

Sara Chiong

From: Andrew Russell <[REDACTED]>
Sent: 20 September 2024 16:47
To: Local Plan
Cc: [REDACTED]
Subject: Places for London representation on the draft Submission Local Plan (Reg 19)
Attachments: Places for London representation draft Newham submission Local Plan Reg 19.pdf;
Montagu Evans townscape and tall buildings study Limmo Peninsula (2023).pdf

Follow Up Flag: Follow up
Flag Status: Completed

Hello

Please find attached our representations on the draft Newham Local Plan Reg 19 proposed submission version .

I also attach our Montagu Evans townscape report for the Limmo Peninsula site.

I'm happy to provide a word version of our representations on Monday to help with your processing of the representations.

Thanks

Andrew Russell | Principal Planning Manager

Phone: [REDACTED]

Email: [REDACTED]



placesforlondon.co.uk

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Places for London
Property Development

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Date: 20/09/2024

Our ref: TfL/PfL/VSH/AR – NewhamRI9

Ellie Kuper Thomas
Planning Policy Manager
Planning Policy Team
London Borough of Newham
Newham Dockside
1000 Dockside Road
London E16 2QU

By email: localplan@newham.gov.uk

Dear Ellie Kuper Thomas

Newham Draft Local Plan Regulation 19 Proposed Submission Consultation Places for London Response

Thank you for providing the opportunity to comment on the Draft Local Plan Regulation 19 submission version.

Please note that the views expressed in this letter and our site submissions are those of Places for London planning team in its capacity as a significant landowner and developer only, and do not form part of the Transport for London (TfL) response in its role as transport operator and highway authority in the area, which has been issued separately.

Places for London

Places for London is TfL's financially independent property company, formerly known as TTL Properties under which name our previous representations were submitted. Places for London provides space for over 1,500 businesses in TfL stations and railway arches and on London's high streets. And now, it's working to release more of the untapped opportunity in TfL's property portfolio to deliver much-needed new homes and jobs to create places for Londoners to live, work and play which are sensitive to local needs and communities and improve access for all.

We are a significant landowner within the borough. In addition to numerous London Underground and DLR stations, we own several sites that are suitable for redevelopment and that we intend to bring forward for development over the short, medium and longer-term. This includes:

- Limmo Peninsula
- Canning Town Bus Station
- Stratford Station
- West Ham Bus Garage

Whilst we support the preparation of the draft Local Plan, we firmly believe that a number of significant modifications are required in order for it to be found sound in terms of being positively prepared; justified, effective and consistent with the National Planning Policy Framework (NPPF). Modifications are also required to ensure the draft Local Plan is in General Conformity with the London Plan.

We submit representations and proposed modifications on the following policies as set out in the attached representations form:

- Policy D4: Tall Buildings
- N4.SA4: Limmo site allocation
- N4.SA5: Canning Town Riverside site allocation
- N8.SA.2: Stratford Station Site allocation
- Policy H1: Meeting housing Need
- Policy H3: Affordable housing
- Policy H4: Housing mix
- Policy H5: Build to Rent housing
- Policy H8: Purpose-built student accommodation
- Policy BFN4: Developer contributions and infrastructure

We attach a copy of our Montagu Evans report which provides a townscape study and tall building zone assessment for the Limmo Peninsula site allocation (Feb 2023).

Our views on the Newham Regulation I9 Submission draft Local Plan policies are informed by our portfolio of major development opportunities across London and commercial and community assets.

We trust that the enclosed is in order. Please do not hesitate to contact me on the details provided if you wish to discuss any of the content.

Yours faithfully




Andrew Russell
Planning Manager
Places for London

CC.



Senior Development Manager, Places for London
Development Manager, Places for London

Response Form for Regulation 19 Consultation.

	Local Plan Publication Stage Response Form	Ref: (For official use only)
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Name of the Local Plan to which this representation relates:

Newham Draft
Submission Local Plan

This form has two parts –

Part A – Personal Details: need only be completed once.

Part B – Your representation(s). Please fill in a separate sheet for each representation you wish to make.

Part A

1. Personal Details*

2. Agent's Details (if applicable)

**If an agent is appointed, please complete only the Title, Name and Organisation (if applicable) boxes below but complete the full contact details of the agent in 2.*

Title	<input type="text" value="Mr"/>	<input type="text"/>
First Name	<input type="text" value="Andrew"/>	<input type="text"/>
Last Name	<input type="text" value="Russell"/>	<input type="text"/>
Job Title (where relevant)	<input type="text" value="Planning Manager"/>	<input type="text"/>
Organisation (where relevant)	<input type="text" value="Places for London"/>	<input type="text"/>
Address Line 1	<input type="text"/>	<input type="text"/>
Line 2	<input type="text"/>	<input type="text"/>
Line 3	<input type="text"/>	<input type="text"/>
Line 4	<input type="text"/>	<input type="text"/>
Post Code	<input type="text"/>	<input type="text"/>
Telephone Number	<input type="text" value="020 7556 6000"/>	<input type="text"/>
E-mail Address	<input type="text" value="info@placesforlondon.org.uk"/>	<input type="text"/>

Part B – Please use a separate sheet for each representation

Name or Organisation:

3. To which part of the Local Plan does this representation relate? (Please be as specific as possible)

Policy

Implementation Text

Paragraph

Policies Map

4. Do you consider the Local Plan is :

4.(1) Legally compliant

Yes

☐

No

☐

4.(2) Sound

Yes

☐

No

☒

4 (3) Complies with the
Duty to co-operate

Yes

☐☐

Please tick as appropriate

5. Please give details overleaf of why you consider the Local Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible.

If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

We consider that the approach to tall buildings on the Limmo Peninsula site as currently set out in Policy D4 of the draft Local Plan is unnecessarily prescriptive and overly restrictive. The proposed maximum 20-storey / 60-metre height cap would constrain the potential for us to bring forward a deliverable high density residential-led development on the Limmo Peninsula site.

In relation to the NPPF soundness tests, we consider that the maximum 20-storey height limit on the Limmo site is unsound for the following reasons:

- **It is not justified** – It is not based on appropriate or robust evidence. The Council has not demonstrated that this is the most appropriate strategy taking into account reasonable alternatives and the available evidence and overall planning considerations in this particular context. The height limits entirely disregard the existing and emerging townscape and tall buildings context in this location.
- **It is not positively prepared** – The 20-storey cap on development heights on the Limmo site would demonstrably fail to optimise the development potential of this substantial 5-hectare vacant brownfield site in view of the site specific opportunities and existing townscape context. This is demonstrated by our evidence detailed below.
- **It is not effective or deliverable** – the 20-storey cap on development heights would significantly constrain development viability and restrict the quantum of overall and affordable housing that is achievable on the site. This is a key consideration given the site specific development constraints which potentially limit the buildable area and also noting the infrastructure delivery requirements detailed below.

The Council has not undertaken a design-led masterplanning exercise to justify the restriction on height. No site specific 3-D modelling or analysis of townscape views has been prepared to justify the Council's position or to demonstrate that the proposed 20-storey maximum height cap would be the most appropriate approach in terms of townscape, environmental impact, or in terms of delivering a new park.

In its evidence, the Council has failed to justify why there should be a significant step down in heights on the Limmo site compared to the existing and planned tall building context, given the particular characteristics, opportunities and constraints on this site.

In light of the above concerns, we would also question the extent to which the proposed approach is consistent with the overarching strategic and national policy imperative to make best use of suitable, available vacant brownfield sites such as the Limmo Peninsula.

The Council's evidence base

The Council's Characterisation and Tall Buildings studies have been undertaken in a spatial vacuum with the scope of the studies restricted to the borough of Newham only. This is an inappropriate and flawed approach to a site such as Limmo which is located on the far western edge of the borough.

Land to the west and south of the Limmo site boundary falls within Tower Hamlets and this has been almost entirely ignored in the two studies, as has the townscape context and potential impact to the south in terms of the River Thames and RB Greenwich.

Newham's tall building study is not supported by massing studies or townscape or visual appraisals. In our view, this should be considered an essential requirement when setting restrictive maximum height caps at plan-making stage on a site of this size and importance in terms of housing delivery, connectivity and place making (both locally and strategically).

The proposed maximum height cap of 20-storeys has not been set based on specifically identified development or townscape constraints in terms of LVMF

strategic views, local views, designated heritage assets or environmental constraints.

The Council's Characterisation and Tall Buildings zone studies suggest that that maximum heights on Limmo have been set to 'avoid saturation', noting that 'a significant number of tall buildings have already been established'.

Concerns regarding the potential 'saturation' of tall buildings / 'saturation of the skyline' are not substantiated or evidenced in either study in terms of townscape or environmental impacts or harm. The term 'saturated' is not defined and is considered to be ambiguous and inappropriate in this context. The drive to restrict heights also seems to be largely driven by the aim to establish a 'borough-wide spatial hierarchy'. This is an arbitrary and subjective approach which is not supported or justified by any robust evidence and is unsound.

