

LONDON BOROUGH OF NEWHAM

CABINET

Is it a key decision?	Yes
Is it in the Forward Plan? (date)	Yes
Date report published	10/10/07
Date of meeting	18/10/07

Subject: Opportunity Area Planning Framework Document for Lower Lea Valley

Source: Physical Regeneration and Development

Wards affected: Stratford and New Town; West Ham; Canning Town North; Canning Town South; Custom House; Royal Docks

Purpose of Report

This report outlines the process by which the Lower Lea Valley Opportunity Area Planning Framework (LVV OAPF) was formulated, consultation process carried out, and areas of concern identified by officers. A decision by the Mayor in consultation with Cabinet now needs to be taken as to whether to endorse the LLV OAPF as requested by the Mayor of London or not.

Officer Recommendation

The Mayor in Consultation with Cabinet is asked to note but not endorse the Lower Lea Valley Opportunity Planning Framework for the reasons as set out in Appendix A to the report.

Reasons for the Recommendation

Officers have reservations regarding certain land use proposals and unresolved issues that remain within Newham's area of the Valley. Not endorsing will allow flexibility and discretion by Newham in determining land use, planning applications and policy development through the Local Development Framework. Further, it would not compromise the Council if we choose to challenge specific issues as they arise on a case-by-case basis.

Member Consultation

A previous report on the LLV OAPF (19/10/2006) was extensively consulted upon through Planning and Land Use Panel and Influential Councillor Consultation meetings covering the North and South of the Borough. Copies of the draft OAPF

were available in the Members Room (East Ham) for general reference. A follow-up report was submitted for Land Panel (6/07/2007) input from which has been feed into this document. The Operational Executive Advisor for Regeneration, Councillor Conor McAuley has also been kept informed.

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Local Government (Access to Information) Act 1985
Background papers used in preparing this report:

- Lower Lea Valley Opportunity Area Planning Framework, GLA, 2007
- Lower Lea Valley Opportunity Area Planning Framework file – with originator of the report
- Report to Cabinet (19/10/06) - Consultation on the Lower Lea Valley Opportunity Area Planning Framework
- Report to Land Panel (6/07/09) - Lower lee Valley - Opportunity Area Planning Framework

Cleared by Finance (officer’s initials)	DB
Cleared by Legal (officer’s initials)	MF
Links to Plans and Strategies cleared (officer’s initials)	
Risk Assessment completed	AE
List of enclosures:	
<ul style="list-style-type: none"> • Appendix A – Issues of Concern 	

Executive Summary

The OAPF produced by the Greater London Authority (GLA) outlines their vision and development principles for the Lea Valley in terms of land use strategy (this includes the scale and nature of proposed change). While the document advances a cross borough strategic regeneration vision for the Lea Valley as a whole, it is officers opinion that the OAPF suffers from a number of issues associated with land use and detailed designations in relation to the areas identified in Newham. The Mayor of London has requested endorsement of the OAPF. A decision regarding whether to endorse or not (i.e. to note) the OAPF now needs to be made by the Mayor in consultation with Cabinet.

Report

1. Background.

- 1.1. The Lower Lea Valley (LLV) Opportunity Area Planning Framework (OAPF) is a strategic document that was initially developed by the London Development Agency (LDA) and subsequently taken forward by the Greater London Authority (GLA). A core objective of the document from the start has been to develop a vision and series of development principles to transform the Valley. The OAPF highlights opportunities and land use scenarios for various sub-areas which it identifies within the Valley.
- 1.2. The potential and parameters for change in the Valley have been informed by a number of technical studies (from demographics, transport to social infrastructure requirements). Key findings from these studies have been fed into the OAPF. This includes release of some 173 hectares of existing industrial land for new, mixed use, predominantly residential led development delivering up to 30,500 new homes in the Valley in Newham by 2016. It also earmarks enhanced social and community provision to serve existing and emerging communities.
- 1.3. The Mayor in Consultation with Cabinet on 19 October 2006 received and approved a report by the Head of Physical Regeneration and Development relating to the Council's consultation response to the Mayor of London on LLV OAPF. As the OAPF outlined significant planning guidance, land use designation and strategic proposals for the Valley, it was important that the Mayor of London took the Borough's interests into account in drawing up the document.

