

Sadiq Khan  
New London Plan  
Greater London Authority  
City Hall,  
More London Riverside,  
London,  
SE1 2AA

**Date:** 2 March 2018

**Our ref:** 13952/IR/MLa/15531808v3

Dear Mr Khan

## **Representations to the Mayor's draft London Plan**

On behalf of our client, London and Continental Railways (LCR), we set out below representations to the draft London Plan. We would be grateful if the comments set out in this letter could be fully considered by the Mayor and on examination, prior to the London Plan being finalised and published.

### **Background**

LCR is a Department for Transport-owned property and regeneration company, whose primary focus is in the area of property development and land regeneration, in order to deliver jobs, homes and economic growth. LCR has prepared separate representations to the draft London Plan in relation to its wide-ranging London property portfolio. The comments set out within this letter relate specifically to LCR's 'Chobham Farm – Zone 5' site, which is bounded by Liberty Bridge Road to the south, the railway to the west, and the gas depot (Air Liquide) and Nangrecha Bros' sites along its north/east borders, falling within the London Legacy Development Corporation's (LLDC) area.

The historic use of the site was as rail sidings with no associated employment-generating uses. It now forms part of the wider Chobham Farm site ('Zones' 1 to 5) which is subject of an extant LLDC planning permission ref. 12/00146/FUM. This comprises full planning permission for Zone 1 (delivering 173 residential units and 1,161sqm of commercial floorspace) and outline permission for up to 863 residential units and 6,900sqm of commercial floorspace within Zones 2-5 (including 2,000sqm of B1/A2 flexible meanwhile uses in Zone 5). The Zone 5 part of the overall site remains vacant and undeveloped at the current time.

To confirm, as part of the LLDC's Local Plan Review and its Call for Sites, we have submitted representations on behalf of LCR setting out our client's view that the site bound by Liberty Bridge Road, Leyton Road, Temple Mills Lane and the railway (i.e. Zone 5 and its immediately adjoining land parcels) provides significant potential to contribute towards meeting the LLDC's pressing and increased housing requirement. The site could also contribute to the strategic policy objectives for the Chobham neighbourhood, with a residential-led, mixed-use development that would more positively contribute to the key gateway into Stratford City from Leyton. We have therefore requested for our client that this land forms a new residential-led site allocation in the reviewed Local Plan, to be delivered as a priority over the plan period. This form of development would reflect the Mayor's strategic direction in the draft London Plan to utilise all sites appropriate for housing, would complement the residential neighbourhood at Chobham Farm Zones 1-4 and

help create the family neighbourhood envisaged in the Olympic Legacy SPG. This background forms important context to the representations to the draft London Plan set out below.

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

To ensure 'Good Growth', each of the policy areas within the draft London Plan is influenced by the six Good Growth policies:

- 1 Policy GG1 Building strong and inclusive communities
- 2 Policy GG2 Making the best use of land
- 3 Policy GG3 Creating a healthy city
- 4 Policy GG4 Delivering the homes Londoners need
- 5 Policy GG5 Growing a good economy
- 6 Policy GG6 Increasing efficiency and resilience

While it is acknowledged that all of the Good Growth policies are important for the spatial vision of London, these representations only comment on the key policies that are relevant to Zone 5 and the approach towards employment land, future development for housing and making the best and most efficient use of land.

Key to setting this context is draft Policy GG2, which clearly states that to create high-density, mixed-use places that make the best use of land, Opportunity Areas, brownfield land, surplus public sector land, sites well-connected to transport and other town centre and small sites must be prioritised. This land should be explored for the potential to intensify its use, to support additional homes and workplaces, to promote higher density development particularly in locations where well-connected to public transport, walking and cycling. This draft policy sets a positive context to the approach which should be taken across all of the draft London Plan's strategic policies, to ensure the potential of appropriate sites is optimised.

