

Mayoral decisions on strategic planning applications

London Assembly Planning and Spatial Development Committee

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The London Assembly Planning and Spatial Development Committee

Terms of Reference

The Planning and Spatial Development Committee is a cross-party committee of London Assembly Members, with the following terms of reference.

1. To examine and report from time to time on -
 - the strategies, policies and actions of the Mayor and the Functional Bodies
 - matters of importance to Greater London as they relate to spatial development /planning matters in London.
2. To examine and report to the Assembly from time to time on the Mayor's Spatial Development Strategy ('The London Plan'), particularly in respect of its implementation and revision.
3. When invited by the Mayor, to contribute to his consideration of major planning applications.
4. To monitor the Mayor's exercise of his statutory powers in regard to major planning applications referred by the local planning authorities, and to report to the Assembly with any proposal for submission to the Mayor for the improvement of the process.
5. To review UDPs submitted to the Mayor by the local planning authorities for consistency with his strategies overall, to prepare a response to the Mayor for consideration by the Assembly, and to monitor the Mayor's decisions with regard to UDPs.
6. To consider planning matters on request from another standing committee and report its opinion to that standing committee.
7. To take into account in its deliberations the cross cutting themes of: the health of persons in Greater London; the achievement of sustainable development in the United Kingdom; and the promotion of opportunity.
8. To respond on behalf of the Assembly to consultations and similar processes when within its terms of reference.
9. To consider, as necessary, strategic planning matters as set out in Statutory Instrument 2000, No. 1493 - The Town and Country Planning (Mayor of London) Order 2000 and to make recommendations as appropriate. (The Assembly itself has no powers in relation to any individual planning applications).

Committee Members

Tony Arbour Chairman	Conservative
Val Shawcross Deputy Chair	Labour
John Biggs	Labour
Sally Hamwee	Liberal Democrat
Peter Hulme-Cross	One London
Bob Neill	Conservative

Assembly Secretariat contacts

Karen Grayson, Scrutiny Manager
020 7983 4207 karen.grayson@london.gov.uk

Teresa Young, Committee Co-ordinator
020 7983 6559 teresa.young@london.gov.uk

Kelly Flynn, Press Officer
020 7983 4067 kelly.flynn@london.gov.uk

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1. Introduction

- 1.1. In Greater London, the 32 London Boroughs and the City Corporation are the local planning authorities for their areas. However, the Greater London Authority Act 1999 (the GLA Act) requires them to consult the Mayor of London on strategic planning applications. In broad terms, 'strategic' applications are those with the following features:
- large scale development
 - major infrastructure
 - development which may affect key strategic policies
 - development which may affect key strategic views of London, or protected Thames wharves, or
 - development which is a departure from the Borough's Unitary Development Plan.
- 1.2. The GLA Act gives the Mayor the power to direct the local planning authority to refuse planning permission for strategic planning applications. The Mayor does not have the power to permit applications; only the local planning authority can do this.
- 1.3. The Mayor is also consulted by applicants informally at the pre-application stage and by borough councils at the draft planning brief stage on many cases that are likely to lead eventually to strategic planning applications.
- 1.4. The section of the Greater London Authority that manages this process is the Planning Decisions Unit (PDU). PDU officers liaise with developers and Boroughs, examine planning applications, negotiate amendments to schemes and produce reports to assist the Mayor in reaching his decision.

Scrutiny by the Planning and Spatial Development Committee

- 1.5. In November 2005 the Planning and Spatial Development Committee commissioned a planner to undertake desktop research on the decisions taken by the Mayor. The planner reviewed the trends of, and consistency in, the Mayor's decisions and their consistency with other Mayoral strategies.
- 1.6. The Committee's terms of reference for the research were as follows.
- 1) To review Mayoral decisions on strategic planning applications referred to him over the course of the last year, as well as occasions when the Mayor has become involved in developers' appeals against a Borough decision. The decisions will be reviewed to:
 - Check alignment with London Plan policies and proposals
 - Identify any trends in the trade-offs between competing priorities and level of attention given to different planning issues
 - Identify any issues of inconsistency between/within decisions
 - Identify any issues of coherence, considering the cumulative effect

- of the decisions with respect to the aspirations of the London Plan.
- 2) To produce a short report highlighting any issues of concern that could form the basis of future scrutiny work.
 - 3) To increase the transparency of the decision making process and bring policy trade-offs made by the Mayor into the public domain.
- 1.7. This report sets out the findings of the review. It has been produced as a discussion document for comment by relevant stakeholders such as the London Boroughs. It is intended that a future report to the Planning and Spatial Development Committee will include any comments received, as well as covering a sample of cases where the Mayor has become involved in planning appeals.
- 1.8. It should be noted that the London Assembly's Environment Committee has recently undertaken a similar programme of research, examining the Mayor's planning decisions in respect of environmental strategies and policies.
- 1.9. The current report considers Mayoral decisions in relation to the policies of the London Plan, rather than focusing on environmental issues. Nevertheless this investigation has drawn on some aspects of the Environment Committee's work.

Overview of findings

- 1.10. The analysis of a sample of 37 planning decisions, and two planning appeals, demonstrated that the Mayor is required to balance a number of competing priorities when reviewing planning applications. There are limits on the extent to which negotiations with developers can lead to the London Plan policies being met in full.
- 1.11. The Mayor's negotiations on planning decisions have generally extracted additional benefits, and a greater level of compliance with his London Plan policies.
- 1.12. The Mayor's housing objectives stand out as a priority in the planning decisions process, sometimes to the extent that mediocre outcomes for other policy areas are trumped by the need for housing. This trade-off needs to be carefully argued and considered when the Mayor reaches his decisions. The provision of accessible units and the energy implications of new developments are key aspects of ensuring that development is sustainable and will meet the needs of the future.
- 1.13. The success of Mayoral intervention depends partly on developers' awareness of the London Plan policies and the availability of Supplementary Planning Guidance (SPGs) and toolkits. It would be instructive at a later date to review whether the quality of applications improves, and whether the Mayor takes a harder line, as these policies 'bed in' further.
- 1.14. There are some important constraints on the Mayor's influence over strategic planning applications:

- the planning history, which could include an extant permission for a similar scheme;
- the extent of prior consultation undertaken by the applicant;
- the planning policies in force at the time of the application, and availability of guidance;
- the timely submission of applications to the Mayor;
- the extent to which the Mayor can rely on London Plan policies to direct refusal, and the associated legal risks; and
- the resources available, particularly subject experts, in both the GLA and the individual Boroughs.

1.15. In Chapters 4 and 5 the Committee suggests possible recommendations for the Mayor, on which the views of consultees are sought. In summary, more clarity on the calculation of affordable housing provision; and the interpretation of density guidance in the London Plan could be beneficial. The policy on housing choice could be afforded more force by paying separate attention to accessible units/lifetime home standards and housing sizes/types.

1.16. Further work could be undertaken to ensure that Boroughs can efficiently identify strategic applications and refer them to the Mayor in line with the process. The ground rules must be made clear to applicants so that they can readily identify the requirements that apply to their development.

1.17. We conclude from our review and analysis of Mayoral planning decisions that there are questions that could be considered further by the Planning and Spatial Development Committee, as follows.

- How well do the London Plan policies withstand appeals and High Court cases?
- Is any improvement evident in strategic planning applications following the publication of SPGs and other guidance?
- Are the current criteria for defining strategic planning applications appropriate?
- Is there any evidence that developers adapt their proposals to avoid falling under the criteria for a strategic referral?

2. The decision-making process

- 2.1. This section sets out the process followed within the GLA that leads to Mayoral decisions on strategic planning applications. The information is drawn from an informal discussion with PDU officers and from a meeting of the Environment Committee in July 2005.
- 2.2. Having received an application for planning permission from a developer, the local planning authority should assess whether it is a strategic application requiring referral to the Mayor. The criteria for strategic referrals are outlined in chapter 1, and an extract from the Town and Country Planning (Mayor of London) Order 2000 gives the full details in Appendix B to this report.
- 2.3. Once an application is registered in PDU it is allocated to a case officer. The case officers are not specialised in particular types of application, and they are not Borough-specific; they apply their skills across a range of issues. The case officer contacts the Borough involved to check when it intends to determine the application and what negotiations are taking place with the developer.
- 2.4. Lists of new planning cases are circulated weekly to other teams within the GLA (such as the Environment Team, PDU design specialists and the Architecture & Urbanism Unit), as well as Transport for London, the London Development Agency and the London Access Forum. This gives a range of experts the opportunity to discuss the application with the Planning Decisions Unit where appropriate.
- 2.5. Where particular aspects of an application are inadequate, PDU will engage with the applicant and negotiate with them to improve the application, in conjunction with relevant subject experts and Borough officers.
- 2.6. The PDU also encourages applicants to discuss their development at the pre-application stage, which can often result in better solutions.

