



City of Westminster

Council Agenda

Title: **Council Meeting**

Meeting Date: **Wednesday 11th November, 2015**

Time: **7.00 pm**

Venue: **Porchester Hall, Porchester Road, Bayswater, London W2 5DU**

Members: **All Councillors are hereby summoned to attend the Meeting for the transaction of the business set out.**

Admission to the public gallery is available from 6.30pm.

Please telephone if you are attending the meeting in a wheelchair or have difficulty walking up steps. There is wheelchair access by a side entrance.



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

**Email: msteward@westminster.gov.uk Tel: 020 7641 3134
Corporate Website: www.westminster.gov.uk**

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|----|--|-------------------|
| a) | Follow On Report: Basement Revision and Mixed Use Revision (Appendix A) | (Pages 1 - 550) |
| b) | Follow on Report: Statement of Licensing Principles for Gambling (Appendix B) | (Pages 551 - 658) |
| c) | Follow on Report: Statement of Licensing Policy (Appendix C) | (Pages 659 - 868) |
| d) | Follow on Report Programme of Meetings - Constitutional Issues, Policy and Scrutiny Committees (Appendix D) | (Pages 869 - 872) |

**Westminster City Hall
64 Victoria Street
London SW1
3 November 2015**

Chief Executive



City of Westminster

Cabinet Member Report

Decision Maker:	Cabinet Member for Built Environment
Date:	21 st October 2015
Classification:	General Release
Title:	Basement Revision and Mixed Use Revision to Westminster's City Plan: Submission Versions for submission to the Secretary of State and examination by an independent Inspector
Wards Affected:	All
City for All:	This decision enables progress towards the City for All commitments to produce a new basements policy and protect offices.
Key Decision:	Yes
Financial Summary:	The Basement Revision relies on a new fee-based service through the Council's forthcoming Code of Construction Practice. Beyond this, the resourcing of the submission of the two revisions to the Secretary of State and funding of the examinations will be met from existing budgets.
Report of:	Director, Policy, Performance and Communication.

1. Executive Summary

This report asks the Cabinet Member to recommend the Basements and Mixed Use revisions to Westminster's City Plan to Full Council on the 11th November 2015 for agreement prior to submission to the Secretary of State pursuant to Regulation 22 of the Town and Country Planning (Local Planning) (England) Regulations 2012.

2. Recommendations

That the Cabinet Member resolves:

- i. to consider the public responses to the Regulation 19 consultation on the Basements Revision (listed at Appendix 5 and in full at Appendix 9 to the Consultation Statement which forms Appendix 2 to this report) and endorse the officers' comments thereon and the minor modifications contained in Annex B to the Consultation Statement,
- ii. to consider the public responses to the Regulation 19 consultation on the Mixed Use Revision (contained in Appendix 8 to the Consultation Statement which forms Appendix 5 to this report) and endorse the officers' comments thereon and the Schedule of minor modifications contained in Annex A to the Consultation Statement,
- iii. to recommend the Basements Revision Submission Draft, Mixed Use Revision Submission Draft and the supporting documents for both revisions (appended to this report, which are to be submitted to the Secretary of State) to Full Council on the 11th November to approve prior to submission to the Secretary of State,
- iv. to delegate to the Executive Director, Policy, Performance and Communications, power to make such minor modifications to the Basements and Mixed Use revisions and accompanying documents as are necessary, where these do not affect the meaning.

3. Reasons for Decision

To enable the council to manage basement development by progressing its Basements Revision to the City Plan pursuant to Regulation 22 of the Town and Country Planning (Local Planning) (England) Regulations 2012.

To enable the council to ensure the economic growth and success of Westminster's core commercial areas within the Central Activities Zone by progressing its Mixed Use Revision to the City Plan pursuant to Regulation 22 of the Town and Country Planning (Local Planning) (England) Regulations 2012.

4. Background, including Policy Context

- 4.1 For both revisions, the initial notification of and consultation on the intention to revise the Core Strategy (Regulation 18) was carried out from 19th March to 1st May 2015. A draft consultation document was formally consulted on (in accordance with Regulation 19) from 16th July until the 9th September 2012. In both cases, this was accompanied by a Consultation Statement, Supporting Information, and Integrated Impact Assessment (including the Sustainability Appraisal and Strategic Environmental Assessment).

4.2 Paragraph 182 of the National Planning Policy Framework 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.”

Consultation responses received in response to both revisions have been considered in terms of the extent to which they raise issues of soundness.

4.3 **Regulation 19 consultation responses to Basements Revision**

The Council formally consulted on its proposed Basements Revision to the City Plan from Thursday 16th July – Wednesday 9th September 2015. Nineteen consultees submitted responses on the policy (sixteen of which were substantive comments) with, an additional response on the related Habitats Regulations Assessment screening, and one additional response relating solely to the Article 4 Direction. Unresolved objections were received from 8 respondees. Four of the respondees were individual residents, there were 2 residents’ groups and two property-led groups.

A further 8 respondees supported the policy, 2 of whom also objected. Comments were received from 12 respondees, 6 of whom also objected and 5 of whom also supported.

The consultation responses are set out in detail in the Consultation Statement, together with the Council’s discussion and response to the matters raised. Of the 7 unresolved objections, as set out in paragraph 3.1, none are considered to give rise to concerns about the ‘soundness’ of the revision. Of the comments, as set out in paragraph 3.3, 20 have been resolved through minor modifications to the revision. The minor modifications are shown as bold red in the revision itself and are set out in a schedule in Annex B to the Consultation Statement.

4.4 **Regulation 19 consultation responses to Mixed Use Revision**

There were 22 responses to the formal pre-submission consultation¹, of which 15 raised substantive issues (objections, comments or support). Objections are outstanding from 4 objectors, Soho Society, Westminster Property Association, British Land and Clivedean Ventures Limited. Eleven respondents support the revision, either in whole or part. These include all of those who have outstanding objections except Clivedean Ventures Limited. There are a number of comments outstanding from 12 respondents, with a total of 38 separate issues of which 18 are considered to be addressed, including by proposed minor modifications as set out in the Schedule of Minor Modifications in Annex A to this statement. Only 2 of those that made comments did not also support the revision in whole or in part. There are an additional 3 comments that fall outside the scope of the revision.

The responses are set out in detail in the Consultation Statement. Of the 8 unresolved objections, as set out in paragraph 3.1, none are considered to give rise to concerns about the 'soundness' of the revision. Of the comments, as set out in paragraph 3.3, 8 have been resolved through minor modifications to the revision. The minor modifications are shown as bold red in the revision itself and are set out in a schedule in Annex B to the Consultation Statement.

4.5 **Regulation 22 Submission to the Secretary of State of the Basements Revision**

The Council does not consider that any of the unresolved objections or comments suggest the Basement Revision Publication Draft or the Mixed Use Revision Publication Draft are not 'sound' for the reasons set out in the respective Consultation Statements.

A number of minor modifications to the revisions, consisting of post-Regulation 19 minor modifications, are included in Annex B of the Basement Revision Consultation and Annex A of the Mixed Use Consultation Statement. These pre-submission modifications do not change the meaning or approach of the revisions and the policies they contain and are appropriate to be considered as part of the examination process. They are not considered to be sufficiently major to require a further stage of consultation and nor does their inclusion affect the 'soundness' or otherwise of the revisions i.e. the minor modifications are not necessary to make the revisions sound, albeit that they improve the revisions.

Therefore, it is proposed to submit the two revisions and their supporting documents to the Secretary of State for consideration by an independent Inspector under Regulation 22 of the Town and Country (Local Planning)(England) Regulations 2012.

¹ Regulation 19

4.6 **Current application of emerging policies**

Significant sections of the draft basement policy do not have un resolved objections, or only have unresolved objections requesting that the policy go further in restricting basement development. In accordance with paragraph 216 of the National Planning Policy Framework (NPPF), the Council is now applying weight to these sections of the policy. The details of this are set out in a [Cabinet Member Statement](#).

There are outstanding objections to all parts of the policies set out in the draft Mixed Use Revision. Therefore it is not appropriate to apply this emerging policy. However, the adopted policy is based on the, now incorrect, assumption that developers would prefer to bring forward offices rather than residential in Westminster's Central Activities Zone. For this reason, when determining applications involving office losses to residential, the Council considers its adopted policies to be out of date and will be determining them on the basis of delivering sustainable development in accordance with the NPPF. An original [Cabinet Member Statement](#) was issued setting out this position. However, after the draft policy was developed, it was found that this approach was more restrictive than the emerging policy, and it was therefore revised to ensure the interim position does not go further than the emerging policy. This is set out in a second [Cabinet Member Statement](#).

5. **Financial Implications**

- 5.1 The Basement Revision relies on the use of the Council's forthcoming Code of Construction Practice (CoCP) in order to implement it. All basement development will be required to subscribe to this code. By signing up to the CoCP, basement developers will have agreed to a service of monitoring and inspections during the construction phase to address potential issues arising with neighbours. This service will be paid for by the developer. There are therefore implications related to fees and service provision for the Council. However, there will be a minor resource requirement for planning officers to ensure that developers subscribe to the CoCP in the first instance, which will need to be met from the fees for planning applications. Any subsequent breach of the CoCP itself would however not be a planning matter, but a matter for respective departments involved in administering the CoCP.
- 5.2 The CoCP and the fees payable are currently being finalised with the relevant service heads. However, indicative fees payable and the indicative scope of the service to be provided were included in the previous consultation. Work will continue to finalise the CoCP, fees and service provision, and this will be completed prior to any formal hearings for the examination of the basement revision. They will also be the subject of separate consultation.

- 5.3 Beyond this, there are limited financial implications, with continued progression of the revision and the costs associated with the examination to be met from existing budgets.
- 5.4 The Mixed Use Revision has limited 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 council 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 consultation requirements have been carried out. It is considered that the Basements Revision to Westminster's City Plan: Submission Draft and Mixed Use Revision to Westminster's City Plan: Submission Draft, appended to this report meets the 'soundness' tests as set out in paragraph 182 of the National Planning Policy Framework.
- 6.3 As noted in 5.1 above, application of the basement policy is contingent on the Council's Code of Construction Practice, a fee-based monitoring service. The "general power of competence" under Section 1 of the Localism Act 2011 provides local authorities with the power to "do anything that individuals generally may do". This effectively allows authorities to act in their own financial interest and, inter alia, to raise money by charging for discretionary services.
- 6.4 The power to charge under the Localism Act is however subject to several constraints, which are set out in s3 of the Act. In particular a local authority may not charge for services which it is already legally obliged to provide, or for which it already has a discretionary power to charge under an alternative piece of existing legislation. Any charges made under the Localism Act are also limited to the amount required to recover the cost of providing the service in question.
- 6.5 There are existing statutory powers to charge fees in respect of a number of the services to be provided under the Code; accordingly these will not be covered by the charges made under s1 of the Localism Act 2011.
- 6.6 Subject to compliance with the statutory guidance set out in the legal implications paragraph of this report the Director of Law is satisfied that the introduction of a fee-based mechanism in order to manage the construction impacts of basement development is legal and appropriate.

