

## James Scantlebury

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**From:** Pyrke, Adam <[REDACTED]>  
**Sent:** 11 September 2024 11:13  
**To:** Local Plan  
**Subject:** Draft Submission Local Plan (Regulation 19) - Representations by B&Q Limited  
**Attachments:** Reg 19 Response\_form\_\_HS3.1.docx; Reg 19 Response\_form\_\_J1b.docx

Please find attached representations on behalf of B&Q Ltd in respect of the submission draft local plan Policy HS3.1 and Policy J1.

In both cases, B&Q Limited object to the treatment of existing out of centre retail parks which is unjustified by the evidence base.

I would be grateful if you could acknowledge receipt of these objections.

Please do also get in touch if you have any questions.

Yours faithfully


Adam Pyrke

Pyrke, Adam  
Director - Planning



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**Response Form for Regulation 19 Consultation.**

	<p><b>Local Plan</b> Publication Stage Response Form</p>	<p><b>Ref:</b></p> <p><b>(For official use only)</b></p>
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**Name of the Local Plan to which this representation  
relates:**

Newham Draft Submission  
Local Plan

## Privacy Notice

### Who we are

London Borough of Newham (LBN) is registered with the Information Commissioner's Office (ICO) as a 'Data Controller' This privacy notice applies to you ('the service user') and LBN ('the Council'). The Council takes the privacy of your information very seriously.

This privacy notice relates to our functions relating to the Newham Local Plan Review Consultation (Regulation 19). It also provides additional information that specifically relates to this particular consultation, and should be read together with our [general privacy notice](#), which provides further detail.

### What data do we collect and process

We collect your name, contact details, email address, job title and organisation if applicable and demographic equalities data if you choose to share it.

### Why we collect your data

The consultation is a requirement of the Town and Country Planning (Local Planning) (England) Regulations 2012. We collect your data so that we can get your views on the legal compliance or soundness of the Local Plan, as well as its compliance with the duty to co-operate.

### The lawful basis for processing your data

The lawful basis we use to process your data as set out in UK data protection legislation is:

Article 6 (a) Consent: the individual has given clear consent for us to process their personal data for a specific purpose.

Article 9 (a) Explicit Consent: the data subject has given explicit consent to the processing of those personal data for one or more specified purposes.

We will only process personal data where we have consent to do so, and you can withdraw your consent at any time. By submitting your personal data in the response form you are consenting for us to process your data and/or consenting to be added to the database. If added to the database, they can be removed upon request.

You can withdraw your consent at any time.

### How we use your data

This data is collected, collated and then submitted to the Secretary of State, who will appoint an Inspector to conduct an independent examination of the Local Plan. Demographic data will be processed anonymously to assess the effectiveness of our consultation.

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Where you have consented, your contact details will be added to our consultation database for future consultations and updates on the Examination in Public.

At submission representations will be made public on the council's website, including name of person and organisation if applicable making representation. Other personal information will remain confidential.

Representations, in full, submitted along with the Local Plan, evidence base and documents Submission Draft Newham required by legislation to the Planning Inspectorate and to the person the Secretary of State appoints as the Planning Inspector. Contact details will be made available to the Inspector and Programme Officer so they can contact individuals to participate in the Examination.

Consultation database is stored on Mailchimp and accessed by planning policy team only. Mailchimp stores names and email addresses of those on the consultation database in line with Mailchimp policies, particularly its [data processing addendum](#). Please be aware they may store personal data external to the UK specifically in the USA and/or EU.

### **Who we will share your data with**

We will only share your data with the Planning Inspector appointed by the Secretary of State, the Programme Officer appointed by Newham, and within the planning policy team. Your name and organisation (if applicable) will be published on our website along with representations upon submission. Demographic data is not shared with the Planning Inspector or the Programme Officer.

We will not share your personal information with any other third parties unless you have specifically asked us to, or if we have a legal obligation to do so.

### **How long we will keep your data**

We will keep your data safe and secure for a period of 15 year(s) in line with our retention Schedule. After this time, it will be securely destroyed.

### **How do we protect your data**

We comply with all laws concerning the protection of personal information and have security measures in place to reduce the risk of theft, loss, destruction, misuse or inappropriate disclosure of information. Staff access to information is provided on a need-to-know basis and we have access controls in place to help with this.

See the [Planning Inspectorate Customer Privacy Notice](#) for details on how they keep your data safe and secure.

