

## NOTE

### DRAFT LONDON PLAN (DECEMBER 2017) COMMENTS BY QUOD ON BEHALF OF THE BRENT CROSS CRICKLEWOOD DEVELOPMENT PARTNERS – MARCH 2018

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#### 1 Introduction and Background

- 1.1 These representations are made on behalf of our client, the Brent Cross Cricklewood (“BXC”) Development Partners (“DPs”). The BXC DPs are a joint venture between two of the UK’s most successful development and property investment companies – Hammerson UK Properties Plc and Aberdeen Standard Investments Ltd.
- 1.2 Planning Permission (Ref No C/17559/08) for the comprehensive redevelopment of the BXC Regeneration Area was granted in October 2010, and following this, a Section 73 permission (Ref No F/04687/13) was granted by the Council in July 2014.
- 1.3 The BXC regeneration scheme will realise the Mayor’s long-term aspirations for this key strategic Opportunity Area. The development will bring some 27,000 jobs, 7,500 new homes, a new town centre, a new commercial district and a new high street together with parkland and open space. The plans will also deliver substantial investment into transport and community facilities, including new schools, health facilities, public transport interchanges, bridges and road junctions.
- 1.4 Since the 2014 Permission was secured, significant progress has been made toward the delivery of the BXC Development. In respect of the development north of the A406 and associated infrastructure, the DPs have obtained approval for the detailed design for both Phase 1A (North) and Phase 1B (North) and are preparing for the discharge of pre-commencement conditions. In addition, in December 2017, the Secretary of State approved the Compulsory Purchase Orders (“CPO”s) for parts of both the northern and the southern areas of the development.
- 1.5 The DPs have been working with the London Borough of Barnet and the Greater London Authority to deliver a scheme which will provide the Borough with the regeneration that it urgently requires. As recognised in Barnet’s local policy, seeking the regeneration of BXC is critical not only to the future success of the local area but also to North London. It is therefore important that emerging policy does not fetter the ability to deliver the comprehensive redevelopment of BXC and constrain the wider economic benefit to the local area and beyond.
- 1.6 Our client’s representations to the Draft London Plan are made in this context and are set out below on a chapter by chapter basis.

#### 2 Chapter 1 – Planning London’s Future (Good Growth Policies)

##### Policy GG2: Making the best use of land

- 2.1 Chapter 1 is concerned with planning for good growth to improve the health and quality of life of all Londoners, and Policy GG2 is focussed on making the optimum use of land. In order to create high-density, mixed-use places that make the best use of land, the policy states that those involved in planning and development must (amongst other things) prioritise the development of Opportunity Areas (“OA”s), town centres, and sites which are well connected. In addition, they must proactively explore the potential to

intensify the use of land to support additional homes and workspace and promote high density development, applying a design-led approach.

- 2.2 The DPs support the approach identified within Policy GG2 to making the best use of land. It is considered that directing high density development, as well as exploring the intensification of land uses, within well connected OAs and town centres is a welcome response to ensuring growth within London occurs in an appropriate manner.

### 3 Chapter 2 - Spatial Development Patterns

#### Policy SD1: Opportunity Areas

- 3.1 Chapter 2 sets out the strategic framework for those parts of London that will see significant development over the lifetime of the Plan. The areas that will see the most significant change are identified as OAs and Policy SD1 sets out specific guidance for these areas. Part A seeks to ensure that OAs fully realise their growth and regeneration potential and Part B(4) recognises that larger OAs can define their own character and density. The DPs are supportive of both of these principles.
- 3.2 Indicative guideline figures are set out for housing and employment capacity in each of the OAs, and at Figure 2.8 Brent Cross/Cricklewood is identified as having potential for 9,500 new homes and 26,000 new jobs. The DPs welcome the continued commitment to allocating Brent Cross/Cricklewood as an OA, as well as these increased quantum for housing and employment capacity which recognise the need to optimise development in these areas.
- 3.3 The DPs however question why the strategic policy directions for OAs, previously contained in Annex 1 of the adopted London Plan, has not been carried through into the draft London Plan. The strategic policy direction provided clarity on the broad principles of each OA which assisted the effective implementation of the policy aspirations to maximise development potential and informed the preparation of OA Planning Frameworks.
- 3.4 The omission of the strategic policy direction means that there is less clarity on the intent of each OA, resulting in a less effective policy framework to facilitate sustainable growth.

