

Draft London Plan Review

Briefing Note

Date: 04/12/2017

Ref No: 283

Introduction

On the 29th November the Mayor of London, Sadiq Khan, published his draft London Plan for consultation (Regulation 19). The consultation period starts on the 4th December 2017 and will run until 2nd March 2018.

The draft London Plan sets out the Mayor's vision for London and provides the overarching strategic planning framework for the city for the next 20-25 years. Below is a summary of the key points:

Housing Targets

Policy H1, proposes a target for housing of 64,935 new homes per annum. This is a significant increase on the housing target set out in the previous London Plan which are for 42,389 new homes per annum.

The five boroughs with the largest housing targets are Barnet, Croydon, Greenwich, Newham and Tower Hamlets.

Policy H1 sets out a number of measures intended to assist the boroughs to achieve their ten year housing targets. These measures include but are not limited to:

- Allocating suitable sites for residential and mixed-use development and intensification through their Development Plans;
- Encouraging windfall sites;
- Optimising the potential for delivery on suitable and available brownfield sites;
- Re-evaluating the appropriateness of land around new sustainable transport infrastructure is planned; and
- Development of mixed-use schemes within industrial sites, that are to be identified within Development Plans.
- On sites allocated for residential and mixed-use development, establish a presumption against single use-low density retail and leisure parks.

Greater importance is placed on small sites as a means to meet housing targets. Policy H2 states that boroughs should apply a presumption in favour of small housing developments which provide a net gain of between 1-25 homes on sites less than 0.25 hectares through the following types of development:

- Infill on vacant or underused sites;
- Increasing the density of existing residential homes within areas with PTAL scores between 3 and 6 or within 800m of a tube or rail station or town centre boundary through:
 - Residential conversions;
 - Residential extensions;
 - Demolition and redevelopment of existing buildings; and
 - Infill development within the curtilage of a house.
- Redevelopment or upward extension of flats and non-residential buildings.

The presumption in favour of small housing developments means approving proposals which are in accordance with the borough's design code and do not give rise to an unacceptable level of harm to the surrounding area.

Affordable Housing

Policy H5 outlines a strategic target for 50% of all new homes delivered across London to be affordable. The policy sets out measures to achieve this, including:

- A threshold approach for proposed developments;
- Using grants to increase the amount of affordable housing beyond the levels that would otherwise be provided;
- Achieving at least 50% affordable housing on public sector land and where agreements are in place with the Mayor; and
- Achieving at least 60% affordable provision where the developer is a strategic partner with the Mayor.

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The affordable housing should be provided on site. In exceptional cases affordable housing can be provided off-site or as a cash in lieu contribution.

Policy H6 outlines that the threshold approach will apply to those developments that are capable of providing more than 10 units or which have a combined floor space greater than 1,000sqm. The threshold level of affordable housing for private land is initially set at a minimum of 35% of habitable rooms to be made affordable. This minimum threshold is expected to be reviewed in 2021 and if appropriate will be increased.

For developments on public sector land, in Strategic Industrial Locations, Locally Significant Industrial Sites or other industrial sites that are deemed appropriate to release for other uses, a threshold level of 50% of affordable provision is expected.

The draft London Plan proposes a Fast Track Route for applications outlined in policy H6. Applications that are fast tracked, which includes developments that provide 35% affordable housing if developed by the private sector, and 50% if developed by the public sector, will not be required to provide a viability assessment at the application stage. This policy reflects the Mayor's Affordable Housing and Viability Supplementary Planning Guidance (SPG) adopted in August 2017.

Where an application is not fast tracked, detailed viability evidence will be required as part of the application, in order to ascertain the maximum level of affordable housing that could be provided on the site.

In the current London Plan, there is no defined threshold for affordable housing, only that local planning authorities must set their own overall targets. The aim of the draft Plan is to seek consistency across all boroughs.

Specialist Older Persons Housing

Policy H15 'Specialist older persons housing' states that boroughs should work positively and collaboratively with providers in order to identify sites that would be suitable for specialist older persons housing.

