

DP3749/JS

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Local Plan Consultation
Old Oak and Park Royal Development Corporation
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Dear Sir/Madam,

OLD OAK AND PARK ROYAL DEVELOPMENT CORPORATION: REGULATION 19 REVISED LOCAL PLAN CONSULTATION

Representations on behalf of Old Oak Park Limited

We write on behalf of our client, Old Oak Park Limited ('OOP Ltd'), a partnership between Cargiant Limited and London & Regional Properties, to submit representations to the above consultation and its supporting evidence base for your consideration.

OOP Ltd is the largest private land owner within Old Oak Common and is preparing a masterplan for one of the most strategically important sites in the area. The 46-acre site (known as Old Oak Park 'OOP') lies at the heart of the Old Oak Common regeneration area, covering a significant proportion of the land to the north of the Grand Union Canal. The site is currently home to the world's largest car dealership and processing plant, Cargiant, which directly employs 850 people and supports many more jobs in the local area. Cargiant is already underway with its plans for relocation, following detailed discussions with the OPDC and other decision makers and stakeholders over the past three years. We are ready to progress with our masterplan for OOP as soon as confirmation on the viaduct solution is received.

We welcome the opportunity to make representations on the Revised Draft Local Plan, and look forward to continued engagement throughout the remainder of the Local Plan process. We appreciate the detailed engagement that we have had with the OPDC on the development of the Plan, and it does take on board many of the masterplan principles that have been in discussion for our site.

Whilst we lend our support to the Plan as a whole and to the support it provides for bringing forward development at OOP, we wish to comment on some fundamental matters that are critical to the OOP site coming forward for development, and which have consequently been the focus of our review of the Draft Plan. In summary:

- We are concerned that the Local Plan avoids fully tackling the fundamental issue of viability and sets an unachievable target for affordable housing (50%) which does not reflect the considerable challenges and costs involved in delivering development at OOP. Whilst the Local Plan states that affordable housing is subject to viability, the headline target is based on an evidence base which does not seem to take account of the significant cost of infrastructure;



- It is a long and detailed Local Plan, which risks being unduly onerous by setting out an unusually long list of requirements, criteria and assessments that are required to support development proposals in the OPDC area. Unless these requirements can be further clarified or rationalised, we are concerned that they could go beyond what is required by the London Plan, and more importantly exceed those found in most other Local Plans in London, making development in the OPDC area more burdensome when it should be more streamlined. The Plan's manifesto is change, and so we are keen to work with the OPDC to ensure that this is reflected in the detailed requirements of planning applications;
- The Local Plan understandably sets the bar for the quality of new development high, but in doing so it risks, in some places, extending beyond the remit of planning. This includes seeking to control, amongst other things; meanwhile uses and their operators, the relocation of existing tenants, the wages paid by new tenants, the provision of subsidised business and retail space, the control of workspace operators, the distribution of different residential unit mixes, the provision of utilities and the life cycle of materials. Whilst we share many of these aspirations, we are also aware that they will all add to the cost of development, increase the burden of seeking planning permission and potentially delay delivery. As such, we are keen to work with the OPDC to find the right balance, and the appropriate routes and mechanisms, for reflecting shared aspirations in new development; and
- Out of the total 25,000 homes and 55,000 jobs to be delivered in OPDC, the OOP site will provide 6,500 homes and 7,500 jobs – 25% of the homes and 13% of the jobs. This makes it the most significant private development in the area, however the Local Plan is requiring the site to provide a significant amount of social and transport infrastructure which will serve the wider area, including; a 4FE primary school for the whole area, a 4,500sq m health hub for the whole area, a sports and leisure centre including a 25m swimming pool for the whole area and part of a community hub of 5,200sq m for the whole area. In order for these allocations to be acceptable and deliverable, we are of the view that there needs to be a clear acknowledgement of the fundamental viability challenges involved in developing OOP, and how this will influence the level of affordable housing that the scheme will be able to provide.

In summary, we consider that there is much for us to support in the Draft Local Plan, but that there are some key areas where we would welcome further engagement with the OPDC before the document is finalised and adopted. In particular, the Plan's length and detail, the potential for some unduly onerous and unnecessary requirements, and the way in which the Plan addresses the critical cost of infrastructure and the level of affordable housing that is likely to be viable. These matters require some further refinement to ensure that the Plan does not cause delay and discourage development at OOP.

As such, whilst we do not question that the Plan has been positively prepared, we do consider that it is not fully justified in places and that, as a result, some further work is required in order for it to be effective.

