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email: will.edmonds@montagu-evans.co.uk

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Sadiq Khan (Mayor of London)
New London Plan
GLA City Hall
London Plan Team
Post Point 18
FREEPOST RTJC-XBZZ-GJKZ
London
SE1 2AA

Dear Sir

**THE DRAFT LONDON PLAN
REPRESENTATIONS ON BEHALF OF THE GRAFTON GROUP AND REGAL HOMES IN RESPECT OF ORCHARD
WHARF**

We write on behalf of our clients the Grafton Group Plc who are the freehold owner of the circa 1.4 hectare site known as Orchard Wharf, Orchard Place, E14.

Orchard Wharf

Orchard Wharf was formerly an aggregates wharf last operated by St Albans Sand and Gravel. The aggregates operation commenced in the early 1960's but ceased in 1993. The site has since stood vacant.

In February 1997 and June 2000, a Ministerial Direction was issued to safeguard the site for cargo handling/wharf uses. Since Orchard Wharf was safeguarded, there has been a significant amount of new planning policy in consequence of which the overarching direction of regeneration objectives for the site and its surrounding area, generally known as the Leamouth Peninsula, has fundamentally changed. These objectives are already successfully being realised through implementation of a number of strategic planning consents which has resulted in a very material change in land uses within this important regeneration area. These include Ballymore's Goodluck Hope scheme on the site immediately to the east of Orchard Wharf. This scheme comprises 804 new homes, 2,000m² of commercial space, 235m² of education floorspace, and a restored Grade II-listed Orchard Dry Dock.

The site is predominantly level and clear, other than the north and eastern extents of the site which contain two redundant industrial warehouses. The northern boundary of the site fronts Orchard Place, which forms the only vehicular access serving the site. Orchard Place links into the strategic road network via Leamouth Bridge Road and A13 Newham Way.

The site is also well served by public transport, with both East India Dock and Canning Town Stations within 0.4 miles of the site. East India Dock Station is served by Docklands Light Railway, whilst Canning Town Station is served by Docklands Light Railway and Jubilee Line Underground services.

The southern boundary of the site is formed by the River Thames. The East India Dock Basin (“the EIDB”) is located immediately to the west of the site. The EIDB is designated as Metropolitan Open Land (MOL) and a Site of Nature Conservation Importance (SNCI). The EIDB is also a bird reserve and provides public access for bird watching.

The site lies within an area of archaeological importance. The Blackwall Pier and entrance lock, a Grade II Listed structure, is situated on the southern boundary of the EIDB, adjacent to the River Thames.

Orchard Wharf is currently located within the Lower Lea Valley Opportunity Area (OA) as defined by the London Plan (2016). Opportunity Areas are defined by the London Plan as areas which are capable of delivering a significant number of new jobs and homes. To inform and guide the spatial planning and regeneration objectives for this area the Lower Lea Valley Opportunity Area Planning Framework (OAPF) was adopted in 2007. Based on the London Plan targets the OAPF proposes that the OA has the capacity to accommodate a minimum of 32,000 new homes and deliver in the region of 50,000 new jobs. Similar objectives are set for the new Isle of Dogs & South Poplar OA within which Orchard Wharf is to be located moving forward – see below.

There is a self-evident lack of synergy between the historic safeguarding of Orchard Wharf and more recent and emerging regeneration and land use policy objectives and allocations for this area. Since the safeguarding of Orchard Wharf in February 1997, the land use character of the surrounding area has significantly changed from primarily industrial to a genuine mixed use area including residential and employment uses, with a significant and growing residential population. Clearly, were this whole area to be master planned today, Orchard Wharf would not be allocated for wharf related activities given the existing and proposed characteristics of the area.

London Plan Part One

We strongly support a number of policies in the draft London Plan that look to ensure that best use of land is made and optimising the potential for housing delivery.

In particular we make the following observations.

Policy GG1 - Building Strong and inclusive communities

We strongly support this policy and in particular its recognition the prioritisation of development of sites within Opportunity Areas and brownfield land such as Orchard Wharf.

