



City of Westminster

Committee Agenda

Title:

Planning & City Development Committee

Meeting Date:

Wednesday 27th March, 2024

Time:

6.30 pm

Venue:

Rooms 18.01 -03 18th Floor, Westminster City Hall, 64 Victoria Street, London, SW1E 6QP

Members:

Councillors:

Ruth Bush (Chair)	Ryan Jude
Jason Williams (Vice-Chair)	Sara Hassan
Barbara Arzymanow	Robert Rigby
Nafsika Butler-Thalassis	Elizabeth Hitchcock
Md Shamsed Chowdhury	Patrick Lilley
Paul Fisher	Laila Cunningham
Jim Glen	Rachael Robathan



Members of the public are welcome to attend the meeting and listen to the discussion Part 1 of the Agenda

Admission to the public gallery is by ticket, issued from the ground floor reception at City Hall. If you have a disability and require any special assistance please contact the Committee Officer (details listed below) in advance of the meeting.



An Induction loop operates to enhance sound for anyone wearing a hearing aid or using a transmitter. If you require any further information, please contact the Committee Officer, Katherine Stagg, Committee and Governance Officer.

**Email: kstagg@westminster.gov.uk
Corporate Website: www.westminster.gov.uk**

Note for Members: Members are reminded that Officer contacts are shown at the end of each report and Members are welcome to raise questions in advance of the meeting. With regard to item 2, guidance on declarations of interests is included in the Code of Governance; if Members and Officers have any particular questions they should contact the Head of Committee and Governance Services in advance of the meeting please.

AGENDA

PART 1 (IN PUBLIC)

1. MEMBERSHIP

To report any changes to the membership

2. DECLARATIONS OF INTERESTS

To receive and record declarations of interest.

3. MINUTES AND MATTERS ARISING FROM THE MINUTES

(Pages 3 - 8)

To sign the minutes of the last meeting as a correct record of proceedings.

Matters Arising from the Minutes

4. LEGISLATIVE AND POLICY UPDATE

(Pages 9 - 14)

5. CITY PLAN CONSULTATION & TIMETABLE

(Pages 15 - 18)

6. DESIGN REVIEW PANEL UPDATE

The Planning & City Development Committee to receive a verbal update on the Design Review Panel.

7. ANY OTHER BUSINESS WHICH THE CHAIR CONSIDERS URGENT

8. DATE OF THE NEXT MEETING

26th June 2024

**Stuart Love
Chief Executive
18 March 2024**



CITY OF WESTMINSTER

MINUTES

Planning & City Development Committee

MINUTES OF PROCEEDINGS

Minutes of a meeting of the **Planning & City Development Committee** held on **Wednesday 1st November, 2023**, Rooms 18:01 - 03 18th Floor, Westminster City Hall, 64 Victoria Street, London, SW1E 6QP.

Members Present: Councillors Ruth Bush (Chair), Jason Williams (Vice-Chair), Barbara Arzymanow, Nafsika Butler-Thalassis, Md Shamsed Chowdhury, Paul Fisher, Jim Glen, Ryan Jude, Sara Hassan, Robert Rigby, Elizabeth Hitchcock and Louise Hyams

Also Present: Councillors Geoff Barraclough and James Small-Edwards

Apologies for Absence: Councillors Ed Pitt Ford and Patrick Lilley

1 MEMBERSHIP

- 1.1 That Councillor Patrick Lilley had replaced Councillor Ryan Jude on the Planning Applications Sub-Committee (2) and Councillor Cara Sanquest on the Planning Applications Sub-Committee (3).
- 1.2 Councillor Louise Hyams had replaced Councillor Amanda Langford on the Planning Applications Sub-Committee (3).
- 1.3 There were no further changes to the membership.

2 DECLARATIONS OF INTERESTS

- 2.1 There were no declarations of interest.

