

Sara Chiong

From: Molly Morris <[REDACTED]>
Sent: 20 September 2024 11:04
To: Local Plan
Cc: [REDACTED]
Subject: LBN Regulation 19 - Representations (Berkeley Homes (South East London) Limited)
Attachments: Berkeley Homes (South East London) - Regulation 19 Representations .pdf

Follow Up Flag: Follow up
Flag Status: Completed

Good Morning,

Thank you for the opportunity to provide representations to the Regulation 19 Local Plan.

Please find enclosed representations prepared on behalf of Berkeley Homes (South East London) Limited.

Please may you confirm receipt?

Best,

Molly

Molly Morris
Associate
Planning



Savills, 33 Margaret Street, London, W1G 0JD

Tel: [REDACTED]
Mobile: [REDACTED]
Email: [REDACTED]
Website: [savills.co.uk](https://www.savills.co.uk)



NOTICE: This email is intended for the named recipient only. It may contain privileged and confidential information. If you are not the intended recipient, notify the sender immediately and destroy this email. You must not copy, distribute or take action in reliance upon it. Whilst all efforts are made to safeguard emails, the Savills Group cannot guarantee that attachments are virus free or compatible with your systems and does

not accept liability in respect of viruses or computer problems experienced. The Savills Group reserves the right to monitor all email communications through its internal and external networks.

For information on how Savills processes your personal data please see our [privacy policy](#)

Savills plc. Registered in England No 2122174. Registered office: 33 Margaret Street, London, W1G 0JD.

Savills plc is a holding company, subsidiaries of which are authorised and regulated by the Financial Conduct Authority (FCA)

Savills (UK) Limited. A subsidiary of Savills plc. Registered in England No 2605138. Regulated by RICS. Registered office: 33 Margaret Street, London, W1G 0JD.

Savills Advisory Services Limited. A subsidiary of Savills plc. Registered in England No 06215875. Regulated by RICS. Registered office: 33 Margaret Street, London, W1G 0JD.

Savills Commercial Limited. A subsidiary of Savills plc. Registered in England No 2605125. Registered office: 33 Margaret Street, London, W1G 0JD.

Savills Channel Islands Limited. A subsidiary of Savills plc. Registered in Guernsey No. 29285. Registered office: Royal Terrace, Glatigny Esplanade, St Peter Port, Guernsey, GY1 2HN. Registered with the Guernsey Financial Services Commission. No. 86723.

Martel Maides Limited (trading as Savills). A subsidiary of Savills plc. Registered in Guernsey No. 18682. Registered office: Royal Terrace, Glatigny Esplanade, St Peter Port, Guernsey, GY1 2HN. Registered with the Guernsey Financial Services Commission. No. 57114.

We are registered with the Scottish Letting Agent Register, our registration number is LARN1902057.

Please note any advice contained or attached in this email is informal and given purely as guidance unless otherwise explicitly stated. Our views on price are not intended as a formal valuation and should not be relied upon as such. They are given in the course of our estate agency role. No liability is given to any third party and the figures suggested are in accordance with Professional Standards PS1 and PS2 of the RICS Valuation –Global Standards (incorporating the IVSC International Valuation Standards) effective from 31 January 2022 together, the "Red Book". Any advice attached is not a formal ("Red Book") valuation, and neither Savills nor the author can accept any responsibility to any third party who may seek to rely upon it, as a whole or any part as such. If formal advice is required this will be explicitly stated along with our understanding of limitations and purpose.

BEWARE OF CYBER-CRIME: Our banking details will not change during the course of a transaction. Should you receive a notification which advises a change in our bank account details, it may be fraudulent and you should notify Savills who will advise you accordingly.

20 September 2024

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

The Savills logo consists of the word "savills" in a lowercase, red, sans-serif font, positioned within a yellow square.

Via email only: localplan@newham.gov.uk

33 Margaret Street W1G 0JD
T: +44 (0) 20 7499 8644
F: +44 (0) 20 7495 3773
savills.com

Dear Sir/Madam,

LONDON BOROUGH OF NEWHAM: DRAFT NEW LOCAL PLAN (REGULATION 19 OF THE TOWN AND COUNTRY PLANNING (LOCAL PLANNING) (ENGLAND) REGULATIONS 2012 (AS AMENDED)) CONSULTATION

BERKELEY HOMES (SOUTH EAST LONDON) REPRESENTATIONS

1. INTRODUCTION

Thank you for consulting us on Newham's Local Plan: Draft Submission Local Plan (Regulation 19), (hereafter 'DSLP') We write on behalf of our client, Berkeley Homes (South East London) Limited (hereafter 'Berkeley Homes'). Berkeley Homes commend the Borough progressing a new Local Plan in an effort to replace the out-of-date Newham Local Plan (2018).

Notwithstanding, Berkeley have a number of reservations around the DSLP and considers that, as in part currently drafted, is not positively prepared or consistent with national or regional policy.

As a landowner within the Borough, Berkeley Homes welcomes the opportunity to be involved in shaping the future of the London Borough of Newham (hereafter 'LBN') via the Regulation 19 consultation. This representation is submitted by Savills (UK) Limited (hereafter 'Savills') in response to the consultation.

