

**Sara Chiong**

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**From:** Harri Aston <[REDACTED]>  
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**To:** Local Plan  
**Cc:** [REDACTED]  
**Subject:** Draft Submission Local Plan (Regulation 19): Representations on behalf of Canning Town Development Company.  
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Dear Sir/Madam,

Thank you for providing us with the opportunity to comment on London Borough of Newham (LBN) Draft Submission Local Plan (Regulation 19) as the as a part of the consultation ending on the 20<sup>th</sup> of September 2024. The attached representations are submitted by DP9 LTD ('DP9') behalf of our client Canning Town Development Company Ltd ('CTDC'). They are supported by a copy of the most recent pre-application presentation material (Appendix 1) within the link below:

<https://we.tl/t-Ub33u329bH>

CTDC has an ownership interest in 36 Shirley Street, Canning Town, London, E16 1EB ('the Site') and intends to bring forward the Site for comprehensive residential led re-development in the near future.

We trust that the above representations are clear and that they will be fully considered prior to the next round of consultation on the new Local Plan. The considerations outlined in the representations are important for the successful development of the Site and we look forward to confirmation that these representations have been received.

Many thanks,

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Dear Sir/Madam,

## **London Borough of Newham Draft Submission Local Plan (Regulation 19)**

Thank you for providing us with the opportunity to comment on London Borough of Newham (LBN) Draft Submission Local Plan (Regulation 19) as the as a part of the consultation ending on the 20<sup>th</sup> of September 2024. These representations are submitted by DP9 LTD ('DP9') behalf of our client Canning Town Development Company Ltd ('CTDC').

### **The Site and Key Planning History**

CTDC has an ownership interest in 36 Shirley Street, Canning Town, London, E16 1EB ('the Site') and intends to bring forward the Site for comprehensive residential led re-development in the near future.

A planning application (ref: 17/03903/FUL) was previously submitted in 2017 for the northern part of the site proposing 77 residential units (including 28.6% affordable) in buildings up to 10 storeys in height, including office floorspace and a dance school.

LBN's Strategic Development Committee resolved to grant planning permission for the Proposed Development in October 2018, however, the application was reported back to LBN's Strategic Development Committee in September 2020 and refused as the S106 Agreement was not completed. It is important to note that these proposals were promoted by another party and that our client CTDC did not have any involvement in the planning application process.

Following CTDC's recent proactive acquisition of the land, the Site has been subject to pre-application discussions with planning and design officers at LBN (ref. 24/00637/PREAPP) since March 2024.



The Proposed Development consists of the comprehensive re-development of the Site to provide circa 180 residential units (Use Class C3) 35% of which would be affordable in line with a 60/40% split in favour of social housing.

So far, the following meetings have taken place in relation to residential-led scheme designed by Metropolitan Workshop:

- Two pre-application meetings on the 29<sup>th</sup> of April and the 3<sup>rd</sup> of September 2024 respectively; and
- A Design Review Panel (DRP) session which was held on the 5<sup>th</sup> of September 2024.

CTDC is targeting the submission of a formal planning application in December 2024/January 2025.

These representations are submitted in the context of the Site and the Proposed Development that is subject to the above on-going pre-application discussions. A copy of the most recent pre-application presentation material is provided at Appendix 1 for convenience.

### **The Development Plan**

The Development Plan for the Site comprises the following:

- The adopted London Plan (2021); and
- The adopted LBN Local Plan (2018).

Within the adopted Local Plan, the Site is 'white land' and is not part of any of the allocated Strategic Sites.

However, the Site is located within the Royal Docks and Beckton Riverside Opportunity Area (OPA), Canning Town District Centre and the Canning Town Tall Buildings Area.

Whilst the Site is not in a Conservation Area and does not contain any listed buildings, the Grade II Listed Church of St Luke is located just under 100m from the Site.

The Site has a PTAL rating of 4 and is located approximately 400m south of Canning Town High Street and 300m south of Canning Town transport interchange.

### **NPPF**

Paragraph 15 of the NPPF is clear that *"the planning system should be genuinely plan-led. Succinct and up-to-date plans should provide a positive vision for the future of each area; a framework for addressing housing needs and other economic, social and environmental priorities; and a platform for local people to shape their surroundings"*.

