

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?

- 39.1 Yes. The Policy is effective because it ensures new development achieves an appropriate density for its context in terms of the neighbouring uses and built form, connectivity, accessibility, and the capacity of surrounding infrastructure. This approach optimises the development capacity of individual sites and, by extension, ensures the best use of land.
- 39.2 Developable land in London is a scarce resource and, given London’s significant housing needs¹ and demand for commercial floorspace², it is essential that potential development capacity is not wasted. The requirement to optimise density is consistent with the 2012 NPPF, which requires development to optimise the potential of the site to accommodate development and to create and sustain an appropriate mix of uses.³
- 39.3 Policy D6 requires all new developments to respond to different locational characteristics, taking into account the existing and planned character, context and accessibility of a site.⁴ In applying Policy D6, it is essential to first develop an understanding of a site’s context in relation to its surrounding form and character, to ensure appropriate development. The Policy interlinks with the draft Plan’s design policies, particularly Policies D1 and D2, to deliver on the objectives of the Good Growth policies. Policy D1 provides the design principles necessary for creating sustainable, well-designed places that optimise development opportunities through Good Growth; Policy D2 sets out the processes for a plan-led approach to deliver the growth identified in the draft Plan. This is done firstly by using an understanding of an area’s character and context to identify sustainable options for delivering the growth that follows the principles set out in Policy D1. This process will establish what the most appropriate forms of development are for an area in terms of scale, height, density, layout and land uses, in order to ensure that the most efficient use of land is made.
- 39.4 Policy D6 is clear that densities must be sustainable and reflect a site’s accessibility by public transport, on foot and by cycle. It also explains that consideration should be given to the accessibility of local goods and services. This approach is consistent with the 2012 NPPF.⁵ By planning the location and scale of strategic future growth it is possible to take account of the cumulative impacts of development and ensure that growth is sustainable, and that sufficient infrastructure is provided to support it. The draft Plan sets out a strategic approach to managing and mitigating the cumulative impacts of development on the natural environment, as set out in Chapter 8.

¹ NLP/HOU/001: Mayor of London, Strategic Housing Market Assessment, November 2017

² NLP/EC/003: CAG Consultants et al, London Industrial Land Demand Study, October 2017

³ NLP/GD/03: DCLG, National Planning Policy Framework (NPPF) 2012, Paragraph 58

⁴ NLP/GD/03: DCLG, NPPF 2012, Paragraph 47

⁵ NLP/GD/03: DCLG, NPPF 2012, Paragraph 34

In particular:

a) Would the provisions of Policy D6 provide an effective strategic context for the preparation of local plans and neighbourhood plans?

- 39.5 Yes. Policy D6 A, AA and B provide a comprehensive framework for the preparation of local plans and neighbourhood plans by setting out a sequential approach that will ensure that the development capacity of individual sites is optimised. The approach requires a detailed understanding of a site’s locational characteristics. This level of detail is best assessed at the local scale and, therefore, the approach is well suited to inform the preparation of local and neighbourhood plans.
- 39.6 Informed by the clear understanding of an area’s capacity for growth gained by applying Policy D2 A & B, boroughs can determine the optimum density for individual strategic sites as part of the process of preparing site allocations. This will enable boroughs to develop a fuller understanding of the locations and scale of growth likely to come forward over a local plan period and so allows the effective planning of supporting infrastructure, as required by Policy D6 B.
- 39.7 It is recommended that density requirements are established for site allocations through a local plan or neighbourhood plan following a detailed analysis of a site’s opportunities and constraints. Indicative building typologies appropriate to a specific site can be used to test a range of scenarios for scale and massing to identify appropriate density ranges. In this approach, density is seen as an output of, and not an input to, the process of determining the optimum amount of development for a particular site or area.
- 39.8 The Mayor proposes further changes to Policy D6 to clarify the idea that a development proposal should be refused where it does not reflect density requirements set through a site allocation in a Local Plan (see Appendix 1). This allows boroughs to proactively establish appropriate densities for strategic development sites through a consultative design-led approach with a thorough consideration of options. This approach allows for meaningful engagement and collaboration with neighbourhoods, local organisations and businesses, as required by the 2012 NPPF.⁶
- 39.9 The provisions are sufficient to be applied by boroughs immediately. However, the Mayor is preparing guidance to help boroughs to apply the approach consistently across London.

b) 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?