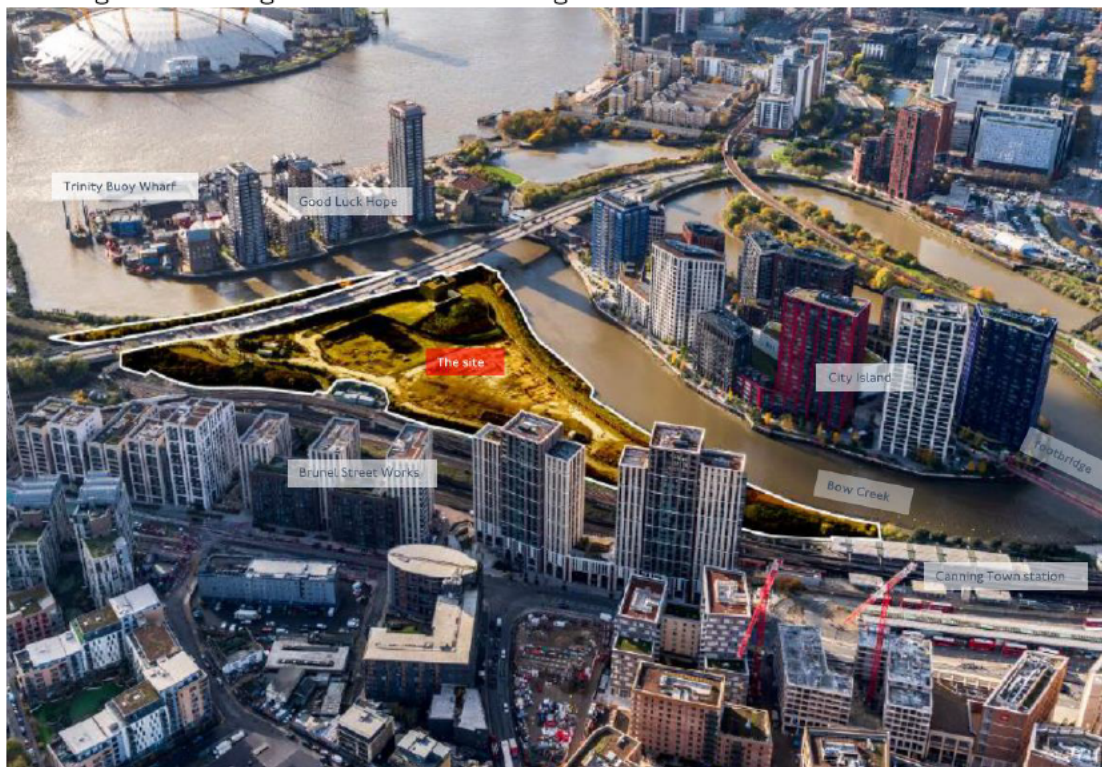
The existing context on all sides of the Limmo site is defined by tall buildings and high density residential-led development, as shown below. The constructed building heights on the adjacent sites are as follows:

- London City Island (Tower Hamlets) – 19, 20, 23, 27-storeys
- Good Luck Hope (Tower Hamlets) – 15, 23, 30-storeys
- Brunel Street Works (Newham) – 12, 14, 15, 16, 23 and 26-storeys
- Manor Road Quarter (Newham) – 30-storeys

Newham's evidence base demonstrably fails to properly take into account or consider the surrounding townscape / development context to the west and south of the Limmo site in terms of building heights.

In addition, Crown Wharf (Newham) to the north provides buildings at 8, 9, 15, 17, 25 and 30-storeys (planning permission 23/00655/FUL)

Existing tall buildings context surrounding the Limmo site:





Montagu Evans Report (Feb 2023)

To support our Regulation 18 consultation response, we commissioned Montagu Evans to undertake a detailed townscape and heritage appraisal of the Limmo site. The report demonstrates that additional height up to 30-storeys / 100 metres at Limmo Peninsula would not give rise to any adverse heritage, townscape or visual effects. This assumes an appropriate variation in heights and massing across the site.

In contrast with the Council's evidence base, the Montagu Evans report provides a detailed townscape appraisal that is bespoke to the site, based on an understanding of surrounding receptors, including heritage assets.

The Montagu Evans report uses reliable, industry standard VuCity software to establish a zone of theoretical visibility (ZTV) around the Limmo site. In line with best practice, this ZTV is then overlaid with heritage assets and designated strategic and local views to help identify potential visual receptors and viewpoints for testing in terms of the potential impact of tall buildings in this location.

Importantly, the ZTV is not restricted to Newham and covers and covers an appropriate range of immediate, mid-range and longer-distance views, as required by London Plan Policy D9. This includes heritage assets and visual receptors within Newham, Tower Hamlets, RB Greenwich. It includes an assessment of London View Management Framework (LVMF) strategic views and consideration of the Maritime Greenwich World Heritage Site and numerous conservation areas within the three boroughs. A total of 25 views are included in the report.

The Montagu Evans report shows that buildings up to 30-storeys in height would not actually be visible from a number of the locations in the local and wider area due to the surrounding development context. The report also shows that, where tall buildings would be visible in certain views, they have the potential to contribute positively to the existing and emerging townscape character and skyline and enhance legibility, in line with London Plan Policy D9.

The report was finalised in February 2023 and is appended to this representation. This evidence should be considered by the Inspector at Examination in Public (EiP). Montagu Evan's conclusions are as follows:

- *'In our view, the site is capable of accommodating buildings in excess of the prescriptive limits expressed in the draft Local Plan and is specifically a location that can accommodate tall buildings up to 30 storeys / 100m as part of a development containing a variety of building heights.'*
- *'Identified appropriate heights should be based on a site-specific appraisal. On that basis we strongly disagree that building heights should be limited to isolated heights of 50m and 60m across the entire site, as that does not provide helpful guidance as to the locations of tall buildings and will inhibit the comprehensive planning of tall buildings at Canning Town.'*

Since the Montagu Evans report was issued, further tall buildings have been permitted in the surrounding context (Crown Wharf) and there are other live applications (eg. Trinity Buoy Wharf). Further details can be provided at EiP stage.

Overall, we consider that the potential for a variety of buildings heights above the proposed 20-storey cap and ranging towards 30-storeys is justified and has been demonstrated robustly in our technical evidence. The following key factors and planning considerations are also relevant:

- Limmo is a large (5 ha) strategic site allocation with the potential for good public transport access levels (PTAL) once the Brunel Street Works bridge is delivered.
- The site allocation is located within the Royal Docks / Beckton Riverside Opportunity Area where the London Plan (2021) supports the provision of 30,000 new homes and 41,500 jobs and falls within Canning Town Centre. This is a location where the potential for housing provision should be fully optimised.
- The Newham Characterisation Study identifies the Limmo site as being a brownfield site which is not in an area which is sensitive to change and is in a location which has a high opportunity for growth.
- The site is not located within a conservation area and there are no listed buildings or structures within the site or within close proximity. The closest conservation area to the site is a considerable distance away to the west. The site does not have the potential to impact any local or strategic views.
- This is therefore precisely the type of location where housing capacity should be fully optimised in line with London Plan Policies HI, D3, GG2.
- Whilst the site is affected by London City Airport, the recommended height restriction to account for this constraint is approximately 30-storeys, so would greatly exceed the maximum height allowance in the draft Local Plan.
- This is a very large island site where there is sufficient space to locate tall buildings within the site in a sensitive and appropriate manner without causing any unacceptable adverse wind, daylight or sunlight impacts to surrounding residential homes. The site is of a substantial size (its dimensions are approximately 330 metres in length and ranges from between 50 and 180 metres in width).
- In terms of potential residential amenity, daylight and sunlight and wind impacts any tall buildings on the site would be located a significant

distance from nearby residential properties. This is due to the site boundaries and relative isolation of the site created by the surrounding waterways, major roads and rail infrastructure. The site is bounded by the River Lea to the west and south; the DLR and Jubilee Lines to the east. As shown in the aerial photograph these boundary features all provide a significant buffer to the closest residential properties. Underground cables and overhead power lines result in exclusion zone / no build zones running along the eastern site boundary. This would therefore ensure a significant buffer and set back to Brunel Street Works development to the east.

Our aim is to bring forward a visually distinctive, dynamic and high quality mixed use development with varied heights on the site which would contribute positively to the legibility, connectivity and townscape character of the area and, importantly, respond to the existing and emerging context and opportunities and constraints on the site.

High quality design which is sensitive to its context would be at the heart of our proposals. The development proposal will be subject to robust design scrutiny via an iterative series of pre-application meetings and design review meetings.

The proposals would need to comply with the qualitative criteria for tall buildings in London Plan Policy D9 Part C which would ensure the visual, heritage, functional and environmental impact is appropriately scrutinised and considered and to avoid any unacceptable impacts.

London Plan Policy D3: optimising development capacity

We are also concerned that the 20-storey cap on heights would effectively prevent us from progressing a design-led approach to optimising development capacity in line with the London Plan. In line with London Plan Policy D3, this would necessitate the consideration of different design options to determine the most appropriate form of development taking into account the site's capacity for growth, existing and planned infrastructure capacity and design quality requirements.

This design-led contextual site specific process would be curtailed by a maximum 20-storey height cap which has not been justified or evidenced. Capping the development at 20-storeys on the Limmo site would not support us in helping to optimising the open space provision to address the draft Local Plan requirements. The same quantum of floorspace would be required within a greater development footprint, thereby reducing provision of open space on the site. It is clear that the Council has not engaged in this level of design detail. Site specific above and below ground constraints which dictate where buildings can be located have also not been considered.

The requirement for a local park is relevant here. Our experience on other large sites (eg. Earls Court) is that delivering generously sized parks on constrained sites is likely to necessitate a degree of flexibility on height and the provision of taller elements.

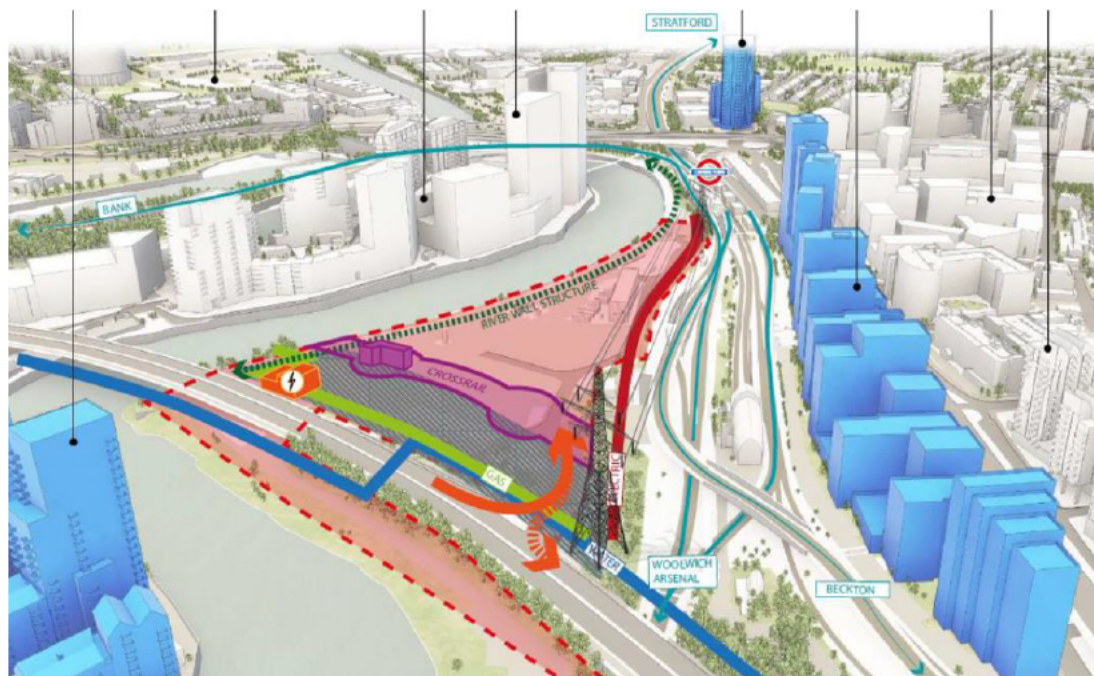
Deliverability considerations

We are concerned that the 20-storey cap on development heights would significantly restrict the quantum of overall and affordable housing that is achievable on the site, taking into account other development and infrastructure constraints which limit the area of the site which can potentially be built upon. There are a number of very significant development constraints and policy expectations which impact the site and need to be considered. This includes:

- the requirement for a 2 hectare local park

- the requirement for a new bridge connecting the site to the Brunel Street Works site which needs to pass over the DLR and Jubilee lines.
- underground high voltage UKPN cables and overhead power lines and pylons which create exclusion / no build zones on the eastern site boundary.
- Gas and water mains to the south of the site which are subject to easement / exclusion zone restrictions)
- The requirement to deliver a new river wall and flood defences, with an assumed 18 metre exclusion zone. Planning policy expectations in terms of affordable housing also clearly necessitate a certain quantum of development floorspace on the site to ensure viability and deliverability.

Achieving all of these planning policy expectations on this particular challenging site would simply not be viable or deliverable within a 20-storey height cap, given the restricted developable site area and infrastructure requirements. Previous estimates for the new bridge expected it to cost approximately £10 million. This would be alongside the cost of providing a new river wall and river walkway. We cannot find any evidence that the Council has grappled with these site specific viability or delivery challenges when setting the proposed height cap, or other planning requirements (eg. open space).



Our view on deliverability is informed by our experience on other sites across our portfolio in London but also our detailed understanding of the Limmo site which we have been seeking to bring forward as a development for some time. Our previous Feilden Clegg Bradley (FCB) masterplan which was developed in considerable detail and was subject to pre-application discussion with Newham and GLA officers during 2019 and 2020.

More recently, our understanding of the viability and deliverability constraints has also been shaped by recent detailed dialogue with bidders as part of our live procurement exercise to find a development partner. Each of the three preferred bidders at this stage has fed into these representations. The details cannot be shared due to it being a live procurement exercise. However, we should be in a position at EiP stage to provide further technical, engineering and viability

information to support our view that 20-storeys is not a deliverable maximum height threshold for the site.

London Plan policy context

London Plan Policy D9 Part B requires local planning authorities in London to set 'appropriate' tall building heights within tall building zones. We consider that this provides flexibility for boroughs to set 'appropriate' height ranges (rather than maximum height caps), particularly in tall building zone location such as Limmo.

The benefit of a more flexible approach is that this allows for a rigorous testing and justification of the proposed heights via the planning application process, within the general parameters set by policy.

We recommend the use of 'appropriate' heights, as set out below. In our view, the use of a maximum building height cap should only be required to address fundamental issues which might cap heights, for example, LVMF strategic views or Civil Aviation Authority airport height restrictions.

However, if 'maximum' height levels are to be set, then this needs to be set at a more appropriate height level which is supported by a robust contextual and technical evidence base in terms of 3-D massing modelling and townscape views testing. This should therefore be at 30-storey in line with Civil Aviation Authority airport height restrictions and in line with the findings of our Montagu Evans report.

Consequences for decision-making

There are important planning consequences associated with the proposed 20-storey maximum height cap which need to be considered and understood at the EiP. An application for a building exceeding the proposed 20-storeys or 60-metres in height on this site would be contrary to the draft Local Plan Policy D4 as currently worded. The application would also conflict with the plan-led locational criteria set out in Part B of London Plan Policy D9.

There is therefore a significant risk that proposals would need to be considered a departure from the Local Plan maximum heights (and advertised as such) and also partially in conflict with Part B of London Plan Policy D9. This would then weigh against the scheme in terms of the overall planning balance.

This poses a significant risk factor for us in bringing forwards a deliverable scheme on the Limmo site as it could jeopardise the delivery of the site, or result in significant planning delays. Hence, why we have commissioned our own evidence and are making representations of this nature.

In terms of the soundness of the draft Local Plan, the approach would significantly constrain the delivery of a key strategic site allocation, critical to meeting Newham's housing requirement. We consider this to be a relevant factor when assessing the overall soundness of the plan and its ability to meet identified housing need.

6. Please set out the modification(s) you consider necessary to make the Local Plan legally compliant and sound, in respect of any legal compliance or soundness matters you have identified at 5 above. (Please note that non-compliance with the duty to co-operate is incapable of modification at examination). You will need to say why each modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

We suggest the following modifications to draft Policy D4: Tall buildings and Table I. The amendments reflect our view that building heights above 20-storeys rising up to 30-storeys can be accommodated on the site, as shown in our evidence. We also propose modifications to replace 'maximum' heights with 'appropriate' heights, in line with London Plan Policy D9 and for the reasons set out above.

Policy D4:

2. Tall buildings will only be acceptable, subject to detailed design and masterplanning considerations, in areas designated as Tall Building Zones. The height of tall buildings in any 'Tall Building Zone' should be proportionate to their role within the local and wider context and should **generally** not exceed the respective ~~limits~~ **appropriate indicative height range** set in Table I below. **Maximum building heights within Tall Building Zones should be robustly tested and established at planning application stage via a detailed and comprehensive design-led masterplanning and testing exercise to ensure compliance with the qualitative criteria for tall buildings.**

Table I: Tall Building Zones

Appropriate Height Range Maximum	Further guidance
50m (ca. 16 storeys) and 40m (ca. 13 storeys), 60m (ca. 20 storeys) and 100m (ca. 33 storeys) in the defined areas	<p>Prevailing heights should be between 21m and 32m (ca. 7-10 storeys).</p> <ul style="list-style-type: none"> • In the north east of the Tall Building Zone, a limited number of tall building elements up to 40m (ca. 13 storeys) could be delivered subject to careful transition to the lower rise residential development to the east. • To mark Canning Town station and district centre, tall buildings, with elements of up to 100m (ca. 33 storeys) are suitable. It is considered that the existing cluster should be the highest point and all new tall elements should step down from this central cluster. • This step down should be marked at At N5.SA4 Limmo and N5.SA5 Canning Town Riverside where there are limited opportunities for tall building elements up to ranging from 60m to 100m (ca. 20 to 30 storeys). • In the rest of the Tall Building Zone, including to mark the new DLR station and local centre at Thameside West, limited additional tall buildings with elements of up to 50m (ca. 16 storeys), could be integrated carefully to aid wayfinding and mark special locations. • Development including tall buildings in this zone should assess their visual and townscape impact in the context of existing and permitted tall buildings to ensure the cumulative impact is acceptable and to avoid any unacceptable adverse impacts does not saturate the skyline.

Associated modifications are also necessary to the Tall Building map and site allocation.

Name or Organisation:

Places for London

3. To which part of the Local Plan does this representation relate? (Please be as specific as possible)

Policy

N4.SA4: Limmo site allocation

Implementation Text

Paragraph

Policies Map

4. Do you consider the Local Plan is :

4.(1) Legally compliant

Yes

☐

No

☐

4.(2) Sound

Yes

☐

No

☒

4 (3) Complies with the
Duty to co-operate

Yes

☐☐

Please tick as appropriate

5. Please give details overleaf of why you consider the Local Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible.

If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

Building heights

The approach to tall buildings in the Limmo site allocation is unsound for the reasons set out above. Our proposed modifications to the site allocation text are set out below to address and are explained and justified in our representation on draft Policy D4 above, so the rationale and evidence does not need to be repeated again here.

Open space

Our second principal concern with the draft site allocation is the approach to open space requirements. As currently worded, the requirement for a minimum 2 hectare local park to be provided on the Limmo site allocation is considered to be

inflexible and has not been justified. Rigid application of the requirement for a minimum 2-hectare consolidated open space has the potential to constrain the viability and deliverability of development on the Limmo site.

Design, layout and quantum of open space

We recognise that there is a strong local aspiration to see the delivery of significant new public space provision in and around the Limmo Peninsula to address local deficiencies. This would also complete the missing piece in the jigsaw along the Lea Valley, with a new riverside park expected to plug into existing and proposed open spaces and walking and cycling routes along Leaway. Through the Limmo Peninsula development we want to support the delivery of this spatial planning place making objective and deliver high quality, transformational open space.

However, the requirement for a minimum 2-hectare local park is a rigid, inflexible and arbitrary requirement on what is a very complex and challenging site. The Council has not undertaken any site specific masterplanning, design-led process which considers the particular site constraints and policy requirements in relation to open space, access and tall building in the round to test whether the plan requirements are viable or deliverable.

A key consideration should be the quality and function of open space provision and its accessibility, rather than simply the application of a minimum quantum of provision.

We are concerned about the use of the word 'consolidated' open space and that this will be interpreted rigidly as requiring a single stand-alone park. Our concern is that this would also potentially undermine the design-led masterplanning process we are undertaking which seeks to optimise the development potential of the site, in line with the London Plan.

The best solution for the site from an urban design perspective may be to provide a contiguous series of well-connected and generously sized public open spaces enclosed and activated by buildings. The site dimensions and its location adjacent to the meandering River Lea also lends itself to the provision of open space being configured and orientated around these natural features, rather than being all sited in one stand-alone area.

Constraints and challenges in siting buildings within certain locations on the site due to below ground infrastructure constraints, as well as the adjacent pylons and overhead high voltage cables will also inevitably influence the layout of buildings and the public realm.