We also note that draft Policy GG4 states that those involved in planning and development must identify and allocate a range of sites to deliver housing locally, establishing ambitious and achievable build-out rates at the planning stage. This is relevant to representations made to the LLDC as part of its Local Plan Review, as these promote LCR's Zone 5 site (in addition to neighbouring adjoining sites) to be allocated for residential-led mixed use redevelopment. Alongside this, draft Policy GG5 is clear that those involved with planning and development must plan for sufficient employment and industrial space *in the right locations* to support economic development and regeneration. As such, the Mayor should support boroughs in carrying out this plan-making process. The same draft policy also refers to those involved in planning and development also ensuring that there is sufficient high-quality and affordable housing, and physical and social infrastructure provided, to support London's growth.

## **Chapter 2: Spatial Development Patterns**

The draft London Plan Key Diagram (Figure 2.1) identifies the Chobham Farm site indicatively as being within the 'Olympic Legacy SPG Opportunity Area', in the area served by the Elizabeth Line (expected to be operational in December 2019). In addition, Stratford is termed a 'Metropolitan Town Centre' and a 'key interchange station'.

Part A of draft Policy SD1 aims to ensure that by mayoral and borough actions, the Opportunity Areas (OAs) fully utilise their growth and regeneration potential, via criteria for actively encouraging development proposals in these areas. It states that boroughs should clearly set out how they will encourage and deliver the growth potential and support wider regeneration, planning for and providing infrastructure 'where necessary' that unlock capacity for new homes and jobs. Part B of the draft policy also states that borough

plans and decisions should provide support for development which creates employment opportunities and housing choice for Londoners. Part B 6) requires boroughs to meet or, where appropriate, exceed the indicative guidelines for housing and/or indicative estimates for employment capacity set out in Figures 2.4 to 2.12 (noting that for the Olympic Legacy OA this is 39,000 homes and 65,000 jobs, Figure 2.9). In this context, the draft policy in effect supports the need for comprehensive schemes to be put forward as site allocations at a borough development plan level, and this is supported.

Draft Policy SD1 also states that the Mayor will assist and bring together the range of investment and intervention needed to deliver the vision and ambition for the OAs. To implement this draft policy effectively, the Mayor should consult on a clear, transparent process that would underlie any actions under its part A, to ensure that the planning process for major applications in the OAs can be accelerated.

### **Chapter 3: Design**

Draft Policy D1 seeks to ensure that land is used efficiently by optimising density, connectivity and land use patterns, with the design of a development responding to its local context by delivering buildings and spaces that are positioned and of a scale, appearance and shape that responds successfully to the identity and character of the locality. This is a positive approach to development and is supported, as neighbourhoods should be coherent and the development potential of available land parcels should be maximised where possible.

Draft Policy D6 states that development proposals must make the most efficient use of land and be developed at the optimum density, and consequently any proposals that do not demonstrably optimise the housing density of a site should be refused. According to the draft policy, this optimum density should be the outcome of a design-led approach to ascertain the capacity of the site. Particular consideration should be given to:

- 1 *“The site context;*
- 2 *Its connectivity and accessibility by walking and cycling, and existing and planned public transport (including PTAL);*
- 3 *The capacity of surrounding infrastructure”.*

As set out under part B 1) of the draft policy, the density of development should be based on, and linked to, the provision of future planned levels of infrastructure, rather than existing levels. This approach is supported as it is vital to make full use of the future public transport improvements that are planned throughout London. The Mayor has also not included the density matrix in the draft Plan that is set out in the current London Plan, and is instead proposing that density is informed by a design-led approach, with various density measures provided within planning applications. These measures will then be considered in the context of surrounding development to inform optimum density. This amended approach is considered a positive one, providing more flexibility and a site/context-specific measure.

The strategic policy approach in this chapter is supported and should steer local planning authorities to be more accepting of high-density residential proposals in areas of high accessibility, with good infrastructure provision and a suitable surrounding context.