“If they come to us having prepared an application, they have almost certainly already spent vast sums of money – it can run into seven figures – in preparing the application and supporting documents, and they are often very unwilling to consider changes, so we do encourage a pre-application discussion.”¹

- 2.7. Pre-application presentations to the Mayor are occasionally arranged by PDU, if the proposal covers issues that are not well-covered in the London Plan, or if it has a high media profile, or is particularly controversial.
- 2.8. Following this process of assessment and negotiation, PDU prepare a Stage 1 report for the Mayor. This should take place in advance of the Borough making its determination, in order that the GLA’s comments can be reflected in the Borough Committee report. The report includes input from GLA group consultees.

¹ Transcript of Environment Committee meeting, 26 July 2005
<http://www.london.gov.uk/assembly/envmtgs/2005/envjul26/minutes/envjul26trans.rtf>

- 2.9. The Mayor considers PDU reports at a fortnightly Planning Decisions meeting. The result of a Stage 1 report is normally a letter to the Borough identifying any issues to be resolved. The Borough is also normally requested to notify the Mayor if it is minded to grant planning permission for the proposed development. The planning approval will then be referred back to the GLA with any further information as appropriate, and PDU have 14 days to produce a Stage 2 report and secure a Mayoral decision. The PDU reports aims to strike a balance between a range of issues, rather than giving priority to any particular policy area.
- 2.10. If there are outstanding problems with the application at Stage 2, the system usually allows sufficient flexibility for the decision to be delayed so that the applicant has a further chance to resolve this. In addition, if the Mayor directs the Borough to refuse permission, he can withdraw this at any time before the Borough actually issues the refusal. In practice, directions of refusal occur in a minority of cases where negotiation has failed to produce a scheme that the Mayor agrees is permissible.
- 2.11. In most cases the Borough will receive a letter from the GLA confirming that the Mayor has not directed refusal. It is then for the Council to decide whether or not to grant planning permission to the proposed development.
- 2.12. 4 different mechanisms could lead to a planning inquiry following consideration of a planning application by the local planning authority and/or the Mayor:
- Secretary of State call-in
 - Formal refusal from planning authorities, appealed by applicant
 - Refusal from Mayor, appealed by applicant
 - Non-determination of case, appealed by applicant

3. Research Methodology

- 3.1. The Committee's investigation is centered on desktop research carried out by a planner. The planner, Sheldon Ven, is a graduate of the Bartlett Institute. A sample of five cases was also reviewed by a senior planning consultant, Corinne Swain, a regional public examination Panel Chair for ODPM, and freelance consultant.
- 3.2. The research was based on 37 planning decisions taken by the Mayor between 13 October 2004 and 16 October 2005, and a selection of policies from the London Plan. Two cases where the Mayor became involved in a planning inquiry (following an appeal by the applicant against a Borough's refusal of permission) were also considered.

Selection of applications

- 3.3. Overall, some 200 planning applications were considered by the Mayor during this period. However, only those for which a Stage 2 report was available (and therefore a Mayoral decision had been reached) were considered. Sixty-one applications had reached this stage during the study period.
- 3.4. The selection of cases for analysis focused on residential, commercial and mixed-use developments. Industrial schemes were not included in the sample as they would involve a very different set of policy issues. Because of this it was concluded that such cases would be less informative in identifying policy trends across the decisions made by the Mayor.
- 3.5. Within the time available, the planner reviewed a total of 37 cases. Figure 1 below shows the number of cases per Borough, illustrating the geographical spread across London. Twenty of the 32 local planning authorities in London are represented in this sample. It is notable that a third of all the cases were in either Newham or Tower Hamlets, reflecting the pace of development in these Boroughs.

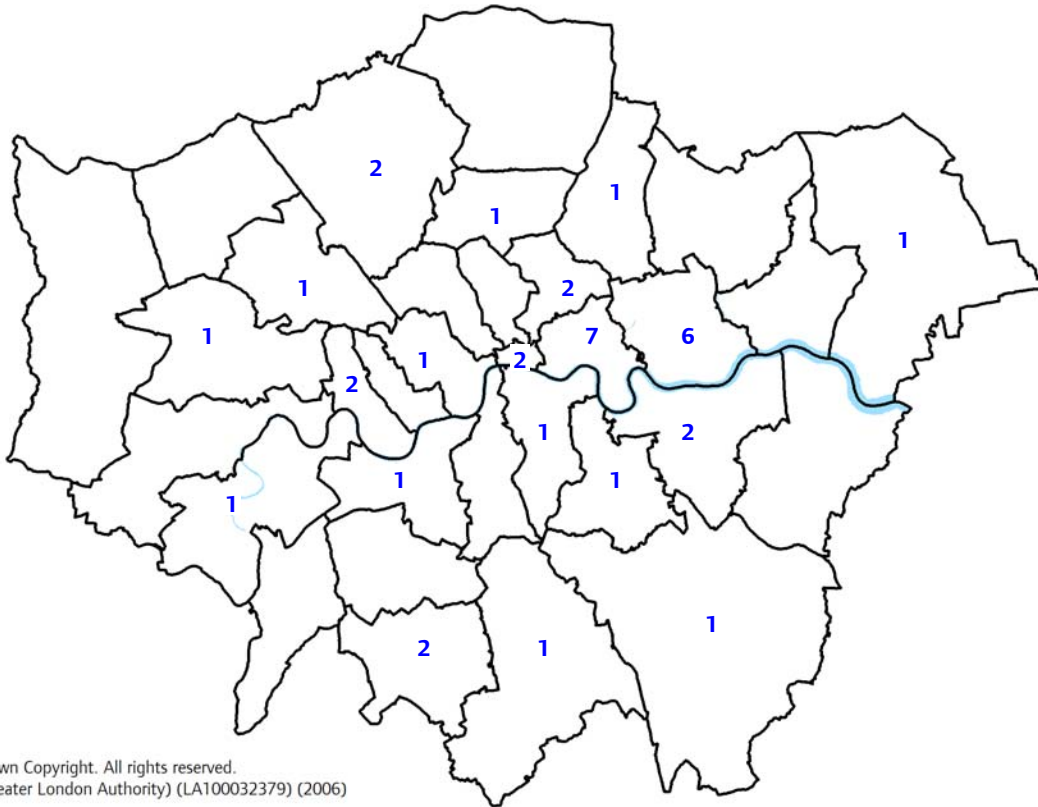


Figure 1: Cases reviewed per Borough

Consideration of policies

3.6. The aim of the London Plan is to develop a world-class city by:

1. accommodating London's growth within its boundaries without encroaching on open spaces
2. making London a better city for people to live in.
3. making London a more prosperous city with strong and diverse economy growth
4. promoting social inclusion and tackling deprivation and discrimination
5. improving London's accessibility
6. making London a more attractive, well designed and green city.

3.7. To this end, the London Plan contains 183 policies for London's spatial development across a range of subjects. To make the analysis tractable five key policy themes were considered:

- Housing
- Office & Retail
- Transport
- Urban Design
- Open Space & Natural Resources

3.8. Within each of these themes, the planner concentrated on a set of specific policies and reviewed each planning decision against these. This provided a framework for the analysis. The main policies considered under each theme are

set out in Appendix C, although where appropriate this was adapted to reflect the key strategic issues relevant to the particular scheme being considered.

- 3.9. The policies within the London Plan are intended to provide strategic direction to help London meet these objectives. The London Plan also uses some key concepts to guide the development process, which were another consideration for the planner's analysis of cases. 'Opportunity Areas', 'Areas for Intensification' and 'Areas for Regeneration' inform what type of development is appropriate in which location. The London Plan characterises these types of area as follows.

Opportunity Areas:

- Can typically accommodate at least 5,000 jobs or 2,500 homes or a mix of the two, together with other uses such as shops, leisure facilities and schools.
- Major brownfield sites and places with potential for significant increases in density. Either they already have good public transport access, or require public transport improvements to support development.

Areas for Intensification:

- Significant potential for more intensive and varied use.
- Well served by public transport.

