



# City of Westminster Cabinet Member Report

<b>Decision Maker:</b>	Cabinet Member for Built Environment
<b>Date:</b>	19 <sup>th</sup> October 2016
<b>Classification:</b>	General Release
<b>Title:</b>	Adoption of Special Policy Area and Policies Map Revision to Westminster's City Plan
<b>Wards Affected:</b>	All
<b>City for All:</b>	This decision enables progress towards the City for All commitments for Aspiration and Heritage by supporting key business clusters in the West End, including removing policy where this is detrimental to the area. A successful economy in turn helps to create the conditions for job creation, and opportunities for training and education e.g. support for the art industry in the Mayfair SPA and tailoring apprenticeships in Savile Row.
<b>Key Decision:</b>	Yes
<b>Financial Summary:</b>	The resourcing of this consultation will be met from existing budgets.
<b>Report of:</b>	Director, Policy, Performance and Communication.

## 1. Executive Summary

The full Westminster's City Plan will be the local plan for Westminster and in due course will replace all Unitary Development Plan (UDP) policies. The Special Policy Area and Policies Map Revision to Westminster's City Plan is a 'fast-track' revision which forms part of the wider programme of local plan

development. However, further revisions are still required to fully replace the UDP.

Following examination of this revision by an independent inspector appointed by the Secretary of State, the inspector has now issued her report. She finds the revision 'sound'. There are a small number of minor modifications recommended by the council. Following adoption, this revision will be incorporated into Westminster's City Plan and become part of the statutory local plan for Westminster, including changes to the Policies Map.

## **2. Recommendations**

1. The Cabinet Member for the Built Environment note the contents of the Inspector's report (Appendix 1)
2. That the Westminster's City Plan (November 2016) (attached as Appendix 2 for the Westminster's City Plan and Appendix 3 for the Policies Map) incorporating the Special Policy Area and Policies Map Revision (attached as Appendix 4 and 5 together with the schedule of minor amendments attached at Appendix 6) be agreed by the Cabinet Member for the Built Environment, and recommended to Full Council on 9<sup>th</sup> November 2016 for adoption.
3. That authority is given by the Cabinet Member for the Built Environment to the Director, Policy, Performance and Communications to undertake all necessary procedural steps in relation to the adoption of the Special Policy Area and Policies Map Revision to Westminster's City Plan, including the following:-
  - (a) to take the steps required by the Town and Country Planning (Local Development) (England) Regulations 2004, as amended (Regulation 26), including issuing an adoption statement and a notice giving notice of it by local advertisement,
  - (b) to send the adopted Westminster's City Plan (with the Special Policy Area and Policies Map Revision and Policies Map included) and the adoption statement to the Secretary of State as required by Regulation 36 of the Town and Country Planning (Local Development) (England) Regulations 2004, as amended.
4. to delegate to the Director, Policy, Performance and Communications, power to make such minor modifications to the Special Policy Area and Policies Map Revision and accompanying documents as are necessary, where these do not affect the meaning of the said revisions.

## **3. Reasons for Decision**

To enable the council to protect the unique specialist clusters in Westminster and appropriately manage development by adopting its Special Policy Area

and Policies Map Revision to the City Plan pursuant to Regulation 26 of the Town and Country Planning (Local Planning) (England) Regulations 2012.

#### 4. Background, including Policy Context

4.1 The Localism Act 2011 reformed the process for the preparation of local plans to replace Unitary Development Plans. Westminster has an adopted local plan, Westminster's City Plan, but this still requires a number of revisions to include the more detailed City Management policies, and to update the plan in relation to new circumstances. The Special Policy Area and Policies Map Revision (attached as Appendix 4 and 5 together with the schedule of minor amendments attached at Appendix 6) was progressed to address specific urgent policy areas and make necessary map corrections and other related amendments.

4.2 The revision relates to 6 separate Special Policy Areas and some minor amendments to the Policies Map. Each Special Policy Area is set out in turn below, followed by details about the minor changes to the Policies Map.

