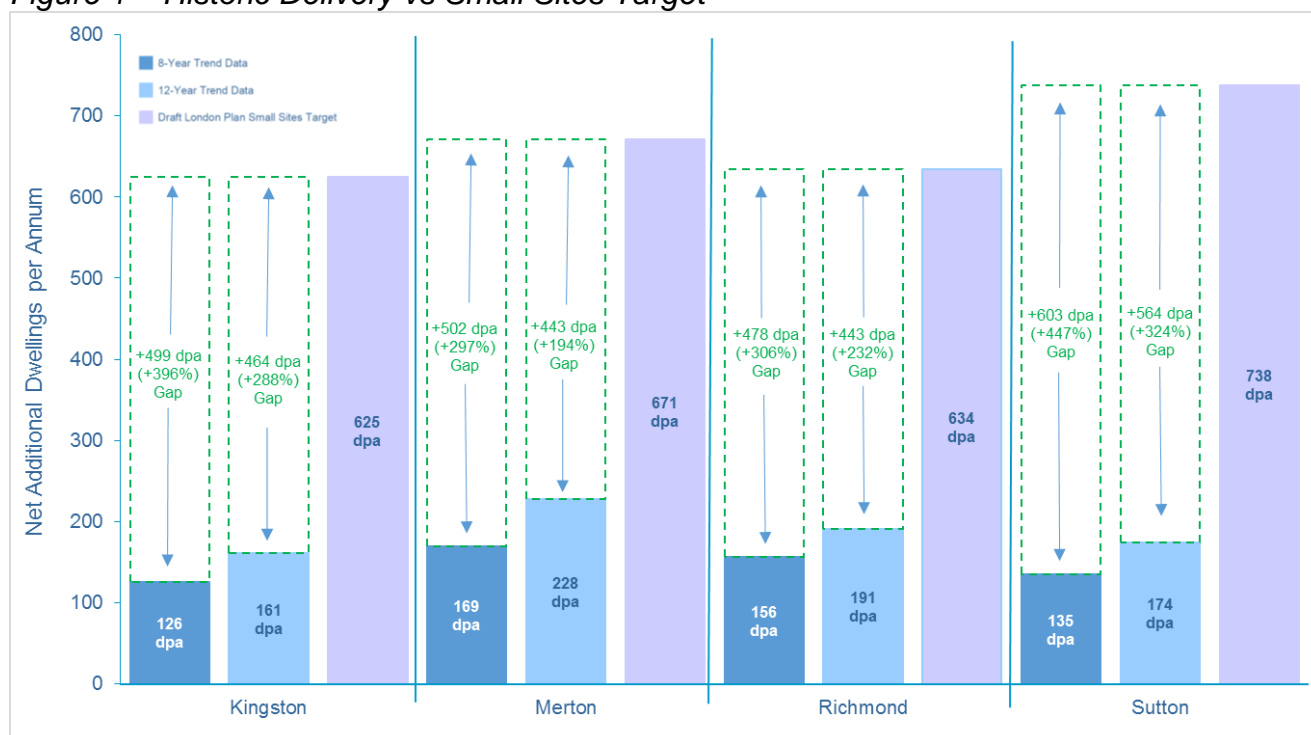
Planning Authority	Number of Permissions				Percentage of Permissions		
	1–9 Dwellings	10–25 Dwellings	26+ Dwellings	Total	1–9 Dwellings	10–25 Dwellings	26+ Dwellings
Kingston	219	15	3	237	92%	6%	1%
Merton	336	15	8	359	94%	4%	2%
Richmond	429	16	3	448	96%	4%	1%
Sutton	259	17	5	281	92%	6%	2%
London Total	11,447	514	277	12,238	94%	4%	2%

Source: Planning Permissions on the London Development Database (LDD, November 2018)

Windfall Sites and National Policy

- 1.6 The approach taken in the SHLAA 2017 is notably different from local authority produced SHLAAs that are prepared in support of local plans. The Partner Boroughs’ fundamental issue is that it is principally a theoretical assessment of capacity, placing an over reliance on analysing notional capacity and rates of delivery rather than identifying specific sites that can be discussed with the landowners to agree housing capacity and estimated completion dates. If there is a windfall allocation in addition to the small sites policy there is a risk that the small sites targets will be double counting.
- 1.7 In addition the SHLAAs 2017 approach is notably different from the NPPF (2012), which makes it clear that local planning authorities may make “*an allowance for windfall sites in housing delivery 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*” (paragraph 48). Whilst small sites have consistently become available across the four boroughs, contributing positively towards housing delivery, the 1% assumption in the modelling is divorced from the historic delivery rates, as set out in Figure 1 below. Indeed this illustrates that the draft London Plan targets will not be met based on historic delivery and therefore the approach taken by the Mayor is contrary to national policy which emphasises that any allowance should be realistic.
- 1.8 It is noted that the Mayor considers the implementation of the Plan as a whole will lead to these dramatic increases in small site completions but the Partner Boroughs dispute this, especially as the Mayor’s approach is based on assumptions that have neither been informed by evidence nor been tested and considered in light of reasonable alternatives. The mechanisms offered within Policy H2 to support delivery are tools already available to local planning authorities, so Policy H2 does not offer anything new. Lastly, London Plan Policy H2 (Part D.2[d]) advocates a presumption in favour of infill development within the curtilage of a house to help achieve the small sites targets, which is in direct conflict with national policy protection for back garden land.

Figure 1 – Historic Delivery vs Small Sites Target



Source: GLA SHLAA 2017

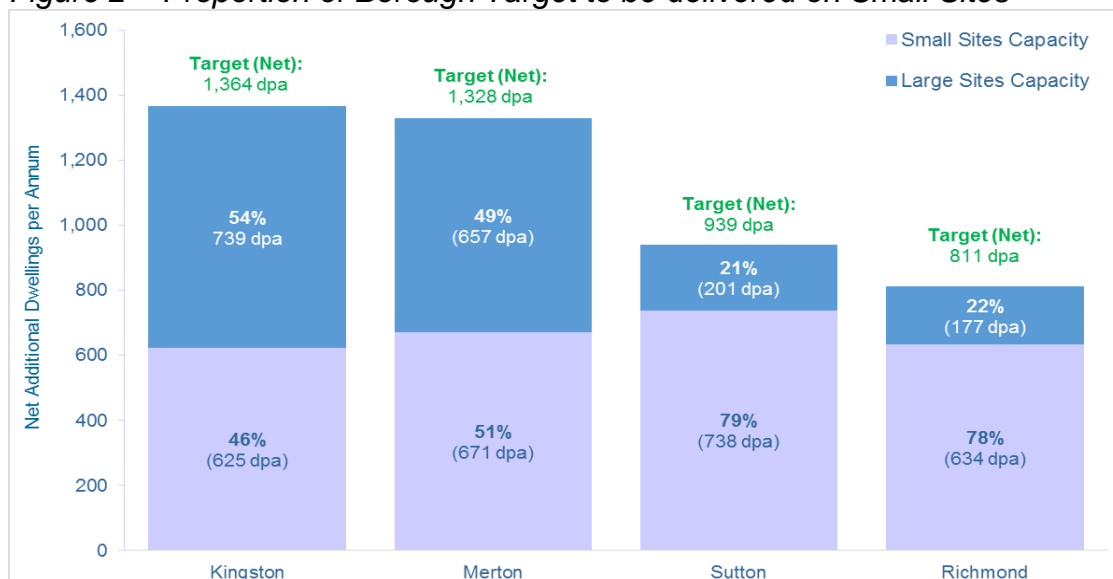
- 1.9** Furthermore, the reliance on the model's notional figures is particularly unjustified given how much of the overall housing target for the Partner Boroughs relies on small site delivery. In the case of Sutton, the London Plan expects 79% of its target to be delivered on small sites, the highest proportion in London, and in Richmond, 78% of its target should be delivered on small sites, the second highest proportion in London (Figure 2). It is not credible to expect a borough to deliver up to 79% (average of 60% across the Partner Boroughs – See Table 2) of its housing target on unidentified windfall sites which have been calculated using theoretical figures. The reliance placed on small sites, and the lack of specifically identified sites, to deliver borough housing targets, particularly given the gulf between historic delivery rates and the draft targets, is not an appropriate basis on which to plan for housing growth in London.

