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Date: 2 March 2018



Sadiq Kahn (Mayor of London)
New London Plan
GLA City Hall
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Dear Sir

DRAFT LONDON PLAN (NOVEMBER 2017) REPRESENTATIONS ON BEHALF OF ARGENT

I am writing on behalf of Argent (Property Development) Services LLP ('Argent') in response to the consultation on the draft London Plan.

The representations have been prepared having regard to the requirements of paragraph 182 of the National Planning Policy Framework (NPPF) which requires plans to be 'sound' in terms of being positively prepared, justified, effective and consistent with national policy.

BACKGROUND

Argent is one of the UK's most prominent and well-respected developers, well-known for its mixed-use regeneration scheme at King's Cross and committed to developing projects of scale in London that involve creating lasting, liveable places. As demonstrated at King's Cross, such projects require a long-term view to investment and returns, and significant investment in social infrastructure, services and public realm in order to create and maintain a flourishing community.

Argent, and Related Companies, one of the United States' most prolific, best-in-class real estate and investment have together formed a new joint venture company, Argent Related, to pursue the development of projects of scale in London and the UK that involve creating lasting, liveable places in which people can flourish.

In March 2015, Argent Related was selected to partner with London Borough of Barnet to develop Brent Cross South, an 192-acre area south of the Brent Cross shopping centre within the Brent Cross/Cricklewood Opportunity Area. The new development will sit alongside Hammerson and Standard Life Investments' redevelopment of Brent Cross shopping centre, connected via a new pedestrian bridge across the North Circular. The Brent Cross South masterplan, which already has outline planning permission, includes 6,700 homes and workspace for over 25,000 new jobs; a new high street, with local shops and restaurants; improved transport connections with the new station serving the development and better walking and cycle routes; and new parks, squares and community facilities.





In Haringey, Argent Related has formed a 'Strategic Development Partnership' (SDP) with the Council in order to deliver an ambitious new programme to transform Tottenham Hale, which sits within the Lea Valley Opportunity Area. The Council and the Mayor of London have already agreed a package of investments for Tottenham, focusing on Tottenham Hale under the Housing Zone scheme. Argent Related is working in partnership with Haringey Council to deliver around 1,000 homes (including market sale, build to rent and affordable) with a mix of other commercial and community uses and new public realm around the Tottenham Hale transport hub. The project extends across five sites within the Tottenham Hale District Centre, identified in the draft Tottenham Area Action Plan as Wellbourne (TH10), North Island (TH4), Ferry Island (TH4), Ashley Road West (TH5) and Ashley Road East (TH5). A planning application for these sites is expected to be submitted in mid-2018.

Argent has also formed a joint venture partnership ('JV') with One Housing, who owns and manages approximately 2,100 homes located on four housing estates on the Isle of Dogs. Argent and One Housing have been working together and with residents to consider the potential redevelopment options for these estates. While no decisions have been taken in favour of redevelopment, or what form that may take, the prominence of the estates within the Isle of Dogs and South Poplar Opportunity Area Planning Framework area means it is reasonable to assume that they could play an important role on the Isle of Dogs, both in terms of improved and additional housing (including affordable housing) and strategic infrastructure for those estates and the wider area.

Argent supports the objectives of the plan, particularly the required step change in delivery of housing and support for continued job growth, including in Opportunity Areas (OAs). However, the plan's objectives needs to be deliverable and it is important that once adopted, the plan does not over burden those wanting to take forward high quality regeneration with lasting benefits. As the representations below explain, Argent supports the vision of the draft plan but has concerns about the practical implications of some of the policies.

CHAPTER 2 – SPATIAL DEVELOPMENT PATTERNS

Opportunity Areas (OAs)

As noted above and illustrated in the table below, Argent/Argent Related have a committed, long term interest in at least three OAs and have permission or forthcoming proposals for approximately 9,700 homes and jobs.

