

Sara Chiong

From: Michael Green [REDACTED]
Sent: 20 September 2024 14:03
To: Local Plan
Cc: [REDACTED]
Subject: Representations on London Borough of Newham Draft Submission Local Plan (Regulation 19)
Attachments: Vulcan Wharf - LBN Regulation 19 Reps - DP9 Ltd Letter.pdf; Equalities Data Form.pdf; Response Form.pdf
Follow Up Flag: Follow up
Flag Status: Completed

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Dear Sir/Madam,

Thank you for providing us with the opportunity to comment on London Borough of Newham Draft Submission Local Plan (Regulation 19) as a part of the consultation ending on the 20th of September 2024 at 5pm.

Please see attached our representations submitted by DP9 Ltd behalf of our client London Square Ltd. The associated Response Form and Equalities Data Form are also attached.

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

Please let me know if you require any additional information or would like to discuss this matter further.

Kind regards,

Michael

Michael Green

Senior Planner

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Response Form for Regulation 19 Consultation.

	<p>Local Plan Publication Stage Response Form</p>	<p>Ref:</p> <p>(For official use only)</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.

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

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)

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

Title	<input type="text"/>	<input type="text"/>
First Name	<input type="text"/>	<input type="text"/>
Last Name	<input type="text"/>	<input type="text"/>
Job Title (where relevant)	<input type="text"/>	<input type="text"/>
Organisation (where relevant)	<input type="text" value="London Square Ltd"/>	<input type="text" value="DP9 Ltd"/>
Address Line 1	<input type="text"/>	<input type="text" value="REDACTED"/>
Line 2	<input type="text"/>	<input type="text" value="REDACTED"/>
Line 3	<input type="text"/>	<input type="text"/>
Line 4	<input type="text"/>	<input type="text"/>
Post Code	<input type="text"/>	<input type="text" value="REDACTED"/>
Telephone Number	<input type="text"/>	<input type="text" value="REDACTED"/>
E-mail Address (where relevant)	<input type="text"/>	<input type="text" value="REDACTED"/>

Part B – Please use a separate sheet for each representation

Name or Organisation:

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

Policy

Implementation Text

Paragraph

Policies Map

4. Do you consider the Local Plan is :

4.(1) Legally compliant

Yes

No

4.(2) Sound

Yes

No

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

Yes

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.

Please see attached representation.

(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.

Please see attached representation.

(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.

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

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

☐

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

☒

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

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

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

Please see attached representation.

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

9. Do you wish to be notified about:

a. the submission of the local plan for independent examination

Yes ☒ No ☐

b. the publication of the Inspector's report

Yes ☒ No ☐

c. the adoption of the Local Plan

Yes ☒ No ☐

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

Yes ☒ No ☐

Please return to London Borough of Newham by 5pm 20th September 2024

CAG/MG/ DP4548
20 September 2024

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Sent via email to: localplan@newham.gov.uk

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 a part of the consultation ending on the 20th of September 2024. These representations are submitted by DP9 Ltd ('DP9') behalf of our client London Square ('LSQ').

The Site and Key Planning History

LSQ has an ownership interest in Vulcan Wharf, Cooks Road, Stratford, London, E15 2PW ('the Site'). The Site covers an area of 1.34 ha site and located in Pudding Mill, Stratford.

On 31st December 2021, the LLDC granted full planning permission (ref: 20/00307/FUL) for the demolition of the existing buildings and redevelopment of the Site to provide buildings between two and 14 storeys in height to include 457 residential units (Use Class C3), 5,594sqm (GEA) of storage and distribution floorspace (Use Class B8), 3,494sqm (GEA) of light industrial floorspace (Use Class B1c) and 180sqm (GEA) of retail floorspace (Use Classes A1/A2/A3), with car and cycle parking and associated hard and soft landscaping (the 'Consented Development').

These representations are submitted in the context of the Site and the Consented Development, that was implemented in June 2022 following the demolition of the buildings that existed on the Site.

The Development Plan

The Development Plan for the Site comprises the following:

- The adopted London Plan (2021); and



- The adopted LLDC Local Plan (2020).

The Site falls within the Pudding Mill area, which is currently within the London Legacy Development Corporation (LLDC) boundary within the LBN, noting that the LLDC will hand, planning decision making powers back to LBN in December 2024.

Within the adopted LLDC Local Plan, the Site is identified as an 'Other Industrial Location' (OIL) and forms part of Site Allocation SA4.3: Pudding Mill. The Site is covered by the Pudding Mill SPD where SA4.3 aspires to be a "new medium-density, mixed-use area".

National Planning Policy Framework (NPPF)

Paragraph 15 of the NPPF states:

"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 of the NPPF 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', which must be, positively prepared, justified, effective and consistent with national policy.

LSQ'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.

The draft Local Plan is due to be adopted in Summer 2025. As such, 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

The Site would fall within Site Allocation Pudding Mill Lane (N8.SA9) in the new Local Plan.

