

NOTE

DRAFT LONDON PLAN (DECEMBER 2017) COMMENTS BY QUOD ON BEHALF OF THE CROYDON LIMITED PARTNERSHIP – MARCH 2018

1 Introduction and Background

- 1.1 These representations are made on behalf of our client, Croydon Limited Partnership (“CLP”). CLP is a joint venture between two of the UK’s most successful shopping centre developers – Westfield Europe Ltd and Hammerson UK Properties Plc.
- 1.2 On 14 November 2017 Members of Planning Committee resolved to grant outline consent (Ref. No. 16/05418/OUT) for the comprehensive retail-led mixed-use development of the Whitgift Centre and surrounding land in central Croydon. This application follows the 2014 consents (12/02542/P and 12/02543/CA) and subsequent CPO decision.
- 1.3 The scheme will represent a £1 billion investment, delivering 5,000 jobs and up to 1,000 homes in the Croydon Opportunity Area (“COA”). The scheme is widely regarded as *the* single most important opportunity to rebrand Croydon which has been in decline for over a decade. It will act as a catalyst for the regeneration of the town centre and will unlock the potential of a number of other town centre and COA sites which have failed to come forward in recent years.
- 1.4 CLP (and the individual developers before the joint venture was established in early 2013) has been working with the London Borough of Croydon and the Greater London Authority to deliver a scheme that will provide Croydon Metropolitan Centre with the regeneration that it urgently requires.
- 1.5 As recognised in Croydon’s local policy, seeking the regeneration of the Retail Core is critical not only to the future success of Croydon town centre but also to South London. It is therefore important that emerging policy does not fetter the ability to deliver the comprehensive redevelopment of the Whitgift Centre and constrain the wider economic benefit to the town centre and beyond. In light of the prolonged decline of Croydon town centre the opportunity that now exists needs to be captured.
- 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 CLP supports 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. CLP is 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 2.12 Croydon is identified as having potential for 14,500 new homes and 10,500 new jobs. CLP welcomes the continued commitment to allocating Croydon as an OA, as well as the increased quantum for housing and employment capacity which recognise the need to optimise development in these areas.
- 3.3 CLP 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 CLP welcome the continued recognition of Croydon as a Metropolitan centre and support the strategic objective set out in Policy SD7 that International, Metropolitan and Major town centres should be the focus for the majority of higher order comparison goods retailing, whilst securing opportunities for higher density employment, leisure and residential development in a high quality environment.
- 3.6 Table A1.1 provides further detail in respect of the roles of each town centre and Croydon is identified as an area of regional or sub-regional significance in respect of its function within the night time economy; an area with high commercial and residential growth potential; and a centre which has the capacity, demand and viability to accommodate new speculative office development. Croydon is also classified as a strategic area for regeneration. CLP welcome the ongoing recognition of Croydon's growth potential in respect of the identified development sectors which will assist enable its regeneration to come forward.
- 3.7 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.

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 CLP supports 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. CLP 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. CLP 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. CLP 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 CLP 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 CLP 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 CLP 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. CLP 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 CLP consider that these higher figures represent a positive step towards increasing residential growth within the capital and responding to need.

- 5.2 Notwithstanding this, CLP 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 CLP 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). CLP 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 Westfield Europe 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 CLP 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 CLP 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. CLP 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 CLP 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 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 S13: Energy infrastructure

- 8.6 Policy S13 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). CLP 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 S13(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 S15: Water infrastructure

- 8.7 Policy S15 considers water infrastructure and states at Part C(2) that commercial development proposals should achieve at least BREEAM excellent standard. CLP 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, CLP is 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 and Metropolitan status and are in need of urgent 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 Croydon town centre from being realised.