

## James Scantlebury

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**From:** [REDACTED]  
**Sent:** 09 August 2024 09:19  
**To:** Ellie Kuper Thomas  
**Cc:** Paul Kitson; Jane Custance  
**Subject:** RE: Consultation Response on the Council's Regulation 19 Draft Local Plan

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Dear Ellie

Thank you for this.

Given your comments please treat my submission as a formal representation which will be updated in due course

As you cannot provide a TT version of R19 Draft please can you provide the version control document for the R19 Draft which you must have to have kept a proper record of changes?

I note that you have not answered my questions set out in Italics below

*"My question is how you intend to take this proposed change to the NPPF into the Plan. It certainly provide a fundamental underpinning of 50% SH hitherto absent in Planning Policy.*

*Would not the Council's best course of action, on balance, be to improve the SH justification in the light of the above through a further period of consultation which would also allow some of the remaining issues to be addressed? I think that this is the approach that I would be most happy with and argue for in a wider discussion."*

Would it be possible to do so?

On matters relating to the EIA. This seems to be wholly contained in the IIA document at pages 78 and 150 which then refer to Appendix J in the separate list of Appendices to the IIA document. The appendices are not active so one has to scroll to page 1653 to find the EIA. The guts of it is a table in which the R19 Draft policies are compared to the "Council's objectives" all at a very high level. Is it the intention that the Planning Applications that conform with the Council's policies (as all that receive consent presumably will) will also be deemed to be in accordance with the EIA and the Council's Equality Duties. Alternatively, how do you propose that individual applications are assessed? Is it via the form at the head of Appendix J.

Have I missed any other references to the EIA please?

Incidentally a document on Habitats Regulation Assessment follows Appendix J which is not listed in the list of Appendices at the front of the IIA Appendices document.

Finally something that I have forgotten to mention. I think that the Responses to Consultation Document still refers to 15 Minute Neighbourhoods and this needs to be updated. It could be another document but after wading through the IIA document (which has a lot of useful stuff in it some of which could go into the justifications) one rather loses the will to live!

I hope to see you tomorrow

Yours sincerely

David Gilles  
[REDACTED]

[REDACTED]  
[REDACTED]

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**From:** Ellie Kuper Thomas [REDACTED]  
**Sent:** Wednesday, August 7, 2024 10:47 AM  
**To:** [REDACTED]  
**Cc:** Paul Kitson [REDACTED]; Jane Custance [REDACTED]  
**Subject:** RE: Consultation Response on the Council's Regulation 19 Draft Local Plan

Dear David,

Thanks again for your email and further thoughts. I'd like to reiterate the information I flagged at the bottom of the last email and again check that at this point in time you do not want your email to be considered a formal representation. If you would, please let me know and we will process it as such. You can also withdraw and/or replace your representation at any time during the consultation.

You may want to use the online or downloadable response form to provide your representations so as to ensure you provide all the information required for the Inspector to consider your representations during the Examination.

In relation to the online session, you can view the [presentation slides \(PDF\)](#), a [recording of the presentation](#) and [answers to all the questions asked \(PDF\)](#) [here](#).

The drop-in sessions are the time we have created for further discussions with interested individuals and I'm glad you are also able to make one of them.

Thanks,  
Ellie

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**From:** [REDACTED]  
**Sent:** 02 August 2024 08:38  
**To:** Ellie Kuper Thomas <[REDACTED]>  
**Cc:** Paul Kitson [REDACTED]; Jane Custance [REDACTED]  
**Subject:** RE: Consultation Response on the Council's Regulation 19 Draft Local Plan

Dear Ellie

Thank you for this reply and the clarification of what this consultation is about. I note that you have not responded to my request for a meeting to discuss the issues raised. And I hope that you have resolved the technical issues that prevented me taking a full part in the Briefing.

Please can you provide a link as to where the results of the Briefing etc can be found.

I hope to attend the drop in session tomorrow week at Stratford.

My overall view is that one would not have started from here. In particular, a number of points have been made throughout the process which have still not been incorporated in the current Draft, though to be fair others have. So, in general, this part of the consultation that you are leading on now is in some senses a bit of a sham, born out by the fact that you are unable to make available a track changed version of the Draft to facilitate close textual analysis, comment and discussion on a huge document

Provisionally my view is that the Council should consult further on the revised Plan before adopting it for Inspection and particularly so on some of the key unresolved issues and particularly in response to the proposed changes to the NPPF this week. See below.

Some other issues of significant concern, but not exclusively so, are:

- 1 The EIA is still not adequate.
- 2 That the whole evidence base and justification for 50% SH is much weaker and more half hearted than it could be despite the Council's decision on this issue—referenced many times in my note – and despite the now proposed changes to the NPPF.
- 3 That not all the points in the Council resolution have been incorporated; eg on viability assessment, Pudding Mill and Eastbank.
- 4 The whole area of tall buildings, where my view is that your position (only tall buildings can give high density and the number of homes required) is factually wrong and will inexorably lead to Newham allowing the building of the Ronan Points of the 2040's and 2050's given the lack of any good design heritage in the Borough in the post war period. The wall of buildings along Silvertown Way and some of the other developments in Canning Town illustrate this very well. I accept that there are issues here in respect of the London Plan presumptions but Newham was blighted by the Thomas North/Ken Lund regime with its current post war legacy (unlike eg Camden) and this should not blithely be encouraged to happen again.

Turning to the NPPF, the revised draft says (red added by me):

4. The Government believes that local areas are best placed to decide the right mix of affordable housing for their communities, including a mix of affordable homes for ownership and rent. The NPPF already sets the expectation that when establishing housing requirements, local planning authorities consider the needs of different groups in the community. Currently, this does not include those who require Social Rent. Similarly, policy says that local policies should specify the type of affordable housing required, but does not specify tenure breakdown. **To support our objectives around boosting delivery of Social Rent while leaving local planning authorities in the driving seat, we propose setting an expectation that housing needs assessments explicitly consider the needs of those requiring Social Rent and that authorities specify their expectations on Social Rent delivery as part of broader affordable housing policies. We expect that many areas will give priority to Social Rent in the affordable housing mix they seek, in line with their local needs, and this is something we strongly support, but we will not be prescriptive; it is for local leaders to determine the balance that meets the needs of their communities.**

5. In line with this, we propose removing the prescriptive requirements relating to affordable home ownership products. Currently, home ownership products are prioritised over homes for affordable rent, with particular priority given to First Homes. We are clear that we must take steps to boost home ownership and the actions set out in this document will do just that – but the prescriptive prioritisation of these particular types of affordable housing in existing policy is not the right approach. It can force unhelpful trade-offs, especially in areas where, for example, Social Rent and Affordable Rent are most needed. For this reason, **we propose removing the requirement to deliver at least 10% of the total number of homes on major sites as affordable home ownership, as set out in paragraph 66 of the current NPPF. We also propose removing the requirement that a minimum of 25% of affordable housing units secured through developer contributions should be First Homes, as set out in the 'Affordable Homes Update' Written Ministerial Statement of 24 May 2021.** First Homes would remain a type of affordable housing and an option for delivery where local planning authorities judge this to be appropriate for local needs, including through First Homes exception sites and through s106 developer contributions, and we propose reflecting this in the NPPF Glossary definition of affordable housing. We are also proposing to remove Starter Homes from the same definition given First Homes was a replacement for this scheme.

