



City of Westminster

Cabinet Member Report

Decision Maker:	Cabinet Member for Built Environment
Date:	9 th March 2015
Classification:	For General Release
Title:	City Plan Revision programme amendments and procedures
Wards Affected:	All
City for All Summary	The delivery of the basements and mixed use revisions are City for All priorities under Heritage
Key Decision:	No
Financial Summary:	There are no direct resourcing implications.
Report of:	Lisa O'Donnell, Head of Spatial and Environmental Planning

1.0 EXECUTIVE SUMMARY

- 1.1 The city council is in the process of developing its detailed development management policies which will support the strategic policies in the adopted Westminster's City Plan: Strategic Policies (November 2013). The most recent stage of plan development has just been completed, comprising the publication of 19 topic-based booklets for informal consultation.
- 1.2 Westminster's most recent Local Development Scheme was published in February 2012. It suggests the informal consultation on the detailed policies will take place between November 2011 and March 2012. The most recent stage of plan development (booklets) has therefore taken longer than originally envisaged, and the scope of the revision has been broadened to enable the plan to deliver the Council's objectives and priorities around growth and prosperity. A broader review and renewed plan going forward is therefore necessary.
- 1.3 Initial work on the City Management Plan started in October 2008 and the Core Strategy, providing the initial strategic policies, was adopted in January 2011. This was then made National Planning Policy Framework (NPPF) compliant by adoption of a revision to the Core Strategy, with the revised document, Westminster's City Plan: Strategic Policies adopted in November 2013. This inevitably delayed progress on the detailed city management policies. There has been some pressure on the City Council to speed up progress on some key policy areas. Continued delays in adopting these policies will exacerbate the current situation and therefore should be avoided. However, it is unreasonable to expect that the entire revised plan can be delivered in a timescale that would avoid this situation.
- 1.4 For this reason it is proposed to split the City Plan Revision into a number of separate revisions, each of which can be progressed at its own pace. The separate workstreams, in order of priority, are as follows:
 1. Basement Revision to Westminster's City Plan
 2. Vacant Building Credit Revision to Westminster's City Plan
 3. Mixed Use Revision to Westminster's City Plan
 4. Special Policy Areas and Policies Map Revision to Westminster's City Plan
 5. Energy Revision to Westminster's City Plan
 6. Full Revision to Westminster's City Plan
 7. Waste Revision to Westminster's City Plan

The sixth revision will take the longest and will include all other revisions not already undertaken. The seventh revision has been programmed since the adoption of the Core Strategy in 2011.
- 1.5 Attached at Appendix A is a revised Local Development Scheme setting out this new programme of plan development. Attached at Appendix B is a new

Regulation 18 Notice which will notify the intention of the City Council to undertake these six revisions to Westminster's City Plan: Strategic Policies.

2.0 RECOMMENDATIONS

- 2.1 That the Cabinet Member for Built Environment agrees that the City Plan is revised under six separate revisions as follows:
1. Basement Revision to Westminster's City Plan
 2. Vacant Building Credit Revision to Westminster's City Plan
 3. Mixed Use Revision to Westminster's City Plan
 4. Special Policy Areas and Policies Map Revision to Westminster's City Plan
 5. Energy Revision to Westminster's City Plan
 6. Full Revision to Westminster's City Plan
 7. Waste Revision to Westminster's City Plan
- 2.2 That the Cabinet Member for Built Environment agrees the following documentation for publication:
- (i) Local Development Scheme (attached at Appendix A) for publication to provide guidance on plan preparation, to have effect from 20th March 2015.
 - (ii) Regulation 18 Notice (attached at Appendix B) to notify the City Council's intention to undertake the seven revisions set out in 2.1 above.

3.0 REASONS FOR DECISION

- 3.1 The timely development of policies is crucial for robust decision-making and to ensure sustainable development in accordance with the NPPF. The adoption of revisions to Westminster's City Plan: Strategic Policies through a number of more specific revisions will ensure the timely delivery of a plan and reduce delays in key and more urgent policy areas.