In summary, an appropriate degree of flexibility in design is essential. We do not consider that the draft Local Plan should seek to dictate the overall layout approach to the public realm and open space on the site. This should be established through a contextual, site specific design-led masterplanning exercise.

Reduced Limmo site allocation boundary and surrounding developments

We consider that it is essential to take into account the reduced (from the current adopted local plan) Limmo site boundary and note the significant open space provision coming forwards in the wider area, which the Limmo development would contribute towards.

There is a current permitted proposal to provide approximately 0.5 hectares of new public open space on land to the south of the Lower Lea Crossing (adjacent to the proposed Limmo allocation site) as part of the Thameside West development which is owned by GLAP (LPA Ref: I8/03557/OUT). This is subject to a live Reserved

Matters Application – refer to the Leaway Park RMA (LPA Ref: 24/01507/REM). This land forms the southern section of the existing Limmo site allocation.

This section of the Leaway Park is partly on TfL-owned land and will contribute towards meeting the need for open space in the area, taking into account both the existing neighbourhoods and planned developments. We therefore consider that the Limmo allocation site should include public open space to address the balance (approximately 1.5 hectares).

In summary, there is no need for the entire 2-hectare requirement to be accommodated on the Limmo site allocation to satisfy identified need. Part of the open space requirement could be delivered on adjacent land if this is suitable and deliverable. The Limmo site allocation should then be expected to deliver the balance. This would ensure that the required quantum of new open space provision delivered in this area to address the identified local need.

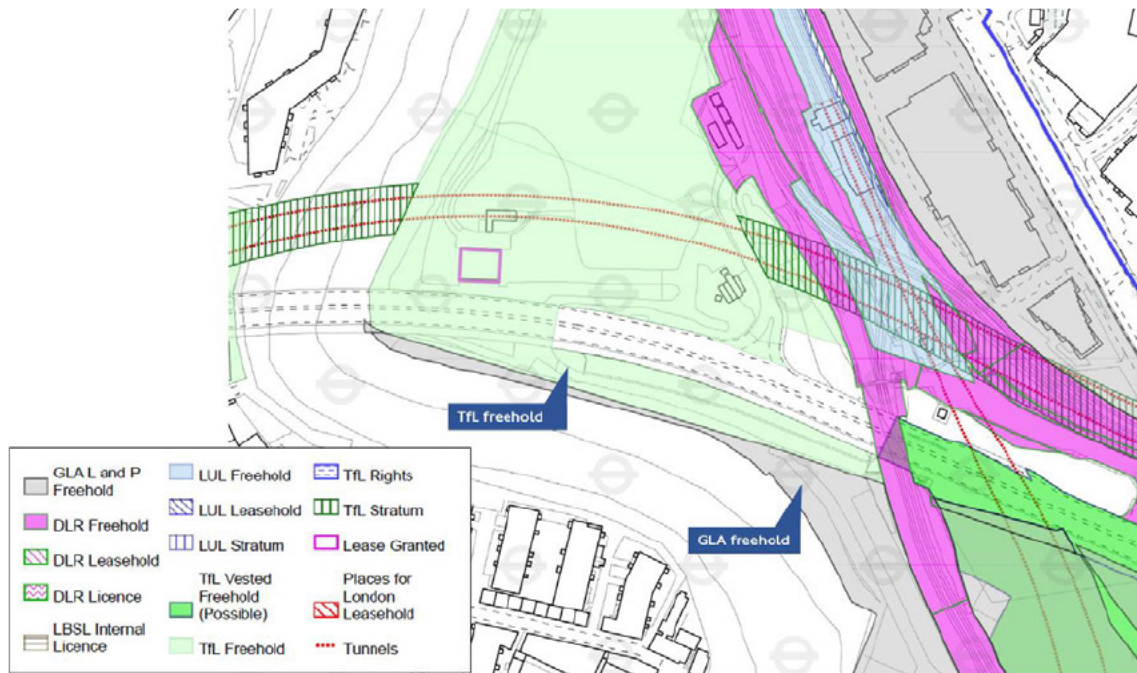
This alternative approach would better reflect the revised Limmo site boundary and address the following site overlap issues created by the Thameside West planning permission:

- The site boundary for the Thameside West permission includes a 0.5 hectare sized area of TfL-owned land to the south of the Lower Lea Crossing.
- This land forms part of the Limmo Peninsula site allocation (SI8) within the current adopted Newham Local Plan (2018). However, it is removed from the draft Local Plan site allocation boundary.
- There has therefore been a material change in circumstances as a result of our reduced site allocation boundary, which should be recognised.
- The removal of this 0.5 hectares area of land creates a number of issues for the Limmo Peninsula development in terms of the potential for open space provision.
- Previously, this land was included in the 2020 CLL / FCB masterplan for the Limmo Peninsula site and made a significant contribution towards open space provision and our ability to deliver a 2-hectare local park. This area of TfL-owned land made a contribution of approximately 4,300 sqm towards public open space provision across the Limmo site, accounting for approximately 22% of the site's overall public open space offer in the previous 2020 masterplan.

It should be noted that this is not in any way a downgraded open space offer. There would be no material change to open space provision proposed; the area identified would still continue to be provided as public open space, linking into the Limmo site development below the Lower Lea Crossing. Its phasing brought forwards compared to the original Thameside West permission.

The Canning Town area is in deficiency of open space, as set out in the Council's evidence base. However, it should be noted that this situation would be transformed in the future once the public open space proposed on various development sites is provided, including at Limmo Peninsula, City Island and Thameside West.

TfL and GLAP ownership:



0.5 hectare area of TfL-owned land removed from the current 2018 site allocation boundary:



Thameside west outline planning permission site boundary:



Leaway Park RMA Design and Access Statement (July 2024):



6. Please set out the modification(s) you consider necessary to make the Local Plan legally compliant and sound, in respect of any legal compliance or soundness matters you have identified at 5 above. (Please note that non-compliance with the duty to co-operate is incapable of modification at examination). You will need to say why each modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

Our proposed modifications are below:

Infrastructure requirements

Development should address open space deficiencies by providing ~~a local park~~ **significant new areas of high quality public open space which connect into the wider network of spaces in the area (including The Line to the north and the new Leaway Park to the south).** The development should ~~provide~~ **contribute towards the provision of** a local park of a minimum of 2 hectares of ~~consolidated open space in the Limmo Peninsula area~~ to service nearby residential neighbourhoods. **This should be achieved by provision of 1.5 hectares of public open space within the Limmo site allocation linking to the 0.5 hectare Leaway Park to the south.** ~~Some additional~~ Open space should ~~also~~ be provided to the north of the site, on land to the west of Canning Town Rail Station. The open space provision should prioritise community growing opportunities. ~~In addition to the open space provision, d~~ Development should provide publicly accessible play space, in accordance with Local Plan Policy GWS5, in the form of a Locally Equipped Area for Play, a Neighbourhood Equipped Area of Play and a Local Area for Play, which should be playable public realm. **The space beneath the Lower Lea Crossing should also be activated and creatively used to contribute towards open space provision.**

Design principles

The site should be designed and developed comprehensively in accordance with Local Plan Policy BFN2. The masterplan must demonstrate that the proposed development is designed with suitable flexibility to accommodate the option to deliver the redevelopment of the bus station **should this land parcel be brought forwards for development at a later date via a separate planning application.**

Appropriate Building heights should range between 21-32m (ca. 7-10 storeys) with taller buildings **ranging from up to 60m to 100m** (ca. 20 **to 30** storeys) ~~adjacent to the railway line and open space.~~ Above the bus station, development should range between 19-42m (ca. 6-13 storeys).

Explanation / justification for modifications:

The changes to the section on open space / infrastructure requirements are explained above. Other minor tweaks are also suggested which seek to avoid ambiguity created by the use of the words 'in addition'. We are concerned that this may be misinterpreted as being an extra requirement over and above the 2-hectares which is clearly not the case, given that play space would form a key component of the park.

We also recommend a modification in relation to the bus station to make it clear that this land does not form part of the current Limmo development site boundary or emerging masterplan.

The rationale for the building height changes are in line with our proposed modifications to the draft tall buildings policy.

Name or Organisation:

3. To which part of the Local Plan does this representation relate? (Please be as specific as possible)

Policy

Implementation Text

Paragraph

Policies Map

4. Do you consider the Local Plan is :

4.(1) Legally compliant	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
4.(2) Sound	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>
4 (3) Complies with the Duty to co-operate	Yes	<input type="checkbox"/>		<input type="checkbox"/>

Please tick as appropriate

5. Please give details overleaf of why you consider the Local Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments

While we are supportive of increasing open space in the borough, it is incorrect to identify the TfL land adjacent to Wharfside Road, Bidder Street and Newham Way for site location plan as an opportunity for Green Space.

This site has electrical infrastructure on it in the form of a pylon which significantly limits the opportunity for the delivery Green Space on the site. Further to this, the site is an appropriate location for an electric vehicle charging hub as it is adjacent to Newham Way which is a major arterial route in the borough and has existing vehicular access.

An Electric Vehicle Charging Hub in this location would meet the objectives which are set out in Policy T3: Transport Behaviour Change of the Draft Local Plan by increasing the number of electric vehicle charging points in the borough and would also align with the Mayors Transport Strategy.

We recommend that the drawing is altered to remove the identification of an opportunity of green space in this location and opportunity for an electric vehicle charging hub is instead identified. This would also be in line with previous pre-application advice we have received from the borough regarding an electric vehicle charging hub on this land.

6. Please set out the modification(s) you consider necessary to make the Local Plan legally compliant and sound, in respect of any legal compliance or soundness matters you have identified at 5 above. (Please note that non-compliance with the duty to co-operate is incapable of modification at examination). You will need to say why each modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

Amendments should be made to the site allocation map to remove the green blob 'opportunity for green space'.

A symbol should be added to this location on the map to highlight the potential for this land to accommodate an electric vehicle charging hub, in line with the Mayor's Transport Strategy.

