



City of Westminster

Planning & City Development Committee

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Classification: General Release

Title: Planning Policy and Legislation Update

Report of: Director of Policy and Projects

Financial Summary: None.

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1. Executive Summary

General policy update and look ahead to the 2025 Full City Plan Review.

2. Recommendation

- 2.1 This report is mostly provided for information. Members are asked to consider the contents of this report and to note the progress of the Partial City Plan Review. Members are also asked for their views on the forthcoming Full City Plan Review scheduled for 2025.

3. Partial City Plan Review

3.1 City Plan

- 3.1.1 The Partial City Plan Review began in autumn 2022 with a formal 'Regulation 18' consultation on the scope of the review. The review is three-fold looking at the key policy areas which are of top priority for the administration: In summary these are:
- Affordable housing: reviewing the current tenure split (of 60% intermediate/ 40% social) to instead prioritise new social housing over intermediate (with the precise tenure mix to be informed by findings of the emerging evidence referred to in paragraph 3.2.3 below), and exploring options for the delivery of more affordable housing, including through potential contributions from small sites.
 - Retrofit first: a new policy which will strongly encourage and incentivise retrofitting over demolition to reduce carbon emissions and contribute towards net zero targets (this is covered in more detail in section 3.2).
 - Site allocations: A small number of sites are being prioritised for site allocations that provide site specific guidance to help unlock and shape future development at key underutilised sites. The sites currently being explored for inclusion within

this are: Westbourne Park Bus Garage, Grosvenor Sidings, Royal Oak, Selfridges Hotel and Car Park and St Mary's Hospital.

- 3.1.2 As reported previously, there has to date been broad support for the introduction of new policies on affordable housing and retrofit, subject to the detail of what is included and how flexibly it is applied. Discussions are ongoing with landowners of the sites earmarked for site allocations.
- 3.2.3 Since the Regulation 18 consultation was concluded, officers have commissioned a number of pieces of evidence to inform the new policies and site allocations, including:
- A Housing Needs Assessment – for the affordable housing policy, this piece of work provides an up to date analysis of Westminster's housing needs, especially the affordable housing needs. This will inform the requirements for affordable housing in the new policy, including the tenure split.
 - Building Height Assessment – for the site allocation policies to assess the impacts of different theoretical building heights on each of the sites, which will inform any guidance on suitable height parameters or indicative development capacities.
 - Heritage Impact Assessment – for the site allocation policies to understand the site-specific considerations relating to heritage which will inform the policy wording.
 - Embodied carbon and build costs in Westminster – for the retrofit first policy to help inform the detailed assessments which will be necessary to apply the policy when considering carbon used over the lifetime of a building which has been retained and retrofitted vs. one which has been demolished and rebuilt.
 - A Viability Assessment – to assess the impacts of any new policies on development viability – for example including the impact of seeking a different tenure mix, or affordable housing contributions from small sites.
- 3.2.4 We are intending to undertake informal engagement on the draft policies over the coming months to test the policy principles with key stakeholders and residents ahead of formal 'Regulation 19' consultation that is scheduled to launch at the end of January 2024. Following a review of consultation feedback, and subject to the extent to which it raises any substantial issues to resolve, we then intend to submit the plan to the Planning Inspectorate in early summer 2024 for independent examination. Depending on the length and complexity of the examination, it is then anticipated that the plan would be adopted late 2024/ early 2025.

3.2 Retrofitting

- 3.2.1 Members instructed Officers to introduce a new policy which prioritises retrofitting over demolition and redevelopment as part of the Partial City Plan Review.
- 3.2.2 The Regulation 18 consultation responses were generally supportive of a policy encouraging retrofitting, some responses cautioned against any policy that would allow retrofitting only. Since the consultation closed officers have been working on evidence gathering for the new policy and carrying out modelling to understand the potential impact.

3.2.3 The policy is composed of two parts:

- Part I: For sites involving substantial demolition and major development the policy seeks to control instances where demolition will be permitted and requires that developers explore retrofitting first. Three exceptions are given to the control on demolition, namely where the whole life carbon (WLC) assessment suggests demolition is the most suitable option; where there are bespoke operational requirements that cannot be achieved by repurposing the building; and where significant public benefits are proposed. For major schemes, and where substantial demolition is proposed, a target embodied carbon budget for the development is imposed.
- Part: II: This part of the policy seeks to facilitate retrofitting through two principal mechanisms: firstly, enabling officers to consider the environmental impact of a development on climate change alongside heritage, design and townscape considerations; and secondly encouraging and supporting retrofit schemes to meet best practice.

