

REF: MR/BH/DB/R00282

BY EMAIL ONLY: bankssolutionsuk@gmail.com

26th June 2020

Dear Sir / Madam,

WESTMINSTER CITY PLAN 2019-2040

ROK PLANNING ON BEHALF OF UNITE STUDENTS (RESPONDENT NUMBER 115)

HEARING STATEMENT IN RESPONSE TO QUESTIONS RAISED BY THE INSPECTOR IN DOCUMENT INSP5 AHEAD OF WESTMINSTER'S CITY PLAN EXAMINATION IN PUBLIC (EIP)

I write on behalf of our client, Unite Students, to submit a Hearing Statement in response to the questions raised by the Inspector in document INSP5. Unite Students is the UK's leading manager and developer of purpose-built student accommodation (PBSA), providing homes for around 74,000 students in more than 177 purpose-built properties across 27 of the UK's strongest university towns and cities.

This hearing statement has been prepared further to the representations made throughout the preparation of the draft City Plan, and specifically the representations made to the pre-submission version of the draft City Plan dated 19th July 2019. This hearing statement focuses upon the Inspectors' questions in relation to Policy 1 'Westminster's Spatial Strategy' and Policy 3 'Spatial Development Priorities – Paddington Opportunity Area'.

Policy 1 – Westminster's Spatial Strategy

This section deals with relevant questions 9, 10, 11, 12, and 15 as set out by the Inspector in document INSP5 regarding policy 1 – Westminster's Spatial Strategy.

Question 9 - Is the boundary of the Central Activities Zone appropriate and justified?

Unite support the CAZ boundary in relation to the Paddington Opportunity Area, and believe that this is appropriate and justified.

Question 10 - Is the policy sufficiently clear in terms of the scale and nature of development across the different areas?

The wording of the policy under part A1 states that the Council will support "*intensification and optimising densities in high quality new developments that showcase the best of modern architecture and integrate with their surroundings, to make the most efficient use of land*". The wording under part B2 states that growth will be delivered through the continued redevelopment within the Opportunity Areas of Paddington, Victoria and Tottenham Court Road.

Unite support the policy wording of part A1 as this policy wording is applicable to sites which are to be redeveloped and intensified and optimised in terms of density, provided that they "*showcase the best of modern architecture and integrate with their surroundings*". It is clear from part A1 of the policy that this is applicable on a site by site basis across the borough. However, Unite would question the wording and

the use of 'integrate' as this could be applied in various ways and could lead to buildings not being of a high quality and assimilate with their surroundings, which could vary in appearance and quality. Development proposals should have consideration to their surrounding context but not integrate as this could compromise the design quality.

In terms of part B2 and B5 of the policy, this specifically identifies areas of growth in the Opportunity Areas which is strongly supported by Unite Students, particularly the Paddington Opportunity which is an incredibly important hub not only for Westminster, but London as a whole, accommodating one of the key train stations which people use to travel to London. Unite would recommend that the wording of this policy should include for greater growth, beyond that set out in the baseline position set by policy 1A. This is on the basis that these areas have been identified by the London Plan (CAZ and Opportunity Areas) to deliver significant growth, therefore, the policy wording should distinguish this. It is noted that the Council have modified the wording of part B to state '*growth will primarily be delivered through the*' proposed modifications (April 2020) (Ref.M/S/04). This is strongly supported and identifies these areas as first tier for delivering growth.

It should also be made clear that the redevelopment and growth within these identified areas should span across the opportunity areas in their entirety. Unite do not believe that the policy should go further to prescribe the scale and nature of developments and this should be considered on a site by site basis and within the context of the surroundings, alongside the justification of the architectural design of a development.

Question 11 – What is the approach to other areas not identified and is this clear?

Unite would recommend that the Council's approach to development in areas beyond that identified in part B of the policy, should refer to Policy 1A and follow the below in accordance with the London Plan:

1. Intensify and optimise density;
2. Be of a high quality;
3. Integrate and have consideration to their surroundings; and
4. Make the most efficient use of land.

Question 12 – What was the intended purpose of including the Key Development Sites in Appendix 1 and referring to them in Policy 1? What is their status in terms of allocations and what evidence is there to support their inclusion for example in terms of flood risk and the effect on heritage assets?

