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2<sup>nd</sup> March 2018

BY EMAIL AND POST

Dear Mr. Khan,

**RE: DRAFT LONDON PLAN CONSUTLATION RESPONSE**

I write on behalf of Galliard Homes Ltd ('Galliard'), in respect of the Greater London Authority's consultation of the Mayor's draft London Plan, December 2017.

Galliard is London's largest privately owned developer, whose business specialises in mixed-use regeneration schemes. Since its formation in 1992, Galliard has provided over 10,000 homes within the capital; currently have 7,000 units in our build programme and circa 13,000 units at various stages of planning. We remain committed to help meet London's planned growth and housing the capitals residents.

Galliard has always recognised that proactive, collaborative and constructive engagement with local planning authorities ('LPAs') and the Greater London Authority ('GLA'), ensures development can be optimised, delay to planning timeframes minimised and greater public benefits delivered more quickly. We continue to support this philosophy, in the pursuit of professional trust, certainty and delivery.

Having read the draft London Plan ('the Plan'), Galliard supports the 'Good Growth' agenda and feels its aspirations for increased housing targets through heightened intensification and high quality design, particularly in the outer Boroughs, to be very ambitious.

However, more generally, we think the language proposed and message supporting the 'good growth theme' is inconsistent and conflicting. This jumbled approach attempts to appease

many audiences and fails to provide a considered and balanced approach to London's growth.

We believe that much of the Plan is unjustified, with certain draft policies being very onerous and prescriptive that is likely to cause delay and frustrate the planning process without recognition of their practical application nor an understanding of commercial realities of the development industry. They notably extend beyond the role of a robust strategic plan and start to interfere with and confuse what is a perfectly good and working planning function conducted at Borough level, thus affecting real delivery in support of the growth agenda.

As members of the Home Builders Federation (HBF), we support many of the assertions made within their response dated 2<sup>nd</sup> March 2018. We reiterate the HBF's concerns regarding the soundness of the Plan, as appended in our detailed response, and summarised below:

- The Plan as a strategic document is **overly prescriptive, directive and detailed**;
- The Plan **complicates and confuses the planning process**, adding **unnecessary layers of detail and assessment** to planning applications that will delay their submission and determination – delaying growth;
- There is **no identified presumption in favour of sustainable development** – a key National Planning Policy Framework (NPPF) directive, let alone a presumption in favour of residential development;
- There should also be **significant weight attached to the provision of affordable housing**;
- The Mayor's elected mandate **does not** entitle him to significantly deviate from current national planning policy; to arrogate planning powers; to encourage LPAs to not prepare a 'stage one' (or Core Strategy) Local Plans; to redefine housing targets away from 5 year housing land supply; and to redefine the Use Class Order;
- The 66,000dpa housing target is **unjustified**, as it **does not derive** from an Objectively Assessed Housing Need;
- There is very little evidence that the Plans' housing targets **have considered the Governments standardised method for determining housing need**, as proposed in its *Planning the Right Homes in the Right Places Consultation* in September 2017;
- The Plan fails to not **positively identify a means of addressing unmet housing need**;

- The affordable housing target of **50% is unviable and therefore unachievable**, as demonstrated under former Mayor Ken Livingstone's administration which promoted a similar policy;
- The imposition of **early and late stage affordable housing review mechanisms conflicts with Government's national guidance** and sets unrealistic targets on industrial land release sites when coupled with a no net loss aspiration;
- The Plans intervention of controlling the loss of Locally Strategic Industrial Sites is new and **oversteps the GLA's strategic planning remit and is wholly unrealistic**, especially when coupled with other requirements (i.e. affordable housing, Agent of Change, no net loss, environment and health provisions);
- Design **policies are overly prescription and confuse** the high quality design and densification narrative, yet a need to respond to its local context, including scale, appearance, space and shape;
- Added layers of design review appear to increase the scope of the Mayor's remit through referable schemes, which is subsuming control over local authority's ability to determine applications autonomously and creates an unnecessary layer of consideration. The **Mayor's role is that of strategic applications**, not every application;
- The Agent of Change policy is **supported** in principle but its wording needs further consideration to be more flexible for a boroughs specific requirements;
- There is **tension** within the Plan regarding delivery of housing and retention of employment uses and the Green Belt. Blanket approaches promoted in the Plan, could miss real opportunities for making more efficient use of sites that provide an ineffective industrial or Green Belt function;
- The restriction of de-designating Green Belt, or extending / designating Metropolitan Open Land is for the preparation of an LPAs Local Plan and **not for the Plan** to determine;
- Energy efficiency targets should not exceed Part L Building Regulations and neither should 'zero carbon' be redefined as 35% above Part L. This could be very misleading to the general public;
- Cycling should be encouraged and cycle parking provided, however the design requirements for said storage is very onerous and land hungry. The parking standards need to be reviewed to real-life use;

- Reducing the availability to park, and thereby reduce the use of private vehicles alongside a reduction to disabled parking bays in new developments is **supported**, however the suggestion of converting / providing disabled parking spaces post-completion is **detrimental to good design**; and
- More generally, Galliard wish to understand how the GLA intend on relaying the Plans aspirations to the capitals planning authorities, their Councillors and committee members; to help them understand and apply this growth agenda to see the levels of proposed intensification delivered. Because our experience suggests that many authorities, their Councillors and committee members don't support the level of growth in the manner proposed. If this determining audience doesn't understand the need, nor support the methodology, for growth, the Plan runs the risk of be undelivered.

