

DP3749/JS

2 March 2018

Sadiq Khan (Mayor of London)  
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Dear Sir,

## **THE DRAFT LONDON PLAN**

### **Representations on behalf of Old Oak Park Limited**

On behalf of our client, Old Oak Park Limited ('OOPL'), a partnership between Cargiant Limited and London & Regional Properties, please find enclosed representations to the above consultation for your consideration.

OOPL is promoting the regeneration of a key strategic site in the Old Oak and Park Royal Opportunity Area ('the Old Oak OA') to create a new mixed-use neighbourhood comprising 6,500 new homes and 125,000sq m of mixed commercial floorspace to be known as Old Oak Park ('OOP'). The creation of this new neighbourhood is a critical component of realizing the Mayor's vision for Old Oak, and we will continue to work closely with the Mayor and his partners to achieve the full potential of the site.

Firstly, we welcome and support the ambition of the Draft London Plan, which has a crucial role to play in stimulating and guiding development in our city. As promoter of a strategic site in an Opportunity Area, we are particularly keen to ensure that the Draft Plan provides the framework that is necessary to allow us to deliver the new homes and jobs that London needs, supported by the necessary infrastructure and to the necessary quality.

### **Chapter 1 – Planning London's Future (Good Growth Policies)**

We support the principle of Good Growth, with all six policies working together with equal importance to deliver the best overall form of development.

#### *Policy GG4 – Delivering the Homes Londoners Needs*

There is an inherent tension between elements A and B of this policy. Delivering more homes overall requires a measured approach to affordable housing, ensuring that viability and delivery factors for each site, and in particular for larger, more complex regeneration projects, are taken into account. Whilst providing as much affordable housing as possible is of unquestionable importance, requiring a level of affordable housing that goes beyond that which a development can viably provide has the potential to impact on the delivery of all homes. An unviable scheme will not proceed. We do not



consider that this would be beneficial for London, and therefore encourage a measured approach to affordable housing requirements.

Part E of this policy seeks to establish ambitious and achievable build-out rates at the planning stage, incentivizing build-out milestones. We do not agree with introducing stipulations on build out rates through the planning system, as they add yet another matter for negotiation and more requirements for development schemes to meet. It is unlikely that build-out rates can be set with confidence by a developer at the planning stage, when a scheme is not sufficiently progressed to enable realistic predictions. Notwithstanding our objection, if build out rates are to be set through the planning process, we would encourage further clarity on what incentives may be provided, but would strongly discourage any suggestion of penalties if build-out milestones forced upon a developer at the planning stage are not subsequently achieved. Setting build out rates will not succeed unless the procedural hurdles to delivery are also reduced – this includes the burden of information and documentation imposed by the planning system, and in this regard the Draft London Plan promises to impose more burden than the current Plan which could impact negatively on delivery.

**RECOMMENDATION:** Either remove the requirement to establish ambitious and achievable build out rates or clarify how their achievement is to be incentivized.

## **Chapter 2 – Spatial Development Patterns**

### *Policy SD1 – Opportunity Areas*

The Draft London Plan clearly recognises the critical importance of Opportunity Areas in the delivery of new homes and jobs as well as other important policy areas. OOPL wholly supports the pro-development approach that runs as a theme throughout the Draft London Plan, especially with regard to Opportunity Areas. But, we consider that Policy SD1 could be bolder and stronger in its approach to ensure that development in OAs is maximised. In particular:

- i. Draft Policy SD1 A.5) states that development in Opportunity Areas should ‘maximise’ the delivery of affordable housing, but it fails to mention any other form of housing. Given the extensive nature of the housing crisis and housing need that is recognised elsewhere in the Plan, OOPL proposes that Policy SD1 must provide more explicit support for maximising housing development generally, as well as noting the importance of affordable housing. The Policy should also acknowledge that in OAs, this will need to be achieved alongside the delivery of new transport and social infrastructure.
- ii. Greater responsibility and instruction ought to be placed on the Boroughs to encourage maximised housing delivery and, in relation to draft Policy SD1 B.6), there should to be a presumption in favour of housing (and housing-led) proposals in Opportunity Areas that exceed the indicative minimum housing delivery targets. We would also encourage stronger text in A.4) to ensure that the Mayor’s agencies, including Transport for London, work together with others to promote and champion Opportunity Areas, and that they go further to support maximized delivery of housing and jobs in the OAs. We further support Policy SD1 A.7’s commitment to take action where necessary to overcome barriers to delivery.

**RECOMMENDATION:** Amend Part A.5) to acknowledge that OAs should maximise the delivery of housing in general, including affordable housing alongside the delivery of other strategic requirements including transport and social infrastructure.



