



Response to appeal note on 269 Burlington Road, received 30th July 2020

1. Explain how LBM's approach fits with the requirements of paragraph 11b of the NPPF and the requirement for strategic housing policy target to reflect OAN;

Please refer to paragraphs 9.2 and 9.3 of the LPA Statement of Case, which addresses this question.

The published 2016 London Plan combined with the significant weight to be afforded to the draft London Plan as amended by the EIP Inspector's report sets housing targets for the next five years and beyond for Merton.

The published 2016 London Plan sets out the strategic housing policy target for Merton and is still the up to date London Spatial Development Plan, and in accordance with NPPF para 73, as it is less than 5 years old. The strategic housing policy target set out in the 2016 London Plan reflects OAN and was prepared in accordance with OAN requirements set out in the 2012 NPPF including:

Para 14 (bullet 2) states:

Local Plans should meet objectively assessed needs, with sufficient flexibility to adapt to rapid change....

Para 47 which states that local planning authorities should:

use their evidence base to ensure that their Local Plan meets the full, objectively assessed needs for market and affordable housing in the housing market area.

The GLA SHMA published in 2013, which is a key evidence base, together with the GLA SHLAA 2013, in supporting and informing on the strategic housing policy target states at para 1.1:

The NPPF puts strong emphasis on establishing an authoritative evidence base to ensure that [development plans] meet the full objectively assessed needs for market and affordable housing in the housing market area, as far as is consistent with the policies set out in the Framework.

Whilst the draft London Plan as amended by the EIP Inspector, has significant weight it has yet to be published. The housing targets set out in the London Plan 2016 are in place until the new London Plan is published. This is envisaged to be within the next nine months (in the absence of any published timetable). Therefore, for the five-year land supply, the higher target of 918 homes per year has been taken into account from 2021/2022.

In line with para 13 of the PPG (Housing and Economic needs assessments), it is for the Mayor to distribute London's housing target. In addition, paras 0.0.21 and 0.0.22 of the

Intention to Publish London Plan state:

The housing targets set out for each London Borough are the basis for planning for housing in London. Therefore, boroughs do not need to revisit these figures as part of their local plan development.

The Plan does not meet all of London's identified development needs. Work will need to be undertaken to explore the potential options for meeting this need sustainably in London and beyond. This is a matter for a future Plan, and requires close collaboration with local and strategic authorities and partners.

2. Explain why paragraph 11d of the NPPF, which allows for policies to be out of date, does not apply when the current London Plan housing targets do not reflect OAN;

The 2016 London Plan, in accordance with NPPF Para 73 is not out of date as it is less than 5 years old. Therefore NPPF para 11d does not apply. Please also refer to Para 9.2 of the LPA Statement of Case and the answer provided to question 1 above. It should also be noted that at the time of writing (1st September 2020) the Secretary of State has not accepted the recommendations from the Mayor of London (or the Examination Panel of Inspectors) on the Intent to Publish London Plan. We believe that the Intent to Publish London Plan housing targets have significant weight and should apply from the next full reporting year: 2021/22, subject to the Secretary of State's final direction.

3. LBM to provide justification to support their position that policies continue to apply until they are superseded by new adopted policy and cannot be out of date;

The 2016 London Plan is not out of date as it is less than 5 years old. We believe that the Intent to Publish London Plan housing targets have significant weight and should apply from the next full reporting year: 2021/22, subject to the Secretary of State's final direction. Please also refer to the LPA Statement of Case and the answers to questions 1 and 2 above.

4. If the LBM's position in relation to the timing of the draft London Plan targets is correct – i.e. they don't apply until they are adopted, how are LBM addressing backlog?

Successive Strategic Housing Market Assessments have taken account of the backlog in setting housing targets. For example, Chapter 7 of 2013 GLA SHMA sets out how the backlog was taken account of, and the 2017 GLA SHMA also took into account backlog.

Over the past 15 years more than 2,300 additional homes have been built above the London Plan housing targets during that period. This is shown in Table 4.1 from Merton's 2018-19 AMR:

Table 4.1 – Home Completions 2008/9 – 2018/19

Financial Year	No. of homes	Target (London Plan)	% of target achieved
2004/05	987	430	230%
2005/06	791	430	184%
2006/07	427	430	-1%
2007/08	435	430	101%
2008/09	774	370	209%
2009/10	338	370	-9%
2010/11	357	320	-4%
2011/12	453	320	142%
2012/13	478	320	149%
2013/14	440	320	138%
2014/15	459	320	143%
2015/16	743	411	181%
2016/17	434	411	106%
2017/18	675	411	164%
2018/19	273	411	-34%
Total	8,064	5,754	140%

5. Comment on the different approached between LBM’s and that taken by LBH in relation to the application of draft London Plan housing targets and the date at which they apply;

Hackney and Merton are different boroughs with different characteristics. Like many of the inner London Boroughs, for Hackney the Intent to Publish London Plan proposes a lower strategic housing target than the current 2016 London Plan for Hackney (Hackney’s 2016 annual housing target is 1,599 and 2019 Intent to Publish London Plan housing target is lower at 1,330 per year).

