

Statement on behalf of the London Legacy Development Corporation (9th February 2015)

Examination - London Legacy Development Corporation Local Plan 2015 to 2031

Inspector's Matters, Issues and Questions

Matter 3: Housing

Issues: Whether the Local Plan, notably section 5, is consistent with the National Planning Policy Framework's aims to boost significantly the supply of housing and deliver a choice of high quality homes to meet the needs of different population groups; whether the Local Plan is in general conformity with the London Plan and Draft Further Alterations to it.

Questions:

Housing Numbers

- 1. Bearing in mind the recent Inspector's report following the Further Alterations to the London Plan (FALP) examination (see paragraphs 31-35 of that report), is there any case for the LLDC to have carried out its own strategic housing market assessment and calculated its own objectively assessed need for housing?**

The Housing Position Statement [LD/28] sets out how the Legacy Corporation has assessed housing requirements. The FALP Inspector's report [M/13] clearly indicates that it is not a requirement for each local planning authority to assess its own housing needs. LD/28 also sets out how this assessment would be difficult to achieve in practice for the area.

- 2. The Housing Position Statement LD/28, and Background Paper TBP/04, contain much useful information. Should the Local Plan include more detail about the derivation of numbers, perhaps explaining how its target relates to the needs and requirements of the Boroughs which make up the LLDC area?**

While further detail from LD/28 and TBP/4 could be included within the Local Plan; this has not been included to date due to the scale and pace of development taking place within the area which would become out of date very quickly.

- 3. Some representors refer to a loss of homes to accommodate the Olympic & Paralympic Games facilities. Is there a case for a boost in the FALP housing numbers because of the area's recent history? Or does the need to avoid the loss of employment land and secure balanced, sustainable development maximising the legacy of the Games count against this suggested approach?**

Part A of the Housing Position Statement [LD/28] sets out how the housing target is appropriate for the area. It sets out how the target is capacity-based, using GLA standard methodology, and boosting the target further would result in upsetting the balance between competing uses within the area, and hinder the

organisation's regeneration aims (see paragraphs 1.18 to 1.24 of LD/28). Nonetheless, the Statement also sets out how the Legacy Corporation will contribute towards the 7,000 per annum shortfall in housing provision across London by maximising delivery on a site-by-site basis subject to the other policies of the Local Plan.

Although around 450 homes were lost through the development associated with the 2012 Olympic and Paralympic Games, many were vacant and in poor condition, therefore the amount of quality housing development taking place within the area will more than compensate for this loss. The Local Plan is a forward-looking document, planning for the future development of the area to 2031, so it is not considered appropriate to dwell on historical matters.

4. **Paragraph 5.1 and Objective 2 of the Local Plan refer to building “about” or “approximately” 24,000 new homes by 2031. The table of minor amendments and corrections, LD/26, indicates a change in Objective 1 to refer to “more than 24,000”. Presumably a change to Objective 2 is intended? Would this make the plan appropriately more positive, and consistent with the text in paragraph 5.3?**

A change to Objective 2 is intended within LD/26 which was incorrectly shown as Objective 1. This change is therefore more positive and consistent with the aims of paragraph 5.3, demonstrating how the 24,000 figure is expected to be met and exceeded.

5. **Is there sufficient consistency and clarity in the figures for new housing provision over the plan period? Policy SP.2 seeks to deliver in excess of 1,471 units per annum (totalling 23,536 over the period 2015-31), which reflects the monitoring targets for 2015-25 in Table 3.1 of the FALP. However, footnote 21 on Page 43 of the Local Plan gives figures of 22,065 and 25,007.**

There is sufficient consistency and clarity in figures for new housing development over the plan period. The Housing Trajectory on page 44 (and updated within Housing Position Statement [LD/28]) sets out anticipated delivery within the plan period and beyond. It is this information which has been reflected throughout the Plan, where the 24,000 figure quoted within Objective 2 and paragraph 5.1 and 5.3, reflects the target of 1,471 over 16 years which is expected to be exceeded. In order to reflect and align with the requirements of the NPPF, the trajectory itself was broken down into five year time-periods and it is this total 15 year requirement which has been reflected within footnote 21.

