

# London Borough of Southwark Response

## Examination of the New Southwark Plan

### Inspectors' Matters, Issues and Questions

#### **Matter 3: Meeting Southwark's Housing Needs**

Issue 1:

Whether the Plan has been positively prepared and whether it is justified, effective, consistent with national policy and in general conformity with the London Plan in relation to meeting the Borough's housing needs.

Relevant Policies – SP1, SP1a, SP1b, P1 – P11

#### ***Housing requirement/ target***

#### **Question 3.1**

**What is the overall quantity of new homes that are to be planned for in the Borough up to 2033 and in light of Q1.3 above on plan period, should this be modified to cover the period up to 2036?**

1. As set out in the 5 and 15 Year Housing Land Supply Report (SP105), Paragraphs 3.3-3.5, based on the Publication London Plan (2020) (EIP157), the minimum ten year target between 2019/20-2028/29 for Southwark is 23,550 net homes. This is equivalent to 2,355 net homes per annum, giving an accumulative total of 11,775 homes net additional homes for the period 1 April 2018 – 31 March 2023 (5 years).
2. As Southwark has under delivered against the yearly target in the last three years, as per the NPPF, a 20% buffer has been used in the 5 and 15 Year Housing Land Supply Report (SP105), equating to an extra 2,355 homes over the five year period. Therefore, the Council needs to demonstrate that it can make provision over the five years from 1 April 2018 – 31 March 2023 for an additional **14,130 net homes**.
3. The six to fifteen year land supply target for Southwark consists of the London Plan target of 2,355 net homes per year rolled forward for the ten year period: **additional 23,550 net homes**. Over the 15 year period this equates to **37,680 homes**.
4. As set out in Q1.3 the housing supply should be modified from the basis of 1 April 2020. This requires updates to the 5 and 15 Year Housing Land Supply Report (SP105), the Site Allocations Methodology Report (EIP82) and the Housing

Trajectory on Page 31 of Plan (EIP27A) to reflect the updated supply and timeframes for delivery which are being undertaken.

### **Question 3.2**

**Having regard to the London Plan housing requirement of 2,355 homes per year for the 10 year period, how would the plan identify the housing requirement in years 11-15? What methodology would be used for calculating the housing requirement/target to the end of the plan period?**

1. Paragraph 4.1.11 of the Publication London Plan (2020) sets out that if a target is needed beyond the 10 year period (2019/20 to 2028/29), boroughs should draw on the 2017 SHLAA findings (which cover the plan period to 2041) and any local evidence of identified capacity, in consultation with the GLA, and should take into account any additional capacity that could be delivered as a result of any committed transport infrastructure improvements, and roll forward the housing capacity assumptions applied in the London Plan for small sites. The housing requirement of the 11-15 years is based on the Publication London Plan 10 year target over 5 years which equates to 11,775 homes.
2. The Housing Trajectory on Page 31 of the Plan (EIP27A) sets out the homes planned for in the borough up to 2033 - for the 11-15 years (2027-2033) it confirms that this is calculated through planning approvals in the pipeline for all site allocations, remaining capacity of sites within the NSP and AAPs, potential growth identified by the SHLAA and windfall sites. The 5 and 15 Year Housing Land Supply Report (SP105) at Section 4 provides more details on how the years 6-15 housing supply has been calculated, including how potential windfall sites have been calculated.
3. As set out in Q1.3 the housing supply should be modified from the basis of 1 April 2020. This requires updates to the 5 and 15 Year Housing Land Supply Report (SP105), the Site Allocations Methodology Report (EIP82) and the Housing Trajectory on Page 31 of Plan (EIP27A) to reflect the updated supply and timeframes for delivery which are being undertaken.

### **Question 3.3**

**Is the housing requirement/target of in general conformity with the London Plan? Is it correctly identified on the proposed Housing Trajectory? Are there circumstances which justify an alternative approach to the calculation of the housing requirement and the use of a different method? If so, what are they and what would be the resulting housing requirement?**

1. Yes. Policy SP1, Reason 3 confirms the Publication London Plan (2020) housing target for Southwark of 2,355 net additional homes per annum.
2. The Publication London Plan (2020) Policy H1 Increasing housing supply references Table 4.1 which sets the ten-year targets for net housing completions that each local planning authority should plan for. It also confirms that boroughs must include these targets in their Development Plan Documents.
3. Table 4.1 sets the 10 year housing target for boroughs (2019/20-2028/29), the target for Southwark is 23,550 which equates to 2,355 units per annum.
4. Paragraph 4.19 sets out that there will inevitably be variations in housing completions from one year to the next, as well as a degree of uncertainty in the delivery and phasing of large sites.
5. There are no circumstances to justify an alternative approach to the calculation of the housing requirement and use of a different method. See Section 4 of the Housing Background Paper (SP101), Paragraph 4.28 and 4.29 extract below:
6. A summary of the Strategic Housing Market Assessment (SHMA) (SP107) in regards to general housing need is provided below.
  - General housing need: Applying the new formula set out in the Planning Practice Guidance and using the GLA's 2016-central based population and household projections estimates a need of 2,932 households per annum in Southwark.
  - Following the approach set out in previous PPG produces an estimate of the Objective Need for Housing (OAN) of 2,600 household per annum.
  - Cobweb Consulting recommends that we use the 2016- based central trend household projections produced by GLA to provide a better basis for assessing need. Firstly the GLA has a more specialised knowledge of demographic trends in London than ONS, and secondly, the GLA projections are more up to date than the 2014- based projections produced by MHCLG.
7. Notwithstanding the approach set out in the PPG and the recommended approach set out in the SHMA, the Publication London Plan (2020) 10 year target of 23,550 net additional homes remains our housing target set out in the New Southwark Plan as this is based on strategic need and capacity in London as a whole.
8. The Housing Trajectory on Page 31 (EIP27A) includes housing figures for Years 1-5, this includes a 20% buffer in accordance with Paragraph 73 of the Framework which requires strategic policies to include a trajectory illustrating the expected rate

of housing delivery over the plan period. This also requires a buffer of 20% brought forward from later in the plan period where there has been significant under delivery of housing over the previous three years. See Paragraph 3.4 of the 5 and 15 Year Housing Land Supply Report (SP105).

9. As set out in Q1.3 the housing supply should be modified from the basis of 1 April 2020. This requires updates to the 5 and 15 Year Housing Land Supply Report (SP105), the Site Allocations Methodology Report (EIP82) and the Housing Trajectory on Page 31 of Plan (EIP27A) to reflect the updated supply and timeframes for delivery which are being undertaken.

#### **Question 3.4**

**Is the policy clear as to the amount of housing that is to be delivered on small sites in accordance with NPPF paragraph 68? Is this in accordance with the London Plan?**

1. See our full response to this question in the Strategic Targets Background Paper (EIP161).

#### **Question 3.5**

***What is the overall target for the number of affordable homes in the Borough over the plan period? How does the Council's aim of delivering 11,000 Council Homes to 2043 relate to this target?***

1. Policy SP1 (EIP27A) of the plan - sets a strategic target of 50% of homes to be affordable. With a target of 2,355 homes per annum, this equates to 1,177 affordable homes per annum. Policy P1 sets a requirement of a minimum of 35% affordable homes in planning applications (with the exception of Aylesbury Action Area), this equates to 824 affordable homes per annum.
2. As set out in the Housing Background Paper (SP101) Paragraph 5.42 our social rented and intermediate housing requirement is 35% on developments providing housing (with the exception of Aylesbury Action Area). Our housing target is 50% affordable housing. Some of 15% shortfall between our housing target and requirement will be met through our new council homes delivery programme. Given our acute need for social rented homes as identified above, our new council homes delivery programme focuses on council homes.
3. The Housing Strategy (EIP156) sets a target for 11,000 affordable homes delivery through the council's own land and buildings up to 2043. The Council Plan adopted in October 2018 commits to building at least 2,500 council homes by 2022.

4. We have an ambitious council home building programme to meet this target, which includes a new homes delivery team and planning team and a new homes transformation board to ensure the target is met. We are already building new homes with 677 delivered, 576 under construction and a further 1,364 council homes with planning permission. A further 1,757 are in various stages of design development.
5. Where the delivery of new council homes is known through the delivery programme, these figures are included within our supply, with the remaining number of homes to be delivered up to 2043 to be determined.

### **Question 3.6**

**What is the target for housing for older people falling within Class C2 of the Use Classes Order (as amended) and how does this relate to the benchmark provision identified in the London Plan?**

2. See our full response to this question in the Strategic Targets Background Paper (EIP161).

### **Strategic Policy SP1b – Southwark’s Places**

#### **Question 3.7**

**3.7 What is the basis for the approximate housing capacity figures shown? Are these intended to be minimum housing targets?**

1. Yes, Site Allocations Methodology Report (EIP82) provides clarification on the methodology for the capacity (4.10-4.13). It confirms:
2. An assessment of individual site capacities was undertaken to inform the aggregate land-use figures. This involved council officers assessing potential building footprints on each Site Allocation that made an efficient use of land and responded to their context. Buildings of merit were assumed to be retained. The council officers then estimated the notional massing, i.e. number of storeys, which could be achieved on each building footprint to generate a total Gross External Area (GEA) for the site. This process was iterative, with each site appraised separately by multiple officers before agreeing the final parameters. The final figures are based on mid-points between the assumptions made in individual officer assessments. In order to standardise the site capacities the measure of floor to area ratio (FAR) has been used instead of the mid point of building footprint coverage or number of storeys. The indicative floorspace figures are presented in GIA. These have been derived by reducing the GEA by 15%. Alongside the

indicative floorspace, desk based estimates were made of the existing floorspace in different uses on each site except where known by planning applications. This allowed the potential uplift to be derived.

3. The site capacities shown in Appendix 2 are indicative as they have not undergone further detailed testing. As the FAR is based on a suitable average for each site they do not preclude the inclusion of taller or shorter buildings on part of a site. A FAR of 1 can mean 100% of a site developed to 1 storey or 50% of the site developed to two storeys and so forth.
4. The key purpose of the indicative development capacities is to inform Southwark's strategic growth projections and ensure the Council has a high level understanding of the strategic distribution of development expected to come forward across the borough over the course of the plan period.
5. These assumptions do not in any way provide an indication of the maximum or minimum quantum of development that should or could be achieved on an individual site.
6. Where there is a live planning application or planning permission has been granted on a site allocation the housing capacity within the scheme has been included as the indicative capacity.

### **Question 3.8**

**Do the approximate housing capacity figures include implemented planning permissions, and if so, how many dwellings are under construction? Should the extent of any implemented consents be shown more clearly?**

1. Yes. The figures within SP1b (relating to NSP site allocations) are based on the Housing Trajectory at Annex 2 which sets out clearly where sites are under construction or completed in the 'status' column. 3,107 homes are under construction within the NSP site allocations as identified in Annex 2. It is not considered necessary to include the implemented consents within the SP1b as these are identified at Annex 2.
2. As set out in Q1.3 the housing supply should be modified from the basis of 1 April 2020. This requires updates to the 5 and 15 Year Housing Land Supply Report (SP105), the Site Allocations Methodology Report (EIP82) and the Housing Trajectory on Page 31 of Plan (EIP27A) to reflect the updated supply and timeframes for delivery which are being undertaken.

