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Dear Charlotte

**EXAMINATION OF THE NEWHAM LOCAL PLAN 2022-2040
HEARING STATEMENT: MATTER 10 – DESIGN
ROK PLANNING ON BEHALF OF UNITE GROUP PLC**

I write on behalf of the applicant, Unite Group Plc (Unite), to submit a Hearing Statement in response to the matters, issues and questions raised by the Inspector (William Fieldhouse) concerning the Examination of the Newham Local Plan, which will set out the spatial strategy for Newham to 2038.

The submission of this Statement follows representations made on behalf of Unite to the previous stages of the draft Local Plan's preparation, as follows:

- Representations to the Newham Local Plan Refresh Issues and Options Consultation – December 2021
- Representations to the Newham Draft Local Plan Regulation 18 Consultation – February 2023.
- Representations to the Newham Draft Local Regulation 19 Consultation – September 2024.

Introduction

Unite Students is the UK's leading manager and developer of purpose-built student accommodation (PBSA), providing homes to 68,000 students across 153 properties in 23 leading university towns and cities. In London, Unite provide homes to circa 12,567 students across 32 properties with further schemes under consideration at full application and pre-application stages.

This includes existing properties in Newham including Angel Lane (759 beds) and Stratford One (1001 beds), as well as further schemes under construction including Hawthorne House (previously known as Jubilee House, 716 beds) and Meridian Square (952 beds).

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Following on from the representations submitted on behalf of Unite to the New Local Plan Regulation 19 Stage Consultation, dated 16th September 2024 and hereafter referred to as 'Reg. 19 reps', this Statement focuses on Matter 10 and specifically parts 3 and 5 of Policy D2 (Public realm net gain).

Policy D2 (Public realm net gain)

The draft wording of the relevant parts of Policy D2 (Public realm net gain) which relate to our Reg 19 reps is as follows:

3. *All major developments referable to the Mayor of London are required to make a proportionate contribution towards public realm enhancement and maintenance beyond the site, as informed by an Active Travel Zone Assessment (TfL).*

...

5. *A Public Realm Management Plan should be submitted for all applications providing qualitative and quantitative public realm net gains on privately owned land. This will be implemented through legal agreement for major developments. The management plan should address:*
 - a. *the timescale and phasing for completion of the public realm relative to the delivery of the overall site; and*
 - b. *all maintenance and management requirements of the public realm; and*
 - c. *for new or retained public spaces in private ownership, how the function of the space is optimised in response to the full range of activities and user types, at different times of the day and night and different times of the year, implementing the principles of the Public London Charter.*

There have been no main modifications proposed to these parts of the policy as confirmed in the Schedule of proposed modifications (SD004) and Submission Local Plan (tracked changes) (SD005b).

Inspector's Question 10.3

The Inspector's matters, issues and questions; written statements; and hearings programme document (IN3) sets out the Inspector's question in relation to Policy D2 at Q10.3:

Q10.3 Is policy D2 justified and consistent with national policy and the London Plan? In particular:

- a) *The requirement in part 3 for major developments referable to the Mayor to make proportionate contributions towards public realm enhancement and maintenance beyond the site.*
- b) *The requirement in part 5 for a Public Realm Management Plans.*

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Both parts a) and b) directly relate to Parts 3 and 5 of Policy D2 and therefore the matters covered within the Reg 19 reps.

In summary, whilst Unite support in principle exploring opportunities to create and enhance the public realm surrounding a given site, our reps suggested that the policy was amended to allow for the consideration of a site's specific circumstances, encouraging such provision rather than requiring.

In response to our Reg 19 reps, Newham have commented within their Newham Local Plan Refresh Regulation 18 Consultation Report: Design Comments document (SD021) that:

"A change to this policy approach has not been made. We did not consider this change to be necessary as the policy is already providing sufficient flexibility through asking that the contribution is proportionate, which recognises the need for site-specific and development-specific circumstances to be factored in. The policy is based on the recommendations of the Characterisation Study (Chapter 9), builds on a host of existing best practice guidance (including from the National Protective Security Authority) and aligns with the requirements of the London Plan Policy D8: Public Realm. The policy is deliverable as demonstrated by the Viability Assessment (2024), which did not consider this policy to result in abnormal costs, with the modest requirements being able to be incorporated within the wider allowances for Section 106 contributions.

Further, improving the quality of the public realm is a key element in reaching the Council's objectives of creating people friendly neighbourhoods and a safer, people-powered Newham. The Council is satisfied that the plan remains sound without the proposed changes".

Inspector's Question 10.3 – Part a)

Firstly, whilst Newham argues that the policy aligns with the London Plan Policy D8 (Public Realm), Unite argue that the policy requirements in Parts 3 and 5 go beyond the requirements. The wording of the London Plan Policy D8 Part A states:

"encourage and explore opportunities to create new public realm where appropriate"

There is no 'requirement' to make a contribution, only support and encouragement to explore opportunities where appropriate – an approach that Unite endeavour to take on their schemes. As such, referring back to Q10.3 part a), the requirement in Part 3 of Policy D2 for a contribution is neither consistent nor justified in line with the London Plan.