3 MINUTES AND MATTERS ARISING FROM THE MINUTES

- 3.1 Agreed that the minutes of the Planning & City Development Committee held on 26 July 2023 were a true record of the proceedings.
- 3.2 Matters arising from the minutes: -

3.2.1 Minutes 7.1 Planning and City Development Committee Constitution

- 3.2.1 (i) The Committee were informed that a briefing paper on the Constitution was not yet completed, and the briefing paper will be circulated before the next Committee meeting.

4 POLICY UPDATES

4.1 The Committee received a report which provided an update on general policy and looked ahead to the 2025 Full City Plan Review.

4.2 Members held a discussion and noted the following: -

4.2.1 The Committee were advised that all sectors in the West End were interlinked and supported each other. A strong office economy is essential to the function of the Westminster, London and UK economy. The office economy is rapidly changing with less office space required but higher quality of offices needed. The new retrofit policy in the City Plan Partial Review supports the retrofitting of existing buildings including office space for sustainability reasons, and in response to the council's Climate Emergency declaration. Policy wording, which includes requirements for Carbon Assessments, will be published in the New Year.

4.2.2 The Committee noted that the Carbon Assessments could only be accurate when based on the use and longevity of the building. The aim of setting the targets on embodied carbon specifically is to bring a consistency on new buildings to meet specific targets at design stage. It will also allow for applicants to know in advance what will be accepted, while still maintaining some room for judgement. Public benefit tests will continue to allow some flexibility. Many applications that come before the Sub-Committees are not able to be retrofitted to Grade A level offices so demolition may be necessary, as long it meets the tests in the policy. Work is being done to challenge the market to consider the Climate Emergency and carbon costs when upgrading office space.

4.2.3 The Committee were advised that the Levelling Up and Regeneration Act has a range of measures within it including on how affordable housing will be prescribed in the future, approach to neighbourhood plans and national development policies. There is still no detail, and it is expected that more information will be given when the secondary legislation is introduced. The Committee noted that Westminster City Council is unique with high levels of conservation but in the last few years measures that have come through on permitted development have had provisions excluding conservation areas.

4.2.4 The Committee noted that clarity is needed for the industry, members, and residents on retrofit policies including for heritage buildings. The Committee were advised that in the new policy under 'Unlocking and Promoting Retrofitting' wording on Heritage and Townscape concerns will allow the

benefits of unlocking the retrofit to be considered against it and allow officers to make that judgement. Officers advised that they are working with Historic England who are generally supportive of allowing more clarity around how owners of heritage buildings can responsibly retrofit. Bath and North Somerset Council have extensive guidance on heritage retrofitting and other London authorities are also starting to explore retrofitting in heritage buildings, but they do not have as ambitious targets as Westminster City Council.

- 4.2.5 The Committee were advised that the Council will be using the Greater London Authorities (GLA) wording and approach for whole life carbon to make it easier for applicants.
- 4.2.6 The Committee noted that the Environment Supplementary Planning Document (ESPD) work is currently being revised but some additions cannot be included without a change to higher level policy in the City Plan to hang from. The ESPD will therefore need to be updated again once the new Full City Plan Policy is in place. While the government's proposals for implementing Biodiversity Net Gain Plan (BNG) has been delayed to January 2024, it is the council's intention to use the ESPD to indicate such requirements are a minimum in the interests of supporting sustainable growth and responding to the Ecological Emergency.
- 4.2.7 The Committee were advised that the Retrofit Taskforce are involved in drafting and scrutinising the new City Plan Policy and have given their feedback on how to promote retrofitting and how the policy can be developed further for more effectiveness.
- 4.2.8 The Committee were advised that the government have an existing policy on gas boilers in new builds and the new City Plan Policy won't change this drastically. There will be some opportunity to work through the alignment of building control and planning policy position including when they are traditionally controlled better through building control.
- 4.2.9 The Committee noted that the policy team are collating evidence on build costs of applications and how these may be impacted by meeting the embodied carbon budgets. They are working with consultants and advising them to go for the lowest carbon option. They wish to see simple and good adaptations that can reduce body carbon budgets and secure the longevity of the buildings including for climate change adaptations.
- 4.2.10 The Committee were advised that evidence base modelling on whether retrofitting will allow WCC to keep up with office space demand is being undertaken. The Committee noted that the presumption in Planning legislation is in favour of granting an application unless there is a good reason not to.
- 4.2.11 The Committee noted that the GLA London Plan supports going further than WCC's approach when applying whole life carbon. The officers foresee no major compliance issues with the GLA London Plan.

