



LANDMARK  
CHAMBERS



Welcome to Landmark Chambers and Quod's

# Toward the New London Plan breakfast seminar

Tuesday 13 May 2025

Thank you for joining us today.  
We will begin shortly



# Your speakers today



Tom Dobson (Chair)

Quod



Rupert Warren KC

Landmark Chambers



Heather Sargent

Landmark Chambers



Matthew Dale-Harris

Landmark Chambers



Claire Dickinson

Quod



Ben Ford

Quod



# London Plan Review

## Introduction and welcome

Prepared by Quod

May 2025



Tom Dobson  
Quod



# London Plan Review

## Overview

Prepared by Quod

May 2025



Ben Ford  
Quod

# MAYOR OF LONDON

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# Towards a new London Plan

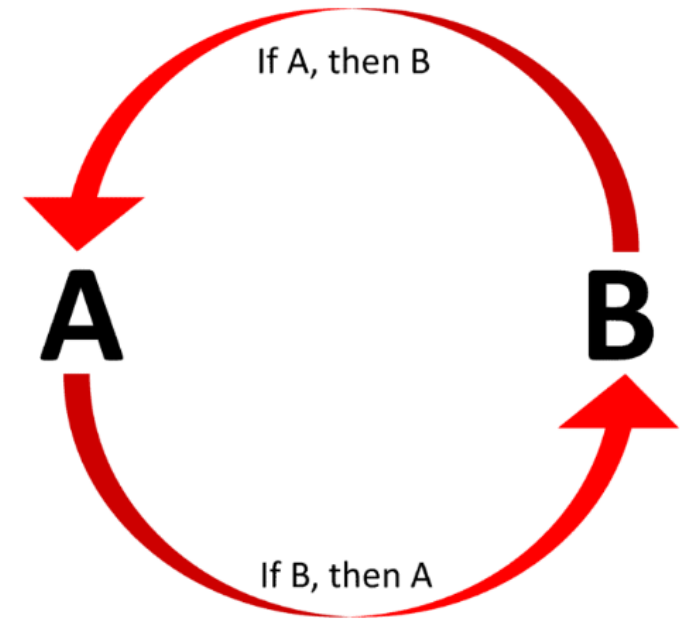
## Consultation on the next London Plan

The consultation runs for 6 weeks starting on Friday 9 May, ending at 23.59 on  
**Sunday 22 June 2025.**



# “the London Plan must become more streamlined and focused...”

- Towards a new London Plan (well.. a 1<sup>st</sup> draft in a year's time)
- 78 pages in total; NPPF (82 pages); US/UK trade deal (5 pages)
- x 35 LPGs and SPGs
- x 10 Practice Notes
- + OA Planning Frameworks
- Chapter 2 (Housing) – x19 DM matters
- Chapter 3 (Economy) – x10 DM matters
- Chapter 4 (Design) – x10 DM matters
- Chapter 5 (Climate change and infrastructure) – x19 DM matters
- A written narrative of possible wide-ranging options, at extreme ends of the spectrum, in a circular argument against itself; ‘a range of options for consideration and discussion’



# “we welcome evidence and experience of implementation”

➤ *Inspector (a London examination)*

*“It is very disappointing that none of the developers who opposed this are here to speak at the examination”.*

➤ GLA has asked for a response from everyone in public and private practice inc. lawyers, strategic advisors, planning consultants, and clients.



# “It is not ...”

- A ‘delivery plan’ (1.4 viability)
- Doesn’t cover all London Plan policies / issues (1.5)
- Options do not necessarily represent the Mayor’s views or preferred direction (1.5)
- Not all options will be taken forward in the final plan.
- Very clear on outcomes *“For some issues, such as the need to have a credible plan for 880,000 homes, we have indicated a proposed direction. For others, there are clear choices about the future approach, and we are seeking to reflect the different views, considerations and options for discussion and views”.*



# “The Mayor is clear” on ...

1. .... achieving higher rates of housebuilding also depends on **funding** for vital transport improvements to unlock additional capacity for these homes (2 Housing).
2. .... many of the homes and jobs planned in the **Opportunity Areas** can only be realised if the transport **infrastructure is built**, unlocking viability, higher densities and ensuring sustainable development (2.3 OAs).
3. .... **valued strategic views** will continue to play an important role in protecting London’s heritage, the ability to appreciate it and its contribution to London (2.4 CAZ).
4. .... on how any homes in London’s **green belt** should be delivered (2.10 Housing in GB), and **MOL** performs a vital role. (5.6 Open Spaces)
5. .... drive delivery of **affordable housing**, and policies need to work effectively and consistently over time to enable them to be **embedded in land values**. (2.13 AH)
6. LP success is reliant on external factors / government funding.
7. I want to see local planning become more flexible and focused on securing permissions for housing development.



