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## Hearing Statement:

- Matter 6 – Creating a High Quality Built and Natural Environment
- Matter 13 – Sub Area 4 Bromley By Bow, Pudding Mill, Sugar House Lane and Mill Meads

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LLDC Examination in Public

Prepared by Savills on behalf of Bellway Homes (Thames Gateway)

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## 1. Introduction

- 1.1. These representations are made on behalf of Bellway Homes (Thames Gateway) with specific reference to their interests in land at Pudding Mill. Their interests are:
- Land north east of Cooks Road: Legacy Wharf Phase 1. Planning permission secured in 2016 and development nearly completed;
  - Land north east of Cooks Road: Legacy Wharf Phase 2. Landowners and emerging scheme prepared;
  - Land at Barbers Road: Phase 3. Emerging scheme;
- 1.2. Section 3 of the NPPF sets out guidance for Local Planning Authorities (LPA) to follow to make a plan. Of relevance is paragraphs 15, which requires the planning system to be “*genuinely plan-led*”, whereby “*Succinct and up-to-date plans should provide a positive vision for the future of each area; a framework for addressing housing needs and other economic, social and environmental priorities; and a platform for local people to shape their surroundings.*” and paragraph 16 explains out the role, purpose and preparation requirements of plans.
- 1.3. Paragraphs 35 and 36 go onto consider the examination of plans, with Paragraph 35 setting out that Plans are ‘sound’ if they are: Positively prepared; b) Justified; c) Effective; and d) Consistent with national policy, and paragraph 26 setting out “*These tests of soundness will be applied to non-strategic policies in a proportionate way, taking into account the extent to which they are consistent with relevant strategic policies for the area.*”
- 1.4. Our comments on the matters consider the soundness of the plan in line with Section 33 of the Inspector’s Examination Guidance Note.

## 2. Matter 6 – Creating a High Quality Built and Natural Environment

- 2.1. NPPF Paragraph 20 advises that strategic policies should set out an overall strategy for the pattern, scale and quality of development, and make sufficient provision for housing, infrastructure and community facilities. Further guidance is set out in Section 12 of the Framework on achieving well designed places.
- 2.2. Matter 6 covers multiple topics which are relevant to NPPF paragraph 20. Given the extensive nature of the Matter, we are only providing representations on behalf of Bellway to those which are most relevant to their interests, as follows: 6.2 Quality of Design (Policies BN4) and 6.3 Tall Buildings (Policy BN5).
- 2.3. We address each sub-matters set out above in turn.

### Policy BN4 (Designing Development)

**MIQ: 6.2 Quality of Design: Are policies BN4 (Designing development) and BN6 (requiring inclusive design), justified and sufficiently robust to meet not only existing challenges but those which could arise from the likely intensification of development over the plan period? Do they accord with national planning policy, as expressed in section 12 of the Framework, and the relevant policies in the London Plan?**

- 2.4. Bellway supports the policy's requirement for all residential development to be of the highest quality (part 1 and 2 of the policy), which aligns with the Government's requirement to deliver well designed places and well designed homes, as well as the Mayor's housing agenda. Part 2 of the draft Policy could reference the Mayor's Housing SPG as a reference document, as this provides useful guidance for new housing and design solutions for constrained sites in urban locations.
- 2.5. We generally support the thrust of part 3-14 of the policy and feel that it has been positively prepared. However, the effectiveness of the policy is somewhat dependant on the decision making process to ensure that the principles and criteria are not applied in an overly prescriptive manner in the determination of application. Such approach could prevent the use innovative design solutions to optimise density and brownfield development potential.
- 2.6. It would be helpful, in the context of intensification and the drive for delivering new homes for new text to be inserted which explains that "*the appropriateness of proposal will be assessed on its own merits*". This is specifically important given that large parts of the LLDC area are allocated for redevelopment and therefore the surround context is rapidly changing. This would improve the effectiveness of the policy and make it consistent with National and Mayoral guidance.
- 2.7. Overall it is considered that this Section generally complies with Section 12 of the NPPF and the tests set out at paragraph 35, subject to the above points being taken into account to ensure that the policy position is flexible and does not restrict intensification.