## **Question 47**

**Do you agree with setting the expectation that local planning authorities should consider the particular needs of those who require Social Rent when undertaking needs assessments and setting policies on affordable housing requirements?**

My question is how you intend to take this proposed change to the NPPF into the Plan. It certainly provide a fundamental underpinning of 50% SH hitherto absent in Planning Policy.

Would not the Council's best course of action, on balance, be to improve the SH justification in the light of the above through a further period of consultation which would also allow some of the remaining issues to be addressed? I think that this is the approach that I would be most happy with and argue for in a wider discussion.

Yours sincerely

David Gilles

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**From:** Ellie Kuper Thomas <[REDACTED]>

**Sent:** Monday, July 29, 2024 10:49 AM

**To:** [REDACTED]

**Cc:** Paul Kitson [REDACTED]; Jane Custance [REDACTED]

**Subject:** RE: Consultation Response on the Council's Regulation 19 Draft Local Plan

Dear David,

Thank you for your email and interest in the Plan.

The consultation session last Thursday hopefully provided you with a response to a number of your queries. Over the next week, we will also provide written answers to the questions that you and other attendees raised in yesterday's session. These will be posted on the website, along with the slides and a recording. You are also welcome to attend any of the future drop-in events if you would like to discuss further.

In relation to your asks for further information, I'm afraid that there is no track change version of the changes to the Plan from Regulation 18 to 19. The review went through a number of stages, and for ease of reviewing and updating such a large document by the whole policy team, it was not possible to continuously update a single document.

In relation to the procedure from the Regulation 19 consultation, the consideration of comments and any further consultation, submission and examination, and as outlined in the cabinet report: If the Council wants to make any changes to the submitted plan, this would require a further consultation. However the Council is instead able to propose changes to the Examiner through the submission process. The Examiner would take them into consideration during the examination and could choose to include them in any modifications they consider to be necessary to make the plan sound. The Examination is likely to focus on any key issues which are raised by representors and which relate to matters of soundness and legal compliance – but the topics are at their discretion. Further information is available here: [Plan-making - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/plan-making), paragraphs 050, 054, 055 and 057.

Finally, as we hopefully explained in yesterday's session, you may want to use the online or downloadable response form to provide your representations so as to ensure you provide all the information required for the Inspector to consider your representations during the Examination.

I presume that at this point in time you do not want your attachment to be considered a formal representation. If you would, please let me know and we will process it as such. You can also withdraw and/or replace your representation at any time during the consultation.

Thanks,  
Ellie

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**From:** [REDACTED]  
**Sent:** 23 July 2024 18:20  
**To:** Ellie Kuper Thomas [REDACTED]  
**Cc:** Paul Kitson [REDACTED]  
**Subject:** Consultation Response on the Council's Regulation 19 Draft Local Plan

To Elly Kuper Thomas  
Head of Planning Policy  
London Borough of Newham

Dear Ms Kuper Thomas

I attach a preliminary consultation response on the Regulation 19 Draft Local Plan. This will be fleshed out later in the consultation process, particularly in respect of the EIA and possibly on tall buildings as well.

I would like to meet with you and your colleagues at your convenience as part of the process to discuss these comments, in the context of the new Government's approach to the NPPF and more generally the provision of Social Housing. I would be most grateful if you would let me know if this is possible.

This draft is significantly better than the R18 Draft but still contains many imperfections which are set out in the response. I hope that they will be incorporated. Some have now been made several times; eg those on the justification for SH, viability assessment; Eastbank and Pudding Mill.

We met briefly at the drop in at East Ham library on the R18 Draft in February 2023 and I asked you why in view of the 2022 Manifesto 50% SH was not included in the Draft. You said in essence that this was not feasible.

In December last year members in Council unanimously agreed a resolution which included 50% SH on all development sites and a number of other matters, such as those mentioned above, some of which have not been included in the revised Plan.

I think that it is Council and not the Mayor that finally approves the revised Plan. Members will be strongly asked to make further changes to the draft before approval if those matters already raised and potentially others, are not included as a result of the R19 Consultation.

In this context please could you publish as part of the Consultation a succinct statement in view of Paras 3.5 and 4.15-4.19 of the Covering Report to the Regulation 19 Draft Plan to Cabinet as to what changes can now be made by the Council and which ones would necessitate either a further consultation process or discussion with the Inspector.

The publication of a track changed copy of the Regulation 19 Draft would also be most helpful in facilitating analysis of the changes made between the R18 and R19 drafts.

I hope that it will be possible to have a discussion with you at an early point.

I would be grateful for an acknowledgement of this email.

Yours sincerely

David Gilles  
[REDACTED]  
[REDACTED]  
[REDACTED]

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## James Scantlebury

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**From:** David Gilles [REDACTED]  
**Sent:** 21 September 2024 09:34  
**To:** Local Plan  
**Subject:** Re: My Local Plan Representation

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

Dear Sara

Thank you. Please treat my second representation as an additional one as it covers different areas in part.

Sincerely

David Gilles  
[REDACTED]  
[REDACTED]  
[REDACTED]

On 20 Sep 2024, at 12:55, Local Plan <LocalPlan@newham.gov.uk> wrote:

Hi David,

Further to our email below, we would like to confirm whether you would prefer us to treat this as an additional representation or if you would like it to supersede your previous emails and be considered your final representation.

Best regards,

**Sara Chiong | She / Her**  
**Senior Planner | Planning Policy**  
**London Borough of Newham**

Newham Dockside | 1000 Dockside Road, London E16 2QU  
Phone Number 020 3373 3075  
[newham.gov.uk](https://newham.gov.uk)

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Read more about our Building a Fairer Newham plan [here](#) and watch [here](#).

