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Dear Sir/Madam,

**THE LONDON PLAN – THE SPATIAL DEVELOPMENT STRATEGY FOR GREATER LONDON  
CONSULTATION RESPONSE ON BEHALF OF BISHOPSGATE GOODS YARD  
REGENERATION LIMITED**

These representations are submitted on behalf of Bishopsgate Goods Yard Regeneration Limited ('BGYRL'), a 50/50 joint venture between Hammerson plc and Ballymore, in relation to the Mayor's draft London Plan.

BGYRL jointly own the rights to develop Bishopsgate Goods Yard which is the largest development site in the City Fringe Opportunity Area. In 2010, together with London Borough of Tower Hamlets and Hackney, the Greater London Authority published Interim Planning Guidance (IPG) for the site that provides a framework for the future comprehensive development of the site and acts as a material consideration in determining future planning applications. The nature and extent of the guidance document emphasises the strategic importance of the site and explains the various opportunities and challenges associated with its redevelopment.

The opportunity is welcomed at this stage to respond to this consultation and actively support the positive approach the document takes in promoting growth and development in London.

**REPRESENTATIONS**

**Chapter 1: Planning London's Future**

Policy GG2: Making the best use of land

Our client strongly supports the Mayor's commitment to creating high-density mixed-use places that make the best use of land. The policy's emphasis on the need to prioritise the development of Opportunity Areas and brownfield land, in addition to maximising the potential of sites around transport hubs is strongly promoted. The Bishopsgate Goods Yard site is the largest brownfield sites located within the City Fringe Opportunity Area, which includes a transport hub located on the site (Shoreditch High Street Station), and has the opportunity to deliver a high-density mixed-use place. Therefore, it is imperative that the London plan promotes high density development of brownfield sites located within Opportunity Areas to ensure the minimum targets within the plan are achieved.



#### Policy GG4: Delivering the homes that Londoners need

Our client supports the aspirations of the draft London Plan to ensure more homes are being delivered.

#### Policy GG6: Increasing efficiency and resilience

The draft London Plan recognises the importance of Good Growth and the opportunity to maximise efficiency and sustainability, whilst ensuring that a strategic approach to development aids the resilience and safety of the city. However, our client has reservations towards London becoming a zero-carbon city by 2050 as we do not believe that the deliverability of this target has been fully tested. It is important that the targets set out in the plan are achievable and do not add additional financial burden on development which could affect the financial viability and delivery of schemes. We welcome further information on how the Mayor seeks to achieve this target.

### **Chapter 2: Spatial Development Patterns**

#### Policy SD1: Opportunity Areas

Our client welcomes the draft New London Plan's objective to support the focused delivery of a substantial amount of the new homes and jobs that London needs in Opportunity Areas. But, it is concerned that the content of draft Policy SD1 and its supporting text does not provide the strategic direction that is needed to help guide the formation of policies and identification of development quantum for Opportunity Areas at the local level. It is their view that the draft wording of Policy SD1, while flexible and therefore capable of providing scope for development to make the most effective use of Opportunity Areas, risks allowing the strategic direction that should be provided by the London Plan (and is by the current version) to be passed down to local policy.

The Plan is currently silent in relation to any strategic guidance to help form the development of the majority of London's Opportunity Areas. Some guidance is provided for a select few Opportunity Areas, but no explanation is provided as to why this is the case and the approach is inconsistent. It is worrying that the Plan provides a narrative and direction for some Opportunity Areas, whilst being completely silent on others.

It is imperative that the development of Opportunity Areas delivers a substantial proportion of the Mayor's housing and employment targets and it is, therefore, vitally important that their development is at least broadly directed at the strategic level to help guide the formation of local policies, planning guidance/framework documents and future planning decisions. Our client feels strongly that some form of high level strategic direction for each of the Opportunity Areas is necessary to help ensure the new London Plan is as effective as possible, and its effect not watered-down by policies at a local or neighbourhood level. Such strategic direction need not be detailed, but could provide the Mayor's take on the priorities and development principles for each Opportunity Area. This is very much in the interest of the Mayor being able to confidently rely on the Opportunity Area's performing in respect of housing delivery. Without any strategic direction there is a clear risk that several Opportunity Areas do not perform to their maximum, risking the overall ability for London's housing targets to be met.

