



Email:

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Sadiq Kahn (Mayor of London)
New London Plan
GLA City Hall
London Plan Team
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Dear Sir

DRAFT LONDON PLAN (NOVEMBER 2017) REPRESENTATIONS ON BEHALF OF KESSLERS STRATFORD LIMITED

On behalf of Kesslers Stratford Limited 'Kesslers', I set out representations to the Draft London Plan.

BACKGROUND

Kesslers own the freehold of the 4.48ha Kesslers International site, Rick Roberts Way, Stratford and has operated from the site for the last 18 years. The site is currently occupied by two large industrial buildings, one currently in operation by the company that bought the Kesslers International business in 2016 and the other leased to the Guardian Print Works which recently ceased printing operations for the Guardian newspaper. Additionally, the southernmost part of the site is leased by Daimler Chrysler and operates as a Mercedes car service centre.

The site is within the administrative boundary of the London Legacy Development Corporation (LLDC) and is designated as a Locally Significant Industrial Site (LSIS) within the LLDC Local Plan, adopted in July 2015. Development capacity studies indicate that the site can support in excess of 1,300 new homes together with employment uses. Many more homes could be accommodated if the site is brought forward in conjunction with the redevelopment of adjacent vacant sites, which collectively have the potential to regenerate the south east of Stratford High Street, create a new neighbourhood in excess of 3,000 dwellings for Stratford and enhance the gateway to Stratford Metropolitan Centre.

Following the de-commissioning of one of the adjacent gas holders, the site has few constraints and good quality access. The cessation of Guardian newspapers operations is considered to be indicative of a wider structural trend and declining demand for industrial floorspace in this local area.

This letter comprises formal comments to the consultation and in reviewing the plan consideration has been given to the "soundness" of the Draft London Plan having regard to the guidance set out in para. 182 of the National Planning Policy Framework ("NPPF") (2012) which states that a "sound" plan should be "Positively prepared"; "Justified"; "Effective"; and "Consistent with national policy".



GENERAL

Kessler's are in agreement with many of the sentiments of the Draft London Plan, not least with the strong need to support a step change in delivery of housing and new workspaces within the Plan period. However the maximisation of regeneration benefits of mixed use development sites to their locality and to London will require a trade-off between some of the policy objectives of the Draft London Plan in order to achieve commercial viability and deliverability. This is the essence of the representations made, which are in 2 categories; Principal Issues and Other Issues.

PRINCIPAL ISSUES

Draft Policy E3 Affordable Workspace

This policy gives wide latitude to local authorities to impose requirements for affordable workspace as part of proposals where existing workspace exists, in areas where there is pressure for low cost space and in other locations (part B). Part B should be revised to include an additional requirement for local authorities to consider the viability of introducing such policies alongside other demands on development, including CIL and particularly affordable housing policies (such as draft policy D6 which require up to 50% affordable housing in respect of LSIS).

Paragraph 173 of the NPPF requires local authorities to pay careful attention to viability and costs in plan making. However, the December 2017 London Plan Viability Study demonstrates that, with a 10% affordable workspace requirement, it is not viable to redevelop industrial or logistics sites in the medium and high benchmark land value £/ha scenarios. This underlines the critical need for policy objectives to enable viable and deliverable outcomes.

Draft Policy E7 Intensification, co-location and substitution of land for industry...

Kessler's welcomes how this policy acknowledges that Locally Significant and other industrial sites can be intensified and land uses substituted.

In order to deliver intensification of uses and additional capacity, balanced with the need to deliver significant number of homes, Policy E7 proposes a range of strategies, including the development of mezzanine floors, smaller units, multi-storey schemes, basements, and more efficient use of yard space and servicing space. Whilst clearly intensification of B1c, B2 and B8 uses on industrial land are to be welcomed, Kessler's are concerned about the negative effect that this intensification will have on new residential neighbourhoods and also about the user and financial challenges that this intensification will create. Kessler's believe that the solution to these issues will be through the achievement of a balance of uses appropriate to the locality.

