

APPENDIX

LOCAL PLAN: KEY POLICY ISSUES

Key issue: Offices

Policies CS1 'Offices' & DM1.1 'Protection of Office Accommodation'

- Greater weight should be given to the protection of offices in the light of the Ramidus report "Taking Stock".
- Criteria should be set to explain where change from offices to other uses will be allowed.
- The GLA's emerging employment projections may alter assumptions about office floorspace need in the City in the medium term.

Context:

1. The Secretary of State's decision on permitted development rights for change of use from office to residential was published in May 2013 and the City was granted exemption from the national changes. Therefore, the broad picture relating to the City office market on which the Local Plan is based has not significantly changed and the City's case for protecting office accommodation has been strengthened, arguably, by the Government's recognition that the whole of the City is a nationally significant area of economic activity.
2. The Mayor is preparing alterations to the London Plan, expected to be issued for consultation early in 2014. These may include amendments to the GLA's employment projections and policies to facilitate housing delivery. This could affect assumptions about office floorspace need across London, including the scale of need currently identified in the City's Core Strategy. In advance of such amendments, there is no requirement to amend the City's projection of 1,150,000 square metres of B1 needed by 2026. However, we should be aware of the potential pressure to amend office floorspace targets in the Local Plan in the medium term.

Consultation responses:

3. Some respondents argued that the Local Plan's policy protection of office accommodation should be deleted and replaced with promotion of alternative uses on appropriate sites, where the benefits of these outweigh the retention of the existing office accommodation. It was also suggested that the City Corporation should set out clear criteria for the change of use of B1 offices to other uses.
4. Several comments referred to paragraph 22 of the National Planning Policy Framework (NPPF), which requires local plan policies to avoid the long-term protection of sites allocated for employment use. Respondents suggested that this should be reflected more closely in the Local Plan.

New evidence:

5. The Secretary of State's decision to exempt the City from permitted development for change of use from office to residential identifies the City as an

office location of national significance, further justifying strong office protection policies.

6. The Ramidus report "Taking Stock" gives a broad picture of the office market in the City and provides current evidence of the need for a range of sizes and quality of office accommodation in the City.
7. Further work has been commissioned on company migration into and out of the City, which will provide additional information on company location decisions and the need for office protection to meet a broad range of office occupiers.

Action:

8. I do not accept the respondents' argument for removing the over-arching protection to existing office accommodation and promoting alternative uses on appropriate sites, as this will run the risk of reducing office stock in the City or diluting the concentration of office-based activities that maintain its position as the world's leading international financial and business services centre. The City has produced long-term projections of growth in office floorspace need based on the employment forecasts provided by the GLA. The Ramidus report and other evidence show that office employment in the City is becoming more diverse and that the stock can adapt to changing economic circumstances.
9. No change should be made to policy CS1, but amendments are proposed, either to Policy DM1.1 'Protection of Office Accommodation', or to the supporting text to identify exceptional circumstances where loss of office floorspace to other commercial or infrastructure uses may be acceptable. These could include supporting the delivery of the wider aims of the Local Plan, such as loss of office to retail use within Principal Shopping Centres (PSC), or loss of office to transport infrastructure.
10. In addition, consideration is being given to preparing an SPD giving guidance on those factors that should be taken into account in determining proposals for the change of use of offices. Requirements may include evidence from the developer that the property has been marketed for continued office use showing that there is no demand, and financial viability evidence to demonstrate that redevelopment for suitable office use is not a feasible proposition, before considering the potential for alternative uses.
11. Changes to the supporting text to the policy are also proposed, to say more about the diversification of office employment in the City, such as the growth in the TMT (technology, media, telecommunications) sector and the increase in insurance activity.

Key issue: Thames and the Riverside

Policy CS9 – Thames and the Riverside

- The policy should be simplified by removing reference to an “office gateway” and specific protection for offices on the riverside. Instead office protection should rely on the Plan's City-wide policies for the protection of offices.