This letter outlines our comments and observations on the current draft of the Local Plan, which are also tabulated in Appendix 1. Supporting representations from DS2 Limited on the Affordable Housing Viability Assessment are also enclosed. We reserve the right to supplement our representations and comment on further amendments and draft versions of the Local Plan and its supporting documentation. In the case of this summary letter and Appendix 1, we have followed the Chapter structure of the Revised Draft Local Plan document.

Chapter 2: Spatial vision

We remain supportive of the spatial vision for the OPDC, including the identification on the Key Diagram of the High Street running through OOP as a Major Town Centre with mixed uses around.



Page 13: Within the Deliverability Challenges, we would welcome acknowledgement that the decision on the Elizabeth Line Depot will also affect adjacent development sites. Whilst Managing Traffic and Construction is recognized as a challenge, we query whether the Plan properly identifies solutions.

Chapter 3: Strategic policies

Policy SP2: Good growth

Paragraph 3.11 in the supporting text to this policy includes reference to some hard-to-define concepts, including community cohesion and empowerment, safety and security and respect of diversity. Overall we feel that this is essentially supporting mixed tenure and type of homes, but we would suggest avoiding the use of concepts which do not have a clear definition.

Policy SP4: Thriving communities

We wish to note that the overarching target to provide 50% affordable housing is very ambitious, but we welcome the recognition in 3.25 that developing land in the OPDC area is complex – in particular given the level of infrastructure needed to support any development. Where major development schemes such as OOP are required to provide significant new infrastructure, there needs to be a very clear recognition throughout the Local Plan that this will necessarily reduce the level of affordable housing that can be supported. However, we will work with the OPDC and other stakeholders to identify and maximise the potential benefits to promoting lifetime neighbourhoods, social cohesion and community integration within a viable development scheme.

Policy SP5: Economic resilience

Whilst we recognize and strongly support the aspiration for the London Living Wage, we question the appropriateness of including this as a requirement within a development plan policy, and do not consider that the planning system is necessarily the appropriate way in which to control workers' pay and conditions.

Policy SP6: Places and destinations

We support the introduction of a separate place for Willesden Junction.

3.44 refers to meanwhile uses, and states an intention (through Policy TCC9) to require developers to accept mechanisms that protect meanwhile use operators. The real attraction of meanwhile uses for developers is that they are temporary and do not hinder or impact upon the permanent development. Requiring the retention of operators brought in for a meanwhile use in a permanent scheme will dissuade developers from proposing them. It assumes that the type of space required for a meanwhile use is compatible with the end proposals, which is a significant assumption and would constrain either or both elements. We would consequently suggest a much less prescriptive and interventionist approach to meanwhile uses – we would suggest that the OPDC should support and encourage rather than control them to this degree.

3.51 indicates that a delivery programme will be 'set' for Old Oak High Street so that it aligns with the delivery of homes and jobs. We would suggest that there will be very many phasing considerations, some of which will be known early on and others which will not be known until delivery stage, and would encourage a less prescriptive approach to delivering the new town centre uses once all influencing factors are known and understood.



Policy SP7: Connecting people and places

Part h) of the policy (as well as at 3.70 in the supporting text) refers to Park Road as an ‘early all modes connection’. This is at odds with our understanding of the longer term intentions for Park Road, and so we would welcome clarity on this point.

Figure 3.8: Proposed connections indicates two connections to Scrubs Lane at Park Road and Grand Union Street. The emerging OOP masterplan only requires one vehicular connection to Scrubs Lane and so we would suggest clarification of this diagram. This position is reflected in Figure 4.12.

Policy SP9: Built environment

The Local Plan (informed by the Heritage Strategy) at figure 3.14 identifies the proposal to allocate a number of buildings as undesignated heritage assets in NPPF terminology. Within the OOP site, this includes 18-19 Hythe Road, the Hythe Road electricity sub-station, the former Rolls Royce Factory, 44 Hythe Road and the former Gate and Shutter works to the south of 1-10 Enterprise Way which are proposed to become locally listed buildings. It also identifies Europa Studios as a ‘Proposed other building of heritage interest’. This final designation is unclear and unhelpful – it either merits being locally listed or it does not, given that the NPPF only differentiates between designated and non-designated heritage assets. We consequently suggest that it should not be designated.

We would suggest that part a)ii) of the policy does not acknowledge that some (if not most) of these buildings are likely to be demolished as part of the area’s comprehensive redevelopment, in that it refers only to ‘responding appropriately to their setting’. The policy should acknowledge that if the loss of these assets is proposed, justification is required in accordance with policy D8.

