



City of Westminster

City Plan Sub- Committee Report

Date:	22nd July 2015
Classification:	General Release
Title:	City Plan Revisions Update – Special Policy Areas and Energy
Report of:	Director of Policy, Performance and Communications
Cabinet Member Portfolio:	Built Environment
Wards Affected:	All
City for All	The revisions for basements and mixed use are City for All priorities under heritage, and the West End Vision and partnership work is a priority under aspiration
Key Decision:	No
Financial Summary:	Met by existing budgets
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1. Executive Summary

- 1.1 The Basements Revision and Mixed Use Revision and all supporting documentation have been agreed by the Cabinet Member for the Built Environment for formal consultation. This consultation will last for 8 weeks, from the decision date, which is anticipated in Mid-July. This report briefly sets out the key changes made since the last City Plan Sub-Committee Report in June.
- 1.2 Additionally it seeks views on the next revisions: the Special Policy Areas (SPAs) Revision and the Energy Revision.

2. Recommendation

- 2.1 That Members consider the questions posed relating to the SPAs Revision and Energy Revision with a view to giving feedback for officers.
- 2.2 That Members provide any feedback on the basement and mixed use revisions.

3. Basements Revision

- 3.1 Since the previous report there have been changes to the following elements of the Basements Revision:
 - The limit on the extent of garden land under which a basement could be constructed (previously whichever was the larger of 50% garden length, or 4m) has been changed to not more than 50% of the site curtilage, with an exception for small sites as per the policy excerpt below. This change is simpler to apply, and more flexible, recognising that it is not always the rear garden which is the largest. It also adopts a slightly more generous approach to smaller sites where the largest garden area is up to 8m, they may construct a basement that extends in that direction up to 4m.

CM28.1 Basement development to existing residential buildings or buildings originally built for residential purposes will:

1. a) not extend beneath more than 50% of the site curtilage. On small sites, where the longest distance between the existing building and any site boundary is less than 8m, an exception will be made to allow the basement to extend up to 4m from the building in that direction. On all other sides of the building, the basement will not extend beneath more than 50% of the remaining curtilage.
- A margin of undeveloped garden land, proportionate to the scale of development is a requirement around the site boundary – except where it is proposed that development will extend under abutting highway. This

ensures that there is adequate potential for surface water drainage, and will mitigate risks of entire terraces developing beneath their rear gardens for example. The exact size of this margin is not specified, because it depends on the size of the site, and the proposed development, but additional guidance has been given in the policy application, following discussion with Alan Baxter Associates suggesting that it be in the range of 0.5-2m, with potential to reduce this further on the smallest sites.

- 3.2 The formal consultation is to be accompanied by a notice of the proposed 'non-immediate' Article 4 Direction removing permitted development rights for basement development across the City
- 3.3 The 'Supporting Information' documentation includes revised figures for the Code of Construction Practice which are lower than previously reported. This reduction results from a review of elements that could be charged under other legislation/regimes. Thus the new cost range proposed for applicants ranges from £7208 - £9248 (depending on the level of complaints received) with an average of £8228.

4. Mixed Use Revision

- 4.1 The revision provided for the July Sub-Committee has been subject to two key revisions to Policy S1 Mixed Use in the Central Activities Zone. The version provided in July included a new threshold of 30% - 50% development uplift, as a 'banding'. Any development that fell within that threshold would be subject to total flexibility about how the required residential floorspace would be provided (e.g. the current cascade of on-site, off-site, credit or payment in lieu). Below the 30% threshold the current policy would not apply. Above the 50% threshold, the current policy would apply.
- 4.2 This has now been modified to essentially allow the first 30% development uplift for 'free'. That means that within the 30% - 50% banding, the policy only applies to the floorspace above the 30% development uplift. Again, above 50% development uplift, the first 30% of the floorspace is not used in the calculation for the mixed use requirements.
- 4.3 Secondly, the requirement only applies in Core CAZ, Opportunity Areas and the Named Streets. This will have a very limited impact: there were no relevant applications outside these areas in the last 5 years. The policy agreed for consultation is set out below, together with the Policy Application describing how that operates, with the relevant changes underlined.

POLICY S1 MIXED USE IN THE CENTRAL ACTIVITIES ZONE

The council will encourage development which promotes Westminster's World City functions, manages its heritage and environment and supports its living, working and visiting populations.

Within the CAZ, a mix of uses consistent with supporting its vitality, function and character will be promoted.

- A) Where proposals are outside Core CAZ, the Named Streets or Opportunity Areas, or within these areas where proposals increase the amount of floorspace by less than 30% of the existing building or less than 400sqm (whichever is the greater) no residential floorspace will be required.
- B) Where proposals in Core CAZ, the Named Streets or Opportunity Areas increase the amount of floorspace by between 30% and 50% of the existing building, and more than 400sqm:
- i. net increases in B1 office floorspace (up to a maximum of the net additional floorspace above the 30% development uplift threshold), will be accompanied by an equivalent amount of residential floorspace, either on-site, off-site or by mixed use credits (Policy CM47.2); or
 - ii. net increases in B1 office floorspace (up to a maximum of the net additional floorspace above the 30% development uplift threshold) will be accompanied by an affordable housing payment in lieu equivalent to the net gain in B1 office floorspace (subject to the 30% development uplift threshold as above).

It is at the applicant's discretion whether they wish to apply i. or ii. above.

