



City of Westminster Cabinet Member Report

Decision Maker:	Cabinet Member for Business, Licensing and Planning
Date:	14 January 2022
Classification:	General Release
Title:	Revocation of supplementary planning documents and guidance
Wards Affected:	All
City for All:	Having a clear and up to date suite of planning documents will contribute to the council's overarching City for All strategy 2021/22 in that it will ensure clarity and will enable the effective implementation of the new City Plan 2019 – 2040 which contributes to all four pillars of the strategy
Key Decision:	Yes
Financial Summary:	The resourcing of this consultation will be met from existing budgets
Report of:	Executive Director, Innovation and Change

1. Executive Summary

- 1.1 A wide range of planning guidance is currently used to assist in planning decision making. This also provides advice and information on the planning process for external stakeholders. This has been developed over many years and includes formally adopted supplementary planning documents (SPD), older supplementary planning guidance notes (SPG) and a range of other technical guides and information which have not been through the formal public consultation and adoption process. Some are now many years old and contain inaccuracies. Others remain relevant and provide factual and technical information or additional detail on topics related to principles of good design as they apply to the specificities of Westminster's built environment.
- 1.2 Following adoption of the new City Plan 2019 – 2040, the policy framework under which many of these SPDs and SPGs were prepared has fallen away,

reducing the material weight of these documents in planning decisions and these are therefore no longer appropriate to retain as part of Westminster's planning framework.

- 1.3 A number of documents have therefore been identified to be formally revoked. The full list is provided at paragraph 4.3 of this report. A new suite of SPDs is under development, as set out in the council's Local Development Scheme.

2. Recommendations

- 2.1 The Cabinet Member for Business, Licensing and Planning agrees to formally revoke the Supplementary Planning Guidance and Supplementary Planning Documents listed in paragraph 4.3 of this report.

3. Reasons for Decision

- 3.1 To ensure Westminster's planning framework is up to date and relevant, which will enable the council to manage the sustainable development of Westminster. It will also help stakeholders have clarity on what guidance we will use to determine planning applications.

4. Background, including Policy Context

- 4.1 There is a wide range of planning guidance currently used in decision-making. This includes some more recent adopted supplementary planning documents, older supplementary planning guidance notes and other technical guides and information.
- 4.2 The new City Plan 2019-2040 notes in a number of locations that the implementation of the Plan will be supported by new supplementary planning documents. The existing guidance has been reviewed and a list of documents to be revoked and replaced with new guidance related to the new policies in the City Plan have been identified – this includes any guidance which is inaccurate, no longer relevant, or conflicts with new policy. This process of revoking and replacing will simplify, modernise and significantly reduce the amount of documentation, while retaining key guidance on areas including heritage, design, public realm and environment, where relevant and necessary. However, where there are elements of relevant guidance within these documents, this may be incorporated within emerging SPDs, where appropriate.
- 4.3 The list of **SPDs and SPGs to have their SPD/G status revoked** (or other guidance currently part of the council's suite of planning guidance to be deleted) is as follows:
 - [A Guide to Archaeology and Planning Within Westminster](#)
 - [A Guide to the Siting of Security Cameras and Other Security Equipment](#)
 - [Advertisement Design Guidelines](#)

- [Architectural Theft](#)
- [Basement Development in Westminster SPD](#)
- [Conservation Areas - A Guide to Property Owners](#)
- [Conservatories - A Guide to Design and Planning Procedures](#)
- [Design Guidelines for Shopfront Security](#)
- [Design Matters in Westminster SPG](#)
- [Designing out Crime in Westminster](#)
- [A Planning guide for Food and Drink premises SPG](#)
- [Inclusive Design and Access SPG](#)
- [Lighting Up the City SPG](#)
- [Planning Obligations Guidance](#)
- [Draft Planning Obligations](#)
- [Public Art in Westminster SPG](#)
- [Public CCTV Systems – Guidance for Design and Privacy](#)
- [Public Realm Credits SPD](#)
- [Satellite Dishes](#)
- [The Listing of Buildings of Special Architectural or Historic Interest](#)
- [The Protection of Historic Buildings in Westminster - A guide to structural alterations for owners, architects and developers](#)
- [Soho Flags SPG](#)
- [Strategic Views in Westminster](#)
- [Trees and other planting on development sites](#)
- [Trees and the Public Realm: A Strategy for Westminster SPD](#) n.b. this document is not used for planning decision making purposes. However it remains a useful document to manage tree planting on public land by the council's Highways service. Therefore, although the SPD status will be revoked by this decision, the document will remain live on the council's website and continue to be used to direct new tree planting in the streets.
- [Open Space Strategy \(2007\)](#) n.b. this document is not used as an SPD nor is it a material consideration in planning decision making. However, it remains a useful evidence base on the city's network of open spaces which remains relevant until a new Green Infrastructure Strategy is developed. Therefore, although the SPD status will be revoked by this decision, the document will remain live on the council's website.
- [Tables and Chairs on the Highway SPG](#) n.b. this document is to be revoked and will not be referred to for planning decision making purposes. However, it provides some general advice which may be of assistance in preparing planning and pavement license applications. Therefore, although the SPG status will be revoked, the document will remain live on the highways section of the council's website and continue to be used as a highways manual, while directing applicants to the most up to date planning policy and noting the latter is what will be used to determine planning applications.