Areas for Regeneration:

- Currently suffer substantial social exclusion and economic deprivation.
- Important to integrate spatial policies with neighborhood renewal, better health, improved learning and skills, greater safety and better employment and housing opportunities.

Review process

- 3.10. The planner considered the PDU's stage 1 and stage 2 report for each application, together with the application itself and related documents.
- 3.11. The planner examined whether specific policies within the themes outlined above were satisfied by the planning application, and checked the commentary on these matters within the PDU reports. The planner then came to a judgement for each decision as to whether the relevant policy issues had been appropriately considered by PDU, and hence whether the Mayor's decision was adequately informed and reasonable.
- 3.12. The planner's findings on each case were passed to PDU case officer, giving them the opportunity to comment on the analysis as necessary. In addition, a senior planning consultant probed a sample of five cases and provided her own analysis. In all but a few respects, the PDU and the senior planning consultant concurred with the judgement of the planner.
- 3.13. To record the findings, the planner completed a table detailing the nature of the application and relevant characteristics, its planning history, Section 106 contributions and the Mayor's decision. The table also recorded how each of the London Plan policy themes were dealt with – by the application itself and by the comment and recommendations within the PDU reports.

- 3.14. Finally the planner recorded an overall judgement as to the quality of the PDU report and Mayoral decision, and noted the policy priorities that had emerged through the treatment of the application.

Consideration of planning inquiries

- 3.15. A total of 32 planning inquiry cases arose from strategic planning applications since the inception of PDU. Most of these, 37.6%, were called in by the Secretary of State; 28% were appeals by applicants following refusal of planning permission by the relevant Borough; 18.8% followed a direction of refusal by the Mayor and 15.6% arose from non-determination of an application.
- 3.16. Of the nine cases where the Mayor became involved in a developer's appeal against a Borough decision, two had been resolved with a decision and case file available at the time of the analysis. These were reviewed by the planner and are detailed in Appendix E.

Strengths and constraints of the analysis

- 3.17. This report is first of its kind to undertake a holistic approach in understanding the planning decisions process and competing trade-offs made by PDU and the Mayor. As outlined in the methodology section, various components of each application have been looked at.
- 3.18. The findings in this report give a snapshot for understanding the strategic applications process between 2004 and 2005 and these results should not be regarded as a predictor for the future.
- 3.19. The Committee recognises that the analysis relies on planning applications that reached the stage 2 report and might not be statically significant. The majority of referable cases during 2005 did not reach stage 2.
- 3.20. The planner's analysis relied heavily on PDU's published stage 1 and 2 reports, although the individual application files were examined for most of the cases.

4. Overview of cases

- 4.1. Table 1 overleaf provides a high level overview of the cases assessed by the planner. Following the analysis, 'scores' was allocated to summarise the performance of each case against each main policy theme. This provides an impression of which policy areas are being most successfully applied – by developers, Boroughs, the Mayor and through a combination of the three.
- 4.2. The 'scores' are based on a broad judgement and it is recognised that different assessors could come to different conclusions. They also cannot fully reflect the more complex trade-offs within policy themes. However the table gives a rough indicator of how well the case met the policies under each theme.

Table 1: Overview of cases

Cases			Score: performance against policy themes (1 = poor, 2 = moderate, 3 = good)					Mayoral decision to direct refusal
Title	Borough	Type	Housing	Office & Retail	Transport	Urban Design	Open Space & Natural Resources	Y/N
Grahame Park Estate	Barnet	Residential / Estate Renewal	3	N/A	3	3	2	N
Land at Stonegrove	Barnet	Residential / Estate Renewal	3	N/A	1	3	2	N
Croydon Arena (Arrowcroft)	Croydon	Residential / Commercial / Arena	2	3	3	3	1	N
15 Ramsgate	Hackney	Residential	1	N/A	2	2	1	N
Prestolite Factory	Hammersmith & Fulham	Residential	2	3	2	3	1	N
Former Middlesex University, Bounds Green	Haringey	Residential	3	3	2	3	1	N
Secrets Night Club	Havering	Residential	1	N/A	3	1	1	Y
The Warren, Woolwich Arsenal	Greenwich	Residential / Masterplanni ng	3	3	3	3	2	N
Crown Wharf, Canning Town	Newham	Residential	3	3	3	3	3	N
40b Warton Road	Newham	Residential	2	2	2	3	1	Y
Site We2, Royal Victoria Dock	Newham	Residential	2	N/A	3	3	1	N

Cases			Score: performance against policy themes (1 = poor, 2 = moderate, 3 = good)					Mayoral decision to direct refusal
Title	Borough	Type	Housing	Office & Retail	Transport	Urban Design	Open Space & Natural Resources	Y/N
Newington Industrial Estate	Southwark	Residential	3	2	3	3	2	Y
2 Sutton Road	Sutton	Residential	3	N/A	2	2	1	Y
3 – 5 Payne Road	Tower Hamlets	Residential	3	N/A	2	2	1	N
1 Millharbour	Tower Hamlets	Residential	2	2	3	3	1	N
31 – 39 Millharbour	Tower Hamlets	Residential	3	N/A	3	2	1	N
71 Carmen Street	Tower Hamlets	Residential	3	3	3	3	3	N
Former British Gas Site	Tower Hamlets	Residential	3	N/A	2	2	1	N
Former Electrical Switch House	Tower Hamlets	Residential	3	N/A	3	3	1	N
London Arena	Tower Hamlets	Residential	3	2	2	3	3	N
Former Morganite Factory	Wandsworth	Residential	3	2	2	3	1	N

Cases			Score: performance against policy themes (1 = poor, 2 = moderate, 3 = good)					Mayoral decision to direct refusal
Title	Borough	Type	Housing	Office & Retail	Transport	Urban Design	Open Space & Natural Resources	Y/N
Cannon Place, Cannon Street Station	Corporation of London	Commercial	N/A	3	3	A	1	N
Former London Stock Exchange	Corporation of London	Commercial	N/A	3	3	A	1	N
12 – 20 Paul Street and 83 – 105 Clifton Street	Hackney	Commercial	3	3	2	A	1	N
Telstar House, Eastbourne Terrace	Westminster	Commercial	N/A	3	3	3	2	N
Kimpton Industrial Park, Tesco	Sutton	Retail / Industrial	N/A	2	3	A	2	N
Tesco, former C&A warehouse, Highams Park	Waltham Forest	Retail / Residential / Industrial	1	2	2	2	1	Y
Tesco, Oprington Multi Level car park	Bromley	Retail / Residential	3	2	2	3	2	N

Cases			Score: performance against policy themes (1 = poor, 2 = moderate, 3 = good)					Mayoral decision to direct refusal
Title	Borough	Type	Housing	Office & Retail	Transport	Urban Design	Open Space & Natural Resources	Y/N
The Royal Ballet School	Richmond	Education	N/A	N/A	3	3	2	Y
Acton High School	Ealing	Education	N/A	N/A	N/A	3	3	N
Charlton School	Greenwich	Education	N/A	N/A	2	2	1	N
Copland Community School	Brent	Education / Residential	3	3	3	3	2	N
St. Joseph's Academy	Lewisham	Education	N/A	N/A	3	3	3	Y
UEL Docklands Campus	Newham	Education	3	N/A	3	3	3	N
Desalination Plant, Beckton	Newham	Industrial	N/A	N/A	2	2	1	Y
Lower Lea Crossing	Tower Hamlets and Newham	Bridge across River Lea	N/A	N/A	3	3	2	N
Charing Cross Hospital	Hammersmith & Fulham	Hospital	N/A	N/A	3	2	1	N

N/A – Not applicable

A – Consultant did not have access to drawings and therefore could not provide evaluation.

5. Detailed findings

- 5.1.1. This section details the conclusions that emerged from the analysis of the planning decisions. The full analysis for each case is contained in Appendix E.
- 5.1.2. A number of recommendations are suggested in relation to the application of the Mayor's housing policies in the development control process. The possible recommendations identified in this report will be reviewed and refined following receipt of comments from stakeholders.
- 5.1.3. Apart from commenting on the decisions taken by the Mayor, these findings reflect the issues that emerge within the reports produced by PDU and associated negotiations with developers. Taken together, these offer a clear impression of the main priorities pursued by the GLA through the development control process.

