

OD 01

Regeneration
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31/08/19

Planning Policy (Neighbourhood Planning)
London Legacy Development Corporation,
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RE: GREATER CARPENTERS NEIGHBOURHOOD FORUM NEIGHBOURHOOD PLAN REPRESENTATION

The London Borough of Newham (LBN) as landowner of the Carpenters Estate and majority landowner within the GCNF site area welcomes the opportunity to review and comment on the GCNF Neighbourhood Plan submission version May 2019.

These comments follows three meetings¹ held between LBN and the GCNF where the following concerns were made by LBN:

1. Lack of justification for overall approach taken in the neighbourhood plan
2. Insufficient explanation as to why the garage sites are not considered as potential sites for residential development
3. No reference to the strategic policy context given the location of the site and its high level transport accessibility; and how this has informed the GCNF response
4. Insufficient evidence of how the plan would be financially viable and deliverable

These are fundamental issues, which to date remain unresolved. As the landowner, LBN is of the view that unless resolved, delivering a viable and sustainable housing development is unachievable in light of the site's strategic location within the wider Stratford area.

1. Background

In December 2018 the Council announced its commitment to implement a programme of consultation and engagement with residents living on the Carpenters Estate (including those who have the right to return), to inform the review of regeneration options for the Carpenters Estate. Through consultation and the full involvement of residents on the estate, the Council intends to identify the optimum routes to deliver the largest proportion of council-owned, genuinely affordable homes on the Carpenters Estate possible, with at least 50 percent to be secured. The Council's aim is to set a new benchmark for successful, long-term place making in Estate Regeneration. As part of its commitment, the Council also ended the then OJEU procurement for a Joint Venture partner/s for

1. Meetings held November 2015 and May 2017. Feedback sent June 2017 and further meeting held March 2019.

the redevelopment of the Carpenters Estate which was being pursued by the council, as it would not have been able to achieve the key strategic objectives of the council's new priorities following the election of Mayor Fiaz in May 2018.

The current options review underway is led by a number of strategic objectives for the estate including:

1. Maximise the number of homes that can be viably delivered on the estate to address the housing crisis in Newham
2. Achieve the largest proportion of genuinely affordable homes at social rent levels on the estate, with a minimum of 50%
3. Restore the neighbourhood to create a mixed and balanced community that addresses both the housing and infrastructure needs of existing residents on the estate, as well as residents in Newham presently and in the future (including housing provision for the elderly and families) ,
4. Full and meaningful involvement of residents and stakeholders to create proposals that meet local and national policy requirements, are financially viable and technically deliverable
5. Develop a sustainable approach to ensure the long-term future of the estate and residents. This includes addressing environmental requirements and fuel poverty; alongside promoting healthy and active lifestyles

The Carpenters Estate is home to 710 households of which a significant proportion have been decanted in anticipation of the restoration of the estate. These decanted residents have the right to return to the estate and the right to be consulted on future plans and policies that affect the estate.

2. Membership of the GCNF

The GCNF was designated by the LLDC in July 2015. LBN notes that the membership profile of the GCNF has not been formally reviewed for over 4 years, though a review is anticipated at some point in 2020. Moreover, feedback with local residents on the estate suggests social housing tenants and decanted residents are under represented by the Forum. This compromises the ability of the GCNF to fully represent the views of the local community, *including all those residents on the estate who have a right to be consulted* on any plans affecting them.

3. Lack of evidence base

LBN notes that the GCNF plan lacks sufficient and proportionate evidence to demonstrate that its proposals meet the basic requirements of the LLDC's Local Plan. Also there is insufficient and up-to-date evidence in the GCNF to be able to assess whether the plan is financially viable and can be delivered. This is particularly relevant to:

1. the under provision of housing and the development of appropriate policies in accord with the strategic location of the site area
2. prioritisation of retention and refurbishment of all existing properties without financial evidence base or evidence of building condition
3. the suitability of garage sites for redevelopment and justification for workspace rather than housing
4. business case for low cost workspace
5. promotion of town centre uses outside of a designated town centre

1. Meetings held November 2015 and May 2017. Feedback sent June 2017 and further meeting held March 2019.

4. Public consultation process

Given current guidance, LBN would have expected in the preparation of its neighbourhood plan, that the GCNF demonstrates clearly that it has been inclusive and open to ensure the whole community is kept informed and can make their views heard. This is not clear in the submitted consultation statement, including the profile of residents that have been consulted. No details are given about the GCNF's approach in consulting all relevant stakeholders, or the profile of responses received to demonstrate a robust consultation and engagement strategy.