- C) Where proposals in Core CAZ, the Named Streets or Opportunity Areas increase the amount of floorspace by more than 50% of the existing building and more than 400sqm, net increases in B1 office floorspace (up to a maximum of the net additional floorspace above the 30% development uplift threshold) will be accompanied by an equivalent amount of residential floorspace. The residential floorspace will be provided in accordance with the following cascade. Applicants are required to demonstrate to the council's satisfaction that it is not appropriate or practicable to provide the floorspace (in whole or in part) at each step of the policy cascade before they can move to the next.
- i. The required floorspace will be provided on-site or in the immediate vicinity of the site.
 - ii. The required floorspace will be provided off-site (including through a draw down of mixed use credits in accordance with Policy CM47.2) on a site in the vicinity of the development site, or in the case of Victoria and Paddington Opportunity Areas, within that Opportunity Area.
 - iii. The required floorspace will be provided off-site (including through a draw down of mixed use credits in accordance with Policy CM47.2) elsewhere within the CAZ. This part of the cascade does not apply to Victoria and Paddington Opportunity Areas. The housing provided must be greater and of a higher quality than would be possible under i. or ii. above.

- iv. Payment of an appropriate Payment in Lieu to the Affordable Housing Fund equivalent to the net gain in B1 office floorspace (subject to the 30% development uplift threshold as above).

In demonstrating that a particular step is not practicable, site specific considerations will need to be taken into account. In demonstrating a particular step is not appropriate, considerations may include where a significantly better outcome can be achieved, in keeping with the council’s mixed use objectives, by not providing the residential floorspace on site.

- D) In Core CAZ, the Named Streets or Opportunity Areas, where changes of use from office to residential and/or replacement of office floorspace with residential floorspace are acceptable in principle under Policy S20, the net increase in residential floorspace will be accompanied by an appropriate amount of commercial floorspace and/or social and community floorspace, except where:
 - i. the net increase in residential floorspace is less than 400sqm; or
 - ii. in the case of changes of use from office to residential, the building was originally built as residential and the building is substantially retained.

Where these proposals increase the amount of floorspace by more than 50% of the original building and more than 400sqm, net increases in residential floorspace will be accompanied by an equivalent amount of commercial and/or social and community floorspace.

The commercial and/or social and community floorspace can be provided on-site, off-site or by the draw down of mixed use credits (Policy CM47.2) or by an appropriate payment in lieu to the City Council’s Civic Enterprise Fund. These options will not apply where an active frontage is required at ground floor level, which must be provided on-site.

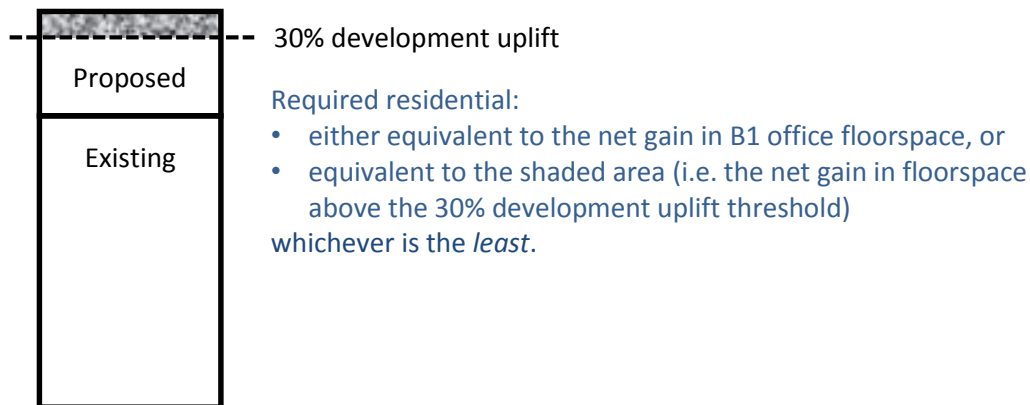
Policy Application

The requirement set out in 1B) and 1C) above for residential floorspace from office development applies at above the 30% development uplift threshold (development uplift minus 30% of the development uplift). Development uplift is calculated as follows:

$$\frac{\text{Net gain in floorspace (sqm GIA)}}{\text{Existing floorspace (sqm GIA)}} \times 100$$

Where the site is wholly made up of office floorspace, the requirement for residential simply applies to the net gain in floorspace above a 30% uplift. However, site development with a mix of uses (existing or proposed) can be more complicated, with some of the gain in office floorspace achieved through

development uplift and some through changes of use of other types of floorspace. In such cases the required residential can be illustrated on the following page:



The calculation of requirements against this policy is based on Gross Internal Area. The development uplift is measured as a percentage of the existing building floorspace. However, where extensions that fall below the threshold have been approved, under construction or completed in the previous 5 years, these will not be taken into account in the calculation of the existing building floorspace where the City Council believes incremental extensions are being implemented to avoid the policy requirements.

5. SPAs Revision

5.1 Draft proposed text for the Special Policy Areas Revision is set out at Appendix 1. These take forward policies for five Special Policy Areas (SPAs), for Harley Street, Portland Place, Mayfair, St James's and Savile Row. The East Marylebone SPA is discussed in paragraphs 5.6- 5.15 below. The proposed text reflects comments made by Sub Committee on 15 April - to include an overall scene setting aim to each of the SPA policies and recognising that on-site residential provision may not be appropriate in some locations, such as Savile Row and Cork Street. Consultation responses on the SPAs policies have been taken into account in drafting the proposed revisions. Proposed revisions are draft and subject to change as discussions are on-going with key stakeholders such as Historic England (previously English Heritage).

- Members' views on draft proposed text for the Special Policy Areas Revision set out in Appendix 1 are welcomed.

