

Sara Chiong

From: Nick Ray <[REDACTED]>
Sent: 20 September 2024 15:21
To: Local Plan
Cc: Chris Gascoigne
Subject: LBN Reg 19 Draft Local Plan Consultation - representations on behalf of URW
Attachments: URW Westfield Stratford City Reps to LBN Reg 19.pdf; Response_form URW.docx

Follow Up Flag: Follow up
Flag Status: Completed

Good afternoon

Please find attached representations to the Reg 19 Draft Local Plan on behalf of Unibail-Rodamco-Westfield.

Regards
Nick


Nick Ray
Associate Director

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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

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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.

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

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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.

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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.

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Response Form

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

This form has two parts –

Part A – Personal Details: need only be completed once.

Part B – Your representation(s). Please fill in a separate sheet for each representation you wish to make.

Part A

1. Personal Details*	2. Agent's Details (if applicable)
<i>*If an agent is appointed, please complete only the Title, Name and Organisation (if applicable) boxes below but complete the full contact details of the agent in 2.</i>	
Title	
First Name	Nick
Last Name	Ray
Job Title (where relevant)	Associate Director
Organisation (where relevant)	DP9
Address Line 1	
Line 2	
Line 3	
Line 4	
Post Code	
Telephone Number	
E-mail Address (where relevant)	

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

Please see accompanying representations

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 accompanying representations

(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 accompanying representations

(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 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 6th September 2024

DP6665
20th September 2024

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

Dear Sir/Madam,

**DRAFT SUBMISSION LOCAL PLAN – REGULATION 19 CONSULTATION (JUNE 2024)
REPRESENTATIONS ON BEHALF OF UNIBAIL-RODAMCO-WESTFIELD**

We write on behalf of our client, Unibail-Rodamco-Westfield (URW), who own and operate the wider Stratford City Estate (SCE). This land is currently within the London Legacy Development Corporation (LLDC) boundary but we are cognisant of the return of planning powers back to London Borough of Newham (LBN) in December 2024 and the implications for the consideration of future planning applications.

URW have played a pivotal role in shaping the success of Stratford prior to and since the 2012 Olympic Games. We are a long-term landowner, partner and investor in LBN and currently support around 8,000 local jobs. We look forward to continuing and extending our partnership with LBN following the return of planning powers from LLDC in December 2024.

We recently obtained a resolution to grant planning permission from LLDC's Planning Decisions Committee on 23rd July 2024 for an extension to Plot M2 (Car Park C) of Westfield Shopping Centre to provide a 520 bed student accommodation development, along with new rooftop public realm and ground level public realm enhancements (LLDC ref. 24/00113/FUL).

We also engaged in early pre-application discussions with LLDC officers in 2022 in relation to a residential development on the largely vacant Plot M7B of the Stratford City Masterplan. Plot M7B benefits from outline planning consent for office development under the Stratford City Masterplan and reserved matters consent for an office building (LLDC ref. 16/00653/REM).

We have reviewed the Draft Regulation 19 Local Plan in the context of URW's interests across the wider SCE including the above sites and provide our recommendations to the policies to ensure that they meet the tests of soundness in Paragraph 35 of the National Planning Policy Framework (NPPF). These representations build on those previously issued in response to the Regulation 18 consultation on 20th February 2023.

The representations will cover the following matters:



- Support for the ambition and objectives of the draft Plan to direct significant growth to Stratford, deliver mixed use development including housing and the aspiration for Stratford to become an International town centre;
- The shortcomings of the proposed tall buildings designation in meeting the need for housing and mixed use development in the Metropolitan Centre and the lack of recognition for the established character of the SCE and surroundings, extant consents and its low sensitivity to change; and
- Concerns about the provisions relating to Purpose Built Student Accommodation, Build to Rent housing, affordable housing and housing mix in terms of the deliverability of these types of housing.

As will be clear from these representations, whilst we generally welcome the ambition and purpose of the draft Local Plan, there are concerns that some policies will limit the ability of the Plan as a whole to deliver on its housing need. As such whilst we are supportive of much of the draft Plan, we have a number of reservations about its soundness in its current form and propose to set out a series of recommendations to assist the Council.

