

James Scantlebury

From: David Brown <[REDACTED]>
Sent: 09 September 2024 08:44
To: Local Plan
Subject: N7.SA1 Abbey Mills - Draft Submission Local Plan (Regulation 19) Representations
Attachments: Submission Local Plan Representations v1.0.pdf

Dear Sirs,

Please see attached representations made on behalf of our client, Anjuman-e-Islahul-Muslimeen of (London) UK, with regards to the site identified as 'N7.SA1' as set out within the Draft Submission Local Plan (Regulation 19).

Please let me know should you have any questions or would like to discuss the representations further.

Best wishes

David

 David Brown He / Him
Director

 [REDACTED]
 [REDACTED]
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6 September 2024
Our Ref: 2021-359

Planning Policy Team
London Borough of Newham

Newsteer
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BY EMAIL

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To Whom It May Concern,

RE: N7.SA1 Abbey Mills - Draft Submission Local Plan (Regulation 19)

Introduction

These representations are submitted on behalf of our client, Anjuman-e-Islahul-Muslimeen of (London) UK ('the Client'), with regards to the site identified as 'N7.SA1', to the London Borough of Newham ('the Council') in relation to their consultation on the Draft Submission Local Plan (Regulation 19), which is currently taking place.

As set out at paragraph 35 of the NPPF (2023), and as guided within the Council's 'Regulation 19 Consultation Guidance' document, The Regulation 19 consultation requires comments to focus on the 'legal compliance' and 'soundness' of the Local Plan and whether the Council has complied with Duty to Cooperate. These representations will therefore follow the four tests of soundness, as follows: -

- a) **Positively prepared** – providing a strategy which, as a minimum, seeks to meet the area's objectively assessed needs¹; and is informed by agreements with other authorities, so that unmet need from neighbouring areas is accommodated where it is practical to do so and is consistent with achieving sustainable development;
- b) **Justified** – an appropriate strategy, taking into account the reasonable alternatives, and based on proportionate evidence;
- c) **Effective** – deliverable over the plan period, and based on effective joint working on cross-boundary strategic matters that have been dealt with rather than deferred, as evidenced by the statement of common ground; and
- d) **Consistent with national policy** – enabling the delivery of sustainable development in accordance with the policies in this Framework and other statements of national planning policy, where relevant

Planning History Context

The Site has an extensive planning history relating to its redevelopment, in the main, to provide a large mosque (application reference 12/00358/LTGOUT, which was refused and later called in by the Secretary of State who, on the 28 October 2015 agreed with the Planning Inspector to dismiss the subsequent appeal).

¹ Where this relates to housing, such needs should be assessed using a clear and justified method, as set out in paragraph 61 of the NPPF

In terms of context, the Site is currently allocated (S10 – Abbey Mills) under the adopted Local Plan for the provision of a community use ('faith-based') alongside buildings within a mix of residential and employment generating uses of between 8 – 12 storeys.

It is noted that the Site Allocation for Abbey Mills as set out in the current Local Plan is to be carried over to the new Local Plan – which is encouraged. That being said, and disappointingly, the Council is seeking to set very similar parameters from the current allocation to the emerging one (N7.SA1 – Abbey Mills), most notably: -

- Development should replace the existing temporary community use with the equivalent amount of community floorspace, meeting the requirements of Draft Local Plan Policy S11.
- Building heights should range between 9 - 21m (ca. 3-7 storeys) with taller buildings up to 40m (ca. 13 storeys) to aid wayfinding. Massing should step down towards the west of the site to sensitively integrate with the heritage assets. Buildings should be set back from the watercourse to avoid overshadowing impacts.

As will be discussed below, this is disappointing given that there appears to have been no targeted objectively assessed needs assessment specific to the replacement community facility informing the policy and the draft allocation pays little or no regard to the drastically changing character of the wider area from a townscape perspective.

As per the requirements of paragraph 35 of the NPPF, Newsteer, on behalf of our Client provides the following representations: -

We consider that the draft allocation N7.SA1, as currently worded is not acceptable. Our Client wishes to focus on two specific areas of the draft allocation and requests the following amendments: -

1. For it to recognise that there could reasonably be a scenario where the replacement community facility could be larger than the existing temporary facility and that until a robust needs based assessment has been carried out, it would be premature to be so prescriptive on the floorspace.
2. For it to recognise that the opportunity exists to make a case for additional height across the Site, subject to further testing. The height range given is not reflective of the changing nature and character of the area, particularly in light of the Parcel Force Depot (hereafter the 'Parcel Force' site) development (which is currently under construction) and the Councils latest housing position. There does not appear to be any ground for such a prescriptive restriction and development should be design-led.

Community Use

Paragraph 96 of the NPPF sets out that planning policies and decisions should aim to achieve healthy, inclusive and safe places and beautiful buildings which (inter alia) promote social interaction through, for example mixed use developments and strong neighbourhood centres.