4.3 Initial work on the detailed City Management Plan started in October 2008 and the Core Strategy, providing the initial strategic policy, Policy S2 Special Policy Areas was adopted in January 2011. This policy included the following Special Policy Areas, setting out their name, their specialist use(s) and their boundaries were designated on the Policies Map:

- Harley Street (detailed policy saved in the Unitary Development Plan)
- Portland Place (detailed policy saved in the Unitary Development Plan)
- East Marylebone (detailed policy saved in the Unitary Development Plan)
- Savile Row (new SPA, no detailed policy)
- St James's (new SPA, no detailed policy)

An additional Special Policy Area was introduced through informal consultation on the detailed policies:

- Mayfair (new SPA, no strategic or detailed policy and not designated).

4.4 The process for the development of the detailed policy for the special policies has been as follows:

<b>Notification of the intent to prepare the plan</b>	Oct/Nov 2008	Reference to SPAs generally
<b>Consultation to identify policy options</b>	Jun 2009 to Dec 2010	Including specific questions raised at workshop for East Marylebone, Harley Street, Portland Place, Savile Row, St James's on 28 <sup>th</sup> July 2009
<b>Consultation on policy options document</b>	Jan/Feb 2011	East Marylebone, Harley Street, Portland Place, Savile Row, St James's
<b>Consultation on draft</b>	Nov 2011 to	East Marylebone, Harley Street,

<b>document</b>	Mar 2012	Portland Place, Savile Row, St James's
<b>Informal consultation on topic-based booklets</b>		
- Mayfair and St James's	Dec 2013 to Feb 2014	Savile Row, St James's, Mayfair
- Social and Community Uses	Mar 2014 to Apr 2014	Harley Street
- Westminster's Economy	Mar 2014 to Apr 2014	East Marylebone, Portland Place
- The West End	Jan 2015 to Mar 2015	SPAs generally, East Marylebone

### **Harley Street**

- 4.5 This area is an internationally renowned centre for medical excellence. The proposed policy protects existing medical facilities and encourages new ones, to enhance its role as a centre of medical excellence, complemented primarily by residential use which is part of the character and function of the area. Support is also given to accommodation ancillary to medical facilities for patients and their families. No boundary changes are made to the current adopted Policies Map.

### **Portland Place**

- 4.6 This area has a cluster of institutional and diplomatic uses, which are particularly appropriate because of the grand buildings. The proposed policy protects existing institutional uses and encourages new ones suitable to the large scale historic buildings in the area. No boundary changes are made to the current adopted Policies Map.

### **Savile Row**

- 4.7 This area is internationally renowned for bespoke tailoring and has been the home of men's bespoke fashion for nearly two centuries. There is a concentration of 15 to 20 bespoke tailors predominantly occupying a 120m stretch on the eastern side of Savile Row, including the oldest tailoring houses. The tailors benefit from their agglomeration and shared business, and there is also a range of other retail tailoring uses. More recently, demand has grown from other more generic retailers to have a Savile Row address and the connotations that come with it.
- 4.8 Many of the tailors on the eastern side are *sui generis* uses, with workshops alongside retail and other functions. However, many of the units on the western side are more conventional retail units, although the occupiers are in keeping with the character and function of the street.

- 4.9 The policy focuses on protecting the tailors that give the street its unique character and function, encouraging new tailors, and ensuring that non-tailoring uses are appropriate and enhance the character and function of the area. This is supported by a separate Article 4 Direction removing permitted development rights to convert A1 retail to A2 professional and financial services in Core CAZ, which do not contribute to the unique character of the SPA. Similarly, residential uses do not contribute to the character and function of the area and is not supported. No boundary changes are made to the current adopted Policies Map.