RESOLVED

That Members considered the contents of the report and noted the progress of the Partial City Plan Review.

5 PLANNING APPLICATIONS AND APPEALS PERFORMANCE MID-YEAR UPDATE - 2023/24

5.1 The Committee received a report which provided a mid-year update on the performance of the Town Planning service in terms of the timeliness and quality of its planning application decision making and the success rate of planning appeals for the first two quarters of 2023/24. Performance against all measures continues to exceed the Department for Levelling Up, Homes and Communities (DLUHC) and relevant internal performance indicators.

5.2 Members held a discussion and noted the following: -

5.2.1 The Committee were informed that there had been a trend for advertisement consent appeals to be allowed, particularly for larger temporary advertisements and digital adverts, and this results from a divergence in how Inspectors are assessing these proposals relative to officers. A Public Realm Supplementary Planning Document (SPD) is currently being drafted as part of the Local Development Scheme and this could include guidance on appropriate locations for digital advertising. More focused and detailed design guidance will also be explored with the policy team and could be programmed for next year.

5.2.2 Members were informed that determined appeals were spread across a range of different application types and individual appeals are determined by different Inspectors appointed on behalf of the Secretary of State by the Planning Inspectorate. Like applications, appeals must be determined in accordance with the development plan and therefore appeals that may not have been permitted in 2018 may be allowed under the 2021 City Plan, or vice versa.

5.2.3 The Committee noted that two appeals relating to sustainability improvements to a listed building were overturned at appeal. The Committee requested that officers take note of being more permissive of non-permanent interventions in listed buildings.

5.2.4 The Committee noted that the volumes of applications for the first two quarters of 2023/24 were consistent with the same period in 2022/23, with the exception of major applications which have been dropping since before the period impacted by the pandemic. Major applications are defined by government and therefore the data for major applications can be compared with other London Boroughs.

5.2.5 The Committee were informed that the report highlighted those applications that were appealed following a decision at Committee, but did not include those that were granted under delegated authority. A full list of appeal decisions, including those following delegated decisions, is provided in the appendices to the report.

- 5.2.6 The Committee noted that Tottenham Court Road Language School was overturned and allowed at appeal due to the introduction of new marketing evidence to the Inspector that was not submitted at application stage. The Committee asked that the Costs Decision that was refused by the Inspector be circulated so that the Committee could understand why the Inspector did not consider the appellants behaviour in this case to be unreasonable.
- 5.2.7 Members requested that future training is arranged that includes current or former Planning Inspectors that are able to provide guidance to the Committee on appeal processes and Inspector decision making.

RESOLVED

That Members considered the contents of the report and noted the on-track performance of the planning service.

6 DESIGN REVIEW PANEL UPDATE

- 6.1 The Committee received a verbal update regarding the first Westminster Design Review Panel (DRP). The Committee were advised that the first DRP meeting had been held in October and that the meeting considered two significant sites, which cannot be named at this stage as they remain at confidential pre-application stage. The DRP panel received positive feedback from both officers and the pre-applicants, who recognised the value added by the panel's outside expertise. Officers will continue to monitor the performance of the DRP and measure the benefits it delivers in terms of scheme design.
- 6.2 The Committee were advised that the next Design Review Panel would be held at the end of November. When an application that has been considered by the DRP comes before a Sub-Committee the committee report will set out what the applicant has amended following the meeting to address the panel's recommendations. It will be unlikely that schemes that have been reviewed by the DRP will not be determined at a Sub-Committee meeting due to their scale and significance.
- 6.3 The Committee were advised of the process for the Design Review Panel. The Panel is made up of around 30 experts in a range of built environment and related fields. The panels will be bespoke for each DRP meeting and panel members will be selected so that the expertise on the panel correlates with the issues that an application or pre-application scheme raises. The Panel spend the morning visiting the sites and in the afternoon the applicant presents the application to the Panel and the Panel scrutinise the plans and ask questions. The Chair sums up the discussion and a written advice summary is provided to advise the applicant on the panel's recommendations.

