



# City of Westminster Cabinet Member Report

<b>Decision Maker:</b>	Cabinet Member for Place Shaping and Planning
<b>Date:</b>	12 <sup>th</sup> November 2018
<b>Classification:</b>	General Release
<b>Title:</b>	Westminster City Plan - Consultation on Publication Draft
<b>Wards Affected:</b>	All
<b>City for All:</b>	This decision contributes to the following City for All commitments: 'City of Opportunity' – particularly the commitment to consult on a new City Plan, 'City that celebrates its communities' and 'Healthier and greener city'.
<b>Key Decision:</b>	Yes
<b>Financial Summary:</b>	The resourcing of this consultation will be met from existing budgets.
<b>Report of:</b>	Director, Policy, Performance and Communication.

## 1.0 EXECUTIVE SUMMARY

- 1.1 Westminster City Council's new City Plan 2019 - 2040 is our plan for development in Westminster over the next 20 years. The council has carried out a complete review of its adopted City Plan (2016) and remaining saved Unitary Development Plan (UDP) policies (2007) to produce this single local plan, which will contribute towards the corporate City for All objectives. It also sets out the council's policies for making planning decisions in our borough. This Informal Publication Draft plan has been prepared for informal consultation, together with a revised Policies Map. Formal consultation at the statutory Regulation 19 stage will follow in early 2019.

## **2.0 RECOMMENDATIONS**

2.1 That the Cabinet Member for Place Shaping and Planning agrees the proposed documents for publication for informal consultation, attached as Appendices 1 - 2 to this report:

1. The draft City Plan 2019 - 2040
2. Revised Policies Map

## **3.0 REASONS FOR DECISION**

3.1 To provide a robust and up to date policy framework within the statutory local plan for the taking of planning decisions across the city and delivery of City for All commitments.

## **4.0 BACKGROUND, INCLUDING POLICY CONTEXT**

4.1 The City Council adopted the Unitary Development Plan (UDP) which provides detailed development management policies in 2007. Many of the UDP policies were “saved” by ministerial direction in January 2010 so they could go on being used in decision-making. Westminster’s Core Strategy was adopted in 2010 and replaced the strategic policies in the UDP. The remaining UDP policies are becoming dated. The City Council is in the process of developing a new local plan (the revised City Plan) to fully replace the UDP.

4.2 Following the publication of the National Planning Policy Framework (NPPF) in 2012, the Core Strategy was updated and fully replaced by Westminster’s City Plan: Strategic Policies to provide an up to date strategic policy framework for the city in line with new national policy. This was formally adopted by the council in November 2013.

4.3 In parallel with this process the city council had been developing its detailed development management policies. Originally, these were developed as a separate Development Plan Document (DPD) called the ‘City Management Plan’ (CMP) to replace the UDP. The CMP went through the following stages:

Notification of the intent to prepare the plan	2008
Consultation to identify policy options	2009 to 2010
Consultation on policy options document	2011
Consultation on draft document	2011 to 2012

- 4.4 Following the Localism Act (2011) and the publication of the NPPF (2012), it was decided that instead of having separate strategic and detailed development management policy documents, to instead create a single local plan for Westminster which includes both. In 2015 a new Local Development Scheme (LDS) was published (the Council’s formal programme of work for preparation of its local plan) and the Council notified of its intent to undertake six fast-track revisions, followed by a full revision to the City Plan to insert development management policies and completely replace the Unitary Development Plan (saved from 2007).
- 4.5 To this end there was an extensive programme of non-statutory consultation with residents, the Mayor of London, representatives of developers and other stakeholders on proposed new policies through a series of topic-based booklets. These proposals – and the comments made on them – have been drawn on to prepare the new City Plan. The schedule of booklets consulted on is shown in the table below.