### **Know your rights**

We process your data in accordance with the UK General Data Protection Regulation (UK GDPR) and the Data Protection Act 2018. Find out about your rights at [Your rights – Processing personal data privacy notice – Newham Council](#) or at <https://ico.org.uk/your-data-matters/> If you have any queries or concerns relating to data protection matters, please email: [dpo@newham.gov.uk](mailto:dpo@newham.gov.uk)

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# Response Form

For guidance on how to complete this representation form please view the Regulation 19 Consultation Guidance <https://www.newham.gov.uk/planning-development-conservation/newham-local-plan-refresh>.

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)	
<i>*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.</i>		
Title	Mrs	Mr
First Name	Donna	Adam
Last Name	Turner	Pyrke
Job Title (where relevant)	Asset Manager	Director
Organisation (where relevant)	B&Q Limited	RPS Consulting Ltd
Address Line 1		
Line 2		
Line 3		
Line 4		
Post Code		
Telephone Number		
E-mail Address (where relevant)		

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## Part B – Please use a separate sheet for each representation

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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

☐

No

☐

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.

Policy HS3: Edge-of-Centre and Out-of-Centre retail, restaurants, cafes and services part 1 supports the 'full loss' of floorspace in retail (E(a)), restaurant (Eb) and services (Ec) use in edge and out of centre locations except in the case of certain small 'corner plot' convenience stores.

The written justification at paragraph 3.91 states that redevelopment of sites in edge of centre and out of centre locations towards residential uses will benefit nearby town and local centres by helping concentrate investment in centres, where business clustering will provide additional benefits, and an increase in footfall from new residential development.

Implementation Text for HS3.1 states that aside from the corner plot convenience stores, the town centre first principles of the NPPF apply and loss of retail (Ea), restaurants and cafes (Eb) and service (Ec) uses in undesignated areas will be supported.

Dependent on the delivery of a new DLR route and station, Gallions Reach shopping centre is to be reconfigured into a modern district centre. In the interim it will be managed as an out of centre facility.

The loss of other out of centre retail parks that are not covered by a site allocation should lead to either additional industrial floorspace as per Local Plan Policy J1 or the residential development opportunity of the site should be optimised in line with Local Plan Policy D3.

We consider this policy approach has not been positively prepared, is unjustified in accordance with the spatial strategy of the plan and is not consistent with national policy.

### **Background**

B&Q Limited is part of Kingfisher plc. an international home improvement company with over 2,000 stores operating across eight countries within Europe and the United Kingdom. B&Q occupies a store in Newham situated on the Gateway Retail Park (part of the Beckton Triangel) in Claps Gate Lane Beckton and has been present on the site since 1996.

The store serves the whole of Newham including neighbouring areas of east and south-east London. It is a 'bulky goods' outlet selling building and garden products, fitted kitchens and bathrooms and furniture and furnishings. The product range is complementary to the type of products sold in town centres, requiring large floor areas for shopfloor storage and display and adjacent car parking for the transport of materials away, often by van.

It makes a valuable contribution to the local economy both in terms of employment and the service it provides to local residents and businesses. The store directly employs 153 staff (63 full-time and 90 part-time), is an established part of the local retail market is also a supplier to local tradespersons and businesses.

The store also plays an active role in the local community, both economically and socially. It actively supports the corporate charity, Shelter, and raises money for the B&Q Foundation. There is also more localised support through Neighbourly, such as the donation of building materials to local charities.

### **Evidence Base**

The London Borough of Newham, Retail & Leisure Study 2022 examined the pattern of retailing in the borough and the quantitative and qualitative need for new retail floorspace.

It examines the market shares of the three retail parks in the borough, noting that Gallions Reach Shopping Park is the most popular but that both Beckton Triangle and Becton Retail Park are popular destinations with Newham residents. In addition, the 'Beckton area' including East Beckton District Centre and the retail parks is a significant attractor of expenditure into the borough with a combined turnover of £208.5m in 2022). It identifies Stratford and Beckton as the dominant destinations for comparison goods expenditure, attracting the largest share of trade in the borough.

The assessment of comparisons goods floorspace need (paras 12.68 et seq) identifies a need for additional floorspace across the borough of between 1549 sq m – 21,888 sq m by depending upon population growth. Geographically, this need arises predominantly within the Stratford and Beckton areas; driven by the already strong market share alongside strong forecast population growth (p.113).

This requirement is translated into the draft plan as a requirement for all retail floorspace of 25,973sq m (para 3.1) with development directed to the borough's network of Metropolitan, Major, District and Local Centres, the new district centre allocated at Beckton Riverside (subject to the delivery of a new DLR route and station) and the identified new and expanded local centres.

