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Dear Mayor Khan

DRAFT LONDON PLAN

We are grateful for the opportunity to comment on your draft replacement London Plan. As the local planning authority covering the heart of London and many of its key strategic functions, we consider it essential to have a strong, concise statement of strategic policy for the capital designed and worded to enable us to work with you to achieve what are often shared objectives. Unfortunately, the document on which you have consulted misses the opportunity to give the kind of strategic leadership that is the real purpose of a mayoral spatial development strategy.

Our serious reservations about the approach you have sought to take are explained in detail in our attached response, but it might be helpful if I mentioned some of the points of particular concern to us.

As I have said, the Plan should set clear objectives for London and set out approaches that can be tailored to local circumstances to deliver them; it fails to do the former and is far too prescriptive in doing the latter.

It has never been more important to recognise the vital importance of central London to the continued prosperity of London – and the United Kingdom as a whole. The draft Plan does not provide strong, clear policies supporting this. Nor does it reflect the work of the West End Partnership on developing and implementing approaches for this strategically important area of central London. We are also extremely concerned and disappointed at the very lukewarm support you are offering boroughs like ours who are



experiencing real harm from the impacts nightly letting has on availability of much-needed housing and the amenity of local residents and businesses.

Conversely, matters like arrangements for window cleaning or management of public toilets are surely not among the critical strategic issues facing the capital. It would be far better to use the Plan to make clear statements about things like the importance of central London, the effects on amenity and housing availability of nightly lets, changes in transport technology and the growth of the gig economy.

The draft Plan oversteps the proper role and powers of the Mayor in the planning system as set out in legislation, guidance and accepted practice. It takes a cavalier approach to planning legislation and national policy and seeks to intervene in areas far better left for local decision. The London planning system works well because there is a well-understood and effective division of functions between the Mayor and boroughs. Boroughs are looked to by local people and businesses to set policies and take planning decisions meeting local needs and circumstances. They are well-placed to tailor approaches to delivering shared objectives. The draft Plan shows little understanding of this division of functions. It strays into areas best worked out locally and is far too preoccupied with questions of detail. It will also impose heavy burdens on local authorities and developers alike, with little evidence this is justified in terms of cost, quality and speed of decision-making (requirements around design review panels being a notable example) and risks imperilling delivery of your/the Plan's own objectives as a result.

Whatever your view of national legislation and policy, the fact remains that you are legally required to have regard to it. Scale of electoral success is not a legally valid planning consideration and boroughs will still be expected to show they have observed national policy requirements in bringing plans forward and taking planning decisions.

We do recognise the important role you have in making sure London-wide strategic factors are taken into account. However, trying to impose a single approach to be used throughout London, despite the wide differences between boroughs on the ground, is unlikely to deliver; an issue of particular relevance to boroughs like ours which face issues and circumstances that are unique.

The draft plan is not fit for purpose. It is long, over-detailed and prescriptive and at the same time frequently ambiguous and poorly worded, meaning that in many key areas it is not the clear guide for developers and planning authorities it should be.

These points are particularly important with regard to housing, where the draft Plan seeks to be very prescriptive about the kinds (and even sizes) of affordable housing that should be delivered through the planning system. Housing needs – and the challenges in meeting them – differ widely between boroughs across London and it is vital that boroughs are given the flexibility to ensure the delivery of housing required to meet differing needs. Westminster's housing needs are hugely different from those of many outer London boroughs; equally different approaches are likely to be needed to address them.

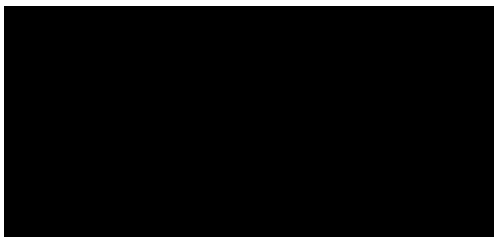


Too often the draft Plan seeks to mandate over-simple answers to complicated questions like parking and car-use. Westminster has some of the most heavily used kerbspace anywhere; its management means balancing demands that are London-wide in scale. Trying to impose a single approach that will apply equally to every borough in London is unlikely to be effective. Complex issues need to be addressed holistically; experience shows there are no simple answers.

It has to be recognised that planning is about balancing priorities in the light of local needs and circumstances. There is little point setting very ambitious targets for delivery through the planning system if the overall effect of the policies proposed is to inhibit development coming forward.

In short we consider that as it stands the draft Plan will not be a sound basis for the strategic planning of Greater London. We would strongly urge you to revise your approach and would be glad to work with you on an approach more likely to succeed in delivering the right kind of growth at a time when this has never been more important to London – and the country as a whole.

Yours sincerely



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Westminster City Council response to Draft Replacement London Plan

General comments

We welcome the opportunity to comment on the Draft Replacement London Plan (DRLP). We strongly support its underlying principle that what London needs is the right kind of growth - which works for everyone and is managed in ways that delivers economic and social benefits for a growing and ever-more diverse city, while enhancing the environment, protecting our heritage and helping deliver a high quality capital we can be proud to hand on to our successors. These principles underpin our approach to planning and the work we are doing to produce our new City Plan. Their delivery through the planning system requires a clear statement of strategic policy setting a framework for local planning and implementation.

The DRLP does not provide that framework. It is highly prescriptive, overly focussed on process, and goes beyond matters of strategic importance to Greater London (the statutory requirement imposed by the Greater London Authority Act 1999). It seeks to intervene in matters that as a matter of law, sound policy and effectiveness should be left to boroughs and neighbourhoods. It is over-long and over-detailed. For a document intended to have a particular focus on tangible policies it is too often vague and ambiguous, using terms that are open to interpretation. As drafted it is likely to be impossible to implement, imposing unreasonable demands on developers and local planning authorities alike.

We strongly urge the Mayor to recast the Plan so it complies with the relevant legislation, the tests of soundness and other national policies set out in the National Planning Policy Framework and respects the proper roles of the Mayor and local planning authorities. At present it does none of these things. In our view it does not form a sound basis for the future development of Greater London.

The DRLP **oversteps the proper role of the spatial development strategy (SDS)** as this is set out in the Greater London Authority Act 1999. This makes clear that the SDS should deal only with matters of strategic importance to Greater London. Instead it acknowledges that it moves into areas covered by borough local plans and this is evidenced by the Mayor's cavalier approach to the requirement in regulation 5 of the Town and Country Planning (London Spatial Development Strategy) Regulations 2000 that no key diagram or inset diagram shall be on a map base. In many places the approach taken results in a level of detail inappropriate to a strategic plan.

The Mayor's approach **is inconsistent with the division of functions between the Mayor and boroughs that is set out in legislation and national guidance**. The DRLP makes assertions about the nature of the London planning system (paragraphs 0.0.21-0.0.24) that are inconsistent with planning legislation, national policy and guidance. In particular, there is no basis for limiting the coverage and role of local plans as suggested in paragraph 0.0.22. There are good reasons for the division of labour between the setting of strategic policy by the Mayor in the London Plan and preparation of more detailed policies for development

reflecting the diversity of circumstance between and within boroughs by local planning authorities accountable to local communities and businesses. This division is reflected in legislation and national policy guidance. The Mayor has neither the remit nor the power to change it unilaterally.

With very limited exceptions, the Mayor is not a local planning authority. Boroughs are. Planning law gives them the responsibility to prepare local plans and legislation and national guidance set out what these should cover. They also have the responsibility to take planning decisions based on all material considerations. It is not for the Mayor to dictate the subjects or level of detail individual boroughs should be incorporating into their local plans or to instruct them on how those decisions are taken, or the weight that should be given to various factors in doing so.

The level of prescription in the DRLP is objectionable in principle, but **it is also poorly executed**. Too many of the policies are expressed in **imprecise or ambiguous terms and/or in ways that prevent tailoring of policies to meet local circumstances**. The approach to car use, for example, is poorly expressed, negatively prepared and allows no scope for account to be taken to factors like the needs to manage the unique issues affecting parking in Westminster. The extent of car-free development in an area must depend on all the material factors and the kind of mechanistic rubber-stamp approach suggested in the DRLP is the opposite of good planning. A better approach is to ensure travellers have a genuine choice of modes of transport rather than seeking to prevent residents, many of whom need to have access to cars, from being able to do so. Given that problems of congestion and air quality in Westminster are substantially due to the local impacts of the strategic road network managed by the Mayor there are practical and more immediately effective steps he should take without intervention on this inappropriate scale.

The Mayor's view that he is **free to disregard national policy and guidance** because of the size of his electoral mandate (paragraph 0.0.19) is wrong in law. It has the potential to lead local planning authorities into legal challenges. The "scale of his election victory" is not a relevant planning consideration. This approach demonstrates a cavalier approach to the requirements of section 41 of the Greater London Authority Act 1999, which imposes a requirement for the Mayor to have regard to the need to ensure that the strategy is consistent with national policies

The plan introduces **very significant burdens on local authorities** that they may not be sufficiently resourced to cope with and which may not be necessary – including town centre strategies for all town centres, play strategies, and detailed design codes to inform proposals for small sites or example. It also places **onerous requirements on applicants** to either produce or reference a huge range of material within their proposals as set out in the appendix to this document. This is contrary to central government's objective (and legislation) to simplify the planning process. The plan lacks a proportionate approach to different development types and scale.

Some of the proposed requirements **go beyond the proper scope of the planning system** to the extent that it is questionable whether they can be applied lawfully. In particular, there

are cases (many identified in this response) where it is suggested planning conditions are imposed that would not meet the relevant legal tests (and those relating to relevance to planning, enforceability and overall reasonableness in particular).

There are a number of areas in which the plan could provide **clearer and genuinely strategic guidance**, which is its proper role. There is a lack of meaningful guidance to support boroughs and partner agencies in managing several strategic issues facing Greater London. These include the shared responsibilities regarding London's World Heritage Sites; the negative impacts on neighbourhoods of the proliferation of nightly lets, private hire vehicles, food delivery services, betting shops and shisha bars; the spatial implications of other technological advances such as the growth in electric vehicles and introduction of autonomous ones; and further development of the gig economy that are likely to happen over the plan period. There is also no reference to the need to accommodate new international coach facilities beyond a cursory reference in draft policy T3.

One result of the approach taken in preparing the Plan is that there are policies clearly relevant and appropriate to boroughs in particular parts of London and not others – but they are presented as if they are of universal application. It would make the Plan more usable if it were made clear where this is the case. If it is not, there are real risks of unintended consequences.

The London Plan is used daily by planning staff, developers and others as a working tool and the Council would encourage changes to make it more **user-friendly**. In particular, there is considerable scope to make it more concise and focused **on matters of real strategic importance**.

Detailed comments by chapter are therefore set out below.