Berkeley Homes is delivering TwelveTrees Park ('the Site') in the London Borough of Newham. Berkeley Homes secured planning permission for TwelveTrees Park in August 2018 and implemented the extant permission in 2021. This planning permission envisaged nothing less than a new neighbourhood. A neighbourhood with a new urban park at its core; a neighbourhood reconnected to transport; and a neighbourhood providing an environment in which thousands of people could live and work.

Construction of that neighbourhood has now begun. Visitors to site will see the groundwork for the first Phase of public realm; a new entrance into West Ham Underground Station together with new bridges over the railway; and the first 1,205 new homes coming out of the ground above new shops and workplaces, adjacent to the site of a new secondary school.

Offices and associates throughout the Americas, Europe, Asia Pacific, Africa, and the Middle East.

Savills (UK) Limited. Chartered Surveyors. Regulated by RICS.

A subsidiary of Savills plc. Registered in England No. 2805138. Registered office: 33 Margaret Street, London, W1G 0JD



Delivering the first phase of TwelveTrees Park has been a huge success for all stakeholders involved - the GLA, LBN and Berkeley Group - an ambitious, award winning and transformational partnership that has delivered despite the headwinds faced across the industry. However, it is as a result of some of these headwinds that the Applicant now needs to take stock if they are able to deliver the remaining phases of development with the same effect as the first.

Whilst the Applicant has worked hard to adapt the original permission to address these headwinds wherever possible through the Phase 1 build, it became clear, in order to capture all of the changes that would need to be made, that a fresh approach was required. An approach that holds onto what is good about the extant permission and seeks a variation to improve upon it and ensure deliverability has been submitted in the form of a Section 73 Application to amend the extant planning permission and Reserved Matters Application for Phase 2.

Berkeley Homes support the preparation of a New Local Plan for the Borough and wishes to emphasise the Site's potential to deliver a significant number of planning and public benefits. These benefits will be delivered through the Site's allocation for high-density mixed-use development, which enables the reuse of a brownfield site in a highly sustainable location, in accordance with national and regional policy.

This letter has been drafted further to Berkeley Homes' previous Regulation 18 Representations on the DSLP (dated 20th February 2023), where suggested amendments regarding to the DSLP were raised. Berkeley Homes notes that a number of their amendments have not been addressed in the preparation of the DSLP.

As mentioned, Berkeley Homes have recently submitted a Section 73 application and Reserved Matters Application to amend the extant permission. These proposals were subject to extensive pre-application engagement with LBN, the Greater London Authority ('GLA'), and the Borough's Design Review Panel ('DRP'). Through these meetings, the principles of the proposed land uses, height and massing, landscape, sustainability, and transport were discussed.

Berkeley Homes would welcome the opportunity to discuss the below representations with Officers in the coming months and further assist in the plan-making process going forward and to discuss the Site's potential to contribute towards the Borough's objectives by making the best use of this highly sustainable site that can contribute towards the growth of the Borough as a whole.

For the avoidance of doubt, Berkeley Homes will retain their right to submit hearing statements and speak at the forthcoming Examination in Public and they look forward to collaboratively engaging with LBN through the plan-making process, emphasising their commitment to partnership and open dialogue.

Background – Berkeley Homes (South East London) Limited

Berkeley Homes has a proven track record for delivering sustainable and inclusive mixed use regeneration projects across London and the South East and have a reputation for delivering high quality homes and associated uses. They work with key stakeholders to tackle the shortage of good quality homes and make a lasting and sustainable contribution to the landscape and communities that they create.

Berkeley Homes has a wealth of experience in delivering large scale, complex developments that include homes, workplaces, schools, community facilities, large area of public realm and new transport infrastructure. Our schemes are characterised by exemplary and sustainable design that take into account future climate change, that facilitates the creation of strong, inclusive communities, and that promote a net biodiversity gain.

Background – Wider Needs Context

No one disputes the fact that we have a housing crisis in London and Berkeley Homes supports the Borough's desire to address housing needs. However, in its current format, the DSLP is overly restrictive around a number of housing typologies and thus does not adequately address the pressures within the housing market as a whole.

The current housing crisis is a national issue, but one felt most acutely across the Capital. National demand for homes is thought to be close to 4.3 million homes, which would take half a century to rectify should the current annual target of 300,000 homes per annum from the Government be met¹. There has been persistent under-delivery in recent years. From a policy perspective, the NPPF (December 2023) notes at Paragraph 60 the objective of "significantly boosting the supply of homes". The London Plan recognises the scale of the problem to be solved, noting in the Mayor's foreword that there are "*no quick fixes to the housing crisis London faces*".

Following the issue of the draft NPPF in July 2024, the urgent need for housing delivery has been confirmed by the new Labour government. The draft NPPF makes clear that unlocking economic growth is linked to addressing the chronic under delivery of housing. A brownfield-first approach has been strengthened through the broadening of the definition and that substantial weight should be applied to ensure favourable decision making on brownfield land.