6. **What is the status of “Homes for London, The London Housing Strategy” [Doc S/01]? Is it a DPD or SPG, and is it still a “Draft for London Assembly”? Is the LLDC Local Plan consistent with the approach and policies for housing delivery which are set out?**

The London Housing Strategy was approved in October 2014 and therefore the draft document [S/01] is now the statutory approved version. Although it is not a DPD or SPD it sets out the Mayor's approach towards funding of and delivery of affordable homes. It is therefore appropriate to reflect these delivery requirements which aim to ensure that affordable housing delivery reflects eligible household affordability levels. The Local Plan is consistent in its approach to delivery. The approach to affordable housing is consistent in its aim to deliver 60% of affordable homes as affordable rent (half capped and half at a

discounted rate), with the remaining 40% to be in intermediate formats. Policy H.7 is consistent in its support for purpose-built and secured private rented accommodation.

- 7. The NPPF expects local planning authorities to identify and update annually a supply of specific deliverable sites to provide 5 years worth of housing etc. (paragraph 47). Is the Local Plan consistent with the NPPF on 5 year supply [see TBP/04]? Is there any substantive evidence to support use of a 20% instead of 5% buffer?**

As shown within the Housing Trajectory updated within the Housing Position Statement [LD/28] the Legacy Corporation has a five-year supply of sites for the first five years of the plan period plus a 6% buffer (see paragraph 1.41). This meets and exceeds the NPPF requirements. The Legacy Corporation has committed to annually updating the trajectory within the Authority Monitoring Report. As shown within paragraph 1.37 of the Housing Position Statement the 5% buffer is appropriate.

- 8. Why exactly may it not be possible to demonstrate a 5 year supply on a rolling basis, as paragraph 5.3 suggests?**

The housing trajectory in LD/28 demonstrates how the housing target is expected to be met and exceeded within the first ten years of the plan period. Delivery is only expected to drop below target from 2025 onwards, however when taking into account cumulative delivery over the early part of the plan period, delivery will only be below target from 2028/29 onwards. Therefore the statement within paragraph 5.3 that the five year target may not be possible on a rolling basis refers to the latter part of the plan period, when it will be easier to identify sites and locations based on the circumstances of the time. In any case by this date the housing targets will have been reviewed, therefore having no implications in relation to NPPF paragraph 47.

- 9. Do the proposed changes to paragraph 5.3 in LD/26 satisfy concerns of the GLA and strengthen the commitment to monitoring and reviewing appropriately?**

Although the proposed changes to paragraph 5.3 within LD/26 do not exactly reflect the suggestion within the Mayor's Statement of Conformity [LD/25], the proposed change attempts to satisfy concerns by providing wording with the same general sense of meaning regarding the five year target being rolled forward as appropriate, but better reflecting the other insertions made earlier in the paragraph. These proposed changes provide further detail, strengthening the commitment to monitoring and review within the Local Plan.

- 10. Figure 9: Housing Trajectory shows a drop in housing completions in 2025/6 and again in 2030/31. Does this reflect the reliance on recycled land in London, referenced in paragraph 3.19a of the FALP, which makes it difficult to identify sites and even broad locations where sustainable development might be expected in the longer term? Or does it indicate a likely future lack of supply which requires more positive planning now?**

As above, falls in housing delivery shown in the Housing Trajectory at 2025/26 and 2030/31 indeed reflect the finite capacity of recycled land within London and the area referenced within the FALP. As highlighted within the Housing Position Statement [LD/28], methods of establishing the housing target using anticipated

delivery within the first ten years carried across throughout the plan period mean that similar delivery patterns will be seen across London. Therefore it is difficult, at this stage, to identify broad locations for delivery within the latter part of the plan period. As shown within Part B of the Housing Position Statement there is sufficient flexibility in the supply of land to deliver the target amid any changes, but also it is expected that further capacity will be generated than anticipated within the SHLAA, which was used to determine this target. Therefore it is envisaged that during the course of the plan period, further up to date information will be available to demonstrate these broad locations, and enable the target to be met.

11. Should the more recent housing trajectory in the Housing Position Statement replace Figure 9?

The housing trajectory within the Housing Position Statement [LD/28] is the most up-to-date and therefore can replace Figure 9 within the Local Plan.

