

# Statement of Common Ground between the City of Westminster and the Yoo and Ascendal Group

November 2024

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# 1 Introduction

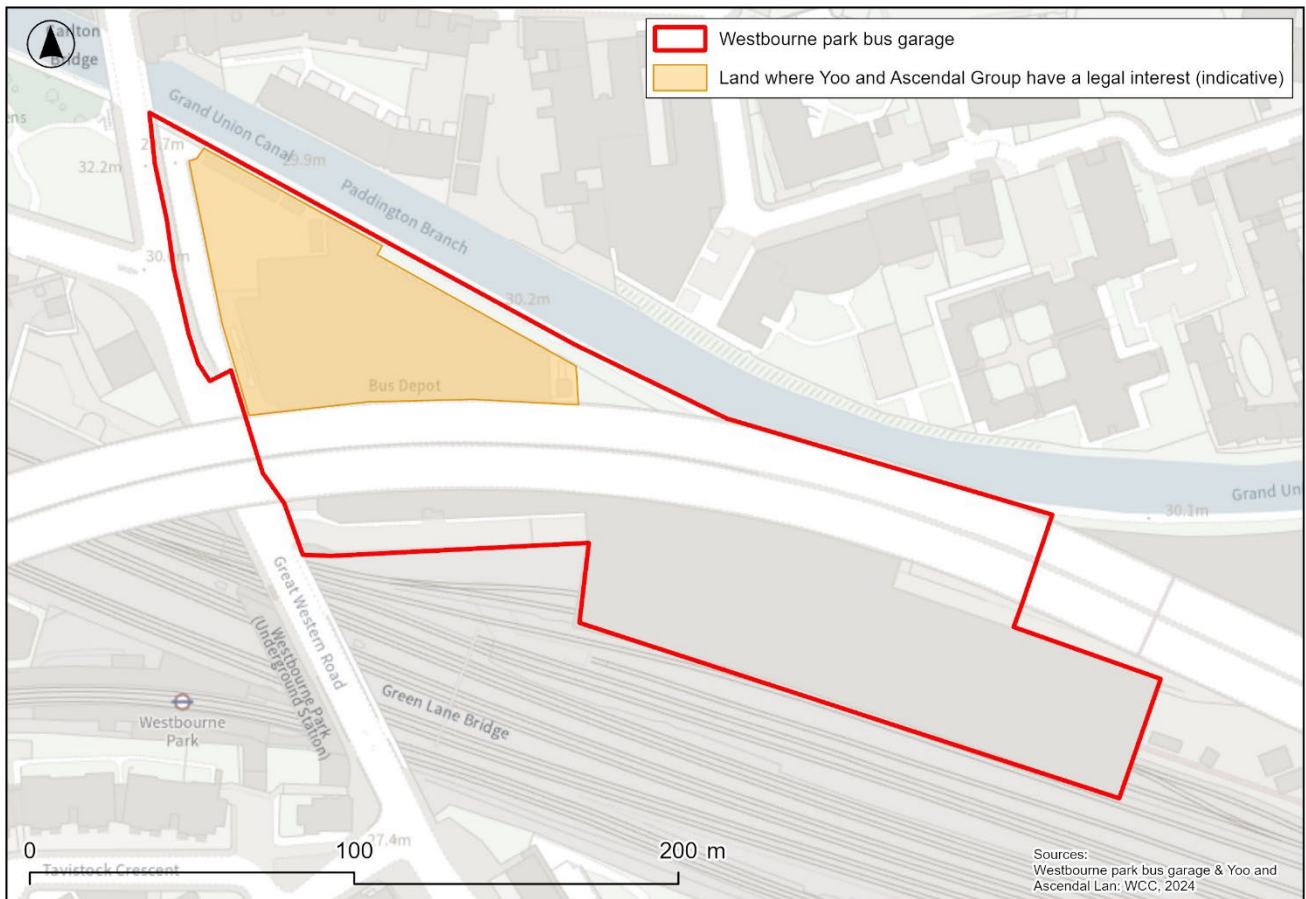
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# 1.1 Introduction

## Introduction

- This Statement of Common Ground has been submitted as a proposed Statement of Common Ground (SoCG) between the **Yoo and Ascendal Group (YAG)** and **Westminster City Council (WCC or 'the council')**.
- This SoCG relates to the proposed site allocation of Westbourne Park Bus Garage, in Westminster's Partial City Plan Review within Policy 9.
- The joint venture between **Yoo and Ascendal** was set out to unlock the redevelopment of the Westbourne Park Bus Garage site. The site is occupied by an **RATP** owned bus garage. Land Registry records also show that several other parties have registered interests on this land, namely: **Tower Transit, Transport for London, Network Rail, Telefonica** and the **Canal and River Trust**.
- Map 1 shows the area of the proposed Site Allocation where **YAG** have a legal interest.

