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New London Plan
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Dear Mayor

DRAFT LONDON PLAN

Thank you for allowing Catalyst Housing Limited the opportunity to participate in the consultation on the Draft London Plan.

As a G15 housing association, Catalyst manage approximately 22,000 homes across London and the South East. We are experts in placemaking and developing tenure-blind neighbourhoods, with a strategy in place that will see us build 1,000 homes a year by 2020. Our approach to creative design, effective urban planning and high quality development is underpinned by our long-term interest in our neighbourhoods.

In light of the above, Catalyst takes a close interest in proposed planning policy and welcomes this opportunity to formally comment on the draft London Plan.

In general Catalyst are supportive of the policy direction set out in the draft plan, particularly the emphasis placed on the building of much need new homes for the capital and the renewed focus on affordable housing delivery. We do raise concerns on some of the policies and supporting text where we would like further clarity and we hope that our comments in the enclosed representation are taken into consideration.

Finally, Catalyst would welcome the opportunity to be involved in the examination in public of the new London Plan.

Yours sincerely

Tom Titherington
Executive Director of Property and Growth

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CHL Representations to the Draft London Plan

GENERAL

- I.1 *These representations are made in respect of the draft London Plan, and have been prepared by CBRE Limited on behalf of Catalyst Housing Limited ('CHL'). As a G15 housing association, managing approximately 22,000 homes across London and the South East, CHL takes a close interest in proposed planning policy and welcomes this opportunity to formally comment on the draft London Plan. This document highlights CHL's position on the emerging plan but is also made in dialogue with, and in addition to, the representations made on behalf of G15.*
- I.2 *In broad terms, there is much we support for the draft London Plan, not least its focus on communities, social integration, inclusivity and rebalancing. It is also ambitious, particularly in relation to housing delivery and we think it needs to be, if we are to stand a chance of addressing the housing crisis that has steadily worsened over many decades. However, we are concerned about a number of the policies (and supporting text), which in their current form are likely to inhibit – rather than accelerate – growth. Within our representations, which follow, we have identified the parts of the draft Plan which we think need to be amended.*
- I.3 *Please note that CHL is aware of, and is intending to respond separately to, the draft Proposed New Funding Condition to Require Resident Ballots in Estate Regeneration.*

MAKING THE BEST USE OF LAND

- I.4 *The supporting text to draft Policy GG2 refers to delivering 50% green cover across London through, amongst other things, improvements to green infrastructure (also set out at paragraph 8.4.3 to draft Policy G4, which takes it a bit further and refers to 'more than' 50% by 2050).*
- I.5 *It is not clear from the draft Plan or the accompanying evidence base what the current percentage of green cover is across London. As such it is not clear what level of uplift is sought through improvements, and it is therefore impossible to test whether this is realistic. We are concerned that it may not be possible to achieve a total of 50% through (say) housing developments, particularly given the range of requirements proposed to be imposed on development elsewhere within the Plan. Although we acknowledge this is not policy, the percentage should nevertheless be treated flexibly. This would have the advantage of providing critical flexibility to enable other requirements of the Plan to be satisfied, and we do not think this would compromise the green cover principles sought by the Mayor.*

GROWTH CORRIDORS AND OPPORTUNITY AREAS

- I.6 *CHL supports the principle of retaining and identifying new Opportunity Areas, given their significant capacity to accommodate growth. CHL also supports the general principle of locating key growth locations in close proximity to existing and/or planning transport infrastructure.*
- I.7 *Draft Policy SD1 is based upon the principle of ensuring that Opportunity Areas are planned so as to unlock their full potential for accommodating growth. In order to achieve this, the draft policy and supporting text refers (inter alia) to the following to help to maximise their potential:*
- *Planning frameworks*
 - *Identifying specific infrastructure requirements*
 - *Integration with Local and Strategic Areas for Regeneration (with cross-references to draft Policy SD10)*
 - *Requiring major investment in transport*
 - *Cross-boundary working within growth corridors*