#### Policy SD7 – Town Centre Network

- 3.5 Policy SD7 is concerned with the town centre network and Table 1.1 sets out future potential changes to the town centre network. As with the earlier versions of the London Plan, Brent Cross is identified as a centre which has the potential to be re-classified as a Metropolitan Centre in the future. Paragraph 2.7.4 notes that *“These centres are not recommended for immediate reclassification, however it is recognised that they may be appropriate for future reclassification, subject to strategic and Local Plan policies and conditional on matters such as capacity analysis, impact assessments, land use, public transport, walking and cycling, planning approvals and full implementation.”*
- 3.6 The DPs support the recognition that Brent Cross should be given Metropolitan status. However, the context to the regeneration of BXC has changed since the previous London Plan was produced, to the point where development will commence imminently and as a result, Brent Cross should be re-classified as a Metropolitan town centre as part of the revised London Plan.
- 3.7 The BXC regeneration scheme has made significant progress with the planning permission now implemented and detailed design approved for Phase 1(A) North, which contains all key infrastructure including expansive highway and junction improvements. Detailed design for Phase 1B (North) has also

been secured, which includes the transformation of Brent Cross Shopping Centre from an inward facing shopping centre to an outward facing network of streets and spaces, as well as a new high street which links to a pedestrian and cycle bridge over the A406, a new bus station and extensive public realm works. Pre-commencement conditions are now being prepared for discharge and early works are progressing on site ahead of main works beginning in Q1 2019. Argent Related, who are delivering the elements of the scheme south of the A406, has secured consent for the detailed design of Phase 1A (South) and Phase 1B (South), delivering over 300 residential homes.

- 3.8 Construction of the project will be well advanced by the time the London Plan has progressed through Examination in Public and has been adopted. In light of this, and alongside the continued recognition of the importance of the regeneration scheme within both strategic and local plan policy, Brent Cross in its regenerated form should be identified as a Metropolitan town centre. This re-classification will enable Barnet's Local Plan to respond accordingly and develop a policy framework that will give the scheme the support it needs to fully realise its growth potential.
- 3.9 Table A1.1 provides further detail in respect of the roles of each town centre and Brent Cross is identified as an area with high commercial and residential growth potential and a centre which has the capacity, demand and viability to accommodate new and/or speculative office development. Brent Cross is also classified as a strategic area for regeneration. The DPs welcome the ongoing recognition of the town centre's growth potential in respect of the identified development sectors which will assist enable its regeneration to come forward.
- 3.10 Notwithstanding this, we question why Brent Cross has not been allocated a night-time economy classification. The approved development scheme which will be coming forward imminently will comprise a mix of evening activities, including cultural, leisure, entertainment, food and drink, and shopping facilities. It is therefore considered that this should be recognised within the London Plan and a classification be applied accordingly to support the contribution that the development will have on the night-time economy within London.
- 3.11 It is noted that Figures A1.1 to A1.5 which support Table A1.1 are a useful addition but are difficult to navigate and should include labels so that specific centres can be easily recognised.

#### **Policy SD8 – Town centres: development principles and Development Plan Documents**

- 3.12 Part A(1) of Policy SD8 considers that Development Plans and proposals should take a town centres first approach by: adopting a sequential approach to accommodating town centre uses such that new development of these uses is focused on sites within town centres or (if no sites are available, suitable or viable) on sites on the edges of centres that are, or can be, well integrated with the existing centre.
- 3.13 Part A(2) of the policy goes on to state this approach should be followed by: “firmly resisting out-of-centre development of town centre uses in line with the sequential approach in A(1) above, with limited exceptions for existing viable office locations in outer London (see Policy E1 Offices)”
- 3.14 Paragraph 24 of the NPPF deals with the location of town centre uses and states local planning authorities should require applications for main town centre uses to: *“be located in town centres, then in edge of centre locations and only if suitable sites are not available should out of centre sites be considered. When considering edge of centre and out of centre proposals, preference should be given to accessible sites that are well connected to the town centre”*.
- 3.15 The NPPF recognises that out of centre development will be acceptable where it is determined that no town centre or edge of centre sites exist. The wording of Policy SD8 goes beyond the tests of the NPPF at

paragraph 24 by stating that development should be ‘firmly resisted’. The policy therefore needs to be updated if it is to be consistent with national policy, as required by paragraph 182 of the NPPF.