### **St James's**

- 4.10 St James's has a very distinct role as an international centre for luxury retail with a longstanding legacy around established streets, for example Bond Street with international jewellers (e.g. Tiffany & Co, Asprey, De Beers) and high fashion houses (e.g. Louis Vuitton, Dior) and Jermyn Street with shirt making and luxury grooming (e.g. Dunhill, Turnbull & Asser). The area, together with Mayfair, caters for purpose visits due to the nature of the goods for sale rather than browsing or comparison shopping. Retail arcades are a distinctive and attractive feature of retail in the area, mostly abutting Piccadilly and consisting mainly of specialist and independent boutique retailers. The area also includes Fortnum & Masons, a historic department store holding a Royal Warrant since 1707, and a flagship Waterstones located in the former Simpson's department store building.
- 4.11 The area also has a unique, historic concentration of 19 private members' clubs, dating back to when the area was originally developed from the 1600's onwards as a residence for aristocracy, public figures and politicians. The historic, established clubs are mostly located around St James's Square, Pall Mall and St James's Street with 7 occupying Grade I listed buildings. The clubs are mostly *sui generis* uses, with a mix of uses including restaurants and bars, gaming rooms, hotel facilities and other uses.
- 4.12 St James's and Mayfair (see below) is the largest concentrated art market in the world. The area has an unparalleled international reputation for expertise and service, and is also home to several internationally renowned art fairs and ongoing themed art weeks throughout the year. St James's has 70-80 retail galleries and is renowned for old masters work. The auction house, Christies, is also in St James's and the area is very close to the National Gallery and National Portrait Gallery, amongst the most visited free public attractions in the UK. Britain has 29% of the global art and antiques market, much of which flows through the galleries and auction houses in Mayfair and St James's, generating £7.7bn in sales in 2009 and supporting 60,000 jobs.
- 4.13 The retail function is intertwined with the large number of luxury hotels, which also include other uses such as fine dining, night clubs, casinos and other activities that contribute to the character of the area. High end restaurants are

also well represented in the area. There is also a prime office location with rent levels approximately double those found in the City of London.

- 4.14 The area also has a long-standing function for residential. The cost of properties are amongst the highest in the country, generally serving the super-prime market.
- 4.15 These uses collectively attract foreign and domestic visitors, compliment each other, and underpin the success of the area as a whole, contributing to London's leading world city status.
- 4.16 The proposed policy protects existing private members' clubs, art galleries and niche and luxury retail. New retail is encouraged to provide specialist and niche luxury retail. Other uses must be complementary to the area's unique character accommodating prestigious and renowned functions. No boundary changes are made to the current adopted Policies Map. This is also supported by a separate Article 4 Direction removing permitted development rights to convert A1 retail to A2 professional and financial services in Core CAZ, which do not contribute to the unique character of the SPA.

#### **Mayfair**

- 4.17 This Special Policy Area designation is centred on Cork Street, and specifically relates to the cluster of art and antique dealers located within a few street blocks (see also paragraph 4.16 above). This is a new SPA which was first set out for consultation in May 2013 in an informal consultation booklet. This responded to a loss of and on-going threat to galleries in the area, with traditional art gallery streets such as Bond Street and Mount Street being mostly lost to fashion retailers. A campaign, securing over 13,000 signatures petitioned against the redevelopment of a number of galleries in Cork Street.
- 4.18 The proposed policy includes the addition of the Special Policy Area to Policy S2, designates the extent of the SPA on the Policies Map, and includes a detailed policy for the area. The approach protects existing art galleries and antiques traders and encourages new ones. Other uses must be complementary and there is a presumption against residential which is not considered to contribute to the character and function of the area. As for Savile Row and St James's, This is also supported by a separate Article 4 Direction removing permitted development rights to convert A1 retail to A2 professional and financial services in Core CAZ, which do not contribute to the unique character of the SPA.

#### **East Marylebone**

- 4.19 This area was designated for the protection of wholesale showrooms in the UDP, with a detailed 'saved' policy which also provides the detailed policy for showrooms outside the SPA. The strategic policy was set out in Policy S2 of Westminster's City Plan, and the area was designated on the Policies Map,

both adopted in November 2013. The revision, when adopted will delete this Special Policy Area. This is considered appropriate and indeed necessary in light of the on-going decline of the numbers of wholesale showrooms in the area, and its reduced role as a centre for wholesale showrooms for the fashion industry.