4.0 BACKGROUND, INCLUDING POLICY CONTEXT

- 4.1 The City Council is in the process of developing its Local Plan, setting out the policies for managing development of the City. Westminster's City Plan, containing the strategic policies, was adopted on 13th November 2013 updating and fully replacing the Core Strategy, which was revised in light of the publication of the NPPF.
- 4.2 In parallel to this, the city council has been developing its detailed development management policies. Originally, these were developed as a separate Development Plan Document (DPD) called the 'City Management Plan' (CMP), which has been through the following stages:

- | | | |
|--|------------------------------------------------|----------------------|
| | Notification of the intent to prepare the plan | Oct/Nov 2008 |
| | Consultation to identify policy options | Jun 2009 to Dec 2010 |
| | Consultation on policy options document | Jan/Feb 2011 |
| | Consultation on draft document | Nov 2011 to Mar 2012 |
| | Informal consultation on topic-based booklets | Oct 2013 to Mar 2015 |
- 4.3 Following the enactment of the Localism Act (2011), and the publication of the NPPF in March 2012 it was decided to merge the adopted Core Strategy with the emerging CMP to create a single Local Plan for Westminster – to be called ‘Westminster’s City Plan’. Therefore after this time the detailed development management policies have been progressed as a revision, referred to as the ‘CMP Revision to the Core Strategy’ and more latterly the ‘City Plan Revision’.
- 4.4 The publication of the NPPF, the adoption of the Mayor’s London Plan (and subsequent modifications), along with key local policy issues and Government changes to the planning system have resulted in a fast changing policy environment. The opportunity is also being taken to revisit the strategic direction and policies for Westminster. This is important but is also delaying plan development overall as these areas were not subject to the original consultation in 2009 – 2012. This will help deliver key priorities for the City Council such as the work of the West End Partnership, and making the most of development opportunities including Crossrail 1 in the short term and Crossrail 2 in the medium to longer term.

Basements

- 4.5 The Basement consultation booklet was published between October and December 2013. This is a very important policy area for many of our residents. The City Council has recently published a Supplementary Planning Document to operate in the interim. However this can not create policy, and can only advise how adopted policies are applied in determining applications for basements.
- 4.6 The basement booklet proposed a single new detailed policy which would form the basis of the revision. This is supported by a report commissioned by the Council from Alan Baxter Associates that was published at the same time. The Royal Borough of Kensington and Chelsea (RBKC) have recently progressed their new basements policy as a single revision to their plan, and received a favourable recommendation from the examination Inspector at the end of 2014. Given the previous consultation, evidence base and recent successful outcome of the basement revision in RBKC, it is now timely to bring forward Westminster’s policy.

Vacant Building Credit

- 4.7 Government guidance issued in December 2014 states that where a building is vacant, for the purposes of Section 106 (including affordable housing) a ‘credit’

should be given for the equivalent of the vacant floorspace. This will have a significant impact on affordable housing, amounting for approximately 40% of the housing floorspace we currently negotiate affordable housing from overall, and significantly more when applied on a case-by-case basis. An urgent revision to clarify the definition of 'vacant' would ensure that Westminster can continue to deliver appropriate levels of affordable housing.

Mixed Use and Loss of Offices

- 4.8 The current strategic policy framework is based on the presumption that developers would prefer to bring forward offices than other types of floorspace in Westminster. This has now not been the case for four consecutive years, with conversions and redevelopment predominantly to residential use resulting in the loss to date of 167,000sqm of offices, with a further loss of 158,000sqm of offices under construction and 254,000sqm not started. In this context the presumptions underlying the adopted policy no longer apply and a new policy approach is needed as soon as possible to provide an adopted policy framework to support the decision-making process and investment decisions.
- 4.9 The booklet for this topic, Mixed Use and Office to Residential Conversion, was published on 12th December 2014 and will be open for comment until 27th March 2015. The booklet proposes significant changes to the existing policy approach and has not been consulted on during the earlier consultation phases. Therefore it is likely that some time will be needed to review the consultation responses and viability implications. Nonetheless, new policy needs to be adopted as soon as possible.
- 4.10 The government introduced permitted development rights to change B1 offices into housing without the need for planning permission. Westminster's Central Activities Zone was exempted from this provision. This is currently under review although it is not clear whether the government will make changes prior to the national election in May, or what their direction may be. The City Council together with other stakeholders are actively lobbying to ensure control over this development is not removed or reduced.
- 4.11 In some cases it is considered that proposals for existing office losses can be refused under the presumption in favour of sustainable development without a local policy. However, this not ideal and once the revision is formally consulted on under Regulation 19 some weight can be given to the emerging policy to support better decision-making on these applications. As the policy moves towards examination and adoption it will gain further weight and therefore the fast-tracking of this policy area is recommended.

