

**Sara Chiong**

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**From:** Erlina Hale <[REDACTED]>  
**Sent:** 16 September 2024 10:55  
**To:** Local Plan  
**Cc:** [REDACTED]  
**Subject:** Newham Draft Local Plan Regulation 19 Consultation - Representations on behalf of Unite Group Plc  
**Attachments:** 240916 - Newham Reg 19 Consultation - Reps obo Unite.pdf  
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Good morning,

In response to the consultation which is currently running on the Newham Draft Local Plan (Regulation 19), we would like to submit representations on behalf of our client, Unite Group Plc. Please find the representations attached to this email.

These representations follow Unite's earlier representations made at the Issues and Options Consultation to the Draft Newham Local Plan in December 2021 and at the Regulation 18 Consultation in February 2023.

Our comments focus on the following policies:

- Policy H8 – Purpose-built student accommodation
- Policy H5 – Build to Rent housing
- Policy H11 – Housing design quality
- Policy D2 – Public realm net gain
- Policy D4 – Tall Buildings
- Policy CE2 – Zero Carbon development
- Policy CE3 – Embodied Carbon and the circular economy
- Policy T3 – Transport Behaviour Change
- Policy N8 – Stratford and Maryland and Site Allocation N8.SA2 Stratford Station

Please can you kindly confirm when you have received our representations. Let us know if you have any queries.

Kind regards,

Erlina

**ROK**  
**PLANNING**

**Erlina Hale**  
**Planner**

**T:** [REDACTED]  
**E:** [REDACTED] | [www.rokplanning.co.uk/](http://www.rokplanning.co.uk/)  
51-52 St. John's Square, London, EC1V 4JL



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**REF: R00596/EH/JD/MR**  
**BY EMAIL ONLY - [localplan@newham.gov.uk](mailto:localplan@newham.gov.uk)**

Planning Policy Team  
London Borough of Newham  
Newham Dockside  
1000 Dockside Road  
London  
E16 2QU

16 September 2024

Dear Sir/Madam

**LONDON BOROUGH OF NEWHAM – THIRD CONSULTATION: DRAFT SUBMISSION LOCAL PLAN  
(REGULATION 19)**  
**ROK PLANNING ON BEHALF OF UNITE GROUP PLC**

I write on behalf of our client, Unite Group Plc ('Unite'), to submit representations to London Borough of Newham's ('the Council') Draft Local Plan Regulation 19 Consultation.

Unite Students is the UK's leading manager and developer of purpose-built student accommodation (PBSA), providing homes to 70,000 students across 157 properties in 23 leading university towns and cities. In London, Unite provides student accommodation to circa 12,712 students across 32 properties in the City.

Recent reports from CBRE state that London is home to around 400,00 full time students, the largest student population in the UK. However, there are only just over 100,000 PBSA beds. Demand for PBSA beds have grown by nearly 20% over the last decade, demonstrating a significant imbalance with supply.

Newham's largest higher education institution is the University of East London (UEL). According to the Council's Strategic Housing Market Assessment (SHMA, 2022), UEL has 15,365 full time students in the 2020/21 academic year. Additionally, other higher education providers are introducing new campuses to Newham, namely around the Olympic Park. This includes an additional 4,000 students from UCL and 5,000 students from London College of Fashion, Loughborough University London and Staffordshire University London. Overall, as of 2023, the SHMA states that over 25,000 full time students will be studying in Newham. It also predicts that in response there will continue to be significant growth in the number of students living in the private rented market and therefore increased pressure on the housing stock.

These representations follow Unite's earlier representations made at the Issues and Options Consultation to the Draft Newham Local Plan in December 2021 and to the Regulation 18 Consultation in February 2023. This is the final opportunity to comment on the draft submission local plan with

consultation ending at 5pm on 6 September 2024.

Unite wish to make representations to the following policies:

- Policy H8 – Purpose-built student accommodation
- Policy H5 – Build to Rent housing
- Policy H11 – Housing design quality
- Policy D2 – Public realm net gain
- Policy D4 – Tall Buildings
- Policy CE2 – Zero Carbon development
- Policy CE3 – Embodied Carbon and the circular economy
- Policy T3 – Transport Behaviour Change
- Policy N8 – Stratford and Maryland and Site Allocation N8.SA2 Stratford Station

## **Policy H8 – Purpose-built student accommodation**

### ***Parts 1 and 2***

*1. New purpose-built student accommodation in Stratford and Maryland neighbourhood will only be supported where:*

- a. it is located within or adjacent to an existing campus development in the neighbourhood; or*
- b. it is solely providing a replacement facility with no net increase in bed spaces.*

*2. New purpose-built student accommodation in all other neighbourhoods outside Stratford and Maryland will only be supported where:*

- a. it is located within or adjacent to an existing campus development in the borough; or*
- b. it is in a town centre or local centre location well connected by public transport (with a minimum Public Transport Accessibility Level of 4); and*
- c. it will not create an over-saturation of purpose-built student accommodation; or*
- d. it is solely providing a replacement facility with no net increase in bed spaces or it is located within or adjacent to an existing campus development in the borough.*

Unite make the following comments on Parts 1 and 2 of Policy H8:

1. Parts 1a and 2a of Policy H8, as well as Paragraph 3.188 of the supporting text, which states “*the policy seeks to prevent additional student housing delivery in the Stratford and Maryland neighbourhood unless linked to a campus-based expansion*” aim to limit the locations of PBSA development, in turn significantly limiting the development of PBSA as a whole. This is contrary

to The London Plan (2021) Policy H15 (Purpose-built student accommodation), which encourages the development of student accommodation. There are also no locational constraints advised in the NPPF.

