

**Sara Chiong**

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**From:** Rosie Williams [REDACTED]  
**Sent:** 19 September 2024 17:40  
**To:** Local Plan  
**Cc:** [REDACTED]  
**Subject:** Draft Submission Local Plan (Regulation 19) Representations (on behalf of Simpson and Goldstein) [LICH-DMS.FID408510]  
**Attachments:** LBN Regulation 19 Representations - Simpson and Goldstein (19 September 2024).pdf  
**Follow Up Flag:** Follow up  
**Flag Status:** Completed

To whom it may concern,

On behalf of our clients, Simpson and Goldstein, please find attached representations to Newham's Regulation 19 Draft Local Plan.

Please could you respond to this email to formally confirm receipt of our reps?

Many thanks in advance,  
Rosie


**Rosie Williams**  
**Senior Planner**  
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**Response Form for Regulation 19 Consultation.**

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

Newham Draft Submission  
Local Plan

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

## **Privacy Notice**

### **Who we are**

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

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

### **What data do we collect and process**

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

### **Why we collect your data**

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

### **The lawful basis for processing your data**

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

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

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

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

You can withdraw your consent at any time.

### **How we use your data**

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

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

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

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

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

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

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

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

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

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

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

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

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

#### **Know your rights**

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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	Miss
First Name	Simpson and Goldstein
Last Name	Rosie
Job Title (where relevant)	Williams
Organisation (where relevant)	Senior Planner
Address Line 1	Lichfields
Line 2	The Minster Building
Line 3	
Line 4	
Post Code	
Telephone Number	
E-mail Address (where relevant)	

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

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Name or Organisation:

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

Policy

Implementation Text

Paragraph

Policies Map

4. Do you consider the Local Plan is :

4.(1) Legally compliant

Yes



No

☐

4.(2) Sound

Yes

☐

No



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

Yes



No

☐

Please tick as appropriate

5. Please give details overleaf of why you consider the Local Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible.

If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

Please see appended letter, prepared by Lichfields.

(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 appended letter, prepared by Lichfields.

(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:

We have an active interest in the site at Ashburton Terrace, which is designated as a Local Mixed Use Area in the Local Plan. There are areas of concern in the draft policy. It will be most effective for us to be able to give evidence verbally at hearing session in due course.

***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 6<sup>th</sup> September 2024**

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

**Date:** 19 September 2024  
**Our ref:** 66173/01/BK/RW/32828360v3

Dear Sir/Madam

## **Newham Local Plan Regulation 19 Consultation - September 2024**

We write on behalf of our clients, Simpson and Goldstein ('S&G') in response to the above consultation. S&G have an active interest in Land at Ashburton Terrace, Plaistow, E13 oBA (the 'Site'), which is designated in the London Borough of Newham's (LBN) draft Submission Local Plan (June 2024) (Reg 19) under draft policy J1 (Employment and growth) (Site ref LMUA6, Ashburton Terrace) for an employment-led development. S&G therefore welcome the opportunity to engage with LBN on the draft Regulation 19 Local Plan.

S&G submitted representations to the Regulation 18 Draft Local Plan in February 2023. Since the submission of the representations, S&G has engaged with LBN through a series of pre-application meetings, has attended a Design Review Panel (DRP) in relation to the redevelopment of the Site, and has now submitted a planning application for the following development:

*"Demolition and redevelopment of the site to provide a large-scale Purpose Built Shared Living development (sui generis use) and ancillary amenity facilities, with flexible commercial floorspace, landscaping, access improvements and other associated works."*

S&G continues to be broadly supportive of the vision and objectives of the draft Local Plan. However, there are a number of policies which they consider are too prescriptive and which could impede LBN's ability to meet the plan's overarching objectives. The current wording of certain parts of the Local Plan is not positively prepared, not justified and not effective. This letter sets out S&G's responses. The comments are organised by the theme and policy that they relate to. We have commented on whether the plan is sound based on the NPPF's four tests of soundness throughout the letter.

