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To: Local Plan
Cc: [REDACTED]
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Attachments: 240919 - Ballymore - Local Plan Representation (Reg 19 Consultation)-1.13.pdf

Follow Up Flag: Follow up
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Dear Sir / Madam

Please find attached representations on the draft Submission version of the Newham Local Plan (Regulation 19 Consultation) prepared by the Ballymore Group.

We trust the content of the attachment is acceptable however if you have any queries, please do not hesitate to contact me.

Kind Regards

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Submitted via email to localplan@newham.gov.uk

19 September 2024

Dear Sir/ Madam

LB Newham Draft Submission Local Plan (Regulation 19 Consultation) – Representation on Behalf of The Ballymore Group

We write on behalf of our client, the Ballymore Group, to make representations on the draft Submission Local Plan (Regulation 19 Consultation).

As you will be aware, our client has a number of major land interests within the Borough having recently completed the delivery of the Royal Wharf development on the North Woolwich Road, the Deanston Wharf development (now known as Riverscape) which is currently under construction (to be completed in 2024). We are working with London Legacy Development Corporation (LLDC) with regards to the recently resolved to grant Stratford Waterfront development as well as the Bridgewater Triangle Site also part of the Joint Venture. Furthermore, we are working on the planning hybrid application at Thames Road Industrial Estate (also known as UNEX) which is currently being re-submitted following application ref. 21/02450/OUT submitted in 2021 (currently live, to be withdrawn), and the planning hybrid application at Knights Road, currently awaiting submission to LB Newham.

As a result, the Ballymore Group are keen to work with the Council to assist in the formulation of new policy that supports the continued regeneration of the Borough, with a particular focus on the Royal Docks area.

The Ballymore Group previously submitted representations in February 2024 during the Regulation 18 Consultation period, with comment responses provided by LB Newham. These responses have been noted below where relevant.

Overall, we support the Council's ambitions to deliver a fairer Newham and the ethos behind many of the draft policies, however, we also have concerns regarding some of the new requirements being sought through the draft Local Plan, including the cumulative impact of these requirements on the viability and deliverability of developments. The development industry is seeing a significant increase in build costs, a stagnation of residential values, and the introduction of new standards and legislation, all of which are resulting in increasingly challenging development viability across London, and we do not feel that this has been given sufficient consideration across the draft Local Plan.

With this in mind, we offer the following comments on the draft Submission Local Plan, with a particular focus on the deliverability of the Council's Strategic Sites.

Building a Fairer Newham

Policy BFN1: Spatial Strategy

As previously noted during the Regulation 18 representations, we support the recognition that the Royal Docks and Beckton Riverside Opportunity Area is able to support significant levels of growth, with the potential to deliver a significant number of new homes and jobs. We note that the Regulation 19 plan is now reflective of the adopted version of the Royal Docks OAPF (as opposed to the previous draft) published by the Mayor of London on 25th March 2023 in terms of the capacity of the Opportunity Area, which appears consistent across the policy levels (i.e. OAPF figures include 36,300 new homes and 55,700 new jobs, whilst the Regulation 19 plan notes 36,000 new homes and 55,000 new jobs up to 2041). The Regulation 18 plan contained misalignment with the OAPF in terms of these figures – we support the updated information and reference to the adopted framework.

We also support the designation of N3.SA3 Connaught Riverside as a new local centre which can support retail and leisure floorspace to accommodate the needs of residents, workers and visitors. Other suitable uses such as Large Scale Purpose Built Shared Living (LSPBSL) and amenity are also identified as appropriate uses within proposed local centres within the Regulation 19 plan, which we further support, and should be noted in the designations more evidently.

Design

Policy D1: Design standards

Ballymore supports the delivery of high quality developments which are welcoming and well-integrated socially and physically into their neighbourhoods, this is something Ballymore strive to achieve across all their sites. Previously, concerns were raised over the prescriptive nature of some of the requirements of this draft policy, namely Part 1(i) of the Regulation 18 plan requiring plant to be located below ground, and where this would not be feasible, to be satisfactorily integrated into the form and design of the roof.

We note this has been amended to state that mechanical and electrical plant should be integrated *'into the form and design of the building, or screened and integrated into the landscaping'* allowing greater flexibility, which we support.

Previously, Ballymore objected to Part 5 of this policy in the Regulation 18 plan, which required retention of the original scheme architects through to completion of a development. It is noted this is no longer stipulated in the Regulation 19 plan, which we support.

Policy D4: Tall buildings

Ballymore notes the Council's definition of a tall building definition as at or over 21m (roughly seven storeys) which is in excess of the minimum height set out within the London Plan, however, we strongly object to Part 2 of the draft policy (as previously raised during Regulation 18 consultation) which states tall buildings will only be acceptable in areas marked on the Policies Map as 'Tall Building Zones'. This conflicts with the London Plan and fails to recognise the recent London Borough of Hillingdon, R (On the application Of) v Mayor of London EWHC3387 (15th December 2021) case on the application of London Plan Policy D9 where the court determined that tall building proposals do not necessarily have to be located within defined tall building zones in Local Plans, and can be acceptable where they result in public benefits and are in accordance with the rest of Policy D9 and the development plan as a whole. It is

therefore considered that the wording of Part 2 should be amended to be less restrictive on the location of tall buildings, noting the Council's support for tall buildings within the identified tall building zones, but not seeking to wholly prevent tall buildings outside of these zones where it can be demonstrated that they comply with Policy D9 and the development plan as a whole.