2. PBSA is widely recognised in national policy to contribute towards housing supply and is therefore considered a form of housing. National Planning Practice Guidance (NPPG) states the following (Paragraph: 034 Reference ID: 68-034-20190722) *"All student accommodation, whether it consists of communal halls of residence or self-contained dwellings, and whether or not it is on campus, can in principle count towards contributing to an authority's housing land supply."* The Housing Delivery Test Rulebook explains that this contribution is on a 2.5 bedspace to dwelling ratio.
3. A recent planning decision by Haringey Council (LPA ref. HGY/2023/2306 & HGY/2023/2307 at 'Printworks' 819-829 High Road, Tottenham, London, N17 8ER) granted approval for a PBSA scheme and acknowledged that the London PBSA market currently does not come close to providing the amount of accommodation required to house London's students, with c.310,000 students having to find accommodation outside of this purpose-built sector. The committee report references the supporting text of Policy H1 of the London Plan, stating *"... non-self-contained accommodation for students should count towards meeting housing targets on the basis of a 2.5:1 ratio, with two and a half bedrooms/units being counted as a single home. The proposed scheme would therefore deliver 114 new homes (net gain of 101 homes) based on this ratio. As such, the loss of the existing 13 homes would be acceptable in principle given the uplift and net gain of 101 homes."*
4. It is therefore clear that councils across London are adopting the approach set out in The London Plan and NPPG and accepting that PBSA is a contributor towards housing supply. On this basis, proposals for PBSA should not be limited to or prevented from being developed in certain locations as this limits PBSA's ability to contribute towards the borough's housing supply targets.
5. Additionally, it should also be acknowledged the role that PBSA has to play in relieving the pressure on the overall housing market. It is an accepted principle that the fewer PBSA bedspaces that are available, the greater the number of students occupying HMOs, the more demand for HMOs increases and the quicker the HMO market expands. The provision of additional PBSA bedspaces will therefore reduce this demand and the rate at which housing stock is converted to HMOs. This is recognised in NPPG, which states that *"encouraging more dedicated student accommodation may provide low-cost housing that takes pressure off the private rented sector and increases the overall housing stock"* (Paragraph: 004 Reference ID: 67-004-20190722).
6. With regards to Parts 1B and 2D, these parts of the Policy allow for PBSA development when *"it is solely providing a replacement facility with no net increase in bed spaces"*. This requirement

does not allow for viable development. Part H8.1 of the Policy implementation section provides further detail stating that *“Replacement accommodation should only re-provide the same number of bedrooms as the existing development and should not result in a net increase of student bed spaces”*. In circumstances where outdated accommodation and amenities are required to be redeveloped to meet market trends and updated student needs this is likely to be unviable without the provision of additional bedspaces. Additionally, where the student population of Newham is expected to continue growing as demonstrated above, additional PBSA bedspaces will be required to be developed to meet this demand and relieve pressure of the housing stock. Thus, where it is possible for this demand to be met through redeveloping land already in use as PBSA, this should be encouraged rather than prevented as it leaves other land available for other kinds of development. This requirement also does not align with and goes beyond the requirements of the London Plan (2021).

7. Part 2c of the Policy refers to *“an over-saturation of purpose-built student accommodation”*. The ‘ALL’ section of the Policy implementation text goes on to define ‘over-saturation’ as follows:

*“This policy will seek to monitor over-saturation of student bed spaces in each neighbourhood. For the purposes of this policy, over-saturation of purpose built student accommodation in a neighbourhood or resulting from a development is considered to be:*

- *over 25 per cent of net residential approvals and completions over the plan period being delivered as purpose built student accommodation in a neighbourhood; and/or*
- *a proposal would lead to over 800 beds of student housing being located within a radius of 300 metres from an existing purpose built student accommodation site or approved development.”*

The text provides no explanation to demonstrate how these thresholds have been calculated, what these figures have been based on and that an exceedance of these figures could be defined as an ‘over-saturation’.

8. The Policy and supporting text also provide no evidence to show that development that exceeds these thresholds, and therefore triggers ‘over-saturation’ would lead to any adverse impacts.
9. There is no tangible evidence to suggest that concentrations of PBSA cause harm to the balance or mix of uses in an area, cause additional pressure on local infrastructure or harm local communities. The assumption that concentrations of university students are liable to give rise to residential amenity issues to neighbours and be detrimental to the cohesiveness of communities is discriminatory and a distorted generalisation of a single category of people. Assuming that all students disrupt residential amenity or harm community cohesiveness oversimplifies the diversity of student experiences and behaviours and neglects the fact that individuals of all ages can

contribute positively to their surroundings.