TOTAL WORDS IN THIS SECTION: 1,026

Policies H1 to H7 – a mix of housing types, affordable housing and housing for different population groups

12. Are these policies in general conformity with policies 3.8 & 3.9 of the London Plan and FALP?

Policies H.1 to H.7 are in general conformity with the FALP as confirmed by the GLA in their Statement of Conformity [LD/25].

13. Is Policy H1 consistent with the policies of constituent London Boroughs (eg. LB of Newham target for 39% family housing)? Does it adequately reflect the diversity of housing needs in East London identified in SHMAs and referred to in Background Paper TBP/04?

Policy H.1 is consistent with, but not identical to, the policies with the constituent London Boroughs. Being an area formed of four different planning authorities, each with their own adopted Plans and evidence base, there are inevitable differences in approach determined by different sets of evidence and timeframes. Any minor differences in approach reflect the update in evidence which reflects the Legacy Corporation area and the provision to meet strategic-level as well as local requirements (see Legacy Corporation SHMA Review, LEB/12).

The policy seeks to apply a flexible approach to housing mix by setting out the broad range of 'balanced' mix which may be appropriate within the area, rather than setting rigid proportions. In practice this balance is likely to be a 33/33/33 split across 1, 2 and 3 bedroom plus properties, but site-specific negotiations with the considerations of location, viability and mixed and balanced communities (see paragraph 5.9 of the Local Plan) will determine the appropriate balance for each site.

Under this approach, there may be circumstances where a different mix may be appropriate, for example, a higher proportion of smaller properties may be justified by a significant proportion being provided within affordable tenures. A number of area-specific policies also further clarify what would be required for

some particular sites or areas in relation to housing mix (for example Policy 2.1 and SA4.3 emphasise family housing provision) where the Legacy Corporation would expect a proportion of greater than 35% (being greater than a third (33 or 34%)). These particular policy requirements relate to sites and land within the Newham part of the Legacy Corporation area place an emphasis on family housing, closely aligned to the 39% requirement contained within the Newham Core Strategy [BPP/2]. Furthermore paragraph 5.9 and SP.2 of the Local Plan emphasise how family housing is a priority and should be maximised.

It is this flexible approach which is appropriate for the area considering the diversity of housing needs within east London identified within the SHMA Review [LEB/12]. Given these different size and tenure requirements it would be difficult to identify a specific rigid target for each size unit and tenure that reflects the evidence for each borough (see Table 6, Housing Background Paper [TBP/4]). Instead, as above, the unit sizes and tenures will seek to provide an appropriate balance reflecting the need requirements identified in paragraph 5.8 of the Local Plan and particular site-specific circumstances.

14. Should Policy H1 include more specific targets for different types and size of dwelling?

For reasons set out above it is not appropriate to include more specific requirements within Policy H.1 in relation to unit size and type. Setting out specific requirements would disproportionately reflect circumstances within particular boroughs which, in total, have diverse requirements. Reflecting the high overall requirements identified in paragraph 5.8 of the Local Plan, consideration of area-based policies and site-specific matters will enable an appropriate balance to be delivered in each circumstance and is more appropriate.

Particular targets for dwelling types have also not been included to enable the scheme design to reflect the site-specific circumstances. Site constraints can often determine the form and location of development so setting out specific requirements could make the allocation or scheme undeliverable. Details are given within the site allocations, where appropriate (for example flooding constraints within SA1.1).

15. Does criterion 1 of Policy H1 imply that all development proposals in all locations should include a mix of housing types and, if so, is this feasible? If not, how will the achievement of an appropriate mix across the Corporation area be secured?

As specified above, Policy H.1 applies a flexible approach to housing mix. It reflects the type of schemes likely to come forward within the area, which tend to be large mixed use developments. Very few minor schemes (i.e. less than ten units), come forward but in these circumstances the policy will be applied to ensure that provision is appropriate in relation to its site-circumstances as set out above.

16. Is there any evidence now that Policy H1 is too inflexible to deal with changing needs over time? If so how should this be addressed?

As above, Policy H.1 has been developed to maximise flexibility. Increasing flexibility further would make it very difficult to deliver a sustainable balance of

dwelling forms and types, and would result in market forces prevailing over good planning practice.