We hope that this representation is self-explanatory. Should anyone at the GLA wish to meet with us to discuss our response, we will happily make ourselves available. We request that we be contacted regarding next stage consultations in respect of the draft London Plan and be provided a copy of a summary of the consultation responses.

Finally (at this stage), we would like to register our ability to speak at the Examination in Public to support of our comments.

Yours Sincerely,

**GALLIARD HOMES' DETAILED RESPONSE  
TO THE  
DRAFT LONDON PLAN, DECEMBER 2017**

## CHAPTER 1: PLANNING LONDON'S FUTURE (GOOD GROWTH POLICIES)

Galliard **supports** the notion of planning and managing growth within the capital, across all facets of life – development, employment, commerce, retail, infrastructure, lifestyle, communities, etc.

We feel that Policy GG2, part B – Making the best use of land should be more affirmative and consistently applied within its aspiration for intensification of land to accommodate the growth levels throughout in the Plan and should be amended to state the following:

‘B. Proactively deliver the intensification of uses on land, including public land...’

Galliard **supports** the intention of Policy GG4, part E – Delivering the homes Londoners need. However, we feel that the wording doesn't continue this 'good growth' theme in subsequent Chapters. Never does it identify any opportunity to 'establish ambitious and achievable build-out rates'; nor does it 'incentivise build-out milestones'. Instead, we feel the Plan seeks to impose penalties, by way of one-sided reviews, or exceeding the statutory role of the Plan. Any statement made in respect of incentivising development milestones needs to be promoted by the whole Plan, not just in Chapter 1's growth agenda.

Galliard **supports** the intention of Policy GG5 – Growing a good economy. In particular, part C, makes a very relevant comment that '... employment and industrial space **in the right locations**...'. It is felt that this policy narrative is lost in the emerging Economic policies, and a blanket 'retain' approach has been applied. Employment and industrial provisions should be in the right location and not just saved at every location because of reference to a historic land use. Intensification of employment and industrial uses should be in the right locations – close to strategic road networks, seek to reduce HGV movements through residential communities, connected to wider heavy goods transport links, etc.

## CHAPTER 2: SPATIAL DEVELOPMENT PATTERNS

Galliard **supports** Policy SD1 – Opportunity Areas. The recognition of designated pockets of intensified growth is needed to help stimulate regeneration in areas of much needed change. What the policy should consider taking forward is a methodology for enabling local authorities with, or willing landowners within, such Opportunity Area designations to help streamline the delivery of regeneration. Using Government initiatives such as the Brownfield Register and Planning in Principle could help in this regard.

Galliard **supports** Policy SD6 – Town Centres, in particular part C, where the Plan promotes ‘... new housing within and on the edges of town centres through higher-density mixed-use or residential development...’.

In supporting Policy SD6, Galliard is **concerned** that Policy SD8 – Town Centres: development principles and Development Plan Document does not encourage or promote residential uses as part of an authority’s Local Plan making process. The Plan in one policy supports the need for residential in town centres, but then doesn’t promote it in Policy SD8 itself. This doesn’t feel properly considered, as residential should at least be listed as an appropriate Town Centre use in the Policy.

## CHAPTER 3: DESIGN

Galliard fully acknowledge that design-led developments need to make a positive and lasting imprint on London's built environment. We therefore support the Plans continued ambition to deliver high quality design.

Galliard have **concerns** with the drafting of Policy D1 – London's form and characteristics and how it conflicts with subsequent design policies. For example, part B(1) requires design to respond to the *'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'*. The use of the word *'shape'* is an overly prescriptive design requirement and removes any ingenuity, creativity or artistry. This wording opposes the aspirations set out in Policies D6 and D8, and offers justification for a planning authority or committee to refuse an application, even if in a town centre or highly accessible location, where higher density development is promoted. This **policy needs to be reworded**.

