



# GROSVENOR

## **Westminster City Plan 2019-2040 – Examination in Public Response to Inspector’s Matters, Issues and Questions Respondent Number: 120**

### **Matter 3 – The Spatial Strategy and Spatial Development Priorities (relevant Policies – 1-7)**

#### **Draft Policy 2 Spatial Development Priorities**

*Question 21) What is the basis for the designation and boundaries of the West End Retail and Leisure Special Policy Area, the West End International Centre and the Tottenham Court Road Opportunity Area? Are the areas covered appropriate and justified?*

We are disappointed that our request to extend the boundary of the WERLSPA down South Audley Street along Farm Street, incorporating Mount Street towards Berkeley Square, has not been addressed. This should be reconsidered. These streets have a significant retail and commercial character. Their exclusion from the WERLSPA does not appear to be justified by evidence. This would also better reflect the focus area of the Oxford Street District as set out in the Oxford Street District Place Strategy and Delivery Plan, which includes areas to the immediate south and west of Grosvenor Square.

In addition, we consider that the boundary of the West End International Centre should include South Molton Street and 65 Davies Street (which is the Elizabeth Line station entrance) immediately south of the underground station entrance at West One Shopping Centre (which is included within the International Centre boundary). We also request that the boundary of the International Centre is extended down Davies Street and along Brook Street, as well as including Duke Street and North Audley Street down to Grosvenor Square due to the character of these areas.

#### **Draft Policy 7 Managing development for Westminster’s people**

*Question 63) Are the criteria in Policy 7 sufficiently clear and effective?*

*Question 64) Are they justified?*

*Question 65) Are the proposed modifications necessary for soundness? Are any other modifications necessary?*

Modifications are proposed to Draft Policy 7A which is amended as follows in M/6/20 (modifications shown in red):

**“Protecting and where appropriate enhancing amenity, by normally preventing unacceptable impacts in terms material losses of daylight and sunlight, and preventing significant increases in sense of enclosure, overshadowing, loss of privacy and overlooking.”**

We remain concerned about the policy wording and consider that criteria A is not clear, effective or justified.

While we appreciate that there needs to be protection of amenity within Westminster, there must also be an acknowledgement of the existing dense urban context and sufficient flexibility must be reflected in the policy to account for this.



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The policy, as drafted, does not recognise the reality that the scale of growth sought by the Plan will, in some cases, require unavoidable changes to levels of daylight, sunlight and other aspects currently enjoyed by surrounding residents in a dense urban context.

The policy should seek to prevent unacceptable impacts, as was initially drafted, rather than seeking to prevent any material change. Preventing material change whilst still accommodating anticipated levels of growth has not been shown to be deliverable and would not be effective.

The NPPG guidance on this topic, updated in July 2019 and titled “Effective use of land”, notes that in respect of daylight and sunlight considerations and assessing appropriate levels of sunlight and daylight, all developments should “*maintain acceptable living standards*”. The guidance goes on to set out that when assessing appropriate levels this will depend on the “*context for the development as well as its detailed design. For example, in areas of high-density historic buildings, or city centre locations where tall modern buildings predominate, lower daylight and daylight and sunlight levels at some windows may be unavoidable if new developments are to be in keeping with the general form of their surroundings*”

Furthermore, Policy D6 (Housing Quality and Standards) paragraph D of the Intend to Publish London Plan (December 2019) states “*the design of development should provide sufficient daylight and sunlight to new and surrounding housing that is appropriate for its context, whilst avoiding overheating, minimising overshadowing and maximising the usability of outside amenity space*”. It does not seek to avoid material changes.

The aspirations of the emerging London Plan thereby allow for decision making in respect of daylight and sunlight considerations to have regard to “context” as well as assessing the level of daylight and sunlight within this to assess if it would be “sufficient”. Within the Adopted London Plan, Policy 7.6 seeks to avoid “unacceptable harm” to daylight and sunlight.

The proposed modification M/S/20 is not consistent with the NPPG, adopted or emerging London Plan policy. It does not consider the intricacies of an urban environment whereby a loss of daylight and sunlight could be material but may still be acceptable given the context. M/S/20 should not, therefore be incorporated. In addition, paragraph 7.3 should be amended to align with the original wording of Policy 7(A).

The final sentence in paragraph 7.3 states that even when there is “*no material loss of daylight and sunlight, new developments should prevent unacceptable increases in the sense of enclosure.*” Reference to “*no material loss of daylight and sunlight*” is inconsistent with the main policy wording as originally drafted and should be removed.

Additionally, we do not support the policy’s equation of daylight and sunlight with sense of enclosure. The BRE Guidelines do not purport to provide tests or checks to judge sense of enclosure. It is not legitimate to imply that because a property may (or may not) suffer a material loss of daylight and sunlight that one can jump to the conclusion that there will be unacceptable impact to sense of enclosure.

We support the amendments to paragraph 7.3 proposed by the WPA:

***“Negative effects on amenity should be minimised as they can impact on quality of life. ~~Provision of good indoor~~ Daylight and sunlight levels ~~is~~ are important for health and well-being and to decrease energy consumption through reduced need for artificial heating and lighting. Overshadowing affects the quality or operation of adjacent buildings and can negatively impact on the use of public and private open space for***



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***recreation, rest and play. Positioning, scale and orientation of buildings as well as the incorporation of design measures should be considered to minimise overshadowing and overlooking and ensure adequate levels of privacy. ~~Even when there may be no material loss of daylight or sunlight, new developments should prevent unacceptable increases in the sense of enclosure.~~***