# **Sara Chiong**

From: Josh Thomas <

**Sent:** 20 September 2024 11:01

To: Local Plan

Cc:

Subject: Newham Draft Submission Local Plan (Regulation 19) Consultation Response -

Silvertown Homes Ltd

Attachments: Newham Reg 19 Local Plan Consultation Response - Silvertown Homes Ltd.pdf

Follow Up Flag: Follow up Flag Status: Completed

Dear Sir/Madam,

On behalf of Silvertown Homes Ltd we submit these representations in response to the London Borough of Newham Draft Submission Local Plan (Regulation 19) Consultation.

Please confirm safe receipt.

Kind regards,

**Josh Thomas** 

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By Email: localplan@newham.gov.uk

Dear Sir/Madam,

# RE: NEWHAM LOCAL PLAN REVIEW – RESPONSE TO REGULATION 19 CONSULTATION REPRESENTATIONS SUBMITTED ON BEHALF OF SILVERTOWN HOMES LTD

These representations are provided in response to the London Borough of Newham (herein 'LBN' or 'the Council') consultation on a new Local Plan for the borough in accordance with Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012 ('Draft Local Plan').

These representations have been prepared on behalf of Silvertown Homes Ltd ('SHL') who have the majority landownership interest in the land that comprises Site Allocation N2.SA4 – Land at Thameside West and Carlsberg Tetley Dock (herein 'the Thameside West Site Allocation'). SHL are bringing forward the mixed-use redevelopment at Thameside West, Silvertown ('the Site') approved by the Greater London Authority (GLA) in October 2021 (GLA ref. GLA/4039c/03 & LB Newham ref. 18/03557/OUT).

SHL submitted representations to the Council in February 2023 in response to the Regulation 18 Draft Local Plan consultation ('the Regulation 18 Consultation), seeking amendments to the Thameside West Site Allocation and related policies to align with the Hybrid Planning Permission granted in October 2021.

The representations submitted herewith consider the 'soundness' of the Draft Local Plan with regard to paragraph 35 of the National Planning Policy Framework as updated in 2023 ('NPPF'), which states that plans are 'sound' where they are:

Positively prepared - providing a strategy which, as a minimum, seeks to meet the area's
objectively assessed needs; 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.



- **Justified** an appropriate strategy, taking into account the reasonable alternatives, and based on proportionate evidence.
- **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.
- 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.

The representations submitted herewith provide a response on the following draft policies and cite concerns on how they meet the tests of soundness.

- 1. Site Allocation N2.SA4 'Land at Thameside West and Carlsberg Tetley Dock'
- 2. Policy D4 'Tall Buildings'
- 3. Policy J1 'Employment and Growth'
- 4. Policy H3 'Affordable Housing'
- 5. Policy H4 'Unit Size Mix'

Recommendations are provided to remedy the shortcomings of the Local Plan prior to submission for examination.

# Site Allocation N2. SA4 'Land at Thameside West and Carlsberg Tetley Dock'

SHL have the majority landownership interest in the Thameside West Allocation. The Site currently benefits from the following planning permissions and consents:

- 17/02554/FUL the "Operational Works Permission"; and
- 18/03557/OUT- the "Hybrid Planning Permission".
- The Silvertown Tunnel works have been consented under the Development Consent Order (DCO) process.

#### The Operational Works Permission and Silvertown Tunnel DCO

The description of development for this permission is as follows:

"Operational development works to facilitate future development(s) of the site comprising:

- Site clearance works including vegetation removal and demolition of existing buildings,
- structures and hard standing.
- Increasing the site's ground level by utilizing spoil which would be excavated from the
- construction of the Silvertown Tunnel.
- The construction of flood defence walls and delivery of ecological habitat adjacent to the
- River Thames.
- Re-purposing of some of the temporary jetty piles which would be constructed as part of
- the construction of the Silvertown Tunnel."

The works relating to the Silvertown Tunnel and the Operational Works Permission (reference: 17/02554/FUL) have been implemented and under construction.