Policy SP10: Integrated delivery

We welcome the recognition at 3.108 and 3.109 that developers will be required to contribute ‘appropriately and proportionately’ towards social and physical infrastructure. Whilst the ‘equalisation mechanism’ is only mentioned at 3.109 in connection with different landowning interests, it should also be recognized that there will need to be an equalization between early sites that come forward ahead of new infrastructure yet rely on it, and later developments which provide the new infrastructure to support the overall development capacity in the area. We consider that this is critical so as to avoid an inappropriate burden being placed on sites such as OOP.

Chapter 4: Places

Site allocations

Whilst we recognize that the number of housing units and commercial floorspace identified for the Cargiant site (site 8) are only those that are envisaged to be delivered within the first 20 years of the Plan period, we consider that the Plan should acknowledge the work that has been done to date on a masterplan for the site, by recognizing that the site as a whole (during the Plan period and beyond) has a total capacity for a greater number of housing units and amount of commercial floorspace. Specifically, we would welcome recognition that the site is anticipated to accommodate at least 6,500 new homes and 125,000sq m of commercial floorspace in total.

Policy P2: Old Oak North

The above comments on the site’s allocation and capacity are also relevant to Part a) of this policy. Criteria c) is overly prescriptive in identifying where there should be concentrations of family and



smaller units. This will be influenced by phasing as well as the physical characteristics of the different parts of the OOP masterplan, but we would suggest that this level of detail is best dealt with through the masterplan planning application. This is repeated in OON.5. Whilst we understand the desire to focus family units around open space and social infrastructure, we do not understand why smaller units should be focused around a small business hub and consider this to be an unnecessary constraint.

Part d)v) of this policy requires existing floorspace used by ‘creative businesses’ in accordance with policy E1 to be re-provided. It is not clear here whether this requires re-provision of just the quantum and type, or the re-provision of the actual businesses themselves. We think neither is appropriate. This is repeated at OON.9, which furthermore identifies that the Rolls Royce Building provides an opportunity to accommodate this floorspace as well as having potential for meanwhile uses. We consider that this level of detail is more appropriately dealt with through a planning application.

Part f), as well as OON.11-12 (and TCC9) provide detailed policy requirements relating to meanwhile uses. Whilst the aims and benefits of meanwhile uses are understood, they are only appropriate in certain circumstances and need to be compatible with a range of detailed matters, including in particular site phasing, logistics, commercial viability and access routes which may change during the site’s delivery. We do not consider that the level of detail provided on meanwhile use types and location in P2 and its supporting text is appropriate or necessary. The Local Plan should simply encourage and support meanwhile uses and seek a strategy for large sites which are likely to experience any considerable periods of vacancy. Meanwhile uses should not be given the same policy status as permanent uses, and should in no way compromise the proper long-term redevelopment of the area.

We would note that the Northern Viaduct solution for Hythe Road Station will make the sustainable drainage requirements in part k) more difficult to achieve.

Part m) of the policy relates to heritage and character and is similarly unclear as to recognizing that locally listed buildings can be lost with justification. Reference here is only to the Rolls Royce Building and to the setting of locally listed buildings.

Part i)vi) requires development in OON to “support” a walking/cycling bridge to Wormwood Scrubs. Whilst this is supported in terms of providing access to open space, the Local Plan should specify whether this suggests delivering or simply facilitating the connection.

Policy P2C1: Grand Union Square Cluster

The level of detail provided in the cluster policies is beyond what should be included in a Local Plan document, and would be more appropriately addressed directly through the determination of a masterplan planning application for the site.

Policy P10C2: Laundry Lane Cluster

We are concerned that the requirement to provide a ‘green bridge’ linking Laundry Lane with Old Oak Gardens will impact on the OOP masterplan and will increase the impact of introducing a bridge at this point on the railway beneath. We would encourage this reference to be changed to a bridge, with the details to be left for a planning application.



Chapter 5: Design

Policy D1: Securing high quality design

Part b)iii) states that developers should ‘select a design team that has a range of skills and experience for delivering similar proposals in terms of scale, complexity, use of innovation and high quality design’. Whilst we wholeheartedly support high design aspirations for the OPDC area, planning policy should not involve itself with the appointment of professional firms by private developers, and has no ability to influence this other than obliquely through implementation of its policies. Whilst flexibility is provided in the words ‘where relevant and flexible’, this remains inappropriate. In the case of a 6,500 homes masterplan requiring significant new transport infrastructure, for example, a requirement to have delivered ‘similar proposals’ could well rule out many design firms that would be more than qualified.

Paragraph 5.10 states that design guidelines should be secured through section 106 agreements. However, planning conditions should be used where possible and so we would request that this wording be amended to include planning conditions or, where this is not possible, section 106 agreements.

Policy D2: Public realm

Part b) of this policy requires public access to be provided to private realm ‘from occupation’. This statement takes no account of phasing, in particular sectional completions of larger blocks, and we would suggest is too much detail for a Local Plan document. This level of detail should be determined through a section 106 agreement taking account of the specifics of a proposal.