# Key pledges

- **To fix the housing crisis in London (Foreword)**
- **Deliver sustainable economic growth** that benefits Londoners across our city, all while **ensuring we continue to meet our ambitious climate commitments** and improve our environment and green spaces. (Foreword), Net Zero by 2030 (5), nationally it is 2050.
- **Not to increase the overall burden of planning policy requirements on development under the current circumstances (1.4 viability)**
- Make housing more affordable to Londoners on low and middle incomes. (2.12 affordable housing)
- The current London Plan has played a key role in significantly driving up the proportion and number of affordable homes in recent years. **The next London Plan will need to continue to do this.** (2.12 affordable housing).
- Developments have a finite capacity to fund public benefits (5).
- Planning officers should not be involved in assessing fire safety as they are not qualified to do so. (5.16)



# But how, as it hasn't ...

- Put forward many clear & bold proposals beyond those in the NPPF
- Explained why it did not meet the NPPF requirement for a completed review within 5 years (by March 2026)
- Explained where and how 88,000dpa (need and capacity) will be built (a 'government figure') – only 37,000 average dpa for a decade.
- Tested the effectiveness of current policies & whole plan viability
- Addressed affordable housing thresholds and review mechanisms
- Explained what happens without significant government funding and intervention
- How it will decrease the burden rather than not *“increase the overall burden of planning policy requirements on development under the current circumstances”*.



# Next steps

- **Honest debate about the issues** – is housing delivery between 1871 to 2021 relevant? (Fig 2.1)
- **National funding** – is it realistic and available?
- **Whole plan viability inputs** – independent review by HM Treasury / OBR; reasonable inputs; inc. CIL indexation and Building Safety Levy; too complex for the EIP panel?
- **“Towards” stripping out** additional policy burden reductions
- **Mute LP policies** – Quod analysis of Stage 1 x160 reports; 12% of the existing 113 London Plan policies were not referenced at all; 43% have been referenced less than 10 times.
- **SIL and LSIS** - land swap into Grey Belt to free up more sustainable industrial locations for urban housing; failure of co-location policies (4,500dpa, but 60%+ undelivered); light industrial in town centres.



# Next steps

- **London PTAL / Accessibility** – reassess necessary transport interventions
- **LVMF** – key strategic protections, but flexibility elsewhere?
- **Tall Building D9** – application of policy, 7 storeys, 10 storeys, or 20 storeys, or leave to LPAs?
- **Other living uses** – B2R, Co-liv and PSBA (offset -ve perception inc. ‘character impact’)
- **OA capacity** (Only 5 / 47 OAs with 80%+ capacity complete; Only 5 / 47 OAs with 60-80% complete; and 37 OAs <60% complete from previous capacity)
- **Regulation** - Building regulation burden, HSE, Fire Safety, Building Safety Regulator
- **“Effective” demand for market housing** – address the notion that there is limited demand
- State or market intervention (CAZ)?



# Green Belt Review

## One fundamental change

LP 2004 Objective 1:

To accommodate London's growth within its boundaries without encroaching on open spaces

Green Belt Review:

- 'Grey Belt'
- 'Large Scale Urban Extensions in the Green Belt'
- 50% AH
- Actual capacity

Issues:

- Role of London Plan vs Local Plans
- Infrastructure and Planning Obligations
- The Greater South-East (most of the Green Belt)

Figure 2.4 South East green belt with Greater London boundary

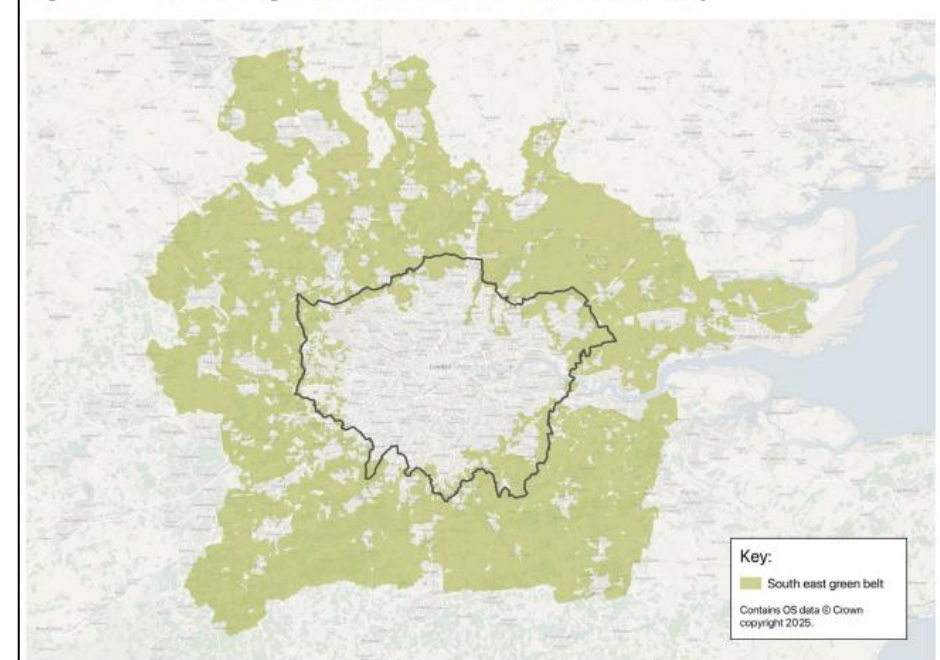


Figure summary: Map of London's green belt and including the Greater London Authority boundary showing that most of the green belt is outside the Greater London area.