Flood risk	2013 –2014
Social and Community Uses, Westminster’s Economy, Design, Health, Well-being and personal safety, Open space and green infrastructure, Planning and pollution control, Public realm and advertisements, Transport and movement, Food, drink, entertainment, arts and culture, Housing need, delivery and quality, Spatial policy and implementation	2014
The West End, Affordable housing, Energy, Heritage, Views and Tall Buildings	2015

- 4.6 The City Plan has been subject to three formal reviews since the publication of the booklets to insert detailed development management policies on Mixed Use, Basements (2015-16) and Special Policy Areas and a new Policies Map (2016).
- 4.7 Since the adoption of the Core Strategy in 2010, Westminster’s local plan has evolved within a fast-changing policy environment at a national and regional level. The publication of the first NPPF in 2012 was followed in July 2018 with a full revision of national policy; the Mayor’s London Plan has been subject to multiple revisions since it was first made and in December 2017 a full draft replacement London Plan was published for consultation. Alongside this there have been Government changes to the planning system in key areas like housing delivery. The full revision to the City Plan therefore provides the opportunity to revisit the strategic direction and policies for Westminster to

ensure the City Plan is fully up to date and fit for purpose into the next decades.

- 4.8 This will also help deliver the Council's key priorities set out in City for All. This includes improving our current council homes and building of 2,000 new affordable homes (City of Opportunity), improvements to air quality (Healthier and Greener City), improvements to the Oxford Street District (City that Celebrates Communities), as well as supporting the work of the West End Partnership, making the most of large infrastructure projects such as Crossrail and helping Neighbourhood Forums to develop their Neighbourhood Plans.
- 4.9 A new LDS was published in June 2017 setting out the council's intention to move to a full review of the City Plan, which will consolidate all outstanding fast-track revisions into a single full revision. Once adopted, the remaining 'saved' policies in the Unitary Development Plan will be fully replaced by the new City Plan. At the same time as the publication of a new LDS, the council published the formal notice required by Regulation 18 of the 2012 Regulations announcing its intention to move to a full plan review, setting out the scope of the review and seeking comments. The representations made in response to this notice (as well as consultation responses received in response to the informal topic-based booklet consultations undertaken between 2013 and 2016) have been drawn on in preparing the draft Plan.
- 4.10 Taking into account consultation undertaken to date, we have now prepared new policies and a revised plan which is ready for informal consultation. This informal consultation will take place ahead of the pre-submission formal consultation stage of plan development as prescribed in Regulations 19 and 20 of the Town and Country Planning (Local Planning)(England) Regulations 2012 which is scheduled to take place in early 2019. The informal consultation, is intended to take place for a period of 6 weeks from 12<sup>th</sup> November until 21<sup>st</sup> December 2018.

#### Sustainability Appraisal

- 4.11 As part of the plan preparation process the council is required to produce a sustainability appraisal of its proposed policies. It is the council's practice to meet this requirement by producing an integrated impact assessment covering equalities, community safety and health. The first stage in this process was publication of a draft scoping report setting out the baseline information that would be used for the assessment and the methodology that will be applied in carrying it out. The comments received to this have been taken into account in the preparation of a draft Integrated Impact Assessment (IIA). The IIA will be finalised following the conclusion of the informal consultation and to take into account any changes to policies made as a

result. It will then be published for consultation alongside the draft Plan at the Regulation 19 consultation stage.

#### Duty to co-operate

- 4.12 The Planning and Compulsory Purchase Act 2004 requires the council to cooperate with neighbouring boroughs, the Mayor and a range of other stakeholders on strategic planning issues. Officers have engaged with their counterparts in other boroughs and the Mayor in preparing the draft plan and will continue to do so through informal consultation. It will go on to prepare what the NPPF terms “statements of common ground” documenting the cross-boundary matters that have been discussed and progress in cooperating to address these.

