

## DRAFT NEW LONDON PLAN – EXAMINATION IN PUBLIC

### Written Representation Contribution

Respondent Number	2200
Organisation	Monks Orchard Residents' Association
Contact name	Derek Ritson
Email	<a href="mailto:planning@mo-ra.co">planning@mo-ra.co</a>
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Hearing	M36 - Housing Quality and Standards Tuesday 5 <sup>th</sup> March

#### ***Housing Quality and Standards***

**M36.** Would Policy D4 provide a justified and effective strategic framework for delivering quality housing? In particular:

- a) Would Policy D4 focus on matters of **strategic relevance**? In this respect, would it provide appropriate **flexibility** in relation to **housing standards** in light of the planned amount of **quality housing** and local circumstances? (**outdoor space, internal space, balconies, single aspect**) **Would it effectively address matters of daylight and sunlight?**
- b) In this respect, would it provide an effective and justified strategic framework for the **preparation of local plans** and **neighbourhood plans** in relation to this matter?
- c) Would it accord with national policy particularly in light of the **Nationally Described Space Standards**?

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a) **Would Policy D4 focus on matters of strategic relevance? In this respect, would it provide appropriate flexibility in relation to housing standards in light of the planned amount of quality housing and local circumstances? (outdoor space, internal space, balconies, single aspect) Would it effectively address matters of daylight and sunlight?**

**Policy D4 Housing and Standards - Outdoor Private Open Space**  
**Table 3.2 Qualitative Design Aspects** to be addressed in housing developments

#### **Outside Space**

iv	<p><b>Communal open space</b> should:</p> <ul style="list-style-type: none"> <li>- Provide <b>sufficient</b> space to meet the requirements of the number of residents.</li> <li>- Be designed to be easily accessed from all related dwellings</li> <li>- Be located to be appreciated from the inside</li> <li>- Be designed to support an appropriate balance of informal social</li> </ul>
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|  | activity and play opportunities for various age groups<br>- Meet the changing and diverse needs of different occupiers. |
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The policy statement to:

- Provide “**sufficient**” space to meet the requirements of the number of residents ... **is inappropriate as it is not quantifiable and fails to meet the objective as required by NPPF (2018) par 16 d) which states:**

**16. Plans should:**

- d) contain policies that are **clearly written and unambiguous**, so it is evident how a decision maker should react to development proposals;

The requirement for outside space is definitely strategically relevant, as the requirement sets the character of a locality with respect to the amount of personal amenity space standard for Flats and HMO’s appropriate to high density developments for multiple occupants in the various localities.

This definition for communal open space for Flats and HMO’s is ambiguous in that the definition for “**sufficient**” space to meet the requirements of the number of residents is very vague and subjective, is undefined and does not provide adequate information for an applicant to react to meet the Policy.

“**Sufficient**” is a totally inappropriate description of a requirement as it is unquantifiable. The amount of Communal Open Space should be defined as a **specific minimum allocation per occupant** of a proposed development in terms of **square metres or hectares per occupant (m<sup>2</sup>/Occupant or ha/occupant)**. Alternatively, a measure based upon a minimal area per 100 bed-spaces or a minimal area per 1000 bed-spaces, which can then be calculated as a minimal area per person for each specific development proposal. Whichever parameter is specified, **the policy should be specific in its determination** such that applicants are aware of the minimum required policy parameter for communal open space appropriate for a development proposal as is the case for ‘Play Spaces’ for Children.

Balconies provide **private** open space but may have limited periods of sunlight due to the configuration of the development and shadows from other adjacent structures. The objective of “communal Open Space” is to provide residents of a development of multiple occupation, with an area for outside relaxation which is semi private in that it is not public open space but specifically for the enjoyment of the residents of the multiple dwellings of a development, as would be a garden and amenity space for the residents of a single dwelling.

In-fill within the curtilage of an existing dwelling by redevelopment in suburbia, resulting from demolition and replacement of small detached and semi-detached dwellings with Flats, results in **loss of significant garden land** as there is no specified requirement for **communal open space** appropriate for the number of residents of a block of flats. The footprint of a block of flats is greater normally than the footprint of the demolished dwelling(s) and a large portion of the remaining gardens (site) area is consumed by car parking provision for the increased residential density and very limited amount retained as **communal open space** or garden land for the pleasure of the new residents of the block of Flats.

Developers can always consider this remaining area as adequate **communal open space** for a re-development irrespective of the suitability or otherwise as there is no appropriate **minimum** area specified. If Planning officers were of the view that such remaining area was inadequate, they could not refuse an application on these grounds as the policy does provide a quantifiable minimum which would support a dismissal on appeal.