Article 4 Directions

5.2 Sub-Committee also asked that consideration be given to whether Article 4 Directions would be required to ensure that the special character and function of the SPAs is protected. The key threats to the character and function of

each of the SPAs have been assessed in light of changes to permitted development rights. The greatest threat is the potential for uncontrolled loss of A1 uses in St James's, Mayfair and Savile Row SPAs where a key part of their special character is from specialist and niche retailing, and where retailing complements the character and function.

- 5.3 Government guidance advises that the use of Article 4 directions should be limited, and that the potential harm any direction is intended to address be clearly identified. Changes from A1 to A2 uses (financial and professional services) are now unrestricted, whilst changes from A1 to A3 uses (restaurants and cafes) require prior approval. Other changes from A1 use allowed under permitted development do not apply in the SPAs as they are all located in conservation areas where these rights are not permitted. The council can refuse prior approval if it considers the change of use will impact the sustainability of the shopping area. The council would need to provide strong justification that prior approval provisions would not adequately cover concerns over the potential impact on the character and function of the SPAs.

Views on the proposed options are welcomed

- To apply for Article 4 Directions to remove the permitted development rights for changes of use from A1 to A2 only.
- To monitor prior approvals for changes from A1 uses to A3 uses allowed under permitted development to ensure the process provides sufficient protection.
- To include some guidance for each SPA for the consideration of prior approvals for changes from A1 uses to A3 uses.

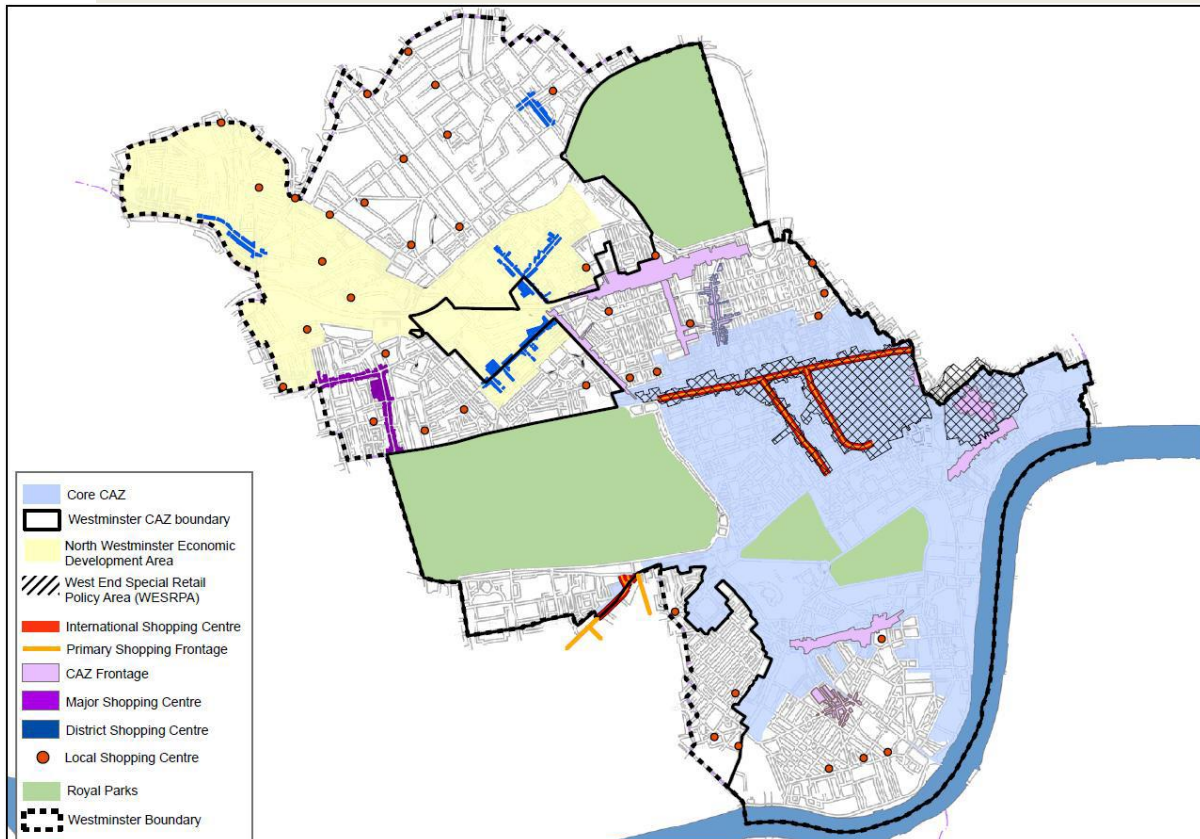
- 5.4 There is also a threat to the loss of A1 elsewhere in the city. Whilst not strictly within the SPA Revision, views are sought from the sub-committee as part of their consideration. The map below sets out the hierarchy of shopping areas, the SPAs are all located within the CAZ. Permitted development would allow the unrestricted change of use from A1 to A2 uses in key shopping areas such as Oxford Street, Bond Street and Covent Garden. An article 4 direction could be sought for designated shopping areas, or key frontages in designated shopping areas where we can better justify the need for an article 4 direction.

Views on where Article 4 directions should be sought are also welcomed:

To apply for Article 4 directions to restrict A1 to A2 to protect the retail function of shopping areas in for example:

- Core CAZ and all designated shopping areas; or
- WESPRA (West End Special Retail Policy Area, including Oxford Street, Regent Street, Bond Street, Soho and Covent Garden) and core frontages in all designated shopping areas; or

- Primary Shopping Frontages (Oxford Street, Regent Street, Bond Street), and core frontages in all designated shopping areas.