- 17. There is a potential conflict between boosting housing supply to secure the maximum number of new units and achieving the optimum dwelling mix which will secure lifetime neighbourhoods? Does the Local Plan address this matter adequately?**

The Local Plan addresses potential conflicts between maximising housing supply and aim of delivering a sustainable dwelling mix across the area through the application of Policy H.1. As above, criteria 1 and 2 of Policy H.1 seek to provide an appropriate balance in accordance with site-specific circumstances and evidence-base requirements; criterion 3 aims to avoid any unacceptable adverse impacts on the mix and balance of the area; and criterion 4 applies specific design considerations to achieve sustainable lifetime neighbourhoods.

- 18. Does Policy H2 conform with Policy 3.11 of the London Plan on affordable housing?**

Policy H.2 is in general conformity with the FALP as confirmed by the GLA in their Statement of Conformity [LD/25] where no specific clarifications were proposed to this policy.

- 19. The Housing Background Paper, TBP/04, explains the links between Policy SP2 seeking a minimum of 455 affordable units pa, Policy H2 which will maximise affordable housing provision on sites of 10 dwellings or more, and paragraph 5.13 which describes a minimum target of 35%. Should Policy H2 be more positive in seeking a specified level or percentage of affordable housing, or is its wording justified by the need for some flexibility?**

The delivery of affordable housing and the target is considered a strategic matter included within Policy SP.2. This policy sets out that 455 affordable units will be delivered across the area per annum, amounting to 35% of the annual housing target (minus non-self contained accommodation). This fully accords with FALP Policy 3.11 which sets out flexibility in how the affordable housing target should be expressed, identifying that this may be expressed in “absolute or percentage terms”. The Legacy Corporation has included the target in absolute terms (ie 455) as a clearly monitorable target but expressly linked to the percentage requirement as shown within paragraphs 4.39 and 4.40 of the Housing Background Paper [TBP/4].

Policy H.2, being a development management policy, is concerned with the detailed application of this strategic policy and its flexible approach aims to maximise affordable housing delivery on each scheme, with 35% being an appropriate target to commence negotiations. Inclusion of the 35% target specifically within the policy would reduce the flexibility to deliver the most appropriate tenure mix, maximised under the site-specific circumstances.

- 20. Is there any evidence that affordable housing policy is not supported by robust and up-to-date evidence of viability? Is the reference to using 35% as a minimum to commence discussions on individual schemes justified?**

The 35% target is justified by evidence within the Affordable Housing Viability Testing [LEB/13]. As identified within the Housing Background Paper (see

paragraph 6.8), this evidence sets out that there are circumstances where in excess of 35% affordable housing could be achieved, and similarly where the 35% provision may not be viable. Under these circumstances, using 35% as a minimum to commence discussions on individual schemes is justified.

- 21. Is there some inconsistency between (i) the LLDC approach with 35% affordable housing, and a 60/40 split between affordable & social rent and intermediate housing, and that of (ii) the Host Boroughs e.g. the LB of Tower Hamlets seeks 50% affordable housing and a 70/30 tenure split? What are the likely consequences of the differences? Will there be flexibility in the split between affordable types on individual sites?**

Policy H.2 is consistent with, but not identical to, existing London Borough policies. Being an area formed of four different planning authorities, each with their own adopted Plans and evidence base, there are inevitable differences in approach determined by different sets of evidence and timeframes (see Matter 1, 11 response).

In this regard there are differences between the approach to affordable housing within Tower Hamlets' adopted policies and that proposed within the Local Plan. The 60/40 split proposed within the Local Plan reflects London Plan Policy 3.11 within the FALP [RP/3]. The 70/30 split within the Tower Hamlets Core Strategy [BPP/3], 2010 predates this document.

The 35% target is based upon viability evidence, and is in conformity with the FALP in relation to maximising affordable housing provision. As above, there may be circumstances where close to 50% affordable housing could be achieved on some sites within the area (see Affordable Housing Viability Testing, LEB/13) but setting this level at 50% would render many schemes within the area unviable.

The differences between the Tower Hamlets and the Local Plan policies arise from differences within the evidence base. The results of the viability testing reflect the tested locations within each area. LEB/13 only tested locations within the Legacy Corporation area, and therefore does not account for parts of Tower Hamlets which may be able to achieve a higher proportion of affordable housing. The consequences of the differences are likely to be minimal given that under Policy H.2 each development will be expected to maximise affordable housing according to a number of factors, including viability evidence.