Paragraph 16 sets out a number of requirements for the scope of a new Local Plan as set out below:

*"a) be prepared with the objective of contributing to the achievement of sustainable development;*

*b) be prepared positively, in a way that is aspirational but deliverable;*

*c) be shaped by early, proportionate and effective engagement between plan makers and communities, local organisations, businesses, infrastructure providers and operators and statutory consultees;*

*d) contain policies that are clearly written and unambiguous, so it is evident how a decision maker should react to development proposals;*



*e) be accessible through the use of digital tools to assist public involvement and policy presentation; and*

*f) serve a clear purpose, avoiding unnecessary duplication of policies that apply to a particular area (including policies in this Framework, where relevant)."*

Paragraph 35 of the NPPF is clear that a Local Plan must be 'Sound', the definition of which comprises, being:

CTDC's representations in response to the Regulation 19 draft are set out below, and we request these are given proper consideration prior to adoption.

### **General Representations**

We support the need for a new Local Plan to address emerging challenges and opportunities that LBN is currently experiencing. The introduction of clear, evidence-based planning policies is welcomed, provided that the Local Plan is soundly based and fully consistent with planning policy at a national and regional level.

Discussions with the GLA will also be important, mindful of the anticipated London Plan review that will start in 2024 and therefore run alongside LBN's draft Local Plan. Reforms to national policy and legislation will also run in tandem and will need monitoring to ensure evolving policy responds positively.

We support the scale of growth sought in the borough to be matched by high quality design – following the London Plan 'design led' approach (Policy D1 and D3). Ensuring developments optimise sites and respond to existing context is important in terms of supporting the delivery of wider strategic objectives of the draft plan, particularly the need to deliver new homes to address the housing crisis at a national and local level.

### **The Proposed Development and Principle of Site Allocation**

We fully support that the draft Regulation 19 Local Plan seeks to allocate the Site for residential led re-development under site allocation ref. N5.SA3 'Canning Town Holiday Inn'.

As set out in the latest pre-application document produced by Metropolitan Workshop (Appendix 1), Canning Town is undergoing significant re-development which is transforming its skyline. There are a number of new developments coming forward immediately surrounding the site and the area is transitioning into new residential-led mixed use neighbourhood.

The proposed vision for the Site would deliver a number of clear benefits that align directly with the objectives of the new Local Plan, including the following:

- Optimising a vacant and underutilised brownfield Site to deliver residential (Use Class C3) accommodation as well as associated affordable housing provision;
- The delivery exemplary designed buildings that are respectful of the existing context but also respond positively to the evolving townscape in the Canning Town Area;
- Improving the ground floor environment along Shirley and Brunel Street by delivering a more traditional street scene with active residential frontages and improved hard and soft landscaping for use by pedestrians; and
- Improved connections and permeability to neighbouring development Sites and beyond.



Please refer to the pre-application document in Appendix 1 for and illustrative summary of the latest Proposed Development.

Notwithstanding this, the following observations are made in relation to the development guidance of the site allocation.

#### *Land Use*

The site allocation states that the following land uses are permissible:

*“Residential development, employment uses, open space and main town centre uses and social infrastructure, including community facilities.*

*The type and quantity of main town centre uses should be consistent with a district centre designation and Local Plan Policy HS1*

*Development should address the need for community facilities in the area by delivering new community facilities in Canning District Centre, unless it can be demonstrated that the needs of the community have already been met. Development should consider of all types of community facility, as set out in the Community Facilities Needs Assessment (2022) evidence base. Any provision of community facilities should meet the requirements of Local Plan Policies SI2 and SI3.*

*The employment uses should be consistent with Local Plan Policy J1 and prioritise industrial floorspace and provide a range of employment spaces to support the growth of new economic sectors, within E(g) and B use classes”*

The ambition to deliver predominantly residential development within the Site is fully supported. The London Plan sets LBN a target of 32,800 new homes to be delivered across the plan period with around 30,000 of these expected within the Royal Docks and Beckton Riverside Opportunity Area (OPA).

Therefore, the residential led redevelopment of the Site would fully accord with the strategic objectives of the OPA, and the optimisation of the Site presents a significant opportunity to assist LBN with meeting their challenging housing targets set by Government as well as meeting identified housing need at a local level.