In light of the above, our client proposes that the London Plan should include some strategic direction for those Opportunity Areas for which there is no narrative or explanation currently provided. This could be in a similar format to the guidance set out in Table A1.1 of the current London Plan, which includes a succinct section setting out the Mayor's general aspirations for the nature of development to make the best possible use of the relevant Opportunity Area. This extra level of guidance would be in addition to the minimum housing and employment numbers identified in Figures 2.4 to 2.12 of the Draft New London Plan.



## Policy SD5: Offices, other strategic functions and residential development in the CAZ

Our client supports the draft London Plan actively prioritising office space in the CAZ. It is imperative that London has the required amount and type of office space to ensure the success of the city.

## Policy SD10: Strategic and local regeneration

Our client acknowledges the importance of London boroughs utilising their local knowledge to identify Local Areas of Regeneration. However, the draft London Plan should provide the framework and direction of spatial and strategic planning. Many of the local authorities are under resourced, and whilst localised planning and decision making are important to ensure accountability the Mayor must provide stronger policies to give him the tools to lead the growth agenda to ensure the minimum target set are delivered.

## **Chapter 3: Design**

### Policy D1: London's form and characteristics

The aspirations of Policy D1 are supported by our client. However, sections of the policy appear to be at odds with the wider aspirations of the draft London Plan. Part B1 states that development design should be *'of a scale, appearance and shape that responds successfully to the identity and character of the locality, including to existing and emerging street hierarchy, building types, forms and proportions'*.

Whilst the principle of this is acceptable, there are a number of examples of where development have successfully challenged the existing character of the area. One of the main objectives of the draft London Plan is to increase density of development in appropriate areas. Given London's unique and organic built form, there are many instances where higher density development may be appropriate, but as a result will have to challenge the existing character of the area. We request that the wording of the policy be amended to acknowledge that new developments can challenge the existing identity and character of the locality, provided that it is done successfully to meet the wider objectives of the draft London Plan and incorporate exemplar design. It should not be forgotten that some of London's most iconic landmark buildings challenged the existing context.

### Policy D3: Inclusive Design

Our client supports the draft London Plan policy for encouraging inclusive design across new developments which ensures that development meets the needs of the community.

### Policy D4: Housing Quality and Standards

Policy D4 considers the quality and standards of housing and at Part D sets out the requirements for the provision of private open space. As currently drafted, the policy doesn't make any provision for those circumstances where it is not possible or suitable to provide private outdoor space. Each site is different and will face different challenges from its context, orientation and the mix and type of uses. This is particularly relevant in town centres and Opportunity Areas where the impacts from a neighbouring land use or transport infrastructure may mean it is not possible or appropriate to provide private open space.

The Mayor's Housing SPG provides detailed guidance for private open space standards and makes provision for measures such as oversized units instead of private outdoor space to provide flexibility. Our client considers that Policy D4 as current drafted is not justified and is too prescriptive, and should be revised to reflect the flexibility contained in the SPG.

Part E of draft Policy D4 states that single aspect units should be avoided. It is noted that due to site orientation there may be instances where single aspect homes cannot be avoided. It is also unclear how



a tall building which provides a large number of units per floor could avoid any single aspect development. Our client considers that in some circumstances, single aspect units work very well and can provide high quality accommodation so long as designed appropriately. Therefore, whilst aspect is an important consideration, it should form only part of the assessment of residential design as a whole.

Within this context, Policy D4(E) as currently drafted will unnecessarily burden the design of schemes and could also limit the ability to optimise density as required by Policy D6. Our client therefore request that this element of the Policy be removed.

#### Policy D6: Optimising Housing Density

Our client strongly supports the acknowledgement that development proposals must make the most efficient use of land and be developed at the optimum density. Further, it is also supported that the policy notes that the density of development proposals should be based on the provision of future planned levels of infrastructure rather than existing levels.

#### Policy D8: Tall Buildings

The policy notes that tall buildings should be defined in terms of height and location within Development Plans. Although this is acknowledged by our client, the draft London Plan should provide clear guidance on tall buildings and their appropriateness within London. It is also acknowledged that tall buildings may not be appropriate in all location and the height of buildings need to respond to local context. However, it should be noted that the draft London Plan identifies ambitious target and promoted high density development which can only be delivered through high density development. Without a strategic plan, there is the risk that boroughs significantly limit the scope for tall buildings which will have a direct impact on the ability to meet housing and employment targets. We therefore request that the policy be reworded to ensure the targets of the London Plan are deliverable. The policy should acknowledge that there are instances where tall buildings do not need to directly respond to the local context, such as in Opportunity Areas, where higher density development is required to deliver the aspirations of the London Plan.