We also support the policy recognition that it is important to understand what the values of existing places are and how these existing values should be used as a catalyst for further growth and place making. The area around Orchard Wharf is a prime example of how this principle can be successfully implemented to help achieve strategic objectives for the London Plan.

Policy GG4 - Delivering the houses Londoners need

We strongly support the policy clarification of the importance of ensuring that more homes are delivered for Londoners. This is the key objective for the London Plan.

Policy SD1 Opportunity Areas

We note that Orchard Wharf is to be reallocated within the Isle of Dogs & South Poplar OA. We support the Plan's ongoing recognition that OAs are the capital's most significant locations with development capacity to accommodate new housing, commercial development and infrastructure.

We support the ongoing allocation of the site in an OA and consider that it has an important role to play in helping meet the identified strategic objectives for the OA including housing numbers.

Policies -

- *D1 London's form and characteristics*
- *D2 Delivering good design*
- *D3 Inclusive design*
- *D4 Housing quality and standards*

We support the overarching objectives of these policies all of which seek to ensure high quality design in new development. We agree that such objectives are important in ensuring other key objectives aimed at maximising housing delivery are successfully met.

It is important, however, that where high quality design is demonstrated weight should be given to this in the overall planning balance when determining planning applications. This should be clarified within the policy itself to ensure that these policy objectives are effective.

Policy D6 - Optimising housing density

We strongly support the objectives of this policy. Given the finite supply of land in London we agree that it is critical that all development proposals must make the most efficient use of land and be developed at the optimum density. Failure to do so can only put undue pressure on release of non-brownfield sites for development.

As already commented high quality design is a critical component of enabling a site's development potential to be optimised.

Policy - D8 Tall buildings

We support the policy recognition that tall buildings have an important role to play in helping London accommodate its required growth.

Tall buildings do however bring with them their own challenges particularly in respect of necessitating the highest quality design but also impacting on the character and setting of wider areas and longer distant views. It is important therefore that tall buildings are appropriately located.

Whilst acknowledging concerns over a potential 'canyoning effect' along the River Thames many sites along the Thames offer relatively unencumbered opportunities for tall buildings. With good design and delivery of associated public realm we therefore consider greater recognition of the opportunities of such sites for tall buildings should be afforded within this policy. As currently worded we consider criterion C(f) could be inappropriately used by objectors to oppose tall buildings on Thameside locations. Greater clarification on how this criterion is to be applied should be provided if it is retained. In addition we consider that it should be pre-qualified by recognition of opportunities afforded by Thames side locations.

Policy H1 Increasing housing supply

We strongly support Part B(2) of the policy which encourages boroughs to optimise the potential for housing delivery on brownfield sites.

Policy H6 Threshold approach to applications

Whilst we support the aim of the Policy, to provide a potential fast track route for development, we consider the proposed threshold (35% and 50%) for affordable housing should only be treated as thresholds for the purposes of assessing viability. S106/CIL payments should only be sought to mitigate direct impacts and should not affect materially the development's viability or the proportion of affordable housing.

We suggest that the policy is amended to recognise the often significant infrastructure challenges and unique circumstances often face in Opportunity Areas and set out how such requirements will be taken into account in respect of affordable housing requirements.

London Plan Part Two

Policy G6 - Biodiversity and access to nature

We support recognition of the importance of Sites for Nature Conservation (SINCs). The future role and value of such sites should be a material consideration of great importance when considering land uses on sites in close proximity to SINCs. For Orchard Wharf this should include the impact of an ongoing safeguarding on the SINC through the forthcoming SWR.

We consider that redevelopment of Orchard Wharf can deliver significant benefits to the ecological value of the East India Dock Basin SINC which adjoins the site.

Policy - S110 Aggregates

We support policy recognition of the importance of aggregates to support the construction industry across London.