Map 1: Area of the proposed Site Allocation where YAG have a legal interest



- Discussions have been held between both parties as the Westbourne Park Bus Garage Site Allocation was drafted, and in the lead up to submission of the City Plan Partial Review.

- This SoCG focusses on the issues raised in **YAG**'s representations in response to Regulation 19 consultation and sets out where agreement between the parties has subsequently been reached, and any remaining areas of disagreement.

# 1.2 Engagement between the parties undertaken to date

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- The preparation of the site allocation policy took place between June 2023 and February 2024. During this time, a number of meetings were held between **YAG** and **the council**. Table 1 below provides an overview of the engagement undertaken during this period, in addition to discussions held between the parties following the consultation in the development of this SoCG.

**Table 1: Summary of engagement between parties**

| Date  | Meeting held   |
|---|--|
| <i>Informal engagement in the lead up to Regulation 19</i>                |  |
| 10.07.23  | Landowner engagement, prior to Regulation 19 and pre-application |
| 08.11.23  | Landowner engagement, prior to Regulation 19                     |
| 23.01.24  | Landowner engagement, prior to Regulation 19                     |
| <i>Engagement following the Regulation 19 period to prepare this SoCG</i> |  |
| 17.10.24  | Landowner engagement, following Regulation 19                    |
| 11.11.24  | Landowner engagement, following Regulation 19                    |

- Outside formal meetings, the parties have and will continue to work together.

# 2 Policy matters

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## 2.1 Regulation 19 consultation

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- The Regulation 19 consultation ran for a period of eight weeks from the 14<sup>th</sup> of March 2024 to the 9<sup>th</sup> of May 2024. During this time, representations were received from a range of interested parties with regards to the policies proposed as part of the City Plan Partial Review. This included Policy 9 – Westbourne Park Bus Garage.
- **YAG** submitted a written response to **the council** on the 25<sup>th</sup> of April 2024. Their response included a written representation setting out their objectives for the site and suggested wording amendments.
- The information contained within the representations submitted by **YAG** during this period form the basis for this SoCG, as to be discussed in further detail below.



## 2.2 Policy Matters Agreed Between Parties

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### Overview of policy matters agreed between parties

- **The council** and **YAG** agree that the City Plan Partial Review should include the allocation of Westbourne Park Bus Garage.
- A number of policy matters are agreed to by both parties. This includes the following:
  - The overall vision for the site allocation.
  - That the reconfiguration of the Bus Garage on a smaller footprint can free up land for other forms of development that can contribute to the objectives of the North West Economic Development Area and help deliver the objectives of London Plan policy GG2 (Making the best use of land).
  - That the site is suitable for mixed-use redevelopment, and the delivery of new homes that help meet identified diverse residential needs.
  - That the new development should seek to optimise densities, and that any new development will respond to the neighbouring character of the site.
  - That the provision of high-quality public realm is essential and should enhance the local area.
  - That it is unnecessary for the site allocation to prescribe overall development capacity of the site or specify detailed building heights in advance of a detailed scheme being drawn up.

## 2.3 Agreed Proposed Modifications to Policy 9

- Through the representation received by **YAG** and subsequent negotiations, **the council** has agreed to recommend a number of amendments to the Regulation 19 version of Policy 9 – Westbourne Park Bus Garage. These modifications have been incorporated within the Schedule of proposed Modifications document (see document CORE\_002).
- The proposed modifications have been reproduced here for completeness where there is a direct correlation with a proposed change suggested by and agreed with **YAG**. For these specific clauses, these changes now supersede those suggested by **YAG** in their Regulation 19 submission. These modifications have been informed by engagement following the Regulation 19 consultation period.
- Table 2 demonstrates the changes to be made with green text denoting new text proposed compared to the Regulation 19 version of the policy. Strikethrough red text denotes text proposed for removal compared to the Regulation 19 version and underlined green text denotes new text proposed.