Opportunity Area	Target Homes	Argent/Argent Related Planned Residential Development
Kings Cross OA	1,000	Up to 1,946 homes
Brent Cross/Cricklewood OA	9,500	Circa 6,700 homes
Lee Valley OA (Tottenham Hale)	21,000	Circa 1,000 homes

Experience has shown that delivering the transformation of these areas is challenging and requires a long term vision and commitment with a collaborative approach. Each OA has unique challenges in terms of site assembly and infrastructure requirements yet collectively they will deliver a very significant proportion of London's future homes and jobs. It is therefore essential for policy to proactively facilitate their redevelopment and remove, rather than add to, the barriers for their timely delivery. Argent is fully supportive of the principle of OAs and agree with the statement at paragraph 2.11 that OAs are the capitals' most significant locations with development capacity to accommodate new housing, commercial development and infrastructure linked to existing or potential improvements in public transport connectivity.

However, there are a range of new policy requirements in the draft Plan which will significantly add to the existing challenges of redevelopment within the OAs and we urge the Mayor's team to review these carefully. Without the following changes, we consider that the London Plan has not been positively prepared consistent with the NPPF:

- **Draft Policy SD1 (A5)**

This policy requires the maximisation of affordable housing. However, it should be revised to be 'maximum reasonable' consistent with viability and deliverability considerations as required by paragraph 173 of the NPPF. That paragraph states that *... 'the sites and the scale of development identified in the plan should not be subject to such a scale of obligations and policy burdens that their ability to be developed viably is threatened. To ensure viability, the costs of any requirements likely to be applied to development, such as requirements for affordable housing, standards, infrastructure contributions or other requirements should, when taking account of the normal cost of development and mitigation, provide competitive returns to a willing land owner and willing developer to enable the development to be deliverable.'*

- **Draft Policy H6 (Threshold approach to applications) & supporting text at para 4.6.13**

Argent welcomes the principle of a localised affordable housing threshold approach in OAs, however, there are similar concerns to those relating to draft Policy SD1, and the policy should not as a default set a threshold which seeks to increase affordable housing provision 'beyond 35% where possible'. As explained above, delivery of housing including affordable housing is challenging in OAs and local thresholds should be informed by each Borough's own assessment of what can be achieved in that area, taking into account of viability, deliverability, local needs and other requirements, consistent with paragraphs 47 and 173 of the NPPF. By way of an example, in Tottenham Hale LB Haringey is successfully implementing a 'portfolio approach' to affordable housing which responds to each site's specific characteristics while targeting a borough-wide figure of 40% (as set out in their adopted Local Plan). This approach means that affordable housing delivery can vary from site to site with sometimes lower than the overall policy target, taking account of the impact of other non-residential uses (health centre, education uses, social and community uses, work space) on the ability to reach the levels of affordable housing that would be possible on similar sites if they were purely residential. Further, it allows the tenure mix to respond individually to different sites across that area so, for example, in the new mixed-use District Centre, the predominant tenure mix is identified as home ownership or private rent with a minimum 25% affordable low cost ownership homes. Council land value in the District Centre can then be used to further supplement affordable homes, including higher proportions of homes for rent, in other parts of the Housing Zone, such that overall, LB Haringey will achieve their borough-wide target of 40%. Such a successful approach should be supported

by the new London Plan and we would urge the Mayor's team to ensure that the text of the plan facilitates its use elsewhere.

- **Draft Policy SI1 (A3) Improving Air Quality**

This requires development in OAs to propose methods to achieve an Air Quality Positive Approach. The supporting text (9.1.3) states that there should be 'an aim to be air quality positive' with reference to examples of low or zero emission heating and energy. However, such requirements are already covered by policy SI2 (minimising greenhouse gasses) and there is no justification for a different approach to OAs or whether the policy will be effective. Consequently, Argent consider that the requirement should be deleted.

Pages 28 to 56 provide background commentary on the priorities for the opportunities with the OAs grouped along transport corridors. The commentary on each of the OAs is not consistent and is insufficient, and therefore not effective, to adequately set the necessary strategic direction for these important areas. Using Argent's interests as an example, there is currently very limited commentary on the Brent Cross/Cricklewood OA and none at all on the King's Cross or the Isle of Dogs and South Poplar OAs. Contrast this with the Lee Valley OA which has a specific heading with a page of text providing context and objectives. The text should be comprehensively updated to ensure that each OA has commentary on its role, function, the current status of each OAPF.