Table 2: Breakdown of draft London Plan Target

Borough	Large Sites Capacity	Small Sites Capacity	Borough Target	Proportion of Target from Small Sites
Kingston	739	625	1,364	46%
Merton	657	671	1,328	51%
Richmond	177	634	811	78%
Sutton	201	738	939	79%
Total	1,774	2,668	4,442	60%

Source: Draft London Plan – Table 4.1 and Table 4.2 (2017)

Figure 2 – Proportion of Borough Target to be delivered on Small Sites



Source: GLA SHLAA 2017

- 1.10** Finally, it is worth noting that the Inspector for the Further Alterations to the London Plan (FALP) stated: *“It is not enough to identify capacity. Delivery is critical to meeting the pressing need for new housing in London and one must consider whether and when these sites will deliver the number of homes envisaged in the SHLAA”, and “It is not easy to see, therefore, where London Boroughs would find additional sources of supply. Capacity could be increased but I have significant concerns regarding whether higher densities can or should always be sought or achieved”*. The Inspector’s Report concludes overall that the SHLAA 2013 produced in support of the FALP was *“based on good evidence and a robust methodology”*. This methodology used historic trends for small site calculations. The boroughs consider that, in the absence of any justified alternative methodology, this is the only approach that the London Plan can rely on at present and should amend the housing targets to include historic small site completions rates (12-year trend data).

Impact of PTAL Ratings on Modelling

- 1.11** The Partner Boroughs consider that the application of PTAL ratings in the modelling is crude and does not give any consideration to the differences between stations. PTALs themselves have some limitations and do not necessarily give the full picture when distinguishing between different accessibility levels. The modelling treats all stations as equal, which does not reflect the vast range in services and frequencies across London, particularly the poor services available in outer London Boroughs compared to inner London Boroughs. For example in Sutton, stations such as Belmont and West Sutton, have just 2 trains per hour and are in no way comparable to other Zone 5 tube stations, such as Becontree (District Line), Rayners Lane (Piccadilly Line), Northolt (Central line) and Harrow-on-the-Hill (Metropolitan Line). In Richmond, a number of railway stations only have 2 trains per hour to London, such as Hampton and Fulwell¹ and in Kingston, Tolworth, Malden Manor, Chessington North and Chessington South are served by just 2 trains per hour. The highest average PTAL level in the Partner Boroughs is 2 (Kingston, Merton and Sutton) falling to as low as 1b (in Richmond). Therefore, the Mayor has not recognised the

¹ <https://data.london.gov.uk/dataset/public-transport-accessibility-levels>

limitations of using PTALs for the modelling of small site capacities as PTALs cannot differentiate between a single frequent service and several infrequent services (e.g. one very frequent bus service could give an artificially high PTAL). The Partner Boroughs are concerned that this simplistic approach fails to recognise variations in public transport service and does not allow for the differentiation between typologies of places, which will have a significant impact on the notional capacities that can be achieved on small sites.

- 1.12** Furthermore, the choice of public transport in outer London is severely limited, particularly for London Underground services (there are more tube stations outside the Greater London boundary than serve all South London boroughs). For example, Table A.2 in Annex 2 shows that Sutton has no London Underground stations, no London Overground stations, no Crossrail stations, no Crossrail 2 stations and a single London Tramlink stop (located in an industrial area on the borough boundary with Merton). Kingston currently has none of these transport options in place but would potentially benefit from Crossrail 2.
- 1.13** However, Crossrail 2 is neither confirmed nor funded and its timescales do not facilitate delivery in the 10-year period covered by the draft London Plan targets. We still await the conclusion of the Independent Viability Review, the findings of which may significantly delay delivery of this crucial infrastructure, possibly precluding delivery within the London Plan period. Repeated delays have already created uncertainty that is difficult to navigate, particularly in the context of building new homes. The recent announcements regarding delayed opening of the Elizabeth Line will have knock on impacts to the funding profile of Crossrail 2. Additionally the recent Kingston Transport Forecasting Report (prepared by TfL) shows that Crossrail 2 simply returns the network back to 2011 levels of passenger congestion (rather than providing any significant step improvement). Therefore it should not be taken into account as future transport infrastructure which would support housing delivery against Kingston's housing target. To add to this situation, there is a historical lack of orbital connectivity across South West London, particularly by public transport, further hindering growth potential across the region.
- 1.14** Finally, proximity to district centres, where the 800m criteria would be applied, does not always indicate access to public transport (See Table 3). For example, of the 151 district centres in London, Sutton's are ranked 100th, 117th, 134th, 135th, 136th and 137th for PTAL. As with train stations, not all town and district centres are equal in terms of PTAL ratings and places such as Tolworth (129th), North Cheam (137th), Whitton (145th) should not be treated the same as Finsbury Park (1st), Earls Court (2nd) and New Cross (3rd). It should also be noted that the application of the 800m distance has been applied as the crow flies. This does not therefore take account of any physical barriers, such as the River Thames, which divides Richmond into two parts, or other key barriers such as railway lines. Finally, it is suggested Parking should be included as one of the criteria for refusal in those areas with a PTAL less than 3 to ensure planning considerations can be properly taken into account when determining these applications.

Table 3: Rank of District Centre Public Transport Accessibility

District Centre	Borough	PTAL Maximum (2011)	PTAL Average (2011)	Rank
Morden	Merton	6a	6a	30
Twickenham	Richmond	6a	5	53
Surbiton	Kingston	6a	4	70
Mitcham	Merton	5	4	85
Wallington	Sutton	4	4	100
New Malden	Kingston	4	3	114
Carshalton Village	Sutton	4	3	117
Tolworth	Kingston	3	3	129
East Sheen	Richmond	3	3	132
Teddington	Richmond	3	3	133
Cheam Village	Sutton	3	3	134
North Cheam	Sutton	3	3	135
Rosehill	Sutton	3	3	136
Worcester Park	Sutton	3	3	137
Whitton	Richmond	3	2	145

Source: London Datastore Intelligence Atlas (2014)

- 1.15** In summary the reliance on PTALs in the small sites modelling is crude as the Mayor has not taken account of the limitations in using PTALs. Applying PTALs mechanically as a key factor highlights the GLA's sweeping approach to its small sites methodology and public transport in outer London. As such the Partner Boroughs consider that this approach is not justified, as it is not based on robust evidence, no alternatives have been considered, and as the targets will not be deliverable, it is not effective; therefore, Policy H2 is unsound.

Consultation

- 1.16** The absence of consultation with boroughs on the new modelled approach, prior to the circulation of the housing targets, has not been explained by the Mayor and its impact should not be overlooked. The Partner Boroughs consider this lacks a spirit of co-operation. Such a radical step change in the calculation of housing targets would have benefited from being shared with the boroughs from the outset and a more reasonable policy may have emerged.

Summary

- 1.17** The Partner Boroughs consider that the growth assumptions in the SHLAA modelling are too optimistic, too crude and too simplistic, resulting in a fundamentally flawed small sites housing target that cannot be delivered. This will slow down housing delivery and diminish the ability of boroughs to deliver good growth. Therefore, it is not a justified approach to planning for London's housing growth.
- 1.18** The Partner Boroughs are not in a position to offer a re-wording of Policy H2, as its fundamentals, its methodology and its deliverability are flawed. Policies seeking to increase the delivery of housing from small sites should be a matter for Local Plans

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. Whilst this would not meet the OAN for London it would be a substantial increase on the previous London Plan target of 42,000 per annum (from all sources) and would be a justified and effective approach.

Changes Required to Table 4.2 of the Draft London Plan

Small sites targets should be calculated using 12-year historic trend based data that is presented in the SHLAA 2017.

b)

Is it realistic to expect the small sites target to be achieved in the outer London Boroughs?

