

Further Statement on Matter 5

1.0 Introduction

1.1 On behalf of our client, The West London Mental Health NHS Trust (The Trust) and in advance of the examination we provide a further statement in respect of the Development Management DPD (February 2013).

1.2 Outlined below are further comments on Policy 3.4 (Density) and 3A (Affordable Housing).

2.0 Policy 3.4 Density

2.1 The Council has not proposed any changes to the wording of Policy 3.4 (Density) which remains unsound on the basis that it has not been positively prepared and is not be effective in encouraging development in Ealing outside defined centres.

2.2 As set out in our representations to the Development Management DPD (June 2012), the Council has applied density ranges too mechanistically particularly in its assumption that all sites outside the town centres should be considered as 'Suburban' settings. This approach could stifle the delivery of development of out of town centre sites which can reasonably demonstrate characteristics akin to an 'urban' setting as defined in the London Plan.

2.3 The recent recommendation to approve applications at St Bernard's Hospital demonstrates that the Council has accepted that sites outside of town centres are capable of delivering development on a scale consistent with an urban setting. Had this site been considered a suburban setting it may well have stifled the delivery of a significant contribution to housing delivery including affordable housing due to the application of the lower density, building height and massing standards of a suburban setting.

2.4 Whilst the principle of the policy is supported a greater degree of flexibility is necessary to make it sound. The change sought is:

*"Appropriate density ranges in Ealing will normally be: Central in Ealing Metropolitan Town Centre, Urban in Acton, Greenford, Hanwell and Southall Town Centres and Suburban in the rest of the Borough. **Sites outside the borough's town centres may be characteristic of 'urban' settings as defined by the London Plan (2010). Site specific exceptions to this approach as set out in the Council's Development Sites DPD (2012) will also apply to optimise their housing potential.**"*

3.0 **Policy 3A Affordable Housing**

3.1 The Council has not proposed any changes to the wording of Policy 3A (Affordable Housing) which remains unsound on the basis that it is inconsistent with national policy.

3.2 We note that the Council has acknowledged that the GLA has confirmed that the approach to the policy is in general conformity with the guidance regarding maximising affordable housing provision in the London Plan. However, paragraph 3.73 of the London Plan states that:

“The Mayor wishes to encourage, not restrain overall residential development. Borough’s should take a reasonable and flexible approach to securing affordable housing on a site by site basis”

3.3 Paragraph 3.74 of the London Plan (2011) then goes on to add that:

“in exceptional circumstances it [affordable housing] may be provided off-site or through a cash in lieu contribution ring fenced, and if appropriate ‘pooled’ to secure efficient delivery of new affordable housing on identified sites elsewhere”.

3.4 Furthermore, the policy does not comply with the NPPF which specifically states at paragraph 50 that:

“local planning authorities should where they have identified that affordable housing is needed, set policies for meeting this need on site, unless off-site provision or a financial contribution of broadly equivalent value can be robustly justified (for example to improve or make more effective use of the existing housing stock) and the agreed approach contributes to the objective of creating mixed and balanced communities. Such policies should be sufficiently flexible to take account of changing market conditions over time.”

3.5 To ensure that the policy is positively prepared and consistent with national policy the following addition is sought to make it sound:

A *Affordable housing will be sought on all developments capable of providing 10 or more residential units. This will be negotiated on the basis of a 50% provision at a 60/40 split of social or affordable rented accommodation to intermediate provision.*

B *In negotiating the level of affordable housing provision viability assessments must be on a standard residual valuation approach with the benchmark land value taken as the existing/alternative use value.*

C ***Affordable housing provision should be provided on site unless off site provision or a financial contribution of broadly equivalent value can be robustly justified”***

3.6 The additional wording will provide flexibility in that where it can be justified that affordable housing cannot be delivered on site a contribution towards affordable housing can still be provided by an alternative means consistent with the NPPF.