The Draft London Plan refers to the Isle of Dogs Opportunity Area (OA), but should ensure this is updated to reflect the Isle of Dogs and South Poplar.

Policy SD7 – Town Centre Network

As well as being Opportunity Areas, many of Argent's interests are located in existing or future designated town centres. Argent supports the general approach to town centres but are concerned that there is no distinction between whether the policies (SD6 to 8) relate to existing or future town centres. The supporting text and policies should make this clearer.

Policy SD7 is concerned with the town centre network and Table 1.1 sets out future potential changes to the town centre network. Brent Cross is identified as a centre which has the potential to be re-classified as a Metropolitan Centre in the future (see also Paragraph 2.7.4).

However, Brent Cross should be re-classified as a Metropolitan town centre now as part of the current Plan rather than deferring it until later. The Planning Permission for Brent Cross regeneration scheme has now been implemented (Ref No F/04687/13). Argent has secured Reserved Matters approval for the detailed design of Phase 1A (South) and Phase 1B (South), delivering over 300 residential homes to the south of the A406. The Brent Cross Cricklewood Development Partners also have detailed permission for phase 1(A) North, which contains all key infrastructure including expansive highway and junction improvements, and Phase 1B(North), which includes the transformation of Brent Cross Shopping Centre.

Brent Cross should also be allocated a night-time economy classification. The approved development will deliver a mix of evening activities, including cultural, leisure, entertainment, food and drink, and shopping facilities.

CHAPTER 3 – DESIGN

Argent is supportive of policies which secure good design. Such an approach is consistent with the NPPF, which has a core principle to always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings (paragraph 17). However, as we explain below, in a number of instances the draft Plan is, in our view, too prescriptive on design matters. It is a strategic plan, and matters of design detail should continue to be dealt with in supplementary planning guidance and/or a Borough's Local Plan.

Draft Policy D1: London's form and characteristics

Part B 1) of the draft policy refers to responding to local context but contradicts part A 1) of the same policy (using land efficiently by optimising density) and other policies within the Draft London Plan, including draft policy SD1 part B 4), which recognises that areas can characterise their own character and density. In order to be effective, we would suggest the text is amended as follows:

~~respond to~~ consider the local and emerging context by delivering buildings and spaces that are positioned and of a scale, appearance and shape that responds successfully to the identity and character of the locality, the development objectives for the area as well as ~~including~~ existing and emerging street hierarchy, building types, forms and proportion

Draft Policy D2: Delivering good design

There is no justification for including sub-sections 'Design Scrutiny' and 'Maintaining design' within a strategic planning document and, in our view, they should be removed. Whilst Argent is a strong advocate of good design, the decision on whether a scheme undergoes design review and the nature of that review should be agreed between the Borough and applicant at the pre-application stage having regard to the specific circumstances of the scheme. Likewise, the contents of a planning submission and what elements of a scheme are to be conditioned is a matter for discussion between the boroughs and applicants, having regard to published 'Planning Application Requirements' documents which all boroughs produce and Regulation 122 of the Community Infrastructure Levy Regulations 2010 (as amended). Attempting to include too much detail within the planning application (some of which may not be available at that stage) will significantly slow down the planning determination process and undermine the delivery of development.

Clarification is also sought on the role of the Mayor's Design Advocates which are referred to in paragraph 3.2.6. It is unclear how they will interact with planning application proposals, particularly given that boroughs commonly seek their own independent advice on the design through design review panels or similar.

Draft Policy D4: Housing Quality and Standards

Draft policy D4 includes a sub-section on private open space. Whilst this policy draws on Standards 26 and 27 of the current Mayor's Housing SPG (2016), it does not make any provision for those circumstances where it is not possible or appropriate to provide a private outdoor space. This may be due to impacts from a neighbouring land use or transport infrastructure which are more likely to be factors in town centres or OAs where the majority of new housing is directed. The Mayor's Housing SPG currently makes provision for measures such as oversized units instead of private outdoor space to provide flexibility, whereas Policy D4 remains silent on acceptable

alternatives, creating a conflict between the two documents. In any case, we consider that Part D of the policy is not effective or justified because the current Housing SPG and design standards already provide the necessary guidance on these matters and the draft London Plan therefore creates excessive prescription and duplication.