There is no consistent approach, being adopted by boroughs as to when the draft London Plan targets are applied in their housing trajectories/ five-year housing land supply published documents, for example Lambeth is not applying the draft London Plan target as amended by the EIP Inspector despite the fact that it proposes a lower target than the current 2016 London Plan. The following table demonstrates the position of other boroughs:

Borough	Applying draft London Plan Target (yes / no)	Latest published available source	Comments
Croydon	No	2019 AMR	
Richmond	No	2019 AMR	
Lewisham	No	2018/19 AMR	
Lambeth	No	LBL Annual Position Statement: Housing Supply and Delivery 2019	Draft London Plan as amended by the EIP Inspector proposes a reduction from current target from 1,559 to 1,335 per annum

Bromley	No	LBB five-year housing land supply paper 2019	
Hackney	Yes – partially	LBB Housing Delivery Test Action Plan 2019	Draft London Plan as amended by the EIP Inspector proposes a reduction of current target from 1,599 to 1,330 per annum. LBH applying current London Plan target then in 2019/20 it will be a pro-rata allocation of 1,599 and the draft London Plan as amended by the EIP Inspector target of 1,330 depending on when the new London Plan is adopted. From 2020/21 the target of 1,330 per annum will be applied.
Tower Hamlets	No	LBTH five-year land supply and housing trajectory 2018	Draft London Plan as amended by the EIP Inspector proposes a reduction in LBTH target from the current 3,931 to 3,473 per annum. However, the published housing trajectory states at para 4.5 <i>until the new London Plan is adopted the current target will be used for all housing supply assessment</i>
Barnet	No	2018/19 AMR	

6. LBM to comment and provide further ‘compelling evidence’ to support the increase in small sites delivery from historic rates of 0.21 to 0.3;

Please also refer to paras 9.14 - 9.21 of the LPA’s statement of case.

Merton is not unique from all other London Boroughs, particularly the outer London boroughs, in having to make a substantially greater contribution to London’s new housing supply.

Para. 4.2.1 of the Intend to publish London Plan states:

For London to deliver more of the housing it needs, small sites below 0.25 hectares in size must make a substantially greater contribution to new supply across the city. Therefore, increasing the rate of housing delivery from small sites is a strategic priority. Achieving this objective will require positive and proactive planning by boroughs both in terms of planning decisions and plan-making.

Draft London Plan Policy H2 Small Sites sets out the requirements boroughs must apply to proactively support the significant step change in delivery of well-designed homes on small sites. To support boroughs in achieving this step change in delivery, the GLA have provided to increase housing deliver on small sites through the Mayor’s Homebuilding Capacity Fund. Merton has received funding for the preparation of:

- Small Sites Guidance – to be adopted in March 2021
- Borough Characterisation Study - to be completed in January 2021
- Housing Delivery Research - to be completed in November 2020

In addition, government has also extended the scope of development that can be achieved via Permitted Development Rights and Prior Approval, starting from September 2020.

The recently published Government White Paper *Planning for the Future (August 2020)* proposes several planning system reforms, including those aimed at facilitating a significantly higher level of housing delivery.

7. Provide further information in relation to LBM’s suggested implementation rate for schemes at pre-app stage and why no allowance has been made for drop off rates;

In assessing implementation, we don’t include all pre-applications, only those that are considered to be either significantly advanced or are likely to succeed from a planning policy perspective and investment by the landowner / developer. That in itself allows for drop off rates. We don’t include pre-apps that we consider are speculative or are not likely from a planning policy perspective.

Merton’s five-year supply includes suitable sites undergoing pre-application discussion where there is clear evidence that housing completions will begin on site within five years. The sites that have been included are considered deliverable and developable in accordance with the NPPF definitions.

8. Comment on the deliverability of sites within the pre-determination pipeline in the face of refusals being made by the LBM’s planning committee;

Please also see the answer to Question 10 below that provides more detail on recent planning decisions. The table provided by the applicant has been updated below. It demonstrates that the council continues to take a cautious approach in including sites within the five-year land supply – see for example the site at 579-589 Kingston Road, Raynes Park.

Ref	Planning status	Description	Notes
579-589 Kingston Road, Raynes Park, SW20 8SD			
16/P1208	99 homes and other matters approved,	section 106 signed 10 th October 2018	During the past 10 years six major full planning applications have been submitted and determined for this site for a wide variety of uses (09/P0794; 10/P1963; 14/P4537 16/P1208; 19/P1675; 19/P1676). Although the site currently has a live full planning permission for 99 homes, (16/P1208, since 10 th October 2018), and may be considered deliverable in the
19/P1675	Scheme B – seeking permission for 124 homes and other matters	Both scheme A and Scheme B were refused permission by Planning Committee in February 2020	

9. Comment on the likely impacts Covid-19 may have on the deliverability of housing schemes within the LBM

The likely impacts of Covid-19 on the deliverability of housing schemes are uncertain and evolving. Central government have recently published a number of new planning initiatives and made available a number of fiscal measures and financial resources aimed at significantly boost construction and housing. These include the furlough scheme, allowing the delay of CIL payments, extending hours of operation for construction, tax flexibility, new Permitted Development and prior approval rights. It is likely that further initiatives will come forward to support a housing led economic resurgence.

10. Provide an updated housing target taking account of changes to any of the above

- 200 units removed from 2024/2025 for Benedict Wharf whilst waiting for GLA referral decision
- Abbey Wall Works reduced from 58 to 54 units in 2023/24 following July 2020 approval
- 20/P1060 – 25 units added to 2024/25 following July 2020 approval
- 19/P2747 – 20 units removed from windfall double count assumption for 2023/24 following July 2020 approval.

Merton's five-year land supply (as at 1st September 2020)

	2020/21	2021/22	2022/23	2023/24	2024/25	Total	
London Plan Target	411	918	918	918	918	4083	
Small sites assumption	0	261	261	261	261	1044	
SS Double count (<25 homes)	n/a	-240	-136	-118	0	-494	
Windfall assumption (261-SS <25 homes)	n/a	21	125	143	261	550	
Identified sites	722	420	498	925	1003	3973	
Total	722	441	623	1068	1264	4118	101%

Merton's five-year supply (as at 1st September 2020)

