



Planning Policy  
Westminster City Council  
City Hall  
64 Victoria Street  
London  
SW1E 6QP

Our Ref: 62261583  
18 January 2021

Dear Sir/Madam,

## **WESTMINSTER CITY PLAN REPRESENTATIONS – CITY PLAN 2019-2040 – MAIN MODIFICATIONS CONSULTATION**

On behalf of our client, NHS Property Services (NHSPS) and the Department of Health and Social Care (DHSC), we make representation to the Westminster City Council's consultation on the proposed Main Modifications ("MM") proposed City Plan 2019-2040 ("Draft Plan"). NHSPS have previously responded on each stage of the emerging plan, including at Regulation 19, and have participated in the Examination Hearing Sessions.

This representation responds to the Main Modifications proposed by Westminster City Council in response to the recommendations by the Inspectors at Examination. The Council considers these modifications are necessary to make the Draft City Plan sound.

Further, where elements of the Draft City Plan have not been subject to Main Modification, these representations reiterate NHSPS' position in light of the unamended Draft Policies.

As before, this representation will address both site-specific matters in relation to Land off Harrow Road/Elmfield Way and strategic policies in respect of community and health infrastructure policies.

In assessing whether the MM proposed would make the Draft Plan 'sound', WSP has had regard to the tests of soundness contained at Paragraph 35 of the National Planning Policy Framework ("NPPF"), ie a development plan must be:

- "a) **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;*
- b) **Justified** – an appropriate strategy, taking into account the reasonable alternatives, and based on proportionate evidence;*
- c) **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*
- d) **Consistent with national policy** – enabling the delivery of sustainable development in accordance with the policies in this Framework".*

It is against these requirements that the Main Modifications are considered, as below.

### **Background to NHS Property Services**

As advised at Regulation 19 stage, NHSPS is wholly owned by the Department of Health and Social Care to manage, maintain and improve NHS properties and facilities, working in partnership with NHS organisations to create safe, efficient, sustainable and modern healthcare and working environments.

NHSPS are the freehold owners and occupiers of several sites across Greater London and are actively preparing Development Strategies for a number of their sites including Land off Harrow Road/ Elmfield Way.

### **Land off Harrow Road/ Elmfield Way**

NHSPS own the freehold site which includes Flats A-C 291 Harrow Road and Flats 1 and 2 Elmfield Way (Site 1). The Department of Health and Social Care (DHSC) own the adjacent cleared land area with a temporary multi-use games area (MUGA) (Site 2).

Site 1 measures approx. 0.28ha and consists of two single storey buildings providing accommodation for people with specialist needs.

Site 2 measures approx. 0.19 ha and the majority has been cleared except for a temporary Multi-Use Games Area (MUGA), which is used occasionally for recreational sports.

The site used to comprise of the complex of hospital and medical buildings making up the former Paddington Community Hospital and St Mary's Hospital sites, which has since been redeveloped.

### **Summary of Representations**

NHPS makes representations on the Main Modifications as follows:

- MM49 and MM50: NHPS objects to the removal of Key Development sites in Appendices 1 and 2;
- MM08: NHPS objects to the removal of the mention of the site at Draft Policy 5 and proposes alternative policy wording;
- MM41: NHPS submits that Draft Policy 42 should include the Draft London Plan definition of "tall buildings" and include revised policy text as included at Regulation 18: and
- Draft Policy 30: While not subject to Main Modifications, NHPS again implores that this Draft Policy include provision to encourage co-location and rationalisation of uses.

### **Key Development Site**

Both of the above sites were allocated in the adopted Westminster City Plan (2016) Appendix 1 as a Strategic Site for the North West Employment Development Area (NWEDA), Reference E10 (291 Harrow Road, 1 and 2 Elmfield Way, W9). It noted the preferred uses are residential, amenity and play space.

In the Regulation 18 version of the City Plan, the site was identified as 'Key Development Site' in the NWEDA as illustrated on Map 4, however, the site was not explicitly listed within Appendix 1: Key Development Sites.

In the Regulation 19 version that the site was listed as a 'Key Development Site' in the NWEDA in the then Appendix 1 – Site 15 'Woodfield Road/ Elmfield Way and it is capable of supporting 110 residential units in the next 6-10 years. The site was also shown on the proposals map (as shown at Appendix 2) and at Figure 11: North West Economic Development Area.