In regard to tall building zone TBZ10: North Woolwich Road (which includes site allocation N3.SA3 Connaught Riverside), the draft policy sets out a 'suitable' height range maximum of 50m with prevailing heights between 21m and 32m. The proposed 50m height limit set out within draft policy D4 does not align with the 16 storey height limit set out within the draft site allocation (N3.SA3 Connaught Riverside) and would be more likely to result in a building of 14 storeys. It is therefore considered that the upper appropriate height limit should be increased to circa 55m to align with the draft site allocation.

In regard to tall building zone TBZ11: Lyle Park West, the prevailing heights are identified to be 21m and 32m, with an opportunity to include tall building elements up to 40m. Detailed comments are provided below in relation to the draft Lyle Park West site allocation, and it is considered that the indicative heights identified within draft policy D4 should be updated in line with the adopted site allocation (i.e. indicative height range of 10-12 storeys with capacity for up to 18 storeys in key locations). It is noted that Ballymore has successfully delivered tall buildings at Royal Wharf and Deanston Wharf, at outlined above, which neighbour Lyle park West.

Finally, the draft policy should be worded more flexibly, noting that the identified heights are considered to be appropriate for each site, but without directly preventing taller buildings where it can be demonstrated they are of high quality, deliver appropriate public benefits and comply with the development plan as a whole.

It is not appropriate at Local Plan preparation stage to be designing by proxy, restricting heights on sites without any evidenced contextual analysis, or allowing for the proper application of the planning balance which would be considered at development control stage. As mentioned above setting an inflexible maximum height range is also in direct conflict with the London Plan which requires a design led approach to determining site capacity.

Ballymore continue to deliver tall buildings to an exceptionally high design standard, exemplified more recently within the completed Royal Wharf and Deanston Wharf developments where building heights up to 18 storeys have been developed, accounting for the principles set out above, emphasising the positive benefit of expertly delivered taller buildings within the area.

Policy D9: Designated and non-designated heritage assets, ancient monuments and historic parks and gardens

Ballymore supports the Council's desire to protect designated heritage assets across the Borough. During the previous consultation for the Regulation 18 plan, we noted that the (then) Policy D10, should be amended to reflect the NPPF (paragraphs 199-202) in that less than substantial harm to designated heritage assets may be acceptable when appropriately outweighed by the public benefits of a scheme, rather than the previous draft wording which sought to resist any level of harm. We note this has been amended, which we support, recognising that some harm may be necessary or unavoidable to support the redevelopment of strategic sites and deliver wider public benefits.

High Streets

Policy HS1: Newham's Town Centres Network

As set out above, Ballymore supports the designation of N3.SA3 Connaught Riverside as a new local centre as well as a new Neighbourhood Parade at N3.SA2 Lyle Park West. It was previously noted for the Regulation 18 version that Part 3 of the policy was too prescriptive, particularly part (a) which required that the scale of the Local Centre will be of at least 20 non-residential units with units between 80sqm and 150sqm GIA each. As noted in the Council's response, a wording change has been made to note that the 'majority' of units will be 80sqm and 150sqm GIA each, providing flexibility in unit sized to be *'primarily of the small size recommended by the Retail and Leisure Study (2022) while also allowing for other uses, for example community uses (defined through policy SI1) to be set up in units larger than 150sqm GIA in Local Centres, if justified by local need'*.

The policy approach relating to the size of food stores has also changed to allow for more flexibility in the type of provision which can be located in Local Centres, recognising the variety of business models for small and medium convenience store operators. Ballymore would still suggest the requirement for 'a variety of small to medium unit sizes', rather than setting out specific floor areas within the policy, however we support the greater flexibility noted.

Policy HS2: Managing new and existing Town and Local Centres

Ballymore supports the delivery of affordable workspace within development which provide significant levels of employment floorspace, however, for all schemes proposing 1,000sqm or more (GIA) of Class E floorspace, Part 6 of the draft policy requires 10% of all Class E floorspace (including re-provision), to deliver 10% at a discounted rent. Previously, during the Regulation 18 consultation, we noted that any requirement for affordable commercial space should be based **only on any uplift** in floor area, rather than re-provision of existing floorspace.

It is not clear in the wording of the policy whether this has been amended to exclude re-provision, as this is not explicitly stated. We suggest this is further clarified (and excluded) from the above stipulation, reinstating previous wording identifying that this refers to uplift only.

It is also noted that the 10% of Class E floorspace are identified as units comprising of (majority) 80-150sqm GIA each. Ballymore reiterate the comments raised for Policy HS1 with regards to size restriction; we suggest this specification is removed from the policy wording, to make the updated flexibility as clear as possible.