Chapter 1: Good Growth Policies

We strongly endorse most of the principles set out in this Chapter and its policies are broadly acceptable, although their force is reduced by their length and wordiness. It would be more effective to have a single policy setting out a clear, concise definition of the Mayor's "good growth" objective, rather than reiterating policies found in more detail later in the document here (particularly as the summary versions beg questions of detail which a reader will not find answered until later in the document).

One problem that runs through the DRLP is the failure to prioritise or recognise that in applying policies there is often a need to balance requirements. A single concise statement would enable clarity on which of the 29 separate elements identified as coming together to comprise good growth should be given priority when trade-offs have to be made.

The general policies in this chapter play little part in the overall architecture of the plan. There is, for example, no cross-referencing to show which of the policies in the plan are intended to help deliver which aspect of good growth. This could be used to help readers navigate the DRLP. **We would suggest the draft policies form and role are reconsidered.**

GG1 – Building strong and inclusive communities

This draft policy is supported.

GG2 – Making the best use of land

The thrust of this draft policy is supported, but this is such an important principle that a shorter, more concise statement of policy would be better. If the current approach is to be persisted with, it is essential that the need to protect and enhance the built environments heritage assets, such as historic buildings and conservation areas, should be referenced as well as open spaces. Ambitions for car-free lifestyles should not be imposed as a blanket requirement. There must be space for approaches tailored to local circumstances as set out in detail in response to policies T1 and T5-T6.5.

GG3 – Creating a healthy city

Again, the thrust of this draft policy and the importance of taking health issues into account in taking planning decisions are supported. However there is considerable scope to make this a crisper statement of direction – criteria A, B and C could easily be combined, while criterion C is repetitive of criterion E in policy GG2. Criteria F and G meanwhile, are not matters that can be controlled through the planning process.

GG4 – Delivering the homes Londoners need

Given the importance of this issue it is surprising it is only dealt with fourth in this chapter. **The urgency of addressing London’s housing crisis would surely justify a very strong, clear statement of policy intent at the start of this Chapter.** As it is, many of the comments on the other policies in this chapter apply to this policy as well and it is simply a distilled overview of policies later in the document.

It is dismaying to see that in criterion F the DRLP repeats national government’s misconception that the planning system can establish build-out rates having granted planning permission to any great extent. What incentives can be given to ensure rapid build-out are not explained either in the policy, in paragraph 1.4.6 or elsewhere in the plan. Equally there is nothing the planning system can do to prevent planning applications being made for permissions to establish the value of a site, which is a perfectly legitimate course that plays an important role in the working of the land market. These are issues on which it is premature for the London Plan to take a position on in any event, given that the Letwin Review of build-out rates has only recently started work.

It is potentially misleading to say (paragraph 1.4.4) that boroughs need not take any account of nationally-derived housing need figures. Even after the London Plan is published they will be subject to the requirements of national policy in terms of identifying local housing needs and any figures published by national government about this issue will have to be taken into account, even if alongside other data (including that produced by the GLA), and only given limited weight.

GG5 – Growing a good economy

This draft policy is supported, but could benefit from being condensed.

GG6 – Increasing efficiency and resilience

Again, this draft policy is supported, but could benefit from being condensed.

Chapter 2: Spatial Development Patterns

SD1 – Opportunity Areas

The Council supports Crossrail 2 in principle and look forward to working with the Mayor to establishing a robust economic case for the scheme and an effective, equitable basis for its funding and delivery. We would strongly encourage early engagement with the Mayor and partners on site specific issues if and when the scheme gains firm support from the Government. This could usefully start with work to learn from the experience of Crossrail 1 and the strengths and weaknesses of the engagement with local authorities, people and businesses then.

Not all opportunity areas will require planning frameworks. Criterion A could usefully say “where these are required” and the supporting text might usefully include some degree of prioritisation for this form of intervention in the way the current London Plan does. It is unnecessary for criterion B9 to specify that planning frameworks are subject to public and stakeholder consultation – this is already required through planning legislation and regulations.

Draft policy SD1 Opportunity Areas Part A could include additional clarity to make clear who this detail is aimed at. Is the intention that development of OA Planning Frameworks be led by local authorities? The text surrounding this is somewhat ambiguous and not helped by section 2.1.3 of the draft plan which states that: “The Mayor will provide the support and leadership to ensure Opportunity Areas deliver their growth potential.”

The Mayor’s specific targets for housing and employment in the OA’s also appear to be missing from the text of the plan, and are only included in illustrative maps within this chapter (i.e. figures 2.4-2.12).

SD2 – Collaboration in the Wider South East and SD3 – Growth locations in the Wider South East and beyond

This draft policy and draft policy SD3 could usefully be combined, shortened and strengthened to give a clear, concise statement of the approach the Mayor will take in working with neighbouring authorities, their representatives and partners and in facilitating work between London boroughs and their counterparts in the wider City region to identify opportunities and deal with issues of common concern that straddle the Greater London boundary. There is a lot of valuable work being done on these issues by officers from London and beyond and it would also be valuable to set some clear, positive objectives and deliverables for this work.

These should include development of equitable funding mechanisms to support delivery of infrastructure projects like Crossrail 2 that will benefit places outside London (an issue that will become increasingly pressing if the Mayor is successful in taking on responsibility for more commuter rail services) – there are limits to the extent that it is possible or equitable for central London to fund inter-regional infrastructure.

There is also a need to consider the implications of migration between the regions for planning for housing; current trends suggest that increasingly the housing market operates on an inter-regional basis and failure to address this is likely to severely undermine the success of London and its wider city region. Given the scale and importance of the issues involved and the implications of failure to address them, “supporting recognition” of migration trends (criterion D of draft policy SD2) is inadequate.

These policies – and the text supporting them – use the term “wider south-east” without defining what it means or its relevance to London’s spatial development (the London city region does not extend to Portsmouth, Southampton, the Isle of Wight or Kings Lynn, despite these being in the South East and East regions).

SD4 – The Central Activities Zone (CAZ)

This draft policy is broadly supported, in particular regarding:

- the strategic functions of the CAZ;
- the emphasis on commercial uses (including leisure) whilst protecting the character of predominantly residential neighbourhoods;
- the scope offered for boroughs to define detailed boundaries and;
- the scope for boroughs to locally define special policy areas where important clusters of uses exist;
- the approach set out in criterion H, which provides the kind of strategic steer we would expect from the London Plan, rather than the prescriptive detail that is found elsewhere.

The policy should, however, start with **a strong, clear statement of the importance of the CAZ to the continued prosperity of London and the UK as a whole** – and of the Mayor’s firm support for protecting and enhancing its unique status. This would be reinforced if the strategic CAZ functions listed in paragraph 2.4.4 were included in policy as they are in the current London Plan. As it stands, there is no policy support for the West End Retail and Leisure Special Policy Area. Instead it is dealt with solely in paragraph 2.4.10 of the supporting text, and even here the importance of retail is somewhat underplayed through the reference to its “complementary” role.

Downgrading of this role is not consistent with proposals for the area by the West End Partnership (WEP), which the Mayor himself is an integral part of. Indeed, the lack of reference to the WEP and its work is surprising.

Policy should also continue to reflect the importance of protection and enhancement of predominantly residential areas of the CAZ which is reflected in Policy 2.12 of the current

London Plan. The fact that even predominantly commercial areas of the CAZ have significant residential populations is an important element in its distinctiveness and success (a point that has been given strong recognition by the West End Partnership to which the Mayor is a partner). Paragraph 2.4.5 is wrong in saying that housing and facilities for residents are not strategic functions of the CAZ (a point the second sentence of the paragraph seems to implicitly accept), and it could be used to undermine efforts being made by the City Council to protect existing housing in the zone. We would strongly suggest retention of the substance of existing policy 2.12, either as an element in policy SD4, or in a separate policy.

The Mayor should not try to instruct boroughs about the circumstances in which it is appropriate to designate special policy areas (paragraph 2.4.13). In practice this will be a matter highly dependent on the detailed circumstances of each case and it will be for the local planning authority to develop, justify and implement proposals of this kind. As it is, this paragraph does not sit well with the policy it purports to explain - criterion G of SD4 is considerably more positive than the elaboration in the supporting text. We would suggest the deletion of the latter.

As a matter of detail the boundaries used in figure 2.16 appear too defined for a conceptual diagram (and are clearly on a map base, something that is explicitly proscribed by legislation). A note should be inserted to clarify that these are indicative.

As part of our local plan preparation we are likely to propose some further minor changes to the CAZ boundary in Westminster (in the area north of Baker Street and along the railway lands west of Paddington Station to the borough boundary). We would be glad to discuss these with the Mayor's staff in more detail.

SD5 – Office, other strategic functions and residential development in the CAZ

The recognition of the importance of offices and other commercial functions within the CAZ is welcomed. However, it is neither necessary nor appropriate for the Mayor to seek to impose the kind of crude requirement about the weight to be given to different uses as is attempted in criterion C. Westminster has a successful track record of fostering successful, sustainable mixed use communities in the CAZ. This experience shows that striking the balance successfully is a matter of judgement across the hugely diverse neighbourhoods that make up our CAZ. This kind of approach could have significant implications for the character and amenity of established residential areas, and could undermine central London boroughs' ability to deliver housing targets.

For this reason, we object to the wording of paragraph 2.5.9 which could undermine the (shared) objective of ensuring mixed and balanced communities. This wording risks the CAZ becoming hollowed out and lost to future residents.

As the DRLP acknowledges that the use of swap and credit arrangements is for individual boroughs to consider, it is inappropriate to deal with them in policy (criteria H and I). It would be better to refer to them in the supporting text as tools boroughs might want to consider using.

SD6 – Town Centres

In Westminster, there are designated town centres that exist within the CAZ. It should therefore be made clear that this policy refers to town centres beyond the CAZ, so it is clear that it does not cut across the CAZ policies (particularly SD5).

Whilst the suitability of town centres for smaller households, Build to Rent, older people's housing and student accommodation (criterion D) is recognised, it should be clarified that this does not preclude the provision of some family sized housing in town centre locations to meet local needs – see response to draft policy H12.

Criterion E is unnecessary in terms of supporting conversion of surplus office space to residential given permitted development rights, and fails to recognise the benefits that developments other than housing can bring to town centres; such as retail, leisure or mixed use schemes. In the absence of any clarity that the policy only applies to town centres outside of the CAZ, it also conflicts with the approach of seeking to protect offices, as set out in draft policy SD5(F).

SD7 – Town Centre Network

While it is reasonable to require that changes to the classification of international and metropolitan centres should be coordinated through the London Plan as suggested in criterion C, there is much less justification for such a level of prescription with major centres (in Westminster's case this relates to that part of the Queensway/Westbourne Road centre that lies within its boundaries). At this level, boroughs will be much better placed to identify and respond to changes meriting reclassification, which is far less likely to raise strategic issues. Changes to the classification of these should be something boroughs can take forward through revisions to their local plans in consultation with the Mayor (who, after all, has a formal role in the plan-making process).