Galliard **objects** to Policy D2 – Delivering good design. As a strategic document, emerging Policy D2 imposes a raft of mandatory design processes for any referable scheme which we consider reach far beyond the Plan's strategic remit and will have severe implications on scheme validation, affecting delivery. The emerging policy uses the word *'should'*, implying that from policy promotion through to an applicants' design development of a scheme there are four design review stages, of which the Design Review Panel is to *'comply with the Mayor's guidance on review principles'* – which is excessive and impacts the consideration of any application. Breaking down the policy further, we have the following comments:

- Part C: 3D modelling is an advancing technology, but still an expensive one. The implications of requiring this software / hardware during public engagement needs careful consideration. Suggesting such a requirement in policy will place an expectation by the public, community groups and an LPA that it must be used during a scheme's public engagement. Because, who decides what scheme or *'where (is) appropriate'*? This blanket requirement is not helpful or appropriate. Boroughs and applicants can agree the appropriateness of using this technology successfully to date and should continue to do so. This suggestion **should be removed from the policy**.

- Part D: masterplans are relevant to appropriate sites and help to outline key design principles across a site from layout, massing, public realm, land use and possibly materiality. Design codes however, are very prescriptive and an authoritarian method of design. Large scale schemes with long term delivery timescales need to remain fluid and responsive, relative to the economic or commercial cycle at the time of delivery. Design codes are counter-productive to this ethos. High quality design can be, and should be, secured through the planning application process, not a design code. This suggestion **should be removed from the policy**.
  
- Part E: the Plan should not set out that only a 'proposal meets the design requirements of the London Plan', there are many other relevant design documents that any Design and Access Statement / proposal should consider. This **policy needs to be re-worded** to account for this.
  
- Part F: not every authority has a Design Review Panel in place, let alone a skilled design officer. The Plan's requirement that one Design Review Panel must be undertaken before the submission of a planning application, **is too onerous** and could impact the number of sites coming forward, for fear of a drawn out and expensive design review process.
  - o Why should an application for positive growth be delayed on account of the possibility that an authority has neither a design officer nor Design Review Panel in place?
  - o What is an alternative method of testing design quality, in the absence of such a service, if not via a planning application?
  - o If these services don't exist, how will the GLA assist these authorities and applicants in respect of design, through the pre-application and application processes?

Such a recommendation may empower planning committee members to use this against a scheme, even with officer support.

The subsequent narrative to Policy D2, suggests the use of the Mayor's Design Advocates playing a key role in helping to deliver good design. But Galliard wonder if the GLA has the resource to manage this across all 33 authorities, especially those authorities without an in house design officer or Design Review Panel, when that resource will be needed? This **policy needs to be reworded** to account for this.

- Part G: the implication that a design review process 'complies with the Mayor's guidance', **is too onerous**. Who is ensuring that this guidance is being applied correctly and/or fairly? The role of the Plan is to outline that a design review process should 'have regard to' or 'consider' the Mayor's guidance on review principles, not make them a mandatory requirement. This **policy needs to be reworded** to account for this.
  
- Part H: the Plans' proposition that LPAs should use legal agreements (2) to provide clarity regarding the quality of design, and secure architectural retention clauses (4), **is inappropriate, restrictive and commercially unacceptable and needs to be removed**.

Design quality is secured via a planning permission, with planning conditions used to finalise materiality and detailing. Imposing the services of an architect on an applicant or developer, adds a further layer of complexity and potential cost to delivery. By securing a particular or designated architectural practice, raises the following questions:

- Who controls budgets and fees for detailed design?
- Is that firm capable of providing the service needed?
- Under whose terms and conditions do the Primary Services Contract apply to such an obligations – the firm or the applicant?
- What if the firm fails to deliver to the project milestones?
- What flexibility is there to change firms?

Ultimately, why should this process, a commercial transaction, be tied up in planning through variation of agreement, to be simple about it? This **part of the policy should be removed.**

These additional layers of design review appear to increase the scope of the Mayor's remit through referable schemes, which is subsuming control over a local authority's ability to determine applications on their own and creates an unnecessary layer of consideration. The Mayor's role is that of strategic applications, not every application.

We **object** to the inclusion of internal and external space standards drafted within Policy D4 – Housing quality and standards. Galliard recognises that the GLA have aspired to secure space standards since its 2010 publication of the London Housing Design Guide. Since then, minimum unit size space standards were enshrined in Policy, as per your Table 3.1, but never before have internal space standards been prescribed within Policy, as proposed.

The GLA's approach to ensure developers provide quality residential accommodation is becoming overly prescriptive and stifles any architectural creativity and product niche that any one developer might have. Minimum unit space standards has put all developers on the same playing field, removing any commercial advantage one product might have over another. However, Policy D4 now removes this edge even further, leaving little room for adaptation to meet a particular local profile; further adding delay to the planning process where applicant and officer time will be focusing on demonstrating compliance with this policy, rather than focusing on design quality. We recommend part D **be removed from the policy wording**, and referenced as guidance, possibly annexed at the back of the Plan, not unlike the aforementioned Housing Design Guide.

We **support** the intention behind Policy D5 – Accessible Housing, but **we question** if there is any **justification** to part A(1) that requires 10% of new buildings being wheelchair accessible or easily adaptable for residents who are wheelchair users. We appreciate that this is a policy roll-over from the original London Plan (2004), but what evidence is there to suggest that 10% is a justifiable provision? Has the GLA been monitoring actual occupation of these dwelling types by intended occupants? Is there a chance that since 2004 we have been overproviding these specialist unit types?