- 39.10 Yes. All the detailed criteria are necessary to determine the appropriate development capacity of individual sites. However, the draft Plan must be read as a whole and effective implementation particularly relies upon Policy D2 A and B, alongside other relevant policies in Chapter 3 that address London’s form and characteristics, good

⁶ NLP/GD/03: DCLG, NPPF 2012, Paragraph 17

design, inclusive design, public realm and tall buildings. These policies aim to ensure that development achieves high standards of design, irrespective of density, and clarifies the fact that a greater level of scrutiny over the qualitative aspects of design is required for higher density development. This includes scrutiny of the built form, massing, site layout, external spaces, internal design and ongoing management.

- 39.11 This approach provides certainty by giving applicants and decision makers a clear framework against which to assess the appropriateness of an individual development proposal's density as part of the development management process.
- 39.12 Policy D6 C requires higher density schemes to demonstrate thought-out and cost-effective approaches to ongoing management through a management plan, to ensure that servicing and delivery arrangements are suitable, and to ensure that running costs and service charges remain affordable for the development's intended residents.
- 39.13 The Policy clarifies that appropriate densities will be guided through a design-led approach that responds to key locational characteristics including accessibility and infrastructure. The use of local evidence, such as area characterisation studies, will help inform appropriate form, height and scale based on a site's current and planned context, accessibility and infrastructure. The Policy requires multiple measures of density to be provided, including number of bed spaces per hectare as well as number of units per hectare. This will provide better information on the likely number of residents in the development, so infrastructure needs can be better assessed.
- 39.14 Accessibility and infrastructure should be addressed at a strategic level through a plan-led approach. Boroughs should plan for supporting infrastructure and enhancements to infrastructure at the borough-level based on an understanding of the broad locations and scale of growth. Where the density of a development proposal reflects planned, rather than existing, accessibility and infrastructure capacity, the scheme should be phased to ensure that the development is sustainable. The Mayor proposes further changes to Policy D6 in Appendix 1 to clarify that where the capacity of proposed development exceeds that which could be supported by current or future planned infrastructure, additional infrastructure proportionate to the development should be delivered through the development. The capacity of the proposed scheme must also be deemed to be acceptable in terms of scale and massing, given the surrounding built form, uses and character.
- 39.15 The Mayor proposes further changes to Policy D6 in Appendix 1 to clarify that the design-led approach should be carefully applied by developers when formulating bids for land, and that developers must also ensure that they have fully factored in all other planning requirements, including affordable housing requirements. This change helps to provide an effective basis for development management because it clarifies that the price paid for land is not a relevant consideration when determining the appropriate density of individual sites.

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

- 39.16 Policy D6 advocates a plan-led approach to establishing site capacity on strategic development sites, and that this should be set out in site allocations. This approach is not only more robust than using the sustainable residential quality matrix (the matrix), as it allows for consideration and testing of various options, but it front-loads the assessment and scrutiny process and therefore speeds up the development

management process. Furthermore, Policy D6 clarifies that appropriate densities should consider existing as well as planned public transport accessibility. It should be noted that determining the appropriate density range for a site using the matrix provided in the current London Plan requires an assessment of the sites context and character to determine its setting and PTAL.

- 39.17 The matrix was the outcome of a study in the late 1990s for the London Planning Advisory Committee by consultants Llewelyn Davies.⁷ The study examined how housing capacity could be increased by developing small infill sites in London's town centres and within 10 minutes' walking distance of these town centres. The aim was to use a design-led approach, following six strategic design principles, to design theoretical developments on case study sites to estimate the number of housing units a site could potentially accommodate if parking levels were varied from two spaces per unit to no parking. Sites were chosen in sustainable development locations as these could have lower parking requirements than typical borough policy would allow, being close to local services and in locations with good public transport accessibility.
- 39.18 One output of the study included the matrix, which summarised the ranges of densities and parking spaces that sites in different locations could accommodate. The authors stressed that *'the matrix can only be a conceptual and indicative tool. It should not be seen as a prescriptive specification of different densities to different types of housing in different locations. Inevitably there will be circumstances when densities above and below the range will be appropriate. Above all we believe that site specific design and quality considerations should be the predominant concerns rather than a pre-determined view about density'*⁸.
- 39.19 Following this first study, which focussed on small infill sites, a follow up study was completed in 2000 for larger sites and a refined matrix was produced for all sites, which more explicitly took account of public transport accessibility and introduced a setting component to take account of the surrounding built form when determining what would be an appropriate density for a new development.⁹ The density values from this matrix were carried through to the 2004 London Plan matrix, and essentially the same density values are in the 2016 London Plan. The current Plan is, however, clear that the matrix provides only an indicative guideline of the potential of a site and that it should not be applied mechanistically to constrain development potential where it can be demonstrated, owing to site-specific circumstances, that a higher or lower density is more appropriate.
- 39.20 If the matrix is applied incorrectly (i.e. mechanistically and not accounting for site-specific circumstances) it is too crude to optimise site capacity. Indeed, 50 per cent of approved developments since the publication of the 2004 London Plan have been delivered at higher densities than the relevant indicative density ranges in the matrix. Only 35 per cent of development has been within the relevant density matrix range and 15 per cent is below the bottom end of the relevant density range. This indicates that the matrix failed to provide an effective or accurate guideline for appropriate densities. Furthermore, there has been much confusion about the proper role of the