# Invest in private MOL golf courses now ...



# Programme

- **22<sup>nd</sup> June 2025** – Consultation ends
- **March 2026** - Draft London Plan consultation
- **May 2026** – Local elections
- **2026 – 2027** - Examination process
- **2027** - Adoption
- Mayor Khan's term (May 2016 – May 2028), 12 years



# Housing Numbers and transition



Rupert Warren KC  
Landmark Chambers



# Planning for London's housing needs

- The Standard Method produces a need of around 88,000 homes a year
- London has produced around 37,000 homes a year for the past decade
- The 2021 London Plan does not purport to meet the needs which existed then, let alone the 88,000
- The London Plan runs until 2028/29
- From late 2024 until a new London Plan is adopted with 88,000 homes included in it, (and potentially until) the Boroughs embed that in their plans, London will not have a planned requirement to meet its needs
- 88,000 is 23% of the national need of 370,000; the shortfall of c.40,000 = c.10% of the national housing need each year it continues.



# Where are we – Borough housing targets

14 Boroughs have adopted plans and have not started a review – these range from Hammersmith & Fulham and Redbridge (adopted 2018) to Merton and RBKC (2024) – these have either LP 2021 housing requirements or even earlier ones; these are likely now to wait for the London Plan

The LP has a target adoption date in 2027; so these plans might not be up to date until 2027-2028

12 Boroughs have started reviews (5 reached Reg 19 by March 2025). 7 will likely be post LP again (2027-28); the others may (if they pass EiP) get adopted in 2025/6

7 currently at EiP – again, if they pass, adopted 2025/6.

So by the adoption date of the LP, we will have the vast majority of the Borough plans out of date by reference to the new 88,000 requirement.



# What happens to targets in the interim post 2028/29 according to LP 2021

LP Policy H1 table goes to 2028/29. LP at 4.1.11 says this:

If a target is needed beyond the 10 year period (2019/20 to 2028/29), boroughs should draw on the 2017 SHLAA findings (which cover the plan period to 2041) and any local evidence of identified capacity, in consultation with the GLA, and should take into account any additional capacity that could be delivered as a result of any committed transport infrastructure improvements, and roll forward the housing capacity assumptions applied in the London Plan for small sites.



## Is that still the position?

- The Enfield LP process contains reference (SCG LBE/GLA and the Housing Topic Paper) to a GLA email dated 5 September 2024 (pre NPPF 2024) suggesting that there might be a need to future-proof plans with higher targets in the light of the impending (as it was then) new SM
- LBE rejected that approach, going for LP 2021 to 2028/29 and then a capacity led exercise in line with LP 4.1.11 to the end of the Plan period.
- The City has gone for LP to 2028/29 and then (new) SM thereafter (but the target figures are very low)
- So, the 12 Boroughs either at EiP or who got to Reg 19 in time have some flexibility – likelihood is that lower roll-on LP 2021 numbers will be used, though GB might be explored?



# What happens next?

- **MHCLG** still considering further planning changes: whether to have NDMPs, and if so, in what form; whether to impose further requirements on London/Boroughs.
- These could take the form of bespoke transitional arrangements to the LP, for instance requiring all 'old' plans to review immediately; or removing the 5 year protection in NPPF 232.
- GLA have to meet and apportion 'Government target' of 88,000 – and could make bespoke transitional arrangements themselves in the LP; for instance, making it clear that old Borough plans are out of date or even 'in conflict' with the LP



# Would an old housing target ‘conflict’ with LP?

- Section 38(5) of the PCPA 2004 provides:

**If to any extent a policy contained in a development plan for an area conflicts with another policy in the development plan the conflict must be resolved in favour of the policy which is contained in the last document to become part of the development plan.**

- The law is not clear about whether a “conflict” of this kind is a planning judgement or a legal point: contrast *TV Harrison CIC v Leeds City Council* [2022] EHC 1675 at [24] with *Hoare v Vale of White Horse DC* [2017] EWHC 1711 at [79ff]
- Either way, there is the very real prospect of 2021 LP target Housing policies conflicting with mandatory new LP policies and the former being set aside in the DM process



## Practical steps 2025-2027/8 (LP adoption)

- **The old 14 adopted plans:** until new LP is adopted, the SM figures are a material consideration. If NPPF 232 is retained, the Boroughs will be able to say for 5 years from adoption (applies to them all except H&F and Redbridge) that they are not “out of date” for para 11d purposes; but this may not survive MHCLG reforms in 2025; it doesn't remove the force of the unmet figure as a m.c. anyway. 6 or 7 of them have Green Belt to which new NPPF relates. They could do ‘quick review’ – but is that likely?
- **Those being adopted in 2025/6:** will (most – maybe not all) have old targets and until the LP comes in. The same set of points applies. Vulnerable on GB, on housing and AH
- **Recall 125(c) applies to PDL in all these authorities too.**



## After the new LP (2028-30)

- S.38(5) PCPA may mean that old plan targets are superseded as a matter of law by the LP once its adopted, unless the transitionals have changed in the interim
- A rash of Borough plans will probably come forward then (all 14 not yet started reviews; all 7 not yet at Reg 18 now) – the focus will be on 10 Outer London Boroughs with GB and more space: Barking & Dagenham, Barnet, Brent, Bromley, Haringey, Havering, Hillingdon, Kingston, Merton and Redbridge.
- Will 11(b) NPPF still function to allow them to flex the LP?
- What if Sadiq Khan is not the Mayor after the next election (2028)?