2. Consultation Process

- 2.1. Consultation on the technical documents underpinning the OAPF stretches back to 2005; officers at Newham provided significant informational input to the consultants commissioned by the LDA to carry out the work. Formal comments on the draft OAPF were requested by the GLA in May 2006 from the four boroughs with planning responsibilities for the Valley. Although the draft OAPF took some of these comments onboard before it was published for formal and wider consultation, the report to Newham's Mayor and Cabinet in October 2006 outlined a number of outstanding concerns and issues related to the document.
- 2.2. In November 2006 a revised version of the OAPF was presented to the Council by the GLA. It was anticipated that the concerns expressed in relation to the previous document would be addressed in the revised version. However the document still contained inaccuracies, outstanding issues and significant amount of new sub-area detail that officers had not previously seen. Further talks with the GLA took place at the end of 2006. Officers were then presented with a document which addressed some but not all of the Boroughs concerns – this was a few weeks before the OAPF was to be formally adopted by the Mayor of London on 16 January 2007.

- 2.3. In recognition of the problems identified within the revised version, officers requested an extension and later date to be set for formal adoption of the OAPF by the Mayor of London. This request however was declined by the GLA as they needed to adopt the OAPF before the revised Olympics and Legacy Planning Application was submitted at the end of January 2007.
- 2.4. Newham has been asked to endorse the finalised OAPF by the Mayor of London.

3. Position of the other Planning Authorities on the OAPF

- 3.1. The current position of the neighbouring Boroughs and LTGDC regarding endorsement of the OAPF is as follows:
 - The LTGDC endorsed the OAPF in April, 2007. Whilst not totally satisfied with the document, the OAPF was considered to offer, up to date strategic planning guidance and an emerging regeneration framework for the Valley as a whole.
 - Hackney makes up 6% of the LLV OAPF area with 79 hectares. Council endorsed the OAPF on 30 May as a material consideration in the assessment of planning applications and development of local planning policy documents relating to Hackney Wick. The document broadly accords with their existing Unitary Development Plan (UDP) and LLV Supplementary Planning Guidance (SPG) and emerging local planning policy for the area.
 - Tower Hamlets makes up 22% of the LLV area with 273 hectares. Tower Hamlets endorsed the OAPF at Cabinet level as a statement of Council Policy on 4 July. The process of formal endorsement will enable the document to be used as a material consideration for planning applications within the defined boundary. The OAPF is consistent with Tower Hamlets' Leaside Area Action Plan and Borough's draft Local Development Framework.
 - Waltham Forest makes up approximately 10% of the LLV. No significant reallocation of land is proposed though there will be intensification of existing residential areas. Waltham Forest is expected to consider and endorse the document later this autumn.
- 3.2. Boroughs such as Waltham Forest and Hackney encompass only a small proportion of the LLV OAPF area and the amount of land use change is small. Tower Hamlets is likely to experience greater pressure for change but because their plan making process was already well underway, they were able to feed proposals directly into the OAPF process and discrepancies were negotiated away. Newham makes up some 60% of the framework area and is likely to witness significant land use change, it is important therefore that if the OAPF was to be endorsed it accordingly reflects Council's aspirations.

4. Legal Position of the OAPF

- 4.1. The OAPF is prepared under the Mayor's general duty as set out in Section 30 of the Greater London Authority Act 1999 i.e.
- a) promoting economic development and wealth creation in Greater London;
 - b) promoting social development in Greater London; and
 - c) promoting the improvement of the environment in Greater London.
- 4.2 The Council's Local Development Framework documents (which are in the process of being developed) are required to be in general conformity with the London Plan. The OAPF provides further guidance to policies contained in the London Plan but is not a Supplementary Planning Guidance (SPG) document to the London Plan. It has less weight than policy in the London Plan or SPG to the London Plan.
- 4.3 Endorsement of the OAPF as a statement of policy guidance is an Executive function for the Council as the OAPF has no formal status within the London spatial development strategy. This means that the Council does not have to endorse the document. As the OAPF has been approved by the GLA, it will be a material consideration in the determination of planning applications. However the 'weight' attached to OAPF proposals affecting Newham would be less if the Council chose not to endorse the document.