CHL Representations to the Draft London Plan

- I.8 *Whilst these are undoubtedly helpful in terms of ensuring the potential of Opportunity Areas is maximised, there is a real risk of the requirements – either alone or in combination – giving rise to at best significant delays to, and at worse entirely inhibiting, delivery. The Plan itself recognises the uncertainty that exists in terms of sources of funding for the infrastructure that is necessary to provide for the scale of growth anticipated.*
- I.9 *It has to be assumed that there will be a significant time lag to delivery and as these areas account for a substantial source of housing land supply, there are concerns about an interim strategy, given the need for 66,000 new homes per year, every year for at least 20 years [we note that **part B of draft Policy D6**, which relates to optimising housing density, gives rise to similar challenges in terms of the time lag between now and the provision of necessary infrastructure]. It is clear that the Mayor acknowledges this risk, given the reference in the supporting text to the potential for a phased approach (also in relation to **draft Policy D6** too), as well as **supporting text to draft Policy GG4** which identifies Opportunity Areas for longer-term delivery.*
- I.10 *Phasing may enable some of the capacity of some Opportunity Areas to be realised earlier on in the Plan, but in general CHL considers it more likely to form a supply of land in the longer-term. The policy requirements and guidance contained within the supporting text relating to Opportunity Areas needs to be very carefully considered, and further information is needed (for example to explain the approach to cross-boundary working) in order for these locations to come forward. For the interim period, the Mayor needs to carefully consider the approach to ensure that opportunities are maximised from other sources of supply.*

THE CENTRAL ACTIVITIES ZONE (CAZ)

- I.11 **Draft Policy SD5** relates to offices, other strategic functions and residential development in the CAZ. **Criterion C** sets out the areas in which offices and other CAZ strategic functions are to be given greater weight relative to new residential development. This needs to be considered on a finer grain approach; at the moment, it appears to be inconsistent with other parts of the draft Plan. As an example, with some exceptions the areas within criterion C include Opportunity Areas. CHL would also note that non-residential uses within the CAZ will, in practice, be influenced by the market and the policy therefore needs to be sufficiently flexible to be resilient to changes over time.

STRATEGIC AND LOCAL AREAS FOR REGENERATION

- I.12 **Policy SD10** relates to strategic and local regeneration. It states that Boroughs should identify Strategic Areas for Regeneration in Local Plans, and should seek to identify Local Areas for Regeneration.
- I.13 *Depending upon the timescales for advancing a Local Plan and the period it is expected to cover, it is possible that some areas may need to be identified in advance of the necessary site-specific community engagement having been undertaken to inform decisions on the future of an estate/regeneration area. Great care is needed in the production of Plans to avoid the risk of predetermination. Given the potential for this to be handled in different ways by different Boroughs, we would suggest that the London Plan offers some guidance on this, particularly for areas to be identified where the precise form of regeneration has not been consulted upon.*
- I.14 *CHL's comments on **draft Policy SD1** relating to Opportunity Areas relates to this policy too, in terms of the potential time lag to delivery.*

DESIGN

- I.15 *A number of the draft policies refer to the need to increase density in order to contribute to meeting growth needs. CHL agrees that this is needed, but remains concerned that many Boroughs, particularly but not exclusively the outer Boroughs where annual housing targets have been significantly increased, will not embrace this in the way envisaged by the Mayor. This may be less of an issue on schemes that are*

CHL Representations to the Draft London Plan

referable to the Mayor, as this will provide a clear mechanism to ensure site density is appropriately maximised. However, this will not be the case for non-referable schemes, and further guidance in the London Plan is needed. It may also be worth considering introducing minimum densities as a fall back, albeit with a clear expectation that densities should be higher than these. This should be reflected within **draft Policies D1 and D6**.

- I.I6 **Draft Policy D2** relates to delivering good design and, amongst other things, makes provisions for maintaining design quality. **Criterion H (3) (and the supporting text)** refers to avoiding deferring the assessment of the design quality of large elements of a development to the consideration of a planning condition or referred matter. This is inconsistent with national policy and legislation and needs to be amended to address this, consistent with the legislative provisions of outline planning applications. There are other mechanisms to control design quality, for example through design codes, with the ultimate safeguard being through the reserved matters approval process.
- I.I7 **Draft Policy D4** relates to housing quality and standards, and amongst other things sets out the approach to dual and single aspect dwellings. **At paragraph 3.4.5**, the supporting text also deals with single aspect units. However, as currently drafted it is inconsistent with the policy. The supporting text sets out a number of factors that would lead to a single aspect dwelling not being permitted. This includes general reference to "single aspect units that are north facing", which is inconsistent with draft Policy D4 E. This may be because paragraph 3.4.5 is drafted as a series of 'ors', and this could be resolved by amending the second sentence to "single aspect dwellings that are north facing and contain three or more bedrooms and/or are exposed to noise levels above which significant adverse effects on health and quality of life occur should not be permitted". In other words, the 'presumption against' does not automatically apply to all single aspect dwellings.