Inclusive Economy

Policy J2: New employment floorspace

Part 2 of the draft policy only supports co-location between industrial and residential development in the specific Local Mixed Use Areas and on Micro Business Opportunity Areas identified in Policy J1 Tables 8 and 9, as well as specific site allocations - previously, the Regulation 18 version had not accounted for strategic sites.

This includes the site allocations at N2.SA2 Lyle Park West and N2.SA3 Connaught Riverside, which we support.

Policy J3: Protecting employment floorspace

Part 2 of draft Policy J3 notes that in limited circumstances where a loss of employment floorspace is supported, developments are required to: (a) relocate any existing businesses to suitable alternative employment premises or sites; and (b) provide financial contributions towards skills, training and local employment initiatives. Ballymore agrees that developers should be required to offer support and assistance to any existing business which needs to be relocated as a result of redevelopment of a site, however, the obligation must only be to offer support and the developer should not be penalised if the existing business chooses to relocate without utilising the support offered.

It is important that the implementation of schemes, following the grant of planning permission, comprising economic development are not unreasonably delayed. Any obligation to assist with relocation should therefore be on the basis of a 'reasonable endeavours' clause and this should be made clear within the policy wording or supporting text.

Policy J4: Delivering Community wealth building and inclusive growth

Ballymore supports the Council's ambition to assist with local employment through the construction phase of developments, however, the supporting text outlining 'Planning Obligations' requires 35% of construction phase and 50% of end-user phase jobs for Newham residents, based on a tariff based financial contribution of £3,867 per job. It is not clear whether this obligation has been viability tested, but it could lead to a significant financial contribution, particularly for the Council's Strategic Sites, which may have an impact on the deliverability and viability of a scheme. It should therefore be clear that this contribution is viability tested at the plan-making stage, but also that the policy wording allows for the financial contribution to be viability tested at application stage too.

Further, it's not clear if the financial contribution could be reduced through on-site provision, particularly through the construction phase. Ballymore are experienced at securing local employment and apprenticeships for construction across London, and we strongly feel on-site provision should be preferred over a financial contribution. Any policy requirement for local labour should therefore seek to secure local jobs or a financial contribution to be paid to the Council as a 'fall back' position.

Finally, we consider 35% of construction phase jobs and 50% end-user phase jobs to be secured through local employment to be an excessive requirement, without justification or evidence and a lower proportion would be more appropriate. For reference, LB Tower Hamlets requires 20% of the total jobs created by the construction and end-user phases of new developments for local residents and LB Hackney require 25% local labour. The proposed requirement of 35% and 50% for the construction and end-user phases, respectively, is therefore considered to be onerous and should be reduced to a more reasonable requirement, more in line with other London Boroughs.

Homes

Policy H3: Affordable housing

Ballymore strongly supports the use of the threshold approach as set out in the London Plan in determining the required level of affordable housing on a site. It should be made clear within the policy that the affordable housing percentage is calculated on a habitable room basis, rather than units, in accordance with the London Plan.

It is noted that residential developments on individual sites with the capacity to deliver ten dwellinghouses (C3) or more should provide 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 (total 60% affordable housing) as

opposed to a 65/35 split between social rent housing and intermediate homes previously identified within a requirement for 50% affordability (Regulation 18 version).

We oppose to this suggested percentage of affordable housing as well as the suggested split given a stark lack of conformity with the London Plan, as well as ignoring the advice at paragraph 4 of Chapter 6 of the NPPF (delivery constraints). For the relevant evidence base, the Newham Strategic Housing Market Assessment (SHMA) sets out that 54 per cent of housing need across the plan period is for affordable homes, with 66 per cent of this need being for social rent homes. We note this has been exceeded through the requirements of the Regulation 19 plan, and additionally raise the concern that wider documents (such as the London Plan) must be balanced with the findings of SHMA – the identified mix within such wider documents recognises the balance of viability and alternative benefits a scheme may provide, which may limit the possibility for a very high percentage of affordability delivered. We believe the Council has not balanced the findings of the SHMA with wider policy implications, as well as environmental implications (i.e. the recent impacts of recession, and financial stagnancy, upon the development industry) which can cause, overtime, fewer homes being built during an increasingly challenging time.

It is stated in the 'Main Changes from the Draft (Regulation 18) to the Draft Submission (Regulation 19) Newham Local Plan' document in relation to 'Homes', that this suggested percentage and split has been made following representations received from residents and feedback from councillors, including a full council motion and a recommendation by the Local Plan Scrutiny Commission and a representation, who felt the delivery of affordable housing and particularly social rent housing were important and key to ensuring the borough remained liveable for a range of residents. While this is not disputed it is important to consider that the Local Plan preparation is rooted in soundness and robustly tested from a viability perspective.

We note that BNP have provided an updated evidence base which reviews changes and concludes:

The results do not point to any particular level of affordable housing that a majority of schemes can viably deliver but the results do indicate that there are some development circumstances in which the emerging policy target of 60% could be viable.