### **Question 3.9**

**What is the net minimum number of homes to be allocated in the plan, including in each vision area, once completions and implemented consents since the start of the plan period have been taken into account?**

1. 33,262 homes are allocated through site allocations in the Plan once implemented and completed schemes have been taken into account. This is based on the figures in the Housing Trajectory at Annex 2 (EIP27A).
2. As set out in Q1.3 the housing supply should be modified from the basis of 1 April 2020. This requires updates to the 5 and 15 Year Housing Land Supply Report (SP105), the Site Allocations Methodology Report (EIP82) and the Housing Trajectory on Page 31 of Plan (EIP27A) to reflect the updated supply and timeframes for delivery which are being undertaken.

### **Issue 2**

**Whether the plan will be effective in delivering affordable housing to meet the needs of the borough?**

***Strategic Policy SP1 – Quality affordable homes***

### **Question 3.10**

**Is the policy justified, effective and consistent with national policy? How will the target of 50% of all new homes to be either social rented or intermediate tenures be achieved against a minimum 35% requirement on qualifying new development?**

See LBS response for Question 3.3 in relation to general housing need.

1. The Strategic Housing Market Assessment (SP107) looks at general housing need and the affordable housing need in Southwark. It also looks at housing requirements of specific groups. As set out in the National Planning Policy Framework (NPPF) (Paragraph 60), strategic policies are required to be informed by a local housing need assessment, using the standard guidance set out in the national planning practice guidance. It requires size, types and tenure of housing needed for different groups to be assessed and reflected in policies.
2. Paragraph 61 of the NPPF sets out that the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies (including, but not limited to, those who require affordable housing, families with children, older people, students, people with disabilities, service families, travellers, people who rent their homes and people wishing to commission or build their own homes).

3. The NPPF continues: where a need for affordable housing is identified, planning policies should specify the type of affordable housing required, and expect it to be met on-site unless:
  - a) off-site provision or an appropriate financial contribution in lieu can be robustly justified; and
  - b) the agreed approach contributes to the objective of creating mixed and balanced communities.
4. Policy SP1 sets our strategic social rented and intermediate homes target for the borough of 50%. This figure is consistent with the Publication London Plan (2020). It does not require all individual planning applications to meet this target.
5. It also confirms our commitment to deliver new council homes, provide high quality homes, including family homes and homes for vulnerable residents.
6. Policy SP1 in the Plan (EIP27A) sets out how we will achieve our affordable housing target of 50%:
  - Meeting and exceeding our housing target of 2,355 homes per annum;
  - Building 11,000 new council homes by 2043 as part of our overall housing target, by developing our own land and developing on some of our existing estates, including in-fill development;
  - Encouraging developers to increase the provision of social rented and intermediate homes on sites beyond 35% (set in Policy P1);
  - Encouraging developers to receive affordable housing grant to increase the provision of social rented and intermediate housing;
  - Encouraging developers to provide more social rented and intermediate housing through the fast track route.
7. The Housing Strategy (EIP156, Principle 1) sets out how we will achieve our target of 11,000 council homes by 2043. There is a comprehensive programme in place to achieve this target, starting with the delivery or start on site of 2,500 homes by 2022 which is on track to be achieved.

### **Question 3.11**

#### **What is the evidence on affordable housing needs, and what does it say?**

1. The Housing Strategy (EIP156) confirms that as of 1st July 2020 there were 12,914 households on the housing register and over 3,000 households in temporary accommodation. This is a significant number of people in need of accommodation in the borough.



2. Strategic Housing Market Assessment (SP107) identifies need, the findings are summarised in Housing Background Paper (SP101) Section 5 Para 5.11-5.17.
3. The SHMA looks at general housing need and the affordable housing need in Southwark.
4. There is an acute need for social rented and intermediate housing in the borough. The bar chart page 30 of the Housing Background Paper shows the number and proportion of residents in each income threshold in Southwark. This is then colour coded into which type of housing they can afford. It can be seen that a significant number of residents (31%) can only afford social rented housing which is up to approximately £20,000 income. There is also a significant number of people who require intermediate rent homes according to their income level (50.4%). 11.9% have incomes that can afford intermediate shared ownership products up to £90,000. 93% of residents have a household income that requires social and intermediate housing.
5. The SHMA 2019 confirms that the affordable housing net annual need in the borough is 2,077 homes. This is a significant increase from the 2014 SHMA which identified a net annual need of 799 homes. This need is determined through considering backlog need and newly arising need against annual supply of affordable homes.
6. It identified that 26% of people can afford to meet their needs in the open market within the lower rent level. However, 7% cannot afford a social rent without spending more than 33.3% of gross earnings. 30% can afford current average social rent and up to 49% lower market rent level. 12% can afford 50-65% of lower market rent level and 10% can afford 66-79% lower market rent level. It is noted that intermediate rents can vary greatly, however they are often found to be in the range of 66-79%. See Table 8 of the Housing Background Paper: affordability in the borough of homes.
7. The need of affordable homes per bed size is also considered. The most significant shortfalls in supply are set out in Table 9 of the Housing Background Paper.
8. Within Table 9 the bedroom size with the highest need within each affordable housing category is highlighted bold. There is a low supply of intermediate rents between 55-79% of the lower market rent within the borough. Therefore this results in a high need of this type housing. The social rent and households who cannot afford 50% of the lower market rent has a significant need of two and 4+ beds. For the intermediate rent, there is a need for one, two and three bedroom properties.

### **Question 3.12**

#### **What is the past record in terms of the delivery of affordable housing and how will future delivery be achieved?**

1. Housing Background Paper (SP101), Chapter 5 Table 10 sets out the affordable housing completions in the Borough between 2004-2019. We have delivered 6,416 affordable homes between 2004-2019. We are awaiting a completions report from the Greater London Authority to confirm the affordable housing figures for 2019-2020. Policy SP1 in the Plan (EIP27A) sets out how we will achieve our affordable housing target of 50%:
  - Meeting and exceeding our housing target of 2,355 homes per annum;
  - Building 11,000 new council homes by 2043 as part of our overall housing target, by developing our own land and developing on some of our existing estates, including in-fill development;
  - Encouraging developers to increase the provision of social rented and intermediate homes on sites beyond 35% (set in Policy P1);
  - Encouraging developers to receive affordable housing grant to increase the provision of social rented and intermediate housing;
  - Encouraging developers to provide more social rented and intermediate housing through the fast track route.
2. The Housing Strategy (EIP156, Principle 1) sets out how we will achieve our target of 11,000 council homes by 2043. There is a comprehensive programme in place to achieve this target, starting with the delivery or start on site of 2,500 homes by 2022 which is on track to be achieved.

### **Question 3.13**

#### **Is the plan consistent with the Framework in respect of all types and tenures of affordable housing? Is it consistent with the London Plan?**

1. Housing Background Paper (SP101), Chapter 5 Paragraphs 5.29-5.49 sets out how Policy P1 is consistent with the Framework and in general conformity with the Publication London Plan (2020).
2. Paragraph 64 of the NPPF sets out that major developments proposing housing should expect at least 10% of homes to be affordable home ownership. Exceptions to the 10% requirement are: solely build to rent homes; specialist accommodation for groups with specific needs; self-build homes and provision of only affordable housing schemes. The requirement for 10% intermediate housing within Policy P1 is consistent with this requirement.

3. Our tenure requirement of 25% social rented homes and 10% intermediate homes of the whole development is in general conformity with the Publication London Plan (2020), as the social rent equates to 71% and intermediate equates to 29% of the whole development.

#### **Question 3.14**

**Is the minimum 35% requirement (on sites of 10+ units) justified in response to the evidence on the Borough's need for affordable housing? As with Aylesbury is it likely that forthcoming Area Action Plans for specific parts of the Borough could set alternative and specific affordable housing requirements?**

1. The Housing Background Paper (SP101), Chapter 5 Paragraphs 5.11-5.17, provide a summary of the affordable housing need in the Borough as set out within the Strategic Housing Market Assessment (SP107). Also see the answer to Question 3.11 above.
2. The NSP (EIP27A) addresses affordable housing need at this time in the borough, this replaces the current AAPs. Where there is a different need in an area in the future, an area action plan will be prepared as required.

#### **Question 3.15**

**Should the supporting text to policy be expanded to further explain the context / significance of affordable housing in the Borough including the role of the existing / forthcoming SPD on Affordable Housing?**

1. Policy P1 reasons in the Plan (EIP27A) set out the context and significance of affordable housing in the borough. A new Affordable Housing SPD, as recognised in the Local Development Scheme (EIP66B), will be prepared to provide more guidance on the affordable housing requirements in the Plan. However, this does not need to be cross referenced in Policy SP1 or P1.

#### **Policy P1 – Social rented and intermediate housing**

#### **Question 3.16**

Is the proposed fast track justified, effective and consistent with national policy and the London Plan? Are the exceptional circumstances for the use of the fast track route limited to the particulars set out in 4(1.), and 4(2.)?

1. National policy does not set a requirement for a fast track route. Paragraph 34 of the NPPF sets out that Plans should set out the contributions expected from development, including setting out the levels and types of affordable housing provision required, along with other infrastructure (such as that needed for

education, health, transport, flood and water management, green and digital infrastructure). Such policies should not undermine the deliverability of the plan.

2. The fast track route is in general conformity with the Publication London Plan (2020). Due to a local need, it requires a higher percentage than the Publication London Plan (2020). The Housing Background Paper (SP101), Chapter 5 Paragraphs 5.50-5.75, sets out justification for the fast track route.
3. The delivery of social rented and intermediate homes is one of our strategic priorities. Our fast track route seeks to maximise the provision of affordable housing. It provides an incentive for developers to push up their social rented and intermediate housing provision as they can fast track their application.
4. We have set a higher threshold than the Publication London Plan (2020) given our acute need to deliver social rented and intermediate housing. Our affordable housing target is 50%, not 35%. In order to maximise affordable housing delivery and get to our 50% target, developers and applicants need to be incentivised to increase their affordable housing provision beyond 35%. If the fast track threshold is 35%, applications are not likely to exceed this as there is no incentive to go beyond it, which could therefore risk meeting our 50% affordable housing target.
5. Therefore we require developers and applicants to provide 40% affordable housing to follow the fast track route. The shortfall of achieving 50% affordable housing will be delivered through council schemes and schemes where Registered Social Landlords are the developers where their main objective is the delivery affordable home and they exceed 40%.
6. Most of our planning applications coming forward are meeting 35% affordable housing and therefore we want to ensure we can increase the provision further. If 40% social rented and intermediate housing is not being achieved or 60% social rented and intermediate housing in the Aylesbury Area Action Plan area, the applicant has the option to follow the viability tested route.
7. See Table 12 of the Housing Background Paper which sets out a number of schemes that are achieving at least 35% affordable housing, an updated list is provided below.

*List of updated schemes which include housing that have been to planning committee since October 2019 providing at least 35% affordable housing*

<b>Application reference number</b>	<b>Address</b>	<b>% of affordable housing per habitable room</b>	<b>Decision</b>
18/AP/0657	Land At 19, 21 And 23 Harper Road 325 Borough High Street And 1-5 And 7-11 Newington Causeway	50%	Approved at planning committee October 2019.
18/AP/3284	596-608 Old Kent Road And Land At Livesey Place	35%	Approved at planning committee November 2019 (subject to legal agreement).
18/AP/2895	2 Varcoe Road, London SE16 3DG	35.1%	Approved at planning committee December 2019 (subject to legal agreement).
19/AP/1612	St Olaves Nursing Home, Ann Moss Way London SE16 2TL	50%	Approved at planning committee February 2020 (subject to legal agreement).
19/AP/1322	840 Old Kent Road	36%	Approved at planning committee February 2020 (subject to legal agreement).