However, the Main Modifications consultation now proposes to remove Appendix 2 in its entirety. In addition, Appendix 1 is remodelled as the Housing Trajectory. This includes "*developable sites*" but makes clear that the capacities of these sites will be "*assigned capacities through the forthcoming Site Allocations DPD*". In addition, only developable sites in years one to five are named, those identified in evidence as developable in subsequent years (including the NHSPS sites) are not identified.

NHSPS objects to these Main Modifications (MM49 and MM50) on the following bases:

- The Main Modifications would make the plan less effective; and
- The Main Modifications would make the plan not conform to national policy.

National policy, in the NPPF, requires, at Paragraph 67:

*"Strategic policy-making authorities should have a clear understanding of the land available in their area through the preparation of a strategic housing land availability assessment. From this, planning policies should identify a sufficient supply and mix of sites, taking into account their availability, suitability and likely economic viability".*

NPPF Paragraph 67 subsequently states that "*specific, deliverable sites*" are required to demonstrate a five-year supply of housing sites; with years 6 to 10 identified via "*Broad Locations*".

Westminster's housing target is handed down from the London Mayor in the London Plan. The Publication London Plan (December 2020) ("Draft London Plan") sets a 10 year target of 9,850 between 2019-20 and 2028-2029, equating to 985 dwellings per annum. This is detailed at Table 4.1. Draft Policy H1 requires that Boroughs should plan for these sites.

In doing so, Draft Policy H1 obligates Boroughs to prepare a "*delivery-focused Development Plan*" (our emphasis) that, among other requirements:

- "*allocate an appropriate range and number of sites that are suitable for residential and mixed-use development and intensification*";
- "*optimise the potential for housing delivery on all suitable and available brownfield sites*"; and
- (support) "*the redevelopment of surplus utilities and public sector owned sites.*"

Draft Policy 1 of the Draft City Plan plans for 20,685 homes over the 20-year plan period 2019 to 2040, equating to 1,100 homes per annum. This is reduced from the 22,222 homes identified at Regulation 19 stage.

Draft Policy 1 also encourages the "*optimisation*" of housing development. Housing is also directed to a number of areas, including the North Westminster Economic Development Area ("NWEDA"), as amended by MM04 below:

*"Regeneration of the North West Economic Development Area including the commercial-led intensification of areas of commercial and mixed-use character, to increase local job opportunities alongside residential growth".*

At Examination Hearing, Westminster's response to the Inspector's Matters, Issues and Questions (MIQ) on Matter 3 that the Key Development Sites: "*were not and were never intended to be, site allocations.*" The response stated, instead, that these are, "large sites capable of meeting significant development to meet Westminster's strategic targets set out in Policy 1." Appendix 1 has been refined to include only those sites capable of meeting Westminster's five to 15 year land supply, and thus represents its Housing Trajectory.

Accordingly, the sites previously identified that Key Development Sites in the NWEDA, including Elmfield Way, are to be delivered at Site Allocation SPD stage, rather than be identified within the Draft City Plan.

The Housing Supply Topic Paper (EV\_H\_013) detailed the sites with no planning status pursuant to the inclusion of these in Appendix 1. It confirmed that Harrow Road/Elmfield Way was "*Developable*", over years 11-15, for 100 dwellings.

Following Examination Hearings, the Council produced a Post Hearing Note on Housing Land Supply (EV\_H\_025) – October 2020. This indicated that the Council had a supply of 15,768 in the first 15 years of the Draft City Plan (2019 to 2035) and 5,706 homes in years one to five.

This first five years' supply would emanate from the following:

- Completions 2020-21 (107)
- Under Construction (4,551)
- Unimplemented planning permissions (711); and
- Planning applications pending decision (337)

In years six to 10, the supply of 4,986 homes would come from:

- Windfall allowance (2,500);
- Stalled sites (66);
- Planning applications submitted/pending (994);
- Sites under pre-application discussion (665);
- Additional Council sites (161); and
- Identified capacity for residential growth by broad location (600).

It is within these "*broad locations*", identified as being capable of delivering 600 homes, that Harrow Road/Elmfield Way is identified, again with an identified delivery of the 100 units, for the NWEDA.

However, the Draft City Plan, by removing the Key Development Sites at Appendix 2, is patently not supporting the "*delivery-led*" approach advocated by the London Plan, nor the strategic priorities of Draft Policy 1 of the Draft City Plan. These include the encouragement of optimisation of development sites, and, moreover, the direction of redevelopment to the NWEDA. While it is noted that Westminster's five-year supply is wholly predicated on sites that are already in the planning applications pipeline or where (at least) a material start has been made on site, the lack of identification (ie allocation) of sites capable of meeting subsequent years' supply is a key deficiency that affects the deliverability of the Draft City Plan.