## Chapter 3 – Design

### *Policy D2 – Delivering good design*

We wholeheartedly support the ambition of this policy, but consider that some elements are overly prescriptive. In particular:

- Part H which stipulates how boroughs should attach conditions, and suggesting that design quality should not be deferred to reserved matters (although the Draft Plan uses the term ‘referred’ matter, we presume it means reserved). We object to the request to provide construction details at planning stage when this will be prior to the involvement of a contractor, and therefore unreasonable to request. Scale and external appearance are matters capable of being reserved, and this will remain a statutory right for any applicant – especially on large and complex masterplan developments which may be designed and delivered over a long time period. In these situations, design codes provide part of the solution, but it would remain within the scope of an outline permission to reserve much of the design to the reserved matters stage;
- The indication that boroughs should use architect retention clauses in legal agreements ‘where appropriate’ and the subsequent supporting text at paragraph 3.2.10 goes beyond what should be considered appropriate for this strategic document, and is unduly onerous. Such requirements can present unnecessary contractual difficulties for developers, and should only be required where a specific architectural practice has been used to gain planning permission for development that goes beyond the bounds of what may otherwise have been granted using an architect of lesser quality; and
- Paragraph 3.2.9 provides guidance to boroughs on the use of conditions to avoid ‘value engineering’ through future amendments. Minor amendments that are not referable to the GLA should not be considered in the Draft London Plan, and amendments post planning permission to make a scheme more deliverable are a natural part of the design process – especially where there is greater pressure on the financial viability process and greater cost and time involved in securing planning permission in the first place. Preventing or overly constraining this process will have a detrimental impact on delivery.

**RECOMMENDATION:** We request the following amendments to this policy:

- Amend Part H to remove the requirement for construction details at planning stage, and to refer only to architect retention clauses in exceptional circumstances, not as a matter of course; and
- Amend paragraph 3.2.9 to reduce the scope of intervention into minor amendment applications and changes once planning permission has been granted.

### *Policy D4 – Housing quality and standards*

Whilst we support the aspirations of this policy, we consider that it contains too much detail. If adopted, providing a one bedspace single bedroom less than 2.15m wide would cause a development to be not in accordance with the strategic development plan, for example, and so we consider that this level of detail should be provided within supplementary planning guidance instead. The supporting text provides further examples of overly-detailed and prescriptive guidance, for example at paragraph 3.4.3 which stipulates the proportions of floor area that can have a minimum headroom of 2.5m.

**RECOMMENDATION:** Remove all detail that is not of strategic importance, to be covered through supplementary planning guidance instead.



### *Policy D6 – Optimizing housing density*

Part C states that a management plan should be submitted for developments that exceed the density thresholds identified in the policy. Paragraph 3.6.8 identifies what this management plan should contain. It is not clear why this management plan is required or how the information it requests, including running costs and service charges, can be known at the planning application stage. Some of the information is already required in any event. We do not consider that the affordability of services has any relevance to the density of a development, and as such object to the requirement to provide these management plans. The density of a development should be assessed at planning application stage, and only approved if it can be justified in design terms – noting that density is just one characteristic of a development and should not be considered in isolation from other issues such as design quality, residential amenity and impacts on the surrounding environment.

Part D identifies the measures of density that should be submitted with an application. However, these are not appropriate for mixed-use developments.

We consider that Part E is too prescriptive. These measures will vary greatly from site to site and without a guide as to what is appropriate in each urban context, there is significant potential for such measurement approaches to unduly constrain or shape development.

**RECOMMENDATION:** Delete the requirement to submit a Management Plan from Part C. Amend Part D to identify how these requirements relate to mixed-use development. Delete Part E.

### *Paragraph 3.7.12 – Meanwhile uses*

Whilst we support meanwhile uses, we do not consider that they are always appropriate or possible, and we would discourage a move towards seeking to impose tighter controls on them as this could have the opposite effect of the draft policy's intention. Part of their attraction is their ease and temporary nature, and there is a likelihood that landowners will be discouraged from doing them if requirements are then imposed on them in terms of their longevity and other 'obligations', as specified at paragraph 3.7.12. Meanwhile uses are only appropriate in limited situations. Often, particularly on constrained sites, land is required for logistics to deliver the permanent development, and the introduction of meanwhile uses could serve to disrupt or delay delivery.

**RECOMMENDATION:** Delete the requirement to establish parameters for meanwhile uses at the outset.

## **Chapter 4 – Housing**

### *Policy H1 – Increasing housing supply*

We support the aspiration to increase housing supply, and in particular to optimize the potential for housing on suitable and available brownfield sites.