In Annexe 1, it is questioned why Edgware Road/ Church Street, Marylebone Road, and Warwick Way/ Tachbrook Street have all had their commercial growth potential downgraded from medium in the previous London Plan, to low in the current draft. In particular, Edgware Road/ Church Street is earmarked for significant regeneration as part of the Housing Zone proposals which are being developed and implemented by the Council and the Mayor. We would also like to understand the basis for the downgrading of the night-time economy status of Knightsbridge, Edgware Road and Marylebone.

SD8 – Town centres: development principles and Development Plan Documents

Guidance on the design of out of centre housing developments in paragraph 2.8.4 does not relate to policy on town centres and so does not belong here.

SD9 – Town centres: Local partnerships and implementation

Draft policy SD6 rightly refers to the huge diversity of London's town centres. Boroughs, who have a much more detailed understanding of the circumstances and challenges in each of their centres, will be far better placed to decide the approach that is likely to be successful in ensuring their vitality. **The Mayor should not seek to impose a single London-**

wide approach which may be wholly unsuitable and an unproductive use of scarce resources. Requiring a town centre strategy for every town centre (criterion A) will be resource intensive for local authorities, and is disproportionately onerous, particularly where existing town centres are operating successfully and minimal intervention is needed. The requirement could also duplicate neighbourhood plans where these are being prepared in neighbourhood business areas. No reason is given for why this particular approach is a strategic matter of importance to Greater London. We would suggest its omission.

In addition, criterion C(1) on the introduction of Article 4 Directions is a matter for boroughs to decide, based on local circumstances and the resources at their disposal. Its inclusion within the policy is unnecessary.

SD10 – Strategic and local regeneration

St John’s Wood Town Centre does not suffer from high levels of deprivation, and should not be identified as a Strategic Area of Regeneration in Appendix 1 on the basis of the administrative boundaries of Lower Super Output Areas, and pockets of deprivation within them. Such boundaries do not relate well to the town centre – they cut through some buildings within the centre, and only a small portion of the centre falls within deprived Lower Super Output Areas. Furthermore, planning permission has already been secured for one of the buildings within the centre (Dora House) that may have previously contributed to IMD rankings. Finally, all local evidence indicates it continues to be a healthy town centre.

It is also questionable if Tachbrook/ Warwick Way merits designation as a strategic area of regeneration. As with St. John’s Wood this arises simply because of part of an LSOA on the periphery of the designated own centre. Again, local evidence suggests it continues to be a healthy town centre.

This draft policy demonstrates the limitations of seeking to impose a rigid, top-down methodology to town centres, particularly one that is triggered simply by a national dataset relating to very small areas. The policy should be reworded so it is closer to Policy 2.14 in the current London Plan, making it clear that it is for boroughs to decide how regeneration priorities should be determined, which parts of their area should be designated as regeneration areas and the best approach that should be taken to addressing the issues in each.

Chapter 3: Design

This chapter manifestly goes significantly beyond the proper role of the spatial development strategy. It should be recast so it demonstrably focusses on matters of genuinely strategic importance to Greater London. When the draft deals with matters like arrangements for window cleaning (paragraph 3.4.11), it is clearly moving not only into matters that are not strategic, but into a level of detail that most boroughs would deal with in supplementary guidance.

Questions of design are highly context-dependent and this is an area where it is particularly important that boroughs can tailor their approach to the demands of their areas and the neighbourhoods within them. **There is no justification for the Mayor to seek to be so prescriptive** not only about the objectives that should be sought in terms of exemplary standards of design but also about the process that should be followed.

D1 - London's form and characteristics

Given the strong heritage legacy in Westminster, the emphasis on high quality design that responds to local distinctiveness and context, with strong sustainability credentials, is supported.

D2 - delivering good design

The principle of delivering good design and the emphasis design issues are given in the DRLP are both strongly supported.

This draft policy is, however, both over-prescriptive and heavy handed. It deals almost entirely with matters of process, rather than setting clear standards about the standard of design that should be achieved. It should be substantially slimmed down and set standards to be met rather than seeking to prescribe exactly how they should be met. Criterion A can be dispensed with as it merely repeats what is said in national guidance.

While the design review approach is one that boroughs might choose to adopt it is not appropriate everywhere, and it should be left to local planning authorities to decide the most effective and efficient use of their resources to deliver exemplary design. Circumstances differ between boroughs, and it is neither necessary nor appropriate to seek to impose design reviews on all major development schemes in every London borough – least of all those where extensive design expertise is available.

It is likely to be impractical to follow all the requirements set out in the policy and supporting text in every case. Any approach taken needs to be proportionate and this should be recognised in the policy.

Criterion F of the policy stipulates that design review should be **in addition** to the borough's planning and urban design officers' assessment and pre application advice. It is questionable whether this kind of blanket requirement is a sensible approach to the use of scarce resources. This is a particularly pressing issue for us given that the criteria for development covered by the policy will capture the majority of referable applications in Westminster - most referrals are made on grounds of height.

Criterion G then sets out several requirements for the design review content and procedure.

Based on our extensive experience of successfully implementing approaches to securing exemplary design in one of the most sensitive and intensely-used boroughs in the country, we consider the requirement for boroughs to undertake design review in the form outlined by the DRLP is inappropriate, impractical and will put unnecessary financial, time and resource pressures on borough planning departments for the following reasons:

1. Resources and costs

A design review panel requires quite a lot of resources to run it properly. For example:

- In-house staff to run it (a dedicated post is likely to be required in many cases);
- Accommodation and presentation facilities;
- Organising site visits;
- Production of agendas and minutes;
- Training of panel members;
- Annual review of panel's work.

Panels would be an additional expense that many local planning authorities could not afford at a time when resources are under pressure and priorities necessarily have to be balanced.

2. Independent advice / conflicts of interest

In Westminster, given the high number of development proposals received, it is quite likely that members of the panel also work for clients submitting schemes. Organising panels where there is no potential conflict of interest could be difficult.

3. Timing

It is difficult to see how panels comprising independent professionals could sit easily within the rapid evolution of schemes through the planning process, both pre-application and post-application. In Westminster officers review at least 2-3 important schemes every two weeks. A panel would have to meet at least once a month to cater for this demand.

Pre-application discussions with officers are an essential part of the planning process but they are confidential. Developers may be reluctant to have their proposals considered by a panel at this stage.

It is difficult to see how getting a scheme through design review panel at pre application stage, then again during the application process could possibly be compatible with current statutory timeframes for determination. This is not streamlining the planning process.

4. The role of panels and borough design officers

The draft policy appears to dictate how recommendations are made to decision-makers and by whom. This is an organisational and resourcing issue for local planning authorities in which the Mayor has no locus, significantly beyond the proper role of the London Plan. It could also be counterproductive if it encourages local planning authorities to use panels as a substitute for experienced officers. Panels cannot be expected to have the planning knowledge of the site, and its context, and the planning history in a way design officers would have.

5. Existing opportunities for comment

There is already the opportunity for local architects to comment on schemes through the various local amenity societies and conservation area advisory committees which review all proposals in their respective areas. Conversely, panels can give rise to the perception that decisions are being made in ways that are neither transparent nor accountable.

6. Opportunity cost

We have already pointed to the heavy resource commitment mandatory use of design panels involve. Planning department resources are already stretched, with multiple demands which the DRLP requirements are likely to extend further. This approach may well force cut backs in other areas. In boroughs like Westminster, which have in-house urban design and conservation capacity this use of resources will simply add to costs and will not add value.

7. A strategic function to be administered by the Mayor

If the Mayor considers that independent Design Review panels are essential to him in considering the design quality of the schemes he sees, they should be administered by the Mayor himself. We do not consider this approach would add value here, or that it would be a good use of local resources.

There is little evidence that this approach results in better quality decision-making. Indeed experience suggests design panels frequently come to inconsistent conclusions and recommendations that take insufficient account of the wider context or local preferences.

Securing particular architects or teams to build out the development is not appropriate. Local planning authorities putting this in legal agreements or conditions attached to permissions in our view would be acting outside their powers (such conditions are unlikely to be enforceable or reasonable). Even if it could be done lawfully, this approach could well also be counterproductive – giving a particular design team a monopoly will empower them to demand unreasonable fees in the knowledge that the developers' hands are tied; the local planning authority would effectively be protecting the private interests of a particular architecture practise.

D3 – inclusive design

The sentiment of this draft policy is supported. However, both the policy and paragraph 3.3.7 largely cover building control rather than planning matters. It is unhelpful and potentially counterproductive to seek to blur the distinction between the different enforcement regimes in this way.

D4 - Housing quality and standards

The emphasis on improved housing quality and standards is welcomed. However, this draft policy suffers from the general problems of length, prescription and creep into non-strategic

issues best left to local planning authorities than run through this chapter. The dimensions of rooms (criterion D), overshadowing (criterion F), and collection of dry recyclables (criterion G), are not strategic matters.

Policy should recognise that in some instances not all standards may be practical. For example, requirements for a minimum 5 sq. m of private outdoor space for each 1-2 person dwelling may be impractical for proposals for the conversion of listed buildings. The policy is likely to result in a strong increase in balconies and private winter gardens especially in new developments. Given the sensitivity of the built environment of Westminster this requires strong attention to high quality design and durable materials as balconies can become prominent and dominant features in the street scene.

To better realise the policy intention of discouraging single aspect dwellings, and reduce ambiguity, it is suggested that criterion E is rephrased as follows:

“Residential development should maximise the provision of dual aspect dwellings and normally avoid the provision of single aspect dwellings. A single aspect dwelling should only be provided where it is impractical to provide a dual aspect dwelling, ~~considered a more appropriate design solution to meet the requirements of Policy D1 London’s form and characteristics than a dual aspect dwelling~~ and it can be demonstrated that it will have adequate passive ventilation, daylight and privacy, and avoid overheating.”

Although the intentions of paragraph 3.4.11 are understood, its contents are overly onerous and detailed. They also appear to go beyond strategic planning matters. In particular, the need for new residential developments to demonstrate that “*window cleaning and other basic cleaning and maintenance can be carried out by residents easily*”, is unnecessary detail for a strategic planning document.

If the Mayor really considers these are matters in which it is appropriate to give a strategic lead it would be better to do this through supplementary guidance. As it stands, there is so much detail in the DRLP that there seems little left for a further document of the kind suggested in paragraph 3.4.12 to do.

D5 – Accessible housing

We support this policy.

D6 Optimising housing density

Under criterion B1, the requirement to base development densities on future planned levels of infrastructure, rather than existing levels, could have unintended consequences. Where future planned infrastructure is uncertain, increased development densities could place existing services under pressure, reducing existing communities’ quality of life, and contrary to the concept of “good growth”. Policy wording should therefore make clear that higher density development based on future infrastructure improvements can only be justified where there is a degree of certainty that future planned infrastructure will be delivered. In determining this, considerations could be: if the infrastructure is identified in boroughs

infrastructure delivery plans; if funding has been secured; or if it is in infrastructure providers business plans.