**Table 2: Summary of agreed proposed modifications to Policy 9, relevant to submission made by YAG during Regulation 19 consultation and subsequent discussions**

| Reference | Section of policy | Proposed modification  |
|-----------|-------------------|--|
| S/9/03    | Principle E       | Buildings adjacent to the Westway which include residential floorspace <del>should provide homes in floors that are above the height of the Westway. Proposals should</del> <u>will</u> secure <u>a</u> high quality living <del>conditions</del> <u>environment. Development proposals will be informed by appropriate technical assessments (including an assessment of</u> <del>by addressing the sound,</del> <u>daylight and sunlight, overheating, noise,</u> vibration and air quality) <del>to ensure;</del> impacts associated with <u>existing</u> nearby <u>uses and</u> transport infrastructure <u>are mitigated.</u> |
| S/9/04    | Principle I       | The delivery of new dwell spaces; <del>through maximising separation distances between buildings and building setbacks should be enabled between buildings which are arranged to ensure a high-quality environment and the usability of these public spaces. This includes considering setbacks</del> from the bridge and Grand Union Canal <u>and overshadowing.</u> <del>should be prioritised, with a focus on ensuring that</del> <u>these public areas should be designed to be accessible, safe, and should provide natural surveillance.</u> <del>are safe and accessible;</del>  |
| S/9/07    | Paragraph 9.4     | <u>Landowners and operators,</u> <del>Transport for London and Network Rail</del> indicate that there is a potential to reconfigure the garage to release land for a residential-led mixed-use development.  |

|        |                      |   |
|--------|----------------------|---|
| S/9/08 | New paragraph<br>9.6 | <u>If an alternative site for relocation is found for a new bus garage, this may free up further land for alternative development at a later date. In the absence of any information on a potential relocation, it is currently assumed that the bus garage should continue to operate on part of the site.</u> |
|--------|----------------------|---|

## 2.4 Policy Matters Currently Outstanding

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### Overview of policy matters currently outstanding between parties

- The council and YAG agree that the City Plan Partial Review should include the allocation of Westbourne Park Bus Garage. However, there are two matters relating to draft Policy 9 which remain outstanding. This includes the following:
  1. Policy should not say that the development should be ‘residential-led’;
  2. Policy should specify the suitability of the site to accommodate a tall building.

These matters are elaborated on in further detail below.

#### 1. With regards to the Vision and Principle A: Policy should not say that the development should be ‘residential-led’

##### Introduction

- During the Regulation 19 consultation, YAG proposed revised wording to the Vision. They suggested amendments (deletions in red, additions in green) as follows:

*“Our vision for the Westbourne Park Bus Garage site is the redevelopment and upgrade of the Bus Garage that meets current and future sustainable transport and staff needs, alongside the delivery of a high quality sustainable mixed-use development, including residential uses, ~~residential-led development~~ that contributes to the objectives of the North West Economic Development Area.”*

##### YAG position

- YAG agree that any redeveloped site should include new homes. However, at Regulation 19 stage, YAG considered that the emphasis on the site to deliver a residential-led development was restrictive in allowing a deliverable scheme to come forward.
- During post-Regulation 19 discussions, YAG proposed alternative wording to both the Vision and Core Principle A:

Vision:

*“Our vision for the Westbourne Park Bus Garage site is the redevelopment and upgrade of the Bus Garage that meets current and future sustainable transport and staff needs, alongside the delivery of a high quality and sustainable mixed-use residential-led that contributes to the objectives of the North West Economic Development Area.”*

Core Principle A:

*“A. The efficient use of land that supports the delivery of:*

1. A mixed residential-led ~~mixed-use~~ development (including PBSA, PBSL and senior living) that contributes to meeting the city’s wide range of housing needs.”

- At time of signing this statement, **YAG** is of the view that the proposed revised wording would align draft Policy 9 with the adopted London Plan (paragraph 4.1.9), which recognises that different kinds of residential accommodation can contribute towards meeting housing delivery targets.