7. Staffing Implications

- 7.1 In relation to the Basement Revision, as noted in 5.1 above, the provision of a fee-based Code of Construction Practice Service has implications for staffing, currently to be met within the City Management and Communities Directorate. Some of the staffing will be met by existing staff who will have reduced workloads through reactive complaints arising from basement development as a result of the new pro-active service. Additional resource will be provided through the fees.

8. Business Plan Implications

- 8.1 Delivery of the Basements Revision is one of 6 commitments in City for All under 'Heritage', and is also a key measure in the Policy Performance and Communications Business Plan 2015-2017 and the Code of Construction Practice is within the City Management and Communities Business Plan 2015-2017.
- 8.2 Delivery of the Mixed Use Revision is crucial to limit office to residential conversions. This is one of the ways we will deliver our City for All commitment under 'Heritage' to take pride in our role as custodian and protect our heritage by managing places and spaces that can be enjoyed now and in the future . It 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.

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 Basements Revision to Full Council on the 11th November 2015 for agreement prior to submission to the Secretary of State. This will enable the Council to appropriately manage basement developments.
- 13.2 This report also asks the Cabinet Member to recommend the Mixed Use Revision to Full Council on the 11th November 2015 for agreement prior to submission to the Secretary of State. This will secure economic growth, incentivise commercial development, and help ensure that Westminster's core commercial areas can continue to thrive and remain globally competitive.

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

Basement Revision: Nina Miles on 020 7641 1081, fax 020 7641 3050, email nmiles@westminster.gov.uk.

Mixed Use Revision: Lisa Fairmaner on 020 7641 4240, fax 020 7641 3050, email lfairmaner@westminster.gov.uk.

Appendices

1. Basement Revision to Westminster's City Plan: Submission Draft
2. Consultation Statement for Basement Revision
3. Integrated Impact Assessment for Basement Revision
4. Mixed Use Revision to Westminster's City Plan: Submission Draft
5. Consultation Statement for Mixed Use Revision
6. Integrated Impact Assessment for Mixed Use Revision

Background Papers

1. Basement Revision Publication Draft (Regulation 19) (July 2015)
2. Basements Consultation Booklet (October 2012)
3. Mixed Use Revision Publication Draft (Regulation 19) (July 2015)
4. Mixed Use and Office to Residential Consultation Booklet (December 2014)
5. Formal notification of intention to make a number of revisions to Westminster's City Plan (Regulation 18) (March 2015)
6. National Planning Policy Statement March 2012
7. Localism Act 2011
8. Planning and Compulsory Purchase Act 2004 (as amended)
9. Town & Country Planning Act 1990 (as amended)
10. Town & Country Planning (Local Planning)(England) Regulations 2012

Basement Revision

Submission Draft (Regulation 22) Revision to Westminster's City Plan: Strategic Policies



BASEMENT REVISION TO WESTMINSTER'S CITY PLAN – SUBMISSION DRAFT

This document sets out minor modifications following consultation on Westminster's Basements Revision Publication Draft in July 2015. 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

The Submission Draft includes minor modifications which do not substantially alter the policy from the Regulation 19 'Publication Draft'. Further detail on these changes is set out in the schedule of minor modifications. Where these require the insertion of new text, this is shown in **red underline** to distinguish from previous additions and amendments to the text. Text to be deleted is shown as red **strikethrough** text. Changes to the Glossary and References 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 and References sections have not been included.

Changes to Figures (tables, charts and diagrams)

All Figures shown replace the adopted figure 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).

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Westminster's City Plan

[Note deletion of text: ": Strategic Policies"]



PART I: INTRODUCTION

WESTMINSTER'S CITY PLAN

1.8 Westminster's City Plan is the local plan for Westminster. It sets out the vision for the City of Westminster up to and beyond 2026/27, and puts in place a policy framework to deliver that vision. Taken as a whole, it is the local expression of sustainable development. It balances competing requirements and demands to deliver against economic, social and environmental objectives. Looking to the future, it will deliver sustainable economic development including homes, business premises and infrastructure in a way that enhances those key attributes that make Westminster a great place to live, work and invest and creates thriving sustainable communities. **This plan only includes the strategic policies for the borough and is subject to a number of revisions which add more detailed policies. However it is not, in itself, a comprehensive policy framework for Westminster. It needs to be revised further to include the further detailed City Management policies, previously developed as a separate Development Plan Document. A Further revisions to this document is are underway. to integrate these policies and any necessary supporting text into this document to create the local plan for Westminster.** References have been made within this document highlighting ~~examples~~ where further City Management policy is necessary to provide detail. **Once this further the programme of revisions is are adopted, this they will replace all of the remaining saved policies in Westminster's Unitary Development Plan not referred to in Appendix 5.**

PART II: A UNIQUE CITY

WESTMINSTER'S ISSUES AND CHALLENGES

LACK OF AVAILABLE LAND, HOUSING, AND COMPETING LAND USES

2.26 Many other parts of London have a ready supply of surplus industrial land with a relatively low existing use value that can be redeveloped for housing and mixed use with a significantly higher value. Such sites make a significant contribution to meeting borough housing targets. This is not typically the case within Westminster where many sites already contain offices, shops and housing with high existing values. Development in Westminster is often about refurbishment and renewal of building stock rather than significant land use change. **This includes an increasing trend towards basement excavation and extensions, with numbers of applications increasing from 86 applications in 2007/8 to 140 in 2013/14. This tends to increase the size of existing dwellings rather than increasing overall units.**

ADAPTATION TO AND MITIGATING CLIMATE CHANGE

2.35 However, because of its central location Westminster suffers disproportionately from the effects of London's urban heat island and, in central areas, this is exacerbated by the 24 hour nature of this part of the city. Noise and poor air quality are also relevant to this issue as they increase reliance on air conditioning, which further contributes to localised heating effects, noise and energy consumption. **Certain types of development can also result in increased demand for energy from air handling. Care is also needed to ensure that the cumulative impact of development (particularly basements) does not lead to increased incidence of surface water or other flooding, and to ensure that the developments are protected from flooding risks such as sewer flooding.**

PART V: CREATING PLACES

SUSTAINABLE AND INCLUSIVE DESIGN

5.16 Sustainable design in Westminster needs careful consideration and tailored solutions. There are fewer opportunities for large-scale redevelopment in Westminster than there are in other parts of London because of its significant heritage assets, including listed buildings and conservation areas. In this respect, retrofitting existing building is of crucial importance, as the existing building stock will always represent a far bigger proportion of the buildings in Westminster than new buildings.

Westminster's high land values and limited opportunities for larger scale redevelopment in turn leads to greater pressure for extensions to existing buildings. It is important that these extensions also adopt exemplary standards of sustainable design.

Insert the following new text after Policy S28 Design:

POLICY CM28.1 BASEMENT DEVELOPMENT

A Basement development to existing residential buildings or buildings originally built for residential purposes will:

1. a) not extend beneath more than 50% of the ~~garden land.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.
- b) leave a margin of undeveloped garden land proportionate to the scale of development around the entire site boundary with the exception of one elevation adjacent to the public highway (other than where the highway forms part of the Transport for London Road Network [TLRN]) where the basement may extend

beneath the public highway provided it satisfies the requirements set out in paragraph 10 below.

2. provide a minimum of 1m soil depth (plus minimum 200mm drainage layer) and adequate overall soil volume above the top cover of the basement;
3. not involve the excavation of more than one storey below the lowest original floor level, unless the following exceptional circumstances have been demonstrated;
 - a) that the proposal relates to a large site with high levels of accessibility such that it can be constructed and used without adverse impact on neighbouring uses or the amenity of neighbouring occupiers; and
 - b) that no heritage assets will be adversely affected;
4. provide a satisfactory landscaping scheme, incorporating soft landscaping, planting and permeable surfacing as appropriate;
5. not result in the loss of trees of townscape, ecological or amenity value and, where trees are affected, provide an arboricultural report setting out in particular the steps to be taken to protect existing trees;
6. use the most energy efficient means of ventilation, **and lighting**, involving the lowest carbon emissions. Wherever practicable natural ventilation **and lighting** should be used where habitable accommodation is being provided;
7. incorporate sustainable urban drainage measures **to reduce peak rate of run-off** or any other mitigation measures recommended in the structural statement or flood risk assessment;
8. protect the character and appearance of the existing building, garden setting or the surrounding area, ensuring lightwells, plant, vents, skylights and means of escape are sensitively designed and discreetly located; and
9. protect heritage assets, ~~safeguarding significant archaeological deposits~~ and in the case of listed buildings, not unbalance the buildings' original hierarchy of spaces, where this contributes to significance;
10. **safeguard significant archaeological deposits;**
11. where constructing new basement development under the adjacent **(nonTLRN)** highway;

- a) retain a minimum vertical depth below the footway or carriageway of 900mm; and
- b) not encroach more than 1.8m under any part of the adjacent highway.

12. where extending or strengthening/improvement works to existing basements horizontally under the highway;

- a) maintain the existing depth below the footway or carriageway to ensure no loss of existing cover level above a vault; and
- b) not be permitted where the existing basement already extends 1.8m or more under the highway.

13. be protected from sewer flooding through the installation of a suitable pumped device.

B. Applicants will demonstrate that they have taken into account the site-specific ground conditions, drainage and water environment(s) in the area of the development and that the basement development will:

1. safeguard structural stability of the existing building, nearby buildings and other infrastructure including the highway and railway lines/tunnels;
2. not increase or otherwise exacerbate flood risk on the site or beyond; and
3. be designed and constructed so as to minimise the impact at design and occupation stages on neighbouring uses; the amenity of those living or working in the area; and on users of the highway.
4. ~~All applications will~~ be accompanied by
 - a) a detailed structural methodology statement and appropriate self-certification by a suitably qualified engineer with separate flood risk assessment where required. In cases where the council considers there is a high potential risk that the development will have significant impacts on the matters covered by this policy or where work will affect a particularly significant and/or sensitive heritage asset, the council will have reports independently assessed at the applicant's expense.
 - b) A construction management plan ~~will be provided to~~ which demonstrates adherence to the relevant parts of the council's Code of Construction Practice and awareness of the need to comply with other public and private law requirements governing development of this kind.

C. Non-residential development adjoining residential properties and new build residential incorporating basements will also be subject to the criteria set out above where there is potential for similar impact on those adjoining properties.

Policy Application

This policy will primarily apply to basement extensions to existing residential properties but may also apply to new build residential incorporating basements, especially where these are located on constrained sites.

The most appropriate form of basement extension will be no more than one storey (approximately 2.7m floor to ceiling height) below the lowest part of the original floor level, An additional allowance may be permitted where exceptional circumstances have been demonstrated, as set out in the policy.

Garden land for the purpose of policy A1a) is the site minus the original building, (and excluding later extensions). Undeveloped garden land is land which has not been built upon or under, nor had any impermeable surfacing installed. As a guide for larger sites, the margin of undeveloped land around the site boundary expected is a minimum of 0.5 – 2 metres depending on the site. This may be reduced on smaller sites, provided that flood risk, in particular surface water flood risk, can be adequately dealt with on site. ~~The curtilage is land adjoining a building which is used together with that building.~~

To support sustainable planting, soil depth required over basements will be a minimum 1.0m soil plus a drainage layer of no less than 200mm depth with an overall volume of soil sufficient to support spread of roots. In some circumstances, for example where the basement area proposed is extensive; where trees will be planted in confined locations; where the root growth will be impeded; or where particularly large new trees are proposed soil depths of up to 1.5m (plus drainage layer) will be needed to support tree growth. Details of the proposed soil profile and composition should also be provided. Exceptions may be considered in small courtyard gardens, where SUDs or other mitigation measures have been provided.