# Example of a strategy

Take a Borough like Bromley

Plan out of date now (adopted 2018); only at Reg 18 (stalled). There may be an argument that the Bromley plan (based on LP 2016) is in conflict with the existing LP

- Focus on applications 2025-26: small sites, GB release using Grey Belt guidance in NPPF; AH at 50% or more; height near stations;
- 2026-8: larger sites in the emerging Local Plan – depending on how Bromley shadows the LP as it comes through – promotions in GB and larger site assemblies involving mixed use and different types of resi





# London Plan Review

## Delivery

Prepared by Quod

May 2025



Claire Dickinson  
Quod

# The Consultation

1. Housing delivery is ‘the’ priority and needs to:
  - Accelerate
  - Increase
  - Use new approaches
2. Is not a delivery plan – so it needs to be a plan that enables lots of deliverable planning approvals
3. Clarity that *‘delivery has been strained by a challenging delivery environment’* referencing:
  - Insufficient national funding and affordable housing grant funding
  - High interest rates
  - Increased construction costs
  - Acute construction workforce shortages
  - Regulatory changes
  - Market absorption and economic uncertainty
  - Insufficient social rent settlements and financial limits on social landlords
4. But doesn’t look to within the GLA itself and consider whether:
  - The existing policy asks and their application have contributed to the challenging environment
  - There are wider issues and changes which are affecting the basis on which policy is formulated
  - The policies are sufficiently spatial nor what more flexible and focused means



# Today

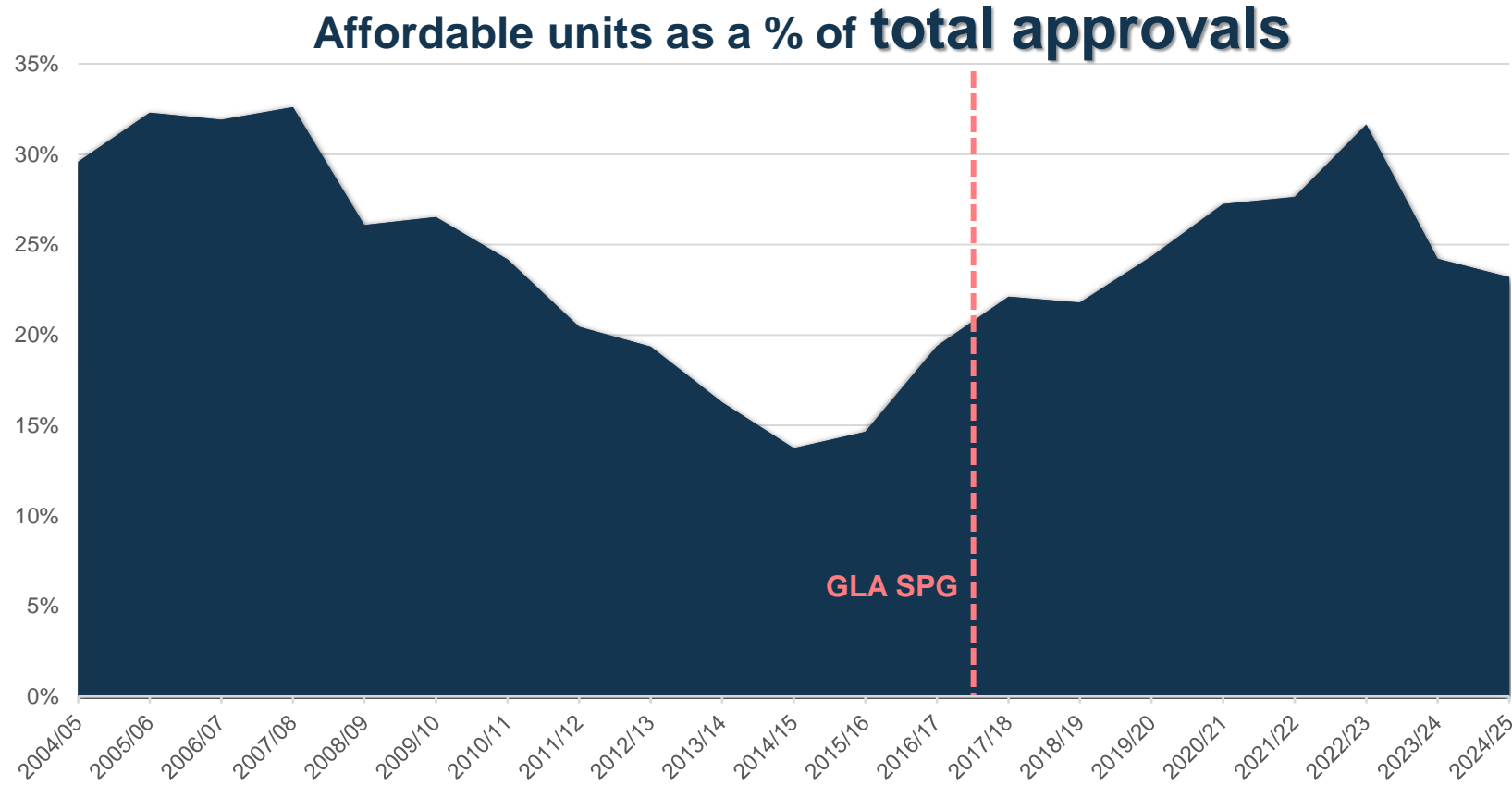
1. The every day experience is that planning is a barrier rather than an enabler:
  - Policy is **more prescriptive**, and **less flexible**
  - Planning **takes too long** with no certainties in programme – fast track isn't fast
  - The process is **more technical** and **more complex**
  - **GLA duplication** of Borough's detailed assessments – need strategic direction and input
  - **Lacking partnership, collaboration and trust**
2. Central government is alert and seems to be prepared to intervene
3. London policy preparation needs a 'stand back' to ask whether the emerging route is going to accelerate, increase and enable new approaches?
4. 88,000 new homes needs real change – are we at risk of more of the same?
5. A time for honesty and self reflection - what needs to change in policy for the Mayor's ambition to translate into permissions?