Name or Organisation:

3. To which part of the Local Plan does this representation relate? (Please be as specific as possible)

Policy	<input type="text" value="Site allocation N8.SA.2 Stratford Station"/>
Implementation Text	<input type="text"/>
Paragraph	<input type="text"/>
Policies Map	<input type="text"/>

4. Do you consider the Local Plan is :

4.(1) Legally compliant

Yes

☐

No

☐

4.(2) Sound

Yes

☐

No

☒

4 (3) Complies with the
Duty to co-operate

Yes

☐☐

Please tick as appropriate

5. Please give details overleaf of why you consider the Local Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

To realise the scale and quality of improvements envisaged to support the transformation of Stratford into an International Centre there is an opportunity for this part of the draft plan to promote the area immediately around Stratford Station as having the potential to deliver significant amounts of new housing, retail and other town centre uses. This would be at densities significantly higher than those in Maryland.

Any development progressed via the design-led approach to site optimisation as set out in the London Plan and taking into account the surrounding context and opportunities presented by the redevelopment of this highly accessible public transport interchange located within an international Town Centre.

In order for the site allocation to be deliverable we would encourage flexibility in how this achieved as there may be a range of strategies for how the site allocation may be delivered in terms of design' layout and land use.

This is a key strategic site that will need to balance the delivery of infrastructure alongside the delivery of homes and affordable homes.

Building heights

We would welcome support for taller elements to be allowed across the site allocation where justified and /or where agreed through a detailed master-planning process that can respond to the specific contextual and local character considerations of the site.

However, limiting the heights to the maximum heights proposed appears arbitrary, does not take account of the local established context or whether there would be benefit to the townscape or whether, through design review, the scheme has demonstrated exceptionally good design and public realm or other benefits.

London Plan Policy D9 Part B requires local planning authorities in London to set 'appropriate' tall building heights within tall building zones. We consider that this provides flexibility for boroughs to set 'appropriate' height ranges (rather than maximum height caps. We recommend the use of 'appropriate' heights, as set out in our representation on Policy D4: Tall Buildings.

It is also very difficult to interpret the maximum tall buildings map in this area in terms of which precise sites are covered in different height zones.

We consider that the Council's Characterisation and Tall Buildings Study have been undertaken in a spatial vacuum with the scope of these studies limited to the borough of Newham only.

Newham's tall building study is not supported by massing studies or townscape or visual appraisals. In our view, this should be considered an essential requirement when setting restrictive maximum height caps at plan-making stage on a site of this size and importance in terms of housing delivery, connectivity and place making (both locally and strategically).

This approach would fail the soundness test and potentially hinder the deliverability of the site.

As 3-D modelling of and testing of key heritage townscape and LVMF strategic views has not been undertaken, we recommend that this is acknowledge and reflected in the draft policy, with the building heights set as an 'appropriate

height range' and acknowledgement that the precise height and massing will need to be justified and subject to detailed testing at application stage.

Layout and public realm

The site allocation currently conveys a rigid interpretation of the street bridge and potential green space which could create an unrealistic expectation for there to be a large amount of green infrastructure over the DLR line. This is not going to be deliverable.

We would encourage the focus of the site allocation to be on improving connectivity and public realm improvements and that matters of greening be controlled in the normal way through detailed design and policies requiring urban greening, biodiversity net gain and landscape and public realm improvements as a result of development.

This will ensure that a full range of options can be explored and provide the requisite flexibility needed at this early stage in the Stratford station project to ensure that the site allocation is deliverable over the lifetime of the plan.

In order for the site allocation to be deliverable over the lifetime of the plan we would suggest that the site allocation wording is amended as follows in order for the most appropriate greening strategy to be considered as part of the rigorous assessment of options which is currently ongoing and not resolved.

The changes proposed will mean a full range of options can be explored provide the requisite flexibility needed at this early stage in the Stratford station project to ensure that the site allocation delivers public realm and connectivity improvements in the most effective way.

6. Please set out the modification(s) you consider necessary to make the Local Plan legally compliant and sound, in respect of any legal compliance or soundness matters you have identified at 5 above. (Please note that non-compliance with the duty to co-operate is incapable of modification at examination). You will need to say why each modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

Development principles

Increased capacity at Stratford Station ~~to be provided through the redevelopment of the ticket hall and new and improved station entrances from Montfichet Road and the Carpenters estate along with residential, employment uses, main town centre uses and social infrastructure including, community facilities and education facilities, and open space.~~ and enhanced connectivity to and from the Carpenters Estate, Montfichet Road and Queen Elizabeth Olympic Park should be achieved through comprehensive mixed use redevelopment of the site allocation. Development at higher densities will be supported where it achieves a high standard of design.

Building heights should ~~vary and respond to local context range between 9—21m (ca. 3—7 storeys in proximity to the St John's Conservation Area and between 21—32m (ca. 7—10 storeys) in the rest of the site, with taller buildings up to 40m (ca. 13 storeys), 60m (ca. 20 storeys) and 100m (ca. 33 storeys) in defined locations, with consideration given to taller buildings ranging from 13 to 33-storeys in appropriate locations marking Stratford Station, subject to design quality and testing of heritage, townscape and strategic views and the cumulative environmental impact.~~

The design and layout of the site should create new and improved public realm and walking and cycling routes, **which improve connectivity for pedestrians and cyclists to and from the Carpenters Estate and the Queen Elizabeth Olympic Park including new public spaces and open spaces created through a new station square to the south of the ticket hall, a new decked street south of the station towards the Stratford High Street and a new bridge from the station square to Montfichet. This should include** a new or improved Jupp Road Bridge or equivalent alternative.

In relation to tall buildings, please refer to our representation on D4: Tall Buildings and in particular, our recommendation that, in line with the London Plan, the draft Local Plan should set 'appropriate' height ranges for tall buildings, rather than prescriptive maximum height caps in defined areas.

The site allocation map should be amended to:

- Remove the green blob over the DLR tracks. The Map currently creates an unrealistic sense that there would be a linear green space or pocket park and whilst we share the ambition to green the public realm we consider the area being designated as an opportunity for public improvement would support a range of options, including greening to come forward.
- The Raised Street and Bridge should end immediately adjacent to Stratford Station. It should not extend to Stratford High Street as the map currently creates a sense that the bridge must terminate here and it may be the case, that through detailed design testing, other possibilities emerge as the Stratford station project is at an early stage in the design process.

Name or Organisation:

Places for London

3. To which part of the Local Plan does this representation relate? (Please be as specific as possible)

Policy

Policy H1: Meeting Housing Need

Implementation Text

Paragraph

Policies Map

4. Do you consider the Local Plan is :

4.(1) Legally compliant

Yes

☐

No

X

4.(2) Sound

Yes

☐

No

☐

4 (3) Complies with the
Duty to co-operate

Yes

☐

X

☐☐

Please tick as appropriate

5. Please give details overleaf of why you consider the Local Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible.

If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

Newham is unable to demonstrate a five year housing land supply when measured against the London Plan Housing Target and this is worsened when a 20% buffer is applied to account for past shortfalls in net completions (see Newham's Site Allocation and Housing Trajectory Methodology Note). Only a 2.14 year supply can be demonstrated against the London Plan target and 20% buffer.

There is a significant gap between housing targets in the London Plan and the proposed short, medium and long-term annual monitoring targets shown on page 208 of the draft Local Plan. The evidence shows that Newham does not have sufficient identified housing capacity to meet the Borough's London Plan housing requirement over the course of the London Plan period, with a shortfall of 16,472 units. This is a significant shortfall.

The draft Local Plan absorbs the LLDC area in Newham. However, there does not appear to have been any commensurate upwards adjustment to reflect this in the Council's annual delivery targets. This will need to be properly explained for at the EiP to demonstrate that the draft Local Plan is sound and in General Conformity with the London Plan. Any unmet housing requirements would need to be properly accounted for in line with the NPPF and soundness tests.

Housing supply is clearly a key soundness question for the draft Local Plan. Given the housing delivery challenges, we would expect a more positively prepared and deliverable draft Local Plan policy framework with planning policy expectations designed to ensure that development is deliverable and speed up the planning process wherever possible. However, the draft Local Plan appears to take the opposite approach.

For example, the proposed approach to the Fast Track Route in the draft Local Plan would effectively make this unavailable to most applicants in the borough of Newham, in conflict with the London Plan. This is not justified by sufficient evidence in terms of viability and deliverability.

Similarly, the requirements in relation to building heights and open space on key strategic site allocations is unnecessarily prescriptive and restrictive. This is likely to jeopardise or significantly delay the delivery of much needed housing in these locations by placing undeliverable cumulative policy expectations and requirements on development.

We consider that the overall approach in the draft Local Plan should be reconsidered in light of the challenges in terms of meeting identified housing

requirements (specifically in terms of the highly prescriptive nature of the policy wording on site allocations, tall buildings and the Fast Track Route).

6. Please set out the modification(s) you consider necessary to make the Local Plan legally compliant and sound, in respect of any legal compliance or soundness matters you have identified at 5 above. (Please note that non-compliance with the duty to co-operate is incapable of modification at examination). You will need to say why each modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

Further explanation and clarification is sought.

Name or Organisation:

Places for London

3. To which part of the Local Plan does this representation relate? (Please be as specific as possible)

Policy

Policy H3: Affordable housing

Implementation Text

Paragraph

Policies Map

4. Do you consider the Local Plan is :

4.(1) Legally compliant

Yes

☐

No

☒

4.(2) Sound

Yes

☐

No

☒

4 (3) Complies with the
Duty to co-operate

Yes

☐☐

Please tick as appropriate

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Whilst we recognise the need to significantly increase affordable housing delivery, the proposed approach in Policy H3 is not in general conformity with the London Plan and does not appear to be supported by robust evidence.

The draft policy sets out a requirement for 60% affordable housing, of which, 50% should be social rent and 10% intermediate. Schemes which do not meet this requirement (and Policy H3 requirement for 40% family sized homes) would not be able to follow the Fast Track Route. The Viability Tested Route would need to be followed, with schemes also subject to early, late and (where appropriate) mid-stage review mechanisms.

As one of the largest landowners in London we strongly support the degree of certainty and consistency across London that the Mayor's Fast Track Route provides.