For the purposes of part A3, the definition of large sites will depend on the circumstances, but should be able to accommodate plant and machinery and should include appropriate access (e.g. rear or side access) to enable construction without an adverse impact on neighbouring uses or occupiers.

The entire garden should incorporate planting and in cases where the removal of trees is permitted, the council will usually require their replacement within the curtilage of the property. In cases where topsoil and drainage layers, and/or ~~SUDS~~ **Sustainable Urban Drainage Systems** are provided above a new basement, the City Council may use conditions to prevent subsequent hard landscaping.

Where natural ventilation cannot be achieved and mechanical ventilation is considered acceptable, systems should include heat recovery to ensure that heat from evacuated warm air can be re-used to pre-warm incoming supply air when needed.

The structural methodology statement should be prepared and certified by a Chartered Civil Engineer (MICE) or Structural Engineer (MI Struct.E), and geo-hydrologist where appropriate. In the case of listed buildings, the engineer should be CARE accredited. This statement will not be approved by the Council, but will be required to demonstrate that a basement level can be provided without undue risk. The structural integrity of the development during the construction is not controlled through the planning system but through Building Regulations with private law rights protected through the Party Wall Act.

In rare cases of higher potential risk the council may require applicants to fund an independent assessment of structural reports. This is particularly likely where proposals will affect listed buildings of high significance or with particularly sensitive historic fabric, or those in high risk locations where basements are located above historic rivers/watercourses or extend into or are adjacent to properties which are close to the level of the Upper Aquifer.

Applicants are recommended to appoint a suitably qualified main contractor, experienced in basement excavation. While the council cannot recommend particular contractors, the Association of Structural Underpinning Contractors (ASUC) holds details of specialist, experienced contractors.

Minimising the amenity impact at design and occupation stages on neighbours will require careful siting of pumps and fans, and any other plant, to reduce noise nuisance.

Applications adjacent to or affecting the Transport for London Road Network (TLRN) or public transport infrastructure should seek advice from Transport for London.

Development on land within the land identified for Crossrail 2 Safeguarding shall be subject to consultation with Transport for London as defined in the Safeguarding Directions (2015).

If you are not the freeholder, then landlord permission is likely to be required. In Westminster many of the Great Estates have produced their own guidelines relating to basement development, which may be more restrictive than planning policy. Applicants are advised to consult their freeholder prior to making any planning application, and ensure that their proposals comply with freeholder requirements.

Applicants for basement excavation works are strongly encouraged to consult with neighbouring occupiers prior to submitting an application. Evidence of engagement with

neighbouring occupiers, including a schedule and timetable of works may be requested as supporting information with planning applications.

The Environment Agency classes **self-contained** basements, **without internal access to upper floors above the breach level** as highly vulnerable uses, **and those with access to upper floors above the breach level as more vulnerable** and this policy must be read in conjunction with the flooding policy. Further detailed guidance on the above, including information requirements and detail of contents of the structural statement is set out in the Basement Development in Westminster SPD.

Reasoned Justification

Basement extensions have become an increasingly common form of development in Westminster in recent years. Although often hidden from public view, such basement excavation can have significant impacts on the amenity of neighbouring occupiers and may affect ground conditions, biodiversity, heritage assets, local character and garden settings.

Excavation in a dense urban environment is more complex than many standard residential extensionsⁱ and if it is poorly constructed, or has not properly considered geology and hydrology, has the potential to damage existing and neighbouring structures and infrastructure and irreversibly alter ground conditions.

Cellars and basements can also be vulnerable to flooding from a number of different sources, including the overflowing of drains and nearby watercourses, groundwater flooding and surface water floodingⁱⁱ. Although unlikely to change the groundwater regime, where basements are located close together their cumulative effect could alter groundwater levelsⁱⁱⁱ. **Given their nature, basements are more susceptible to flooding, both from surface water and sewage, than conventional extensions. Fitting basements with a 'positive pumped device' (or equivalent reflecting technological advances) will ensure that they are protected from sewer flooding. Fitting only a 'non return valve' is not acceptable as this is not effective in directing the flow of sewage away from the building.**

While the Building Regulations and building control system determine whether the detailed design of buildings and their foundations will allow the buildings to be constructed and used safely, the NPPF^{iv} states planning should ensure development is suitable for its site, taking into account issues such as ground conditions and land instability, and ensuring adequate site investigation information, prepared by a competent person has been presented to demonstrate the impacts of the proposed development have been understood. We therefore require information to be prepared and certified by a suitably qualified engineer and include site-specific analysis taking into account any cumulative impacts.

Westminster's heritage assets may be sensitive to the impact of basement development. While these are protected by the overarching heritage policy, listed buildings and archaeology can be especially vulnerable to damage when excavation takes place, given the significant structural intervention which may be required. **Sites within Archaeological Priority Areas are particularly vulnerable due to the likelihood of archaeological deposits.** If not sensitively undertaken, this could adversely affect delicate historic fabric and finishes and disturb archaeological deposits. In addition to structural concerns, many of Westminster's listed buildings are terraced houses which date from the Georgian and Victorian periods and these properties were designed with a clear vertical hierarchy of spaces. This vertical hierarchy does in many circumstances contribute to their architectural and historic interest and significance, and can be unbalanced by large basement extensions^v.

Private gardens also make a significant contribution to Westminster's character^{vi}, the character of conservation areas, and the setting of heritage assets; they are important visually, and help support biodiversity, trees, green corridors and networks. The London Plan recognises the important role of private gardens for these functions and as a much cherished part of London's townscape. London Plan Policy 5.3 also seeks to increase the amount of surface area greened in the Central Activities Zone by 5% by 2030.

Basement development may result in the loss of trees, other soft landscaping and green corridors, which may also reduce the infiltration capacity of the ground to act as a store for rain water thereby increasing flood risks^{vii}. This policy therefore seeks to ensure new basement development does not occupy the entire garden area and appropriate landscaping is provided to maintain and enhance garden settings and that adequate soil depth is provided to allow established mature and larger scale planting to continue to grow naturally^{viii} and ensure surface water drainage is maintained without increasing surface water flows onto adjoining properties.

Limiting the extent and depth of basement development can help reduce both the risks associated with basement development and mitigate any negative environmental and amenity impacts. The policy also provides for better accommodation with natural ventilation, and for reduction in the amount of excavation and waste material generated and in the impact on drainage, biodiversity and local amenity. Standards for extent of the garden are intended to strike a balance between allowing development, while ensuring a substantial area remains undeveloped to ensure adequate drainage. In smaller gardens (less than 8m) an exception will allow up to 4m of the largest garden area to be developed. In larger gardens, allowing an extension to extend under half the length of a garden will ensure a substantial area of garden remains undeveloped and the soil depth required above the basement itself will allow for a landscaped garden setting across the garden as a whole.

The construction works associated with basement excavation can often have a serious impact on quality of life and often last longer than other residential extensions with the potential to cause significant disruption to neighbours during the course of works. This has led to significant concern and complaints from local residents in Westminster in recent years. Planning has limited powers to control the construction process and its impacts and must take account of overlap with other regulatory regimes, but it does have an important role in protecting amenity. Applicants for basement development must therefore demonstrate reasonable consideration has been given to potential impact of construction on amenity and this is linked to the council's emerging Code of Construction practice which seeks to create a clear link between planning and other relevant legislation and processes, ensuring these work together and issues are followed through and enforced where necessary.

Work to basement vaults can restrict the space available for services in the highway and may make it difficult to access cables, pipes, sewers, etc. for maintenance and to provide essential items of street furniture. In order to ensure that services and essential street furniture can be provided, adequate space must be available between the highway and any excavation proposed under the highway.

Cross reference to Policies S25 Heritage, S28 Design, S29 Health Safety and Well-being, S30 Flooding and S38 Biodiversity and Green Infrastructure

HEALTH, SAFETY AND WELL-BEING

5.21 Much of Westminster is a mixed use environment in a densely developed world city, where different uses are located close to each other and impact upon each other.

Residential and commercial growth in Westminster will entail building to higher densities, including extensions to existing buildings and infill developments. In the many areas within the Central Activities Zone and North Westminster Economic Development Area, new commercial uses are encouraged alongside new and existing homes and it is important that there are good levels of residential amenity for both new and existing residents. **Some types of development such as basement extensions involve significant excavation and removal of soil, necessitating an extended construction phase, greatly increased vehicle movements, increased noise and vibration which are likely to impact on residential amenity during the construction period.**

POLICY S29 HEALTH, SAFETY AND WELL-BEING

Development should ensure that the need to secure a healthy and safe environment is addressed, including minimising opportunities for crime, including the risk of terrorism, and addressing any specific risks to health or safety from the local environment or conditions. Developments should also maximise opportunities to contribute to health and well-being, including supporting opportunities for improved life chances and healthier lifestyle choices.

The council will resist proposals that result in an unacceptable material loss of residential amenity and developments should aim to improve the residential environment.

All new housing, and where possible refurbishment of existing housing, will provide a well-designed, high quality living environment, both internally and externally in relation to the site layout and neighbourhood.

The development of major infrastructure projects and where appropriate, other projects with significant local impacts will need to mitigate, avoid or remedy environmental and local impacts, both in construction and operation.

Reasoned Justification

Local solutions also need to be sought to address the wider determinants of health, such as ensuring access to employment, good quality housing, a range of local services and facilities, and open spaces; and the ability to make healthy lifestyle choices such as being active.

Growth in the Westminster context means mixed use areas and sites, infill development and high density living. It is therefore vital that exceptional attention is paid to protecting existing residential amenity, and providing good quality residential accommodation for future residents. During the construction phase the impact on residential amenity will be managed through the Code of Construction Practice, which will be phased in for those that cause greatest impacts. Poor quality residential amenity can make homes less attractive to permanent residents and threaten the sustainability of residential neighbourhoods. High standards of residential amenity will benefit Westminster's residents in terms of quality of life, health and well-being.

Cross reference to Policy CM28.1 Basement Development

ⁱ WCC Residential Basements Report (2013), Alan Baxter Associates for Westminster City Council

ⁱⁱ See Basement Development in Westminster SPD, Section 6.3 for further detail on sources of flood risk in Westminster

ⁱⁱⁱ WCC Residential Basements Report (2013), Alan Baxter Associates for Westminster City Council

^{iv} National Planning Policy Framework, paragraph 120

^v Basement Development in Westminster SPD, (2014), Westminster City Council

^{vi} WCC Conservation Area Audits provide detail of contribution of gardens trees and landscaping to local character.