RESOLVED

That the verbal update be noted.

Officers will organise observation opportunities for Members of the Committee to observe the Design Review Panel.

7 ANY OTHER BUSINESS WHICH THE CHAIR CONSIDERS URGENT

7.1 The Committee were advised that Officers were working on updating the process and deadline for late representations for Planning Applications Sub-Committees. The intention is for the change to be in place by the end of the year (2023).

7.2 That Members wish to be involved at an early stage in the Full City Plan Review and would be open to in person meetings and receiving the draft wording for it. Members are to give further consideration of how they wish to be involved in this future workstream.

7.3 The Chair advised that she would like to involve Westminster’s young people more in the planning process particularly if an application is near a school. She also wishes to invite schools, including Westminster School and St Marylebone’s CE School, to planning workshops at City Hall.

7.4 Councillor Hyams requested an update on M&S Oxford Street Branch. An update was sent to members since the last committee, and this would be distributed to Councillor Hyams.

8 DATE OF THE NEXT MEETING

27th March 2024.

The Meeting ended at 8.08 pm

CHAIRMAN: _____

DATE _____



City of Westminster

Planning & City Development Committee

Date: 27 March 2024

Classification: General Release

Title: Legislative & Policy Update

Report of: Director of Town Planning & Building Control

Financial Summary: None.

Report Author and Contact Details: Oliver Gibson (ogibson@westminster.gov.uk / 07971026919) & Jane Hamilton (jhamilton@westminster.gov.uk / 07790387582)

1. Executive Summary

- 1.1 This report provides an update on recent changes to a number of areas of national planning legislation and policy. Where relevant it identifies the impacts these changes are having in Westminster.

2. Recommendation

- 2.1 Members are asked to consider the contents of this report and to note the recent changes and their potential future implications in Westminster.

3. Biodiversity Net Gain

- 3.1 Biodiversity Net Gain (BNG) is an approach to development to ensure that habitats for wildlife are left in a measurably better state than they were before the development. [Schedule 7A of the Town and Country Planning Act 1990 \(as inserted by Schedule 14 of the Environment Act 2021\)](#) introduces a 10% biodiversity net gain (BNG) requirement for new development. Through site selection and layout, developers should avoid or reduce any negative impact on biodiversity.
- 3.2 The mandatory BNG requirement applies to all major developments from 12 February 2024 and will be introduced for small sites from April 2024. Householder development is exempt from mandatory BNG, along with permitted development and proposals which have very small (less than a 25-metre squared area or five-metre length) or temporary (under two years) biodiversity impacts.
- 3.3 The government has published a statutory biodiversity metric calculation tool which calculates the biodiversity value of the habitat, and how a development, or a change in land management, will change the biodiversity value. This must be submitted with all applications.

- 3.4 If 10% BNG cannot be achieved within the red line boundary of the planning approval, offsite habitat creation will need to be relied upon. Developers can either make off-site biodiversity gains on their own land outside the development site or buy off-site biodiversity units on the market. If developers cannot achieve on-site or off-site BNG, they must buy statutory biodiversity credits from the government. The land owner is legally responsible for creating or enhancing habitat, and managing that habitat for at least 30 years to achieve the target condition.
- 3.5 All relevant developments will be subject to a general pre-commencement planning condition. This requires that developers submit and have approved by the council a 'biodiversity gain plan' before any works can begin. Given this must be submitted post permission, it would generally be inappropriate for decision makers, when determining a planning application for a development subject to biodiversity net gain, to refuse an application on the grounds that the biodiversity gain objective will not be met. However, decision makers may need to consider more broadly whether the biodiversity gain condition is capable of being successfully discharged.
- 3.6 BNG will be addressed in committee reports going forward. Detailed advice is set out in national planning practice guidance and further advice is also to be provided in the updated Environment SPD.