For the same reason, the statement in draft policy D4 part E that single aspect units should be avoided is not justified. East, west and south facing single aspect units can work very well, especially in taller buildings, and it is a very narrow measure of a unit's residential quality to judge it solely on aspect. In particular, it is unclear how all one bedroom units could avoid being single aspect within a development. The suggested draft policy text will unnecessarily burden the design of schemes and indeed could limit the ability to optimise density as required by Policy D6. In any case, the current Housing SPG adequately addresses the application of dwelling orientation in Standard 29 and therefore the need for this part of the policy is questionable.

Supporting para. 3.4.2 to Policy D4 makes reference to borough's existing dwellings with floor areas significantly above those in Table 3.1 as they do not constitute an efficient use of land. It is not clear how this supports the density measures set out in draft policy D6: 'Optimising Housing Density' and in our view should be deleted.

Draft Policy D6: Optimising Housing Density

Argent welcomes the Mayor's revised approach to optimising housing density set out in Policy D6, thereby replacing the housing density matrix which has arguably been ineffective for a number of years.

Supporting paragraph 3.6.2 states that it will not normally be necessary for minor developments to undertake infrastructure assessments, with the implication that major developments should undertake such an assessment. However, it is unclear why infrastructure assessments (beyond what is currently undertaken in documents such as a Transport Assessment) are required to accompany planning applications for major developments. It is for each local planning authority when preparing their Local Plan to establish what infrastructure is required to deliver the plan's growth targets which in turn links to the setting of Community Infrastructure Levy (CIL) rates. Applicants should not be subject to any further burdens and in our view, this requirement should be deleted.

Draft Policy D7: Public Realm

We note that this policy requires the 'highest quality design' for public realm, whereas the NPPF (paragraph 56) refers to 'good quality design'. Indeed other policies in the plan, such as draft Policy D2 (delivering good design) similarly refer to good quality design. Consequently, the wording of draft Policy D7 should be revised to be consistent with the NPPF and other proposed draft policies.

Draft Policy D8: Tall Buildings

The current London Plan (policy 7.7) provides guidance as to the most appropriate locations for tall buildings with a focus on the Central Activity Zones (CAZ), OAs, areas of intensification and town centres that have good access to public transport. Given the expected level of development set out in the Draft London Plan for these areas and in order to be positively prepared, it is important that this strategic direction for the location of tall buildings should be carried across to the new London Plan to ensure that locations for tall buildings are not

unnecessarily restricted. It is not appropriate that this strategic issue is deferred to Boroughs to identify appropriate locations in their Local Plans, as per Part B of the draft policy.

In terms of part C 1) (a) iii of draft policy D8, it is not always necessary to have a transition in height with adjacent buildings or open spaces. Those adjacent buildings may be for instance commercial buildings which have little design or amenity qualities to protect (and potentially a redevelopment site themselves). Similarly, a tall building could provide an important reference point for or help frame an adjacent open space. Ultimately the appropriateness of the transition should be determined on a case by case basis during the determination of the application which other policies within the plan already address. For instance, draft policies D1 and D6 acknowledge that making the most efficient use of land will mean developing at densities above those of the surrounding area on most sites). We would therefore suggest that the final sentence of C 1) (a) iii is removed.

CHAPTER 4 - HOUSING

Table 4.1

Table 4.1 – '10 year targets for net housing completions (2019/20 – 2028/29)' only sets out 'targets'. This is in contrast to the adopted London Plan which describes the figures as minimums to be achieved. As set out in Central Government's September 2017 consultation – 'Planning for the right homes in the right places' the Objectively Assessed Need by Boroughs in many instances exceeds those in the Draft London Plan and this reinforces that the London Plan figure should be seen as a minimum in order to deliver a "step change" in housing supply.