5.2. Directions of refusal

- 5.2.1. Of the 37 cases considered, the Mayor directed the local planning authority to refuse planning permission for nine applications, detailed below. In six cases, revisions to the proposal led to refusal being withdrawn and in one case, a revised scheme (Former C&A Warehouse, Tesco) is being considered by the Mayor.
- 5.2.2. The scope to withdraw a direction of refusal maintains flexibility in the planning decision process. This allows applicants further opportunities to bring their schemes closer to the principles of London Plan and helps minimise the likelihood of appeals against refusal.

Direction of refusal

2 Sutton Park Road, LB Sutton
(directed refusal largely due to insufficient information submitted on the mix and type of accommodation; withdrew refusal)

40B Warton Road, LB Newham
(directed refusal largely based on Policy 3A.4 "housing choice", 4A.7-4A.9 "Energy assessment" and 3A.15 "Protection and enhancement of social infrastructure and community facilities"; withdrew refusal following submission of satisfactory information)

Beckton Desalination Plant, LB Newham
(directed refusal largely based on Policy 4A.11 "Water Supplies")

Former C & A Warehouse Site (Tesco), Highams Park, LB Waltham Forest
(directed refusal largely based on Policy 3A.15 "Protection and enhancement of social infrastructures and community facilities, 4A.8 "Energy assessment" and 4A.11 "Water Supplies"; revised scheme is currently considered by the Mayor.)

(Continued)

Kimpton Industrial Estate, Elephant & Castle, LB Southwark
(directed refusal largely for not providing sufficient information regarding the loss of local employment opportunities; withdrew refusal when satisfactory statement provided)

Newington Industrial Estate, Elephant & Castle, LB Southwark
(directed refusal largely for not providing enough information in regards to the loss of local employment opportunities; withdrew refusal when satisfactory statement was provided)

Royal Ballet School, LB Richmond
(directed refusal largely based on Policy 3D.9 “Metropolitan Open Land” and national policy PPG2; withdrew refusal after the applicant has demonstrated the need for development)

Secrets Night Club, Romford, LB Havering
(directed refusal largely based on Policy 3A.7 “Affordable housing target”)

St. Joseph’s Academy, LB Lewisham
(directed refusal largely based on Policy 4A.17 “Energy efficiency and renewable energy”; withdrew refusal following submission of satisfactory information)

5.3. Planning policies

5.3.1. The sections below set out findings relating to the following issues that emerged from the analysis:

- Housing
- Employment
- Accessibility/inclusive design
- Renewable energy/energy assessment
- Delivery of mixed-use development and safeguarding town centres

5.3.2. The specific cases that illustrate these findings are listed in Appendix D.

5.4. Housing

5.4.1. The main thrust of many of the decisions and negotiations was to secure housing, including affordable units. Among the 37 applications reviewed, seven met or exceeded the 50 % target of affordable housing.

5.4.2. The London Plan requires that overall, within affordable housing provision 70% should be social housing and 30% intermediate provision. This percentage split was not generally met in the sampled cases with the tenure mixture varying widely. In many cases this was justified with reference to the local context as well as financial viability.

5.4.3. The percentage of affordable housing within a development can be calculated in more than one way – referring to a percentage of the units within the

development; or the number of habitable rooms, or on the basis of the overall masterplan. The Mayor's SPG on Housing, published in November 2005, provides guidance on this issue.

- 5.4.4. The senior planning consultant observed that it would be beneficial to clarify, within the London Plan, the way in which an affordable housing target should be measured, and the need for a financial appraisal if significantly at variance with this target; reinforcing the guidance provided by the SPG.

Possible recommendation 1

That the Mayor clarifies Policy 3A.7 of the London Plan to help ensure a consistent approach in calculating affordable housing provision.

- 5.4.5. In four cases which offered substantially less than 50% affordable housing, PDU's intervention has successfully increased the level of provision.
- 5.4.6. In remaining cases, which neither met the 50 % target, nor were capable of providing more units, PDU and applicants have agreed to a financial assessment. The use of financial appraisal (based on the 'Three Dragon Model' for financial appraisal commissioned by the GLA) or the appointment of a third party surveyor has enabled PDU to seek the maximum reasonable amount of affordable housings or the equivalent in Section 106 agreements.
- 5.4.7. This is in line with Policy 3A.8. Financial assessment is a valuable asset for streamlining the process of development control as well as facilitating the negotiations of Section 106 agreements.
- 5.4.8. In one case, the lack of a financial assessment – as well as other factors – resulted in a Mayoral direction to refuse planning permission. The application was contrary to London Plan policies on numerous grounds and the absence of financial assessment was only one of many deficient aspects.
- 5.4.9. The GLA's priority to increase housing supply is evident across the applications considered, consistent with the London Plan. In three cases there is reason to think that the pursuit of housing outweighed other policies in the London Plan to the extent that the sustainability of the development might be questioned. In these cases, the planner considered that the sites would be over-developed, as the density of the housing exceeded guidelines in Table 4B.1 of the London Plan (which gives a density matrix for areas with different characteristics). The sites had a low PTAL score (a measure of the public transport accessibility level), which was not sufficiently improved by proposed public transport improvements associated with the Section 106 agreement.
- 5.4.10. PDU have commented that the density matrix only provides an indication, and departure from these guidelines might not equal over development. The PTAL score is only one indicator for appropriate levels of development, and officers also pay attention to the specific location of the development. For example, despite its low PTAL score, the Former Morganite factory site benefits from an outer edge location of a vibrant town centre and is only 10 minutes walking distance to a bus stop, served by multiple bus lanes.

- 5.4.11. The senior planning consultant reviewed one of these applications (Land at Stonegrove) and agreed that potential over development, given the low public transport accessibility and surrounding low rise suburban development, was the key issue here. It was noted that this development would lead to a high level of car use, although this was in an area that already had high levels of car ownership.
- 5.4.12. While the senior planning consultant agreed, on balance, with the decision not to direct refusal, the argument given by PDU in favour of the scheme was weak – particularly as the London Borough of Barnet appeared be reliant on the GLA’s assessment of this issue. PDU officers have subsequently advised that higher density is required as the regeneration of the estate relies on the sale of private housing units. The case for allowing development at a higher density than indicated in the London Plan should have been argued more explicitly, identifying the trade-off against the viability of the scheme without this amount of private enabling development, and the fact that the proposals had evolved through extensive consultation with existing residents. The alternatives for a smaller scheme assessed in the Environmental Statement should have been probed.

Possible recommendation 2

That PDU ensures more robust consideration is undertaken when the density of a scheme exceeds the guidelines of the London Plan. The interpretation of the density matrix should be clarified.

5.5. Employment

- 5.5.1. PDU has demonstrated an uncompromising position in job creation and has made respectable efforts to connect developments with local communities.
- 5.5.2. Section 106 agreements have been drafted to ensure that developments recruit local labour for construction and maintenance, as well as providing financial contributions for skills enhancement. This is consistent with Policy 3B.1 (Developing London’s economy) and Policy 3B.12 (Improving the skills and employment opportunities for Londoners).

5.6. Accessibility / Inclusive Design

- 5.6.1. Policy 3A.4 of London Plan indicates that strategic applications, in particular residential schemes, should ensure at least 10 % of units are wheelchair accessible and all units meet the lifetime home standard.
- 5.6.2. Policy 4B.5 of London Plan requires all development to meet the highest standards of accessibility and inclusive design. An access statement should be submitted to demonstrate that the principles of inclusive design have been integrated into the scheme.
- 5.6.3. Analysis indicated that numerous schemes failed to submit an access statement in the first instance. Applicants would submit an access statement

prior to the stage 2 report for further review; and if applicants were unable to generate an access statement during the Mayor's consultation, PDU requested planning conditions to ensure the delivery of access statement.

- 5.6.4. Accessibility is a new feature in planning, which may explain why insufficient information is submitted by some applicants. A SPG *Achieving an inclusive environment* was published in April 2004 providing more guidance on how to produce this information.
- 5.6.5. Two cases failed to meet the 10 % accessible units target. However, this inadequacy did not merit a refusal due to extenuating circumstances - one case was a late referral from the local authority, and another application benefited from a previous appeal prior to the implementation of London Plan.
- 5.6.6. A direction for refusal was issued for one case that failed to meet the 10% target of wheelchair accessible units.

Possible recommendation 3

That the Mayor improves clarity and focus for developers, by revising the London Plan to separate "Housing choice" Policy 3A.4 into two distinct policies, with one referring to the mix of housing sizes and types and another to the 10 % wheelchair accessible units and "lifetime homes standard".