5. Newham's Position

- 5.1 The nature and scale of the proposed changes in the OAPF for Newham include:
- Industrial land release of 53% in the Valley, most of which is allocated for new housing development and increase in green space. The release is based around the retention and growth of key strategic employment areas along the Lee as well as intensification of established clusters (e.g. creative film and media at Three Mills).
 - Housing will be the dominant new land use providing 24,000 to 30,500 new homes up to 2016. This will be through development of new residential areas, mixed use residential led development and intensification of existing residential areas in particular estate renewal (e.g. Canning Town). Between 38% and 44% of the units are to be for family housing.
 - Social and community provision to be enhanced in existing town centres with extra provision in new, highly accessible locations serving existing and emerging communities. Clusters or 'places of exchange' are proposed for Stratford, Canning Town, West Ham and Thameside West.
 - Open Space Improvements, the strategy seeks to link existing and new provision based on the existing waterways network. New areas of open

space (Three Mills, Cody Road, Limmo) will complement the legacy Olympic park and meet a range of formal/informal needs.

- 5.2. Changes that officers have secured in the finalised OAPF through the consultation process have included:
- Less emphasis on intensification of residential areas in Urban Newham that was inconsistent with Council policy.
 - The need to have local master plans and/or development briefs to indicate how strategic/detailed proposals are to be delivered at the local level.
 - Reduction in the quantum of 'industry-led' mixed use (where housing is co-located with industry).
 - Many mistakes, omissions and drafting errors related to sub area information were rectified.
 - Inclusion of references to the 'spine' road to open up parcels of land within the Valley for regeneration opportunities.
- 5.3. If the OAPF were endorsed, it would provide a more up to date planning framework than the Borough's UDP. Until the Borough's own Stratford and Lower Lea Valley (LLV) Area Action Plan (AAP), commissioned by Newham in partnership with the LTGDC in June 2007, is completed (setting out detailed land use for the Valley in Newham) the OAPF could provide a more up to date guidance for Development Control. As it comes under the London Plan, it obliges the planning authority to have regard to it in taking planning decisions anyway.
- 5.4. Whilst the general thrust of the OAPF in terms of release of surplus industrial land for mixed-use residential led development, social and community provision as well as open space improvements is supported by officers, the document has the following drawbacks, that GLA either through lack of time or for reasons of policy were unwilling to take onboard:
- Consolidation of wharf activity, the OAPF proposes retention of all protected wharves instead of a super wharf that would retain the same cargo handling capacity and maximise riverside land for regeneration opportunities.
 - Adequacy of transport capacity up to and beyond 2016 to support levels of development outlined, apart from improvements to stations and additional bus service, no new public transport is proposed beyond those already known and committed up to 2016.
 - Precise location of locally significant industrial sites, these do not comply with Newham's Industrial Land Survey, further some of these limit the potential for the introduction of other uses that would benefit the changing needs of the area.

- Land use issues designations that do not accord with Council objectives, for example the southern part of the Parcel Force site in West Ham was outlined as mixed use in the draft but later changed to industrial to accommodate the relocated bus depot.

- 5.5. The Stratford and LLV AAP (to be finalised in 2010) will look at the Valley in much more detail than the OAPF and will attract more planning weight due to rigorous and more extensive consultation. In preparing the AAP the OAPF will be taken into consideration in formulating statutory plan making in terms of policies and proposals for the Valley. Further, and perhaps more importantly Newham will be able to determine specific land use designation (including evaluating and challenging what is contained in the OAPF) based upon up to date information and Borough policy objectives.
- 5.6. For the above reasons, and with due regard to the issues and concerns associated with the published OAPF which retains policy statements and detailed land use proposals inconsistent with the Borough's own aspirations/expectations, it is preferable not to endorse (as it will have to be for the document as a whole) as requested by the Mayor of London.