However, in land use terms, the site allocation also requires the provision of employment and main town centre/community uses. Whilst we acknowledge that the Site forms a part of a wider allocation, we are of the view that our Site is not suitable for any ground floor commercial/community use.

This is mainly because an audit of three nearby schemes (Premier Inn, Brunel Street Works and Caxton Works) has concluded that new ground floor commercial units have been unoccupied been for a number of years. In our view, this creates the following issues:

- Inactivated commercial street frontage until such a time the units are re-converted to residential;
- Vacant commercial units affect the areas sense of place and vibrancy; and
- An unsafe and unsecure street level environment due to a lack of natural surveillance at street level.

On this basis and taking into account the policy presumption in favour of delivering residential accommodation, we feel that it would be more efficient use of the Site to provide ground floor residential units in lieu of commercial/community space.



One of the key benefits of this approach includes the delivery of large ground floor maisonette style units providing family sized housing fronting onto Brunel and Shirley Street, thus creating a characterful residential street with a clear distinction from the other residential typologies within the wider Proposed Development.

This was discussed with officers at a pre-application meeting, and it was agreed that the size of the Site means that it is not appropriate for employment or community uses and instead should focus on providing ground floor residential to create an active frontage.

On this basis, it would be our preference that the requirement to provide ground floor commercial/community uses are removed from the policy wording entirely, at least for our part of the site allocation.

As a minimum, we consider that the 'Development Principles' wording should be amended as follows (**red** = our suggested wording) to reflect the proven lack of demand for ground floor commercial/community use in this location:

*"employment uses, open space and main town centre uses and social infrastructure, including community facilities **where there is identified demand based on marketing evidence**".*

For the draft Local Plan to be fully justified/effective and therefore sound, we would request that the LBN make it clear within the proposed policy wording that the appropriateness of any ground floor commercial/community uses should be determined by whether there is identified need/ demand based on marketing evidence and take into account LBN'S strategic ambition to increase the level of housing in the borough.

### **Design Principles and Building Heights**

The site allocation sets out the following design principles that Proposed Development within it should follow:

*"The site should be designed and developed comprehensively in accordance with Local Plan Policy BFN2. Building heights should range between 21-32m (ca. 7-10 storeys) with taller buildings up to 50m (ca. 16 storeys) along Silvertown Way. Massing should step down towards the northern-eastern part of the site to sensitively integrate with the low rise context.*

*The site should provide main town centre uses as an active frontage along Silvertown Way, with quality public realm.*

*The industrial and employment floorspace should be designed to be neighbourly to surrounding uses, including residential*

*The site should be designed to avoid conflicts between any HGV vehicle movements servicing the employment floorspace and pedestrians.*

*Development should reinforce the legibility of the existing street hierarchy through appropriate scale and massing on primary and secondary streets, consolidating the frontage along Silvertown Way.*

*Routes through and to and from the site should improve access and connectivity along Silvertown Way and Shirley Street, and to St Lukes church, Keir Hardie Recreation Ground and future proposed open space at the Limmo Peninsula.*

*Design of the site needs to consider access and servicing of the site, noting the context of Silvertown Way, which can be subject to high congestion levels.*





*Development should conserve or enhance the listed buildings in the proximity of the site and their settings*

*Design measures should minimise exposure to poor air quality in accordance with Local Plan Policy CE6, particularly on Silvertown Way.*

*The design and layout of the site should take account of risk of flooding from all sources and meet the requirements of Local Plan Policy CE7.*

*Sustainable drainage should be considered from the outset and meet the requirements of Local Plan Policy CE8. Development should deliver the relevant site-specific integrated water management interventions outlined in section 1.3 of the Royal Docks and Beckton Integrated Water Management Strategy.*

*The layout of the site should take account of the noise contours across the site from London City Airport and design measures should minimise exposure from the airport”*

Since the previous Regulation 18 version of the Local plan, we note that the following key changes have been made to the design principles:

- An increase to the appropriate of building heights on the Site. The previous version of the Local plan suggested 6-8 storeys, whilst the current wording suggests 7-10 storeys. The proposed policy wording now also provides the total appropriate height in meters whereas this was not included before.