4. National Planning Policy Framework (NPPF) – December 2023 Update

- 4.1 The National Planning Policy Framework (NPPF) was initially introduced as a single national policy framework to replace the previous collection of Planning Policy Guidance (PPG) documents in different planning topics in 2012. Following its introduction in 2012 the NPPF was not updated until 2018. Since 2018 it has now been updated four further times, in 2019, 2021, and twice in 2023.
- 4.2 The Government made its latest set of amendments to the [NPPF](#) in December 2023. These amendments followed consultation on the draft amendments during late 2022 and early 2023.
- 4.3 The changes made to the NPPF encompass a wide range of areas, but the key changes impacting on planning considerations in Westminster (i.e. excluding changes such as those relating to the Green Belt) are summarised below:
- Plan Making – Greater emphasis is placed on preparing and maintaining up-to-date local plans (para 1) to support efficient delivery of housing and other developments in a sustainable manner.
 - Neighbourhood Plans – Inclusion of greater protection of neighbourhood plans where proposed housing development conflicts with a neighbourhood plan (para 14).
 - Calculating Housing Need – Confirmation that the standard method for calculating housing need in a local authority is advisory (para 61). Local authorities with an up-to-date local plan will no longer need to continually show a deliverable five-year housing land supply.
 - Housing Need – Older people requiring specialist retirement or care accommodation have been added to the list of specific groups for which local authorities must consider meeting their housing need (para 63).
 - Housing Land Supply – New text has been added to identify that local authorities are not required to identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing for decision making purposes if their plan was adopted less than five years ago and the plan identified at

least a five year supply of specific, deliverable sites at the time that its examination concluded (paras 75-81).

- Density of Development – Identifies that uplifts in the average density of residential development may be inappropriate where it would be wholly out of character with the existing area (para 130).
- Design and Local Design Codes – Greater emphasis added to promote the use of local design codes prepared in line with the National Model Design Code to deliver beautiful and well-designed places (para 138).
- Planning Conditions – Text has been added (para 140) to make clear that conditions should refer to clear and accurate plans and drawings to provide greater certainty to persons implementing permissions of what has been approved.
- Energy Efficiency – A new paragraph has been added (para 164) setting out that significant weight should be given to the need to support energy efficiency and low carbon heating improvements to existing domestic and non-domestic buildings.

4.4 The December revisions to the NPPF pick up only a proportion of the changes that have been trailed or consulted on by Government in 2023. A fuller review is expected later in 2024 to introduce changes set out in the Levelling Up and Regeneration Act. It is expected that this will include the introduction of National Development Management Policies (NDMP). Further consultations to are also anticipated in 2024, including changes to the Framework's approach to climate change adaptation and flood-risk management, provision of affordable housing and electric vehicle charging points.

5. Short Term Lets Reforms

5.1 The Government announced on 19 February 2024 that following consultation in 2023, it intends to introduce [new regulations to control short-term lets](#). The announcement signalled the Government's intention in this area, but full details of the approach to be taken have yet to be published and are due to follow in the Government's response to the [2023 consultation](#). The details to be announced will include the timeline for implementation of the new regulations. It is currently expected that the changes will be introduced in summer 2024.

5.2 The regulations that are proposed by Government are split across the planning and licensing regimes, with a new planning use class proposed for short term lets, which will enable their control via local Article 4 Directions, and a new mandatory registration scheme that sits outside the planning regime also proposed. Planning related proposals are being brought forward by DLUHC, whilst the introduction of the registration scheme is being led by DCMS.