A review of our private sales figures confirms that only approximately one fifth of those designated private wheelchair units are actually sold to those for whom they were designed for – equivalent to 2% of the whole development. We feel there **needs to be more flexibility** in this policy to suit individual local authority needs.

The use of a condition outlined in paragraph 3.5.8 is supported, provided it corresponds with the approved Design and Access Statement and doesn't impose an additional layer of compliance.

Galliard **support** the ambition delivered under Policy D6 – Optimising housing density; however, we recommend that **parts C, D and E are removed**. The recommendation that a Management Plan (C) is required if a scheme is above an identified density is not a necessary validation requirement; and by including it here, this will make authorities require such a report which is adding an unnecessary layer of complexity to the consideration of an application, as it is unlikely to be understood by anyone. If such a document is required it can be either requested by the Borough during consideration of an application or secured by a planning condition. These new requirements should be **removed from the policy**.

Part D runs the risk of **over-complicating the planning system** attempting to find another justification for densification. Most members of the public or a planning committee, already have a hard time understanding a disproportionate higher density because a medium scaled building on a confined town centre site produces a higher density than current guidance suggests appropriate. Increasing the number of density figures will only further complicate this issue. There should only be one or two methods of calculating density so that every scheme can be compared on a like-for-like basis. Or could an alternative justification for these schemes offer a more balanced consideration of density? Requiring this information at strategic level is wholly inappropriate. Boroughs should be left to determine which information they need to validate and consider applications for which they are responsible. These new requirements should be **removed from the policy**.

Part E (1 and 2), imposes another set of **over-complicated and unnecessary density measures**. This requirement implies every authority, applicant, architect or consultant understands how to calculate a Floor Area Ratio or Site Coverage Ratio. We feel that this is not the case, nor do we believe many understand what is meant by these terminologies, but

its' imposition as policy will be fed back as a validation requirement that will result in a delay of validating planning applications. We question the necessity of this information and what does it relate to, and how does it affect / better explain a proposal? We suggest that it is **removed from the policy**.

Galliard strongly **agrees** that every application should look to positively contribute to the public realm – where able, as not every scheme can. We therefore **support** the objective of Policy D7 – Public realm. However, under part M, we feel that the policy should be worded to state:

*‘Promote the provision and future management of free drinking water...’.*

Galliard **agrees** with the healthy living narrative promoted later in the Plan for which this policy is trying to maintain the theme, however such a policy requirement has knock on effects that need to be fully understood and considered that can't be *‘ensured’* on every scheme.

Galliard **agree** with the considerations of tall buildings as promoted under Policy D8 – Tall buildings, however **greater explanation** is required for part D. Is the Plan promoting publicly-accessible spaces on the ground floor or other levels within a tall building? A subsequent question is therefore raised - why do we need to consider these spaces *‘where appropriate, particularly more prominent tall buildings’*? Shouldn't the policy suggest that an LPA devise a policy that recognises the benefit of publicly-accessible spaces within tall buildings and how, where and why that should be accommodated?

We do feel that Policy D8 will need further engagement with the determining authorities and their planning committee members to enable them to develop the skill-set and help them understand why these changes are needed. Without this, applicants can expect delays in determination on account of inexperience and NIMBY-ism.

Galliard **supports** the principle of Policy D12 – Agent of change. Our experience however suggests that many planning committees don't understand or trust the intention of this policy, initially introduced by the Mayor's Culture and Night Time Economy Supplementary Planning Guidance (SPG). Greater work needs to be undertaken with planning committees to enable them to understand the emerging policies intention and how it should be applied.

Policy D12 isn't as clear as it could be. As worded, the policy seeks mitigation against existing neighbouring noise sources / activities, and not emanating from the proposal itself. The policy could offer more flexibility for application by boroughs with very specific and occurring noise sources. We therefore support the HBF's suggested re-wording:

*'B Boroughs should have regard to the Agent of Change principle when preparing Local Plans and making planning decisions. In preparing Local Plans and making decisions they should take account of...'*

## CHAPTER 4: HOUSING

Galliard **supports** Policy H1 – Increasing housing supply. We agree that sites within close proximity to public transport or where new sustainable transport infrastructure is planned, should re-evaluate the **appropriateness of land use designation** and those sites **potential to provide higher-density housing and mixed-use schemes**. This includes not just town centre sites, but Strategic Industrial Locations (SIL) and Locally Significant Industrial Sites (LSIS), where historic servicing of these sites has changed and new opportunities present themselves to meet a wider agenda.

