

LB Waltham Forest Development Management Policies Local Plan Document

Session; Housing mix and standards

21 May 2013

60 - 90 minutes

Agenda

Participants; Inspector, Council, Aviva, Industrial Property Investment Fund, London and Quadrant, National Grid Property Holdings and Macdonald Egan.

Issues; policies DM2, DM5, and DM10, my Qs63 and 67.

- 1) Council's overall view of, and response to, representations and Inspector's questions. Presentation of proposed amendments.
- 2) Housing Mix – policy DM5

The **Industrial Property Investment Fund** (representation dmpps137) observes that policy DM05 should recognise those instances where it is not practical or feasible to maximise family accommodation. At present, only the supporting text paragraph 6.6 states that the housing mix of new development should be considered on a site by site basis and a flexible approach should be taken. Policy and supporting text should also be consistent with Policy BHL 3 of the emerging Blackhorse Lane AAP which states that a higher proportion of family sized units will be sought on sites other than Site BHL 1: The Station Hub.

On this basis the policy and supporting text should be re-worded as follows:

'The Council will seek all housing developments to provide a range of dwellings sizes and tenures particularly focusing on the provision of larger family sized homes (three bed plus) in line, where appropriate, with the Council's preferred housing mix table 6.1. The housing mix of new developments located in the key growth areas will be subject to site specific circumstances consistent with emerging AAP policy.'

The Council responds; Noted - This is a borough-wide policy. The Council consider paragraph 6.6 to provide sufficient flexibility on the policy application. The BHL AAP is an area specific policy document and as such this proposed statement for inclusion is only considered appropriate for this document.

London and Quadrant (representation dmpps60) observes L&Q support policy DM5 and the clarification provided at paragraph 6.6 which states that the policy is to be applied flexibility to reflect site specific circumstances. Some sites are intrinsically better suited to providing a particular size of housing unit. The wider target might therefore be better set out for the purposes of annual monitoring rather than a prescriptive standard to be enforced on individual sites. At the same time, L&Q would recommend that further clarification be provided over the application of the criteria set out in paragraph 6.6 to ensure that not all of the factors need to apply to any given site. In appropriate circumstances, L&Q further suggest that the housing mix targets be applied as a percentage of the total habitable room provision, rather than as a percentage of the number of units. This approach is supported in the GLA's Draft Housing SPD.

L&Q recommend that the following text is included at the end of paragraph 6.6 (albeit that this does not question the soundness of the text as currently proposed): 'These criteria will be assessed equally, with no one criterion given greater weight over any other criterion. Flexibility will be allowed even if only a single criterion can be demonstrated satisfactorily.'

The Council responds; Noted - The provision of larger family housing is a key objective of this Plan. The Council consider that the preferred housing mix applied flexibility is the best way in increase the level of family housing. The Council seek to apply the housing mix in terms of units for consistency reasons, as this is the same way the level of affordable housing is also calculated. Amend paragraph 6.6, last sentence, to state, "Where relevant, the Council will consider the following criteria".

National Grid Property Holdings Ltd (representation dmpps147) observes that as this Policy stands it is seeking a range of dwelling sizes and tenures with a particular focus on the provision of larger family sized homes. This Policy is not considered effective as it does not allow for any flexibility and does not permit the ability for the housing mix to respond to market demand and the context of the site and its surroundings. This Policy is not effective and therefore fails the tests of soundness. It is noted that the current ambition for this Policy is to seek a range of dwelling sizes and tenures particularly focusing on the provision of larger family sized homes. The type of housing should respond to the context of the site and its surroundings. Consideration should also be given to the types of properties that are required in specific sub areas of the borough. The provision of large family sized homes should be subject to market demand.

Policy DM5 on Housing Mix should be amended and read as follows: 'The Council will seek all housing developments to provide a range of dwelling sizes and tenures ~~particularly focussing on the provision of larger family sized homes (three bed plus)~~ in line with the Council's preferred housing mix table 6.1 subject to market demand and a viability test of the proposed scheme.'

The council responds; Rejected - Paragraph 6.6 clearly states the Council will take a flexible approach and sets out a range of criteria which the Council will consider when assessing a housing development's dwelling mix.

3) DM10 – Student housing

MacDonald Egan (representation dmpps143) observe 1 that paragraph 11.1 states the policy is applied to a number of uses including 'Residential colleges and training centres (student housing) (usually in Use Class C2)'. However, the majority of purpose built student accommodation is non-self contained with shared facilities and therefore classified as sui generis rather than either Use Class C2 or Use Class C3. They consider the policy unsound and the reference to student housing should not be limited to that falling within Use Class C2. 3. Policy DM10 Part A sets criteria to support the provision of specialised housing. Policy DM10 (A iii) includes the requirement for identified local need. It is considered the restriction of local need is inconsistent with the London Plan and London Plan draft Housing SPD which states that LDF documents should not constrain provisions of student accommodation which meets strategic as well as local needs. Furthermore the relevant policies seek the dispersal of student accommodation away from central London to other locations conveniently accessible by public transport and which can contribute to the local economy. The restriction of specialised housing including student accommodation to provide for local need is unsound and should support proposals for purpose built student accommodation which meets a wider London need in locations close to public transport facilities which can contribute to the local economy.