- 4.20 The original boundary was reduced in Westminster's City Plan adopted in 2013 after a survey showed a decline in showrooms operating within the wider area. A further survey in April 2015 recorded a further decline, and the number of remaining wholesale showrooms has now reduced to a level which no longer supports the area as a strategically important location for wholesale showrooms. It was also considered that the policy to protect wholesale showrooms may be resulting in under investment in premises. For these reasons, it was proposed that the SPA status be removed, which has been supported by the Inspector in her report. The area is located in the Core Central Activities Zone, and policies would apply in a similar nature to other parts of the Core CAZ. The area is well placed to accommodate businesses locating in the West End.
- 4.21 As noted above, UDP policy also protects wholesale showrooms outside of the Special Policy Area, where they contributed to the character and function of the area. In light of the declining numbers of wholesale showrooms in the East Marylebone SPA and the deletion of the SPA, and the declining numbers in other areas which previously had concentrations of wholesale showrooms, such as Berwick Street, it is considered there is also insufficient justification to continue to protect wholesale showrooms in other areas of Westminster. This 'saved' UDP policy is therefore recommended for deletion.

### **Policies Map**

- 4.22 This revision also includes minor changes to the adopted Policies Map (Appendix 3 and as set out in the schedule in Appendix 5). These changes are mainly factual updates and corrections, and also reflect changes arising from the revisions to the Special Policy Area policies.
- 4.23 The factual updates include minor realignments of the Core Central Activities Zone boundary to enable use on a larger scale map (Appendix 5 maps 1-6). No new buildings have been introduced, nor any existing buildings excluded. The boundary has been amended to follow building lines where the boundary was cutting through buildings. Also included are nine London Squares which were omitted from the adopted Policies Map (Appendix 5 maps 8-16).
- 4.24 Proposals Sites which have been completed or are under construction have been proposed for deletion (Appendix 5 maps 21, 23, 24, 26, 29, 30), and six new sites where planning permission has been granted proposed for inclusion (Appendix 5 maps 19, 20, 22, 25, 27, 28, 31). The Secretary of State issued an updated route and works sites for Crossrail 2 Safeguarding. The amended

safeguarded route is included as a revision to the Policies Map (Appendix 5 map 7). Eight areas of surface interest are also identified as Proposals Sites (Appendix 5 maps 31-38), however, these are listed as Crossrail 2 works sites rather than sites for redevelopment, and are subject to the Secretary of State's safeguarding direction.

- 4.6 This report recommends adoption of the Special Policy Area and Policies Map Revision by Full Council on 9<sup>th</sup> November 2016 in accordance with the Council's constitution and Statutory Instrument 2000/2853 Local Authorities (Functions & Responsibilities) (England) Regulations 2000, which state that adoption of a development plan document can only be undertaken by the Full Council. A copy of the Westminster's City Plan (November 2016) is attached at Appendix 1 and accompanying Policies Map at Appendix 2. The Submission Special Policy Area and Policies Map Revision is attached at Appendix 4. A schedule of minor amendments to that document, that arose during the course of the examination, are attached in Appendix 6.

#### **Examination of the Special Policy Area and Policies Map Revision**

- 4.7 The Special Policy Area and Policies Map Revision was submitted to the Secretary of State on 11<sup>th</sup> May 2016 for examination. The examination did not require any public hearing sessions due to the lack of any significant outstanding objection, and the Inspector's matters were addressed through written representations.
- 4.8 The purpose of the examination is for the independent inspector to consider whether or not the proposed revisions are 'sound'. Paragraph 182 of the National Planning Policy Framework (NPPF) sets out the four tests for soundness of a policy as follows:

*“Positively prepared – the plan should be prepared based on a strategy which seeks to meet objectively assessed development and infrastructure requirements, including unmet requirements from neighbouring authorities where it is reasonable to do so and consistent with achieving sustainable development;*

*Justified – the plan should be the most appropriate strategy, when considered against the reasonable alternatives, based on proportionate evidence;*

*Effective – the plan should be deliverable over its period and based on effective joint working on cross-boundary strategic priorities; and*

*Consistent with national policy – the plan should enable the delivery of sustainable development in accordance with the policies in the Framework.”*

- 4.9 Only one objection of note was received through the written representation stage of the examination, and this was from a party who had not responded to



any of the public consultation stages and who would not have been involved in the examination (soundness objections should be raised with the council prior to examination so the council has the opportunity to consider the objection before submitting to the Secretary of State). The council requested a number of further minor modifications to improve the revision. The inspector provided her final report on 31<sup>st</sup> August 2016 (attached at Appendix 1) with the following overall conclusion and recommendation:

*In accordance with Section 20(7) of the 2004 Act I recommend that the submitted SR is adopted on the basis that it meets in full the requirements of Section 20(5) of the 2004 Act. The SR is therefore capable of being adopted without change and no main modifications are recommended. My report covers the main issues that have led me to this conclusion.*

4.10 Neighbourhood Plans for Westminster form part of the statutory development plan for Westminster. The council should avoid duplication where neighbourhood plans are in preparation (NPPF, paragraph 185). There are a number of neighbourhood areas affected by the Special Policy Areas, as follows:

- Harley Street SPA - Marylebone Neighbourhood Area
- Portland Place SPA - Marylebone Neighbourhood Area
- Savile Row SPA - Mayfair Neighbourhood Area
- St James's SPA - St James's Neighbourhood Area
- Mayfair SPA - Mayfair Neighbourhood Area
- East Marylebone SPA (deleted) - straddled the Marylebone and Fitzrovia West Neighbourhood Areas

No neighbourhood plans in preparation for neighbourhood areas in Westminster that are sufficiently developed that these revisions could be considered to be duplication. None of the relevant neighbourhood forums have raised objections to the revision.

### **Application of Revisions and next steps**

4.11 Following adoption, this two revision and the accompanying Policies Map will form part of Westminster's City Plan with full development plan status, as follows:

*Planning applications must be determined in accordance with the development plan unless material considerations indicate otherwise.*

The revisions replace three 'saved' policies in the Unitary Development Plan which can no longer be applied as part of the statutory development plan for Westminster. A list of these policies is set out in Appendix 5 of the new Westminster's City Plan as attached at Appendix 2, and are:

- COM 6 Provision for Institutional Uses
- COM 12 Retention of Wholesale Showrooms
- SOC 5 Private Medical Facilities and the Harley Street Special Policy Area

- 4.12 There are also a number of amendments to the Policies Map which are primarily factual corrections. As a general rule, the policies map adopted with the relevant document sets out the appropriate boundaries for the application of that policy. For example, the Unitary Development Plan (UDP) Proposals Map is still the correct reference for defining the boundaries of the Central Activities Zone, as it is applied by UDP policy. However, in this instance, the factual corrections should be applied with immediate effect for all Westminster City Plan policies. For example, this revision did not change policy as it relates to London Squares, but the additional London Squares in the new Policies Map have equal status as the other London Squares in the previous Policies Map adopted in 2013 in terms of applying the Westminster's City Plan policies, despite the fact that this revision did not amend any policies relating to London Squares.

## **5. Financial Implications**

- 5.1 There are no financial implications, with continued progression of the revision and the costs associated with the examination to be met from existing budgets.

## **6. Legal Implications**

- 6.1 The procedures set out in the Town and Country Planning (Local Planning)(England) Regulations 2012 have been carried out and the inspector is satisfied that all legal requirements have been met.
- 6.2 Section 26 of the Planning and Compulsory Purchase Act 2004 requires that revisions to development plan documents (DPDs) go through the same statutory procedures as new DPDs. These requirements have been carried out. The inspector has concluded that the Special Policy Area and Policies Map Revision to Westminster's City Plan appended to this report (1 and 2) meets the 'soundness' tests as set out in paragraph 182 of the National Planning Policy Framework.

## **7. Staffing Implications**

- 7.1 There are no staffing implications, with continued progression of the revision and the costs associated with the examination to be met from existing resources.

## **8. Business Plan Implications**

- 8.1 Delivery of the Special Policy Area and Policies Map Revision is an important step in delivery of a comprehensive local plan, in City for All

under 'Heritage', and is also a key measure in the Policy Performance and Communications Business Plan 2015-2017.

## **9. Consultation**

- 9.1 All required and appropriate consultation has been carried out to the inspector's satisfaction.

## **10. Crime and Disorder Act 1998**

- 10.1 This is considered in the Integrated Impact Assessment for each revision, which forms part of the supporting documentation. No issues arising.

## **11. Health and Safety Issues**

- 11.1 This is considered in the Integrated Impact Assessment for each revision, which forms part of the supporting documentation. No issues arising.

## **12. Human Rights Act 1998**

- 12.1 No issues arising.