Our consultation on the [Newham Draft Submission Local Plan](#) (Regulation 19) is now open. Find out how to get involved on [Newham Co-create](#).

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**From:** Local Plan  
**Sent:** 20 September 2024 09:48  
**To:** [REDACTED]  
**Subject:** RE: My Local Plan Representation

Hi David,

Many thanks for submitting a representation on our Local Plan Review consultation. This email confirms receipt of your representation with the letter in word format as attached in your email as your final representation.

Sign up to our [database](#) if you would like to be kept updated about future consultations and receive the Consultation Report once it is finalised.

Best regards,

**Sara Chiong | She / Her**  
**Senior Planner | Planning Policy**  
**London Borough of Newham**

Newham Dockside | 1000 Dockside Road, London E16 2QU  
Phone Number 020 3373 3075  
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**From:** [REDACTED]  
**Sent:** 19 September 2024 18:56  
**To:** Jane Custance [REDACTED]; Ellie Kuper Thomas [REDACTED]  
**Cc:** Local Plan <[LocalPlan@newham.gov.uk](mailto:LocalPlan@newham.gov.uk)>; Paul Kitson [REDACTED]; Rokhsana Fiaz [REDACTED]; John Whitworth (Councillor) [REDACTED]  
**Subject:** My Local Plan Representation

Dear Ms Custance and Ms Kuper-Thomas

Please find attached my representation on the Regulation 19 Draft of the Local Plan



Yours sincerely

David Gilles



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A secondary reason is that a number of my queries were not able to be answered (or answered adequately) at the Saturday drop in session at Stratford library that I attended because no member of staff was present who had sufficient seniority to be able to answer them.

Such a consultation should explicitly address the issues set out below as well as any other material issues raised in the consultation process now finished and also pick up on the points made in my original submission about the consultation process. These issues should be highlighted as part of the further consultation with some explanatory text setting out the issues involved in each one and the options for dealing with them as part of the Local Plan process. There may well also be other issues that should be so treated and which have been raised by third parties.

This new consultation should include the following matters. Whether or not they are formally part of a plan making process they are all material to the way in which the Plan will affect residents and local communities during the Plan period:

- 1 The provision of the two track changed versions of the Regulation 18 Draft to those who request them;
- 2 Proposals for a better EIA and in particular how the EIA process is to be applied to individual planning applications. This might include using or drawing on the material set out in the 2018 Local Plan as a checklist for Planning applications. See my email to you on this point;
- 3 Proposals to provide for and a better evidenced and more rounded justification for 50% Social Housing on all development sites and associated matters as set out in my preliminary submission. This should include but not exclusively, material from the Housing Service on the current homelessness position and the removal of comment that invites developers, in particular, to challenge the Council's position on 50% Social Housing;
- 4 The proposed inclusion in a revised R19D of all the matters and text where relevant specified in the resolution adopted by Council in December 2023 including but not exclusively the matters re Pudding Mill, East Bank, the ex-Sphere site and viability assessment and in particular a discussion on how the viability process can be used to provide far more challenge to developer proposals that do not include 50% Social Housing. Your comment about the overarching legal agreements in relation to Stratford Waterfront (East Bank) and Pudding Mill is welcome in this respect. However the Plan itself should go further by referencing these legal agreements so that they can be properly enforced and not forgotten. To not insert them suggests an abdication of responsibility re ensuring we maximise affordable housing on these sites. Your comment on viability is also welcome but does not address the essence of the point that has been consistently made about the need for *in house* advice at the point of decision making on the viability process for the reasons stated. And the point on the ex-Sphere site is one of specific identification and specific policy description given its location and history;
- 5 A discussion as to the extent that tall buildings can be minimised given the requirements of both the NPPF and the London Plan; the strong views of residents on this matter and your welcome acceptance that high density can be achieved through other built forms than just high rise. Your comments in response to the questions raised at the on line consultation meeting are helpful in this respect. So too would be a discussion about what high density means in Newham in terms of actual site availability and the provision of both private and public open space in the context of both quality design, improving the quality of design in Newham and the legacy of poor design as promoted hitherto by the public sector in Newham. See Note 1 below extracted from the record of the online consultation meeting.
- 6 Proposed changes to the R19D to take account of the Government's proposed changes to the NPPF and their impact on the 50% Social Housing policy;
- 7 Community facilities and the sequential test. Again your comments in response to the questions raised at the on line consultation meeting are most helpful and this much clearer statement of the now proposed position should be included in the R19D as a first step. See Note 2 below extracted from the record of the online consultation meeting. However,

further consultation on the sequential test in relation to all applications and the inter relationship between community facilities and residential accommodation should also take place with the communities concerned. In equalities terms the “old” communities of Newham already have their community facilities where they need them, often in residential areas. We must be aware not to create a situation where our “new” communities are disadvantaged in this respect and have the discussion about that necessary balance in residential areas, which is what this discussion comes down to in the end;

- 8 Neighbourhoods and gentrification where again the revised text is a definite step forward but where more could and should also be said about the Council’s role in protecting and enhancing social infrastructure for existing communities;
- 9 A discussion on various public health and the provision of adequate health infrastructure matters where I understand that Cllr Susan Masters will be submitting a separate representation to you;
- 10 The discussion on units v habitable rooms and why units should be the measurement used in the Local Plan;
- 11 A discussion on the role of studio units, if any, in the provision of accommodation that will be built for a lifespan of over 60 years, where changes have been made in response to Developer proposals only;
- 12 Housing Mix in the context of not only the SHNA but also bedsize requirements of households where the Council has accepted a Duty and households on the waiting and transfer lists; ie these considerations may dictate a different mix to that derived from the SHNA alone and the Housing Service should be involved in this discussion;
- 13 Proposals for the monitoring and reporting process so that Local Plan targets (and Manifesto Commitments) can be regularly measured in terms of both outputs and outcomes in an accessible and easy to understand format and reported upon to Councillors and the community. To say that “the Council produces an annual monitoring report.....” is not adequate in this respect as the whole purpose of monitoring regularly is to provide a sound basis for management action;
- 14 Any other outstanding matters from my preliminary submission.

Given the election of the new Government and the time over which it is intended that the new Plan has validity together with the extension of the final submission date it seems important that we now take some further time to get the Newham Plan right. I hope that the comments set out above are a starting contribution to such a process.

Yours sincerely

David Gilles

Copies the Mayor; Cllr Whitworth

Note 1. Text taken from the notes of the online consultation meeting on the Regulation 19 Draft Plan.