TALL BUILDINGS

- I.I8 With reference to **draft Policy D8**, it should not be necessary to identify areas suitable for tall buildings within Local Plans, as this will lead to delay in delivering sites, and could also preclude suitable locations coming forward during the life of a Plan. It should be made clear that tall buildings can be considered through the planning application process, ahead of Local Plans being produced. It should also make clear the need for Local Plans, in identifying suitable locations, to provide for tall buildings in other locations to be considered on a site by site basis.
- I.I9 Identification of areas suitable for tall buildings within Local Plans also gives rise to similar concerns to Areas for Regeneration in terms of avoiding the risk of predetermination. Depending upon the timescales for advancing a Local Plan and the period it is expected to cover, it is possible that some areas may need to be identified in advance of the necessary site-specific community engagement having been undertaken to inform decisions on the future of an estate/regeneration area. Great care is needed in the production of Plans to avoid the risk of predetermination. Given the potential for this to be handled in different ways by different Boroughs, we would suggest that the London Plan offers some guidance on this, particularly for areas to be identified where the precise form of regeneration has not been consulted upon.

SMALL HOUSING SITES

- I.20 **Draft Policy H2** relates to small sites and is generally supported by CHL. Under draft Policy H1, this is one of the sources of capacity to meet the identified housing need. However, based on the targets set out in **Tables 4.1 and 4.2**, small sites make up around 37.8% of target completions between 2019/20-2028/29, and the SHLAA indicates a capacity for 24,500 new homes per year. This is likely to be extremely ambitious, particularly given that small sites are often difficult to deliver, and can attract local opposition.
- I.21 Further, in order to maximise the contribution of these sites to supply, care needs to be taken on the reference in part B in terms of the production at the local level of design codes. The principle of codes

CHL Representations to the Draft London Plan

and/or a vision for a 'sub-area' may be very helpful, but: (i) consistent with **part E**, Boroughs should be absolutely clear that the absence of these should not prevent sites coming forward; and (ii) the code/vision needs to avoid over-prescriptiveness which could run counter to achieving good quality design, and should provide for some flexibility in terms of how the codes are applied.

AFFORDABLE HOUSING

- I.22 **Draft Policy H5** relates to delivering affordable housing. It sets out a range of measures to achieve the Mayor's 50% strategic target, including affordable housing providers with agreements with the Mayor delivering at least 50% affordable housing across their portfolio.
- I.23 **Draft Policy H6** sets out the threshold approach to applications, which CHL generally supports. However, CHL objects to the 50% threshold to be applied where SIL, Locally Significant Industrial Sites (LSIS) and other industrial sites come forward for residential development (this also applies to **draft Policy E7 and supporting text**). Sites of this nature are likely to be very expensive to deliver; imposing a 50% threshold will exacerbate this and could frustrate delivery. If the principle of releasing a particular site for alternative use is deemed appropriate, it should not then be subjected to additional burden by comparison to any other development site, particularly when the remediation and other costs are likely to be high. The threshold should therefore be reduced to 35%, consistent with other development sites.
- I.24 **Parts G-J of draft Policy H6** relate to S73 applications. It is quite common to seek revisions to large-scale schemes that are developed over many years, in order for the later phase(s) to respond to (for example) changes in circumstance. In the case of estate regeneration, this often results in enhanced regenerative benefits. If a later phase(s) is built out under a new S73 permission, it has to be able to work with the original consent, given that some elements of the scheme (not least the provision of affordable housing) will have been based upon a site-wide strategy and carefully calibrated accordingly. Whilst revisiting a later phase through S73 (or indeed through an entirely fresh application) may present an opportunity to consider any additional benefits that might arise (compared with the extant consent), we think it is important to take the extant consent into account as a material consideration, with sufficient flexibility within policy to enable exceptions to avoid prohibitive requirements. In other words, the site should still be considered holistically.
- I.25 **Paragraph 4.6.3 of the supporting text** states that the percentage of affordable housing on a scheme should be measured in habitable rooms, but also refers to floorspace. It then goes on to state that applicants should present affordable housing figures as a percentage of total residential provision in habitable rooms, units and floorspace to enable comparison.
- I.26 It is essential that there is clarity as to what the ultimate 'measure' is – if an estate regeneration scheme is measured such that reprovision is secured to avoid net loss of habitable rooms and floorspace and unit numbers, this will not work and could compromise the ability to effectively meet the needs of the existing community. For example, an estate characterised by over-occupation may need a smaller number of larger units; one characterised by under-occupation may need a higher number of smaller units. In the case of the CHL Portobello Square in RBKC, the legal agreement secures the provision of either a minimum number of units or habitable rooms, with the 'fix' being 'no less than' X floorspace.