***“I want to see local planning become more flexible and focused on securing permissions for housing development”***

Mayors Forward Towards a New London Plan



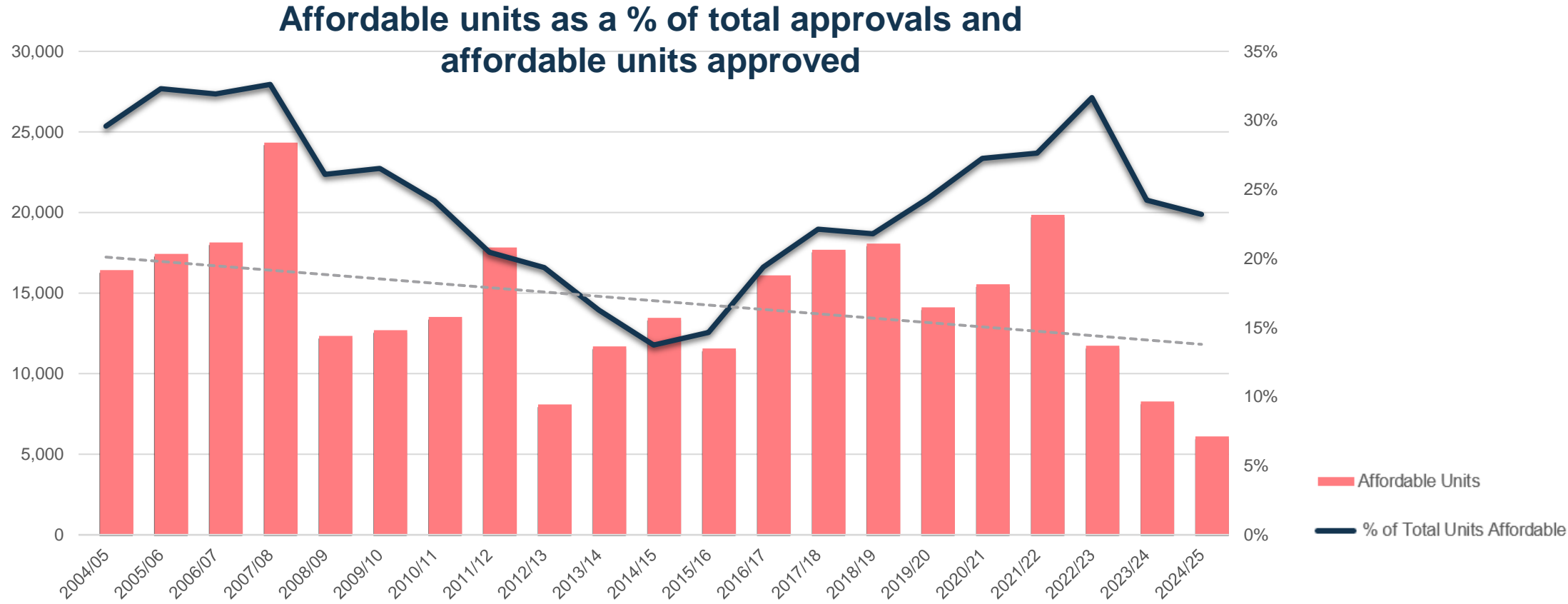
# Approvals: Gateway to Delivery



***“The current London Plan has played a key role in significantly driving up the proportion and number of affordable homes in recent years”***