In 2019-20, 248,591 net dwellings were built in England falling to 217,754 in 2020-21 and for the subsequent two years the number of new homes has not exceeded 235,000. This represents a shortfall of more than

¹ <https://www.centreforcities.org/publication/the-housebuilding-crisis/#:~:text=Compared%20to%20the%20average%20European,homes%20a%20year%20is%20reached.>

263,655 homes during that four-year period. The downward trend in housebuilding is expected to continue. Private home starts are forecasted to drop by 25% this year, and completions by 19%².

Housing Delivery Test results show that only four Local Planning Authorities in London met their house building targets in 2022/2023. In response to this, in December 2023, Michael Gove commissioned a review of the Mayor of London's 'London Plan (2021)'. The review was undertaken by a panel of expert advisers, led by Christopher Katkowski KC. The purpose of the review was to consider whether there were specific changes that could be made to policies within the London Plan to facilitate increased delivery of new homes on Brownfield sites across the capital.

Following the review, the 'London Plan Review - Report Of Expert Advisers' was published in February 2024, which talks about the key findings and recommendations which might facilitate housing delivery on brownfield sites in London. The report set out that there is no dispute around the status of the housing crisis in London, and the supply of homes has failed to keep up with the increase in jobs, population, and consequently, housing demand. It is therefore considered that the delivery target will need to further increase to 62,300 homes per annum to address this deficit. The consequences of housing under-delivery have particular significance on economic, societal and physical impacts, notwithstanding those who face homelessness or are forced into poor-quality accommodation.

The London Plan Review Report recommended the introduction of a presumption in favour of granting planning permission for proposals which comprise or include residential development on Brownfield (previously developed) land. Local Authorities would be subject to the presumption where they fail to meet their target, a category into which Newham falls (delivering just a handful affordable homes in the first quarter of 2024). In applying the presumption, substantial weight is to be given to the benefits of delivering homes. Should it be adopted, the presumption means granting planning permission as quickly as possible unless the benefits of doing so would be significantly and demonstrably outweighed by any adverse impacts which would arise from not following policies in this Plan – any emerging policy should have regard to this.

Most recently, in July 2024, and following the change in administration to Labour, the Deputy Prime Minister gave a statement on changes to national planning policy to respond to the national demand for homes, which included the reintroduction of mandatory local housing targets and changing the standard method used to calculate housing need to better reflect the urgency of housing supply for local areas. Housing targets have since increased from 300k to 370k.

² <https://www.building.co.uk/focus/uk-housebuilding-recession-how-much-worse-is-it-going-to-get/5126399.article>

Solving the housing crisis is of critical national importance and policy should be shaped to ensure a significant delivery of new homes is achievable.

Taking the above into account, for the reasons set out within this letter, Berkeley Homes recommend the delivery of a suitable planning framework to allow Newham to better combat this crisis over the next Plan period. Furthermore, Berkeley Homes support the accelerated delivery of brownfield sites which can make a compelling contribution towards the acute national, regional, and local need for additional housing.

Background – Newham’s Housing Delivery

At a local level, Newham (including the area of the borough administered by the London Legacy Development Corporation) has one of the largest housing targets in the whole of London, with a requirement to deliver 47,600 homes in the ten years to 2029. Newham has also consistently had the highest rates of homeless households in temporary accommodation in the country, with 6,070 residents living in temporary accommodation as of September 2023.

Given the above, it is clear that any new Plan will need to incentivise delivery by setting targets that are realistic and deliverable, as well as recognising the role that other high density development can play in meeting the differing needs of residents across the Borough. In addition, the Borough will need to recognise that development will become more viable where cost burdens are reduced, and policy takes a pragmatic approach to introducing a level of flexibility within policies.

2. LEGISLATIVE FRAMEWORK

The Planning and Compulsory Purchase Act 2004 is the primary legislative act that provides the basis for the plan-led system in England. It is supported by other legislative instruments, including the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended), which provide further details on the process for the Council to prepare and adopt the Local Plan and other supporting documents.

National Policy Context

Paragraph 35 of the National Planning Policy Framework ('NPPF', September 2023) states that for an emerging Local Plan to be found 'sound', it must satisfy the below four criteria:

- **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; and
- **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.

In London, Local Plans are also required to be in 'general conformity' with the London Plan.

It is Berkeley Homes' view that the DSLP has not been positively prepared as it fails to meet objectively assessed needs. It is not effective as it places too much of a financial burden on development. It is not consistent with national policy as it will fail to meet its objectified need for homes.

The comments of Berkeley Homes in respect of this Regulation 19 DSLP are set out below. It is hoped that the Council find these of use in their ongoing preparation of the draft.

3. MAIN REPRESENTATION

The following sections set out our comments on each in turn.

Suggested amendments to draft Local Plan re: [reference inserted]
 Deletions shown as ~~strikethrough text in red~~; and
 Additions shown as underlined text in green.

Vision and Objectives

The Berkeley Homes supports the vision and objectives that is outlined within the Regulation 19 draft of the Local Plan Refresh and agrees that the vision for the transformation of Newham should be based on building a fairer, healthier and happier borough where creativity, diversity, an inclusive economy and community spirit can flourish and where residents feel proud of where they live.

