



Consultation response by the Soho Society to the draft Westminster City Plan 2019-2040

We welcome the publication of the new draft of the City Plan and welcome the fact that a number of policies in it relate to a number of the draft proposals in the Soho Neighbourhood Forum's own draft neighbourhood plan.

All the numbered policies from 1 to 43 in the plan, unless specifically commented on, are supported by the Society.

There are a number of small typos in the document but they do not materially change meaning and we imagine these will be picked up in a revised version.

Policy 2- The West End Retail and Leisure SPA

To support policy 2C we suggest that a specific Supplementary Planning Document or SP Guidance (as mentioned in paragraph 15.8) is drawn up and consulted upon to establish a coherent planning framework to address and coordinate development proposals along Oxford Street and relevant side streets as they emerge. This should set broad design, scale and sustainability standards to ensure that what emerges development by development, whilst individually diverse in design terms, delivers a street which sets new standards for shopping and the visitor experience whilst enhancing the street's public realm and environmental performance. As a single example, there should be a requirement to commit to establish a district heating scheme and a requirement that all development be equipped with the capacity to join it at a future date so that once sufficient premises are so equipped it becomes economically viable to provide district heating. This would deliver real carbon reductions and improved air quality.

The first sentence of paragraph 2.5 states that 'the majority' of growth will take place in the WERLSPA. This contradicts Policy 1 E which seeks to deliver growth through intensification across the CAZ, the Opportunity Areas and other designated areas. We believe that Policy 1.E is the right approach. Whilst it is clear that the WERLSPA should absorb growth, given the fact that it is already intensively developed, the approach of policy 1.E which spreads growth more widely is more easily deliverable. It also helps to deliver the benefits of growth more widely across the city and reduce pressure and pinch points on transport infrastructure and other utilities. We suggest the word 'majority' para 2.5 is replaced by '*a large part*' to better align it with policy 1.E.

Paragraph 2.8 third sentence please delete the word '*timings*'. Changing timings may have an adverse effect on established commercial trading patterns and residential amenity and also will not of itself reduce pollution or reduce unnecessary vehicle trips. Whilst spreading timings may be a marginal help what is needed is measures to ensure consolidation of previously separate deliveries into one trip and the roll out to more areas of best practice measures like the Bond Street Commercial Vehicle Reduction Scheme that will enable reduced pollution and congestion.

If the intensification and growth envisaged by the plan is to be deliverable and also sustainable the plan must be strengthened with some specific objectives and targets in this regard to motivate significant behaviour change in delivery and servicing systems towards achieving reduced vehicle movements and reduced to zero emissions from these remaining activities. The size of the public

realm in terms of carriageways and pavements largely remains the same over time. In places like Soho, streets laid out for the needs of the horse and cart/carriage are too narrow to sustain ever increasing activity. The public realm is often at or above capacity at times already. It is not sustainable to increase floor heights and allow other development increases and not recognise that vehicular pressure on parts of the West End will need to be proactively managed and reduced. The absence of effective delivery and servicing policies will also completely undermine other plan policies.

As an example, exclusion of some vehicle types by time of day using a number plate recognition system e.g. restrictions on non-resident private vehicles at night, limits and pricing for construction traffic deliveries outside specific time windows could be an effective measure. Unless such policies and systems are put in place development that further congests Soho's streets is likely to be unwelcome and unsustainable

Policy 7 These policies on neighbourly development are particularly welcomed.

Policy 9D is particularly supported.

Policy 9G In the first sentence after '.....small scale' add the words '*residential proposals*'. This is proposed because there are residential proposals that are designed to specifically fall just below the threshold requiring 35% affordable housing and therefore avoid making any contribution to the achievement of the plan's aspirations in relation to achieving the increased affordable housing target. It also ensures better consistency between policies 9A and 9B.

In paragraph 9.15 After 'For smaller' add '*residential proposals*' and add an explanatory sentence. '*Residential proposals that are significant but which fall below the threshold requiring 35% affordable housing should make a proportionate contribution to the achievement of the plan's affordable housing policies.*'

Policy 18A In the first sentence of paragraph 18.2 after '.....assessment of development' add the words '*and in use*'. The reason for this is to ensure that impacts are considered once the premises are in use and are not just limited to the impacts of the development phase.

Paragraph 18.3 Delete third sentence and replace with '*Local community functions provided by new entertainment uses could include such things as the provision of resources to such events, the offer of discounted space in which to hold them, or the provision of learning and training for the local community associated with the use.*'

Policy 19 This is welcomed and strongly supported.