4.4 Given the strategic nature of the new City Plan, the need for further guidance to explain certain policy areas was raised by a number of stakeholders throughout the development of the City Plan and at the public hearings. It was noted that in the interim period until new guidance is prepared to supersede them, some existing adopted SPDs may continue to be used, where they are considered relevant and sufficiently aligned with the new City Plan policies. This will avoid there being a vacuum in the detailed guidance that is relied upon to

deliver good planning outcomes. For example, guidance such as that in the current Listed Buildings SPG clarifies the approach to detailed issues such as internal works to listed building in the Westminster context - these are not covered in detail within the City Plan as they do not relate to development. Such guidance can continue to be a material consideration in the development planning process wherever relevant and consistent with the new policy framework.

- 4.5 It is therefore appropriate for some guidance to be retained on the website with a clear caveat in relation to its status noting this will only be used where relevant and consistent with policy. It is important to note that SPD/Gs and guidance notes are a material consideration but are not policy and the council is therefore not obliged to afford the documents significant weight if material considerations indicate otherwise. The list below sets out which **SPD/Gs and other guidance are to be retained** and where relevant what the council's plan is for their ultimate replacement.

To eventually be replaced by forthcoming Heritage SPD:

- [Development and Demolition in Conservation Areas SPG](#)
- [Historic Parks and Gardens in Westminster](#)
- [Statues and Monuments SPD](#) (note – may also in part be covered by the Public Realm SPD)
- [Repairs and Alterations to Listed Buildings SPG](#)
- Draft [Metropolitan Views in Westminster SPD](#) (unadopted – list to be updated and incorporated in new SPD)

To eventually be replaced by forthcoming Design SPD:

- [Mews: A guide to alterations SPG](#)
- [Roofs - A Guide to Alterations and extensions SPG](#)
- [Railings on Domestic Buildings in Westminster](#)
- [Shopfronts, Blinds and Signs - A Guide to their Design SPG](#)

To eventually be replaced by forthcoming Public Realm SPD

- [Westminster Way: Public Realm Strategy SPD](#)

To eventually be replaced by forthcoming Environment SPD

- [Retrofitting Historic Buildings for sustainability](#) n.b. This document has not been adopted as an SPD or SPG, instead it is informal guidance and referred to in the new City Plan 2019 – 2040. It will be retained on the council's website alongside until it is fully replaced as part of the Environmental SPD to ensure effective implementation of this policy.

- 4.6 All area-based guidance will be retained and reviewed in consultation with neighbourhood forums through the neighbourhood planning process.

5. Financial Implications

- 5.1 No implications.

6. Legal Implications

6.1 The Town and Country Planning Regulations set out the process for revoking SPDs. Regulation 15 sets out that upon revoking an SPD the following steps must be taken:

- Make a public statement on the revocation. The publication of the Cabinet Member's decision relating to this report will satisfy that requirement.
- Send to each body or person whom made representations on the SPD that the document has been withdrawn. Contacts on Westminster's planning policy consultation database will be notified of the Cabinet Member's decision to revoke the documents listed in Appendix 1 to satisfy this requirement.
- Cease to make revoked documents available. No hard copies are currently publicly available – they are only digitally accessible and all documents listed in paragraph 4.3 will be removed from the council's website (where they haven't already been removed) to satisfy this requirement. The exception to this is the Trees Strategy and Open Space Strategy as explained in paragraph 4.3.

6.2 The majority of documents on the list are not SPD and there is no requirement or process laid out to revoke the older SPGs. However, to ensure clarity and transparency for external stakeholders, SPGs for removal have been included in this Cabinet Member Report and will be included in the actions noted in paragraph 6.1.

7. Staffing Implications

7.1 No implications.

8. Business Plan Implications

8.1 Having a clear and up to date suite of planning documents will contribute to the council's overarching City for All strategy 2021/22 in that it will ensure clarity and enable the effective implementation of the new City Plan 2019 – 2040 which contributes to all four pillars of the strategy.

8.2 The City Plan supports economic recovery by supporting commercial development (Thriving Economy), the delivery of more homes, including affordable homes (Vibrant Communities), a more sustainable and greener city (Greener and Cleaner), supporting new technologies and emerging solutions to built environment problems (Smart City).

9. Consultation

9.1 Consultation is not required for the revocation of SPDs. However, stakeholders who contributed to the development of the documents are required to be notified of their revocation (see section 6 of this report).

9.2 Given that some made neighbourhood plans (or neighbourhood plans in development) make reference to existing council guidance, two meetings were held with the amenity societies and neighbourhood forums to notify them of our intention to revoke the documents listed in paragraph 4.3 in advance of publication of this report and we will provide advice on how they can retain relevant guidance for their local area through neighbourhood plans. A list of other sources of information and guidance has been prepared to assist them.

10. Conclusions and Reasons for the Proposed Decision

10.1 This report asks the Cabinet Member to revoke the list of SPGs and SPDs listed in paragraph 4.3 for the reasons set out in paragraph 3.1. This will give clarity on Westminster's development framework and supporting guidance following the adoption of the new City Plan 2019-2040 and assist the council in taking planning decisions using the new development plan.

11.0 Equalities Implications

11.1 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.

11.2 The City 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.

11.3 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.

11.4 There are considered to be no equalities impacts of revoking the documents listed in paragraph 4.3.

If you have any queries about this report please contact:

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Appendices

None