## **13. Conclusions and Reasons for the Proposed Decision**

- 13.1 This report asks the Cabinet Member to recommend the Special Policy Area and Policies Map Revision to Full Council on the 9<sup>th</sup> November 2016 for adoption. This will give full statutory weight to the revision and enable the Council to appropriately manage these unique business clusters, and help ensure that Westminster's core commercial areas can continue to thrive and remain globally competitive. It also rectifies a number of small errors and changes necessary to keep the plan up to date in accordance with the NPPF.

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

**Andrew Barry-Purssell on 020 7641 5662,  
[abarrypurssell@westminster.gov.uk](mailto:abarrypurssell@westminster.gov.uk).**

**Appendices**

1. Report on the Examination of the Special Policy Area and Policies Map Revision to Westminster's City Plan, 31<sup>st</sup> August 2016, Planning Inspectorate
2. Westminster's City Plan (November 2016)
3. Westminster's City Plan Policies Map (November 2016)
4. Special Policy Area and Policies Map Revision Submission Draft (Regulation 22) (April 2016)
5. Schedule of Changes to Policies Map Submission Draft Special Policy Area and Policies Map Revision to Westminster's City Plan, April 2016
6. Schedule of minor amendments arising during the course of the examination, August 2016
7. Adoption Statement giving notice by Regulation 36 of the Town & Country Planning (Local Planning)(England) Regulations 2012

### **Background Papers**

1. Special Policy Area and Policies Map Revision Submission Draft Integrated Impact Assessment (April 2016)
2. Special Policy Area and Policies Map Revision Submission Draft Consultation Statement (April 2016)
3. Special Policy Area and Policies Map Revision Publication Draft (Regulation 19) (November 2015)
4. Special Policy Area and Policies Map Revision Publication Draft (Regulation 19) (November 2015)
5. Special Policy Area and Policies Map Revision Publication Draft (Regulation 19) (November 2015)
6. Mayfair and St James's Consultation Booklet (December 2013)
7. Social and Community Uses Consultation Booklet (March 2014)
8. Westminster's Economy Consultation Booklet (March 2014)
9. The West End Consultation Booklet (January 2015)
10. Formal notification of intention to make a number of revisions to Westminster's City Plan (Regulation 18) (March 2015)
11. Statement of Community Involvement, June 2014
12. National Planning Policy Framework, March 2012
13. Localism Act 2011
14. Planning and Compulsory Purchase Act 2004 (as amended)
15. Town & Country Planning Act 1990 (as amended)
16. Town & Country Planning (Local Planning)(England) Regulations 2012

For completion by the **Cabinet Member for Built Environment**

**Declaration of Interest**

I have <no interest to declare / to declare an interest> in respect of this report

Signed: \_\_\_\_\_ Date: \_\_\_\_\_  
NAME

: **Councillor Robert Davis MBE, DL, Deputy Leader and Cabinet Member for Built Environment**

State nature of interest if any

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*(N.B: If you have an interest you should seek advice as to whether it is appropriate to make a decision in relation to this matter)*

For the reasons set out above, I agree the recommendation(s) in the report entitled Adoption of Special Policy Area and Policies Map Revision to Westminster’s City Plan and reject any alternative options which are referred to but not recommended.

Signed .....

**Councillor Robert Davis MBE, DL, Deputy Leader and Cabinet Member for Built Environment**

Date .....

If you have any additional comment which you would want actioned in connection with your decision you should discuss this with the report author and then set out your comment below before the report and this pro-forma is returned to the Secretariat for processing.

Additional comment:

.....  
.....

If you do not wish to approve the recommendations, or wish to make an alternative decision, it is important that you consult the report author, the Director of Law, Executive Director Finance and Performance and, if there are resources implications, the Executive Director of Resources (or their representatives) so that (1) you can be made aware of any further relevant considerations that you should take into account before making the decision and (2) your reasons for the decision can be properly identified and recorded, as required by law.

Note to Cabinet Member: Your decision will now be published and copied to the Members of the relevant Policy & Scrutiny Committee. If the decision falls within the criteria for call-in, it will not be implemented until five working days have elapsed from publication to allow the Policy and Scrutiny Committee to decide whether it wishes to call the matter in.