10. The PBSA market is mature and well-managed. Considerations of over-concentration conflates PBSA development with uncontrolled HMO accommodation, which is a markedly separate housing product and is entirely unjustified. Indeed, it is important to note that PBSA developments are managed buildings with staff on-site rather than uncontrolled HMO houses or flats, and thus considerations of amenity for these two distinct accommodation types should be treated separately. PBSA developments are subject to Student Management Plans which outline processes for the protection of surrounding residential amenity. There is no evidence or justification provided that PBSA actually creates harm to residential communities.
11. On the contrary, Unite argue that the provision of PBSA in fact contributes to the creation of mixed and balanced communities rather than harms existing communities. PBSA holds potential to deliver a range of public benefits. These can include but are not limited to: contributions towards the borough's housing delivery (as detailed above); public realm enhancements; highways improvements; generation of employment opportunities; provision of commercial and/or community floorspace; public art provision; regenerative benefits; and student expenditure in the local area. Overall, PBSA development can help contribute positively to diverse and sustainable communities.
12. There are also numerous appeal decisions across the UK where an Inspector has deemed that percentages greater than 25% are not harmful. These are as follows:
  - Wilder Street, Bristol (APP/Z0116/W/18/3212806) – 34% student population found not to be harmful;
  - Small Street, Bristol (APP/Z0116/W/18/3194372) – 37% student population found not to be harmful;
  - Lower Albert Street, Exeter (APP/Y1110/W/17/3178667) – 32% student population found not to be harmful;
  - Selly Oak, Birmingham (APP/P4605/W/21/3275570) – Increase from 36% to 44% student population found not to be harmful;
  - The Old Printworks, Edinburgh (PPA-230-2122) – 60% student population found not to be harmful; and
  - Salisbury Court, Edinburgh (PPA-230-2146) – 62% student population found not to be harmful.
13. Furthermore, the London Plan makes no reference to 'over-saturation' or defining PBSA thresholds, therefore this requirement can be considered as a deviation from Policy H15.

## *Recommendations*

On the basis of the above comments, Unite make the following recommendations to better align with the London Plan:

- Remove the locational limits on PBSA from the Policy in order to align with where demand for PBSA lies.
- Remove the unviable requirement for replacement facilities to provide no net increase in beds.
- Remove reference to over-saturation as there is no robust evidence provided to support this requirement.

## **Part 3**

*3. New purpose-built student accommodation should provide at least 60 per cent affordable student accommodation as defined within the London Plan 2021. Developments for purpose built student accommodation that do not achieve a policy compliant level of affordable student accommodation on site are required to submit a detailed financial viability assessment, demonstrating that the maximum viable mix will be delivered.*

Unite make the following comments on Part 3 of Policy H8:

1. The London Plan Policy H15 requires 35% affordable student accommodation (or 50% where the development is on public land or industrial land appropriate for residential uses). Part 3 of Policy H8 requires at least 60% from all new PBSA, which is a significant increase on the requirement set by the London Plan.
2. Neither the Policy nor the supporting text provide any robust justification for this increased requirement and deviation from the London Plan.
3. The increased affordable student accommodation contribution will have a detrimental impact on the viability and deliverability of student schemes in the London Borough of Newham.
4. This will also have wider implications for PBSA delivery in the borough and the PBSA market as a whole. Developers are likely to choose to avoid developing in Newham, which will hinder the borough's ability to keep up with the demand for PBSA, placing additional pressure on the private rented sector, exacerbating HMO growth and negatively impacting the overall housing stock and targets.
5. Any schemes that remain viable will then prioritise student bedspaces over the provision of communal amenity space and alternative uses to enhance viability. Furthermore, their capability

to make other planning contributions (e.g. for open space) will be reduced.

## *Recommendations*

On the basis of the above comments, Unite make the following recommendation to again better align with the London Plan:

- Reduce the affordable housing contribution to 35% (increasing to 50% in the defined circumstances) to align with the London Plan requirements.

## **Part 4b and 4c**

- b. in areas of over-saturation, secure all of the bedrooms in the development through a nomination agreement, for occupation by students of one or more higher education providers; and*
- c. where purpose-built student accommodation is being delivered within or adjacent to an existing campus development in the borough in accordance with H8.1.a or H8.2.d, the nominations agreement should be secured for occupation by students of the higher education provider that the development is located is within or adjacent to.*

Unite make the following comments on Parts 4b and 4c of Policy H8:

1. As above, with regards to 'over-saturation' there is no robust justification for the definition provided or any evidence that increased concentrations of PBSA can lead to adverse impacts. As all references to 'over-saturation' should subsequently be removed, the separate nomination requirements for these areas should in turn be removed.
2. Notwithstanding the above, the requirement for all bedrooms to be secured through a nominations agreement in the specified areas is a deviation from London Plan Policy H15, which only requires the majority of rooms to be secured through these agreements for all developments in all areas.
3. The London Plan also does not specify that nominations agreements should be linked to the University that the development lies adjacent to. Thus, Unite consider these to be onerous requirements.

## *Recommendations*

On the basis of the above comments, Unite make the following recommendations to remove requirements beyond those in the London Plan:



- Remove Part b in its entirety as it is a deviation from London Plan requirements and refers to areas of 'over-saturation' which cannot be justified.
- Remove Part c of the Policy as this requirement goes beyond those included in the London Plan.

## **Part 5**

*5. Developments delivering purpose-built student accommodation should provide ancillary communal space for study and sporting facilities that meet the needs of the student population within a development unless the accommodation is located within 1,200 metres of existing student campus-based facilities for studying and/or sport and recreation that have sufficient capacity to meet any increased need.*

Unite make the following comments on Part 5 of Policy H8:

1. Whilst PBSA developments are expected to provide sufficient amenity space, additional requirements for sports facilities on site are onerous and go beyond the requirements of other borough's PBSA policies within London and the London Plan.
2. Requirements for such facilities should be dealt with on a case-by-case basis, taking into consideration other sport facilities in proximity to the site not just those on campus and whether the site is suitable or has the capacity to provide such facilities.

## *Recommendations*

On the basis of the above comments, Unite make the following recommendation to allow for greater flexibility:

- Remove the requirement for all sites to provide sports facilities and instead consider this on a site-by-site basis.