We welcome reference to TwelveTrees Park and agree that this site aligns with the vision for LBN. Notwithstanding this, as currently drafted, the wording suggests more of a focus on business growth at TwelveTrees Park:

“Developments across our neighbourhoods will create new green and well-designed genuinely affordable homes. New spaces where businesses can grow, including in the Beckton Riverside, Twelvvetrees Park and Former Bromley-By-Bow Gasworks and Thameside West site allocations will create high quality and well-paying local jobs – ensuring wealth created in our community stays in our community.”

TwelveTrees Park, as amended, seeks to deliver circa 4,700 homes which will make a significant contribution to housing delivery within the borough. Whilst TwelveTrees Park will deliver a range of non-residential uses and employment opportunities, from a policy perspective, the site is not designated as an area for new employment floorspace where most of the employment floorspace will come forward. We therefore suggest the following amends to ensure the site is reflected correctly:

“Developments across our neighbourhoods will create new green and well-designed genuinely affordable homes. ~~New spaces where businesses can grow~~, including in the Beckton Riverside, Twelvvetrees Park and Former Bromley-By-Bow Gasworks and Thameside West site allocations will create high quality and well-paying local jobs – ensuring wealth created in our community stays in our community.”

The Local Plan Refresh outlines seven key objectives, many of which align with the Berkeley Group’s own objectives for their development sites. In particular, the Berkeley Group welcomes the inclusion of the objective to create an inclusive economy (objective 2); create people-friendly neighbourhoods with green and clean

streets (objective 3); safer Newham where no-one feels at risk of harm (objective 4); delivering homes for residents (objective 5) and supporting young people to have the best start in life and reach their potential (objective 6).

Draft Policy BFN1: Spatial Strategy

Overall, the Berkeley Homes supports the proposed spatial strategy which seeks to direct development to all of Newham's 16 neighbourhoods to distribute the benefits of growth (part 1) and to direct significant levels of growth including to N7 Three Mills neighbourhood, which forms part of the cross boundary Poplar Riverside Opportunity Area (part 1 (a) (ii)).

We consider this to align with the spatial strategy set out in the adopted London Plan, which is welcomed.

Draft Policy BFN2: Co-Designed Masterplanning

The benefits of comprehensive masterplanning and development are acknowledged, however Berkeley Homes has a number of concerns with the implementation of proposed policy BFN2, as were raised within the Regulation 18 representation. The principle of piecemeal delivery is understood however it is not clear what LBN mean by piecemeal development in the context of this policy. A number of strategic site allocations within the Local Plan are either subject to multiple site ownerships or by virtue of their size and would typically come forward as phased developments.

TwelveTrees Park and Bromley by Bow Gasworks are an example of a site (allocation) that is in two separate ownerships where one part of the Site was ready to come forward for redevelopment several years before the remaining part of the Site.

Sites should be designed and developed comprehensively. ~~Piecemeal delivery will be resisted, particularly where it would prejudice the realisation of the relevant neighbourhood vision, neighbourhood policy, site allocation development principles and/or site allocation design principles or where the timing of delivery would be unsupported by infrastructure.~~

With regard to part 2 and Part 4, we suggest that a design led approach can still be followed, without precluding development coming forward at different times by different land owners. Whilst it is acknowledged that there is merit in a joint up approach to masterplanning, we are concerned about the implementation of this policy and the prescriptive nature in which developers would need to engage which in turn may result in undue delays to the delivery of homes.

All major applications and applications on site allocations must undertake co-designed site masterplanning, through engagement with different stakeholders. This masterplanning ~~must~~ could consider all of the following:

- a. how the required land uses and infrastructure provision on the site ~~will~~ could be delivered;*
- b. relevant neighbourhood and/or site allocation design principles;*
- c. integration of the scheme with its wider surroundings, including any effects on the historic environment;*
- d. delivery of key walking and cycling connections within the site and to and from key local facilities;*
- e. layout of the site to ensure neighbourliness; and*
- f. how Biodiversity Net Gain will be delivered on site, natural features ~~will~~ could be incorporated and appropriate mitigation for environmental harm made.*

4. All phased sites, where parts of the site will remain vacant or underused for more than three years, must submit a Meanwhile Use Strategy which will outline how vacant and underused plots will be activated, ~~where site specific circumstances allow~~.

Berkeley Homes consider this policy as drafted is **not justified**. The application of **draft Policy BNF2** is likely to discourage development and unduly restrict LBN's ability to deliver the wider objectives of the DSLP. The policy as drafted is also therefore **not effective**. Berkeley Homes consider that the proposed changes set out above would fix these issues and ensure full **compliance** with national policy and ensure the policy is **effective** and **sound**.

Draft Policy BFN3: Social Value and Health Impact Assessment – delivery social value, health and wellbeing

Berkeley Homes welcomes LBN's recognition of the importance of Social Value, putting health, happiness and wellbeing at the heart of LBN's work.

Draft Policy BNF3 states:

Major development, and proposals where potential health or social value issues are likely to arise, must undertake a screening assessment as early as possible in the development process, to determine whether a Social Value and Health Impact Assessment (SV-HIA) is required.