^{vii} Mayor's Sustainable Design and Construction SPG (2014), Mayor of London

^{viii} Basement Revision Supporting Information (2015), Westminster City Council

PART VI:

IMPLEMENTATION

RISK AND REVIEW

FIGURE 56 MONITORING FRAMEWORK

HEADLINE OBJECTIVES	KEY INDICATORS' TOPICS	POLICY REF
<p>Objective 2: To sensitively upgrade Westminster's building stock to secure sustainable and inclusive exemplary design which minimises energy and resource consumption and the production of waste, reduces the impacts of local environmental pollution and meets both today's needs and those of the future, including the effects of a changing climate; creating attractive places that function well whilst ensuring that the historic character and integrity of Westminster's built fabric and places is enhanced.</p>	<p>Design quality (qualitative assessment) Sustainable and inclusive design measures as part of applications and, including where relevant, Code for Sustainable Homes level Protection and creation of heating networks Creation of new heat and cooling networks Extension of existing heat and cooling network Achievement of 20% renewable energy generation New waste and recycling facilities Number of developments permitted against Environment Agency advice on flood risk grounds, Installation of SUDS measures</p>	<p>25, 26, 28, 28.1 29, 30, 31, 32, 33, 35, 36, 37, 38, 39, 40, 41, 44, 45</p>
<p>Objective 3: To maintain and enhance the quality of life, health and well-being of Westminster's residential communities; Ensuring that Westminster's residents can benefit from growth and change, providing more employment and housing opportunities, safety and security, and better public transport and local services; to work with our partners to foster economic vitality and diversity, improved learning and skills, and improved life chances in areas of deprivation.</p>	<p>Business space development by area (Economic Development Area, Central Activities Zone and Opportunity Areas) Number of vacant units in District Shopping Centres in the Economic Development Area (Church Street/Edgware Road and Harrow Road) Social and community infrastructure improvements and development New entertainment uses in the Economic Development Area, No of Code of Construction Practice compliant schemes</p>	<p>1, 3, 4, 5, 6, 8, 9, 10, 12, 13, 14, 19, 28, 28.1 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 41, 42, 43, 44, 45</p>

SUPPORTING INFORMATION

GLOSSARY

Add the following Glossary Definitions:

Basement Development	Basement development includes any excavation to form new or additional floorspace under the ground level of an existing property or within its curtilage and under its garden. It may also include basements which are part of new build development
Garden Land	The site area excluding the footprint of the original building
Original building	In relation to a building existing on 1st July 1948, as existing on that date and, in relation to a building built on or after 1st July 1948, as so built.

REFERENCES

Basement Revision: Add the following References:

Basements Development Neighbours' Survey – Westminster (2013) Office of Karen Buck MP
Sustainable Design and Construction Supplementary Planning Guidance (2014) Mayor of London.
Westminster City Council Residential Basement Report (July 2013) Alan Baxter and Associates for Westminster City Council



City of Westminster

Westminster City Hall, 64 Victoria Street, London SW1E 6QP
Planning policy helpline: 020 7641 2503
www.westminster.gov.uk/revision-westminsters-city-plan

Consultation Statement

Submission Draft (Regulation 22) Basement Revision



1.0 Introduction

1.1 This document summarises the consultation undertaken for the Basement Revision to Westminster's City Plan. It has been prepared to meet legal requirements¹ and must accompany the revision itself when it is made publically available and submitted to the Secretary of State. It also helps inform the independent Inspector appointed to examine the Revision and advise whether it is 'sound'.

1.2 This statement covers the consultation responses at the formal consultation stages². It sets out who was consulted, for how long, and how they were invited to make representations. A summary of the main issues raised by the responses is provided, and details as to how these representations have been taken into account in the Basements Revision.

1.3 All contacts on the council's LDF database were consulted, together with all specific consultees³, all ward councillors, and all neighbouring boroughs. Information on the database is updated on a continual basis, with contacts being added, removed or amended on request. This included a full refresh of contact details in 2013. The database currently has 615 consultees. Consultation was carried out in compliance with the council's Statement of Community Involvement⁴. It is noted that the Council laid an Article 4 Direction to remove permitted development rights to residential basement development in Westminster at the same time as the most recent consultation. Responses to this, have been summarised in this consultation statement for information, however they are immaterial to the basement revision itself.

1.4 Development of these policies has had a lengthy gestation. Detailed development management policies were being developed as a separate Development Plan Document (DPD) to be called the 'City Management Plan' (CMP) as follows:

1	Notify intention to produce a City Management Plan	Oct/Nov 2008	Now Regulation 18
2	Consultation workshop	13 Jul 2009	Informal
3	Informal consultation and evidence gathering	Jun 2009- Dec 2010	Informal
4	Policy Options consultation	Jan-Feb 2011	Old legal stage no longer required
5	CMP Policy Draft Informal Consultation	Nov 2011 - Mar 2012	Informal
6	Notify intention to produce the CMP Revision to the Core Strategy	May 2012	Regulation 18
7	Informal consultation booklet	Oct/Nov 2013	Informal
8	Notify intention to produce the CMP Revision to Westminster's City Plan	May 2015	Regulation 18
9	Consultation on draft Basements Revision	Jul-Sep 2015	Regulation 19

¹ Regulation 22 of the Town and Country Planning (Local Development) (England) Regulations 2012 ("The Regulations")

² Regulation 18, which notifies people of our intention to revise the plan, and Regulation 19 which is the formal, pre-submission consultation

³ These are consultees the Council is legally required to consult, and are usually public bodies or organisations responsible for utilities and infrastructure, and they are set out in Section 2 of the Regulations

⁴ This is a legal requirement under Regulation 19 of the Planning and Compulsory Purchase Act 2004 (as amended)

1.5 The growing trend towards basement extensions has become apparent over recent years, with subterranean development first being raised as an issue during workshops in 2009. Since that time there has been a doubling of the numbers of applications permitted each year, with particular clusters in St John's Wood, Mayfair, Knightsbridge and Belgravia. The trend in Westminster appeared to follow on from growing numbers in the Royal Borough of Kensington and Chelsea. An informal consultation booklet published in October 2013 set out issues and policy options. A Basement Development SPD was adopted in 2014, setting out the planning policy basis and other powers that the Council had available to it at that time, not having a specific basement planning policy.

2.0 Formal Pre-Submission Consultation (Regulation 19)

2.1 This consultation took place between 16th July to 9th September 2015, for a period of 8 weeks. Notification was made by email to the vast majority of the 615 consultees (see Appendix 4), with a small number of letters sent to 5 of the consultees. Specific consultees including local/regional authorities contacted were:

1. Association of Electricity Producers
2. Cavendish Communications
3. City of London
4. Clinical Commissioning Groups
5. Crossrail
6. Historic England (English Heritage)
7. Environment Agency (London Office)
8. Highways England
9. Homes and Communities Agency
10. London Borough of Brent
11. London Borough of Camden
12. London Borough of Southwark
13. London Borough of Wandsworth
14. Marine Management Organisation
15. Mayor of London and Assembly (GLA)
16. National Grid DPM Consultants
17. Natural England
18. NHS Property Services
19. Office of Rail Regulation
20. Royal Borough of Kensington and Chelsea
21. Thames Water Utilities Ltd
22. The Coal Authority
23. Town Planning Network Rail
24. Transport for London (TfL)

2.2 A copy of the consultation letter is attached as Appendix 1. The City Council’s website also advertised this stage of consultation on the page relating to the Revision to Westminster’s City Plan (attached as Appendix 2). This also included a link to the consultation letter.

2.4 Nineteen consultees submitted responses on the policy (sixteen of which were substantive comments) with, an additional response on the related Habitats Regulation Assessment Screening Assessment, and one additional response relating solely to the Article 4 Direction. Seven objections were received – from 8 respondees – while not necessarily expressed as objections, but have been categorised as such by officers as they raise key issues (responses attached as Appendix 9). A further 8 respondees supported the policy, some of whom also objected or made additional minor comments. The following is a summary of the main issues raised at this stage and details how the council took the main issues into account.

3.0 Key Issues Summary

Of the issues raised at the most recent (pre-submission) stage of consultation the following points are considered by the Council to be Key Issues. This is followed by a brief summary of support. Following this is an outline of comments which are not considered to be Key Issues of themselves, but which are included for consideration. Also included within this document for the sake of completeness are consultation responses relation to the Article 4 Direction and the Habitats Regulations Assessment Screening. However, these are not material to the basements revision itself.

3.1 Objections

- 1. Listed buildings shouldn’t be allowed basement extensions⁵ [See also support]**
Westminster’s listed buildings are far less homogenous in form than other boroughs’ such as the Royal Borough of Kensington and Chelsea. There is much greater variation in the type and age of buildings in Westminster. Part 9 of the policy protects heritage assets, through a requirement not to unbalance the buildings’ original hierarchy of spaces. In respect of deeper basements there is further protection for heritage assets. Westminster therefore does not propose a blanket ban on basements beneath listed buildings because each case should be considered on its merits. This approach is supported by Historic England.
- 2. Basements should not be permitted beneath terraces.⁶**
The Council’s evidence base report prepared by Alan Baxter Associates acknowledges that there are greater risks and challenges associated with semi-detached and terraced properties particularly in locations where there has been previous movement, and depending on the ground conditions. The policy sets out a requirement for a site-specific structural methodology statement self-certified by a suitably qualified engineer, to demonstrate that they have taken into account the

⁵ SEBRA, Katherine Lubar, John Shailer, Knightsbridge Association

⁶ John Shailer

site-specific ground conditions, drainage and water environment, as well as structural stability of the existing and nearby buildings. This site-specific approach should allow for appropriate engineering and design solutions where possible, and where this cannot be demonstrated an application would not be policy compliant (and therefore could be refused).

3. No excavation should be allowed where a building already has a floor below street level⁷.

This comment raises a question of equitableness. Why should a building which already has an original basement be permitted a double basement, where others would only be allowed a single basement?

The underlying justification for the introduction of a policy imposing restrictions on basement developments relates to the adverse amenity impact on the neighbours of such developments during construction caused by activities such as the excavation and movement of large volumes of spoil. The impact of allowing one 'additional' storey is arguably similar (in terms of volume of spoil excavated, and therefore vehicle movements) to that of a single basement on a property without an existing basement level; there is therefore no evidence that the construction of an additional basement would give rise to increased amenity issues, raising a question over whether such a restriction would be justifiable.

4. Concern raised around proposed reliance on self-certification of structural stability by a suitably qualified engineer⁸.

The Council does not retain the expertise necessary in-house to be able to formally sign off such statements, nor is it a party to the contract between the applicant and the engineer in question. The duty of care to the client and relevant skill in this area is with the Chartered Civil Engineer, or Structural Engineer and geo-hydrologist where appropriate. Whilst the basement policy requires evidence of the structural integrity of the property to accommodate the basement development in question, the actual construction of the basement is not controlled through planning process but through alternative statutory regimes such as the Building Regulations and the Party Wall Act 1996. In addition adjacent owners have recourse to common law actions for trespass and or nuisance where their property is damaged by basement developments.

Notwithstanding the above, the policy does make clear that where there is a high risk, or a particularly significant and/or sensitive heritage asset, the council will have reports independently assessed at the applicant's expense. The proposed approach is justified on the basis of the evidence base prepared by Alan Baxter Associates, and is similar in approach to that adopted by the Royal Borough of Kensington and Chelsea which is reportedly working well in RBKC. The Council does not consider that an alternative whereby it seeks to become a party to such contracts, or to police them is desirable, proportionate, reasonable, or effective.