In conformity with Policy 3.11 of the FALP [RP/3] the policy specifically identifies that the 60/40 split should be applied. For these reasons, this is not something which is expected to be flexibly applied.

- 22. Notwithstanding concerns about the concept of affordable rented housing with rents no more than 80% of market value, is there any evidence that Policy H2 and paragraph 5.14 are unsound or inconsistent with national policy? The NPPF Glossary defines affordable rented housing.**

Policy H.2 and paragraph 5.14 are sound and consistent with national policy.

- 23. Is there substantive evidence that paragraph 5.15 regarding scheme viability over time is unsound?**

The Legacy Corporation has not identified or received any evidence that paragraph 5.15 is unsound. This approach is being applied in practice by the Legacy Corporation on a number of large development schemes within the area.

24. Should the Local Plan indicate that the provision of affordable workspace could offset the provision of affordable housing, as suggested by some representors?

The Local Plan should not indicate that the provision of affordable workspace should be offset against the provision of affordable housing. As set out within Policy H.2 affordable housing should be maximised across schemes, subject to a number of site specific considerations. However, the Local Plan does specify locations where affordable workspace is a priority, for example within Hackney Wick and Fish Island (see Policy 1.1).

25. Is Policy H3 in conformity with Policy 3.8 of the London Plan and the text which follows that policy? In allowing provision of new specialist old persons' accommodation, is Policy H3 positive enough? Should there be more specific targets for positive planning and to aid monitoring?

Policy H.3 is in general conformity with the FALP as confirmed by the GLA in their Statement of Conformity [LD/25]. The policy, as amended by LD/26 is sufficiently positive to encourage correct provision within the area, aiming to provide forms of accommodation most suitable to residents' needs and affordability levels.

As specified within paragraph 5.18 the Legacy Corporation has not been assigned an indicative benchmark in the FALP [RP/3]. The borough indicative benchmarks reflect the nature and demographics of each area (see FALP Table A5). Considering the Legacy Corporation area's young population identified within Section 2 of the Local Plan, it is likely that any target apportioned to the area would be negligible. Design measures introduced into new accommodation within the area (see Policies BN.4 and BN.5) will also enable a larger proportion of households to remain in their current accommodation as the population ages than those living in older accommodation. Therefore it is considered appropriate to assess schemes on their suitability in relation to the factors identified within the policy.

Table 10 of the Local Plan shows how this policy will be monitored, including the amount of provision of older persons' accommodation provided annually. Should monitoring consistently show that delivery has been slow, review mechanisms will be triggered.

26. With proposed changes to wording in LD/26, removing references to "conventional" housing from Policies H3-H6, are the purposes of these policies clear?

References to "conventional" housing were removed from policies H.3 to H.6 as this undefined term appeared to add confusion. The amendments therefore add clarity to each policy. The purposes of each are to ensure that specialist accommodation does not compromise the delivery of other residential accommodation.

27. Is Policy H4 in conformity with paragraphs 3.52 onwards of the London Plan and FALP? Could the policy give rise to over-provision of student accommodation with over-concentration resulting in adverse impacts on existing communities?

Policy H.4 is in general conformity with the FALP as confirmed by the GLA in their Statement of Conformity [LD/25] where no specific clarifications were proposed to this policy.

The policy will not lead to over-provision of student accommodation within the area. In accordance with London Plan Policy 3.9, criterion 3 of Local Plan policy H.4 ensures that a positive balance of tenures and income is maintained within the locality. Should multiple proposals for student accommodation arise this criterion can be used to ensure that student accommodation is not over-concentrated, upsetting the appropriate balance between tenure and income. Criterion 4 will ensure that there are no unacceptable adverse impacts of student accommodation on local communities.

28. Should the policy be more specific as to what over-concentration means, when adverse amenity impacts would be “unacceptable”, and what amounts to “affordable student provision”?

As specified within the policy, over-concentration relates to negative impacts on the balance of tenures and incomes within the area. It is not appropriate to define what would be “unacceptable” adverse amenity impacts as this would need to be determined on a case-by-case basis, taking into account other relevant policies in the Local Plan. Defining this term through the policy would narrow the circumstances where adverse impacts could be considered. Paragraph 5.21 is referring to “affordable student provision” stating ‘rates equivalent to affordable provision tied to London HEIs’. This terminology is consistent with FALP paragraph 3.53b [RP/3] which refers to accommodation broadly comparable to that provided by higher educational institutions in the context of average student incomes and rents.