Context:

1. There has been pressure in recent years for further high-value residential development along the riverside, including at Sugar Quay. The possibility of the introduction of permitted development rights for change of use from office to residential was a particular concern along the riverside. CPAT and the City Surveyor advised that the riverside, especially between Water Lane and Queenhithe, is an attractive office location, particularly for medium-sized headquarter buildings. Draft Local Plan Policy CS9 sought to protect office development in this location, identifying it as an “office gateway”.

Consultation responses:

2. Three respondents objected to the designation as an “office gateway”, commenting that it is not sound to refer to a land use as a gateway and not consistent with the adopted Core Strategy.

New evidence:

3. The City's exemption for the City from permitted development for change of use from office to residential provides further support for strong office protection policies City-wide. The CIL viability study found that residential development is commercially very attractive in the area.

Action:

4. I accept that it is inconsistent for the Plan particularly to refer to office protection in the riverside area when this is equally a consideration throughout the City. It is therefore suggested that specific reference to office protection along the riverside and the ‘office gateway’ should be deleted, relying instead on City-wide office protection policies. Further guidance on appropriate uses and the need for office-led redevelopment on the riverside should be included in the supporting text.

Key issue: Visitors, Arts and Culture

Policy DM11.3 – Location of Hotels

- The policy should allow hotel development, subject to operational and amenity criteria, but not where this jeopardises office provision, which is a higher policy priority.
- The title needs amendment to indicate that it is a criteria-based policy and not only about location of hotels.

Context:

1. The Mayor of London's Hotel Demand Study 2006 highlighted the need for an increase of 40,000 hotel rooms in London in the period 2007-2026, an average of over 2,000 beds per year. The City is expected to accommodate a share of this demand.
2. The City of London Hotel Study 2009 concluded that there was greater potential for hotel development in the City, with key clusters concentrated around Cheapside, the Millennium Bridge and the Tower of London. The pressure for hotel development in the City is increasing and the number of hotels has risen from one in 1999 to 10 in 2003 and 20 in 2013, with outstanding planning permissions for a further 12.

Consultation responses:

3. The City Property Association, 4C Hotel Group, and Workspace Group objected to the current policy on the grounds that it is too restrictive and ultimately seeks to prohibit hotel development in favour of offices. Their view is that market forces should determine the number and location of hotels.

New evidence:

4. The recent local exemption for the whole City from permitted development changes confirms the national importance of offices in the City and the need for policy to protect it from market forces leading to inappropriate loss to other uses, including hotels.

Action:

5. Proposals for hotels should be considered in relation to the strengthened policy for the protection of offices. Policies CS11 'Visitors, Arts and Culture' and DM11.3 'Location of Hotels' should be retained, but with amendment to make them complementary to policies CS1 and DM1.1 for the protection of offices. Policies will emphasise the need to retain office floorspace, but allow hotels if the loss of offices can be robustly justified.

Key issue: Sustainable Development

Policy 15.4 – Offsetting of carbon emissions

- The Plan states that an SPD on 'allowable solutions' for carbon off-setting will be prepared.

Context:

1. The Government is committed to the introduction of 'zero carbon' homes from 2016 and 'zero carbon' non-domestic buildings from 2019. Between 2013 and 2016 London Plan Policy 5.2 requires major development to achieve a 40% reduction in carbon emissions compared with the 2010 Building Regulations.
2. These targets will be difficult to achieve on site for some City developments. The London Plan's policy allows residual carbon emissions that cannot be mitigated on-site to be offset using "allowable solutions", which are measures to reduce carbon emissions elsewhere. Policy DM 15.4 sets the framework for the City to implement a carbon-offsetting scheme to enable developers to meet these targets.

Consultation responses:

3. Several respondents objected to this policy on the grounds that it is not possible to assess fully the implications of this policy without further details, including clarity on the cost of carbon.

New evidence:

4. In the March 2013 budget the Government reiterated its commitment to achieving zero carbon homes by 2016. The Zero Carbon Hub has been tasked with developing a mechanism for implementation of this commitment.
5. London Plan Policy 5.2 includes the requirement for a 25% reduction in carbon emissions up to 2013 and a 40% reduction to be implemented from October 2013. The GLA have recently been encouraging the implementation of the policy through s106 agreements requiring developers to contribute to a carbon-offsetting scheme if they are unable to reduce carbon emissions by the amount required on-site.

