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Sadiq Khan (Mayor of London)
New London Plan
GLA City Hall
London Plan Team
Post Point 18
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Via Email

Dear Sir

CONSULTATION ON THE DRAFT NEW LONDON PLAN (DECEMBER 2017) REPRESENTATIONS ON BEHALF OF DURKAN

We act on behalf of Durkan, and are pleased to outline comments in relation to the New London Plan.

Durkan are a residential-led developer and contractor, active throughout London and the northern home counties. They are seeking to expand their business within both development and construction to increase the delivery of homes and mixed use communities within the short term. It is important to note that Durkan have a partnership programme that enables them to work alongside local authorities and other public sector parties to deliver complex integrated developments from start to finish.

This letter represents their commitment and ambition to expand their business reach and to utilise their experience to comment on how the overall direction of travel of the London Plan and strategic policies will assist their ability to assemble sites, optimise development and to ambitiously deliver against housing needs.

Durkan

Durkan was established in 1970 and is a privately owned family business based in Borehamwood, Hertfordshire, and led by Executive Chairman Danny Durkan. It operates both as a contractor partner and as a developer and investor. As a company it plays a key role within the development process and has a mission to be a leading developer and constructor of affordable quality homes throughout London and the home counties.

Durkan directly employ 175 people to invest, develop, construct and refurbish affordable, quality homes and communities. They build and refurbish homes for clients including local authorities such as the London Boroughs of Barking & Dagenham, Harrow and Southwark, and the City of Westminster, whilst they also work with registered providers such as Family Mosaic, Notting Hill Housing, Southern Housing Group, Home Group and Peabody. They offer long term partnerships to provide complete, end-to-end solutions from investment and land acquisition through to property management.



Durkan also acts as a developer through a number of Joint Ventures and Partnerships with investors such as M&G Real Estate, to progress and deliver new homes in private, affordable and private rented tenures. Durkan therefore have a vested interest in the outcome of the current consultation on the draft New London Plan and the enormous requirements of the final adopted policies.

Draft New London Plan

Overall Durkan welcomes the new London Plan. It is refreshing that the Plan is not just a further iteration of an older model, and that it is driven at a position of seeking to accommodate growth by reviewing old established policies and also recognising new models of housing and innovation in the construction sector. In particular, the focus on optimising sites to increase housing delivery in outer London boroughs and the role of smaller development sites in delivering housing is supported.

It is noted that there has been a deliberate focus in preparing the plan on tangible policies rather than 'sweeping statements of ambition'; however, it is considered that it is the role of the individual local authorities to reconcile this strategic vision for growth with responding to local circumstances, and overly detailed policies could conflict with local policies and need. Ultimately the local authorities must have the flexibility to make 'on balance' judgements on the impact of a scheme without the need to have regard to prescriptive policies.

Therefore the new Plan must get the balance right and ensure that these more 'centralist' London Plan policies do not lead to conflicts with boroughs in the preparation of new planning policies or the determination of applications.

Detailed comments on the individual policies are outlined below under the following headings.

1. Intensification of Development

Several policies support the optimisation of land, particularly in highly accessible locations:

- Policy **GG2** (making the best use of land) identifies scope to intensify the use of land through high density development on well-connected sites, including public land, to support additional homes and workspaces,
- Policy **H1** (Increasing housing supply) supports the development of brownfield sites with good public transport accessibility, in town centres or the mixed use redevelopment of car parks and low-density retail parks.
- Policy **SD6** (Town Centres) recognises that centres should be promoted as locations for mixed-use or housing-led intensification and higher-density renewal, and that such locations are particularly suitable for smaller households and Build to Rent.

Durkan is active in both inner and outer London locations and so welcomes this additional policy support. However, further clarity is required for the following policies.

