

BY EMAIL & POST

Sadiq Khan (Mayor of London)
New London Plan
GLA City Hall
London Plan Team
Post Point 18
Freepost RTJC-XBZZ-GJKZ
London
SE1 2AA

Email: LondonPlan@london.gov.uk

28555/A3
2nd March 2018

Dear Mayor,

NEW DRAFT LONDON PLAN

REPRESENTATIONS ON BEHALF OF SILVERTOWN HOMES LIMITED

On behalf of Silvertown Homes Limited we hereby submit representations on the New Draft London Plan.

We will also be writing to you separately in respect of representations prepared on behalf of other individual clients and as a Planning and Design Practice working within Greater London.

Key Points

We welcome the draft London Plan's objectives to pursue '*Good Growth*', '*build a city that works for all Londoners*' and address London's '*housing crisis*'¹.

Addressing the latter requires a tightly honed Plan but it also requires bold decisions to be made on land use. For the Plan to be effective and meet all the requirements set out under paragraph 182 of the NPPF our analysis indicates that the Plan's policies must be revisited to encourage and expedite delivery but also that new sources of housing supply must be located and that this will involve land and land uses that the current draft seeks to protect. The Plan must allow flexibility on the implementation of policy to respond to changing circumstances in the future. These matters are addressed below.

The scale of activity (especially the '*step change*' in housing delivery) that the draft London Plan seeks to deliver is going to mean much change across London. This may feel unfamiliar to some local

¹ This can be defined by current annual rates of housing delivery addressing less than half of identified need. Recent years have seen average net delivery of 31,125 homes. The draft London Plan identifies need for roughly 66,000 homes per annum. Different approaches outlined by the government and HBF suggest the level of need is higher still.

communities. It is crucial that the London Plan is clear to Londoners about why such schemes are coming forward and should be granted planning permission.

In this context, the purpose of these representations is to set out how we consider the draft London Plan can be made more effective and expedite delivery (particularly the delivery of new homes). This involves setting a policy context which encourages development. It also involves decision-makers delivering Good Growth more efficiently.

In addressing the above these representations focus first on overarching strategic representations and then turn in Appendix 1 to 4 to detailed representations.

These representations are informed by the following appendices:

- Appendix 1 – Detailed Representations
- Appendix 2 – Addressing the Housing Crisis
- Appendix 3 – Delivering Affordable Housing
- Appendix 4 – Defining Character

Producing an Effective Plan

Strategic Policy

The draft London Plan recognises that *'the legislation stipulates the London Plan should only deal with things of strategic importance to Greater London'* (paragraph 0.04). The NPPF seeks plans to be *'positively prepared'*. The Plan should accordingly focus on strategic matters and setting a policy context which encourages development.

The draft London Plan expresses concern with how this strategic function has been interpreted with previous versions of the Plan which *'read as sweeping statements of ambition rather than concrete plans for action'* (page 16). It advises that *'this document places a specific focus on tangible policies and planning issues'* (page 16). Outcomes of this approach include policies addressing tangible matters such as basement development (Policy D9) or the provision of public toilets (Policy S6). The concern is that such additional policy could delay the delivery of development or discourage it coming forwards.

The focus of the next draft of the London Plan should be on matters that are unequivocally of *'strategic importance to London'*, such as addressing the *'housing crisis'*. This focus will enhance its effectiveness and its contribution towards positively encouraging development and helping decisions to be made more efficiently.

Deviating from National Planning Policy

The London Plan is explicit that *'on some occasions, the Plan deviates from existing national policy and guidance; this is mainly where the Plan is delivering on a specific Mayoral commitment and reflects the particular circumstances of London'* (paragraph 0.0.20).

If the London Plan is to adopt this approach, then it must be explicit where such deviations exist and justify these through evidence. For example, the draft London Plan's policy approach towards heritage assets deviates from national planning policy through language that either does or can be interpreted as setting a higher bar than the NPPF. It is not clear whether the Mayor acknowledges this.

As the Mayor is aware, for the London Plan to be found sound at examination it must be *'consistent with national policy'*. Deviations therefore risk the London Plan being found unsound and rejected at

examination. Moreover, deviations such as that cited above risk delaying the delivery of development or discouraging it coming forwards.

Explaining the intentions of Policy

The adopted London Plan distinguishes across its policies between '*Strategic*' policy and policy which relates to '*Planning decisions*' (it also refers to '*LDF preparation*').

These distinctions do not appear in the draft London Plan. This aspect of the draft Plan should be retained. It helps to clarify where the plan does and does not refer to decision-making.

Encouraging Development

The Mayor of London and the public sector more generally can play a significant and direct role in delivering new development, including new homes.

However, the '*step change*' in delivery sought by the draft London Plan depends also on delivery from the private and not for profit sectors. It requires landowners to release land for development and (in most instances) developers (including registered housing providers) to pursue schemes. The London Plan cannot compel landowners or developers to pursue development.

A focus for the London Plan must therefore be encouraging development to come forwards, reducing the burdens and barriers to development and encouraging innovation. It should challenge homebuilders to build more. Simply put, the London Plan must make it more appealing for landowners in terms of risk/return to pursue development than to 'do nothing' or make less ambitious choices about how to use land.

For the London Plan this means revisiting draft policy so that it encourages landowners/developers to bring forwards schemes.

Recommendations are made throughout these representations.

Making Decisions More Efficiently

Planning policies must be clear and unambiguous if they are to help decision-makers both come to the appropriate decision and do so efficiently. The draft London Plan can be improved in this respect. An example is provided by the references across the draft London Plan to '*character*' (see Appendix 4: Defining Character) which sees this term given different meanings in different places.

Using the need to address the '*housing crisis*' as a case study, reasons why clear guidance and policy are important for decision-making include:

- Planning Officers must be able to emphasise to Planning Committees the critical need for housing delivery and that this should be the primary consideration in exercising the planning balance;
- Councillors and the Mayor must be able to point to these matters when explaining to Londoners why decisions must be made;
- Planning Inspectors and the Secretary of State must be properly informed of the weight to be afforded to housing delivery when considering planning appeals; and
- robustly setting this out (the weight to be afforded) should make planning appeals for schemes involving new housing more likely to be allowed by Planning Inspectors or the Secretary of State.

Every application approved at planning appeal has effectively seen households not housed for as long as that process lasted. It is imperative that more applications are approved and approved swiftly at the local level.

Overarching Strategic Representations

To achieve the twin objectives of i) encouraging development to come forward and ii) be granted planning permission efficiently the draft London Plan should address the following overarching points:

1. **The London Plan should provide a presumption in favour of all residential development²** – The minimum housing targets set out in the draft London Plan are not sufficient to meet housing need. The London Plan is reliant on unreliable sources of housing supply³ and current delivery rates do not provide confidence that the London Plan's targets can be achieved.

Moreover, the supply of new homes identified in the draft London Plan is reliant upon '*substantially... increasing the rate of housing delivery from small housing sites*' (paragraph 4.2.1). Whilst delivery from '*small sites*' may be a '*strategic priority*' (ibid), the referral criteria will almost always preclude the Mayor from directing the development of any new homes at such locations (or indeed many schemes smaller than 150 homes). This all requires focusing on how the detail of the Plan can be refined to deliver as many homes as feasible. The '*strategic priority*' placed on '*small sites*' cannot be at the detriment to progressing large scale sites.

Given the scale of London's housing crisis the draft London Plan must emphasise that the delivery of new homes should be afforded significant weight when determining planning applications. In this context, the presumption in favour of residential development from some (but not all) '*small sites*' should be universally extended to all sites.

A presumption is important because it will elevate this matter as a planning consideration for the decision-maker.

2. **The delivery of '*genuinely affordable*' housing should be afforded significant weight as a material consideration in favour of a planning application⁴** – There is significant identified need for affordable housing. In view of this, where planning applications deliver affordable housing (on or off-site or via a commuted payment) this should be identified as a significant consideration that weighs in favour of a planning application. The draft London Plan does not currently advise this.

A presumption is again important because it will elevate this matter as a planning consideration for the decision-maker.

In addition to the above, the London Plan should provide a concise definition of '*genuinely affordable*' that can be straightforwardly cited by all, including Officers, decision-makers and Londoners. As it stands, that '*genuinely affordable*' (a new term introduced by the Mayor of London) is not defined in a single place in the draft London Plan. This makes its meaning (and the change that the Mayor has introduced in this regard) harder to explain to Londoners.

² See commentary in Appendix 2: Addressing the Housing Crisis

³ For example, 25,000 units pa from small sites

⁴ See commentary in Appendix 2: Addressing the Housing Crisis

3. **The social, economic and environmental consequences of not meeting the housing crisis should be clearly set out in the London Plan** - The draft London Plan recognises that there is a *'housing crisis'*. However, it does not set out the implications for London and Londoners if this crisis is not addressed. This could be described as a 'Bad Growth' scenario.

The draft London Plan should contain a concise summary which can be straightforwardly understood by Londoners⁵. This explanation should be set out firstly so that it can be readily understood by Londoners and secondly so that it can be straightforwardly cited as guidance for decision-makers.

4. **The London Plan must focus on the delivery of affordable homes rather than what is secured by planning permission**⁶- National planning policy focuses on the delivery of homes (including affordable homes) rather than what is described in planning permissions. The London Plan monitoring targets should equally focus on delivery, not what planning permissions approve.

A fundamental point is that the ratio of affordable homes delivered is not always defined by a planning permission. In practice, funding (including sources of grant) can be invested post-permission so that more homes are realised than the minimum number specified by a planning permission. The planning application stage should therefore be considered as the 'without grant' scenario.

Discussions on grant at the application stage can delay the determination of planning applications and thus the delivery of homes. The draft London Plan should be revisited so that it does not seek any commitments regarding the use of grant funding to be made at the planning application stage.

5. **More support should be provided for middle earners**⁷ – Affordable housing Income thresholds should be revisited to help middle earning Londoners faced with the *'housing crisis'*. In the first instance the household income cap for access to intermediate rent should be restored to £90,000⁸.
6. **The scale of the 'housing crisis' requires the managed release of protected land for new homes**⁹ – In view of the above concerns regarding housing need, supply and delivery it is clear that the London Plan must conduct a housing delivery review to consider additional sources of supply. This review should include:

- the release of more land for new homes at appropriate industrial sites, especially where:

⁵ This summary should also be justified by evidence.

Whilst it is imperfect in this regard, the *'Draft Housing Strategy'* (September 2017) identifies consequences including *'homelessness and housing need'* and *'economic and social costs'*. A sample passage reads as follows: *'Public services that support our city are also increasingly suffering as a result of the housing crisis. More than half of London's main 'blue light' (police, fire brigade, and ambulance) emergency services' workers already live outside the capital. Forty per cent of nurses and a similar proportion of young teachers in London say they expect to leave in the next five years because of high housing costs'* (paragraph 2.19).

The Housing Strategy is imperfect because it is not sufficiently forensic about the actual and potential impacts of the housing crisis. The London Plan should be able to refer to an evidence that exhaustively addresses the social, economic and environmental effects of there being too few homes (number) but more importantly of households not being able to access accommodation which is appropriate for their needs.

⁶ See commentary in Appendix 3: Delivering Affordable Housing.

⁷ See commentary in Appendix 3: Delivering Affordable Housing.

⁸ A London underground train driver or station supervisor earns an average of £49,000 per annum. Source: <https://www.glassdoor.co.uk/Salary/London-Underground-Salaries-E36810.htm>

⁹ See commentary in Appendix 2: Addressing the Housing Crisis

- this land is set to benefit from 'step change' events such as Crossrail 2, development at Heathrow, the Bakerloo line extension and DLR extensions; and/or
- where it can be demonstrated that proposals can deliver an appropriate living environment co existing with industrial uses and will not prejudice the long-term functionality of employment uses.