5.5 The council would incur a cost to the service as officers would need to determine planning applications for changes of use from A1 to A2 in the proposed areas for which a fee is not chargeable. However, officers may already be considering proposals e.g. for shop front changes (£195, advertisement consent (£110) etc. In the last 10 years there were 146 applications for changes of use from A1 to A2, when planning permission was required. Although a fee is not now chargeable and it is acknowledged that planning fees do not always cover the cost of determining an application, this nonetheless suggests a resourcing cost of £5,621 per annum. The additional work required to determine applications for changes of use from A1 to A2 would be balanced against the impact of loss of A1 uses on vitality and viability of shopping streets and on the character and functions of SPAs.

Wholesale Showrooms in East Marylebone

5.6 A key issue for discussion is the East Marylebone SPA. Members indicated at the previous Sub Committee that retaining the East Marylebone SPA to protect wholesale showrooms may not be appropriate, given the evidence of on-going decline of this area as a centre for wholesale showrooms for the fashion industry.

5.7 The East Marylebone SPA has protected wholesale showrooms for a number of years. The original boundary was reduced after a survey showed a decline in showrooms operating within the wider area. A survey in April 2015 has recorded a further decline of 20 wholesale showrooms in the adopted SPA,

with the existing number now at 40 (including eight vacancies). The map of the current showrooms in the SPA at Appendix 2 indicates concentration of premises on Great Portland Street, Great Titchfield Street and Mortimer Street. The 20 premises that are no longer showrooms have changed use to either A1 retail or B1 uses, and have included a number of galleries, photographic and design studios. Most changes from wholesale showroom use appear to be unauthorised (the city council has not taken enforcement action to date). There is very limited data on where showroom occupants of vacated premises have relocated.

- 5.8 Officers contacted existing showrooms in the SPA to seek their views on the future policy approach for the area. A letter inviting occupiers to a meeting and including a short survey was sent on 1st May 2015 to 47 premises, to existing wholesale occupants and to premises which had previously been used as wholesale showrooms and where the current use was unclear. Whilst only three showrooms responded to the survey (all of whom still operate in East Marylebone), there were differing views on the future policy for the area. All businesses were of a similar size and had a customer base in London and worldwide. All indicated that the cost of renting premises would be a reason for moving out of the area. Two respondents indicated that they gained little business from passing trade (one of whom wanted to change to a retail use such as a coffee shop), and that they would consider relocating elsewhere in London. One respondent felt that showrooms should continue to be protected in order to maintain a cluster of uses.
- 5.9 In discussions regarding the potential policy options, Development Planning officers consider that the remaining wholesale showrooms continue to contribute to the character and function of East Marylebone, and suggested that factors contributing to the decline in numbers of wholesale showrooms in Westminster could be the subject of further research. Deletion of the East Marylebone Special Policy Area may undermine the implementation of the wider policy for wholesale showrooms. Wholesale showrooms add to the diversity of business uses in the West End and continue to contribute the character and function in certain streets, including Great Portland Street, Great Titchfield Street and Mortimer Street in the East Marylebone SPA, and in other parts of Westminster such as Berwick Street (jewellery).
- 5.10 The adopted policy approach to wholesale showrooms, UDP policy COM 12, is set out at Appendix 3. This protects existing wholesale showrooms throughout the city where they contribute to the character and function, in addition to protection of wholesale showroom uses in the East Marylebone Special Policy Area. Consultation on the Westminster's Economy booklet as part of the City Plan Revision included an addition to policy S20 Offices and other B Use Business Floorspace, to take the adopted policy approach forward:

'Outside the East Marylebone Special Policy Area a change of use from a wholesale showroom at ground floor will normally be acceptable except where the showroom contributes to the character and function of the area.'

- Does the existing concentration of wholesale showrooms continue to merit the retention of the East Marylebone Special Policy Area?
- If this is the case, should specific streets be identified to support the wider wholesale showroom policy to protect city-wide, where they contribute to the character and function of a street/area. Such streets could include Great Portland Street, Great Titchfield Street, Mortimer Street and Berwick Street.
- Should the wider wholesale showroom policy apply a vacancy test before allowing a change of use?
- Should policy restrict what new use can be, should a loss of wholesale showroom be acceptable (see below)?

Creative industries

- 5.11 The potential scope to support creative industries where policy allowed the change of use from a wholesale showroom was raised at the previous Sub-Committee. The Sub Committee did not agree there should be a transition from wholesale showrooms to creative industries and that the requirement should just be for active frontages.
- 5.12 We have looked further at this, as some of the key concerns were around maintaining active frontages e.g. many creative industries do not have active frontages, and thought needed to be given as to what creative industries would be appropriate and make a contribution to the area. Members are clearly aware of the importance of creative industries in Westminster. Most recently, the West End Partnership Vision noted that the area generates 3% of the country's economic output. Within the wide range of businesses and sectors in the West End, Westminster's creative industries play an important role, employing 90,000 people (5% of the UK's creative work force) and turning over £14Bn p.a. (20% of the UK's creative industry annual turnover). Westminster is home to more creative industry jobs than any other local authority in the UK, and potentially Europe and the world.
- 5.13 Importantly, the West End Vision seeks to support economic growth, by providing space for businesses, retaining its diverse mix and clustering of businesses. The challenges to achieving this include affordable space for small and growing firms. The vision document recognises that '*failure to deliver sufficient new supply will drive up rents and narrow the range of businesses that can afford the West End.*' Providing diverse and affordable business space are identified as key projects in the West End Delivery Plan 2015-2030. Recent discussions with SohoCreate have indicated that smaller creative businesses may not be able to afford to locate/ remain in Soho and the West End because of increasing rents and rates. Whilst we note Members comments at the previous Sub Committee, we do note that the protection of wholesale showrooms suppresses rental values by protecting the particular use.