1.19 The Partner Boroughs consider that the small site targets are not based on the most appropriate strategy and so are not justified. Furthermore, since the strategy is flawed, the targets will not be deliverable and so are not effective. In particular the Partner Boroughs are concerned with the following:

- The rate of historic delivery compared to the draft targets
- The viability of small site development
- Whether there are policy incentives to develop small sites
- Local character and amenity considerations

Historic Delivery

1.20 Figure 1 above illustrated the gulf between the Partner Boroughs' historic delivery of small sites and the theoretical delivery calculated by the SHLAA 2017 modelling. Table 4 below illustrates this point further, showing that the average total borough delivery (from all sites), between 2006-07 to 2016-17, cannot even meet the small sites target, let alone the overall borough targets of Policy H1. For example, in Kingston the average annual net completions (from all sites between 2006-07 to 2016-17) was equivalent to only 63% of the new small sites target (and 29% of the new overall draft target), in Merton 73% of the new small sites target (and 37% of the new overall draft target), in Sutton 55% of the new small sites target (and 45% of the new overall draft target), and in Richmond 56% of the new small sites target (and 43% of the new overall draft target).

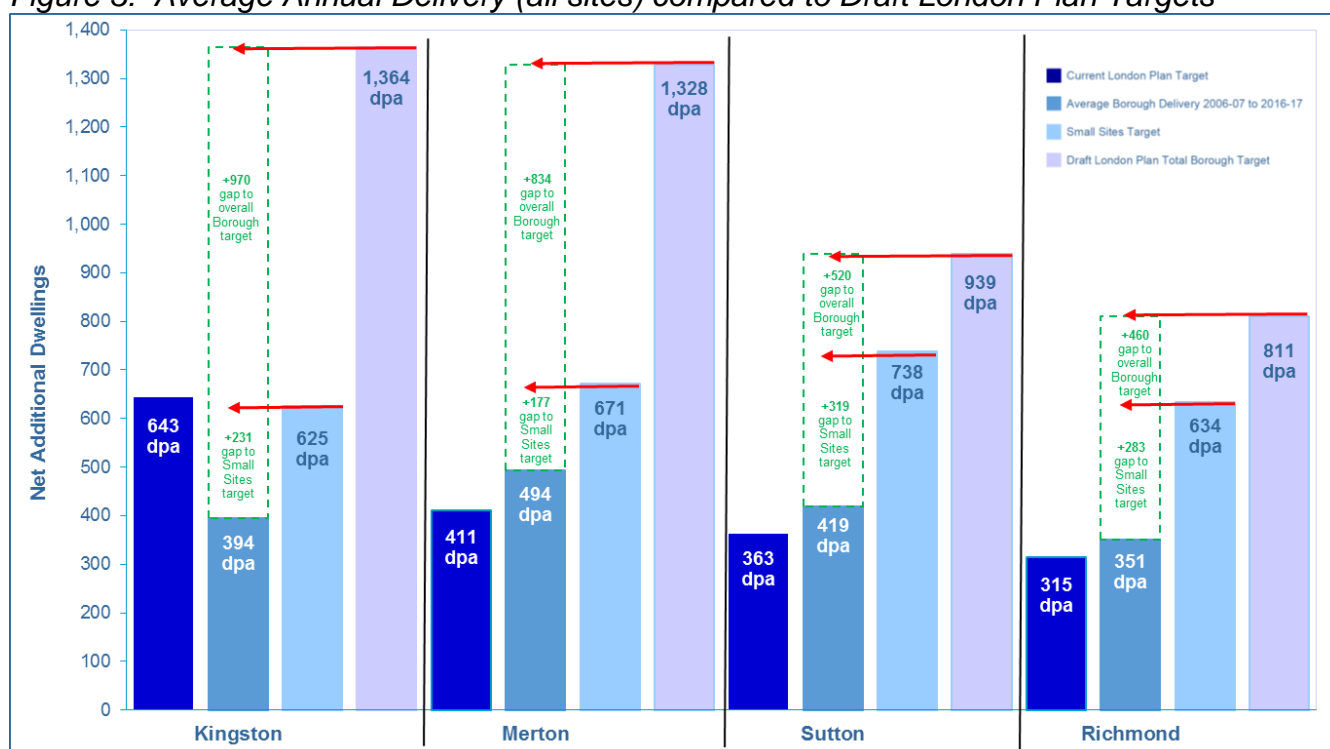
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Table 4: Average Annual Borough Delivery 2006-07 to 2016-17 (from all sites)

Borough	Average Annual Delivery from all sites (net)	Gap to Small Sites Target (dpa)	Gap to Total Draft London Plan Target (dpa)	Annual Average Delivery as % of Small Sites Target	Annual Average Delivery as % of Overall Target
Kingston	394	+231	+970	63%	29%
Merton	494	+177	+834	73%	37%
Richmond	419	+319	+520	55%	45%
Sutton	351	+283	+460	56%	43%
Total	1,658	+1,010	+2,784	62%	37%

Source: Partner Boroughs Authority Monitoring Reports

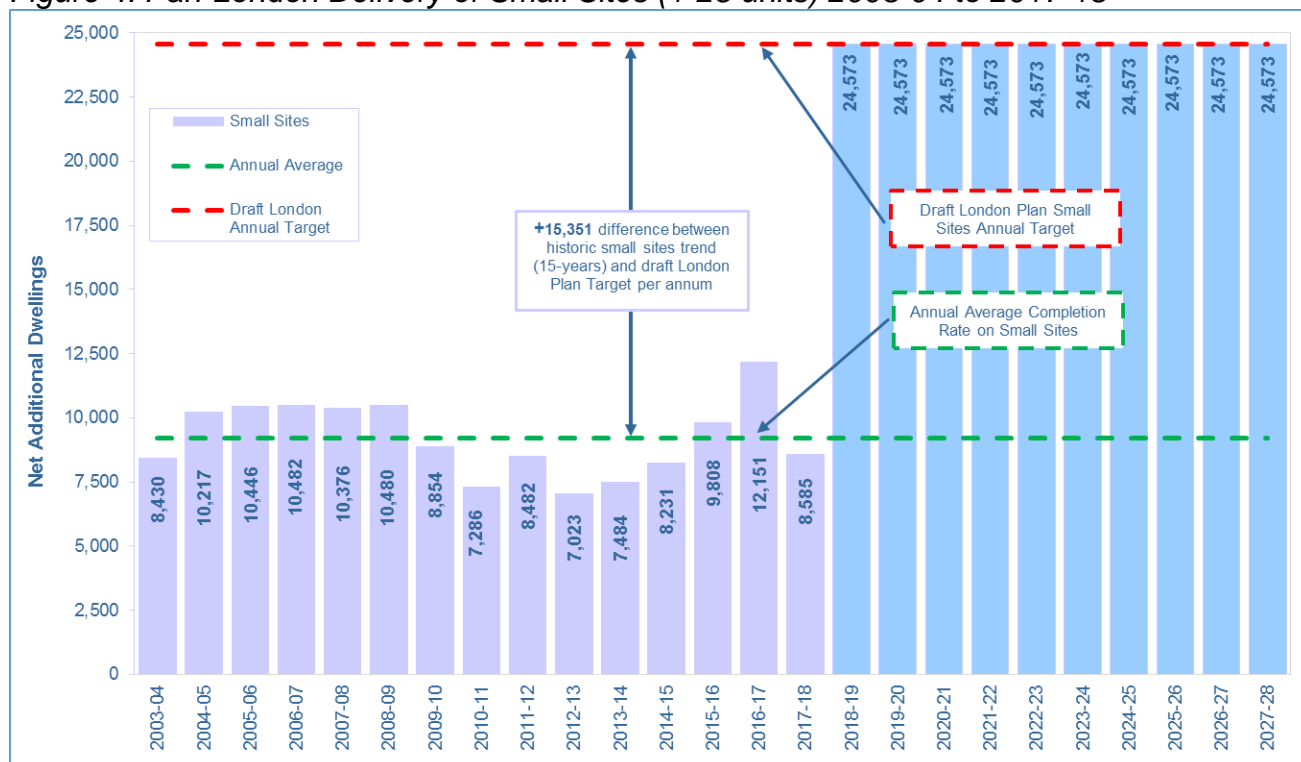
Figure 3: Average Annual Delivery (all sites) compared to Draft London Plan Targets



Source: Partner Boroughs Authority Monitoring Reports

- 1.21** Historic pan-London delivery shows a similar gulf between historic small site completions and the small sites target (see Figure 4). Between 2003-04 and 2017-18 an average of 9,222 net dpa was delivered on schemes of 1-25 units across London. This is an annual shortfall of 15,351 net dpa (or 40%) against the pan-London small sites target of 24,573 net dpa.

