

MIXED USE REVISION TO WESTMINSTER CITY PLAN: MAIN MODIFICATIONS

Text changes

New text is shown as underlined and deletions are shown as ~~striketrough~~. Long sections of unchanged text have been omitted.

MM1 - Policy S1 Mixed Use in the Central Activities Zone

POLICY S1 MIXED USE IN THE CENTRAL ACTIVITIES ZONE

- 1.** 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.
- 2.** Within the CAZ, a mix of uses consistent with supporting its vitality, function and character will be promoted.
- 3.** For development within Core CAZ, the Named Streets, and Opportunity Areas, which includes net additional B1 office floorspace:
 - A) Where the net additional floorspace (of all uses) is:
 - i. less than 30% of the existing building floorspace, or
 - ii. less than 400sqm; (whichever is the greater),or where the net additional B1 office floorspace is less than 30% of the existing building floorspace (of all uses), no residential floorspace will be required.
~~Where proposals are outside; or Within these areas, where proposals increase the amount of floorspace by;~~
 - B) Where A) does not apply and the net additional floorspace (of all uses) is:
 - i. between 30% and 50% of the existing building floorspace, and

ii. more than 400sqm,

residential floorspace or an equivalent payment in lieu will be provided, equivalent to the net additional B1 office floorspace less 30% of the existing building floorspace.

The residential floorspace can be provided:

i. on-site,

ii. off-site,

iii. by mixed use credits (Policy CM47.2), or

iv. as a payment in lieu of the residential floorspace.

It is at the applicant's discretion ~~whether~~ which of i to iv. above they wish to apply.

~~Where proposals in Core CAZ, the Named Streets, or Opportunity Areas, increase the amount of floorspace by 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 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).~~

C) Where A) does not apply and the net additional floorspace (of all uses) is:

i. more than 50% of the existing building floorspace, and

ii. more than 400sqm,

residential floorspace or an equivalent payment in lieu will be provided, equivalent to the net additional B1 office floorspace less 30% of the existing building 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 residential floorspace will be provided on-site or in the immediate vicinity of the site.

ii. The required residential floorspace will be provided off-site, including by mixed use credits (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 residential** floorspace will be provided off-site, including **by** mixed use credits (Policy CM47.2) elsewhere within the **Central Activities Zone**. 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 additional B1 office floorspace **less 30% of the existing building floorspace.**

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.

~~Where proposals in Core CAZ, the Named Streets, or Opportunity Areas increase the amount of floorspace by 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. (through a draw down of in accordance with (through a draw down of in accordance with CAZ (subject to the 30% development uplift threshold as above)~~

4. For development within Core CAZ, the Named Streets, ~~or~~ and Opportunity Areas, where which includes:

- i.** changes of use from office to residential; and/or
- ii.** replacement of office floorspace with residential floorspace

which are acceptable in principle under Policy S20:

A) Where the net ~~increase in~~ additional C3 residential floorspace is;

- i. less than 400sqm, or
- ii. in the case of changes of use from **B1** office to **C3** residential, the building was originally built as residential and the building is substantially retained,

no commercial floorspace and/or social and community floorspace will be required.

B) Where A) does not apply and the net additional floorspace is increased by between 0% and 50% of the existing building floorspace, the net ~~increase in~~ **additional C3** residential floorspace will be accompanied by an appropriate amount of commercial floorspace and/or social and community floorspace.

~~except where: Where these proposals increase the amount of floorspace~~

C) Where A) does not apply and the net additional floorspace is increased by more than 50% of the **existing** building **floorspace, the** net **additional C3** residential floorspace will be accompanied by an equivalent amount of commercial floorspace and/or social and community floorspace.

~~Where these proposals increase the amount of floorspace original and more than 400sqm increases in~~

For B) and C) above, the commercial and/or social and community floorspace can be provided on-site, off-site, by 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.