#### The Hybrid Planning Permission

The description of development for this permission is as follows:

"A hybrid planning application comprising:

- 1. Detailed planning application for Phase 1 with works to include the proposed demolition of existing buildings and structures, and the erection of buildings, including tall buildings comprising 401 residential units (Use Class C3) including 195 affordable units (46% by habitable room); 3,608 sqm. (GEA) of flexible employment floorspace (Use Classes B1b, B1c, B2 (restricted) and B8); 230 sqm. (GEA) of flexible retail floorspace (Use Classes A1-A4); a new/altered access road from Dock Road/North Woolwich Road; new streets, open spaces, landscaping and public realm; car, motorcycle and bicycle parking spaces and servicing spaces; and other works incidental to the proposed development.
- 2. Outline planning application (all matters reserved) for the phased delivery of the balance of the site for the proposed demolition of existing buildings and structures; the erection of buildings, including tall buildings, comprising a new local centre; a primary school (Use Class D1); residential units (Use Class C3); flexible employment floorspace (Use Classes B1b, B1c, B2 (restricted) and B8); flexible employment floorspace (Use Classes B1c, B2 and B8); flexible retail floorspace (Use Classes A1-A4); community and leisure floorspace (Use Classes D1 and D2); the construction of a new flood defence wall and delivery of ecological habitat adjacent to the River Thames and associated infrastructure; streets, open spaces, landscaping and public realm (including new park and SINC improvements); car, motorcycle and bicycle parking spaces and servicing spaces; utilities including energy centre and electricity substations; and other works incidental to the proposed development."

The Detailed Component of the planning permission was commenced by demolishing the Vision Centre annexe of the Silver Building in May 2024. The Council granted a Certificate of Lawfulness of Existing Use or Development ('CLEUD') in July 2024 confirming that the demolition works lawfully implemented the Detailed Component of the Hybrid Planning Permission in accordance with Condition 3 (LBN ref. 24/1244/CLE).

In September 2024, the Council validated the first Reserved Matters Application relating to the Outline Component of the Hybrid Planning Permission (ref. 24/01507/REM). The RMA was submitted before the  $4^{th}$  of October 2024 – i.e., no later than three years after the grant of planning permission – in accordance with condition 4.

All pre-commencement planning conditions relating to the Detailed Component (Phase 1 – Buildings A and B) of the Hybrid Planning Permission were discharged prior to the commencement of demolition works to implement the consent. Relevant Section 106 planning obligations were also discharged prior to the demolition works and approved under reference 24/00763/S106.

Representations submitted by SHL in response to the Regulation 18 Consultation (February 2023) raised concern that the Site Allocation text for Land at Thameside West did not accurately reflect the sites planning history, including the status of the Operational Works Permission or the Hybrid Planning Permission. Concern was also raised that the associated illustrative site layout drawing did not reflect the approved development and that the Site Allocation text sought to limit building heights to 50m



(circa 16 storeys) when the Hybrid Planning Permission permits buildings up to 98m (circa 26 storeys). Clarity was also sought with regards to how the infrastructure required for the development would be delivered, including the DLR Station and potential bridge connections. It was suggested that the supporting text relating to development phasing should be amended to explicitly allow phases to come forward under different ownerships.

In response to the representations submitted at Regulation 18 stage it is acknowledged that the Council have made the following updates to the Site Allocation text and associated diagrams:

- the Site Allocation text referring to the site's planning history has been removed.
- The illustrative site layout plan has been replaced by an opportunities and constraints diagram (the removal of the illustrative plan addresses wider concerns such as not showing the Silvertown Tunnel Safeguarding Area and other plan inconsistencies)
- The infrastructure requirements section of the site allocation has been updated to clarity that
  land should be safeguarded for the two bridge connections (Trinity Buoy to Thames Wharf
  Bridge and the land to the south of the Lower Lea Crossing to Good Luck Hope bridge) rather
  than requiring those connections to be provided/delivered as part of the development
  proposals. The Site Allocation text has not been updated provide clarity on how the DLR
  station will be delivered.

However, no changes have been made to supporting text under the 'Design Principles' in relation to buildings heights, which are still limited to a maximum height of 50m.

The updates to the Site Allocation text and associated visual material have therefore only partly addressed the concerns that were raised by SHL in response to Regulation 18 Consultation. SHL are concerned that the building heights referred to in the Site Allocation text are lower than what has been approved under the Hybrid Planning Permission.