### WCC position

- **The council** is of the view that both the Vision and Core Principle A reflect the site's opportunities. The site is located outside of the Central Activities Zone, designated town centres and Opportunity Areas where commercial-led growth should be directed under adopted City Plan policies. Whilst the site is located within the North West Economic Development Area, where developments that secure increased job opportunities are sought, securing new residential and mixed used developments in this area is a key policy objective. Moreover, whilst the policy requires development to be residential-led, it also provides scope for other uses to be delivered alongside it. As shown by the council's [Authority Monitoring Reports \(AMRs\)](#) and Westminster's Strategic Housing Market Assessment (January 2024)(see document EV\_H\_001), Westminster has very high housing needs. It is therefore appropriate to require development on this site to be residential-led.
- **The council** does not consider it is necessary for draft Policy 9 to detail what types of residential uses may be adequate on-site. Housing needs and policies on different types of housing may change during the Plan period, and this issue is addressed by other City Plan and London Plan policies. It is considered that as drafted, the policy is flexible, and that the appropriateness of different types of housing should be assessed at planning application stage in line with Development Plan policies, and any up-to-date housing needs evidence.
- **The council** is therefore of the view that the proposed policy approach is justified.

## 2. With regards to the supporting text under the heading 'Optimisation of the site'

### Introduction

- During the Regulation 19 consultation, **YAG** noted that to redevelop this site, and provide the uses and benefits sought within the policy, any development will likely be classified as a tall building in line with Development Plan Policies. **YAG** therefore concluded that the ability for the site to accommodate a tall building should be recognised within the policy text or the supporting policy text under the title 'Optimisation of the site'.
- In their representations, **YAG** noted the conclusions of the Heritage Impact Assessment which says:
 

*"Emerging tall developments can contribute enhanced wayfinding and landmarking of the canal, and future developments should seek to emphasise the presence and character of the canal"*.
- **YAG** also noted the conclusions of the council's Design Review Panel (DRP) which explains that the DRP discussed the draft Site Allocation and concluded that:
 

*"There was a consensus that a tall building/s would be appropriate for this site, particularly given its location within the NWEDA, which supports growth, and in relation to the emerging context of other tall buildings on the north of the Canal (Taxi House and Hathaway House)"*.
- However, **YAG** also noted that the DRP referred to preliminary work undertaken on building heights by the council, which was considered to take a narrow focus of looking at the impacts of tall buildings. **YAG** therefore asked the council that the work was supplemented to provide a more

thorough assessment of impacts of different heights, or in the absence of this, for the policy not to set out parameters for building heights while acknowledging the site may be suitable for a tall building.

#### YAG position

- During post-Regulation 19 discussions, **YAG**'s position in relation to this matter has remained unchanged. **YAG** are of the view that if draft Policy 9 does not reference the potential suitability of a tall building, the wording of the City Plan Policy 41 Building height (Policy 46, as renumbered as part of the City Plan Partial Review) could be interpreted to mean that a tall building is not acceptable in this location.
- **YAG** note that when taking into account the highly constrained characteristics of Westminster, the relatively unconstrained characteristics of this site together with the increasing pressure to deliver more residential accommodation, draft Policy 9 should set out that the site could potentially be suitable for a tall building.

#### WCC position

- The council notes **YAG**'s position which adequately reflects the findings on the Heritage Impact Assessment and Design Review Panel (DRP) reports.
- **The council** has not completed any further work on building heights since the DRP issued its report. Accordingly, none of the proposed Site Allocations prescribe development capacities or maximum building heights, with this level of detail to be required at planning application stage when more is known about the future development of the site and its potential impact on surroundings can be more fully understood. Any planning applications for the site will be assessed against adopted Development Plan policies, including adopted Policy 41. Given the adopted City Plan and London Plan include policies that explain how the appropriateness of tall buildings will be assessed, the council is of the view that there is no need for emerging Policy 13 to address this matter.
- **The council** is therefore of the view that the proposed policy approach is justified.

# 3 Conclusion

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# 3.1 Conclusion

## Conclusion

1. This SoCG has been prepared in collaboration with **WCC officers** and representatives of the **Yoo and Ascendal Group** from October 2024 to November 2024 and represents our respective positions as of November 2024.
2. The statement has been prepared as a live document that can be updated in response to any issues arising through the examination as necessary.

## Signed confirmation

3. Both parties consider that this SoCG represents an accurate record of their respective positions in relation to draft Policy 9 – Westbourne Park Bus Garage.

| Signed on behalf of Westminster City Council  |   |          |
|---|---|----------|
| Name and Position   | Signature   | Date     |
| Debbie Jackson<br>Executive Director of Regeneration,<br>Economy and Planning<br>Westminster City Council |  | 28/11/24 |

| Signed on behalf of Yoo and Ascendal Group                 |   |          |
|--|---|----------|
| Name and Position  | Signature   | Date     |
| Adam Daniel Leishman<br>Director<br>Ascendal Group Limited |  | 28/11/24 |



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