

Mayor of London
New London Plan
GLA City Hall
London Plan Team
Post Point 18
FREEPOST RTJC-XBZZ-GJKZ
London
SE1 2AA

2 March 2018

Dear Sir/Madam

AFFINITY GLOBAL REAL ESTATE REPRESENTATIONS | NEW DRAFT LONDON PLAN CONSULTATION

We write on behalf of our client, Affinity Global Real Estate ('Affinity'), to provide representations to the Mayor of London's ('the Mayor') Draft New London Plan document ('the Plan').

Affinity represents a team of property and finance experts which, collectively, has been directly involved in more than £3.5bn of real estate transactions across the world. Affinity aims to align the sustainable growth of London alongside strategic infrastructure improvements. In doing so, Affinity has secured sites within the immediate vicinity of both Crossrail and Crossrail 2 corridors, recognising the importance of public transport connectivity to delivering the future growth needs of the capital in a sustainable way.

1 Growth Opportunity - Chessington

Affinity controls approximately 11 hectares of land to the south of Chessington railway station. It is the site of the former Chessington Golf Centre, Chessington. The Golf Centre closed in November 2015 having become unviable and has since lain vacant. Part of the site is previously developed, comprising the former club house, car park, storage sheds and driving range buildings. The remainder of the site comprises the former course, which has been subject to nuisance, including illegal entry and anti-social activities. Even though these activities have been brought under control, it is still a cause for concern.

The site is located within the Metropolitan Green Belt. However, it is bounded on all sides by urban features forming part of the wider character area of Chessington. This includes the residential dwellings to the north and south east, the industrial uses to the west, the railway line and the football pitches to the south.

Chessington South station lies directly opposite the site along Garrison Lane. This currently provides a regular services into London Waterloo in 38 minutes, and also benefits from being the end of line and turn around point. This station is also set to benefit from Crossrail 2 over the next Local Plan period, increasing the frequency of services and increasing links to interchanges with London Underground, Crossrail 1 and National Rail services. Frequent bus services are also available from directly outside of the site, providing links to Kingston to the north and Epsom and Leatherhead to the south.

2 Key Considerations

Affinity supports the recognition of the need to in regularly review and update the London Plan. Equally, the decision to bring forward a new Plan is also supported in principle. London, more so than any other region nationally, is subject to ever changing pressures, opportunities and physical environment linked to its status as a global city.

Section 38(6) of the Planning and Compulsory Purchase Act 2004 sets the baseline from which the determination of applications are made. This states that planning decisions must be in accordance with the Development Plan, unless material considerations indicate otherwise. Both the NPPF and the London Plan will legally form part of each Local Planning Authority's (LPA) Development Plan, as confirmed at paragraph 0.0.9 of the consultation document.

Despite the unique circumstances in planning for London, there is still a requirement for policies to be compliant with national policy. Providing policies that conflict with those of the NPPF risks undermining the ability of LPAs within London, or indeed the Mayor himself, to make robust and defensible decisions main determining applications or preparing Local Plans.

It is a concern that paragraph 0.0.20 of the Plan states that on occasions *"the Plan deviates from existing national policy and guidance"* in order to allow the Mayor to deliver on political pledges. Reference is made to *"The scale of the Mayor's election victory [which] provides a significant mandate to use the planning system to deliver his manifesto commitments"*. Whilst the Mayor can use the production of the Plan to deliver on promises to the electorate, this has to be done within the context of the existing planning system, producing a Plan that has can be found sound at Examination.

Paragraph 182 of the NPPF requires any Plan that is submitted for examination must be capable of being found both legally compliant and sound. This places duties on the Mayor including, but not limited to, ensuring the Plan is:

- Positively prepared – the plan should be prepared based on a strategy which seeks to meet objectively assessed development and infrastructure requirements, including unmet requirements from neighbouring authorities where it is reasonable to do so and where it is consistent with achieving sustainable development;
- Justified – the plan should be the most appropriate strategy, when considered against the reasonable alternatives, based on proportionate evidence;
- Effective – the plan should be deliverable over its period and based on effective joint working on cross-boundary strategic priorities; and
- Consistent with national policy – the plan should enable the delivery of sustainable development in accordance with the policies in the Framework.

At present, Affinity has a number of concerns with the ability of the Plan to meet the above tests and provide a sound strategic framework from which LPAs within the GLA can realistically, or soundly meet their respective growth needs.

The relationship of the London Plan with the Local Plans to be produced by its Boroughs also needs to be further considered. Paragraphs 0.0.21 to 0.0.23 raise concern that LPAs will be precluded from undertaking a proper assessment on the function and direction of their own Local Plans.

The London Plan needs to provide a framework for LPAs and will save time and resources, particularly around the assessment of housing need.

The Plan has provided a shift in direction of growth to the outer Boroughs. For The Royal Borough of Kingston upon Thames (RBKT) this has resulted in a housing target of 1,364 dwellings/annum, an increase of 112% on

current targets. It is crucial that in setting these needs the Plan allows sufficient scope for the Borough to realise all possible measures in addressing this need.