## 4 Chapter 3 – Design

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

- 4.1 Chapter 3 of the draft London Plan is concerned with design and Policy D1 considers London’s form and characteristics. Section A of the policy states that development proposals should use land efficiently by optimising density. In addition, Section B(1) considers that development design should: *“respond to local 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, including to existing and emerging street hierarchy, building types, forms and proportions”*.
- 4.2 The DPs support the approach proposed at Section A to optimise density within development proposals. However, Section B(1) of the policy could be contradictory to achieving this objective as well as other objectives set out elsewhere in the Plan.
- 4.3 Policy SD1 B(4) states that Boroughs should recognise that *“larger areas can define their own character and density”*, whilst paragraph 3.6.1 identifies that in order to make the most efficient use of land this will mean: *“developing at densities above those of the surrounding area on most sites”*. New development should of course have regard to the local context, however, the policy as currently drafted could lead to development being constrained by surrounding building typology, scale and height. If higher densities are to be realised in appropriate locations then development will step beyond the existing context but only in an acceptable manner once justified, giving regard to scale, height and density.
- 4.4 Policy D1 should make specific reference to Policy SD1 to note the contribution that larger sites can have in defining their own character, rather than simply responding to the character of their surroundings. Alternatively, the text should be amended to reinforce the approach identified in paragraph 3.6.1, that responding to surrounding context should not constrain the ability to optimise density.

### Policy D4: Housing quality and standards

- 4.5 Draft 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 OAs where the impacts from a neighbouring land use or transport infrastructure may mean it is not possible or appropriate to provide private open space.
- 4.6 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. The DPs consider 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.
- 4.7 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. The DPs consider 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.

- 4.8 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. The DPs therefore request that this element of the Policy be removed.

#### **Policy D6: Optimising housing density**

- 4.9 Policy D6 is concerned with housing density and states that development proposals must make the most efficient use of land and be developed at the optimum density giving consideration to the site context, connectivity, accessibility and the capacity of surrounding infrastructure.
- 4.10 To help assess, monitor and compare development proposals it is proposed that several measures of density will be required to be provided by the applicant, as well the preparation and submission of Infrastructure Assessments for major developments.
- 4.11 The DPs would question the need for these additional requirements. It is considered that adding these onerous requirements to applicants could be detrimental to one of the overriding aims of the Plan to bring development forward in a timely manner. Whilst we fully support the principle of optimising density, we would respectfully request that these requirements are reconsidered.

#### **Policy D8 Tall buildings**

- 4.12 Policy D8 recognises that tall buildings have a role to play in helping London to accommodate its planned growth and seeks to ensure that tall buildings are sustainably developed in appropriate locations, and are of the required design quality. With regard to the location for tall buildings, Part B of the policy considers that Borough's should identify in their Development Plans where tall buildings will be an appropriate form of development in principle, as well as indicate the general building heights that would be appropriate.
- 4.13 Whilst the DPs recognise the plan-led approach at a Borough level, it is considered that additional strategic direction is required to ensure that this policy is effective, as required by paragraph 182 of the NPPF.
- 4.14 Adopted London Plan Policy 7.7 provides clear guidance as to the most appropriate locations for tall buildings, which includes OAs, areas of intensification and town centres that have good access to public transport. Given the anticipated level of growth set out in the draft London Plan for these locations, we consider that this strategic guidance for the location of tall buildings should also be included in the new London Plan.
- 4.15 In addition, we raise concern in respect of Part C(1)iii of Policy D8 which states that where the edges of a site are adjacent to buildings of significantly lower height or parks and other open spaces there should be an appropriate transition in scale between the tall building and its surrounding context to protect amenity or privacy.
- 4.16 The DPs acknowledge the importance of effectively integrating tall buildings into the surrounding context to protect amenity and privacy, however it is not always appropriate for a transition to be made between a tall building and the adjacent setting. For instance, tall buildings can sit comfortably alongside lower level buildings and parks as long as the relationship between the development and the street level is carefully considered. We consider that the appropriateness of a transition should be determined on a case by case basis and would therefore request the policy wording be amended accordingly.

#### **Policy D11: Fire Safety**

- 4.17 Policy D11 states that all major development proposals should be submitted with a Fire Statement produced by a third party suitably qualified assessor. The DPs welcome this addition to the London Plan.

## 5 Chapter 4 – Housing

### Policy H1: Increasing Housing Targets

- 5.1 Policy H1 is concerned with increasing housing supply and Table 4.1 sets out the ten-year targets for net housing completions which each local planning authority should plan for. These targets represent an increase from those set out in the adopted London Plan and the DPs consider that these higher figures represent a positive step towards increasing residential growth within the capital and responding to need.
- 5.2 Notwithstanding this, the DPs would like to comment on Part (F) of this policy specifically. The policy states that sites that are allocated for residential and mixed-use development should be designed to provide a mix of uses including housing on the same site in order to make the best use of land available for development. Whilst the principle of making the most sustainable use of the land is supported, there needs to be recognition that the addition of housing within mixed-use sites is not always appropriate in every instance. Flexibility should therefore be added to this policy which stresses that each mixed-use site should be assessed on a case by case basis to ascertain whether the inclusion of housing would be appropriate or otherwise.