Figure 4: Pan-London Delivery of Small Sites (1-25 units) 2003-04 to 2017-18

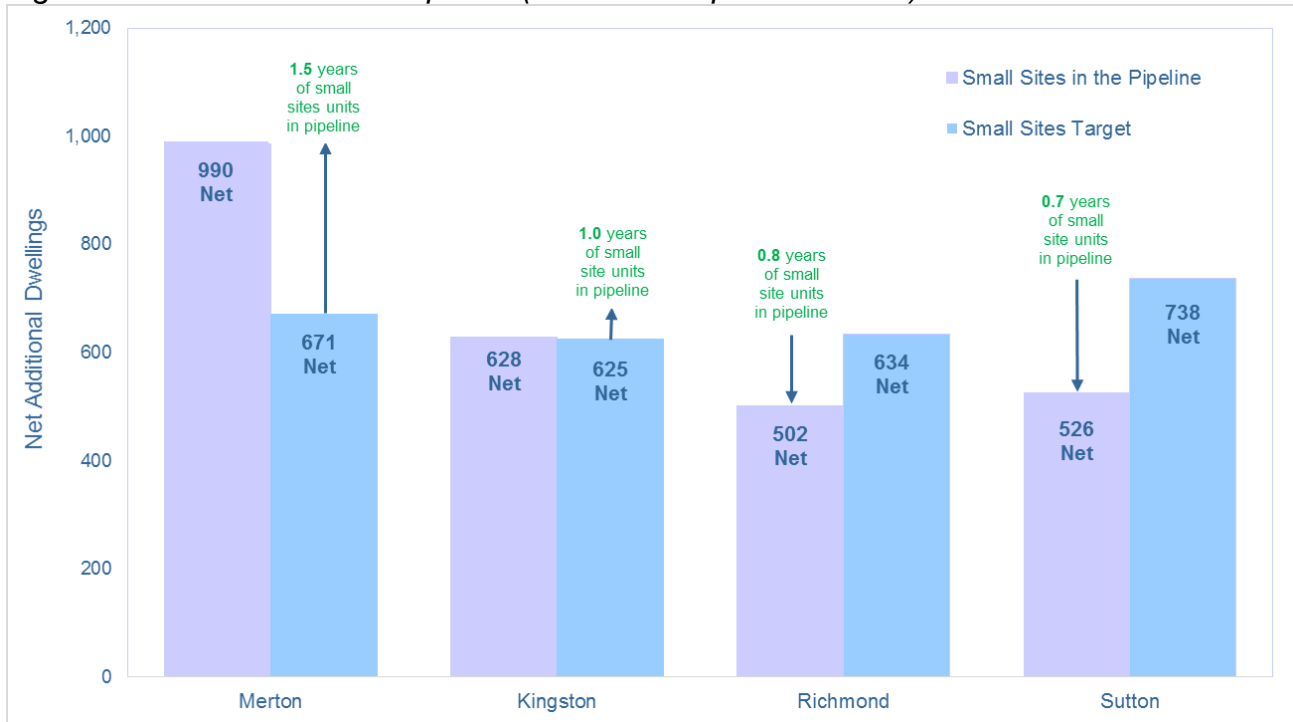


Source: London Development Database, October 2018

Policy Incentives to Develop Small Sites

- 1.22** The Partner Boroughs do not consider it is realistic for London to achieve such a large step change in housing delivery to meet the small site targets and Policy H2 does not assist in achieving this. Policy H2 includes measures such as allocating small sites in development plans, listing sites on brownfield land registers, creating local development orders and granting permission in principle. However, these are existing tools which are already available to local authorities so there are no new mechanisms to increase delivery.
- 1.23** Furthermore, Policy H2(B)(2) advocates “area-wide design codes” but codes will reinforce the status quo if they are to properly reflect the local character of suburban settings. Simply removing policy mechanisms through a “presumption”, to create a permissive policy that strips away the requirements contained within effective and justified borough level policies that have been developed based on local evidence and local community consultation to respond to local circumstances, is not a positive approach to planning.
- 1.24** If there are no policy incentives to increase small site delivery, then the existing pipeline should be considered to see how this could be achieved. Pipeline data for the Partner Boroughs (See Figure 5 below) shows very few small sites have planning permission; as of the 30th September 2018 Merton had 1.5 years of small site supply, against the draft London Plan target, whereas Sutton only has 0.7 years’ worth of small sites supply. This underlines how unrealistic it is to expect small site targets to be met.

Figure 5: Small Sites in the Pipeline (as of 30th September 2018)