#### General conformity

- 4.13 The council is also required to ensure its plan is in general conformity with the London Plan as prescribed in Regulation 21 of those Regulations. The draft City Plan has been prepared so it meets this requirement with regards to the *current adopted* London Plan (2016, consolidated with alterations since 2011). Account has also been taken of the draft replacement London Plan published by the current Mayor in December 2017. In some areas (notably housing targets, affordable housing and car parking) it is proposed that the City Plan will take a different approach to that set out in the December 2017 draft London Plan to take account of particular circumstances in Westminster

#### Soundness.

- 4.14 The Government has recently published a new National Planning Policy Framework. As we will submit the draft plan to the Secretary of State for examination after 24<sup>th</sup> January 2019, the City Plan policies will be assessed against the new NPPF. Officers have reviewed the draft City Plan policies and are satisfied that they properly take account of national requirements and that the City Plan is ‘sound’ (the formal test that will be applied when the plan is examined in public). Soundness is set out in paragraph 35 of the National Planning Policy Framework and means the plan is:

**Positively prepared** – providing a strategy which, as a minimum, seeks to meet the city’s objectively assessed needs and is informed by agreements with other authorities, so that unmet need from neighbouring areas is accommodated where it is practical to do so and is consistent with achieving sustainable development;

**Justified** – an appropriate strategy, taking into account the reasonable alternatives, and based on proportionate evidence;

**Effective** – deliverable over the plan period, and based on effective joint working on cross-boundary strategic priorities that have been dealt with rather than deferred, as evidenced by the statement of common ground (see paragraph 4.12); and

**Consistent with national policy** – it enables the delivery of sustainable development in accordance with the policies in the NPPF.

### **Informal Publication Draft of Westminster's City Plan**

4.15 City Plan 2019 - 2040 is the council's plan for development in Westminster over the next 20 years. First and foremost it is a plan for people, focused on the issues that matter most to those exploring, living and working in our city.

The plan provides a new vision for how Westminster's needs can be met, focussing on the need for new homes, creating space for thriving businesses, as well as protecting and enhancing our parks and green spaces. It also sets the strategy for growth in the city, making it clear where, when and how development will be delivered.

The headline changes to policy are set out below:

- A new strategic vision and objectives for the City Plan, closely reflecting the corporate City for All objectives.
- Housing:
  - Increasing the housing target in line with the national standard methodology for calculating housing need.
  - A stronger approach to making the best use of space for residential development by introducing an upper floorspace size limit on new homes. This policy will help make sure Westminster's scarce land resource is properly used and contributes towards meeting Westminster's housing target.
  - Increase in the proportion of affordable housing that is required (from 30% to 35%) with a stronger emphasis on the need to deliver on-site.
  - Flipping the tenure split for the delivery of affordable housing so that 60% is required to be intermediate and 40% social to help working families access housing.
  - Simplifying the mixed use policy so that only affordable housing is required and including hotels in the uses that trigger the policy. The contribution to affordable housing will be via payment in lieu for smaller schemes and delivery on-site, or elsewhere in the West End, Opportunity Areas or the CAZ for larger schemes (depending on where

the commercial development is). This will deliver the council's commitment to build more homes for people in the city, and deliver mixed use development.

- A new approach to payments in lieu of affordable housing which better reflects the cost of delivery in Westminster.
- Allowing more flexibility in designated shopping centres to allow more leisure and entertainment uses to complement the existing retail and addressing the threat to our high streets posed by the rise of online shopping.
- A new special policy area designation to protect Soho's unique function and character. The policy protects workspace for small and medium enterprises, specialist retailing, food, drink and entertainment uses and restricts the size of new hotels.
- A new policy on neighbourly development to minimise the negative impacts of development on neighbours.
- Replacement of the 'Core CAZ' (Central Activities Zone) designation with a more effective West End Retail and Leisure Special Policy Area designation and closer alignment of the CAZ boundary with the Mayor's CAZ.
- Policy to create the right space for business growth by encouraging a range of workspace types and sizes.
- A new policy on the Church Street/Edgware Road and Ebury Bridge Estate Housing Renewal Areas within the spatial strategy of the plan to support and guide the housing renewal here and emphasise the importance of these sites for the growth of the city.
- Removal of the term 'stress areas' in relation to entertainment uses and a more positive approach to the evening economy, supported by the neighbourly development policy and a requirement for such new uses to have community benefits.
- Combining of the St James's and Mayfair Special Policy Areas owing to strong similarities between both policies and the proximity of the areas.
- Simplifying design and heritage policies, with just one over-arching design principles policy supported by six more detailed subject specific design and heritage policies such as a simplified basements policy.