These representations are made with the aim of achieving a sound Local Plan, that is consistent with other development plan policy and deliverable, building in flexibility where it is appropriate to do so.

Support for the ambition and objectives of the draft Plan to direct significant growth to Stratford, deliver mixed use development including housing and the aspiration for Stratford to become an International town centre

Draft Policies BFN1, HS1 and H1

In line with our representations on the Regulation 18 Plan we welcome the objectives of draft Policy BFN1 (Spatial strategy) to direct significant levels of growth to the N8 Stratford and Maryland neighbourhood and to make the best use of land by supporting tall buildings in Tall Building Zones. We support the aspiration in draft Policy HS1 (Newham's Town Centres Network) for Stratford Metropolitan Centre to become an International Town Centre and URW's wider Estate has a significant role to play in meeting this objective. The support for residential uses on the upper floors of mixed-use town centre development in Part 5 of draft Policy HS2 (Managing new and existing Town and Local Centres) is welcomed.

We note that housing need expressed in draft Policy H1 (Meeting housing needs) has increased since the Regulation 18 Plan and now proposes to deliver between 51,425 and 53,784 net additional homes between 2023 and 2038. We welcome the focus on Site Allocations to deliver the majority of this need.

Draft Site Allocation N8.SA5

Draft Site Allocation N8.SA5 (Stratford Town Centre West), where the majority of the SCE is located, sets out a series of proposed principles for the area. Welcome the identification of Plot M7B as a Development Plot on the Site Allocation Map in response to our Regulation 18 representations and its inclusion for residential and other town centre uses in the supporting text. As set out in the next section of these representations we remain concerned about the maximum heights proposed in the



Tall Building Zone covering the SCE and the implications this will have for delivering the objectives of the Site Allocation.

In line with the consented Plot M2 development, the Site Allocation should specifically reference and support the use of the Westfield Stratford City (WSC) rooftops for more beneficial uses such as publicly accessible retail and leisure space, including the potential to convert under-used parking areas. URW are also embarking on an estate-wide programme to install photovoltaics (PVs) to rooftop areas where feasible to so, and this should be encouraged by the Site Allocation.

Recommendation 1: Amend Site Allocation N8.SA5 to promote and encourage more efficient use of the WSC rooftop areas for publicly accessible leisure uses and sustainability enhancements. Plot M2 should also be specifically allocated for student accommodation use given its recent resolution to grant at LLDC's Planning Decisions Committee.

Suggested changes to wording of policy:

*Site Allocation N8.SA5: Add **Development at Plot M2 on Celebration Avenue should be for student accommodation. The more efficient use of the Westfield Stratford City rooftop areas for publicly accessible leisure uses and sustainability enhancements in encouraged.***

The shortcomings of the proposed tall buildings designation in meeting the need for housing and mixed use development in the Metropolitan Centre and the lack of recognition for the established character of the SCE and surroundings, extant consents and its low sensitivity to change

In our representations to the Regulation 18 Plan we welcomed the location of the SCE within the Tall Building Zone TBZ19: Stratford Central, whilst querying the maximum height limit, which for Plot M7B at the time was 60m. Whilst we note that Plot M7B now falls within a TBZ with heights ranging up to 100m, this is still short of what the consented WSC Masterplan allows and what we consider this site can accommodate. Furthermore, the PBSA development Plot M2 has recently had a resolution to grant at 85m (AOD) in height by LLDC and still falls within a TBZ where the maximum height is specified at 60m.

In light of the conclusions of the evidence base supporting draft Policy D4 (the Newham Characterisation Study (2022)) that the immediate context is not sensitive to change, has a high opportunity for growth and is in the heart of the highest order town centre in the borough, we strongly feel that, given Newham's significant housing need and the objectives of other parts of the draft Plan, these height limits would overly constrain the opportunity that the SCE presents.