MM2 - supporting text for Policy S1

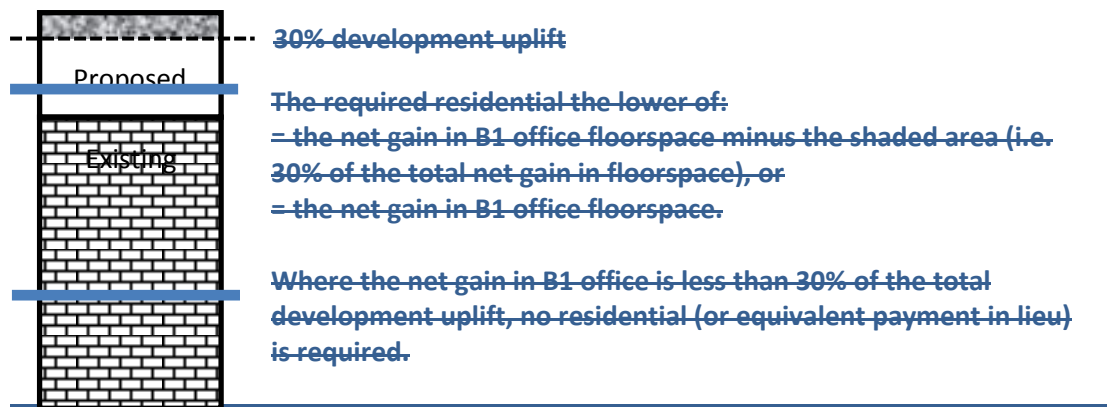
Policy Application

The requirement set out in 1B) and 1C) above for residential floorspace from office development **allows up to 30% additional floorspace before the policy applies.** This is calculated as follows:

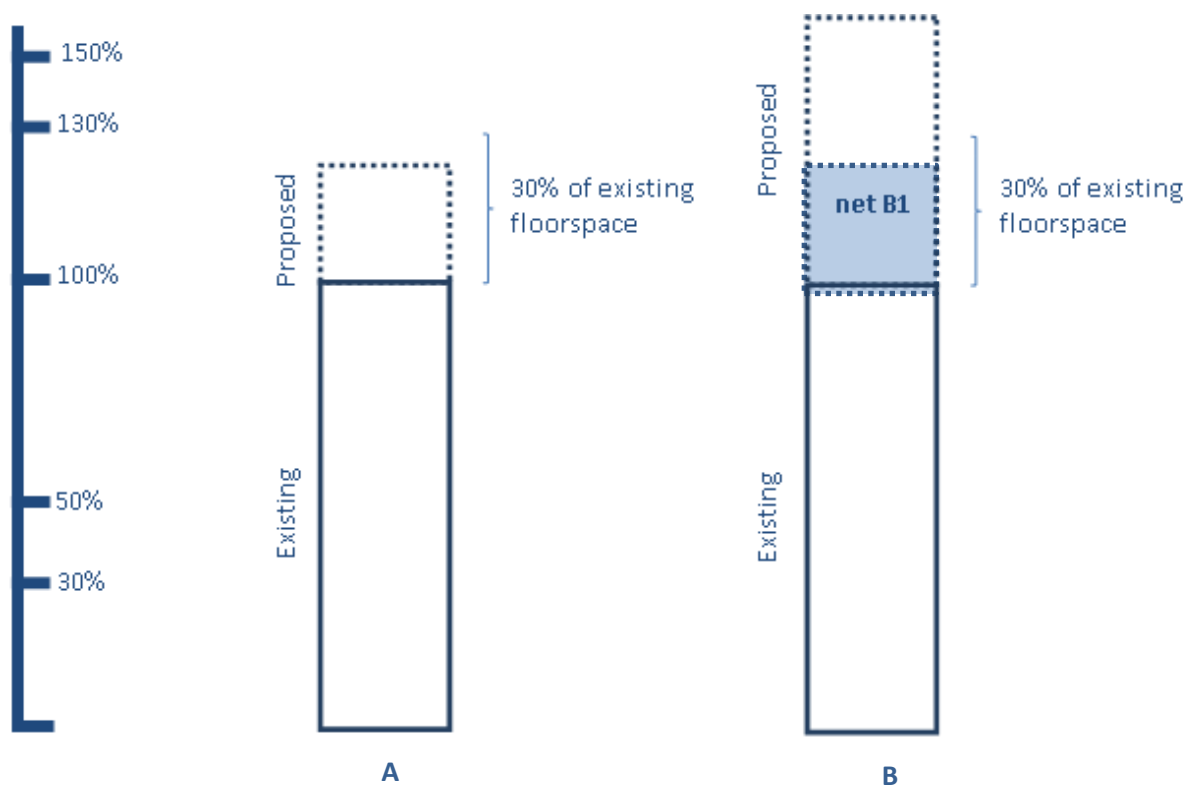
$$\frac{\text{Net additional floorspace (sqm GIA)}}{\text{Existing building floorspace (sqm GIA)}} \times 100$$

Where the site is wholly made up of office floorspace, the requirement for residential simply applies to the net gain in office floorspace above 30% of the existing **building** floorspace. 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 **net additional floorspace** and some through changes of use of other types of floorspace.