The London Plan must also provide a clear explanation of:

- how the Mayor intends to update or review the minimum housing targets beyond 2028/29;
- the targets London Boroughs should refer to in preparing their own development plan documents, as these must identify housing supply beyond 2028/29; and
- the circumstances (e.g. a failure to achieve delivery targets) that will trigger an early review of the Plan – this should be based on achievement against Key Performance Indicators to be set out in Table 12.1 of the Plan.

7. **The London Plan must be clear in what 'Good Growth' will involve**¹⁰ – The imperative to optimise development potential will mean development taking place at a scale that may feel unfamiliar to some local communities. The London Plan must be clear about this for the benefit of Londoners and decision-makers.

Explaining the implications of 'Good Growth' also means providing clarity about terms used in the draft London Plan. It is particularly important that the next draft of the London Plan is clear about what is meant by 'character'. The current draft intends different meanings in different sections. This leads to a risk that decision-makers find it harder to justify a resolution to grant planning permission in circumstances where consultees assert harm to a peculiar and subjective definition of 'character'.

It is essential that the meaning of 'character' is addressed for the London Plan to encourage development and help decisions to be made more efficiently. This will almost certainly require the use of different terms across the Plan (e.g. 'physical character' or 'cultural character').

8. **The London Plan must provide more confidence to applicants where development relies on infrastructural capacity** – We support the draft London Plan's objective to use infrastructural improvements (e.g. Bakerloo line extension) to support the delivery of new development (especially homes). However, the draft London Plan must provide more confidence to applicants to pursue schemes where funding for such infrastructural improvements is not guaranteed.

In effect, the draft London Plan anticipates phased planning applications with latter phases being developable after infrastructural capacity is realised. This could involve a considerable time-lag. If the draft London Plan maintains this position, then it is critical that each phase is viable in its own terms and can take account of the possibility that infrastructure improvements may not actually happen or are significantly delayed. Given the upfront costs involved in pursuing schemes then this is very likely to mean recognising that public benefits will be disproportionately delivered in later phases.

Detailed Representations

In addition to the above overarching points, Appendix 1 (Detailed Representations) sets out detailed recommendations addressing specific points in the draft London Plan.

¹⁰ See commentary in Appendix 4: Defining Character.

Weight to be Afforded to the Draft London Plan

Annex 1 of the NPPF explains that the weight to be given to emerging policy is dependant on the stage of the preparation of the plan. In this respect, the Draft New London Plan should have minimal weight until adopted and applications should be determined in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, paragraph 216 of the National Planning Policy Framework, paragraph 019 of the National Planning Practice Guidance on Local Plans and other relevant legislation, policy and guidance.

Summary

We trust that these representations will help the Mayor refine the next draft of the London Plan.

If there is anything that Officers would like to discuss, please do not hesitate to contact us at these offices.

Yours sincerely

**BARTON WILLMORE LLP
ON BEHALF OF SILVERTOWN HOMES LIMITED**

APPENDIX 1 – DETAILED REPRESENTATIONS

DETAILED REPRESENTATIONS FOR SILVERTOWN HOMES LIMITED - NEW DRAFT LONDON PLAN

Ref	Topic	Commentary	Recommendation
Introducing the Plan			
Paragraph 0.0.2	Length of Plan	This paragraph states that the Plan <i>'sets out an integrated economic, environmental, transport and social framework for the development of London over the next 20-25 years'</i> .	<p>The London Plan should firstly be clear that it sets planning policy up to 2041 but secondly that it only includes a 10-year housing target. With respect to the latter it should be clear about:</p> <ul style="list-style-type: none"> • what the GLA will do in terms of a housing delivery review (including updating targets) beyond 2028/29; and • how the London boroughs should address housing targets in their local plans that extend beyond 2028/29.
Paragraph 0.0.4	Addressing matters of strategic importance	This paragraph acknowledges that <i>'the legislation stipulates that the London Plan should only deal with things of strategic importance to Greater London'</i> .	<p>The London Plan must undergo fundamental review for it to be compliant with legislation.</p> <p>As examples, we do not consider that 'policies addressing tangible matters such as basement development (Policy D9) or the provision of public toilets (Policy S6) can truly be described as being of <i>'strategic importance to London'</i>.</p>
Paragraph 0.0.20	Deviation from NPPF	The Draft Plan states that <i>'on some occasions, the Plan deviates from existing national policy and guidance'</i> .	If the London Plan is to adopt this approach then it must be explicit where such deviations exist and justify these through evidence.

Ref	Topic	Commentary	Recommendation
			For example, the draft London Plan's policy approach towards heritage assets deviates from national planning policy but it is not clear whether the Mayor acknowledges this.
Paragraphs 0.0.21-0.0.23	Local Plan policies	<p>The Draft Plan effectively suggests that the London Plan should be the primary planning document against which planning applications in London are determined whilst Boroughs <i>'spend time and resources on those issues that have a distinctly local dimension and on measures that will help deliver the growth London needs'</i>.</p> <p>We anticipate London's boroughs will be robustly challenging the interpretation of the relevant planning legislation and guidance on which this position rests.</p>	If the London Plan is to maintain this position then this must be justified.
Chapter 1: Planning London's Future			
Paragraph 1.4.3	Standardised methodology for calculating the objectively assessment of housing need	<p>We agree that the Mayor should be responsible for carrying out the objective assessment of need (OAN) for London as a whole, rather than the 35 LPAs.</p> <p>However, the GLA should calculate its housing need using the 'standardised methodology' set out in the DCLG's <i>Planning for the Right Homes in the Right Places</i> consultation, to be consistent with rest of the country.</p>	The Draft Plan should be amended so the housing need is calculated using the government's standardised methodology for calculating the objectively assessment of housing need.
Paragraph 1.2.5	Intensification in Outer London	The following statement is welcomed: <i>'All options for using the city's land more effectively will need to be explored as London's growth continues, including the redevelopment of brownfield sites and the intensification of existing places, including in outer London.'</i>	This principle should be directly stated in Policy within the Plan. Whilst this has featured heavily in discussion around the Plan it is not as firmly emphasised in the actual Plan.

Ref	Topic	Commentary	Recommendation
Policy GG2	Proactively explore the potential to intensify the use of land	The principle of this is welcomed.	This principle should be emphasised across the London Plan.
Policy GG4	Presumption in favour of all residential development	In view of the recognised housing crisis in London, this policy should make it clear that there is a presumption in favour of delivering all newly proposed residential homes, including small sites and unallocated brownfield land.	Amend policy to include an additional sub-section referencing that there is a presumption in favour of delivering residential or residentially led mixed use development.
Policy GG5	Employment mixed with residential	<p>Part C of the policy seeks to ensure that London should plan for sufficient employment and industrial space in the right locations to support economic development and regeneration.</p> <p>We suggest this part of the policy should acknowledge that innovative opportunities should be considered to allow the delivery of these employment / industrial facilities with residential development, if it can be demonstrated that these proposals can deliver an appropriate living environment and will not prejudice the long-term functionality of the employment / industrial uses.</p>	Amend part C of the policy as follows: Plan for sufficient employment and industrial space in the right locations to support economic development and regeneration, <u>in tandem</u> with new homes where proposals can demonstrate an appropriate living environment and will not prejudice the long-term functionality of the employment land.
Chapter 2: Spatial Development Pattern			
Policy SD1	Larger areas and character and density	We support the statement that Boroughs should <i>'recognise that larger areas can define their own character and density'</i> .	This principle should be carried across the Plan's policies. Character should be explicitly defined as <i>'physical character'</i> .
Policy SD4	CAZ	Part K of this policy states that <i>'The attractions of predominantly residential neighbourhoods, where more local uses predominate, should be conserved'</i> . Paragraph 2.4.17 states <i>'The quality and character of the CAZ's predominantly residential neighbourhoods should be conserved and enhanced.'</i>	<p>Part K of this policy and the supporting text should be redrafted.</p> <p>From a strategic perspective it is crucial that within the CAZ strategic policy objectives including the economic, social and environmental case for the optimisation of land for all uses (residential and non-residential) is given appropriate weight</p>

Ref	Topic	Commentary	Recommendation
		<p><i>'Conserve'</i> is not the appropriate word to use in this context. Its meaning in planning terms relates to heritage assets and not to land use or sense of place more generally.</p>	<p>when this is to be balanced against the <i>'quality and character'</i> of residential neighbourhoods.</p> <p>The term <i>'character'</i> must also be explicitly defined in this context.</p>
Policy SD6	Higher density residential at the edge of town centres	<p>We strongly support the statement that <i>'The potential for new housing within and on the edges of town centres should be realised through higher-density mixed-use or residential development, capitalising on the availability of services within walking and cycling distance, and their current and future accessibility by public Transport'</i>.</p>	<p>The success in pursuing this policy objective is likely to be significant to housing delivery. It should accordingly be set out across the Plan, including the Chapters on Design and Housing.</p>
Policy SD8	Sequential approach	<p>Part B of the policy refers to <i>'firmly resisting'</i> out of centre development. The NPPF only seeks compliance with the sequential test.</p> <p>We suggest a different approach should be taken when determining when the sequential test is referred to across London. A site's suitability for development for town centre uses will often be dictated by its accessibility by sustainable modes of transport rather than whether or not it happens to be located in a designated town centre.</p> <p>Most visitors to offices are staff who make the same journey regularly and can be encouraged towards the use of sustainable methods of transport. It will almost always be the case at sites with a PTAL rating of 4 or higher that travelling by more sustainable modes of transport should exert more appeal than private motorised vehicles. Car parking provision will influence behaviour.</p> <p>As Policy E10 also acknowledges, appropriate locations for hotels include town centres but also <i>'within Opportunity Areas</i></p>	<p>Where the London Plan describes the sequential test it must accord with the NPPF.</p> <p>To achieve strategic targets the draft London Plan should consider applying the same approach to town centre uses as RBKC use for office uses.</p> <p>We also recommend that the same clarification regarding Opportunity Areas with respect to hotels is carried across for all town centre uses.</p>

Ref	Topic	Commentary	Recommendation
		<i>where they are well-connected by public transport, particularly to central London.</i>	
Chapter 3: Design			
Whole chapter	Prescriptive nature of policies	The draft London Plan is prescriptive in terms of design and how to approach design matters at the application stage. In many respects what is set out in policy represents opinion on best practice.	The draft London Plan should undergo significant review to ensure it is the strategic planning document sought by legislation.
Various policies and paragraphs (identified alongside)	Physical character	<p>No relevant definition of 'character' is provided in the draft London Plan.</p> <p>Policy D1 states inter alia that:</p> <p><i>'B Development design should: 1) respond to local context by delivering buildings and spaces that are positioned and of a scale, appearance and shape that responds successfully to the identity and character of the locality, including to existing and emerging street hierarchy, building types, forms and proportions'.</i></p> <p>As supporting paragraph 3.11 makes clear, the intended meaning here is <i>'physical character'</i>.</p> <p>However, Policy D2 when addressing plan-making states that this should be informed by an evaluation of <i>'historical evolution and heritage assets (including an assessment of their significance and contribution to local character)'</i>. Supporting paragraph 3.2.2 then implies character includes <i>'social, cultural, physical and environmental influences'</i>.</p> <p>It must be clear that Policy D1 does not address the <i>'cultural, social, economic, perceptions and experience'</i> meanings of</p>	<p>All relevant instances should explicitly define <i>'character'</i> as <i>'physical character'</i>. The imperative to optimise development potential means there should be no ambiguity on this.</p> <p>This includes:</p> <ul style="list-style-type: none"> • Policy SD1 Opportunity Areas • Policy SD6 Town Centres • Policy SD8 Town centres: development principles and Development Plan Documents • Policy D1 London's form and characteristics • Paragraph 3.6.9 • Paragraph 3.7.3 • Policy D8 Tall buildings • Policy H2 Small sites • Paragraph 7.1.6