⁷ Llewelyn-Davies in association with Urban Investment Partnership, LRC & Savills for LPAC, DETR & GOL, Sustainable Residential Quality: new approaches to urban living produced, 1998

⁸ *Ibid*, Paragraph 8.2.7

⁹ Llewelyn-Davies in association with Urban Investment Metropolitan Transport Research Unit for LPAC, Housing Corporation, DETR & GOL, Sustainable Residential Quality Exploring the Housing Potential of Large Sites, January 2000

matrix , with many stakeholders misunderstanding the role of the matrix and how it is intended to be applied. The matrix is also an ineffective tool for strategic infrastructure planning because, as discussed above, development outcomes are likely to be denser than the density matrix would indicate, and thus infrastructure demands will be higher than expected. The robust and systematic process of analysis of a site's optimum density set out in Policy D6 will result in a more accurate assessment of site capacity and thus a more effective assessment of future infrastructure demand.

Appendix 1: M39 Further Suggested Changes to Policy D6

- **Bold blue** – new text
- ~~Blue~~ – deleted original plan text
- ~~Purple~~ – deleted minor suggested change text

Change ref no	Policy/para /table/map	Further suggested change
M39.1	D6AA	In preparing Development Plans and area-based strategies, boroughs should follow the approach set out in part A to determine the parameters of development that will optimise the capacity of allocated sites, taking account of their overall housing targets. Boroughs are encouraged to set out acceptable building heights, scale, massing and indicative layouts for allocated sites, and where appropriate the amount of floorspace that should be provided for different land uses. Where these optimised development parameters have been set out, development proposals that do not accord with the site capacity in a site allocation can be refused for this reason.
M39.2	D6 B	In preparing Development Plans and area-based strategies, boroughs should follow the approach set out in part A to determine the capacity of allocated sites. The capacity of existing and planned physical, environmental and social infrastructure to support new development proposed by Development Plans should be assessed and, where necessary, improvements to infrastructure capacity should be planned in infrastructure delivery plans or programmes to support growth.
M39.3	D6 B 3 A	When a proposed development is acceptable in terms of scale and massing, given the surrounding built form, uses and character, but it exceeds the capacity identified in a local site allocation or the site is not allocated, and the planned infrastructure capacity will be exceeded, additional infrastructure proportionate to the development should be delivered through the development. This will should be identified through an infrastructure assessment during the planning application process, which will have regard to the local infrastructure delivery plan or programme, and the CIL contribution that the development will make.
M39.4	3.6.1	For London to accommodate the growth identified in this Plan in an inclusive and responsible way every new development needs to make the most efficient

		use of land. This will mean developing at densities above those of the surrounding area on most many sites. The design of the development must optimise housing density -, ensuring that it represents the most appropriate form of development for the site and is consistent with relevant planning objectives and policies.
M39.5	3.6.1B	Designating appropriate development capacities through site allocations allows boroughs to proactively optimise the density of strategic sites through a consultative design-led approach that allows for meaningful engagement and collaboration with neighbourhoods, local organisations and businesses. Boroughs should consider development options for strategic sites to determine the parameters of development that optimise the capacity of a site.
M39.6	3.6.1C	Developers should have regard to designated development capacities in allocated sites and ensure that the design-led approach to optimising capacity on unallocated sites is carefully applied when formulating bids for development sites. The sum paid for a development site is not a relevant consideration in determining acceptable densities and any overpayments cannot be recouped through compromised design or reduced planning obligations.
M39.7	3.6.2A	If developments comes forward with capacities a capacity in excess of those allocated in the relevant Development Plan, or where an and therefore in excess of that which could be supported by current or future planned infrastructure, a site-specific infrastructure assessment will be required. This assessment should establish what additional impact the proposed development will have on current and planned infrastructure, and how this can be appropriately mitigated either on the site, or through an off-site mechanism, having regard to the amount of CIL generated.