Policy D3 of the London Plan states that Proposed Development must make the best use of land by following a design-led approach that optimises the capacity of sites, including site allocations. The design-led approach requires consideration of design options to determine the most appropriate form of development that responds to a site’s context and capacity for growth, and existing and planned supporting infrastructure capacity

As a part of the on-going pre-application discussions for the Site, project architects Metropolitan Workshop have undertaken a robust analysis of the Site having regard to the requirements of Policy D3, taking into account Site specific opportunities and constraints which in turn has informed the design development.

Aforementioned, the Site is not located in a Conservation Area, not it particularly sensitive from a townscape and heritage perspective. Whilst we support the increase to the total building heights, we do not think that they should be prescriptively listed within the policy wording, rather, building heights on the Site should be determined based on townscape analysis and the need to optimise the Site for residential accommodation. The contribution individual buildings can make to the area through high quality architecture as well as other benefits is also a key consideration.

As illustrated in the pre-application material presented to date, there is the potential to strike the right balance and optimise the Site by delivering three residential blocks:

- Block A: Part 14, 9 and 11 storey building carefully stepping down from the 16 storey development planned at the Holiday Inn Site:
- Block B: A 10 storey building fronting onto Shirley Street
- Block C: A series of 4 storey maisonettes grounding the Proposed Development.

We would therefore suggest the following amendments to the site allocation in relation to building heights:





*“The site should be designed and developed comprehensively in accordance with Local Plan Policy BFN2. Building heights should be determined through townscape analysis~~range between 21–32m (ca. 7–10 storeys)~~ with taller buildings to a maximum height of up to 50m (ca. 16 storeys) along Silvertown Way. Massing should step down towards the northern-eastern part of the site to sensitively integrate with the low rise context.*

### **Other Draft Policies**

Whilst we fully appreciate the extent of LBN’s housing challenges and support the aspiration to address this, we have a number of concerns regarding the approach to affordable housing and dwelling mix in the Draft Local Plan, as follows.

Draft Policy H3 sets out the Council’s approach to securing affordable housing delivery. Whereas the Regulation 18 draft Local Plan Policy was aligned to the London Plan requirements for affordable housing delivery, the Regulation 19 draft Local Plan introduces a requirement for 60% affordable housing by unit, comprised of 50% low cost rent and 10% shared ownership. Although it is acknowledged that the ability to meet the requirement can be viability tested, it is considered that this move away from the London Plan is detached from the reality of housing delivery in the current environment, where housing completions in London have reduced on account of viability, attributable to a range of factors.

The discrepancy between the use of habitable rooms as a measure in the London Plan and units in the Regulation 19 draft Local Plan repeats an unhelpful misalignment that exists between current policies, undoing the alignment sought in the Regulation 18 draft Local Plan. The BNPP Study which supports the draft plan indicates that this change would negatively impact on scheme viability. It could therefore risk reducing the total number of affordable homes that can be delivered over the plan period contrary to the objectives of the plan. Further, the Officer report to Newham’s Cabinet Meeting held on 4<sup>th</sup> June stated that the affordable housing policy changes made following the full Council motion in December 2023 may cause deliverability challenges. This is because of the impact it could have on the Plan’s viability. Officers were concerned that if it was to be submitted to an inspector for examination that it will be challenged and found to be unsound. We echo these concerns and request that the wording of this policy is reverted to that in the Regulation 18 draft Local Plan, to be in general conformity with the London Plan.

In terms of housing mix (draft Policy H4), while it is acknowledged that the overall family housing (3+ bedroom) requirement increases by only one percent (39% to 40%), it must also be recognised that the currently 39% target is rarely met as there are several important factors that can influence the deliverable unit mix as recognised in London Plan Policy H10. To compound this, the proposed requirement for a minimum of 5% of 4+ bedroom units on site allocations further challenges the deliverability of family housing. The market demand and deliverability of this approach needs to be considered. LBN should consider if it is more appropriate to seek to apply these family housing targets to social rented homes only and should provide opportunities for exceptions were justified with evidence.

### **Conclusion**

We trust that the above representations are clear and that they will be fully considered prior to the next round of consultation/adoption.

If you require any additional information, or would like to discuss this matter further, then please do not hesitate to contact Harri Aston or Chris Gascoigne at this office.



Yours faithfully



**DP9 Ltd.**