5.7. Renewable energy / energy assessment

- 5.7.1. Policy 4B.6 of the London Plan requires applications for strategic developments to include a statement showing how sustainability principles will be met; one of the key aspects being how the development will conserve energy.
- 5.7.2. The analysis revealed that many of the planning applications did not include an energy statement. A direction of refusal might be warranted if a developer has failed to consider the energy and sustainability implications of a major development. However, closer inspection indicates that the circumstances leading to applications have affected the production of an energy statement, and the main issues identified are as follows.
- 5.7.3. Most significantly, the majority of the sampled cases predated the publication of the GLA's Renewable Energy Toolkit and SPG for Sustainable Design and Construction in March 2005 (which establish the methodology and process for producing a renewable energy statement).
- 5.7.4. The complexity of these technical requirements put an additional burden on applicants and in some cases, PDU have found the energy statement inadequate and directed refusal. The publication of the Renewable Energy Toolkit is a direct response to the insufficient knowledge of renewable energy among planners and applicants.
- 5.7.5. It appears that after the publication of this document, PDU took a harder line on applications that did not include an energy statement. A direction of

refusal is unlikely and may be unreasonable in response to a failing in only one aspect of a proposal (such as energy use). Nevertheless, the Mayor has directed refusal largely on this basis for two of the cases considered.

- 5.7.6. A formal SPG is a material consideration in development control and has a fundamental bearing during appeal stage. It is therefore to be expected that the Mayor may continue to take a stronger position on this issue in future cases.
- 5.7.7. Related to the availability of the toolkit and SPG is the fact that energy assessment is a new requirement from the London Plan and is a unique planning feature for development control in Greater London, unheard of in other local authorities in England and Wales. It is therefore understandable that some applicants might not recognise this requirement until the application is referred to the Mayor, leaving planning conditions as the last resort to resolve the issue.
- 5.7.8. Compromises between different priorities are inevitable in the development control process, and various social benefits compete for attention within the constraints of the developers' financial surplus. Developers are, of course, reluctant to see their profit reduced by extensive conditions on planning permission and there is a limit to what the Boroughs or the Mayor can achieve through negotiation.
- 5.7.9. The tension between different objectives is illustrated in a number of cases where PDU extracted the maximum reasonable amount of affordable housing (albeit under 50%), but were unable to secure sustainable energy schemes as well.

5.8. Delivery of mixed-use development and safeguarding town centres

- 5.8.1. Three cases were selected to illustrate a trend of supporting the development of town centres with mixed-use capacity, as envisioned by the London Plan. All three sites have a large retail store as a core element and PDU has adhered to national policy (PPG 6) and the London Plan by seeking to deliver mixed-use schemes with desirable urban design, affordable housing provision, job creation and economic development.
- 5.8.2. PDU successfully added value to all three proposals in strategic terms, although they presented various degrees of difficulty, which emerged from the planning history and the local planning authorities' position.
- 5.8.3. PDU secured housing units on brownfield redevelopment sites in two of the cases. Their negotiations for housing were not successful at Kimpton Industrial Park, probably because the terms of discussion had been laid prior to the adoption of the London Plan.
- 5.8.4. In one case (Former C&A Warehouse), the strength of the strategic planning process was demonstrated by a direction to refuse planning permission due to inadequate provision of a playground or social infrastructure, insufficient water and energy conservation schemes.

6. Factors affecting the quality of applications and scope for negotiation

6.1. A number of systemic issues emerged through the investigation which influenced the extent to which applications complied with the London Plan, or affected the success of negotiations to improve the scheme. These issues were as follows:

- Planning history
- Prior consultation
- Planning policies in force
- Late referral
- Constraints on direction of refusal
- Resources

6.2. A recommendation is suggested with the aim of smoothing the planning decisions process and hence gaining greater benefits from it.

6.3. Planning history

6.3.1. If a site has extant planning permission, whether for a full or outline scheme, the scope of negotiations between the applicant and PDU is highly constrained, and tends to favour the applicant. The developer is in a position either to offer the least possible planning gain during negotiation, or to adopt the previously approved scheme. An older scheme with extant permission is likely to be even less compliant with the London Plan.

6.3.2. However, applicants' reliance on permission granted before the London Plan is gradually declining. The expiration date for a development lasts only 5 years for applications approved prior to 2004, and recent planning reforms have reduced the gap between development and planning decisions to 3 years.

6.4. Constraints on direction of refusal

6.4.1. In the event that a planning application is felt to be deficient overall, before PDU can recommend to the Mayor that he directs refusal, it has to be mindful of the fact that a refusal can go to appeal or public inquiry. A recommendation to direct refusal must therefore be backed by close scrutiny of the application and the relevant policies to decide whether a direction to refuse permission could be defended at an appeal or public inquiry.

6.4.2. At the Environment Committee meeting of 26 July 2005, the Head of PDU noted that: "some of the policies in the London Plan are not as firmly written as one would wish, and this is obviously a reflection of the fact that these are ground-breaking policies, they are new policies, and the first iteration of the London Plan was always going to be fairly weak".

6.4.3. Many of the policies do not create absolute requirements but advocate particular features where 'possible' or 'appropriate'. This provides a basis for negotiation but does not necessarily carry the force needed to direct refusal of

an application, if the applicant can make the case that a feature is not feasible in their particular development.

6.5. Resources

- 6.5.1. A clear constraint on the Boroughs and GLA when seeking to secure maximum benefits from a planning application is the resources available to pursue a case. This applies particularly to the availability of experts on specific subject areas – and is brought into sharp relief when the developer of a major project has sufficient budget to engage expert consultants.

6.6. Prior consultation

- 6.6.1. Estates regeneration and large urban renewal schemes in East London have involved extensive consultation with local residents, developers, the planning authorities and other statutory consultees. If this is carried out before a formal application is submitted, the scheme can often be refined and issues addressed at an earlier stage – when the developer has committed less money to the production of plans and has greater flexibility to adapt their proposal.

6.7. Planning policies in force

- 6.7.1. Planning policies direct the decision process on development control and the assessment of planning merits for each application. The availability of supplementary guidance during initial consultation on an application affects the extent of compliance by applicants, and the leverage available for PDU to seek amendments to schemes.
- 6.7.2. The guidance available on information that a developer must supply for the strategic referral process must be clearly set out to ensure developers can more readily comply. The Mayor should consider strengthening the wording of the London Plan regarding the submission of supporting documents for planning applications. One key aspect of this is the requirement for financial appraisal, which, as verified by our investigation, is a valuable tool for assessing the viable level of affordable housing. Advice on carrying out this appraisal is published in the Mayor’s Housing SPG, but could be better signposted in the London Plan (Policy 3A.8).

6.8. Late referral

- 6.8.1. The ability of the GLA to provide strategic oversight was compromised in six cases where the local planning authority did not adhere to the administrative procedure for referring strategic planning applications. If a case is referred late, the Mayor may not have the opportunity to make a Stage 1 representation, reducing the opportunities available to negotiate improvements.
- 6.8.2. In one case a Council resisted the need for Mayoral referral, despite the development satisfying the definition of a strategic application. In another case, the applicant denied the necessity of Mayoral intervention stating that a similar scheme did not meet the referable categories.

- 6.8.3. In such cases the last resort may be to require improvements to the scheme through planning conditions. However these have shortcomings from the Mayor's point of view in that he cannot direct the specifics of the conditions; and the local authority in some cases might not enforce the conditions, for example due to lack of resources. PDU clearly prefers a more direct influence to the use of planning conditions and expressed this in its report on Switch House, Aspen Way, Blackwall, which noted that "the Mayor will not be able to directly influence the outcome of the assessment."²
- 6.8.4. PDU officers have suggested that local authorities are becoming more efficient in filtering referable applications. The outstanding problem is to identify applications that depart from local UDPs and quite often, local authorities do not discover these issues until the application is well underway.
- 6.8.5. In cases where a developer or planning agent has not recognised that their scheme is referable to the Mayor, the opportunity to improve its performance against London Plan policies is constrained. In addition, the developer faces the cost of revising their application and producing additional information to comply with the Mayor's requirements. As discussed in the preceding section, the criteria for strategic planning applications and the associated policies and information requirements need to be well understood, in order to maximise the added value offered by the strategic referral process as efficiently as possible.
- 6.8.6. Improvements to the GLA website and the Planning Portal website could help to disseminate information to the public and to planning professionals. An interactive questionnaire, similar to "Do I need planning permission for householder applications" on the planning portal, should be available from PDU's website to direct local authorities and planning professionals to determine whether their applications require Mayoral consultation. Some Boroughs include reference to referable applications on their planning application form, which is to be encouraged.
- 6.8.7. The validation procedure should be more transparent and a checklist for strategic applications for planning permission should be available to local authorities and planning agents.
- 6.8.8. Clarity on the relative priority of local and Mayoral policies or guidance is also important, especially as the reform of the planning system and the ongoing revision of local planning documents creates the potential for confusion.
- 6.8.9. These steps would minimise late referral, procedural errors and the need for planning conditions to address unsatisfactory applications.