Our experience bringing forward development proposals across London is that 60% affordable housing is unlikely to be achievable in this context, meaning that most residential applications will need to follow the Viability Tested Route in Newham. This will create further planning delays and uncertainty which would ultimately frustrate housing delivery.

This would frustrate the delivery of the Mayor's Fast Track Route strategy on affordable housing which seeks to incentivise applicants to follow this route where ever possible. To illustrate this tension, we would like to draw the Inspector's attention to the following paragraph in the London Plan (4.4.2):

*'Past approaches have not adequately met levels of housing need. To provide greater certainty, speed up the planning process and increase affordable housing delivery, the Mayor is adopting a **threshold approach to viability**. This means that schemes meeting or exceeding the threshold without public subsidy, and consistent with the requirements in Part C of Policy H5 Threshold approach to applications, are not required to submit viability information. The threshold approach was first introduced in the Mayor's Affordable Housing and Viability SPG. It provides the opportunity to move away from protracted viability debates, create certainty in terms of affordable housing requirements, embed the requirements into land values, and offer a clear incentive for developers to increase affordable housing delivered through the planning system above the level in planning permissions granted in recent years.'*

We are not convinced that the proposed policy is supported by appropriate or robust evidence in terms of viability and recent rates of delivery (permissions) both in Newham and across London. Nor are we convinced that the policy would increase the delivery of affordable housing when compared to the approach in the London Plan.

The Local Plan Viability Report, published as part of the evidence base, does not demonstrate that most sites or typologies tested would be deliverable with a 60% affordable housing requirement. The conclusion of the BNPP viability report at paragraph 7.2 is relevant and states:

'There are significant variations in the percentages of affordable housing that can be provided, depending on private sales values (which vary significantly between the different sub-markets across the borough), scheme composition, requirements for infrastructure and community facilities including schools and places of worship, and benchmark land value. The results do not point to any particular level of affordable housing that a majority of schemes can viably deliver but the results do indicate that there are some development circumstances in which the emerging policy target of 60% could be viable.'

However, given the extent of appraisal outputs which indicate schemes will be viable with lower affordable housing percentages, we recommend that the target be applied on a 'maximum reasonable proportion' basis taking site-specific circumstances into account.'

The LB Newham Cabinet Report associated with the Reg I9 draft Local Plan included the following:

'The affordable housing policy changes made following the Full Council motion in December 2023 may cause deliverability challenges for the Local Plan due to the impact on Plan viability. As testing deliverability is part of the 'effective' test of soundness, this may be challenged at examination. If this is raised during consultation, officers and members have a further opportunity to assess the Plan.'

The Local Plan Viability Assessment notes that where development is required to provide on-site community infrastructure and/or highway or public transport infrastructure, they are less likely to meet the 60% threshold. This situation will be relevant to the majority of the Local Plan site allocations (particularly on large-scale brownfield sites around Canning Town and within the Royal Docks – where existing infrastructure is inadequate). This challenge is not recognised within the Council's proposed threshold approach. Furthermore, it is unclear whether the Local Plan Viability Assessment has properly considered the potential significant cost of infrastructure when undertaking its scenario testing for the various site allocations. It is our view that this scenario testing has significantly under-estimated build and infrastructure costs and therefore over-stated the viability (and therefore deliverability) of the various development sites.

This proposed change removes any incentive for Applicants to increase affordable housing provision to achieve the threshold level – and the level of all developer-led affordable housing will be set by the outcome of a viability assessment. As pointed out by the GLA in its representation, this may well result in less affordable housing being delivered overall, and this view is supported by GLA's London wide monitoring data on permissions since the Mayor's Fast Track Route was introduced.

Tenure split

The proposed tenure split also diverges from the London Plan Policy H6 which makes it clear that the tenure requirement for affordable housing should be 30% each for low cost rent and intermediate housing products and the remaining 40% should be determined by boroughs. LB Newham's proposed approach effectively applies an 83:17 tenure split in favour of social rent, which would be contrary to the London Plan.

We also disagree with certain conclusions within the Council's Local Plan Viability Assessment. The assertion that the tenure mix (83% Social Rented and 17% intermediate) is deliverable and will have a "relatively modest impact on viability", is not correct.

The portfolio approach to affordable housing delivery

London Plan Policy H4 states that public sector landowners that have agreements with the Mayor can take a portfolio approach to delivering 50% affordable housing across public landholdings in London. Where there is an agreement with the Mayor to deliver at least 50% affordable housing across a portfolio of public sector owned sites, then the 35% affordable housing threshold should apply to individual sites within that portfolio.

This needs to be reflected in the wording of the draft Local Plan policy H3, Part 3. As currently drafted, this appears to be seeking to restrict such portfolio agreements to the borough of Newham only, which is not appropriate and not in line with the London Plan.

6. Please set out the modification(s) you consider necessary to make the Local Plan legally compliant and sound, in respect of any legal compliance or soundness matters you have identified at 5 above. (Please note that non-compliance with the duty to co-operate is incapable of modification at examination). You will need to say why each modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

Modifications are required to ensure General Conformity with the London Plan.

Name or Organisation:

Places for London

3. To which part of the Local Plan does this representation relate? (Please be as specific as possible)

Policy

Policy H4: Housing mix

Implementation Text

Paragraph

Policies Map

4. Do you consider the Local Plan is :

4.(1) Legally compliant

Yes

☐

No

☐

4.(2) Sound

Yes

☐

No

☒

4 (3) Complies with the
Duty to co-operate

Yes

☐☐

Please tick as appropriate

5. Please give details overleaf of why you consider the Local Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible.

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The approach to housing mix is overly prescriptive and is likely to be undeliverable on the vast majority of sites. As currently worded the policy would disqualify the Fast Track Route for any schemes which do not provide 40% family sized homes (3 and more bedrooms) across all tenures.

This is not appropriate for the reasons set out above – since it would be undeliverable in most cases and would therefore undermine the functioning of the Fast Track Route and mean that in likelihood almost all residential applications in Newham would need to follow the Viability Tested Route.

We consider that it is appropriate for Newham to set out its size mix expectations for social rent accommodation, given this relates directly to their Council house waiting lists and statutory housing duties. This would provide helpful clarity to applicants. However, we do not consider this to be an appropriate or sound approach on market tenure homes which are influenced by variety of dynamic factors such as affordability, viability, sales rates and market absorption rates in an area, as well as site location, density, land use mix.

The proposed blanket policy approach fails to recognise that certain types of location lend themselves to higher levels of provision of smaller 1 and 2 bedroom homes in market sale, market rent or intermediate tenure, for example, town centres, as allowed for within London Plan Policy H10. This degree of nuance seems to be entirely lacking from Policy H3.

The proposed draft policy also seeks to cap the percentage of one bedroom, two person homes to 15% across all tenures, which also we consider to be overly prescriptive and unjustified.

6. Please set out the modification(s) you consider necessary to make the Local Plan legally compliant and sound, in respect of any legal compliance or soundness matters you have identified at 5 above. (Please note that non-compliance with the duty to co-operate is incapable of modification at examination). You will need to say why each modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

Modifications are required to ensure General Conformity with the London Plan.

Name or Organisation:

Places for London

3. To which part of the Local Plan does this representation relate? (Please be as specific as possible)

Policy

Policy H5: Build to Rent housing

Implementation Text

Paragraph

Policies Map

4. Do you consider the Local Plan is :

4.(1) Legally compliant

Yes

☐

No

☐

4.(2) Sound

Yes

☐

No

☒

4 (3) Complies with the
Duty to co-operate

Yes

☐☐

Please tick as appropriate

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Much of the draft Policy H5 Part I repeats London Plan Policy H11 verbatim. We do not consider this to be necessary, given this is already part of the Development Plan.

The approach to affordable housing does not appear to be in line with the London Plan, given that this allows Build to Rent schemes to provide Discount Market Rent affordable housing (London Living Rent and other genuinely affordable rents) and be eligible for the Fast Track Route where the requirements of London Plan Policy H11, Part C are met.

Whilst the need for unified on-site management and the option for longer tenancies. However, we do not consider that minimum tenancy lengths should be required or mandated by policy. This limits flexibility for the benefit of residents – who may for example want to live in the property for two years before purchasing a shared ownership property. Their circumstances may also change. The proposed policy approach on requiring minimum three-year tenancies appears to go further than the London Plan Policy H11, which states that tenancies of this length should be made available, rather than mandated as minimums.

Furthermore, whilst we appreciate that the restriction on the number of homes (50) comes from the London Plan, we do not see why there is a need for this restriction. Why 50? What impacts the ability to deliver and operate a smaller scale BTR development to the same level of quality and value as a larger scale? What interest is this specific criterion seeking to protect?

Similarly, there should no need for a covenant or clawback where a Build to Rent development has been viability tested as shown in Part 4 of the draft Policy H5. In practice, developers could apply for planning permission for conventional housing (Class C3) and operate this as BTR without requiring planning permission.

6. Please set out the modification(s) you consider necessary to make the Local Plan legally compliant and sound, in respect of any legal compliance or soundness matters you have identified at 5 above. (Please note that non-compliance with the duty to co-operate is incapable of modification at examination). You will need to say why each modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

Modifications are therefore required to ensure General Conformity with the London Plan and ensure deliverability.

Name or Organisation:

Places for London

3. To which part of the Local Plan does this representation relate? (Please be as specific as possible)

Policy

Policy H8: Purpose-built student accommodation

Implementation Text

Paragraph

Policies Map

4. Do you consider the Local Plan is :

4.(1) Legally compliant

Yes

☐

No

☐

4.(2) Sound

Yes

☐

No

☒

4 (3) Complies with the
Duty to co-operate

Yes

☐☐

Please tick as appropriate

5. Please give details overleaf of why you consider the Local Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible.

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Draft policy H8, Part 2 seeks to restrict purpose-built student accommodation unless it is either located within or adjacent to an existing campus in the borough; or in a town centre location / local centre and benefit from a minimum Public Transport Access Level of 4. This is overly restrictive.