REDEVELOPMENT OF EXISTING HOUSING AND ESTATE REGENERATION

- I.27 **Draft Policy H10** sets out the Mayor's policy on estate regeneration. CHL is extremely concerned about the implications of **part C** of the draft policy, which states that for estate regeneration schemes the existing affordable housing floorspace should be replaced on an equivalent basis in terms of tenure, and does not provide any explicit flexibility in relation to this. Yet in our considerable experience, there are

CHL Representations to the Draft London Plan

extremely compelling reasons why re-provision on a different tenure composition might be entirely appropriate.

- I.28 *Typically, one of the main drivers leading to estate regeneration is the need to better meet the needs of the existing community. In fact, sometimes it is the only driver. Meeting these needs often gives rise to a different tenure composition, to the benefit of the community. For example, in the case of Portobello Square, CHL committed to providing homes for 'hidden' households, where the eligible children within a family unit are themselves eligible for affordable housing.*
- I.29 *Furthermore, each regeneration scheme is different, and will come with its own challenges. It is also extremely expensive, with viability being a key deterrent as to whether it can be delivered. A rebalancing of stock is often essential in the success of a regeneration scheme. The blanket like for like policy could hinder the ability to meet the needs of the existing community and achieve wider regeneration objectives.*
- I.30 **Paragraph 4.10.5 of the supporting text** states that where a Borough is redeveloping an estate as part of a wider programme then it may be possible to re-provide a different mix of affordable housing on the estate if the overall level of provision is maintained across the programme. CHL is unclear as to why this is limited to Boroughs; housing associations also own tracts of land and would benefit from the same general provision. For both Boroughs and housing associations, it may be appropriate to geographically define this, in order to ensure the strategic objectives of the Plan are supported (for example, rebalancing and social inclusiveness). This might, for example, mean that sites have to be within a definable distance/proximity to one another. [Note that there are likely to be other barriers to taking a programme wide approach, not least the extent of Right to Buy properties across estates].
- I.31 *However, even if this paragraph were to be amended to provide for housing associations as well as Boroughs, this would not deal with CHL's concerns on tenure re-provision set out above. This is because a landlord may not know, with sufficient certainty at any single point in time, what it will be doing on other parts of its estate/landholdings. It should not predetermine what another site might be able to accommodate, ahead of landlord to tenant consultation.*
- I.32 *It is therefore critical that greater flexibility is embedded within the policy itself.*
- I.33 *Failing to meet the needs of the existing community through regeneration is entirely inconsistent with the Mayor's community-led ambitions. It is vital that this criterion is adjusted so that it enables the needs of a particular community to be positively accommodated through redevelopment, to maximise the regenerative benefits to them and to the wider community.*
- I.34 *Where a programme or portfolio-wide approach is being taken with the aim of seeking to achieve better outcomes, which might involve more than one landowner, it would be helpful to introduce explicit reference to the role of the Mayor in helping to bring the relevant parties together, and to allow sites to come forward on a phased basis with a fair share of infrastructure contributions. CHL has tried to do this elsewhere and the impediment was getting the parties to proactively engage.*
- I.35 *We would suggest that the meeting of housing needs should be included within the aims of estate regeneration as set out in **paragraph 4.10.2 of the supporting text**.*