Special Policy Areas (SPAs) and Policies Map

- 4.12 Westminster's City Plan: Strategic Policies designates five SPAs. Three of these already have detailed policies in the saved Unitary Development Plan (Harley Street, Portland Place and East Marylebone). A detailed policy for Harley Street

was published in March/April 2014 in the Social and Community booklet, however a recent appeal suggests care needs to be taken in relation to the balance of medical and residential uses to ensure the appropriate level of protection for medical uses i.e. the purpose of the SPA, particularly given the current strong drivers for residential use. The Portland Place and East Marylebone SPAs were consulted on in the Westminster's Economy booklet (March/April 2014), including detailed policies for both. This will form the basis of the revision.

- 4.13 Two new SPAs were designated in the Core Strategy in 2011: Savile Row with specialist tailoring use and St James's for private members' clubs, art galleries and niche retail. Detailed policies were proposed in the Mayfair & St James's booklet, consulted on in December 2013 to February 2014. This booklet also included a new proposed SPA for Mayfair, focusing on the art galleries around Cork Street, and set out a detailed policy for this area. Again this would form the basis of the revision.
- 4.14 Stakeholders for the three new SPAs are eager to get the detailed policies in place to support appropriate decision-making for future planning applications within these areas. There have already been a number of high profile planning applications over the past 24 months and a detailed policy framework is needed to offer certainty. These designations and their detailed policies are appropriate for a separate revision as they can stand alone and do not rely on changes to other plan policies.
- 4.15 This revision would also be used to 'tidy up' the boundaries of existing designations on the adopted Policies Map. These changes are necessitated by alterations to the OS basemap and developments which mean designated lines no longer align correctly with sites and other features.

Energy

- 4.16 The Energy consultation booklet was published on the 12th January 2015 setting out the proposed development standards for energy reduction, and the price for off-setting carbon emissions where the standards cannot be met. The timely progress of this policy area is crucial as carbon off-setting is already being secured on planning applications through London Plan policy and much of this will be subject to a national scheme between 2016 (residential) and 2019 (non-residential). Although this may be delayed as it relies on primary legislation.
- 4.17 The general approach and carbon prices are supported by an evidence base report produced by Arup in 2013 (and a short 'addendum' in August 2014), both of which have been published. Two 'prices' for carbon are proposed: one to apply immediately against the London Plan policy and the second to apply with our future policy approach. Once the government's 'zero carbon target' is applied, it is unlikely (based on current government proposals) that the carbon off-set secured will benefit London carbon reduction projects. However, for now the City Council can continue to negotiate and collect offsetting payments until such time

as this policy no longer applies. It is, therefore, vital that the Council fast track this to make fullest use of the opportunity that is afforded by the current policy climate with regard to energy targets and offsetting.

Local Development Scheme (Appendix A)

- 4.18 The Local Development Scheme (LDS) is a schedule of work proposed for Development Plan preparation, used to provide information particularly to the public and other stakeholders so they know when consultations are likely to occur, and to ensure plans are prepared in a timely manner. The current LDS was agreed in February 2012. It has been updated annually since that time through the Annual/Authority's Monitoring Report.
- 4.19 The preparation of Local Development Schemes is subject to Section 15 of the Planning and Compulsory Purchase Act 2004 (as amended) and Regulations 7 and 8 of the Town and Country Planning (Local Planning)(England) Regulations 2012 (as amended). Section 15 requires the Council to specify the date from which the scheme is to have effect and to publish the scheme including up-to-date information about compliance with the timetable for preparation of the Local Plan.
- 4.20 The proposed LDS briefly outlines the current circumstances and their impact on plan development. It then includes details on seven separate revisions to the adopted 'Westminster City Plan: Strategic Policies' as set out above and with the addition of the seventh revision, Waste, which was formerly included in the LDS as a separate Waste Development Plan document. There is no longer a requirement to include Supplementary Planning Documents in LDSs, and therefore these have been excluded.