The GCNF consultation material appears to limit the opportunity for stakeholders to be actively involved in shaping the emerging plan and that other options have been considered. LBN would have expected a co-design approach to this critical aspect of the plan's development. For example, a survey carried out in October 2017 asks residents if they agree with the polices in the draft plan. The language used directs respondents to particular answers and the survey design doesn't allow the opportunity for respondents to share their own views. No further consultation has been carried out since 2017 suggesting the neighbourhood plan has not given residents adequate opportunity to shape emerging proposals.

Moreover, the Forum does not appear to have addressed a number of comments and concerns cited by LBN as the landowner about insufficient evidence to support the development of their neighbourhood plan, including the required technical and financial robustness expected.

Summary

It is regretful that the GCNF haven't adequately engaged with all qualifying residents living on the Carpenters estate or the council as majority land owner. Also it appears that no other options for restoring the Neighbourhood have been considered. The lack of a robust evidence base and supporting information we feel undermines the plan's ability to bring forward sustainable and deliverable proposals that would enable LBN as a landowner within the site area to deliver a viable scheme that would be in accord with local and national planning policy.

The delivery of a viable scheme, that meets local priorities and is in accordance with planning policy is imperative to progress with revitalising the Carpenters Estate and surrounding areas. That is why emerging proposals being developed by LBN in collaboration with local residents and stakeholders has the opportunity to shape a genuinely resident-led and co-designed masterplan for the Carpenters Estate that will provide a catalyst for development within the wider neighbourhood.

Through an extensive public engagement strategy and ultimately a resident ballot, LBN intends to bring forward an ambitious and robust plan for the long-term sustainable future of the estate framed by the strategic objectives set out above. Proposals will be financially viable and technically deliverable whilst meeting the needs of new and existing residents within a mixed and balanced community. This community-led masterplan will recognise the strategic importance of the estate and maximise the opportunities to deliver more genuinely affordable homes at social rent level for Newham residents who are at the brunt of a national housing crisis.



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Date: 30th August 2019

By email only to:
planningpolicy@londonlegacy.co.uk;
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Dear Mr. Savine,

London Borough of Newham Local Planning Authority's Response to formal comments on the Greater Carpenters Neighbourhood Plan Submission Version (May 2019)

Thank you for inviting us to comment on the proposed Submitted Greater Carpenters Neighbourhood Plan. Our comments as a neighbouring planning authority are set out below.

Please do not hesitate to get in touch if you have any queries.

Yours sincerely,

[REDACTED]

Amanda Reid
Director of Planning and Development, Chief Planning Officer

London Borough of Newham Local Planning Authority's formal comments on the Greater Carpenters Neighbourhood Plan Submission Version (May 2019)

The London Borough of Newham (LBN) in its role as a neighbouring Local Planning Authority (LPA) welcomes the opportunity to review and comment on the Greater Carpenters Neighbourhood Plan Submission Version May 2019 (GCNP).

Given the location of the plan area in question – which falls within the Borough boundary – the LPA's response is predicated on assessing whether the policies of the GCNP (as with any submitted neighbourhood plan) meet the 'basic conditions'¹ and other planning related legal tests; as well as act to promote sustainable development principles and conform with the strategic policy context.

Newham's LPA notes that the GCNP sets out a Vision and Objectives that reflect, in many ways, the principles and objectives set out in the National Planning Policy Framework (NPPF, 2019), the London Plan (2016) and Draft London Plan (2018), the LLDC Local Plan (2015) and submission Draft Revised Local Plan (2019). This includes the pursuit of vibrant, inclusive, integrated, healthy and resilient communities; promotion of affordable and family housing; promotion of active travel and public transport; supporting the growth of local businesses; protection and activation of green spaces; energy efficiency and carbon reduction; community empowerment and engagement. However, the fundamental issues regarding the Plan, raised by Newham's LPA in previous pre-submission correspondence remain unaddressed². These relate to:

1. Conformity with the Local Plan and regard to National Planning Policy.
2. Deliverability.
3. Justification.

Additionally, **Appendix 1** sets out a more detailed commentary against the 'basic conditions' and other technical/legal planning matters for each policy in the GCNP.