## **Policy H5 – Build to Rent housing**

### **Parts 2 and 3**

*2. Developments of Build to Rent housing as a block or phase within a larger development are expected to deliver affordable housing that meets the requirements of Local Plan Policy H3.*

*3. Developments of Build to Rent housing as the sole residential tenure should provide at least 50 per cent of the total units as Affordable Rented Homes at equivalent rents to London Affordable Rent and 10 per cent of the total units being Affordable Rented Homes at equivalent rents to London Living Rent.*

*These affordable homes will be secured as affordable housing in perpetuity irrespective of the covenant period secured through H5.1.c.*

Unite make the following comments on Parts 2 and 3 of Policy H5:

1. The London Plan Policy H11 (Build to Rent) specifies that for schemes where Build to Rent (BTR) comprises only a portion of the development, the delivery of affordable housing through Discounted Market Rent (DMR) can only be applied to this element of the development and not the portion for sale to the market. However, Part 2 of the draft Policy above does not match the wording of the London Plan and instead states that where BTR is within a larger development then affordable housing must be provided in accordance with the Draft Local Plan's Affordable Housing Policy (Policy H3). The Affordable Housing Policy requires the provision of 50 per cent of the total residential units as social rent housing and 10 per cent of the total residential units as affordable home ownership housing, which therefore does not align with the London Plan.
2. Additionally, with regards to Part 3 of the Policy, this requires 50% of **total** units as London Affordable Rent and 10% of **total** units as London Living Rent. This differs from the London Plan Policy H11 which requires 35% affordable housing (or 50% where the development is on public sector land or industrial land appropriate for residential uses) in the form DMR. Of the DMR homes 30% should be London Living Rent and the remaining 70% should be affordable rent. The requirements of draft Policy H5 therefore significantly exceed the requirements of the London Plan.
3. The Policy provides no evidence or robust justification for why these requirements are onerous and beyond those included with the London Plan.

### *Recommendations*

On the basis of the above comments, Unite make the following recommendation to better align with the London Plan:

- Amend the BTR affordable housing requirements to align with those within the London Plan in terms of both how the policy is applied to BTR elements within larger developments and the percentage contribution.

### **Policy H11 - Housing design quality**

#### ***Part 3e***

*e. Purpose-built student accommodation should provide either:*

- i. *ten per cent of new bedrooms to be wheelchair-accessible in accordance with Figure 52 incorporating either Figure 30 or 33 of British Standard BS8300- 2:2018 Design of an accessible and inclusive built environment. Buildings - Code of practice; or*
- ii. *15 per cent of new bedrooms to be accessible rooms in accordance with the requirements of 19.2.1.2 of British Standard BS8300-2:2018 Design of an accessible and inclusive built environment. Buildings - Code of practice.*

Unite make the following comments on Part 3e of Policy H11:

1. The requirements for conventional residential accommodation should not be applied to student housing as, in reality, the typical demand from students per annum falls significantly below the 10% mark. This is a steady and consistent trend as evidenced by Unite's longer term experience.
2. Indeed, Unite have over 157 PBSA properties across the UK with 32 buildings in the London portfolio. Of these c.12,712 London bedrooms, they have provision for 728 students that may need a wheelchair room. This is over 5.7% of the total London rooms. For the 2022 / 2023 academic year, Unite had 6 students in need of wheelchair sized rooms out of an approximate total of c.12,712 bedrooms. This equates to a 0.05% take up and thus demonstrates the exceptionally low need for accessible bedrooms, significantly below the 10% and 15% levels proposed in the draft policy.
3. Students who require accessible provision are likely to be catered for by universities themselves in accommodation on or directly adjacent to campuses to reduce the distance the student needs to travel.
4. The 10% requirement was introduced in order to help meet a shortfall in wheelchair accessible housing within conventional housing. Generally, those who live in conventional dwellings are of an older demographic thus the percentage of those who have a disability and require wheelchair accessibility is far greater than the demographic affiliated with student accommodation. The normal age range of students is between 18 and 25, explaining why there has never been a shortfall in wheelchair provision within student housing.
5. Furthermore, the draft Policy above has been based on the GLA's PBSA LPG, which went out for consultation between October 2023 and January 2024. There have been no further updates on this document since the consultation closed and thus the document remains in draft form, unadopted. Unite objected to the accessible room requirements set out in the LPG during the consultation period on the basis of the points both above and below. Ultimately, the draft guidance sought to retrospectively apply London Plan Policy E10, which was not drafted with the intention of applying to PBSA.

6. The wording of London Plan Policy E10 is clear that the accessible requirements set out within the policy apply to 'serviced accommodation'. It does not state anywhere in the policy text, nor the supporting text, that the requirements should also be taken to apply to PBSA accommodation. Nor does it state that the accessible requirements set out in Policy E10 should be taken to apply to all forms of development for which the same Building Regulations that are most appropriate to serviced accommodation may also apply. These clarifications followed representations made by Unite to the London Plan Examination in Public (EIP). This therefore does not apply to PBSA developments and to introduce such requirement would be to directly contradict the London Plan.
7. Such an application of this policy is entirely unsound. The London Plan (2021) and the associated Inspector's Report further confirm that the 10% requirement links only to new dwellings to which Building Regulations Part M Volume 1 are applicable. At no point during the consultation on the London Plan nor during the Examination in Public was it considered, or put forward, that this would be the applicable intention of the policy. Thus, the application of the policy in this way is not supported by any evidence base, has not been subject to appropriate consultation, and has not been subject to examination by an Inspector.
8. Additionally, the Building Regulations and planning policy are separate documents. PBSA and serviced accommodation is not considered nor assessed in the same way in planning terms. It would not be considered appropriate to apply the other policy objectives relevant to visitor accommodation to PBSA simply on the basis that they are considered in the same way under the Building Regulations.
9. As well as participation at the EIP for the London Plan, Unite have also made representations and participated at EIPs for various Local Plans across London. The outcomes of such participation in relation to accessible requirements are relevant to the draft guidance, and are detailed as follows:
  - Draft policy P5 of the draft Southwark Local Plan sought to require 10% of student rooms to be easily adaptable for occupation by wheelchair users. Following Unite's participation at EIP, Inspectors concluded the following at paragraph 79 of their report (enclosed in full at Appendix B):