Notwithstanding the scale of this increase, the emerging Standardised Methodology indicates that it may be insufficient to meet locally derived needs and the target should be increased to a minimum of 1,527.

3 Strategic Development Patterns

The challenges in the capital to achieve the development needs within the Plan are well stated. There is a recognition of the need to balance the protection those assets which people cherish most against this significant development need.

As stated in paragraph 2.0.3, all parts London will need to embrace and manage change. In this context, the Plan needs to avoid being too prescriptive and reducing the ability of LPAs to manage this change. In particular, pragmatic approaches will be needed to the management of growth in sustainable locations.

The creation of Opportunity Areas (OA) is a valuable tool in helping to ensure that infrastructure improvements are aligned with development proposals. However, they need not act as a restrictive barometer to the recognition of further strategic locations for growth.

Much of the land within the recognised OAs are complex in nature, spanning numerous ownerships and across a range of uses. Whilst their delivery is anticipated to come forward and supported, it should be expected that any coordinated development to deliver the anticipated figures stated will not materialise until later in the Plan period. Opportunities will be needed at a localised level to deliver housing, especially within recognised OAs should be bought forward in the first instance.

Accordingly, the wording within Policy SD1 should be strengthened to ensure Boroughs take all necessary measures in maximise both the total development potential of OAs, and bringing forward this development at the earliest opportunity:

Part B

Boroughs, through Development Plans and decisions, should:

1) Clearly set out how they will encourage and deliver the [insert] full growth potential of Opportunity Areas

And

[insert]

11) Approve sustainable development without delay within Opportunity Areas where this can be delivered in the first instance.

Infrastructure is correctly recognised as a key driver to the delivery of growth. The GLA has invested significantly in recent years in improvements to its transport infrastructure, enhancing connectivity across the city and promoting development opportunities to new areas.

The production of the London Plan epitomises the interconnectivity across the city and the importance that this connectivity plays in the day to day lives of its residents. The Plan, therefore, correctly highlights committed and targeted infrastructure upgrades as areas to prioritise aligning housing and economic growth, maximising the investment made by the Mayor in enhancing the sustainability of areas not immediately adjacent key centres.

Crossrail 2 is recognised as a potentially transformative infrastructure scheme, with the opportunity to intensify land uses around stations through a plan-led approach in order to fully optimise housing and employment capacity along the route. At paragraph 8.3 of the 2017 SHLAA supporting the Plan, support is given to the

recognition of opportunities to realise development capacities at the soonest opportunity. Where existing infrastructure exists, Councils should be encouraged to support the promotion of deliverable sites in the first instance.

Accordingly, it is questionable that Chessington has been listed as a potential longer term when opportunities exist to prepare plans early to achieve high quality growth through the Local Plan Framework. The RBKT Direction of Travel document recognises Chessington's potential to accommodate new development.

Land under control of Affinity lies immediately opposite Chessington South rail station with links to central London, significant bus routes to surrounding district centres, employment opportunities at the adjacent SIL, primary and secondary schools within 250m of the site, Chessington World of Adventures, and access to numerous recreation facilities including the Borough's strategic walking and cycling network.

The site has the ability to deliver in excess of 350 dwellings at a low density, with the potential for this to be increased if appropriate. This quantum can be delivered within a single ownership and without the need for significant infrastructure interventions or complex site clearance.

The emerging London Plan should recognise the potential for this early delivery in including Chessington alongside the four areas stated in paragraph 2.1.22.

4 Green Infrastructure and Natural Environment

4.1 Green Infrastructure

The order of the policies in Chapter 8 is significant in highlighting the priority shown to London's green and open spaces. This reflects the local value that these cherished spaces have on Londoners compared to broad allocations such as the Green Belt that does not ubiquitously reflect this quality, amenity value, or local character.

Given its significance, Policy G1 should provide clearer guidance on the need for Borough to undertake a detailed review of green and open spaces. Where there is little public value, flexibility should be provided to allow opportunities for development, enhancement, and/or new uses to be undertaken.

Accordingly, we recommend an addition to the policy text to strengthen the need for Boroughs to recognise low quality, unutilised green spaces and to detail what scope there is for its long term enhancement and future use through potential redevelopment:

Part C [insert]

3) Recognise where opportunities lie for the redevelopment of low quality, inaccessible spaces which would result in enhancements to purposes of green infrastructure.

4.2 Green Belt

The Plan recognises the significance of the Metropolitan Green Belt in providing benefits to London, listing combating the urban heat island, growing food, and providing recreation space alongside containing further expansion of built development, encouraging the re-use of brownfield land, and directing development towards inner urban areas.

In doing this, it is a concern that the Mayor is conflating green infrastructure with Green Belt, broadening the fundamental aim of establishing Green Belt boundaries and providing a false representation of reality. The Plan recognises this fact in the following paragraph (8.2.2) detailing the presence of sites within the Green Belt that are derelict and unsightly but may still play a role in making positive contributions to biodiversity, flood prevention and reducing the urban heat island effect.