⁷ Grosvenor

⁸ Knightsbridge Association

5. Not enough done to address impacts for residents⁹ Suggest using additional powers over the issuing of highways licenses to manage these cumulative impacts.¹⁰

Under the Highways Act 1980 the Council has a 'Duty to Grant', which means that it cannot refuse a reasonable application for a licence. However under the Traffic Management Act 2004, the Council also has a Network Management Duty, which requires it to keep the traffic (including pedestrian traffic) flowing expeditiously on its roads. It has been suggested that where it is possible to show the Network Management Duty can be complied with by delaying a licence application (or requiring substantial alterations to it) that this could be used to "trump" the Duty to Grant. However a licence could not be refused simply because of the volume of work in the area where there is not a demonstrable traffic or pedestrian impact. Further consideration needs to be given to the potential to use this power. Although outside the scope of the Basements Policy revision itself, and may be dealt with as part of the revised Code of Construction Practice, which is being progressed to improve oversight of developments, giving the Council better ability to encourage greater 'cooperation' between sites.

6. Request that weekend works on construction sites should be banned altogether¹¹ or should be prevented prior to 10 or 11am¹²

Working hours are not specifically addressed in the policy itself, as this is covered by the Code of Construction Practice. This will include flexible wording to clarify that noisy works associated with residential basement development, close to neighbouring residential uses, may be subject to additional limits on working hours on Saturdays. A flexible site-by-site approach is advocated rather than imposing such limits in the policy wording, because the impact of reducing these hours, may be to extend the programme, and may not therefore always be desirable. Furthermore in some instances other types of noisy construction work on other sites may be permitted, which in some instances could render such a restriction pointless and open to challenge.

7. Concern that the policy should not be applied to commercial or major new build residential developments¹³

The justification for extending the policy approach to basements in commercial and major new build residential, in cases where these adjoin residential properties, and there is potential for an amenity impact, is based on conferring the amenity protection benefits of the policy, to those living adjacent to non-residential or to major new build residential development. It would apply in limited cases where such properties adjoin neighbours.

⁹ Katherine Lubar, Jessica Arah, John Shailer, Knightsbridge Association,

¹⁰ Knightsbridge Association

¹¹ Michael Salmon

¹² Katherine Lubar

¹³ WPA, Grosvenor supporting.

Parts A1a) and b) would be unlikely to apply to commercial and major new build development which tends to develop up to its site boundary. Part A3 of the policy, which establishes the single storey depth limit provides for 'exceptional circumstances' for large sites with high levels of accessibility such that it can be constructed and used without adverse impact which is more likely to be the case with commercial and larger new build residential sites.

3.2 Support

General

- Support for the proposed measures.¹⁴
- Strong support for the proposed revisions.¹⁵
- Basement revision is in general conformity with the London Plan.¹⁶

Paragraph 2.35

- Support the aim to prevent increased flooding¹⁷

CM28.1 Part 9

- Welcomes the proposed policy and the clear references to heritage assets and specific reference to potential impact on listed buildings and archaeology¹⁸.
- CM28.1 Part 4 and 5 - policy parts are in line with London Plan policies 3.5 and 7.21¹⁹

3.3 Comments

General

1. Recognise the growing concern with proliferation of large residential basements, and do not object to the principle of introducing additional controls and guidance for existing residential properties²⁰.
2. Why not incorporate suspension of PD rights within policy rather than via Article 4²¹
3. New policy element recommended on condition survey before and after works as well as full reinstatement of cobbles by applicant.²²
4. Consider providing guidance on other consents that may be necessary (e.g. Landlords).²³
5. Other types of development, e.g. loft conversions²⁴ and other significant development²⁵ cause similar disruption and should be covered.

¹⁴ Jessica Arah, SEBRA, John Lyon's Charity, Grosvenor, Mayor of London

¹⁵ St Marylebone Society, Thames Water

¹⁶ Mayor of London

¹⁷ Thames Water

¹⁸ Historic England

¹⁹ Mayor of London

²⁰ WPA

²¹ SEBRA

²² SEBRA

²³ Grosvenor

²⁴ Katharine Lubar

Response:

1. Comment acknowledged
2. Not possible to do this without incurring liability for compensation payments
3. Already covered in Code of Construction Practice
4. Text inserted in Policy Application.
5. Not raised at Regulation 18 stage. Other types of development covered in future plan revisions.

Paragraph 2.35

1. Additional wording suggested around ensuring developments are protected from flooding risks such as sewer flooding, and installation of suitable pumped device.²⁶

Response:

1. Accepted, additional text added at paragraph 2.35, new policy provision A13 and Reasoned Justification

Paragraph 5.16

1. Clarify whether policy applies to all buildings or only residential.²⁷

Response:

1. Policy intended to apply principally to residential buildings, although part C of the policy makes clear that it could be extended to non-residential basements where appropriate.

CM28.1

1. Clarify wording around 'curtilage'²⁸
2. CM28.1 part 1a). Extent of excavation should refer to the original garden before any extensions were made²⁹.
3. Clarify definition of 'small' and 'large'³⁰
4. CM 28.1 1 a) and b) Clarify wording and consider providing diagrams to improve intelligibility.³¹
5. CM28.1 1 b) Insert new text to clarify policy doesn't apply to Transport for London Road Network.³²
6. Address impact on groundwater including underground streams as drainage network has finite capacity.³³
7. 28.1 part 8 - energy efficient lighting³⁴ and natural lighting where possible³⁵
8. CM28.1 part 9 provide guidance on how the hierarchy of a listed building and its significance is to be assessed.³⁶

²⁵ Jessica Arah

²⁶ Thames Water, See proposed text '1' in Annex 1

²⁷ SEBRA

²⁸ Knightsbridge Association, WPA

²⁹ Grosvenor

³⁰ Grosvenor

³¹ Historic England,

³² TfL

³³ Knightsbridge Association, Paddington Waterways

³⁴ Mayor of London

³⁵ Mayor of London, SEBRA

³⁶ Grosvenor

9. CM28.1 part 9 suggest splitting paragraph into two to separate paras on archaeological advice and heritage, and consider making reference to impact on historic fabric.³⁷
10. CM28.1 Part 10 - Clarify does highway include footway. Basements shouldn't be beneath carriageway.³⁸
11. CM28.1 Part 10 - Insert new text to clarify policy doesn't apply to Transport for London Road Network.³⁹
12. CM28.1 Part 11 – Insert text to clarify that infrastructure includes highway and railway lines/tunnels.⁴⁰
13. Insert date of new Code of Construction Practice.⁴¹
14. Extend the protection of amenity of neighbours to occupation stage encourage consideration of location of pumps etc to reduce noise nuisance.⁴²

Response:

1,2,4. Delete 'site curtilage' and replace with simpler wording of 'garden land' as definition in Glossary makes clear it is site minus original building. Delete subsequent unnecessary reference to site curtilage in Policy Application and insert additional text in Policy Application clarifying that garden land excludes only the original building, not later extensions.

3. Guidance on 'large' sites added to aid in interpreting CM28.1 A3; small sites already defined in policy.

5,11. Additional wording has been inserted at policy parts CM28.1 A1b), CM28.1 A11

6. Policy does deal with this ("demonstrate that they have taken into account the site-specific ground conditions, drainage and water environment(s) in the area of the development.."), and proposes to limit deep and extensive excavations through policy parts A1 and A3.

7. Wording inserted to CM28.1 A6 promote natural and energy efficient lighting.

8. Agreed, guidance to be provided.

9. Drafting improvement splitting policy A9 into A9 and A10 to make clearer that protecting heritage and safeguarding archaeology are separate. Also emphasises listed buildings within part 9. Line added to RJ on Archaeological Priority Areas.

10. Both are used. Comment noted but Council has no power to restrict.

12. Additional wording at CM28.1 B1 expanding on definition of infrastructure

13. Date not known yet, and until it is in place misleading to refer to 'New' Code.

14. Wording inserted at CM28.1 B3 to extend protection of amenity to occupation phase at design stage. Also reference in Policy Application to location of pumps and fans.

Policy Application

1. Suggest a financial contribution towards tree planting where not replaced.⁴³
2. Clarify that the Environment Agency considers self-contained basements (without internal access to upper floors above the breach level as highly vulnerable, and those with access as more vulnerable⁴⁴ .
3. Contractors should be accredited, perhaps by Association of Structural Underpinning Contractors (ASUC).⁴⁵

³⁷ Historic England

³⁸ SEBRA

³⁹ TfL, See proposed text '2' at Annex 1

⁴⁰ TfL, See proposed text '3' at Annex 1

⁴¹ SEBRA

⁴² Mayor of London

⁴³ SEBRA

⁴⁴ Environment Agency

⁴⁵ Grosvenor

4. Insert text relating to links and further advice for applications adjacent to or affecting Transport for London Road Network (TLRN)⁴⁶

Response:

1. Not necessary in policy, could already do this, primary objective is to have replacement trees.
2. Text added in Policy Application.
3. Reference added in Policy Application
4. Text added in Policy Application.

Reasoned Justification

1. Clarify what are SUDS⁴⁷ note the specific role of SUDS in reducing peak rate of run-off and biodiversity and urban greening benefits.⁴⁸

Response:

1. Drafting improvement to highlight the role of SUDS in reducing peak run-off rate. (CM28.1 A7) and write SUDS in full in PA

3.4 Other Responses

Article 4

- Objection – to the blanket removal of permitted development rights, as contrary to NPPF para 200, it would not compromise the local amenity and wellbeing of the entire borough.⁴⁹ It adds a cost to the Council as no planning application fee is payable, which means the full cost of assessing applications must be carried by the Council. The full cost should include the cost of producing all of the documents that form the planning application if the basement could normally be PD, including the Structural Methodology Statement and Construction Management Plan.⁵⁰
- Article 4 Directions could have particular advantages for the assessment and management of Westminster’s Archaeological resource.⁵¹

Habitats Regulation Assessment Screening

- Comment that the search area should have included the Lee Valley SPA and Ramsar site which is within the 10km radius. Additionally the Essex Thames Estuaries SPA is an incorrect naming of two sites (The Thames Estuary and Marshes SPA and Essex Estuaries SAC which appear to have been combined. The conclusion that no further assessment is required doesn’t cause an issue for Natural England.⁵²

4.0 Formal Notification under Regulation 18 of The Regulations and other informal consultation

⁴⁶ TfL, See proposed text ‘4’ at Annex 1

⁴⁷ SEBRA

⁴⁸ Mayor of London

⁴⁹ Cranbrook Basements

⁵⁰ Cranbrook Basements

⁵¹ Historic England

⁵² Natural England

4.1 Formal notification of the Basements Revision to Westminster's City Plan was carried out between 19th March to 1st May 2015, for a period of just over six weeks. Notification was made by email to the vast majority of the 615 consultees (see Appendix 6), with a small number of letters sent to 5 of the consultees. Specific consultees contacted were:

- Association of Electricity Producers
- Cavendish Communications
- City of London
- Clinical Commissioning Groups
- Crossrail
- Historic England (English Heritage)
- Environment Agency (London Office)
- Highways Agency
- Homes and Communities Agency
- London Borough of Brent
- London Borough of Camden
- London Borough of Southwark
- London Borough of Wandsworth
- Marine Management Organisation
- Mayor of London and Assembly (GLA)
- National Grid DPM Consultants
- Natural England
- NHS Property Services
- Office of Rail Regulation
- Royal Borough of Kensington and Chelsea
- Thames Water Utilities Ltd
- The Coal Authority
- Town Planning Network Rail
- Transport for London (TfL)

4.2 A copy of the Regulation 18 consultation letter is attached as Appendix 6. Consultees were advised that the City Council was intending to make 7 revisions to Westminster's City Plan including this, the Basements Revision (further information on this revision is available on the Council's website). This coincided with the publication of a new Local Development Scheme. Consultees were advised that notice was given in accordance with Regulation 18, that once the first 6 revisions had been made this would replace the Unitary Development Plan, and that although the revisions were notified together, they would be progressed separately. Consultees were invited to let the council know what they would like to see in these two revisions, and asked what they thought the revisions should contain. They were also advised of the consultation timescale, provided with a telephone contact for further information, and relevant weblinks for further information.