The NPPF required Local Plans to be positively prepared by providing a strategy which as a minimum seeks to meet the objectively assessed needs of the area. Limiting the building heights has the effect of significantly reducing the sites housing capacity and does not reflect the development consented by the Hybrid Planning Permission.

The Site Allocation text should be amended to permit buildings up to 98m across the Thameside West Site Allocation in accordance with parameter plan 04 'Development Zones Maximum Height Limit' [ref. A-SL-011-xx-04 Rev 04] approved pursuant to the Hybrid Planning Permission (Appended for clarity).

The Site Allocation text should also include text to summarise the planning consents relating to the site and to reflect that the detailed component of the Hybrid Planning Permission has been implemented by the carrying out of a material operation comprised with the approved development in accordance with condition 3, and the outline component implemented following validation of the first RMA submission in accordance with condition 4.

The Council's housing supply and trajectory is predicated on the delivery of the number of homes consented by the Hybrid Planning Permission however it would not be possible to deliver this quantum of development, including the number of affordable homes, within the height parameters referred to in the Site Allocation and Policy D4 'Tall Buildings'. We would therefore question whether the Local Plan would meet the 'effectiveness' soundness tests on the basis that the supporting policies do not support the quantum of development that has been modelled as part of the Council's housing delivery trajectory. The decision not to align the building heights for the Thameside West Site Allocation with the Hybrid Planning Permission also fails to meet the 'justified' soundness test on the basis that it does not provide an appropriate strategy that is based on proportionate evidence and in this case information about the status of approved developments in the borough.



The misalignment between the Site Allocation and Hybrid Planning Permission should be addressed to ensure the Councils housing numbers are delivered and the Local Plan meets the 'effective', justified and 'positively prepared' soundness tests.

## Policy D4 'Tall Buildings'

Policy D4 and its supporting diagram (Page 79) identifies the location and extent of areas that are appropriate for tall buildings, which is defined as any building taller than 21m.

The Tall Building Zone (TBZ13 – Canning Town) now includes all the Thameside West Site Allocation whereas the Reg 18 plan excluded the eastern section. The Thameside West land is identified as being in an area with a prevailing height of more than 21m but less than 32m (circa 7-10 storeys) and a maximum height of 50m.

We acknowledge and welcome that the Council has amended the Tall Building Zone boundaries to include all the Thameside West land within TBZ13. However, the stated prevailing heights (between 7-10 storeys) and maximum heights (up to 50m) are inconsistent with the Hybrid Planning Permission.

The maximum height for TBZ13 indicated on the policies map (page 79) should be adjusted to recognise the Hybrid Planning Permission. This should be up to 100m (purple) to reflect the colors indicated in the legend that supports the tall buildings map.

For reasons outlined in the previous section of these representations Policy D4 should be amended to align with the Thameside West Hybrid Planning Permission ensure that the plan provides suitable parameters to support the delivery of housing in accordance with the Councils housing supply trajectory forecasts.

#### Policy J1 'Employment and Growth'

SHL submitted representations in response to the Regulation 18 Local Plan consultation objecting to Policy J1 'Employment and Growth' on the basis that 1) the Reg 18 Local Plan did not include a plan that clearly showed the location and extent of Strategic Industrial Land ('SIL') and 2) 'Thameside West SIL 3' states that "no residential floorspace is permitted in these designations" even though the land designated within 'Thameside West SIL 3' currently benefits from an implemented planning permission (ref: 18/03557/OUT) which includes new homes in both the detailed and outline phases.

Policy J1 is therefore in direct conflict with the Hybrid Planning Permission. This misalignment brings into question whether the Local Plan meets the 'effective' test of soundness in terms of assumptions about housing delivery the protection of industrial floorspace.

The Council have now provided a plan to show the location of SIL sites however they have not amended the SIL designation for Thameside West in recognition of the extant planning permission that permits the delivery of new homes. To remedy this 'Thameside West SIL 3' should be removed from the Map of Newham's Employment Designations' (page 188) and Table 6 'Strategic Industrial Locations' in recognition of the fact that the Site benefits from an implemented planning permission for residential led mixed use development. The strategic industrial designation and local centre opportunity designation should also be removed from the Site Allocation Map to align with the Hybrid Planning Permission.