5.3 At present the details of the planning changes proposed are understood to be:

- The introduction of a new planning 'use class' for short-term lets that are not used as a sole or main home. Existing dedicated short-term lets will automatically be reclassified into the new use class and will not require planning permission to change to the new use class.
- New permitted development rights will be created allowing a property to be changed from a short-term let to a normal residential dwelling, with a second that would allow a property to be changed to a short-term let.
- Local planning authorities would be able to remove the permitted development right to change to a short term by introducing an Article 4 direction.

- 5.4 Short-term letting is a significant issue for Westminster. Currently there are estimated to be around 12,000 properties in Westminster that are short term lets, more than any other area in the country. Short-term letting can have multiple impacts. Short term lets can have significant impacts on local residents, who often face the impact of noisy parties and dumped rubbish. The use of properties for short letting reduces available housing stock for permanent residents and they can also create an uneven playing field for many of Westminster's hotels which continue to bear the costs of business rates, corporation tax and complying with regulations.
- 5.5 Further details of the Government's intentions are required before the impact of the proposals on Westminster can be fully assessed. For example, issues which are not fully addressed in the February announcement are:
- Legislative context in London: It is unclear whether the Government's proposals would have the effect of superseding London specific legislation on short term letting (Section 25 of Greater London Council (General Powers) Act 1973 as amended by Section 44 of the Deregulation Act 2015), which currently limits the number of days annually that this activity can take place before planning permission is required for a permanent change to a Sui Generis short term let use. Elsewhere in England there is no current legislation precluding the use of residential units on a short term let basis. Officers are seeking clarification from DLUHC on this issue.
 - Transition to new regime: The opportunity to limit the use of the proposed permitted development rights using an Article 4 Direction would be more effective if this could be put in place in advance of the new Use Class for short term lets coming into effect. Not ordering the transition to the new regime in this way would risk additional properties becoming short term lets before an Article 4 Direction (which takes 12 months to take effect) coming into effect. Officers are drafting an Article 4 Direction pre-emptively so that it can be introduced without delay following introduction of the new regime by Government.

6. London Plan Review Recommendations

- 6.1 In December 2023 the Secretary of State for Levelling Up, Housing & Communities wrote to the Mayor of London to announce that a [London Plan Review](#) was being undertaken to identify policy changes which could speed up the delivery of homes in London. The panel of experts, led by Christopher Katkowski KC, was asked to consider whether changes to London Plan policies could facilitate more development on brownfield land to deliver more homes.
- Review Analysis*
- 6.2 The Review considers London's housing needs, how the housing targets in the London Plan were set, and what progress is being made to deliver them. The Review identifies an under-delivery of homes against the adopted London Plan target, resulting in a backlog of 60,000 homes (equivalent to a year's supply). It notes that very few boroughs are meeting their housing targets.
- 6.3 Although there has been some increase in affordable housing starts, this has been accompanied by a downward trend in housebuilding, which, if it continues, would result in a shortfall of more than 150,000 homes by 2028/29 or 29% of the total target.
- 6.4 The Review cites several factors impacting the current housing supply, including inconsistent use of Brownfield Land registers, the ineffectiveness of London Plan monitoring, the ambitious London Plan affordable housing requirements, and the fact that only a third of London LPAs currently have an adopted Local Plan which implements London Plan strategies.

- 6.5 The Review places greatest focus on the London Plan being excessively complex. The current London Plan is over 500 pages and contains 113 policies. The Review notes that “the Plan contains literally hundreds of requirements, exhortations and aspirations and, depending on the circumstances of an individual application, a great many of these bear upon deciding whether to permit residential development on brownfield sites”.
- 6.6 The Review identifies that much of the London Plan is expressed as ‘shoulds’ rather than ‘musts’ and that these are too often applied as ‘musts’ by local planning authorities. The Review concludes that it will be difficult for schemes to achieve all policy goals.