Action:

6. Local Plan paragraph 3.15.16 states that further details on the offsetting of carbon emissions will be provided in a Supplementary Planning Document, which will include a method for setting the cost of carbon. This SPD will need to be considered in the context of any impact on development costs and on the emerging CIL rate. There is also uncertainty over how quickly Government will implement any recommendations from the Zero Carbon Hub. A draft SPD will be issued for public consultation during 2014.

Key Issue: Public Transport, Streets and Walkways

Policy CS16 – Public Transport, Streets and Walkways

- Should the Local Plan include a more detailed strategy for transport and road safety?

Context:

1. The Draft Local Plan carries forward policy CS16 'Public transport, streets and walkways' which sets out the overall City's overall transport strategy, but only in very brief terms. The Plan also includes eight development management policies: these are concerned with determining planning applications on development sites, and so do not deal with on-street matters, such as traffic management and road safety.

Consultation responses:

2. Several respondents expressed concern that the Local Plan does not set out a comprehensive transport strategy for the City. Several comments also suggested that road safety should be a consideration, particularly with cycling becoming a significant mode of transport in the City.

New evidence:

3. The City's current Local Implementation Plan (LIP) was approved in January 2012, when it superseded the 2007 LIP. The City's Road Danger Reduction Plan was adopted in January 2013.

Action:

4. While the respondents' concerns are understandable, I do not consider that the Local Plan should be amended to include greatly increased detail on transport strategy. To do so would make section 16 of the document very lengthy and detailed. This would unbalance the Local Plan and significantly alter its purpose and approach.
5. The City's transport strategy is set out in broad outline in policy CS16 of the Local Plan with further detail expressed in a number of documents, including the LIP 2011, the Rail Strategy 2009 and the Cycle Parking Strategy 2011. Further policy statements will be prepared in future. While there is no single transport strategy, these various documents together set out the City's approach.
6. Some of the respondents' concerns could be met by adding greater explanation of the highway hierarchy, which is illustrated in Figure Q of the Plan. Regarding road safety, the recently adopted Road Danger Reduction Plan now addresses some of these concerns. Reference to road safety could be added policy CS16 and also to policy CS3 'Safety and Security' and policy DM10.4 'Environmental Enhancement'. Proposals to introduce a 20 mph speed limit for vehicles in the City are currently being considered and this could be referred to in the Plan if agreed and implemented.

Draft Local Plan Policy DM16.3 – Cycle Parking

- Should the cycle parking standard of 1 cycle space for every 125 sqm of office space proposed in the Local Plan be increased?

Context:

7. Cycling is growing in popularity in London: it has risen by 173% since 2001 and the Mayor aims to increase this to 400% by 2026. Recent experience suggests that the Draft Local Plan's cycle parking standard may not be sufficient to meet needs. The City of London Cycle Plan was produced in 2005 and the City's Cycle Parking Strategy was adopted in 2011.
8. Early Minor Alterations to the Mayor's London Plan propose an increase in the minimum cycle parking provision for offices from 1 space per 250 sqm to 1 space per 150 sqm, although this is still below the 125 sqm standard required in the Draft Local Plan.

Consultation responses:

9. There were several comments encouraging the provision of more cycle parking provision. One respondent suggested the standard be increased to 1 space for every 80 sqm.

New evidence:

10. The Mayor of London's Vision for Cycling, published in March 2013, further encourages cycling and proposes associated infrastructure.
11. The Corporation has no evidence to justify a further increase in the cycle parking standard.

Action:

12. It is proposed that the current Draft Local Plan standard be retained, although wording could be added to encourage developers to exceed the current standards in Policy DM 16.3 where appropriate. Guidance in the Plan on the provision of ancillary on-site facilities for cyclists will be simplified and made less prescriptive.

Key issue: Waste

Policy CS17 - Waste

- A study of waste arisings has been undertaken to inform revisions of the policies.
- Consultants will investigate which other authorities receive City waste and the need for cooperation with them.

