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| Decision Maker: | Cabinet Member for Planning and Public Realm |
| Date: | 15 June 2017 |
| Classification: | For General Release |
| Title: | City Plan Revision programme amendments and procedures |
| Wards Affected: | All |
| City for All Summary | This decision supports quicker progress towards a single City Plan which reflects current conditions and priorities, enabling the planning system to contribute fully to delivery of City for All objectives. |
| Key Decision: | No |
| Financial Summary: | There are no direct resourcing implications. |
| Report of: | Director of Policy, Performance and Communications |

1.0 EXECUTIVE SUMMARY

- 1.1 The City Council is in the process of producing its City Plan – a comprehensive statement of its planning policies – as its local plan. As part of this it is now accelerating delivery of detailed development management policies to support the strategic policies in the recently adopted Westminster’s City Plan (November 2016) to deliver a single, comprehensive statement of the council’s planning policies. This report seeks approval for two formal documents required by legislation to launch the process: a revised programme (known in planning legislation as the ‘Local Development Scheme’) for these changes (attached at Appendix A) and a notice which notifies the council’s intention, summarises the subjects that will be covered and seeks views on what the City Plan revision should contain (attached at Appendix B). A decision is required on these now to enable the council to commence this stage of City Plan preparation.
- 1.2 These documents will replace those issued in 2015. These reflected the then agreed programme for City Plan revisions, which prioritised a number of separate revisions before starting incorporating detailed policies to complete

the work to produce a single local plan. It is now intended to move directly to a Full Revision of the City Plan, reflecting the political direction set out in the renewed City for All strategy including commitments to increase delivery of market and affordable housing, and taking in those subjects that would have been dealt with separately. This will ensure a sound, up-to-date statement of planning policies to underpin decision-taking in ways that deliver the council's strategic objectives.

2.0 RECOMMENDATIONS

2.1 That the Cabinet Member for Planning and Public Realm approves:

- (i) the arrangements to commence the Westminster City Plan Full Revision, incorporating changes that reflect the renewed City for All strategy, and commitments to ensure a much greater focus on the delivery of housing, particularly affordable housing. The Revision will build on draft policies published as part of a series of informal consultation booklets, previously intended to be progressed as separate waste and energy revisions, and then those on other policy areas such as housing, town centre and retail, commercial and West End.
- (ii) the Local Development Scheme (attached at Appendix A) for the purposes of section 15 of the Planning and Compulsory Purchase Act 2004 (as amended), and to have effect from 16th June 2017.
- (iii) publication for public consultation of a notice of the Council's intention to prepare a local plan in accordance with regulation 18 of the Town and Country Planning (Local Planning) (England) Regulations 2012 (attached at Appendix B) to notify and seek comments on the City Council's intention to undertake the Full City Plan Revision.

3.0 REASONS FOR DECISION

3.1 The timely development of sound policies is crucial for robust decision-making and to ensure sustainable development in accordance with the NPPF and in ways that help deliver the Council's strategic objectives. A full revision will result in a comprehensive, up-to-date Westminster City Plan containing all the councils' planning policies, providing a sound basis for decision-making and ending the need for reliance on 'saved' UDP policies which currently provide the detailed development management policy framework.

4.0 BACKGROUND, INCLUDING POLICY CONTEXT

4.1 Until 2012, councils prepared core strategies, setting out high-level strategic policies, and separate development management policies setting out detailed requirements to inform the handling of planning applications. In 2012 the Government decided that councils should have a single local plan covering both instead and changed legislation accordingly. While the publication of the recent Housing White Paper indicates that comprehensive local plans will not necessarily be required across the whole of an authority's area, the nature of Westminster and the competing development pressures on its area means

that it remains a priority for the council, and the most appropriate way to reflect the priorities and renewed political direction set out in the Council's updated City for All strategy.