Ref	Topic	Commentary	Recommendation
		character. Good planning means that architectural and urban design responses should, whilst responding to heritage considerations, focus on the future for a locality and for Londoners. Good planning should not be directed by the cultural, social or economic characteristics of a place (or the perceptions and experience of it) at a particular moment in time.	<ul style="list-style-type: none"> Glossary definition of Strategic Views and paragraph 7.3.1
Policy D1	Encouraging higher densities	<p>The ability to deliver higher densities successfully rests with the local planning authorities and its Councillors. As per the above, the Mayor of London needs to be clear to local planning authorities and its Councillors that this is highly likely to result in a change in the physical character of some highly accessible town centres in the Outer Boroughs, which may not be received with a positive response.</p> <p>Building on points made above, Part B 1) of Policy D1, which requires Development Design to respond to local context and to the scale, identity and character of the locality, is written in a manner that could be used to suppress increased density and scale.</p>	<p>We therefore suggest that the actual wording of the policy should make it clear that opportunities to intensify the scale and density of development in high PTAL areas, in opportunity areas and in town centres should be actively encouraged, rather than relying on a general statement with no context, as set out in paragraph 3.1.1 which explains that <i>'efficient use of land requires optimisation of density'</i>.</p> <p>We also recommend the Mayor of London produces a design guide that provides information on how these higher-density schemes can be delivered, using established precedents, to encourage LPA and developers to approach schemes with more confidence.</p>
Policy D1	Consistency across Plan	Policy D1 states that <i>'development design should... aim for high sustainability standards'</i> .	This statement should be removed as the relevant planning policy expectations are set out elsewhere across the Plan.
Policy D1	Utilising heritage assets	Policy D1 states that <i>'respect, enhance and utilise the heritage assets and architectural features that make up the local character'</i> .	The London Plan must define <i>'utilise'</i> . If the intended meaning is to make use of existing buildings where appropriate then this should be explicitly expressed.
Policy D2 & Paragraph 3.2.3	Building heights	Under Part A 3) of this policy LPAs are encouraged to undertake a borough wider assessment of appropriate building heights and densities for an area, which will then be used to identify the growth capacity of an area and be cited for planning applications. This broad-brushed approach is inconsistent with the discretionary planning system that operates in England and	We suggest that paragraph 3.2.3 acknowledges that any broad assessments undertaken by LPAs are indicative and that the design of schemes should be 'design-led' (as set out in Policy D6). Development should not be artificially constrained by onerous height or density restrictions where a clear design rationale can be demonstrated.

Ref	Topic	Commentary	Recommendation
		<p>which requires each application to be considered on its own merits.</p> <p>The approach suggested could lead to policies and guidance artificially constraining the full development potential of sites. The true test of development capacity should be properly tested at the planning application stage.</p>	
Policy D2	Design reviews	<p>The draft London Plan does not provide guidance on the circumstances when schemes should go before Design Review Panels.</p> <p>The draft London Plan presumes that design review will always be a positive process. However, development proposals emerge from extensive work by the applicant's team and interaction with the local planning authority, Greater London Authority (where referable) and other stakeholders.</p> <p>By comparison, design reviews will typically spend only hours appraising a scheme. Panellists may not be as well informed as they might about the relevant opportunities and constraints. Experience indicates that the views of panels can be afforded too much weight. Moreover, the panel's view will not always be correct. All planning consultants will have worked on schemes where both Planning Officers and the applicant have firmly disagreed with a panel.</p>	<p>The draft London Plan should be redrafted to provide clarity on the circumstances when schemes should go before Design Review Panels. There is a risk otherwise that schemes encounter unnecessary delay and additional cost through disproportionate use of the Design Review process. Local Boroughs are well-equipped to exercise discretion on this point.</p> <p>It is essential that Part G of Policy D2 revisits the statement '<i>schemes show how they have considered and addressed the design review recommendations</i>' to read: '<i>schemes show how they have considered the design review recommendations and where an applicant disagrees with advice provided they should provide justification for their own response</i>'.</p> <p>The supporting text to Policy D2 should emphasise that design review is a process of critically appraising a scheme and the design justification for it. It should make clear that the purpose of the design review process is to help better outcomes emerge but that it is not intended to dictate the design of a scheme.</p>
Policy D2	Maintaining design quality	<p>The policy seeks <i>inter alia</i>:</p> <p><i>'3) avoiding deferring the assessment of the design quality of large elements of a development to the consideration of a planning condition or referred matter</i></p>	<p>Point 3 should be removed. The London Plan should recognise that such an approach will not be appropriate for phased developments and outline planning permissions. This can be adequately addressed via Reserved Matters and planning conditions.</p>

Ref	Topic	Commentary	Recommendation
		<p><i>4) local planning authorities using architect retention clauses in legal agreements where appropriate'</i></p>	<p>Point 4 should be removed. This creates a ransom situation for a developer as an architect is not competing in the open market for work. There are equally no grounds to believe that standards will be higher, given an architect will be under no particular pressure to perform to the very highest of their abilities. More detailed design matters should continue to undergo assessment by decision-makers.</p>
Policy D2	Design analysis and visualisation	<p>Part C of this policy states that <i>'where appropriate, visual, environmental and movement modelling/assessments should be undertaken to analyse potential design options for an area, site or development proposal'</i>.</p> <p>Situations where this will be <i>'appropriate'</i> are not defined.</p>	<p>If this approach forms is advocated by the Plan it is essential that it applies to only larger strategic schemes and that the draft London Plan provides explicit guidance on a suitable threshold.</p> <p>Otherwise producing such models may involve considerable and disproportionate expense for applicants. This could be a further barrier to the delivery of development, particularly for smaller sites.</p>
Policy D4	Space standards	<p>Policy D4 effectively imposes minimum home standards for Class C3 homes under Table 3.1. This maintains the Mayor's current approach.</p> <p>Taken together with other standards, the purpose of the minimum space standards is to ensure new homes provide Londoners with adequate accommodation. We support this objective.</p> <p>The adopted London Plan however states at Part D of Policy 3.5 Housing Quality and Design of Housing Developments that <i>'development proposals which compromise the delivery of elements of this policy, may be permitted if they are demonstrably of exemplary design and contribute to achievement of other objectives of this Plan'</i>.</p>	<p>We recognise the extent of work invested in the Mayor of London's evidence base on space standards.</p> <p>We suggest that the standards themselves should be revisited to allow for smaller units.</p>

Ref	Topic	Commentary	Recommendation
		<p>The draft London Plan does not allow for this flexibility. In many instances there will though continue to be a case for homebuilders pursuing exemplary designs for homes which do not meet the minimum standards. In such circumstances exemplary design may help to reduce the cost of market housing for Londoners. It may also help to optimise the ability of such sites to provide <i>'genuinely affordable'</i> homes.</p> <p>Individual development sites also often pose design challenges. An optimised plan layout may result in space that does not for example meet the standard for a studio home. However, when averaged out as a whole the same building may achieve and exceed standards.</p>	
Policy D4 and Paragraph 3.4.5	Single aspect units	<p>We strongly object to the suggestion at Part E in Policy D4 that single aspect units should normally be avoided. The preceding statement under Policy D4 more than adequately addresses this point: <i>'Residential development should maximise the provision of dual aspect dwellings'</i>.</p> <p>The first two sentences under Paragraph 3.4.5 are even more onerous and should be deleted.</p> <p>Experience confirms that single aspect units can be designed to be high-quality accommodation if they meet the standards set out in the Mayor's Housing SPG. Including a proportion of single aspect homes in a development ensures that the overall capacity of a site to accommodate new homes can be optimised.</p> <p>The profound potential consequences of the suggested policy approach are a reduction in the number of homes being delivered, which is contrary to the general thrust of the objectives of the draft London Plan.</p>	The Mayor should amend Policy D4 and Paragraph 3.4.5 as outlined.

Ref	Topic	Commentary	Recommendation
Policy D4	Daylight and sunlight	<p>Policy D4 states that <i>'The design of development should provide sufficient daylight and sunlight to new housing that is appropriate for its context, whilst avoiding overheating, minimising overshadowing and maximising the usability of outside amenity space.'</i></p>	<p>The draft London Plan does not cite BRE guidance. This is welcomed, given the extent to which that document is arbitrarily applied.</p> <p>The draft London Plan should however be explicit on this point.</p>
Policy D5	Accessible housing	<p>Policy D5 does not advise on unit mix across tenures or on the location of accessible homes.</p>	<p>The London Plan should be clear that the decision-maker enjoys flexibility to tailor the mix of accessible units to the circumstances.</p>
Policy D6	Density matrix	<p>Table 3.2 of the adopted London Plan provides a matrix which indicates density ranges. In practice roughly half of schemes have exceeded these ranges. This though is consistent with England's discretionary planning system which does not produce code-based decisions but pursues planning objectives on a case-by-case basis.</p> <p>The adopted London Plan is clear on this when it states as follows:</p> <p><i>'It is not appropriate to apply Table 3.2 mechanistically. Its density ranges for particular types of location are broad, enabling account to be taken of other factors relevant to optimising potential – local context, design and transport capacity are particularly important, as well as social infrastructure (Policy 3.16), open space (Policy 7.17) and play (Policy 3.6).'</i> (paragraph 3.28)</p> <p>In contrast, Policy D6 provides no numerical guidance on appropriate density ranges. Without a minimum to refer to it will become more difficult to explain to Londoners the site-specific factors leading to proposed densities.</p>	<p>The 'density matrix' has provided a useful baseline. It should be retained but revised to reflect the density levels required in order to meet housing need, especially at more suburban locations.</p> <p>This exercise should recognise that roughly half of referable schemes have typically exceeded the current matrix. It should draw from case studies in situ.</p> <p>The supporting text should again make clear that the matrix provides guidance only and that appropriate decisions regarding density should be made on a case-by-case basis.</p> <p>Failure to provide guidance on this matter seems likely to lead to sub-optimal outcomes and/or delayed decision-making.</p>

Ref	Topic	Commentary	Recommendation
Paragraph 3.6.6	Use of masterplans and strategic frameworks in relation to density	This paragraph does not directly refer to this but is set out in the supporting text to Policy D6.	<p>The London Plan must be clear that planning documents and especially supplementary planning guidance must not prescribe densities.</p> <p>Any such approach would be inconsistent with England's discretionary planning system and seems likely to deliver sub-optimal outcomes.</p>
Policy D7	Street furniture	Part I of Policy D7 states that <i>'Applications which seek to introduce unnecessary street furniture should normally be refused.'</i>	This is a disproportionate detailed statement and should be removed.
Policy D8, Part B	Height restrictions	We object to the indication that LPAs should provide indicative height restrictions across their Boroughs. This should be a 'design-led' process based on individual site circumstances (as indicated in Policy D6), not artificially constrained by onerous height or density restrictions if a clear design rationale can be produced.	This part of the policy should be deleted.
Policy D8	Tall buildings and heritage	Policy D8 includes the statement that <i>'Proposals should take account of, and avoid harm to, the significance of London's heritage assets and their settings. Proposals resulting in harm will require clear and convincing justification, demonstrating that alternatives have been explored and there are clear public benefits that outweigh that harm. The buildings should positively contribute to the character of the area.'</i>	<p>This statement is superfluous as planning policy on heritage matters is provided elsewhere. It should be cross-referenced.</p> <p>Moreover, that heritage policy should be consistent with the NPPF. There is no requirement for development to <i>'positively contribute'</i>. This statement is inconsistent with the NPPF and should be removed.</p>
Policy D8	Tall buildings and public access	Policy D8 states that <i>'Publicly-accessible areas should be incorporated into tall buildings where appropriate, particularly more prominent tall buildings.'</i>	This statement should be removed. Publicly-accessible areas will not be appropriate for the majority of tall buildings given their use, their dimensions or scheme viability. This would include for example inflated or separated lobbies, expanded cores and an overall reduction in floorspace.