5.14 The Council is currently developing a project brief for a new creative industries study, as the previous evidence from 2007 and statistical review in 2012 needs to be updated. This will inform our future policy direction.

- With the release of up to 40 premises in East Marylebone (if the principle of removing the SPA designation is accepted) should this opportunity be taken to help deliver against the West End Partnership's ambition for providing affordable and diverse business space, and if so how?
- Are Members content for officers to wait for the outcome of the creative industries report before deciding what those wholesale showrooms can be changed to?
- Should this approach be for wholesale showrooms city-wide?

6. Energy Revision

6.1 Due to the recent Budget's announcement to abandon zero carbon homes policy for 2016 and uncertainties about how this may impact on our proposed policies around energy standards, we are currently unable to present a draft energy revision. However, we would expect to be able to report at the next sub-committee when further details of the announced changes have become available and the implications for our energy policies have become clearer.

7. Financial Implications

7.1 There are no specific financial implications as a direct result of the recommendations in this report. Work on developing policies is met from existing budgets and public consultation will be undertaken electronically, thereby, minimising printing costs, etc. Any other costs associated with public consultation will be met from existing budgets.

7.2 However, financial implications do arise from the use of Article 4 Directions (paragraphs 5.3-5.4) would require the Council to undertake the processing of planning applications without the ability to secure a fee.

8. Legal Implications

The revisions are part of the plan development process 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.

9. Consultation

The next stage for these revisions is the formal (Regulation 19) consultation on the proposed draft that the City Council intends submit to the Secretary of State. Consultations will be sent to everyone on the database, statutory consultees and all Ward Members.

If you have any questions about this report, or wish to inspect one of the background papers, please contact:

Lisa Fairmaner, lodonel1@westminster.gov.uk, Ext. 4240

APPENDIX 1

SPECIAL POLICY AREAS AND POLICIES MAP REVISION TO WESTMINSTER'S CITY PLAN

This document sets out revisions to Westminster's City Plan: Strategic Policies adopted in January 2014. It only includes those parts of the Plan that are subject to change. There are other proposed revisions to this plan which can be found at [www.westminster.gov.uk/policy/City Plan revisions](http://www.westminster.gov.uk/policy/City%20Plan%20revisions).

Text changes

Text to be deleted is shown as ~~striktrough~~ text. Text to be added is shown as underline text or, where there are large new sections, prefaced by the text "*Insert the following new text after...*" in **blue**. Amendments made by previous revisions will be shown in **red**.

Changes to the Glossary section at the end of Westminster's City Plan are included as two lists of a) text to be added and b) text to be deleted. All unchanged parts of the Glossary have not been included.

Changes to Figures (tables, charts and diagrams)

All Figures shown replace the adopted figures in Westminster's City Plan. Figures that have not been changed have not been included. Changes to tables only include those rows that are subject to change (Figure 56).

SPECIAL POLICY AREAS REVISION

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PART IV: CITY-WIDE SPATIAL POLICIES