*"As submitted, Policy P5 would require 10% of student rooms to be easily adaptable for occupation by wheelchair users. We have found little specific justification for the 10% figure, noting that a reduced figure of 5% is more than likely to surpass actual demand based on evidence from university admissions. Accordingly, the 10% figure should be replaced with 5% so that the Plan would be justified."*
  - As a result of Unite's representations, the following text is included at paragraph 6.2.63 of the supporting text to policy BH7 of the Brent Local Plan:

*"To ensure that residential accommodation meets needs over time, London Plan policy requires 10% wheelchair accessible/ easily adaptable dwellings. The accommodation covered by this policy is likely to be meeting needs of specific sectors of the population. On this basis the council will be willing to depart from the minimum 10% wheelchair where evidence is compelling to indicate why it might not be appropriate e.g. where occupants are less likely to suffer from mobility disabilities compared to the general population."*

- Draft policy H6 of the draft Islington Local Plan south to require 10% of bedspaces to be wheelchair accessible. Following Unite's participation at EIP, Inspectors concluded the following at paragraph 77 of their report:

*"Policy H6 at Part B (ii) requires 10% of bedspaces to be wheelchair accessible. Detailed evidence has been provided by some PBSA providers that shows the likely need for such bedspaces is much lower. SDMM24 is therefore required to reduce this to 5% to ensure the Policy is justified. We note that the GLA are of the view that Policy E10(H) of the London Plan is relevant which requires the provision of 10%. However, we are content that local evidence specific to Islington justifies a lower figure in this case."*

10. It is relevant to note from these outcomes that prior to the release of the GLA Guidance Note concerning accessible requirements from PBSA (which was acknowledged in the Inspector's Report for the Islington Local Plan), that no Local Planning Authority nor Inspector considered the requirements of Policy E10 to apply to PBSA.
11. Regardless, it can be seen that both Inspector's and Local Planning Authorities have previously accepted the overwhelming evidence provided by Unite in relation to such requirements both prior to and following the release of the GLA Guidance Note.
12. In any case, Unite operate a policy of meeting the needs of an individual user and not applying a one size fits all policy. Indeed, should individual bedrooms need to be adapted; this can be done quickly and relatively easily to meet requirements. Unite have undertaken such additional alterations in discussion with the end user and provided a bespoke solution to a student's needs.

## *Recommendations*

On the basis of the above comments, Unite make the following recommendation to align with both previous comments from Inspectors and Building Regulations:

- The 10% requirement should be removed, and accessible requirements should instead defer to building regulation requirements of 1% fitted out with a further 4% adaptable for PBSA

developments.

## **Policy D2 – Public realm net gain**

### ***Parts 3 and 5***

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

*5. A Public Realm Management Plan should be submitted for all applications providing qualitative and quantitative public realm net gains on privately owned land. This will be implemented through legal agreement for major developments. The management plan should address:*

- a. the timescale and phasing for completion of the public realm relative to the delivery of the overall site; and*
- b. all maintenance and management requirements of the public realm; and*
- c. for new or retained public spaces in private ownership, how the function of the space is optimised in response to the full range of activities and user types, at different times of the day and night and different times of the year, implementing the principles of the Public London Charter.*

Unite make the following comments on Parts 3 and 5 of Policy D2:

1. Whilst public realm enhancements are broadly supported, and often explored by Unite on all their developments, the Policy should acknowledge that not all sites can deliver these works, particularly on constrained sites such as those bordered by a railway or highway. This needs to ensure that valuable floorspace is not lost which is a key requirement of ensuring the most efficient use of the land as per regional and national policy.
2. There are wider highways and safety aspects which effect the type and nature of public realm spaces, particularly where there is high pedestrian footfall or where there are more significant anti-terrorism threats. This will impact quantitative and qualitative increases in public realm as aspects such as planters which may look more attractive may result in other highways issues.
3. A Public Realm Management Plan can be a useful way to determine what level of public realm can be delivered, however this may be subject to input and involvement from third parties or other landowners and thus more detailed information may only be known at a later stage of the development including delivery matters.
4. There should be a clear working formula for any planning obligation to avoid significant costs, particularly if management over a period of 10 years is referenced.

## *Recommendations*

On the basis of the above comments, Unite make the following recommendation to allow for greater flexibility:

- Amend the Policy to allow for the consideration of a site's specific circumstances, encouraging such provision rather than requiring.