Source: London Development Database, Oct 2018

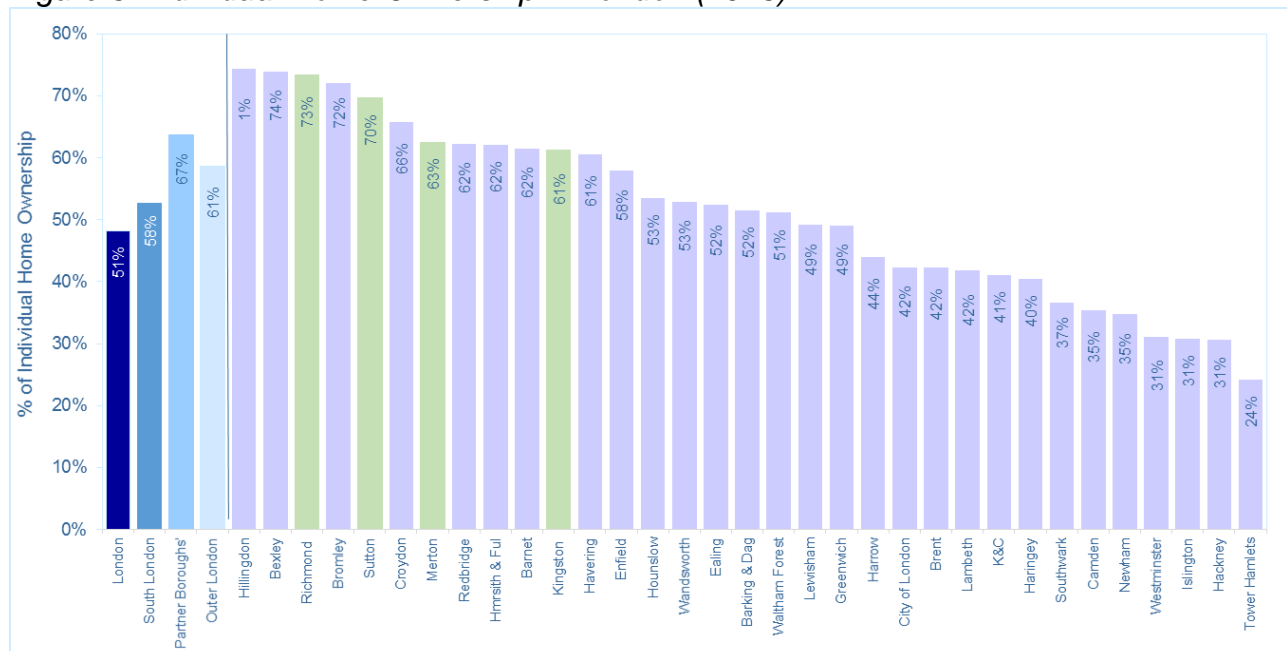
Local Planning Considerations

- 1.25** The Partner Boroughs consider that the implementation of Policy H2 relies heavily on the enthusiasm of borough residents to allow their homes, or the curtilage of their homes, to become development sites. Whilst this already occurs in outer London, to a certain extent, and contributes towards housing supply, it is not realistic to expect it to materialise at the rates envisaged by Policy H2. The London Plan provides no evidence that outer London homeowners have an appetite for or will be motivated to become small housing developers and that they will deliver the increase in small site completions that is expected by the Mayor. There is also no evidence provided to demonstrate how this has been factored into the modelling. This is why national guidance requires local planning authorities to discuss sites with landowners so they can be confident that sites will be delivered, and that small windfall sites should only be relied on where there is compelling evidence that such sites have consistently become available (based on historic delivery rates). It is too significant a risk to place such a reliance on private home owners to deliver the policies of the London Plan.
- 1.26** Indeed, small sites for residential development are often the most difficult type of residential development to deliver. Firstly, the small sites targets fail to recognise the fragmented land ownership that exists in outer London, where there are large numbers of owner occupiers in semi-detached and terraced homes. Site assembly is far more complicated than in inner London where larger former industrial sites are more common. The small sites policy fails to recognise this fundamental difference which exists in the Partner Boroughs. Secondly, small site planning applications in suburban areas routinely cause the highest levels of community objection and this will act as a significant deterrent to local residents redeveloping their homes in their local communities. The draft London Plan significantly underestimates how invested local residents are in their local communities, the level of opposition there will be to

the urbanisation of the suburbs and, as result, the small number of homeowners that will allow their homes to be redeveloped.

- 1.27** The Partner Boroughs have some the highest levels of individual home ownership in London, with all four boroughs falling within the top 10 for London (Sutton is as high as 4th) and above the outer London average, South London average and London-wide average (Sutton has the 2nd highest number of homes owned with a mortgage in London and Richmond's home ownership rate is 69% [Annual Population Survey 2014]). This is shown in Figure 6 below. This will be a significant barrier to number of home owners who bring forward their homes for redevelopment purposes as they are far less likely to demolish and redevelop their own home, or add a storey or extension to an existing home, to achieve an increase in unit numbers. The Partner Boroughs do not consider it realistic to expect enough home owners to demolish their houses to allow for higher density flats or to add additional storeys or extensions to allow for additional self-contained accommodation.
- 1.28** Perversely the approach could also drive up the price of family homes as the market value will be re-assessed as the value of a development site with a "presumption in favour" of high density flatted development. Table 5 below already shows that, in the last 12 months, the value of houses has increased across the Partner Boroughs, on the type of sites that Policy H2 targets, whereas the value of flats is decreasing. If this trend continues it is likely that fewer houses will become available, or viable, for small site development. No assessment of this impact has been made in the modelling and no assessment of the impact on affordability has been made in the Integrated Impact Assessment (NLP/CD/04).

Figure 6: Individual Home Ownership in London (2016)



Source: <https://data.london.gov.uk/dataset/housing-tenure-borough>

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Table 5: Percentage Change in Value by Property Type Oct 2017-Sept 2018

Property	Merton	Richmond	Sutton	Kingston
Detached	+4.0	+5.3	+2.6	+3.4
Semi-Detached	+2.8	+4.6	+1.7	+3.0
Terraced	+2.5	+4.8	+1.5	+2.9
Flats/Maisonettes	-0.7	+1.1	-1.7	-0.2
ALL TYPES	+1.2	+3.2	+0.2	+1.7

Source: Land Registry, October 2018

Local Character and Amenity

- 1.29** The Partner Boroughs consider that the implementation of Policy H2 will be difficult to achieve without having a detrimental impact on the character of local areas and without causing unacceptable harm to residential amenity. Even if the land did exist to deliver the small sites target, the uplift in delivery would be significantly outweighed by the harm caused to the character of local neighbourhoods. This is discussed in more detail in response to question c).

Conclusion

- 1.30** The small site targets are not based on an assessment of available land but on notional capacities, calculated using a flawed model, which are significantly higher than historic delivery. There is no evidence that these targets can be delivered, but there is plenty of evidence that shows they will not. In summary it is not realistic to expect the small sites target to be achieved because:
- The historic delivery rates indicate significantly lower levels of small site delivery will be achieved than the notional small sites target envisages;
 - Policy H2 will not assist in achieving such a large step change in delivery as it contains no new policy mechanisms or incentives
 - There are insufficient sites in the pipeline to achieve the target in the short-term to medium term;
 - It overestimates the willingness of local communities and home owners to allow their homes to become development sites, which will be a significant barrier;
 - It will have a detrimental impact on local character that would outweigh the increased delivery.
- 1.31** Therefore the Partner Boroughs consider the targets are not justified, as the approach is not the best strategy, and it will not be effective, as the targets cannot be delivered.

c)

Has adequate consideration been given to the cumulative impact of this policy on, amongst other things, infrastructure, affordable housing provision and the character of some neighbourhoods as referred to in paragraph 4.2.5?

- 1.32** The Partner Boroughs do not consider adequate consideration has been given to the cumulative impact on infrastructure, affordable housing provision and local

neighbourhood character. Therefore, Policy H2 is neither justified nor effective and therefore unsound.

Infrastructure

- 1.33** The Partner Boroughs have significant concerns about the cumulative impact of small sites development on infrastructure, particularly social infrastructure and public transport.

Social Infrastructure

- 1.34** Firstly, the small sites target alone is significantly higher than the Partner Boroughs current overall housing target (see Table 6). The cumulative impact of developing small sites to capacities that are higher than current housing targets will be substantial, particularly for land intensive social infrastructure such as schools, and to a lesser extent, health facilities. This is not adequately addressed by the draft London Plan which creates a significant risk that social infrastructure will have to be located on protected open spaces, as it is not provided by the market and it is the only type of land that is readily available to local authorities. For example, in Sutton recent school expansion has been accommodated through on-site intensification, but this has now been exhausted. The Sutton Local Plan (adopted Feb 2018) had to allocate Metropolitan Open Land (MOL) for education provision as there were no further brownfield sites available. Richmond is also exploring this option to meet its statutory duties in relation to providing school places. This is not a problem unique to the Partner Boroughs and any additional schools that are required are likely to be delivered on protected open space such as MOL. This could have a negative impact on access to sport, recreation and leisure opportunities associated with open space.

Table 6: Adopted London Plan Targets compared to draft Small Sites Targets

Borough	Adopted London Plan Target	Draft Small Sites Target	Draft Overall Borough Target
Merton	411	671 (+260)	1,328 (+917)
Kingston	643	625 (-18)	1,364 (+721)
Richmond	315	634 (+319)	811 (+469)
Sutton	363	738 (+375)	939 (+576)
Total	1,732	2,668 (+2,650)	4,442 (+1,774)

Source: London Plan(s)

Public Transport

- 1.35** The significant uplift in expected small site delivery is not supported by an equivalent commitment to improved public transport provision. For example, draft London Plan Policy SD1² identifies a new “tram-triangle” which includes a link to Sutton town centre. However, this is not a committed/fully funded infrastructure project, so cannot be relied on at present to serve such an uplift in housing delivery. This is of particular concern given that the Sutton Local Plan evidence base was clear that a major public transport invention is required to exceed the housing growth that is set out in that plan (427 dpa). Similarly the draft London Plan places a huge reliance on the delivery of Crossrail 2, which would potentially serve Merton, Kingston and Richmond, but

² Draft London Plan Figure 2.12

again this is not fully committed or funded. The draft London Plan commits the Partner Boroughs to a large small sites target but does not offer a commensurate commitment to essential public transport interventions, such as increased frequency of service that would be required to support it. In addition the focus on small sites is unlikely to deliver the modal shifts required to meet the targets in the Mayor's Transport Strategy, particularly as development will take place in areas with poor PTALs (as discussed in paragraph 1.11 to 1.13 of this statement).