Paragraph 97 in particular seeks to provide the social, recreational and cultural facilities and services the community needs. It goes on to state that planning policies and decisions should (emphasis added): -

- a. plan positively for the provision and use of shared spaces, community facilities (such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship) and other local services to enhance the sustainability of communities and residential environments;
- b. take into account and support the delivery of local strategies to improve health, social and cultural well-being for all sections of the community;
- c. guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day-to-day needs;
- d. ensure that established shops, facilities and services are able to develop and modernise, and are retained for the benefit of the community; and
- e. ensure an integrated approach to considering the location of housing, economic uses and community facilities and services

In 2015 a briefing document (*Faith Groups and the Planning System*²) was prepared by the University of Roehampton, the University of Wales, Cardiff and the Arts & Humanities research Council on behalf of the Faith and Place Network (FPN). This document, endorsed by the Royal Town Planning Institution and presented before the House of Commons recommends that councils should prioritise protecting space for social infrastructure, including places of worship. The document sets out that local planning authorities need to develop a greater understanding of how faith groups use space, which includes the difference between and within faith groups themselves. It also sets out that faith groups should take a more active involvement in the development of council local plans to ensure their views are included in the consultation process.

Draft Policy S11 (Existing community facilities and health facilities) sets out that in general terms existing facilities will be protected and should not be lost to other uses, reconfigured, reduced in size or relocated unless it can be demonstrated that there is no longer a need. Draft Policy S12 (New and re-provided community facilities and health facilities) is also predicated on there being an unmet demand which is to be justified via a 'needs-based assessment at the time of delivery'. In this respect the aims of the policy match those of NPPF Paragraph 96 and 97. The site allocation as drafted however does not recognise the current landowners and their longstanding (and well documented) intentions for the Site, and the requirement for the replacement 'community use' to be of an equivalent amount of existing floorspace only is too prescriptive. Indeed, this does not follow the needs based assessment approach required by draft Policy S12 nor the requirements of NPPF Paragraph 97 parts a – d wherein local plans should plan positively for such uses, taking into consideration (amongst other matters, 'need').

It has long been the case that the existing mosque is running over capacity to a point where worshippers are regularly being turned away. Whilst our Client accepts that any replacement facility should be predicated on a 'needs' basis, we consider the current wording to be overly onerous by limiting its size to replicate the existing. In our opinion this is too prescriptive and does not allow for current need and future demand – which is yet to be fully determined. Having reviewed the Council's evidence base (including the 2022 *Community Facilities Needs Assessment*) it is clear that further evidence gathering is required to fully determine the scale of facility necessary to meet the objectively assessed needs of the community across the plan period. Indeed, paragraph 6.3.1 (Provision of Services) of the 2022 Needs Assessment sets out that from the e-questionnaire results (Listen and Discover) that "Worship and prayer spaces were stated as being too small, particularly, Muslim worship". Furthermore, at paragraph 6.4.1 (Level of Use), 39% of respondents included places of worship as community facilities operating at a 'high level of use'. No further evidence appears to exist to demonstrate the actual needs of the community beyond the findings of the generalised Needs Assessment.

² <https://www.theplanner.co.uk/sites/default/files/migrated/planner/planner/news-rtpi-backs-report-to-help-faith-gro--hum021015ar-policy-briefing-dbl1.pdf>

In this respect it is the Applicant's intention to commission such a study in conjunction with the local community, the methodology of which will be agreed in writing with the Local Planning Authority prior to the submission of any planning application. The aim of the study will be to accurately record the numbers of male and female worshipers attending a targeted number of Mosques on a mix of high holy days and regular prayer days; using professionally coordinated field staff to visually count and record the statistical data. Only once such a study has been completed will a genuine need be determined. To therefore put a 'cap' on the floorspace without such an evidence base would not result in a positively planned site allocation. To this end, the policy, as drafted, is not flexible. We therefore recommend the following change to the second paragraph of the allocation: -

"Development should replace the existing temporary community use ~~with the equivalent amount of community floorspace~~ to meet the needs of the community, the floor area of which is to be objectively assessed and agreed through a dedicated needs-based assessment, whilst meeting the requirements of Local Plan Policy S11.

Housing Delivery / Quantum of Development

Paragraph 60 of the NPPF sets out that a Council's overall aim (with respect to delivering a sufficient housing supply) should be to meet as much of an area's identified housing need as possible, including with an appropriate mix of housing types for the local community.

Newham's Local Plan (2018) housing target seeks to deliver 43,000 homes between 2018 and 2033. This target has increased in the recently published Regulation 19 Local Plan (2024), whereby Newham will seek to deliver over 50,000 homes across the new plan period once adopted (expected Q4 2025).

The Council's Site Allocation and Housing Trajectory Methodology Note (December 2022), which was published as part of the evidence base to the draft Local Plan confirms that the Council is unable to demonstrate a 5 year housing land supply. As it currently stands, the Council accept that they can only demonstrate a 2.69 housing land supply. We therefore consider that it is particularly important for the Council to plan appropriately for the strategic site allocations in terms of housing delivery.