This is amplified by the fact that there are a number of tall buildings, both existing and consented, in the immediate vicinity that exceed the specified maximum heights in the Regulation 19 Plan, including many over 100m. These tall buildings have all been considered in detail and found to be acceptable. The LLDC Committee Report assessing the Plot M2 development (ref. 24/00113/FUL) concludes the following as the specified paragraph numbers:

10.87. It is considered that the proposed development would make a positive contribution to the surrounding townscape. The proposed development will offer a comprehensive experience from all perspectives. Approaching from the North, it would signify the entrance to the Westfield shopping



centre. Its strategic location along Hitchcock Lane ensures that from the East, it overlooks and enhances the safety of a currently neglected thoroughfare.

10.88. From the South, the development will be visible when approaching Stratford Cross and Queen Elizabeth Olympic Park (QEOP), and to the West, it will unify currently disparate parts of the public realm. It would serve as a focal point for taxi arrivals at the designated drop-off zone, as well as for pedestrians and cyclists, thereby enhancing connectivity and cohesion within the area.

10.93. Officers are satisfied that the BN.5 criteria as discussed above are met. Officers are satisfied that adverse impacts would not arise from the scale, height or massing of the buildings. The Applicant team has responded positively to feedback from QRP and officers, and the design-led approach, informed by early environmental testing, and engagement with a range of groups including women and girls, has led to a scheme that would meet the exceptionally good design quality required by Local Plan policies BN.1, BN.4, BN.5, and London Plan Policy D1.

Given the conclusions of the Newham Characterisation Study that the Site is not in a location that is highly sensitive to development of tall buildings and indeed that it is in a location identified for transformation, the draft Plan's approach to TBZ maximum building heights should be re-considered. We recommend that TBZ19 is amended to specify greater maximum building height for Plots M2 and M7B, as well as the wider SCE, given the consented context and the opportunity for town centre intensification and housing delivery.

Recommendation 2: That TBZ19 is amended to permit building heights up to at least the consented masterplan heights and with additional height to be permitted in the core of the SCE around Plot M7B; as shown in Figure 1 below.

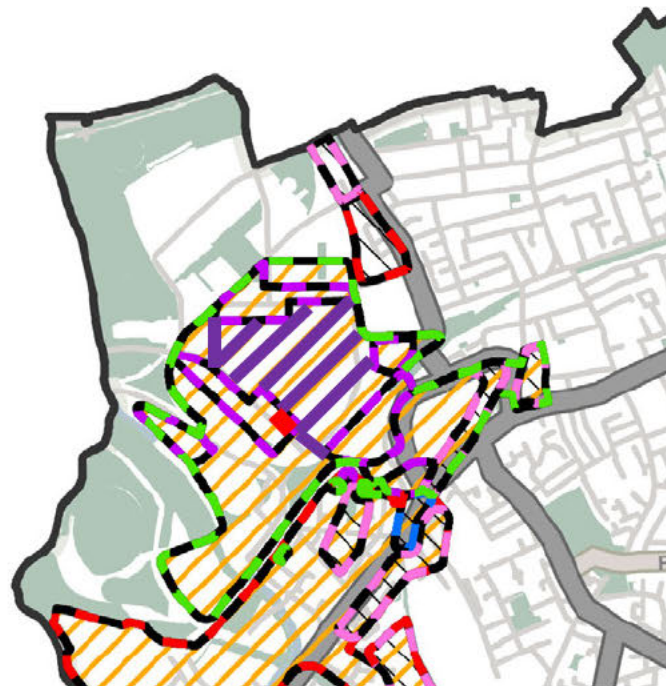


Figure 1: Suggested TBZ19 maximum building heights (purple hatched area max 100m; red square (Plot M7B) max 150m)

Suggested changes to wording of policy:



D4 TBZ19: Stratford Central:

Height Range Maximum: 60m (ca. 20 storeys) and 100m (ca. 33 storeys) and 32m (ca. 10 storeys) **and 150m (ca. 50 storeys)** in the defined areas.