We also acknowledge the importance of being able to transport aggregates to London through sustainable transport modes which includes the use of wharves. However, until the SWR has been undertaken we have concerns that unnecessary protection is given to some wharfs on the basis that they are solely protected for aggregate use. Orchard Wharf has historically fallen into this category as evidenced by the PLA's position at the previous planning and CPO Inquiries in respect of this site. We consider clarity on this is critical to the correct application of Policy SI15 – see below. In the absence of this the optimisation of sites and role such sites can play in contributing to the successful delivery of strategic London Plan objectives can only be significantly undermined.

Policy SI15 - Water Transport

We wish firstly to note that it is understood that the anticipated safeguarded wharves review (SWR) that was to be run in parallel with this consultation has now been delayed and will not take place until this summer. It remains our client's view that there is no clear evidence on which to retain the safeguarding on Orchard Wharf and this is a point that that will be pursued further through the SWR process in due course. The following observations on this policy are submitted without prejudice to this position.

In terms of the policy itself we support the important amendment to current policy and in particular the addition of criterion (G). This states that:

"Development proposals that include the provision of water freight use on a safeguarded wharf, with other land uses above or alongside, will need to ensure that the development is designed so that there are no conflicts of use that the freight handling capacity of the wharf is not reduced."

This is a very welcome clarification as it clearly envisages development above safeguarded wharves along the lines of that consented at Albert, Swedish and Comley's Wharves and Cringle Dock. These schemes clearly show that there is significant opportunity for development above operational wharves without materially impacting on their functional capacity.

Such proposals on Orchard Wharf have historically been resisted by the Port of London Authority (PLA) through the historical failed appeal and CPO Inquiries in respect of the site.

This proposed shift in approach is, however, consistent with more recent discussions with Robin Mortimer, Chief Executive at the PLA and is strongly supported. Furthermore, it will help ensure other key objectives of the London Plan as dealt with above can be met; particularly in terms of housing delivery.

However, we feel that greater clarification is provided on how this new criterion will be applied in terms of requirement to ensure that the freight handling capacity of the wharf is not reduced.

Failure to provide such clarity is likely to delay and frustrate the important opportunities afforded by this change in policy. By allowing development above safeguarded wharves the policy is implicitly accepting the loss of some of the wharf given the need for built form to have a ground floor presence. As such it is self-evidently impossible for such development to 'protect' 100% of the safeguarding and hence 'existing' capacity.

We therefore suggest clarification within either the policy or supporting text as to how an assessment of impacts on freight handling capacity will be assessed. This raises a whole series of questions including the following:

- Should a site's freight handling capacity be assessed based on current site conditions?
- Clarification on what freight handling use should be assessed as there are not usually specific uses attached to specific sites?
- There should be an allowance to assess how a site's capacity (based on a site's current condition) can be replicated through operational efficiencies included within any redevelopment.

We consider that such clarification is essential to the soundness of the Plan to ensure that this policy is effective as required by the NPPF. Failure to do so could also result in unnecessary direct conflicts with other policy objectives e.g. Policy D6 Optimising housing density.

Policy T5 – Cycling: Table 10.2 Minimum Cycle Parking Standards

We are concerned regarding the proposed further increase in cycle parking requirements for one bed homes. We question that there is sufficient demand for this quantity of cycle parking. We are aware that a large number of residential cycle stores across London are significantly underused. The current cycle parking requirements are difficult to successfully accommodate into developments, often resulting in reduced active frontage at ground floor, which conflicts with the Mayor's design policies. In addition, it reduces the amount of space within developments which can be used to provide homes, including affordable units, which directly conflicts with the Mayor's agenda to maximise the number of units delivered across London. The proposed increase in cycle parking for one bed units from 1 space per unit to 1.5 spaces per unit will further exacerbate the current design and land use issues despite no evidence that there is demand for additional cycle parking spaces.

Closing

If you require any further information please do not hesitate to contact Will Edmonds at this office.

Yours sincerely



WILL EDMONDS
PARTNER
MONTAGU EVANS

cc. J. Jennings - Grafton Group
S. Harrington - Regal Homes