1. Conformity with the Local Plan and regard to National Planning Policy

As a basic condition, neighbourhood plans are required to be in conformity with the strategic policies of the Local Plan and have regard to National Planning Policy.

The LPA has concerns that the Basic Conditions Statement provided within the GCNP submission refers to the 2012 NPPF. It is stated (p.2), that this is due to the revised NPPF (July 2018) not being in force when the GCNP was being either prepared or consulted on at pre-submission stage. It should be noted however, that the transitional arrangements of the NPPF state that plans submitted for examination after 24 January 2019 will be considered under the revised NPPF. Footnote 69 clarifies that for neighbourhood plans, 'submission' in this context means where a qualifying body submits a neighbourhood plan to the local planning authority under Regulation 15 of the

¹ Paragraph 8(2) of Schedule 4B to the Town and Country Planning Act 1990 as applied to neighbourhood plans by section 38A of the Planning and Compulsory Purchase Act 2004

² Letter to the Greater Carpenters Neighbourhood Forum dated 27 June 2017 (Re: Follow up to the recent meeting concerning the Greater Carpenters Neighbourhood Plan)

and Letter to the Greater Carpenters Neighbourhood Forum dated 18 December 2017 (Re: Greater Carpenters Neighbourhood Plan Pre-Submission Consultation)

Neighbourhood Planning (General) Regulations 2012 (as amended). Since the GCNP was submitted in May 2019, the Plan and Basic Conditions Statement should accord with the Revised NPPF (2019).

Paragraph 29 of the NPPF makes clear that whilst neighbourhood plans can shape, direct, and help to deliver sustainable development by influencing local planning decisions as part of the statutory Development Plan, they cannot promote less development than the existing strategic policies of the area or undermine those. Therefore, the GCNP must conform with the adopted and emerging LLDC Local Plan Strategic Site Allocation SA3.4 Greater Carpenters District. This allocation promotes “potential for extensive mixed-use redevelopment” through a set of strategic development principals requiring:

- Optimisation and increase in residential capacity; density and uses should reflect location and public transport accessibility.
- Development densities and uses which reflect location and public transport accessibility.
- Mixed-use development including residential, and more extensive business, commercial, education and community uses located along key routes and related to the station, the town centre and Stratford High Street.
- Connectivity enhancements, including a new western entrance to Stratford Regional Station, improvements to the Jupp Road bridge, improved connections to the town centre, the Olympic Park and the Greenway via Bridgewater Road, and better connections within the site.
- Safeguarding of land for DLR North Route Double Tracking phase 2.
- Consideration of the retention of existing low-rise family housing, where this does not prevent the achievement of wider regeneration objectives.
- Support for early community consultation and the preparation of a Neighbourhood Plan (where this conforms to the requirements of the SA3.4 allocation).

The LLDC is currently undergoing a review of its Local Plan. The Draft Revised Local Plan (2019) proposes to amend SA3.4 to include a housing capacity of 2,300 new homes, which if adopted will act as an indicative housing target for the GCNP.

Housing densities on all identified sites across London are capacity derived and act as the basis for the housing targets which are then apportioned to each Borough (or Development Corporation) through the London Plan. As such, there is a requirement to optimise and increase density on the Carpenter’s Estate to ensure that, as a minimum, the current targets in the London Plan are met. The 2,300 indicative capacity set out within the LLDC’s draft Local Plan contributes towards the identified capacity that forms the basis of the emerging draft London Plan’s increased housing targets for the LLDC.

Any reduced provision on identified sites is therefore likely to compromise the ability of the LLDC to meet its regionally apportioned London Plan housing target. This places the LLDC at risk of not being able to maintain an up-to-date Local Plan in the context of the NPPF’s Housing Delivery Test and requirement to demonstrate a 5 Year Housing Land Supply. This would have knock-on effects on the ability of other Local Planning Authorities in the wider Housing Market Area (including Newham) to absorb the impact of under-delivery in the LLDC area. All LPAs have pre-existing and challenging housing delivery targets to meet.