The Plans proposed housing target of 66,000dpa is very ambitious. This housing target increase imposes a significant sea-change on many of London's authorities, which is **supported**. Galliard does have concerns that these housing targets are clouded by many restrictions – i.e. no loss of green belt or Metropolitan Open Land and the retention of industrial sites (SIL and LSIS); some of which are inefficiently used and would offer greater redevelopment opportunities. Our other concern is how the Plan's message for increased housing numbers through densification is being relayed to local Councillors and planning committee members. Most of these individuals are not trained in the disciplines of the built environment, so such messages are easily lost on them. In so doing, there is even greater concern that delivery will be delayed because of lack of knowledge or experience relying on the Planning Inspectorate, via appeals, to make difficult decisions for them.

- How are authority's made accountable for this?
- What is the GLA doing to enable / ease in this transition of change?

Policy H2 – Small sites' emphasis on small sites delivering housing is **supported**. However the suggestion of part B(2) for an '*area-wide design codes*' **should be removed**, as the planning system and design policies outlined in this Plan and within an authority's Local Plan are sufficient to ensure all development proposals are of high quality design. We are curious though, how does the GLA anticipate this significant increase in housing numbers from small sites be identified / accommodated by local authorities? Is this too onerous of an expectation for LPAs to meet?

Given the level of detail and review process outlined in the aforementioned design chapters, what are the supporting application document requirements for these small sites? If the Plan is genuinely trying to invigorate and re-engage with the small scale developer, the burden and cost preparing planning applications for small sites need to be minimised. As worded, **this policy fails** to do this. These small scale sites are therefore not the remit of the strategic authority and this should be for a local authority to promote and control through their Local Plan.

Galliard **objects** to the 50% affordable housing target outlined in Policy H5 – Delivering affordable housing. We agree that the inclusion of affordable housing, alongside other land uses (where appropriate), is essential to ensure balanced communities are provided across the capital. However, it is well understood that a strategic target of 50% has significant viability implications that have never been achieved by the private sector, when initially promoted by former Mayor Ken Livingstone at a time when grant funding was more readily available.

This 50% target will be further under threat when considering the aforementioned design policies and intensification aspiration, which bring funding costs and risks when building tall buildings due to the singular nature of the build. The Plan therefore assumes that a private developer is able or willing to accept a greater risk of development to achieve an unattainable (in most cases) target. With greater risk comes great reward, but greater risk with a known reduced reward that is under threat, makes for unviable development.

If Policy demonstrated awareness or acknowledged the commercial realities of development, and the reference to review mechanisms at paragraph 4.5.9 would be more balanced in its approach, meaning there should be no additional provision than policy; there should be no additional benefit received than equivalent to policy; and in a downward market the offer is flexible to ensure the developer receives a competitive return to deliver the scheme; the policy would be more practicable and adaptable in its application.

Policy H5 should set the minimum strategic affordable housing target that is both reasonable, practicable and viable for applicants. Further testing and engagement with applicants and developers should be had to understand what the market can accommodate. Applicants ultimately want certainty regarding delivery, but 50% is unviable to deliver, so certainty is

never achieved. A more considered position would secure certainty and that in turn assists delivery.

The additional implication of this policy is its effect on land value. It is well understood that the Mayor's Housing SPG (August 2017) has sought to secure a minimal level of affordable housing such to suppress land values. This higher aspiration of 50% will have a greater affect, such that land owners will hold back sites in a bid to wait for better value. The math is simple – without land there is no delivery, no housing, no affordable housing, no employment and no wider public benefits.

The delivery of public land where it is the government body's responsibility to provide in the public interests, can provide 50% affordable. Since World War II, private developers have consistently provided the same level of housing, the acute shortage occurred once the public sector stopped providing housing and relied on the private sector to fills its shortfall. It is accepted that the private sector can't deliver this level of need and nor can it sustain 50% affordable housing.

Galliard believe that Policy H6 – Threshold approach to applications, should be **removed** from the Plan. This policy goes beyond the strategic expectation of policy, as should be delivered through a reworded Policy H5, and imposes many implications that conflict with national guidance. The implications of the Mayor's Housing SPG – which has limited weight and drafted ahead of the Development Plan without justification, evidence and examination - becoming Policy will only delay development. This has to be weighed up carefully in the light of Brexit and whether London's doors are 'Open for Business'. If emerging policy is too stringent and complicated, we run the risk of scaring off investment into the capital. There this Policy needs to be fluid and adaptable – not prohibitive.

Our comments on specific policy parts continue as follows:

- Part B(3): supposes 50% affordable is deliverable on SIL and LSIS sites, when co-located as part of wider redevelopment. Industrial land values are significantly lower than that of residential, therefore co-locating regeneration schemes are inherently challenged in introducing public benefits that never existed as part of its former use, re-provision of industrial uses, reasonable build costs and assumed sales values –

alongside 50% affordable. 'Co-location' as a principle is a new catch phrase, and is untested in the mortgage market, therefore there is greater risk on the applicant bringing forward such schemes. An insistence of 50% affordable housing is unviable and severely impacts ones potential to deliver real regeneration benefits.