18/AP/2497	79-161 Ilderton Road, London SE16 3JZ	35.61%	Approved at planning committee May 2020 (subject to legal agreement).
19/AP/1239	747-759 & 765-775 Old Kent Road, SE15 1NZ & Land at Devonshire Grove, SE15	41%	Approved at planning committee June 2020 (subject to legal agreement).
19/AP/1710	651-657 Old Kent Road, London SE15 1JU	35%	Approved at planning committee June 2020 (subject to legal agreement).
19/AP/1773	227-255 Ilderton Road, London SE1 1NS	35.5%	Approved at planning committee June 2020 (subject to legal agreement).
19/AP/0830	Landmark Court, bounded by Southwark Street, Redcross Way and Cross Bones Graveyard, London SE1	50%	Approved at planning committee June 2020 (subject to legal agreement).
19/AP/1867	Dulwich Hamlet Football Club, Edgar Kail Way SE22 8BD and neighbouring artificial pitch at Greendale	35.4%	Approved at planning committee July 2020 (subject to legal agreement).
19/AP/2307	Daisy Business Park, 19-35 Sylvan Grove, London SE15 1PD	35.1%	Approved at planning committee October 2020 (subject to legal agreement).

19/AP/7610	14-22 Ossory Road, London SE1 5AN	35.38%	Approved at planning committee December 2020 (subject to legal agreement).
20/AP/1329	313-349 Ilderton Road, London, SE15 1NW	36%	Approved at planning committee January 2021 (subject to legal agreement).

8. Reason 8 of the Plan confirms that the Mayor’s fast track for development on Public Sector Land will be followed in Policy H6 of the Publication London Plan (2020).
9. The Housing Background Paper, Chapter 5 Paragraphs 5.59-5.65, confirms that we are not applying the Mayor’s fast track route for development on Strategic Industrial Locations, Locally Significant Industrial Sites and Non-designated Sites as per Policy H6. Viability testing undertaken in the Old Kent Road Opportunity Area Viability Study (April 2016) (EIP19 and EIP19A) confirms that the Council’s policy requirement of 35% affordable housing is acceptable. In some instances, subject to their benchmark land value and grant funding available, sites can achieve higher provisions of affordable housing (45% affordable housing). The study also confirms that some schemes have challenging viability.
10. Although some sites can deliver 45% affordable housing, industrial sites can incur exceptional costs which can be an issue for development viability. Our flexible approach to affordable housing in the Borough (including Old Kent Road action area) ensures full consideration can be given to the viability of redeveloping sites.
11. It is unviable to set a threshold approach of 50% affordable housing on Strategic Industrial Locations, Locally Significant Industrial Sites and Non-Designated Industrial Sites appropriate for residential uses where the scheme would result in a net loss of industrial capacity.
12. Expecting 50% affordable housing to be provided on industrial land, particularly on Old Kent Road may have significant consequences on the viability of schemes coming forward, and as such, this requirement is not applied in Policy P1.
13. The Mayor’s Affordable Housing and Viability SPG (August 2017) Paragraph 2.84 states ‘when considering Opportunity Areas, Housing Zones and industrial land, LPAs may wish to apply a localised affordable housing threshold for the fast track

Route or fixed affordable housing requirements that maximises affordable housing delivery'. Accordingly, we are retaining our 35% social rented and intermediate housing requirement on industrial land which will be subject to viability testing, where 40% social rented and intermediate housing is proposed or 60% in the Aylesbury Area Action Plan area social rented and intermediate housing is proposed, applicants can follow the fast track route.

14. The exceptions for following fast track are in Clauses 4.1 and 4.2 in Policy P1.

15. Reason 8 of Policy P1 sets out that for development on public sector land, we will follow the Mayor's approach as set out in Policy H5 of the Publication London Plan.

### **Question 3.17**

**What is the justification for the different percentage requirements in the Aylesbury Area Action Plan area? Is this supported by evidence, including viability?**

1. In conformity with the Publication London Plan (2020) Policy H8 – loss of existing housing and estate redevelopment, any redevelopment of the Aylesbury Estate is required to follow the Viability Tested Route and provide an uplift in affordable housing in addition to the replacement affordable housing floorspace.
2. In addition, any redevelopment of the Aylesbury Estate (as part of an estate redevelopment programme) that involves the demolition of affordable housing and replacing social rent housing must be provided as social rent housing where it is facilitating a right of return for existing tenants. Where affordable housing that is replacing social rent housing is not facilitating a right of return, it may be provided as either social rent or London Affordable Rent housing (Publication London Plan (2020) Policy H8).
3. Notting Hill Genesis housing association (NHG) is our development partner delivering this estate regeneration. Some of the first new homes to be built will be council homes; managed and rented by Southwark Council. Others will be mixed tenure homes (social rent, shared ownership) which will be managed by NHG and some will be homes to own outright. A number of planning permissions have already been approved and/or delivered within the Action Plan Area providing the re-provision of affordable housing as per the policy.
4. Also see an update on this delivery in LBS response to Question 2.6, Matter 2.

### **Question 3.18**

**What is the basis for the site size thresholds and the proportions of affordable dwellings sought? Is this justified and consistent with national policy?**

1. See LBS response for Question 3.17 above.



**Question 3.19**

**Is the policy consistent with the Framework in respect of the definition of affordable housing? Is the exclusion of some forms of affordable housing products justified?**

1. Policy P1 factbox in the Plan (EIP27A) sets out the types of affordable housing accepted in the borough which are consistent with the definition of affordable housing in the Framework. Housing Background Paper (SP101), Chapter 5 Paragraphs 5.44-5.49, sets out the reasons for the accepted types of affordable housing due to affordability in the borough. Policy P1 is also in general conformity with the Publication London Plan (2020). Supporting text to Policy H6 – affordable housing tenure – confirms that Mayor’s preferred affordable housing tenure as homes based on social rent levels (social rent and London Affordable Rent), London Living Rent and London Shared Ownership.
2. The affordable housing offer we accept is:

<b>Social housing</b>	<b>Intermediate housing</b>
Social Rented	Shared ownership
	Shared equity
	London Living Rent
	Discount market rent at the equivalent to London Living Rent
	Community Land Trust
	Discounted market sale
	Starter Homes

3. We will not accept London Affordable Rent, Affordable Rent or Discount Market Rent as we do not consider them to be ‘affordable’ and therefore they do not fall under social rent or intermediate housing. We will only accept Discount Market Rent where it is at a rent level equivalent to London Living Rent. As identified in the SHMA, there is a significant need for social rented and intermediate housing

in the borough, 37% of residents are not able to meet social rent and up to 49% lower market rent, of this 7% can only afford rent below average social rent level. We need to ensure our social housing is affordable to our residents and therefore we only accept social rented housing. Where residents cannot afford social rent levels they will have to spend more of their income on their rent. These social rent levels are determined by the formula set out in the HCA Rent Standard Guidance.

4. The Mayor encourages the provision of London Living Rent which is a type of affordable housing for middle-income Londoners. These homes have lower rents, so any money saved on rent can go towards a deposit for a home to own.
5. Across London as a whole the average monthly rent for a 2-bedroom London Living Rent home is around £1,050 a month, roughly two thirds of the median market rent.
6. The Mayor has published benchmark London Living Rent levels for every neighbourhood in the capital. These are based on a third of average local household incomes and adjusted for the number of bedrooms in each home.
7. In most boroughs this will be a significant discount to the market level rent and therefore within Southwark this is intermediate rent housing product accepted.

### **Question 3.20**

#### **What effect would the policy have overall on the viability of development proposals and what evidence is there in this respect?**

1. The application of this policy will not negatively affect the viability of developments. Policy P1 requirements are 'subject to viability' therefore where a scheme cannot meet the affordable housing requirement, the maximum viable amount can be determined through the submitted viability appraisal. The Housing Background Paper (SP101), Chapter 5 Paragraphs 5.24-5.28, summarises the findings of the Viability Studies to justify Policy P1.
2. Three viability studies have been undertaken by BNP Paribas to assess the viability of all of the contributions in the Plan, this includes the 35% social rented and intermediate housing requirement.
3. The Viability Study 2017 EIP17 states:

*Affordable housing: 'testing has demonstrated that the Council's Policy DM1 [now Policy P1] requirement of 35% affordable housing remains a reasonable requirement across all developments in the LBS. Some schemes (subject to their benchmark land values) are able to achieve higher amounts of affordable housing (50% affordable housing). As can be expected however,*

*some schemes are also identified as having challenging viability. However, the Council's flexible approach in their policy i.e. that the provision will be subject to viability, will assist with both development viability and ensuring the delivery of the maximum quantum of viable affordable housing. Considering the results of this assessment holistically and considering the Council's preference for social rented accommodation, we recommend that the current requirement of 35% is maintained.*

4. In light of the results we consider that there is no need for the Council to adopt a sliding scale of affordable housing for units between 11 to 15 units, and that the Council's flexible policy approach allowing for viability will be sufficient to assist schemes where due to site specific circumstances they are unable to deliver 35% affordable housing'.
5. The Viability Study tested the requirement for 20% social rented and 15% intermediate housing. It confirms that testing was undertaken on schemes with the inclusion of London Living Rent in place of shared ownership and it had a limited impact on viability in schemes where shared ownership values are based on the council's lower income threshold.
6. Where it is sufficiently justified that affordable homes cannot be provided on-site or off-site and we agree to accept a payment in lieu (also see LBS response to Question 3.24).
7. The Viability Background Paper (EIP20) provides an overview of viability of the Plan and also provides a number of examples of planning applications which have been delivering the planning obligations requirements of the Plan (EIP27A).

### **Question 3.21**

**Is the requirement for proposals that would create 9 dwellings or fewer to provide social rented and intermediate housing or financial contributions justified and consistent with national policy, planning practice guidance and the London Plan?**

1. NPPF Paragraph 63 confirms that the provision of affordable housing should not be sought on residential developments that are not major developments, other than in designated rural areas. It also sets out that vacant building credit can be applied so that affordable housing contribution is reduced, this does not apply where the building has been abandoned.

2. This requirement is in general conformity with the Publication London Plan (2020). The Publication London Plan (2020) has removed Paragraphs 4.2.12 and 4.2.13 which knowledge that some boroughs rely on sites of less than ten units to deliver housing and encourages boroughs to require affordable housing on these sites through either on site delivery or cash in lieu payments. This encouraged boroughs to be flexible on when they collect the payments.
3. This has been deleted in response to Direction 3 from the Secretary of State.
4. Footnote 50 of the Plan states: Boroughs may also require affordable housing contributions from minor housing development in accordance with Policy H2 Small sites. This footnote remains in the Plan.
5. Minor Development Affordable Housing Background Paper (SP102) provides justification for the affordable housing provision on minor schemes and provides justification for the departure from the Framework due to an acute local need for affordable housing in the borough and given the significant provision of housing through minor developments. Policy P1 requirements are 'subject to viability' therefore where a scheme cannot meet the affordable housing requirement, the maximum viable amount can be determined through the submitted viability appraisal.
6. The requirement for affordable housing on minor developments is also supported by viability evidence in the Small Site Viability Testing (SP108).
7. The report concludes that the policy requirements and contributions expected from small sites development under Policy P1 "will therefore both ensure the delivery of small development sites in LBS, whilst providing the maximum viable quantum of much needed contributions towards affordable housing", thus will "not undermine the deliverability of the plan" (NPPF paragraph 34).