## 6 Chapter 6 – Economy

### Policy E9: Retail, markets and hot food takeaways

- 6.1 Chapter 6 sets out policies for London’s economy and Policy E9 considers retail, markets and hot food takeaways.
- 6.2 The DPs raise concern in respect of Part E of Policy E9, which states that large-scale commercial development proposals (containing over 2,500 sqm gross A Class floorspace) should support the provision of small shops and other commercial units (including affordable units where there is evidence of local need). The DPs question this proposed requirement which imposes the provision of small shops.
- 6.3 As described at paragraph 6.9.1 of the draft London Plan, retailing is undergoing a period of continued restructuring in response to recent trends and future forecasts for consumer expenditure, population growth, technological advances and changes in consumer behaviour, with increasing proportions of spending made via the internet. As a result, retailing has evolved to become multichannel, with a mix of physical stores, often supported by internet ‘click and collect’ in store or deliveries to homes, workplaces or pick-up points, and in other cases purely online businesses with no physical stores.
- 6.4 Aberdeen Standard Investments Ltd and Hammerson UK Properties Plc represent two of the most successful retail developers in the UK and have vast experience and knowledge to determine the appropriate mix and size of units to meet operational and commercial requirements.
- 6.5 The DPs question the justification or need for policy to require the provision of small shops, especially within large-scale commercial developments led by the developers who have the best insight into the dynamic nature of market demands. We also note that whilst affordable retail floorspace is an important consideration, the provision of small retail units is not necessarily the most appropriate way for it to be delivered. For example, kiosks, pop-ups and market events represent successful alternative options which are popular with small and/or independent retailers.
- 6.6 The adopted London Plan includes Policy 4.9: Small Shops which states that the Mayor should: “consider imposing conditions or seeking contributions through planning obligations where appropriate, feasible and viable, to provide or support affordable shop units suitable for small or independent retailers and service

outlets and/or to strengthen and promote the retail offer, attractiveness and competitiveness of centres.” It is considered that the flexibility contained within this policy wording is a more appropriate response. This approach accords with paragraph 21 of the NPPF which states that “investment in business should not be over-burdened by the combined requirements of planning policy expectations.”

## **7 Chapter 7 – Heritage and Culture**

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

- 7.1 Policy HC6 considers the night-time economy and Part B(1) seeks the promotion of this sector where appropriate, particularly in the Central Activities Zone, strategic areas of night-time activity, town centres, and where public transport such as the Night Tube and Night Buses are available. Similarly, Part B(3) promotes the diversification of the range of night-time activities, including extending the opening hours of existing daytime facilities such as shops, cafés, libraries, galleries and museums.
- 7.2 The DPs are supportive of this policy and consider that the expansion and diversification of the night-time economy will enable town centres to develop their cultural offer, which will increase their vitality and viability, as well as their contribution to the wider economy.

## **8 Chapter 9 – Sustainable Infrastructure**

### **SI1 Improving air quality**

- 8.1 Policy SI1 aims to ensure that new developments are designed and built, as far as is possible, to improve local air quality and reduce the extent to which the public are exposed to poor air quality. The DPs welcome this focus on addressing London’s air quality issues. However, Part A(3) makes reference to a requirement for large-scale developments such as those within OAs, to propose methods of achieving an Air Quality Positive approach.
- 8.2 It is considered that it will be extremely challenging to meet this target. With a commitment to optimising densities within OAs, 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**

- 8.3 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.
- 8.4 The DPs are 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 and states at page

37 that: *'it is important to acknowledge that by adopting this single target, not all building types will be able to meet it and this needs to be allowed for in the review of planning applications.'*

- 8.5 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**

- 8.6 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). The DPs 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 decarbonises. 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**

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

## **9 Summary**

- 9.1 On the whole, the DPs are supportive of the Mayor's approach to the proposals set out within the draft London Plan. However, it is important that the emerging Plan does not constrain local growth projections and looks to support existing and identified large town centres, in particular those centres that benefit from OA status and are on the verge of comprehensive regeneration.
- 9.2 We trust that you will fully consider our client's comments and ensure that any emerging policy does not prevent the successful regeneration of BXC from being realised.