Spatial Distribution and Funding of Future Housing Development

- 1.36** As small sites make up a significant proportion of the borough housing targets (79% of the borough target in Sutton and 78% in Richmond) the location of housing delivery will be largely unknown. This is particularly problematic when it comes to locating infrastructure closest to where the need arises. It is not realistic to expect boroughs to be able to plan and provide sufficient infrastructure when the majority of housing growth (over 60% across the Partner Boroughs) is expected to occur on windfall sites.
- 1.37** In addition small sites rarely draw an infrastructure contribution, either through S106 or CIL, to help support the delivery of homes. Indeed it is clear from central government advice that seeking planning obligations from small sites is not supported³, including affordable housing contributions (although Richmond has a policy, justified by local evidence, in its adopted Local Plan on affordable housing contributions from small sites). A significant number of small site developments would be delivered through the conversion of existing residential properties, which would not be CIL liable if vacancy tests are applied. In short, the small site target is simply not support with adequate contributions to infrastructure provision.
- 1.38** The Partner Boroughs consider that without the Mayor taking a more strategic approach to accommodating London's housing needs across the wider South East, allowing London to grow out, pressure on locating supporting infrastructure, particular those that requirement significant land-take, on designated open spaces will only increase.

Affordable Housing

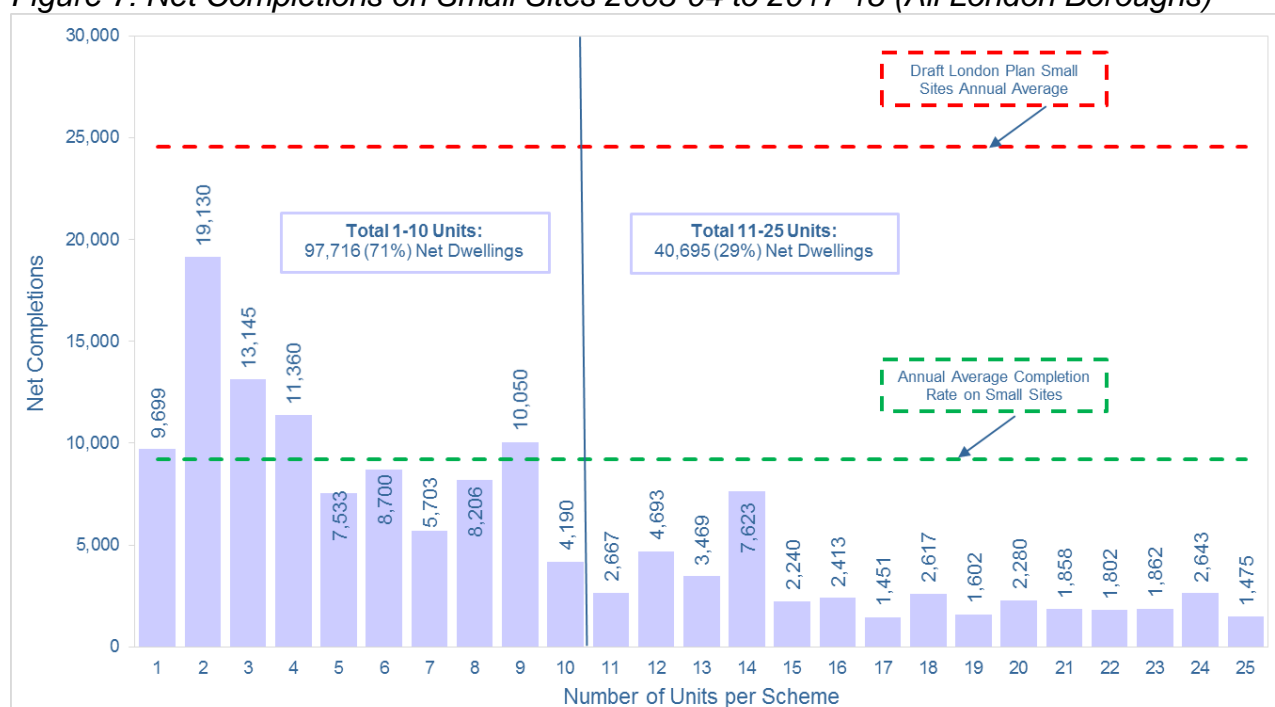
- 1.39** The Partner Boroughs consider that Policy H2 is weak in respect of securing contributions towards affordable housing supply on sites with 10 or fewer units. The result of this will be a significant reduction in affordable housing delivery. As such the policy is not effective and is not sound.
- 1.40** The minor changes to Policy H2 require the threshold approach to applications to be applied to small sites which are major developments (11 or more units). It goes on to say that boroughs wishing to apply affordable housing requirements to minor developments sites capable of delivering ten units or fewer, and which have a maximum combined gross floor space of no more than 1,000 sqm, should only require this through a tariff approach to off-site contributions rather than seeking on-site contributions. Policy H5 states (in footnote 41C) that boroughs may also require affordable housing contributions from minor housing development. Given that the majority of housing supply in the Partner Boroughs is directed to small sites it is

³ Ministerial Statement (28th November 2014)

expected that affordable housing delivery across the four Boroughs will be significantly below the Mayor's 50% target.

- 1.41** The historic delivery rates of affordable housing reinforces these concerns. Figure 7 below shows between 2003-04 and 2017-18, for schemes of 1-25 units, 71% of net additional dwellings were delivered on schemes of 10 units or fewer across London. Whilst some Partner Boroughs support affordable housing contributions on minor development sites, the Government is clear that it should not be sought (Ministerial Statement 28th November 2014) and this now forms part of the new NPPF (paragraph 63). Given that the draft London Plan does not contain a policy that requires affordable housing delivery on non-major developments, and the majority of historic small site delivery were minor developments, there is a risk that the majority of small housing developments will escape any contribution towards affordable housing.

Figure 7: Net Completions on Small Sites 2003-04 to 2017-18 (All London Boroughs)



Source: London Development Database, October 2018

- 1.42** Table 7 shows that only 15% (20,864) of net units completed on small sites between 2003-04 and 2017-18 were affordable. The majority of this affordable housing was delivered on 100% affordable sites (19,057 units or 91%) with only 9% coming on mixed tenure / private sites. The London Plan expects the delivery of 24,573 dpa on small sites, which, at a rate of 35% affordable housing, should deliver 8,600 affordable dpa. It is not realistic to expect London to deliver 8,600 affordable dpa when only 20,864 affordable units were delivered over a 15 year period (2003-04 to 2017-18), which equates to less than 1,400 dpa⁴.

⁴ See Annex 2, Figure A.2 for full breakdown.

Table 7: Affordable Completions on Small Sites 2003-04 to 2017-18 (All London)

Scheme Size	Total Net Units	Affordable Units	% Affordable
Schemes 1-10 units	97,716 (71%)	7,353	8%
Schemes 11-25 units	40,695 (29%)	13,511	33%
Total	138,411	20,864	15%

Source: London Development Database (Completions data 2003-04 to 2017-18)

- 1.43** This is particularly problematic for those boroughs in London that have a local plan policy that requires affordable housing contributions on minor development sites (it should be noted that Richmond has such a policy in its adopted Local Plan). Most recently Sutton proposed such a policy in its draft Local Plan (in 2017) but the Inspector concluded that it was inconsistent with national policy and had not been justified by local circumstances. The policies of the London Plan are not considered strong enough to secure affordable housing provision on minor development sites in the absence of a local policy, so a significant proportion of small site developments will not trigger a contribution. It is considered that the high proportion of housing completions expected on small sites justifies a far stronger policy position on affordable housing in the London Plan.