Whilst it is appreciated the Plan seeks to avoid specifically repeating the policies of the NPPF, in this instance it fails to provide any consistency with those policies and in fact steps beyond the NPPF to a degree that is ultra vires.

Part A of Policy G2 requires amending to comply with national policy and avoid any conflict in material policy considerations for future decision taking.

Accordingly, the following text should be added:

Part A

The Green Belt should be protected from inappropriate development:

- 1) *development proposals that would harm Green Belt should be refused [insert] **except where very special circumstances have been demonstrated***

The purposes of the Green Belt are clearly stated at paragraph 80 of the NPPF. Paragraphs 82-86 then set out the circumstances in which Green Belt boundaries are established and amended through the production and review of Local Plans.

Whilst the significance of the Green Belt within the remit of the GLA is not understated, the NPPF is clear that Local Plans are the most appropriate means of assessing the contribution of the current extent of Green Belt, as well as reviewing whether amendments are necessary to deliver the development needs of the LPA.

The Outer London Commission's report on accommodating growth in London emphasised the role of new transport infrastructure in unlocking new development, including through the undertaking of a Green Belt Review near these locations.

When producing their own Local Plans, LPAs within London will be required to assess the most appropriate method in meeting those growth needs as detailed within the London Plan. Finding the most appropriate way of meeting those needs will be LPA to decide, assessing various strategies against the policies of the NPPF and the London Plan, both read as a whole.

The NPPF encourages LPAs to amend Green Belt boundaries in exceptional circumstances in recognition that this may be the most appropriate way of delivering sustainable development when taking account of all development constraints. Paragraph 152 is clear that LPAs need to consider sustainable development in the context of three dimensions; economic, social and environmental factors. This may include, but isn't limited to, protection of environmental designations, the setting of heritage assets, proximity to supporting infrastructure, and/or deliverability of sites as defined by paragraph 47 and footnote 11.

Part B of Policy G2 and its supportive text is overly restrictive on the potential for LPAs to undertake their own Green Belt reviews in support of their respective Local Plans. There is a failure to recognise that current areas of the Green Belt fail to meet any of their purposes as defined by paragraph 80 of the NPPF. Significantly, it also fails to recognise that the release of Green Belt land when making a Local Plan can not only ensure the delivery of sustainable development but also result in the permanence of more valued areas of the Green Belt in the long term.

Accordingly, Policy G2 is not consistent with national policy and risks creating a framework which is ineffective in helping LPAs to meeting their development needs. We recommend the following further amendment to the policy:

Part B

~~*The extension of the Green Belt will be supported, where appropriate. Its de-designation will not.*~~

[Insert] Boroughs are encouraged to undertake detailed reviews of their Green Belt boundaries taking account of the contribution of land to the purposes of the Green Belt, the need to promote sustainable patterns of development, and ensuring the permanence of the Green Belt in the long term.

5 Summary of Changes Required to Make the London Plan Sound

Affinity is seeking to ensure a sound and legally compliant London Plan is brought forward, providing the strategic framework from which the London Boroughs can formulate their own Local Plan Frameworks.

Accordingly, there is a need for the following amendments to be made:

- Policy SD1 – Needs additional text to allow Opportunity Areas to deliver sustainable development to their full potential and at the earliest occasion;
- Policy G1 – Requires further text to strengthen the need for Boroughs to undertake detailed reviews of their respective green infrastructure assets, allowing protection of those valued and the redevelopment and enhancement of poor quality areas;
- Policy G2 – Either remove the policy in its entirety or provide a near complete rewrite. The policy cannot pull against the direction of the NPPF. Furthermore, there should be an encouragement of Boroughs to undertake Green Belt Reviews in order to allow growth needs to be met sustainably.

6 Conclusions

Affinity supports the Mayor in producing a new London Plan and in setting ambitious targets to help maintain London's status as a premier city on a global scale. To ensure these development pressures can be met in a sustainable way, the Plan needs to provide the platform from which Boroughs can pragmatically embrace and manage change.

To be sound, the Plan is required to comply with the national policy. Failing to do so risks undermining the ability of decision makers in future to undertake their roles without conflicting policies as material considerations. At present the Plan at best deviates from the NPPF and at worst seeks to undertake a role that is ultra vires.

The Plan correctly seeks to align new growth alongside infrastructure improvements through its proposed Opportunity Areas. The potential complexities some of these areas present will mean that delivery will take time to be realised. Opportunities for early delivery on unconstrained sites should be supported and brought forward in the first instance.

All opportunities should be sought for the protection and enhancement of London's most valued green infrastructure assets. To do this, Boroughs should be encouraged to undertake reviews of their green infrastructure assets, and separately Green Belt boundaries, to ensure that the most valued areas are protected in the long term whilst each LPA can pragmatically deliver sustainable development.

We thank you for the opportunity to provide comment on the emerging Plan, and would like to express our desire to be involved in future stages of the Plan process including its examination and the assessment of future evidence base documents.

We trust that the above is helpful and clear, however if you require further clarity on any of the comments made please do not hesitate to contact us.

Yours Sincerely,

David Churchill
Partner