HOUSING SIZE MIX

- I.36 **Draft Policy SD6** relates to town centres and amongst other things, sets out the need to consider and encourage the suitability of these locations to accommodate (inter alia) smaller households. **Draft Policy H12 A (6)** cites the nature and location of a site as one of a number of factors determining the appropriate mix of unit sizes in relation to the number of bedrooms for a scheme. It explains that a higher proportion of one and two bed units being generally more appropriate in more central or urban locations. We support these particular parts of the Plan; greater flexibility to provide smaller units in urban locations is critical, given the challenges of accommodating and selling 3+ bed units in locations that are

CHL Representations to the Draft London Plan

capable of sustaining high density development, which dictates a form of development which may not be conducive to larger units.

SIL

- I.37 **Draft Policy E4** relates to land for industry, logistics and services. Amongst other things, it sets out the three categories, being SIL, LSIS and non-designated Industrial Sites. **Part C** states that in overall terms across London there should be no net loss of industrial floorspace capacity within designated SIL and LSIS. It states that the release of industrial land should be facilitated through the processes of industrial intensification, co-location and substitution. The supporting text explains the 'provide capacity', 'retain' and 'limited release' categories. Only three Boroughs fall within the limited release category, all within the Thames Gateway.
- I.38 **Draft Policy E5** relates to SIL. Part D presumes against uses not listed in the policy (including residential) except in areas released through a strategically co-ordinated process of SIL consolidation – to be carried out through a planning framework or Development Plan document.
- I.39 It is possible that the 'provide capacity', 'retain' and 'limited release' categories pertaining to each of the Boroughs may change over the life of the Plan, particularly as technology is advancing rapidly. We therefore think some provision should be introduced to the policy to enable the Mayor, in consultation with the relevant Borough(s), to release SIL without needing to go through a plan-led process. It would still be for the Mayor to judge whether release is acceptable on a site by site basis, but the flexibility could enable an appropriate site to come forward more swiftly for alternative uses.
- I.40 Similar flexibility should be introduced within **draft Policy E7**. Provision should be made for alternative uses to be considered through a planning application-led approach, not just through the Local Plan and/or through a co-ordinated masterplanning process.
- I.41 The need for some flexibility is also relevant to **draft Policy SD1 B (5)** and **draft Policy SD4 M**.

GREEN BELT

- I.42 **Draft Policy G2** goes further than national policy set out in the NPPF, particularly **A (1)** and **B**. As drafted, it is currently unsound and should therefore be amended to be consistent with national policy.

AIR QUALITY

- I.43 CHL considers that the requirement in **draft Policy SI1 A (3)** for the development of large-scale redevelopment areas to be Air Quality Positive may be challenging to achieve. Whilst it is good practice for this to be the target, there needs to be some flexibility to achieve Neutral, if Positive is demonstrably not reasonably possible. We also note that 'Neutral' and 'Positive' are not defined within the draft policy, and this needs to be introduced so that it is clear how the policy tests are to be measured.

TRANSPORT

- I.44 **Criterion D of draft Policy T4** is not consistent with paragraph 32 of the NPPF, particularly the last bullet point which states that "improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development. Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe". The Plan should be amended to be consistent with this.

CHL Representations to the Draft London Plan

FUNDING THE LONDON PLAN

- I.45 *Within this section of the draft Plan, the Mayor emphasises the significant investment required from both the public and private sector, for the scale of growth anticipated by the Plan. The scale of the estimated funding gap per annum is considerable, and there is a huge amount of uncertainty as to how this will be addressed. The Mayor is exploring a number of different potential sources but makes clear the expectation on private investors and developers to play a bigger role.*
- I.46 *Our general comment is simple. It is likely that under this Plan, the private sector will be required to carry a greater burden than currently exists in terms of funding infrastructure. In combination with the requirements set out elsewhere in the Plan, this may serve to stifle, rather than accelerate, delivery. It may also lead to 'trade-offs' between different forms of infrastructure, which could result in less affordable homes being provided. This seems to us to be counter-intuitive to the Mayor's stated ambitions. This brings into sharp focus the need to introduce suitable flexibility in the Plan in the way that we have described within these representations, and we would like to understand the funding arrangements in more detail. We assume that the Mayor will consult on these in due course and we reserve the right to make comments on these.*