The production of a Site Allocations DPD will take time, require additional evidence and consultation and examination. The Council's Local Development Scheme ("LDS") indicates that

the timeframe for the production of the DPD would take at least one calendar year to prepare, as indicated below.

- Regulation 18 Notification of the intent to prepare a Site Allocation DPD – [Early 2020]
- Regulation 19 consultation on draft DPD – [Summer/Autumn 2020]
- Submission to Secretary of State and Examination – [Winter 2020/21]
- Adoption – [Spring/Summer 2021]

As can be appreciated from the above, this timescale has slipped, and no substantive start has been made in terms of the production of the DPD. To delay the allocation of those sites that could be deliverable after year five on the production of a DPD undermines the deliverability of Draft Policy 1 and the Draft Plan as a whole.

The removal of Appendix 2 therefore undermines the deliverability of the City Plan and makes it not effective.

In addition, the lack of identification of the broad locations for development at Appendix 2 is not consistent with national policy at Paragraph 37 of the NPPF. These should be, at least, identified in the Housing Trajectory, including Harrow Road/Elmfield Way.

While it is appreciated that the Council considers that the Key Development Sites were never intended to be allocations, NHSPS considers it critical for the Council to formalise those broad locations, identified for delivery in years six to 10, as allocated sites. In doing so, such an amendment to MM49 and MM50 would make the Draft Plan effective, consistent with national policy, and thus, 'sound'. In addition, as per NHSPS' regulation 19 representations, it should be made clear that the 100 (or 110) dwellings identified on the site are an indicative minimum and should not act as a brake on the optimisation of the site.

If in the event that the site allocations are not included within the City Plan, the Council should detail, within the Draft City Plan a clear timetable for bringing forward a Site Allocation DPD. In the event that the said DPD is delayed or does not come forward, we consider that a mechanism be put in place that secures an early review of the City Plan to include site allocations. This would, in the absence of identified Key Development Sites, support as much as possible the effectiveness of policy.

## **NWEDA**

Although the mention of residential development in MM08 is welcomed, NHSPS objects to the removal of the mention of the Harrow Road/Elmfield Way within Draft Policy 5 as part of MM08.

As above, the sites previously identified as Key Development sites within Westminster, and, accordingly, the NWEDA, should be identified as formal allocations.

The delivery of Harrow Road/Elmfield Way is a cornerstone of the regeneration of this deprived corner of Westminster. It would bring a public sector site back into use in accordance with Draft Policy 1. The envisaged development, for a residential led mixed use scheme would strongly accord with the spatial priorities of Draft Policy 5, particularly A, which promotes job opportunities, and B which promotes residential development.

The omission of mention and allocation of these sites hampers the effectiveness of the Draft Policy in meeting its own spatial priorities and the direction of redevelopment and regeneration to the NWEDA area.

NHSPS recommends that paragraph 5.5 is amended, as submitted at Regulation 19 stage, to refer specifically to both the site and its delivery for a residential-led development.

NHSPS therefore again requests paragraph 5.5 be amended to say the following:

*“The development of the key sites at Harrow Road/Elmfield Way over the plan period will deliver the land use priorities identified in [an appropriate allocation] including housing delivery and the potential for a mix of uses. It will also help to improve pedestrian permeability and provide better connections both within and beyond the NWEDA. These opportunities will be further explored in the Harrow Road Place Plan.”*

It is considered that such an amendment would make the Draft Plan effective and thus ‘sound’.

### **Specialist housing**

NHSPS welcomes the proposed modification of Part 3 of Clause D to remove the requirement therein to replace specialist or supported housing with affordable housing. As before, NHSPS considered that the Regulation 19 provision was inflexible and overly prescriptive. NHSPS considers that this new wording better reflects proposed Policy 30 (1) in respect of the support of the loss of community facilities where the loss or relocation is necessary to enable service provision and Draft London Plan Draft Policy S34 which supports the co-location of different forms of social infrastructure and the rationalisation or sharing of facilities.

However, NHSPS continues to recommend that Part 3 should be amended to confirm that the loss or relocation of specialist housing can be justified as part of a portfolio approach and which recognises the benefit of co-location with compatible and complementary land uses, rather than only on-site affordable housing delivery. This would enable the Draft Plan to be considered Justified, and thus ‘sound’.