Part B5 of the policy states that growth will be delivered through the realisation of the potential of identified key development sites (Appendix 1). The modification proposed states '*realisation of the development potential of the identified sites line in appendix 1*'. This position is supported as again, the policy identifies these sites to primarily deliver growth.

Question 15 - Are the proposed modifications necessary for soundness?

As noted in the above sections, the following is considered necessary for soundness:

1. Replacement of the word 'integrate' in part A1 of policy 1 to ensure that development proposals have consideration to their surrounding context, but are not required to 'integrate' fully with existing

- development as a compromise to design quality;
2. The proposed modification of policy 1 part B to read '*growth will primarily be delivered through the*' (April 2020) (Ref.M/S/04) is strongly supported and necessary as it identifies these areas as a first tier for delivering growth;
 3. Part B of policy 1 should make clear that the redevelopment and growth within these identified areas should span across the opportunity areas in their entirety, but not prescribe the scale and nature of developments which should be considered on a site by site basis;
 4. The approach to development in areas not identified should refer to policy 1A and accord with the requirements of the London Plan;
 5. The proposed modification of policy 1, part B5 to read "realisation of the development potential of the identified sites listed in Appendix 1" (April 2020) (Ref PS/S/02) is strongly supported and considered necessary as it identifies the sites intended to primarily deliver growth.

Policy 3 - Spatial Development Priorities 'Paddington Opportunity Area'

This section deals with relevant questions 26, 28, 30, and 33 as set out by the Inspector in document INSP5 regarding policy 3 – Spatial Development Priorities 'Paddington Opportunity Area'.

Question 26 - What is the background and justification for the priorities set out in Policy 3? Are they consistent with national policy?

Part A of policy 3 notes that a priority for the Paddington Opportunity Area (POA) is the achievement of the "*growth targets for the area identified in the London Plan*". Unite support this position as it is of strategic importance that homes and opportunities for employment are delivered in the borough and in the area. Unite further support the inclusion of key development sites within the POA and consider this to be in accordance with the strategic London Plan Policy and the NPPF.

Question 28 - How will these priorities be delivered?

Importantly, at a strategic level the GLA have identified Paddington as an Opportunity Area and this principle has been established since 2016. Opportunity Areas are the capital's major reservoir of brownfield land with significant capacity to accommodate new housing, commercial and other development linked to existing or potential improvements to public transport accessibility (supporting policy text para 2.58). Annex 1 of the adopted Opportunity Area Policy (Adopted London Plan – policy 2.13) states "*there is scope for further high density, good quality, business and housing development*".

Part b of London Plan Policy 2.13 seeks to "*optimise residential and non-residential output and densities*". Additionally, in accordance with part d of policy 2.13, redevelopment proposals should seek to realise the scope for intensification associated with improvements to public transport accessibility. Importantly, part e of strategic policy 2.13 supports wider regeneration (including in particular improvements to environmental quality) and development proposals to the surrounding areas, especially areas for regeneration.

The emerging London Plan policy (draft London Plan Intend to Publish Version December 2019 (draft London Plan)) position on CAZ and Opportunity Areas reflect the above position. Emerging London Plan Policy GG2 outlines that there is a strong preference for mixed use redevelopment of brownfield land within Opportunity Areas and prioritises sites well connected by public transport. Part C of GG2 states that those involved in planning and development must proactively explore the potential to intensify the

use of land to support additional homes and workspaces, promoting higher density development particularly in locations such as Paddington.

In his letter to the Mayor of London dated 13th March 2020 regarding the Intend to Publish Version of the London Plan, The Secretary of State (SOS) places a significant emphasis on increasing density on sites that are brownfield and underutilised. The direction states *“It is important that development is brought forward to maximise site capacity, in the spirit of and to compliment (sic) the surrounding area, not to its detriment. Sites cannot be looked at in isolation and Londoners need to be given the confidence that high density developments will be directed to the most appropriate sites; maximising density within this framework. Examples of this are gentle density around high streets and town centres, and higher density in clusters which have already taken this approach. I am therefore Directing you to ensure that such developments are consented in areas that are able to accommodate them”*.