Replacement of the density matrix with procedural requirements for a range of information to measure density (criteria D and E), results in greater ambiguity about how acceptable densities should be determined. Whilst it is recognised that many recent developments across London exceeded the ranges set out in the density matrix, this is not universally true and its existence still provides a useful tool in influencing what was acceptable – particularly in relation to small sites. Local statistics indicates the density matrix was particularly applicable to Westminster due to the unique context of the City’s built heritage. We intend to retain the relevant density standard as a floor, to encourage the most efficient use of sites.

It is not a matter for the Mayor to set requirements for what should be submitted with planning applications (criteria D and E). These are matters for national legislation and local planning authorities’ own validation requirements.

D7 Public realm

The importance of securing an attractive and robust public realm to support increased development densities is supported.

The planning system can have only a limited role in establishing how public spaces are managed (paragraph 3.7.9). In many cases this is a matter governed by the terms on which spaces have been made available (in some cases dating back centuries) or by local legislation or byelaws where the Mayor has no locus. In some cases – particularly in some areas of Westminster where these spaces often have national significance and particular sensitivity as a result, there is a need for rules on public access going beyond those “essential for safe management of the space”, which does not address adequately the huge variety of spaces and circumstances that will be found across Greater London. This paragraph goes some way beyond matters of spatial development and the planning system and should be deleted.

Whilst the sentiment of criterion D7H is supported, it will not be appropriate in all circumstances to incorporate green infrastructure into the public realm. This section could be improved with the addition of “wherever appropriate”.

D8 Tall buildings

The Council has conducted a major stakeholder engagement process on the issue of building height in the context of the accepted need to ensure the right kind of growth in an area where land is at a premium. This exercise has shown the need for policy on this issue to be **sensitive and tailored to local circumstances. The approach in this draft policy is simply too blunt an instrument** to deal with this issue across the whole of London. However, when taken alongside paragraph 0.0.21, it appears to be seeking to remove boroughs scope to address this critical issue in their own plans.

This draft policy removes the strategic steer of the previous London Plan about where tall buildings should be encouraged (i.e. the CAZ, opportunity areas and town centres) and introduces a resource intensive requirement on boroughs to provide extensive assessments of where they should be directed.

Criterion B appears to suggest that all boroughs should identify locations where tall buildings will be acceptable “in principle” in their plans throughout their area (there is no support for identification of places where there is evidence that they will be inappropriate on this basis). The analysis of local context could conclude that there are limited opportunities for tall buildings in some boroughs; especially in the context of paragraph 3.8.2 defining them as buildings that are “substantially taller than their surroundings and cause a significant change to the skyline”. In some areas, significant growth that respects local context could be better achieved through more sensitive forms of intensification.

For these reasons we would suggest the following modification to policy wording:

“Tall buildings should be part of a plan-led approach to changing or developing an area. Where appropriate and supported by local evidence, ~~b~~Boroughs should identify on maps in Development Plans the locations where tall buildings ~~will~~ may be a suitable appropriate form of development in principle...”

D9 – Basement development

We welcome this policy’s support for boroughs to address the negative impacts of large scale basement developments, through the development of their own policies.

D10 – Safety, security and resilience to emergency

The emphasis on safety, security and resilience at the core of new developments, as well as refurbishments, and the early consultation of the London Fire and Emergency Planning Authority (LFEPA) is supported. The importance of giving consideration to physical, personnel and electronic security in all new developments including streetscapes and public spaces is particularly relevant to Westminster.

D11 – Fire safety

We strongly support the objective of ensuring that all buildings are safe and protect their occupiers from fire. Delivering this requires a coordinated approach within which all the regulatory regimes (building regulation in particular from our perspective) play their respective roles making best use of the powers, resources and skills involved in each.

The planning system undoubtedly has a role to play in achieving this. There is little to be gained, however, by blurring the roles of planning and building control which may well result in unnecessary duplication and confusion that could perversely result in poorer safety outcomes with a lack of clarity about which service should do what at which stage in the development process. Production of the statements suggested in this draft policy are unlikely by themselves to improve safety but may simply result in the same (or confusingly slightly different) reports being submitted to different local authority departments and different times. The Hackett review of the relevant building regulations may well suggest

changes that will render this policy out of date. We suggest this approach is reconsidered in consultation with boroughs and other relevant agencies.

D12 – Agent of change

This draft policy essentially repeats national guidance and reflects existing local practice. As such, we question whether it really merits eight paragraphs of supporting text.

Chapter 4: Housing

It is increasingly simplistic to treat London as a single housing market. This overlooks the extent to which circumstances differ hugely within as well as between boroughs and the wider inter-regional context. To give two examples, parts of central London have super-prime housing that arguably forms part of a market on an international scale, while recent data about patterns of outmigration from Greater London shows how different groups are moving out of London to neighbouring districts. While this principle has been a central tenet of London planning since its inception there is a need to consider whether it remains true or helpful as the sole basis for policy-making. Its uncritical repetition risks distorting housing and planning policy, suggesting that the same approaches are likely to be effective in Westminster and in Barking and Dagenham despite the huge differences in housing needs, incomes and land markets.

Our experience shows there is a need, for example, for a distinctive approach to housing policy (particularly on affordable housing) in central London to ensure we can meet the whole range of housing needs to ensure vibrant and diverse communities and support the continued success of the local economy and public services. This is particularly challenging given the high cost of housing and land, and the pressure on developable space here. If we are to meet London's housing challenges it is essential that local planning and housing authorities are empowered to tailor approaches meeting local needs and circumstances – exactly what we are mandated to do in the National Planning Policy Framework.

The level of prescription shown in the DRLP and draft Housing Strategy is likely to impede boroughs' ability to deliver the housing all agree London needs, undermining the effectiveness of the DRLP itself. It will also undermine boroughs' ability to ensure mixed and sustainable communities with housing meeting a range of need.

As local planning and housing authorities, boroughs have duties under national legislation and guidance to identify and seek to meet local housing needs. The DRLP would undermine our ability to meet these. As such it oversteps the proper function of the Mayor's spatial development strategy and fails to have regard to consistency with national policies.

We have discussed our response with our registered provider partners active in Westminster and it is informed by their comments.

H1 – Increasing housing supply

Westminster's 10-year housing target of 10,100 is considered deliverable and supported, and recognition of the role of windfall sites as an important form of housing supply (paragraph 4.1.8) is welcomed.

Reference to 'pro-actively' using brownfield registers and permission in principle in criterion C should be removed. Beyond providing a starting point for identifying potential housing supply, these tools can detract from a plan-led approach to meeting housing need in a manner that takes full consideration of a range of planning objectives.

We question whether earmarking car parks for residential use is a strategic issue, or whether a London-wide approach is appropriate. In Westminster many car parks are in CAZ locations where this would be inappropriate even in terms of other policies in the DRLP and where other uses – such as freight consolidation facilities would have greater policy benefit. This kind of casual reference could be regarded as a firm policy presumption and have unanticipated consequences. We would suggest the omission of paragraph B2(b).

Reference in paragraph 4.1.2 to the use of the London-wide SHMA, or sub-regional rather than single-borough SHMAs do not fully reflect the existence of boroughs' distinct housing markets – especially in central areas such as Westminster which experience a higher turnover of population than outer London boroughs. In practice, local planning authorities will still be required to demonstrate their understanding of local housing needs and that their local plan policies will help address these in accordance with national guidance. The Mayor has no authority to make this kind of statement which in practice could leave boroughs open to soundness challenges at local plan examinations.

H2 – Small Sites

Westminster's 10-year housing target of 5,290 (as a sub-set of the larger borough-wide target) is considered deliverable based on the past rates and nature of development in the City. In our context a development of 10-25 units is not "small", but makes up a significant part of our housing supply. We question whether this really merits a policy of its own rather than a paragraph in policy H1. We also question whether it is sensible to add a new category of development that cuts across the national definition of "major development"; this may simply lead to confusion (particularly as it also differs from the definition of small sites used in compiling the London SHLAA), disproportionate to any benefit.

The density matrix has historically provided a useful tool for influencing housing density and design quality in Westminster and as mentioned earlier, we intend to retain the relevant standards in policy as a floor. Relying on design codes to replace it will be hugely resource-intensive, given that a large proportion of new housing already supply comes from small sites, and that development in the City will need to respond to the character of very distinct neighbourhoods, many of which are conservation areas. There may be places where this approach makes sense, but seeking to mandate it for the whole of London is over-prescriptive and potentially counterproductive.

Design codes are not the same as planning permission in principle, outline planning permission or a local development order. Criterion D is wrong in saying that a presumption in favour of small housing development means approving developments that accord with such a code. There is a huge range of factors other than design that have to be taken into account, particularly in a densely-developed and complex urban area like Westminster.

The list of considerations for sites where a design code has not been prepared (criterion E) is insufficient given the possible implications of development of small sites on their locality. This is particularly true in Westminster, where the extent of existing mixed use areas means a presumption in favour of residential can have negative consequences. The list of considerations should therefore be made more extensive as follows:

“Where there is no such design code, the presumption means approving small housing development unless it can be demonstrated that the development would give rise to an unacceptable level of harm to residential privacy, the operational requirements of neighbouring businesses (see agent of change principle), designated heritage assets (including conservation areas, listed buildings and their setting), biodiversity, publically accessible open space, flood risk, or a safeguarded land use that outweighs the benefits of additional housing provision.”

Criterion G deals with matters of building regulation and adoption of standards that are at the discretion of the local planning authority and not the Mayor. If the Mayor considers these are matters on which he wishes to express a view this should be done in the supporting text, not policy.

Whilst any efforts to increase the delivery of affordable housing are welcome, reference in criterion H to off-site contributions from sites delivering less than 10 residential units or 1,000 sq. m. gross floorspace is contrary to paragraph 031 of the national planning practice guidance and this will have to remain a matter for local planning authorities to decide. Paragraph 4.2.12 goes further than the policy it supports by “encouraging” boroughs to take this course; if this is retained it should be explained that this is contrary to national policy.

Paragraph 4.2.5 should refer to policy SD5 so it is clear that what is said here does not cut across wider strategic policy in areas around stations in the CAZ.

H4 – Meanwhile uses

We have no objection to this policy, although the practical difficulties of allowing temporary residential uses of buildings never intended for such use should not be underestimated. It should be made clear that this approach should only be taken in respect of buildings that are suitable and safe for residential use and in appropriate locations, with clear arrangements reflected in the planning permission for the end of the residential use. Given these practical limitations we question whether this really merits a policy of its own. Its relationship to meanwhile space as a source of affordable business space for creative industries, promoted elsewhere in the plan, is also unclear.

H5 – Delivering affordable housing

Emphasis on increased affordable housing delivery supported. However, if the term “strategic target” is going to be used it should be explained what it means – the failure to do so meant that the last attempt to set a target of this kind was widely misunderstood in ways that eventually undermined its credibility and effectiveness.