~~applies at above the 30% development uplift threshold (i.e where the net gain in floorspace is greater than 30% of the existing floorspace). Development uplift gain in development uplift In such cases the required residential can be illustrated as follows:~~

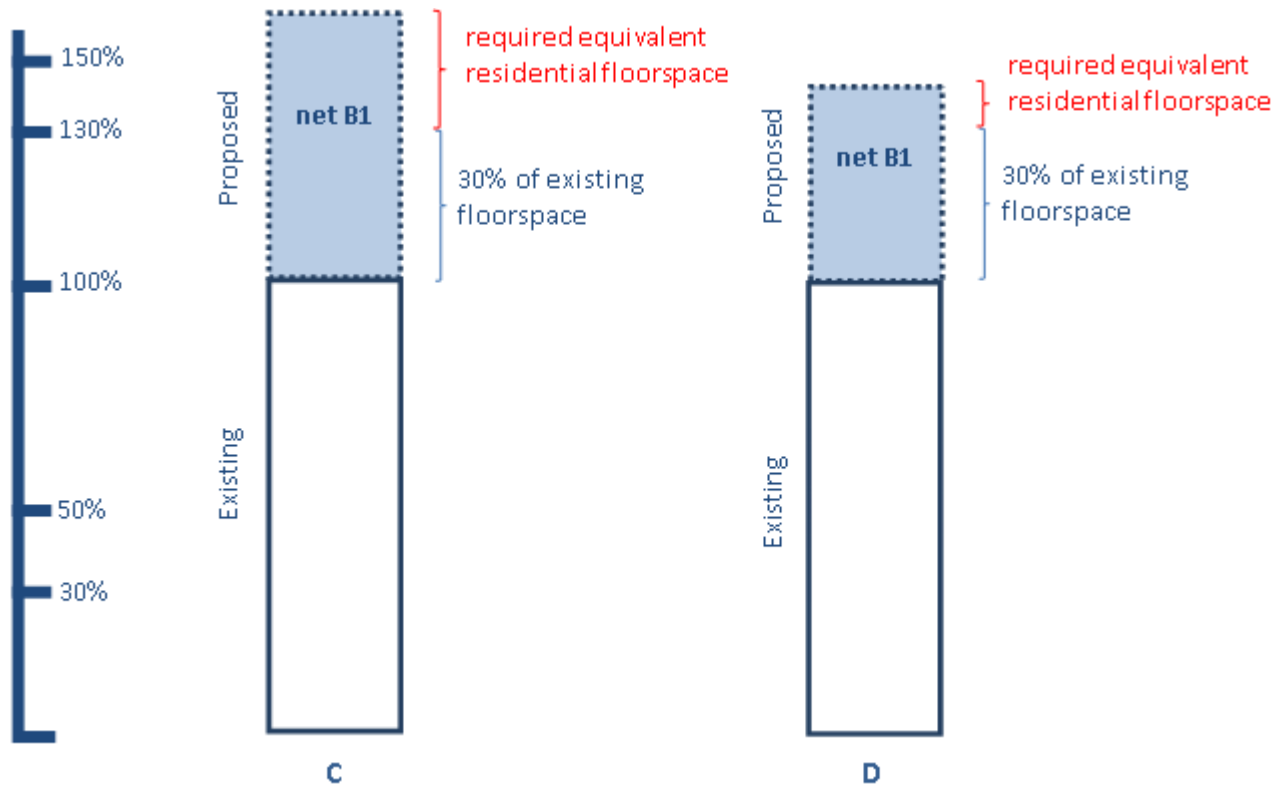


In the following examples, no residential floorspace is required. In (A) below, the net additional floorspace is less than 30% of the existing building floorspace. In (B), the net additional B1 office floorspace is less than 30% of the existing building floorspace.