Review Recommendations

- 6.7 The Review acknowledges that wider macroeconomic conditions, fire safety, infrastructure constraints, statutory consultees, viability difficulties, and planning resourcing pressures have all contributed to the current housing delivery position in London.
- 6.8 The Review concludes that the London Plan is missing a “policy mechanism to assist applicants and decision-makers in navigating a path that aligns with the intended goal of boosting housing supply to the level outlined in the London Plan strategy”. It therefore recommends that a presumption in favour of residential development on brownfield land is added to the London Plan.
- 6.9 This means that for qualifying local planning authorities (i.e. those where completions are currently not reaching their required cumulative annualised target), there would be a strong presumption in favour of granting planning permission for proposals which comprise or include residential development on brownfield (previously developed) land. As per similar presumptions in the NPPF, there would be exemptions (for example for development on Metropolitan Open Land), and for developments causing harm to designated heritage assets, the presumption would only apply where public benefits outweigh the harm.
- 6.10 The recommended new presumption could be introduced as a new London Plan policy, or it could be instigated through a written ministerial statement or as an addition to the Planning Practice Guidance (albeit this third option would not afford it statutory weight and it would only be a material consideration).

Next Steps

- 6.11 The Secretary of State wrote to the Mayor on 12 February 2024 following publication of the review. The SoS confirmed he agreed with the conclusions of the Review and explained that he considers there is likely to be benefit in applying the recommendations more broadly across England. The SoS also notified the Mayor that he was concerned that the Review highlighted instances where the planning process was being duplicated by the GLA and that therefore he was also seeking views on whether changes are required to the threshold at which residential planning applications are referable to the GLA, which is currently set at 150 homes or more.
- 6.12 Following his letter to the Mayor, the SoS announced a consultation on changes to national planning policy, which will seek to speed up the building of homes on brownfield land. The [consultation](#) is currently live and runs until 26 March.

7. Financial Implications

- 7.1 The impacts of the changes set out in this report are predominantly to be met by the existing planning budget. In respect of BNG, the council has recently secured £40k of

skills funding from the Department for Levelling Up, Homes and Communities, which is to be utilised to recruit an ecologist during 2024/25 to support the introduction and bedding in of the new BNG requirements, which have begun to come into force during the first quarter of 2024.

8. Legal Implications

8.1 None.

9. Conclusion

- 10.1 The changes that have been made and are to be made to the planning system shortly continue the trend of adding complexity to the overall planning process. There is a risk that this will impact on the time required at pre-application and application stage to negotiate and assess applications of all scales. Requirements for BNG delivery also place significant reliance on the council to record the BNG net gain that is to be delivered and to ensure that the net gain is maintained for the necessary 30-year period. This has future administrative and enforcement resource implications for the planning service.
- 10.2 Whilst proposals such as BNG are welcomed and will bring increased focus to the planning system in respect of securing biodiversity enhancements, there is potential for other announcements covered in this report to have an adverse impact on Westminster, particularly with regard to retention and growth of available permanent housing stock and the delivery of new housing on brownfield land which continues to meet the high standards expected by the London Plan and City Plan.

If you have any questions about this report, or wish to inspect one of the background papers, please contact: Oliver Gibson (ogibson@westminster.gov.uk / 07971026919)

Appendix

N/A

Background Papers

None.



City of Westminster

Planning & City Development Committee

Date: 27 March 2024

Classification: General Release

Title: City Plan Partial Review consultation and timetable

Report of: Director of Policy and Projects

Financial Summary: The resourcing of the Partial Review to the City Plan will be met from existing budgets.

Report Author and Contact Details: Agnieszka Zimmnicka (azimmnicka@westminster.gov.uk)

1. Executive Summary

1.1 Formal Regulation 19 consultation on the City Plan Partial Review commenced on 14th March 2024 and ends on 25th April 2024. At the end of the consultation period, officers will consider if feedback received merits any amendments to policy wording, or if any additional supporting evidence is required, before submitting the plan and all supporting material to the Secretary of State for independent examination by the Planning Inspectorate. It is currently anticipated that submission of the plan for examination will happen in autumn 2024, dependent on the scale and complexity of issues raised in response to the Regulation 19 consultation.