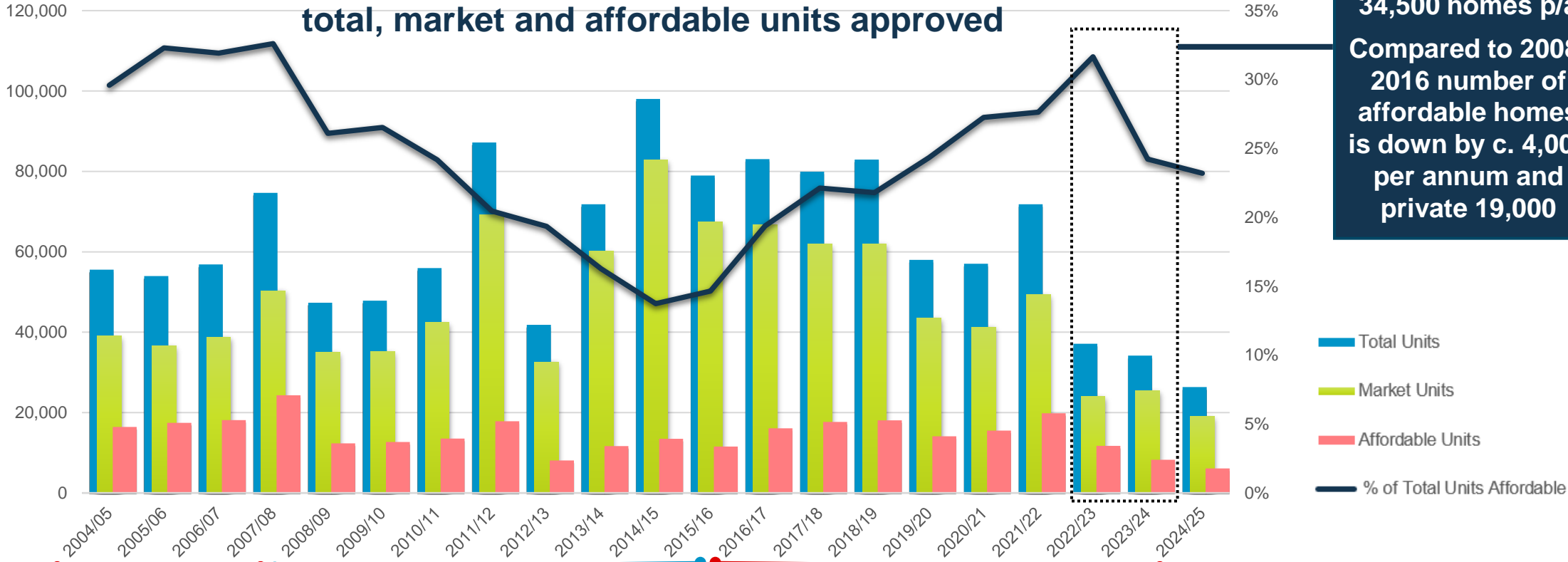


# Percentages vs Numbers



# Stand back

Affordable units as a % of total approvals and total, market and affordable units approved



29% AH approved  
Approvals average 34,500 homes p/a  
Compared to 2008-2016 number of affordable homes is down by c. 4,000 per annum and private 19,000

60,000 homes approved p/a  
32% affordable



66,000 homes approved p/a  
19% affordable



59,000 homes approved p/a  
24% affordable



# Policy needs reforming

1. Headline percentages mask the realities of delivery outcomes – fewer approvals = fewer homes delivered.
2. Delivery of affordable housing requires structural policy reforms are needed:
  - RPs are consolidating their assets and scaling down development programmes
  - S106 can not afford the amount and type of affordable housing needed
  - There are no assurances on grant and there is unlikely to be at the levels needed
3. Where are the references to the policies that would encourage innovation in affordable housing delivery?  
To give confidence to private investment and bring additionality outside of the S106 process?
4. Where is the engagement on what alternative options the planning process may bring for sites where the development economics means low affordable housing, poor value for money, delayed delivery, unable to meet the Bourgh's type, tenure and mix?
5. What policy provision is there where the investment needed in infrastructure and affordable housing is not available from Central Government? In many cases it wont be.
6. Where are the spatial policies which think big enabling policies that translate into more and better outcomes.



# Viability needs reframing

1. The viability process is broken and Londoners are losing out
2. Many of the factors cited as being 'challenging for delivery' when put forward and supported with evidence by developers are rejected.
3. 'Live' tensions that are real but are not accepted:
  - Building efficiencies – too low
  - Construction costs – too high
  - Programme – too long
  - Pre sales – too low
  - Base values, Affordable values and demand – not reflective of market
  - Return thresholds – need to be reduced to lower levels when risk is higher
  - Finance rates – too high
  - Place making / regeneration effect and growth – used as the 'fix' and then upward only reviews
4. Assessment of viability by both GLA and Borough viability reviews – what are the benefits and why is the boroughs independent scrutiny not sufficient?
5. If the new Plan rolls forward current viability practices how will this translate into more approvals?



# Positive signals?

1. No increase in the overall burden of policy requirements
2. Review of the thresholds and potentially more flexibility
3. Flexibility in timing of requirements
4. Need for and benefit of different types of housing and house builders – BtR, Key Worker, Shared Living, Older Persons, Student potential to be seen as ‘additional homes’ rather than ‘lost C3’
5. Widening of accepted affordable products
6. Open to new approaches, new mechanisms and new sources of investment
7. Acknowledging the critical link between funding infrastructure and delivering housing, particularly AH
8. Greenbelt offers leverage for flexibility on brownfield sites
9. Higher densities in town centres and high streets with good public transport
10. Potential innovation in policy approaches to protecting London’s industrial land
11. Streamlining and speeding up decision making



# Could translate into...

1. Concise policies with clear requirements - a pass is a pass
2. AH policy thresholds that are rebased and realistic – reducing the need for viability
3. A Fast Track that is fast - fixed determination periods
4. Widening of footnote 59 principles i.e. for Londonwide benefits / strategic infrastructure
5. A consistent and positive approach Londonwide to BtR, Key Worker, Shared Living, Older Persons and Student
6. Viability process which is collaborative, undertaken in partnership and realistic reverting to principles of ‘maximum reasonable’ and ‘encourage not restrain’
7. Incentivising the densification of successfully trading uses in town centres – next generation of brownfield
8. Industrial land swaps
9. Refinement of Policy H5 Part D particularly for Key Worker housing
10. Review mechanisms that are upwards and downwards
11. Wider use of portfolio based approaches
12. A policy for “Policy Plus” enabling new ideas and new ways where deliver better outcomes



## Recent appeals, examinations – post NPPF



Matthew Dale-Harris  
Landmark Chambers



# Overview

## Examinations

- Ongoing examinations
- Barnet report 6/11/24

## Appeals

- Former Stag Brewery, 2/5/25
- 302-312 High Street, Stratford, 12/3/25
- Harleyford Road, 25/2/25
- Mast Quay Phase II, 9/1/25



# Ongoing Examinations

All examined under previous versions of NPPF, but “new direction of travel” still material?