Whilst Berkeley Homes are supportive of the principle of incorporating Social Value into schemes, we consider the requirement to provide a Social Value and Health Impact Assessment (SV-HIA) through a screening assessment to be provided to be overly prescriptive. We consider that this information will already be captured

within various parts of the planning application including EIA, S106 obligations, Statement of Conformity, Design and Access Statement etc. It is considered that adding an additional assessment will cause more complications to the preparation of planning applications which in turn has a knock on impact on cost. Given the information will already be provided as part of validation requirements, we cannot see how this proposal will add any added value over and above what is already provided.

As made clear in the new Government's draft NPPF, Labour are seeking to simplify and avoid unnecessary complexity to ensure the delivery of homes can come forward quicker than in recent years. We therefore do not consider this policy to be **effective** and is inconsistent with the drive to effectively deliver new homes at pace.

Draft Policy BNF4: Developer contributions and infrastructure delivery

Draft Policy BNF4 seeks to secure development contributions and infrastructure delivery. It is important to recognise that to ensure the delivery of a scheme, a balance needs to be struck between the various factors that can sway the viability of a development (CIL, S106 obligations, affordable housing delivery, infrastructure etc.). As acknowledged in Part 3 of this policy, there are circumstances where substantiated financial viability constraints need to be accepted and a balance struck to ensure a scheme is deliverable.

Notwithstanding this, we we have provided comments on this policy to ensure developers are able to continue to deliver within the borough. Draft Policy BNF4 part 2 states:

Where a site is not proposing to meet all policy requirements or related obligations on viability grounds, applicants must:

- a. explore all available options (including review mechanisms, flexible trigger points or phased payment of contributions) to reduce the viability gap and secure much needed contributions; and*
- b. submit a financial viability assessment. This assessment will be made public and subject to independent scrutiny at the applicant's cost.*

Berkeley Homes considers that this policy is not consistent with London Plan Policy H5. London Plan Policy H5 secures the Viability Tested Route which assess the maximum level of affordable housing that a scheme can deliver in cases where the threshold level of affordable housing cannot be met and where fixed or minimum affordable housing requirements are not in place. This policy is specific to affordable housing only and ensures that where policy compliant levels of affordable housing are not provided, there is a review mechanism in place and how this should be applied.

The approach proposed in BNF4 is inconsistent with H5 through the requirement for a viability assessment where *'a site is not proposing to meet all policy requirements or related obligations on viability grounds'*.

In our view, the Development Management process should determine the most appropriate form for individual sites and to determine where policy requirements or related obligations may deviate from the complaint position. The Development Plan must be applied through a Development Management framework to allow for the delivery of new homes and affordable homes.

Draft Policy D2 – Public realm next gain

Draft Policy D2 seeks to ensure the delivery of high quality public realm, aligning with Berkeley Homes' aspiration to deliver high quality spaces within their developments.

Draft Policy D2 (2d) seeks to ensure the delivery of formal playspace requirements in the public realm. We consider that this requirement should be subject to site specific circumstances and only where there is opportunity to do so. The assessment of play provision within major developments must be considered fairly and against the actual requirements of planning policy and balancing all other factors such as Biodiversity Net Gain, Urban Greening Factor, SuDs strategy etc. In addition, play provision that is not within the public realm, should not be discouraged. For example, podium playspace provision within higher density development should not be prohibited because of this policy aspiration. We therefore suggest the following amendment:

*In areas of deficiency of access to children's play space, major developments that generate an over-5s child yield at ten or above are strongly encouraged to deliver part of their formal playspace requirements within the public realm, and/or provide additional formal or informal playspace in the public realm that is over and above the floorspace requirements set out in Local Plan Policy H11 and/or the site allocation, **taking into account site specific circumstances.***

Policy D2 Part 3 requires major developments to make a proportionate contribution towards public realm enhancements and maintenance beyond the site boundary and states:

*All major developments referable to the Mayor of London are required to make a proportionate contribution towards public realm enhancement and maintenance beyond the site, as informed by an Active Travel Zone Assessment (TfL), **subject to viability.***

This requirement should be informed by the financial viability of the Site as developments need to weigh the balance of other contributions and public benefits being made to ensure the deliverability of a site.

Draft Policy D4: Tall Buildings

Berkeley Homes places great emphasis on high quality design, creating bespoke masterplans which are designed in collaboration with local stakeholders and ensure each site is delivered with a design led approach responding to the individual opportunities and constraints that exist on each site. It is acknowledged that a design process needs to take place to ensure the delivery of high quality tall buildings to allow for high quality places.

Notwithstanding this, we raise significant concerns with regards to the overly prescriptive nature of the 'Height Range Maximum' in draft policy D4. Table 1: Tall Buildings identifies maximum height range within Tall Building Zones.

TwelveTrees Park sits within TBZ15: West Ham Station, N7 Three Mills. Table 1 states that the height range maximum in this location will be:

50m (ca. 16 storeys) and 32m (ca. 10 storeys) and 100m (ca. 33 storeys) in the defined areas

We consider this to be overly prescriptive and undermines the opportunity to optimise sites, impacting the delivery of homes and affordable homes within the borough. The London Plan provides a recently adopted policy basis for assessment, calling for optimisation of capacity across brownfield land, a design led approach to density, and recognising that tall buildings can be appropriate where assessed positively against the criteria set out in London Plan Policy D9 Part C.