## Policy BN5 (Proposals for Tall Buildings)

**MIQ: 6.3 Tall Buildings:** *Is policy BN5 (proposals for tall buildings) justified and effective, and in line with national policy as set out in section 12 of the Framework and the relevant policies in the London Plan, and in particular:*

**MIQ: 6.3 (i)** *Is the policy definition of tall buildings to be “those that are higher than a Sub Area’s prevailing or generally accepted height (as set out in tables 10, 11, 12, and 13)” appropriate for the LLDC area? If not, what is an appropriate and justified definition for tall buildings in the Plan Area?*

- 2.8. In accordance with draft London Plan Policy D8, the LLDC has prepared their own definition of tall buildings and identified tall building locations.
- 2.9. Generally, Bellway considers that the policy definition which has been prepared by the LLDC, to be inappropriate as it provides a very ridged and an inflexible point of delineation between “prevailing heights” or “generally accepted heights” in the context of tall buildings. Additionally, the policy fails to acknowledge draft London Plan policy D2 part D 2) and D8 subtext para 3.8.2 which sets a 30 metre height limit for tall buildings outside of the Thames Policy Area, in the absence of a local level definition. Consistency with regional policy should therefore be incorporated to ensure that the plan is effective and justified.
- 2.10. To ensure that the definition is effective and positively prepared Tables 10, 11, 12 and 13 within the emerging plan should be removed to allow optimised development potential and density in accordance with NPPF Section 11 and secure well designed buildings in accordance with Section 12 of the NPPF. With specific regard to Table 13, there is no justified evidence demonstrated by the LLDC to support the 21 metre generally accepted height which is proposed. Further comments on this point are set out in Bellway’s hearing statement for Matter 13 (see below), with regards to Table 13.
- MIQ: 6.3 (ii)** *Is the general focus of the Plan, to locate tall buildings within the Centre boundaries as defined in the Plan, justified? Do all these areas have high PTAL ratings?*
- 2.11. Overall Bellway considers that the direction of the policy to focus tall buildings with the centre boundaries as defined in the plan is not justified and is overly restrictive. The approach is felt to be uncompromising, at a discord with the NPPF’s need to make efficient use of land and the Mayor’s drive to deliver more housing in London. The policy is therefore not positively prepared.
- 2.12. Bellway strongly consider that the appropriateness of tall buildings should be considered on a site by site basis, and proposals for tall buildings should be a product of a design led approach which considers, the existing and emerging context, site accessibility, wider regeneration benefits, architectural approach and potential impacts of the development proposals. The effectiveness of the Policy would be enhanced with this approach being incorporated.
- 2.13. Intensification of land within the borough, including through the delivery of tall buildings should be promoted to optimise the opportunity to meet and significantly increase the strategic housing and employment needs of the borough. We note that the Policy seeks to do this, but there is no justification as to why other areas, outside of the centre boundaries, cannot deliver these aims too. Therefore the policy doesn’t meet the tests set out in Paragraph 35 of the NPPF.

2.14. Additionally, focusing tall buildings in the centre boundaries is not reflective of newly completed developments, which has resulted in tall buildings outside of these defined areas, namely: Sky View Tower (35 storeys) and City West Tower (15 storeys) (Ref: 10/90519/FUMODA), at the junction between A118 (Stratford High Street) and Cooks Road, fronting the River Lea and Bow Back River. The delivery of these two towers has demonstrated that it is wholly appropriate to deliver well designed tall buildings and outside of the defined centres and sub areas.

**MIQ: 6.3 (iii)** *Should the policy be extended to other areas with good public transport access?*

2.15. Bellway consider that the policy should be extended to include other areas with good levels of public transport access to the definitions of suitable locations, this would ensure that the policy is positive. As explained, they strongly consider that applications for tall buildings should be considered on a site by site basis, following a detailed assessment of the site's existing and future accessibility credentials, townscape and other associated impacts and design quality.