The tenure mix of the affordable housing has a relatively modest impact on viability. Changing from a mix of 83% Social Rent and 17% Intermediate to 75% / 25% reduces residual land values by 11% on average, which is unlikely to be material to the outcome in many cases. However, where viability is marginal, changes to tenure could have a more significant impact and varying tenure mixes could be applied as an alternative to reducing the overall affordable housing percentage.

Neither of these extracts are a glowing endorsement of the approach taken by the Council with regards to viability and point to a clear recognition that the policy approach will cause significant challenges to new development coming forward.

The suggestion that any site can support the provision of 60% Affordable without grant is an **unrealistic** expectation.

We fundamentally refute a number of assumptions in the Viability Assessment Report principally those relating to finance, build cost, benchmark land value, disposal costs and profit allowances. Our view is based on our 40 years plus as a developer with track record of having delivered some of London's most successful residential led regeneration schemes.

Our extensive long term experiences, present day out turn construction costs and more recent processes to raise both equity and debt are at odds with most of the key assumptions made in the consultants Report

Whilst we understand the importance in delivering genuinely affordable housing, the suggested 60% affordable threshold requirement, where most London Borough's dictate under 50% (and noting the Regulation 18 version required 50%), will significantly impact both the provision of smaller schemes (i.e. above 10 but below 30) and larger schemes, causing a strain between viability and the quicker delivery of housing.

As identified in informative clause B4N4:2 of the Council's responses to Regulation 18 comments, which states that *'In exceptional cases, a shortfall of contributions towards the provision of infrastructure or affordable housing (including, but is not limited to, schemes which do not deliver the 60% affordable housing requirement) may be justified on viability grounds'*. As such, it is highly likely the borough will receive a large portion of development requiring viability testing, impacting the pipeline for housing delivery and removing the fast-track approach, a key incentive to new development.

Policy H4: Housing mix

Ballymore supports the Council's desire to ensure residential developments deliver a range of housing types and sizes to secure quality, mixed and balanced communities, however, we do raise concerns regarding the increasing requirements in terms of unit mix set out within draft policy H4. It is considered that the Council should prioritise the delivery of affordable family housing (where there is the most acute need) and allow greater flexibility across the market homes to support the delivery of these affordable family homes.

Draft policy H4 seeks to secure 40% of all new homes as family housing (an increase from the current policy position of 39%). **As set out above, we have concerns that this will place increased financial, and time, pressure on the delivery of schemes and, particularly when balanced with increased affordable housing delivery set out in Policy H3 above, could have significant impacts on the viability and delivery of schemes (particularly large strategic sites).** We support the inclusion of viability testing within the draft policy to demonstrate when this isn't achievable, however we raise concerns that increased targets, and a lack of flexibility, will result in increased viability testing as opposed to Fast Track applications, thus slowing the overall delivery of housing. Flexibility should enable the Council to take a more objective view on a case by case basis, accounting for other affordable housing and scheme benefits proposed.

In addition, the draft policy seeks to resist the delivery of studios and 1b2p homes are limited to 15% of the total provision. These smaller units often help to improve the viability and deliverability of a scheme, thereby allowing the scheme to support a higher proportion of family housing across the affordable tenure. We would support the Council in resisting these smaller units within the affordable element of a scheme, however, contend that studios should be allowed as an element of the overall private housing offer of a scheme to support the viable delivery of sites. Further, we don't consider the 15% limit on 1b2p units and a complete resistance to studios to be supported by appropriate evidence and we query whether this has been robustly viability tested as part of the Local Plan process, if not it should be.

As currently drafted, we have significant concerns that draft policy H4 would jeopardise the delivery of the Council's other housing ambitions and policy requirements (such as affordable housing), and therefore suggest the above revisions be made to allow greater flexibility across the market tenure.

Policy H5: Build to Rent housing

Ballymore supports the inclusion of a Build to Rent policy within the draft Local Plan, the delivery of Build to Rent (BtR) housing can often improve the viability of a scheme (particularly as part of a wider strategic site) and therefore will assist the Council in meeting their housing targets over the Plan period.

The Build to Rent requirements set out within draft Policy H5 largely reflect Policy H11 in the London Plan and are therefore supported, with the exception of the affordable housing requirement. At present, the draft policy requires affordable housing within BtR schemes to be provided in line with draft policy H3 – i.e. a 50/10 tenure split between social rent and affordable ownership housing. **However, it is not appropriate to provide social rent housing within a Build to Rent block as this would require the provision of a separate core and for the social rented accommodation to be under separate management (i.e. a Registered Social Landlord). DMR (Discounted Market Rent) housing is therefore the only appropriate affordable tenure within Build to Rent housing, and the draft policy should be amended to reflect London Plan policy H11 in this regard.**

H9: Houses in multiple occupation and large-scale purpose-built shared living

Policy H9 identifies that large houses in multiple occupation (sui generis) or large-scale purpose-built shared living (LSPBSL) developments should be directed to town and local centres or along major roads well connected by public transport. We support this approach, however we would suggest a more general flexibility in terms of the required acceptability 'thresholds' further outlined below.