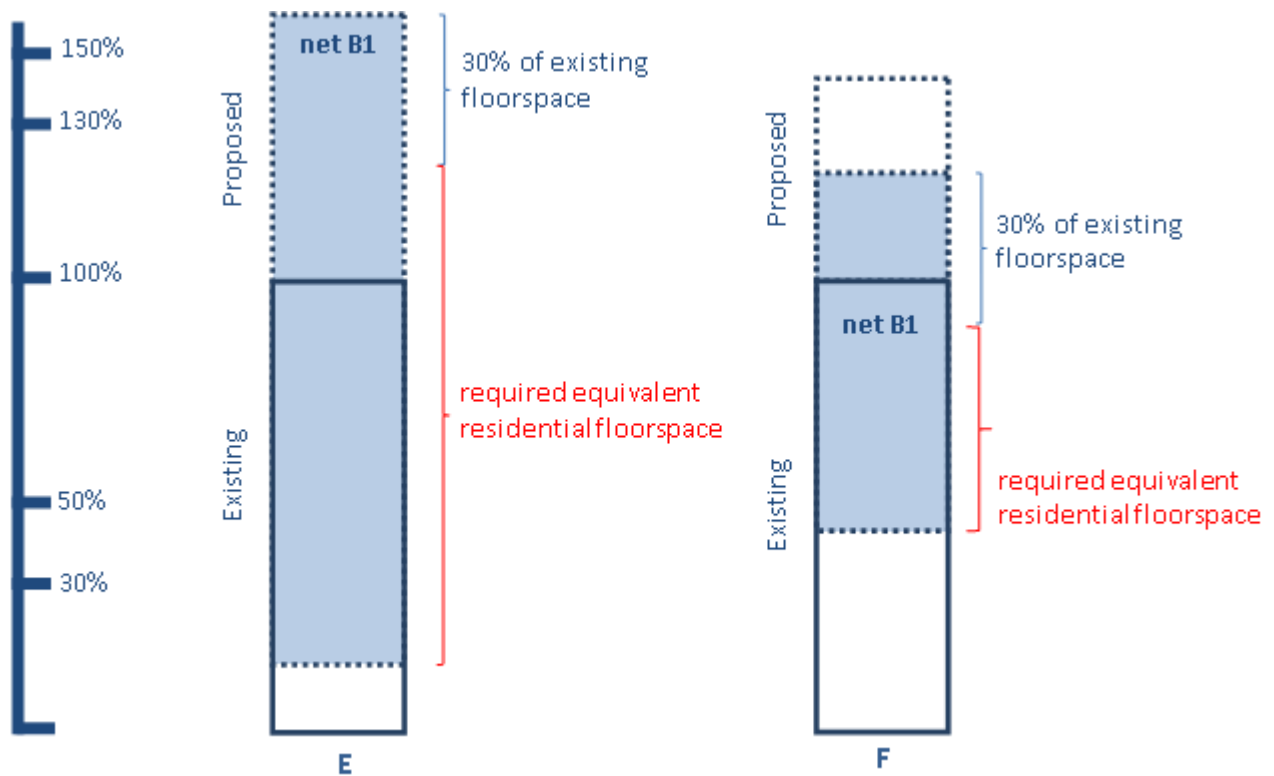


In the following examples, residential floorspace is required because both the net additional floorspace and the net additional B1 office floorspace are more than 30% of the existing building floorspace. The policy requirement is shown as the required equivalent residential floorspace in the diagrams. In (C), the residential floorspace required is equivalent to the net additional B1 office floorspace minus 30% of the existing building floorspace. Because the net additional floorspace is more than 50% of the existing building floorspace the cascade applies. In (D), the residential floorspace required is

equivalent to the net additional B1 office floorspace, minus 30% of the existing building floorspace. It would be at the applicant’s discretion how they provide this floorspace as the net additional floorspace is less than 50% of the existing building floorspace.