London Plan Policy D3 Part A states that *"All development must make the best use of land by following a design-led approach that optimises the capacity of sites, including site allocations"*. Part B states that *"Higher density developments should generally be promoted in locations that are well connected to jobs, services, infrastructure and amenities by public transport, walking and cycling"*. We consider the approach to tall buildings within Site Allocation N7.SA1: Abbey Mills to be inflexible and an inappropriate strategy for the borough to be able to encourage and deliver appropriately optimised sites. Optimising sustainable brownfield sites is a strategy that is reiterated in both London Plan Policy D3 (Optimising site capacity through the design-led approach) and paragraph 129 of the National Planning Policy Framework.

London Plan Policy D9 Part B (2) states that *'Any such locations and appropriate tall building heights should be identified on maps in Development Plans'* therefore, Local Plans have the ability to cite what height may be 'appropriate' in certain locations. The recommended height provisions should remain flexible, as a judgement should be made through the Development Management process in regards to what an acceptable height may be, in regards to the impact tests set out in Part C of the London Plan policy.

Ultimately, we maintain the view that it is for the Development Management process to determine the most appropriate form of design for individual sites. The Development Plan should aid the optimisation of suitable brownfield sites in Newham as opposed to setting a prescribed physical form of development.

Berkeley Homes consider this policy as drafted is **not justified**. The application of **draft Policy D4** is likely to discourage development and unduly restrict LBN's ability to deliver the wider objectives of the DSLP. The policy as drafted is also therefore **not effective**.

Draft Policy H3 (Affordable Housing)

Berkeley Homes supports the Borough's desire to address affordable housing needs within Newham. We note that draft Policy H3 states *"residential developments on individual sites with the capacity to deliver ten dwellings (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"*. As confirmed at paragraph 3.181, Newham seek to deliver 60 per cent of all new homes as affordable housing.

We note the inclusion that the target be applied on a 'subject to viability' basis taking site-specific circumstances into account. This reflects the Council's current practice and also the 'viability tested' route in Policy H5 of the 2021 London Plan.

Notwithstanding this, Berkeley Homes raises concerns within regard to conformity with London Plan Policy H4 and lack of clear evidence within the published evidence base to fully support this policy.

London Plan Policy H4 (Delivering Affordable Housing) states the strategic target is for 50% of all new homes delivered across London to be genuinely affordable. The policy is not in line with current London Plan requirements. We therefore consider this policy to be inconsistent.

Furthermore, we note that within the Local Plan Viability Assessment, BNP Paribas found that *'the results do not point to any particular level of affordable housing that a majority of schemes can viably deliver but the results do indicate that there are some development circumstances in which the emerging policy target of 60% could be viable.'* Additionally, the assessment states that at 60% affordable housing, *'testing indicates that fewer developments are viable with this percentage of affordable housing in comparison to 35% to 50% affordable housing.'*

Whilst we understand that the policy is intended to ensure the maximum number of affordable homes are capable of being delivered, there is little evidence to suggest that a 60% target will ensure a greater number of

homes. In turn, we highlight concerns that a strategic 60% target will fetter development with developers unable to deliver a viable scheme.

Additionally, the evidence base also demonstrates that sites that deliver additional benefits such as community infrastructure or transport infrastructure, a significant proportion of the value generated by private housing will be used to cross-subsidise this infrastructure, limiting the amount of value available to provide affordable housing.

As set out in the evidence base, only 'some' schemes will be able to deliver 60% affordable housing. This means that the vast majority of applications will be subject to viability. In our experience, these viability negotiations are typically lengthy for both the developer and local authority, creating additional cost, risk and uncertainty. In turn, there is a concern that this could result in developers looking elsewhere instead of investing in Newham, ultimately hampering the ambitions the borough has for a 'fairer, healthier and happier' place for its residents.

We therefore consider that the 60% strategic target will adversely impact the delivery of new development within the borough whilst increasing uncertainty, unaffordability, reducing community and transport commitments, reducing build quality and sustainability commitments, and also suppressing economic growth.

Fundamentally, it is considered that the conclusions regarding affordable housing delivery are made without reasonable justification and evidence as required under the PPG, which states that Local Plans should be positively prepared and supported by appropriate, substantiated evidence. We consider that the Council has at this stage not published a sufficient level of analysis and there is an insufficient information base from which to effectively engage with the consultation process.

The policy as drafted discourages viable developments to come forward, thereby making the policy not deliverable and not effective.

Draft Policy H4 (Housing Mix)

We note that draft Local Plan Policy H4 (Housing Mix) seeks to provide a mix and balance of residential types and sizes, Berkeley Homes is supportive of the need to deliver a range of housing types. Draft Local Plan Policy H4 sets out the following requirements in terms of housing mix:

New residential developments on individual sites with the capacity to deliver ten dwellinghouses (C3) or more should deliver 40 per cent of the number of new residential units as family dwellinghouses (C3) with three or more bedrooms.

New residential developments on site allocations should provide a minimum of five per cent of the proposed residential units as four or more bed affordable family dwellinghouses (C3).

New residential developments on individual sites with the capacity to deliver ten dwellinghouses (C3) or more should deliver no more than 15 per cent of the number of new residential units as one bedroom, two person dwellinghouses (C3).