6. Consultation

- 6.1. There has been extensive officer level cross departmental consultation on the LLV OAPF. Member level consultation has also been carried out through the Influential Councillor process and Land Panel.

7. Finance

- 7.1. There are no direct financial implications as a result of this report. However the planning policies and frameworks adopted by the Council will influence negotiations with developers, agencies and authorities (such as the London Thames Gateway Development Corporation) and may have impact on future Section 106 obligations negotiated.

8. Legal

- 8.1. Following the consideration of the Legal position in paragraph 4, the GLA has requested that the London Borough of Newham formally endorse the Lower Lea Valley OAPF. The GLA has prepared the Framework under powers conferred by Section 30 of the Greater London Authority Act 1999. The Framework is not part of the London Plan nor is it Supplementary Planning Guidance to the London Plan. Nevertheless, the Framework will be a material consideration in the determination of planning applications under Section 70 of the Town and Country Planning Act 1990.
- 8.2. The Mayor is requested for the reasons set out in the report to note but not formally endorse the Framework. By not endorsing the Framework Newham will limit the weight that might be attached to it as material consideration in the determination of future planning applications involving the Lower Lea Valley.

9. Risk Assessment

- 9.1. Not endorsing the OAPF would carry the risk that the Mayor of London may choose to direct refusal, or when his powers allow, approval of major planning applications contrary to the land use planning objectives of the Council, the risk of this however is likely to be low (see point 4). If the OAPF were to be endorsed, this could potentially lead to situations which would compromise the Council's planning objectives in relation to particular areas. In both circumstances early talks with the GLA will be required to highlight the issues/areas of conflict and see whether opportunities exist to address/lessen and/or manage the risks associated. This approach should minimise or control any conflicts.

10. Equalities

- 10.1. The draft Lower Lea Valley OAPF embraces equalities issues and reflects relevant planning policy in national planning guidance and the London Plan.

Issues of Concern

The table below outlines issues that were originally highlighted in the report to Mayor and Cabinet by officers and how these subsequently have (have not) been addressed by the GLA in the finalised OAPF.

Issues of concern in the draft OAPF - May 2006:	Resolved in the OAPF as approved by the Mayor of London - January 2007:	Unresolved:
<p>1. The prescriptive nature of the draft OAPF in terms of use, location and capacity restricted options for regeneration.</p>	<p>There have been improvements in the way in which this has been approached. The document now emphasizes the need to produce local masterplans and/or development briefs to indicate how strategic/detailed proposals are to be delivered at the local level.</p>	
<p>2. Intensification of development in existing residential areas conflicted with Newham's 'Vision for Mixed Communities', which considers developments in established residential areas should reflect existing scale, form and density</p>	<p>After talks with the GLA, references to intensification in 'Urban Newham' i.e. established residential areas have been qualified. The document now refers to appropriate intensification of existing residential areas in accordance with local and strategic policy. The OAPF also now acknowledges the adopted Council policy i.e. Vision for Mixed Communities.</p>	

Issues of concern in the draft OAPF - May 2006:	Resolved in the OAPF as approved by the Mayor of London - January 2007:	Unresolved:
<p>3. Industry Led Mixed Use (where housing is co-located with industry) is an untried concept. Officers had concerns surrounding potential limitation of employment uses over time, amenity and residential isolation. The location of proposed sites was of concern whilst the scale (over 2,000 units for Newham) was also considered to be unrealistic.</p>	<p>Having highlighted this as a problem, the GLA have deleted reference to this in general. The only specific mention of potential industry led mix use relates to Leyton Road/Chobham Farm area (there are no numbers). The intention is that through the masterplan process identification of whether industry led mixed use is appropriate (in particular areas labelled as 'other industrial areas') in terms of location will be assessed, and quantum evaluated.</p>	
<p>4. Concern was expressed over lack of reference to the 'Spine Road' for the Valley within the OAPF, as it is considered essential in opening up parcels of land for redevelopment/regeneration in the Valley.</p>	<p>The OAPF now contains reference to the 'Lower Lea Valley Connections Study' commissioned by the London Thames Gateway Corporation, which is considering the north-south spine road including options. The road is also identified as part of key priorities to enhance accessibility into the Valley.</p>	
<p>5. The draft OAPF retained all existing safeguarded wharves. Officers (taking into consideration that a number were no longer in active use) recommended that consideration be given to potential consolidation of wharf activities and release of surplus land for regeneration purposes.</p>		<p>The GLA were not able to alter their position on protected wharves. As set out in the London Plan (the spatial planning document for London). The OAPF as supplementary planning document needs to comply with the strategic plan and could not contradict it. Wharves remain an unresolved issue from Newham's perspective.</p>