4.3 The City Council's website also advertised this stage of consultation on the page relating to the Revision to Westminster's City Plan (attached as Appendix 7). This also included a link to the consultation letter.

4.4 Notification of the intention to develop a Basements Revision to the City Plan was part of a wider notification of the Council's intention to revise the City Plan. Eleven

responses were received at stage 8, in paragraph 1.4 above, (attached as Appendix 8), with two of those responses having relevance for the Basements Revision. These are summarised in section 3.0 below.

5.0 Responses at Regulation 18 Stage

1. Support with qualification No significant concerns with regard to the draft policy, but not extending the scope so as to have unintended consequences on non-residential basements.⁵³ The policy will not be applied to commercial, except where it adjoins residential, where the impacts are likely to be such that it is appropriate for the policy to apply, to mitigate harm to residential neighbouring buildings.

2. Comment – the policies should as a whole and individually integrate and promote the conservation and enhancement of heritage assets as part of a positive strategy for the historic environment. Please see also again for reference the previous Greater London Archaeological Service response, which supported the policy⁵⁴ - comment from EH, and support from the GLAAS noted.

6.0 Duty to Cooperate

The following sets out examples of the established relationships which fulfill the requirement in the Localism Act for the duty to cooperate. As this is a partial revision to the plan, only those aspects of the relationship most relevant to basements have been included. This may or may not be specific to the “planning policy” function of the City Council, but nonetheless informed development of the Basements Revision. These relationships also continue to inform plan development across the wider City Plan review.

Environment Agency

- Close working relationship on flooding and flood defence, which has informed basements policy development directly, as well as indirectly through the dialogue around the flooding policy development.

Historic England

- Close working relationship with detailed application specific liaison including joint site visits on many schemes and EH provide advice on archaeology. This directly influences policy development.
- Twice yearly liaison meetings between senior Built Environment officers and English Heritage. Council officers and English Heritage attend quarterly liaison meetings to discuss issues around major heritage assets.

⁵³ British Land

⁵⁴ Historic England

- Ongoing regular liaison and informal meetings on emerging policy, including via the London Conservation Officers' Group⁵⁵ (see Cross Borough Partnerships below) which has considered basements in London.
- Dialogue with Greater London Archaeological Advisory Service around archaeological implications of basements.
- Greater London Historic Environment Records maintained by English Heritage, with input from Westminster.

Natural England

- Informal liaison through the London-wide Biodiversity Officers Forum.
- Application-specific notification e.g. lighting and bats.

Mayor of London (including Transport for London and Homes and Communities Agency)

- Regular policy and funding meetings with TfL, as well as topic specific joint working including excavation which might impact on their assets including London Underground Lines or TfL roads.
- Joint working on housing development capacity (NB. most basement excavations do not contribute additional housing units).
- Liaison for development of the Mayor's Sustainable Design SPG, which in turn informed development of Basements policy
- Drain London Partnership provides opportunities for direct input to the Pan London Surface Water Opportunities Management (see cross-borough partnerships below)

Clinical Commissioning Group

- Close working relationship though not directly relevant to the basements policy.

Network rail

Joint working where basement excavations potentially impacts their assets.

Cross Borough Partnerships

Officers and politicians come together across London informally, with either regular groupings such as the Association of London Borough Planning Officers and London Council's, or informal task groups and meetings around particular topics or consultations/legislative changes.

Central London Forward⁵⁶ (CLF):

Close working relationship though not directly relevant to the basements policy.

⁵⁵ Informal meeting of Conservation Officers from all London Boroughs facilitated by Historic England.

⁵⁶ London Boroughs of Camden, Islington, Kensington & Chelsea, Lambeth, Southwark, Westminster and the City of London

Cross River Partnership⁵⁷ (CRP): Close working relationship though not directly relevant to the basements policy.

Drain London Partnership⁵⁸: facilitated by the Greater London Authority, and the **London North Central Flood Risk Partnership**⁵⁹: produced Preliminary Flood Risk Assessment, Local, Flood Risk Management Strategy, produce Flood Risk Hazard Maps, maintain a register of Flood Risk Management assets, establish ownership & responsibilities, in terms of flood risk, and investigate flood events.

London Tree Officers' Association: close working relationship on issues pertaining to basements policy development, such as tree stability and soil depths.

Association of London Borough Planning Officers (ALBPO): Regular meetings at different levels and for different planning disciplines/areas, presentations, standing items for borough updates and the opportunity for informal liaison in person and via emails. Includes heads of service/Chief Planning Officer level, and officer level for CIL, development plans, information and monitoring etc.

London Boroughs

Close working relationships with the following boroughs in developing basements policy:

London Borough of Camden

Royal Borough of Kensington & Chelsea

London Borough of Wandsworth

London Borough of Southwark

London Borough of Lambeth

London Borough of Islington

City of London

⁵⁷ Angel Aim BID, Better Bankside BID, Camden Town Unlimited BID, Cheapside Initiative, City of Westminster, Corporation of London, Greater London Authority, Groundwork London, Heart of London Business Alliance, InSW1 BID, London and Partners, London Borough of Camden, London Borough of Islington, London Borough of Lambeth, London Borough of Southwark, Network Rail, Royal Borough of Kensington and Chelsea, South Bank Employers Group, Team London Bridge BID, Transport for London, Waterloo Quarter Business Alliance

⁵⁸ London Boroughs, Thames Water, Environment Agency, London Councils, Defra, TfL

⁵⁹ London Boroughs of Islington, Kensington and Chelsea, Camden, Hammersmith and Fulham, City of London

Annex A: Text Proposed by Consultees.

The following text amendments were proposed by consultees. Underline text shows the text proposed with surrounding text given for context.

1. Paragraph 2.35

"Care is also needed to ensure that the cumulative impact of development (particularly basements) does not lead to increased incidence of surface water or other flooding-and to ensure that the developments are protected from flooding risks such as sewer flooding."⁶⁰

2. Policy S28.1, 1b)

"leave a margin of undeveloped garden land proportionate to the scale of development around the entire site boundary with the exception of one elevation adjacent to the public highway (other than where the highway forms part of the Transport for London Road Network [TLRN]) where the basement may extend beneath the public highway provided it satisfies the requirements set out in paragraph 10 below".⁶¹

3. Policy S28.1, 10

"where constructing new basement development under the adjacent (non-TLRN) highway;
a) retain a minimum vertical depth below the footway or carriageway of 900mm;
and
b) not encroach more than 1.8m under any part of the adjacent highway."⁶²

4. Policy S28.1, Insert new policy provision 12.

"12. be protected from sewer flooding through the installation of a suitable pumped device."⁶³

5. Policy S28.1,

"Applicants will demonstrate that they have taken into account the site-specific ground conditions, drainage and water environment(s) in the area of the development and that the basement development will:

- 1. safeguard structural stability of the existing building, nearby buildings and other infrastructure including the highway and railway lines/tunnels."⁶⁴*

6. Policy S28.1 Replace final paragraph with the following:

"Basements within new-build commercial and major residential developments within the CAZ will not usually be restricted.

Where new commercial or major residential developments are adjacent to residential properties, applicants may be required to demonstrate how the potential adverse amenity effects listed at 1-3, above, will be mitigated."⁶⁵

⁶⁰ Thames Water

⁶¹ TfL

⁶² TfL

⁶³ Thames Water

⁶⁴ TfL

⁶⁵ WPA

7. S28.1 Policy Application

*“Applications adjacent to or affecting the Transport for London Road Network (TLRN) or public transport infrastructure shall have regard to advice available at www.tfl.gov.uk. Development on land within the land identified for Crossrail 2 Safeguarding shall be subject to consultation with TfL as defined in the Safeguarding Directions (2015), for which further advice is available at <http://crossrail2.co.uk>”*⁶⁶

8. Policy S28 Reasoned Justification.

*“Given their nature, basements are more susceptible to flooding, both from surface water and sewage, than conventional extensions. Fitting basements with a ‘positive pumped device’ (or equivalent reflecting technological advances) will ensure that they are protected from sewer flooding. Fitting only a ‘non return valve’ is not acceptable as this is not effective in directing the flow of sewage away from the building.”*⁶⁷

⁶⁶ TfL

⁶⁷ Thames Water

Annex B: Basements Revision Schedule of Minor Modifications

Reference	Reason for change	Change made
Paragraph 2.35	Consultation response (Thames Water)	Wording added to clarify that developments should also be protected from risks of Sewer Flooding
CM28.1	Numbering unclear	Policy renumbered to aid clarity
CM28.1 A1a)	Consultation responses requesting clarity over meaning (Knightsbridge Association, Grosvenor)	Delete 'site curtilage' and replace with simpler wording of 'garden land' as definition in Glossary makes clear it is site minus original building.
CM28.1 A1b)	Consultation response (TfL)	Wording to clarify that policy does not apply to TfL roads
CM28.1 A6	Consultation response (Mayor of London and SEBRA)	Wording inserted to promote natural and energy efficient lighting.
CM28.1 A7	Consultation Response (Mayor of London)	Drafting improvement to highlight the role of SUDS in reducing peak run-off rate.
CM28.1 A9 and A 10	Consultation Response (Historic England)	Drafting improvement splitting policy A9 into A9 and A10 to make clearer that protecting heritage and safeguarding archaeology are separate. Also emphasises listed buildings within part 9.
CM28.1 A11	Consultation response (TfL)	Clarification that policy does not apply to TfL roads
CM28.1 A13	Consultation response (Thames Water)	New policy provision re ensuring protection of new basements from sewer flooding.
CM28.1 B1	Consultation response (TfL)	Additional wording expands on definition of infrastructure to specifically refer to highway and railway lines and tunnels.
CM28.1 B3	Consultation response (Mayor of London)	Wording to extend protection of amenity to occupation phase at design stage.
CM28.1 B4	Text changes to make sense of renumbering.	Delete text to make renumbering work.
CM28.1 4b)	Text changes to make sense of renumbering.	Delete and add text to make renumbering work.
PA	Clarification	Additional wording to make clear that garden land excludes only the original building, not later extensions.