Kessler's are concerned that criteria E1 places an unreasonable burden on the redevelopment of these sites by requiring the re-provision of industrial, storage and warehousing floor space. In many instances, sites are being redeveloped because the site is no longer suitable for the type of employment floor space that currently exists. Like at Kessler's site in Stratford, sites may be vacant or under-occupied because of structural changes in the industrial market. A more appropriate test is whether the re-provided floor space is providing equivalent

employment. This will enable new space to be re-provided taking into account modern occupier requirements and will allow the density of housing or other uses on the site to be optimised having regard to other policy requirements.

With Criteria E1 in place it will be extremely challenging to evolve a commercially viable and market facing mixed use scheme with a requirement for re-provision of industrial, storage and warehousing floorspace. There is potential for this policy may generate development schemes that have no user demand at the price necessary to be commercially sustainable. The risk is that re-development of existing sites will not be viable and the investment necessary to provide the appropriate spaces will not materialise.

Part F of the policy should be revised to clarify that supplementary planning guidance can be an appropriate mechanism for the substitution of sites, rather than the 'plan-led' approach referred to. This will allow a more responsive approach to planning in local areas which is not tied to the review cycle of local plans.

Draft Policy H6 Threshold Approach to Applications

Kesslers welcomes the Mayor's strategy to seek to provide greater certainty about the approach to affordable housing, which is largely set out in Policy H6 (Threshold Approach to Applications). However, they are concerned that aspects of the policy could potentially be unsound.

Part B states that the threshold approach will be reviewed in 2021 and 'if appropriate' increased through Supplementary Planning Guidance. Such an approach is flawed and is inconsistent with the NPPF, where paragraph 173 requires the scale of obligations needs to be considered to ensure that viability and deliverability are not threatened. An upward only review would preclude changes to reflect more challenging viability and deliverability considerations and therefore the review should not be restricted in this way. The process for the review is unclear and it is inappropriate for this to be deferred to Supplementary Planning documents which are required to be consistent with development plan policy but are not part of the development plan.

Draft Policy H6 should also be revised to exclude the requirement for Locally Significant Industrial Sites and other industrial sites to be subject to a 50% rather than 35% affordable housing threshold. There is no justification for the higher threshold in terms of delivery or viability. We can find no viability evidence in the London Plan Viability Study (December 2017) to justify why such sites should be the subject of a higher 50% affordable housing threshold. By their very nature these sites are expensive to redevelop because they have been previously developed. They typically lack infrastructure and amenities required for residential use which need to be provided as part of the proposals. A default position of 50% affordable housing on these sites will only make delivering new development on them more difficult. In this respect the plan has not been 'positively prepared' and should be revised.

Draft Policy D8: 'Tall Buildings'

Part C 1) (a) iii of draft policy D8 is too prescriptive and should be revised. It is not always necessary to have a transition in height with adjacent buildings or open spaces. Those adjacent buildings may be for instance commercial buildings which have little design or amenity qualities to protect (and potentially a redevelopment site themselves). Similarly, a tall building could provide an important reference point for or help frame an adjacent open space. Ultimately the appropriateness of the transition should be determined on a case by case basis during the determination of the application which other policies within the plan already address (i.e. policies D1 and D6 which acknowledges that making the most efficient use of land will mean developing at densities above those of the surrounding area on most sites). We would therefore suggest that the final sentence of C 1) (a) iii is removed.

OTHER ISSUES

Draft policy D2: 'Delivering good design'

Draft policy D2 subtopics 'Design Scrutiny' and 'Maintaining design quality' are not appropriate in a strategic planning document and should be removed. The decision on whether a scheme undergoes design review and the nature of that review should be agreed between the borough and applicant at pre-application stage having regard to the specific circumstances of the scheme. Likewise, the contents of a planning submission and what elements of a scheme are to be conditioned is a matter for discussion between the boroughs and applicants, having regard to published 'Planning Application Requirements' documents which all boroughs produce and Regulation 122 of the Community Infrastructure Levy Regulations 2010 (as amended). Attempting to include too much detail at planning application stage (some of which may not be available at that stage) will significantly slow down the planning determination process and undermine the delivery of development.