PART VI: IMPLEMENTATION

SUPPORTING INFORMATION

PART III: LOCAL SPATIAL POLICIES

SPECIAL POLICY AREAS

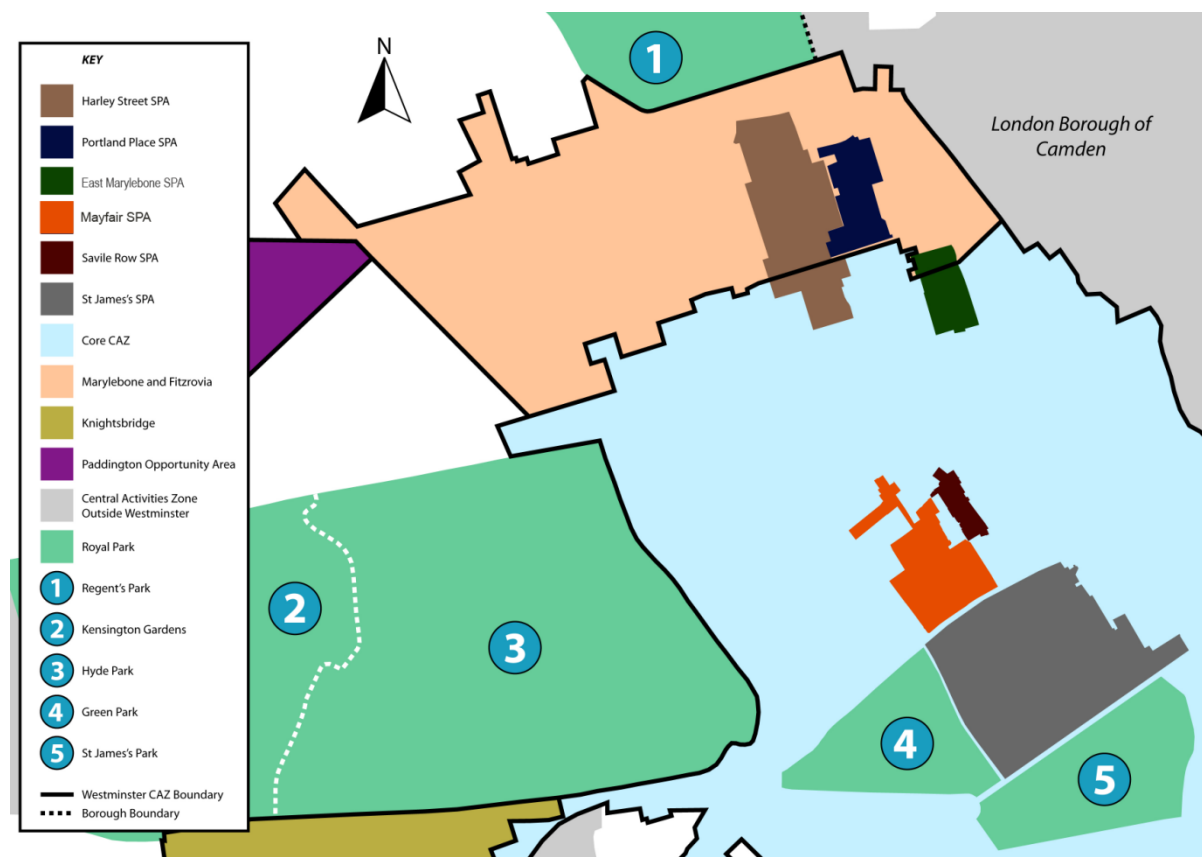


Figure 15 Special Policy Areas

3.7 The council has long protected and encouraged specialist uses in defined Special Policy Areas (SPAs). These areas are recognised for their special local distinctiveness, particularly relating to their land uses. Defining SPAs can help ensure that unique clusters of activity are not lost to other commercial uses. Protection of such unique uses support specific industries' long-term success and in many cases enhance London's global reputation.

3.8 Future Special Policy Areas may be designated in order to address specific, local land use issues. These will be used in order to ensure sufficient flexibility within the plan to address specific development pressures, economic circumstances and market conditions.

POLICY S2 SPECIAL POLICY AREAS

Special Policy Areas are designated to protect and promote specialist uses and functions as follows:

Harley Street:	Medical facilities
Portland Place:	Institutional uses
Savile Row:	Tailoring
St James's:	Private members' clubs, art galleries, niche retail

Mayfair: Art galleries, antiques traders and niche retail

East Marylebone: Wholesale showrooms (*future options discussed in main report*)

Reasoned Justification

It is necessary to provide specific protection for the unique clusters of specialist uses which are central to London's character and ensure these clusters are not eroded by pressure from other commercial uses. City Management policies will provide the detail to protect and encourage these uses.

Cross-reference to Policies S1 Mixed Use in the Central Activities Zone; S8 Marylebone and Fitzrovia (for Edgware Road Stress Area, which extends slightly into Core CAZ boundary).

Insert the following new text after Policy S2 Special Policy

POLICY CM2.1: HARLEY STREET SPECIAL POLICY AREA

Development should protect and enhance the character and function of the area as a strategically important cluster of medical uses.

New medical and complementary facilities will be encouraged.

Existing medical facilities, including consultation rooms and related professional and support services, will be protected and their loss of will only be allowed in exceptional circumstances where:

- 1. the council is satisfied that the premises have been vacant and actively marketed for medical use for at least 12 months at a reasonable market value and attempts to find an occupier have been unsuccessful;**
- 2. the character and function of the area as a centre of medical excellence would not be affected;**
- 3. the loss of the medical use will not significantly affect the demand for that particular specialism; and**
- 4. the change of use is to residential.**

The council will consider land use swaps within the Special Policy Area where it can be demonstrated that:

- 1. there will be no net loss of medical and associated floorspace; and**
- 2. the accommodation offered provides higher quality medical space.**

All development proposals will need to demonstrate that they do not have a negative impact on the character and function of the Special Policy Area.

Reasoned Justification

Medical uses in the Harley Street SPA add to the economic diversity of the area, providing over 3,000 jobs in the medical sector. Medical consulting rooms play a key role, and supporting uses such as diagnostic facilities are also important. Ensuring the on-going availability of appropriate accommodation supports the continued importance of the area as a centre for medical excellence within London, and the UK. This established concentration of medical uses in and around Harley Street is supported in London Plan (Policy 2.11). Medical facilities, particularly those of regional, national and international importance, in and around the Harley Street Special Policy Area can benefit from being close to other related services, including the medical research cluster at Med City.

The area has a long standing residential community which exist well alongside private, discreet practices. Other non-residential uses are not acceptable as they do not contribute to the area and commercial uses would lead to undesirable intensification of the area which would go against the character and function of the SPA.

POLICY CM2.2: PORTLAND PLACE SPECIAL POLICY AREA

Development should protect and enhance the character and function of the area for institutional uses.

New institutional uses will be encouraged and existing Institutional uses will be protected except where the council is satisfied that the premises have been vacant and actively marketed for institutional use for at least 12 months at a reasonable market price/rent and attempts to find an institutional occupier have been unsuccessful.

Applications for extensions to existing lawful Institutional uses to improve the functioning of the establishment will generally be allowed in the Special Policy Area and elsewhere in the Central Activities Zone.

Reasoned Justification

This long established concentration of institutional uses includes headquarters of professional, charitable, cultural and learned institutions, associations and trade federations, many of which have Royal status and/or charitable status. Such learned professional and cultural institutes are renowned throughout the UK and beyond. They add cache to the local area, bring educational benefits and add to economic diversity. As such, they make a valuable contribution to Westminster's role in London as a world class sustainable city. Most institutional uses are located in listed buildings and are well suited to these buildings, with the prestige of the use commensurate with the grandeur of the listed buildings in the area. Although the main cluster of Institutional uses is within the Portland

Place SPA, these uses can also be found in other parts of Westminster. The London Plan supports clusters of 'special uses' within the Central Activities Zone.