Paragraph 5.19 requires information which includes responsibilities and costs and funding arrangements for cleaning, maintenance, repair and replacement. This is all too detailed for a planning application, when a developer will not know the particular arrangements as it will depend on how the asset is to be held and managed, whether there is RP involvement etc. For outline applications this is not possible where designs do not yet exist. We would suggest that a better way to secure this would be through section 106 public realm management plans.

Policy D5: Tall buildings

Paragraph 5.41 states that “The increased development capacity of tall buildings can deliver significant benefits for both the surrounding built environment and existing and future local communities. Proposals should be supported by a statement demonstrating how they will deliver these benefits. This statement should include how the consideration of appropriate financial viability elements has informed the delivery of any benefits.” It is not known what it meant by this statement – could it please be clarified?

Policy D7: Key views

We consider that this policy would benefit from some clarification and reconsideration. The policy currently applies to a range of views, which includes some strategic views (which already have policy weight through the London Plan and LVMF), some views which relate to the setting of a listed building or conservation area and therefore have weight from the requirements of the Planning (Conservation Areas and Listed Buildings) Act, and other views which have no other weight – including local views and some more distant (including ‘kinetic’ views’).

The current wording treats all of these views as ‘key views’ and consequently affords them all equal weight, to which we object. The weight to be attributed to each view differs and we would suggest that



there is a need for a more sophisticated policy which recognises these different tiers of view. We also consider that the inclusion of kinetic views from elevated railway lines is inappropriate and unnecessary, and that where these are located beyond the boundary of the OPDC, the OPDC should not include them within its Local Plan unless a view is identified in the LVMF or relates to a designated heritage asset. The inclusion of these kinetic views suggests more than mere visibility – it implies that these views are important and that they should influence the design of developments in the OPDC area, with which we disagree given the transient way in which they are experienced by all.

The supporting text then goes on to say that the OPDC wishes to understand how the silhouette, bulk, massing and elevational treatment affects key views in static and digital modelling formats, with daytime, evening and night time renders. This is excessive and is detail that should be determined through an EIA scoping exercise, informed by the specific circumstances of a site and proposal.

Policy D8: Heritage

This policy requires, amongst other things, developments to demonstrate how they ‘promote’ heritage assets. It is not clear how this relates to the NPPF’s requirement to ‘sustain and enhance’ the significance of heritage assets. Part c) of this policy seeks to attach a sequential approach to considering non-designated heritage assets, but then uses the suffix ‘or’ so that it is not clear whether an applicant needs to follow all steps or can provide justification against just one of the criteria. We would welcome clarity. We would also query why there is no policy guidance relating to works to designated heritage assets as there is for non-designated heritage assets. We further consider that the additional detail on this process provided at Table 5.3 goes beyond what the NPPF requires for non-designated heritage assets, by requiring public benefits to outweigh any harm and by requiring its significance to be ‘exhibited’. Policy requirements relating to non-designated heritage assets should be proportional to the significance of the asset – they should not match the requirements of designated heritage assets, which by their nature are more significant and carry statutory protection. The NPPF simply advises that the effect of an application on the significance of a non-designated heritage asset should be ‘taken into account’ by a local planning authority when determining an application.

Policy D9: Play space

Policy D9 b)i) and paragraph 5.70 require dedicated play space for 0-5s to be in publicly accessible within Small Open Spaces or Pocket Parks as a priority. Whilst we consider that some should, we do not think this is appropriate for all space. It will be very appropriate for some of it to be in private shared courtyards on podiums, for example, where it can be closer to home.

Policy D9 b)iii) requires 4 hours sunlight on 50% of play space site, on 21 March. We consider that this is likely to be challenging given the development densities required to achieve the strategic housing targets.

Chapter 6: Environment and utilities

Policy EU1: Open space

Part a) of this policy says that any loss or harm to Wormwood Scrubs will only be permitted in very special circumstances. We query how this policy will operate in relation to proposals brought forward in line with other policies in the Local Plan, such as Policy P12 c) which refers to the enhancement of Wormwood Scrubs including the provision of playspace, and in 3.83 the potential for enhanced functionality and accessibility of Wormwood Scrubs.



Part c) of this policy (and Policy SP8) requires 30% of the developable area outside of the SIL to be provided as public open space, which includes two 2-hectare parks in OOP. We think this could be excessive given the presence of Wormwood Scrubs which alone already accounts for over 10% of the total OPDC area.

Part d) has a list of functions that all open space (including private and communal areas) should provide. This is a long and onerous list of requirements for each space to provide – is that the intention, or is the policy suggesting that in their entirety the open spaces within the plan area should provide for these functions?