New residential developments on individual sites with the capacity to deliver ten dwellinghouses (C3) or more should deliver no more than 5 per cent of the number of new residential units as studio or one-bedroom, one person dwellinghouses (C3).

We would suggest that when considering comprehensive redevelopment proposals within site allocations, more flexibility should be afforded in regard to the proposed tenure split. Currently draft Policy H4 is restrictive in its wording and does not allow for individual sites to be developed both feasibly and based upon their own design merits. It is also considered that the requirement for 40% family sized dwellinghouse is excessive and would not be suitable in all parts of the borough and all development types. It is recognised that there may be a greater need to deliver family social rented homes in the borough and this target should be focused on affordable tenures of this type. However, it is not appropriate for set bedroom mix targets for market or intermediate housing. There is not policy support for delivering market homes that do not reflect market demand.

As in line with paragraph 31 of the NPPF, which states that policies should 'take into account relevant market signals', we suggest the following wording is added to allow for the market to dictate whether 40% family homes is appropriate.

New residential developments on individual sites with the capacity to deliver ten dwellinghouses (C3) or more should aim to deliver 40 per cent of the number of new residential units as family dwellinghouses (C3) with three or more bedrooms, taking into account market signals.

New residential developments on site allocations should aim to provide a minimum of five per cent of the proposed residential units as four or more bed affordable family dwellinghouses (C3), taking into account market signals

Making this change would provide flexibility and it will ensure that the draft local plan is **effective** in its delivery.

Draft Policy H11: Housing Design Quality

Draft Policy H11 seeks to ensure that housing developments are design for long term comfort and flexibility. Berkeley Homes is aligned with LBN's ambition to deliver high quality homes.

Notwithstanding this, we provide comments on this policy to ensure that sites are able to come forward and able to be adaptable to market forces and site specific circumstances. On this basis, we comment on the following points of Draft Policy H11.

2(b) ensure the number of dual-aspect dwellings are maximised, including all three or more bedroom dwellinghouses (C3) which must be dual-aspect

Berkeley Homes recognises the benefit of maximising dual aspect homes. Notwithstanding this, there are sometimes site specific circumstances that mean delivering dual aspect homes in three or more bedroom homes is challenging. We therefore consider that this policy will result in challenges in delivering family homes, which may in turn stifle the quantum that a developer is able to provide or result in additional costs which may have a bearing on viability and affordable housing delivery. Therefore, Berkeley Homes would welcome additional flexibility into this policy and suggest the following:

*2(b) ensure the number of dual-aspect dwellings are maximised, including all three or more bedroom dwellinghouses (C3) which must be dual-aspect, **subject to site specific circumstances***

With regard to point 4 of this policy, we note reference to Newham's forthcoming 'housing design needs study':

4. Development referable to the Mayor of London should design a proportion of social rent rooms in accordance with the recommendations of Newham's forthcoming 'Housing design needs study' guidance.

Without this document available, we are not able to provide specific commentary, however, we encourage LBN to ensure that this is a balanced document that does not fetter the delivery of social rented homes within the borough. Berkeley Homes would also welcome the opportunity to be consulted on this document once available.

We note point 5 of this policy seeks to add additional requirements with regard to the delivery of external communal amenity spaces:

- a. *provide 50m² for the first ten residential units or private rooms (if not self-contained) and 1m² for each additional residential unit or private room (if not self-contained)*

As required of the London Plan, any new development should come forward through a design led process. With this in mind, we note that there is increasingly scarce brownfield sites left in London. On this basis, architects will need to be able to design schemes with flexibility to ensure the remaining brownfield sites (of which are likely the most constrained) are able to come forward. Whilst Berkeley Homes recognises the importance of communal amenity, we consider that this should be able to come forward as part of this design led process and able to react to any site specific constraints to ensure schemes are optimised for the delivery of homes.

Draft Site Allocation N7.SA2 Twelvetreestrees Park and Former Bromley By Bow Gasworks

TwelveTrees Park sits within site allocation N7.SA2. along with Bromley By Bow Gasworks. Berkeley Homes welcomes LBN's agreement that this is a location suitable for residential and mixed use development.

However, we raise a series of concerns with regard to the current drafting of the site allocation which we consider to be overly restrictive and risks stifling development. We therefore make the following comments:

Design Principles - Residential development, employment uses, main town centre uses and social infrastructure including community facilities, health centre, education uses, and open space

Berkeley Homes welcome's the range of uses identified as suitable for this site. Given the highly accessible location of TwelveTrees Park, it is considered to be an ideal location for development and this is reflected in the range of uses included in the site allocation.

Notwithstanding this, we suggest that there is an opportunity to consider a wider range of employment uses, with the following amendment:

*Residential development, employment **generating** uses, main town centre uses and social infrastructure including community facilities, health centre, education uses, and open space*

We consider the addition of 'generating' will allow for a wider range of employment uses to come forward, particularly given the latest Employment Land Review directs office floorspace to Stratford and not in this location. There is an aspiration to deliver a vibrant and mixed community at TwelveTrees Park and policy should be flexible to allow this to come forward in a variety of ways.