Regulation 18 Notice (Appendix B)

- 4.21 In order to produce a Development Plan Document (DPD), or revise an adopted DPD, the first stage is to notify the local planning authority's intention to publish (or revise) the DPD under The Town & Country Planning (Local Planning)(England) Regulations 2012. The planning authority must invite consultees to make representations about what a local plan (or revision) with that subject ought to contain. These representations must then be taken into account.
- 4.22 The last Regulation 18 notification was between May and June 2012 and notified the City Council's intention to revise the Core Strategy. A new Regulation 18 notice is set out at Appendix B.

Next Steps

- 4.23 The immediate next steps are the publication of the revised Local Development Scheme and notification of the intention to revise Westminster's City Plan as set out in 4.19 and 4.20 above. The next steps following this are set out in the Local Development Scheme attached at Appendix A.

5.0 FINANCIAL IMPLICATIONS

- 5.1 There are limited financial implications as a result of the actual programme of plan delivery. Work on developing policies is met from existing budgets and public consultation will be undertaken electronically, thereby, minimising printing costs, etc. This will involve additional examinations by an independent inspector, however the cost savings from introducing revisions in a timely way is likely to balance those costs out (e.g. reduced staff queries, reduced appeal costs etc) The costs associated with public consultation and the examinations will be met from existing budgets.

6.0 LEGAL IMPLICATIONS

- 6.1 The proposed stages of plan development and Local Development Scheme follow legally prescribed procedures as set out in the Town and Country Planning Act 1990 (as amended), the Planning and Compulsory Purchase Act (2004) and the Town and Country Planning (Local Planning)(England) Regulations 2012.
- 6.2 Regulation 18 stipulates that certain persons must be invited to make representations about what the proposed policies should contain, as explained in paragraph 4.22.

7.0 BUSINESS PLAN IMPLICATIONS

- 7.1 Delivery of the key policy areas of basements and mixed use are City for All priorities.

8.0 IMPACT ON THE ENVIRONMENT

- 8.1 A formal scoping report was published and consulted on in June 2014. This will cover all of the revisions. Individual IIA reports for each revision will be published at the formal stages of plan preparation which will include a detailed assessment of impact on the environment of all relevant policies and reasonable alternatives.

9.0 HEALTH, WELLBEING IMPACT ASSESSMENT INCLUDING HEALTH AND SAFETY IMPLICATIONS

9.1 The health and well-being assessment is being undertaken as part of the Integrated Impact Assessment (see 8.1 above), also looking at equalities and sustainability. It is an iterative process and will be published at the formal stages of plan preparation.

10.0 EQUALITIES IMPLICATIONS

10.1 The equalities assessment is being undertaken as part of the Integrated Impact Assessment (see 8.1 above), also looking at health and well-being, and sustainability. It is an iterative process and will be published at the formal stages of plan preparation.

11.0 CONSULTATION

11.1 In accordance with the Statement of Community Involvement (June 2014), consultation of the following groups will be undertaken on the revised Local Development Scheme and Regulation 18 notice :

- All Members
- Statutory consultees, including those subject to the statutory duty to cooperate (Section 4 of the Town and Country Planning (Local Planning)(England) Regulations 2012) and the 'specific consultation bodies' as defined in Section 2 of those Regulations
- The Mayor of London and the GLA family
- Consultees registered on the LDF database (comprehensively reviewed in March 2013, and updated on an on-going basis, the database currently comprises about 400 consultees including members of the public, businesses and residents' groups)
- Internal consultees within the city council, including EMT and senior managers.