## **Policy D4 – Tall Buildings**

### ***Part 2 and associated table***

*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 not exceed the respective limits set in Table 1 below.*

Unite make the following comments on Part 2 of Policy D4:

1. Unite support the consideration of areas suitable for tall buildings. Tall buildings allow for vertical development and thus optimizing land use which is essential for the growing student population across London. This is especially beneficial in densely student populated areas where available land is scarce. Tall buildings allow for efficient land use, accommodating a larger number of students in a relatively small area. This promotes higher population density, creating a dynamic and vibrant student community. Well-designed student accommodation buildings can contribute to the aesthetic appeal of the cityscape, creating a distinctive skyline. This can enhance the overall attractiveness of the educational district.
2. In particular, Unite support the designation of Stratford Central as a Tall Building Zone, and the acknowledgement that landmark buildings would be appropriate adjacent to the station.
3. However, an element of flexibility should be built into this Policy so that it can allow taller building outside designated areas in certain circumstances as well as for tall buildings outside of the recommended prevailing height ranges where appropriate. Unite question the inclusion of prescriptive storey heights on the basis of the following factors:
  - Storey heights can vary substantially for various uses depending on floor to ceiling heights.
  - A blanket height will result in all development being the same height or very similar.
  - The assessment of a tall building should be based on contextual analysis.

- Existing sites have varying heights already established by planning permission.
- 4. A more flexible approach would allow for the establishment of tall student accommodation buildings in locations that are closer to educational institutions. This is essential for providing convenient access to campuses, reducing commuting times, and enhancing the overall student experience. Furthermore, allowing tall building development outside designated areas enables better integration of student housing with on-campus facilities, academic buildings, and recreational spaces. This promotes a seamless connection between living and learning environments. Additionally, student housing demand can vary across different parts of a city. A flexible approach allows for the development of tall buildings in areas where there is a specific need for student accommodation, addressing local housing demands effectively.
- 5. Wider issues and the requirements set out in London Plan policy D9 including visual impact, functional impact, environmental impact and cumulative impact are rigorously assessed within any planning application for a tall building to ensure its suitability for its location. Consequently, fixed limits on building heights should not be pre-set in Policy as their suitability will be considered on a site-by-site basis through supporting technical reports as well as attendance at Design Review Panels.

### *Recommendations*

On the basis of the above comments, Unite make the following recommendation for greater flexibility:

- The removal of set prevailing height ranges and limits for the defined areas to allow assessment on a case-by-case basis.

## **Policy CE2 – Zero Carbon development**

### ***Part 2***

*2. New development should not use fossil fuels for heat or energy, and should meet the following standards:*

- a. No new developments should be connected to the gas grid.*
- b. Heat should be provided through low carbon sources.*
- c. Future heating technologies will be supported if it can be demonstrated that they are low carbon and sustainable.*

Unite make the following comments on Part 2 of Policy CE2:



1. Neither the Policy wording, nor the supporting text clarified whether this requirement also applies to emergency generators.
2. Following on from the above, it is also unclear whether the Policy would require battery storage for the emergency use of life safety equipment.

### *Recommendations*

On the basis of the above comments, Unite make the following recommendation to provide clarification:

- Part 2 of Policy CE2 is amended to clarify whether this applies to emergency generators and whether battery storage is expected for the emergency use of life safety equipment.

### **Part 3**

*3. New development should be designed and constructed to be Net Zero Carbon in operation, using as little energy as possible over a year and should meet the following standards:*

- a. All new residential units should achieve an Energy Use Intensity (EUI) of no more than 35 kWh/m<sup>2</sup> GIA/yr.*
- b. New non-domestic buildings should achieve an Energy Use Intensity (EUI) of no more than the following by the following use:*
  - i. Student accommodation – 35 kWh/m<sup>2</sup> GIA/yr.*
  - ii. Offices, Retail, Higher Education Teaching facilities, GP surgeries, Hotels– 55 kWh/ m<sup>2</sup> GIA/yr.*
  - iii. Schools – 65 kWh/m<sup>2</sup> GIA/yr.*
  - iv. Leisure, warehouses, and light industrial units – 100 kWh/m<sup>2</sup> GIA/yr. An additional 20 kWh/m<sup>2</sup> GIA/yr budget is available for warehouses/industrial units that operate for 24 hours a day.*
- c. In all cases, a building should use as little as energy as possible.*

Unite make the following comments on Part 3 of Policy CE2:

1. Part b(i) of the Policy sets the Energy Use Intensity (EUI) target for Student Accommodation as 35kWh/m<sup>2</sup>. As this target is for total energy use (considering both regulated and unregulated energy use), this will not be achievable for PBSA developments due to the inclusion of unregulated energy.
2. Firstly, paragraphs 3.245 and 3.248 of the Policy's supporting text refer to the Low Energy Transformation Initiative (LETI), which is based on residential developments and does not cater for PBSA or commercial residential developments. Thus, the targets that are applied to the PBSA

are those set for conventional residential developments and therefore they do not factor in the limitation of PBSA. Unite argue that the Policy should instead follow UKGBC guidelines for assessing this building type.