We would find it very challenging to make the case to an Inspector that no tall buildings would be suitable in Newham. This is because of the housing target set out in the London Plan and tall buildings have a role to play in meeting our housing need. By meeting this need, in part through supporting tall buildings in certain locations, we are also ensuring that we can continue to protect land for other uses such as employment/industry and green space.

In addition to the answer above and for further clarity following the event, it is also useful to explain that the London Plan requires us to identify locations which are suitable for tall buildings (7 or more storeys) and national policy also requires us to make efficient use of available development land, and makes a particular case for increased density in town centres and other highly accessible locations, which will be a particular point of scrutiny at public examination

(NPPF, 2023, Para 129).

In order to address these requirements in an appropriate way for Newham's built environment, we have developed an evidence base consisting of the Newham Characterisation Study (2024) and its Tall Buildings Annex (2024), which are available on our website under the Design section, here: Evidence Base Documents – Newham Local Plan Review – Newham Council. This has reviewed a range of constraints and opportunities for tall buildings including the existing built form, conservation and heritage considerations and proximity to open space, transport and town centres and has identified suitable locations for tall buildings and a suitable prevailing and maximum height. While increasing density can also be achieved through building patterns which do not include tall buildings, the evidence base does not justify a blanket ban for this type of development.

Developers are likely to continue to push for higher forms of development on some sites. Without a policy to guide the location of tall buildings in Newham, we would likely fail the test of soundness by not being in conformity with the requirements of the London Plan, and we would also be at risk of not being able to control proposals for tall buildings in a sustainable way. Indeed, records from the appeal system show that boroughs with a clear spatial strategy for tall buildings are faring better at being able to resist tall buildings which are not located in accordance with the adopted strategy.

On 6 why do you not accept that high density can be produced without using high rise? I accept that it might not be possible around e.g. Stations.

We very much agree that high density can be achieved without tall buildings. However, ultimately, we cannot optimise our use of available land without supporting tall buildings in some locations. One of the tests of soundness is that we demonstrate how we are meeting our needs, including for housing, and without taller buildings it would not be possible to meet these needs.

Note 2. Text taken from the notes of the online consultation meeting on the Regulation 19 Draft Plan.

The test regarding where new community facilities should come forward is in the Social Infrastructure Chapter, policy S12, page 159 onwards.

Please note, we have re-drafted this answer from the verbal answer provided in the recording. This is to ensure we are clear about the criteria used to determine if the location of a proposed community facility is acceptable.

We have carefully considered the approach to the location of community facilities through the development of the evidence base and through conversations with community groups and residents. We do appreciate that not every community facility wants to, or should be, located in a town centre.

In the Draft Submission Local Plan, we have made it easier for smaller community facilities (smaller than 1,000 sqm Gross Internal Area) to locate outside of a town centre. But there are certain tests and parameters that need to be taken into consideration.

Social infrastructure should be located in areas convenient for the communities it serves. This means that it may be acceptable for some smaller facilities and those with a local user base to be located outside of a designated Town or Local Centre. In these cases, the users of the facility should be able to easily access the facility by foot or sustainable transport methods. Applications for smaller community facilities outside of a town or local centre must demonstrate, through a Transport Assessment, that there are no unacceptable transport or highways impacts.

Development proposals for smaller social infrastructure facilities outside of a town or local centre are likely to come forward in more residential settings. Because of this, it is important to ensure there are no negative impacts on the neighbourhood, this can include impact on outlook, privacy, sunlight/ daylight and unacceptable disruption as a result of the development such as increased parking, smells, fumes or noise disturbance.

In terms of suitable locations, smaller community facilities can be located in any of the following locations: a town or local centre, a neighbourhood parade, next to a park or school or in an area of community facility deficiency. This is a change from the Regulation 18 Draft Local Plan as there is no longer a spatial hierarchy associated with these locations and an applicant does not need to undertake a sequential test to be located in any of these locations.

However, if a smaller community use is proposed outside of these locations, the applicant will need to undertake a sequential test, to demonstrate there were no suitable sites available. For larger community facilities (1,000 sqm or greater Gross Internal Area) the same policies on transport impacts and neighbourliness apply. However, for these larger community facilities there is a preference for them to be located in a town or local centre. This is because it is recognised that some facilities naturally serve a catchment outside of a local neighbourhood or indeed the borough boundary. Social infrastructure with wider catchment areas, which can attract higher number of trips, may not be suitable in residential areas due to increased traffic, noise and large numbers of people coming and going. They also help protect the vitality of town centres through linked trips. Larger facilities and those attracting users from beyond the local neighbourhood are therefore best located in Newham's Town or Local Centres. Proposals for larger community facilities outside of town and local centres will need to undertake a sequential test, to demonstrate there were no suitable sites available.

## **Provisional Comments on the LB Newham Regulation 19 Draft of the Local Plan (the R19D) and subject to change/updating during the consultation process starting on 19 July 2024**

### **1 Some General comments not in any priority order on the Regulation 19 Draft**

This draft is an improvement on the R18 Draft. However it still contains imperfections. The worst of these is that although the R19D now contains a commitment to providing 50% Social housing (SH) on all development sites the justification for this has been hedged around by officers with a number of caveats that will encourage developers to think that it is an optional requirement. See below.

Some further work is required to remedy the R19D in this and two other material respects.

The first is the evidence base where the R19D, even now, does not fully take account of the current and still increasing number of homeless acceptances and housing need more generally in Newham. There is an opportunity here to evidence even more compelling and robustly the need for social housing in Newham. The SHMA is now 2 years old. It should be updated in this respect.

The second is via a further edit of the R19D to delete references and comments that almost “invite” developers to ignore the 50% SH requirement. The way forward might be to find language that describes viability assessments in such a way that there does not appear to be a ‘get out’ clause for developers.

This is particularly material when one of the matters promised by the newly elected Government is a reform of the NPPF. This will be amplified during the R19 consultation as appropriate.

### **2 Consultation Process on R19D**

The consultation process associated with the R19 draft can only be described as inadequate.

There are two separate issues here which overlap:

The first is the ability of residents to engage meaningfully and in understandable non planning terms with what the Plan does and what the Borough should look like.

The second is the ability of Councillors to have political oversight and ownership of the Plan, including influencing and deciding what goes in it, while being mindful of their statutory duties. Briefings are not adequate in this respect.

A different language is needed for each type of consultation so that the same options and choices are made apparent to both constituencies.

In Newham, however, Consultation at all stages has been about detail and not substance. Witness the difficulty in discussing and the process of making Council policy over the 50% SH issue and the unhelpful role played by officers in this matter.