29. Is Policy H5 consistent with Planning policy for traveller sites, March 2012, DCLG? Has the Legacy Corporation:

- **Carried out early and effective community engagement with settled and traveller communities in assembling the evidence base (Policy A);**
 - **Set pitch targets and identified a supply of specific sites – deliverable for the first five years, and developable or as broad locations thereafter (Policy B);**
 - **Set criteria which are fair and facilitate the traditional, nomadic life of travellers while respecting the interests of the settled community?**
- If not, how can the deficiencies be remedied?**

The Legacy Corporation’s approach to gypsy and traveller provision is consistent with the Planning Policy for Traveller Sites, 2012. Compliance with (Policy A) took place through early and effective engagement within the Gypsy and Traveller Accommodation Needs Assessment (GTANA) [LEB/8] where interviews took place with gypsy and traveller communities residing within the existing site at Chapman Road. The study also established contact with some gypsies and travellers residing within bricks and mortar. Dialogue was also

initiated by the consultants with the London Gypsy and Traveller Unit (LGTU) and interviews also took place with other stakeholders.

The Local Plan has complied with Policy B by setting a pitch target based on the evidence within the GTANA. This is set out within paragraph 5.25 as being between six and 13 pitches within the first five years. The lower end relates to concealed households only, and the upper end includes households living in bricks and mortar within Hackney. Figure 4 of the Housing Background Paper [TBP/4] identifies broad locations of search for sites. A site has been allocated to meet the first five years requirement. In relation to the latter parts of the plan period, as the need arises from within the Hackney part of the Legacy Corporation area, area 1a will be a primary focus, but additionally the other broad locations in Figure 4 will continue to be the focus of further search. As specified within paragraph 5.25 the Legacy Corporation will seek to work with the Growth Boroughs to meet overall requirements within the plan period.

Although as demonstrated within the Housing Background Paper all locations within the Legacy Corporation area have been considered for gypsy and traveller use, the inclusion of Policy H.5 allows proposals which may come forward on unidentified sites to be appropriately considered. Consistent with part 11 of Policy B of Planning Policy for Traveller Sites, Policy H.5 sets out fair and reasonable criteria respecting the interests of members of the gypsy and traveller and settled communities. The first criterion aims to ensure that gypsy and traveller provision is not proposed within sites not considered appropriate for residential accommodation more generally. Criterion 2 ensures that the locations are appropriate in relation to facilities and services and criterion 3 ensures that no adverse amenity issues arise for existing and potential residents. Criterion 4 ensures that other policies within the Local Plan are also considered.

30. The Background Paper, TBP/04, and Housing Position Statement, LD/28, record the LLDC's work to date. Has any further progress, since the Local Plan was submitted, been made eg. working with neighbouring authorities to meet the need for gypsy & traveller accommodation which, paragraph 5.25 suggests, cannot be satisfied within the LLDC area?

In addition to working with the landowner and the London Borough of Hackney in relation to the delivery of Site Allocation 1.9, the Legacy Corporation has made some further progress in relation to meeting the longer term requirements of gypsy and traveller communities.

As set out within the Duty to Cooperate Background Paper [TBP/3] the Planning Policy Forum is a monthly meeting which takes place between the boroughs and the Legacy Corporation. At the meeting of the 19th January 2015 the matter of gypsy and traveller provision was raised again. The Legacy Corporation highlighted the level of need which was unable to be met within its own area, seeking similar information from the boroughs in relation to their upcoming evidence-base requirements and policy responses. The London Borough of Hackney made the group aware of their forthcoming GTANA (which Legacy Corporation officers have participated in through interview) and the further site identification work that they will be commencing in relation to their Site Allocations Local Plan, or separate Gypsy and Traveller Local Plan (dependent on the relevant Inspector's decision). The group discussed the likely planning policy requirements in detail and discussed how the PPF MoU (attached to TBP/3) confirms how work should take place in future.

The borough evidence bases are thus currently being updated. It is therefore anticipated that once this has occurred a more accurate picture of future area-wide requirements can be made on which to base relevant site search and duty to cooperate processes.