We would suggest the caveat noting a minimum Public Transport Accessibility Level (PTAL) of 4 is removed, and instead a requirement for a Transport Assessment or other suitable report be provided, ensuring any future LSPBSL is appropriately accessible. Although PTAL is an important factor in measuring the accessibility of an area, it does not consider the walkable amenity facilities within an area reducing the requirement for residents to utilise public transport. Greater flexibility would recognise the merits of different areas and their ability to provide adequate uses for residents – furthermore, schemes that include LSPBSL are likely to also include facilities such as convenience stores, leisure facilities, co-working and entertainment spaces as based on the standard Co-living model.

With regard to Part 3 (a), we would suggest that the payment in lieu contribution towards affordable housing should match the level of affordable housing provision sought by Policy H3 rather than exceeding this requirement to ensure the viability of LSPBSL. Neighbouring borough's such as LB Tower Hamlets note that, where LSPBSL does not meet affordable requirements, the same affordable housing contributions are applied as they would be to regular C3 housing (i.e. in line with adopted affordable housing policy).

We would also suggest that, where LSPBSL forms part of a wider, larger development including a high proportion of traditional C3 dwellings, there is an option to provide increased affordable housing within such units thereby reducing the affordable housing contribution required for LSPBSL and ensuring the development as a whole includes a greater proportion of traditional and family sized affordable units.

Policy H11: Housing design quality

Ballymore always strives to provide high quality housing, both internally and externally, including flexible internal layouts that provide future residents with multiple options for how to decorate their spaces. Ballymore has over 40 years of experience delivering large scale developments using qualified and competent designers in all their schemes to ensure a high standard of living for all residents. We note the previously proposed requirement to provide a minimum of two alternative furniture layouts for each habitable has been removed following consultation on the Regulation 18 plan, which we support.

Part 2(d) of the draft policy seeks to avoid single-aspect units, particularly where these are north-facing. Ballymore agrees that north-facing single aspect units should preferably be avoided but a proportion of single aspect units is often unavoidable within a scheme, particularly with other competing requirements (including recent fire guidance changing requiring the provision of two stair cores in all buildings over 30m) which makes it even more difficult to provide dual aspect units without significantly reducing the number of units per core and therefore reducing the viability and deliverability of schemes. We therefore suggest that part 2(d) of the draft policy is amended to the following: *'maximise dual aspect units and avoid single aspect north-facing units'*.

Parts 7 and 8 of the policy relate to accessible homes, noting that social rented homes that are wheelchair user homes should be designed to meet Building Regulation M4[3](2)(b) standard (wheelchair accessible dwellings). It should be clarified that market and intermediate wheelchair homes are required to meet Building Regulation M4[3](2)(a) standard (wheelchair adaptable) rather than the higher M4[3](2)(b) standard.

Green and Water Spaces

Policy GWS1: Green spaces

Ballymore supports the Council's ambition to deliver easy access to a network of high-quality green spaces for all residents. However, we do have concerns regarding Part 5 of draft policy which requires all new open space which will function as a local park to be transferred into the Council's ownership together with a commuted sum to cover the cost of maintenance over a 15 year period. Ballymore usually stay on as the freeholder and estate manager for all their sites, as we find that retaining control of the open space allows for the same high quality maintenance of landscaping across all areas of public realm. Retaining ownership is particularly important because of the need for the developers estate management team to provide 24/7 security on site to address anti-social behaviour and crime.

We therefore suggest that the policy shouldn't set out an outright requirement for open space transferred to the Council, but instead offer two options: either the open space is transferred into the Council's ownership or the space can remain in private ownership, as long as it continues to function as a local park in accordance with the principles set out in the Public London Charter (with no clear preference over either option).

Climate Emergency

Policy CE2: Zero Carbon development

Ballymore supports the Council's ambitions for developments to be net zero carbon, however the current policy wording is too restrictive and could prevent the viable delivery of schemes. Part 1 and 3 of the policy should be amended to require developments to demonstrate they have minimised operational carbon emissions, with an overall aim of net zero carbon in operation, rather than a strict requirement for all developments to be operationally net zero carbon. While Ballymore strives to maximise sustainability and minimise carbon emissions across all their developments, it is very challenging (and expensive) to meet net zero carbon and there therefore must be a balance with achieving net zero carbon and other development costs and obligations (such as the delivery of affordable housing).

We also consider the inclusion of defined energy standards (such as space heating demand and Energy Use Intensity) to be too prescriptive and should be amended to refer to relevant guidance or British Standards. The current drafting doesn't allow the policy to be updated or reflect changes in environmental standards and targets throughout the plan period.

Further, we consider the targets themselves would be very difficult to achieve in practice based on Ballymore's extensive experience in delivering high performing, sustainable developments. In regard to the proposed renewables target, a significant proportion of the roof space would need to be given over to the provision of PVs to meet the identified targets, assuming an average output and not accounting for any shading / orientation issues etc which may reduce the efficiency of the PV array. This requirement doesn't account for other competing demands for roof space within a development, including plant, amenity space for residents and urban greening.