### **Site Designation**

The Site continues to be designated under J1: Employment and growth through Site reference LMUA6, Ashburton Terrace. The policy is largely unchanged from the Regulation 18 version and continues to support the provision of employment led development through light industrial, storage and distribution, small scale office, workspaces for Small and Medium Enterprises and

start-ups and local supply chains requiring yard space (Class E(g)(i-iii)). Policy J1 continues to support the provision of co-location with residential development, subject to Policy J2: New employment floorspace. Policy J2 identifies that:

*“Co-location with residential development is only supported in the specific Local Mixed Use Areas... where:”*

- a The development remains employment led in LMUAs, MBOAs and site allocations identified for employment-led development; and*
- b a suitable co-location design can be accommodated which maintains the function and viability of the priority uses on site and the amenity of the residential accommodation; and*
- c a suitable and robust Relocation Strategy for any existing uses that cannot be incorporated within the redevelopment is provided in accordance with Local Plan Policies J3.2 ad J3.3.”*

S&G continue to support the inclusion of the Site under this draft designation. They remain pleased that the draft designation continues to support residential development on the Site through co-location. The Site is situated in a highly accessible and sustainable location, in close proximity to Plaistow Underground Station. It is also surrounded by established residential uses. As such, the Site can support a substantial new mixed use development including residential use (and other quasi-residential uses which contribute towards local housing targets). This can be seen through the new developments coming forward around Plaistow Underground Station and opposite the Site. It has also been confirmed by LBN itself during the S&G’s pre-application meetings. Therefore, we encourage the policy to recognise that ‘residential uses’ should also be construed to mean associated quasi-residential uses, including co-living.

In addition to this, S&G consider that the policy should clarify what is meant by employment led. Our understanding is that employment led means meeting the viable/optimal employment needs first, with other uses fitting around this, rather than a scheme of predominantly employment floorspace. This is currently unclear in the policy wording. Therefore, the policy should clarify that an appropriate quantum of employment floorspace should be provided.

## **Residential Use**

The minor adjustments to the wording of draft Policy J1 and J2, particularly regarding the approach to co-location on different employment sites, are welcomed. The continued reference to ‘support’ for residential development at the Site (in Table 8) is broadly supported. However, given the objectives of the plan, particularly objective 5 (Homes for residents), and draft Policy BFN1 (Spatial strategy) part 1. b which directs growth and homes to Plaistow, S&G continue to consider this should be strengthened to actively promote residential and associated uses in this location.

We strongly urge LBN to revise the wording to “Employment-led co-location with residential development (and associated quasi-residential uses) is supported”. This would strengthen the support for residential uses on the Site and ensure the policy is positively prepared and futureproofed in terms of the forthcoming changes to the NPPF.

The Site is highly accessible and continues to be located in a character area, defined by the updated Newham Characterisation Study (2024), as not being sensitive to change and able to support a



moderate uplift in density in areas of fragmented character. It is also located directly opposite the Plaistow North Strategic Site (N9.SA1) which is still considered a transformation area capable of establishing a future centre around the station as set out in the updated Newham Characterisation Study (2024).

Draft Policy H1 (Meeting housing needs) continues to state that the majority of LBN's new housing will be delivered on allocated sites and that housing delivery will be optimised on sites below 0.25ha. It is noted that the minimum target for new residential units in the borough, identified within this draft policy, has increased by 4,729 new units from the Regulation 18 draft plan (indicating that it is now planning to deliver 51,425–53,784 homes over the plan period), which is welcomed

It is therefore clear from revised draft Policy H1 that sites such as the Site are required to contribute towards the delivery of new residential uses to meet LBN's housing needs and achieve its increased targets. We support the updated draft Policy H1 and given the expectation of the policy, as well as the Newham Characterisation Study (2024) in relation to Plaistow North, we urge LBN to make it clearer that residential uses are required on designation LMUA6: Ashburton Terrace to ensure Policy H1 is deliverable and LBN is able to meet its housing needs. The proposed change will ensure draft Policy J1 is positively prepared.

As noted above, it is also important to identify that residential uses comprise of a range of residential products including Large-Scale Purpose-Built Shared Living (LSPBSL or 'Co-Living') developments. The GLA's LSPBSL LPG (adopted in February 2024) identifies that co-living contributes an element of housing choice and is counted towards housing supply (at a ratio of 1:8:1 basis). This should be recognised within LBN's new local plan to allow quasi-residential uses (not just C3 housing) to come forward on appropriate sites.