### **Question 3.22**

**What is the basis for the requirement for viability appraisals and reviews for all developments, even where these may be policy compliant, and is that consistent with NPPF paragraph 57?**

1. Viability appraisals and reviews are required for all applications unless they are following the fast track route to ensure the maximum provision of affordable housing is provided subject to viability. Housing Background Paper (SP101), Chapter 5 Paragraphs 5.11-5.17 and 5.29-5.49, confirms the affordable housing need in the borough which requires Policy P1 to seek the maximum viable amount of affordable housing and requires the submission of viability appraisals and viability reviews. The Publication London Plan (2020) does not require a viability

assessment if 35% affordable housing (or 50% affordable housing in the case of public sector land and industrial land) is being achieved, however, given the significant affordable housing need in Southwark, to follow the fast track route, 40% affordable housing or 60% affordable housing in the Aylesbury Area Action Plan area, needs to be provided.

### **Question 3.23**

#### **What is the basis for the tenure split sought and is this justified?**

1. Housing Background Paper (SP101), Chapter 5 Paragraphs 5.11-5.17 and 5.29-5.49, confirms the affordable housing need in the borough and provides justification for the tenure splits within Policy P1.
2. The need for social rent homes is more acute than the need for intermediate housing, someone who can only afford social rent has very limited options. People with intermediate needs, can find lower market rent options that someone requiring social rent could not afford. The Housing Strategy (EIP156) confirms that as of 1st July 2020 there were 12,914 households on the housing register and over 3,000 households in temporary accommodation. This is a significant number of people in need of accommodation in the borough.
3. As such, the policy requirement for the provision of social rented housing (20%) is higher than the requirement for intermediate housing (10%).
4. The basis for the tenure split is in general conformity with the Publication London Plan (2020) Policy H7:
  1. A minimum of 30% low cost rented homes, as either London Affordable Rent or Social Rent, allocated according to need and for Londoners incomes
  2. A minimum of 30% intermediate products which meets the definition of genuinely affordable housing, including London Living Rent and London Shared Ownership
  3. The remaining 40% to be delivered by the borough as low cost rent or intermediate products based on identified need.

Our tenure requirement of 25% social rented homes and 10% intermediate homes of the whole development equates to 71% social rented and 29% intermediate of the affordable housing part of the scheme.

### **Question 3.24**

#### **What is the basis for the calculation of payments for developer contributions where affordable housing is not provided on site?**

1. Where it is sufficiently justified that affordable homes cannot be provided on-site or off-site and we agree to accept a payment in lieu, the payment in lieu is £100,000 per habitable room. As set out in the Draft Affordable Housing SPD (2011). This has been the requirement for schemes since the SPD requirement was introduced in 2011.
2. The Housing Background Paper (SP101), Chapter 5 Paragraphs 5.24-5.28, summarises the findings of the Viability Studies to justify Policy P1. Viability Study (SP109) Section 3 sets out the appraisal results for calculating a viable payment in lieu for schemes that are not providing affordable housing on site if they comply with the sequential test.
3. The Viability Study 2019 states:
 

Policy P1 (Social rented and intermediate housing) payment in lieu: ‘Based on the Council’s approach that “there can be no financial advantage to the developer in not delivering the affordable housing on-site” and in light of the results of our testing we suggest that the Council considers adopting a nuanced approach to the affordable housing contributions, subject to viability, as follows:

  - CIL Zone 1: £250,000 per Habitable Room;
  - CIL Zone 2: £130,000 per Habitable Room; and
  - CIL Zone 3: £82,000 per Habitable Room’.
4. This revised payment in lieu has not been formally implemented at this stage, however, it will be in due course as it has been shown to be viable, this would significantly increase the contributions we receive to build more social rented and intermediate housing.

### **Question 3.25**

#### **Are the expectations for shared ownership housing in respect of household income and the market value of such justified?**

1. If the Inspectors were to direct the council to make a modification to the plan in relation to the market value of shared ownership, this would be the wording we would recommend to Policy P1:

*Reason 6 – remove reference to £600,000 in brackets*

~~*(Provided the market value of a Shared Ownership home does not exceed £600,000)*~~

*Fact box - under Shared Ownership - remove reference to £600,000 in fact box.*

~~The Mayor states the open market value of a Shared Ownership home should not exceed £600,000.~~

2. The income eligibility threshold, which is reviewed and amended annually based on the house price rates of change, will ensure the affordability of the shared ownership homes for people in the borough. As set out in the factbox of Policy P1, Pg 82 of EIP27A, the council sets its own income eligibility thresholds for shared ownership for an initial three month period. In the event no suitable purchaser is found within three months eligibility is widened to households with an income no greater than £90 000 (as updated annually by the Mayor of London).
3. The Publication London Plan (2020) Paragraph 4.6.9 (supporting text to Policy H6 affordable housing tenure) sets out that Boroughs should seek to ensure that intermediate provision provides for households with a range of incomes below the upper limit. Paragraph 4.6.10 continues, in addition to the income caps, boroughs may set other eligibility criteria for the intermediate units, reflecting local housing need. However, any local criteria including income caps below the maximum amounts set out above should automatically cascade out to the London-wide eligibility criteria within three months to ensure that units are not left vacant.
4. The 2017 Viability Study (EIP17) Section 6 sets out the testing of the affordable housing requirement including the shared ownership with identified Southwark thresholds. It assesses this compared to the GLA thresholds and confirms that the viability is marginal between the thresholds. It confirms that our flexible approach in the application of the affordable housing policy i.e. that the provision of affordable housing is subject to viability, considered on a site by site basis, will assist with both development viability and ensuring the delivery of the maximum quantum of viable affordable housing.

### **Question 3.26**

**3.26 Is the policy overall sufficiently flexible including in relation to the viability of development?**

1. Yes, this is acknowledged in the viability studies through the viability testing.

### **Issue 3**

Whether the plan will deliver an appropriate mix of housing to meet the various housing needs over the plan period? Are the policies for the design, mix and standards of housing justified, effective and consistent with national policy?

### **Policy P2 – New Family Homes**

### **Question 3.27**

### **Is the policy justified, effective and consistent with national policy and the London Plan?**

1. Yes. This policy is consistent with national guidance and the objective to deliver a sufficient supply of homes and provide for housing needs of different groups such as families with children. It is also in general conformity with Policy H10 of the Publication London Plan (2020) to provide a range of unit sizes having regard to local evidence.
2. The Secretary of State's letter to the Mayor of London dated March 13 2020 sets out the importance for family homes in London. The letter directs the Mayor to ensure that London Boroughs consider the mix of housing units, in relation to the provision and potential loss of family housing units, when preparing policies.
3. Direction DR1 directs the Mayor to amend the plan to include reference to family homes and notes that 'London has a strong need for family homes, as set out in the SHMA, the modification set out in the direction is to address this need and help provide the homes needed – which otherwise will force families to move outside of London to find suitable housing and put further pressure on the areas surrounding the capital.' The Mayor addressed this by making the necessary modifications to the Publication London Plan (2020).

### **Question 3.28**

#### **Is the approach to a mix of tenures and the size of dwellings justified and supported by evidence? Is it sufficiently flexible?**

1. Policy P2 sets out the minimum proportion of larger units that should be provided in different parts of the borough, given the need identified in the borough. The proposed mix of housing units is supported by the SHMA (SP107) Table 4.13 sets out the need for affordable homes by bedroom size, this demonstrates that there is a significant need for affordable homes of all sizes, but particularly 2, 3 and 4 bedroom units at all levels of income/affordable housing type.
2. The SHMA also sets out need for market housing, there is a requirement of 20% one-bed homes, 30% two-bed homes, 34% 3-bed homes and 16% four-bed homes which informs the policy.
3. Policy P2 sets the portion of family homes to be delivered in developments to ensure the need of families can be met and the address overcrowding in the borough. We require family housing to be provided in all tenures.
4. Policy P2 allows for a degree of flexibility as to the placement of family housing within developments. It has also been updated to state family homes in apartment blocks should have direct access to outdoor amenity space and allow oversight of children outside. Therefore if residential development is on the upper floors of developments, they can provide direct access through e.g. a podium. The flexibility



of the policy allows for developers to respond to this requirement while recognising the unique challenges of mixed use schemes.

### **Question 3.29**

#### **Are any main modifications to Policy P2 necessary for soundness?**

1. No, main modifications are not needed for soundness. This policy is consistent with NPPF objective to deliver a sufficient supply of homes that is informed by a local need assessment and provides for the needs to different groups in the community, including families with children. Policy H10 of the Publication London Plan (2020) sets out that applications should provide a range of housing mix having regard to local need. Policy H10 (housing size mix) also requires developments to have regard to the need for additional family housing. Table 4.13 of the SHMA (SP107) sets out the future annual need for affordable housing in Southwark. The SHMA finds a shortfall in the number of homes 2, 3 and 4 bed homes that are projected to be provided. Therefore, the policy is justified in requiring the mix of housing units in order to meet the housing requirements in the borough.

### ***Policy P3 – Protection of existing homes***

### **Question 3.30**

#### **Is the policy justified, effective and consistent with national policy and the London Plan?**

1. Yes. As set out in EIP75 Statement of Conformity, this policy is consistent with national guidance and the objective to protect the demand for family homes.
2. Para 61 of the NPPF states that “Within this context, the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies (including, but not limited to, those who require affordable housing, families with children, older people, students, people with disabilities, service families, travellers, people who rent their homes and people wishing to commission or build their own homes.”
3. It is also in conformity with Policy H8 (loss of existing housing and estate redevelopment) to minimise the loss of existing homes. The Secretary of State's letter to the Mayor of London dated March 13 2020 sets out the importance for family homes in London. The letter directs the Mayor to ensure that London Boroughs consider the mix of housing units, in relation to the provision and potential loss of family housing units, when preparing policies.

### **Question 3.31**

**Is the policy justified by the evidence in the Strategic Housing Market Assessment, including the 130sqm threshold as a definition of a ‘family sized home’?**

1. Yes, this policy is justified. Defining a family sized home with threshold of 130sqm allows for the protection of a family home if the unit was to be subdivided. If a unit with a minimum of 130sqm net internal floorspace was to be divided into two separate units, the two new units could provide for a 1x2bed/3-person unit and a 1x2bed/4-person unit, as per the National Space Standards set out in in Table 6 of policy P14 of the Plan, which could accommodate a family with one child. This threshold would therefore resist the loss of family homes.

### ***Policy P4 – Private Rented Homes***

### **Question 3.32**

**Is the policy justified in distinguishing between private rented homes schemes of greater than 100 units and smaller schemes in respect of affordable provision and does this reflect the 2019 viability study evidence?**

1. As set out in point 3 of the policy Reasons, the policy applies to larger- scale development (schemes providing 100 homes or more) because larger schemes are best placed to provide a high quality rental offer to tenants renting privately and tenants in Discount Market Rent homes.
2. New Southwark Plan Housing and Viability Update 2019 (SP109) tests the viability of P4's requirement of 15% social rent equivalent and 20% affordable rent capped at London Living Rent, Para 3.24 - 3.28 ‘considers that Policy P4 as proposed is reasonable and will ensure the delivery of the maximum reasonable quantum of affordable housing whilst ensuring development can viably come forward over the plan period’.

