

CC/CB/P2931
04 September 2020

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City Plan 2019 - 2040 Examination
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Dear Sir/ Madam,

**Westminster City Plan 2019-2040 Examination
Changes to the Use Classes Order – Additional Question for Matter 1**

Further to our representations made to the City Council on 31st July 2019 and the Hearing Statement made on 26th June 2020, we welcome the opportunity to prepare further representations on the additional Question resulting from the new Use Class Order which commenced 1st September 2020.

This response has been prepared for BMO Real Estate Partners (BMO REP) who has been responsible for the active asset management of St Christopher's Place (SCP) for over 24 years. St Christopher's Place is owned by SCP Estate Ltd.

On 28th August, the Inspector released an additional question in advance of the EIP:

18) What are the implications of the changes to the Use Classes Order set out above on the legal compliance and soundness of the City Plan particularly with regard to (but not limited to) objectives 2,3 and 4 and the policies contained within the Spatial Strategy,

BMO REP supports the flexibility that the new Use Class Order (UCO) will bring to their West End estate, having championed greater flexibility within the use class order for many years. The flexibility will enable their estate to adapt and evolve to market trends much faster and make the planning process considerably easier to change between commercial uses within Class E for example. The estate currently relies heavily on land use swaps and flexible use permissions which are time consuming to secure and require costly legal agreements. The new UCO will hopefully result with fewer permission and agreements being required. The need for greater flexibility pre-dates the Covid pandemic and is considered a long term requirement and not a short term fix.

BMO REP considers that the new Use Class Order does not impact on the 'overarching' Objectives of the City Plan. The general thrust of the strategic policies are supported and considered sound. *However* the delivery and policy framework to support these objectives needs wholesale

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reconsideration as the employment, economy and in part affordable housing policies are retail and office focused and would be in the most part inapplicable with regards to the New Use Class Order. It is the detail within each planning policy that needs to be reviewed to accommodate the new use class order.

We consider there will be a conflict between the 'detailed' policy application and the new use class order. The current drafting of several policies and supporting text within the Housing, Economy and Employment Policies section of the City Plan conflict with the new Use Class Order. The town centre and West End policies do not support the flexibility the new Use Class Order allows.

We do not intend to highlight the conflict between every policy and the Use Class Order and trust that the Inspector and Westminster Policy Team will recognise the need to review the wording of the draft policies in light of the new UCO. However we set out below two examples where the strategic objectives would clash with the detailed policy:

Example 1

Objective 2: The Use Class Order still enables and supports Objective 2 to be met i.e enable job growth across a range of sectors vital to the UK economy, and ensure those from disadvantaged backgrounds benefit from the opportunities this presents.

However Policy 14D states – *'Proposals having the new loss of office floor space from the CAZ will only be acceptable in the following exceptional circumstances....'*

The new use class order permits the change of use from offices to retail or restaurant. The policy therefore prevents the flexibility the new Use Class Order brings.

Example 2

Objective 3: Enhance the West End as London's primary retail, leisure and visitor destination, and ensure our town centres and high streets can adapt to the challenges they face.

The new Use Class Order has been released to enable objective 3 to be achieved. Class E seeks greater flexibility to support the high street and town centres and ensure they remain viable.

However Policy 15B states – *'A1 retail will remain the priority use at ground floor throughout the town centre hierarchy....'*

The Use Class Order permits a change of use from retail to restaurant. This policy will therefore contradict the purpose of the Use Class Order and resist the flexibility.

We therefore consider that the policies rather than the overarching objectives will need to be reviewed.

New Use Class Order

As stated above, BMO supports the opportunities the new Use Class Order will bring. However, there is concern that landowners/ individual commercial tenants may exploit the flexibility to the detriment of certain parts of the West End. For example, should a neighbouring street to SCP become solely a restaurant destination, it would impact on the offer of SCP as a F&B destination adjacent to Oxford Street. Likewise, should a row of retail uses on the ground floor of the West End

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become offices, the vitality and offer of the area would be diminished

We therefore consider that the right balance has to be made between the flexibility of the Use Class Order and the emerging policies within the City Plan. We have already witnessed the request from WCC to SOS Robert Jenrick requesting devolved powers for Central London Boroughs to issue Article 4 Directions. We would not want to see the flexibility removed completely through Article 4 Directions and consider restrictions could be tailored to individual areas or by the use of conditions or planning obligations. We look forward to seeing how WCC will respond to the Use Class Order as we have already witness within other London Boroughs.

We trust the above is of assistance and will be taken into consideration when reviewing the City Plan during the EIP.

Yours faithfully

Claire Clark

For and on behalf of
Rolfe Judd Planning Limited