The wording of the sentence 'Residential colleges and training centres (student housing) (usually in Use Class C2)' is restrictive to the scope of student housing and not consistent with regional and local policy in reference to student housing; as such it is considered that reference to 'Use Class C2' should be removed. Policy DM10 (A) should include an additional criterion relating to student accommodation to support London wide identified need in locations with good accessibility to public transport and would contribute to the local economy.

The Council responds that it will amend the definition of residential colleges and training centre to state (e.g. Student housing). The reference to C2 will not be removed as residential colleges and training centre are found in use class C2 and this policy would apply to such a use if it was to come forward within the borough. It is the Council's view that the need to meet an identified borough need is not inconsistent with the London Plan. The GLA have raised no issues of conflict or inconsistency with DM10 and policy 3.8 of the London Plan. It is the Council's view that the type of housing described in the representation is covered in policy DM6 - Housing conversions. Large Houses in Multiple Occupation (Sui Generis) are supported in town centres which are the most accessible locations in the borough.

My Q67. I am happy with the Council's responses to my questions except that the suggested addition following paragraph 11.11 reads as policy rather than justification. Can I suggest the following for the Council's consideration in its place (reflecting the justification in paragraph 11.6);

Add to policy DM10 ii; judged by effects on parking, transport, amenity space and retail, education and health and welfare services.

4) Viability

My Q 63 originally applied to policy DM8 which the Council now proposes to delete. But a number of policies remain which set standards for development to comply with; e.g DM6, DM7, DM10, DM11, DM17, DM25, DM30 and DM33. Between them, these policies set standards of various kinds for residential development. Where will I find the evidence that the costs of such requirements to be applied to housing development have been considered in accordance with paragraph 173 of the NPPF and found not to affect the viability of development?

My Comment on assessments document (sent by e-mail 17 January 2013) noted the number of policies which require developers to carry out an assessment before submitting an application;

Viability assessments for affordable housing (para 4.7)

Statements justifying tenure mix (para 6.8)

Design and Access Statements (DM30 a (i), paras 8.10, 9.9, 17.17, 20.8, 21.12, 23.8, 32.4, 35.9 and others)

Need for specialised housing (para 11.7)

Energy Assessment (DM11 B, paras 12.10, 12.24, 12.26, 13.16, 13.21, 36.8)

Pre-assessment estimators of CfSH & BREEAM standards (paras 12.18 & 12.26)

Feasibility assessments for CHP (DM12 A and para 13.8)

Emissions assessment (paras 13.17 and 26.11)

Transport assessment (DM14 D and paras 15.6, 15.9, 15.10, 15.11, 15.25, 16.10, 17.17, 18.10 & 18.28)

Need for social infrastructure (DM18 A (d) and paragraph 19.8)

Demonstration of unfitness for purpose (DM21 (a) and paragraph 22.3)

Need for live/work premises (DM21 C)

Sequential test (retail) DM22 (a)

Sequential test (flooding) DM27 B and paragraph 28.9)

Justification for a visitor attraction (DM23 (a) and paras 24.6 and 24.14)

Health Impact Assessment (DM24 A)

Contaminated Land Preliminary Risk Assessment (DM25 (a) and paragraph 26.3)

Air Quality Assessment (DM25 (c) and para 26.8)

Noise Impact Survey (para 26.14)

Retail Impact Assessment (para 28.11)

Heritage Statement (para 30.7)

Preliminary Archaeological Evaluation (para 30.26)

Flood Risk Assessment (DM35 D)

Biodiversity Assessment (DM36 B)
Arboricultural Report (DM36 G and paragraph 37.10)
Telecommunications need (DM38 A)

My concerns included the effects of these requirements on the viability and deliverability of small developments. In the light of paragraph 173 of the NPPF, what evidence can the Council point me to which demonstrates that these procedural requirements would not impose such a scale of obligations and policy burdens on small developments that their viability is threatened.

5) DM2

I am happy with the Council's responses to my questions except that the suggested amendments to paragraph 3.4 still read as policy rather than justification. Can I suggest the following for the Council's consideration;

~~The council will only support the net loss of housing where it can be clearly demonstrated that the current residential use is not compatible with the surrounding area and results in unsatisfactory living conditions.~~ Unsatisfactory living conditions can result from a number of reasons, for example owing to excessive noise, odours and/or poor air quality. They can be measured using the same criteria used in policies elsewhere in this plan, e.g. DM24, DM25 and DM33, amongst others. Where conditions are not temporary, are unacceptable and cannot be improved to approach the environmental standards set elsewhere in this plan for new residential development, then it follows that residential use may no longer be compatible with the surrounding environment. Policy DM 2 C recognises that in such circumstances it would be inconsistent with the Strategic Objective of improving the health and well-being of Waltham Forest residents if the retention of residential use were to be insisted upon. Developers can assist the Council in the operation of this policy by providing firm evidence of the issue and the reasons why it cannot be ameliorated.