2.16. The use of PTAL should not be the sole measure of accessibility as much of the authority is constrained brownfield land, subject to wider masterplanning/site allocations. As such over the plan period improved routes to public transport will develop over time, enhancing connectivity. PTAL should therefore not be used in isolation as it does not capture the future improvements and planned desire lines/connections.

**MIQ: 6.3 (iv)** *Should the heights of tall buildings be subject to a more flexible/less prescriptive interpretation, such as a range of heights, for example should each tall building proposal be determined through a set of parameters or a masterplan?*

2.17. Policy relating to tall buildings should be structured flexibly to allow for site optimisation and innovation, which has been assessed on a site by site basis following detailed contextual analysis. Therefore the wording of the policy should therefore be amended to provide a more flexible approach, this should be encouraged through masterplanning.

**MIQ: 6.3 (v)** *How valid are the concerns that tall buildings cause alienation, or is this a matter that can be overcome by sensitive design?*

2.18. Bellway strongly feel that poorly designed tall buildings cause alienation, not well designed ones. Alienation can be addressed through quality of design, and community cohesion can be achieved in a number of ways, specifically through the provision of well-designed public spaces at ground level, activated ground floor uses, outward facing design, sensitive and integrated architecture.

2.19. Emerging Policy BN 5 places sufficient emphasis on place making requirements.

### 3. Matter 13 – Sub Area 4 Bromley By Bow, Pudding Mill, Sugar House Lane and Mill Meads

3.1. Matter 13 covers the strategic area of Sub-Area 4, which includes the Pudding Mill (SA4.3) area which Bellway has a specific interest in.

3.2. Sub-Matter 3.1 sets out:

**MIQ: 13.1** Do **policies 4.1** (a potential District Centre); **4.2** (bringing forward new connections to serve new development) and **4.3** (station improvements), together with Site Allocations **SA4.1** (Bromley-by-Bow); **SA4.2** (Sugar House Lane); **SA4.3** (Pudding Mill); **SA4.4** (Three Mills); and **SA 4.5** (Bow Goods Yard (Bow East and West)), justified, effective and consistent with national policy and the relevant policies in the London Plan, especially in relation to:

(i) Meeting the overall needs of the LLDC area;

(ii) Environmental/heritage impact;

(iii) Impact on the living conditions of existing and/or future residents/occupiers;

(iv) Safe and acceptable vehicular access and parking considerations;

(v) Whether there are willing land owner(s) for all the land concerned;

(vi) Flood risk;

(vii) sustainability, including access to convenient and reliable public transport (high PTAL rating), access to shops, schools, health care provision, equipped and informal play/recreation space, and other community facilities; and

(viii) Any other relevant infrastructure, planning, marketing or viability constraints?

3.3. We address the relevant sub-matters set out above below with specific regard to SA4.3 only.

(i) Meeting the overall needs of the LLDC area;

3.4. The Policy position for SA4.3 restricts the ability of the LLDC to meet the needs of the authority. This is largely down to the height limitation of 21m (generally expected height) in Pudding Mill which is set out in supporting Table 13. As explained above in Bellway's response to Matter 6, this table should be removed.