#### Policy D11 Fire safety

Our client supports the Mayor's efforts to achieve the highest possible standards on fire safety for new and refurbished buildings in London. However, there is a need for clarification in terms of a precise benchmark for 'highest fire safety standards'. We look forward to more detail being provided on this matter in due course.

### **Chapter 4: Housing**

#### Policy H1: Increasing housing supply

Our client strongly supports Policy H1 to deliver 66,000 additional homes per annum in the capital and the allocation of individual housing targets to each of the London boroughs, including 35,110 in the London borough of Tower Hamlets and 13,300 in the London Borough of Hackney. The recognition for highly accessible sites within 800m of a tube/rail station or town centre boundary is supported. It is unclear from the current wording of the policy what corrective measures the Mayor will have in place if borough's fall short of their minimum housing targets. We welcome further information on this point.

#### Policy H4: Meanwhile use

Our client is supportive of the policy which seeks to encourage temporary uses on sites for housing. However, this policy should not be restricted to housing sites alone and should be open wider to all



development sites.

#### Policy H5: Delivering affordable housing

Our client acknowledges the need for additional affordable housing in London and the target identified within the policy at 50 per cent of all new homes. In our experience, achieving 50 per cent affordable housing is unrealistic. Further, our client would also like to see some emphasis and recognition of the frequently competing needs of planning obligations that developers face, in respect of Section 106 obligations and the mayoral and local community infrastructure levy and the impact this has on viability of schemes and ultimately the delivery of affordable housing. It would be beneficial if the London Plan identified priority so that relief can be applied to in order to ensure the priority is delivered.

#### Policy H7: Affordable housing tenure

Our client recognises the merits of the policy in that it reacts to the needs of the Borough directly instead of applying a blanked approach. Although the approach is supported, there needs to be acknowledgement in the policy wording that the overall affordable housing offer is likely to be effected by the tenure split of the affordable offer. For example, a scheme that has a significantly higher proportion of social rented accommodation compared to intermediate may only be able to viably offer a lower proportion of affordable housing, below that of the policy target. The London Plan needs to recognise this point so as not to stifle development and the delivery of the types of affordable accommodation that the Borough needs.

#### Policy H12: Housing size mix

Our client supports the flexibility sought in Policy H12 around housing size mix and not requiring boroughs to set prescribed unit mix policies.

### **Chapter 6: Economy**

#### Policy E1: Offices

The draft London Plan emphasises the importance of existing and new office space across London and identifies a commitment to ensure that employment and industrial space is located in the right areas and with the right transport infrastructure to support it.

#### Policy E2: Low-cost business space

The need for low-cost business space is acknowledged by our client, however the requirement to provide a proportion of flexible workspace suitable for micro, small and medium enterprises on developments greater than 2,500 sqm (GEA) is considered to be too restrictive. The policy should be less prescriptive and seek the delivery of flexible working space which can accommodate a wide range of business. Imposing a quantum of floorspace to be used solely by micro, small and medium enterprises increases the financial burden for developers which could impact on scheme viability.

#### Policy E3: Affordable Workspace

Boroughs already have the powers to deliver affordable business space through their Development Plans which can be secured by planning obligations. Affordable workspace will be weighed up against other competing priorities that a local authority wants to address via planning conditions and planning obligations. The requirement to provide affordable workspace could impact on scheme viability which may impact other priorities of the Borough, such as social or affordable housing provisions and contributions towards infrastructure.



The term ‘affordable’ should be given greater flexibility and clarification in the draft London Plan, as it can relate to rent, lease length and size of the accommodation provided.

Finally, the draft wording should not require the affordable workspace to be provided in perpetuity. This requirement is likely to significantly harm the viability of future schemes and place increased risk on the deliverability of developments in the borough. It is proposed that provision for a 5 - 10 year period would be wholly more appropriate.

## **Chapter 7: Heritage and Culture**

### Policy HC6: Supporting the night-time economy

We support the Mayor’s development of a vision for the night time economy of London. Successful cities need a vibrant mix of activities and the further promotion of night-time economic activities such as eating, drinking, entertainment, shopping and spectator sports will increase London’s productivity, economic growth and social wellbeing.