Newham’s LPA is of the firm view that the GCNP proposal for infill development (Policy H1) with a housing capacity of 650 units (Policy H2) is not in general conformity with the Development Plan. The GCNP does not acknowledge the site’s full strategic potential, and this will have a likely impact

on the LLDC's (and the wider Housing Market Areas) ability to meet the identified housing need set out in the London Plan. It therefore does not meet the requirement of NPPF (2019) Paragraph 29.

In promoting out of centre retail on an ad-hoc bases without evidenced justification or impact testing, Policy E3 (Diversity of Retail Provision) fails to take account of the wider strategic policy context. The policy therefore fails to accord with Chapter 7 of the NPPF (2019), London Plan Policy 2.15 and LLDC Local Plan Policies B.2, 3.1 and Site Allocation SA3.4: Greater Carpenters District.

2. Deliverability

Whilst the delivery of the GCNP is considered in Chapter 5, the Plan does not provide sufficient detail about how its policies will be implemented or monitored. Furthermore, no supporting evidence has been provided with the Submission version of the Plan. This renders it impossible to determine the deliverability or viability of Plan's policy aspirations; for instance how employment spaces over garages (Policy E2) will be delivered. Moreover, the viability of affordable workspace (Policy E2) and requirement for 50% of all new homes being 'not-for-profit' (Policy H2) have also not been tested and the delivery mechanisms for bringing forward environmental improvements to the area have not been explored since these have not been linked to development sites (Policies G1, G2 and G3).

Further discussion surrounding the deliverability of individual draft policies can be found in Appendix 1.

3. Justification

One of the requirements of national policy is that neighbourhood plan policies must be evidence based. National Planning Policy Guidance (NPPG) paragraph 40 asserts that the policies and the approach taken in Neighbourhood Plans should be supported by proportionate and robust evidence. This evidence should be drawn upon to explain succinctly the intention and rationale of the policies in the draft neighbourhood plan. Whilst community engagement is a key element of justifying and shaping the GCNP, it seems to be relying primarily on engagement evidence base over technical studies.

A research report, 'UCL: Water and Energy Infrastructure', alongside research by AECOM (which, it is stated, underpins the housing target and site allocation) have been referenced but have not been submitted for scrutiny as part of the Submission (Regulation 16) consultation. Without this evidence, it is not possible to justify the assumptions made, and in particular the Plan's priority to maintaining and refurbishing all existing homes in the neighbourhood.

Objective 3 of the GCNP states that the Plan '...meets identified housing need, particularly for low-cost rented homes and homes for older and disabled people'. Yet no evidence has been submitted to explore this need, or to demonstrate how the policies in the Plan would meet this need. In addition the rationale behind proposed building heights of 8 storeys in Policy H2 is not explained or substantiated with evidence.

As previously stated, there is no reference to impact testing of the proposed commercial uses policy (Policy E3) on the vitality and viability of the nearby town centres, particularly Stratford. No evidence has been provided to support the approach taken to fast food takeaways (Use Class A5), nor does the Plan justified the rationale for the 333m buffer zone around local schools. The Policy also contains no definition of 'over concentration'. On a technical note, it should be recognised that 400m is the standard metric to represent a 5 minute walk.

Additional Comments

It is unclear as to why the garage sites have not been considered as potential residential infill sites. There has been no assessment submitted to understand car ownership levels, or whether the garages can accommodate modern cars, or whether indeed they are used for storage only.

There are a number of policy aspirations which go beyond the remit of planning. Planning cannot, for example, control the concentration of 'brand name cafes' (Policy E3) or the type of engine a vehicle using a parking space in a new development has (Policy T2).

The Plan period is given as 2019 – 2028. Whilst the timeframe for the neighbourhood plan will be for Community to decide, it is unlikely that the GCNP will be adopted in 2019. Therefore it is suggested that a start date of 2020 is more applicable. Aligning with the time from for the LLDC Local Plan (2020-2036) should also be considered. Indeed, page 30 of the GCNP makes reference to a 10 year plan period, yet the timeframe published is nine.

