

BERNERS - ALLSOPP

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Neighbourhood Planning
Policy and Projects
Westminster City Hall
17th Floor
64 Victoria Street
London
SW1E 6QP

By Email to: neighbourhoodplanning@westminster.gov.uk

Dear Sir/ Madam,

Publication of the Fitzrovia West Neighbourhood Plan (Submission Version) Representations on behalf of The Berners-Allsopp Estate

The Berners-Allsopp Estate is the freeholder of the whole of Berners Street from Eastcastle Street to Mortimer Street (with the exception of 12-15 Berners Street) and other buildings along Wells, Eastcastle and Newman Streets. The family have been the freeholder of the land and buildings for over 300 years and retain a strong interest in the area's future use and development.

A key policy of the Estate has been to ensure that the area remains predominantly commercial. The Estate has been proactively exploring means to optimise and modernise their portfolio in an ever changing (and unpredictable) market as well as creating an improved townscape to enhance the quality and desirability of the business district.

The Fitzrovia West Neighbourhood Area encompasses the entire Berners Estate and therefore the policies within the proposed plan are extremely important for the Estate and their future developments.

Representations

We have reviewed the proposed Fitzrovia West Neighbourhood Plan in detail and consider the policies to be broadly in line with existing Westminster's adopted City Plan, emerging City Plan and London Policies. Whilst we support the vision and overarching policies regarding regeneration, sustainability, design and flexible use etc, we wish to highlight areas of the policy which we consider will impact upon future developments within the area, in particular certain sections of the office and retail policies. We set out below our thoughts on the proposed policies (both in support and objection) which are particularly relevant for the Estate:

Para 3.4 & Policy PR1.d 'This Plan aims to increase the proportion of affordable housing which should be fully integrated on the approved development site'

Response: The Berners Estate is characterised predominantly by offices and commercial uses. This character is acknowledged by Westminster's planning officers during recent redevelopment schemes. It has been widely demonstrated through the adopted City Plan Policy S1, that a payment in lieu is acceptable rather than providing on-site affordable housing. This is widely accepted along recent developments along Berners Street/ Wells Street.

Including affordable housing on site within developments will usually render schemes unviable. There is usually not enough space for separate cores and provision of private amenity space within tight

redevelopment sites in Fitzrovia. The introduction of residential uses into new developments also changes the character of a scheme which becomes less desirable to commercial tenants.

The mixed use policy which provides a tried system for providing affordable housing policy is already a part of the City Plan and is considered to work sufficiently. We question the need for the policy to be reiterated with further restriction in the neighbourhood plan.

Para 4.3-4.7 Objectives: (Regeneration/ supporting business/ increasing green open space / environment/ transport)

Response: We support the vision and objections set out within these paragraphs. The introduction of meanwhile uses of vacant uses, increasing green open spaces and traffic calming is fully supported by the Estate.

Policy PR1 – ‘Redevelopments will only be supported where... There is no loss of daylight or sunlight to adjoining occupants’.

Response: We object to the wording of this policy which is overly restrictive. BRE guidance acknowledges that schemes may have an impact on the daylight/sunlight into adjoining properties and indicates at which level this becomes unacceptable. The level of impact has to be assessed on a case by case basis. Impacts on daylight/ sunlight levels are often minor and do not create significant harm. We consider the wording needs to be amended to reflect Government Guidance and remove reference to ‘no loss of daylight or sunlight’ which is contrary to guidance.

Policy PR2F - Housing – Additional communal space/ storage: ‘In all developments refuse storage and related facilities should be provided and if more than 5 units are provided, additional community meeting and/or storage space should be considered’

Response: This requirement goes above the adopted London Plan and Nationals Space Standards. It is often difficult to find space for ancillary functions for cycle’s storage etc let alone community space. Trying to secure storage space for 5 units, which is a minor application, will prove difficult for the majority of developments. We consider the wording needs to be amended to achieve storage ‘where possible’ and remove reference to community meeting space completely.

Policy PR2H – ‘legal agreement for flats to be used as ‘principal residence’

Response: We question how this will monitored and enforced by WCC. It is relatively straight forward to register with a doctors/dentist and not live in the area. Electoral role can easily be achieved. We consider this policy restricts the opportunity for people to utilise residential accommodation mid-week and not stay at the weekend and accordingly we object to this proposed restriction.

Policy PR2J. ‘In designing new housing developments, applicants should demonstrate how they have addressed the guidance in Building for Life 12 criteria in order to achieve the highest standards of place-making and enhancing local distinctiveness’.

Response: We question the need for additional design guidance which is also dated and superseded by the London Plan and National Space Standards? We do not consider another level of design guidance is required, particularly dated guidance.