Design Principles - Development on the remainder of the site should deliver the same quantity of employment floorspace as the permitted scheme.

Berkeley Homes has undertaken extensive consultation with LBN Officers since implementation of the planning permission to ensure the delivery of TwelveTrees Park. This has resulted in the submission of a series of non-material amendments and most recently a Section 73 and Reserved Matters Application.

Given the scale of TwelveTrees Park, it is inevitable that adaptations to the scheme will be needed in order to react to market forces and environmental changes.

We therefore find this drafting to be overly restrictive and does not consider that masterplans need to adapt in order to ensure their continued delivery. We therefore suggest the following amendment:

Development on the remainder of the site ~~should~~ could deliver a range of employment generating uses the same quantity of employment floorspace as the permitted scheme.

Design Principles - Building heights should range between 9 – 21m (ca. 3 – 7 storeys) around the Gasholders 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 add wayfinding and with consideration given to marking the local centre. Massing should step down towards the Gasholders to sensitively integrate with the heritage assets. Buildings should set back from the watercourse to avoid overshadowing.

As previously mentioned, in July 2024, Berkeley Homes submitted a Section 73 application and Reserved Matters Application to Phase 2 of TwelveTrees Park. Prior to submission, Berkeley Homes undertook extensive engagement with LBN Officers and the DRP through a design-led process to work up the proposed amendments that seek to optimise the delivery of homes and affordable homes.

Through this process, the Applicant team tested various massing options and worked collaboratively with the Officers and DRP to deliver an optimised scheme. The heights at TwelveTrees Park, as amended by the Section 73 application, will range from 16 storeys to 38 storeys.

As part of the submission of the Section 73 and Reserved Matters Application, a suite of documents including Heritage, Townscape, Visual Impact Assessment and Daylight Sunlight Assessment, have been submitted. The supporting documents justify the increase in massing and its acceptability in townscape and environmental terms and that the proposals are in accordance with London Plan Policy D9.

Policy must create the greatest opportunity to maximise the number of homes and affordable homes, particularly where there is evidenced need such as in Newham where there is a requirement to deliver 47,600 homes in the ten years to 2029. Newham has also consistently had the highest rates of homeless households in temporary accommodation in the country, with 6,070 residents living in temporary accommodation as of September 2023.

As demonstrated, where a Development Management framework is in place and appropriate policy to enable a design-led approach to tall buildings and to determine the appropriate optimised massing response, we raise concern about defining heights as this may undermine a sites ability for optimisation. When the need to deliver homes and affordable homes is so great, this policy is **not effective** and will impact the delivery of the LBN's policy vision.

We therefore suggest the following amendment to ensure a design led approach is maintained and policy is consistent with London Plan D9:

Building heights should ~~range between 9 – 21m (ca. 3 – 7 storeys) around the Gasholders 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~~ be defined through a design-led process to add wayfinding and with consideration given to marking the local centre.

Infrastructure requirements - Development should deliver an automated vacuum waste collection system to service all Local Authority Collected Waste generated by the development, in accordance with the requirements of Local Plan Policy W3.8

TwelveTrees Park is an implemented planning consent and the delivery of Phase 1 is well underway. This means that there is an existing waste management strategy in place. It would be impractical and unviable to amend the strategy secured within the extant permission. We therefore suggest that this wording be deleted.

Berkeley Homes consider this policy as drafted is **not justified**. The application of the draft site allocation is likely to discourage development and unduly restrict LBN's ability to deliver the wider objectives of the DSLP. The policy as drafted is also therefore **not effective**. Berkeley Homes consider that the proposed changes set out above would fix these issues and ensure full **compliance** with national policy and ensure the policy is **effective and sound**.

3. Conclusion

The overriding response is that the Local Plan should not put in place policies that fetter development opportunities from being brought forward or that mean those tasked with major development investment decisions must operate at the margins of viability. Following recent experience, rapid economic changes such as the COVID-19 pandemic, ongoing conflict in Ukraine, increases in interest rates, and market uncertainty can have a significant and long-lasting market impact. It is therefore important that policies are therefore resilient, and that underlying viability evidence supports this.

The importance of flexibility is reinforced when taking account of the many changes regularly taking place in the development industry, not only related to the recent global pandemic, but also in respect of the building regulatory system and substantial cost inflation and market uncertainty. For a plan that operates over several years and whose next review may not take place for some time, it is important to consider the likely impacts now to avoid unnecessary challenges in future years through flexibility.

Taking the above into account, it is our conclusion that the DSLP would not be considered 'sound' in accordance with Paragraph 35 of the National Planning Policy Framework (NPPF) given it is not positively prepared, effective, justified, or consistent with the London Plan.

Some of the items noted above in their current form would constrain potential redevelopment options and would therefore, not be effective in their delivery and would not be consistent with national policy, notably the restriction of tall building heights and affordable housing requirements. Therefore, it is considered that in its current format the draft Local Plan is considered not sound.

We welcome the opportunity to comment on the draft Plan and look forward to future opportunities to engage with the Council. If you have any queries or would like to discuss anything further, please do contact me on the details above.

Yours sincerely,

A solid black rectangular box used to redact the signature of the sender.

Savills Planning