Ref	Topic	Commentary	Recommendation
			In practice, the provision of publicly-accessible areas may only be desirable for the very tallest buildings.
Policy D11	Fire safety	<p>Fire safety matters are addressed via Building Regulations. Building Regulations are reviewed and updated separately from the planning process.</p> <p>Policy D11 is counterproductive on this basis. The detailed information sought at the planning application stage will often evolve through the detailed design and construction process. Moreover, Building Regulations may change during this period making an originally submitted and agreed Fire Statement redundant.</p> <p>Any applicant pursuing a scheme that it turns out not to be able to satisfy Building Regulations in this respect has done so at their own risk.</p>	<p>Fire safety matters should continue to be addressed by Building Regulations and not at the planning application stage. Policy D11 should be deleted.</p> <p>Policy D3 will continue to refer to fire evacuation lifts.</p>
Chapter 4: Housing			
Policy H1	Presumption in favour of all residential development	Policy H2 Small sites states that <i>'To deliver the small sites targets in Table 4.2, boroughs should apply a presumption in favour...'</i>	As a fundamental point, given the concerns we have identified in our note <i>'Addressing the Housing Crisis'</i> policy H1 should state that: <i>'To deliver the 10 year targets for net housing completions in Table 4.1, boroughs should apply a presumption in favour...'</i>
Policy H1	Mixed-use redevelopment at low-density sites	The draft Plan supports redevelopment at low-density sites including car parks and retail parks.	This is welcomed given the self-evident capacity of such sites to support housing delivery.
Table 4.1	Housing targets	The GLA should calculate its housing need using "standardised methodology", as set out in the DCLG's <i>Planning for the Right Homes in the Right Places</i> consultation, to be consistent with rest of the country. We agree with the Home Builders	The Mayor should revisit these figures in line with the government's standardised methodology for calculating Objectively Obsessed Housing Need.

Ref	Topic	Commentary	Recommendation
		<p>Federation's (HBF's) view that the OAN for London should be an uncapped requirement of approximately 95,000 dpa based on the Government's proposed standard method and then rounded down to 92,000 dpa for the purposes of plan-making.</p> <p>Overall, for the period 2019 to 2028 the SHLAA has assessed that 400,643 homes can be provided on large sites (paragraph 5.1 of the SHLAA) or roughly about 40,000 a year. These are made up from four broad sources of expected supply: Approvals; Allocations; Potential sites; and Low probability sites. Given their 'low probability' as deliverable residential sites, we are concerned that these sites may not be delivered and should, therefore, be discounted from the assessment.</p>	<p>The figures used from the SHLAA should discount sites with a 'low probability' of delivery.</p> <p>The Mayor of London should revisit these figures to ensure they represent the minimum that each local planning authority can deliver.</p> <p>For example, the figure provided for Kensington and Chelsea is 488 homes when that Council's own Monitoring Report from January 2018 outlines how that Council considers it can achieve 710 homes per annum.</p>
Policy H2	Presumption in favour of small sites	The current draft London Plan presumption in favour applies in some but not all instances.	The presumption in favour should all apply to all 'small site' schemes. No rationale for differentiating between locations is provided in the support text. The presumption in favour does not in any case specify details such as scheme massing or density.
Policy H3	Counting delivery from student housing or shared living schemes	The current draft London Plan policy states <i>'Net non-self-contained accommodation for students and shared living schemes should count towards meeting housing targets on the basis of a 3:1 ratio, with three bedrooms being counted as a single home.'</i>	<p>Such development is currently counted on a 1:1 basis (i.e. each student room is equivalent to a Class C3 1 bed - 1 person (1b1p) studio home).</p> <p>There is a logic to the current approach in that in practice each person occupying their own space is in essence a household. If they wanted to live together with a partner, family members or others then they could.</p> <p>The perverse outcome of the approach outlined in the draft London Plan is that monitoring reports would effectively be undercounting delivery for alternative forms of accommodation. This is especially peculiar given 1b1p studios will still be counted on a 1:1 basis when the number of people actually being housed is identical.</p>

Ref	Topic	Commentary	Recommendation
			<p>The current approach should be maintained and such accommodation counted on a 1:1 basis.</p>
Policy H5	Expectation for grant	<p>Policy H5 currently identifies a specific measure to achieve the strategic target for the delivery of 50% affordable housing as:</p> <p><i>'2) using grant to increase affordable housing delivery beyond the level that would otherwise be provided'</i></p>	<p>This clause should be removed. Applications for planning permission should be determined based on their ability to provide affordable housing, without reference to grant funding. Firstly, introducing this into the decision-making process is in conflict with planning law and policy and secondly it introduces unnecessary delays to decisions being made.</p> <p>There is no reason why additional funding cannot be introduced into a scheme post-permission and so raise the level of affordable housing provided on site beyond what was stipulated in the decision itself.</p> <p>In practice, the London Plan monitors actual delivery of affordable housing rather than planning permissions granted. As such, the emphasis should be on expediting delivery and not on the availability or otherwise of grant funding.</p>
Policy H5	Differentiating between applicants	<p>Policy H5 currently identifies the following specific measures to achieve the strategic target for the delivery of 50% affordable housing as:</p> <p><i>'3) affordable housing providers with agreements with the Mayor delivering at least 50 per cent affordable housing across their portfolio... 5) strategic partners with agreements with the Mayor aiming to deliver at least 60 per cent affordable housing across their portfolio'</i></p>	<p>Planning law does not support any approach in which different standards are applied for different applicants.</p> <p>Development plan policy must be revisited so that Registered Providers compete on a level playing field with other homebuilders.</p>
Policy H5	Delivery at public sector land	<p><i>'4) public sector land delivering at least 50 per cent affordable housing across its portfolio'</i></p>	<p>It is unclear what <i>'its portfolio'</i> refers to. Again, planning law does not support any approach in which different standards are applied for different applicants.</p>

Ref	Topic	Commentary	Recommendation
			<p>This approach must also be considered in terms of the legal requirement of public bodies to achieve <i>'best value'</i>.</p>
Policy H6	Seeking grant	<p>Part C 4) of this policy states that to <i>'follow the Fast Track Route of the threshold approach, applications must meet all the following criteria... demonstrate that they have taken account of the strategic 50 per cent target in Policy H5 Delivering affordable housing and have sought grant where required to increase the level of affordable housing beyond 35 per cent'</i>.</p>	<p>For the same reasons set out above, this clause should be removed. Applications for planning permission should be determined based on their ability to provide affordable housing, without reference to grant funding.</p>
Policy H6	Delivery of affordable homes at industrial sites	<p>The draft policy currently seeks 50% affordable housing at (most) industrial sites.</p> <p>However other policies in the plan present other challenges to delivering viable schemes at such sites (including a methodology which will nearly always or always seek an uplift in Class B2 and/or B8 floorspace.</p> <p>In practice such developments will generally be subsidised by the market housing provided. As such seeking 50% affordable housing from such developments will disincentivise if not preclude such development being brought forward.</p>	<p>In view of the overall objectives set out across the draft London Plan the threshold land of affordable housing should be the standard threshold applied (currently 35%).</p> <p>If industrial floorspace is still being delivered or re-provided on site then there is no justification for 50% as the land won't be lost for SIL.</p>
Paragraph 4.6.11	Alternatives to Existing Use Value Plus (EUV+)	<p><i>'The EUV+ approach is usually the most appropriate approach for planning purposes... and in most circumstances the Mayor will expect this approach to be used. An alternative approach should only be considered in exceptional circumstances which must be robustly justified by the applicant and/or the borough in line with the Mayor's SPG.'</i></p>	<p>This statement is unrealistic. It is very often the case that development for an alternative land use to housing (for example offices) would also be supported in principle. In such instances an applicant will simply not pursue a residential scheme if it does not achieve an equivalent financial outcome. Such an instance would not be 'exceptional'.</p> <p>The draft London Plan must be revisited to recognise that reference to an alternative use value is entirely appropriate. Not</p>

Ref	Topic	Commentary	Recommendation
			recognising this could mean protracted discussions and a delay to the delivery of new homes.
Policy H12	Reducing housing pressure and freeing up family housing	The recognition that new development and the delivery in particular of one and two bed homes assists with this is welcomed.	The Plan should cross-refer to these principles in Policy H13 Build to Rent and Policy H18 Large-scale purpose-built shared living. These are fundamental aspects of the wider public benefits that such developments will provide.
Policy H12	Homes at more central or urban locations	<i>"applicants and decision-makers should have regard to... the nature and location of the site, with a higher proportion of one and two bed units generally more appropriate in more central or urban locations"</i>	This is welcomed but it is crucial that the London Plan provides a definition of 'central' and 'urban'.
Policy H12	Mix of market and affordable homes	<i>'Boroughs should not set prescriptive dwelling size mix requirements (in terms of number of bedrooms) for market and intermediate homes.'</i>	This is welcomed.
Paragraph 4.12.5	Smaller unit sizes	It is encouraging to see that the Mayor recognises that one-bedroom units play a very important role in meeting housing need. However, this paragraph appears to omit any recognition of the demand for "smaller" or "shared Living" units which are smaller than the minimum space standards contained with Table 3.1. These units are attractive to professionals and key workers that want to be independent but cannot afford to rent a larger one-bed flat (37 to 50 sqm). Whilst these self-contained units are smaller than the normal rental market unit, they also tend to benefit from a reduced rental level (because of the size of the units) and benefit from shared facilities such as workspace, gym, community space and amenity space.	We respectfully request that this type of product (and the demand for it) is acknowledged in this section of the New Draft London Plan.
Policy H13	Build to Rent	-	This is welcomed. The recognition that affordable housing should entirely be provided as intermediate rented housing, managed by the

Ref	Topic	Commentary	Recommendation
			<p>same party as the market element avoids protracted discussion on this matter and so will help bring forwards delivery.</p> <p>Please see comments elsewhere regarding freeing up family housing.</p>
Policy H18	Large-scale purpose-built shared living	-	This is welcomed.
Chapter 5: Social Infrastructure			
Policy S1		<p>We support the encouragement of shared use and co-location of social infrastructure facilities. The alignment of service provision has significant benefits including using land more efficiently, facilitating opportunities for different groups of people to come together, encourages inclusion, joined up working and reduced the need to travel. However, the planning system needs to be better equipped at facilitating the different organisations / bodies (e.g. CCG and NHS bodies), timescales and the various funding streams. These can often be barriers to delivery of co-located facilities.</p>	<p>Whilst it is appreciated that where a social infrastructure premises may be deemed redundant, other forms of social infrastructure should be considered first, further guidance should be provided here. What form of consideration should be given? Is marketing evidence sufficient? On what terms are they offered? How long is a suitable period? Can meanwhile uses be used in the interim? We have no objection in social infrastructure being prioritised if there is a need / demand – but clarity is required here.</p> <p>It is noted where housing is considered to be an appropriate alternative use, opportunities for affordable housing provision should be maximised. This is an inappropriate supporting paragraph and should be removed. All sites should seek to maximise their ability to deliver affordable housing, subject to the relevant viability tests.</p>
Policy S2	Private sector health and social care facilities	<p>Policy S2 Health and Social Care Facilities begins <i>'Boroughs should work with Clinical Commissioning Groups (CCGs) and other NHS and community organisations to...'</i></p> <p>The supporting text to Policy S2 again focuses on health care provision by public bodies only.</p>	<p>The supporting text to Policy S2 should explicitly recognise that healthcare is also provided by the private sector. This includes healthcare provided to patients referred by the NHS.</p> <p>The healthcare sector more generally is a significant employer of Londoners and makes a significant economic contribution to</p>