3. Secondly, it is important to note that EUI is a square metre metric. On this basis, EUI can be a very poor guide for certain energy uses such as small power, cooking and laundry as the more people you have in a space, the more energy they will use 'per m<sup>2</sup>'.
4. Consequently, the target would be viable for regulated EUI only, which includes heating, cooling, ventilation and pumping, lighting and hot water use. This is because this is relative to the building size and not impacted by the amount of people within the space.
5. However, as soon as you include unregulated energy (i.e. energy from small power, cooking, laundry etc) then efficient high-density buildings are penalised, as this usage increases with occupancy, not with building size. The inclusion of unregulated energy in targets will lead to misrepresentation and mis-assessment, as there is no standardisation for assumptions of unregulated energy, therefore, identical buildings could report EUI's that vary by over 100kWh/m<sup>2</sup>, simply due to differences in occupancy and density.
6. In PBSA applications, the only way to monitor and limit this usage effectively to meet the required target would be to ban students from using energy for personal items and everyday tasks, which is obviously not viable and therefore this would lead to non-compliant buildings. Thus, this is not an appropriate target for high density PBSA developments.
7. It is only reasonable to require developers to improve the asset performance (inherent energy efficiency) of their proposed building. How the future occupants use that building is not something that can have targets set against it.
8. Finally, there are also no set embodied carbon targets within the London Plan and this Policy can therefore be considered to include onerous requirements beyond those set by the GLA.

## *Recommendations*

On the basis of the above comments, Unite make the following recommendation to better align with the assessment of PBSA developments and avoid misrepresentation:

- Amend Part 3 of Policy CE2 to follow UKGBC guidelines for assessing PBSA developments and/or set the EUI target for PBSA developments for regulated energy only, clarifying that this does not include unregulated energy as this would be an unreasonable requirement and would lead to non-compliant or misrepresented buildings.

## **Part 4**

*4. New development should generate renewable energy on site, to a level equivalent to, or in excess of, the predicted annual energy demand of the building, in accordance with the following requirements:*

- a. As a minimum, the amount of energy generated in a year must be:
  - i. at least 80 kWh/m<sup>2</sup> per building footprint per annum for all building types except industrial buildings; and*
  - ii. at least 120 kWh/m<sup>2</sup> per building footprint per annum for industrial buildings**
- b. Where it can be sufficiently evidenced that it is not technically possible for the amount of energy generated in a year through onsite renewable energy production to match or exceed the predicted annual energy demand of the building, the applicant should fund renewable energy generation (equivalent to the shortfall) elsewhere in the borough through a cash-in-lieu contribution.*

Unite make the following comments on Part 4 of Policy CE2:

1. The current wording of this Policy penalises efficient building forms. Tall buildings with limited roof space may require what little roof space they have for plant and therefore may not be able to fit enough PV on the roof to comply.
2. Consequently, there is a strong risk that the Policy as it is currently worded could lead to less efficient form factors being proposed in building designs in order to avoid additional additional cash-in-lieu contribution payments.
3. Additionally, if this offset is to be calculated against the aforementioned EUI, there will be further mis-assessment of unregulated energy use. As there are no standardisations for this type of energy usage, the policy will encourage unreasonable assumptions to be made to minimise offsets.

## *Recommendations*

On the basis of the above comments, Unite make the following recommendation to avoid the penalisation of more efficient building forms:

- The Policy wording is amended to encourage renewable energy usage and allow for greater flexibility rather than setting stringent targets.

## **Part 5**

*5. New development must demonstrate they are delivering the intended performance approved, and that the 'performance gap' between design and actual in-use energy has been minimised, by:*

- a. Demonstrating and committing to the use of an assured performance method (e.g. Passivhaus or AECB) to ensure that the building's operational energy performance will meet the design intentions.*
- b. Major developments should monitor their total energy use and renewable energy generation and submit the annual figures to the London Borough of Newham for the first 5 years of operation.*

Unite make the following comments on Part 5 of Policy CE2:

1. As with Part 3 of the Policy, the current wording applies to total energy use, which will include both regulated and unregulated. For the reasons set out above, it is not viable to set targets for and monitor unregulated energy use and this is influenced by the number of people per sqm, which is inappropriate for high density developments such as PBSA which will subsequently be non-compliant and misrepresented. It is not reasonable to penalise developers for the energy used by tenants in their buildings (e.g. plug loads), over which they have no control.
2. Guidance should therefore be provided on regulated vs unregulated energy use and both targets and monitoring should be based on regulated energy only as this is what the developer has control over.

## **Recommendations**

On the basis of the above comments, Unite make the following recommendation to recognise what is within the control of the developer:

- Part 5 of Policy CE2 should be amended to include guidance on regulated vs unregulated energy use and subsequently only set targets and monitoring requirements for regulated energy.

## **Policy CE3 – Embodied Carbon and the circular economy**

## **Part 6**

*6. Major developments are expected to meet embodied carbon limits of less than 500kg CO<sub>2</sub> /m<sup>2</sup>.*

Unite make the following comments on Part 6 of Policy CE3:

1. Unite strongly object the embodied target of 500kg Co2/sqm (assuming modules A-C).
2. Paragraph 3.269 of the supporting text rightly refers to the lack of universal targets. Notwithstanding, to set a blanket target would greatly impede developments such as PBSA that tend to pack more material into a smaller amount of space thus leading to a greater carbon intensity per sqm.
3. The text then refers to LETI, stating that *“research indicates that current “average design” achieves an E (around 800kg CO2 /m2 ), with ‘good designs’ achieving a C score (around 500kg CO2 /m2 )”*. However, this does not cover PBSA or commercial residential developments as a separate category and therefore reference to this can be limiting in this case.
4. Consequently, Unite argue that the Policy should acknowledge PBSA as a separate category following UKGBC guidelines for commercial residential and allowing for a carbon budget suited to the building type rather than a generic target.
5. It should also be recognised that there are elements during the construction process that might impact on this which could lead to an increase in material application on grounds of structural safety etc. which needs a caveat in the process.
6. Furthermore, point CE3.5 of the Policy implementation section states that *“Developers are also encouraged to offset the remaining embodied carbon of new buildings, delivering developments that are zero carbon in both construction and operation”*. This is a practice which has not been applied thus far due to the lack of consistencies in the benchmarks being followed. The text provides no further clarity on how this metric is being measured and what carbon price is attributed. PBSA's potentially have higher in use emissions due to refresh rates and maintenance again this can have serious impact on carbon emissions thus penalising the building type further.