The Site Allocation map for N8.SA9 Pudding Mill is presented on page 502 of the draft Local Plan. The Site is designated as a "Local Mixed-use Area" (LMUA) within the allocation. In the draft Local Plan, LMUAs are defined as employment locations protected and identified for (employment-led) mixed use to support business and industrial uses compatible with residential, including opportunities for co-location.

We fully support that the principle of the draft Local Plan allocating the Site as an LMUA when compared with the outdated adopted LLDC Local Plan allocation as an 'Other Industrial Location', as an LMUA is more consistent with the consented and implemented scheme for residential-led mixed use development with employment at lower levels.

Notwithstanding this, the following observations are made in relation to the 'Development principles' wording of the Site Allocation.

Land Use

The Site Allocation states that the following land uses are permissible:

"Residential, employment uses, main town centre uses and social infrastructure including community facilities and health centre, and open space. [...] The employment uses should be consistent with Local Plan Policy J1 and prioritise industrial floorspace, including co-location with residential as part of the development around the Pudding Mill DLR Station and at Legacy Wharf. Development to the west of Cooks Road should be consistent with the Local Mixed Use Area designation. Development should provide the same quantity of business and industrial floorspace as the permitted schemes"

The draft policy earmarks that development to the west of Cooks Road, i.e. the Site, should be consistent with the Local Mixed Use Area designation and provide the same quantity of business and industrial floorspace as the permitted schemes. As above, we support the Site Allocation as a LMUA, , but we suggest that the wording recognises that development should be residential-led mixed use including employment generating floorspace at ground floor, potentially comprising business and industrial floorspace, to better reflect the consented scheme and therefore ensure the Local Plan is sound in this respect.

On this basis, we consider that the 'Development Principles' wording should be amended to remove the following rewording:

"Development to the west of Cooks Road should be consistent with the Local Mixed Use Area designation, for residential-led mixed use development including employment generated floorspace"



at lower levels, potentially comprising business and industrial floorspace . ~~Development should provide the same quantity of business and industrial floorspace as the permitted schemes~~".

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) to add wayfinding, with consideration given to marking the Pudding Mill Local Centre".

The Consented Scheme comprises two urban blocks, known as Buildings V1 and V2, which range between 2 and 14 storeys in height. The V1 building would be located at the southern end of the site, fronting onto Cook's Road and the Bow Back River. The V1 building would be the tallest building on site at 14 storeys (54.0m AOD).

It is also important to note that a further planning application (ref: 22/00384/FUL) was submitted in October 2022 proposing 496 residential units which included increasing the height of the V1 building from 14 storeys to 20 storeys in height. Whilst this application was withdrawn, the application documents included extensive design, townscape and environmental information to justify why a 20 storey building was acceptable in planning terms. Based on this extensive testing and particularly when considering the local context which includes existing taller buildings along Stratford High Street, including the 36 storey Capital Towers directly to the south of the site, it is our opinion that the southern end of the Vulcan Wharf site has the potential to accommodate buildings up to c.30 storeys in height.

Given the extensive evidence justifying taller buildings on the Site, we propose that this potential for additional height should be reflected in the Site Allocation, allowing the Site to reasonably optimise the development potential of the Site to delivery much needed new homes.

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 range between 21-32m (ca. 7-10 storeys) with taller buildings up to ~~50~~-100m (ca. ~~16~~-30 storeys) to add wayfinding, with consideration given to marking the Pudding Mill Local Centre ~~and the Vulcan Wharf LMUA site~~."

Other Draft Policies

Newham faces significant housing challenges, and we are fully supportive of the aspirations to address them. However, we have several concerns regarding the approach to affordable housing and dwelling mix in the Draft Local Plan.

Draft Policy H3 sets out the LBN's approach to securing affordable housing delivery. We supported the Regulation 18 draft Local Plan Policy as this was aligned to the London Plan requirements for affordable housing delivery. However, we do not support the Regulation 19 wording, as this introduces a requirement for 60% affordable housing by unit, comprised of 50% low-cost rent and 10% shared ownership. We acknowledge that ability to meet the requirement can be viability tested,



however, this moves away from the London Plan approach and 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.

Furthermore, the Regulation 18 draft Local Plan aligned with the London Plan by assessing affordable housing requirements according to habitable rooms, whereas the Regulation 19 now uses habitable units as a measurement. This is in conflict with the London Plan policy, as such, it is suggested that this is reverted to using habitable room (opposed to habitable unit) for the assessment of affordable housing.

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 4th 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.

In terms of the proposed requirement for developments on site allocations to provide a minimum of 5% of proposed residential units as four or more bed affordable family dwellinghouses (C3), this 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 apply these family housing targets to social rented homes only and should provide opportunities for exceptions were justified with evidence. As such, it is suggested that the target mix should be broken down to reflect different tenures; for example, the family housing targets should apply specifically to social rent to reflect demand, as identified in the Newham Strategic Housing Market Assessment 2022, but with greater flexibility provided for private homes to provide a mix that reflects market demand to ensure development is viable and crucially can support the delivery of affordable homes.

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 Michael Green or Chris Gascoigne at this office.

Yours faithfully,



DP9 Ltd.