To ensure adequate communal open (garden) space is provided for new residents of a multiple occupancy development, or re-development, a **minimum allocation of Communal Open Space should be provided per occupant** resident in the new development for all multiple occupant residential developments or redevelopments.

The policy does not meet the (new) **NPPF para 16 d)** which states;

**16. Plans should:**

- a) be prepared with the objective of contributing to the achievement of **sustainable development**<sup>10</sup>;
- b) be prepared **positively**, in a way that is aspirational but **deliverable**;
- c) be shaped by early, proportionate and effective engagement between plan-makers and communities, local organisations, businesses, infrastructure providers and operators and statutory consultees;
- d) contain policies that are clearly written and unambiguous, so it is evident how a decision maker should react to development proposals;**
- e) be accessible through the use of **digital tools** to assist public involvement and policy presentation; and
- f) serve a **clear purpose**, avoiding unnecessary duplication of policies that apply to a particular area (including policies in this Framework, where relevant).

The word **“sufficient”** is indeterminate and subjective and does NOT therefore define the requirement. It is an abstract adjective which does not allow a decision to be substantiated or supported which could withstand a challenge and thus is not deliverable. **“Sufficient”** has no meaningful definition which could withstand a challenge and does NOT meet the objectives of **NPPF Para 35:**

Without a clarification of a stated minimum requirement, developers could provide a small amount of Communal Open Space which they could define as **“sufficient”** in area in order to make the most profit from a limited site area. The requirement for communal open space is to replace lack of private open garden space for multiple dwelling residents for outside relaxation in periods of clement weather and to afford residents periods in sunlight and fresh air.

Therefore, the policy is not **sound** as defined by NPPF (2012) para 35 and NPPF (2018) para 182 as:

- The policy is **Not Positively prepared** – as the requirement has no meaningful definition for applicants to be confident of an approval.
- The Policy is **Not Justified** – taking into account the reasonable alternatives, including a minimum spatial allocation per resident based on proportionate evidence;

- The policy is **Not Effective** – as the policy is **not deliverable** being not based upon a quantifiable appropriate amount of space required for the occupancy of a development; and
- The policy is **NOT Consistent with national policy** – as it does not meet the objectives of **NPPF (2018) para 16 d)**. to be “clearly written and unambiguous”.

**b) In this respect, would it provide an effective and justified strategic framework for the preparation of local plans and neighbourhood plans in relation to this matter?**

Borough Planning professionals should be able to define the requirement more precisely in their local Development and neighbourhood Plans appropriate for their “places” but an overarching minimum requirement per resident in **sq.m. or hectares per occupant** should be provided in the London Plan to ensure a minimum allocation is defined.

**Local Planning Authorities** should justify any deviation from the London Plan overarching requirement for **Communal Open Space** allocation if they do not meet the minimum stated London Plan requirement in their Local Development or neighbourhood Plans.

Therefore, the policy is not sound as defined by NPPF (2012) para 35 and NPPF (2018) para 182 as:

- The Policy is not **Positively prepared** – as the Policy D6 does not require LPAs to precisely define an allocation for Communal Open Space for residents of multiple occupancy development appropriate for the localities.
- The Policy is not **Justified** – as there are alternative methodologies to ascertain the appropriateness of allocation of “communal Open Space”.
- The Policy is not **Consistent with national policy** – as the policy is not clearly defined as required by NPPF (2018) para 16 d).

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**c) Would it accord with national policy particularly in light of the Nationally Described Space Standards?**

**NPPF (2018) at Para 8 & 9 states:**

**8.** Achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives):

- a) a social objective** – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and **open spaces** that **reflect current and future needs** and support communities’ health, social and cultural well-being; and ...

**9.** These objectives should be **delivered through the preparation and implementation of plans and the application of the policies in this Framework**; they are not criteria against which every decision can or should be judged. Planning policies and decisions should play an active role in guiding development towards **sustainable solutions**, but in doing so should take local circumstances into account, to reflect the **character, needs and opportunities** of each area.

Therefore, the policy is not sound as defined by **NPPF (2012) para 35** and **NPPF (2018) para 182** as:

- The Policy is not **Consistent with national policy** – as the policy is not clearly defined or meets the requirements called for in **NPPF (2018) at paras 8, 9 and 16 d**).
- The Policy is **Not deliverable** as the Policy is **Not quantifiable**.

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