In the following examples, some of the B1 office floorspace is from a change of use rather than net additional floorspace. The policy requirement is shown as the required equivalent residential floorspace in the diagrams. In (E), the residential floorspace required is equivalent to the net additional B1 office minus 30% of the existing building floorspace. As the net additional floorspace is more than 50% of the existing building floorspace, the cascade will apply. In (F), the residential floorspace required is equivalent to the net additional B1 office minus 30% of the existing building floorspace. As the net additional floorspace is less than 50% of the existing building floorspace, it is at the applicant’s discretion how they provide this floorspace.



In determining the amount and proportion of residential floorspace that is appropriate in a specific proposal as a variation of these requirements, the City Council will take into account the NPPF, London Plan policy and other policy objectives of this plan.

Where the examples E and F above include the change of use of commercial floorspace to B1 offices, and where this is acceptable in principle taking into account the other policies in this plan, it will be important to ensure that small increases in floorspace are not penalised by disproportionate policy requirements arising from the change of use. Where a relatively small amount of additional floorspace would result in a significant residential requirement under Policy S1 which is not commensurate with the additional floorspace gained, or which would lead to site capacity not being optimised, flexibility will be applied on the amount of residential floorspace sought. This flexibility will ensure that office floorspace is not disincentivised and remains the priority in these locations, including in relation to residential floorspace. The priority of the policy requirement will be to secure the residential requirement generated by the net additional floorspace (from all uses) above 30% of the existing building floorspace, rather than the policy requirement generated by the loss of floorspace in other uses (through changes of use or redevelopment).

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, are under construction or completed in the previous 5 years, these will not be taken into account in the calculation of the existing building floorspace except where the applicant can demonstrate that there are good reasons for the ~~where the City Council believes~~ incremental extensions ~~are being implemented to avoid the policy requirements.~~

Housing should be provided within the CAZ. However there may be instances where a much higher quality of housing can be provided outside the CAZ, and this can help mitigate the disbenefits of failing to provide it more locally. Examples might include providing better access to outdoor and green space, reduced noise, better air quality or other local environmental benefits, or more generous site or unit layouts.

The policy cascade in Part (C) will be applied flexibly, recognising in particular that on-site or off-site provision of relatively small amounts of residential floorspace may not be appropriate or practicable in the context of a larger redevelopment scheme.

In D) above, where an appropriate amount of commercial floorspace is required, this is a matter for agreement with the Council and will depend on the individual site circumstances. Considerations may include whether a ground floor active frontage is required or desirable , the typology of the building itself, the surrounding townscape, and the types of commercial uses that could be accommodated within any basement area without compromising any necessary space needed for ancillary plant, storage or parking for the residential floorspace.

MM3 - supporting text for Policy S14

4.8 The lack of large sites means that housing development in Westminster is usually small scale and involves changes of use and refurbishment and extensions of existing buildings. New homes are therefore expected to be delivered by change of use and redevelopment from commercial uses where their loss is appropriate and some redundant public sector uses, such as hospital sites; building to higher densities on existing housing sites, and housing required by the mixed use policy. In core commercial areas, residential use will grow alongside significant expansions in commercial floorspace as part of a mix of uses.

4.9 The council has and will continue to participate in regional assessments of housing land availability and capacity, the London Strategic Housing Land Availability Assessment (SHLAA)...

Reasoned Justification

... This graph is based on the 15 year Land Supply Assessment ~~2016/17 - 2036/37~~ ~~2012/13–2026/27~~ included in the **Annual Authority's** Monitoring Report 2012/13, plus an allowance for windfall sites of 10 or more units and an allowance for sites yielding 1-9 units. ...

Policies relating to Special Policy Areas (Policy S2), the Opportunity Areas (Policies S3, S4 and S5), Core CAZ and the West End Special Retail Policy Area (Policies S6 and S7), ~~and~~ North Westminster Economic Development Area (Policy S12) and Offices and other B1 Floorspace (S20) have other priorities instead of, or in addition to housing.

MM4 - Policy S18 Commercial Development

POLICY S18 COMMERCIAL DEVELOPMENT

Commercial Development will be encouraged and directed to Paddington, Victoria and Tottenham Court Road Opportunity Areas, the Core Central Activities Zone, the Named Streets, the North Westminster Economic Development Area and designated Shopping Centres.