- 4.2 A single Local Plan has been a long term aim of the council and it has been working towards this. Over the last twelve months priority has been given to a number of discrete policy areas where there was a pressing need for change. It is now intended to move to a full revision that will pick up on the remaining subject-specific areas previously announced (aspects of housing, waste, and energy) and go on to incorporate detailed development management policies currently covered by "saved" policies of the Council's 2007 Unitary Development Plan (UDP).
- 4.3 The Full City Plan Revision affords an opportunity to ensure policies are more user-friendly; clarifying which are strategic and need to be reflected in neighbourhood plans. The opportunity will also be taken to streamline policies where possible, and to revisit strategic policy context. The revision will bring forward changes consulted on informally through the topic based booklets published by the council for consultation between October 2013 and March 2015. It will also include aspects that were previously planned as part of separate revisions, and new changes to other policy areas that have become more important since the publication of the last Local Development Scheme in 2015. Changes will include (but not be limited to):
- A renewed vision and strategic objectives.
 - Increasing overall housing targets and the delivery of affordable housing taking account of changing national, London-wide and local policies and the council's own draft housing strategy and direction of travel document. In particular the priority for delivery of affordable housing should be on site, and where appropriate, off site; in preference to a payment in lieu, changes to the affordable housing policy cascade; changes to the calculation of payment in lieu; changes to policy relating to 'super-size' residential units; reviewing the use of affordable housing credits, introducing policies on affordable rent, tenure mix, amending the split between intermediate and social housing to 60:40, introducing post-permission reviews of viability where larger schemes are not providing policy-consistent levels of affordable housing, and to enable families to remain in Westminster, with the use of s106 prioritised for meeting housing need.
 - a focus on joint working across the public sector to make the most efficient use of land assets, (One Public Estate)
 - reconsideration of existing policy designations, including 'Core and Wider Central Activities Zone (CAZ)' and the 'West End Special Retail Policy Area', and the way these relate to Westminster's and the Mayor's CAZ; the introduction of a new 'West End' designation; potential changes to the North Westminster Economic Development Area; separate policy treatment of the Church Street/Edgware Road and other housing renewal areas; changes to reflect the wider role of St. John's Wood as a centre for leisure and recreation, and consequent changes to other designations.
 - Changes and simplification of policies adopted as part of the Mixed Use revision. In particular this will involve:

- the removal of policy S1 3A which introduces a 30% commercial uplift ‘allowance’ without providing residential floorspace, in the Core CAZ.
- Changes to policy S1 3B which allows a 30% commercial uplift ‘discount’ for proposals involving an increase in floor space of 30-50%
- A change of approach to Mixed Use credits, and a greater emphasis on delivery of housing on site (see above).
- Amendment of the policy cascade at Policy S1 3C
- Changes and simplifications to the supporting text.
- Changes to business and employment policies with increased support or employment through policies which focus on the provision of a range of workspace, support for the digital economy and job opportunities for Westminster residents.
- Changes to policy S20 Offices and other B1 floorspace policy to encourage a range of types of floorspace, without detriment to the delivery of affordable housing.
- A review of retail policies to include the addition of an exception to policy S21 Retail in respect of development which provides for a better mix of uses, or more unique uses and to clarify policy related to A2 uses following the council’s Article 4 direction in respect of A1 to A2 uses.
- Review of policies on the night-time economy and, in particular, the concept and policy wording of the existing ‘Stress Areas’ to reflect a more positive approach to the evening and night time economy, a possible relaxation of the policy restrictions on entertainment uses, combined with a stricter requirement to contribute to a reduction in cumulative impact in the currently named stress areas.
- Clarification on the policy position on tall and higher buildings, guided by the outcomes of the ‘Building Height – Getting the Right Kind of Growth for Westminster’ consultation and to include a review of local views in policy S26.
- A review of the uses protected by the St. James’s Special Policy Area, in particular private members’ clubs.
- A review of all ‘design’ policies, including potential for minor amendments and simplification to the basements policy.
- An update of policy S29 Health, Safety and Well-being,
- A review of policy S34 Social and Community infrastructure, in particular the necessity for continued protection of these uses on large development sites.
- A review of all transport policies including removal of references in policy S41 ‘Pedestrian Movement and Sustainable Transport’ to reducing the reliance on private motor vehicles and single person motor vehicle trips, and introduction of wording to ensure development does not impede traffic flow and vehicle movement.
- Specifying which principles and parts of the plan should be taken into account in the preparation of neighbourhood plans.

