

## MERTON ESTATES LOCAL PLAN EXAMINATION

On 17 November 2017, the Inspector made the following formal request to the Council, via the Programme Officer. The Council's responses are given after each of the Inspector's questions.

I am currently considering the representations on the proposed Main Modifications and have not yet reached a final conclusion on them. Before doing so, there are three matters on which I would be grateful to receive the Council's brief comments.

1. The first concerns the representation from Savills / Clarion HG, suggesting a modification to the Justification of new policy OEP2 (in MM3) regarding a review mechanism of the quantum and mix of affordable housing.

The council disagrees with the suggestions from Savills / Clarion HG on modifications to MM3 Policy: OEP2 (Strategy) justification (ELP page 37).

The Savills / Clarions proposed text would restrict clawback to submitted applications for multiple phases. This restriction is contrary to the NPPF and also the Mayor's Affordable Housing SPG with the latter setting out a range of review mechanisms depending on the type of schemes i.e. single or multi phased schemes or estates regeneration schemes. The Estates Local Plan covers a 15 year time frame, and will need to take account of the latest guidance at that time.

As each estate will be developed in phases, it is reasonable to expect viability to be assessed on a phase by phase basis in line with relevant policy and guidance in place at that time. This assessment should be at an appropriate time for each phase for when the phase is being delivered. Therefore S106 agreements may include review mechanisms to be effected where delivery is significantly delayed from the point when viability was reviewed for the granting of planning permission. For example a S106 agreement may be required for a planning permission for multiple phases that requires the reassessment of viability upon the delivery of each phase.

Importantly, current guidance also says that a review mechanism may also be required for the planning permission to be granted for the single phase with the review mechanism being triggered if delivery of that phase is significantly delayed. The Savills / Clarion wording would not encompass this.

If the Inspector feels that Policy OEP2 (in MM3) is not clear, we suggest the following modification (blue underlined text) to supporting paragraph to help improve clarity regarding s106 agreements for the Inspector's consideration:

"The Estates Local Plan is a 10-15 year plan and the priority is to keep communities together and rehouse existing residents. The quantum and mix of affordable housing to be provided will be informed by planning policies in the Statutory Development Plan that are in place at the time of the planning application for each phase of development over the 10-15 year timescale. ~~The council will also enter into a review mechanism with applicants to reconsider the viability of each phase as development is delivered. Review mechanism(s) as part of s106 agreement(s) will be applied to ensure that viability of each phase is assessed at an appropriate time when development is delivered; these will be drawn up in accordance with relevant policy and guidance in place at that time.~~

2. The second concerns the suggestion from Savills / Clarion HG that the references in policies EPE4, EPH4 and EPR4 to the number of affordable homes should be changed to affordable habitable rooms/floorspace.

The council disagrees with Savills /Clarion HG suggestions concerning policies EPE4, EPH4 and EPR4 and would recommend that the current wording remains unchanged.

London Plan policy 3.14 (Existing Housing) and the Mayor's affordable housing and viability SPG (August 2017) do not justify Savills proposed amendment to E4, H4 and R4.

Both the Mayor's London Plan and Merton's affordable housing Local Plan requirements are for homes. Merton's Local Plan 40% target and the numerical target (1,920) are for affordable homes and not habitable rooms.

Reference to affordable floorspace is confined in the London Plan to supporting paragraph 3.82 of Policy 3.14 . This is not considered a justification for changing the Estates Local Plan overarching policy or land use policies.

London Plan Policy 3.11 (Affordable Housing Targets) "seeks to maximise affordable housing provision and ensure an average of at least 17,000 more affordable homes"

Neither London Plan 2016 policy 3.11 (affordable housing targets) nor Policy 3.12 (negotiating affordable housing on individual private residential and mixed use schemes) nor 3.13 (affordable housing thresholds) propose setting affordable housing targets that are based only on habitable rooms or floorspace, which is what the modification to MM8 proposed by Savills on behalf of Clarion would do.

The Mayor's Affordable Housing Viability SPG 2017 [https://www.london.gov.uk/sites/default/files/ah\\_viability\\_spg\\_20170816.pdf](https://www.london.gov.uk/sites/default/files/ah_viability_spg_20170816.pdf) concerns the approach to planning applications and states that (paragraph 2.8) "Applicants should present affordable housing figures as a

percentage of total residential provision by habitable rooms, by units and by floorspace to enable comparison”.

As with the London Plan, the Mayors SPG also does not base affordable housing requirements only on habitable rooms or floorspace.

The rationale for the Mayor’s SPG setting the threshold at 35% of habitable rooms is specifically concerned with determining whether an application should be accompanied by a viability assessment rather than being an affordable housing provision requirement. Paragraph 2.18 of the Mayor’s SPG : As stated previously, it is not a fixed level of affordable housing, but a threshold at which the approach to viability information changes.

Furthermore paragraph 2.20 of the Mayor’s SPG states: The Mayor has a clear long-term strategic aim for 50 per cent of new homes to be affordable.

The council also notes and agrees with the GLA’s response to MM16 which echoes the council’s position: The Mayor welcomes the confirmation that there will be no fewer affordable homes provided at Eastfields (MM8) and that the existing number of affordable homes will be re-provided at Ravensbury (MM24). In this regard, Main Modification MM16 should be amended to ‘will be provided’ to ensure the re-provision of affordable housing at High Path.

3. The third relates to the representation from Historic England suggesting that policies OEP1, OEP2 and OEP3 should contain additional references to the historic environment, referencing specifically Appendix 3 of the plan and other sources. HE also suggests that in the new schedule contained in Appendix 4 (MM30), reference should be made to additional development plan policies.

If the Inspector thinks it necessary for the soundness of the Plan, the council can support Historic England’s aforementioned suggestions, including those concerning changes to Appendix 4 of the ELP concerning the three overarching policies.