- Part D: the Town and Country Planning Act 1990 is very clear in its definition of what constitutes 'material operation' relative to the commencement of a development, meaning:
  - a) any work of construction in the course of the erection of a building;
    - a. any work of demolition of a building;
  - b) the digging of a trench which is to contain the foundations, or part of the foundations, of a building;
  - c) the laying of any underground main or pipe to the foundations, or part of the foundations, of a building or to any such trench as is mentioned in paragraph (b);
  - d) any operation in the course of laying out or constructing a road or part of a road;
  - e) any change in the use of any land which constitutes material development.

Once again the Plan has strayed beyond its strategic remit, seeking to redefine national legislation in regards to a 'material operation' relative to the implementation of a planning permission, as something else agreed between applicant and planning authority. One has to question, what has greater legal standing – national legislation of regional policy?

We **object** to the implication of a review mechanism if works haven't commenced within 2 years, unless otherwise agreed. Again, this exceeds the minimum statutory 3 year timeframe allowed for an applicant to implement their planning permission. Given that review mechanisms are ratcheted only in one direction, this approach exceeds national legislation and is disproportionate to economic and development cycles. These discussions introduce scope for yet more delay and obstructs delivery.

No doubt this is promoted as an 'incentive' for development, as referred in Policy GG4, however this serves more as a penalty on applicants and developers. What is proposed as dispute mechanisms, a further delay to delivery, if an authority isn't discharging conditions as per statutory timeframes? Who mediates this process? The requirement for early stage reviews linked to agreements on implementation **should be removed from the draft Plan.**

- Part E(2): the policies requirement for applicants who have an agreed viability route are to further commit to early and late stage reviews, conflicts with Government's guidance in the NPPF which considers that reviews should only be considered on multi-phase developments. This **part is unsound and should be removed.**

Certainty, this is what viability boils down to. Applicants want to include a reasonable affordable housing provision, get their consent and deliver it, without risk of any reviews or re-assessments.

This Plan is providing layers of complication through early, mid and later phase reviews. Of course phased viability testing has its place on larger multi-phased development with longer term delivery, which will have to respond to changing economic cycles. However, on short term developments as supported by the NPPF, review mechanisms aren't necessary. The review mechanisms proposed in the Plan are ratcheted in only one direction, they pose greater risk to profit and therein affects funding opportunities and costs (i.e. premiums to cover the unknowns), which ultimately affects investment and delivery of public benefits.

Furthermore, in our experience when applying the Mayor's Housing SPG, both the SPG and the Plan completely ignore the commercial and competitive world of land buying. The use of a standardised assessment for Benchmark Land Value helps to create an equal playing field when considering viability assessments – but this isn't a true reflection of price paid, regardless of ones' view. However, by increasing affordable housing provision, imposing further review mechanisms and increasing cost to applications and development cycles, only

affects a developer's margins. A developer can take a view on one or two sites, because they will have a wider portfolio to fall back on to bridge the loss; however if a profit margin is eroded across every site, there will be no redevelopment, no housing provision, no job opportunities and no public benefits. This is an extreme view to take, but will cause applicants to look in locations where there is a more reasonable and viable approach to development. We believe that this bleak view of development is detrimental to progression and detrimental to London's growth agenda; which is why the Plan needs to be more adaptive and responsive than draconian on issues like affordable housing.

Galliard **objects** to Policy H11 – Ensuring the best use of stock, and it should be **removed** - particularly part B. The implication of 'putting in place mechanisms which seek to ensure housing stock is occupied', goes well outside the planning remit, especially where it relates to planning permissions. Who enforces this? How is that assessed? And, against what criteria?

Galliard **supports** the Plan's acknowledgement of shared living under Policy H18 – Large-scale purpose-built shared living, but feel that the Plan is missing a trick in respect of affordable housing. How can the Plan, under Policy H17 – Purpose-Built Student Accommodation, part A(4), accept 'at least 35% of accommodation is secured as affordable student accommodation as defined through the London Plan and associated guidance'; but not make a similar provision for shared living!

In essence, shared-living has sprung from the success of more recent student accommodation schemes, where students are provided with private accommodation usually including their own shower room, kitchenette, living and sleeping quarters, with access to wider on-site communal facilities. Shared living is designed for the entrepreneurial young single professional who wants independence, all-inclusive bills within a social communal environment.

We recognise and do not disagree that shared living can have a different land use allocation other than Use Class C3 (dwellinghouse), however we **disagree** if the Plan is the tool to do that; and with part A(8), and feel that on-site affordable housing can be provided in a similar manner suggested under Policy H17, part A(3). This should not be discounted as a source of affordable housing provision.