Importantly the SOS has directed draft London Plan Policy D3 to be modified to state in part A that *“The design of the development must optimise site capacity. Optimising site capacity means ensuring that development takes the most appropriate form for the site. Higher density developments should be promoted in areas that are well connected to jobs, services, infrastructure and amenities by public transport, walking and cycling”*. The direction also includes further updates to promote high density development where appropriate, including in existing clusters. The SOS has therefore directed a clear emphasis on high-density development in appropriate areas, aiming to maximise site capacity.

As noted above, at a strategic level, the CAZ and POA are deemed suitable for high density development. The POA clearly meets the criteria of draft policy D1 and D2 of the emerging London Plan (Intend to Publish Version). Positively, paragraph 3.4 of the supporting text to policy 3 of the draft City Plan acknowledges this and states that, in accordance with the strategic aims, the Council will *“continue to facilitate the further intensification of this area”*. Additionally, paragraph 3.5 acknowledges that *“the excellent public transport connections in the area provide opportunities for building at higher density”*.

However, the wording of the actual policy as drafted does not explicitly encourage optimising density of sites within the Paddington Opportunity Area, despite identifying key development sites which are notably appropriate for high-density development, and acknowledging the suitability of the area for high-density development within the supporting text.

Therefore, it is imperative that the wording of draft policy 3 is updated to take account of the SOS’s direction to ‘optimise density of development’. Policy 3 priority A should be updated to read *“The achievement of growth targets for the area identified in the London Plan by encouraging intensification and high-density development including tall buildings”*. This is required in order to accord with Policy 2 of the City Plan, the strategic objectives of the adopted and emerging London Plan and the NPPF as set out above.

Question 30 - Should Policy 3 specify the amount of housing and employment expected in the Paddington Opportunity Area over the plan period?

Paragraph 3.4 of the supporting text to policy 3 highlights that *“the London Plan has identified capacity for further high-density development in this area and sets out indicative growth targets of at least 13,000 additional jobs and 1,000 new homes over the period 2016-2041 for the Paddington Opportunity Area”*. Any specification of the amount of housing and employment expected in the POA should therefore be in accordance with these targets. Additionally, any specification should be treated as a minimum only in

order to ensure that growth is not limited within the area.

Question 33 - Are the proposed modifications necessary for soundness? Are any other modifications necessary?

The note for key development site 3 'Travis Perkins, 149 – 157 Harrow Road' at Appendix 1 of the draft City Plan has been removed in its entirety through the proposed modifications (April 2020). This modification (M/A1/04) is strongly supported by Unite as the previous policy wording referred to a historic pre-application enquiry and a development brief for the wider area, dated 2004. This is considered wholly out of date given the fact that the Paddington Opportunity Area has changed dramatically since 2004 and it should carry no weight nor be applied to developments coming forward within the area.

In addition, the removal of the note indicating that '*development on the site would be of a lower scale than the surrounding buildings, with lower height values fronting the canal potentially increasing in height towards the Harrow Road*' is strongly supported. There is no evidence put forward by the Council to demonstrate that a lower height fronting the canal and increased height towards Harrow Road is justified, nor taken into the wider context of the site. This would have contradicted the wording of policy B1 and B5, which seeks the site and the wider opportunity to deliver growth and the development potential to be realised.

In relation to key development site 3, this proposed modification is necessary for soundness, as the notes included on the submission version of the City Plan relate to unjustified assumptions over height and scale and reference an out of date policy document. Therefore, the April 2020 proposed modifications are required in relation to key development site 3 to ensure it is sound.

As well as the above modifications the following changes, as detailed throughout this hearing statement, are required to ensure the plan is sound:

1. The wording of Policy 3 priority A of the Westminster City Plan needs to be updated to take account of the Secretary of State's direction to the Mayor of London (dated 13th March 2020) to include for 'optimising density of development' via draft policy D3, including that high density development including tall buildings should be encouraged. This is additionally required in order to accord with Policy 2 of the City Plan, the strategic objectives of the adopted and emerging London Plan, and the NPPF;
2. Any specification of the amount of housing and employment expected in the POA should be in accordance with the London Plan targets as referenced within the supporting text of policy 3. Additionally, any specification should be treated as a minimum only in order to ensure that growth is not limited within the area.

We trust this Hearing Statement will be considered for the Examination in Public. If you should have any questions in the meantime please do not hesitate to contact [REDACTED]