Ref	Topic	Commentary	Recommendation
			<p>London. Synergies with London's universities, research groups and public sector healthcare provision together make healthcare one of the economic sectors where London is a global leader. This is acknowledged by the Mayor of London's MedCity project which is referred to in Policy E8.</p> <p>In this context, explicitly supporting healthcare provision from the private as well as public sector will help maintain and enhance London's performance in this sector.</p> <p>This point is relevant because it is important that Planning Officers and decision-makers are advised on the significant arguments in favour of supporting private as well as public healthcare provision.</p>
Policy S4	Playspace provision	<p>Policy S4 Play and Informal Recreation states that <i>'development proposals for schemes that are likely to be used by children and young people should... 2) for residential developments, incorporate good-quality, accessible play provision for all ages, of at least 10 square metres per child'</i>.</p> <p>We support the aspiration to integrate play and informal recreation into the wider network of public open spaces and to follow the Healthy Street Approach. Play and recreation does not need to necessarily be prescriptive in designated zones. It can also form part of an integrated public realm that is safe and welcoming to people who play, walk and cycle.</p> <p>We support the review of the Supplementary Planning Guidance. The current guidance is out of date and prescriptive.</p>	<p>Policy S4 should be rephrased to emphasise that 10 square metres is a target and not a requirement. Supporting paragraph 5.4.5 recognises this through the use of the word <i>'normally'</i>.</p> <p>Experience demonstrates that, for a variety of reasons, this ratio of play provision is often not feasible and/or appropriate. This is especially the case at brownfield infill sites. The overall objective must be to optimise development.</p>
Policy S6	Public toilets	<p>The London Plan seeks <i>'large-scale commercial developments that are open to the public'</i> to accommodate <i>'public toilets'</i>.</p>	<p>It is questionable whether the provision of public toilets is a sufficiently strategic matter to be addressed by the London Plan.</p>

Ref	Topic	Commentary	Recommendation
		<p>Paragraph 5.6.2 states that <i>'Boroughs should define 'large-scale' for their local circumstances'</i>.</p>	<p>In any case, our experience is that the current approach risks becoming the kind of seemingly trivial point that can delay the delivery of development through creating unnecessary ambiguity and debate amongst Officers and decision-makers.</p> <p>If the London Plan is to address this matter then it must provide clear guidance on what <i>'large-scale'</i> means.</p>
Chapter 6: Economy			
Policy E1	Demonstrating demand for office development	<p>The draft policy implies that development proposals must identify demand for new offices. In practice this will generally imply a need test is carried out, given much development does not have a designated end-user at the planning application stage. It is perverse to suggest one given that paragraph 6.1.2 states that <i>'it is important that the planning process does not compromise potential growth'</i>.</p> <p>There are at least five important points here:</p> <ul style="list-style-type: none"> • very few applicants would progress development if they did not foresee demand; • new stock refreshes London's offer and enhances its appeal to businesses and thus the city's economic competitiveness; • if new development reduces demand for secondary or tertiary stock beyond the site then this may reduce rents and so bring benefits in terms of affordability; • reduced demand for secondary or tertiary stock makes it more likely that such stock will be brought forward for redevelopment; and 	<p>Part B of Policy E1 should be revisited so that there is no need to demonstrate demand or need for new office development. The NPPF provides national policy on this point.</p>

Ref	Topic	Commentary	Recommendation
		<ul style="list-style-type: none"> on a macro-level London requires new office floorspace and if targets are to be achieved then it is illogical to assume that a need test is applied at the micro level. 	
Policy E2	Protecting low-cost business space	<p>Space is generally 'low-cost' because it is less desirable to the market. It is perverse to protect this as the effect will generally be to discourage the redevelopment of the least desirable floorspace in the city. Some of the benefits of redevelopment are outlined above.</p> <p>Businesses including SMEs and creative businesses will also typically make rational decisions about the workspace they occupy. It makes sense for many to hunt out the most suitable and affordable opportunities available and relocate as circumstances change. In some situations, they may also benefit because a landlord offers preferential arrangements to a tenant for their own reasons. Either of the above scenarios may equally apply to artists.</p> <p>The draft London Plan threatens to specifically reduce the options available to creative businesses and artists. This is because landlords may prefer to leave buildings empty, rent to alternative occupiers or evict existing tenants if they believe that allowing such tenants to let from them reduces their site's long-term asset value (which will be influenced by opportunities to redevelop and change use). There are myriad reasons why a landlord will not want to see their asset value reduced, including the ability to borrow against it.</p> <p>For similar reasons, landlords are perversely disincentivised by the draft London Plan to offer discounts or other special arrangements to tenants. Otherwise they are at risk of such arrangements becoming 'protected' rather than voluntary.</p>	<p>The relevant sections must be deleted from the London Plan in order to avoid the perverse consequences we have identified.</p> <p>The objective to encourage low-cost floorspace will be much better served by increasing the overall supply of floorspace. This process will see primary stock come to be considered secondary stock and so on.</p>

Ref	Topic	Commentary	Recommendation
Policy E2, Policy E3 and Policy E4	Providing low-cost space, affordable business space and smaller industrial space	<p>The draft London Plan is vague. Applicants should 'consider' providing low cost space, 'may' seek affordable workspace and should 'consider' the scope to provide smaller (sub-2,500 sq m) industrial space.</p> <p>No clear detail is provided on appropriate ratios for the above and with low-cost or affordable space on rents to be charged. This will not help good decision-making.</p>	If the draft London Plan is to address these matters then its policies must either provide clear guidance or explicitly leave this matter to be addressed by Boroughs individually.
Policy E7	Mixed LSIS and intensification masterplans	<p>We support the suggestion that Development Plans and planning frameworks are proactively used to identify LSIS that could be intensified and co-located with residential and other uses. However, we consider that the second half of Part C should be deleted to allow for greater flexibility.</p> <p>With respect to Part F, in view of London's 'housing crisis' we consider that this policy should be revised to support planning applications for intensified and co-located floorspace with residential and other uses coming forward where these are supported by a comprehensive masterplan and where they benefit from support by the Borough and the GLA's planning decisions unit.</p>	Delete and amend policy in line with comments.
Policy E7	Measuring no net loss of industrial, storage and warehousing capacity	<p>Part E of Policy E7 seeks that where other uses (including residential) are introduced into industrial sites then there should be <i>'an increase (or at least no overall net loss) of capacity in terms of industrial, storage and warehousing floorspace'</i>. Paragraph 6.4.5 states that <i>'floorspace capacity is defined here as either the existing industrial and warehousing floorspace on site or the potential industrial and warehousing floorspace that could be accommodated on site at a 65 per cent plot ratio (whichever is the greater)'</i>.</p> <p>We are aware that others making representations to the London Plan will provide numerical evidence on this point but</p>	<p>If this policy approach is to be retained (and it may not be appropriate to do so, given the need to identify sufficient land to accommodate new homes) then it must be revisited to revisit or remove the reference to plot ratio.</p> <p>The effect of the draft approach will be that it will make development less likely to proceed and where it does proceed will mean less alternative (i.e. not B2 or B8) floorspace being provided (including fewer homes).</p>

Ref	Topic	Commentary	Recommendation
		<p>all are in agreement that a 65 per cent will almost always if not always exceed the actual plot ratio of any given site. The effect of the approach outlined above is that this policy approach will nearly always (if not always) require an uplift in the provision of Class B2 or Class B8 floorspace, at the same time as the site is to be developed to accommodate other uses.</p>	
Chapter 7: Heritage and Culture			
Policy HC1	Heritage and the NPPF	<p>The draft London Plan sets out policy positions on heritage which differ from what is set out in the NPPF.</p> <p>For example, Policy HC1 Heritage conservation and growth for instance supports <i>'creative contextual architectural responses that contribute to their significance and sense of place'</i>.</p>	<p>The use of <i>'contribute'</i> in the quote alongside could be read as meaning <i>'positively contribute'</i>. If this is the intention then this approach is not consistent with the NPPF.</p> <p>The draft London Plan must be set out so that it is consistent with national planning policy.</p>
Policy HC4 and Paragraph 7.3.1	Strategic and Local Views	<p>Paragraph 7.3.1 states both that <i>'the Mayor will seek to protect the composition and character of these views'</i> and that <i>'new development can make a positive contribution to the views'</i>.</p> <p>Policy HC4 London View Management Framework by contrast states <i>'development proposals should not harm, and should seek to make a positive contribution to, the characteristics and composition of Strategic Views and their landmark elements.'</i></p> <p>Part F of Policy HC4 also states that <i>'development in the background should not harm the composition of the Protected Vistas, nor the viewer's ability to recognise and appreciate the Strategically-Important Landmark, whether the development proposal falls inside the Wider Setting Consultation area or not'</i>. This statement does not feature in the adopted version of the Plan.</p>	<p>The terms <i>'protect'</i> and <i>'not harm'</i> do not necessarily have the same meaning. <i>'Protect'</i> may be read as implying no change will be accepted whilst <i>'not harm'</i> may be read as implying change can be acceptable.</p> <p>The language used in the draft London Plan should be revisited to ensure it has a consistent meaning. Crucially this means providing clarity that new development that exceeds current building envelopes in such views will not be resisted in principle.</p>

Ref	Topic	Commentary	Recommendation
Paragraph 7.4.6	Local Views	Paragraph 7.4.6 states that <i>'local views should be given the same degree of protection as Strategic Views'</i> .	It is self-evident that they should not. If these local views were of the same overall importance then they would be defined in the London Plan as 'Strategic Views'.
Paragraph 7.5.3	Creative businesses and artists access to workspace	Paragraph 7.5.3 states that <i>'creative businesses and artists also struggle to find workspace and secure long-term financing and business support as their activities are perceived to be 'risky' or of non-commercial value.'</i>	This may be factually true but the policy positions drawn from it must be reviewed as they may have counter-productive outcomes, for the reasons outlined with respect to Policy E2.
Paragraph 7.5.5	Assets of Community Value	Paragraph 7.5.5 states that <i>'where possible, boroughs should protect such cultural facilities and uses, particularly those with an evening or night-time use, and support nominations to designate them as Assets of Community Value.'</i> A similar statement appears at paragraph 5.1.4.	This statement must be revisited. When considering whether or not to designate an ACV a local authority is performing a duty set out in Section 88 of the Localism Act 2011. It is not appropriate for a local authority to have pre-judged its opinion in this way.
Paragraph 7.5.12	Creative Enterprise Zones	Paragraph 7.5.12 of the draft London Plan states that: <i>'As part of his support for the creative industries, the Mayor is committed to working with boroughs and other relevant stakeholders to identify and set up Creative Enterprise Zones (CEZs). Setting up a CEZ can help boost the local economy of more deprived areas and support their regeneration.'</i> Creative Enterprise Zones are not defined in the draft London Plan (e.g. in the Glossary).	If the London Plan is to include this statement then it must be justified. No evidence is provided that producing differentiated planning policies for Creative Enterprise Zones will boost the local economy of more deprived areas and support their regeneration. Indeed, two policies referring to Creative Enterprise Zones are explicitly negative in intent (Policy HC7 Protecting Public Houses and Policy E3 Affordable workspace). It is crucial that the London Plan can demonstrate that benefits will be enjoyed by all Londoners and not for example just those who have the particular privilege of being able to access such lower cost workspace. In imposing such restrictions the London Plan must be able to rebut counter-arguments against them. For example, a reasonable counter-argument is that by peculiarly influencing