PA	Text unnecessary following deletion of site curtilage in policy	Deletion of text relating to curtilage.
PA	Consultation responses (Mayor of London, Historic England, Grosvenor)	Guidance on 'large' sites to aid in interpreting CM28.1 A3
PA	Clarification	Write SUDS in full
PA	Consultation response (Grosvenor)	Insert guidance relating to appointing a suitably qualified main contractor and ASUC
PA	Consultation response (Mayor of London)	Reference to having regard to location of pumps and fans to reduce noise nuisance.
PA	Consultation response (TfL)	Directing applicants adjacent to TfL roads/Crossrail 2 Safeguarding to relevant information.
PA	Consultation response (Grosvenor)	Advising applicants who are not freeholders to seek landlord permission .
PA	Consultation response (Environment Agency) drafting error	Correction to clarify Environment Agency classification of highly vulnerable/more vulnerable basements.
RJ	New text suggested Thames Water	Giving useful further detail on how to ensure protection from sewer flooding.
RJ	Consultation Response (Historic England)	Added reference to vulnerability of Archaeological Priority Areas.

Appendix 1: Regulation 19 letter



From: Councillor Robert Davis MBE DL

**Deputy Leader of Westminster City Council
and Cabinet Member for Built Environment**

**Westminster City Hall, Victoria Street, London SW1E 6QP
020 7641 8574**

Please reply to: Lisa Fairmaner

Telephone: 020 7641 4240

Email: planningpolicy@westminster.gov.uk

Date: 16 July 2015

Dear Sir/Madam

Basement Revision to Westminster's City Plan: Publication Draft Article 4 Direction for Basements

Westminster City Council is making revisions to Westminster's City Plan, adopted in November 2013. We are writing to consult you on a proposed revision to Westminster's City Plan: the "Basement Revision", which has now been published.

The Basement Revision provides the detailed policy framework for determining planning applications for basement development beneath an existing building, where that building is residential or is in the vicinity of residential development.

It is accompanied by a proposed Article 4 Direction which will remove permitted development rights for basement development across Westminster.

The Publication Draft documents for the Basement Revision, and supporting documents can be viewed or downloaded at www.westminster.gov.uk/revision-westminsters-city-plan or you can request a paper copy by phoning 020 7641 2503, or emailing planningpolicy@westminster.gov.uk. Copies are available for inspection at Westminster City Hall and Westminster's libraries. The supporting documents are:

- An Integrated Impact Assessment, including a Sustainability Appraisal report, and equalities and health impact assessments.
- A Consultation Statement, which summarises consultation undertaken at the previous Regulation 18 stage and informal consultation stages
- Supporting information for the Basement Revision including evidence regarding basement development.

Representations relating to the Basement Revision (or supporting documents) must be made to arrive by close of business on Wednesday 9th September 2015 to

planningpolicy@westminster.gov.uk or posted to:

Lisa Fairmaner, Westminster City Council, 19th floor, City Hall, 64 Victoria Street, London SW1E 6QP.

Representations relating to the Article 4 Direction

Notice will be given by press advertisement, site notice and on Westminster's website of the making of the article 4 direction. The Article 4 Direction will come into effect one year from the date of the publication of this notice. Representations on the making of the Article 4 direction should be made within six weeks of the date of the publication of the notice.

A copy of the Direction and of the Plan defining the area to which it relates may be seen at the offices of the Council at Westminster City Hall, 64 Victoria Street, London SW1E 6QP during normal office hours or can be viewed on the Council's website at www.westminster.gov.uk

All responses will be made public, although private email and postal addresses and other contact details, and any signatures will be redacted. We will submit all representations received to the Inspector appointed to examine the Basement Revision. We will also add your details to our database and notify you of future planning policy and neighbourhood planning consultations **unless you specifically request not to be added to the database**. We will not use your contact details for other purposes.

The purpose of the public examination is to consider whether the revision complies with legal requirements, has regard to national policies, is in general conformity with the London Plan and is sound. 'Soundness' is assessed using the criteria set out in detail in paragraph 182 of the National Planning Policy Framework which can be viewed at <http://bit.ly/GXntIS>.

Representations may be accompanied by a request to be notified at a specified address of any of the following:

- that the Basement Revision has been submitted to the Secretary of State for independent examination under section 20 of the above Act,
- the publication of the recommendations of any person appointed to carry out an independent examination of the Basement Revision, and
- the adoption of the new local plan incorporating the Basement Revision.

For further information please email planningpolicy@westminster.gov.uk or telephone 020 7641 2503.

Yours faithfully

Councillor Robert Davis MBE DL

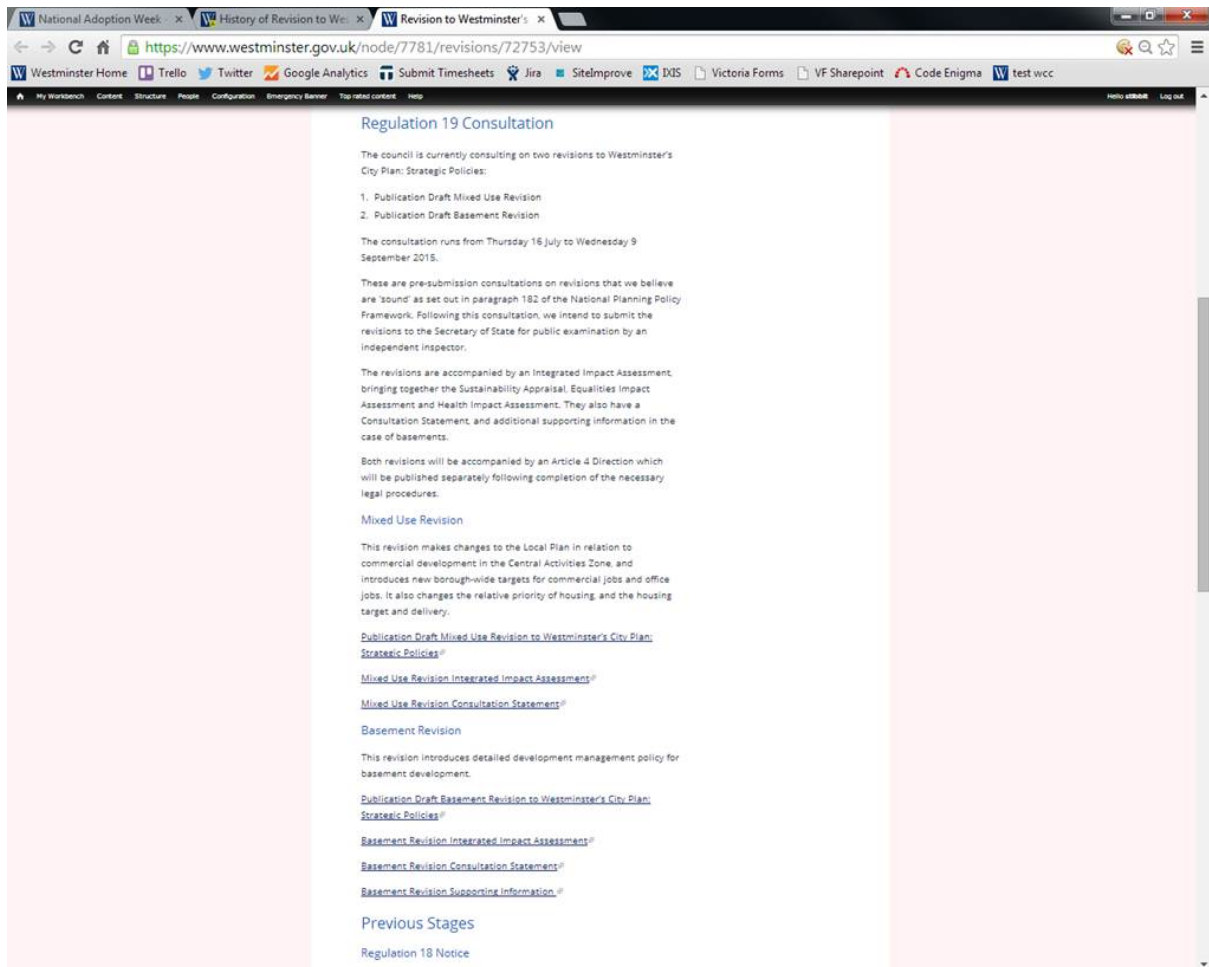
Deputy Leader of Westminster City Council

Cabinet Member for the Built Environment

In accordance with the Town and Country Planning (Local Planning) (England) Regulations 2012, notice is hereby given that copies of the Publication Draft Basement Revision to Westminster's City Plan document, together with Sustainability Appraisal Report (included within a wider Integrated Impact Assessment also looking at equalities and health), Consultation Statement, and supporting information regarding basements are available for inspection free of charge at the following places and times from 10th July 2015 to 4th September 2015:

- Westminster City Hall, 62 Victoria Street, London SW1E 6QP: Monday – Friday 9.00am to 5.00pm (by prior arrangement by telephoning (020) 7641 2503)
- Charing Cross Library, 4-6 Charing Cross Road, London WC2H 0HF, Mon 9.30am-8.00pm, Tues,Thurs & Fri 9.30am-7.00pm, Wed 10.00am-7.00pm, Sat 10.30am-2.00pm, Sun 11.00am-5.00pm
- Church Street Library, 67 Church Street, London NW8 8EY, Mon 9.30am-8.00pm, Tues,Thurs & Fri 9.30am-7.00pm, Wed 10.00am-7.00pm, Sat 9.30am-5.00pm
- Little Venice Sports Centre Library (completely self-service), 6a Crompton Street London W2 1ND, Mon-Fri 9.00-10.30pm, Sat-Sun 10.00am-5.30pm
- Maida Vale Library, Sutherland Avenue, London W9 2QT, Mon 9.30am-8.00pm, Tues,Thurs & Fri 9.30am-7.00pm, Wed 10.00am-7.00pm, Sat 9.30am-5.00pm
- Marylebone Library (entrance in **Gloucester Place**), 109-117 Marylebone Road, London NW1 5PS, Mon,Tues,Thurs & Fri 9.30am-8.00pm, Wed 10.00am-8.00pm, Sat 9.30am-5.00pm, Sun 1.30pm-5.00pm
- Mayfair Library, 25 South Audley Street, London W1K 2PB, Mon-Fri 11.00am-7.00pm, Sat 10.30am-2.00pm
- Paddington Library, Porchester Road, London W2 5DU, Mon,Thu&Fri 9.30am-10.00pm, Tues 9.30am-9.00pm, Wed 10.00am-9.00pm, Sat 9.30am-5.00pm, Sun 11.00am-5.00pm
- Pimlico Library, Pimlico Academy, Lupus Street, London SW1V 3AT, Mon to Fri 9.30am-8.00pm, Sat 9.30am-5.00pm, Sun 1.30pm-5.00pm
- Queen's Park Library, 666 Harrow Road, London W10 4NE, Mon 9.30am-8.00pm, Tues,Thur&Fri 9.30am-7.00pm, Wed 10.00am-7.00pm, Sat 9.30am-5.00pm
- St John's Wood Library, 20 Circus Road, London NW8 6PD, Mon,Tues &Thurs 9.30am-7.00pm, Wed 10.00am-7.00pm, Fri 9.30am-8.00pm, Sat 9.30am-5.00pm, Sun 11.30am-3.00pm
- Victoria Library, 160 Buckingham Palace Road, London SW1W 9UD, Mon 9.30am-8.00pm, Tues,Thurs &Fri 9.30am-7.00pm, Wed 10.00am-7.00pm, Sat 9.30am-5.00pm