Part iv) states that where it is not possible or desirable for individual developments to make on-site open space provision, a financial contribution will be sought for open space however we object to requiring payments for resident and workers separately, as both types of users will use the same open space but at different times. Consequently this approach would lead to double counting for space.

Policy EU7: Circular and sharing economy

Whilst we acknowledge and share OPDC's aspirations in this regard, this policy has the potential to be particularly onerous, requiring the submission of information which goes well beyond the planning application stage to include the supply chain, end users and even potential future owners. It is at a scale that is appropriate for Building Regulations and national policy, but is not, we feel, appropriate to be introduced into the OPDC Local Plan where it is not a requirement for other development in London. Such onerous requirements will place further limitations on development at Old Oak, which as an Opportunity Area already has a significant challenge compared to development in established parts of London where it has to fund significant infrastructure costs whilst having greater uncertainty and risk on values. To introduce requirements that further constrain elements such as commercial lease arrangement and construction procurement routes is unnecessary and overly burdensome, and we would request sustainability policies which are proportionate and appropriate when viewed alongside parallel control regimes.

Policy EU11: Smart technology

We question the appropriateness of including a policy relating to technology in the Local Plan. It is not the responsibility of the planning system to govern broadband speeds, or set planning policies relating to the protection of data, protocols and data management systems. Whilst we support the aspirations, we consider that this is a function that can be provided by the OPDC outside of the development plan. Its inclusion in the plan adds further cost and burden to the planning process, and generally to the cost of development in the Opportunity Area.

Chapter 8: Housing

Policy H2: Affordable housing

As commented above in relation to Policy SP4, we consider that the target for 50% of all housing to be affordable is very ambitious. Whilst Policy H4 does state that this is subject to viability, including the Mayor's threshold approach to viability, we consider that it would be much clearer if Policy H2 recognised the London Plan requirement (at Policy 3.12) for individual development schemes to provide the maximum reasonable amount of affordable housing, and if it expressed the Homes for Londoners' approach to developments on public and private land as separate targets, so as to avoid unrealistic expectations being placed on developments on private land. This approach would be warranted in the OPDC area given the unique nature of its land ownership and the significant and unusual costs of infrastructure which are to be borne by private developers (and which are recognised



but not accounted for in the AHVA as acknowledged in the supporting text below). It is also important that any viability assessment for a scheme such as OOP reflects the long delivery programme and wide range of land uses proposed – each of which has different funding and income profiles. This includes commercial offices, retail, leisure, hotel and community uses, as well as different residential products including co-living, specialist care housing and build to rent. The Plan’s requirements for minimum amounts of certain types of specialist housing products, as well as subsidised commercial and retail floorspace and community uses, will all need to be reflected in an assessment of the scheme’s potential affordable housing contribution.

8.18 states that “The 50% affordable housing target and threshold approach has been tested as being achievable in certain circumstances and some specific sites through OPDC’s Affordable Housing Viability Assessment (AHVA). However, this work does not take full account of the specific costs of unlocking development sites across the area. The full infrastructure costs are not known at this stage and these costs will need to be identified and considered as part of planning applications. The presence of abnormal site constraints is expected to impact land value and the cost should not necessarily be born through a reduction in planning obligations. However, it is recognised that specific site constraints, infrastructure requirements and financial viability may affect the amount of affordable housing that can be achieved on individual sites.”

We have commented separately on the AHVA, however given the fundamental role of the necessary and unavoidable infrastructure costs involved in delivering new housing at the OOP site, and in a situation where the existing land owner is bringing forward new housing on industrial land which carries a high cost for the relocation of the existing business, there is a fundamental difficulty in supporting the levels of affordable housing being targeted by the Local Plan. We do not consider that relegating such a critical issue to the supporting text, when the policy identifies a 50% target (which the AHVA concludes as not viable even without the infrastructure costs taken into account), is a realistic or helpful approach to stimulating the delivery of new homes in the OPDC area. And whilst we recognise that OOP is one site which will be assessed when a planning application is submitted, OOP is allocated to deliver approximately 25% of the OPDC area’s total housing supply for the Plan period, and as such will have a significant impact on the overall provision of affordable housing.

Policy H3: Housing mix

We consider that the target to provide 25% of new homes as family housing, or more where appropriate (part b of the policy), is the wrong approach for what is an entirely new quarter for London. The OPDC area provides an important new opportunity to create a new high-density, highly accessible part of Central London in West London to deliver a large number of new homes to make a significant contribution to London’s housing crisis. We consider that basing the target mix on an SHMA which assesses need in the established residential neighbourhoods in the surrounding area is flawed in the context of the new development. The OPDC housing supply should be considered in the context of meeting a London-wide demand, but with specific factors which include:

- The long-term nature of regeneration activities at OOP means that for much of the time new residents will be moving into an area that is undergoing active change;
- The need to establish momentum of delivery and a critical mass in the earlier stages of development, necessitating faster sales rates;
- The desire to maximise the number of new homes through higher density development which will make the best use of the significant new transport infrastructure being delivered.