Neighbourhood Character

- 1.44** The Partner Boroughs consider that the cumulative impact of Policy H2, particularly the 'presumption in favour of small housing developments' will have a detrimental effect on the character of local areas and will cause unacceptable harm to residential amenity.
- 1.45** Firstly, the Partner Boroughs note the wording of Policy H2 (E), which states that *"the presumption in favour of small housing developments means approving all small housing developments unless it can be demonstrated that the development would give rise to an unacceptable level of harm that outweighs the benefits of additional housing provision"*. This is a concern on two counts. Firstly the wording implies that harming local character will be considered acceptable, to a certain point, to achieve the policy aim. This could lead to poorer quality designs of small housing developments that are considered damaging, but just not to an unacceptable level. Secondly the wording does not take into account the cumulative impact of small housing developments. For example, small site schemes may not be unacceptably harmful in their own right but the cumulative impact of small site developments may collectively cause unacceptable harm to local neighbourhoods.
- 1.46** Secondly, whilst the small site modelling takes into account conservation areas, albeit an unjustified 0.25% growth assumption, it fails to take into account other local areas of special character that are designated at a borough level. These important local designations would be undermined by Policy H2, which would harm locally distinctive places that do not benefit from conservation area status, but nonetheless contribute to the unique character of particular places. For example, some Areas of Special Local Character (ASLCs) in Sutton are characterised by detached properties with large rear gardens and the majority fall within the catchment for applying the

‘presumption’. In Kingston, Local Areas of Special Character (LASC) recognise particularly good examples of environmental interest or importance and/or historical interest and importance. Development in these areas has to show that any environmental change has a positive impact on the LASC. Policy H2 would apply a presumption in favour of developing to densities that would be alien to these neighbourhoods.

- 1.47** Finally, the London Plan states the “local character evolves over time”. Whilst this is true, it is also true that this evolution is not always good and does not always result in an improvement to the character of an area. The Partner Boroughs consider that the evolution of local character that will be delivered by Policy H2 will be to the detriment of suburban London, creating poorly designed places that are out of context with their surroundings; delivering the wrong type of housing mix in the wrong places. Delivering huge volumes of small units, in suburban areas with low PTAL, is not a sustainable approach for outer London.
- 1.48** Given the impact that small site delivery would have on suburban areas it is the view of the Partner Boroughs that Policy H2 is not consistent with NPPF paragraph 58, which requires boroughs to “respond to local character and history” and “reflect the identity of local surroundings”.

Conclusion

- 1.49** The Partner Boroughs conclude that inadequate consideration has been given to the cumulative impact of small site development. Therefore Policy H2 is:
- not justified because it does not support the correct levels of infrastructure to facilitate small site development.
 - not effective because large proportions of housing delivery will not trigger an affordable housing contribution.
 - not consistent with national policy in responding to local character and surroundings.

d)

Is the policy support for infill development within the curtilage of a house consistent with national policy in paragraph 53 of the NPPF which refers to resisting inappropriate development of residential gardens?

- 1.50** The Partner Boroughs do not consider that a presumption in favour of infill development within the curtilage of a house is consistent with national policy. As such, Policy H2 is not sound.
- 1.51** Historically, large parts of outer London have been laid out in rectangular street blocks with housing fronting onto roads enclosing rear gardens. Many areas of back garden land have matured and developed as important amenity areas for residents, which also contribute to the overall character and appearance of the local areas. Back gardens also contribute to the biodiversity of London, provide safe and secure play space, have physical and mental health benefits and mitigate against the effects of climate change. Furthermore, certain areas were laid out with back garden so parks were deliberately not provided as they were not necessary. In Richmond for example, larger areas and blocks of back garden land have been designated as

‘Other Open Land of Townscape Importance’ as they can act as pockets of greenery and are often valued by residents as open spaces and green oases in built up and higher density areas.

- 1.52** The NPPF approach to development on residential gardens is clear, stating that boroughs should consider the case for setting out policies to resist the inappropriate development of residential gardens, particularly where it harms local character (paragraph 53). It also makes it clear that any windfall sites contributing towards housing delivery should exclude residential gardens (paragraph 48). Indeed, the Partner Boroughs all have policies within their respective development plans that ensure inappropriate back garden land development is resisted. However, Policy H2 will supersede locally developed borough policies, which strike the right balance between protecting the character of areas whilst allowing for appropriate garden land development, in favour of a “presumption”. It is more effective for boroughs to retain control over garden land development instead of a blanket presumption in favour of developing such land and risk losing all the benefits that they offer. The introduction of footnote 37C, to limit any new buildings to 50% of the total area of the curtilage, is noted but it is still insufficient to alleviate the Partner Boroughs’ concerns and does not override the inconsistency with paragraph 48 and 52 of the NPPF.
- 1.53** In areas where open space is available, as paragraph 1.32 explains, that open space may be required for infrastructure provision. Therefore residents’ access to open space may be doubly impacted. This places a greater importance on the retention of garden land across the four boroughs.
- 1.54** Finally, paragraph 8.1.3 of draft London Plan highlights the Mayor’s commitment to making more than half of London green by 2050 and paragraph 8.7.2 states that London should increase tree canopy cover by 10 per cent by 2050. In addition Policy H2 (HB) states that “*minor developments should achieve no net loss of overall green cover and major developments should contribute towards urban greening in line with Policy G5*”. Whilst these are worthy aspirations it is difficult to see how this can be achieved when there is a presumption in favour of more intensively developing land that already contributes towards London’s green infrastructure.
- 1.55** In conclusion the Partner Boroughs consider that infill development within the curtilage of a house should be deleted as a source of small site development to enable the Mayor’s green cover policies and aspirations for trees in the draft London Plan to be achieved and to ensure consistency with national policy.

e)

Will the provisions of Policy H2 provide an effective strategic context for the preparation of local plans and neighbourhood plans?

- 1.56** The Partner Boroughs do not consider that the small sites approach will provide an effective strategic context for the preparation of development plans at local level. The concerns with Policy H2 in this respect have largely been addressed in other parts of this statement, but are summarised below:
- Asking boroughs to plan for housing growth when up to 79% of supply is to be delivered in unknown locations will not provide an effective strategic context for

preparing local plans. It will also make it difficult to locate infrastructure close to where need arises. It is also impractical to allocate sufficient sites in a 15-year local plan to meet the small sites target. For example, assuming all allocations were for 25 units it would require around 400 allocations as a minimum to deliver the target (not taking into account additional large site allocations) – Table 8 illustrates the number of allocations that would be required by each Partner Borough.

- It is not consistent with national policy or current adopted borough level plans in respect of the small sites modelling, garden land development and affordable housing.
- Boroughs cannot plan properly for housing growth when it has no confidence in the calculation behind the targets.

Table 8: Number of Site Allocations Required to Meet Small Sites Target

Borough	Small Sites Target	Small Sites Target over a 15-Year Development Plan	Number of Site Allocations Required to meet Small Sites Target (25 unit schemes)
Merton	671	10,065	403
Kingston	643	10,095	404
Richmond	634	9,510	380
Sutton	738	11,070	443
Total	2,686	40,740	1,630

f)

Based on the historic delivery from sites below 0.25 hectares (whether allocated or windfalls) how will the Plan's expectations for delivery be achieved?

- 1.57** The Partner Boroughs consider its views on historic delivery rates have been addressed in response to question a) to c) above. In summary, the small sites delivery will not be achieved because:
- It is divorced from historic delivery rates to such an extent it is beyond even a permissive, restriction free policy to achieve.
 - Notwithstanding the conflict with national policy, the loss of residential gardens will have a detrimental impact on local character and will have a disproportionate impact on those living in areas with poor access to public open space. It will also undermine other policy aspirations of the London Plan around urban greening, will cause a loss of trees and reduce biodiversity.
 - Sub-dividing family houses to flats will undermine the delivery of appropriate borough-level housing mix, where there is a significant demand for family housing. While the Minor Suggested Changes introduced paragraph 4.2.8B stating that boroughs could require the provision of family housing on sub-divided sites, this may then undermine the viability of small site development. Furthermore it will have a significant impact on the ability to provide sufficient car parking spaces, particularly in areas with poor PTAL ratings.

- The demolition of existing family homes for flatted development will destroy the character of some outer London areas, particularly those that do not benefit from conservation area status.
- There are insufficient small sites in the housing pipeline to meet the target. For example, if Sutton or Richmond delivered all its pipeline sites for schemes of 1-25 units it would still fall below the annual small sites target (see Table 6), whilst Merton and Kingston would only have sufficient supply to meet the target for a single year.