We agree with taking an ambitious approach to stepping up delivery. However, our experience of dealing with viability issues in detail at a local level suggests the 50% affordable housing target is unlikely to be achieved in high value, high cost areas like ours. Timeliness of delivery is as important as numbers alone and we would be concerned if development delivering much-needed housing was held up while the Mayor seeks unattainable levels of provision.

In particular, delivery of 50% affordable housing on all public sector land will be extremely challenging and may cause public bodies significant difficulties in realising value to support delivery of public services.

Public bodies (including local authorities) do not hold large reserves of funds, and unless borrowing caps are lifted over the plan period, a significant proportion of market housing will be required to subsidise affordable delivery. Achievement of these requirements is also likely to require trade-offs against other objectives in the plan.

There is an urgent need to clarify the relationship between this policy (and particularly criterion A(4) dealing with public sector land) and policy H10 dealing with estate regeneration. Housing estates tend to be “public sector land”, and it is not clear whether it is intended that estate regeneration proposals should be subject to the 50% requirement in this policy or the “replace and maximise” one in H10. There is also a need to define what is meant by “public sector land” – on one site in Westminster the Mayor’s Office for Policing and Crime have argued that a site currently occupied by a police station is not “public land”, and given the variety of different public, private and hybrid agencies that deliver public services this is not as simple a matter as it may appear.

H6 – Threshold approach to applications

We support a simplified approach to affordable housing delivery that standardises the process and reduces the scope for negotiation as far as possible. This is why we have argued for a locally-set affordable housing tariff based on the principles of the Community Infrastructure Levy. We do not therefore object to this policy in principle, but question how effective it is likely to be in practice – particularly in places like Westminster where the costs of preparing viability evidence are trivial compared to the overall value of developments.

There should be room for boroughs to develop their own, locally distinctive approaches where justified by local circumstances, and where the general principles of the Mayor’s SPG are followed in a way which effectively achieves the same outcome. This principle – recognised in paragraph 4.6.13 – should be reflected explicitly in the policy.

In Westminster, the Mayor's approach to post-permission viability as set out in his Affordable Housing and Viability SPG (and signposted in criterion E) is problematic to fully implement as the Mayor intends. Land values in Westminster are such that removing the requirement for viability assessments will not act as an incentive to offer higher levels of affordable housing, whilst the focus on build costs and gross development values does not fully reflect the complex number of variables that can arise during the development process and impact on development viability – e.g. costs relating to heritage. This can mean that important variations in development viability are not assessed during the post-permission reviews, and an inaccurate picture of development viability are given.

There is no justification for prescribing the basis of measurement to be used to assess compliance with the thresholds in the policy (paragraph 4.6.3). In Westminster measuring the total floorspace of an affordable housing unit has been an effective and equally valid way of measuring affordable housing delivery. This approach ensures the delivery of small, poorly designed affordable units to meet habitable room policy requirements is not incentivised. We intend to continue doing so as this is appropriate to local circumstances, which should be the sole test.

Criterion H is unclear. Any alterations to a scheme is likely to have some impact on its economic circumstances, so reference should be made to the significance of such impact.

The final sentence of paragraph 4.6.5 states that *“Where there is an agreement with the Mayor to deliver at least 50 per cent across the portfolio of sites, then the 35 per cent threshold should apply to individual sites”*. The implications of this on development proposals is significant, and it should therefore be included within policy rather than just supporting text.

H7 Affordable housing tenure

The flexibility offered within the Mayor's tenure split is supported as it allows for 40% of the affordable element of a scheme to be determined by boroughs based on local circumstances. This is particularly important in Westminster as its high housing costs and breadth of housing needs mean there is a stronger need for intermediate housing than elsewhere in London. In addition to viability constraints and the need for mixed and inclusive communities, paragraph 4.7.2 should make clear that local levels of housing need should be a consideration in determining tenure split.

The cost and other pressures Westminster faces mean that a tailored approach is also required to the design of affordable housing product. London Living Rent is not appropriate for all Westminster households, whilst for other aspiring to home ownership, London Shared Ownership does not work because of the high values here. This means, for example, that there is a need for rent-based intermediate products for households with incomes of £60-90,000 per annum. These issues were set out in more detail in our response to the Draft London Housing Strategy.

To better recognise the need for locally bespoke approaches to affordable housing, paragraph 4.7.7. should be re-worded as follows:

“Other affordable housing products ~~will~~ ~~may~~ be acceptable if, as well as meeting the broad definition of affordable housing, ~~they also meet the draft London Housing Strategy definition of genuinely affordable housing and~~ they can be shown ~~are considered~~ by the borough to provide ~~be~~ genuinely affordable housing meeting established local need”. This principle should also be reflected explicitly in policy H5

Clarification in paragraph 4.7.12 that the tenure split should be the starting point for negotiations where the affordable housing viability threshold cannot be met, is welcomed.

H9 – Vacant building credit

The vacant building credit is set out in national guidance and the Mayor cannot simply disapply it. Its application is a matter for local planning authorities to consider in each case (and they would be open to challenge if they did not). Equally, administration of the Community Infrastructure Levy is a matter for boroughs as collecting authorities and the London Plan cannot tell them how the payable amount should be calculated (the vacancy test is part of the calculation under regulation 40 of the CIL Regulations; it is not a relief as paragraph 4.9.3 suggests).

H10 – Redevelopment of existing housing and estate regeneration

The relationship of this policy to H5 requires clarification so it is clear in what circumstances each of these policies applies.

Based on our experience, the approach to affordable housing provision in estate regeneration schemes set out in criterion B of this policy is a sensible and pragmatic approach that will facilitate the regeneration of estates in ways that will both provide more housing and enable the development of places that will provide good and sustainable supporting infrastructure and quality of life for residents. An arbitrary percentage set in policy will mean infrastructure and public realm improvements being traded off for affordable housing with the perverse result of producing sterile places whose residents will have to travel longer distances to access facilities and opportunities. It should be made clear that policy H5(A) do not apply in these circumstances. This policy would also benefit from explicit recognition of the need to provide facilities required by those living on estates.

H11 – Ensuring the best use of stock

We are dismayed that the Mayor has failed to take this opportunity to make a clear statement opposing the loss of mainstream housing stock to nightly letting. This is a genuinely strategic issue for Greater London which is having a significant impact in Westminster and other boroughs. We would strongly urge that the strong view on this issue taken in both previous London Plans should be carried forward in the DRLP, with policy supporting boroughs taking action to address the negative impacts nightly letting can cause to availability of housing, and amenity, including in making the case for exemptions to central government. The absence of any commitment to lobbying government to address enforcement issues surrounding nightly letting is also concerning.

Conversely, there is little the planning system can do to tackle empty homes – as boroughs who have sought to introduce such policies in London have found. Enforcement of such policies is extremely difficult and they involve a degree of intrusion into private matters that planning inspectors have proved unwilling to countenance.

H12 – Housing size mix

This is another area in which the Mayor is proposing an unnecessary level of prescription which will undermine boroughs’ ability to meet their duty to address local housing needs over the long-term as required by national guidance (and acknowledged in paragraph 4.12.6). In particular, we strongly object to the direction in criterion C that boroughs should not set their own dwelling size mix for market and intermediate homes. This will reduce boroughs’ ability to respond to local circumstances such as evidence of need, the types and sizes of households on intermediate housing registers and developments in the local housing market. Any requirement in borough policy will have to be evidenced and tested through the independent examination process in which the Mayor has a statutory role, after all.

While it is understood that 2-bed units can contribute towards small family housing, paragraph 4.12.3 should make clear that minimum space standards should be exceeded for such units to be considered “family housing”; having been designed with sufficient space for family life. Furthermore, reference should be made to there still being a place for 3+ bed units for larger families, even in Central London. Without this recognition, there appears little in policy to refuse schemes comprising entirely of small 1 and 2 bed units across much of London.

There appears to be an absence of any reference to HMOs within policy, despite their recognition in paragraph 4.12.7.

H14 – Supported and specialised accommodation

Inclusion of “accommodation for young people” within the definition of supported and specialised accommodation (criterion A2) is extremely vague and needs refinement to offer clarity.

H15 – Specialist older persons housing

Requirement for specialist older persons housing to contribute towards affordable housing (criterion B1) is supported. However, the breakdown between what is considered C3 and C2 uses, and which uses should contribute to affordable housing, fails to recognise specialist housing models that may provide varying levels of care and deemed sui generis. These are likely to be questions of fact and degree for local planning authorities to consider in each case. It is also not clear if schemes eligible to provide affordable housing should provide general purpose or older persons affordable housing.

In seeking to be prescriptive the Mayor should be cautious about not fossilising existing forms of provision in an area marked by innovation and hybrid housing products with varying levels of facilities and care.

H16 – Gypsy and traveller accommodation

We question whether the Mayor should be seeking to overlie national planning policy and guidance on this issue.

H17 – Purpose-built student accommodation

We do not consider the level of prescription in this draft policy to be appropriate for a strategic plan. The approach suggested in paragraph 4.17.10 is over-complex and is unlikely to be effective.

H18 – Large scale purpose built shared living

The objective of supporting new high quality forms of housing supply is supported. However, the lack of any reference to room sizes, and acknowledgement in paragraph 4.18.7 that proposals will not meet affordable housing space standards, could clearly undermine this aim and result in poor quality accommodation that does not make a positive contribution to local neighbourhoods.

In contrast to the absence of any policy requirement on room size, on other matters the policy is overly prescriptive. This is an area marked by rapid innovation, with products taking different forms and including different mixes of use; these are likely to vary widely across London and over time. As such, it is an area in which a single, prescriptive policy (particularly one of the level of detail of this one) is unlikely to be effective and may simply stifle innovation.

Requirements that such development must provide bedding and linen changing and/or room cleaning services (criterion A5g) are overly onerous, and neither a planning or strategic matter. Similarly, whilst the intentions of management plans and measures to enable social interaction set out in paragraphs 4.18.4 - 4.18.5 are supported there are different forms these might take. The planning system cannot be used to determine the job description of managers, nor require them to organise community events.

It is also not clear why it is only schemes of 50 units + that qualify as this type of accommodation (paragraph 4.18.3), as smaller purposed built shared living schemes (e.g. 40 units) are likely to be proposed in more central locations and will have similar impacts.

A better approach would be a considerably shortened policy setting out the issues boroughs might take into account, based on local circumstances. These factors will include ensuring exemplary design, robust arrangements for long-term management to protect local amenity, and ensuring they do not concentrate to local over-concentrations of similar uses (secured through use of legal agreements to restrict permitted development rights where appropriate).

Chapter 5: Social infrastructure

S1 – Developing London’s social infrastructure

It is essential that DRLP policy on social infrastructure allows sufficient flexibility to address changing patterns of social infrastructure provision.