## **Co-Living**

Draft Policy H9 addresses houses in multiple occupation and LSPBSL/co-living. In terms of co-living, S&G welcomes that the policy continues to largely echo the requirements of the London Plan (2021). Additionally, it is positive to see that the policy's approach to affordable housing continues to support either on site delivery or a payment in lieu contribution towards affordable housing, subject to financial viability testing. This flexibility reflects recent London Plan Guidance and will facilitate LSPBSL scheme's coming forward.

Part 6 of draft Policy H9 outlines that *"main town centre uses or social infrastructure provided within large-scale purpose-built shared living developments are only acceptable in suitable locations and if the facilities are publicly accessible."* The supporting text to the policy identifies suitable locations as *"those which are defined as acceptable for Main Town Centre uses under Local Plan Policy HS1, Policy HS3 and social infrastructure under Policy SI2."* While this broadly aligns with Policy H16 of the London Plan as co-living developments will generally be located in areas where town centre uses are considered acceptable, the policy should make clearer that these uses can help to meet local needs (i.e. employment needs) locally (as per para 3.1.2 of the LSPBSL LPG). In its current wording, the policy does not align with the London Plan (2021) and LSPBSL LPG and is therefore not sound. The above amendment to draft Policy H9 is therefore required to ensure that the new Local Plan is sound.

It is noted that unlike Policy H16 of the London Plan (2021), draft Policy H9 does not make specific reference to communal facilities and services within co-living schemes, which are an integral feature of co-living developments. Furthermore, the LSPBSL LPG states that *“facilities open to the public may count towards resident communal space requirements where they are integrated within the LSPBSL accommodation; managed integrally by the building’s manager; and accessible to residents at least 12 hours a day, and at least six days a week”*. On this basis, it is critical that draft Policy H9 is updated to make specific reference to communal facilities within co-living schemes. It would also be beneficial for the policy to make direct reference to the requirements of London Plan Policy H16, to confirm that LBN is aligned with the GLA in its approach to co-living.

## **Employment Use**

As noted above, the draft designation continues to include a range of priority employment uses for the Site, informed by the Employment Land Review (2022), and these are unchanged from the Regulation 18 draft plan. While these are priority uses, it is critical that the policy promotes viable and deliverable employment uses in such areas alongside much needed residential and quasi-residential uses. Providing an applicant has satisfactorily demonstrated that a scheme is delivering an appropriate quantum and range of viable employment uses alongside housing residential (or quasi-residential accommodation) this should satisfy the policy.

We also note that the supporting text to policy J1 states that Local Mixed Use Areas are employment-led designations. This applies to the draft policy designation. Additionally, ‘employment-led’ has been added to the functional requirements column in Table 8 for designation LMUA6. We recognise the aims of the supporting text and Table 8, and we support the flexibility afforded to establishing the optimum quantity and format of employment space alongside housing uses. However, the Local Plan must be very clear that employment-led does not mean that employment floorspace has to be a higher quantum than the residential floorspace. This is addressed under ‘Implementation’ at p.191 which confirms that employment-led means addressing employment requirements first in a mixed use scheme’s design, before addressing the residential element, and it therefore is unrelated to the proportionate quantum of employment and ‘other’ uses. However, this should be clearly expressed in the policy itself.

At the Ashburton Terrace site itself, for example, through detailed pre-application discussions and engagement with prospective tenants, it has been established that a smaller proportion of the Site is required to be employment floorspace (relative to the LSPBSL component) to meet market demand, because the quality of the proposed employment space will lead to a higher number of jobs at the Site. Furthermore, solely affordable workspace is proposed which will provide significant public benefits.

We note that the wording of Policy J3 (Protecting employment floorspace) has been updated. The additional clarification of the requirements for protecting employment floorspace within different employment designations is welcomed and part 2 of the policy now relates solely to Local Mixed Use Areas. The draft policy continues to restrict the net loss of employment floorspace (including yard space) in Local Mixed Use Areas unless this can be relocated. While the updated policy removes the requirements for a financial contribution towards skills, training and local employment initiatives to be provided in these instances, the policy is still far too rigid, contradicts the co-location objectives of Policy J1 and fails to mention what should happen in instances either where sites are vacant and their yards are redundant, or where a yard space is ill-defined. The policy is not therefore effective. Instead,

the focus should be on protecting and re-providing employment generating built floorspace itself and meeting market demand.