Policy **H2** (small sites) outlines that smaller sites should play a much greater role in housing delivery and identifies a 'presumption in favour of small housing developments', which is welcomed. However, the policy states that boroughs should prepare area-wide design codes to promote good design, a requirement that has the potential to undermine the intentions of the policy. Local authorities already have in place a range of design policies that safeguard the

character for the area and there is concern that overly prescriptive design codes would limit the potential for development to be advanced on small sites. Each development should be assessed on its own merits with reference to site specific circumstances and adopted design policies.

Therefore Policy H2 part B should be amended to remove the requirement for local authorities to prepare design codes.

2. Mixed Use Development in Employment Locations

Policy **SD1** (Opportunity Areas) calls for opportunities to intensify and make more efficient use of Strategic Industrial Locations, and Policy **E7** (intensification, co-location and substitution of land for industry, logistics and services to support London's economic function) allows for mixed-use or residential development on Non-Designated Industrial Sites in certain circumstances.

The ability to introduce a mix of uses on Non-Designated Industrial Sites is welcomed. However, it is considered that these emerging policies fail to capitalise on the potential to advance residential and mixed use development on other employment sites, or recognise future opportunities that may emerge from innovation

Policy **E4** (land for industry, logistics and services to support London's economic function) does not go far enough to allow for appropriate mixed use development, such as residential use, through vertical stacking. Whilst **E5** (Strategic Industrial Locations) outlines that opportunities should be explored to intensify and make more efficient use of land, it states that residential development and other non-employment uses should be refused except in areas released through a strategically co-ordinated process of SIL consolidation.

It is considered that there is potential for a mix of industrial and residential development to be advanced on Strategic Industrial Locations and Locally Significant Industrial Sites in a way that can safeguard residential amenity, and the New London Plan should recognise and support this opportunity.

Therefore Policies E4 and E5 part D should be amended to facilitate mixed use development in appropriate circumstances.

3. Infrastructure

Policy **D6** states that the density of development proposals should be based on, and linked to, the provision of future planned levels of infrastructure rather than existing levels. The supporting text is contrary to the policy wording and suggests that the capacity of existing and future public transport services, and the connections they provide, should be taken into consideration.

It is considered that this policy creates a dependency for development upon public funding and project timescales which holds much uncertainty and is outside of the developers' control. This is onerous and imposes external forces which can negatively impact on growth and certainty for a developer. There is also the case that development needs to come forward in the first instance to contribute to funds for infrastructure development through financial obligation. The robustness and feasibility of this policy is therefore questioned.

In addition to this, reliance on future planned infrastructure delivery could impose upon potential development unnecessary phasing to maximise benefits and thus result in unnecessary implementation of grampian conditions, which in turn negatively impact on viability and project timescales for developers, and leave emerging development schemes at the mercy of off-site works on sites which are not controlled by the applicant.

It is therefore suggested that the assumption for density of development to be based upon planned infrastructure should be clarified within Policy D6 and the supporting text.

Policy **D9** 'Basement Development' states that measures such as requiring Construction Method and Management Plans will be required for basement development. Subterranean development presents the opportunity to positively optimise existing use of a site; however, local authorities have begun to use the absence of a Construction Method and Management Plans submitted at an early stage in the planning process as a reason to substantiate refusal on planning applications for basement development.

Therefore Policy D9 should confirm that the Construction Method and Management Plans can be secured via condition.

4. Density

Policy **D2** (Delivering good design) encourages LPA's to undertake an initial evaluation of the capacity for growth in boroughs and to identify the most efficient use of land. It encourages developing at densities above those of the surrounding area on most sites and that design of the development must optimise housing density to deliver homes. Policy **D6** (Optimising housing density) states that proposed residential development that does not demonstrably optimise the housing density of the site in accordance with this policy should be refused.

Durkan supports this approach.