There are no new sites allocated for retail development of a scale comparable with a large DIY store.

### **Objection to Policy**

The plan's retail strategy is built upon the findings of the London Borough of Newham, Retail & Leisure Study 2022. This acknowledges the contribution of the existing out of centre retail facilities towards meeting the shopping needs of the borough's residents, and their impact on shopping patterns through the levels of expenditure they draw into the borough.

The calculation of the comparison goods floorspace requirement for the plan period is predicated upon the retention and continued operation of these facilities. The evidence base does not support the approach of the plan which treats existing out of centre retail parks as reservoirs of development land to be developed for other purposes without any consideration as to how their loss would impact on shopping patterns or the need to reallocate additional land for retail development to replace that lost.



The inclusion of part (b) of Policy J1 is based on a one-sided assessment of the evidence base, relying on the need for employment accommodation in the Employment Land Review. There is no counter balancing assessment of the need for retail space, particularly the need for additional retail space if existing accommodation is lost as part of the spatial strategy for the district.

In many instances, the retail parks in the borough are not designated as employment land and are relied upon by the spatial strategy for retail development as meeting the expenditure/floorspace requirements of the borough.

We consequently object to the inclusion of Part b of Policy J1 as it is not positively prepared, is not justified by the evidence base, would not provide an effective means of meeting the competing demands of development types in the borough and is not consistent with national policy.

(Continue on a separate sheet /expand box if necessary)

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.

Policy J1.b: Employment and growth needs to be amended through the deletion of Part b of the policy as follows:

~~b. In addition to the locations identified above, the development of industrial uses for research and development (E(g)(ii)), light industrial (E(g)(iii)), general industrial (B2), storage or distribution (B8) (including dark kitchen/shop and micro fulfilment) and industrial related sui generis (SG) uses (including waste, utilities including digital/data and transport depots) may be located on retail and leisure parks with good accessibility to the Strategic Road Network.~~

(Continue on a separate sheet /expand box if necessary)

***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.

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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)

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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 ☐

**Please return to London Borough of Newham by 5pm 6<sup>th</sup> September 2024**

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## Part A

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<i>*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.</i>		
Title	Mrs	Mr
First Name	Donna	Adam
Last Name	Turner	Pyrke
Job Title (where relevant)	Asset Manager	Director
Organisation (where relevant)	B&Q Limited	RPS Consulting Ltd
Address Line 1		
Line 2		
Line 3		
Line 4		
Post Code		
Telephone Number		
E-mail Address (where relevant)		



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## Part B – Please use a separate sheet for each representation

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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 :

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Yes

☐

No

☐

4.(2) Sound

Yes

☐

No

☒

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

Yes

☐

No

☐

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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Policy HS3: Edge-of-Centre and Out-of-Centre retail, restaurants, cafes and services part 1 supports the 'full loss' of floorspace in retail (E(a)), restaurant (Eb) and services (Ec) use in edge and out of centre locations except in the case of certain small 'corner plot' convenience stores.

The written justification at paragraph 3.91 states that redevelopment of sites in edge of centre and out of centre locations towards residential uses will benefit nearby town and local centres by helping concentrate investment in centres, where business clustering will provide additional benefits, and an increase in footfall from new residential development.

Implementation Text for HS3.1 states that aside from the corner plot convenience stores, the town centre first principles of the NPPF apply and loss of retail (Ea), restaurants and cafes (Eb) and service (Ec) uses in undesignated areas will be supported.

Dependent on the delivery of a new DLR route and station, Gallions Reach shopping centre is to be reconfigured into a modern district centre. In the interim it will be managed as an out of centre facility.

The loss of other out of centre retail parks that are not covered by a site allocation should lead to either additional industrial floorspace as per Local Plan Policy J1 or the residential development opportunity of the site should be optimised in line with Local Plan Policy D3.

We consider this policy approach has not been positively prepared, is unjustified in accordance with the spatial strategy of the plan and is not consistent with national policy.

### **Background**

B&Q Limited is part of Kingfisher plc. an international home improvement company with over 2,000 stores operating across eight countries within Europe and the United Kingdom. B&Q occupies a store in Newham situated on the Gateway Retail Park in Claps Gate Lane Beckton and has been present on the site since 1996.

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The store also plays an active role in the local community, both economically and socially. It actively supports the corporate charity, Shelter, and raises money for the

B&Q Foundation. There is also more localised support through Neighbourly, such as the donation of building materials to local charities.