As currently drafted, we consider the draft policy to set unrealistic and potentially unachievable targets which may overburden developments and impact the delivery of other key planning considerations (such as amenity space and urban greening) within schemes. As such, we suggest that the draft policy should be less prescriptive in defining standards and targets, and should instead allow developments to demonstrate they have sought to maximise sustainability on site given site specific constraints and other competing planning requirements.

You may recall that we met in May 2023 with you and our specialist consultants to express our concerns and discuss the draft policy in further detail.

Policy CE3: Embodied Carbon

We consider that draft policy CE3 should be amended to require whole life cycle carbon assessments for GLA referable schemes in accordance with the London Plan, rather than all major developments, as previously raised during Regulation 18 consultation.

Transport

Policy T3: Transport behaviour change

Part 1 of the draft policy requires all new development to be car free. Ballymore strongly objects to this approach: in areas with low PTAL, a level of car parking for non-blue badge holders is required for those who use cars for their jobs (i.e. plumbers and local business owners), as well as those with families and should therefore be allowed. Ballymore have experienced at their Royal Wharf and Deanston Wharf developments where a number of families wanting to move into the development without car parking decided to not proceed without the availability of car parking. The car free policy is contradictory to maximising the family housing provision in the development. We support the delivery of car free development as a starting point in line with the London Plan, however, the current drafting is too restrictive and should allow for site specific challenges to be considered as part of this assessment

Part 6 of the draft policy requires 100% provision for electric vehicle charging for residential from the outset, this should be amended to align with London Plan standards (i.e. 20% active charging from the outset with passive provision for the remainder).

Waste and Utilities

W1: Waste management capacity

Ballymore recognises the importance of ensuring sufficient waste capacity across London and ensuring existing waste management sites are safeguarded. However, Part 3 of the draft policy states *'Existing waste management sites within Newham will be safeguarded and should be retained in waste management use'*, we suggest including *'unless allocated for strategic redevelopment'*.

The Connaught Riverside site allocation contains an existing metal recycling facility which isn't compatible with residential development required by the draft site allocation, therefore facility must be relocated to ensure the successful redevelopment of the site. As long as this relocation is carried out in accordance with London Plan Policy SI9 in regard to compensatory capacity, there should be no objection to the relocation of this facility in policy terms, however, this would conflict with the current drafting of policy W1. We therefore suggest the policy is updated to reflect the requirements of the London Plan in this regard.

Neighbourhoods – N2: Royal Victoria

Ballymore supports the vision of the N2: Royal Victoria Neighbourhood policy for it to be *“transformed into a unique, cohesive and lively city neighbourhood and will benefit from a high level of growth, delivered through the transformation of key sites”*. Ballymore also supports that the vision notes *“the neighbourhood will continue to be home to a successful mix of uses including new housing, employment uses, visitor attractions and community facilities, as well as City Hall”*.

Ballymore further supports that Policy N2 reflects the London Plan 2021 and the Adopted Royal Docks and Beckton Riverside Opportunity Area Planning Framework; and the transformation of Knights Road under site allocation N2.SA2 'Lyle Park West'.

However, Ballymore objects the inclusion of *“in accordance with the North Woolwich Road, Lyle Park West, Excel West and Canning Town Tall Building Zones and London Plan Policy D4”* within part 4. As set out within our response to Policy D4 Tall Buildings (above) and our response to the N2.SA2 Lyle Park West allocation (below), Ballymore requests that the reference to tall building zones is removed from part 4 if the wording of Policy D4 is not amended.

Ballymore supports the approach to improving conditions for walking, cycling & public transport, air quality, mitigating noise impacts of the airport, education provisions and the inclusion of sports-lit multi-use games area at N2.SA2 Lyle Park West. However, Ballymore requests further detail on part 13 of Policy N2, which notes *“the opportunities to increase biodiversity, including the extension of Lyle Park and new parks at N2.SA4 Thameside West and N2.SA1 Silvertown Quays”*.

Site Allocation N3.SA2 Lyle Park West

Development Principles

Ballymore supports the redevelopment principles set out within the site allocation for of “Residential, employment uses, open space, main town centre uses and social infrastructure, including community facilities”. This mirrors its ambitions for a residential-led mixed-use development on the site.

It is important to note, however, that there is a mix of ownership within the site allocation boundary. While Ballymore is the majority landowner, sections of the site are owned by London Borough of Newham and third-party ownership (in proximity to West Silvertown Station). This makes bringing forward a comprehensive masterplan extremely challenging compared to if all the land was in one ownership. This is integral to understanding and realising what can come forward on the site and when. Ballymore therefore proposes that the site allocation should acknowledge that redevelopment of the site should come forward in phases in accordance with a comprehensive masterplan for the site.

Design Principles

Ballymore notes the aspiration to locate the main town centre uses around West Silvertown Station. This has formed the basis of the redevelopment proposals within Ballymore's ownership. However, given the size of the site, the amount of residents who will be living on the site and the needs of the residents, it is

considered that town centre uses may also be well located throughout the masterplan. This should be updated to *“the main town centre uses should be primarily located around West Silvertown Station”*.