4.4 It is proposed that work on preparing a new City Plan will start immediately on approval, with a view to consulting on a draft in the autumn. Cabinet member

approval will be sought for publication at this stage. Officers will consult with you regularly during preparation of the draft and the City Planning and Development Committee and the Business, Planning and Transport Scrutiny Committee will be briefed and consulted during the process as appropriate.

- 4.5 After this consultation, a revised draft will be prepared which has to be approved for submission for examination by full Council. It is anticipated that approval will be sought in January 2018. The proposed plan will then be publicly examined in a series of hearings led by an independent inspector appointed through the Planning Inspectorate; these are likely to be held in the spring of 2018. The inspector will then report on the soundness of the proposal. Assuming this report is favourable, the new City Plan should be ready for formal adoption in the autumn of 2018.

Local Development Scheme (Appendix A)

- 4.6 The Local Development Scheme (LDS) is the formal programme of work proposed for Development Plan preparation. It is intended to provide information particularly to the public and other stakeholders so they know when consultations are likely to occur, and to ensure plans are prepared in a timely manner. The current LDS was agreed in March 2015, and needs to be revised to reflect the changes proposed to the programme. The preparation of Local Development Schemes is subject to Section 15 of the Planning and Compulsory Purchase Act 2004 (as amended) and Regulations 7 and 8 of the Town and Country Planning (Local Development) (England) Regulations 2004 (as amended). Section 15 requires the Council to specify the date from which the scheme is to have effect and to publish the scheme including up-to-date information about compliance with the timetable for preparation of the Local Plan. It is proposed that this has effect from 16th June 2017.
- 4.7 The proposed LDS briefly outlines the current circumstances and their impact on plan development. It then includes details of the single proposed revision to 'Westminster's City Plan (November 2016) as set out above. There is no longer a requirement to include Supplementary Planning Documents in LDSs, and therefore these have been excluded.

Regulation 18 Notice (Appendix B)

- 4.8 The council is also required to issue a formal notice under regulation 18 of the Town & Country Planning (Local Planning) (England) Regulations 2012. This must notify the subject of the proposed local plan, and invite representations on what that local plan should contain. This notification must be issued to such of:
- specified consultation bodies (such as the Environment Agency, Historic England, the Highways Authority, neighbouring boroughs and the Mayor),
 - "general consultation bodies" – those representing the voluntary sector, the interests of different racial, ethnic or national groups,

different religious groups, disabled people and businesses in Westminster, and

- residents or businesses in the area more widely,

as the council considers it may have an interest in a local plan (or revision) with that subject. These representations must then be taken into account.

4.9 This consultation will be carried out using the Council's comprehensive Planning Policy Consultation Database, which contains details of over 900 groups and individuals.

4.10 It is proposed that consultation on the Regulation 18 notice will start from 16th June 2017 and will run for a period of six weeks in accordance with Regulation 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012. Section 11 of this report sets out who will be consulted. This will mean consultation will start at the same time as formal publication of the LDS.

Next Steps

4.11 The immediate next steps are the publication of the revised Local Development Scheme, to take effect from 16th June 2017, and consultation on the Regulation 18 notice of the intention to revise Westminster's City Plan as set out in above in paragraphs 4.4-4.7. The steps following this are set out in the Local Development Scheme attached at Appendix A.