In turning to the Site itself, the surrounding context in terms of built form has fundamentally changed since the adoption of the December 2018 Local Plan, as too has the Mayor's approach to delivering housing within the most sustainable locations across London. It is also the case that the Site is within an area of low townscape sensitivity and that it is large enough to develop a character of its own, and that the inclusion of high-quality tall buildings have the potential, alongside the Parcel Force site to enhance the townscape and the legibility of the area.

It is important to note here that planning permission was granted on 16 August 2018 at the adjacent Parcel Force site (17/01847/OUT) for a mixed-use development providing in excess of 1,000 residential units within buildings extending to a maximum of 28-32 storeys. This is despite the Parcel Force site being allocated within the 2018 Local Plan (S11) to provide building heights of 8-12 storeys, but up to 19 storeys around West Ham Station. The draft allocation for this site (N7.SA2) sets height parameters of between 3 – 33 storeys across the site – with the latter in defined locations to add wayfinding and with consideration given to marking the local centre. Within the committee report recommending the 2018 application for approval the Council presented the case that despite the scale and massing being contrary to the policies set out within the then adopted local plan (Policies SP4 and SP8) that the pressing need to deliver more homes in London and together with the beneficial S106 package of infrastructure, a new school and affordable

housing proposed, Officers favoured, on balance (in particular against the less than substantial harm afforded to the setting of nearby heritage assets), a view in support of sustainable development in accordance with the NPPF.

Since the granting of 17/01847/OUT there have been numerous non-material amendments to the approved Parcel Force development – including a pending application from June 2024 (24/01442/NONMAT) which, if approved, will increase the heights of Block D by 8 storeys and Block F by 3 storeys. For completeness, Block F will extend to 29 storeys (from 26 storeys) and Block D will extend to 22 storeys (from 14 storeys). In light of the Parcel Force development and the proximity to West Ham station, we consider that a compelling case may be made at this stage of the Local Plan process to justify building heights in excess of those set out within current allocation S10 and emerging allocation N7.SA1 – particularly as the allocation calls for an improved bridge connection to West Ham Station. In this respect, and as per the case for the Parcel Force site, it would be sensible to assume that the redevelopment of the Site could very reasonably represent an efficient re-use of a brownfield site that benefits from good access to public transport accessibility which will improve further due to the transport infrastructure proposed by the allocation.

From a heritage perspective, and whilst any application would need to be fully assessed on its own merits, Historic England (and the Council) previously took the view at the Parcel Force site that all likely effects in terms of Townscape, Visual Impact and Built heritage were considered beneficial or neutral. Again, whilst we would fully anticipate any planning application to be supported by a full Environment Statement (to include full and proper consideration to all heritage and townscape constraints) it is reasonable to assume that heights up to (and possibly in excess) of 19 storeys could be achieved towards West Ham Station.

To this end, the policy, as drafted is neither flexible nor positively planned as it fails to take account of the significant development under construction located to the immediate south at the Parcel Force site, nor does it allow for the recommending flexibility set out elsewhere in the draft Local Plan that new development should be 'design-led' (draft Policy D3). We therefore recommend the following change to the sixth paragraph of the allocation: -

"Building heights should be range between 9 - 21m (ca. 3-7 storeys) ~~with taller buildings up to 40m (ca. 13 storeys) to aid wayfinding~~ and between 21 – 32m (ca. 7 – 10 storeys) in the rest of the site with taller buildings up to 32m (ca. 10 storeys), 50m (ca. 16 storeys) and 100m (ca. 33 storeys) in defined locations to aid wayfinding in defined locations with consideration given to marking the linkages to the West Ham Station and Twelvetreepark and Former Bromley By Bow Gasworks. Massing should step down towards the west of the site to sensitively integrate with the heritage assets. Buildings should be set back from the watercourse to avoid overshadowing impacts".

'Other'

We have identified that the Regulation 19 draft site allocation identifies on the accompanying Map that the 'Proposed Pedestrian Route / Proposed Primary Vehicle Route' as appearing within the Regulation 18 Map has been re-labelled as a 'Key Route'. Whilst our Client is not against a route in principal terms (in the interests of enhancing accessibility and facilitating placemaking), it is not currently accepted that the route, as shown, is the optimum route as this is likely to impact upon the delivery of the community facility. Whilst this is ultimately a matter for the detailed design stage this point is raised now on the basis that the Key to the Map should be altered to reflect that the route is 'indicative only'.

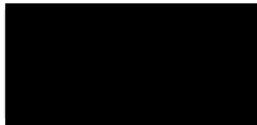
Conclusion

These representations are submitted to the London Borough of Newham on behalf of our client, in relation to the site known as 'Abbey Mills' - N7.SA1.

We are encouraged to see the site coming forward as a key opportunity to deliver a replacement community facility alongside much needed homes, however, it is recommended that in order to meet the tests of soundness as set out in the NPPF, the proposed 'deliverables' and 'opportunities' should not be too prescriptive and that greater flexibility is allowed for in order to ensure the appropriate development in terms of scale and uses is delivered which is in turn fully supported by an up to date needs assessment.

We support the overall direction of the draft Local Plan and would welcome the opportunity to continue our ongoing engagement and collaboration with the Council.

Yours faithfully,



David Brown

Planning Director