Summary and conclusion

LBN support the delivery of revitalised, vibrant, inclusive, resilient, healthy and empowered communities in the Greater Carpenters area, and wish to see the realisation of a neighbourhood which is better integrated socially and physically with the surrounding area.

As articulated, many of the policies of the GCNP present issues in terms of ensuring this delivery, failing to meet the required basic conditions or lacking clarity on the criteria for policy application and monitoring, weakening potential effectiveness and deliverability. Moreover, in not sufficiently interfacing with other policies and development activity in the area, as stated in previous correspondence with the GCN Forum³, the GCNP does not appear to have been fully developed in the round.

³ See footnote 1.

Appendix 1 – Greater Carpenters Neighbourhood Plan policies: Comment on the ‘basic tests’ and other legal/technical matters

GCNP Policy	‘Basic conditions’ met?	Other legal / technical tests
POLICY E1 EDUCATION AND TRAINING	Yes	<p>What constitutes support is not quantified/qualified. It is unclear how policy success will be implemented or monitored.</p> <p>No detail on the location of the new multi-purpose Community Hub has been provided. The justification text seeks for learning support to be based in this facility. No evidence has been provided as to why this service can not be provided as part of the school provision.</p>
POLICY E2 ENCOURAGING LOCAL BUSINESSES AND LOCAL EMPLOYMENT	Yes, if viability/business case can be demonstrated.	<p>‘Local business’/‘local economy’ or ‘genuinely’ is not defined.</p> <p>Currently the area is a residential neighbourhood, with insufficient employment base to be the primary source of establishing business ‘need’.</p> <p>Local apprenticeships, work placement schemes, up-skilling requirement is not qualified. It is unclear how policy success will be implemented or monitored.</p> <p>No evidence has been provided to support the proposed 50% market rents. It is stated that this is based on the ‘experiences of other London Boroughs’.</p>
POLICY E3 DIVERSITY OF RETAIL PROVISION	No. Unquantified, untested promotion of town centre uses outside of a designated town centre. This is against NPPF Ch. 7 and London Plan Policy 2.15, and LLDC Local Plan Policy B.2. Not positively prepared as required by NPPF (outright development ban is unacceptable in planning policy terms).	<p>Out of Centre location. This policy should be supported via technical evidence base, including sequential and impact testing. This has not been presented.</p> <p>‘Over-concentration’ is not defined. This will therefore be challenging to implement.</p> <p>No evidence has been submitted to substantiate the 333m takeaway buffer exclusion zone around local schools.</p> <p>Planning cannot control/prescribe brands occupation of new development, it can only specify use class. Policy can not outright ban any type of development without a clear set of criteria (i.e. school buffer zone criteria is not part of the policy).</p>
POLICY G1 GREEN SPACE	Yes. However is largely duplication of existing LLDC Local Plan Policy BN.7.	S106 required for the application of the maintenance/management policy – but intended to apply to all residential development (i.e. including minors – under 10 units that would not require a S106).
POLICY G2 ENHANCING THE SOCIAL QUALITIES OF GREEN SPACES	Yes	A map should be made a clear part of the policy, as this is where the policy adds value to the Development Plan.
POLICY G3 BIODIVERSITY	Yes. However is duplication of LLDC Local Plan Policy BN.3.	NA.