Context:

1. Seven London boroughs have collaborated to form the North London Waste Authority and prepare a joint waste plan. The plan reached public examination in 2012, but the planning inspector halted the examination on the grounds that the authority had not fulfilled its statutory 'duty to co-operate' with those authorities outside London in areas where north London's waste is sent. This duty was introduced by the Localism Act 2011. The implications of this decision for the City need to be considered.
2. All waste generated in the City is sent elsewhere for management. A large proportion of this waste is managed in London where the 'duty to cooperate' is fulfilled by the London Plan's waste apportionment policy. However, some waste is transported beyond London's boundaries and, as waste planning authority, the City has a 'duty to cooperate' with the waste planning authorities in these areas, to ensure that sufficient capacity exists to accommodate the City's waste.

Consultation responses:

3. LB Bexley encouraged the City to cooperate more closely with the south east London waste group, because a large proportion of the City's waste is managed there. No consultation responses were received from waste planning authorities outside London.

New evidence:

4. The City has commissioned Ricardo-AEA to carry out research to establish quantities of waste arisings and destinations for the City's waste. This includes the following waste categories: household, commercial and industrial, construction and demolition, radioactive, agricultural and hazardous waste. The consultants' report will be available in early July.

Action:

5. Subject to the consultants' report, we will engage with other waste planning authorities outside London to ensure that sufficient capacity is available in these areas to manage the City's waste. Evidence of such engagement will be required to demonstrate that the 'duty to co-operate' has been fulfilled. This could include memoranda of understanding with these authorities.

Key Issue: Housing

Policy CS21 Housing

- The policy should allow housing development “in or near” defined residential areas.
- The Mayor is expected significantly to increase housing targets across London.

Context:

1. Policy CS21 of the Core Strategy 2011 seeks to provide additional housing in the City, concentrated “in or near” existing residential communities, which are identified diagrammatically. During the drafting of the Local Plan it was felt that the words “or near” should be removed to help prevent residential development in inappropriate nearby locations where it may lead to the loss of office uses.
2. Policy CS21 seeks to meet the London Plan housing target for the City of 110 additional homes per year. The Mayor is proposing an alteration to the London Plan’s housing targets in response to significant population growth in London revealed by the Census 2011. The Mayor’s aim is to increase overall London housing supply from around 32,000 per year to over 40,000 per year. The City and London Boroughs are working with GLA officers to assess potential housing capacity in London, which will be used to inform future London Plan housing allocations. The City Corporation’s response to the updated capacity exercise will take account of the existing policy approach to protect office and commercial development, and resist significantly increased housing allocations through the release of office land. Revised housing targets for the City may appear in public in early 2014, but will not be adopted through the London Plan until 2015.

Consultation responses:

3. Several respondents asked for the words “or near” to be reinstated on the grounds that there is no precise geographical definition of the residential areas. Some respondents also argued for a more flexible approach, allowing housing development throughout the City.

New evidence:

4. The Ramidus report ‘Taking Stock’ demonstrated the need for a wide range of office accommodation throughout the City.

Action:

5. It is accepted that, as the ten identified residential areas are shown diagrammatically, it would be impractical to require all developments to be within them, so it is proposed to reinstate the wording “or near”.
6. It is proposed to maintain the approach of policies CS1 and DM1.1 to protect office accommodation from change to other uses. Proposals for the change of offices to housing will be assessed against these considerations. The residential areas identified in the Local Plan are by no means exclusively housing areas, but rather locations that contain a mix of uses which includes

housing. Where they contain office sites needed by the commercial City these will be maintained in office use.

7. No change is currently proposed to the housing targets in Policy CS21, but we need to be aware of the changing context and to respond to potential pressure for increased housing numbers in the medium term as part of the London Plan review.

Key issue: Licensing and planning

Policy DM 3.5 'Night-time entertainment'

- How should consistency between the City's planning and licensing policies be improved to minimise disturbance from late-night premises more effectively?