We therefore encourage additional commentary in the accompanying text to the policy to highlight that re-provision requirements focus on existing employment density and quality of the employment space. Reference to the need to re-provide the entire quantum of any yard space should be removed. Instead, the policy should focus on market demand, existing built floorspace and the contribution a specific site, including any yard space, makes to the wider stock of strategic employment land within the borough. Furthermore, factors such as trip generation associated with the existing employment use are important considerations that are currently missing from the policy. For instance, locations such as the Site, would more comfortably accommodate a residential (or quasi-residential) use with fewer trips generated than the previous Travis Perkins builders yard use.

We continue to urge LBN to reconsider the wording of Part 2 of draft Policy J3 further because the supporting text to draft Policy J1 continues to contradict draft Policy J3 as it states that residential uses should be fitted around the optimum quantity and format of employment floorspace which can meet market demands. This may be less than the existing floorspace, particularly if external yards are protected in the same way as floorspace. As such, part 2 of draft Policy J3 should be updated to reflect that where replacement of employment floorspace results in improved quality and/or an increased number of jobs, it should be supported. This will ensure that Sites are optimised, reducing potential empty units and increasing much needed new homes. Such an approach would also align with the London Plan 2021. Until this change is made, the policy is not considered Sound as it is infective and inconsistent with draft Policy J1 and the aims of employment policies in the London Plan.

## **Height, Scale and Design**

Policy D4 sets out the Council's objective with regards to tall buildings (defined as those at or over 21m, roughly seven storeys). S&G are supportive of Policy D4 in principle. It is noted that LBN has added in some new tall building designations. However, it is disappointing to note that the Site continues to fall outside of the tall building zone as identified under draft policy D4. This is despite the Applicant receiving positive feedback on the height of the proposed development from LBN during pre-application meetings and from the Council's Design Review Panel. The proposed development rises to 6–9 storeys so would technically constitute a 'tall building' for the purpose of draft policy D4.

S&G, therefore, strongly considers that the Site should be included within a tall building zone as defined under policy D4.

It is noted that the Newham Characterisation Study (2022) has been updated to address feedback received during the Regulation 18 public consultation. The Characterisation Study (2024) continues to offer guidance on where and how future growth could be delivered in the borough. It is now supported by the Tall Building Annex (2024) which provides more detail on the methodology and assessment work undertaken to identify locations for tall buildings in the borough.

Following a baseline analysis of Newham, Chapter 7 has devised areas of the borough that are to be conserved, enhanced or transformed, and also provides a tall building zone strategy map. It is noted that the suggested tall building zones broadly correspond with 'transform' areas. However, S&G remains certain that this a missed opportunity for areas that have the potential to be 'enhanced',



particularly in highly sustainable locations adjacent to ‘transform’ areas, near to existing or emerging centres and defined as having a ‘low sensitivity to change’ such as the Site. The tall building zone as drafted makes the policy ineffective as it significantly reduces the capacity of the Site, conflicting with Policy D3 of the London Plan (Optimising site capacity through the design-led approach). The policy also does not align with the aims and aspiration of the London Plan Policy D9 (Tall buildings) and is not therefore in accordance with regional policy objectives. Furthermore, it does not align with Chapter 11 of the NPPF (Making effective use of land). On this basis, draft Policy D4 is inconsistent with regional and national policy objectives. Therefore, the policy is not sound as currently written.

Tall Building Zone (TBZ) 17: Plaistow is located partially within an existing Local Centre (Plaistow North Local Centre) and includes draft site allocation N9.SA1 Plaistow North (a revised boundary of site allocation S29 in Newham Local Plan (2018)). It is noted that the area of N9.SA1 within TBZ17 has reduced slightly from the Regulation 18 plan. S&G continue to encourage LBN to extend TBZ17 to include the Site given its proximity to Plaistow station, nearby tall buildings and Plaistow North’s Primary Shopping Frontage (PSF), directly opposite part of the Site. Building heights immediately surrounding the Site already reach 6 storeys. The Newham Characterisation study specifically states that the transformation area suggested could contribute to a new centre around the station, capitalising on the access to public transport. We agree with this and strongly consider that the Site falls within this definition given its location.

