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For and on behalf of  
**London Councils**

**Draft London Plan  
Response to Panel Matter, M39  
Density**

**Matter M39:  
Would Policy D6 on optimising density be effective in achieving the  
intentions in Policy GG2 on making the best use of land and is the policy  
approach justified especially bearing in mind the cumulative impact on the  
environment and infrastructure?**

**Prepared by  
DLP Planning Ltd  
Bristol**

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Prepared by:	Andrew Lane
Approved by:	Alex Roberts
Date:	January 2019

**DLP Planning Ltd**  
**5<sup>th</sup> Floor**  
**Broad Quay House**  
**Prince Street**  
**Bristol**  
**BS1 4DJ**

**Tel: 01179 058850**

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## **1.0 INTRODUCTION**

- 1.1 This Hearing Statement has been prepared by DLP Planning Ltd on behalf of our client, London Councils.
- 1.2 London Councils represents London's 32 boroughs and the City of London. They are a cross-party organisation that works on behalf of all of its member authorities regardless of political persuasion.
- 1.3 Representations at previous stages of the London Plan development have been submitted under representor number 2601.
- 1.4 Matter M39 considers Policy D6 on optimising density.
- 1.5 The draft London Plan (dLP) should be consistent with national policy, this is set out in the National Planning Policy Framework (Framework) and Planning Practice Guidance (PPG). Guidance in the Framework and PPG refers in general to Development Plans, however as approached by previous Inspectors to the London Plan, and confirmed by the Panel, we have considered the dLP in the context of paragraph 182 of the Framework. It is in this context we make reference to matters of soundness in these representations.

**2.0 MATTER M39. WOULD POLICY D6 ON OPTIMISING DENSITY BE EFFECTIVE IN ACHIEVING THE INTENTIONS IN POLICY GG2 ON MAKING THE BEST USE OF LAND AND IS THE POLICY APPROACH JUSTIFIED ESPECIALLY BEARING IN MIND THE CUMULATIVE IMPACT ON THE ENVIRONMENT AND INFRASTRUCTURE? IN PARTICULAR:**

**a) Would the provisions of Policy D6 provide an effective strategic context for the preparation of local plans and neighbourhood plans? Would the detailed criteria provide an effective and justified basis for development management, are they all necessary and do they provide sufficient clarity about how competing considerations are to be reconciled by the decisionmaker?**

**b) Will leaving density to be assessed on a site-by-site basis compared to the matrix in The London Plan of 2011 be effective?**

2.1 London Councils agree with many of the aims of this policy. It is acknowledged that it is important to increase housing density in London to meet needs, however this should not be at the expense of adverse impacts upon:

- the local character of an area or the potential to positively enhance neighbourhoods,
- residential gardens,
- the provision of family homes (either through the protection of existing family homes from conversion into smaller units or new provision),
- air quality or residential exposure to poor harmful air quality,
- the adequacy of affordable housing provision (also see written statement to Matter M20), and
- the adequacy of infrastructure provision.

2.2 London Councils are concerned that the reliance on increased density, combined with the need for increased housing provision, will mean that the objectives of policy GG2 may prove difficult to achieve. For example, the wording of policy D6 and its supporting text, whilst

improved by some of the suggested “minor” changes, may have the effect of reducing the mix of uses particularly in the outer London boroughs as the pressure for additional housing could lead to currently non-residential uses changing to residential.

- 2.3 London Councils is concerned about how the environmental objective of policy GG2 part C, (understanding what is valued about existing place and strengthening London’s distinct and varied character), will be balanced against the need for density optimisation under policy D6. It is also unclear how policy D6 will work alongside the policy requirements of D1.
- 2.4 The policy approach is not justified. London Councils’ Written Statement to Matter 20 regarding ‘small sites and small housing developments’, noted concerns with the lack of consideration of alternatives in the Integrated Impact Assessment (IIA). The spatial distribution of policy H2, and thus the focus of much of the future density optimisation to be achieved through policy D6, has not been justified as the most appropriate strategy. Therefore, the application of policy D6 has also not been justified as the most appropriate strategy.
- 2.5 The reference in the supporting text of policy D6 to minor developments having an incremental impact on local infrastructure capacity is welcome. However, paragraph 3.6.3A goes on to state that it will not normally be necessary for minor developments to undertake infrastructure assessments or for boroughs to refuse permission for schemes on the grounds of infrastructure capacity. This is inappropriate given that on average small sites account for 38% of the overall housing requirement and in some boroughs as much as 70%. As no sites have been allocated by the dLP to meet the housing requirement, individual boroughs will need to assess what infrastructure capacity issues will occur. This will take time to address through each new Local Plan and individual Infrastructure Delivery Plans. It is unclear how the policy will be effective in addressing the housing requirements in the interim, without potentially causing adverse impact on the environment and the existing infrastructure, until sometime after the plan is in place. This is of concern to London Councils.
- 2.6 When considering the impact of policy D6 it is helpful to consider the Integrated Impact Assessment (IIA) of the dLP, which contains the Strategic Environmental Assessment (SEA). It is set out in documents NLP/CD/04 (IIA) and NLP/CD/05 (IIA addendum).