In terms of the employment floorspace, Ballymore supports this being located on the west of the site to create a buffer. However, as aforementioned, it is considered that there should be an opportunity to support co-location here, subject to it meeting the agents of change test and ensuring residential amenity. We therefore request that the allocation is updated to state *“non-residential stacked industrial buildings are considered to be the most appropriate typology to provide a buffer, however, other forms of stacking including co-location may be considered appropriate subject to a detailed design review”*.

As set out in respect of Policy D4: Tall Buildings, Ballymore strongly objects to the heights set out within the allocation. The height has decreased since the Regulation 18 consultation, and again in comparison to the Adopted Local Plan. The heights on the site should be increased as per our comments for Policy D4.

A significant body of work has been undertaken to masterplan and design the site as well as testing heights as part of the forthcoming planning application. These have shown that taller buildings are acceptable in townscape and heritage terms on the site. The heights reflect the datums of Deanston Wharf and Royal Wharf which have been delivered by Ballymore and show their commitment and long-term stewardship to the Royal Docks.

We suggest that the allocation provides an opportunity to deliver additional height where it can be demonstrated that this is appropriate (in terms of high-quality design, environmental impacts and residential quality etc), particularly along the riverfront and at other key locations across the site. This would also be in character with existing tall buildings along the river in the neighbouring Royal Wharf and Deanston Wharf developments.

As such, we contend that the indicative heights within the draft site allocation should be updated to reflect the adopted allocation, which will allow any forthcoming development at the site to optimise the delivery of homes, in a form which reflects the established pattern of development across the strategic riverfront sites in this part of Newham.

Infrastructure Requirements

Ballymore objects to the requirement for an extension to Lyle Park. A significant amount of open space is provided as part of the forthcoming development.). Furthermore, the landscape architects, Gillespies, have liaised with the London Borough of Newham Parks Teams to discuss the enhancement to Lyle Park by way of a Section 106 Agreement.

This will provide a significant increase and upgrade in the amount of open space available therefore it is not considered necessary to extend Lyle Park to the north to improve the gateway to the park as works will be undertaken to do so.

The extension of Lyle Park should not be a pre-requisite and should be an option depending on the masterplan that comes forward, which policy should recognise.

The policy should be updated to *“providing an extension to the northern section of Lyle Park where necessary and feasible subject to other open space provision set out within the masterplan”*.

Furthermore, the opportunities for green space as shown on the indicative site allocation plan should be shown as indicative and as per Policy D3 should be part of a site specific design led approach to optimise the best use of land and capacity rather than prescribing the location of open space on the site. The location of the open space on the plan also contradicts the provision to provide an industrial buffer on the west of the site.

Site Allocation N3.SA3 Connaught Riverside

Ballymore submitted a hybrid planning application (currently live) in September 2021 which covers the southern portion of the Connaught Riverside site allocation, seeking to deliver an employment buffer building along the eastern boundary of the site, alongside 1,610 new homes, a new Primary School and public open space (application reference **21/02450/OUT**). Ballymore are currently in the process of resubmitting this application, which will contain largely the same development principles whilst addressing viability improvements and new legislation surrounding fire safety. Following this submission, application reference **21/02450/OUT** will be withdrawn.

We support the continued allocation of the site, and the overarching development principles requiring a residential development, with industrial and employment uses, alongside open space, community and education facilities and main town centre uses.

However, we do have significant concerns regarding a number of aspects of the site allocation which directly conflict with the currently live 2021 application, and the 2024 re-submission planning application to be submitted. The 'live' planning application on this site was submitted in **September 2021** following extensive pre-application engagement with the Council and local community, including six presentations to the Council's DRP, seven pre-application meetings with Officers and three pre-application meetings with the GLA. We note that a number of key principles established through the planning application and agreed with Officers through pre-application discussions have now been reflected within the draft site allocation.

Previously, during consultation for the Regulation 18 version, it was noted that the draft site allocation identified three areas of open space across the site, which did not previously align with the submitted planning application proposing a consolidated area of open space in the southeastern corner of the site, adjacent to the river. This is similarly the case for the proposed re-submission. The Council have addressed this comment raised during the previous round of consultation, noting that the location of the open space within the Site Allocation has been amended, reflecting the recommendations of the Green Infrastructure study. We support the amended requirements for the provision of open space in this area.

As set out above, we support the designation of the site as a local centre, and the allowance for the provision of a medium sized food store which is missing from the surrounding area (and was one of the most raised issues by residents through our public consultation). However, regarding the requirement for commercial unit sizes to be (majority) between 80-150sqm, we suggest that greater flexibility is further clarified within the policy wording to require a range of unit sizes, which are suitable for small and medium businesses, and does not directly reference floorspace requirements.

In regard to building heights, we support the recognition that the site can accommodate tall buildings but suggest the wording around maximum heights is amended to be more flexible to allow developers to demonstrate that additional height is appropriate above the indicative maximum, particularly as the currently live 2021 application includes buildings of up to 18 storeys which the Council had previously not objected to. It is further noted that the neighbouring 'Tradewinds' development, located at Wards Wharf Approach, has been previously approved for flatted development in the form of 4 connected buildings - two at 7 storeys, one at 8 storeys and the last at 19 storeys in height.