11.2 In addition the consultation booklets will be accessible to all on the Council's Planning Policy webpages: www.westminster.gov.uk/planning-policy

If you have any queries about this Report or wish to inspect any of the Background Papers please contact: Lisa O'Donnell on 0207 641 4240 or email lodonel1@westminster.gov.uk

BACKGROUND PAPERS

- Westminster's City Plan: Strategic Policies 2013
<https://www.westminster.gov.uk/westminsters-city-plan-strategic-policies>
- City Management Plan Minutes and Briefing Notes 2009
http://transact.westminster.gov.uk/docstores/publications_store/CMP%20Workshop%20minutes.pdf
- City Management Plan Policy Options January 2011
http://transact.westminster.gov.uk/docstores/publications_store/CMP_policy_options_Jan2011.pdf
- City Management Plan Consultation Draft November 2011
http://transact.westminster.gov.uk/docstores/publications_store/CMP_Final_Draft_Nov11_revised%20.pdf
- Westminster's City Plan Revision Consultation Booklets Oct 2013 – Mar 2015
<https://www.westminster.gov.uk/revision-westminsters-city-plan>

Appendix A: Local Development Scheme

Appendix B: Regulation 18 Notice

Councillor Robert Davis DL
Deputy Leader
Cabinet Member for Built Environment

Please reply to: Lisa O'Donnell

Direct Line / Voicemail: 020 7641 2503
Fax: 020 7641 3050
Email: planningpolicy@westminster.gov.uk

Consultee Reference Number:

Date: 13th March 2015

Dear Sir/Madam

Revisions to Westminster's City Plan: Strategic Policies

Westminster City Council adopted the Westminster's City Plan: Strategic Policies in November 2013. We are writing to advise you that the City Council is going to make revisions to this document as follows:

1. Basement Revision to Westminster's City Plan
2. Vacant Building Credit Revision to Westminster's City Plan
3. Mixed Use Revision to Westminster's City Plan
4. Special Policy Areas and Policies Map Revision to Westminster's City Plan
5. Energy Revision to Westminster's City Plan
6. Full Revision to Westminster's City Plan
7. Waste Revision to Westminster's City Plan

This notice is being made in accordance with Regulation 18 of the Town and Country Planning (Local Planning)(England) Regulations 2012.

Once the first six revisions have been made, the new document will be the Local Plan for Westminster and will replace all current policies in the Unitary Development Plan. Although we are notifying you of these revisions together, they will be progressed separately to ensure there are no unnecessary delays.

We are inviting you to let us know what you would like to see in these revisions. What do you think these revisions should contain?

Detailed information about each revision is set out in Westminster's Local Development Scheme which can be viewed at www.westminster.gov.uk/local-development-scheme. However the revisions are briefly summarised as follows:

Basement Revision - Insertion of new detailed basement policy into Westminster's City Plan: Strategic Policies for managing basement developments and for use in determining these planning applications

Vacant Building Credit Revision - New definition of vacancy and policy for the application of the vacant building credit within Westminster

Special Policy Areas and Policies Map Revision - A) Strategic designation of the Mayfair Special Policy Area and inclusion of this area in City Plan Policy S2, for art galleries and antiques traders. B) Insertion of detailed policies into Westminster's City Plan: Strategic Policies for managing the following Special Policy Areas: Harley Street (to replace UDP Policy SOC5), Portland Place (to replace UDP Policies COM6 and COM7), East Marylebone (to replace UDP Policy COM12), Savile Row, St James's and Mayfair. C) Make minor boundary alterations to the adopted 'Westminster City Plan: Strategic Policies' Policies Map to address some minor errors in the current boundaries. The OS base map is updated periodically and this has created minor anomalies in the boundaries, for example where a City Plan designation boundary does not follow the actual site boundary on the base map.

Mixed Use Revision to Westminster's City Plan - New policy including revision to the adopted Strategic Policy in Westminster's City Plan: Strategic Policies for managing office development including proposals involving the loss of office floorspace and office to residential conversion/redevelopment, and delivering mixed use


Energy Revision - Insertion of new detailed energy policy into Westminster's City Plan: Strategic Policies for delivering energy efficiency, on-site and local energy solutions and the cost of carbon for where required energy targets cannot be achieved.

Full City Plan Revision - To set out criteria against which planning applications covering all of the policy areas set out in the topic-based booklets subject to informal consultation Oct 2013 to Mar 2015 not covered by the revisions set out in 1 to 5 above to: A) Provide greater detail to those policies in the City Plan and ensure the development accords with the objectives set out in the City Plan. B) Revise to the adopted Westminster City Plan: Strategic Policies as appropriate.