31. Is Policy H6, Houses in Multiple Occupation (HMO), out of line with LB Newham's policy which resists the conversion of family housing to HMO unless exceptional circumstances prevail? Does paragraph 5.28 imply a more restrictive approach to HMOs than Policy H6, amounting to new 'policy' rather than 'reasoned justification'?

Although there are some differences between Policy H.6 of the Local Plan and Policy H.4 of the Newham Core Strategy (BPP/2) both policies are consistent in aim to resist inappropriate HMO accommodation.

The Newham policy reflects conditions within the whole of the Borough, wider than that included within the Legacy Corporation area, where there has been a historical loss of larger family housing to HMOs. There is a limited amount of such existing accommodation within the Legacy Corporation area therefore it is not necessary to apply such a stringent 'exceptional circumstances' approach. Policy H.6 attempts to set out the circumstances where a conversion to HMO or new build HMO would be appropriate, applicable to the whole of the Legacy Corporation area, not confined to the Newham part.

Paragraph 5.28 does not amount to new policy, each matter closely relating to each criterion within the policy itself. The licensing requirement will be dealt with via each borough as the relevant licensing authority. As identified within paragraph 5.28 an Article 4 Direction will be considered if future evidence suggests that there has been a substantial loss of family housing.

32. As the Mayor's Housing SPG [RP/07] does not apply the design standards to HMOs (see paragraph 2.1.14), should the standards for internal and residential amenity be made clearer in the Local Plan?

Although the Mayor's Housing SPG does not specifically apply the design standards to HMOs it is understood that the GLA are proposing amending this approach in the future (see Appendix A letter). The Legacy Corporation judges that these same standards will ensure acceptable standards are achieved in new forms of HMO provision, and therefore will apply the specific internal and residential amenity standards to new forms of HMO as well as other residential accommodation. Reference to the specific standards could be included; however given that the Housing SPG is currently being reviewed it is more appropriate to reference which forms of standards will be applied rather than the specific requirement.

33. Should the justification for seeking affordable housing when HMOs or private rented housing are provided be explained more fully or is paragraph 5.31 sufficient?

In relation to Policy H.6 there has been significant recent pressure for new forms of private rented HMO accommodation, with prospective proposals seeking not to provide any affordable housing. This is why affordable housing is specifically referenced within the policy, which as set out within the GLA letter at Appendix A

is appropriate. Inclusion of additional reasoned justification to this effect could provide this background but given that it is reasoned justification, not policy application this is not considered to be essential. In relation to Policy H.7, paragraph 5.31 is considered to be sufficient in demonstrating how the policy would be applied.

34. Is there any substantive evidence that Policy H7 – 4. including a mechanism to secure accommodation as private rented for the longer term is unreasonable?

The mechanism to secure purpose-built private rented accommodation in the longer term is reasonable considering paragraph 3.54 of the FALP [RP/3].

The need for specialist viability appraisal for housing schemes that include market housing being delivered using a private rented model (as opposed to market sale), is identified to take account of the different costs that are likely to result. This will help to ensure that this form of housing provision continues to provide an appropriate proportion of affordable housing on a scheme by scheme basis. Securing the proportion of a scheme that consists of private rented accommodation also ensures that the level of affordable housing provision remains appropriate to the scheme.

Securing the market proportion of a scheme as private rented provision for the long term could prevent properties from reverting to private (market sale) housing and will prevent this model being used to avoid a proportion of affordable housing provision that might otherwise have been secured through a standard viability appraisal.

TOTAL WORDS IN THIS SECTION: 3,118

APPENDIX A: GLA letter dated 20th October 2014 titled Large scale Homes in Multiple Occupation (HMOs)

GREATER LONDON AUTHORITY
Development, Enterprise and Environment

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Level 10
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Our ref: D&P/LF/LLDC
Date: 20 October 2014

Dear Alison,

Re: Large scale Homes in Multiple Occupation (HMOs)

Introduction

I understand the LLDC has received a number of pre-planning application inquiries for a form of shared "hostel" type accommodation aimed at people who either choose to share facilities or who are not in a position to afford conventional private rented or market sale housing. I also note that the LLDC is proposing a development plan policy to that address this use.