- 2.7 Policy D6 is assessed in the IIA, at pages 121 to 122. For the purposes of this statement, we have focussed our concerns on objectives 13 of the IIA which contributes to the purpose of the SEA. Objective 13 is:
- To safeguard and enhance the Capital's rich cultural offer, infrastructure, heritage, natural environment and talent to benefit all Londoners while delivering new activities that strengthen London's global position
- 2.8 For objective 13 a score of n/a is given which according to the key means 'This is applied to objectives that are clearly not affected by the option or policy being assessed.' Considering that policy D6 will be used to support the housing targets of policy H1 and H2 to significantly increase developments across London, it is likely that there will be impacts upon infrastructure.
- 2.9 It is of great concern to London Councils that this issue is not considered sufficiently important to be part of the assessment of policy D6. It is difficult to understand how infrastructure will not be impacted by the significant increase of housing delivery across London including on small sites.
- 2.10 The IIA/SEA does not explain what reasonable alternatives had been considered and therefore fails to establish why they had been rejected. The requirement to consider alternatives should be an iterative part of the plan making process, failure to do will result in a non-compliant SEA.
- 2.11 London Councils consider that the social and environmental implications of the increased density and distribution of housing delivery across London, including the increased reliance on small sites, has not been considered at all, because of failings in the IIA. Without a robust IIA/SEA there is no justification to support policy D6.

***a) Would the provisions of Policy D6 provide an effective strategic context for the preparation of local plans and neighbourhood plans? Would the detailed criteria provide an effective and justified basis for development management, are they all necessary and do they provide sufficient clarity about how competing considerations are to be reconciled by the decisionmaker?***

- 2.12 The effectiveness of the provisions of policy D6 needs to be considered in the context of where future developments will occur. London Councils have raised concerns about the effectiveness of Policy H2 in written statement to M20, on small sites and small housing developments. The small sites requirement of the London Plan is a windfall allowance, i.e. the sites have not yet been identified. The effect is that an unknown number of sites will be needed to address the requirement. Therefore, prior to detailed allocations being made or density guidance being published by individual boroughs, it is unclear what density developments will need to be built at in order to achieve the housing requirement. This is ineffective.
- 2.13 The ability to achieve the housing requirements can only be established once further work has been undertaken by the boroughs, and London Councils have raised concerns about resources to do this. The evaluations that boroughs are required to undertake to inform optimum densities, in accordance with policy D2 when preparing their Local Plans, will take time to complete. In the interim planning applications will be determined in line with the London Plan. Therefore, whilst the overall strategic context is set, the issue is the uncertainty of delivering the Plan's requirements when determining applications, prior to this further work being completed.
- 2.14 Policy D6 also requires infrastructure capacity assessments, management plans and an increased use of design review. The impact of these are likely to cause resource issues and delays to the delivery of Local Plans and developments.
- 2.15 In respect of what a management plan should contain, further clarity is needed. The policy would further benefit from requiring a 'satisfactory' management plan, as it is unclear if planning permission could be refused if there were concerns with the submitted management plan.



- 2.16 In respect of the effectiveness of design review, it is noted that at paragraph 3.2.7 reference is made to a small portion of overall planning applications being subject to design review. However, this is entirely uncertain given that applications may come forward for densities in excess of thresholds detailed in part C of policy D6 and require review. Reference in the final sentence of paragraph 3.6.1, to the Mayor providing further guidance on assessing site capacity and optimising density through a design led approach, is of concern as it is unclear when the additional guidance will be made available and how it will address the range of differing characteristics of areas across London. Clarity is needed on what happens in the interim.
- 2.17 There is considerable concern that policy H12 inappropriately addresses housing size mix and when combined with density optimisation under policy D6, this could lead to the significant reduction in the number of family sized units, with subsequent increases in issues of overcrowding and homelessness. See further comments on this in the London Councils response to Matter Statement M28, which in summary explains that boroughs are not being provided with the opportunity, in accordance with the NPPF, of establishing the local housing mix. Policy H12 as drafted is ineffective.
- 2.18 Policy D6 states that the density of developments should be based on, and phased in relation to, the provision of future levels of planned infrastructure, such as CR2 and the Bakerloo Line extension, rather than existing levels of provision. London Councils is concerned that the reliance upon future infrastructure capacity may be ineffective if residential developments are delayed due to the uncertainty or non-delivery of infrastructure projects. Whilst the additional text to the policy modifies the references to infrastructure in criterion 3, it still instructs the decision taker to rely on phasing the development in-line with the provision of infrastructure. This is of concern as the delivery of infrastructure has been notoriously difficult to accurately predict, thus potentially causing delay in the build out of schemes. Whilst on the one hand this useful for not inappropriately over burdening existing infrastructure, on the other it is not an effective strategy to deliver the housing requirements as set out in policies H1 and H2. This is difficult to overcome but must be addressed if the housing requirements are addressed in a sustainable way.
- 2.19 London Councils feel that policy D6, even with the inclusion of the suggested minor modifications, is unclear as to what constitutes optimal density on developments. For