## *Recommendations*

On the basis of the above comments, Unite make the following recommendations to better align with assessment of PBSA developments:

- Part 6 and the associated supporting text should be amended to follow RICS guidance as opposed to LETI which is for residential developments and does not cater for PBSA. This would mean encouraging and demonstrating carbon savings where possible with an aspiration of achieving the target but allowing for greater flexibility rather than stringency.
- Part CE3.5 of the Policy implementation should be amended to provide clarity on how this would be measured, the attributed carbon price and how this will not penalise PBSA developments.

## Policy T3 – Transport Behaviour Change

### **Parts 4 and 5**

*4. All new development should deliver high quality, sustainable transport storage (including cycle parking, in line with, or higher than, London Plan standards) and should meet the following requirements, as relevant:*

...

- d. Provision for larger 'non-standard' cycle parking (such as for cargo bikes) should comprise a minimum of five per cent of spaces, or one space where the total level of parking provision is below twenty spaces.*

*5. Major developments should make provisions for safe and convenient charging of E-bikes and mobility scooters*

Unite make the following comments on Parts 4 and 5 of Policy T3:

1. Firstly, neither the Policy nor supporting text provide any evidence to justify the requirement of such an onerous level of larger cycle parking provision.
2. Secondly, Unite's experience shows that the level of demand for the parking of larger bikes such as cargo bikes is low and does not equate to 5% of total cycle parking.
3. The uptake of cycling parking in general is low across Unite's schemes in London. The most recent survey, undertaken in December 2023, demonstrated that there is a less than 5% uptake of existing cycle parking spaces at Unite properties across London, equating to a maximum demand of one cycle space per 20 students. Therefore, the overprovision of standard parking spaces is already an issue in PBSA developments and results in the unnecessary loss of additional PBSA bedrooms and amenity space. Thus, the additional requirement for 5% of these spaces to be even larger will only exacerbate the space lost to cycle parking which could instead be used to cater for growing demand for student bedspaces and greater amenity space for occupiers.
4. It is also considered that an increase in the provision of cycle parking for PBSA does not directly result in an increase in cycling patterns amongst students. Firstly, PBSA schemes are generally in close proximity of places of study or in areas of high public transport accessibility, allowing the majority of journeys to be undertaken on foot or via public transport. Secondly, those that are not accustomed to cycling, particularly cycling in London, often perceive this as dangerous. And thirdly, the influence and take up of Cycle hire schemes provide an affordable means of transport

and preclude the need for private cycle ownership and storage, eliminating the need for students to invest in the safety, security and maintenance associated with private ownership of both standard and larger bikes.

On the basis of the above comments, Unite make the following recommendations to acknowledge the lack of uptake in PBSA developments:

- Part 4 of the Policy is reworded to allow greater flexibility for PBSA developments with regards to the cycle parking standards set out in the London Plan, not encouraging provision greater than these standards which significantly overprovide in comparison with recorded uptake. This should be especially relevant where it can be demonstrated that a scheme lies in a highly accessible location.
- Part 4d of Policy T3 is amended to either clarify that this is not applicable to PBSA schemes or remove the unreasonable percentage requirement and instead encourage suitable provision.
- Part 5 of the Policy should also be amended to allow for greater flexibility where it can be demonstrated that the site is in a highly accessible location, or where cycle hire schemes or pool bikes are being provided in proximity of the site.

## **Policy N8 – Stratford and Maryland and Site Allocation N8.SA2 Stratford Station** **Parts 1 and Site Allocations**

*1. supporting a moderate uplift in density in ‘enhance’ areas where development enhances the character of the neighbourhood and consolidates the urban form;*

Unite make the following comments on Part 1 of Policy N8 and the site allocations in general:

1. Part 1 of the Policy should acknowledge that the Stratford and Mayland area is a highly sustainable and accessible location for high density developments due to the extensive transport links and facilities within the area. As a result, the word moderate should not be used with regards to the potential density of the area.
2. Referring back to Unite's comments on Policy D4 (Tall Buildings) above, the site allocations similarly include prescribed height ranges. Whilst Unite encourage the identification of areas suitable for tall buildings, greater flexibility should be added to the wording of these allocations to allow for tall buildings outside of specified zones and buildings of varying heights outside the prescribed ranges where it has been demonstrated through the supporting reports that this would be acceptable for the site's location.

3. Due to the area's sustainable and accessible location, PBSA should also be added to the site allocation as a potential suitable use for the area providing it meets other policy requirements and that this is demonstrated through supporting reports.

On the basis of the above comments, Unite make the following recommendations to allow for optimal development:

- Removal of the reference to 'moderate' in Part 1 of the Policy.
- Remove the prescribed height limits/ranges to allow for greater flexibility on a site-by-site basis.
- Include PBSA as a potential suitable use in the Stratford and Maryland site allocations.

If you require further clarification or wish to discuss this further, please do not hesitate to contact either [REDACTED] ([REDACTED]), Erlina Hale ([REDACTED]) or myself at this office.

Yours Sincerely,

[REDACTED]

[REDACTED]  
**Director**  
**ROK Planning Ltd**

T: [REDACTED]

E: [REDACTED]