- Richmond Upon Thames, Local Plan, Main Mods Consultation 31/01/25
- Enfield, Local Plan, hearing ongoing since Jan 2025
- Lambeth, Site Allocations, since 18/02/2025
- City of London, Local Plan, hearings ongoing since 25/03/2025
- Westminster, City Plan Partial Review, 29/04/2025
- Ealing, Local Plan, 16/06/2025



# Enfield



# Enfield

- Stage 1 hearings held January and February, further hearings scheduled for June, July and August 2025
- Draft plan proposes significant Green Belt releases (Crews Hill and an urban extension at Chase Park). In doing so, adds additional supply beyond sources explicitly identified in 4.1.11 of the London Plan 2021.
- GLA (having raised general conformity issues on basis of GB release) opened the examination by acknowledging:
  - Step change in delivery required to meet new NPPF/SM
  - Delivery rates are failing to meet even current London Plan figure
  - *"even with significant interventions (both policy changes and other mechanisms), land supply and reasonably anticipated delivery from windfall and urban intensification, it would be unreasonable to argue that the jump to 88,000 homes a year can be achieved wholly within London's existing urban extent."*
  - In principle, the need for some green belt release appears *"unavoidable"*



## Enfield (cont)

- Went on to raise possibility their own GB release within Chase Park area – noting that *“Across London as a whole, it is intended that this analysis of exceptional circumstances will be done through a London-wide green belt review, but this matter has been accelerated in Enfield due to the timing of the local plan examination and the borough’s proposed release of green belt land”*.
- Had also agreed (via SoCG) that paragraph 4.1.11 of the London Plan does not support national direction of travel and that London boroughs were being advised to “roll forwards” their annual requirement beyond 2029.



# Barnet, Examining Inspectors Report, 6 Nov 2024

Pre NPPF, examination hearings finished Nov 22. Some points of wider interest

- Approach to housing requirement (based on a SHMA beyond 2029 but in effect continuing the annual target to 2029) was sound and in general conformity
- No provision made for G&T, which was sound subject to early review along with London-wide review.
- Inspector's applied WMS on Local Efficiency standards to require amendment to carbon targets. Terms of consent order on challenge not referred to.



# Former Stag Brewery, Richmond: G Rollings, 2 May 2025



# Context (view from Chiswick Bridge)



# Planning Context

- Site occupied by former Maltings building as well as other large storage and industrial buildings.
- Site allocated in Local Plan and emerging Local Plan.
- 2011 Planning Brief SPD had set out “comprehensive vision for the site”.
- Previous (taller) scheme had been refused by GLA contrary to officer and Council position.
- New NPPF released on last day of inquiry. Dealt with through supplementary submissions.



# Main issues

- 1) Design / Heritage
- 2) Transport
- 3) Natural Environment

## Points of wider interest

- 4) Education
- 5) Viability/ AH provision
- 6) Brownfield re-use



# Education

Appeal B proposed a separate but interlinked secondary school.

Local objectors argued that school - impact on existing schools given possible future falls in pupil numbers.

DfE had supported scheme but on 22/10/24 wrote to confirm review of planned mainstream free schools, including the school proposed for relocation.

Context: falling primary school rolls; possible impact of VAT change.

Appellant and Council responded to evidence by agreeing a “no school scenario”

Inspector preferred LPA's evidence.



# Viability / Affordable Housing

7.5% AH offered.

Main disputes with GLA:

## Developer return

- Agreed at 17.2% due to "*high degree of risk*" – scale; complexity; economic conditions; high proportion of market housing
- Not appropriate to rely on value growth

## Private resi sales values

- LPA's position accepted (between Appellant and GLA)

Review mechanism applied.



# Re-use of Brownfield Land

Appellant's post inquiry submissions emphasised change to NPPF 125 (c):

*“(c) give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs, proposals for which should be approved unless substantial harm would be caused, and support appropriate opportunities to remediate despoiled, degraded, derelict, contaminated or unusable land;”*

Inspector:

“210. As set out above in paragraph 178, the Framework requires substantial weight to be given to brownfield development, unless such proposals would cause substantial harm. The site is acknowledged to be a brownfield site by the parties, and I agree with this definition. As there would be no substantial harm in this instance, I give substantial weight to the development of this brownfield and underused site, particularly given that it would use the site more effectively than at present.”



# 302-312 High Street, Stratford: David Nicholson, 12/3/25



# Context

Site fronting Stratford High Street and next to DLR line. Outside the Metropolitan Centre. 25 storey scheme previously consented, but with single fire access core.

New scheme at 34 storeys: near to Eleanor Rosa House (32 storeys) and consented 36 storey Jubilee House scheme.

Dismissed in trenchant terms by Inspector Nicholson:

- Design resulting in townscape and heritage harm: "*un unwelcome jolt in the townscape*"
- Also, inadequate public realm provision and shortfall in Blue Badge parking.