The supporting text outlines that development contributions will be secured towards the enhancement of public realm whilst financial contributions will be calculated towards the maintenance of public realm enhancements on Highways land. The proposed maintenance obligation calculation is as follows:

$$\text{COMMUTED SUM} = \text{Mp} / (1 + \text{D}/100)^t$$

Mp = the periodic maintenance cost

D = the Discount Rate (effective annual interest rate) %

t = the design life of the development roads / structures

Unite maintain that the Policy should be amended to acknowledge that contributions cannot be 'required' from all sites in the same way:

1. Firstly, not all sites can provide development contributions to public realm due to site specific constraints. For example, sites constrained by a railway or highway.
2. Secondly, where development contributions to public realm compromise the delivery of valuable floorspace, the policy should again recognise that flexibility needs to be afforded to ensure the most efficient use of land as per national and London Plan policy.
3. Thirdly, there are wider highways and safety aspects which impact a developer's ability to enhance and create public realm spaces. Particularly where an area of public realm will have a particularly high pedestrian footfall or where there are more significant anti-terrorism threats, this will influence the quantitative and qualitative aspects of the public realm contribution. For example, whilst planters may enhance how the space looks visually, they may hinder the pedestrian flow. In these instances the 'requirement' would again need to be flexible or relaxed.
4. Fourthly, whilst Newham have responded to state that the draft policy has been viability tested, applying a blanket calculation to all developments, which does not consider site specific factors is not effective. For example, where a site provides a greater on site development contribution to public realm, the financial contribution towards off site highways land public realm should be suitably reduced or removed. In other instances where a development is subject to numerous other financial contributions and therefore significantly impacted in terms of viability, the policy should again allow for an element of flexibility.
5. Finally, with specific regard to PBSA, the policy does not take account of the variation in costs between different types of development. For example, there are numerous additional costs associated with PBSA development that largely do not affect conventional residential dwellings, including the employment of staff to enforce Management Plans. The CIL rate for PBSA schemes is also typically much higher than that of general C3, residential schemes. As such, an element of flexibility should also be incorporated to reflect differing types of development.

Inspector's Question 10.3 – Part b)

With regards to public realm management, Part H of London Plan Policy D8 (Public Realm) states:

"ensure appropriate management and maintenance arrangements are in place for the public realm"

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Similarly to the above, the requirement for a Public Realm Management Plan therefore exceeds the requirements of the London Plan. The submission of additional reports beyond those required by the London Plan poses a risk of overcomplicating planning applications, unnecessarily increasing the number of documents that consultants have to prepare and planning officers have to review and slowing down the planning process.

Consequently, in response to Q10.3 part b) the requirement is neither consistent nor justified in line with the London Plan.

As such, Unite suggest that the requirement of such a plan should be determined on a case-by-case basis, and where required, secured by condition as many of the details required in Part 5 points a) to c) are likely to be subject to input and involvement from third parties or other landowners and therefore finalised post planning.

Suggested policy modifications

The following amendments to the policy wording of Parts 3 and 5 are suggested (additions in bold and deletions in strikethrough):

3. *All major developments referable to the Mayor of London **are encouraged to explore opportunities to create new public realm and contribute towards the enhancement and maintenance of existing public realm where appropriate.** ~~are required to make a proportionate contribution towards public realm enhancement and maintenance beyond the site, as informed by an Active Travel Zone Assessment (TfL).~~*

...

5. *A Public Realm Management Plan should be **secured via condition where required for submitted for all applications providing qualitative and quantitative public realm net gains on privately owned land. This will be implemented through legal agreement for major developments.** **Where appropriate,** ~~t~~The management plan should address:*
 - a. *the timescale and phasing for completion of the public realm relative to the delivery of the overall site; and*
 - b. *all maintenance and management requirements of the public realm; and*
 - c. *for new or retained public spaces in private ownership, how the function of the space is optimised in response to the full range of activities and user types, at different times of the day and night and different times of the year, implementing the principles of the Public London Charter.*

Supporting text:

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Financial contributions towards maintenance of public realm enhancements on Highways land may be sought where appropriate.

~~*will be calculated in line with the Newham Highways the Net Present Value methodology— typically with a whole life cycle of 60 years for roads and 120 years for bridges and other highway structures. The maintenance obligation is calculated as follows:*~~

~~*COMMUTED SUM = $Mp / (1 + D/100)^t$*~~

~~*Mp = the periodic maintenance cost*~~

~~*D = the Discount Rate (effective annual interest rate) %*~~

~~*t = the design life of the development roads / structures*~~

Summary

In summary whilst Unite support the principle of enhancing public realm, the current wording is neither compliant or justified in line with London Plan Policy D8. Instead, the policy should support and encourage this where appropriate as opposed to making this a requirement in line with current London Plan wording. This added flexibility allows for the consideration of site specific circumstances and viability considerations. The requirement of a Public Realm Management Plan should also be determined on a case-by-case basis, and where required, secured by condition when the relevant information is more likely to be available.

Unite reserve the right to further their comments via participation in the Matter 10 (Design) Hearing as part of the Examination in Public on 3 February 2026.

I trust this Statement is in order and look forward to confirmation of safe receipt. If you require further clarification or wish to discuss this further, please do not hesitate to contact either Erlina Hale (erlina.hale@rokplanning.co.uk), Immie North (imogen.north@rokplanning.co.uk) or myself at this office.

Yours Sincerely,



Matthew Roe
Director
ROK Planning Ltd