Draft Policy H6: Threshold approach to applications

Argent welcomes the Mayor's strategy to seek to provide greater certainty about the approach to affordable housing, which is largely set out in Policy H6 (Threshold Approach to Applications). However, we have significant concerns around the following aspects of the policy which we consider to be unsound:

1. **Part B** states that the 35% threshold approach will be reviewed in 2021 and, if appropriate, increased through Supplementary Planning Guidance. Such an approach is inconsistent with the NPPF (Para. 173) which requires the scale of obligations to be considered to ensure that viability and deliverability are not threatened and is therefore flawed. An upward only review would preclude changes to reflect more challenging viability and deliverability. The process for the review is unclear and it is inappropriate for this to be deferred to supplementary planning documents which are required to be consistent with development plan policy but are not part of the development plan.
2. **Part H** refers to scheme amendments being excluded from the FastTrack approach if the original permission did not meet the required threshold, tenure or other considerations. In practice such an approach is likely to deter the development industry from making amendments to consented proposals and thereby hindering the effectiveness of the plan. Proposals which potentially increase the number of homes and jobs which help to deliver the overall objectives of the plan could be abandoned. The consented position, including the proportion and tenure of the affordable housing, is a significant material consideration and the focus should instead be on scrutinising the uplift or change in a scheme rather than the overall viability.

Draft Policy H10: Redevelopment of existing housing and estate regeneration

Argent is generally supportive of Policy H10 and welcomes the recognition that equivalent affordable housing floorspace should be provided which will allow changes to the unit mix and which could potentially better suit local needs and assist in the creation of more mixed and balanced communities. However, we would suggest that the reference to the Mayor's Good Practice Guide in paragraph 4.10.3 should be deleted on the basis it is not part of the development plan or supplementary planning guidance and has no planning status:

"4.10.3 In some cases, regeneration will include the loss and replacement of homes and it is important that any such scheme is delivered with existing and new residents and communities in mind. ~~This is particularly pertinent for estate regeneration, and any proposals for such schemes should take account of the requirements of the Mayor's Good Practice Guide.~~"

Draft Policy H12: Housing size mix

Argent is supportive of the approach taken in draft Policy H12 setting out that there should not be a prescriptive dwelling size mix for market and intermediate homes. As acknowledged in supporting text (para. 4.12.2), prescriptive mixes are inflexible, are often not followed and also do not take into account market demand factors.

Draft Policy H13: Build to Rent

Argent supports the introduction of a Build to Rent policy in draft policy H13 which recognises the different approach to sale products. It is noted that Part C of that policy sets out the approach that must be taken for Build to Rent under the Fast Track Route for viability assessment. This is supported, although it should be clarified that the London Plan approach supersedes the adopted Affordable Housing & Viability SPG which states that Build to Rent schemes are not accepted under the Fast Track Route and must be considered under the Viability Tested Route. Consequently, draft Policy H13 should be revised so both documents are aligned.

CHAPTER 6 – ECONOMY

Draft Policy E2: Low cost business space

Argent supports the objectives to ensure that office development reflects the changing nature of the office market. However, the requirements set out in draft policy E2 part C for all developments over 2,500 sq.m of B1 floorspace to consider the provision of flexible workspace for SMEs could have a significant impact on the delivery of office development. Many office buildings are delivered for single occupiers and including this requirement could limit the ability to respond to these occupiers needs. In order to be justified, we would suggest that the wording of this policy is revised to allow for the consideration of specific circumstances for individual developments.

Draft Policy E3: Affordable Workspace

This policy gives wide latitude to local authorities to impose requirements for affordable workspace as part of proposals where existing workspace exists, in areas where there is pressure for low cost space and in other locations (part B). Part B should be revised to include an additional requirement for local authorities to consider the viability of introducing such policies alongside other demands on development, including CIL and particularly affordable housing policies.

CHAPTER 7 – HERITAGE AND CULTURE

Draft policy HC3: ‘Strategic and Local Views’

Part E of draft policy HC3 makes reference to a review of the London View Management Framework (LVMF). There are a number of references elsewhere in the draft London Plan to using digital technology and 3D models (draft policies D2 and D8) to support design analysis. Given the pace of change in London, these technologies are also important to inform an LVMF review and draft policy HC3 should make specific reference to their use in the review of the LVMF.