### **Chapter 4: Housing**

Draft Policy H1 aims to increase the delivery of housing throughout London, ensuring that the ten-year targets for net housing completions are met by each borough. Specifically, draft Policy H1 sets out that boroughs should prepare delivery-focused Development Plans which allocate an appropriate range and number of sites suitable for residential and mixed-use development and intensification, and enable the

delivery of housing capacity identified in the OAs. Boroughs should also optimise the potential for housing delivery on all suitable and available brownfield sites, including the following sources of capacity:

- 1 Sites with existing or planned public transport access levels (PTALs) 3-6 or which are located within 800m of a Tube station, rail station or town centre boundary
- 2 Housing intensification on other appropriate low-density sites in commercial, leisure and infrastructure uses
- 3 The redevelopment of surplus utilities and public sector owned sites

The draft policy sets out a positive direction for future housing developments across London. The development of currently under-utilised sites with high accessibility to public transport should be supported. Residential-led schemes on these sites should be acceptable in principle, and approved without delay (subject to being in accordance with other planning policies and material considerations where they indicate that a decision should be made otherwise).

Draft Policy H5 sets out a strategic target for 50% of new homes to be affordable. Draft Policy H6 expands on this, with a threshold approach to be applied to planning applications for development proposals delivering more than ten units, or a combined floorspace greater than 1,000sqm. This approach sets a level of affordable housing of 35% affordable housing, increasing to 50% on public sector land, Strategic Industrial Locations, Locally Significant Industrial Sites and other industrial sites deemed appropriate to release for other uses. In order to follow the 'fast track route' for applications under the threshold approach, applications must satisfy the following criteria:

- 1 Meet/exceed the relevant threshold of affordable housing on-site without public subsidy;
- 2 Be consistent with the relevant tenure split (in accordance with draft Policy H7);
- 3 Meet other relevant policy requirements and obligations to the satisfaction of the borough and the Mayor where relevant;
- 4 Demonstrate that account has been taken of the strategic 50% target and a grant has been sought where required to increase the level of affordable housing beyond 35%.

In the case of the delivery of a scheme (either as a phase of a masterplan or a single-phase development) comprising two or more land parcels with a mix of public and private ownership, draft Policy H6 itself, nor the reasoned justification for the draft policy and for Policy H5, currently clarify how the affordable housing 'fast track' route would be implemented in the case of more complex sites. It is not at all clear how, when public and private land parcels are combined and brought forward together as a comprehensive site and development scheme across land ownership boundaries, this threshold approach would apply; i.e. would the development be required in part to provide 35% and in part 50%, or would a site-wide 'average' be applied and how would this be calculated and then assessed by the GLA etc.?

We therefore consider that draft Policy H6 requires review to confirm more details of how this approach would operate in practice, providing the certainty required for developers. This is particularly important in the context of the Mayor's strategic approach, which seeks to deliver optimal development which makes the best use of land, thereby encouraging a conjoined approach to sites between land owners wherever possible and avoiding piecemeal development which may in turn prejudice the future development of a neighbouring site(s).

As set out under draft Policy H6, if an application for residential development does not meet the requirements set out above, it must follow the Viability Tested Route, in accordance with the Mayor's adopted Affordable Housing and Viability SPG. It is recognised that viability tested schemes will have to be subject to scrutiny, but it is important that disproportionate delays to the planning application determination

process do not occur as a result of applicants having to take this route of viability review. Any delays arising from it would place a significant constraint on delivery, which is one of the Mayor's key priorities, and the boroughs' ability to meet their ten year housing targets.

## **Chapter 6: Economy**

Draft London Plan Policy E1 sets out that existing office floorspace should be retained, facilitating the redevelopment, renewal and re-provision of office space where viable and releasing surplus office capacity to other uses. While the draft policy refers to the release of 'surplus' stock, there is ambiguity as to its definition and how this is identified. We consider that, in a similar approach to that suggested under our client's LLDC Local Plan representations, the policy should also refer to the release where sites are allocated for other uses, in which case the proposed uses should fall within the parameters identified within the relevant site allocation policy. This is key to ensuring that part G 3) of Policy E1 is met i.e. supporting the redevelopment, intensification and change of use of surplus office space to other uses including housing, by ensuring that boroughs undertake a comprehensive site allocations' review to identify sites suitable for housing, employment, retail etc.