1.58 The small site targets are not based on robust evidence and are a substantial overestimation of capacity. Such a reliance on uncertain, unidentified windfall / small sites is contrary to the NPPF which requires “compelling evidence that such sites have consistently become available in the local area and will continue to provide a reliable source of supply” (paragraph 48). In order for any small site target to be delivered the draft London Plan needs to be realistic, having regard to the historic windfall delivery rates and expected future trends and should not include residential gardens.

h)

Are the provisions of Policy H2 H) relating to affordable housing requirements for minor developments justified, notwithstanding that they are inconsistent with national policy?

- 1.59** As discussed in response to question c) the Partner Boroughs have serious concerns with how affordable housing targets will be met under Policy H2 when such a significant proportion of expected supply may not trigger a contribution. Whilst it is recognised that affordable housing contributions for minor developments are inconsistent with national policy Merton, Sutton and Richmond consider that these schemes should make a contribution. Indeed Richmond’s Local Plan includes such a policy.
- 1.60** However, the Partner Boroughs are concerned that Part H of Policy H2 does not go far enough. It could leave a void in affordable housing delivery due to the historic trends of small sites coming forward as minor developments. As stated in paragraph 1.40, Sutton proposed such a policy but was unsuccessful at its EiP in September 2017. It is curious that the Mayor expects the Partner Boroughs to deliver the majority of housing on small sites, and meet ambitious affordable housing targets, but offers, at best, weak policy mechanisms to do so. The increase in expectations for small site delivery should justify a far stronger position on affordable housing contributions from small sites. Without a strengthened approach, affordable housing delivery, as a proportion of overall borough target, will be significantly reduced.
- 1.61** As such the Partner Boroughs do not consider the policy to be effective, and as a result it is not sound.

Annex 1

Figure A.1: Permissions Completed between 2015-16 and 2017-18

Planning Authority	Number of Permissions				Percentage of Permissions		
	1-9 Dwellings	10-25 Dwellings	26+ Dwellings	Total	1-9 Dwellings	10-25 Dwellings	26+ Dwellings
Barking and Dagenham	58	2	5	65	89%	3%	8%
Barnet	505	15	8	528	96%	3%	2%
Bexley	177	6	3	186	95%	3%	2%
Brent	373	14	5	392	95%	4%	1%
Bromley	365	13	7	385	95%	3%	2%
Camden	404	32	11	447	90%	7%	2%
City of London	18	2	2	22	82%	9%	9%
Croydon	731	34	30	795	92%	4%	4%
Ealing	584	23	10	617	95%	4%	2%
Enfield	321	18	4	343	94%	5%	1%
Greenwich	184	9	9	202	91%	4%	4%
Hackney	521	21	11	553	94%	4%	2%
Hammersmith and Fulham	609	21	10	640	95%	3%	2%
Haringey	517	15	4	536	96%	3%	1%
Harrow	259	12	13	284	91%	4%	5%
Havering	219	7	3	229	96%	3%	1%
Hillingdon	199	17	7	223	89%	8%	3%
Hounslow	117	16	7	140	84%	11%	5%
Islington	289	16	11	316	91%	5%	3%
Kensington and Chelsea	310	15	4	329	94%	5%	1%
Kingston upon Thames	219	15	3	237	92%	6%	1%
Lambeth	441	19	15	475	93%	4%	3%
Lewisham	337	8	10	355	95%	2%	3%
London Legacy DC	12	1	1	14	86%	7%	7%
Merton	336	15	8	359	94%	4%	2%
Newham	326	7	8	341	96%	2%	2%
Redbridge	243	12	3	258	94%	5%	1%
Richmond upon Thames	429	16	3	448	96%	4%	1%
Southwark	332	10	13	355	94%	3%	4%
Sutton	259	17	5	281	92%	6%	2%
Tower Hamlets	224	16	19	259	86%	6%	7%
Waltham Forest	391	13	6	410	95%	3%	1%
Wandsworth	644	15	8	667	97%	2%	1%
Westminster	494	42	11	547	90%	8%	2%
London Total	11,447	514	277	12,238	94%	4%	2%

Source: Planning permissions on the London Development Database (LDD)

Annex 2

Figure A.2: Average PTAL Ratings and Public Transport Options by Borough

Borough	Average Public Transport Accessibility Score	Average PTAL Score	Under-ground	Over-ground	Crossrail	Crossrail 2	Tram
City of London	7.9	6b	✓	X	✓	X	X
Westminster	6.5	6a	✓	X	✓	✓	X
Kensington & Chelsea	5.8	5	✓	✓	X	✓	X
Camden	5.7	5	✓	✓	X	✓	X
Islington	5.7	6a	✓	✓	✓	✓	X
Lambeth	5	5	✓	✓	X	X	X
Tower Hamlets	5	4	✓	✓	✓	X	X
Hackney	4.9	4	✓	✓	X	✓	X
Southwark	4.9	5	✓	✓	X	X	X
Hammersmith & Ful	4.7	4	✓	✓	X	X	X
Haringey	4.3	3	✓	✓	X	✓	X
Wandsworth	4.3	3	✓	✓	X	✓	X
Lewisham	4.1	3	X	✓	X	X	X
Newham	3.9	3	✓	✓	✓	X	X
Brent	3.7	2	✓	✓	X	X	X
Waltham Forest	3.6	2	✓	✓	X	X	X
Greenwich	3.4	2	✓	X	✓	X	X
Merton	3.4	2	✓	X	X	✓	✓
Ealing	3.3	2	✓	✓	✓	X	X
Croydon	3.2	2	X	✓	X	X	✓
Richmond	3.1	1b	✓	✓	X	✓	X
Barking & Dagenham	3	2	✓	✓	X	X	X
Barnet	3	2	✓	X	X	✓	X
Enfield	3	1b	✓	✓	X	✓	X
Hounslow	3	2	✓	✓	X	X	X
Redbridge	3	2	✓	X	✓	X	X
Harrow	2.9	2	✓	✓	X	X	X
Kingston	2.9	2	X	X	X	✓	X
Sutton	2.9	2	X	X	X	X	✓
Bromley	2.8	1b	X	✓	X	X	✓
Bexley	2.6	1b	X	X	✓	X	X
Havering	2.5	1b	✓	✓	✓	X	X
Hillingdon	2.4	1b	✓	X	✓	X	X

Source: London Datastore Intelligence Atlas, 2014

Annex 3

Figure A.3: Pan-London Small Site Completions 2003-04 to 2017-18

Scheme Size (Units)	Net Units Completed	Annual Average	Draft London Plan Small Site Target	Affordable Completions
1	9,699	9,227	24,573	412
2	19,130	9,227	24,573	747
3	13,145	9,227	24,573	675
4	11,360	9,227	24,573	702
5	7,533	9,227	24,573	558
6	8,700	9,227	24,573	919
7	5,703	9,227	24,573	642
8	8,206	9,227	24,573	958
9	10,050	9,227	24,573	876
10	4,190	9,227	24,573	864
Sub-Total	97,716	9,227	24,573	7,353
11	2,667	9,227	24,573	371
12	4,693	9,227	24,573	1,014
13	3,469	9,227	24,573	729
14	7,623	9,227	24,573	1,316
15	2,240	9,227	24,573	856
16	2,413	9,227	24,573	1,036
17	1,451	9,227	24,573	693
18	2,617	9,227	24,573	941
19	1,602	9,227	24,573	621
20	2,280	9,227	24,573	1,174
21	1,858	9,227	24,573	1,050
22	1,802	9,227	24,573	1,014
23	1,862	9,227	24,573	1,035
24	2,643	9,227	24,573	989
25	1,475	9,227	24,573	672
Sub-Total	40,695	9,227	24,573	13,511
Total	138,411	9,227	24,573	20,864

Source: London Development Database (Completions data 2003-04 to 2017-18)