The council will work to ~~achieve and~~ exceed the target of additional floorspace capacity for at least 77,000 new jobs (1,200,000sqm commercial floorspace) between 2016/17 and 2036/37, an average of 3,850 new jobs per annum. Commercial and other non-residential activity is the priority in the Core Central Activities Zone.

Proposals for new commercial uses must be appropriate in terms of scale and intensity of land uses, and character and function of the area. Although the priority for Core CAZ, the Opportunity Areas and the Named Streets is commercial, where residential streets and areas within those areas are wholly residential, commercial encroachment is not appropriate.

MM5 - supporting text for Policy S18

Reasoned Justification

... Ensuring delivery against the strategic target for jobs will ensure that the needs of the business community are met through growth of Westminster's commercial floorspace. However, the target is a minimum, in the context of currently identified development

capacity and on-going policy development. The priority for the Core CAZ, Named Streets and Opportunity Areas is commercial floorspace. We are working and will continue to work with partners to increase this target and meet objectively assessed business needs.

MM6 - Policy S20 Offices and Other B1 Floorspace

POLICY S20 OFFICES AND OTHER B1 FLOORSPACE

The council will work to ~~achieve and~~ exceed the target of additional B1 Office floorspace capacity for at least 58,000 new jobs (774,000sqm B1 office floorspace) between 2016/17 and 2036/37, an average of 2,900 new jobs per annum.

New office development will be directed to Paddington, Victoria and Tottenham Court Road Opportunity Areas, the Core Central Activities Zone, the Named Streets, and the North Westminster Economic Development Area.

Inside the Core Central Activities Zone, Opportunity Areas and the Named Streets, changes of use from office to residential or replacement of office floorspace with residential floorspace will only be acceptable where the council considers that the benefits of the proposal outweigh the contribution made by the office floorspace, including taking into account:

1. the degree to which the employment and housing targets set out above, and as referred to in Policies S18 and S14, or in the case of the Victoria and Paddington Opportunity Areas, the targets set out in Policies S3 and S4 are being achieved;
2. ~~the contribution of~~ the extent to which the office floorspace contributes to meeting Westminster's business and employment needs; and
3. the extent to which the mix of type, size and tenure of housing proposed meets or exceeds Westminster's needs. Where this 3) above is not met due to site constraints and/or viability, the floorspace will be retained as B1 office floorspace.

Other relevant benefits may relate to the significant benefit to the value of heritage assets and/or significant townscape improvements, but these and any other benefits will be considered in the context of the priority to retain office floorspace.

Where appropriate, the council will request a range of business floorspace including workshops and studios.

MM7 - supporting text for Policy S20

Reasoned Justification

Westminster contributes approximately 9 million sqm of office floorspace to London and the UK's stock; the largest and most diverse office agglomeration in the country and one of the most significant globally. However, there were losses of office floorspace since 2010/11, a trend that will take some time to reverse due to the significant number of office losses granted permission between 2010/11 and September 2015. Given the importance of this office and wider commercial agglomeration, it is crucial that housing does not displace offices within the core commercial areas and that the priority remains for commercial uses. ~~until~~ After employment capacity has recovered in line with the employment targets and an appropriate balance of uses is re-established, commercial floorspace will still be the priority in the Core CAZ, Named Streets and Opportunity Areas, and loss of offices to housing will only be acceptable where the benefits outweigh the disbenefits, as assessed in the wider context of the prioritisation of the core commercial areas for commercial uses and activities. Examples might include improved townscape value, which will be of more significance in a context of strong office and commercial floorspace delivery than while there is poor delivery against commercial targets. Similarly, heritage considerations will also depend on the level of significance of the heritage asset, and the specific heritage benefits of the proposal as relevant matters which may provide benefits sufficient to outweigh the harm of the office loss.

We are working and will continue to work with partners to significantly increase office floorspace, from a position of annual net losses. This includes mitigating office losses since 2005/06 (460,000sqm B1 office floorspace) and those developed in the future, including those currently under construction (likely to be a further 300,000sqm B1 office floorspace). Losses of office to other commercial or social and community uses are acceptable as they likewise contribute to the commercial activity in the area...