- 3.5. Bellway strongly objects to a rigid height limits for buildings across the Pudding Mill area. The threshold of 21m (above existing ground level) for generally expected heights has no evidence to support it and it has not been reconsidered as part of this Local Plan review. Since the LLDC adopted its Local Plan in 2015, the setting in which new policies are to be made has significantly changed, including, an amplified drive to deliver new housing at both the national and regional spatial level. The Housing White Paper: Fixing our Broken Housing Market and the Mayor's draft London Plan seek the productive reuse of brownfield land, therefore we consider that 'pegging' development to an arbitrary height point to be counter-productive in securing optimised residential densities and high quality design which makes the best use of previously developed land.
- 3.6. The 21 metre limit for the majority of the area is arbitrary and does not align with the LLDC's own planning permission for the Legacy Communities Scheme (LCS) PDZ8 parcel as approved in September 2012 (LPA Ref: 11/90621/OUTODA). We remain to be of the view that imposing this ridged limit is not justified in line Section 12 of the National Planning Policy Framework (NPPF).
- 3.7. The parameter plans for the LCS PDZ8 parcel have approved buildings frontages of between 17-36 metres Above Ordnance Datum (AOD) across the Pudding Mill island, and maximum building heights of between 20- 53 metres AOD. At the closest point to the Cooks Road site (Bellway's Phase 1 development), building frontage heights are approved up to 30 metres AOD and building heights of up to 33 metres AOD, equating to a maximum of 8 storeys. It is counter-productive to housing delivery to limit heights adjacent to this emerging context.
- 3.8. The approved building heights for the LCS site were justified in the LCS PDZ8 Design Code (February 2012) as assisting in the delivery of an "urban setting for Pudding Mill Lane DLR", and in the delivery of a "neighbourhood embedded within its immediate context" (p2).
- 3.9. The Barbers Road and Cooks Road sites are located 160m (at their closest point) away from the Pudding Mill DLR and Cooks Road itself forms one of the key routes between Stratford High Street and the DLR station. We therefore consider that the sites both form an important part of the setting for the DLR station and that new development along Cooks Road and Barbers Road will play an important role in aiding way-finding and ensuring legibility within the wider Pudding Mill area. Height can play an important role in marking transport nodes and key routes, and therefore heights should be informed by contextual analysis in accordance with adopted London Plan Policy 7.4, emerging London Plan and adopted policy BN.10 rather than the generally expected height limit.
- 3.10. The LCS permission covers a significant proportion of the wider Pudding Mill island and therefore provides the emerging context for other schemes coming forward in the area. The 'ceiling' for the heights of other new developments in the area currently ignores this emerging context and restricts the ability of sites to be delivered to their full potential. As set out above, Bellway's approved development for the Phase 1 site extends to 33m in height and has demonstrated through detailed design that heights which exceed the arbitrary threshold are wholly appropriate in the existing and emerging context. In addition, the emerging development at Vulcan Wharf (Ref: 10/90519/FUMODA) has emerged against the context of the aforementioned tall buildings at 2-12 Stratford High Street.



- 3.11. In summary, in its current form, the allocation is not justified and out of date, due to the presence of supporting Table 13. The emerging Local Plan Table 13 should be removed to allow optimisation of heights in the authority. Development proposals which demonstrate high quality design approach and no unacceptable harmful impacts on their surroundings which cannot be mitigated, should be encouraged. This approach would improve the effectiveness of the allocation and ensure consistency with national policy and the relevant policies in the London Plan.

(v) Whether there are willing land owner(s) for all the land concerned;

- 3.12. The site allocation sets out that landowners will need to work together to bring forward comprehensive schemes.
- 3.13. Bellway control land inside of Cooks Road and there are able to bring forward a robust masterplan without the need to work with other landowners.
- 3.14. Importantly the allocation does not set out how the LLDC will assist in the relocation of the existing waste transfer station (WTS) at the corner of Barbers Road (broadly in the middle of Pudding Mill island). This WTS is a non-conforming use with significant amenity issues in relation to Odour. The on-going presence of the WTS is blighting the delivery of development on land surrounding it, including severely limiting the authorities ability to grant planning permission without Grampian Conditions which restrict residential occupation (as be the case for Block B4 of Cooks Road and the withdrawal of the full and hybrid application of the adjoining land parcel, both by Bellway Homes).
- 3.15. As a result of the LLDC not clarifying their role in assisting in the relocation of un-conforming uses, the effectiveness of the site allocation to meet national and regional policy and strategic objectives is undermined.

(viii) Any other relevant infrastructure, planning, marketing or viability constraints?