### **Evidence Base**

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It examines the market shares of the three retail parks in the borough, noting that Gallions Reach Shopping Park is the most popular but that both Beckton Triangle and Becton Retail Park are popular destinations with Newham residents. In addition, the 'Beckton area' including East Beckton District Centre and the retail parks is a significant attractor of expenditure into the borough with a combined turnover of £208.5m in 2022). It identifies Stratford and Beckton as the dominant destinations for comparison goods expenditure, attracting the largest share of trade in the borough.

The assessment of comparisons goods floorspace need (paras 12.68 et seq) identifies a need for additional floorspace across the borough of between 1549 sq m – 21,888 sq m by depending upon population growth. Geographically, this need arises predominantly within the Stratford and Beckton areas; driven by the already strong market share alongside strong forecast population growth (p.113).

This requirement is translated into the draft plan as a requirement for all retail floorspace of 25,973sq m (para 3.1) with development directed to the borough's network of Metropolitan, Major, District and Local Centres, the new district centre allocated at Beckton Riverside (subject to the delivery of a new DLR route and station) and the identified new and expanded local centres.

There are no new sites allocated for retail development of a scale comparable with a large DIY store.

### **Objection to Policy**

The plan's retail strategy is built upon the findings of the London Borough of Newham, Retail & Leisure Study 2022. This acknowledges the contribution of the existing out of centre retail facilities towards meeting the shopping needs of the borough's residents, and their impact on shopping patterns through the levels of expenditure they draw into the borough.

The calculation of the comparison goods floorspace requirement for the plan period is predicated upon the retention and continued operation of these facilities. The evidence base does not support the approach of the plan which treats existing out of centre retail parks as reservoirs of development land to be developed for other purposes without any consideration as to how their loss would impact on shopping patterns or the need to reallocate additional land for retail development to replace that lost.

The plan also misinterprets the national 'town centres first' policy approach towards new retail development. The Implementation text to HS3.1 seeks to justify the policy support for the loss of retail (Ea), restaurants and cafes (Eb) and service (Ec) uses in undesignated areas as it is in accordance with the town centre first principles of the NPPF. The NPPF does not oppose existing retail development in edge or out of centre locations into town centres, or try to relocate such development within town centres, but simply requires new such development to be located in accordance with the sequential approach starting with a town centres. The approach of the local plan is consequently not supported by national planning policy.

(Continue on a separate sheet /expand box if necessary)

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.

Policy HS3: Edge-of-Centre and Out-of-Centre retail, restaurants, cafes and services needs to be amended through the deletion of the last paragraph in Part 1 in its entirety as follows:

“1. Small food stores meeting all the below criteria will be protected in Edge-of-Centre and Out-of-Centre locations, unless marketing evidence demonstrates no current or future demand for the site:

- a. the site is a ‘corner plot’; and
- b. the site is outside of the 400 metre radius of any Newham Town Centre Network designation; and
- c. there are no other corner food stores within a 400m radius around the site.

~~In all other circumstances, proposals for full loss of floorspace in retail (Ea), restaurants and cafes (Eb) and services (Ec) uses in edge of centre and out of centre locations will be supported, where replaced with alternative development in line with the policies of the Plan.”~~

If this proposal is not acceptable, the last paragraph in Part 1 should be amended to allow for a balanced consideration of the planning merits of the proposal taking into account meeting the floorspace needs of all land uses across the borough:

“1. Small food stores meeting all the below criteria will be protected in Edge-of-Centre and Out-of-Centre locations, unless marketing evidence demonstrates no current or future demand for the site:

- a. the site is a ‘corner plot’; and
- b. the site is outside of the 400 metre radius of any Newham Town Centre Network designation; and
- c. there are no other corner food stores within a 400m radius around the site.

Proposals for the redevelopment of other existing edge and out of centre retail (Ea), restaurant (Eb) and services (Ec) uses will only be supported where it is demonstrated that:

- i). There is a surplus of such accommodation and so its loss will not harm the established pattern of retailing in the borough or lead to the need to allocate sites for development of the same type elsewhere; or
- ii). the existing uses can be reprovided in accordance with the sequential test.

~~In all other circumstances, proposals for full loss of floorspace in retail (Ea), restaurants and cafes (Eb) and services (Ec) uses in edge of centre and out of centre locations will be supported, where replaced with alternative development in line with the policies of the Plan."~~

(Continue on a separate sheet /expand box if necessary)

***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.

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☒

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

☐

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

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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 ☐

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