The policy approach suggested here is over-complex. It is possible to plan adequately for social infrastructure for major new development without the need for a comprehensive masterplan (criterion B) – this may be a suggestion that could be made in the supporting text. Criteria D and E add little to policies elsewhere in the Plan. They should be omitted.

The Mayor has no locus in the designation of assets of community value (paragraph 5.1.4) and the reference here (which only states the obvious) should be deleted.

S2 – Health and social care facilities

Whilst the objectives of the policy are supported, the requirement that boroughs “*identify sites in Development Plans for future provision, particularly in areas with significant growth and/or under provision*” fails to fully recognise the extent to which boroughs’ ability to do so is dependent on the actions of multiple agencies responsible for health care planning, often working to different timescales. These in turn reflect wider policy decisions about how health services should be provided. It is therefore suggested that criterion A4 is reworded as follows:

“where possible, identify sites in Development Plans for future provision, particularly in areas with significant growth and/or under provision”

Criterion A(5) merely states the obvious. At most it belongs in the supporting text.

S3 – Education and childcare facilities

While the policy objectives are supported, it should be recognised that school place planning is susceptible to change over a plan period, and infrastructure delivery plans can be more easily adapted to changing circumstances than local plans. Furthermore, future provision will also in many cases be met through expansion and intensification, as much as identification of new sites. To clarify this, it is suggested that criterion A2 is reworded as follows:

“identify sites for future provision through the Local Plan process (including infrastructure delivery plans), particularly in areas with significant planned growth and/or need”.

The detailed design of education and childcare facilities will depend on the circumstances of each case and it is questionable whether all the requirements in paragraph 5.3.10 can be met in every circumstance, particularly in places like Westminster where there are limited sites for such provision.

S4 – Play and informal recreation

We recognise the importance of providing space for children and young people’s play. It is questionable however, whether a universal standard of at least 10m² per child (criterion B2)

is deliverable given the push for increased development densities and differing existing levels of open space provision across boroughs. A requirement that playable space is well-designed and useable is more important than specific amounts based on estimated child yields.

As with other draft policies in the DRLP we question whether it is appropriate for the Mayor to be so prescriptive about matters of process as in criterion A. How boroughs identify need and seek to meet it should be for them to determine (and this will not require production of a strategy document in every case).

S5 – Sports and recreation facilities

Criterion B(3) should include the requirement to take steps to minimise the impact of sports lighting mentioned in paragraph 5.5.7.

S6 – Public toilets

We question whether the planning system can properly require all the matters set out in this policy. Even if it could, enforcement is likely to be impossible.

In criterion B, greater clarity is needed of where “Changing Places” toilets are expected. The term “larger developments where users are expected to spend long periods of time” is ambiguous. The DRLP should not seek to get involved in operational matters about matters like arrangements for cleaning toilets (paragraph 5.6.5).

By seeking to be so prescriptive and complex, this policy makes a simple objective that might be widely shared overly-burdensome for developers and local planning authorities alike – and so unlikely to be effective.

Chapter 6: Economy

E1 – Offices

Before identifying Stratford and Old Oak Common as “potential reserve locations for CAZ-type office functions” the Mayor needs to consider whether this objective is realistic. The CAZ functions because of agglomeration economies that are unlikely to support “satellites” beyond the central area of this kind (as experience with places like Croydon tends to bear out). There is considerable sunk investment in the designated CAZ and it seems to make little sense in economic or sustainability terms to take this kind of approach, the evidence for which is so uncertain.

We support criteria E and F but would prefer **a short, unambiguous statement of support for borough article 4 directions** and their objective - to ensure proper planning for office provision in the CAZ – to the rather woolly, process-focussed wording of criterion F. The decision about whether to make a direction is one for the borough concerned and not the Mayor; equally boroughs do not need to be told how to go about making directions. In any event by the time the DRLP is published these directions will be in force. For all these reasons we suggest this policy should be considerably condensed.

E2 – Low-cost business space

Whilst the policy intention is understood, the requirements of criterion B are likely to be impractical in areas of central London such as Westminster. As demand for lower than market rate business space will always outstrip supply in such desirable locations, it will be difficult for developers to demonstrate that “there is no reasonable prospect of the site being used for business purposes”, and a requirement for equivalent B1 floorspace re-provision could undermine other policy objectives of upgrading outdated business stock, increased housing supply on brownfield sites, and the on-site delivery of affordable housing. How the policy relates to “meanwhile space”, which often provides low cost business space before sites are redeveloped, also needs clarifying.

Paragraphs 6.2.3 and 6.2.6 do not sit well together – it should be made clear that the latter does not necessarily apply to the CAZ

E3 – Affordable workspace

Policy objectives of supporting the delivery of new affordable workspace, and recognition that any requirements should be tailored to local circumstances, are supported. Given the very high office values in most of Westminster these approaches are unlikely to be effective here, and in practice we use other routes including use of our Civic Enterprise Fund, to secure flexible and affordable workspace.

E5 – Strategic Industrial Locations (SIL)

There seems little point in continuing to categorise boroughs like Westminster with no designated Strategic Industrial Locations or locally Significant Industrial Sites (and very little industrial land of any kind) in table 6.2. In areas like ours where land is at a premium, boroughs should be given the flexibility to decide the best approach to workspaces of all kinds in order to ensure the most efficient use is made of scarce sites.

We support the continued protection of SIL London-wide given the vital role it plays in supporting the servicing needs of the CAZ.

E7 – Intensification, co-location and substitution of land for industry, logistics and services to support London’s economic function

This extremely detailed policy will not be relevant in boroughs like Westminster and this should be reflected in the language used. Much of the detail belongs more properly to supplementary guidance in any event.

E8 – Sector growth opportunities and clusters

Whilst the ambition of this policy is supported, it is unnecessarily repetitive and could usefully be condensed to make it more useable.

E9 – Retail, markets and hot food takeaways

The policy objectives of directing retail uses to town centres, and recognising the importance of London’s markets are supported.

While sharing the Mayor's concern about child obesity and the need to take action to tackle it we question whether the plan should seek to impose a total ban on A5 uses within an arbitrary distance from schools (a point reinforced by the fact that the policy goes on to say that boroughs wanting to apply a locally determined exclusion zone around schools should ensure it is evidenced – despite the Mayor not evidencing his own). There is in fact little evidence that this kind of approach is effective and this is reflected in the fact that a number of the boroughs that have proposed policies of this kind have seen them rejected at examination.

In Westminster application of this policy would prevent new A5 uses of any kind across 76% of its land area (including Covent Garden and the entire area around Victoria Station) and it is likely that as a local planning authority there are a broader range of material considerations that would have to be taken into account in considering whether a use of this kind would be appropriate. A5 uses comprise a wide range of different offers, including those promoting healthier dietary options and this kind of approach could be actively counterproductive. In practice, the line between A5 and other A use classes is so blurred that this kind of policy will be extremely easy to evade.

A far better approach would be to omit the first sentence of criterion B(9) of the policy and replace it with an expression of Mayoral support for boroughs wishing to take an approach of this kind, provided they can bring forward evidence of the causative link between proximity to schools and health issues. It is, incidentally, doubtful whether planning conditions dealing with nutritional standards of food sold would meet the relevant legal tests.

We also question why detailed policies are provided on restricting A5 hot food takeaways, but not for other uses where proliferation/concentration issues apply across London and there is far more robust evidence about the link between uses and health issues; e.g. betting shops and shisha bars.

E10 – Visitor infrastructure

Criterion D should make clear that the provision of serviced accommodation in the core parts of the CAZ should be subject to the impact on a wider range of important clusters of commercial use than just office space; to conform with the explanatory text at paragraph 6.10.3. The commercial core of the CAZ includes important clusters of other uses that merit protection; such as the retail and leisure provision in the West End, medical uses at Harley Street, institutional uses at Portland Place etc.

We strongly object to the support for nightly lets in criterion F. The plan fails to recognise that such practice can be detrimental to local amenity, security, and quality of life of neighbouring residents. It also fails to recognise that this prejudices the priority rightly given to ensuring a stock of housing meeting a range of needs. If any policy of this kind is retained, it must make clear that nightly lets should only be for a maximum 90 nights per year in recognition of their negative impacts.

Whilst accessibility is an important issue, it is unclear if the standards set out in criterion G are deliverable, or based on any robust assessment of need.

E11 – Skills and opportunities

We support this policy.

Chapter 7: Heritage and Culture

Policy HC1 Heritage conservation and growth

We welcome recognition of the importance of heritage in contextualising new development and of promoting high standards of modern architecture as London evolves, through a collaborative approach with a range of stakeholders. This will be particularly important in Westminster, given the range of heritage assets within the City.

However, the policy does in parts provide unnecessary duplication of the NPPF. Criterion A duplicates guidance from paragraph 169 of the NPPF, whilst criterion E duplicates paragraph 126 of the NPPF.

Within the supporting text, paragraph 7.1.9 is unnecessary. Through Historic England, the Greater London Archaeological Advisory Service provide archaeological advice and identify priority areas for boroughs.

Policy HC2 World Heritage Sites

The draft policy does not go far enough in protecting World Heritage Sites in accordance with the findings of the report of 2017 Joint ICOMOC/ICCROM Reactive Monitoring Mission (<http://whc.unesco.org/en/list/426/documents>). This is a genuinely strategic issue of cross-borough importance.

It should make clear that any balancing between the protection of Outstanding Universal Value and the other benefits of development projects is more strongly weighted in favour of Outstanding Universal Value. Given cross-borough impacts of development proposals, it should also be clearer on the Mayor's strategic role on this matter. Currently paragraph 7.2.1 appears to absolve the GLA of any responsibility in this regard, and gives insufficient emphasis to the need for cross-borough working.

Paragraph 7.2.4 should also be amended to clarify that there is potential for impacts on World Heritage Sites from boroughs other than those set out here (particularly those with Opportunity Areas). In particular, the London Borough of Camden appears to be a significant omission given the potential impact of tall buildings in the Tottenham Court Road Opportunity Area on the Westminster World Heritage Site. Rather than seeking to set out an exhaustive list of boroughs that should consider having policies in the text (which will inevitably be incomplete) a better approach might be to include a requirement in policy that all boroughs should consider whether it would be appropriate to have policies in their local plans regarding potential impact on WHSs.

Policy HC3 - Strategic and Local Views

The identification of local views and the nature of the protection given to them are matters for the borough(s) concerned and are not for the Mayor to seek to prescribe. We would suggest deletion of criterion G and paragraph 7.3.6.

Any discussions between the Mayor and landowners of the kind suggested in paragraph 7.3.5 must involve the borough concerned.

HC5 – Supporting London’s culture and creative industries

Criterion A4 should make clear that any encouragement of pop-ups and meanwhile uses should be subject to proper consideration of all relevant material considerations including their impact on residential amenity and the agent of change principle.