Ref	Topic	Commentary	Recommendation
			investment decisions in a Creative Enterprise Zone the London Plan may mean such parts of London undergo relative decline and/or development is simply not brought forward at all (including that which would help address the housing crisis).
Policy HC6	Night-time economy	The supporting text should be revisited to make more explicit that the night-time economy does not equate to alcohol-related activities.	<p>Whilst the policy approach is generally welcomed, it will have more effect if the London Plan is more explicit about seeking a broader night-time offer.</p> <p>Restaurants, cafes and community spaces for example can (and in many parts of London do) make an equivalent social contribution to pubs. This point is also relevant when applying planning policies relating to the loss of pubs.</p>
Policy HC7	Pub protection	<p>Policy HC7 refers throughout to pubs, which is one type of Class A4 drinking establishments.</p> <p>Several of the tests set out in paragraph 7.76 fail to recognise that circumstances change.</p> <p>References to <i>'heritage, economic, social or cultural value'</i> closely resemble the criteria for listing buildings.</p>	<p>As acknowledged in the London Plan, pubs benefit from a degree of protection under the General Permitted Development Order and many will also be subject to additional planning constraints through designation as a heritage asset.</p> <p>The reference to <i>'heritage, economic, social or cultural value'</i> should be revisited. The <i>'Principle of Selection for Listed Building'</i> (2010) confirms that there are two criteria for the Secretary of State determining that a building should be added to the statutory list: <i>'Architectural Interest'</i> and <i>'Historic Interest'</i>. The latter is defined as follows:</p> <p><i>'To be of special historic interest a building must illustrate important aspects of the nation's social, economic, cultural, or military history and/or have close historical associations with nationally important people. There should normally be some quality of interest in the physical fabric of the building itself to justify the statutory protection afforded by listing.'</i></p> <p>The draft London Plan implies there is a tier of value that might fall short of listing but which should be protected. This risks</p>

Ref	Topic	Commentary	Recommendation
			<p>misleading Londoners and what is actually achievable through the planning system.</p> <p>The London Plan must recognise the limits of planning policy. Very little protection can be applied to activities taking place within a pub if it operates within the Class A4 or A3/A4 mixed use permitted by the GPDO.</p> <p>For example, under paragraph 7.7.6 a pub might currently be associated with a <i>'sports club or team'</i> but there will surely be very few if any instances in which a change in management approach that sees this association lost would require planning permission. The inclusion of this statement in the draft London Plan can only be counter-productive as operators may come to believe that any association with a sports club or team effectively devalues their pub as an asset.</p>
Chapter 8: Green Infrastructure and Natural Environment			
Policy G2	Green Belt	Addressing London's <i>'housing crisis'</i> may necessitate the release of land from London's Green Belt. The policy should not therefore preclude this.	The words <i>'it's de-designation will not'</i> should be deleted from the Plan.
Policy G5	Urban Greening Factor	<p>Planning policy already addresses the relevant matters.</p> <p>Expecting applicants and decision-makers to apply a numerical assessment is onerous and inconsistent with England's discretionary planning-system in which different considerations must be weighed up in order to arrive at the optimum planning solution.</p> <p>Such an assessment would be another burden on applicants and through requiring professional advice and the production of reports will present another deterrent to pursuing development.</p>	Part B of Policy G5 which refers to an 'Urban Greening Factor' should be deleted.

Ref	Topic	Commentary	Recommendation
		This is especially relevant because the 'major development' threshold means it will affect many of the 'small sites' that the delivery of the London Plan relies upon.	
Policy G7	Trees and woodlands	Draft London Plan Policy G7 suggests that the benefits provided by existing trees being removed by development should be <i>'determined by, for example, i-tree or CAVAT'</i> . This approach is too prescriptive.	The relevant Borough will be capable of identifying adequate replacement planting with applicants as part of its overall consideration of the planning balance. The statement alongside and the subsequent prescriptive parts of Policy G7 should be removed.
Chapter 9: Sustainable Infrastructure			
Policy S11	Air quality	We agree that poor air quality is a major issue for London which is failing to meet requirements under legislation. We therefore support the Mayor's dedication to improving air quality for Londoners and recognise the need for development proposals to use solutions to prevent or minimise increased exposure. A careful balance of priorities however needs to be struck. Seeking Air Quality Neutral (or even positive) has an impact of achieving zero carbon. Solutions often add to energy consumption. The supporting text to Policy S11 also suggests the introduction of offsetting payments (similar to zero carbon payments).	The policy wording as currently drafted is confusing. It calls for large-scale development areas to propose methods of achieving an Air Quality Positive outcome and states that all other developments should be at least Air Quality Neutral. Large-scale is not defined. This must be addressed. This policy should also provide a clearer distinction between the construction phase of development proposals and the end state of the finished product. As per zero carbon, the costs of any offsetting payments will have to be taken into account by the decision-maker when assessing scheme viability. This may have implications for the delivery of other objectives, including affordable housing. Furthermore, this policy should include a requirement for Boroughs stating how, where and when they will spend the payments.
Policy S12	Zero carbon	We welcome the recognition that shortfalls against zero-carbon targets can be addressed through <i>'alternative proposals'</i> as well as cash in lieu contributions.	Part D as drafted is too weak and needs to be made more robust.

Ref	Topic	Commentary	Recommendation
			<p>It is agreed that offset funds have potential to unlock carbon savings. However, they have to be used and used effectively. The Mayor should be firmer that LPAs must be clear regarding their energy strategies and set timescales on delivery. If not, this risks becoming a ring-fenced pot of money that is not spent and so zero carbon targets are not in fact achieved.</p>
Policy SI12	Monitoring zero carbon	Major development is <i>'expected to monitor and report on energy performance'</i> . The supporting text suggests that performance is reported to the Mayor for at least five years.	The London Plan must be clear on whose duty it will be to report performance. This responsibility should not lie with the applicant (who may not be the same as the developer or contractor) but with an appointed specialist.
Paragraph 9.2.5	Improvement in the Target Emission Rate (TER)	The draft London Plan states that <i>'The minimum improvement over the Target Emission Rate (TER) will increase over a period of time in order to achieve the zero-carbon London ambition and reflect the costs of more efficient construction methods. This will be reflected in future updates to the London Plan.'</i>	It is essential that higher standards are not applied until these have been tested via the London Plan examination process.
Footnote 120	Zero carbon £/tonne	Footnote 120 states that <i>'Boroughs should develop a price for offsetting carbon using either a nationally recognised carbon pricing mechanism or a price based on the cost of offsetting carbon across the borough. A nationally recognised non-traded price of £95/tonne has been tested as part of the viability assessment for the London Plan which boroughs may use to collect offset payments.'</i>	<p>The London Plan must be clear to Boroughs that they must only refer to an evidenced price £/tonne based on the cost of offsetting carbon across the borough. They must not refer to a generic carbon pricing mechanism. The evidence must refer to costed carbon projects to be delivered in the Borough and for the specific benefit of the Borough (including its residents and businesses). The development industry's view is that a sum as high as £95/tonne will rarely if ever turn out to be justifiable once such an assessment is undertaken.</p> <p>The London Plan should also be explicit throughout that any contributions / obligations sought would detrimentally affects a scheme's ability to address other planning objectives, including the delivery of affordable housing.</p>

Ref	Topic	Commentary	Recommendation
Policy S13	Energy masterplans	The policy states that ' <i>Energy masterplans should be developed for large-scale development locations</i> '. Large-scale is not defined.	This policy must both explicitly define ' <i>large-scale</i> ' and be clear about what material will be required in support of a planning application and what will be sought post-permission. Bearing in mind the extent of detailed design work which takes place post-permission, the emphasis should be on securing details by condition or obligation and not at the planning application stage.
Policy S13	Heat risk	It is agreed that London must manage heat risk, but this policy is too simplistic and idealistic. It must acknowledge the interrelationship of overheating with air quality, carbon consumption, daylight / sunlight and private amenity space.	This policy should be revisited to consider the relevant matters in a holistic manner and not topic-by-topic.
Paragraph 9.3.5	CIBSE standards	This paragraph states that ' <i>To ensure heat networks operate efficiently, effectively and reliably, the Mayor supports standards such as the CIBSE CP1 Heat Networks: Code of Practice for the UK and the Heat Trust standard</i> '.	Adopting such standards will increase build costs. This must be acknowledged in the London Plan given that this has implications for overall scheme viability and the capacity of a development to deliver public benefits such as affordable housing.
Policy S15	Water infrastructure	This policy relates to water infrastructure. As drafted it cross-refers to BREEAM. Whilst it is appreciated that BREEAM includes water requirements, it also includes a host of other requirements.	If the Mayor considers the London Plan should address BREEAM requirements then this should be via a specific policy which considers BREEAM as a whole, with the necessary supporting text.
Policy S16	Digital connectivity	The policy seeks development proposals to ' <i>achieve greater digital connectivity than set out in part R1 of the Building Regulations</i> '. As this policy acknowledges, digital connectivity is addressed via Building Regulations. The Regulations may change following the adoption of the London Plan and come to match or exceed what is sought in the supporting text.	Given these matters are addressed by Building Regulations then standards should not be set out in this policy or its supporting text. In any case, references to Building Regulations should be removed from Policy S16 and its supporting text.

Ref	Topic	Commentary	Recommendation
Policy S17	Circular Economy Statements	<p>Reducing waste arising from developments and encouraging the circular economy is an admirable and sustainable policy.</p> <p>These matters are or can be addressed through the current suite of application documents including Construction Management Plans, Logistics Plans, Site Waste Management Plans and / or Sustainable Design and Construction Statements.</p>	<p>It is not necessary to introduce another statement (a Circular Economy Statement) to the list alongside. This is onerous for all parties and does not necessarily provide any benefit. References to Circular Economy Statements should be removed from the draft London Plan.</p>
Policy S11	Fracking	<p>Policy S111 states <i>'development proposals for exploration, appraisal or production of shale gas via hydraulic fracturing should be refused'</i>.</p>	<p>This statement is inconsistent with national planning policy. The policy should be deleted.</p>
Policy S113	Impermeable paving and sustainable drainage	<p>We object to the blanket ban on impermeable paving.</p>	<p>The merits or otherwise of the use of permeable paving should be considered on a site-specific basis and costs / benefits taken into account.</p>
Policy S114	Joint Thames Strategies	<p>This policy encourages Boroughs to produce joint Thames Strategies.</p> <p>As currently drafted, it is unclear what weight would be given to these Strategies and how they would relate to the London Plan, Safeguarded Wharf's, OAPFs, Local Policies or SPDs.</p> <p>Producing such strategies must not be a redundant and onerous requirement. They must therefore perform a new function alongside the policy framework that already exists.</p>	<p>Greater clarity must be provided or Part B of Policy S114 removed.</p>
Chapter 10: Transport			
Policies T1, T2, T3, T4 and Paragraph 10.4.3	Healthy Streets contributions	<p>We understand the reasons why the Mayor is seeking to ensure that 80% of all trips in London is made by foot, cycling or public transport by 2041. As the Mayor is aware, developments can only support a certain amount of public benefits (such as affordable housing, open space improvements, etc) before a</p>	<p>Policies T1, T2, T3, T4 and para 10.4.3 should all refer to the NPPF tests mentioned.</p>

Ref	Topic	Commentary	Recommendation
		<p>scheme becomes unviable. Moreover, any benefit must be directly related to the scheme and not used to rectify existing deficiencies (in the quality of surrounding public highway for example). It should be made clear in the supporting text to Policy T2 that:</p> <ul style="list-style-type: none"> • any financial obligations secured in respect of Healthy Streets improvements must be necessary to make the development acceptable in planning terms; directly related to the development; and fair and reasonably related to the scale and kind of the development, in accordance with the NPPF tests; and • contributions can be “pooled” from several developments. 	
Policy T5 and Table 10.2	Cycle parking	<p>We object to the increase in the long-stay cycle parking provision for C3 use for 1-bedroom units and the increase in short-stay to 1 space per 40 units. On large-scale developments in particular, this increase in cycle parking provision may:</p> <ul style="list-style-type: none"> • occupy ground floor space (resulting in less commercial / active frontage); • result in more cycle parking space that will not be used by the occupiers of the development because of a lack of demand; and • result in additional cost that could be better spent elsewhere (e.g. Healthy Streets improvements). <p>Instead of incrementally increasing the number of cycle spaces within schemes, we consider that the GLA and TfL should review their entire approach to cycle parking, particularly where evidence suggests fewer people are inclined to privately maintain their own bicycles (given on-street shared cycles are</p>	Policy T5 should allow reduced cycle parking levels in developments if deliverable alternative ‘shared cycle’ approaches can be brought forward in conjunction with TfL. The policy is far too onerous and needs to allow for a passive provision should the demand be there.