New NPPF considered – even on new tilted balance harms far outweighed benefits and would be "*substantial*" in NPPF 125(c) terms.



## Wider implications?

The Quality Review Panel had expressed concerns about the scheme, particularly its height, and had invited Appellant to engage again. They did not do so and Inspector found that they "*could have engaged with it more fully*"; and conflict with London Plan D4. He noted that 3.4.8 provides:

*"... the higher the density ... the greater this scrutiny should be of the proposed built form, massing, site layout, external spaces, internal design ... because these elements of the development come under more pressure as the density increases"*

See also 3.9.4.

Overall, Inspector concluded the design would "fall well short of exceptional" design (DL29) required by policy for tall buildings outside designated centre boundaries



## Approach to NPPF 135(d)

“26. Although external finishes could be subject to a condition, the predominantly red colour is a fundamental part of the design. This was criticised as being at odds with the prevailing, subdued, greys of the extant towers. NPPF§135d) promotes developments which would establish or maintain a strong sense of place. **To my mind, this encourages approaches that either aim to harmonise with the existing street pattern or to create something new and vibrant, but aims to avoid a halfway house.** Most of the High Street towers have chosen external materials of muted greys and glazing, which fit into the prevailing pattern, whereas the appeal scheme has chosen to be more strident. In theory, I find that this is a perfectly valid approach in the appropriate place. Here, however, unlike say the Halo tower, **the site is not at such a major junction that it would be appropriate to establish a new sense of place. Nor is the site context particularly degraded so as to justify such a bold new approach.**”



# 40-46 Harleyford Road, Lambeth: Christina Downes 25/2/25

33 dwelling redevelopment scheme

Argument that sole means of ensuring continued location of charity in Lambeth.

Main harms alleged were to amenity through loss of daylight; and heritage.

Inspector found significant adverse effects on several properties.



## Wider implications?

Inspector gave only limited weight to brownfield re-use on basis that:

- London Plan D3 and NPPF 125 qualified goal by reference to (respectively) need to optimise site capacity and harm.
- Findings on heritage and daylight/sunlight meant that site not optimised.

Gave significant weight to benefits to charity and its community (including children).

Impacts on designated heritage impacts were outweighed under NPPF 215.

However, when non-designated harm, amenity harm and townscape harm included these significantly and demonstrably outweighed the benefits.

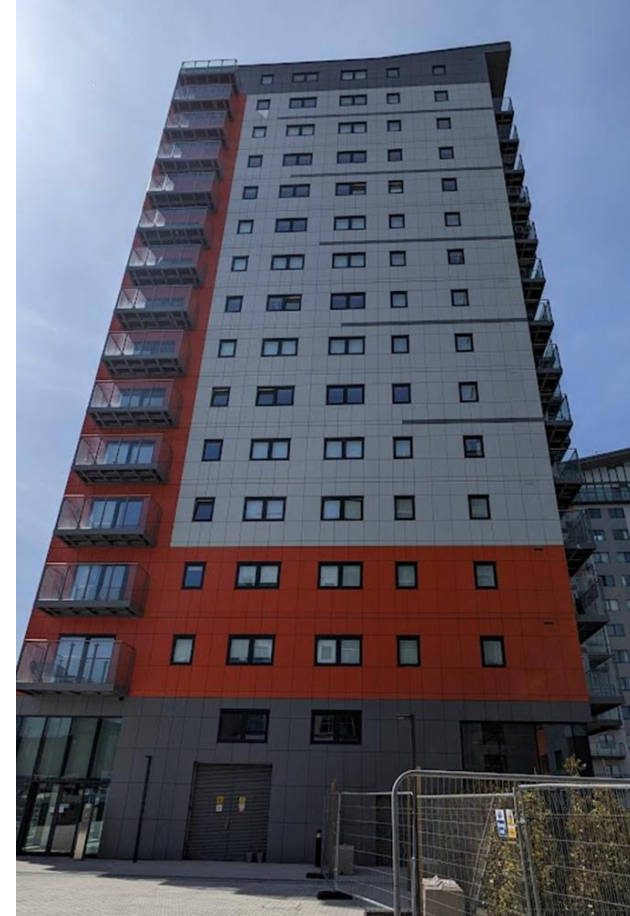


# Mast Quay Phase II, Greenwich: John Braithwaite 9 January 2025

High profile enforcement case. By inquiry, 11 material deviations from approved plans had been agreed.

Permission granted subject to a s.106 and detailed conditions requiring a series of visual enhancements as well as:

- Scheme of cooling systems
- M4(2)-(3) compliance within flats and in relation to parking
- Landscaping and ecological scheme; BNG



# Wider implications?

Clearly an outlier...

Inspector recognised “woeful” undersupply of housing as part of his context for identifying a “*compelling*” package of benefits. Did not appear to consider December 2024 version of the NPPF (not clear why) but concluded tilted balance weighed in favour of scheme.

## Viability / Affordable housing

- As the Appellant had risked the build costs in advance of obtaining planning permission, it was “*fair and reasonable to discount build costs, and developers profit, in assessing viability*” as “*To do otherwise would be contrary to Government policy*”.



# Panel Discussion



Tom Dobson, Rupert Warren KC,  
Heather Sargent, Matthew Dale-Harris,  
Claire Dickinson and Ben Ford






# Thank you

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