Whilst 8.34 does recognise that the mix will not be applied ‘rigidly’, this works from an ‘expectation’ that developments will deliver 25% family units, despite noting that London-wide developments have delivered 20% family housing on average. We also note that the Housing Evidence Statement (at paragraph 8.5) states that the OPDC will be high density and so ‘challenging and undesirable’ too have



a high family housing target, ‘as many units would be unable to access appropriate amenity and play space’. For a scheme the size of OOP, this requirement represents approximately 1,625 family units. We do appreciate the recognition in Chapter 4 that family units are likely to be skewed towards the latter phases of the development, but we think the Local Plan needs to do more to set a realistic and appropriate target for family units that avoids unnecessary conflict at the planning application stage.

It is also important to consider the overall proportion in relation to the design guidance at Policy H4. H4 a) and paragraph 8.39 state a preference for family housing to be located at ground or first floor level, or where higher to have direct level access to private and secure open space (i.e. more than just balconies). To have this for 25% of units in a high-density development is not possible and so the vast majority of family units are likely to be provided in accordance with part b) of this policy.

8.36 requires all new housing units in OPDC to be designed ‘with built-in flexibility to allow for units to expand or contract as household size, type and other circumstances change’. What does this mean? Once flatted developments are built, flexibility on units sizes is impossible unless units are amalgamated, on the top floor where they can be extended upwards or where they are rental products. We would suggest that flexibility is limited to internal changes, which is covered at 8.37.

Policy H9: Specialist housing

Policy H9 b) requires developments providing 1,000 or more homes to provide 10% of homes as specialist care and supported needs housing for older people and/or vulnerable people. On OOP, this represents a requirement for approximately 650 specialist housing units, which is a significant amount and will have a detrimental impact on project viability. Whilst a small element may be appropriate, we do not consider that such a large requirement will be the best way to fund and utilise the infrastructure which will be provided in the OPDC are for the maximisation of new homes and jobs. There is no flexibility in this policy to allow the policy to be applied flexibly and appropriately, and so we would encourage the introduction of some flexibility to allow for a considered balancing of priorities in the delivery of major sites such as OOP. Criteria i), iii) and iv) used to assess student housing in policy H10 would be appropriate.

Chapter 9: Employment

Policy E1: Protecting existing economic and employment functions

Paragraph 9.11 requires the re-provision of creative business floorspace on site. Paragraph 9.18 goes on to reference Apex House, and also requires any re-provision to be affordable. Policy TCC5 and paragraph 10.46-47 then say developers should work with local artists and provide new artists space. Whilst we recognise and appreciate the ambitions behind these requirements, the Opportunity Area designation does signal a fundamental change to the nature of the area. This means that many existing businesses are unlikely to be compatible with the new vision for the area. In order to fund the significant amounts of infrastructure required to deliver the new homes and jobs targets, residential and commercial values will need to rise and developers funding the provision of infrastructure will need to be allowed to deliver new floorspace that achieves the step change in values necessary to fund this infrastructure. There is something of a tension between the numerous onerous policies within the Plan which seek to retain existing businesses and meanwhile businesses, and provide discounted space for new businesses, when the fundamental principle aim of the OPDC is to deliver a substantial element of new jobs as part of the area’s transformation. Consequently, we are keen to ensure that the Local Plan does not overly constrain new employment opportunities by burdening developers with requirements which they would not face when developing outside the Opportunity Area.



9.12 states that “Applicants must demonstrate robust engagement with affected businesses throughout the pre- and formal application process, to ascertain whether existing business occupiers wish to occupy the newly created space. The phasing of the scheme should also minimise business disruption, by providing permanent or meanwhile employment space (see Policy TCC9) for existing business units to move into before they are redeveloped”. 9.13 provides even more detail on the process that developers must go through in order to relocate existing tenants. This all amounts to very onerous requirements, particularly when the Plan provides the basis for a re-designation of the land from SIL to a mix of other uses. The details of relocating businesses to secure the area’s redevelopment is a private commercial matter and should not form a requirement of the Local Plan. Requiring this amount of process and detail from applicants could stifle development of key sites and goes beyond the statutory obligations of a landlord to their leasehold tenants. We consider that these requirements should be removed or significantly reduced.