Policy 26 These policies should be much stronger. At the end of Policy 26B add this sentence. '*Where these adverse effects cannot be minimised then the application will not be acceptable in planning terms.*' At the end of paragraph 26.2 bring note 2 into the main body of the text and at the end insert the words '*and the Council supports this target.*'

The Society completely disputes the wording that states that allowing deliveries to be re-timed is likely to deliver the benefits described or that retiming will be embraced by the logistics and delivery industry to change their working patterns. It would be an impossible policy to enforce if retiming were seen as a planning condition that made a development acceptable. Such a policy does nothing to put pressure on business to change their behaviour, to reduce emissions or improve air quality. It is weak and ineffectual given the envisaged life of this plan. The paragraph should be deleted.

In paragraph 26.4 In the first sentence delete 'can' and replace with '*will be expected to*'. We completely disagree with the last sentence which seems to imply - just spread the misery out and it

will be acceptable -. Moving the times around even if they worked “a bit” isn’t a policy for the next 21 years.

In the second sentence of paragraph 26.5 after ‘.....and will’ insert the words ‘*protect existing car parks from change of use and*’

There are few existing locations within the West End to enable freight and micro-consolidation facilities and existing off-street car parks offer potentially suitable spaces in which to provide these uses. In Policy 27 it is recognised that travel and technology are changing as part of the justification for protecting refuelling sites. The second sentence of 27.2 says vehicles will be removed from the road in terms of deliveries and collections but unless there are freight and micro consolidation centres to ensure there are more sustainable alternatives this will not happen.

Paragraph 27.6 merely repeats 27.4 and should be deleted.

Paragraph 27.7 should be amended to commit the council to ensure that on street provision of electric charging equipment rises in line with demand over the life of the plan.

Policy 28 E should be reworded to ‘*The loss of on street parking may be permitted where demonstrated to be surplus to requirements and/or where the proposal facilitates other sustainable transport measures or better use of the kerbside. Within the Soho Special Policy Area because of its restricted street pattern on street parking is likely to be reduced in order to address congestion and air quality issues.*’

If the Council is serious about reducing congestion and improving air quality it must recognise that visitor private car and van use in the West End must reduce and in Soho in particular.

Please revise paragraphs 28.3 and 28.4 plus possibly 28.8 to take account of the power to restrict the provision of on street residential parking permits where appropriate as part of new residential development which can still be legally done using Section 16 of the Greater London Council (General Powers) Act 1974 see link to case law <https://www.colmancoyle.com/team/is-a-parking-permit-free-obligation-a-valid-section-106-planning-obligation/>

Policy 30C This policy is welcomed but it should be examined to make sure that it is worded sufficiently tightly that public sector providers, such as the NHS at the Soho Centre for Health and Care, cannot exploit these provisions to seek reductions of community use and change of planning use to existing community facilities on land with high value with the objective of maximising the sale value of the space so released. Over many decades the NHS has sold off small specialist hospitals located in Soho and Chinatown with no local replacement provision other than the Soho Centre and it is important that this last publicly accessible and locally vital service is not lost in the same way. Local provision which is in an area with a high level of in commuting workers also helps to provide an important service to employees as well as residents.

Policy 30 G is unclear as the threshold for housing is 00 but this may be a typo. Greater emphasis should be placed in the policy on the operational phase of development. This will help to increase the diversity of employment opportunities for Westminster residents other than just construction related employment.

Policy 32A should be amended by the insertion of the words ‘*at least*’ after ‘...Westminster will be’. Also insert the words ‘*at least*’ in paragraph 32.3 in the third sentence after the words ‘...will achieve’. This necessary because developments that were proposing or operating at an air quality positive level would be able to relax their standards to simply be air quality neutral. The policy should also be extended to require a contribution from major development towards the

establishment of a network of air quality monitoring stations across the eight Westminster AQFAs so that trends in air quality can be accurately assessed.

In paragraph 32.2 more challenging targets should be set than those established in 2011.