The draft Plan defines sheltered accommodation and extra care accommodation as Use Class C3, with a detailed definition as to how the definitions should be

applied in London set out in paragraph 4.15.3 of the supporting text.

In accordance with the draft policy such developments are expected to deliver:

- Affordable housing in accordance with policies H5 and H6;
- Accessible housing (Policy D5);
- Highest standards of accessible and inclusive design (Policy D3);
- Suitable levels of safe storage and charging facilities for residents' mobility scooters; and
- Pick up and drop off facilities close to the principal entrance suitable for taxis, minibuses and ambulances.

Residential nursing care accommodation (including end of life / hospice care and dementia care home accommodation) is considered as Use Class C2.

Build to Rent

The draft Plan promotes a positive approach towards Build to Rent. Policy H13 proposes criteria to be met for a development to qualify as a Build to Rent scheme. The policy states that where a development meets the criteria, the affordable housing offer can be solely Discounted Market Rent at a genuinely affordable rent, preferably London Living Rent level.

To follow the Fast Track Route, Build to Rent schemes must deliver at least 35% affordable housing, of which at least 30% should be at London Living Rent level, whereas the remainder can be at a range of discounts below market rent. These must be agreed with the borough and/or Mayor. If developments do not meet these requirements, the scheme must provide a viability assessment.

For mixed schemes with a proportion of Build to Rent and a proportion for sale to the market, only the Build to Rent element of the scheme will be suitable for the affordable housing offer of solely Discounted Market Rent. The policy requires the scheme to be assessed as a whole, with affordable housing calculated as a proportion of total habitable rooms across the scheme.

Green Belt & Metropolitan Open Land

Policies G2 and G3 of the draft Plan seeks to strengthen the Mayor's commitment to protecting the Green Belt and areas of Metropolitan Open Land (MOL). It states:

"The Green Belt should be protected from inappropriate development:

1. *Development proposals that would harm the Green Belt should be refused*
2. *The enhancement of the Green Belt to provide appropriate multi-functional uses for Londoners should be supported.*

The extension of the Green Belt will be supported, where appropriate. Its de-designation will not."

Policy G3 outlines how MOLs should be protected from inappropriate development and that extension of MOL designations should be supported where it is appropriate.

Policy G4 states that local green and open spaces should be protected and the creation of new publicly accessible green and open space should be supported. Where the loss of green and open space is proposed, equivalent or better quality provision should be made within the local catchment area. This will only be acceptable, however, outside areas of deficiency.

Density

The draft Plan seeks the optimisation of the density of new developments. It states that those that do not demonstrably optimise housing density and use the space efficiently should be refused (Policy D6).

Developments will no longer be assessed against a sustainable residential quality density matrix. Policy D6, 'Optimising housing density', states that the higher the density of the development, the higher the level of scrutiny of the design will be needed. Development proposals with a residential component that are to be referred to the Mayor will be subject to particular design scrutiny requirements and the submission of a management plan, which is a new requirement, to check and measure the details of the servicing, maintenance, running costs and service charges of a development. Developments will trigger these requirements if the proposed densities are above the following levels within

particular PTAL score areas:

- 110 units per hectare in areas of PTAL 0 to 1; or
- 240 units per hectare in areas of PTAL 2 to 3; or
- 405 units per hectare in areas of PTAL 4 to 6.

To help developers to achieve the optimum density, the development should be considered in relation to its surrounding context.

Opportunity Areas

The draft Plan proposes an increase in Opportunity Areas across London from 38 to 47. Policy SD1 states that the boroughs' role will be clearly to set out how they will encourage and deliver the growth potential of all Opportunity Areas.

Strategic Industrial Locations

The draft Plan confirms the Strategic Industrial Locations (SIL) within London. There has been the addition of one new SIL; Queenstown Road, Battersea.

The draft London Plan outlines stricter restrictions on SILs compared to the current Plan. The types of activities that will be supported are outlined in more detail in policy E5 part C. It replaces the definitions previously used for Preferred Industrial Locations (PIL) and Industrial Business Parks (IBP).