## CHAPTER 5: ECONOMY

Galliard **supports** the principle of Policy E5 – Strategic Industrial Land (SIL's), part E; where *in line with the Agent of Change principles, residential development adjacent to SILs should be designed to ensure that the industrial activities are not compromised or curtailed*'. We believe that where efforts have been made to accommodate such environments, through carefully considered design and technical mitigation on sites adjacent to public transport networks, proposals should be supported by the GLA and LPAs.

The Plans newly stated position in respect of LSIS is a new intervention, not previously seen from previous GLA administrations. We understand the background behind the GLA's intervention, and **agree** with Policy E6 – Locally Significant Industrial Sites that this should be managed via an authority's Local Plan, as has been the case since 2006; and not the GLA.

Galliard **agrees** with Policy E7 – Intensification, co-location and substitution of land for industry, logistics and services to support London's economic function, part E in that a respective local authority's Development Plan or a Masterplan-led approach, in collaboration with the LPA, for a mixed-use redevelopment near a train station that promotes higher-density intensification is a practical and responsive approach to tackle redevelopment. Such proposals should be supported by the GLA, where the respective LPA fully supports the proposals. The GLA's collaboration shouldn't be essential to secure meaningful intensification. Ultimately, the strategic function of the GLA isn't to manage local authorities industrial portfolios, but to give them the tools to manage it themselves mindful of both the strategic and local needs, relative to each site.

Part E prioritises 'dirty' industrial uses and shows no flexibility towards other industrial uses, such as the 'creative industries'. We do not argue with the fact that industrial, storage and warehousing is needed within the capital to meet the needs of wider distribution and 'final mile' services. However, not every SIL or LSIS is appropriate for these uses, as the consideration of appropriateness reaches much further than 'because it's already an industrial use'. Local constraints and opportunities, historic use / access / servicing, road connections, market demand, etc needs full consideration when promoting retention, designation or intensification of industrial uses.

Galliard **supports** the role of co-locating industrial and residential uses to provide honest intensification opportunities around the capital. However, we feel that this policy, along with Policy E6, fails to consider other practical and commercial implications and is crying out for a test case or exemplar to help demonstrate if such a design philosophy can co-exist when considering all the moving parts – design, construction, phasing, agent of change, management, funding, mortgages, sales, occupancy, public benefits, etc. We feel that greater collaboration between the GLA, an LPA and applicant on one or two sites could work on a deliverable and practicable solution; to help inform this policy aspiration. Until the practicalities of such a provision are understood, the Policy needs to be less prescriptive and more flexible to ensure positive cohesion between uses, let alone the wider built environment.

Galliard **support** Policy E8 – Sector growth opportunities and cluster, as outlined under part C. We encourage the Plan to have more cross-economic policy reference to support the aforementioned need for flexibility in considering appropriate land uses with industrial designations.

As mentioned, Galliard is London’s largest privately owned developer, who employs 700 full-time staff from across the capital. Our employees aren’t from one specific authority, but from across many of the Boroughs. Some will work on sites or offices close to home, whilst others travel from site-to-site depending on their skill set or trade. Therefore Galliard **support** the Plans acknowledgement within Policy E11 – Skills and opportunities for all, that cross-Borough working to open up employment opportunities needs fuller recognition by the authorities, on a reciprocal basis.

## CHAPTER 7: HERITAGE AND CULTURE

Galliard highly **recommends** that Policy HC1 – Heritage conservation and growth, Part C is **reworded**. The text suggests that *'development proposals should seek to avoid harm'* where considering the effects of development on heritage assets. However, there is a sophisticated body of case law that makes *'seeks to avoid harm'* a very dangerous threshold for every scheme that contains, is part of or is near a heritage asset. This wording sets a very high test when making a judgement of harm and fails to consider the balance of harm against public benefits outlined in paragraphs 133 and 134 of the NPPF, along with *'a balanced judgement'* will (para. 135) when having regard to the scale of harm or loss and the significance of the heritage asset. This **balance needs to be identified in the policy**.

Section 72 of the Planning (Listed Building and Conservations) Act 1990 imposes a duty to *'pay attention to the desirability of preserving or enhancing the area's character or appearance'*, as it relates to Conservation Areas. A similarly worded duty under Section 66 of the same Act requires special regard to be had *'to the desirability of preserving a listed building or its setting'*. Successive court judgements to the circumstances have confirmed that *'considerable importance and weight'* must be given to the desirability of preservation or enhancement in any **balancing of the merits** of a particular proposal.

We understand what the aspiration of Policy HC7 – Protecting public houses is seeking to achieve, however we feel that this policy, as worded, **goes beyond the strategic remit** of the Plan. We acknowledge the Plan should encourage the protection of such locations / uses, but not all public houses make positive community contributions. Therefore the policy should outline strategic criteria for local authorities to be mindful of when assessing planning applications that promote the loss of the public house, as part of their Local Plan.

## CHAPTER 8: GREEN INFRASTRUCTURE AND NATURAL ENVIRONMENT

Galliard support the wider green agenda, not just for London but on a national level; and the need to strike an appropriate balance between the relationships of development with nature.