Policy E2: New employment floorspace

Part d)i) of this policy requires the provision of a Marketing Statement and evidence of appropriate engagement with potential occupiers. We do not consider this to be appropriate or necessary. Commercial floorspace will be designed to be commercially attractive, and the planning system should not involve itself with the way in which developers inform the design of commercial premises. Where offices in particular are involved, pre-application discussions with potential occupiers are highly likely to be confidential in nature and as such it would not be appropriate to include this information in a planning application.

We recognise the desire to provide for a range of different business types, and for commercial floorspace to be flexible to meet the needs of a range of occupier types. However, we do not think this should be too prescriptive and should be considered in relation to each development proposal that comes forward. Ultimately, any requirement to subsidise commercial floorspace through reduced rents carries a cost and needs to be factored into a viability assessment.

Policy E3: Supporting small businesses

We do not consider it necessary for the OPDC to require at part b) its approval of workspace and studio providers. 9.26 goes further by requiring space to be at approved rents, with 9.25 saying that low cost space should be at capped rents and security of tenure within the Landlord and Tenant Act. We consider this to be too much detail for a Local Plan, and not a matter that should be controlled through the planning system. Again, the cost of any capped rents as a discount to market rents will need to be accounted for in any viability appraisal.

Policy E5: Local access to training, employment and economic activities

We are not clear on what is meant by using the word ‘operation’ at 9.39 in relation to section 106 training, employment and opportunities obligations. This has the potential to be very onerous if not clearly defined and limited through SPD.

Chapter 10: Town centre and community uses

TCC3: A-Class uses

Policy TCC3 e) and 10.20 requires 10% of retail to be in small, preferably more affordable, units of no more than 80sq m. Whilst we support the broad aims of this policy, we do not think that it is helpful or necessary to stipulate percentage targets. Part e) of the policy does state that the smaller units should be focused on ‘secondary retail frontages’, however as these are not defined in the Plan, the impact of



this cannot be determined, and we consider that it is likely to unduly constrain the commerciality of the new town centre, and could limit developer's flexibility in securing tenants. We would suggest that it would be helpful to identify the primary and secondary retail frontages – even if this is by defining characteristics rather than specific streets.

10.21 requires the provision of a Town Centre uses statement, which should include how it is proposed to manage the retail uses. We do not consider that this information is relevant or appropriate, nor is it information that is likely to be known at the planning application stage.

Policy TCC4: Social infrastructure and TCC6: Sports and leisure

The Plan, through this policy and elsewhere, identifies the requirement for a significant amount of social infrastructure for the OOP site. This includes:

- 4FE Primary school
- 4,500sqm health hub for the whole of the OPDC area
- public access sports and leisure including sports halls and 25m swimming pool (alongside suggesting another 25m swimming pool in Old Oak South
- a community hub of 5,200sqm split between OON and OOS

The scale of this infrastructure burden on OOP is significant and disproportionate. Whilst the Plan recognises at 10.35 the need for flexibility and 10.27 says that “retrospective pooling” could mean other sites contribute to the cost, it is concerning that delivery is anticipated to fall on the OOP development. We also do not consider that the scale of infrastructure that has been identified is actually required. In particular:

- We consider that a 2/3FE primary school will be sufficient and that a 4FE primary school is too large and will be challenging to accommodate without a significant impact on the design and density of development at OOP. The supporting Education and Health Needs Study suggests that this could extend to 0.58ha, which is larger than our emerging masterplan allows for. This view is informed by our consideration that it will be very challenging for the scheme to deliver close to the 50% affordable housing target, and that the target for 25% of new homes to be family homes is too high. Reducing both of these elements of the development at OPDC will reduce the likely child yield; and
- The requirement for anything more than one 25m swimming pool within the OPDC area is considered to be unnecessary in relation to the average level of provision of such facilities in London. This is particularly important given the cost and other priorities for infrastructure funding. We would suggest that the requirement for a second 25m pool, or one 50m pool, is removed from the Plan.

We note that the Education and Health Needs Study adopts a GLA methodology for calculating population and child yield which we believe produces numbers which are too high. We would note the following factors as being likely to lead to a reduced population and child yield:

- Viability and urban design constraints mean that in reality a lower proportion of affordable housing and family housing are likely, which means that the actual population (particularly the number of children) is likely to be much lower than the evidence base suggests;
- The application of the model would be made more sound with the following adjustments:
 - Reconsidering the sample sites used – outer London boroughs such as Brent are not a reasonable representation of what the future urban form will be for this area.
 - Adjusting the age splits for younger children to take account of the fact that flatted developments have a higher proportion of pre-school children relative to school aged



children

- Allowing for normal levels of vacancies (the model assumes 100% occupation at all times)
- Allowing for specialist housing (student, elderly, build to let) and their particular occupation characteristics, which are likely to reduce the child yield

TCC4 c) and 10.50-51 talk about swimming pools and tennis courts, but suggests they can be private facilities with concessionary access to “those on lower incomes, and families with young people and children”. Reference is made to Fulham Pools, which were built by a gym operator as part of a wider fitness centre, but with free public access to the pool. This may be possible, but is unlikely until the area has built out a lot more.