Accordingly, NHPS maintains that Part 3 should be amended to say the following:

*“...it is surplus to requirements as any form of specialist or supported housing and the loss or relocation is necessary to enable service provision to be reconfigured, or consolidated, upgraded, or delivered more effectively as part of a portfolio approach. This includes the co-location of different forms of social infrastructure and the rationalisation or sharing of facilities.”*

### **Tall buildings**

NHSPS have already set out its recommendations to the Council on tall building policies in their representation dated 21 May 2017, in relation to the ‘Building height: Getting the right kind of growth for Westminster’ consultation and the Regulation 18 representation it made in December 2018 to the City Plan.

While the Main Modifications has amended the Draft Policy to adjust the definition of tall buildings, deficiencies remain in the Draft Policy which undermine the soundness of the Draft Plan.

The proposed policy continues to include a height cap. This will affect the viability of delivering brownfield sites in the borough including Harrow Road. In turn, this will impact on housing delivery in Westminster including the delivery of affordable housing in particular in accordance with



emerging City Plan Policy 9. As such it will undermine the deliverability, and effectiveness of the Draft Plan, and thus, its soundness.

It is considered that the development of sites for tall buildings should not be restricted only to the Opportunity Areas and road junction areas and instead should be considered on a site by site basis. In line with Draft London Plan Draft Policy D9, alongside context, sites that are accessible by public transport, and sites with potential for new homes, economic growth and regeneration should play a part in the appropriateness of a site for tall buildings.

Draft London Plan Draft Policy D9 has also been amended, following the Secretary of State Direction on 10 December 2020, to confirm that a building is not a “tall building” if it is less than 6 storeys or 18 metres measured from the ground. This was to avoid the excessive control that, the Secretary of State’s view, might, “thwart proposals for gentle density.”

It is again considered that Draft Policy 42 should reflect wording of the Regulation 18 version of the City Plan 2019- 2040, as suggested below. This should form Clause B of the Draft Policy, detailing the “General Principles” as included at MM41. Meanwhile, the prescriptive, Locational Principles at Paragraph E should be removed, as tall buildings should be allowed throughout Westminster, subject to General Principles and other planning policies.

The definition of “tall buildings” must also be re-aligned to reflect the quantitative definition in the Draft London Plan following the Secretary of State Direction, and thus seeking consistency with strategic policy. This is included below.

*“A. Development will optimise the density of the site, making the most efficient use of land. Proposals will have regard to other development proposals in the vicinity of the development and maximise opportunities to align proposals. Density including building height will be design-led. Tall buildings are defined as buildings not less than 6 storeys or 18 metres measured from the ground to the floor level of the uppermost storey.”*

*B. Developments including tall buildings will only be supported when it is demonstrated that building higher is the only way to make the most efficient use of the site, and design, heritage and neighbourly development policies are met.”*

It is considered that this amendment would make the Draft Plan effective, consistent with strategic policy and thus ‘sound’.

## **General Policies**

### **Community Uses and Healthcare’**

NHSPS previously made representations on Draft Policy 30 (Community Infrastructure, Education and Skills Policy) at both Regulation 18 and Regulation 19 stages.

While not subject to Main Modifications, NHSPS continues to consider that the Draft Policy needs to be consistent with Draft London Plan Draft Policy S1 (Developing London’s Social Infrastructure) specifically in relation to the more efficient use of both land and space.

As detailed in our Regulation 19 Representations, Draft London Plan Draft Policy S1 states that development proposals that seek to make best use of land, including the public-sector estate, should be encouraged and supported. This includes the co-location of different forms of social infrastructure and the rationalisation or sharing of facilities. This policy should be amended to

facilitate and make provisions for the change in trends and to be more consistent with the emerging London Plan.

An appropriate amendment to the policy would ensure the flexibility of such land to deliver housing and infrastructure needs, supporting the effectiveness of the Draft Policy and thus soundness of the Draft Plan.

While not subject to Main Modification, NHSPS continues to recommend the below addition to the wording of Draft Policy 30:

*“This includes the co-location of different forms of social infrastructure and the rationalisation or sharing of facilities”.*

## Summary

NHSPS considers that the Main Modifications proposed, subject to the amendments detailed above, would be sufficient to make the Draft Plan sound.

We trust these representations will be taken into consideration. In the meantime, should you wish to discuss our comments, please do not hesitate to contact myself or Grace Mollart.

Yours faithfully