POLICY CM2.3: MAYFAIR SPECIAL POLICY AREA

Development should protect and enhance the character and function of the area for specialist and niche retailing especially art galleries and antiques traders.

Existing art galleries (class A1 Retail and D1 Non-residential Institutions) and antiques traders (class A1 retail) will be protected. The council may seek the re-provision of existing gallery or antique trader space as part of development proposals, to be secured by legal agreement.

New art galleries are to be encouraged and will be secured by legal agreement.

New retail uses should be in fitting with the character and function of the street or area in which they are located (e.g. Art Galleries on Cork Street, Jewellery or International fashion on Bond Street), and where appropriate should sell items or offer services falling in the following categories:

- Bespoke
- Unique or one of a kind
- Antique
- Limited edition

The city council will work with landowners to protect and promote clusters of specialist retailers in Mayfair.

The requirements for residential floor space as part of new office development may be applied more flexibly where the council considers this to be necessary in meeting the overall aim of this policy.

Reasoned Justification

Mayfair, along with St James's is the historic centre of the art market in London and the UK, as part of a truly global specialist trade. Mayfair contains around 90 commercial art galleries, the internationally renowned Sotheby's and Bonham's auction houses on New Bond Street, and the Royal Academy of Arts on Piccadilly, which is one of the largest and most visited public art galleries in London. Most of the retail galleries are now found in the southern part of Mayfair, with clusters on Cork Street and parts of nearby Bruton Street, Bond Street and Albermarle Street. Large numbers were previously located on Bond Street and other parts of Mayfair, however many have been lost as international fashion retailers have moved into many premises.

The character and function of this area is therefore highly influenced by the art trade, with galleries being a long standing feature and draw of the area, providing attractive window displays while catering mainly for specialist high value retail visits, and not high street type shopping. Galleries are complimented by other A-class uses including restaurants, cafe's and some specialist retailers. Neighbouring areas such as Savile Row and the Burlington Arcade share specialist uses and functions of a different, but complimentary nature.

The upper floors of buildings tend to be occupied by offices, with Mayfair attracting some of the highest office rents in London, being the home to many hedge funds and other finance related businesses. There are relatively few residential units around Cork Street and this part of Mayfair, although both single dwellings and apartment blocks do exist in parts.

The galleries in and around Cork Street are culturally significant, having provided many artists with breakthrough exhibition space, while providing attractive open frontages and displays, giving the area a special character and function due to their concentration and combined reputation. The galleries tend to be small businesses, but employ significant numbers of specialist and highly skilled workers in the art trade. Many have an international importance and catchment, attracting collectors from all over the world, as part of an international art trade valued at nearly £8 billion in sales (2009), of which Britain counts for nearly 30%. Mayfair is also the destination of choice for international art galleries, with many dealers from New York and America setting up branches in the area.

The council therefore wishes to protect and enhance this cluster of uses, which are economically and culturally significant. The area acts as an attraction for international visitors and investors. These uses attract visits of a specific, singular shopping purpose, similar to neighbouring Savile Row, and unlike the more high street shopping experience in other parts of London and the West End, where browsing and comparison shopping is more common.

POLICY CM2.4: ST JAMES'S SPECIAL POLICY AREA

Development should protect and enhance the character and function of the area for specialist and niche retailing especially art galleries, and for private members clubs.

Existing private members' clubs (*sui generis* uses) and art galleries (D1 Uses and A1 Gallery Uses) will be protected.

The council will work with landowners to protect the existing niche luxury and specialist retail floorspace (A1 uses) at basement, ground and first floor level and encourage new niche luxury and specialist retail development, particularly those selling good that fall into the following categories:

- **Bespoke**
- **Unique or one of a kind**
- **Antique**

- **Limited edition**

The council may seek the re-provision of existing gallery space as part of development proposals, to be secured by legal agreement.

Reasoned Justification

St James's contains a historic concentration of private members' clubs, many of which date back several hundred years and nearly as far back as the founding of St James's itself, contributing significantly to the historic character and function of St James's as a centre of aristocracy and prestige. Many of the original clubs are located along St James's Street and Pall Mall, occupying and maintaining landmark listed buildings, which are an intrinsic part of the historic street pattern and rich visual townscape, which includes private palaces and the West End's first square.

This is also the case for many of the niche and bespoke retailers, many of which were founded around the same time as the gentleman's clubs, and are intrinsically linked in terms of the clientele they serve and the unique services on offer, for example in Jermyn Street and its associated arcades linking it to Piccadilly. Jermyn Street is renowned for shirt makers, grooming products and accessories including hatters and shoe makers amongst other uses, which are also found in the neighbouring streets and arcades, and also include wine merchants, tobacconists and other niche uses.

Art galleries have also been in existence in St James's for several hundreds of years. Central London is a major centre of the billion pound global art trade, with its focus in St James's and Mayfair, containing a significant concentration of internationally renowned auction houses, retail galleries and associated art related services. There are over 70 retail art galleries in St James's, most are small independent businesses employing a number of specialist and skilled workers, while attracting clients from all over the world for the range of art on sale through galleries and fairs, and for the specialist skills and services on offer. The internationally renowned Christies auction house is also located in the centre of St James's, surrounded by commercial art galleries.

POLICY CM2.5: SAVILE ROW SPECIAL POLICY AREA

Development should protect and enhance the character and function of the area for bespoke tailoring.

Existing bespoke tailoring uses will be protected.

New bespoke tailoring will be allowed, particularly at basement and ground floor levels, and will be secured by legal agreements.