Council members, in particular, have not been properly involved despite their having the constitutional responsibility to adopt the Plan and despite a number of them attempting on several occasions to establish a proper review process for a revised Local Plan. The most egregious lack of consultation by the Plan’s preparers, however, has been with the Chairs of the Council’s Strategic and Local Development Committees.

This is in part a failure of political leadership. However, it also reflects Mayoral and officer reluctance to embrace and work with the broad support of Councillors for a different approach, particularly to housing.

The R19D is 608 pages long and extremely difficult to navigate on a screen. The consultation schedule in Appendix 7 while welcome in itself as a description of responses to some of the

individual representations is helpful and necessary but not sufficient. In particular and despite a request to the Mayor no effort has been made to annotate, map and publish the textual deletions from the Regulation 18 Draft of the Plan (the R18D) in response to consultation and the additions to the R19D.

For any outsider to the Plan process it is very time consuming to find the changes that have been made to the R19D as it involves textual comparison with the R18D side by side on a screen where page numbers have changed. It is also then sometimes difficult to understand and then assimilate these changes. Serious thought needs to be given as to how this process can be improved. A Track changed R19D should be the first step.

An imperfect and partial attempt to do this has been attempted and the results are now set out below.

### **3 Statistics**

More generally, while some sources, references and justifications have been updated in the R19D, not all have. For example, housing need in Newham could be even more strongly evidenced in the draft by drawing on the most recent figures available from the Housing Service on housing need, homelessness and temporary accommodation.

The SHMA has specific figures on Housing Need and affordability in Newham. The R19D states on P228 that “The Newham Strategic Housing Market Assessment (SHMA) sets out that 54 per cent of housing need across the plan period is for affordable homes, with 66 per cent of this need being for social rent homes”. Simply multiplying these figures out will suggest to many readers a far lower requirement for SH at 36% than is actually required. These figures are in any event now out of date given the still rising tide of homeless acceptances in Newham.

There will also be further information available from the 2021 Census about households in Newham which can be mapped onto homelessness and waiting list figures and household income figures to provide an updated estimate of need for the Plan and this should be done.

### **4 Equalities Impact Assessment**

The Equalities Impact Assessment appended to the R19D is a significant change from the EQIA in the Regulation 18 Draft. It is clear that criticism of the previous tick box approach has had an impact.

The latest EIA has been drafted by same consultants who wrote the earlier very poor assessment. Whilst the latest assessment is some improvement, the higher standard of the EIA that was in the Local Plan of 2018 has not been met and further improvements are required.

More will be said on this matter in due course

### **5 Independent Viability Assessor**

Page 81 of the Report on Consultation on the R18D states:

*“In-house viability advice*

*No change has been made to the policy approach as the policy already requires independent scrutiny and does not specify who this is undertaken by. There are a limited range of suppliers with significant expertise to undertake reviews of viability assessments. Newham has appointed BNP Paribas as a dedicated viability consultant for the Council. Given very significant restrictions of grant available currently from central government to fund affordable housing, we did not consider alternative viability models would be successful at delivering more affordable homes.”*



This response misses the point entirely. It is clear that the proposal agreed by full Council to appoint the Council's own qualified viability assessor, in addition to BNP Paribas, has been dismissed by the Mayor and/or Officers.

Further proposals will, hopefully, be made at Council to ensure that an independent fully qualified in house viability assessor will be appointed to provide in house expertise in challenging developer led proposals, alongside the work done by BNP Paribas.. This person should also manage BNP Paribas.

Both the GLA and other boroughs employ in-house viability expertise.

It was also a manifesto commitment of the Newham Mayor. This should therefore be a political decision, outwith of the plan-writing process.

An example of the benefits of in-house expertise is the political understanding demonstrated in the text quoted below, (bolding added). Here the GLA's viability expert Jane Seymour, in a roundtable discussion published by the GLA stated:

***"It is important to remember that it is up to the decision maker to decide the weight given to a viability assessment and, if they are able to see the outcome in a range of different scenarios, it is easier for them to do this."*** See Appendix 1 for more details.

It does not appear that Newham's Strategic Development Committee ever has or has had an engagement with Newham's viability assessors that marries the rigor of the process with an understanding of the political role of the Strategic Development Committee in considering alternative approaches to and assumptions on viability.

This is another example of officers not responding to the policy desires of the Council.

Moreover, this is possibly a nil cost option. Given the size of the future development pipeline in Newham such an officer or officers might be self-funding from Developer planning application fees. In the event, consideration should certainly be given by both officers and Councillors to recharging this cost to developers

#### **Comments on the Text of the R19D**

**6 BFN 2.3 P35** says *"Ensuring that developments meet the needs of and do not exclude or displace existing, and especially disadvantaged, local communities is also key to achieving this objective".*

This is an improved text could usefully be amplified with a statement at an appropriate point to the effect that this is not so much about community facilities, but eg the Council using its own powers, as well as resources such as money land and buildings, to provide and support the provision of services and facilities for existing disadvantaged communities and leverage in that support from third parties

**7 BFN 4 P42: Justification P42/3** says *"The purpose of the Vacant Building Credit is to incentivise development on brownfield land. The nature of the land available in Newham and the housing market means that it is not considered that such an incentive is required. Newham has a local housing need of over 60 per cent genuinely affordable housing and as such should be optimising all opportunities to deliver genuinely affordable homes. For these reasons, the Affordable Housing and Viability Supplementary Planning Guidance (Greater London Authority, 2017) concludes that the application of Vacant Building Credit is unlikely to be suitable in London."*

It should be explicitly clarified that this includes Newham.

## 8 BFN 4 P42 and subsequently

Developer Contributions and Habitable Rooms or Units. The R19D uses units as a measurement for density rather than habitable **rooms**.

We should change units here and throughout to Habitable Rooms and set the number accordingly, subject to the mix requirements stated elsewhere in the R19D for a scheme or schemes. This will also make it easier to enforce the R19D requirement for a large proportion of family homes, rather than studios and one or two bed flats.