- Policies promoting walking, and strongly supporting electric vehicle and cycling infrastructure to help reduce air pollution. The residential car parking policy has a more flexible approach to development with fewer parking spaces.
- A policy to manage shisha usage in evidenced hotspots, which cause nuisance for nearby residents - highlighting the public health risk of businesses whose primary function is smoking.
- A clear policy approach towards growth, density and building height; the City Plan sets out how much growth in height is acceptable in different parts of the city and the areas where higher buildings are appropriate in principle; up to a maximum number of storeys.
- Specifying which parts of the plan should be taken into account in the preparation of neighbourhood plans.

## **Next Steps**

- 4.25 The draft City Plan (and revised policies map) will be launched for informal consultation on 12<sup>th</sup> November 2018 for a period of 6 weeks. The documents will be available on the council's website, and for inspection at its offices at 5 Strand. It will also be made available at all of Westminster libraries. A consultation response form has been prepared, and written responses will also be accepted. A detailed communications and engagement plan has been prepared setting out the engagement processes and events that will be carried out to accompany this statutory consultation.
- 4.26 . Any necessary amendments will be made to the documentation for the next stage of the plan preparation - the formal Regulation 19 Publication Draft stage which is scheduled to take place in early 2019.
- 4.27 Following the formal Regulation 19 consultation stage, all responses will be considered, together with the Mayoral response in relation to general conformity with the London Plan in accordance with Regulation 21. Any necessary amendments to the submission documentation will be agreed by the Cabinet Member for recommendation to Full Council to agree for submission to secretary of state in accordance with Regulation 22 for consideration by an independent inspector. Most likely a series of hearings known and an examination in public will take place. The inspector will provide a report in due course, and subject to the Inspector's recommendations and any necessary changes, the revisions will be adopted by Full Council.

## **5.0 FINANCIAL IMPLICATIONS**

- 5.1 There are limited financial implications. Work on developing policies, printing and consultation event costs are met from existing budgets. The costs associated with the examination in public will be met from existing Policy, Performance and Communications department budgets.

## **6.0 LEGAL IMPLICATIONS**

- 6.1 The proposed stages of plan development and LDS 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. Relevant individual Regulations are referenced where relevant throughout this report.
- 6.2 As this is an informal consultation there is no requirement at this stage to publish the supporting documentation required at Regulation 19 comprising the Integrated Impact Assessment and consultation statement. These will be published when the Plan is consulted on at Regulation 19 in early 2019.

## **7.0 BUSINESS PLAN IMPLICATIONS**

- 7.1 Delivery of a new full revision to the City Plan is a key measure in the Policy, Performance and Communications Business Plan 2018-2019. It is also a specific City for All commitment. It will also contribute towards other City for All commitments:
- delivery of affordable housing through the new policy approach, support for the creation of more jobs (*City for Opportunity*);
  - improvements to air quality and the development of healthy places through policies to mitigate and limit air pollution and to develop greener, healthier places (*Healthier and Greener City*);
  - Development of proposals for the Oxford Street District through a renewed approach to retail in the West End (*City that Celebrates its Communities*).

## **8.0 IMPACT ON THE ENVIRONMENT**

- 8.1 A formal Integrated Impact Assessment (IIA) scoping report was published and consulted on in June 2017. A full IIA of all of the policies in the City Plan has been undertaken to assess in detail the impact on the environment and sustainability. The draft IIA shows that overall the draft policies will be beneficial for environmental quality in Westminster. The IIA will be updated and finalised prior to Regulation 19 consultation on the plan.

## **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). The IIA also includes a crime safety assessment. It is an iterative process and is published at this stage of plan preparation. The IIA shows that overall the draft policies will be beneficial for health and wellbeing in Westminster.