### **Question 3.33**

**Is the proposed requirement for affordable provision on private rented schemes, including quantum and tenures, through either Policy P1 on schemes of 100 units or less, or Table 3 to Policy P4 on schemes over 100 units justified and consistent with national policy and the Intend to Publish London Plan 2019?**

1. As set out in the Housing Background Paper (SP101) Paragraph 6.13 we have a higher threshold than the Publication London Plan (2020) (50 units), however the

Publication London Plan (2020) sets out that boroughs may set their own threshold to reflect local housing market circumstances and affordable housing need.

2. We have set a higher threshold as it is considered to be easier to manage and benefit from economies of scale e.g. on service charge for a developer to provide security and professional management for larger schemes. The Publication London Plan (2020) allows the affordable housing offer to be solely discount market rent. It also states that boroughs can require a proportion of affordable housing as low cost rent (social rent or London Affordable Rent) under the supporting text for Policy H11 (Build to Rent) as per Policy H6 (affordable housing tenure) Clause A. Given the acute need of social rent housing in the borough, Policy P4 seeks the provision 15% social rent equivalent in private rented schemes instead of all Discount Market Rent as suggested in the Publication London Plan (2020).

### **Question 3.34**

**Is Policy P4 justified in requiring 20% affordable rent at London Living Rent equivalent and 15% social rent equivalent given the identified need for social housing in Southwark?**

1. Yes. This is justified in SP101 Housing Background Paper pages 57-60.
2. Policy P4 requires development proposing private rented homes to provide 35% affordable housing, a minimum of 15% should be provided as social rent equivalent and a minimum of 20% should be provided as affordable rent capped at London Living Rent.
3. Given the need for affordable housing as set out in Section 4, we require 35% affordable housing on build to rent schemes, in general conformity with Policy H13 in the Publication London Plan (2020).
4. Given the acute need of social rented housing in the borough, as set out in Section 4, we require 15% of the affordable housing in build to rent schemes to be social rented equivalent. These rents should be calculated the same way as social rents, using the formula set out in the HCA Rent Standard Guidance.

### **Question 3.35**

**Will the policy, as amended, assist in meeting the housing needs of middle-income earners (i.e. those earning £60,000 to £90,000) who cannot afford to buy a home but may not be eligible for social rent? Is deleting the 5% affordable rent requirement, as set out in the proposed submission plan 2017, justified and consistent with the London Plan?**

1. The bracket between £60,000 and £90,000 has been removed from the affordable housing requirements to be in general conformity with the Publication London Plan (2020) which requires discount market rent products to be capped at up to £60,000 incomes.
2. People earning between £60,000 and £90,000 have the option to rent on the open market or can consider a different intermediate product e.g. shared ownership.

### **Question 3.36**

#### **Is the policy justified introducing minimum tenancy periods and break clauses? Is this addressed by other legislation?**

1. This is justified on page 57-58 of SP101 Housing background Paper.
2. Policy P4 sets a requirement of tenancies for a minimum of three years with a six month break clause in the tenant's favour and structured and limited in-tenancy rent increases agreed in advance. This is to ensure security and control for renters and they can be confident that their living circumstances will not change with short notice which can be an issue with private rented homes and can impact people's livelihood.
3. The requirement for longer tenancies with a break clause in favour of the tenants and limited in-tenancy rent increase in advance is in general conformity with the Publication London Plan (2020).
4. This is also consistent with Planning Practice Guidance Build to Rent 2018 paragraph: 010 Reference ID: 60-010-20180913:

*"In granting planning permission for build to rent developments, authorities should set in place a planning condition requiring scheme operators to offer tenancies of 3 or more years to all tenants in the development, who are eligible to live in the country for that period (under the right to rent). This should apply to all tenants, whether paying market rent or affordable private rent."*

*Tenants should not be locked into longer tenancies for the full period of the agreement. Tenants should have the option to terminate at 1 months' notice, after the first 6 months, without a break fee being payable."*

### **Question 3.37**

#### **Is the minimum 30 year term for private rented and clawback mechanisms justified?**

1. Yes this is set out in SP101 Housing Background Paper.

2. We have set a target of 30 years as this will give a number of residents a significant period of time to live in these homes and will provide more security and longevity. It also ensures that there can be more cycles of people to live in them until they can afford to or choose to purchase a property. For example, if residents rent a property for five years on average, this will give six rounds of tenants to occupy the property.
3. Where the 30 year covenant is broken, a clawback mechanism will be triggered which will result in a penalty charge towards affordable housing. The clawback mechanism will be implemented as set out in the Mayor's Affordable Housing and Viability SPG 2017 which sets out how the payment to the local authority will be calculated.

### **Question 3.38**

#### **Would there be a 'fast track route' for build to rent schemes?**

1. No there is no fast track route for PRS as set out in para 6.34 -6.35 of SP101 Housing Background Paper. As this is a new product it is important to give the product time to mature and we need to be able to scrutinise the viability of the scheme to ensure enough affordable housing as viable is provided.

### ***Policy P5 – Student Homes***

### **Question 3.39**

#### **Is the requirement for wheelchair adaptable rooms justified and viable?**

1. P5 requires 10% of student accommodation to be provided which is a higher standard than current Building Regulations which only require 5%. This is order to ensure greater choice and a mix of units.

### **Question 3.40**

#### **Is the requirement for affordable housing provision sought by the policy justified, consistent with the London Plan and is it viable? Is the level of affordable student accommodation set out in P5(2) justified and in accordance with the London Plan?**

1. The policy is in general conformity with Policy H17 as set out in the Student Housing Background Paper (SP103).
2. Policy H17 requires the provision of 35% affordable student accommodation, Policy P5 requires student housing schemes to provide 35% affordable housing for direct lets and nomination schemes. Direct let schemes and nomination schemes where they are not providing rooms at affordable student rents are also required to provide 27% of student rooms at affordable student rent. The provision

of affordable housing has historically been required on student schemes in Southwark (Core Strategy Strategic Policy 8 was adopted in 2011) and remains a requirement given the acute need of affordable housing and to ensure student accommodation schemes do not compromise the delivery of affordable homes.

3. The affordable housing provision is necessary as student housing needs to be delivered at levels that meet the needs for this type of housing without limiting opportunities for the development of general needs affordable housing. This is set out in detail in the Student Housing Background Paper (SP103).
4. As set out in the Student Housing Background Paper (SP103), the Housing and Affordable Workspace Viability Testing Update 2019 (SP109) tests the viability of Policy P5 and the requirement to provide 35% affordable housing and 27% of affordable student rooms at a rent which is affordable to students. The testing confirms that schemes can viably deliver both conventional affordable housing along with up to 27% affordable student rooms.
5. This is set out in further detail in paragraphs 2.53 - 2.58 of the Student Housing Background Paper (SP103).
6. The Background Paper at Table 4 also provides a list of recent student housing schemes, their status and affordable housing provision. We provide an update on the scheme status below:

<b>Borough Reference</b>	<b>Net Student Bedrooms</b>	<b>Address</b>	<b>Current Permission Status</b>	<b>Nomination or Direct Let</b>	<b>Affordable housing contributions</b>
17/AP/3281	186	11-13 Spa Road, London, SE16 3RB	Decision Issued 25 June 2020	Direct Let	Payment in Lieu of £6.5m
18/AP/0156	250	272 St James's Road, London, SE1 5JX	Non-determination appeal. Allowed - decision issued 2	Direct Let	Payment in Lieu £3.52m

			March 2020		
18/AP/2295	143	77-89 Alscot Road, London SE1 3AW	Decision issued 15 October 2020	Direct Let	Payment in Lieu £5.7m
18/AP/0900	905	Capital House, 42-46 Weston Street, London SE1 3QD	Decision issued 17 December 2020	Direct Let	Payment in Lieu £34.1 million
18/AP/1604	0	Land bounded by Lower Road, Redriff Road, Quebec Way and Surrey Quays Road and Site at Roberts Close, SE16	Decision Issued 29 May 2020	n/a	Unknown. This is an outline application which includes provision of student accommodation, quantum to be agreed at a later stage.
19/AP/0405	417	Kings College London, land rear of 89-111 Borough High Street, London, SE1	Validated in January 2019, awaiting determination	n/a	unknown

19/AP/18 29	54	6 Paris Gardens & 20-21 Hatfields, London, SE1 8DJ	Decision Issued 28 January 2021	Direct Let	Payment in Lieu £1.89m
19/AP/20 87	393	Eagle Wharf, 90-96 Peckham Hill Street, London, SE15 5JT	Decision Issued 14 September 2020	Nominat ion - Universi ty of the Arts	Payment in Lieu £4m

### ***Policy P6 – Housing for older people***

#### **Question 3.41**

**Is the policy justified, effective and consistent with national policy and the London Plan? Is the affordable housing requirement viable?**

1. As set out in EIP75 (Statement of Conformity and legal checklist), the policy is consistent with paragraph 61 of the NPPF to set out policies for specialist housing needs and to specify the affordable housing requirements as per para 62:

*‘Within this context, the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies (including, but not limited to, those who require affordable housing, families with children, older people, students, people with disabilities, service families, travellers, people who rent their homes and people wishing to commission or build their own homes).’*

2. Policy P6 is in general conformity with H13 (specialist older persons housing) of the Publication London Plan (2020). The policy requires 35% affordable housing (tenure compliant) in accordance with Policy P1 or specialist affordable accommodation for older people subject to need, subject to viability. As set out in EIP17 (Viability Background Paper), viability of an application will be assessed on a case by case basis.

#### **Question 3.42**

**How will the housing and accommodation needs of elderly persons be met in the Borough, both C3 housing (supported living etc) and C2 bedspaces? Is the plan justified in not seeking specific provision on allocated sites? (noting references to C2 provision on some sites has now been removed). Is there evidence that the market will provide this type of housing in the Borough on a ‘windfall’ basis?**



See our full response to this question in the Strategic Targets Background Paper (EIP161).

**Policy P7 – Wheelchair accessible and adaptable housing**

**Question 3.43**

**Is the policy justified, effective and consistent with national policy?**

1. Yes as set out in EIP75 (Statement of Conformity and legal checklist), it is consistent with Paragraph 61 of the NPPF to set out policies for specialist housing needs:

*“ Within this context, the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies (including, but not limited to, those who require affordable housing, families with children, older people, students, people with disabilities, service families, travellers, people who rent their homes and people wishing to commission or build their own homes).”*

2. The policy is consistent with PPG Housing for older and disabled people. The policy sets out standards for wheelchair accessible and adaptable dwellings and wheelchair user dwellings as set out in Paragraph: 009 Reference ID: 63-009-20190626.
3. This policy is also consistent with national Building Regulations which set out the minimum standards required for wheelchair accessible and adaptable housing.
4. As set out in the Reasons of this policy, the policy is justified because Southwark residents are living longer, with a 79% increase in the population of Southwark aged 65 or more forecast between 2019-2039. This demographic trend includes a gradual increase in the number of older households with disabled members, and in particular, those with wheelchair needs.