This is underpinned by the concession to developers on one bedroom and studio unit policies which now says;

*“This policy approach has now changed to incorporate greater flexibility around the provision of studio units to improve the viability of residential schemes. Our target for no more than 15 per cent one bedroom homes on major developments has not been amended, as this target has been informed by evidence of housing needs.”(see Appendix 7 P82).*

This has been inserted in the R19D text in policy H4.5 on P233 as follows:

*“H4.5 sets a maximum delivery expectation for studio homes or one-bedroom, one person homes on major development sites. Developments delivering above 5 per cent of the total homes as studio or one-bedroom, one person homes will need to robustly justify this provision in accordance with the requirements of part 1 of the policy and are unlikely to be supported.”*

This is alarming as studio flats, in effect bedsits, are inflexible, by definition small, and cannot provide decent sustainable accommodation on a long term basis. They are a tool used by developers in viability calculations to avoid the provision of a development mix in accordance with the Council's other requirement set out in the Plan.

This addition should be reversed.

Presumably it is the current requirement for Habitable Rooms which has allowed the recent and appalling Barrat scheme in Canning Town to receive Planning Permission.

On a related matter and where discussing tall buildings P51 of the Report on Consultation Appendix 7 makes the quite breathtakingly wrong assertion that:

*“Tall buildings are key to deliver the much needed homes and the emerging Local Plan has identified suitable locations for tall building developments and the maximum heights that could be acceptable in these locations.”*

This statement is plain wrong. See eg Neave Brown's now listed Alexandra Road Estate in Camden which “stretches over a quarter mile and houses 1,660 residents in 520 units. The 16.3-acre site contains three housing blocks, two pedestrian streets, public park, retail, school, and community center. Completed in 1979, the project was part of a major building program for new models of dense, social housing in the Camden Borough of London. Unlike the reductive post-war typologies of towers and slabs, Alexandra Road is a radical reinterpretation of traditional English housing and urbanism.”<sup>1</sup>

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<sup>1</sup> See eg <https://www.studiozhan.com/the-brilliance-of-alexandra-road>

The accuracy of the text on Design/Tall Buildings in the R19D should be reviewed to remove inaccuracies of this sort. Why do Newham's Planners want more of "the reductive post war typologies of towers and slabs"—witness Silvertown way today.

The Council should commission a study of the *need* for tall blocks as set out in the Plan as opposed to the high density lower rise housing built elsewhere in the UK and Western Europe. Newham is in danger of creating the new Ronan Points or Robin Hood Gardens of the 2030's, 40's or 50's.

Further comment may also return to the issue of high rise more generally where it appears that the provisions of the London Plan re high rise have over ridden the very reasonable objections to it raised by residents in consultation on the Regulation 18 Draft. Given the points just made above it would not be impossible for Newham to develop a design ethos around high density as defined in the R19D which also avoided the need for high rise. However, given the paucity of good housing design in Newham since its inception as a Borough in 1964 the omens are not good for such a development.

**9 BFN 4.2 P43/4** Amount paid for land. This should be rewritten to say that the policy requirements are such because they are what Newham needs. Developers should give more than what the NPPF/London Plan currently say because of the levels of need in Newham and the revised justifications for meeting this level of need in the R19D as further amended. The third sentence of para 1 *"In line with Government guidance, the amount paid for land is not considered to be an exceptional reason to justify provision of site-specific viability"* is not wholly clear and should be redrafted to say more clearly that land price is not a reason to avoid the requirements of the Plan.

**10 BFN 4.3 P44:** This section in particular should specify social and affordable homes. Please clarify what the last sentence means.

**11 D3 P65:** D3.7 The Plan should make clear that a 'design-led' approach is not an excuse to ramp up density or to reduce social and affordable provision. In particular it opens the door to giving developers the opportunity to ramp up development because a proposal is "Design Led". It should be made clear that this will not be allowed. A new D8 or point should be added to the Justification stating that while proposals should be design led this of itself is not a reason for overriding the other requirements of the Plan and in particular those for social and affordable housing.

Architectural and design history tells us that what is called "good design" of itself will often have adverse outcomes for residents and home owners alike, eg the industrial designs of the 1960's and 70's; and who determines the "good"?

**12 Social Infrastructure P162 on:** The text is not clear. There should be no sequential test for social and community facilities that meet a local/neighbourhood/area based need (rather than a more borough wide or even more geographically dispersed one) and which looked at in the round meet other reasonable requirements for social and community facilities, while being not overly intrusive. Genuinely community based and community supported applications from the proposed local users should be considered on their individual merits in respect of issues such as design, location, massing intensity of use, vehicle traffic, parking requirements, noise likely to be generated and so on. Conditions should be imposed where necessary to prevent the intention of a consent to be subverted at a later date through change of use or ownership.

SI 1. 2. as a whole and S1 1. 3., should be redrafted to make this much clearer.

### 13 Homes P218 on

**Generally:** The 50% SH commitment is one that should be regarded as taking place over the life of a scheme. So it should take into account nominations that eg RP's and Developers of Housing for Rent and Populo might provide over the life of a scheme and also in kind (eg elsewhere) and not necessarily on a first letting. Thus as interest rates fall in the short/medium term it should be possible to increase the proportion of SH in a particular scheme. This would need to be tied up with an enforceable nominations agreement and some eg best endeavours clauses.

**P218 para 1:** Affordable should be replaced with "Social and Affordable" throughout the Plan.

**P218 para 2 and footnote 19:** This should be rewritten to state that our primary objective is to meet the housing needs of Newham Residents by providing them with decent homes (of both sorts) and that any surplus capacity over and above this can contribute to other London needs. Footnote 19 should be included in the revised justification. See para below.

**P218 Para 3:** The revised justification is welcome but not sufficient. The data should be updated to July 2024.

The revised justification should include material from the SHMA on affordability and need together with updated figures on rental increases in the PRS since Covid, and the effects of the LHA and its levels combined with these rental increases. The SHMA should be presented as one but not the only source of data on need and affordability. Overall the revised justification of affordability and need should cover 2-3 pages and become the most significant part of the Plan when it is submitted for Inspection.

**H1 3 P 220:** Site allocations for general needs housing. This is either a statement of the obvious or it is unclear and it should either be deleted or rewritten.

**H1 Justification P220:** Net increase in housing 2023-2038. Same comment as P218 Para2 above. Clarify.

**H1.3 P222:** Particularly important to insert "social and" before genuinely affordable in the penultimate sentence.

**H3 Justification as a whole:** This has been substantially rewritten and is much improved. However the SHMA text quoted in the justification (see above) can be interpreted as a need for only 36% Social Housing in Newham. This figure (even if correct) does not take account of the reality of Housing Need in Newham demonstrated by eg current homelessness and waiting list figures as well as the number of residents (eg living in the PRS) receiving Housing Support through a rent rebate/LHA scheme. These are the critical priorities for the Council and this crucial fact needs to be much more strongly brought out in the Justification

**H3 P227:** "Social" and Affordable Housing

**H3 P227 on:** Where the text is qualified delete all after "supported." In several places; eg the last part of H3: 1 on P227 which states "unless accompanied by a detailed financial viability assessment, demonstrating that the maximum viable mix will be delivered" and H3: 2 c. which states "unless an application is accompanied by a detailed financial viability assessment, demonstrating that the maximum viable amount will be delivered."