Policy 33 C should have the following words added at the end of the first sentence. *'block or inhibit existing drainage facilities.'* This is required because the run off from the concrete deliveries is often simply swept into the nearest drainage gully with the effect that they are often blocked with solidified concrete which cannot be pumped out after it has set. At the end of the second sentence add the following words *'Development which in any way alters the public realm, pavements and carriageways should be designed as installed so as to avoid areas of rainfall ponding.'*

Policy 33 D should have a second sentence added containing the following words *'On completion the existing drainage gullies and other facilities in the immediate vicinity of the development should be tested to ensure that all are working properly and any that are not should be remedied before the development is occupied. This will be required without exception in the Surface Water Flood Risk Hot Spots.'*

Policy 34 D should have the words *'residential and commercial occupiers'* added in the first sentence after *'.....and light spill on'*. We are very surprised that in its first draft the City Council did not seek to protect residential and commercial occupiers from detrimental glare.

In policy 34 add a new policy section I after policy H with the following words. *'34 I In the special policy areas major developments will be expected to provide appropriate facilities of a sufficient size to provide storage facilities for a designated number of small and existing properties so that the amount of waste placed on the pavement in bags awaiting collection is reduced.'*

After the fifth sentence in paragraph 34.9 add three new sentences as follows: *'In these areas major developments must contribute proportionately in the immediate vicinity of the development to the improvement of waste collection systems by increasing the size and design of their own facilities for waste handling and recycling. This additional space should be offered to a designated number of neighbouring premises (such access to be controlled by legal agreement and suitable technology). Such new facilities whilst not full specialist waste disposal facilities will help to reduce the necessity for materials to be placed on the pavement in bags and otherwise awaiting collection.'*

Policy 35 is weak and unambitious given the predicted climatic challenges over the life of the plan. It is not enough to protect the existing infrastructure, there should be a clear commitment to increase it. Whilst the majority of buildings in Westminster will remain significantly unchanged during the life of the plan, those that are should be designed to be as green and sustainable as possible in order to help mitigate some of the local effects of climate change. It would be strengthened and have more leverage if there was a clear commitment to support greening as an integral part of development.

Policy 35 B Add a new sentence at the end as follows: *'Development proposals should be designed to incorporate greening elements which maximise the environmental, social, economic and amenity value of the proposal'*. This addition is necessary because without a clear policy direction development proposals over the life of the plan may come forward which do not contribute to the overall objectives of these policies.

In paragraph 35.11 in the fourth sentence insert the words *'and Westminster'* afterin London. It is a reasonable target for Westminster to achieve as well as London overall.

In paragraph 35.15 after the fourth sentence insert a new sentence as follows: *'Major development in the opportunity areas and WERLSPA should consider whether provision can be made at roof level'*

as part of proposals to provide carefully designed and managed Pocket Parks and/or additional play space.'

Policy 36 There should be a section to encourage and promote retro-fitting to enhance the sustainability of the existing building stock in Westminster as the most effective way to reduce energy demand and reduce carbon emissions. There have been previous reports endorsed by the City Council focusing on the potential of retrofitting, within Soho as an exemplar area, to highlight cost effective retro-fitting and recommend best practice.

Policy 37 D add a new subsection 2 and renumber the other items after it. The new wording of 2. should say *'Whenever practicable measures to retro-fit the existing building stock should be a priority to both reduce carbon emissions and prevent the waste of embodied energy by demolition and reconstruction particularly in the case of foundations and structure.'*

Either adapt paragraph 37.9 or insert two new paragraphs along the following lines.

'The majority of the building stock of the city is likely to remain unchanged during the life of the plan and the London Heat Map shows that this stock is very resource inefficient creating high levels of carbon emission. Retrofitting is often the most cost-effective way to improve this position and should be prioritised as a design principle. Whilst the upgrading of spaces, facades and facilities is normally required as part of major development, complete demolition and redevelopment is a very resource wasteful method of construction. It destroys the resources and energy embodied in them which were used to create the original foundations and structure. It then uses new resources to build new foundations and structure often sited close to or in place of that pre-existing. There are intensified traffic, dust and noise implications from the process in the immediate vicinity and the lorry movements associated with collecting wasted materials and delivering new materials to site has adverse impacts on the neighbouring area.

Retro-fitting and reuse should be considered at the start of the design process and a Retro-fitting Assessment supplied as part of pre-application discussion. Applicants must demonstrate to the satisfaction of the Council and give sufficient reasons to show that it is not the best practical and most sustainably cost-effective approach before considering other design solutions.'

Policy 40 G Add at the end of the sentence the words *'within Westminster'*.

This should be added because Centre Point is a building within Camden that is much higher and out of scale with all the other buildings in the Westminster part of the Opportunity Area.

MB on behalf of the Soho Society - 31 July 2019