5.0 FINANCIAL IMPLICATIONS

5.1 There are limited financial implications as a result of the actual programme of plan delivery. Work on developing policies is met from existing budgets and public consultation will be undertaken electronically, thereby, minimising printing costs, etc. This revised programme will involve fewer additional examinations by an independent inspector than previously thought, with consequently lower costs associated with examinations. The costs associated with public consultation and the examinations will be met from existing budgets.

6.0 LEGAL IMPLICATIONS

6.1 The proposed stages of plan development and Local Development Scheme follow legally prescribed procedures as set out in the Town and Country Planning Act 1990 (as amended), the Planning and Compulsory Purchase Act 2004 (as amended), the Town and Country Planning (Local Development) (England) Regulations 2004 (as amended) and the Town and Country Planning (Local Planning)(England) Regulations 2012.

6.2 Regulation 18 stipulates that certain persons must be invited to make representations about what the proposed policies should contain, as explained in paragraph 4.8.

7.0 BUSINESS PLAN IMPLICATIONS

- 7.1 A fully up to date, comprehensive Local Plan which reflects current conditions and priorities, is vital to enabling the planning system to contribute fully to delivery of City for All objectives, particularly to supporting growth, delivering housing and a more sustainable City.

8.0 IMPACT ON THE ENVIRONMENT

- 8.1 A formal scoping report was published and consulted on in June 2014. This covers all of the revisions to the City Plan. A revised scoping report will be prepared to update the baseline taking into account changes that have happened since June 2014. An Individual IIA report for the main revision will be published at the formal stages of plan preparation which will include a detailed assessment of impact on the environment of all relevant policies and reasonable alternatives.

9.0 HEALTH, WELLBEING IMPACT ASSESSMENT INCLUDING HEALTH AND SAFETY IMPLICATIONS

- 9.1 The health and well-being assessment is being undertaken as part of the Integrated Impact Assessment (see 8.1 above), also looking at equalities and sustainability. It is an iterative process and will be published at the formal stages of plan preparation.

10.0 EQUALITIES IMPLICATIONS

- 10.1 The consultation arrangements set out in this report will include outreach to groups representing the interests of key equalities groups. An equalities assessment is being undertaken as part of the Integrated Impact Assessment (see 8.1 above), which is also looking at health and well-being, and sustainability. It is an iterative process and will be published at the formal stages of plan preparation.

11.0 CONSULTATION

- 11.1 In accordance with the Statement of Community Involvement (June 2014), consultation of the following groups will be undertaken on the revised Local Development Scheme and Regulation 18 notice:

- All Members
- Statutory consultees, including those subject to the statutory duty to cooperate (Section 4 of the Town and Country Planning (Local Planning)(England) Regulations 2012) and the 'specific consultation bodies' as defined in Section 2 of those Regulations
- The Mayor of London and the GLA Group
- Consultees registered on the LDF database (comprehensively reviewed in March 2013, and updated on an on-going basis, the database currently comprises about 900 consultees including members of the public, businesses and residents' groups)

- Internal consultees within the city council, including EMT and senior managers.

11.2 In addition the documents will be accessible to all on the Council's Planning Policy webpages: www.westminster.gov.uk/planning-policy

If you have any queries about this Report or wish to inspect any of the Background Papers please contact: Andrew Barry-Purssell on 0207 641 5662 or email abarrypurssell@westminster.gov.uk

BACKGROUND PAPERS

- Westminster's City Plan (November 2016) <https://www.westminster.gov.uk/westminsters-city-plan-strategic-policies>
- Westminster's City Plan Revision Consultation Booklets Oct 2013 – Mar 2015 <https://www.westminster.gov.uk/revision-westminsters-city-plan>

For completion by the **Cabinet Member for Planning and Public Realm**

Declaration of Interest

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

Signed: _____ Date: _____

NAME: **Councillor Daniel Astaire**

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 'City Plan Revision programme amendments and procedures' and reject any alternative options which are referred to but not recommended.

Signed

Cabinet Member for Planning and Public Realm

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:

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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, Chief Operating Officer and, if there are resources implications, the Director of Human 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.