Ballymore would also suggest the use of alternative accommodation to be accounted for within Site Allocation N3.SA3 Connaught Riverside. Policy H9 identifies that large houses in multiple occupation (sui generis) or large-scale purpose-built shared living (LSPBSL) developments should be directed to town and local centres or along major roads well connected by public transport. Site Allocation N3.SA3 is proposed, in part, to be a Local Centre and is well connected by North Woolwich Road, as well as nearby stations such as Pontoon Dock, London City Airport and West Silvertown. A range of bus stops

are located along Albert Road leading to central London and wider nearby areas. Therefore, LSPBSL should be considered suitable under the proposed uses identified for the area.

We would also suggest that, where LSBPSL forms part of a wider, larger development including a high proportion of traditional C3 dwellings, there is an option to provide increased affordable housing within such units thereby reducing the affordable housing contribution required and ensuring the development as a whole includes a greater proportion of traditional and family sized affordable units.

Ballymore therefore suggests the above changes should be made to the draft site allocation to ensure the successful delivery of this site allocation.

Neighbourhoods – N8: Stratford and Maryland

Following out previous representations we support the identification that the Stratford Waterfront Site Allocation (N8.SA6) is located within the Stratford Metropolitan Centre. This recognition of the key aspect the wider allocation can bring to the area will be paramount to the ongoing success of the space.

We also support the ongoing height designations for the areas within the N8 Neighbourhood notably for N8.SA6 Stratford Waterfront Site and N8 SA8 Bridgewater Road. The ongoing recognition that height and density can be secured within these allocations is important to their overall delivery of new homes.

N8 SA8 Bridgewater Road

We are pleased to see the inclusion of Warton Road within the site allocation following our previous comments. The synchronisation with the extant outline consent for the site will help bring clarity to development proposals coming forward.

We are however concerned that the Council continues to reference open space within the site allocation without identifying within the relevant site allocation diagram or associated Proposals Map where the existing open space (which must be replaced) is located. It is appreciated that there is a need to retain the MOL and Allotment land however further clarity is need on the open space commentary for the scheme to be able to identify and review the constraints of the allocation.

On this basis we suggest that the first paragraph of the Site Allocation Development Principles is amended to the below.

Development should protect and maintain the openness of the Metropolitan Open Land. The design and layout of the site should protect and retain the allotments ~~and the existing open space~~, including access and functionality.

Proposals Map

We also are concerned to continually note that the SINC designation on the southwestern portion of the site despite our previous comments in the Regulation 18 consultation. The changes to the SINC designation appear to have been applied on the basis of the area contains existing planting but no justification to why these areas are of such an importance to be designated.

The intention of designating land as SINC, is to protect and enhance sites that have important ecological and nature conservation value and not areas of existing vegetation in general. No evidence has been provided to support the provision of the SINC allocation and it appears to be predicated on the assumption it has value purely by being an open space. Given the SINC designation places a significant burden on the wider site allocation and could impact delivery we strongly consider that it should be removed.

Conclusion

Ballymore supports the Council's ambitions to deliver a fairer Newham and the ethos behind many of the draft policies.

Our main concern regarding the draft Submission Local Plan is ensuring the draft policies do not prevent the viable delivering of housing across the Borough, particularly when considering the cumulative impact of the draft policies. We have strong concerns over the affordable housing requirements suggested, strongly impacting the viability of future schemes and resulting in a prolonged decision-making process. Disruption to the delivery of much needed housing within the borough will be heavily impacted given the restrictive nature of the suggested thresholds. It is important to balance, and account for, the acute need for affordable housing with both wider policy guidance (i.e. the London Plan and NPPF) as well as considering the significant financial impacts to the development industry over the years. We believe the Council has not balanced the findings of the SHMA with the wider implications identified.

As set out above, the development industry is seeing a significant increase in build costs, a stagnation of residential values, and the introduction of new standards and legislation, all of which are resulting in increasingly challenging development viability across London, and we do not feel that this has been given sufficient consideration across the draft Plan. When combined with additional obligations set out within the draft Plan, we have significant concerns that developments will become unviable, stagnating development across the Borough.

We have therefore suggested a number of amendments to the draft policies to ensure sufficient, suitable flexibility is written into the Plan so that delivery of the Council's key priorities (such as affordable and family housing) can be prioritised in a realistic and future proofed manner. We consider draft Policy H3 (Affordable homes) to be most pressing, and we request the Council to review the affordable threshold of 60% taking the above into consideration. We believe further evidence and assessment is required to conclude final policy figures, accounting for the implications outlined.

We trust the above is self-explanatory in providing our comments on the draft Submission Local Plan. We would welcome the opportunity to continue to discuss the proposals with Officers as the process moves forward.

Yours faithfully

John Turner

Director Town Planning
The Ballymore Group

[Redacted Signature]