Possible recommendation 4

That PDU examines the options for increasing awareness of the strategic referral requirements, and encouraging Boroughs to embed this consideration in their administrative processes.

² paragraph 10, page 2, PDU/0048b/02

7. Conclusions

- 7.1. Our analysis indicated what may have been expected at the outset, that is that the planning decisions process undertaken by the Mayor is required to balance a number of competing priorities. Negotiation with developers is aimed at improving the performance of the application with respect to the London Plan's policies. However there are limits on the extent to which these negotiations can result in an application that wholly satisfies all the policies.
- 7.2. Despite this, the Mayor's negotiations on planning decisions have generally extracted additional benefits, and a greater level of compliance with his London Plan policies.
- 7.3. Overall the pattern of decisions by the Mayor is coherent and aligns with the London Plan as a vision for the capital's spatial development. However some policies appear to receive relatively higher attention than others.
- 7.4. The achievement of housing objectives – both in maximising the provision of housing overall, and the inclusion of affordable housing – sometimes appears to 'trump' other considerations. We believe the Mayor should ensure that decisions that maximise housing in areas where, for example, public transport access is relatively low, are fully justified and considered rigorously in the context of sustainable development.
- 7.5. Planning applications and the end result of negotiations appear, in some areas, to be improving as developers become more aware of the range of London Plan policies, and as supporting documents are published by the Mayor.
- 7.6. The Committee considers it important that, to improve compliance and minimise the transaction costs of negotiations, the ground rules must be made clear to applicants so that they recognise when an application is referable to the Mayor and can readily identify the requirements that apply to their development.
- 7.7. The Mayor should take an increasingly firmer line on issues like renewable energy and accessibility as his policies bed down, and should ensure through pre-application discussions that SPGs and toolkits supporting these policies are taken into account by developers.
- 7.8. The analysis also suggested some possible questions that could be considered further by the Planning and Spatial Development Committee, as follows.
 - How well do London Plan policies withstand appeals and High Court cases?
 - Is any improvement evident in strategic planning applications following the publication of SPGs and other guidance?
 - Are the current criteria for defining strategic planning applications appropriate?
 - Is there any evidence that developers adapt their proposals to avoid falling under the criteria for a strategic referral?

Appendix A: List of possible recommendations

Possible recommendation 1

That the Mayor clarifies Policy 3A.7 of the London Plan to help ensure a common approach in calculating affordable housing provision.

Possible recommendation 2

That PDU ensures more robust consideration is undertaken when the density of a scheme exceeds the guidelines of the London Plan. The interpretation of the density matrix should be clarified.

Possible recommendation 3

That the Mayor improves clarity and focus for developers, by revising the London Plan to separate “Housing choice” Policy 3A.4 into two distinct policies, with one referring to the mix of housing sizes and types and another to the 10 % wheelchair accessible units and “lifetime homes standard”.

Possible recommendation 4

That PDU examines the options for increasing awareness of the strategic referral requirements, and encouraging Boroughs to embed this consideration in their administrative processes.

Appendix B: Extract from The Town and Country Planning (Mayor of London) Order 2000 defining strategic planning applications

PART I

LARGE SCALE DEVELOPMENT

Category 1A

1. Development which-

- (a) comprises or includes the provision of more than 500 houses, flats, or houses and flats; or
- (b) comprises or includes the provision of flats or houses and the development occupies more than 10 hectares.

Category 1B

1. Development (other than development which only comprises the provision of houses, flats, or houses and flats) which comprises or includes the erection of a building or buildings-

- (a) in the City of London and with a total floorspace of more than 30,000 square metres, or
- (b) in Central London (other than the City of London) and with a total floorspace of more than 20,000 square metres, or
- (c) outside Central London and with a total floorspace of more than 15,000 square metres.

2. In paragraph 1 "Central London" means the area bounded by the outer edge of the red line on a map entitled "Map of Central London referred to in the Town and Country Planning (Mayor of London) Order 2000" of which prints, dated 25th May 2000 and signed by a Director in the Department of the Environment, Transport and the Regions, are deposited and available for inspection at -

- (a) the principal office of Secretary of State for the Environment, Transport and the Regions;
- (b) the Government Office for London;
- (c) the principal office of the Mayor; and
- (d) the principal office of the local planning authority for each London borough.

Category 1C

1. Development which comprises or includes the erection of a building in respect of which one or more of the following conditions is met-

- (a) the building is more than 25 metres high and is adjacent to the River Thames,
- (b) the building is more than 75 metres high and in the City of London,
- (c) the building is more than 30 metres high and outside the City of London.

2. A building is adjacent to the River Thames for the purposes of paragraph 1(a)-

(a) if the building is wholly or partly on a site which falls within an area identified as a Thames Policy Area in the development plan, or
(b) where no such area is so identified in respect of the relevant part of the River Thames, if the building is wholly or partly on a site which falls within the Thames Policy Area being the area bounded by the outer edge of the red line on the set of maps numbered 1 to 3 entitled "Maps of the Thames Policy Area referred to in the Town and Country Planning (Mayor of London) Order 2000" of which prints, dated 25th May 2000 and signed by a Director in the Department of the Environment, Transport and the Regions, are deposited and available for inspection at-

- (i) the principal office of Secretary of State for the Environment, Transport and the Regions;
- (ii) the Government Office for London;
- (iii) the principal office of the Mayor; and
- (iv) the principal office of the local planning authority for each London borough.

3. Any part of a building below ground level shall be ignored for the purposes of paragraph 1.

Category 1D

1. Development which comprises or includes the alteration of an existing building where-

- (a) the development would increase the height of the building by more than 15 metres; and
- (b) the building would, on completion of the development, be higher than a relevant threshold set out in paragraph 1 of Category 1C.

PART II

MAJOR INFRASTRUCTURE

Category 2A

1. Development which comprises or includes mining operations where the development occupies more than 10 hectares.

2. In paragraph 1 "mining operations" means the winning and working of minerals in, on or under land, whether by surface or underground working.

Category 2B

1. Waste development to provide an installation with capacity for a throughput of more than 50,000 tonnes per annum of waste produced outside the land in respect of which planning permission is sought.

2. In paragraph 1 "waste development" means any operational development designed to be used wholly or mainly for the purpose of, or a material change of use to, treating, keeping, processing or disposing of refuse or waste materials.

Category 2C

1. Development to provide-

- (a) an aircraft runway;
- (b) a heliport (including a floating heliport or a helipad on a building);
- (c) an air passenger terminal at an airport;
- (d) a railway station;
- (e) a tramway, an underground, surface or elevated railway, or a cable car;
- (f) a bus or coach station;
- (g) an installation for a use within Class B8 (storage or distribution) of the Schedule to the Use Classes Order where the development would occupy more than 4 hectares;
- (h) a crossing over or under the River Thames; or
- (i) a passenger pier on the River Thames.

2. Development to alter an air passenger terminal to increase its capacity by more than 500,000 passengers per year.

PART III

DEVELOPMENT WHICH MAY AFFECT STRATEGIC POLICIES

Interpretation

1. In this Part land shall be treated as used for a particular use if-

- (a) it was last used for that use, or
- (b) it is allocated for that use in-
 - (i) the development plan in force in the area in which the application site is situated,
 - (ii) proposals for such a plan, or
 - (iii) proposals for the alteration or replacement of such a plan.

Category 3A

1. Development which is likely to-

- (a) result in the loss of more than 200 houses, flats, or houses and flats (irrespective of whether the development would entail also the provision of new houses or flats); or
- (b) prejudice the residential use of land which exceeds 4 hectares and is used for residential use.

Category 3B

1. Development-

- (a) which occupies more than 4 hectares of land which is used for a use within Class B1 (business), B2 (general industrial) or B8 (storage or distribution) of the Use Classes Order; and
- (b) which is likely to prejudice the use of that land for any such use.