A proposal for such a use was considered by GLA officers earlier this year. This scheme initially proposed a 35 storey tower to provide around 750 bed spaces, mostly in 7.5 sq.m. rooms with shared cooking and amenity facilities. Given the novel and very intensive form of housing that was envisaged, as well as its potential impact on conventional housing supply and the Mayor's housing standards, a number of meetings were held involving GLA Planning and Housing officers. The results of these discussions were presented to the Chief of Staff and Deputy Mayor for Planning (Eddie Lister) on the 6 October 2014. This letter sets out the conclusion of that meeting and is provided to offer insight into how GLA officers and the Mayor might view such proposals and use.

The proposed use

The proposed use was confirmed to be a *Licensable HMO* under the terms of the 2004 Housing Act. It was also agreed however that it would not be a *Home in Multiple Occupation* in planning terms; as Class C4 (HMO) is defined as a "home for between 3-6 people", i.e. typically comprising a small number of bedrooms with shared facilities within a single converted house. It was therefore concluded that the proposed use would be a *sui-generis housing use* in planning terms, i.e. not falling within the current Use Classes Order.

The meeting with the Chief of Staff and Deputy Mayor for Planning also noted that the need for effective management and support services would increase in line with scale and intensity, queried how planning might be able to control future occupancy to avoid people being housed in unsuitable accommodation, and questioned whether large scale private HMOs would be an appropriate use for, or be compatible with high rise buildings.

Affordable housing requirements

The potential developer had argued that because its proposed use would be sui-generis, (rather than a C3 - Dwelling House), it would not have to make an affordable housing contribution. This however is not accepted, as neither the London Plan nor the NPPF restrict or limit the requirement for affordable housing contributions to C3 housing.

For example, London Plan policy 3.12 (Negotiating affordable housing on individual private residential and mixed use schemes) - which establishes the strategic approach to affordable housing across London states that: "The maximum reasonable amount of affordable housing should be sought when negotiating on individual *private* residential and mixed use schemes". Paragraph 3.77 then confirms that: "Affordable housing policy requirements should be applied across all the provision arising from sites which have the capacity to provide 10 or more homes".

A very relevant example of this approach being applied to sui-generis housing within the London Plan is policy 3.8 (Housing choice), which explicitly requires affordable housing contributions from (sui-generis) student housing, unless the proposed accommodation is clearly tied to a particular higher education provider. This approach to affordable housing is further reinforced by the proposed FALP alterations which states in paragraph 3.53B, which states:

"Student accommodation should be secured as such by planning agreement or condition relating to the use of the land or to its occupation by members of specified educational institutions. Where there is not an undertaking with a specified academic institution(s), providers should, subject to viability, seek to deliver an element of student accommodation that is affordable for students in the context of average student incomes and rents for broadly comparable accommodation provided by London universities. Information on this will be provided through the Mayor's Academic Forum in the London Plan Annual Monitoring Reports. If the accommodation is not robustly secured for students, it will normally be subject to the requirements of affordable housing policy (policies 3.10-3.13)".

Hence, GLA officers can see no planning reason why affordable housing should not be expected and required from such a use - should it be viable for the scheme to make such a contribution.

Going forward

The Chief of Staff and Deputy Mayor for Planning also agreed that the next version of the Housing SPG might usefully provide strategic guidance on this emerging use. Furthermore, given this use is not explicitly recognised within the current London Plan or its proposed Further Alterations, it was agreed that the next iteration of the Plan might usefully include a specific policy to respond to this emerging form of housing.

In the interim, and drawing on your own emerging policy, whilst it is recognised that small scale, purpose-built and well managed HMOs could help meet London's diverse housing needs, it will be very important to ensure that proposals for this form of development should:

- Not compromise the delivery of conventional housing (by for example being on a site identified for permanent C3 accommodation).
- Clearly demonstrate how they would meet identified housing needs.
- Ensure a satisfactory quality of residential accommodation and meet all relevant Housing Act and HMO standards and requirements, (by for example clear benchmarking against the 2004 Housing Act, the Mayor's housing SPG, and/or other relevant documents).

- Incorporate appropriate management arrangements that would reflect and meet the needs of the schemes intended occupiers.
- Not compromise the local housing tenure diversity.
- Not be used as student accommodation, as a hotel, or as temporary homeless accommodation without first securing a further planning permission.
- Be located in areas of high public transport accessibility.

I hope this is of assistance.

Lyndon Fothergill
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