Policy G2 – London’s Green Belt is believed to be **unsound**. The NPPF requires LPAs to establish their Green Belt boundaries and alter them only in exceptional circumstances through the preparation of their Local Plans. The Plan, goes further than the adopted London Plan and removes this ability by stating that de-designation will not be supported.

As stated by the HBF, we do not agree that the Mayor can remove the ability of LPAs to review their Green Belt, including the potential for de-designation, through the Plan. Nor do we consider that the Mayor’s planning powers extend to the extent that he can remove this option through the Plan. Part B should therefore be **reworded** to reflect national policy:

*‘B In preparing their Local Plans the Borough will:*

- 1. Extend the Green Belt in exceptional circumstances;*
- 2. De-designate land in the Green Belt in exceptional circumstances.’*

Policy G3 – Metropolitan Open Land is afforded the same policy treatment as Green Belt, but offers better accommodation of local authority due process, since part C refers to alterations of MOL boundaries. However, it must be subject to the same planning disciplines as Green Belt, and parts B and D should be **amended** so that any extension to, and designations of, the MOL can only be made through Local Plan preparation:

*‘B The extension of MOL designations should be undertaken through the Local Plan process...’*

*‘D Boroughs should designate MOL through the Local Plan process by...’*

Policy G5 – Urban greening is a new policy adapted (as suggested) from other working examples around the world. However, the **policy text and supporting narrative are both unclear** as to how this aspiration and the mathematics behind a schemes contribution to urban greening. It is felt that this will become another layer to the validation requirement

that will slow down development, because there is little expertise to understand how it is calculated and applied. The implication of this policy needs careful consideration.

## CHAPTER 9: SUSTAINABLE INFRASTRUCTURE

Galliard supports movements to better energy efficiency as intended by Policy SI2 – Minimising greenhouse gas emissions however we are **concerned** that any objective/s for energy efficiency that exceeds current (Part L) Building Regulations will confuse the industry; add unnecessary layers of, and difficulty in measuring, compliance; and likely have little impact on efficiency improvements. Although this looks good on paper, this will be technically unachievable.

The policies (part C) implication of redefining what is 'zero carbon', could be misleading. The actual position is an 'energy efficiency improvement' as policy seeks a 35% improvement on Part L. Coupled with a schemes 'failure to comply' with the improvement, a payment towards a carbon-offset fund is required. This form of taxation, originally imposed by the Housing SPG in October 2016, not only bears little weight, but imposes further cost on developments which affects viability and the delivery of public benefit.

## CHAPTER 10: TRANSPORT

Galliard **supports** almost **any initiative that** moves people away from using their private vehicle and **promotes the use of alternative sustainable transport**. Nearly all of our recent London schemes provides welcome packs, travel plans, access / membership to car clubs and includes cycle parking that accords with regional or local policy. Galliard therefore **agree** with Policy T5 – Cycle parking, however, since the cycle parking standards were increased in 2015 we have noticed no increase in the acquisition or storage of cycles by occupants of our schemes.

This policy has resulted in an over provision of cycle parking that is more land hungry, which coupled with other design requirements, affects the utilisation of the ground floor – which has implications when seeking to achieve intensification and higher-densities (i.e. first floor storage and lift access, also implying additional costs). These standards need to be considered and applied against actual site demand as reviewed from current schemes. Has the GLA or Transport for London carried out a review of these adopted standards to understand if they are being used as intended? Are they too excessive?

Galliard **supports** Policy T6 – Car parking where it promotes lower level of car parking on new developments. However part G, imposes an **unnecessary validation** requirement of a Car Park Design and Management Plan. Given the fluid nature of a planning application process, imposing such a requirement could be abortive work and is a detail more suitable for determination as a condition. This **part** should therefore be **removed** from the policy wording.

Policy's T6.1 – Residential parking imposition of part B suggests that parking spaces should be leased and not sold. What evidence is there to suggest that this should be for the planning system to determine? Why does this Plan feel it's for strategic planning to control? This part should be **removed** from the wider policy.

Galliard **supports** part G(1) and a reduction in the number of disabled parking spaces from 10% (currently adopted) to 3%. Similar to the land take of the cycle parking standards, Building Regulations Part M has imposed very stringent and land hungry disabled parking standards so reducing disabled car parking is **welcomed**. However, part G(2) imposes a

secondary layer of post-consent detail that is **too difficult to accommodate** relative to Building Regulations Part M and should be **removed**.

Galliard would much prefer to provide a level of parking from the outset that could be reserved for disabled parking, up front rather than having to retrospectively accommodate this design amendment. This maintains certainty for the development and de-risk delivery, raising the following questions if the policy were pursued:

- Who imposes the conversions?
- Who is responsible for the conversion works if the developer has sold the freehold or is out of business?
- What are the timescales / statute to limitations for which the conversions should take place?