- To mark Stratford Station, Stratford International station, Westfield Avenue, **Westfield Stratford City** and the urban edge of Queen Elizabeth Olympic Park at International Quarter and Stratford waterfront, a limited number of tall building elements of up to 100m (ca. 33 storeys) **and up to 150m (ca. 50 storeys) on Plot M7B** could be provided.

Concerns about the provisions relating to Purpose Built Student Accommodation (PBSA), Build to Rent housing, affordable housing and housing mix in terms of the deliverability of these types of housing

Draft Policy H8 (student housing)

Draft Policy H8 (Purpose-built student accommodation) contains a requirement for new PBSA in Stratford and Maryland that is not providing a replacement facility to be “located within or adjacent to an existing campus development in the neighbourhood”, in order to be supported. We have significant concerns with this requirement, which has the potential to overly constrain the supply of PBSA and does not reflect the established approach to the consenting of PBSA developments in the Stratford area.

The significant need for PBSA in Stratford was acknowledged by LLDC officers in recommending approval for the Plot M2 development in July 2024 and accepted by LLDC’s Planning Decisions Committee in its unanimous approval of the application. Relevant passages of the Committee Report are quoted below:

10.21. The Knight Frank assessment [submitted by URW as part of the planning application] sets out that there is a need for additional PBSA development in Stratford to cater for the needs of the emerging higher education institutions in the area, which are estimated to bring a total of 30,000 students to the Stratford area when fully operational in around ten years.

10.22. At present, a total of 3,570 student bedrooms in student accommodation schemes have been built out within the LLDC area and currently, 4,615 student bedrooms are proposed in consented planning permissions, some of which are under construction. If all student accommodation schemes are consented and built out, a total of 9,614 new student bedrooms would be provided within the LLDC area.

10.23. It is acknowledged that not all students would reside in PBSAs nor would all students studying in Stratford wish to reside in the local area, nevertheless applying the GLA methodology for assessing the need for PBSA the evidence suggests that there would be a need for specialist student accommodation locally. To that end, officers are satisfied that not only is there a strategic need which is being met given the expansion plans referred to above including HEI’s there is also a local need.

Recommendation 3: Amend Draft Policy H8(1) to specify that net additional student accommodation is supported in the Stratford and Maryland neighbourhood, removing the requirement for it to be located within or adjacent to an existing campus.

Suggested changes to wording of policy:



H8 1: New purpose-built student accommodation in Stratford and Maryland neighbourhood will ~~only~~ be supported ~~where: a. it is located within or adjacent to an existing campus development in the neighbourhood; or b. it is solely providing a replacement facility with no net increase in bed spaces.~~

Draft Policies H3 and H8 (affordable housing)

Both Draft Policies H3 (Affordable housing) and H8 (PBSA) set the affordable housing fast track route threshold at 60%. For conventional housing, draft Policy H3 requires 50% to be social rented and 10% to be shared ownership. In Build to Rent (BtR) developments (draft Policy H5) the requirement is to provide 50% at rents equivalent to London Affordable Rent (equivalent to social rent) and 10% at London Living Rent.

Whilst we do not intend to present detailed viability evidence, it is clear that these thresholds will not be achievable and as such one of the key purposes of having a fast track route, to incentivise deliver through avoiding a late stage review mechanism, would not be achieved. We note that LBN's own Cabinet Report of 4th June 2024 has highlighted that "the affordable housing policy changes made following the Full Council motion in December 2023 may cause deliverability challenges for the Local Plan due to the impact on Plan viability". We would remind the Council that the Draft Local Plan will need to be "in general conformity" with the London Plan, which sets the fast track threshold at 35%, except where development is proposed on public or industrial land.

Recommendation 4: Amend Draft Policies H3 and H8 to align the fast track route threshold with the London Plan and the Regulation 18 Draft Local Plan.