## **10.0 EQUALITIES IMPLICATIONS**

10.1 Under the Equalities Act 2010 the council has a “public sector equality duty”. This means that in taking decisions and carrying out its functions it must have due regard to the need to eliminate discrimination, harassment, victimisation and any other conduct prohibited by the 2010 Act;

- to advance equality of opportunity between persons who share a relevant protected characteristic (age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation) and those who do not share it; and to
- foster good relations between persons who share a relevant protected characteristic and those who do not share it.

The council is also required to have due regard to the need to take steps to take account of disabled persons’ disabilities even where that involves more favourable treatment; to promote more positive attitudes toward disabled persons; and to encourage participation by disabled persons in public life. The 2010 Act states that “having due regard” to the need to promote equality of opportunity involves in particular having regard to:

- the need to remove or minimise disadvantages suffered by persons sharing a protected characteristic;
- take steps to meet the needs of persons sharing a protected characteristic that are connected with it;
- take steps to meet the needs of persons who share a protected characteristic that are different from those who do not; and
- encourage persons with a protected characteristic to participate in public life or any other activity in which participation by such persons is disproportionately low.

10.2 The courts have held that “due regard” in this context requires an analysis of the issue under consideration with the specific requirements set out above in mind. It does not require that considerations raised in the analysis should be decisive; it is for the decision-maker to decide what weight should be given to the equalities implications of the decision.

10.3 The equalities implications of the policies in the draft Plan are being assessed as part of the Integrated Impact Assessment (see 8.1). This shows that none

of the draft policies are expected to have a negative impact on any of the groups with protected characteristics under the 2010 Act. Completion of the IIA is an iterative process, so the document will be kept updated as the plan preparation process proceeds, ensuring that any equalities issues that arise as modifications are made to the Plan will be identified and can be considered.

## **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 draft Plan and revised policies map for a period of 6 weeks from 12<sup>th</sup> November:

- 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 regulation 2 of those Regulations
- The Mayor of London and the GLA family
- Neighbouring boroughs
- The “general consultation bodies” defined in regulation 2 of the 2012 Regulations – voluntary bodies and those representing different racial, ethnic or national groups; those representing different religious groups; disabled people; and the interests of those carrying out business in Westminster. This will be done through the Planning Policy database. The database currently comprises about 900 consultees including members of the public, businesses and residents’ groups.
- Internal consultees within the city council, including ELT and senior managers.

11.2 In addition the submission documents will be accessible to all on the Council’s website: [www.westminster.gov.uk/cityplan2040](http://www.westminster.gov.uk/cityplan2040).

**If you have any queries about this Report or wish to inspect any of the Background Papers please contact: Kimberley Hopkins at [khopkin@westminster.gov.uk](mailto:khopkin@westminster.gov.uk)**

## **APPENDICES**

- Appendix 1 is the Informal Publication Draft Full Revision to Westminster's City Plan.
- Appendix 2 is the revised Policies Map

## **BACKGROUND PAPERS**

- Westminster's City Plan 2016 <https://www.westminster.gov.uk/westminsters-city-plan-strategic-policies>
- Westminster's City Plan Revision Consultation Booklets Oct 2013 – Mar 2015 <https://www.westminster.gov.uk/revision-westminsters-city-plan>

## **Appendix 1: Informal Publication Draft Full Revision to Westminster's City Plan**

## Appendix 2: Revised Policies Map

**Declaration of Interest**

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

Signed: \_\_\_\_\_ Date: \_\_\_\_\_

NAME: \_\_\_\_\_

State nature of interest if any

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*(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)*

Westminster City Plan - Consultation on Publication Draft For the reasons set out above, I agree the recommendation(s) in the report entitled **Westminster City Plan - Consultation on Publication Draft** and reject any alternative options which are referred to but not recommended.

Signed .....

Cabinet Member for Place Shaping and Planning

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:

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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, Strategic Director Finance and Performance and, if there are resources implications, the Strategic Director of 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.