We welcome the mayor’s commitment to promoting London as a 24-hour global city which has been helped with the introduction of the Night Tube, a key step in unlocking the growth potential of London’s night time economy and bringing its night-time infrastructure up to international standards. Whilst the development sector does not play a direct role in shaping the night-time economy in London, it does play a crucial role in building the vibrant places that will help these activities thrive.

## **Chapter 9: Sustainable Infrastructure**

### Policy SI1: Improving air quality

Our client supports the aspirations of the policy by improving the quality of air for all Londoners. However, the policy notes that large-scale development areas, such as Opportunity Areas and those subject to Environmental Impact Assessment should propose methods of achieving an Air Quality Positive approach through the new development. It is considered that it will be extremely challenging to meet this target. With a commitment to optimising densities within Opportunity Areas, the likely impacts of external air quality on internal readings may increase and proximity of new development to sources of pollution will narrow respectively. Furthermore, it is not explained how an Air Quality Positive approach would be demonstrated/quantified, nor have the likely costs associated with the measures to achieve Air Quality Positive been assessed sufficiently. We therefore consider that this policy in its current form is not justified or effective and request that it is removed.

### Policy SI2: Minimising Greenhouse gas emissions

The Mayor has set a target for all major developments to be zero-carbon and Policy SI2 confirms this aspiration and sets out at Part 3 that in meeting the zero-carbon target, a minimum on-site reduction of at least 35 per cent beyond Building Regulations is expected. Residential development should aim to achieve 10 per cent, and non-residential development should aim to achieve 15 per cent through energy efficiency measures. Where it is clearly demonstrated that the zero-carbon target cannot be fully achieved on-site, any shortfall should be provided through a cash in lieu contribution to the relevant borough’s carbon offset fund, and/or through off-site, provided that an alternative proposal is identified and delivery is certain.

Our client is generally supportive of the pragmatic approach to minimizing carbon dioxide emissions and the long-term principle of achieving zero emissions in all new buildings. However, it will be extremely challenging for developments to meet the 35% on-site reduction target and proposed energy



efficiency targets, particularly as Building Regulation requirements become progressively more stringent. This point is raised by the Aecom report which forms part of the evidence base for the London Plan.

We would therefore suggest that the policy wording is revised to recognise the fact that some developments will not be able to meet the proposed targets and that developers should be given more flexibility to use offset to achieve the zero-carbon target. In addition, careful consideration should be given to the rate at which offset prices are set, which should be fair and reasonable so as not to compromise the viability of developments.

### Policy SI3: Energy infrastructure

Policy SI3 deals with energy infrastructure and Part D states that major development proposals within Heat Network Priority Areas should have a communal heating system. Part D(1) lists a hierarchy of heat sources which should be selected, including low emission combined heat and power (CHP) at Part (e). Our client would like to highlight that gas CHP is not a viable technology beyond the short term because it won't offer a carbon saving in comparison to using grid electricity and conventional heating systems as the grid de-carbonises. In the short term, gas CHP is likely to be the only viable way for a development to meet the carbon targets proposed in the London Plan and therefore not an optimal approach in terms of long term carbon saving. This outcome should be avoided and as such, we would suggest that Policy SI3(D) is revised to add flexibility and recognise that major development proposals within Heat Network Priority Areas should have a communal heating system only in cases where it is deemed appropriate to the development.

### Policy SI5: Water infrastructure

Policy SI5 considers water infrastructure and states at Part C(2) that commercial development proposals should achieve at least BREEAM excellent standard. Our client would like to seek clarification on whether this requirement just relates to the BREEAM Water Category or all BREEAM Categories.

## **Chapter 10: Transport**

### Policy T6.1 – 6.5: Car Parking

Our client welcomes the commitment to ensure that new developments are provided with suitable parking provision and the associated infrastructure for electric or Ultra-Low Emission vehicles. However, the policy should ensure that an appropriate level of parking, including blue badge, comes forward for each development.

We trust that you will take these comments into consideration during the Mayor's deliberations, and we request to be kept informed of the ongoing preparation of the document.

If you require any additional information or clarification on the above, please do not hesitate to contact Dean Jordan or Julian Shirley of this office.

Yours faithfully,

**DP9 Ltd**