Suggested changes to wording of policies:

H3 1: Newham's policy priority is the provision of more social rent homes. Residential developments on individual sites with the capacity to deliver ten dwellinghouses (C3) or more should provide ~~at least 35 50~~ per cent of the total residential ~~habitable rooms units~~ as affordable housing in line with the London Plan tenure split ~~social rent housing and 10 per cent of the total residential units as affordable home ownership housing~~. Developments that do not meet these requirements and the delivery of the required level of family dwellinghouses (C3) under Local Plan Policy H4.2 will not be supported unless accompanied by a detailed financial viability assessment, demonstrating that the maximum viable mix will be delivered.

H8 3: New purpose-built student accommodation should provide at least ~~35 60~~ per cent affordable student accommodation as defined within the London Plan 2021. Developments for purpose built student accommodation that do not achieve a policy compliant level of affordable student accommodation on site are required to submit a detailed financial viability assessment, demonstrating that the maximum viable mix will be delivered.

Draft Policy H4

In terms of housing mix, the effect of Draft Policy H4 is to require 40% of new units as 3bed+, a minimum of 5% as 4bed+ affordable, no more than 15% as 1b2p and no more than 5% as studio/1b1p. This applies across all forms of conventional housing, included BtR. This will clearly present a risk to viability and does not give sufficient flexibility to enable accessible town centre sites, such as the SCE,



to provide more appropriate mix of housing to better address specific site circumstances and contribute to overall housing delivery.

We are also concerned that the required unit size mix is not broken down to reflect different tenures. For example, it would be more appropriate to require a higher proportion of 3+ bed units in social rented tenure, but less so in market and intermediate housing.

***Recommendation 5:** Amend Draft Policy H4 to recognise that highly accessible town centre sites should be allowed more flexibility to provide smaller units; as well as greater flexibility for BtR developments where a mix of smaller homes is more appropriate. The housing mix should also be reflect the requirements of different tenures.*

Suggested changes to policy wording:

H4:** Add **New residential development in highly accessible town centre locations and Build to Rent developments are more suited to provide a mix of smaller units. The requirements of Part 2 of this policy will be applied flexibly to these types of residential development.

Draft Policy H5

To reiterate concerns raised at Regulation 18 stage, delivery of low cost rented tenure homes as part of Build to Rent developments can be challenging, particularly where a constrained site means only a single building with one access core can be delivered. This is because Registered Providers (RPs), who would own and manage the LAR homes, would be unlikely to take on units that are ‘pepper-potted’ within a single building. We acknowledge that a wholly intermediate affordable housing offer could be agreed through a viability exercise, however this would unfairly penalise a Build to Rent developer with a late stage viability review mechanism in circumstances where it is unfeasible to comply with the tenure split requirement for practical reasons. The policy should reflect this and ensure that the London Plan Policy H11 tenure split can be followed in single building Build to Rent developments.

***Recommendation 6:** Amend draft Policy H5 to refer to the London Plan Policy H11 tenure split for single building Build to Rent developments, reflecting the challenges of delivering low cost rent units in these circumstances.*

Suggested changes to policy wording:

***H5 3:** Developments of Build to Rent housing as the sole residential tenure ~~can should~~ provide a wholly intermediate affordable housing component in line with the requirements of London Plan Policy H11 ~~at least 50 per cent of the total units as Affordable Rented Homes at equivalent rents to London Affordable Rent and 10 per cent of the total units being Affordable Rented Homes at equivalent rents to London Living Rent.~~ These affordable homes will be secured as affordable housing in perpetuity irrespective of the covenant period secured through H5.1.c.*

Conclusion

To conclude, we welcome the opportunity to comment on the draft submission Local Plan and we hope that our recommendations on behalf of URW are of assistance and will be taken into consideration by the Council in producing a sound the Local Plan. Following our previous



representations on the Regulation 18 consultation document, we are pleased to see that the M7B Site has been included within the Site Allocation and the overall ambition for Stratford to become an International Centre. We do have some reservations about particular aspects of the proposed draft Local Plan, including the Tall Building Zones proposals and draft policies regarding housing mix, student housing and affordable housing that have the potential to overly constrain the supply of much needed new housing.

We would be happy to discuss our comments directly in order to inform the preparation of the Local Plan.

Yours faithfully

DP9 Ltd.