Draft policy D4: 'Housing quality and standards'

Draft policy D4 includes a sub-section on private open space. This draws on Standards 26 and 27 of the current Mayor's Housing SPG (2016), however the draft policy doesn't make any provision for those circumstances where it is not possible or suitable to provide a private outdoor space. This may be due to impacts from a neighbouring land use or transport infrastructure which are more likely to be factors in town centres or Opportunity Areas where the majority of new housing is directed. The Mayor's Housing SPG currently makes provision for measures such as oversized units instead of private outdoor space to provide flexibility. It is our position that this part of the policy is not effective and that given the current Housing SPG and design standards therein, further policy on standards such as private outside space is an unnecessary duplication.

For the same reason, the statement in draft policy D4 part E that single aspect units should be avoided should be revised. East, west and south facing units, especially in tall buildings, can work very well and it is a very narrow measure of a unit's residential quality to just judge it on aspect. We are unclear how all one bedroom units especially could avoid being single aspect within a development. Again, the current Housing SPG adequately addresses the application of dwelling orientation (Standard 29) and the suggested draft policy text will unnecessarily burden the design of schemes.

Supporting para. 3.4.2 makes reference to borough's resisting dwellings with floor area significantly above those in Table 3.1 as they do not constitute an efficient use of land. We are uncertain of the need for this statement given the density measures set out in draft policy D6: 'Optimising Housing Density'. This policy should be the test of whether land is being developed efficiently and it is still possible to optimise density whilst incorporating larger units.

Draft policy D6: 'Optimising Housing Density'

Kesslers welcomes the Mayor's revised approach to optimising housing density set out in Policy D6, which replaces the housing density matrix which has been commonly exceeded.

Supporting para. 3.6.2 states that it will not normally be necessary for minor developments to undertake infrastructure assessments, with the implication that major developments should undertake infrastructure assessments. This requirement is not justified. Infrastructure assessments (beyond what is currently undertaken in documents such as a Transport Assessment) are required to accompany planning applications and what is envisaged needs to be clearly set out. It is for each local planning authority when preparing their Local Plan to establish what infrastructure is required to deliver the plan's growth targets which in turn links to the setting of Community Infrastructure Levy (CIL) rates. Applicants should not be subject to any further burdens particularly from a Strategic Plan.

Draft policy G5: 'Urban Greening'

Draft policy G5 sets out a suggested approach for boroughs to develop an Urban Greening Factor (UGF). While we note that the guidance set out in Table 8.2 and the UGF of 0.4 for residential developments and 0.3 for commercial developments are set out as suggested starting points for boroughs, such a policy is over prescriptive, does not take into account site specific circumstances and it should be at the Development Management level that schemes are scrutinised to make sure that they are maximising the use of landscaping, green roofs etc. Part A of the policy provides an appropriate strategic basis for this. Part B of the policy is not however justified and should be deleted.

Draft policy SI1: 'Improving air quality'

In relation to part A 3) of draft policy SI1 and the associated supporting text in para. 9.1.3 which cites Opportunity Areas, this requirements has not been justified having regard likely costs associated with the measures to achieve Air Quality Positive.

Draft policy T6.1: 'Residential Parking'

The stipulation for all residential developments to be car-free (other than accessible parking) in PTAL 5 and 6 areas is unnecessarily restrictive. Many people require access to a car for a variety of reasons, especially families and it should be possible for larger units to have access to some car parking. Car ownership does not necessarily equate to regular peak hour or daily car trips, in fact many residents prefer the convenience of public transport on a day to day basis but still require access to a car at the weekend.

The stipulation in Part G that blue badge parking should be provided at a minimum of 3% of units is unreasonably prescriptive and higher than the levels provided in recently consented developments in London. Part G2 is particularly problematic because it, in effect, requires safeguarding of land for a further 7% of units in case they are required. Where no car parking has been provided (as required by the current draft policy on sites with a PTAL of 5 or 6) this will mean that landscaping or other areas will have to be foregone to meet this requirement.

We should be grateful if you would confirm receipt of these representations and keep us informed of the next stages in the production of the new London Plan.

Yours faithfully

Sean Bashforth
Director