Issues of concern in the draft OAPF - May 2006:	Resolved in the OAPF as approved by the Mayor of London - January 2007:	Unresolved:
<p>6. Questions were raised regarding transport. In particular, officers had concerns related to transport capacity beyond 2016 and whether it was adequate to support levels of development between 24,000 to 30,500 new homes.</p>		<p>The OAPF now acknowledges potential concerns related to transport capacity. Changes were made to the draft to differentiate between 2016 and post-2016, the OAPF also makes clear that further investment would be needed to meet the maximum housing capacity the OAPF suggests (Para 2.124 to 2.125). Officers however remain unconvinced that housing numbers could be met without some kind of commitment or a coherent programme of investment on transport infrastructure which the OAPF does not provide.</p>
<p>7. There were a number of mistakes, omissions and drafting errors in the sub area detail. For example it left out redevelopment proposals for Stratford Mall, the need to integrate Stratford City with the existing town centre.</p>	<p>The majority of the mistakes have now been rectified.</p>	<p>The Stratford Island Site in the OAPF retains existing use i.e. commercial, retail and leisure but does not incorporate potential for mixed-use residential.</p>
<p>8. The draft OAPF introduced the possibility of Olympics relocation i.e. the bus depot being located on the Parcel Force site in West Ham. This was considered detrimental for regeneration aspirations in terms of achieving high quality mixed use development linked to a new West Ham district centre.</p>		<p>While the OAPF mentions the bus depot (in particular Transport for London's plan/proposal) in the context of relocations it outlines the need for the proposals to be considered in the context of a detailed plan for site. However, the adopted document has moved further away from the original residential led mixed use development, placing greater emphasis on industrial/employment use of the site.</p>

Issues of concern in the draft OAPF - May 2006:	Resolved in the OAPF as approved by the Mayor of London - January 2007:	Unresolved:
<p>9. The OAPF identifies a number of Industrial Land Distribution sites throughout the Lower Lea Valley but does not provide the flexibility for the changing economy of the area.</p>		<p>In terms of areas such as Sugar House Lane, Hunts Lane and Three Mills area the designation as a 'Key concentration of industry' as part of 'Core Industrial Areas' may provide an area for traditional and employment and industrial uses to be retained but does not provide flexibility for change. The designation limits the potential for the introduction of other uses which would benefit the changing needs of the area such as new forms of employment and mixed use. Less stringent policy relating to the retention of existing industrial jobs would allow for the introduction of new employment opportunities compatible with mixed use.</p>
<p>10. Newham questioned whether the draft OAPF needed to identify Locally Significant Industrial Sites (LSIS). This was considered to be too detailed for a strategic document. Designation for particular sites should be resolved through the Local Development Framework. Additionally, a number of the sites identified as LSIS were new and had no form of designation or protection in Newham's Unitary Development Plan.</p>		<p>Some site designations do not comply with the proposals/designations outlined in Newham's Industrial Land Survey. Some industrial sites (e.g. Marshgate Lane East, Marshgate Lane South and parts of Thameside West) could be released for 'other' uses in the future (through the LDF) but have been designated as Strategic Employment Locations. Where sites are correctly identified (e.g. West Ham, Three Mills and Rick Roberts Way) the boundaries are different. Further, proposals/designations overlap in some instances.</p>