CHAPTER 8 – GREEN INFRASTRUCTURE AND NATURAL ENVIRONMENT

Draft policy G5: ‘Urban Greening’

Draft Policy G5 sets out a suggested approach for boroughs to develop an Urban Greening Factor (UGF). Whilst Table 8.2 indicates starting points of a UGF of 0.4 for residential developments and 0.3 for commercial developments, such a policy is overly rigid and does not take into account site specific circumstances. In our view, this level of scrutiny should take place at the Development Management level to make sure that they are maximising the use of landscaping, green roofs etc. Clearly, there also needs to be a careful balance to ensure that housing density is optimised consistent with the requirements of draft Policy D6. Part A of the policy provides an appropriate strategic basis for this. Part B of the policy is not however justified and should be deleted.

CHAPTER 9 – SUSTAINABLE INFRASTRUCTURE

Draft Policy SI1: ‘Improving air quality’

We do not consider part A 3) of draft policy SI1 and the associated supporting text in para. 9.1.3, which cites OAs specifically, to be justified. It is not explained how an Air Quality Positive approach can be measured and does not consider the likely costs associated with the measures required to actively reduce air pollution. The measures cited also potentially duplicate what is required by other policies, particularly SI2. As stated above, OAs are already under significant pressure to deliver housing and other infrastructure. The complexities around development in these areas need to be an important consideration and it is important that new requirements don’t unnecessarily duplicate other policy requirements or impose significant burdens on delivering successful regeneration.

Draft Policy SI5: 'Water infrastructure'

This policy is unclear and therefore not effective. It states that development proposals should achieve at least BREEAM excellent. It is unclear whether this only relates to the BREEAM Water Category or all BREEAM Categories. Further, there is no evidence that the deliverability and cost implications of this have been properly tested.

CHAPTER 10 – TRANSPORT

Draft policy T5: 'Cycling'

Argent notes that perceived safety is a major issue and potential barrier to encouraging further cycle use and recommend revising the policy to recognise this.

The proposed cycle parking standards impose a very significant space requirement on developments. Argent believes that a more flexible approach to cycle parking should be set out in Part A2, which should be revised to read: *'Developments should provide cycle parking, whilst taking into account of local circumstances and predicted travel demands, in accordance with the minimum standards..... and designed and laid out in accordance with the guidance contained in the London Cycling Design Standards.'* It may for instance be appropriate for some or all of the cycle parking in a development to be sized for foldable cycles. Folding bicycles have seen an increase in popularity, particularly with commuters who split their journey between cycling and public transport. More products are now available at different price points and as a result, folding or compact bicycles are becoming more accessible. Alternatively, the number of spaces could be lower initially for commercial development with more spaces provided later in accordance with demand, as monitored through the Travel Plan. A rigid approach may not be practical and therefore additional flexibility in the wording would be welcomed and would ensure the plan is positively prepared.

Draft policy T6: 'Car Parking'

Argent supports the generality of the parking policy and the associated parking standards. However, some requirements are overly prescriptive and give little or no consideration to specific local circumstances. We believe the policy should be revised so that standards can be varied within reasonable limits.

Draft policy T6.1: 'Residential Parking'

Argent generally supports low levels of car parking. However, we feel that the stipulation for all residential developments to be car-free (other than accessible parking) in PTAL 5 and 6 areas is too restrictive and doesn't necessarily reflect specific local circumstances. Many people require access to a car for a variety of reasons, especially families, and it should be possible for larger units to have access to some car parking. Car ownership does not necessarily equate to regular peak hour or daily car trips, in fact many residents prefer the convenience of public transport on a day to day basis but still require access to a car at the weekend.

The stipulation in Part G that blue badge parking should be provided at a minimum of 3% of units is overly prescriptive and contradicts Table 10.3 which states that in certain locations developments should be car free. Table 10.3 should be updated to make the position clear.



Part G 2) is particularly problematic because it in effect requires safeguarding of land for a further 7% of units in case they are required. Where no car parking has been provided (as required by the current draft of Table 10.3 on sites with a PTAL of 5 or 6) this could mean that landscaping or public realm areas will have to be foregone to meet this requirement.

Summary

On the whole, Argent is supportive of the strategic direction of the draft London Plan. However, it is important that the emerging Plan does not constrain growth and looks to support OAs in particular.

I trust careful consideration will be given to these representations and you will keep us informed on the progress of the Plan and further opportunities to participate in the process.

Yours faithfully

Sean Bashforth
Director
cc.
Alexandra Woolmore, Argent