Category 3C

1. Development which is likely to prejudice the use as a playing field of more than 2 hectares of land which-

- (a) is used as a playing field at the time the relevant application for planning permission is made, or
- (b) has at any time in the five years before the making of the application been used as a playing field.

2. In paragraph 1 "playing field" has the same meaning as in article 10(2)(l) of the GDPO.

Category 3D

1. Development-

- (a) on land allocated as Green Belt or Metropolitan Open Land in the development plan, in proposals for such a plan, or in proposals for the alteration or replacement of such a plan; and
- (b) which would involve the construction of a building with a floorspace of more than 1,000 square metres or a material change in the use of such a building.

Category 3E

1. Development which does not accord with one or more provisions of the development plan in force in the area in which the application site is situated and-

- (a) comprises or includes the provision of more than 2,500 square metres of floorspace for a use falling within any of the following Classes in the Use Classes Order-

- (i) class A1 (retail);*
- (ii) class A2 (financial and professional);*
- (iii) class A3 (food and drink);*
- (iv) class B1 (business);*
- (v) class B2 (general industrial);*
- (vi) class B8 (storage and distribution);*
- (vii) class C1 (hotels);*
- (viii) class C2 (residential institutions);*
- (ix) class D1 (non-residential institutions);*
- (x) class D2 (assembly and leisure);*

or

- (b) comprises or includes the provision of more than 150 houses or flats or houses and flats.

Category 3F

1. Development for a use, other than residential use, which includes the provision of more than 200 car parking spaces in connection with that use.

PART IV

DEVELOPMENT ON WHICH THE MAYOR MUST BE CONSULTED BY VIRTUE OF A DIRECTION OF THE SECRETARY OF STATE

Category 4

1. Development in respect of which the local planning authority is required to consult the Mayor by virtue of a direction given by the Secretary of State under article 10(3) of the GDPO.

Appendix C: Summary of the main policies considered through the analysis of planning decisions

Housing

- *Diversity of types of housing unit (Policy 3A.4)* Developments should offer a range of housing choices (size and type), to meet the requirements of different groups, such as students, older people, families with children and people willing to share accommodation. 10 per cent of proposed development should be wheelchair accessible and all units should be made to lifetime homes standard.
- *Affordable housing (Policy 3A.7)* 50% of provision London-wide should be affordable. Within that, there should be a Londonwide split of 70% social housing and 30% intermediate provision. Development should promote mixed and balanced communities.
- *Negotiating affordable housing in individual scheme (Policy 3A.8)* Boroughs should seek the maximum reasonable amount of affordable housing when negotiating on individual, with regard to their targets, the need to encourage residential development and the individual circumstances of the site. Targets should be applied flexibly, taking account of individual site costs, the availability of public subsidy and other scheme requirements.
- *Social infrastructure (Policy 3A.15)* Adequate provision for social infrastructure and community facilities (children's play and recreation facilities, services for young people, older people and disabled people, libraries, community halls, meeting rooms, places of worship and public toilets) are important in major areas of new development and regeneration. The net loss of such facilities should be resisted.
- *Large scale development (Policy 3A.5)* Defined as an area of more than 10 hectares or provision of than 500 dwelling units. Boroughs should encourage proposals for large residential developments in areas of high public transport accessibility, including suitable non-residential uses within such schemes.

Office and retail

- *Office supply (Policy 3B.2 & 3B.3)* Target increase of 8.1 million sq meters of office space by 2016. Central Activities Zone (Central London and Part of East London) will contribute 43% of all growth.
- *Mixed use development (Policy 3B.4)* Within the Central Activities Zone and the Opportunity Areas, wherever increases in office floorspace are proposed they should normally provide for a mix of uses including housing.
- *Strategic Employment Locations (Policy 3B.5 & Annex 2)* Sites for Preferred Industrial Locations and Preferred Business Parks are identified.

Transport

- *Matching development with transportation (Policy 3C.1 & 3C.2)* Proposed developments should reduce reliance on the car. Developments should match to existing transport capacity. High trip generating development should be located where public transport accessibility and capacity are sufficient to meet the transport requirements of the development.
- *Parking provision (Policy 3C.22)* Provision should reflect levels of public transport accessibility. There should be no over supply of parking spaces. The density matrix (table 4B.1) indicates appropriate parking space supply for different types of development.

Urban design

- *Urban design principles (Policy 4B.1)*. Design principles should be used in assessing planning applications. Objective assessment: maximise potential site, enhance public realm, accessible for all users, sustainable and safe for occupants and passers-by. Subjective assessment: respect local character / community, practical, attractive to look at, respect the natural environment.
- *Density and maximising site potential (Policy 4B.3)*. Development proposals should achieve the highest possible intensity of use compatible with local context and with public transport capacity. The Mayor will refuse permission for strategic referrals that under-use the potential of the site. The density matrix (table 4B.1) provides guidelines on appropriate densities in different contexts.
- *Creating an inclusive environment (Policy 4B.5)* The Mayor will require all future development to meet the highest standards of accessibility and inclusion.
- *View corridor protection (Policy 4B.15, 4B.16 & 4B.17)* Development within the landmark viewing corridors above threshold heights and development within landmark background and lateral assessment areas, which fails to preserve or enhance the ability to recognise and appreciate landmark buildings, will usually be refused.
- *Sustainable construction (Policy 4B.6)* Development should meet the highest standards of sustainable design and construction, such as conserve energy, materials, water and in relation to biodiversity and promote sustainable waste behaviour.
- *Tall Buildings (Policy 4B.8 & 4B.9)* Defined as structures significantly taller than surroundings and/or have significant impact on the skyline. Promoted where they meet objectives such as enhancing London's character, acting as a catalyst for regeneration and where they are also acceptable in terms of design and impact on their surroundings. Presumption in favour of tall buildings with public access to the upper floor and / or mixed used on the ground floor.

Open space and natural resources

- *Improvement of air quality (Policy 4A.6)* Reduction in pollutant emissions should be achieved by improving the integration of land use and transport policy, reducing the need to travel by car, promoting sustainable design and construction and requiring a formal air quality assessments are undertaken for material considerations.
- *Endorsement of renewable energy (Policy 4A.7, 4A.8, 4A.9)* Development should be sensitive to the environment in that a proportion of energy use should be sourced from renewable energy, including passive solar design, natural ventilation, borehole cooling, combined heat and power, fuel cells, biomass fuelled electricity and heat generated plant wherever feasible. The Mayor will request an assessment of the energy demand of proposed major developments, which should also demonstrate the steps taken to apply the Mayor's energy hierarchy.
- *Noise abatement and separation of noise sensitive development (Policy 4A.14)* Nuisance from noise pollution could be minimised by separating new noise sensitive development from major noise sources wherever practicable.
- *Water conservation (Policy 4A.11)* Water supplies should be protected and conserved by minimising the use of treated water, maximising rainwater harvesting opportunities, using grey water recycling programs and ensuring that adequate sustainable water resources are available for major new development.

Other considerations

Blue Ribbon Network

- *Leisure use, access and activities alongside / in / on the Blue Ribbon Network (Policy 4C.16, 4C.17 & 4C.18)* A presumption against the net loss of access to the Blue Ribbon Network and policies to increase the provision of sport / leisure use where appropriate.
- *Urban design for schemes alongside Blue Ribbon Network (Policy 4C.20, 4C.21)* Design should 'start from the water' and integrate successfully with the water space in terms of use, appearance and physical impact.
- *Developments near canal and canal restoration (Policy 4C.28, 4C.30)* Proposed development should respect the unique character of the canal and opportunities should be pursued for creating new and restoring disused basins and canals.
- *The protection of moorings and docks (Policy 4C.19, 4C.32)* Existing mooring facilities should be protected and improved. The attractiveness and historical interest of London's remaining dock areas should be protected and promoted.

Cultural, Education and Community

- *Education facilities (Policy 3A.21)* Criteria for expanding educational facilities should consider the need for new facilities and the potential for expansion of existing provision.
- *Higher and further education (Policy 3A.22)* This supports London as a centre of excellence in higher education and support the provision of student accommodation.
- *Development and promotion of arts and culture (Policy 3D.4)* Cultural facilities should be promoted and proposals need to adopt a sequential test to ensure an appropriate site is selected. The site should also benefit from good public transport accessibility and the scheme should be accessible to different sections of the community.
- *Sports facilities (Policy 3D.5)* Sport facilities should be supported and proposals should adopt a sequential approach to selection, have good public transport accessibility and be open to the members of the community to maximise the facility's utility.