London Plan Policy H15 requires boroughs to ensure that local and strategic need for purpose-built student accommodation is addressed whilst also ensuring mixed and inclusive neighbourhoods. It outlines that there is an overall strategic requirement for student accommodation in London (3,500 purpose-built bed spaces per annum). There is nothing in the London Plan which restricts student accommodation to sites within town centres or adjacent to existing University campuses. There is no evidence which justifies this position and therefore this approach must be considered unsound.

We have a number of sites within Newham where student accommodation could be considered, with the potential for student accommodation to support overall scheme viability within mixed tenure and mixed use developments. These sites would be considered suitable locations for student accommodation in terms of the London Plan policy criteria, with good public transport access and relatively close proximity to nearby universities. However, not all of these sites would meet the restrictive requirement of needing to be either adjacent to an existing campus in the borough or within a town centre.

The proposed policy approach would therefore significantly constrain the provision of purpose-built student accommodation, which is not justified or in line with the London Plan.

The draft Local Plan should provide a criteria for assessing 'over saturation / concentration' issues on a site by site / area by area basis, as recommended by the London Plan and draft GLA guidance. This criteria based alternative approach does not seem to have been considered.

In 2021/22 there were over 374,000 fulltime students in London – but with access to only 97,000 purpose-built student accommodation (PBSA). As a result, a high proportion of students (between 40-50%) are likely to be living in the private rented sector.

East London is increasing attracting new Higher Education Institutes (including the UCL East Campus and various satellite campuses on the Isle of Dogs). These new HEIs, alongside established Universities – such as the University of East London, the University of Greenwich, Goldsmiths College – has led to growth in full-time students within east London.

The draft NPPF 2024 para 69 notes that “Mixed tenure sites can provide a range of benefits including creating diverse communities and supporting timely build out rates and local planning authorities should support their development through their policies and decisions. Mixed tenure sites can include a mixture of ownership and rental tenures,..... as well as housing designed for specific groups such as older people’s housing and student accommodation”.

We therefore consider that Newham should provide greater support for mixed forms of housing (including student housing) within site allocations close to town centres (particularly Canning Town) and public transport hubs.

6. Please set out the modification(s) you consider necessary to make the Local Plan legally compliant and sound, in respect of any legal compliance or soundness matters you have identified at 5 above. (Please note that non-compliance with the duty to co-operate is incapable of modification at examination). You will need to say why each modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

Our proposed modifications are below. This seeks to ensure general conformity with the London Plan and ensure a greater degree of flexibility:

New purpose-built student accommodation in all other neighbourhoods outside Stratford and Maryland will only be supported where:
*a. it is in a town centre or local centre location **or is** well connected by public transport (with a minimum Public Transport Accessibility Level of 4);*
b. it will not create an over-saturation of purpose-built student accommodation;

Name or Organisation:

Places for London

3. To which part of the Local Plan does this representation relate? (Please be as specific as possible)

Policy

Policy BFN4: Developer contributions and infrastructure

Implementation Text

Paragraph

Policies Map

4. Do you consider the Local Plan is :

4.(1) Legally compliant

Yes

☐

No

☐

4.(2) Sound

Yes

☐

No

☒

4 (3) Complies with the
Duty to co-operate

Yes

☐☐

Please tick as appropriate

5. Please give details overleaf of why you consider the Local Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible.

If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

The draft Policy BNF4, Part 3 sets out priorities for planning obligations being negotiated as part of viability discussions. This ranks the delivery of required infrastructure below family housing and local access to employment and training.

This is not aligned with London Plan Policy DFI Part D which makes it clear that in such situations priority should firstly be given to affordable housing and necessary public transport improvements.

It should be noted that there are some situations where certain infrastructure items (eg. the new bridge link on the Limmo site) are 'must-have' infrastructure items to unlock the development potential of a site and therefore must be prioritised and weighted accordingly where viability is stretched.

6. Please set out the modification(s) you consider necessary to make the Local Plan legally compliant and sound, in respect of any legal compliance or soundness matters you have identified at 5 above. (Please note that non-compliance with the duty to co-operate is incapable of modification at examination). You will need to say why each modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

Please note In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.

After this stage, further submissions may only be made if invited by the Inspector, based on the matters and issues he or she identifies for examination.

7. If your representation is seeking a modification to the plan, do you consider it necessary to participate in examination hearing session(s)?

☐

No, I do not wish to participate in hearing session(s)

☒

Yes, I wish to participate in hearing session(s)

Please note that while this will provide an initial indication of your wish to participate in hearing session(s), you may be asked at a later point to confirm your request to participate.

8. If you wish to participate in the hearing session(s), please outline why you consider this to be necessary:

We are a major landowner within Newham. Our Limmo Peninsula site has the potential to make a very substantial contribution towards meeting the planning policy objectives set out in the draft Newham Local Plan in terms of overall and affordable housing delivery, infrastructure delivery, place making, open space and flood risk management.

We have significant concerns about certain draft policies as set out above and we consider that modifications are required to ensure that the draft Local Plan can be considered sound in terms of the NPPF tests – being justified, effective and consistent with the NPPF. Modifications are also required to ensure general conformity with the London Plan.

We would like to attend the EiP sessions to ensure that these key points are taken into account and properly recorded and taken into account, including the townscape evidence which we have recently prepared in relation to the Limmo Peninsula site allocation and approach to tall buildings.

Our view is informed by our portfolio of major development opportunities across London and commercial and community assets.

We have previously made representations at Reg I8 stage. However, we do not consider that the issues raised have been properly addressed.

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.

9. Do you wish to be notified about:

a. the submission of the local plan for independent examination

Yes ☒ No ☐

b. the publication of the Inspector's report

Yes ☒ No ☐

c. the adoption of the Local Plan

Yes ☒ No ☐

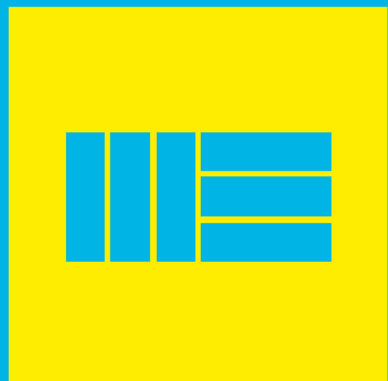
10. Would you like to be added to our consultation database to be notified about future planning policy consultations?

Yes ☒ No ☐

NEWHAM LOCAL PLAN REPRESENTATIONS

LIMMO PENINSULA

FEBRUARY 2023



INTRODUCTION

INTRODUCTION

The draft Regulation 18 Newham Local Plan identifies new Tall Building Zones (TBZs), including recommended heights for each area in metres / storeys. No evidence base or rationale to support the proposed heights is provided.

Our client, Transport Trading Limited Properties Limited (TTLP), has been involved in pre-application discussions relating to the Limmo Peninsula with officers at the London Borough of Newham. The Limmo Peninsula is identified by the draft Local Plan as a TBZ, with heights at Limmo Peninsula of up to 50m or 60m.

Development of up to 30 storeys has been discussed in principle during pre-application meetings, but discussions are at an early stage and no formal agreement has been reached between the parties. The 30-storey height is reflective of the maximum to stay below the aviation height restrictions associated with London City Airport, and the current and emerging heights of neighbouring buildings.

This report has been prepared to outline the requirement for an evidence base to inform the identification of appropriate heights at Limmo Peninsula. This evidence base is required to ensure the Local Plan conforms with the tests of soundness outlined in the 2021 National Planning Policy Framework. The report comprises preliminary visual analysis for the Limmo Peninsula that outlines heights of 30-storeys may be achieved and would, in fact, be beneficial to the area.

LOCAL PLAN EVIDENCE BASE

The draft Local Plan does not include an updated Tall Building Study as part of its Evidence Base. The adopted Newham Tall Building Study (2018) provides useful guidance on the appropriateness of tall buildings in the Borough on a site-by-site basis. We acknowledge that the Tall Building Study is out of date; however, the draft Local Plan is not supported by an updated evidence base to identify the appropriate heights for tall buildings within the identified TBZs.

The draft Local Plan appears to rely on the Newham Characterisation Study 2022 as the basis as identifying locations for tall buildings. We make the following observation arising from the Newham Characterisation Study:

- The site is correctly characterised as ‘brownfield’ and ‘unbuilt or under construction’;
- We note, and agree that the site is identified as ‘not sensitive to change’;
- We note, and agree, that the site is identified as being of ‘not sensitive character’, although would question the ‘2018 Local Plan Tall Building Zone’ that highlights only the northern portion of the site;
- We note, and agree, that the site is identified as a ‘High opportunity for growth’; and
- The Study concludes at p151 that the site be identified as a ‘Transform’ site with the ability to substantially increase density.

The Study identifies the whole of the Site in a TBZ for up to 50m and the northern part of the site up to 60m. While we agree that the characteristics of the site make it suitable as a location for tall buildings, as set out above, the TBZ strategy should encompass the whole site to enable a comprehensive masterplan to be developed. Nevertheless, having identified areas where tall buildings may be suitable, the heights identified are without justification and are over prescriptive. Guidance provided generally around building heights is without justification or based on an empirical and appropriate evidence base.

LIMMO PENINSULA ANALYSIS

The visual analysis set out in this report has been prepared in the ‘cumulative’ context e.g. including all consented and under construction development. This is important, mindful of the scale of change in the surrounding area, such as that at Silvertown and City Island. The draft Local Plan refers to a “skyline saturation point”, although this is not reinforced by an evidence base and, to the contrary, this report demonstrates why additional height at Limmo Peninsula would not give rise to adverse heritage, townscape or visual effects.

VuCity software has been used for the visual analysis. It is a highly accurate digital model of the whole of London. The visual analysis includes the preparation of a zone of theoretical visibility (ZTV) to identify the locations

from which a building of up to 30 residential storeys may be visible. The ZTV is based on a hypothetical 30-storey (103.5m) extrusion across the whole Limmo Peninsula e.g. every part of the Peninsula developed to 30-storeys. The hypothetical development allow us to understand where you may be able to see a scheme of 30-storey located anywhere on the Peninsula.

Using the ZTV, the analysis then identifies viewpoint locations which have then been modelled within VuCity. A rationale for their selection is provided. This approach follows the same principles as the 2012 London View Management Framework.