Ref	Topic	Commentary	Recommendation
		increasingly being provided by both the public and private sector).	
Policy T6.1	Residential parking standards	<p>Table T6.1 does not recognise that it may be appropriate to provide flexibility in terms of car parking provision.</p> <p>In addition, unlike the approach set out in the adopted London Plan, Table 10.3 of the draft London Plan does not provide differentiated standards based on the number of beds provided. For example, homebuilders' experience is that households with children are much more likely to find they require a car. Experience demonstrates that young families are also disproportionately likely to be purchasers of family-sized homes in new developments.</p>	<p>Policy T6.1 should be revisited to allow flexibility in circumstances where an applicant agrees with the local Borough and the local community that higher levels of provision are more appropriate.</p> <p>Table 10.3 should be redrafted to recognise that higher levels of provision may be suitable where homes have 2 or more beds.</p>
Policy T6 and subsequent policies	Disabled car parking	<p>The various relevant draft London Plan policies currently require applicants to attempt to identify spaces for disabled car parking, even where the development is 'car-free'.</p> <p>There are however accessible sites across London which can substantively deliver new homes and commercial floorspace where there is either no prospect whatsoever of accommodating parking or where doing so would make a scheme suboptimal. This might be either or both in terms of reducing what can be delivered or by detrimentally affecting how a development relates to its context (e.g. by reducing active frontages or through locating parking spaces in the public realm).</p>	<p>The London Plan should explicitly recognise that in some instances good planning dictates that minimal or no parking can be provided for any users. This will avoid protracted discussions on this point and allow acceptable development to proceed more quickly.</p> <p>Appropriately located drop off facilities could assist.</p>
Policy T6.1	Electrical vehicle charging points	The draft London Plan states that <i>'at least 20 per cent of spaces should have active charging facilities, with passive provision for all remaining spaces'</i> .	The draft London Plan should set out a clear position on the points raised. It should be explicit that i) applicants are not expected to reserve capacity on the grid ii) contributions should not be sought and iii) substations should not be sought to provide future capacity that may never materialise. It should

Ref	Topic	Commentary	Recommendation
		<p>This proposed policy approach may see applicants asked to secure and reserve capacity from an already constrained electricity grid. This could see capacity on the grid ring-fenced for a change (a conversion from passive to active provision) that never happens. This would be an inefficient use of infrastructure.</p> <p>Alternatively, the proposed policy approach might see applicants asked to integrate substations within developments to deliver electricity that is never required. This would be an additional infrastructural cost. Designing in additional substations could have knock-on design effects that detract from a scheme and its wider contribution to the local area (for example upon active frontages and/or upon the public realm through allowing for access).</p>	<p>also be explicit that any contributions / obligations sought would detrimentally affects a scheme's ability to address other planning objectives, including the delivery of affordable housing.</p>
Policy T9	Funding transport infrastructure	-	<p>Part C of Policy T9 should explicitly acknowledge that any financial obligations secured must be necessary to make the development acceptable in planning terms; directly related to the development; and fair and reasonably related to the scale and kind of the development, in accordance with the NPPF tests.</p>

End

APPENDIX 2 – ADDRESSING THE HOUSING CRISIS

2nd March 2018

ADDRESSING THE HOUSING CRISIS - NEW DRAFT LONDON PLAN REPRESENTATIONS

Need and Supply

Paragraph 2.3.3 of the draft London Plan advises both that:

- *'the GLA's new Strategic Housing Market Assessment shows that London has a need for approximately 66,000 additional homes a year'; and*
- *'the Strategic Housing Land Availability Assessment suggests that London has the capacity for around 65,000 additional homes a year and the housing targets in this Plan reflect this'.*

In terms of the latter, Table 4.1 of the draft London Plan (which sets out *'10 year targets for net housing completions (2019/20-2028/29)'*), adds up to 64,935 homes per annum. The draft London Plan does not set a target beyond 2028/29.

It is self-evident that 64,935 homes is less than *'approximately 66,000'*. The draft London Plan accordingly falls short of addressing identified need.

Government Consultation

Moreover, in September 2017 the government held a consultation called *'Planning for the right homes in the right places'*. This proposed a standardised methodology for measuring housing need. Its methodology identifies London's need for the period 2016-2026 as 72,400 additional homes per year.

The Mayor of London's response to this consultation (9 November 2017) included the statement that *'we note that much of the difference between DCLG's figure of 72,000 and our own estimate of 66,000 is down to the longer time period used for the latter'*. This statement is hard to substantiate. The draft London Plan may address the period up to 2041 but it does not set a housing target any further than 2028/29 (the timescale provided in Table 4.1).

The Mayor of London's *'2017 London Strategic Housing Market Assessment'* (SHMA) (November 2017) provides more commentary on this point stating that:

'The DCLG formula can however be applied to a longer timescale, as DCLG's 2014-based household projections are available up to 2039. When projected household growth over the full 2016-2039 period of DCLG projections is fed into the formula it produces an annualised figure of 68,455 homes for London, closer to the figure arrived at using the method in this SHMA' (paragraph 7.25).

Whilst this 68,455 homes figure may be closer to the Table 4.1 figure (64,935) this still represents a difference of 3,520 homes per annum or 35,200 homes over a 10 year period. To put this figure into perspective, there are c.35,000 homes in Borehamwood.

Home Builders Federation's Analysis

The Home Builders Federation uses the government's analysis as the basis for a different conclusion on housing need. Its representations to the draft London Plan cite a rationale for why the Objectively

Assessed Need for London should be the *'uncapped requirement'* of 92,000 homes per annum (rounded for *'the purposes of plan-making'*).

Summary of Housing Need

All in all, taken on face value the draft London Plan does not identify sufficient supply to meet identified need. The government's proposed standardised methodology and analysis by the Homebuilders Federation both indicate that need is significantly higher.

Small Sites

Interrogating the sources of supply cited also emphasises the scale of the challenge.

In particular, the draft London Plan relies on 24,573 homes per annum being brought forward at *'small sites'* (Table 4.2). This represents 38% of the projected total supply. The definition of *'small sites'* includes those measuring 0.25 ha or less and delivering 25 homes or fewer.

However, achieving this delivery rate represents a significant challenge. Table 6.3 of the Mayor of London's *'The London Strategic Housing Land Availability Assessment 2017'* (SHLAA) (November 2017) emphasises that the average number of completions across *'small sites'* has been 10,828 homes per year from 2004/05 to 2015/2016. Moreover, Figure 6.1 of the SHLAA indicates this figure has only exceeded 12,000 homes (i.e. roughly half the target) in 4 of these 12 years. This has not been helped by the fact that the number of homes delivered by SME's has dropped off significantly in the past 10 years due to huge barriers to entry into the London development market (which you have alluded to below). It is these SME's which have historically delivered a large number of *'small sites'*. The link needs to be clearly made between the decline in SME's and the Plans aspiration to deliver small sites.

Draft London Plan paragraph 4.1.3 undersells the challenge with the following: *'To achieve these housing targets [24,573 homes] the overall average rate of housing delivery on both large and small sites will need to approximately double compared to current average completion rates'*.

Draft London Plan paragraph 4.1.3 continues to state that:

'The Mayor recognises that development of this scale will require not just an increase in the number of homes approved but also a fundamental transformation in how new homes are delivered. The London Plan, London Housing Strategy and Mayor's Transport Strategy together provide a framework to help achieve this ambition but achieving this step change in delivery will require increased levels of funding to support the delivery of housing and infrastructure, which is discussed in more detail in Chapter 11.'

It is self-evident that the draft London Plan's own basis for achieving the *'small sites'* target relies on speculative inputs. This is significant given that so much reliance is placed on the delivery of homes at *'small sites'* to achieve the draft London Plan targets.

Perhaps Councils should be required to provide a register of small sites.

Are there other factors that influence whether Small Sites come forwards?

Policy H2 sets a presumption in favour of the development of certain (but not all) *'small sites'*. The draft London Plan also identifies other initiatives intended to encourage housing delivery at *'small sites'* as cited above.

However, there remain very practical factors that discourage applicants bringing forward *'small sites'* for housing. From our experience as planning consultants these include:

- **Organisational knowledge or capacity** - Many sites are owned by landlords rather than developers. The English planning system is discretionary rather than code-based, meaning it is rarely black-and-white. Many potential applicants do not have the organisational knowledge or capacity to engage with it. The upfront costs of securing professional expertise (e.g. architects or planning consultants) to advise may act as a disincentive.
- **Financial outlay** – Our experience confirms to us that the relative cost of pursuing a planning application nearly always falls the larger the size of the development. Many planning policies are triggered by thresholds (e.g. London Plan policies which apply to *'major development'* of 10 homes (or potentially even fewer, depending on floorspace or site area). Such policies may trigger a need for professional costs (for example, an air quality consultant producing an air quality assessment). Such expenditure is all at risk for an applicant who has no guarantee of securing planning permission. The draft London Plan in fact makes this worse by expecting a i) Circular Economy Statements ii) Urban Greening Factor assessments and iii) Fire Assessments for all development schemes. In many instances such requirements will be unduly onerous. This can discourage applicants from bringing smaller sites forwards.
- **Confidence in securing a profit sufficient to justify the cost and risk involved** – Development requires a willing developer. Simply put, an applicant will not bring forward a scheme unless they have confidence in the end outcome for them. In addition, not all landowners have any interest in pursuing development. Other applicants will not acquire a site (or a stake in it) unless the potential outcome justifies the overall acquisition costs and ongoing liabilities after completions. In this context, all factors that may reduce the end value of a development (including the variety of planning obligations that may be imposed) discourage planning applications being made.
- **Justifying pursuing a scheme against its existing or alternative use value** – Land has landlords and owners who attach a value to their asset. There are limited circumstances in which a landowner/developer has no option but to seek planning permission for new development. Opportunities will always be weighed up against other options. In doing so a landowner/developer will balance the risk against the return. The most appealing option, for the reasons set out above, will often be to do nothing. Developers are rarely compelled to develop. They will tend to shrink or divert their operations when circumstances are less appealing.
- **Complexity of the planning issues** – As all planning consultants will advise, there is no direct relationship between the challenges involved in seeking planning permission and the scale of a project. For example, smaller sites often have more intimate and sensitive boundaries with neighbours. The planning considerations may be more finely balanced. Overall, the level of uncertainty, relative cost and risk involved pursuing development at constrained urban sites will often be much greater than at larger development plots.
- **Legal and ownership matters** – Lastly, bringing forward development at many small sites may be held back by legal and ownership matters. This could include for example multiple ownerships or restrictive covenants. The assembly of larger sites will often see such matters overcome.