TCC4 e) and 10.40 suggest that ongoing revenue funding may be sought from developers for social infrastructure in addition to capital funding. This is an unusual and onerous suggestion, and goes beyond the limitations of planning obligations. We request that this is removed from the Plan.

10.37 says that proposals for large scale social infrastructure will be considered as a catalyst use in the context of policy TCC8. This requirement makes no sense, given that the infrastructure is required by the Plan. We suggest that this requirement is removed unless the proposal is for social infrastructure which has not been identified as being required by the Local Plan.

Policy TCC8: Catalyst uses

Whilst we support the principle of this policy for certain uses, the inclusion of retail and leisure, culture, education and health, and business space means that major site allocations within the Plan will be required to provide a Catalyst Uses Statement. A development such as OOP, which has a Local Plan allocation including retail, leisure, health, education and business use, should not then be required to prepare a statement to demonstrate its acceptability as a Catalyst Use. This is contradictory and illogical, in particular the requirements to demonstrate financial sustainability and generating momentum for regeneration.

However, we do consider that this approach is sensible for proposals which do not benefit from site allocations, and for all sports and stadia facilities or other ‘extraordinary’ uses which might also include conferencing facilities. More regular employment uses, or proposals for social infrastructure which are required by the Local Plan in any event, should not be required to provide this Statement.

Policy TCC9: Meanwhile uses

We do not consider it appropriate for meanwhile uses to form part of the consideration of a planning application at the initial stage, as they are not relevant to the acceptability of long-term development proposals. The Local Plan should focus on consideration of the long-term development proposals, and developers should not be required to devote time and resources to devising a strategy for meanwhile uses until they have secured the certainty of a planning permission and can make business decisions on how to deliver sites in a manner which allows their consideration of a meanwhile use strategy. If the Local Plan is to retain a requirement for the consideration of meanwhile uses, it should direct this consideration to control by planning condition or planning obligation, so that it can be considered at the appropriate time in the delivery of a development.

10.66 says that meanwhile uses should be retained afterwards, with 10.68 suggesting business support and staggered rents to help meanwhile business settle into permanent spaces on site. This interventionist approach is fundamentally at odds with the concept of a meanwhile use, and will make them unattractive to developers if they are to then place constraints on them or become a burden in relation to a site’s long term development. We would suggest a much more flexible approach to meanwhile uses, which encourages them as an attractive additional element, but does not elevate them



to a status which begins to impact on the consideration of a site's long-term development.

Chapter 11: Delivery and Implementation

Policy DII: Balancing priorities and securing infrastructure delivery

Part a) of this policy is fundamental to the successful realization of the OPDC vision. We would support greater prominence and recognition of this key point throughout the Local Plan, so that the assessment of strategic development proposals against other policies in the Local Plan is undertaken in within this context.

Draft validation checklist

We have commented above where we consider requirements of the Local Plan to be unnecessary or burdensome. The Draft Validation Checklist evidences the cumulative weight of the requirements being placed on development within the OPDC area. For major developments, it contains a requirement for up to 54 local documents and supporting statements, which are to be provided in addition to the national validation requirements. Whilst not all documents might be required depending on the specifics of the site, for a scheme such as OOP it is likely that the vast majority will be required. We would note that this does not include the requirement for a Financial Appraisal, which will take the total to a potential 55 documents.

This compares with 28 documents for major applications in LB Hammersmith & Fulham, within which the OOP site is located. This evidences the potential for significant additional burden that could be placed on development in the OPDC area, in comparison to the existing local authorities, unless a more streamlined approach is adopted. This will serve to increase the cost and time taken to apply for and secure planning permission considerably, and could consequently delay or discourage development. This also serves to make engagement in the planning process more difficult for local communities and members of the public, as the weight and complexity of documentation makes understanding and commenting on applications harder.

We consider that the validation list needs to be reduced considerably. As a minimum, we would welcome further differentiation between the information required for a detailed planning application and that required for an outline application, when much of the detail sought by the Local Plan will not yet be known.

Development Capacity Study

We support the inclusion of the Cargiant site as Site 5 in Appendix B for inclusion in Part 1 of OPDC's Brownfield Register.

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



Yours sincerely,

DP9

DP9 Limited

Encs.