However, Policy D6 includes a requirement for a mandatory design review and the submission of a Management Plan where a development sits above the applicable density range. It is considered that this has the potential to significantly slow down the design development process, potentially resulting in a conflict of approach between officers and the external design panel, and ultimately could end up reinstating or incurring greater restrictions on density. Management plans would create a further hurdle for developers, and potentially slow down the delivery of housing and create additional costly burden.

The current London Plan's density matrix identifies minimum development densities, which can be helpful in setting a baseline approach to development. Therefore it is suggested that the density matrix should be retained in some form, and the requirement for developments to comply with a design review be removed.

It is suggested that the requirement for a mandatory design review and submission of a management plan should be removed from Policy D6 Part C. It is also considered that a form of density matrix be retained in the New London Plan to outline minimum development densities.

5. Design

As outlined above, the draft London Plan no longer includes a density matrix; however Policies **D1** (London's form and characteristics) and **D2** (Delivering good design) incorporate a number of prescriptive design requirements and obligations which have the potential to slow up the planning application process and introduce further costs to developers. These policy changes do not necessarily lend themselves to encouraging 'Good Growth' or increasing the rate at which development comes forward, particularly development of new homes.

The requirement within Policy D2 to provide clarity regarding the quality of design within the wording of the planning permissions, and associated conditions and legal agreement reduces the flexibility, at a later stage, to amend a consented scheme and the ability to further optimise extant permissions and use of the land. This would appear contrary to the Mayor's 'Good Growth' model and creates overly restrictive conditions and obligations attached to a development scheme. The planning system has to date successfully relied upon details of design to be reserved under condition or at a later design stage in the case of outline applications and there does not appear to be a strong justification and objective analysis that the current method has a detrimental impact upon design quality currently seen in London.

Instead it is considered that increased funding for LPA's, who are often under-resourced and do not have the staff with the relevant design skills to guide a development through the design stages, could help address any concerns over design quality.

It is considered that the use of condition is an appropriate way to secure design detail. Therefore Policy D2 H parts 2 and 3 should be removed.

Furthermore, Policy D2 proposes the use of architect retention clauses in legal agreements, which is again considered to be overly restrictive and not always feasible due to cost and resourcing. It does not appear reasonable for a local planning authority to insist on a particular architect to be retained throughout the entirety of the development design process, especially if the planning permission is appropriately conditioned and controlled. Furthermore, it should be recognised that the development of a design concept often requires a different set of skills to the build out of a scheme, which at times necessitates the appointment of different architects.

The use of architect retention clauses should be removed from Policy D2 H part 4.

Policy D2 requires additional design analysis to be provided to support proposals, such as 3D Virtual Reality models, which will not only further delay the planning process but will result in frontloading of costs early on in the planning process. These requirements are likely to impose additional financial burden and ultimately impact upon the viability of a development scheme. This will limit growth as developers are likely to be discouraged by these associated delays and costs.

Therefore it is considered that the requirement for further technical documents under Policy D2 should be removed.

6. Tall Buildings

It is considered that Policy **D8** (Tall buildings) takes the right approach in recognising the role tall buildings can play in the delivery of growth, however, the policy outlines that local authorities should

identify on maps in Development Plans the locations where tall buildings will be an appropriate form of development.

Durkan are broadly supportive of this approach; however, it should be recognised that there are a number of occasions in which tall buildings are appropriate because of the need to deliver regeneration or respond to a changing townscape. In these circumstances developments that exceed maximise densities and heights, or lead to a step change in the density of an area, can deliver significant public benefits such as new infrastructure and facilities.

Durkan is concerned that local authorities will not support proposals for tall buildings unless they are on designated sites or locations, which will limit the Mayor's intention of optimising sites and increasing the delivery of housing. It should be recognised that developments of height can come forward on appropriate sites through detailed design discussions with officers and members. This also does not provide sufficient flexibility over the course of the plan period.

Therefore the requirement in Policy D8 to identify on maps the locations where tall buildings will be appropriate should also recognise that tall buildings can be brought forward on other sites in appropriate circumstances.