Policy E6 states that development proposals for uses other than those set out should be refused except in areas released through a strategically co-ordinated process of SIL consolidation. The release of SIL land for other uses will only be allowed through a Development Plan review or as part of a co-ordinated master planning process in collaboration with the GLA and relevant boroughs.

There has been a reduction in the number of SIL locations in the draft Plan with a total of 55 compared to the current 59.

Policy E7, proposes that areas of employment use should be intensified to use land more efficiently. The policy suggests that through Development Plans and planning frameworks the use of selected parts of SILs could be intensified by supporting the delivery of residential and other uses.

Air Quality & Pollution

Policy SI1 states that air quality should be significantly improved and exposure to poor air quality, especially for vulnerable people, including children and elderly people, should be reduced.

The draft Plan allocates Air Quality Focus Areas, which have replaced Air Quality Management Areas, where development should take particular care to prevent or minimise increased exposure to existing air pollution

Large-scale redevelopment areas, including Opportunity Areas and those subject to an Environmental Impact Assessment will need to propose methods of achieving an Air Quality Positive approach. The policy requires all other development should be at least Air Quality Neutral.

The draft Plan also states that Air Quality Assessments should be submitted for all major development applications, unless they are capable of demonstrating that transport and building emissions will be less than the previous or existing use.

Building Regulations and Safety

The draft Plan introduces policies to maximise building resilience and minimise potential physical risks, including those arising as a result of fire, flood and related hazards. There is also greater focus on designing out crime, in particular deterring and assisting in the detection of terrorist activity (Policy D10).

Policy D11 states that all planning applications for major developments will be expected to submit an independent 'Fire Statement' that is to be produced by a third-party assessor. This is to ensure that developments achieve the 'highest standards' and to provide confidence and reassurance to residents of large developments.

Parking

Policy T6 proposes that new housing and office developments that are to be located within the parts of London that are well connected by public transport, will be expected to be car-free.

For residential developments, the definition of well-connected areas includes Central Activities Zone; Inner London Opportunity Areas; all Metropolitan and Major Town Centres; all areas with a PTAL score of 5 – 6; and Inner London Areas with a PTAL score of 4 or more.

The level of parking required will be determined by the location of the development and its PTAL score.

These lower maximum car parking standards are to help achieve the Mayor's strategic target of 80% of all trips to be made by foot, cycle or public transport by 2041.

Both residential and office developments will be expected to provide increased disabled persons parking and office developments will also require space for essential delivery and servicing.

New residential developments of 10 or more units must ensure that at least one designated disabled persons parking bay per dwelling for 3% of dwellings is available from the outset. The submitted plan should demonstrate how the remaining bays, to a total of one per dwelling for 10% of dwellings can be provided when requested in the future.

Cycling in the capital is being encouraged with an increase in the requirements for cycle parking for proposed developments.

Policy T5 states for all developments, a minimum of two short-stay and two long-stay cycle parking spaces are to be provided for all land uses in all locations. The exceptions to this policy are all C3-C4 use developments and those Class A use developments that do not meet the size thresholds specified within the policy.

For B1 use business offices, the amount of cycle parking spaces to be provided will be dependent on location.

Energy

Policy SI3, entitled 'Energy Infrastructure' states how the boroughs and developers should engage with relevant energy companies and bodies to establish the future energy requirements and infrastructure from large-scale development proposals.

The draft policy also suggests that large-scale development locations should provide energy masterplans in order to establish the most effective energy supply options.

The policy also states that major development proposals that are located within the Heat Network Priority Areas should have a communal heating system, and where developments are beyond an existing heat network heating systems should be designed to facilitate future connections.

Policy SI11 entitled 'Hydraulic fracturing (Fracking)' states the proposals for exploration, appraisal or production of shale gas by hydraulic fracturing should be refused.

To discuss the effect the draft London Plan may have on your land holdings or development in the capital, or if you would like us to prepare and submit a representation on your behalf during the consultation period, please contact DLP London or your local DLP office.