We also consider a similar approach should be applied to draft Policy E2 (low-cost business space). This policy seeks to secure the provision, and where appropriate protection, of low-cost B1 business space to support SMEs, with proposals which result in the loss of B1 floorspace in areas where there is an identified shortage of lower-cost space:

- 1 demonstrating that there is no reasonable prospect of the site being used for business purposes, or
- 2 ensuring that an equivalent amount of B1 space is re-provided in the proposal, incorporating existing businesses where possible, or
- 3 demonstrating that suitable alternative accommodation is available in reasonable proximity to the development proposal and, where existing businesses are affected, that they supported in their relocation.

We do not consider this 'blanket' policy approach should be applied, as it could restrict any future development to the re-provision of space of a similar type/character. This policy should be amended to exclude existing temporary/meanwhile uses, ensuring these would not limit the potential for the delivery of different uses on a site as part of a permanent redevelopment scheme. This same amended approach should be taken to draft Policy E3 (affordable workspace).

Draft Policy E4 states that a sufficient supply of land and premises for industrial and related functions should be maintained in different parts of London. This includes light and general industrial, utilities infrastructure, land for transport functions, warehousing, logistics and distribution uses and low cost industrial and related space. The policy as drafted sets out under part C that there should be no net loss of industrial floorspace capacity within designated SIL and LSIS. However, it is not clear how this part of the policy relates to 'non-designated industrial sites', other than that these should be 'planned, monitored and managed'. Part C suggests, however, that 'any release of industrial land' in order to manage issues of long-term vacancy and to achieve wider planning objectives, including the delivery of strategic infrastructure, should be facilitated through the processes of industrial intensification, colocation and substitution.

The reference to 'any release' could be considered to include non-designated sites. This should be clarified in the London Plan. We also note that these non-designated sites, if included in borough site allocations for alternative land uses, have clearly already been considered suitable and necessary to meet the borough's needs, particularly the pressing need for housing, and this is the priority over retaining industrial use. They

are not therefore 'released' in the same way as SIL/LSIS, as they have no designation to be released from; it is important that this policy distinction/ differentiation is made at a strategic (as well as local) level.

Draft Policy E7 adds further detail to E4, setting out that mixed-use or residential development proposals on Non-Designated Industrial Sites will be supported where:

- 1 There is no reasonable prospect of the site being used for the industrial/related purposes (set out in part A of Policy E4); or
- 2 It has been allocated in a Development Plan for residential/mixed-use development on the basis of number 1; or
- 3 Industrial, storage or distribution floorspace is provided as part of a mixed-use intensification where this is feasible; or
- 4 Suitable alternative accommodation (in terms of type, specification, use and size) is available in reasonable proximity to the development proposal and subject to relocation to support arrangements for existing businesses before commencement of new development.

Clearly part 2 above sets a positive position for the development of non-designated industrial sites for residential/mixed-use schemes. It is not, however, considered that these sites would only be allocated based on point 1, i.e. there is no reasonable prospect of the site being used for the industrial/related purposes. Local authorities will need to review their land and seek to identify allocations based on their suitability for different uses including housing, retail and/or employment (whether office and/or industrial) to meet their identified needs. Sites within OAs and identified within local SPGs as areas of change/for future development, should also be identified as potential sites for creating residential neighbourhoods. In short, the current draft policy does not allow boroughs, site owners and prospective developers to fully reflect local needs and circumstances, and contradicts with other policies of the draft London Plan and Mayoral planning guidance, such as draft Policies SD1 (*Opportunity Areas*), D1 (*London's form and Characteristics*) and D6 (*Optimising Housing Density*), and the Mayor's Olympic Legacy SPG.

We consider that part 2 of the policy should be amended as follows: "*It has been allocated in a Development Plan for residential/mixed-use development*". This would reflect the range of circumstances, based on local evidence at a borough level, that justify the allocation of sites.