The view selection draws upon existing policy and guidance within the LB Newham, including that of the draft Local Plan and Characterisation Study along with the surrounding boroughs of Tower Hamlets and Greenwich, mindful of the site proximity to the waterfront.

It has also been important to outline potentially sensitive viewpoints bespoke to the site, based on an understanding of surrounding receptors, including heritage assets. The site is not located in a conservation area and there are no statutorily listed buildings within the plot boundaries. There are, however, both designated and non-designated heritage assets in the surrounding area and any proposal has the potential to impact the setting of some assets, both positively and negatively.

Modelling the hypothetical extrusion allowed us to prepare views that demonstrate what a ‘blanket’ 30-storey height across the Peninsula looks like; however, it is clear that a 30-storey extrusion of the whole Peninsula is not a reasonable development proposal. Accordingly, a hypothetical development of three 30-storey tall buildings was modelled to understand its visual impact. The hypothetical scheme would have a much smaller intensity of impact and, in our judgement, could be wholly acceptable and beneficial.

DISCUSSION

While we welcome the recognition that taller buildings could rise above a specified shoulder height subject to an assessment of their impact, there is no justification for the blanket prevailing building height, nor the other heights identified across the TBZ.

The only justification offered is the explanation at page 165 as to the ‘saturation’ of a tall building cluster in Canning Town. While the use of the word ‘saturated’ could be interpreted as a pejorative, there is no explanation as to why the previous existence of tall buildings (delivered in accordance with the spatial strategy set out in the adopted development plan) should preclude subsequent buildings of a certain height nor why there is an implied potential cumulative impact from additional appropriately located and designed tall buildings.

Identified appropriate heights should be based on a site-specific appraisal. On that basis we strongly disagree that building heights should be limited to isolated heights of 50m and 60m across the entire site, as that does not provide helpful guidance as to the locations of tall buildings and will inhibit the comprehensive planning of tall buildings at Canning Town.

The emerging draft Local Plan identifies Canning Town as a strategic location for intensification through development, including a managed shift away for traditional manufacturing, employment growth generally and housing delivery. For the reasons identified in the Characterisation Study, the site is suitable for tall buildings, but the heights proposed fail to optimise the delivery of these strategic objectives.

In terms of the suitability of the site for tall buildings, the applicant has undertaken extensive analysis of the site as part of the pre-application process. In our view, the site is capable of accommodating buildings in excess of the prescriptive limits expressed in the draft Local Plan and is specifically a location that can accommodate tall buildings up to 30 storeys / 100m as part of a development containing a variety of building heights.

The development of the site for tall buildings has the potential to make a positive contribution to the skyline from various distances and viewing angles. A tiered development can provide a focus to the development with the tallest elements up to 100m tall. An appropriately planned development of a variety of heights will break down the mass with sky gaps and provide an interesting and legible form.

Across long range views, the development would often be occluded by interposing development in the foreground. Where visible, the proposed

variation of building forms and heights within the site would read as an important piece of the wider formation of the tall building cluster and in the context of other tall buildings such as City Island and Silvertown developments. A taller building in this location would appear as a new element on the skyline in these longer-range views, but will contribute positively to the developing skyline, and provide a wayfinding function for the Peninsula generally. The placement of the buildings and composition would be important in creating an attractive undulating form. Carefully designed proposals would not give rise to adverse heritage, townscape or visual effects.

CONCLUSION

Transport Trading Limited Properties Limited are generally supportive of the draft Local Plan, although firmly believe that further modifications are required in order for it to be found sound in terms of being Positively Prepared; Justified, Effective and Consistent with the 2021 National Planning Policy Framework (the Framework).

The 2021 London Plan approach to tall buildings in Policy D9 (Tall Buildings) is broadly to:

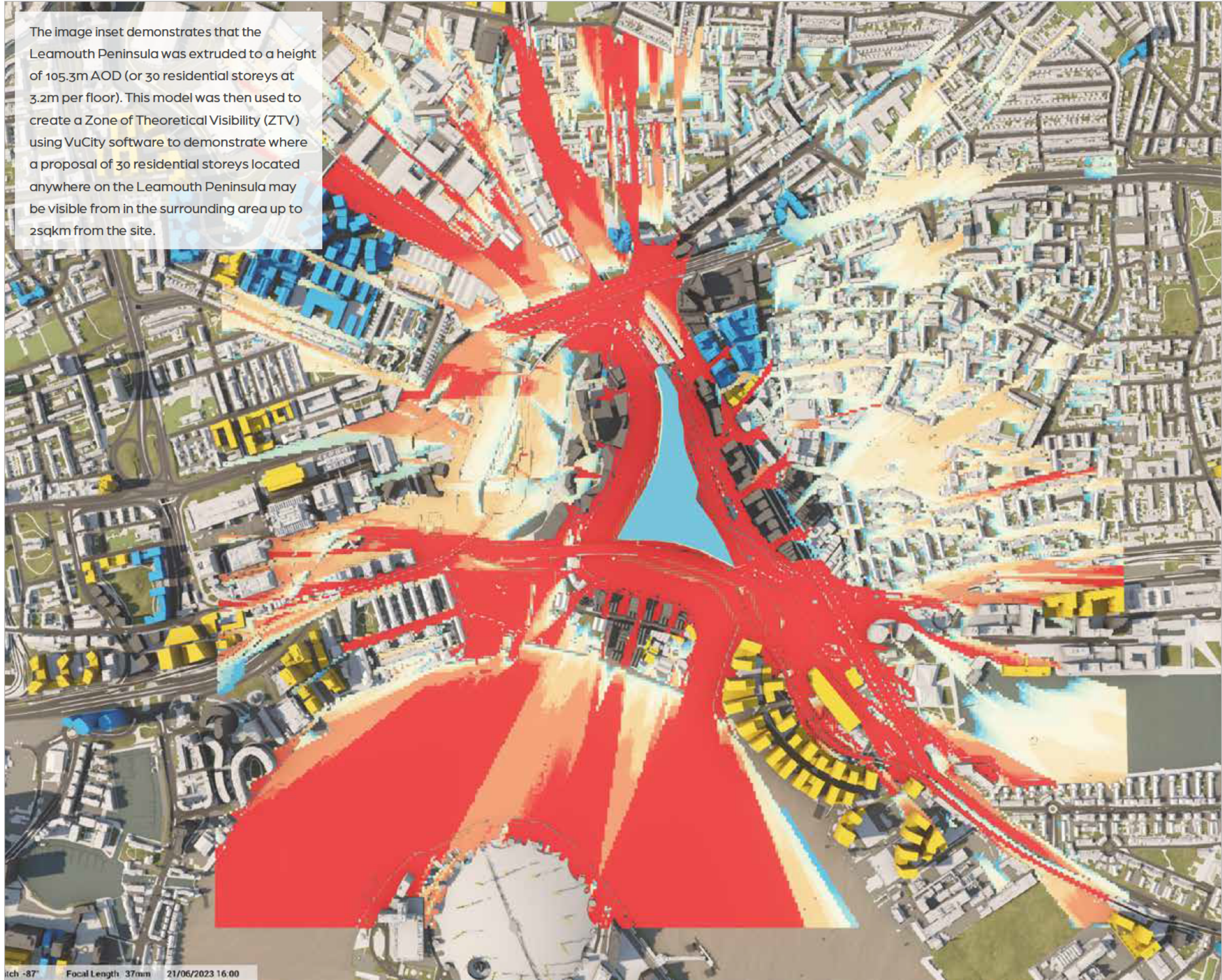
- seek Local Plan positive designation of areas appropriate for tall buildings and appropriate tall building heights;
- allow proposals where they pass the D9(C) filters (confirmed in the Master Brewer case – *R (London Borough of Hillingdon) v Mayor of London [2021] EWHC 3387 (Admin)*)

The 2004 Planning and Compulsory Purchase Act requires general conformity with this overarching spatial strategy, which is intended to achieve housing supply in a housing market suffering extreme stress through optimisation of site capacity. The Framework approach equally promotes the effective use of land in urban areas (Paras 8, 11(a), 119) and criteria-based approach to design excellence and placemaking. We recognise this approach as being a means of achieving good place-making and increasing housing supply / optimising capacity.

The draft Local Plan as proposed would be far more restrictive than the policy approach in the London Plan and would depart from the Framework, because it seeks to prohibit tall buildings over a set height in specific locations without an evidence base, which is as a result not Justified. It also does not make allowance for application of the London Plan D9(C) filters,

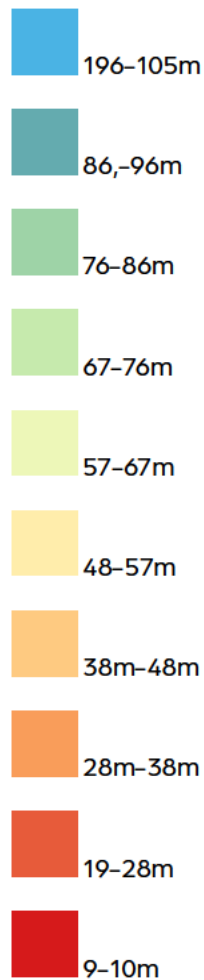
which as a result is not in conformity with the London Plan or consistent with the Framework approach to see effective use of land in urban areas and criteria-based approach to design excellence noted above.

The image inset demonstrates that the Leamouth Peninsula was extruded to a height of 105.3m AOD (or 30 residential storeys at 3.2m per floor). This model was then used to create a Zone of Theoretical Visibility (ZTV) using VuCity software to demonstrate where a proposal of 30 residential storeys located anywhere on the Leamouth Peninsula may be visible from in the surrounding area up to 25sqkm from the site.



ZONE OF THEORETICAL VISIBILITY (ZTV) VUCITY (WINTER CONDITION, NO LEAVES)

Key (AOD)



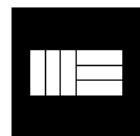
*Note the ZTV has been undertaken within a Cumulative Scenario which includes a number of Under Constructed (blue) and Consented (yellow) schemes.

LOCATION:
Leamouth Peninsula

DATE:
January 2023

FIGURE:

▲ NORTH



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