## Policy H3 'Affordable Housing' & Policy H4 'Housing Unit Mix'

To meet Newham's policy priority to deliver more social rented homes policy H3 'Affordable Housing' requires residential developments on 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. 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.

Draft Policy H3 of the Newham Regulation Draft Local Plan would fail to comply with the London Plan (Policy H5) which sets the threshold level of affordable housing on gross residential development at

- 1) a minimum of 35 per cent; or
- 2) 50 per cent for public sector land where there is no portfolio agreement with the Mayor; or
- 3) 50 per cent for Strategic Industrial Locations, Locally Significant Industrial Sites and Non-Designated Industrial Sites appropriate for residential uses in accordance with Policy E7 Industrial intensification, co-location and substitution where the scheme would result in a net loss of industrial capacity.

To follow the Fast Track Route applications must meet the relevant criteria set by Policy H5(C). The London Plan also requires affordable housing to be provided as a percentage of the total number of habitable rooms or habitable floorspace, whereas draft Policy H3 seeks provision based on the number of units.

In addition to the misalignment with the London Plan we are concerned that the revised approach to affordable housing will impact on plan viability and the delivery of development in the borough. Given the impact on viability we would challenge whether the approach would meet the 'effective' test soundness. We note that the possible issues relating to the soundness of the plan in relation to affordable housing were noted at the Newham Council June 2024 Cabinet meeting.

The Council should amend Draft Policy H3 to require a minimum provision of 35% affordable housing based on the total number of habitable rooms, or 50% when development relates to public land or industrial land, in accordance with Policy H5 of the London Plan. The Council should also reconsider the split between social/affordable rent and intermediate products. In accordance with Policy H6 of the London Plan a minimum of 30% of the affordable housing should be provided as social/affordable rent, 30% as intermediate with the remaining 40% to be determined by the borough based on identified needs.

Similar concern around the effectiveness of the Local Plan is raised in relation to Policy H4 'Housing Size Mix' seeks to prioritise the delivery of family accommodation. Major residential development is required to provide 40% of the total number of dwellings with a minimum of three bedrooms, and at least 5% with a minimum of four bedrooms minimum. Policy H4 caps the number of one-bedroom homes at 20% of overall provision.

Developments that do not meet these requirements on site and the delivery of the required level of affordable housing under Local Plan Policy H3.1 will not be supported unless and accompanied by a detailed financial viability assessment, demonstrating that the maximum viable mix will be delivered.

The supporting text to the policy says that the housing size mix is justified by the findings of the Strategic Housing Market Assessment (SHMA) 2022 however the evidence of need also needs to be



balanced alongside viability considerations and the need to make effective use of land to meet the Councils housing numbers.

The unit size mix policy should be amended to provide a different housing mix requirement for affordable and private tenures with a preference for family homes to be delivered within the affordable tenures but with greater flexibility provided for private homes to ensure development is viable and crucially can support the delivery of affordable homes.

# **Conclusion and Next Steps**

SHL have significant concerns about the misalignment between the Thameside West Site Allocation and the Hybrid Planning Permission with respect to building heights and the SIL designation.

The building height parameters stated in the Site Allocation text and Policy D4 are significantly lower than what has been approved under the Hybrid Planning Permission and therefore would not be able to accommodate the approved quantum of homes upon which the Councils housing supply projections are predicated. Similarly, Policy J1 designates part of the Thameside West Site Allocation as SIL where residential development is not permitted, contrary to the Hybrid Planning Permission, which is now implemented.

The Councils affordable housing (H3) and unit size mix (H4) polices should also be reconsidered and amended to align with the London Plan and ensure that development is viable, and capable of supporting and delivering the maximum viable number of homes.

We trust th	าat S	HL's represent	ations w	ill be	consid	dered	by LBN be	fore the	Local Pla	n is finalised	and
submitted	for	examination.	Should	you	have	any	questions	please	contact		
or Josh Thomas							of this office.				

Yours faithfully,



DP9 Ltd.