MM8 - Policy S34 Social and Community Infrastructure

POLICY S34 SOCIAL AND COMMUNITY INFRASTRUCTURE

All social and community floorspace will be protected except where existing provision is being reconfigured, upgraded or is being re-located in order to improve services and meet identified needs as part of a published strategy by a local service provider. In all such cases the council will need to be satisfied that the overall level of social and community provision

is improved and there is no demand for an alternative social and community use for that floorspace. In those cases where the council accepts a loss or reduction of social and community floorspace the priority replacement use will be the priority use for the area. residential.

New social and community facilities will be encouraged throughout Westminster and will be provided on large scale development sites.

MM9 - supporting text for Policy S34

Reasoned Justification

The provision of social and community facilities is integral to supporting sustainable communities. Because of Westminster's high land values and because these uses typically generate high levels of footfall from visiting members of the public, it can often be difficult to establish new facilities in appropriate locations. It is therefore important to protect existing floorspace (including external spaces). In some cases, however, local service provision can be significantly improved by rationalising accommodation, co-locating a range of local service providers onto a single site(s) or providing purpose-built flexible community floorspace. This may result in an overall loss of floorspace, which may be acceptable if it is part of a published strategy and brings overall benefits to the local community or is necessary to deliver a new or improved facility. The policy approach will ensure facilities are fit for purpose and provide sufficient flexibility to meet the needs of both the providers and local communities. If for any reason a new social and community use cannot be found for an existing site, or the planned re-provision of the new or improved facility would not otherwise be viable, these sites will be expected to provide housing where this is the priority. However, in Core CAZ, the Named Streets and Opportunity Areas, the priority will be commercial development. Large-scale new development will be expected to contribute to the provision of new social and community facilities so as to mitigate their impact on existing services.

MM10 - Policy CM47.1 Land Use Swaps and Packages

POLICY CM47.1 LAND USE SWAPS AND PACKAGES

Planning permission for the swapping of uses between sites and for land use packages (swaps between more than 2 sites) which are located in the Central Activities Zone will be appropriate where:

3. there is no net loss of floorspace which is protected by other policies in the plan across the sites taken as a whole;

MM11 - Policy CM47.2 Credits

POLICY CM47.2 CREDITS

... B) Drawing Down Credits

In addition to Policy S1 in the case of mixed use credits, when drawing down credits:

3. Only values up to the nominal value referred to in A) 2. above ~~must~~ can be used in any viability assessment for the host scheme; ...

MM12 - supporting text for Policy CM47.2

Policy Application

An appropriate nominal value will be agreed using the following inputs:

1. The credit site value, equating to the market value for the credit land use(s). In the case of a residential mixed use credit, this will be the market value of the housing including the affordable housing. In the case of a commercial mixed use credit, this will be the market value of the commercial floorspace being provided.
2. Development costs, based on appropriate industry benchmarks.
3. A return of up to 20%.
4. Planning obligations and any Community Infrastructure Levy.

‘Hope value’ for alternative uses and any opportunity loss will not be taken into account in the establishment of the nominal value.

The nominal value will be linked to the All in Tender Price Index published by the Building Cost Information Service of the Royal Institution of Chartered Surveyors.

MM13 - Monitoring Framework

FIGURE 56 MONITORING FRAMEWORK

HEADLINE OBJECTIVES	KEY INDICATORS' TOPICS	POLICY REF
Objective 1: To accommodate sustainable growth and change that will contribute to Westminster's role as the heart of a pre-eminent world class city, 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.	<p><u>Delivery of commercial floorspace across the Core CAZ, Named Streets and Opportunity Areas</u></p> <p><u>Delivery of office floorspace across the Core CAZ, Named Streets and Opportunity Areas</u></p> <p>Retail development in the West End Special Retail Policy Area (WESRPA), and other shopping centres, and outside shopping centres</p> <p>Hotel development by area</p> <p>Development of new arts and cultural uses by area</p> <p>Entertainment use development by area</p> <p>Development in Paddington, Victoria and Tottenham Court Road Opportunity Areas</p> <p>progress against housing and job targets; and delivery of key social and transport infrastructure identified in the plan policy</p> <p>Change in land uses in Special Policy Areas.</p> <p>Development affecting identified views.</p>	1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 18, 20, 21, 22, 23, 24, 25, 26, 27, 33, 47.1, 47.2