## **Chapter 10: Transport**

The draft London Plan aims to reduce Londoners' dependency on cars and suggests that car-free developments (for housing and commercial schemes) in well-connected locations should be the starting point when determining the parking requirement. Within all areas of PTAL 5-6 (within which Zone 5 falls) and Inner London OAs, residential schemes should be car-free.

This is a significant change from the current London Plan which, although promoting car-free developments in accessible locations, sets a maximum standard of up to one space per unit in areas with a PTAL of 5-6. The draft London Plan allows the equivalent in areas of outer London with a PTAL of 2 only. We do not consider that it is realistic, nor is it based on any sound justification, to expect that developments within all Inner London OAs, Metropolitan and Major Town Centres (particularly those in the outer London boroughs), areas with a PTAL of 5-6 and/or Inner London sites with a PTAL of 4 will be car-free. This is particularly relevant where family housing is delivered, as is encouraged by draft London Plan policy. We therefore consider that the draft London Plan should be revised to: promote the delivery of car-free developments where appropriate, particularly in the CAZ and Inner London OAs; and increase the 'maximum' parking standards elsewhere, to allow for the necessary flexibility when delivering developments on sites which require car parking, particularly those with two or more bed units.

We also note that there is a lack of clarity in the draft London Plan in relation to how disabled parking is delivered as part of a car-free development. Draft London Plan Policy T6.1 states that one designated disabled person's bay per dwelling should be provided for 3% of dwellings from the outset, with the remaining bays to a total of one per dwelling for 10% of units to be requested and provided when required as designated disabled persons parking in the future. This is, however, clearly difficult to plan for within a development and the Plan should clarify whether, notwithstanding that a development is car-free, 10% of the dwellings should be provided with a car parking space.

## **Chapter 11: Funding the London Plan**

Draft Policy DF1 states that viability testing should take place where there are clear circumstances creating barriers to delivery. It advises that if an applicant wishes to make a case that viability should be considered, clear evidence of the specific issues that would prevent delivery (in line with the relevant Development Plan policy) should be provided prior to the submission of an application. Part C of the draft policy then states that *"where it is accepted that viability of a specific site should be considered as part of an application, the borough should determine the weight to be given to a viability assessment alongside other material considerations"*.

We consider that this approach will create delays at the pre-submission stage, ultimately constraining delivery. If full evidence is required at the pre-application stage in relation to why the viability of a site's proposed development should be considered, with the specific issues identified, then a fully worked-up scheme would be required before this can be possible. This would require the applicant to prepare a detailed scheme, assess this as part of a detailed viability review and then review this with the Council, prior to receiving any certainty from the local authority/the GLA that the development would even be considered in the context of viability. It may well also be agreed through pre-application discussion, that the scheme would benefit from substantial amendment, thus negating the viability work already undertaken anyway. Clearly, where viability is a significant issue, an applicant is unlikely to be able to commit the time and funding to go through this process without any certainty that the viability position will be considered by the planning authority.

It is our client's view that this policy should be amended to state that, where relevant, viability constraints should be discussed at the pre-application stage, with agreement reached in relation to the scope of the viability assessment/key issues to be assessed; the full viability assessment should then accompany the planning application when it is made and should be considered alongside all material planning considerations.

## **Summary**

Overall the draft London Plan sets a positive approach to maximising the potential for development on appropriate sites. We suggest that some alterations are made to allow land parcels to be assessed on a site-by-site basis. This will enable all potential sites to be considered in accordance with the local context.

We understand that following the consultation period there will be a review of the comments received by the independent Planning Inspector(s) appointed by the Secretary of State. The Examination in Public for the London Plan will then follow. We therefore request that the details provided above are reviewed by the Planning Inspector and given full consideration.

The logo for LICHFIELDS, featuring the word "LICHFIELDS" in white, bold, uppercase letters on a black background. The background is a large, stylized letter 'L' shape.

If you have any queries in relation to the information provided then please do not hesitate to contact my colleagues, Sophie Hitchins or Maddie Lane, or me. We would also now be grateful if we could be kept updated as the draft London Plan progresses.

Yours sincerely

**Iain Rhind**  
Senior Director

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