HC6 – Supporting the night-time economy

It is wholly misleading to talk in terms of a London-wide evening and night-time economy and to suggest there is a single approach that is suitable in every case (the Mayor has implicitly recognised this for the West End through his participation in the WEP, which has agreed an approach to these issues that is not reflected in this policy).

In particular, the draft policy also fails to give any recognition to the different characteristics, and potential different approaches, to **the evening and night-time economies respectively**. The nature of uses and their impacts – and the policy response required – will differ between evening (up to midnight) and night-time (midnight – 7 am). This temporal distinction must be reflected in the title and substance of this policy.

The lack of reference to the adverse impacts of app-based delivery platforms on residential communities, and how these might be addressed, is a concern. The continued growth of this industry is a strategic issue that is increasingly affecting large parts of London, yet the plan is notably silent on it.

Under criterion B(4), it should be recognised that whilst management of licensed premises can sometimes be effective, there may be instances where the cumulative impact of such premises means that new such uses will be inappropriate.

HC7 – Protecting public houses

We support the principle of policy support for protection of public houses where local planning authorities consider this is appropriate. However it follows from our response to draft policy HC6 that the Mayor should not seek to apply a blanket approach which might, for example, inhibit moves to diversify the evening/night-time economies from alcohol-based activities.

For the same reason we would question the general support for new pubs in criterion A(2). Experience provides little evidence for the regenerative benefits of pubs suggested here. If they do have such effects (and it is noticeable that no evidence is brought forward to support this proposition – the GLA Economics report “Closing Time” talks about pubs being “under increasing pressure for survival”) why is a policy required for their protection? Again,

this is an issue that should be approached in light of local circumstances and needs. We would suggest criterion A(2) is omitted.

As already pointed out, administration of assets of community value is not a matter for the Mayor; in any case paragraph 7.7.5 gives a misleading account of the process (it does not, for example, mention the wide range of exemptions that apply to the moratorium provisions). Experience shows that this is an area in which a gloss of this nature is positively misleading and we would suggest it is deleted. Similarly, local planning authorities are unlikely to need to be instructed about the characteristics that should be taken into account in deciding whether a pub has particular value (paragraph 7.7.6); and any list of this kind is bound to overlook matters that are important in particular cases. This kind of list may actually be used against authorities seeking to protect pubs if they rely on a factor not on the list. We would suggest its omission.

Similarly, local planning authorities should be able to decide for themselves what period would be realistic to require marketing before a pub is developed, depending on the state of the local property market. Two years can be a very long period to leave a building vacant and no evidence has been brought forward to suggest this is the optimum period.

Again, this policy could be easily condensed - it is not clear what criterion A(1) adds to the generality of criterion B.

Chapter 8: Green Infrastructure and Natural Environment

G1 - Green infrastructure

Whilst the ambitions of the policy are supported it is questioned if all boroughs should be directed to prepare a green infrastructure strategy as set out in criterion B. Alternative (and potentially more cost-effective) means of reaching the same objective can be achieved within the planning process – for example through Local Plan policies or supplementary planning documents

G5 - Urban greening

Whilst the emphasis on new developments contributing to green infrastructure provision is supported, and some flexibility is offered for boroughs to define their own urban greening factor, the approach outlined here is an overly complex and mechanistic tool to optimise green infrastructure on site. It is unclear how the factors applied to different surface cover types has been determined, and there is a lack of recognition within policy that some options such as green walls will need a significant amount of post occupancy management and maintenance, which will directly impact on how beneficial provision will be in the long term. In practice it is likely that there will need to be trade-offs between different types of greening, and between greening and other matters (such as installation of photovoltaic cells). Boroughs can already set simpler minimum requirements to secure new green infrastructure, catered to local circumstances.

A better and more effective approach might be to set targets for greening and putting the detailed methodology in supplementary guidance as one means of delivering them.

It may be worth making clear that the Royal Parks will fall within the “regional parks” category in table 8.1.

G8 - Food growing

This policy is likely to be particularly irrelevant in central London boroughs like Westminster and this should be recognised by changing the language that tends to suggest this is an issue every borough should address in their local plans.

It should be made clear that any requirement on boroughs to identify sites that could be used for commercial food production must be done within public health and food safety parameters. The heavily urbanised nature of most of London, the competing pressures on finite land, and existing levels of air quality, means there will be limited opportunities to identify such sites.

Chapter 9 – Sustainable Infrastructure

S11 - Improving air quality

We strongly endorse the increased focus on improving air quality. However there does need to be a degree of realism about the extent to which all small applications can meet all the requirements in this policy (those in paragraph A(4), for example).

S12 - Minimising greenhouse gas emissions

Whilst there are benefits to boroughs setting up carbon offset funds in their areas, this is a matter for individual boroughs to decide. It is beyond the Mayor’s powers to dictate that boroughs must do so, as is sought to do in criterion D. Decisions about the priority that should be given to different objectives through use of section 106 is a matter for local planning authorities to take in the light of local needs and circumstances (and it is noted that carbon offsetting measures are not among the priorities identified in draft policy DF1).

In practice the extent to which pooled funds of this kind can be used effectively is currently constrained by the Community Infrastructure Levy Regulations 2010 (as amended).

S13 - Energy Infrastructure

Whilst the ambitions of the policy are supported it is overly prescriptive and delves into matters beyond the remit of planning – e.g. procurement issues. Criterion B is over-detailed and too prescriptive about the content of energy masterplans. Boroughs must have the scope to agree a proportionate approach to these documents that reflects local circumstances and approaches in those cases where they consider it is appropriate to require them. There is no justification for this level of purported intervention.

Criterion D may be overly onerous for all major developments in Heat Network Priority Areas, and fails to acknowledge that there may be competing planning issues that need to

be balanced; e.g. heritage concerns, optimising building efficiency, development viability, etc.

S15 - Water infrastructure

It is unclear how the planning system can control foul and surface water misconnections as set out in criterion E2.

S16- Digital connectivity infrastructure

No comment.

S17 - Reducing waste and supporting the circular economy

The proposed requirement for Circular Economy Statements to support applications appears to be duplication of requirements for construction management plans and site waste management plans. Furthermore, validation requirements are matters for national legislation and local planning authorities' own validation requirements. Boroughs should be enabled to develop approaches that best suit the needs and circumstances of their area.

Criterion A5 requirements regarding recycling are too prescriptive given individual boroughs will determine how waste is collected and treated based on the development scale, type, and site specific constraints.

Criterion B requirements should apply to larger regeneration sites rather than all referable applications. In Westminster, referable applications can often involve refurbishment schemes, which should not be subject to such onerous requirements.

S18- Waste capacity and net waste self sufficiency

The density and nature of development within Westminster, its unique built heritage, the lack of industrial land (including no SIL), and pressures to identify land for further residential and commercial growth, all mean insufficient land exists within Westminster to meet the waste apportionment targets set out in table 9.2. We will continue to work with other authorities to ensure the sustainable management of waste in ways that meet shared objectives, recognising that this is unlikely to be possible wholly within the borough.

S113 - Sustainable drainage

It should be noted that the measures identified in criterion C are often permitted development.

S114 – Waterways – strategic role

We question whether there is a need for complete coverage of Joint Thames Strategies in addition to local plans and the new Marine Spatial Plans. The matters set out in paragraph 9.14.6 can be dealt with quite satisfactorily in these documents, particularly in the context of Westminster's riverfront.

SI16 – Waterways – use and enjoyment

The approach of enhanced use and enjoyment of the water environment for appropriate activities set out in this policy is supported. However, a clearer steer should be provided that moorings for public benefit (for water dependent and water compatible uses) should take priority over other uses such as residential and businesses not open to the public. Paragraph 9.16.2 hints at increased growth of these, which if not properly managed could undermine other policy objectives of protecting the character of the Thames and its role as a continuous wildlife corridor, and impede river navigation.

Chapter 10: Transport

T1 – Strategic approach to transport

Although we support ambitions for modal shift, **it is highly questionable if the proposed strategic targets are deliverable.** According to page 277 to the Mayors Draft Transport Strategy, the London-wide 80% target is dependent on 95% of trips in Central London being made by walking, cycling and public transport by 2041. This appears to underestimate the nature of movement commercial activity generated in the CAZ, and the amount of investment required to achieve such a shift. It also fails to recognise the impact of new modes of travel, such as the increased presence of private hire vehicles. It is questionable if the indicative list of transport schemes in table 10.1 (which includes schemes subject to further assessment, and in the case of Crossrail 2, not currently benefitting from government investment) will be sufficient to meet the Mayor's highly ambitious targets. The text in paragraph 11.1.30 which highlights that most of the schemes in Table 10.1 are currently unfunded, could usefully sit alongside Table 10.1.

Regarding the schemes in table 10.1, the Council have **consistently and strongly opposed the proposed walk and cycle bridge between Nine Elms and Pimlico**, due to its likely detrimental impact on amenity and heritage assets. **Its inclusion in the table is both inappropriate and premature.**

To date, no robust case demonstrating the need and benefits of the proposed bridge has been brought forward. The Council and local community have raised numerous concerns about the proposed bridge landing in Pimlico and the impact that it would have on residential amenity, the highway network and local environment in Westminster. These have not been addressed. Until a compelling case is brought forward that means a bridge in this location has a reasonable prospect of implementation, it should not be included in a list of this kind.

While no formal proposals have been put to Westminster City Council, any future application for a bridge will need to be assessed on its own merits based on the information provided at that time. As criterion A of the policy directs boroughs to support the schemes in table 10.1 through their Development Plans, it should therefore be removed from the list of indicative schemes to ensure proper consideration of the detail of proposals if and when they come forward.

As a general point, it is notable that the chapter does not provide a strategic steer on the impact of emerging changes to the transport sector, such as automated vehicles and dockless cycle hire.

T2- Healthy Streets

Although the objectives of this policy are supported, **a requirement to apply a particular approach to all development with an assessment against ten criteria seems disproportionate**. Boroughs' public realm differs widely, and it is important that they are able to devise and apply their own approaches through local plans. The kind of top-down, mechanistic, over-detailed and prescriptive approach advocated here is unlikely to be effective.

A better approach would be to encourage boroughs to develop their own approaches to delivery of transport objectives through their local plans, in ways that address their local circumstances and needs. The Mayor's approach provides one model which could be adapted as appropriate, but he should not seek to prevent others which local planning authorities may consider more effective.

T3 – Transport capacity, connectivity and safeguarding

It is unclear how development plans and development decisions can give priority to delivering upgrades to Underground lines as set out in criterion D – this appears to be more of an operational matter for TfL. In addition, it should be made clear that river crossings should only be supported where there is a compelling case for them, and they can be demonstrated not to have adverse impacts, for example on local character (see also comments on table 10.1 included in response to Policy T1).