example, developing at densities higher than the surrounding area competes with the considerations needed to be given to the context of the site (e.g. as required by policies GG2 and D1), and the desire to protect and enhance the character of neighbourhoods and different character areas. The density policy D6 is too strongly worded and will reduce the decision maker's ability to reject harmful proposals. Expanding on what is stated above in paragraph 2.12, there is uncertainty due to the reliance on windfall sites, over the ability to build at a density that will achieve the housing requirement without creating unacceptable harm to an area.

- 2.20 The proposed minor change to introduce policy criterion EA appears unnecessary and inconsistent with how other policies are presented. If the proposal does not accord with the policy it should be refused, as is the case with other policies of the Plan. If this criterion is to remain, then a similar criterion should be introduced to other policies for the avoidance of doubt.
- 2.21 It is not clear how criteria D and E assist with the determination of a planning application, although it is recognised this information will be helpful if monitoring the effects of this policy.

***b) Will leaving density to be assessed on a site-by-site basis compared to the matrix in The London Plan of 2011 be effective?***

- 2.22 London Councils noted in their representations to the dLP that there was broad support for the density matrix in the boroughs. It is noted that many developments did not comply with the density matrix, but it is used to control inappropriately high or low densities where necessary.
- 2.23 The impact of the matrix deletion must be monitored to assess if it results in developments with a very high and harmful density, with the option to reinstate it through future alterations to the London Plan.
- 2.24 Resources to monitor post completion effects on neighbourhoods will need to be identified. The monitoring should also include the impact on the infrastructure in the surrounding area.

- 2.25 Site by site assessments will be problematic, particularly when applied in conjunction with Policy H2 - Small Sites. Policy D6 states that minor development should not be refused on infrastructure grounds but given the scale of the new small site development requirements (for some boroughs over 70%), this may have a very significant cumulative impact on infrastructure. The cumulative impact of increasing density through small sites will need to be addressed through either: 1 – policy allowing the refusal of planning permission on cumulative impact on infrastructure; or 2 – further work with GLA to ensure infrastructure is provided.
- 2.26 Policy D6 will not be effective in ensuring the delivery of the housing required of the London Plan. As explained in the written statement to M20 regarding small sites, these sites are not identified and therefore are effectively windfall. Combining an unknown number of windfall sites and assessing density on a site-by-site basis provides no assurance that the overall housing requirement of the London Plan can be achieved, this is potentially ineffective and not justified.

**BEDFORD**

4 Abbey Court, Fraser Road  
Priory Business Park, Bedford. MK44 3WH  
bedford@dlpconsultants.co.uk  
01234 832 740

**BRISTOL/SPRU**

Broad Quay House (5th Floor)  
Prince Street, Bristol. BS1 4DJ  
bristol@dlpconsultants.co.uk  
01179 058 850

**EAST MIDLANDS**

1 East Circus Street, Nottingham  
NG1 5AF  
nottingham@dlpconsultants.co.uk  
01158 966 622

**LEEDS**

Princes Exchange  
Princes Square, Leeds. LS1 4HY  
leeds@dlpconsultants.co.uk  
01132 805 808

**LONDON**

The Green House, 41-42 Clerkenwell Green  
London. EC1R 0DU  
london@dlpconsultants.co.uk  
020 3761 5390

**MILTON KEYNES**

Midsummer Court, 314 Midsummer Boulevard  
Milton Keynes. MK9 2UB  
miltonkeynes@dlpconsultants.co.uk  
01908 440 015

**SHEFFIELD/SPRU**

Ground Floor, V1 Velocity Village  
Tenter Street, Sheffield. S1 4BY  
sheffield@dlpconsultants.co.uk  
0114 228 9190

**RUGBY**

18 Regent Place, Rugby, Warwickshire  
CV21 2PN  
rugby.enquiries@dlpconsultants.co.uk  
01788 562 233



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