7. Sustainable Infrastructure

Policy S11 (Improving air quality) is generally supported; however, the policy's supporting text outlines that further assessments should be carried out as the design evolves to ensure that impacts from emissions are prevented or minimised as far as possible. It is considered that further assessments have the potential to be overly onerous in addition to the quantity of technical sustainable reports currently already required to be submitted with planning applications.

Therefore the requirement for further assessments should be removed from Policy S11.

Policy **S17** (Reducing waste and supporting the circular economy) states that referable applications should promote circular economy outcomes and aim to be net zero-waste, and a Circular Economy Statement should be submitted detailing recycling of materials. The policy standards for technical assessments such as Air Quality or Overheating are frequently updated and it is considered that the need for a Circular Economy Statement could be included within existing assessments, such as a Sustainability Statement.

It is considered that Policy S17 should recognise that a Circular Economy Statement can be incorporated within the existing range of technical assessments that support an application.

8. Transport

Policy **T6** (Car parking) states that car free development should be the starting point for development and that developments elsewhere should be 'car-lite'. This approach is supported.

Policy T6 outlines the most effective use of land should reflect a site's connectivity and accessibility to existing and future public transport, walking and cycling routes. However, this does not appear to take into account future planning infrastructure and therefore deviates from Policy D6. Furthermore, the policy should also support the introduction of Controlled Parking Zones across London to further aid car free development.

If the requirement to consider future planned infrastructure is to be retained in Policy D6 then it should also be included in Policy T6. The policy should also include support for Controlled Parking Zones.

Policy **T5** (Cycling) introduces minimum cycle parking standards that are more onerous than those within the existing London Plan, which have the potential to have a large burden on developer and sites which are already facing a number of constraints. It is Durkan's experience that cycle parking facilities in new developments are under-utilised and so a new policy requirement to increase this provision is not required. It is considered that the 0.5 increase in cycle provision per 1 bed unit for residential C3 use would reduce the potential to optimise a site for delivery of housing, and therefore contradict the New London Plan's aim of 'Good Growth'.

Therefore Policy T5 should be amended to reintroduce the current standard of 1 cycle space per 1 bed unit. Post-occupation monitoring could support the provision of lower levels of cycle parking in the first instance.

Policy T5 also outlines that where it is not possible to provide adequate cycle parking within residential developments, the policy states that alternative solutions may include options such as providing spaces in secure, conveniently-located, on-street parking facilities such as bicycle hangers. This approach is supported.

Policy **T2** (Healthy Streets) outlines that development proposals should demonstrate how they will deliver improvements that support the ten Healthy Streets Indicators in line with Transport for London guidance. Policy **T4** (Assessing and mitigating transport impacts) requires transport assessments to embed the Healthy Streets Approach within, and in the vicinity of, new development.

However, Policy T4 should recognise that developers are limited in what they can deliver off-site and such measures will require close cooperation with local authorities.

9. Precision Manufacturing

The support for modern methods of construction provided in **Para 4.2.2** is welcomed.

Durkan are actively engaging with several Off-Site construction methods and technologies that will further enhance their Pre Manufactured Value (PMV) score. Durkan also recognise the role these methods and technologies will have in supporting traditional methods to provide housing solutions that will meet the growth requirements set out in the New London Plan.

10. Build to Rent

Policy **H13** (Build to Rent) recognises that the Built to Rent development model differs from a traditional 'for sale' scheme, an approach that is welcomed. In this respect, the policy should provide more detail on how flexibility can be applied for such schemes, particularly with regard to the scope for micro-units that do not meet residential standards (as set out in the Affordable Housing and Viability SPG).

In addition, a threshold of 50 units is set in order for developments to classify as Build to Rent. Policy H13 should recognise that smaller developments have scope to provide appropriate Build to Rent accommodation, particularly given the focus within the plan on progressing smaller sites.