**Question 3.44**

**Taking each criterion in turn, are the requirements justified and supported by evidence?**

Criteria	Evidence
1. New build major residential development must meet Building Regulation M4(3) standard (Wheelchair User	National requirement to meet Building Regulation standards

<p>Dwellings) in at least 10% of homes (as measured in habitable rooms) and the remaining 90% need to meet Building Regulation M4(2). Where those homes are affordable wheelchair user homes these must meet Building Regulation M4(3b) standard (Wheelchair accessible dwellings).</p>	
<p>2.1. Meet Building Regulation standard M4(2) unless point 1 applies;</p>	<p>National requirement to meet Building Regulation standards. This helps to develop lifetimes homes with the intention to create an age friendly borough</p>
<p>2.2. Provide a mix of dwelling sizes and tenures that meet the above standards, including family homes. Two bedroom three person affordable wheelchair homes will not be acceptable</p>	<p>The SHMA finds a shortfall in the number of homes 2, 3 and 4 bed homes that are projected to be provided. Therefore, the policy is justified in requiring the mix of housing units in order to meet the housing requirements in the borough.</p>
<p>2.3. Provide wheelchair accessible homes that meet the minimum space standards set out in Table 4</p>	<p>As set out in the Residential Design SPD 2015 (section 2.10), these standards come from the South East London Housing Partnership Wheelchair Housing Design Guide which is a nationally recognised best practice standard for wheelchair housing.</p>
<p>2.4. Provide affordable wheelchair homes that meet the design and access standards set out in Table 5</p>	<p>As set out in the Residential Design SPD 2015 (section 2.10), these standards come from the South East London Housing Partnership Wheelchair Housing Design Guide which is a nationally recognised best practice standard for wheelchair housing.</p>
<p>2.5. Provide access to a second lift where wheelchair accessible or</p>	<p>As set out in the Residential Design SPD 2015 (section 2.10), these</p>

<p>wheelchair adaptable units are above the ground floor</p>	<p>standards come from the South East London Housing Partnership Wheelchair Housing Design Guide which is a nationally recognised best practice standard for wheelchair housing.</p>
<p>2.6. Provide affordable wheelchair homes which, where unoccupied, must be let as local authority temporary accommodation until a suitable permanent household is identified</p>	<p>As set out in point 1 of the Reasons, the need for wheelchair accessible homes is particularly concentrated on the social rented tenure, developments providing social rented homes will therefore be required to provide a proportion of homes as wheelchair accessible. The need for social rented wheelchair accessible, wheelchair adaptable or lifetime homes is informed by the council's Housing Register waiting list.</p>
<p>2.7. Provide alternative specialist housing to meet specific needs in place of an affordable wheelchair user home where the council has identified a specialist housing need</p>	<p>As set out in point 2 of the Reasons, the council recognises that a range of different types of specialist housing is required to meet the needs of people with disabilities; this includes, but is not limited to, people with ambulatory difficulties, blindness, learning difficulties, autism and mental health needs. Accordingly, developers should work with the council, registered providers or other relevant partners to identify and provide for a range of specialist housing needs where appropriate.</p>
<p>2.8. Where wheelchair accessible homes cannot be provided on site, a financial contribution will be required towards the provision of new affordable wheelchair homes or the adaptation of existing affordable homes to wheelchair user standard. The financial contribution will be the equivalent to the cost of fitting out a new home or existing homes to a wheelchair user standard</p>	<p>As set out in point 1 of the Reasons, the need for wheelchair accessible homes is particularly concentrated on the social rented tenure, developments providing social rented homes will therefore be required to provide a proportion of homes as wheelchair accessible. Where this is not possible a financial contribution will be required similar to the requirement of a financial contribution</p>

	when the affordable homes requirement is not met in conventional homes
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***Policy P8 – Houses in multiple occupation***

**Question 3.45**

**Is the policy justified, effective and consistent with national policy?**

1. Yes. The policy is consistent national policy to provide housing for a range of needs and with Paragraph 61 of the NPPF to reflect the housing needs of different groups in the community. It is recognised that Houses in Multiple Occupation (HMOs) play an important role in meeting some housing needs. HMOs provide residential accommodation suitable for vulnerable people, such as people in need of support or care and individuals on housing benefit; particularly single people under 35. HMOs also provide housing for single person households such as students, young professionals and people with more limited means.
2. Policy P8 sets out standards for these types of homes to meet to ensure good quality homes.

**Question 3.46**

**Is the requirement for HMOs to provide Affordable housing contributions justified and viable?**

1. Yes. The Housing Act 2004 in sections 254-259 defines an HMO as follows:
  - An entire house or flat which is let to three or more tenants who form two or more households and who share a kitchen, bathroom or toilet.
  - A house which has been converted entirely into bedsits or other non-self contained accommodation and which is let to three or more tenants who form two or more households and who share kitchen, bathroom or toilet facilities.
  - A converted house which contains one or more flats which are not wholly self contained (i.e. the flat does not contain within it a kitchen, bathroom and toilet) and which is occupied by three or more tenants who form two or more households.
  - A building which is converted entirely into self-contained flats if the conversion did not meet the standards of the 1991 Building Regulations and more than one-third of the flats are let on short-term tenancies.
2. Therefore, a HMO is a dwelling and should be assessed under policy P1 for affordable housing in the same way as any other dwelling. A major scheme for HMO's would be rare as they generally come about through the change of use of

one existing dwelling and so it is unlikely that this requirement would need to be applied in most cases.

3. As set under Q3.21, policy P1 is consistent with national policy and in general conformity with the Publication London Plan (2020).
4. The requirements under policy P1 have been tested for viability and this is set out in detail in SP109 - New Southwark Plan Housing and Affordable Workspace Viability Update (2019).

### **Question 3.47**

**How will the assessment of the overconcentration of HMOs be made? Is the policy sufficiently clear when HMOs may be approved?**

1. Southwark currently has two Article 4 Directions relating to HMO's - Henshaw Street and Bywater Place. The Planning Committee reports (EIP153 and EIP154) set out the assessment that took place to invoke an Article 4 to prevent the overconcentration of HMOs in these areas.
2. The Articles 4 Directions were brought about after issues were raised by a number of local residents who highlighted the problems that occurred in the areas where there was a large number of HMOs. Some of the issues raised included increased noise, anti-social behaviour, changes to the character of the area and impacts on visual amenity as a result of properties not being maintained.
3. The National Planning Policy Framework (NPPF) advises that the use of Article 4 Directions to remove national permitted development rights should be limited to situations where it is necessary to protect local amenity or the wellbeing of the area (paragraph 53).
4. The NPPG states that an Article 4 Direction to remove national permitted development rights should be limited to situations where this is necessary to protect local amenity or the wellbeing of the area (paragraph 038).
5. Therefore, in line with our current Article 4 Directions on the issue, an assessment of overconcentration would involve assessing whether the number of HMO's in the area are having an impact on the local amenity or wellbeing of an area.

### **Question 3.48**

**Are any main modifications to Policy P8 necessary for soundness?**

1. No. The policy is consistent with national policy and in general conformity with the Publication London Plan (2020).

## **Policy P9 – Supported housing and hostels**

### **Is the policy justified, effective and consistent with national policy?**

1. Yes. Policy P9 protects supported housing and hostels from a change of use where there is an identified need.
2. This is consistent with paragraph 61 of the NPPF to set out policies for specialist housing needs:

*“ Within this context, the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies (including, but not limited to, those who require affordable housing, families with children, older people, students, people with disabilities, service families, travellers, people who rent their homes and people wishing to commission or build their own homes).”*

### **Question 3.50**

#### **How will any assessment of overconcentration of supported housing be made? Is the policy clear enough in this regard?**

1. As set out in the reasons of the policy, too many hostels and other types of supported housing can lead to a quick turnover of residents and amenity problems due to the temporary nature of accommodation offered. Therefore, any application that comes forward will be assessed to ensure the application would not have a negative impact on the amenity of the area or change its character. The policy clearly sets out the required of supported housing and any application coming forward will also be assessed against other relevant policies in the plan.
2. An assessment of overconcentration would be made in a similar way to the Article 4 Directions for HMOs as set out under Q3.47.

## **Policy P10 – Self and custom build**

### **Question 3.51**

#### **What is the overall scale of need for self and custom build homes in the Borough? How many self and custom build homes have been delivered, and how is the need for self and custom build proposed to be met?**

1. As of January 29<sup>th</sup> 2021, there are 166 people registered on Southwark’s self and custom build register. To date, there have been 30 applicants who have been

granted planning permission that have claimed CIL relief as a result of a self-build. The planning permissions that have been approved for self-build were brought about by individuals who sourced their own land to develop their own home.

2. Given the council's priority to build 11,000 new council homes by 2043, available council owned land is being prioritised for this purpose. However, as planning applications come forward for a self-build home, it will be assessed against the policies in the Plan and if approved can claim CIL relief. The council will continue to maintain its self-build register and if any suitable council land is made available, those registered on the list will be notified.

### **Question 3.52**

**Is the policy to support self and custom build justified, effective and consistent with national policy and the London Plan? Is the policy positively prepared?**

1. The policy is consistent with Self-build and Custom Housebuilding Act 2015 (as amended by the Housing and Planning Act 2016) and Planning Practice Guidance Self and custom housebuilding 2016.
2. The policy meets the PPG requirements to maintain a self and custom build register. This register comprises of the information as set out in the PPG. This register is advertised on Southwark's website.
3. The Publication London Plan (2020) does not contain a policy specifically relating to self-build. However, Reason 2 of the policy sets out that 'as the supply of urban land is under significant pressure for a wide range of land uses in Southwark, the demand for self and custom build housing must be met in a way that makes efficient use of land. Self and custom build homes must therefore achieve an appropriate density.' This is consistent with the Publication London Plan (2020) GG2 Making the best use of land.

### ***Policy P11 – Gypsies and Travellers***

#### **Question 3.53**

**Is the May 2020 GTAA (with a base date of January 2020) consistent with national policy in identifying accommodation needs for gypsies and travellers and is it justified in concluding that against the national planning definition in Planning Policy for Traveller Sites 2015 (the PPTS) that no additional pitches are required in Southwark over the period 2020-2034?**

1. For the NSP to be sound, as required by section 20 of the Planning and Compulsory Purchase Act 2004, it must be consistent with national policy (NPPF Paragraph 35).

2. National policy in the PPTS requires local planning authorities to set pitch targets for gypsies and travellers, as defined in Annex 1 to the PPTS, which address the likely permanent and transit site accommodation needs of travellers in their area. The definition of “gypsies and travellers” in the PPTS excludes those who have permanently ceased to travel (Annex 1 PPTS). The equalities statement which accompanied the proposed change to the definition in the PPTS explained that *“The Government is fundamentally of the view that where travellers have given up travelling permanently, they should be treated in the same way as other members of the settled community for planning purposes. Under the proposal, Gypsies and Travellers who had given up travelling permanently would not be considered ‘travellers’ in planning terms”*.
3. To ensure consistency with national policy, we need to assess the need for accommodation for gypsies and travellers falling within the PPTS definition and set pitch targets to meet those needs – this was achieved through EIP22 Gypsy and Traveller Accommodation Assessment Report.
4. EIP22 sets out in detail the methodology used in conducting an accommodation needs assessment relating to gypsies and travellers in the borough.
5. A summary of the outcomes of the GTAA is below, this is set out in full in EIP22 Gypsy and Traveller Accommodation Assessment Report:
  - There were 43 pitches identified on 4 public sites in Southwark.
  - A total of 26 interviews were completed with residents living on these sites.
  - There were 5 double-pitches and 6 vacant pitches at the time of the fieldwork so a robust household interview response rate of 82% was achieved.
  - None of the households that were interviewed were found to meet the PPTS planning definition of a Traveller as none were able to provide any evidence that family members travel for work or for seeking work. Those that did travel stated that the reasons for travelling were to visit family; for holidays; or to visit fairs for cultural reasons and that these visits did not involve any work.
  - None of the households that were interviewed were able to provide contacts for any family or friends living in bricks and mortar who may be in need of a pitch on a site in Southwark.
6. P11 and the assessment are therefore consistent with national policy.