Policy PR3: Tourism, Arts, Culture and Entertainment Uses

Response: We support the vision of the entertainment and culture uses in the area which we consider will add vitality and supporting amenity uses for existing business and residents.

Policy PR4 – new community uses, health and sports facilities will be supported.

Response: We support the introduction of new community uses in the area. We consider community uses such as gyms/ yoga studios add a further variety to the mix of uses in the area and provide an amenity for workers and residents.

Policy B1.1: Small Business Units 1. ‘Applications for redevelopment of existing buildings which include business units of less than 250sq.m will be supported where the redevelopment involves provision of an equivalent or increased number of such units’.

Response: We object to this policy. This policy will prevent larger, open plan offices being developed. The policy seeks the same number of small office suites to be reinstated into redevelopments. It will prevent flexibility of floor layouts. The character of offices in this area is for large open plan, with the potential for sub-division. We request the removal of the requirement for smaller office requirements to ensure maximum flexibility.

Policy B1 2. 'Applications for development of buildings for B1 use in excess of 1,000 sq.m. gross floor area shall include where possible a range of unit sizes and types suitable for small and independent businesses including at least one business unit of less than 250 sq.m per 1,000 sq.m'

Response: As per our comments above, the request for schemes to introduce smaller offices will restrict flexibility and desirability of new developments. We request the remove of the requirement for smaller office requirements to ensure maximum flexibility.

Policy B2.1 – 'Where there is evidence that a retail unit has been vacant and advertised to let for more than 18 months, alternative uses, such as A2, A3 and leisure uses can be considered'.

Response: 18 months considered too long for marketing in this area. It is detrimental to the character of the area to have retail units vacant for this duration. We consider the length of marketing should be reduced to below 12 months.

Policy B2 2. 'Applications for redevelopment of existing buildings which include retail units of about 150 sq. m. (defined by WCC as 'small retail units') will be supported where the redevelopment involves provision of an equivalent or increased number of such units'

Response: We consider this restricts redevelopments which seek flexibility of larger and small retail units. We recommend the removal of the requirement for smaller retail requirements to ensure maximum flexibility. If a protection is considered necessary, the policy should refer to floorspace rather than the number and size of the retail units.

Policy B2.6. 'Where ground floor units are vacant, temporary, pop-up uses will be supported so long as they don't create any adverse environmental impacts'.

Response: We support this policy and consider it is important to protect the vitality of the area. This policy will enable temporary uses to utilise vacant ground floor units until a permanent tenant is confirmed.

Policy GS2 –creating new green and open space. 'All new major development should incorporate an appropriate and well-designed new open or green space'.

Response: We support this policy where it is possible and practical to do so. This policy should be taken into consideration by the Highways Team when proposals for pedestrianisation and greening of the area are submitted.

Figure 8 – Public Realm Priority Projects

Response: The map does not include the northern end of Berners Street pedestrianisation works/public realm project. This project is being managed by Atkins in close discussion with Westminster Council. The proposed works to the northern end of Berners Street should be added to the map.

Policies EN1 & EN2 – Sustainability and Renewable Energy

Response: Aspirations for sustainable developments are supported and considered in accordance with London Plan and WCC emerging policies.

Policy T1c - Support developments which provide off-street space for bicycle storage, deliveries, servicing and refuse collection;

Response: It is very rare that a development site is large enough to accommodate off street servicing. This policy should be an aspiration where possible and practical to do so.

Policy T1d - Support the concept of a 'super-grid' which ensures that traffic uses the main distributor roads and restrict vehicular access on smaller streets except for essential servicing.

Response: We are in support of this policy where this does not have a detrimental knock on impact on surrounding streets.

Summary

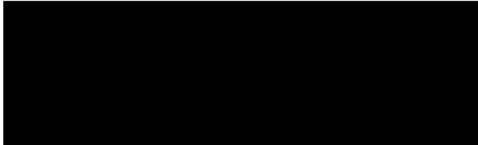
We trust our comments on the above policies will be taken into consideration during the final review of the Neighbourhood Plan by Westminster prior to the independent review by an Inspector. The Berners-Allsopp Estate welcomes the opportunity to continue to have a constructive dialogue over the ongoing development of the Neighbourhood Plan and that these comments help to achieve its ambitions.

We look forward to hearing from you would be very happy to meet with officers to help present first-hand how our work is helping shape this vital part of the City.

We confirm that we wish to participate in a public hearing if one is held to discuss the plan.

Should you have any questions, please do not hesitate to contact us or our planning consultant Claire Clark at Rolfe Judd Planning (clairec@rolfe-judd.co.uk).

Yours Faithfully,

A large black rectangular redaction box covering the signature area.

E.D. Leigh-Pemberton
p.p. The Berners-Allsopp Estate