New A1 Retail will only be permitted at ground, lower ground floor and first floor levels, subject to the following criteria, to be secured by legal agreement where appropriate:

- **no bespoke tailoring uses being lost;**

- each retail unit being no larger than 300 sqm gross;
- the retail use should sell bespoke, unique, limited edition or one of a kind products.
- the retail function should be complementary to the character and function of the SPA.

Land use swaps will only be acceptable within the Special Policy Area where the other criteria within this policy are met, and where:

1. there is no net loss of bespoke tailoring floorspace, outside of necessary minor alterations to facilitate the land use swap;
2. the accommodation offered provides higher quality or larger bespoke tailoring space;

All development proposals will need to demonstrate that they do not have a negative impact on the character and function of the Special Policy Area.

The requirements for residential floor space as part of new office development may be applied more flexibly where the council considers this to be necessary in meeting the overall aims of this policy.

Reasoned Justification

The character and function of the Savile Row SPA revolves around the historic concentration of bespoke tailoring on the street, with the street name in itself acting as a widely recognised international brand, synonymous with the unique and high quality bespoke and discreet, personal service it offers. The core bespoke tailoring area is located on the eastern side of Savile Row, containing many of London's principal and oldest bespoke tailoring houses. Some of these buildings are former residential properties, with large basements and light wells, creating bright spaces for tailors to work, with workshops often visible from street level, in addition to retail elements which are mostly located at ground floor level. This mix of uses means that many of the bespoke tailors are classified as Sui Generis uses. The location close to the street also provides good access for vehicles transporting materials or finished garments, and encourages passing trade, while adding identity and interest to the streetscape through visible workshops and distinctive window displays.

The west side of Savile Row contains uses which are complimentary to bespoke tailoring. Here, several of the occupiers are also tailors offering bespoke services, however not all have workshops on site, and therefore fall within the A1 use class. The northern end of the SPA contains a mix of uses which fit into the character and appearance of the area, including art galleries and further complimentary retail uses. The upper floors of buildings tend to be in use as offices, with few residential properties. The pavements on Savile Row are narrow and therefore not suited to high volumes of retail footfall in the same way as neighbouring Oxford and Regent Street. Therefore, the historic use and function is fitting for the public

realm and characteristics of the street, with visits on the whole being for a specific purpose, service or retailer, and not a multi-functional, high street type shopping environment.

A retail policy and estate management strategy for Savile Row has been established between the main landowners, The Pollen Estate and Savile Row Bespoke Association (association representing skilled craftsmen and associated artisan businesses), to manage uses and support the area’s unique character. The strategy supports applications in the following categories: British bespoke tailoring, bespoke, individual and/or luxury goods and services (consistent with Savile Row’s heritage and values) and other men’s clothing, shoes and grooming.

Encouraging bespoke tailoring uses in the SPA will continue to support this cluster of bespoke tailoring activities and the wider bespoke tailoring industry in Westminster and the UK. Directing bespoke tailoring to the ground floor and basements of buildings will also maintain an active frontage onto the street and will enhance the character and function of the SPA, while helping to preserve the special character of buildings in the area.

PART VI: IMPLEMENTATION

FIGURE 56 MONITORING FRAMEWORK

HEADLINE OBJECTIVES	KEY INDICATORS’ TOPICS	POLICY REF
Objective 1: To accommodate sustainable growth and change that will contribute to enhancing London’s Westminster’s role as the heart of a pre-eminent a sustainable world class city, including building on its internationally renowned business, retail, cultural, tourism and entertainment functions within the Central Activities Zone; to support the unique economic breadth and diversity of the West End and its fringe areas including the Opportunity Areas ; whilst maintaining its unique and historic character, mix, functions, and townscapes.	Retail development in the West End Special Retail Policy Area (WESRPA), and other shopping centres, and outside shopping centres Hotel development by area Development of new arts and cultural uses by area Entertainment use development by area Development in Paddington, Victoria and Tottenham Court Road Opportunity Areas progress against housing and job targets; and delivery of key social and transport infrastructure identified in the plan policy Change in land uses in Special Policy Areas. Development affecting identified views.	1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 18, 20, 21, 22, 23, 24, 25, 26, 27, 33, 2.1 , 2.2 , 2.3 , 2.4 , 2.5 , 47.1 , 47.2

Wholesale Showrooms in the East Marylebone SPA



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WHOLESALE SHOWROOMS

Aim

- 2.85 To seek the retention of wholesale showroom accommodation where it contributes to the character and function of areas such as East Marylebone.

POLICY COM 12: RETENTION OF WHOLESALE SHOWROOMS

(A) East Marylebone SPA:

- 1 Planning permission which would result in the loss of wholesale showrooms in the East Marylebone Special Policy Area at ground floor and basement levels will not normally be granted and wholesale showrooms floorspace should be replaced in re-development schemes.**
- 2 Planning permission for change of use from wholesale showroom use in the East Marylebone Special Policy Area to 'dual' wholesale showroom/office use will normally be granted where:**
 - (a) the premises are above ground floor level and are within the CAZ**
 - (b) the long term use of the lower floors as wholesale showrooms is not jeopardised.**

(B) Elsewhere in the City:

- 1 Planning permission for change of use from a wholesale showroom at ground floor will not normally be granted where the showroom contributes to the character and function of the area. In other cases, planning permission will be granted where the proposed use is as a retail shop, or a use appropriate for a street level location, generating passing trade and providing a direct service to customers, if the proposed use is within an area which would benefit from its introduction.**
 - 2 Planning permission for a change of use from wholesale showroom at basement or first floor level will normally be granted if the loss of floorspace will not jeopardise the long term use of the ground floor for wholesale showroom purposes.**
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