GCNP Policy	'Basic conditions' met?	Other legal / technical tests
POLICY G4 TREES	Yes. However is duplication of LLDC Local Plan Policies BN.3, S.7.	Unclear policy targets/expectations or how policy success will be implemented or monitored.
POLICY G5 LOCAL FOOD GROWING AND COMMUNITY GARDENING	Yes.	<p>Clarification is needed regarding if the policy simply requires provision composting 'facilities' – i.e. a bin, or if indeed it means a dedicated 'space' to be designed for the ability for composting in new developments. This policy needs to be supported by a review of current waste authority practices regarding providing composting bins on request.</p> <p>This policy could potentially be overly onerous on small scale development.</p>
POLICY H1 HOMES, REFURBISHMENT AND SENSITIVE INFILL	No. Not in line with strategic allocation for comprehensive redevelopment.	Policy is not supported by any evidence base to justify the housing under-provision and how/if the lost capacity could reasonably be provided elsewhere in order to not undermine LLDC's ability to meet its strategic housing target.
POLICY H2 NEW HOMES	No. Housing capacity against principle of NPPF Ch. 11. Not in line with Policy SP.2 of the Local Plan and the strategic allocation; could undermine LLDC's ability to meet its overall housing target (prescribed by the London Plan). Duplication of some standards from LLDC Local Plan Policy BN.5.	<p>Policy not supported by any evidence base to justify the level of housing proposed and how/if the lost capacity could reasonably be provided elsewhere in the context of the wider strategic housing target.</p> <p>Policy has not been viability tested, therefore it is not known if it is deliverable.</p> <p>Clarification is required regarding reference to 'median income level' in terms of spatial area benchmarks.</p> <p>'Home Quality Mark' is a post-delivery benchmark that looks at matters outside of planning control, such as mortgages and running costs, visual defects inspection, and also takes account of locational matters that will differ from building to building (e.g. flood risk or access to public transport, GP surgeries, parks). The policy therefore needs to be supported by evidence how this benchmark can be implemented at planning stage and in a non-prejudicial way.</p> <p>No evidence base to support the policy requirement for new development (homes) not to exceed 8 storeys.</p>

GCNP Policy	'Basic conditions' met?	Other legal / technical tests
POLICY H3 ENVIRONMENTAL STANDARDS FOR NEW HOUSING	Yes. However is largely duplication of LLDC Local Plan Policies SP.5, S.2, S.3, S.4.	<p>Standards are not quantified, it is therefore unclear how this policy will be implemented and monitored.</p> <p>'Low carbon' not defined, and undermining Development Plan Zero Carbon targets.</p> <p>Unclear if requirement is to monitor electricity and heat in centralised or individual/smart meter way.</p>
POLICY T1 IMPROVING CONNECTIVITY AND ACCESSIBILITY	Yes. Conforms with and duplicates existing site allocation policy.	No reference to the area's exceptional public transport accessibility (PTAL).
POLICY T2 SUSTAINABLE TRANSPORT	Yes. However largely duplication of existing LLDC Local Plan Policy T.4.	<p>Bus routes are a strategic matter; it is unclear if support has been gained for this policy from either TFL or LBN.</p> <p>No scope to control the type of cars used in new development. It is unclear how bullet point 3 could therefore be implemented as this sits outside the remit of planning. Development will need to accord with Policy T.4 of the LLDC Local Plan (no or minimum car parking, which do not exceed London Plan parking standards)</p>
POLICY T3 WALKING AND CYCLING ROUTES	Yes. However there is some duplication of LLDC Local Plan Policy T.9.	Maps are not referenced in the policy, although they are effectively the 'new' added value policy. Unclear of TFL/LBN Highways engagement for deliverability. Some sections of proposed cycle routes are questionable in terms of legibility/directness/ease of use.
POLICY C1 COMMUNITY EMPOWERMENT	Yes.	<p>The Neighbourhood Forum is a consultee at application stage, but there is no legal framework to include them as part of confidential pre-app discussions.</p> <p>'Social Impact Assessments' could be welcome addition in order to capture difficult measure of social value, but criteria could be more clearly defined or supported by guidance.</p> <p>No mapping has been included to demonstrate the rationale behind the approach to community space. It is stated that a new multi-purpose community hub will be provided at the former TMO building and that this could include a youth zone. However, no detail of its location has been provided. It is unclear how facility would be delivered.</p> <p>The Reasoned Justification text mentions that the area falls within a Tier 2 Archaeological Priority Area. While of interest, it is not clear why this point is referenced under this policy.</p>

GCNP Policy	'Basic conditions' met?	Other legal / technical tests
POLICY C2 COMMUNITY FACILITIES	Yes. However there is some duplication of LLDC Local Plan policies Cl.1.	<p>Does not engage with LBN/LLDC/NCCG evidence of education/health need and related development programmes. There is insufficient detail regarding future demand on education facilities or how development would be expected to facilitate the improvement or expansion of existing education facilities.</p> <p>No evidence of viability testing of the affordability criteria.</p>