**H3 P227 on:** Affordable Housing does not specify any particular density and only talks about houses, homes or units. However H3.1 on P228 says "Affordable housing targets are measured using the gross number of new units within a development." This should be changed to habitable rooms which would provide a greater ability to specify what are family/non family units according to the

number of habitable rooms. It should also cross reference to the housing crisis in the Borough and the H3 Affordable Housing Justification more generally.

**H3.1 P229:** Delete the last sentence. There is no acceptable trade off between family homes (where the R19D Consultation Report says in any event on P81 that *“our target for the delivery of family sized homes, with 5% affordable four beds on site allocations, is set below the need level identified in our evidence base, recognising this will improve the viability of scheme delivery. Where this target or affordable housing targets cannot be met, applicants will need to robustly justify this through the submission of a viability assessment”*) and smaller non family units. Any deficit in family homes should be justified in its own terms and not by linkage to viability and/or an increased number of studio/one bed flats either per se or to improve viability. This point should also be clarified in the text of H4.4 and H4.5 on P233.

**Monitoring Framework for Housing P589 on:** This is not yet wholly adequate and should be expanded to accord with comments already made above. Not only should we be monitoring applications, approvals and completions by tenure but the figures and trends should regularly be reported (ie monthly) to SDC, Cabinet and Scrutiny. In turn this would allow overall outputs and outcomes such as changes in the rates of provision to be monitored. There should also be an increased number of variables about the Housing Crisis in Newham monitored as well; eg numbers of homeless applications and acceptances; numbers in TA; waiting list numbers, rent levels and affordability letting numbers and trends figures about the PRS and enforcement therein. Planning Officers should agree an appropriate list of indicators, all with outputs and outcomes, with the Director of Housing/his staff. It is particularly important that an accurate record of planning approvals by tenure, start on site data, completions, costs and associated letting data is kept by planning consent/scheme.

**H4 1 : Housing mix P230** *“1. All new residential developments should deliver a mix and balance of residential types and sizes. The appropriate mix of residential sizes, types and tenures will be determined through:*  
*a. the need to secure mixed and inclusive communities; and*  
*b. evidence of housing need as set out in Newham’s latest Strategic Housing Market Assessment; and.....”*

This text should be rephrased (and especially point 1.b.) to specify that the mix requirement should be determined by the need categories and numbers of those households requiring social and genuinely affordable housing rather than the text of the SHMA.

**H4 2 Housing Mix P230:** There should be a very clear steer that the 40% of family dwelling houses specified here should be social rent homes. We should also make clear, that because of the issues around housing need in Newham we are not prepared to accept less family homes than this on viability grounds. The logic of this is that developers should accept a lower return in Newham than the usually accepted 20% profit margin because of the Housing Crisis in the Borough. We should talk to the new Government asap about this and related matters in the NPPF. We should build on the draft GLA London Plan guidance on viability calculations and produce a public “Newham” model, that residents can also use to test developer proposals.

**H11 P259:** Where is “Newham’s forthcoming ‘Housing design needs study’ guidance” and what does it say about tall buildings—see above.

**14 Transport P347 on**

**Transport generally:** Sources should be quoted where possible otherwise text will not be believed. In para 5 on P347 the last sentence should be changed to read “By encouraging the reduced use of private vehicles.....”

It would be helpful for the Plan to recognise that motorists are not enemies in their own right and are an important lobby in Newham that needs to be recognised. This “lobby” does not trust the Council and believes that it now seeks to penalise motorists in all ways possible, using the Climate Emergency as a pretext. These views cannot be wished away.

Essentially the tenor of the Transport section needs to change from one of seeming to punish to one of encouragement to change with carrots along the way in terms of an improved transport infrastructure and frequency/cost of public transport. A paragraph of text should be added stating that:

*“High volume traffic and heavy vehicles erode road surfaces causing deterioration and potholes, and more regular resurfacing work will be required. A road resurfaced in a low traffic neighbourhood will not require such regular resurfacing work. Any maintenance required could therefore be spread over more years, bringing economic efficiency in the longer term”.*

The road resurfacing programme should be reconfigured to resurface roads within new LTNs as a priority. This will be a carrot for car users’ resident in a low traffic neighbourhood who will benefit from resurfaced roads, and also be a financially prudent priority for the Council.

**P347 T2:** Add at the end of para 1 words to the effect that changes should take place after consultation with residents and their properly informed agreement via a ballot of affected residents.

**P351 T2 1a:** change “discouraging vehicle use” both here and elsewhere to “encouraging the reduced use of”. Add “and car clubs”. A similar sentiment should be added to T2 to that suggested to P347.

**P352 Justification of T2:** There should be some additional text about improving North-South permeability in the Borough. All the “major” roads in Newham are used for east-west, often commuter, travel (except the A406 which is largely through traffic) and vice versa and often/mainly by people who are not Newham residents. This traffic is a major determinant of the poor quality of much urban space in Newham and is not adequately addressed in the Plan.

In para 2 the need for effective consultation and resident consent should be highlighted.

## **15 Neighbourhood Development Proposals P386 On**

### **N8 Stratford etc:**

**N8 SA5 Partly Ex MSG Sphere site:** The ex MSG Sphere site is part of N8 SA5. This should be made into a separate site allocation with its own development proposal/ mini feasibility study and described as suitable for non- family housing, employment and retail uses, in line with the Council resolution which stated:

*“To investigate possible future uses of the site of the now rejected MSG Sphere and in particular whether this site can be designated a Housing and Employment Inclusion Zone”*

The R19D does not include the paras in respect Rick Roberts Way and Pudding Mill which were both in the resolution agreed by full Council on the Plan.