2. Recommendation

2.1 Members are asked to note the content of this report. A summary of key issues raised through Regulation 19 consultation and next steps will be reported to a future meeting.

3. Partial City Plan Review

3.1 As reported to previous meetings of this committee, the council has embarked on a Partial Review of the adopted City Plan that seeks to better align it to the priorities of the Fairer Westminster Strategy, by:

- revising affordable housing policy to prioritise social housing over intermediate, and seeking affordable housing contributions from schemes delivering less than 10 homes;
- introducing a new retrofit first policy that better prioritises the retrofit of existing buildings over demolition and rebuild;

- introduces site specific guidance in the form of new site allocations policies that help to shape future development at St Mary's Hospital, Royal Oak, Westbourne Park Bus Garage, and Grosvenor Sidings.

3.2 All other policies are considered fit for purpose and will remain as existing until a Full Plan Review commences post the adoption of the Partial Review.

4. Pre-consultation Engagement

4.1 Formal notification of the Partial Review of the City Plan under Regulation 18 was carried for a period of 6 weeks between Thursday 6th October to Thursday 17th November 2022. Formal representations made during this period informed further development of the policies.

4.2 Furthermore, informal engagement on the direction of travel of the new and revised policies has been carried out with key stakeholders through autumn 2023 / winter 2024. This has included:

- workshops with ward councillors
- meetings with statutory consultees such as the GLA, TfL, neighbouring boroughs and Historic England;
- a workshop with the Westminster Property Association on the emerging retrofit first policy;
- meetings with landowners of the proposed site allocations;
- workshops with neighbourhood forums, amenity societies, residents associations and Business Improvement Districts on the proposed site allocations;
- a dedicated Commonplace website seeking feedback on aspirations for the proposed site allocations.

4.3 Overall, there has been broad support for the direction of travel of the new and revised policies, and the feedback received has helped inform detailed policy wording. Further details of this are set out in the consultation statement that supports the Regulation 19 version of the Plan.

5. Regulation 19 Consultations

5.1 As the plan has now reached Regulation 19 stage, consultation becomes more formalised. Essentially this is the last chance for stakeholders to comment outside of the examination process, and responses should focus on whether relevant legal tests in the preparation of the plan have been met, and if the proposed new policies are fully justified i.e. 'sound'. Responses should therefore focus on any fundamental flaws in the proposed policies, rather than suggestions of how they may be improved.

5.2 In terms of consultation activities for Regulation 19, the Revised Plan is published on the council's website alongside a range of supporting evidence and details of how to respond to the consultation. Everyone on the council's planning policy database (which includes a mix of statutory consultees, landowners and community groups) has also been notified by email, and a dedicated Commonplace website also set up. There will be three separate webinars dedicated to individual policy themes being

subject of the review. Some drop-in sessions during the consultation period are also being arranged so members of the public can speak to officers about the proposals.

- 5.3 Once Regulation 19 consultation has closed, officers will analyse all feedback received and consider if any modifications to policies are necessary, or the supporting evidence base needs supplementing in any way. A summary of the feedback received at Regulation 19 will be provided to a future meeting of this committee.
- 5.4 The level of work required before the plan and all of its supporting material can be submitted to the Secretary of State will be dependent on the issues raised during the Regulation 19 consultation. At this stage, submission for examination is anticipated to happen in the autumn. Thereafter the timetable moving forward is in the hands of the Planning Inspectorate.

6.0 Financial Implications

- 6.1 The costs associated with the ongoing preparation and examination of the City Plan Partial Review 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 Regulation 19 stage represents a key milestone in progressing the Partial Review of the City Plan and has been reached in accordance with the timescales set out in our Local Development Scheme, which sets out that councils planning policy work plan. The outcome of feedback received in response to Regulation 19 consultation, and next steps, will be reported back to this committee in due course.

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

Appendices:

N/A

Background Papers:

N/A

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