Summary of Housing Supply

Given our experience as summarised above we see no grounds for confidence in believing that the required *'step change'* with respect to *'small sites'* will take place to the extent sought in the draft London Plan.

As set out above, the draft London Plan relies upon 24,573 homes coming forwards from *'small sites'*. It seems far more sensible to assume instead that the delivery rate continues at 10,828 homes per

year. In that scenario the draft London Plan's housing supply falls to 51,190 homes per annum, far short of need, whatever sum is used.

Taking a different approach, the Home Builders Federation in its representations to the draft London Plan suggests that overall housing capacity for London is 52,650 homes per year (rounded up to 53,000 homes per year). These figures are similarly far below the capacity identified in the draft London Plan.

Housing Delivery

The current rate of housing delivery does not achieve the current (and lower) London Plan targets. The Mayor of London's most recent London Annual Monitoring Report 2015/16 (AMR no. 13) (July 2017) reveals the following.

- Table 2.6 identifies the total Number of Net Housing Completions by Borough 2015/16 as 38,533 homes against a target of 42,338 (91%).
 - The above figures includes a net contribution of 32,919 'conventional' homes and 4,564 'non-conventional' homes. Paragraph 3.29 confirms that this 'non-conventional' figure incorporates a net total of 5,259 student rooms. The AMR no. 13 counts these non-conventional rooms as homes on a 1:1 basis.
 - The draft London Plan suggests that student rooms should instead be counted on a 3:1 basis. Applying this approach to the figures presented in Table 2.6 would reduce the total Net Housing Completions figure to 35,047 (or 83% against target rather than 91%).
- Table 3.2 Net Housing Supply in London of the AMR no. 13 provides average delivery figures for 12 consecutive years. It identifies an average delivery rate across London of 31,125 additional homes per annum for this period (73% when compared against the current 42,338 home target). For clarity, if the 3:1 methodology described above was retrospectively applied (the figures are not available) then average annual delivery is likely to be even lower.
- In short, the above demonstrates that current delivery rates fall far below current targets. Moreover, current delivery rates across London are roughly **half** of the draft London Plan's 64,935 homes target.
- Focusing on affordable housing, Table 3.13 Affordable Housing Completions as Proportion of Total Net Conventional Supply advises that between 2013/2014 and 2015/2016 the average percentage of affordable homes delivered ranged from 20% to 26%. Table 4.3 of the draft London Plan reports that 65% of need for homes in London is for affordable homes (47% as low-cost rent and 18% as intermediate). Even without examining the figures on a year-by-year basis delivery self-evidently currently falls far short of meeting need.

The Home Builders Federation in its representations to the draft London Plan raises other relevant points. These include the sequence of the plan-making process, which sees a time lag between the London Plan resetting targets and local development plan documents identifying and allocating sites (and a scale of development at these) sufficient to meet the revised minimums. This means it may take time for delivery rates to build up from their current base. This makes it yet more challenging for minimum targets to be met in the shorter term (which in this instance can be described as up to 10 years).

All in all, delivering the minimum number of homes set out in the draft London Plan requires such a significant overall *'step change'* that it is difficult to see how it can be achieved without substantive changes to the approach set out in the current draft London Plan.

Matching Delivery with Need

In our view, all the evidence available and our experience as planning consultants (including with 'small sites') suggests that housing delivery will not meet identified need.

We accordingly recommend all the following measures are taken to boost delivery. Further commentary is provided in the cover letter which accompanies these representations. It is not set out here in order to avoid repetition.

- The social, economic and environmental consequences of not meeting the housing crisis should be clearly set out in the London Plan.
- The London Plan should provide a presumption in favour of all residential development.
- The delivery of '*genuinely affordable*' housing should be afforded significant weight as a material consideration in favour of a planning application.
- The scale of the '*housing crisis*' requires the managed release of protected land for new homes.
- The Mayor must also engage with local planning authorities in the South-East of England to identify sources of housing supply that can contribute to address London's needs.
- The London Plan must provide more confidence to applicants where development relies on infrastructural capacity.

APPENDIX 3 – DELIVERING AFFORDABLE HOUSING

2nd March 2018

DELIVERING AFFORDABLE HOUSING - NEW DRAFT LONDON PLAN REPRESENTATIONS

The draft London Plan policies on affordable housing can be divided into two categories:

- **Strategic policies:** H5 Delivering affordable housing.
- **Development management policies:** H6 Threshold approach to planning applications; H7 Affordable housing tenure; H8 Monitoring of affordable housing.

As per the adopted London Plan, the draft London Plan should use the sub-headings of "Strategic" and "Planning decisions" to emphasise this distinction.

Making Use of Grant Funding

The objective of national planning policy is to deliver new homes. This includes affordable homes.

The ratio of affordable homes delivered is not always defined by a planning permission. In practice, funding (including sources of grant) can be invested post-permission so that more homes are realised than the minimum number specified by a planning permission.

The draft London Plan should be revisited so that it does not seek any commitments regarding the use of grant funding to be made at the planning application stage.

In this context, it should also be emphasised that planning law does not support any approach in which different standards are applied for different applicants. Affordable housing providers (e.g. Registered Housing Providers) should not be asked to make commitments that are not required of other applicants. This point should be self-evident in the London Plan so there is no confusion amongst decision-makers.

Monitoring Targets

The adopted London Plan KPIs addresses housing completions rather than planning permissions. The same approach should be applied in the new London Plan.

Moreover, the Key Performance Indicator under Table 12.1 that reads '*supply of affordable homes*' ought to read '*delivery of affordable housing*'.

The relevant monitoring measure should likewise not be the '*positive trend in percentage of planning approvals for housing that are affordable housing (based on a rolling average)*' but the trend with respect to homes that are delivered.

The proposed approach reflects a fundamental concern with the Mayor's current approach towards affordable housing which focuses on the planning application stage. Experience suggests this is delaying decisions being made and development delivered.

Delivery Across an Affordable Housing Provider's Portfolio

The objective of Policy H5 is to secure 50% affordable housing across London. The policy explicitly seeks affordable housing providers with agreements with the Mayor to deliver 50% across their portfolio. 'Strategic partners' are expected to aim to achieve 60%. A fundamental point is that this is a strategic objective.

Policy H6 sets targets for ratios of affordable housing to be delivered from different types of sites in order for an applicant to qualify for the Fast Track Route. It does not differentiate based on who the applicant is.

Put another way, an affordable housing provider is not expected under the draft London Plan to achieve different levels of affordable housing delivery on a site-by-site basis than any other applicant. This should be explicitly set out in the supporting text to Policy H5 so that there is no confusion on this point.

Affordability of Homes

The draft London Plan identifies income caps and other thresholds for affordable housing tenures. This has included reducing household income of intermediate rent products to households with combined incomes of £60,000 or less.

The median dual income of two Londoners in full-time work is £66,116 (according to figures downloaded from Nomis on 12 February 2018). The income cap of £60,000 therefore excludes a significant proportion of households from accessing intermediate rented homes. This drop from the previous £90,000 threshold to £60,000 means half a million of London's households are no longer eligible for intermediate rented housing.

Whilst the income thresholds for shared ownership housing remains at £90,000, this does not mean all households excluding from accessing intermediate rent will instead access shared ownership housing. Reasons for this include:

- not all households excluded from renting are however at a stage in their life where they wish to purchase a home.
- not all households want to own a home at all; and
- not all households will actually have the financial means to purchase a shared ownership home.

On the latter point, not every household currently earning £60-90,000 can buy an appropriate home via shared ownership. This may be because of income multipliers required by mortgage providers.

When such households find themselves excluded from intermediate rented properties, their housing costs increase and it is yet harder to save for the deposit they may require for the shared ownership property.

The reduction in the income thresholds for intermediate rent therefore excludes some Londoners from accessing appropriate homes. They may accordingly find they need to relocate further from family, friends and their place of work. They may relocate out of London.

On this basis there is a firm case to restore the intermediate rent income cap to £90,000.

For similar reasons there is a firm case to maintain the shared ownership income cap at £90,000.

APPENDIX 4: DEFINING CHARACTER

2nd March 2018

DEFINING CHARACTER - NEW DRAFT LONDON PLAN REPRESENTATIONS

The draft London Plan is prescriptive in terms of design and how to approach design matters at the application stage. In many respects what is set out in policy represents opinion on best practice.

This prescriptive approach potentially has consequences for development across London. The language used is therefore important.

For example, the term '*character*' appears across the draft London Plan and is given different meanings in different instances. This introduces ambiguity where none is necessary and so threatens to delay or derail decision-making. The key policies at risk of misinterpretation are set out below.

Defining Character

No relevant definition of '*character*' is provided in the draft London Plan. There is a fleeting reference with respect to the density matrix but otherwise references to '*character*' in the evidence base address heritage matters. These cite the definition of '*character*' found in the '*Character and Context*' SPG which reads as follows: '*Character is created by the interplay of different elements, including the physical or built elements that make up the place, the cultural, social and economic factors which have combined to create identity, and the people associated with it through memories, association and activity*' (page 14).

Paragraph 1.5 of this SPG however suggests an alternative definition. This refers to an objective of the SPG being to provide '*specific guidance on the attributes of character and context in London (physical, cultural, social, economic, perceptions and experience)*'. This extract recognises the specific different meanings that can be attached to '*character*'. In addition to that list, '*character*' also has a specific meaning in terms of heritage planning policy.

Physical Character

Policy D1 London's form and characteristics is a key policy within the draft London Plan. It states *inter alia* that:

'B Development design should: 1) respond to local context by delivering buildings and spaces that are positioned and of a scale, appearance and shape that responds successfully to the identity and character of the locality, including to existing and emerging street hierarchy, building types, forms and proportions'.

Its supporting paragraph 3.11 states '*The form and character of London's buildings and spaces must be appropriate for their location, fit for purpose, respond to changing needs of Londoners, and make the best use [sic] the city's finite supply of land*'.

The intended meaning here is '*physical character*'. Indeed, adopted London Plan Policy 7.4 Local Character (which has a similar scope) refers to '*physical character*' in supporting paragraphs 7.13 and 7.14.

The lack of clarity in draft London Plan Policy D1 by comparison creates considerable room for confusion.



This is not helped by Policy D2 Delivering good design which when addressing plan-making states that this should be informed by an evaluation of *'historical evolution and heritage assets (including an assessment of their significance and contribution to local character)'*. Supporting paragraph 3.2.2 then states:

'Understanding the existing character and context of individual areas is essential in determining how different places may develop in the future. An evaluation of the current characteristics of a place, how its past social, cultural, physical and environmental influences have shaped it and what the potential opportunities are for it to change will help inform an understanding of an area's capacity for growth.'

This meaning is not presumably meant to be applied to Policy D1, which relates to physical character and to design development and decision-making.

The concern is that it must be clear that Policy D1 does not address the *'cultural, social, economic, perceptions and experience'* meanings of character. Members of some local communities may be sensitive to the kind of change that achieving the objectives of the London Plan will involve. Good planning however means that architectural and urban design responses should, whilst responding to heritage considerations, focus on the future for a locality and for Londoners. Good planning should not be directed by the cultural, social or economic characteristics of a place (or the perceptions and experience of it) at a particular moment in time.

Recommendation

In view of the above, all relevant instances should explicitly define *'character'* as *'physical character'*. The imperative to optimise development potential means there should be no ambiguity on this.

This includes:

- Policy SD1 Opportunity Areas
- Policy SD6 Town Centres
- Policy SD8 Town centres: development principles and Development Plan Documents
- Policy D1 London's form and characteristics
- Paragraph 3.6.9
- Paragraph 3.7.3
- Policy D8 Tall buildings
- Policy H2 Small sites
- Paragraph 7.1.6
- Glossary definition of Strategic Views and paragraph 7.3.1