*Employment Provision: Quantum& Location*

- 3.16. Whilst Bellway generally supports the delivery of a mixed use area at Pudding Mill, they object to rigid policy requirements which do not provide flexibility to respond to market demands and changing circumstances. The adopted policy currently requires 25% of floorspace non-residential across the allocation with a predominantly industrial floorspace mix in the area to the west of Cooks Road. This requirement is onerous and lacks flexibility, and doesn't acknowledge the appropriateness of focusing such floorspace in the Other Industrial Location (OIL) to the south west edge of Cooks Road.
- 3.17. As the LLDC will be aware, the London Plan (2016) identifies the Lower Lea Valley (including Stratford) as an Opportunity Area (OA) and the GLA's OLSPG, as published in July 2012, sets out the Mayor's planning priorities for the Queen Elizabeth Olympic Park and surrounding area. The draft London Plan (2017) states at draft Policy SD1 that the Mayor will monitor the delivery of homes and jobs in OA's and requires development plans to support development the creation of employment and housing choice for Londoners.

- 3.18. We consider that the proposed approach in the adopted policy wording for the Pudding Mill site allocation conflicts with the approach identified in the draft London Plan Policy E7 and this needs to be rectified. Instead of requiring a rigid 25% provision of non-residential uses across the wider allocation area, policy should be amended to promote developments which seek to maximise the potential of underused low employment generating areas.
- 3.19. We note that the 25% is a 'blanket figure' for the wider allocation, but clarification should be provided in the allocation as to how officers will apply this in decision taking.
- 3.20. Developments which have the ability to provide better quality employment accommodation, enhanced townscape benefits and a better mix of uses to meet the LLDC's wider needs in accordance with national and strategic planning policy directives should be encouraged by policy. The provision of non-residential uses should be led by market demands and should be driven by viability but by area wide targets. The potential of sites to deliver new housing should not be compromised by onerous land use requirements.
- 3.21. We request that the adopted 25% target for non-residential floorspace across the Pudding Mill area is reviewed in light of Mayor's latest draft London Plan and up to date market demand/need, to ensure that these priorities are aligned and do not prohibit redevelopment, intensification and change of use to other uses including housing. Where employment floorspace is to be provided within schemes, this provision should be market and viability-led and not governed by prescriptive floorspace or job-generating requirements
- 3.22. Overall, given that the allocation fails to consider the viability consequences the effectiveness of the Policy to meet strategic objectives at the national and regional level is undermined.
- 3.23. Bellway does not support the rigid allocation of non-residential uses to a central east-west street across the Pudding Mill area and does not consider this to be justified and suggest that it could prejudice the vitality and viability of such uses which should be market-led and brought forward in line with users' requirements.
- 3.24. Instead it would make practical sense to encourage some replacement employment floorspace adjacent to the OIL on the opposite side of Cooks Road. Replacement floorspace could be in the form of residential led mixed use on the Barbers Road and Cooks Road sites.
- 3.25. Ground floor non-residential uses should be encouraged along the waterways and at key nodes to encourage activity and animation. Bellway's approved development at the junction of Bow Back River and Cooks Road has successfully incorporated replacement employment floorspace
- 3.26. In light of the allocation being too prescriptive the allocation's effectiveness to meet strategic objectives at the national and regional level is undermined.

### *Family Housing Provision*

- 3.27. We note that the allocation seeks a "significant" element of family homes.

- 3.28. The GLA's OLSPG identifies the Pudding Mill area for a new mixed use neighbourhood but does not identify it as a specific location for family housing.
- 3.29. The LLDC's Housing Requirements Study (March 2018) forms part of the emerging Local Plan's evidence base, identifies a requirement for a high proportion of 2-bed dwellings across the LLDC area (See extract below). This appears to have been ignored in the policy. The allocation should be update to reflect the latest evidence base to ensure that the policy is effective and justified with the relevant with national and regional policies.