### **Question 3.54**

**Against a wider definition of those who aspire to culturally appropriate accommodation but have ceased permanently travelling, the need is identified as**



**42 pitches in the GTAA (plus 1 additional pitch for undetermined need). Additionally, the 2016 Housing and Planning Act at Section 124 requires that the needs of assessment of pitches on which caravans can be stationed and moorings for houseboats as part of a robust assessment of the housing needs of those who do not want ‘bricks and mortar’. In accordance with NPPF paragraph 61 how would these housing needs be met in Southwark? Would the approach be justified in terms of the Equalities Duty?**

1. Wherever possible, for those who do not meet the PPTS definition of gypsy and traveller culturally appropriate accommodation will be sought. However, where this is not possible the demand for culturally appropriate accommodation will be assessed through conventional housing and the SHMA. This is consistent with the equalities statement which accompanied the proposed change to the definition in the PPTS explained that “*The Government is fundamentally of the view that where travellers have given up travelling permanently, they should be treated in the same way as other members of the settled community for planning purposes. Under the proposal, Gypsies and Travellers who had given up travelling permanently would not be considered ‘travellers’ in planning terms*”.
2. With regards to Southwark’s Equalities Duty, the duty under s.149 of the Equality Act is to have “due regard” to certain statutory objectives rather than to achieve a particular result. The Council has prepared an EqIA (EIP76B) which considers the potential impacts of the NSP policies on different groups, including gypsies and travellers. The Council has plainly taken account of the impact of policy P11 on gypsies and travellers.
3. In order to be consistent with the 2016 Housing and Planning Act, Southwark has procured ORS to carry out a needs assessment to assess the demand for houseboats in Southwark. The findings of this assessment will be used to inform future policies going forward.

### **Question 3.55**

**Can the plan be found sound in the absence of a wider caravan/houseboat assessment, having regard to the update paper [EIP78] and the LPAs Local Development Scheme (LDS) which refers to ‘annual amendments’ (plan review) including specifically in relation to gypsy and travellers now that the latest LDS [document EIP66a (was OCRO0002)] has removed the proposed ‘Gypsy and Traveller’ DPD?**

1. In order to be consistent with the 2016 Housing and Planning Act, Southwark has procured ORS to carry out a needs assessment to assess the need for houseboats in Southwark. The findings of this assessment will be used to inform future policies going forward.

2. Any requirement to amend a policy will be done through an annual amendment – including those relating to gypsy and travellers and the result of the houseboat assessment. The council will provide a list of updates that will be necessary to the plan for the first annual amendment.

### **Question 3.56**

**Is there any outcome to a review of the Springtide Close site, vacated in March 2020? Does this site provide supply for those seeking culturally appropriate accommodation who might not meet the planning definition of gypsy and traveller?**

1. Following Springtide Close becoming vacant, a temporary planning permission was granted (20/AP/0743) in May 2020 for one year for a change of use to temporary storage by framework contractor (B8) to facilitate improvement works to all of the gypsy and traveller accommodation in the borough.
2. As set out in the Officer Report, “It is understood that the current site is vacant and that there is no immediate need for the site as Gypsy and Traveller accommodation. And, that there is need for storage capacity for the Council’s contractor for improvements on other Gypsy and Traveller sites within the Borough. This work will go towards improving the general standard of Gypsy and Traveller accommodation across the Borough for the duration of the temporary permission.
3. It is considered that the proposal, by virtue of its temporary nature, would preserve the use of the site as accommodation for Gypsies and Travellers in the future by reverting back to this use after one year. Similarly, it is recognised the specific need of the use of the site for contractor storage is based on improvements to similar sites within the Borough. As such, the temporary change of use is a sensible use of a vacant site, which would preserve the overall goal of the Council as set out in Strategic Policy 9 [*Homes for Gypsies and Travellers, Core Strategy 2011. This policy will be replaced by NSP P11 once adopted*], and safeguard the site for use as a Gypsy and Traveller site in the future.”
4. The site will remain allocated as a gypsy and traveller site and once improvement works are complete on the sites throughout the borough, Springtide Close will be reviewed to address any potential need in the borough for culturally appropriate accommodation.

### **Question 3.57**

**Will the proposals in the NSP to facilitate the Old Kent Road Opportunity Area have consequences for the existing gypsy and traveller accommodation in this part of the Borough?**

1. There are three traveller sites currently in close proximity to site allocations in the Old Kent Road Opportunity Area:
  - Brieddale Close is located to the west of NSP 63 Land bounded by Glengall Road, Latona Road and Old Kent Road
  - Burnhill Close is adjacent to NSP68 760, 812 Old Kent Road (Toys'r'us store), and 840 Old Kent Road (Aldi store)
  - Ilderton Road is located next to NSP67 Hatcham Road, Penarth Street and Ilderton Road
  
2. P11 of the New Southwark Plan safeguards all four gypsy and traveller sites in Southwark, including those in proximity to the Opportunity Area, where there is an identified need for them. These sites remain allocated as gypsy and traveller sites. Any development proposals that come forward will be assessed against the development management policies in the Plan to take into account any potential impacts a development may have on the surrounding areas. This will be assessed on a case-by-case basis and if necessary advice will be sought from the council's gypsy and traveller housing team on mitigating any potential impacts on any of the sites.

## Policy P14 – Residential Design

### Question 3.58

#### What is the relationship between the policy and the Nationally Described Space Standards (NDSS)?

1. The minimum internal space standards set out in both the Policy P14 and the Nationally Described Space Standards (NDSS) are the same. The table below sets out the standards that are both in the New Southwark Plan (page 100, Table 16) and the NDSS (page 5, Table 1).
2. The standards within this table are referenced as an indicative guide for Architects and developers when designing new spaces, for either proposed new developments or extensions to existing properties. However, Southwark will welcome proposed larger space standards in order to achieve a high standard of residential design.

Number of bedrooms (b)	Number of bed spaces Persons (p)	Minimum gross floor areas and storage (sqm)			
		1 storey dwelling	2 storey dwellings	3 storey dwellings	Built in storage
1b	1p	39 (37)*			1
	2p	50	58		1.5

2b	3p	61	70		2
	4p	70	79		
3b	4p	74	84	90	2.5
	5p	86	93	99	
	6p	95	102	108	
4b	5p	90	97	103	3
	6p	99	106	112	
	7p	108	115	121	
	8p	117	124	130	
5b	6p	103	110	116	3.5
	7p	112	119	125	
	8p	121	128	134	
6b	7p	116	123	129	4
	8p	125	132	138	

### Question 3.59

#### Is it justified, effective and consistent with national policy and the London Plan?

1. Yes, Policy P14 is justified, effective and consistent with national policy and in general conformity with the Publication London Plan (2020).
2. Paragraph 127 (f) of the NPPF sets out that planning policies should ensure that development create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users... Policy P14 seeks to achieve a high standard of amenity for residents.
3. The quality of residential accommodation required is set out in criteria 1-16 of Policy P14.
4. These reinforce the Publication London Plan (2020) Policy D6 – housing quality and standard which requires housing development to be of high quality design and provide adequately sized rooms.
5. Further detail is provided in LB response to question 3.60 confirming that the criteria is in general conformity with the Publication London (2020).

### Question 3.60

#### Taking each criterion in turn, are they justified and supported by evidence?

1. Yes, the criterion set out in P14 are justified and supported by evidence to ensure a high quality of living for residents. Below, each criterion found in P14 of the New Southwark has been listed, and the supporting document is listed.

2. *Criterion 1 Development must achieve an exemplary standard of residential design.*
3. This is in general conformity with the Publication London Plan (2020) Policy D6 (A) which requires housing development to be of high quality design.
4. *Criterion 2 All new build and conversions to residential development must take into consideration the site context, the impact on the amenity of adjoining occupiers, and the quality of accommodation as follows:*
5. This is in general conformity with the Publication London Plan (2020) Policy D3 optimising site capacity through design-led approach:
 

*‘All development must make the best use of land by following a design led approach that optimises the capacity of sites, including site allocations. Optimising site capacity means ensuring that development is of the most appropriate form and land use for the site. The design-led approach requires consideration of design options to determine the most appropriate form of development that responds to a site’s context and capacity for growth, and existing and planned supporting infrastructure capacity (as set out in Policy D2 Infrastructure requirements for sustainable densities), and that best delivers the requirements set out in Part D’.*
6. Criterion 1. Provide a high standard of quality of accommodation for living conditions; and
7. See LBS response to Question 3.59.
8. Criterion 2. Be tenure blind; and
9. As set out in the National Design Guide (EIP164) paragraph 119, page 36, good design promotes social inclusion by providing a consistent level of design quality across tenures, to support social integration.
10. This is in general conformity with the Publication London Plan Policy D6 housing quality and standards, which sets out that housing development should not differentiate between tenures.
11. As set out at Paragraph 3.6.7, housing developments should be designed to maximise tenure integration, and affordable housing units should have the same external appearance as private housing. All entrances will need to be well integrated with the rest of the development and should be indistinguishable from each other.
12. Criterion 3 Provide no material differences in appearance between affordable and market homes in apartment blocks; and

13. As set out in the National Design Guide (EIP164) paragraph 119, page 36, good design promotes social inclusion by providing a consistent level of design quality across tenures, to support social integration.
14. This is in general conformity with the Publication London Plan Policy D6 housing quality and standards, which sets out that housing development should not differentiate between tenures.
15. As set out at Paragraph 3.6.7, housing developments should be designed to maximise tenure integration, and affordable housing units should have the same external appearance as private housing. All entrances will need to be well integrated with the rest of the development and should be indistinguishable from each other.
16. Criterion 4 Provide the opportunity for residents of all tenures to access on site facilities; and
17. As set out in the National Design Guide (EIP164) paragraph 119, page 36, good design promotes social inclusion by providing a consistent level of design quality across tenures, to support social integration.
18. This is in general conformity with the Publication London Plan Policy D6 housing quality and standards, which sets out that housing development should not differentiate between tenures.
19. Criterion 5 Avoid having more than eight dwellings accessed from a single core per floor; and
20. This is in general conformity with Paragraph 3.2.1 of the Interim London Housing Design Guide (page 37), which sets out that the number of dwellings accessed from a single core should not exceed eight per floor.
21. Criterion 6 Provide acceptable levels of natural daylight by providing a window in every habitable room, except in loft space where a roof light may be acceptable; and
22. This is to ensure high quality accommodation is provided for residents and that there is daylight achieved in habitable rooms where it is intended that residents will spend a significant amount of time, e.g. sleeping, living, cooking or dining as set out in the factbox of Policy P1 (page 83).
23. Criterion 7 Achieve a floor to ceiling height of at least 2.5 metres for at least 75 per cent of the Gross Internal Area of each dwelling to maximise natural ventilation and natural daylight in the dwelling; and