This revision will replace all remaining Unitary Development Plan policies. Once this revision is adopted, the Unitary Development Plan, adopted Jan 2007, will no longer form part of the statutory development plan for Westminster.

Waste Revision - To be developed alongside, and build upon, revisions to Westminster's Municipal Waste Management Strategy, and connect contractual obligations with waste planning and capacity provision within Westminster. The Waste Revision will secure any new waste sites that have been identified, and will also set out any joint working arrangements with other London Boroughs.

If you have any comments on the revisions to Westminster's City Plan please send them in writing by the **17th April 2015**. For more information, please call (020) 7641 2503. You can also find further information on the City Council's website at www.westminster.gov.uk/revision-westminsters-city-plan.



Councillor Robert Davis DL
Deputy Leader of Westminster City Council
Cabinet Member for Built Environment

City of Westminster
Planning and Compulsory Purchase Act 2004
Town and Country Planning (Local Development) (England) Regulations 2004
Town and Country Planning (Local Development) (England) (Amendment)
Regulations 2008

Notice of Revisions to Westminster's City Plan Development Plan Document

Westminster City Council adopted the Westminster's City Plan: Strategic Policies in November 2013. The City Council will now be making a number of revisions to that document as follows:

1. Basement Revision to Westminster's City Plan
2. Vacant Building Credit Revision to Westminster's City Plan
3. Mixed Use Revision to Westminster's City Plan
4. Special Policy Areas and Policies Map Revision to Westminster's City Plan
5. Energy Revision to Westminster's City Plan
6. Full City Plan Revision to Westminster's City Plan
7. Waste Revision to Westminster's City Plan

This notice is being made in accordance with Regulation 18 of the Town and Country Planning (Local Planning)(England) Regulations 2012.

Once the first six revisions have been made, the new document will be the Local Plan for Westminster and will replace all current policies in the Unitary Development Plan. The revisions will be progressed to their own timescales. Detailed information about each revision is set out in Westminster's Local Development Scheme which can be viewed at www.westminster.gov.uk/local-development-scheme.

You are invited to let us know what matters and/or policies you think these revisions ought to contain.

If you have any comments on the revisions to Westminster's City Plan please send them in writing to planningpolicy@westminster.gov.uk or Policy and Strategy, 11th Floor, Westminster City Hall, 64 Victoria Street, London SW1E 6QP by the 17th April 2015. For more information, please call (020) 7641 2503. You can also find further information on the City Council's website at www.westminster.gov.uk/revision-westminsters-city-plan.

Representations may be accompanied by a request to be notified at a specified address of any of the following:

- that any or all of the revisions have been submitted to the Secretary of State for independent examination under section 20 of the above Act,
- the publication of the recommendations of any person appointed to carry out an independent examination of any or all of the revisions, and
- the adoption of any or all of the revisions.

Julia Corkey
Director of Policy, Performance and Communications

March 2015
For completion by the **Cabinet Member** for Built Environment

Declaration of Interest

I have <no interest to declare / to declare an interest> in respect of this report

Signed: _____ Date: _____

NAME: Councillor Robert Davis

State nature of interest if any

.....

(N.B: If you have an interest you should seek advice as to whether it is appropriate to make a decision in relation to this matter)

For the reasons set out above, I agree the recommendation(s) in the report entitled

City Plan Revision Programme Amendments and Procedures

Signed

Cabinet Member for The Built Environment

Date

If you have any additional comment which you would want actioned in connection with your decision you should discuss this with the report author and then set out your comment below before the report and this pro-forma is returned to the Secretariat for processing.

Additional comment:
.....

.....

If you do not wish to approve the recommendations, or wish to make an alternative decision, it is important that you consult the report author, the Head of Legal and Democratic Services, City Treasurer and, if there are staffing implications, the Director of Human Resources (or their representatives) so that (1) you can be made aware of any further relevant considerations that you should take into account before making the decision and (2) your reasons for the decision can be properly identified and recorded, as required by law.

Note to Cabinet Member: Your decision will now be published and copied to the Members of the relevant Policy & Scrutiny Committee. If the decision falls within the criteria for call-in, it will not be implemented until five working days have elapsed from publication to allow the Policy and Scrutiny Committee to decide whether it wishes to call the matter in.