Appendix D: List of cases illustrating findings

Affordable housing target being met

- Former British Gas Site, LB Tower Hamlets (56 % unit basis)
- Payne Road, LB Tower Hamlets (61 % unit basis)
- 2 Sutton Road, LB Sutton (94 % unit basis)
- Pretolite factory Site, LB Hammersmith and Fulham (74 % habitable room basis)
- Former Morganite Factory, LB Wandsworth (50 % increase on extant permission)
- Former Middlesex University, LB Haringey (50 % unit basis)
- Former electrical switch house, LB Tower Hamlets (50 % of the entire framework)

Increase of provision of affordable housing following PDU intervention

- 12 / 20 Paul Street, Clifton Road, LB Hackney (S106 housing grant)
- London Arena, LB Tower Hamlets (from 16 to 30 %)
- 31 – 30 Millharbour, LB Tower Hamlets (from 130 to 151, net increase of 21 units)
- 1 Millharbour, LB Tower Hamlets (offsite provision)

Tenure mixture in sampled cases:

- Land at Stonegrove, LB Barnet
74 % Social rented, 18 % shared ownership
- Copland Community School, LB Brent
75 % Social rented, 25 % shared ownership
- Prestolite Factory Site, LB Hammersmith and Fulham
33 % Social rented, 67 % Intermediate
- Former Middlesex University, LB Haringey
50 % Social rented, 30 % Shared equity, 30 % Key Worker
- The Warren, LB Greenwich
30 % Rented Social Landlord, 70 % Key worker
- Newington Industrial Park, LB Southwark
40 % Social housing, 60 % Intermediate
- 2 Sutton Road, LB Sutton
30 % Social rented, 70 % Intermediate
- 3 Payne Road, LB Tower Hamlets
52 % Social Housing, 48 % Intermediate
- 31 – 39 Millharbour, LB Tower Hamlets
80 % Social rented, 20 % Shared equity
- Former British Gas Site, LB Tower Hamlets
45 % Social rented, 55 % Key worker
- Crown Wharf, LB Newham
50 % Social rented, 50 % Intermediate
- Site We2, LB Newham
40 % Social rented, 60 % shared ownership

Use of financial assessment determined the appropriate level of planning gain

- 12 / 20 Paul Street, Clifton Road, LB Hackney
- Copland Community School, LB Brent
- 15 Ramsgate, LB Hackney
- Royal Victoria Park, Site WE2
- Crown Wharf, LB Newham
- Former Morganite Factory, LB Wandsworth
- 71 Carmen Street / 134 – 136 Crisp Street, LB Tower Hamlets
- 40b Warton Road, LB Newham
- 1 Millharbour, LB Tower Hamlets

Indication of compromise between adequate level of public transport provision and housing units

- Land at Stonegrove, LB Barnet (PTAL = 2)
- Former Morganite factory, LB Wandsworth (PTAL = 2)
- Pretolite factory Site, LB Hammersmith and Fulham (PTAL = 2)

Creating employment opportunities for Londoners

- 3 – 25 Payne Road, LB Tower Hamlets
- Multi-storey car park (Tesco), Orpington, LB Bromley
- Former C&A Warehouse (Tesco), LB Waltham Forest
- Kimpton Industrial Area (Tesco), LB Sutton
- 40b Warton Road, LB Newham

Access statement was not included and PDU required the submission of an access statement via planning condition

- 2 Sutton Road, LB Sutton
- 15 Ramsgate, LB Hackney
- 31 – 39 Millharbour, LB Tower Hamlets
- Crown Wharf, LB Newham (There is commitment towards 10 % wheelchair units target and PDU advised 100 % lifetime homes' standard should be secured by conditions)
- Former Morganite Factory, LB Wandsworth

Access statement was submitted subsequent to PDU's request at stage 1

- 3 – 5 Payne Road, LB Tower Hamlets
- Former British Gas Site, LB Tower Hamlets
- Former Middlesex University Campus, LB Haringey
- Site We2, LB Newham (applicant has submitted inadequate information and PDU requested resubmission via planning condition)
- Telstar house, Eastbourne Terrace, LB Westminster

Increase of lifetime homes following PDU's intervention

- Grahame Park Estate, LB Barent (149 from 88 units)

Schemes failed to provide 10 % of wheelchairs accessible units and were not directed refusal

- 71 Carmen Street, LB Tower Hamlets (8 % but all units meet Lifetime Homes' Standard)
- Copland Community School, LB Brent (3 % of units; late referral)
- Land at Stonegrove, LB Barnet (2.7 of affordable units are are wheelchairs accessible)
- Former British Gas Site, LB Tower Hamlets (7 % of units are wheelchairs accessible)

Direction of refusal was made based on inadequate access statement

- 40b Warton Road, LB Newham

No energy statement submitted - applications produced before the publication of GLA Renewable Energy Toolkit

Extant planning permission dating from before the draft London Plan:

- Former British Gas, LB Tower Hamlets
- 12 – 20 Paul Street, LB Hackney
- 1 Millharbour, LB Tower Hamlets
- 31 – 39 Millharbour, LB Tower Hamlets

Extant planning permission, energy statement to be secured via planning conditions:

- Former electrical switch house, LB Tower Hamlets
- Former London Stock Exchange, City of London

Revised application in progress with greater attention to renewable energy:

- Site WE2, Royal Victoria Dock, LB Newham

Referred to the Mayor late. Applicant was not aware of Mayor's energy strategy; PDU required energy statement to be secured via planning conditions:

- UEL Dockland Campus, LB Newham

Referred to the Mayor late and PDU required energy statement to be secured via planning conditions:

- 15 Ramsgate Street, LB Hackney
- Copland Community School, LB Brent

Substandard energy statement submitted, PDU required energy statement to be secured via planning conditions:

- Pretolite Factory Site, LB Hammersmith & Fulham. The PDU report (PDU/0962a/02) stated that "the energy assessment that has already been submitted would not be sufficient to discharge this condition, and accordingly more work is necessary by the applicant."

PDU required energy statement to be secured via planning conditions:

- 2 Sutton Park, LB Sutton
- Charing Cross Hospital, LB Hammersmith and Fulham
- Former Morganite Factory, LB Wandsworth (Unilateral Undertaking)

No energy statement submitted - applications produced subsequent to the publication of GLA Renewable Energy Toolkit

Inadequate energy statement was submitted; applicants failed to follow procedure and energy hierarchy stated in policy 4A.6 and 4A.7, resulting in a direction for refusal:

- 40b Warton Road, LB Newham
- St. Joseph Academy, Lee terrace, LB Lewisham

No energy statement, resulted in a direction for refusal:

- Former C&A Warehouse (Tesco), LB Waltham Forest

Cases with maximum reasonable amount of affordable units and no renewable energy

- 12 / 20 Paul Street, Clifton Road, LB Hackney (section 106 grant)
- Copland Community School, LB Brent (27 % unit basis)
- 15 Ramsgate, LB Hackney (25 % unit basis)
- Royal Victoria Park, Site WE2, LB Newham
- Crown Wharf, LB Newham (35 % unit basis)
- Former Morganite Factory, LB Wandsworth (30 % unit basis)
- 71 Carmen Street / 134 – 136 Chrisp Street, LB Tower Hamlets
- 40b Warton Road, LB Newham (35 % unit basis)
- 1 Millharbour, LB Tower Hamlets (35.9 % habitable room basis)

Tesco store applications

- Kimpton Industrial Park, LB Sutton (draft London Plan in force)
- Orpington Multilevel car park, LB Bromley (Planning history: similar scheme was refused by council, in appeal stage)
- Former C&A Warehouse, LB Waltham Forest (Planning history: similar scheme was refused by council, public inquiry scheduled)

Late referral cases:

- Copland Community School, LB Brent
- Secrets Night Club, LB Havering
- 15 Ramsgate Street, LB Hackney
- UEL Dockland Campus, LB Newham
- Former Morganite Factory, LB Wandsworth
- Charlton School, LB Greenwich

Appendix E: Analysis of individual cases

Cases that are subject to an ongoing appeal or inquiry are not included.

Highlighted policies are those which PDU chiefly depended on for each case.

Where applicable these pages include comments by the senior planning consultant and PDU case officers.