Therefore Policy H13 should provide additional detail on how Build to Rent can be built out flexibly. In addition, it should include scope for developments of less than 50 units to accommodate new operating models in the future.

11. Affordable Housing

Policy **H2** outlines that local authorities with an affordable housing requirement on sites of less than 10 dwellings should require this through a tariff approach rather than seeking on-site contributions, and to seek payments prior to occupation of the development. Policy **H5** (delivering affordable housing) states that the GLA's threshold approach should be applied (Policy H6), where schemes that do not meet this threshold should be required to submit detailed viability information.

Whilst these policies do allow for affordable housing provision to be agreed through the submission of viability information they should recognise that the delivery of less than 35% affordable housing can be appropriate and is, on occasions, necessary to ensure a scheme is viable and delivers new housing to meet need. Site specific circumstances or limitations that will limit affordable housing provision, for instance where developments that remediate brown field land, can deliver a clear public benefit even with a lower housing provision, and planning decisions should support these types of developments.

12. Unit Mix

Policy **H12** (Housing size mix) outlines that boroughs should not set prescriptive dwelling size mix requirements (in terms of number of bedrooms) for market and intermediate homes, whilst **Para 4.12.3** notes that two bedroom units can constitute family units.

Durkan welcomes this policy approach.

13. Green Belt

Policy **G2** (Green Belt) provides continued protection for this designation but does not allow for the de-allocation of land. Policy **G3** (Metropolitan Open Land) also provides continued protection for these areas but recognises that loss of this designation can be justified in exceptional circumstances, as set out in the NPPF, an approach which is supported.

Policy G2 does not recognise that some areas of the Green Belt are of a poor quality or do not meet the requirements and functions of Green Belt. It is considered that the Green Belt should be constantly reviewed for its usefulness, efficacy and public benefit, particularly brownfield sites. Local authorities should the ability to take a pragmatic approach and have scope to redraw boundaries where they are defunct or ineffective.

Therefore, Policy G2 should be amended to state that the de-designation of Green Belt will be supported in appropriate circumstances.

14. Delivery

Para 2.1.9 outlines that the Mayor will support land assembly including the compulsory purchase of appropriate land. Such steps are welcomed. However, Durkan is concerned that outer London boroughs will not be able to effectively resource the additional development that the draft Plan is targeting in their areas. A lack of planning officers and in-house expertise in areas such as heritage is a constraint leading to delays throughout the planning process.

The draft Plan should identify additional support and resources to help local authorities deliver development through the planning system.

In addition, Policy **GG4** (Delivering the homes Londoners need) outlines that build-out milestones should be incentivised to help ensure that homes are built. Local authorities should pro-actively support applications for appropriate development and ensure that officers respond to applications and queries in a timely manner. However, any steps to set fixed timelines in the implementation and build out of a consent, within a Section 106 Agreement or otherwise, would be counter-productive and add further complexity and uncertainty to the development process.

Therefore Policy GG4 should be amended to remove the introduction of build-out milestones.

Summary

Overall, Durkan welcome the Mayor's vision for London and steps to optimise growth across the city, particularly in outer London boroughs. However, the New London Plan should provide a strategic vision and avoid setting prescriptive standards and requirements that will undermine local authorities and place onerous burdens on developers.

The approach taken to optimise the development potential of sites, lower levels of car parking and the provision of housing on smaller sites is welcomed. There are however, policies which should be reconsidered to ensure that developers are only required to provide appropriate levels of information at the application stage. Furthermore, additional resources should be provided to local authorities, particularly those in outer boroughs, where there will be a renewed focus on redevelopment.

We look forward to receiving your confirmation that the representations have been received. Should you have any queries please do not hesitate to contact Karen Jones (k.jones@rpsgroup.com) or Jonathan Waugh (jonathan.waugh@rpsgroup.com) at this office.

Yours sincerely

A handwritten signature in black ink that reads 'RPS'.

RPS