**N8 SA7 P495 Rick Roberts Way:** The Council resolution stated in respect of Rick Roberts Way and under Development Principles:



Add to the Regulation 19 Draft Local Plan: *“We will preserve the affordable housing requirements following the allocation of the site by the London Legacy Development Corporation under the portfolio approach with Stratford Waterfront and Pudding Mill.”*

**N8 SA9 P499 Pudding Mill:** The Council resolution stated in respect of Pudding Mill and under development principles:

Add to the Regulation 19 Draft Local Plan *“We will preserve the affordable housing requirements following the allocation of the site by the London Legacy Development Corporation under the portfolio approach with Stratford Waterfront and Rick Roberts Way. Accordingly it is anticipated that at least 50% of housing on the site will be genuinely affordable housing, in order to comply with overall affordable housing requirements under the unilateral undertaking, made by the London Legacy Development Corporation when developing Stratford Waterfront (now known as East Bank) with 0% low cost housing”.*

These texts do not appear to have been considered in the Consultation Report; the only reference to portfolio approaches is consideration of submissions from developers and the LLDC in relation to future portfolios.

The text agreed by Council should therefore be included in the Plan.

**N14 Green Street:** the R19D sets out a curious retreat from any vision at Queens Road Market.

The 2018 Approved Local Plan 2018, at P275 says about the Market in a separate site allocation:

*“Allocation including tall buildings specifications. Mixed-use redevelopment comprising retail, residential and community uses (notably healthcare) and including retention of a viable market to provide a central focus for the site’s commercial and community role, as well as improvements to the site’s relationship with the wider town centre and adjacent station, where step-free access will be facilitated. Indicative building heights of 8 to 12 storeys with potential for a step-up in height of up to 19 storeys at station and stepping down to the low- rise residential context.”*

The Draft Regulation 18 Local Plan 2022 at P480 says in a separate site allocation about the Market:

*“Development principles*

*Option one:*

*Refurbishment and modernisation of Queen’s Market and Hamara Ghar, retail, community facilities and improved public realm. Community facility floorspace should include a health centre designed to meet NHS needs and standards.*

*Option two:*

*Refurbishment and modernisation of Queen’s Market and Hamara Ghar, retail, community facilities, employment and industrial uses and improved public realm and residential development. Community facility floorspace should include a health centre designed to meet NHS needs and standards, library, community centre and childcare facility. Employment and light industrial uses should provide workspace.”*

The Regulation 19 Draft Local Plan 2024 no longer contains a separate site allocation for Queens Road Market and at P P547 says

*“The vision for Green Street will be achieved by.....*

4. *protecting and enhancing the role of Queen’s Market by:*
  - a. *requiring improvements to the public realm, toilets and market facilities;*

- b. supporting the provision of improved public spaces to support cultural and pop-up activities during the day and into the evening and night-time;*
- c. supporting a range of uses including retail, employment uses, community facilities and a childcare facility;*
- d. exploring opportunities for additional housing in accordance with Green Street Tall Building Zone and Local Plan policy D4, whilst managing the transition to the surrounding low rise context; and*
- e. supporting the conversion of 412 – 416 and 420 Green Street to provide a cultural and wellbeing community space.”*

A more visionary approach for the Market’s future would be to approach TFL about the possibilities arising from a comprehensive redevelopment of the area which includes Upton Park Station and the Market by eg putting a raft over the station and Queens Road (and/or diverting/stopping up Queens Road) to create a new market at ground level with other uses above, which could include 100% genuinely social and affordable homes.

One objective might be to increase footfall in the market by it having a wider appeal to Newham residents and others who do not currently consider shopping there. Without such an approach, or another one which *changes* the current dynamic of the Market, it will inexorably and slowly die as other markets such as Wardour Street or Exmouth Street have done.

This must be approached in the context of comments made elsewhere about gentrification, and local concerns about a possible loss of the market for its present client group and significant distrust of the Council and its motives. However, the view of current traders at Queens market cannot be determinant in preventing the provision of affordable homes on this site.

DG/July 2024

## **Appendix 1**

### **Roundtable discussion with the GLA’s viability expert Jane Seymour: Published by the GLA:**

*“An example of this, where this is not currently being followed, is an assessment that we have seen recently on a scheme in south London where we know that the developer paid £7 million for the site, yet they have come in with a viability assessment that says, with no affordable housing, the site is worth £1.8 million. Whereas in the new guidance the requirement of sense-check would mean that the assessor would have had to go away and look at those assumptions more carefully, potentially look at different assumptions on profit and values, therefore the idea is to pull the commercial assumptions and planning assumptions more closely together. That goes back around in terms of what I said initially that this is to ensure that policy requirements become more embedded in land values. Another point is the guidance includes more of an emphasis on sensitivity testing, in other words showing the outcome in different scenarios, if values were higher, if values were lower, costs higher, lower, different assumptions in terms of profit.*

***It is important to remember that it is up to the decision maker to decide the weight given to a viability assessment and, if they are able to see the outcome in a range of different scenarios, it is easier for them to do this [my emphasis].”***

Also see this exchange between the GLA’s in-house expert and Labour Assembly Member Elly Baker:

*Jane Seymour (Viability Expert, Viability Team, Greater London Authority): Yes. You might say that if somebody has paid £10 million for a site and the assessment in front of you says the land value is £1 million, in buying that site different assumptions may be made in terms of values, profit, cost that*



may be then appropriate to be applied to the application in front of you. Sorry, am I answering your question?

*Elly Baker AM: You are but you keep expanding on the same question. I am asking about the other elements that go into the viability assessment. It is not just the original value or the existing value for the land, it is other elements about is it viable how much money is going to be made. Are they subject to the assessor saying, "Hold on a minute, that figure looks a little bit odd"? What would you use to sense check that other market, the prices for other services or construction costs and that sort of thing? Is all that up for grabs?*

*Jane Seymour (Viability Expert, Viability Team, Greater London Authority): Yes. Sales value would be evidenced by local transactions ideally, but in an area where there has not been much new development and not much new flatted development, you might look elsewhere in London to evidence the values that will be achieved on that site even if there are no directly comparable schemes. In terms of construction costs there is more information available now in terms of schemes that are coming forward and the costs of delivering those schemes. There are various databases and viability reviews are starting to throw up information about the actual costs of delivering schemes.*

*Elly Baker AM: The rest of that question was what will happen if something is thrown up through sense checking?*

*Jane Seymour (Viability Expert, Viability Team, Greater London Authority): Then the borough's assessor or our team can go back and say that that cannot be right and would, at the very least, suggest some sensitivity testing to make sure that you can look at the outcomes in different scenarios and then the decision-maker can take that into account. For example, if you did achieve £700 a square foot in Barking and in Dagenham, the affordable housing that could be provided would be 40%. That can be taken into account.*

*Elly Baker AM: That could be a basis to reject, is that what you are saying? Is that the aim of it?*

*Jane Seymour (Viability Expert, Viability Team, Greater London Authority): Yes. It helps in terms of working out the weight that you have given to a viability assessment.*