24. This is in general conformity with the Publication London Plan Policy D6 housing quality and standards, which sets out that the minimum floor to ceiling height must be 2.5m for at least 75 per cent of the Gross Internal Area of each dwelling.
25. Criterion 8 Be predominantly dual aspect and allow for natural cross ventilation; and
26. This is in general conformity with the Publication London Plan Policy D6 housing quality and standards which sets out that housing development should maximise the provision of dual aspect dwellings and normally avoid the provision of single aspect dwellings. A single aspect dwelling should only be provided where it is considered a more appropriate design solution to meet the requirements of Part B in Policy D3 Optimising site capacity through the design-led approach than a dual aspect dwelling, and it can be demonstrated that it will have adequate passive ventilation, daylight and privacy, and avoid overheating.
27. Criterion 9 In circumstances where due to site constraints it is impossible or impractical to provide dual aspect dwellings it must be demonstrated how overheating and ventilation will be mitigated. Single aspect dwellings will not be acceptable if they have three or more bedrooms, or are north facing or where the façade is exposed to high noise levels; and
28. This is in general conformity with the Publication London Plan Policy D6 housing quality and standards which sets out that housing development should maximise the provision of dual aspect dwellings and normally avoid the provision of single aspect dwellings. A single aspect dwelling should only be provided where it is considered a more appropriate design solution to meet the requirements of Part B in Policy D3 Optimising site capacity through the design-led approach than a dual aspect dwelling, and it can be demonstrated that it will have adequate passive ventilation, daylight and privacy, and avoid overheating.
29. Criterion 10 Meet the minimum national space standard, providing adequate internal space for the intended number of occupants, including the provision of additional built in storage as set out in Table 6; and
30. See LBS response to question 3.58 above.
31. Criterion 11 Provide private amenity space, communal amenity space and facilities for all residents, and child play space on site using the GLA calculator. Child play space should be on ground or low level podiums with multiple egress points; and

32. This requirement is in general conformity with the Publication London Plan Policy D6 housing quality and standards, which sets out a requirement for private outdoor space of a minimum of 5sqm for 1-2 person dwellings and an extra 1sqm should be provided for each additional occupant.
33. It is in general conformity with the Publication London Plan Policy S4 play and informal recreation which requires developments that are likely to be used by children and young people should provide at least 10sqm of play space per child.
34. As set out at paragraph 131 (page 40) of the National Design Guide (EIP164), well-designed shared amenity spaces feel safe and secure for their users. They are social spaces providing opportunities for comfort, relaxation and stimulation - including play - for residents, regardless of the type or tenure of homes. They are well overlooked and all of the residents who share them can access them easily.
35. Private amenity spaces including both gardens and balconies enhance visual and outdoor amenity. They can also provide a degree of privacy and separation for living areas from adjoining public space. Front gardens may incorporate planting to add to natural features within the public space.
36. Criterion 12 Provide equal access to outdoor space for all residents regardless of tenure; and
37. This is in general conformity with the Publication London Plan Policy D6 housing quality and standards, which sets out that housing development should not differentiate between tenures.
38. As set out at Paragraph 3.6.7, housing developments should be designed to maximise tenure integration.
39. As set out at paragraph 131 (page 40) of the National Design Guide (EIP164), well-designed shared amenity spaces are social spaces providing opportunities for comfort, relaxation and stimulation - including play - for residents, regardless of the type or tenure of homes.
40. Criterion 13 In the Old Kent Road opportunity area, provide 5sqm of public open space per dwelling in addition to the communal amenity space requirement. New open space must be provided in the locations identified on the Old Kent Road Area Action Plan masterplan. Sites where a new open space is not identified must provide a financial contribution instead; and



41. The Old Kent Road Open Space Background Paper (EIP148) provides further information on the open space requirements for development coming forward in the OKRAAP.
42. As set out at Paragraph 3.29 of EIP148: to ensure we secure open space in Old Kent Road, there is a requirement in the New Southwark Plan Policy P14 (Residential design) and the OKRAAP Policy AAP 11 (Parks and Healthy Streets) requiring residential developments in the OKROA to provide 5sqm of public open space per dwelling in addition to private amenity space, communal amenity space and child play space. The public open space must be provided in locations identified on the OKRAAP masterplan, wholly or partly on site and must be accessible to all residents. Where a new open space is not identified, a financial contribution must be provided instead. This financial contribution will go towards providing new or improving existing public open space or play provision in the masterplan area.
43. Criterion 14 Provide communal facilities including gardens and community rooms. Provide green communal amenity space for all residents and additional communal play areas for children (aged up to 16) for apartments. Communal amenity space should be designed to provide multiple benefits (e.g. recreation, food growing, habitat creation, SUDS) and should be in addition to external communal amenity space; and
44. As set out at paragraph 131 (page 40) of the National Design Guide (EIP164), well-designed shared amenity spaces feel safe and secure for their users. They are social spaces providing opportunities for comfort, relaxation and stimulation - including play - for residents, regardless of the type or tenure of homes. They are well overlooked and all of the residents who share them can access them easily.
45. Criterion 15 In circumstances where private and communal amenity space and facilities or child play space cannot be provided on site, this should be provided as private amenity space with the remaining amount added to the communal space requirement; and, we will seek a financial contribution towards providing new or improving existing public open space or play space provision in the vicinity of the site; and
46. This is to ensure the maximum provision of amenity and play space is provided in developments. Where the provision of amenity or play space cannot be provided on site, a payment in lieu is required to fund new or improvements to existing open space or play provision. This will ensure any new developments will provide benefits for new and existing residents, given the benefits of open space for residents on their health and wellbeing.

47. Criterion 16 Maximise the use of sustainable technologies and materials.
48. We encourage development to maximise the use of sustainable technologies and materials to ensure sustainable development is delivered consistent with the NPPF.
49. As set out at Paragraph 9.2.12 of the Publication London Plan (2020) the Mayor may publish further planning guidance on sustainable design and construction and will continue to regularly update the guidance on preparing energy strategies for major development.

### **Question 3.61**

**Would the policy be effective in ensuring that any open space secured in the OKRAAP is usable for all residents when compared against the London Plan calculator?**

1. The Old Kent Road Open Space Background Paper (EIP148) provides further information on the open space requirements for development coming forward in the OKRAAP. Table 6, pg 29 sets out the minimum for amenity and child's play space in the opportunity area. The child's play space should be calculated using the GLA's child play space calculator which is also confirmed in Policy P14 (Clause 11).
2. As set out at Paragraph 3.29 of EIP148: to ensure we secure open space in Old Kent Road, there is a requirement in the New Southwark Plan Policy P14 (Residential design) and the OKRAAP Policy AAP 11 (Parks and Healthy Streets) requiring residential developments in the OKROA to provide 5sqm of public open space per dwelling in addition to private amenity space, communal amenity space and child play space. The public open space must be provided in locations identified on the OKRAAP masterplan, wholly or partly on site and must be accessible to all residents. Where a new open space is not identified, a financial contribution must be provided instead. This financial contribution will go towards providing new or improving existing public open space or play provision in the masterplan area.
3. Policy AAP11, Clause 4 of the Old Kent Road Area Action Plan December 2020 Draft (EIP128) also confirms that the play space should be publicly accessible to all residents:

*Child play space should be on ground or low level podiums. At podium level the space should be accessible to all tenures of residential within the development. At ground floor level the play space should also be publicly*

*accessible. Play provision within communal amenity areas must be provided in addition to the communal amenity space requirement. The children's play facilities must be provided in addition and separately from the public open space provision except where a public open space is proposed. In this instance, child play space for ages 5+ may be provided on the public open space and may count towards the child play space provision. Any shortfall on site must provide a financial contribution instead.*

### **Questions 3.62**

**Should the policy provide guidance on the density ranges expected across particular site types in the Borough?**

1. No. Residential density ranges have been removed from the Publication London Plan (2020) and are not included in the New Southwark Plan to ensure general conformity. The Density is now assessed with Publication London Plan policies GG2 Making the best use of land, Policy D2 Infrastructure requirements for sustainable densities, and Policy D3 Optimising site capacity through the design-led approach.

### **Question 3.63**

**What is the status of the amenity space requirements shown in the fact box? What is the evidence to support the space requirements? Should these be included within the policy?**

1. The factbox in P14 provides guidance to applicants on what is expected for private amenity spaces. The private amenity space standard of 5sqm per unit is defined in Publication London Plan (2020) Policy D6 Housing quality and standards. As such P14 is in general conformity with the London Plan.

### ***Policy P15 Designing Out Crime***

#### **Question 3.64**

**Taking each criterion in turn, are they justified, effective and consistent with national policy and the London Plan?**

1. Each criterion are justified, effective and consistent with national policy and the Publication London Plan. The criteria together are in conformity with the national policy, the NPPF, Paragraph 91, states "*Planning policies and decisions should aim to achieve healthy, inclusive and safe places which:*

*...(b) are safe and accessible, so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion – for example through the use of clear and legible pedestrian routes, and high*

*quality public space, which encourage the active and continual use of public areas”.*

2. Additionally, paragraph 127, states that planning policies should “*create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users 46; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.*” The criteria together support the approach set out in the NPPF, in relation to the role of design and security.
3. In the Publication London Plan Policy D11 Safety, security and resilience to emergency, states that Boroughs should work with their local Metropolitan Police Service ‘Design Out Crime’ officers and planning teams, whilst also working with other agencies such as the London Fire Commissioner, the City of London Police and the British Transport Police to identify the community safety needs. Criterion 7, specifically addresses this point.

### ***Policy P17 Efficient Use of Land***

#### **Question 3.65**

**Is the policy justified, effective and consistent with national policy and the London Plan?**

1. Yes, this policy is justified, effective and consistent with national policy and the Publication London Plan (2020). The NPPF, paragraph 117 states that “Planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions.” P17 Efficient use of land, takes an approach that is consistent with this statement. It requires development to maximise the efficient use of land; and not unreasonably compromise development potential on neighbouring sites. P17 Efficient use of land is also in conformity with, the Publication London Plan (2020) policy GG2 Making the best use of land, which states that ‘development must:... proactively explore the potential to intensify the use of land to support additional homes and workspaces, promoting higher density development’. Policy SD7 Town centres: development principles and Development Plan Documents, requires borough’s plans to support flexibility for temporary or ‘meanwhile’ uses of vacant properties.

#### **Question 3.66**

**Is the approach to ‘meanwhile uses’ sufficiently clear as to the uses that might be acceptable? Does the policy give sufficient regard to avoiding any potential for anti-social behaviour resulting from meanwhile uses?**

1. The approach to 'meanwhile' uses does not define the range of acceptable uses which might be appropriate, however it states that an appropriate use would 'deliver community benefits and do not compromise the future redevelopment of the site'. The policy does not explicitly address the potential for anti-social behaviour resulting from meanwhile uses, however, such a use would not fulfil the criteria of delivering 'community benefits'. The Publication London Plan (2020), further elaborates on potential meanwhile uses, although, without being prescriptive. Policy HC5 Supporting London's culture and creative industries states that "Boroughs are encouraged to support opportunities to use vacant buildings and land for flexible and temporary **meanwhile uses or 'pop-ups'** especially for alternative cultural day and night-time uses." Policy G8 Food Growing, states that food growing could be a meanwhile use on vacant or under-utilised sites, Policy D8 Public Realm also recognises the opportunities for meanwhile public space to encourage social activities, formal and informal play.

### **Question 3.67**

#### **What is the effect of the changes to the UCO on part 2 of the policy?**

1. The changes to the UCO will have a minimal effect on part 2 of this policy. EIP162, sets out the effects of the changes to the Use Classes Order (September 2020) have on relevant policies, including modifications required in light of the changes to the Use Classes Order.

### **Question 3.68**

#### **Are any main modifications required for soundness?**

The changes to the UCO will have a minimal effect on part 2 of this policy. EIP162, sets out the effects of the changes to the Use Classes Order (September 2020) have on relevant policies, including modifications required in light of the changes to the Use Classes Order.