### *Policy H6 – Threshold approach to applications*

We do not consider it appropriate for the threshold to be capable of amendment using supplementary planning guidance, given that it is such a fundamental development plan policy. However, whichever route is used to assess whether the level should increase, it should also consider the impact that 35% has had on starts and equally consider whether it should be reduced.

The supporting text to Policy H6, at paragraph 4.6.13, recognises that a different affordable housing



threshold approach may be appropriate for Opportunity Areas. OOPL considers this to be essential given the very challenging nature of most Opportunity Areas and the priority to be afforded to the funding of infrastructure necessary to enable development to come forward. However, the approach taken by paragraph 4.6.13, as currently drafted, only envisages the potential for targets higher than 35% (or 50% in respect of public land). OOPL questions the logic of this. For Opportunity Areas there ought to be the ability for a bespoke threshold to be set that responds to the specific viability considerations of individual Opportunity Areas, where this can be appropriately and robustly evidenced. For some Opportunity Areas, significant funding from development may be necessary in order to unlock and deliver required infrastructure improvements – especially in respect of transport infrastructure.

The Old Oak OA is a good example of where there is a requirement for significant investment in new and improved transport and social infrastructure in order to meet or exceed the number of new homes and jobs envisaged by the Draft London Plan, and in order to deliver the quality of placemaking that the Plan requires. Development will play a critical role in realising necessary funds for this infrastructure to be delivered. The need and priority for affordable housing is wholly appreciated and supported, but clearly, there are also other priorities that must to be balanced with this. An ability for the threshold affordable housing level to be ‘flexed’ accordingly, to respond to such a balance, is considered important and necessary for the effectiveness of the Draft London Plan.

**RECOMMENDATION:** We request the following amendments to this policy:

- Amend Part B to recognize lower threshold levels in Opportunity Areas where these have been set through the Development Plan process, and to delete the reference to the 35% level being increased through Supplementary Planning Guidance; and
- Amend 4.6.13 to recognize that OA levels could be less than 35%.

#### *Policy H12 – Housing size mix*

We support part C of the policy, which states that boroughs should not set prescriptive dwelling size mix requirements for market and intermediate homes.

## **Chapter 6 – Economy**

#### *Policy E1 – Offices*

We support the promotion and development of London’s office stock, in particular where it creates or reinforces a unique agglomeration or dynamic cluster of economic activity. We also support a flexible approach to lower cost and affordable workspace, being a matter to be taken into account and applied where appropriate rather than all office development being required to provide such floorspace.

#### *Policy E3 – Affordable workspace*

As noted above for policy E1, we do not consider that all sites, locations or buildings are necessarily appropriate for affordable workspace, and this type of accommodation should not be prioritized at the expense or compromise of other types of office accommodation.



## Chapter 10 – Transport

### *Policy T9 – Funding transport infrastructure through planning*

Part A indicates that the Mayor will charge the Mayoral Community Infrastructure Levy (MCIL) to secure funding towards transport infrastructure of strategic importance such as Crossrail 2, ‘and potentially other strategic transport infrastructure’. Part B then goes on to encourage boroughs to identify a package of other strategically-important transport infrastructure, in consultation with the Mayor, including other funding streams to deliver them.

We welcome the intention of this policy, and the acknowledgement at paragraph 10.9.3 that there are other transport infrastructure and improvements to the public realm besides Crossrail 1 and 2 that will be necessary to support London’s growth. However, we do not consider that the intention of this policy and its supporting text is currently being reflected in the MCIL charging schedule, or the draft MCIL2 charging schedule which is due to come into effect in April 2019. The Old Oak OA is one example where significant investment in infrastructure is required in order to deliver the ambitious targets for new homes and jobs identified by the Draft London Plan. Alternative funding sources are being explored, but if the Plan genuinely hopes to achieve delivery of scale in OAs, such as Old Oak, it must consider the impact of MCIL on these development sites, and ensure that development there can fund delivery of the necessary infrastructure alongside other strategic priorities.

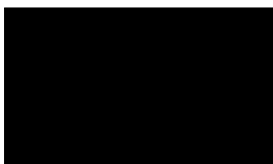
As such, rather than recommend a change to the policy, we simply encourage effective implementation of its content, and as a result encourage greater flexibility in the use of MCIL and MCIL2 to fund strategic infrastructure other than Crossrail 1 and 2.

### **Summary**

We appreciate and support the ambition and vision of the Draft London Plan, and applaud many of its big ideas for our city. In particular, we support the Plan’s promotion of the Old Oak OA to deliver new homes and jobs for London, but would encourage greater recognition of the significant challenges involved in the delivery of OAs given the need for new and improved infrastructure alongside other strategic objectives.

We respectfully request that our comments are taken into consideration. Should you require any further information, please contact Jonathan Smith of this office

Yours sincerely,



**DP9 Limited**

**Encs.**