Given the Site constraints in relation to other building footprints and the need to optimise employment floorspace at the Site, the optimal solution would be to build higher than the prevailing height to ensure the Site is fully optimised, in line with London Plan Policy D3 and Chapter 11 of the NPPF. This became clear during S&G’s preparation of a detailed planning application at the Site, and associated pre-application meetings with LBN, which was recently submitted to LBN, and comprises a stepped building ranging from 6–9 storeys in height. A scheme any lower would not be viable.

Under draft Policy D4, the scheme would be considered a tall building (i.e. exceeding 21m). The approach to optimising the Site through additional height would accord with draft policy BFN1 part 2 which seeks to make the best use of land by applying a design led approach, draft Policy H1 and draft Policy D3 which seek to optimise sites. Paragraph 123 of the NPPF states that policies should set “*out a clear strategy for accommodating objectively assessed needs, in a way that makes as much use as possible of previously-developed or ‘brownfield’ land*”. Policy D3 of the London Plan (2021) supports the optimisation of a site’s capacity for an appropriate land use and Policy GG4 of the London Plan also seeks to “*ensure more homes are delivered*”. It would, therefore, be prudent to include a larger tall building zone around Plaistow Station through an extension to TBZ17 to ensure that brownfield sites around the station are able to be fully optimised to take advantage of the existing public transport network. We have re-provide a plan illustrating the suggested extension to TBZ17 boundary in Annex 1.

As noted previously, S&G has engaged in extensive pre-application discussions with LBN Officers and the DRP prior to submitting a planning application at the Site. Comprehensive townscape work was undertaken by Lichfields to establish appropriate buildings heights for the Site. The assessment work concluded that a building of up to nine storeys in height can be successfully integrated into the surrounding area and would be a positive addition to the skyline which relates well to the emerging tall building cluster and reinforces the spatial hierarchy that has increased density of development around

the station. Formal pre-application feedback from LBN confirmed the proposed height is acceptable due to its proximity to other taller developments and its high PTAL rating (of 5).

It is noted that the Townscape Assessment of Plaistow, in Section D of the Tall Building Annex (2024), includes assessment maps which show the Site classified as a location that is ‘not successful Quality’ and ‘not sensitive to change’. However, the assessment is incomplete. In comparison to the other character areas in the borough, the report does not include a scoring assessment of Plaistow (area 10), like it does for the other character areas. We therefore urge LBN to review the Plaistow character area again, particularly the Site’s suitability to be included within TBZ17 given Lichfields’ TVIA report, submitted with the recent planning application at the Site (planning portal reference PP-12710138) demonstrates that a tall building could appropriately be located at the Site. Additionally, we continue to consider that defining maximum building heights within specific parts of TBZs is too prescriptive for the draft Local Plan. We recognise that Policy D9 of the London Plan (2021) requires local plans to indicate appropriate heights to be set, however, these should be indicative heights subject to design and other policy considerations. The draft policy sets a maximum height which is not the intention of the London Plan (2021). Chapter 7 of Newham Characterisation Study (2022) states that the scale and height of each TBZ reflects the findings of the characterisation study. Four building height ranges are defined in TBZ17. However, it is unclear why these heights were selected because no justification is provided. S&G considers it premature to set maximum building heights before design proposals have come forward within the TBZ. At this time, this level of detail in the policy is not justified and therefore we would question whether this level of detail allows the policy to be effective.

Given the strong policy support for optimising the capacity of sites through the design process, S&G strongly urges that LBN reconsiders the wording of Policy D4 to provide greater flexibility, as adopted elsewhere in other London boroughs’ local plans, to ensure the policy effective. For example, Policy BD2 (Tall Buildings) in Brent’s Local Plan provides greater flexibility for building heights within TBZs subject to design details. The supporting text to this policy advises that the heights identified for the TBZs:

*“indicate the heights likely to be generally acceptable to the council. This does not mean that all buildings up to these heights are automatically acceptable. Proposals will still need to be assessed in the context of other policies to ensure that they are appropriate in that location. There might however also be circumstances where the quality of design of a development and its impact on character is such that taller buildings in these locations could be shown by applicants to be acceptable.” (p. 418)*

