



City Plan 2019 – 2040 Main Modifications

Date 18 January 2021

By email to: planningpolicy@westminster.gov.uk

Dear Sir/Madam,

Re: Consultation on **Main Modifications**

Further to our representations made to the City Council on 31st July 2019 and in our EIP Statement dated 26th June 2020, we are now writing to provide you with our representations on the Main Modifications proposed to the draft City Plan that have arisen from the recent EIP.

Overall Shaftesbury is largely supportive of the modifications proposed as many of these reflect our previous submissions and comments made at the EIP. We also have the following comments to make at this latest stage:

Use of **restrictive conditions to control Class E uses**

It is noted that in the Inspectors letter to the City Council dated 29th October 2020 it states the following –

“we do not consider that it would be justified to include references in policies/supporting text to the use of conditions to in effect restrict specific uses which are now all within Class E. The clear intention behind these recent changes to the Use Classes Order is to allow flexibility for businesses to adapt and diversify to meet changing demands”.

We strongly agree with the Inspectors findings on this particular issue, particularly as we consider recovery following the global COVID 19 pandemic and the need for flexibility especially at the ground floor to ensure empty units are kept to a minimum. However, it is noted that these specific deletions are not set out in the Main Modifications table. As such we would be grateful if the City Council can confirm that any reference to the use of restrictive conditions to control uses within Class E will indeed be deleted.

MM11

We support the modifications to Policy relating to affordable housing. However, we would also ask that a reference to habitable rooms is added in relation to the 35% target to accord with Policy H4, Paragraph 4.5.3 of the New London Plan. That paragraph states: *“The percentage of affordable housing on a scheme should be measured in habitable rooms to ensure that a range of sizes of affordable homes can be delivered, including family-sized homes. Habitable rooms in affordable and market elements of the scheme should be of comparable size when averaged across the whole development. If this is not the case, it may be more appropriate to measure the provision of affordable housing using habitable floorspace. Applicants should present affordable housing figures as a percentage of total residential provision in habitable rooms, units and floorspace to enable comparison”.*

MM12

We support the deletion of Policy 10 in line with our previous comments.

MM13

We support the modifications made to Policy 11 and particularly the addition of paragraph 11.5 which references the 25% requirement for family-sized homes as a strategic target across the Borough.

MM17

We support the deletion of the 'three-in-a-row test', and welcome the support for the WERLSPA as an area which can support uses associated with the night-time economy within the revised Policy 15. The clarification and further support for meanwhile and pop-up uses is also supported. Supporting the high street and the local economy with a flexible approach to uses to keep high streets and activity zones flourishing is critical to the prosperity and recovery of the West End economy, particularly as the country emerges from the COVID 19 pandemic.

MM19

The modifications proposed which, in policy terms (Policy 17), seek to treat ancillary spaces of pubs differently to the pub itself, is welcomed. It is noted that the Draft Plan states that the focus of this policy will now be on those entertainment uses which can still be controlled following the introduction of Class E, i.e. pubs, bars, takeaways and shisha bars. However, this should not result in an unnecessary and disproportionate increase in the scrutiny of such uses at the application stage. The West End has been and will continue to be a vibrant part of the London Economy. The mix of uses within Westminster with residents living within the heart of a 24 hour City is part of the character of London and has been for Centuries. It is therefore important that the relationship between residents and the entertainment and night time economies are respected and facilitated through the use of effective management and servicing plans.

MM21

The modifications to Policy 21 set out that the Soho Neighbourhood Plan (SNP) will be used to assess development proposals. However, the SNP is not yet adopted and may not be adopted for some time. The City Plan should not assume it will be adopted and instead should change the reference at para 21.10 to say the following – (changes underlined and in red)

"Alongside policies in this Plan, development proposals within the Soho SPA will be assessed against the Soho and Chinatown Conservation Area Audit, supplementary planning documents, specific studies and the Soho Neighbourhood Plan when fully adopted."

MM40

The significant modifications proposed to Policy 41 relating to how proposals for roof extensions are treated are broadly welcomed, as these suggest a more balanced and positive approach to roof extensions compared to the previous iteration of the policy.

Policy 7

We note the Inspector has not required any modifications to the wording of policy 7, despite the

constructive discussions during the EIP where it was supported that clarifications on the wording within the policy would be helpful; particularly given BRE sunlight and daylight is a guidance document. We therefore respectfully request that the Inspector review the Council's proposed modifications to Policy 7, specifically M/S/20 (Policy 7a) and M/S/24 (Paragraph 7.3), both proposed modifications provide greater clarity to the assessment of sunlight and daylight and these modifications are supported

Yours faithfully,

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[REDACTED]

[REDACTED]

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