*"The housing mix modelling shows that the overall future needs of the LLDC are for half of all dwellings to be 2-bedroom properties, with a further quarter as 3-bedroom. 1-bedroom properties make up 22% of the total, with larger (4+ bedroom) properties making up the remainder. In terms of market housing, 57% should be 2-bed, a quarter 1-bed and 16% 3-bed. Households in affordable housing are likely to require more 3-bed properties (40%), with a similar proportion of 2-bed required (39%). Only 17% of households in the affordable category are likely to require a single bedroom property. These percentage splits do not significantly vary between the two periods illustrated.*

*We would stress that these figures are distinct from those which may actually be delivered by LLDC in its current and future Local Plans. The figures are based upon the trends for households who have been moving to the area in the recent past. The existing LLDC Local Plan includes a higher requirement for 3 bedroom or larger properties, which are more suitable for family housing."*

Source: LLDC's Housing Requirements Study (March 2018)

- 3.30. Given the high accessibility of the Pudding Mill area, and the other requirements of development as set out in the LLDC's adopted site allocation, we consider it appropriate to provide a range of dwelling types across the area including a range of smaller units. This should be viability and need led and not set by allocation specific requirements.
- 3.31. We therefore consider that the reference in the current wording to the provision of a "significant element of family housing" should be deleted and replaced with the requirement for a "broad range of unit types, including one and two bedroom units and family accommodation, to be led by need and viability". The allocation should also acknowledge that 2 bed 4 person units can provide suitable accommodation for small families, in line with recent Mayoral decisions.
- 3.32. Where developers with significant sector, market knowledge and experience seek to deliver smaller dwellings in line with the LLDC area's requirements, this should not be resisted. Amendments to the allocation would ensure that the Policy is effective and justified, without restricting delivery.

### *Residential Density*

- 3.33. On the basis of the high accessibility of the Pudding Mill area and the planned future improvements which will further enhance its connectivity, we consider the designation of the area for medium-density development to be too prescriptive and to comprise a missed opportunity to "significantly boosting the supply of homes" as sought by the NPPF, paragraph 59. The policy as adopted is therefore inconsistent with the NPPF and latest rhetoric from the Mayor of London and DCLG.

- 3.34. The London Plan at Policy 3.4 states the requirement for development to “optimise housing output” and the draft London Plan seeks to: *“make the best use of land by following a design-led approach that optimises the capacity of sites, including site allocations. The design-led approach requires consideration of design options to determine the most appropriate form of development that responds to a site’s context and capacity for growth, and existing and planned supporting infrastructure capacity (as set out in Policy D1A), and that best delivers the requirements set out in Part B.”* (draft Policy D1B), the draft policy goes on to state at Part D: *“Proposed development that unjustifiably fails to optimise the capacity of the site in accordance with this policy should be refused.”* The LLDC should update the Pudding Mill allocation and supporting policies to reflect the Mayor’s drive to boost housing delivery in the Capital.
- 3.35. In light of the above, we consider that the adopted allocation for Pudding Mill should be amended to be more flexible, ambitious, and should seek to optimise the development potential of all sites in accordance with the London Plan. This would allow for a design-led approach to be adopted on individual sites which would inform the overall density of scheme proposals. In turn this would ensure that the policy is effective and justified, in line with the requirements at the national and regional level

### *Educational Uses*

- 3.36. The wording of the allocation doesn’t reflect the need to deliver educational uses within the new neighbourhood. The allocation should explicitly set out that educational land uses could contribute towards the 25% non-residential land uses across Pudding Mill. Bellway has held discussions with a number of providers and are aware that there is a demand for the provision of education uses within the area.
- 3.37. Inclusion of education land uses would support the delivery of a sustainable community in an accessible location, therefore supporting the principles established set out in the NPPF and London Plan. Amending the allocation would make it more effective in achieving this principle.

### 4. Conclusion

- 4.1. For the reasons detailed above the LLDC's Publication Draft of the Revised Local Plan 2020-2036 is unsound. Therefore the Local Plan has not met the requirements of the NPPF.
- 4.2. In order to make the plan sound, Bellway suggest that the changes as incorporated in the above hearing statements are made.

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