Context:

1. The City Corporation is both a licensing authority and a local planning authority. Many premises require both a licence and planning permission. Different considerations apply in making decisions under the City's licensing and planning powers, but there is also a significant degree of overlap between the regimes. This can cause contradictions, for example, when a licence and a planning permission each include a condition imposing a different closing time. It is therefore important to seek greater consistency between the policy approaches.
2. **Licensing.** Under the Licensing Act 2003 a licence is required for:
 - Sale or supply of alcohol in public houses, bars, restaurants, clubs, livery halls.
 - Sale of hot food and drink between 11pm and 5am
 - Dancing venues
 - 'Regulated entertainment', which includes theatre, cinema, indoor sporting events and, in some cases, performance of music.
3. When applying for a licence the applicant must inform eight authorities, including the City Corporation in its various roles as licensing, environmental health and planning authorities, and the City Police. There is a general presumption that a licence should be granted, and it is done so automatically if there are no objections. The Licensing Committee is only permitted to consider applications in relation to four statutory licensing objectives: the prevention of crime and disorder; public safety; prevention of public nuisance; and the protection of children from harm. Interested parties have a third party right of appeal against the grant of a licence and may request a review of an existing licence at any time.
4. Licences may be refused or granted subject to conditions. The applicant must submit an 'operating schedule' which sets out how the premises will be run. The City has issued a code of good practice giving guidance on the content of the schedule, and this includes detailed requirements, for example, to control noise and disturbance, and for the management of queues and dispersal of customers.
5. The City has introduced a 'traffic light' system, which helps alert licensing officers, enforcement officers, the police and licensees of emerging problems with licensed premises and allows them to be addressed proactively. Breach of a licence is a criminal offence and the police can prosecute.
6. **Planning.** Planning permission is required for the change of use of premises. Several uses for which planning permission is needed may also require licences. These include those defined by the Use Classes Order as A1 shops, A3 restaurants, A4 pubs and bars, A5 take-aways, C1 hotels and D2 concert halls/cinemas/dance venues. Other uses include night clubs, livery halls and theatres, or uses that are a combination of any of the preceding.

7. Planning applications need to be considered in relation to their effect on amenity, which is a broader concept than public nuisance. Planning permission may be granted subject to conditions; for instance, to regulate operating hours or control noise. Permissions run with the land and are valid indefinitely. Conditions on opening hours have mostly been imposed since the Licensing Act came into force in November 2005. Consequently, of the 750 licensed premises in the City, only 60 are subject to planning permission conditions on closing times. There are no powers to impose planning conditions retrospectively.
8. Planning enforcement procedures tend to be cumbersome and protracted. Where an unauthorised change of use takes place or a planning condition is breached the City may serve an enforcement notice where it is expedient to do so, but there is a right of appeal against this and it commonly takes one or two years before legal action can finally be taken.

Consultation responses:

9. Sixteen respondents commented on the policy, including several residents who objected to the disturbance caused by late-night licensed premises and urged that they should not be permitted to locate in residential areas.

New evidence:

10. The updated Statement of Licensing Policy was adopted in January 2013. The City is currently consulting the public on the introduction of a 'late-night levy'.

Action:

11. Local Plan policy DM 3.5 needs to be amended to remove unnecessary duplication with licensing policies. For example, Policy DM 3.5 requires a 'management statement' to accompany applications, which replicates the 'operating schedule' required under the licensing regime.
12. Licensing powers generally give considerably more effective controls over late-night activities than planning. However, planning controls can be more useful in certain circumstances, such as late-night premises' location in relation to residential areas. This may result in the refusal of such uses or justify the imposition of conditions on closing times. While licensing conditions can only relate to licensable activities, planning conditions can control related activities, such as the times of servicing or arrangements for waste collection. Where a planning condition imposes an earlier closing time than a licence, this can still be enforced.
13. Policy DM3.5 should be amended to refer to the effect on amenity in or near residential areas and the supporting text should state that planning conditions limiting hours will mainly be applied to new planning applications for late-night uses in or near the ten residential areas identified in the Local Plan. Elsewhere in the City, in predominantly commercial areas, licensing gives more effective control over hours and there is normally no benefit in planning conditions attempting to duplicate these. Other planning conditions relating to noise mitigation, servicing hours, etc., would continue to be applied as now. However, this means that residential occupiers outside the residential areas will not be afforded the added protection of planning conditions.