3.2.4 The purpose of the policy is to not prevent redevelopment but establish more rigorous tests to ensure that retrofit is meaningfully explored. It seeks to achieve the goal of encouraging more applications to adopt a retrofit approach to development.

3.2.5 The Architects' Journal recently published an [opinion piece](#) written by Councillor Geoff Barraclough setting out the form and intention of the policy. More detail on the policy wording will be shared with key stakeholders over the coming months as part of engagement on the draft plan.

4.0 Look ahead to 2025 Full Review

4.1 The Partial City Plan Review is focussed on reviewing the key policy areas which are of the highest priority to the council and it is expected to be adopted in late 2024/ early 2025. Once the Partial Review is adopted the council will then focus on a full review of all other aspects of the adopted City Plan.

4.2 The Full Review will consider every policy in the adopted 2021 City Plan and consider:

- how well it is performing and if it is not meeting its desired outcome, what changes should be made to improve the policy;
- if any relevant legislation or national/regional policy changes have taken place which necessitate an update to the policy;
- if any new policies are required;
- if any new evidence or targets have emerged which affect a policy;
- if the strategic vision and objectives of the plan need revisiting.

4.3 Officers are already starting to consider some of these points and keeping track of suggestions which are made on the performance and content of the adopted City Plan. For example:

- the way people work has shifted significantly post-pandemic and a fresh look at office supply policies in the city may be needed;

- the impact of the current policy on basement developments could be reviewed to see what impact it is having in managing this disruptive form of development; or
- a stronger stance on biodiversity could be set out in our environmental policies following the introduction of new national legislation on biodiversity net gain.

4.4 The PCD committee are **asked to consider what policies they feel require a review** or if any policies are missing from the current plan that a new plan should focus on.

4.5 They are also **asked to consider what ways they would like to be consulted and engaged with** when the full review gets underway in 2025. This could be for example through early Member workshops, questionnaires or surveys or one on one meetings with officers on specific policy issues.

5.0 Legislation update

5.1 The Levelling Up and Regeneration Bill (LURB) touches – among other things – on a wide range of amendments to the planning system, including the introduction of National Development Management Policies (NDMP), the introduction of a new Infrastructure Levy and reform of the plan making process. It had its first reading in Parliament in May 2022 and has been progressing through Parliament in the period since.

5.2 The Parliamentary consideration of the LURB is currently in its final stages and the government currently anticipate it achieving royal assent and passing into law by the end of 2023. However, many of the changes to the planning system contained within the LURB require secondary legislation or new Regulations, Policy and Guidance and currently these are not expected to be in place before autumn 2024.

5.3 Assuming the LURB achieves royal assent later in 2023, it is expected that DLUHC will launch further consultation on the National Development Management Policies in late 2023/early 2024. Given the content of any such policies could have a significant impact on how future development proposals are determined in Westminster and compromise our ability to apply our own locally distinctive policies, the council will need to closely scrutinise any draft policies once available and respond to any consultation accordingly.

5.4 Alongside the progression of the LURB there have been a number of consultations on proposed amendments to how plans are made, to new permitted development rights and changes to the community infrastructure levy during 2022 and 2023.

5.5 The council's responses to the consultations are all available on our [website](#). While we support the principles of proposed changes to the planning system to speed up plan-making, we have some concerns regarding implementation of the proposals which are all explained in the responses provided to DLUHC.

6.0 Financial Implications

6.1 The costs associated with the ongoing preparation of the City Plan Partial Review, including commissioning of evidence base and public examination are to be met from the existing Policy and Projects planning policy budget.

7.0 Legal Implications

7.1 Legal services have considered the contents of this report and do not have any additional comments.

8.0 Conclusion

8.1 The Partial City Plan Review is progressing at pace and will be delivered to the anticipated timetable. Once this is complete, work will commence on a Full Review of the City Plan.

If you have any questions about this report, or wish to inspect one of the background papers, please contact: Sean Walsh (swalsh2@westminster.gov.uk)

Appendices:

N/A

Background Papers:

N/A