Reference to “coach hub(s) re-provision in table 10.1” is alarmingly vague as the only reference in the document to this strategically important public transport infrastructure – which will face increased strain over the plan period as population increases. If Crossrail 2 is taken forward along its currently-proposed alignment, this will contribute to the need to close the current Victoria Coach Station's Departure Hall. New coach station facilities need to be found in an appropriate location elsewhere in London to serve strategic need. The DRLP should set a strategic framework for location of such a site, setting environmental and amenity standards that any replacement must meet.

T4 – Assessing and mitigating transport impacts

As with other draft policies in the DRLP this sets out an extremely detailed, prescriptive approach that does not allow for deciding what is proportionate in each case.

Criterion B seeks to give guidance produced by Transport for London formal policy status. TfL has no formal locus in the planning system of course (and cannot produce either planning policy or supplementary guidance). If it is intended that any requirement should have the kind of force suggested here it should be spelt out in the policy, be consulted on and examined like any other area of policy. As it stands, it is impossible to comment on the reasonableness or otherwise of what it is being suggested local planning authorities should

do. Furthermore, no guidance is provided as to what scale of development such requirements apply to; as such it is too vague to be capable of implementation.

As worded, criterion E would apply to all forms of development, which does not represent a proportionate approach. Boroughs should have the room to decide the best way of using their resources in places, and for types of development, where intervention is likely to be most effective.

T5 – Cycling

Ambitions to increase uptake in cycling are supported. However, interventions to support any mode of transport should be subject to robust modelling which takes account of trends in all transport modes, including the growing use of private hire vehicles. They should also be carefully considered to ensure they do not adversely impact on other users, such as pedestrians or bus passengers.

The doubling of short stay parking requirements for use classes A1-A5 from existing standards (as set out in table 10.2), across boroughs that experience higher existing levels of cycling trips, is ill-considered. Firstly, this is not based on any evidence of the extent to which shopping trips are made by bicycle (it is unlikely that substantial numbers of shopping trips will be made to the international shopping centre by bicycle, for example). Second, it does not take account of the different scale of development across sub-markets within boroughs and the relationship between development scale and scope for provision of cyclist facilities (most recent evidence is that the average office development in the West End is 50,000 sq. ft. in area; in Paddington the figure is 240,000 sq. ft.). Third, it fails to consider the implications of such requirements in highly congested areas such as Westminster, which already face multiple pressure on kerb space. Requirements for such provision (which criterion A sets out should be treated as minimums), is likely to result in increased on street cycle parking that reduces space for pedestrian flow. Despite this, criteria B and C actually encourage on street cycle parking, whilst paragraph 10.5.8 indicates that short stay cycle parking should have step-free access and be located within 15 metres of the main entrance of a building.

No justification is given for selection of the boroughs in which higher minimum cycle standards should apply shown in figure 10.2 beyond numbers of existing trips by cycle. There are other factors that need to be borne in mind. Some of the boroughs identified – particularly in central London – are marked by constrained space; others less so. In practical terms, standards based on matters other than floorspace will be difficult to apply due to the level of unknown details on matters such as number of staff at planning application stage.

T6 – Car parking

Whilst the Mayor's ambitions of reducing reliance on cars is understood, **proposed parking standards in tables 10.3 – 10.5 provide an overly simplistic approach that fails to take any account of local context, or allow boroughs any scope to do so.** It also fails to address the main causes of congestion in central London, recognise existing low levels of car use in high

PTAL areas, or acknowledge other factors that influence car ownership such as income or size of household.

Requiring that new developments do not provide any off-street car parking provision on-site does not necessarily result in developments being “car free”, and can result in increased demand for on-street parking. However, policy as drafted does not address on-street parking demand. Given the pressures on kerb space in Westminster there is a pressing need to take a holistic view of parking policy; the simplistic approach taken in the DRLP militates against this objective.

The Mayors Transport Strategy identifies congestion as a result of increased private hire vehicles and servicing/ freight as the main issue in central London (page 71), rather than residents’ car parking. Parts of London such as Westminster face unprecedented pressure on kerb space from multiple uses. It is likely that insisting most new development provide no dedicated off-street parking will increase on-street parking stress, leading to further congestion, road safety issues, and business servicing difficulties. It also fails to recognise that across much of London, it is not just disabled person’s that have mobility issues that make them more reliant on car use, but also families with small children. The policy therefore has implications for protected equalities groups.

Reference to blue badge holders in criterion D does not reflect practice in all boroughs, so the policy should instead simply refer to disabled persons parking to be more universal.

It is noted that paragraph 10.6.3 states car club spaces should be included within maximum car parking provision and not in addition to it. When read alongside table 10.3, this equates to an outright ban on car clubs in new developments in most of inner London, despite such schemes being recognised as reducing car ownership dependency.

Finally, the assertion in paragraph 10.6.7 that motorcycle parking should count towards maximum car parking spaces fails to recognise the differing space requirements and types of users this mode of transport typically has to car use.

T6.1 – Residential parking

It is not clear what the intention or justification for criterion B is.

We agree that disabled persons parking should be catered for. However experience in Westminster suggests that the requirements of criteria G and H are overly onerous in terms of insisting on provision for schemes of 10 units or more regardless of local context. This may not always be practical (e.g. proposals for listed buildings), and could compromise other design objectives such as the need for active frontages, or allowing for pedestrian movement. Furthermore, regarding requirements for a Car Parking Design and Management Plan under criterion G2, it is not a matter for the Mayor to set requirements for what should be submitted with planning applications. Instead it is a matter for national legislation and local planning authorities’ own validation requirements.

Also see comments on draft policy T6 above.

T6.2 – Office parking

See comments on draft policy T6 above.

T6.3 – Retail parking

Requirements under table 10.5 that any retail development in the CAZ or PTALs 5 and above must be car free, fails to recognise that the nature of some retail trips requires the customer to transport large and/ or heavy goods that is not always feasible by foot, cycle or public transport. Greater scope should be provided for the consideration of local context and the nature of the proposal.

T6.4 – Hotel and leisure parking

See comments on draft policy T6 above.

T6.5 – Non-residential disabled persons parking

Criterion A requirements for at least one disabled persons parking bay lacks any proportionality to the scale of development, or local context. It is unlikely to be deliverable on many proposals in Central London.

T7 – Freight and servicing

As population increases and retail patterns change, the subsequent growth in freight movements has a significant impact on the road network and the urban environment, which can undermine the Mayor’s approach to “healthy streets”. Despite this, policy provides little guidance on how individual proposals significant adverse impacts, including on other highways users such as pedestrians and cyclists, should be addressed.

Little evidence is provided that freight consolidation is successful, or achievable in central London. Meanwhile, to require all the outcomes set out in criterion E for every proposed freight consolidation or distribution facility may be impractical, particularly for small-scale facilities in densely developed areas. There needs to be some recognition of the need for proportionality and for trade-offs between objectives where appropriate.

Criterion G fails to consider local concerns in terms of noise and disturbance deliveries outside of peak hours can cause. Universal support of these could have huge implications for the quality of life of residents in central London, due to the servicing needs of retail and entertainment uses.

For the reasons explained with regard to policy T4, the reference to Transport for London guidance is improper and should be omitted. Guidance is not the same as policy, and to suggest that it should be “adhered to” (paragraph 10.7.6) suggests it has a status it is not entitled to.

The size of letterboxes in developments (paragraph 10.7.5) is not a strategic matter.

T9 – Funding transport infrastructure through planning

We have commented earlier on the need to ensure effective and equitable approaches to funding transport infrastructure. All too often the Mayor’s approach appears to be to regard central London as a source of funding for infrastructure that is of no benefit to Westminster, its residents, businesses or visitors. **The Mayor needs to be realistic about the extent of value development supports and clear in his views about priorities** - the DRLP sets out a long list of priorities for use of planning gain and the list of items in criterion C merely adds to them. The relationship between this policy and draft policy DF1 should be clarified.

Chapter 11 – Funding the Local Plan

DF1 – Delivery of the Plan and Planning Obligations

This policy focusses almost exclusively on matters of procedure and as such goes beyond the proper scope of the spatial development strategy. Criterion C merely repeats basic planning law and could be omitted.

The very long section on “the funding gap” implies that as things stand it is unlikely there are the resources to deliver the strategy outlined in the DRLP. If this is the case the question arises whether it meets the deliverability aspects of the effectiveness limb of the test of soundness set out in paragraph 182 of the National Planning Policy Framework. **The Mayor needs to be clear about the extent to which he will require additional resources to deliver his spatial development strategy and the likelihood of these being granted** over the period of the Plan. Any expectations that planning obligations will increasingly be used to bridge the gap on unfunded strategically important infrastructure could have negative consequences on boroughs ability to raise funds for much needed infrastructure investment within their areas.

This section strays some way from the Mayor’s strategy for London’s spatial development and could be significantly shortened.

Appendix 1 - List of the statements, plans, assessments and other ancillary documents that applicants are required to a) reference and or b) submit with a planning application

1. Air Quality Assessment – application submission
2. Brownfield Register – local authority to produce
3. Car Park Design and Management Plan – application submission
4. Circular Economy Statement – application submission for referable applications
5. Community Safety Impact Assessment – local authority to produce
6. Density Management Plan – application submission (if the density is higher than set out in Policy D6 Optimising Housing density)
7. Design and Access Statement – application submission
8. Design Codes – local authority to produce
9. Energy Assessment – application submission
10. Environmental Impact Assessment – local authority to produce and application submission
11. Equalities Impact Assessment - local authority to produce and application submission
12. Fire Statement – application submission
13. Green Infrastructure Strategy – local authority to produce
14. Gypsy and Traveller Accommodation Needs Assessment – local authority to produce
15. Habitat Regulations Assessment – local authority to produce
16. Health Impact Assessment – local authority to produce
17. Heritage Impact Assessment – application submission (in vicinity of UNESCO sites)
18. Housing Trajectory – local authority to produce
19. Inclusive Design Statement – application submission
20. Infrastructure Assessment – application submission
21. Joint Strategic Needs Assessment - local authority to produce
22. Large Scale Purpose Built Management Plan - application submission (for HMOs)
23. Local Aggregates Assessment - local authority to produce
24. Noise Impact Assessment – application submission
25. Open / Green Space Needs Assessment - local authority to produce
26. Playspace Assessment – local authority to produce
27. Play Strategy - local authority to produce
28. Social Infrastructure Assessment – local authority to produce
29. Strategic Flood Risk Assessment – local authority to produce
30. Strategic Housing Land Availability Assessment – local authority to produce
31. Strategic Housing Market Assessment - local authority to produce
32. Surface Water Management Plan – local authority to produce
33. Thames River Basin Management Plan – Environment Agency produce
34. Town Centre Strategies – local authority to produce
35. Transport Assessment – application submission
36. Travel Plan – application submission
37. Viability Assessment – application submission
38. Water Resource Management Plan – Thames Water produce

39. Impact assessment for edge/out-of-centre development for town centre uses - application submission