It is surely appropriate for Local Plans to provide such flexibility given that many of the criteria on which the acceptability of a tall building is assessed cannot be satisfactorily considered at the plan making stage and can only be properly assessed at the planning application stage. For example, Newham’s prescriptive approach to the location of tall buildings and their heights does not appear to be supported by sufficiently detailed assessments of townscape, visual amenity or daylight and sunlight, and there is clearly no consideration of design quality at this stage. All of these considerations critically inform the appropriate height, scale and appearance of tall buildings. The Local Plan must not be so prescriptive and inflexible as to unduly restrict otherwise appropriate taller buildings which are demonstrably acceptable in terms of townscape, visual amenity, residential amenity etc. and can make meaningful contributions to housing delivery and wider land use objectives. We would urge Newham to

follow the approach of other London boroughs and promote a more balanced and flexible approach to tall buildings.

For these reasons, S&G considers that LBN should adopt a more flexible approach to building heights within TBZs to ensure that development can respond to the surrounding context, especially in locations undergoing considerable redevelopment. Development proposals within TBZs should be assessed on a site-by-site basis, giving particular regard to design considerations. This will ensure optimisation of a site's capacity and consequently allow provision of more affordable housing units, while providing townscape improvements.

In the event that LBN decide not to expand TBZ17, S&G considers that LBN should adopt a more proportionate and nuanced approach to buildings moderately above the tall building threshold or on the periphery of a TBZ. As it stands, the policy is too binary and restrictive. There is a significant difference, for example, between a seven storey building and 30 storey tower. Under the current policy wording, both would be defined as a tall building and assessed in the same way. Instead, the policy should acknowledge that a proportionate approach is needed, reflecting a building's height relative to its context, the site's suitability for a taller building and design quality. A contextually appropriate, high-quality 'lower rise' tall building, at a prominent site and in an accessible location, is not necessarily inappropriate, especially when supported by appropriate technical assessments (e.g. daylight/sunlight and townscape and visual impact). This is particularly the case where a site is located on the periphery of a TVZ, like the Site. A rigid and binary policy risks unnecessarily precluding otherwise acceptable, high-quality schemes that deliver public benefits, such as the development at Ashburton Terrace, coming forward.

On this basis, the policy should be reworded to highlight that tall buildings are targeted to TBZs. However, in other locations, lower rise tall buildings may be supported in principle, subject to their relative scale and suitable technical assessment work. This is crucial to ensuring that accessible and sustainable sites within the borough are utilised to meet Newham's housing and employment provision targets. The Site is a prime example where the current policy wording would restrict the viable redevelopment of a vacant and redundant site within the borough, where officers and the DRP consider a building of 6-9 storeys is acceptable.

## **Town Centre**

Section HS of the plan relates to high streets. S&G continue to support Plaistow North remaining as a Local Centre in the retail hierarchy (i.e. 'meeting local catchment needs for retail, leisure, services and community uses'). Draft Policy HS2 has been updated and now states that 'residential uses as part of the mixed-use development is strongly supported', removing the need for these to be located at upper floors. This is welcomed by S&G. However, we would suggest that the makes specific reference to co-living, to align with the objectives of Policy H9, which specifies that town centres are appropriate locations for co-living developments. S&G seek flexibility in the wording of Policy H2 in relation to building heights within town and local centres.

## **Summary**

S&G welcome the opportunity to comment on the emerging Newham Local Plan. S&G continue to consider that the boundary of TBZ17 should be extended and a more flexible approach to building


heights within TBZs should be adopted. Flexibility in height should also be applied to new residential uses within town and local centres.

The opportunity for sustainable, co-residential development at the Site through draft designation LMUA6, Ashburton Terrace is supported in principle subject to the comments set out above. Overall, the plan should make clear that any reference to residential uses within the plan includes co-living.

S&G intends to continue to participate in the preparation of the draft Local Plan and looks forward to any further opportunities to be involved in the process in the coming months to shape the draft Local Plan

Should you wish to discuss comments within these representations further, please do not hesitate to contact me or my colleague Jonathan Hoban.

Yours faithfully

A black rectangular box used to redact the signature of Rosie Williams.

**Rosie Williams**  
Senior Planner

## **Annex 1: Revised TBZ17 Boundary**