Appendix 2: Webpages for Regulation 19



Appendix 3: Specific consultation bodies

1475	Association of Electricity Producers
1944	Cavendish Communications
2149	City of London
2513	Clinical Commissioning Groups
1267	Crossrail
1006	Historic England (English Heritage)
2054	Environment Agency (London Office)
1212	Highways Agency
193	Homes and Communities Agency
1000	London Borough of Brent
2328	London Borough of Camden
746	London Borough of Southwark
462	London Borough of Wandsworth
2251	Marine Management Organisation
2512	Mayor of London and Assembly (GLA)
562	National Grid DPM Consultants
1499	Natural England
2573	NHS Property Services
2216	Office of Rail Regulation
684	Royal Borough of Kensington and Chelsea
1227	Thames Water Utilities Ltd
1345	The Coal Authority
1214	Town Planning Network Rail
2514	Transport for London (TfL)

Appendix 4: General consultation bodies

7	Abbey Centre	2567	Bidwells Property Consultants
1049	Abbey Community Association Ltd/South Westminster Action Network	22	Bishop Ho Ming Wah Association
12	Abercorn School	26	Black and Ethnic Minority Diabetes Association
2547	Acting Head of Development	27	Black Disabled People's Association
2546	Acting Head of Policy	1927	BLD International Fashion Agency Ltd
1545	Action on Hearing Loss	37	BME Health Forum
1548	Advocate for Mental Health	39	BME Network, Voluntary Action Westminster
586	Africa Centre	2135	BRE Global Limited
1613	Age Link	1110	Brent Planning Service
1014	Age UK Westminster	2233	Brewery Logistics Group
13	Al Manaar Muslim Cultural Heritage Centre	47	British Arab Resource Centre
2173	Alan Wipperman and Co	2184	British Beer and Pub Association
20	Al-hasaniya Moroccan Women's Centre	48	British Black Anti Poverty Network
25	All Souls Clubhouse	107	British Buddhist Association
1552	Alzheimer's Society	2394	British Land
32	Amberley Club	117	Brownie Guide Unit 6th East Paddington
36	American School in London	2536	Business
38	Ancient Monuments Society	1742	Butterfly Conservation
1919	Andrew Cotton	2324	Campaign to Protect Rural England
105	Arab Maghreb Community Association	2463	CAMRA
90	Arab Women and Youth	2282	CAMRA
96	Arab Women's Centre	1075	Canal & River Trust London
42	Archdeacon of Charing Cross	2526	Capco (Capital and Counties Properties Plc)
1562	Arthritis Care	2580	Capita
1331	ARUP	2568	Carbon Culture
1604	Ashley Gardens Residents Association	138	Cardinal Hume Centre
1223	Atkins Global	1253	Carers Network Westminster
2293	Baker Street Quarter Partnerships (BID)	5	Carlton Hill Residents' Association
2303	Basement Force	2410	Carter Jonas
67	Bayswater Residents Association	2393	Carter Jonas
1649	Bayswater Social & Cultural Association	1334	Cathedral Area Residents Group (CARG)
2199	Bayswater Village (BID)	144	Caxton Youth Organisation
2421	Bective	1328	CB Richard Ellis
2564	Belgravia Neighbourhood Forum	2275	CBRE - Central London Retail
1687	Belgravia Residents Association	1568	CBRE Ltd
77	Belgravia Residents Association	2319	CBRE Ltd
79	Bengali Cultural Association	1500	Central London Forward
200	Bengali Women's Welfare Project	1897	Centred (formally Kairos in Soho)
2056	Bennetts Associates	1249	Centro Cristiano Casa De Adoradores - CCCA
2305	Berkeley Homes	2468	Cgms
2261	Beverley Butler	2279	CgMs Consulting
1352	BG Gas Services Limited		

1258	Charlotte Street Association		Association
2488	Chief Executive (Westminster City Council)	206	Covent Garden Community Association
2545	Chief of Staff - Westminster	1303	Cross River Partnership (Lambeth Office)
1039	Chinese Community Centre	2511	Cultural Partnerships Officer
1801	Chinese Information and Advice Centre	224	Davis Coffey Lyons
1793	Chinese National Healthy Living Centre	2575	Deloitte LLP
999	Chris Thomas Ltd	246	Deloitte Real Estate
1790	Christian Muslim Forum	262	Democratic Development and Understanding
704	Church Army - Marylebone Project	1572	Department for Environment Food and Rural Affairs (DEFRA)
1452	Church Street Library	2505	Deputy Director Public Health
2565	Church Street Neighbourhood Forum	2427	deputy private secretary to the Prince of Wales
1036	Churches Together in Westminster	1637	Derek Horne & Associates Ltd
1692	Churches Together in Westminster	231	Derwent London
1056	Churchill Gardens Estates Residents	2039	Development Securities Plc
176	Churchill Gardens Lessees Association	222	DHA Planning
2096	City Commissioner of Transportation (CLT)	2542	Director of Communications and Strategy (SEB)
2221	City Of Westminster College	2540	Director of Public Health
2544	City Treasurer	1090	Director of Sport, Leisure and Wellbeing
1057	CityWest Homes Limited	1017	Disabled Living Foundation
1478	Civil Aviation Authority	2148	Dolphin Square Foundation
2559	Clarence Gate Gardens Residents Committee	240	Dorothy Gardner Nursery Centre
1020	Cluttons LLP	2284	DP9
2276	Cluttons LLP	2288	DP9
1647	Colliers International	2292	dp9
2285	Colliers International	2392	DP9
2259	Colliers International	2466	Dp9
2297	Colliers International	2555	Dp9
2301	Collins & Coward Limited	2560	dp9 Ltd
2495	Commissioner of Events, Filming and Contingencies (CLT)	2582	DP9 Ltd
2094	Commissioning Waste and Parks (CLT)	243	DPDS
2508	Commissioning Waste and Parks Team	2252	Drew Planning & Development Ltd
1940	Condici Limited	2587	E.ON Ruhrgas UK Energy Trading Limited
1479	Confederation of Passenger Transport	1010	Eagle Eyes NGO
1949	Consortium of LGBT Voluntary & Community Organisations	1063	eas planning a trading name of Capita Symonds
2412	Consultancy	1424	Eclipse Internet Home (KCOM Group Plc)
1358	Corona Energy Retail Limited	1224	EDF Energy
202	Cosmic (Children of St. Mary's Intensive Care)	2487	Edgware Road Partnership
203	Cotes House Tenants & Residents Association	2549	English Heritage
1276	Covent Garden Area Trust	274	Eritrean Community Support & Information Centre
2323	Covent Garden Community	2467	Ernst and Young

272	Ershad Community Centre	2417	GVA Grimley Ltd
2274	ESA Planning	2425	GVA Ltd
2588	ESP Electricity Limited	2539	H&F Executive Director of Finance & Corporate Finance
1245	Essie Graham	353	Hallfield Estate Residents' Association
1591	European Land & Property Ltd	362	Harrowby and District Residents Association
2283	Exhibition Road Cultural Group	1270	HCA International Ltd
572	Filipino Women's Association	2424	HDG Ltd
1584	First Base Ltd	1646	Head of Affordable and Private Housing
1038	Firstplan	2502	Head of Investment (WCC and CLT)
2530	Firstplan	2503	Head of Legal and Democratic Services (CLT)
292	Fitzrovia Court Residents' Association	2504	Head of Service Westminster Adult Education Services
1272	Fitzrovia Neighbourhood Association	1696	Head of Strategy Housing
1337	Fitzrovia Trust	2343	Heart of London BID
2235	Forextra Developments Ltd	1043	Heart of London Business Alliance
297	Forsterss Solicitors	2552	Hilson Moran
1463	Forward UK	2553	Hodkinson Consultancy
1461	Foundation 66	1277	Howard de Walden Estates Ltd
1756	Four Rivers Resident's Association	2164	Hugh Cortazzi
306	Freshwater Court Residents' Association	1938	Hunza
1297	Fusion Online Ltd	1124	Hyde Park Estate Association
1320	Future Champions	2407	Iceni Projects Limited
1748	Garden Square News	2300	Iceni Projects Limited
1326	Gay Business Association	2465	Iceni Projects Limited
1308	Gemma	2355	Iceni Projects Ltd
321	Genuine Empowerment of Mothers in Society	330	Imaan
2517	Gerald Eve	387	Imperial College Early Years Education Centre (EYEC)
2194	Gerald Eve LLP	1096	In Deep Community Task Force
2583	GIA - Surveying and Design Consultancy	391	Independent Mothers Pre-School
1416	Gieves and Hawkes	1097	India Welfare Society
2420	GL Hearn	1625	Individual
2572	GLA and Mayor contact	2464	Individual (Resident)
2183	GMRA Committee	1853	Individual (Resident)
1575	GMS Estates Limited	2434	Individual (Resident)
467	Go Ahead London	2435	Individual (Resident)
328	Golaw	2436	Individual (Resident)
337	Great Portland Estates Plc	2437	Individual (Resident)
2192	Grosvenor	2438	Individual (Resident)
1045	Grosvenor	2439	Individual (Resident)
345	Grosvenor Ltd	2440	Individual (Resident)
1597	Grosvenor Ltd	2441	Individual (Resident)
997	Groundwork Trust (Camden, Islington & Westminster)	2442	Individual (Resident)
2470	GVA	2444	Individual (Resident)
2585	GVA	2447	Individual (Resident)
2458	GVA Grimley		

2448	Individual (Resident)	2476	London Borough of Lambeth
2449	Individual (Resident)	2477	London Borough of Lewisham
2450	Individual (Resident)	2478	London Borough of Tower Hamlets
2451	Individual (Resident)	1578	London Business School
2452	Individual (Resident)	1906	London Chinatown Chinese Association
2453	Individual (Resident)	1263	London Diocesan Fund
2454	Individual (Resident)	2480	London Enterprise Partnership
2459	Individual (Resident)	1011	London Fire and Emergency Planning Authority (LFEPA)
2516	Individual (Resident)	475	London First
2538	Individual (Resident)	1683	London Forum of Amenity & Civic Societies Residents
2165	Individual (Resident)	2479	London Green Grid Local Nature Partnership
1244	Individual (Resident)	1631	London Irish Centre
2243	Individual (Resident)	1630	London Tigers
2446	Individual resident	487	London Travel Watch
706	Inner London Scope Nor-West Club	492	London Wildlife Trust
2220	Inner North West London PCT's	536	Londonewcastle
2501	Interim CIO	494	Look Ahead Housing Association - Head Office
1286	J Young	500	Lydford Estate Tenants & Residents Association
402	Jacs Club	502	M R Partnership
1917	Jeffrey Green Russell Limited	506	Malcolm Scott Consultants Ltd
1627	Joan Safran	511	Martlett Court Residents' Association
2581	Jon Dingle Ltd	512	Mary Paterson Nursery School
1281	Katherine Hosleyns	2204	Mary Travers
1898	Kenric	2226	Maryland Road Community Association
2100	Kensington and Chelsea with Westminster Friends of the Earth	998	Marylebone Association
1697	Kensington Society	2186	Marylebone Association
2313	Kingly Partners LLP	644	Marylebone Bangladeshi Society
2267	Kirkwells	1232	Matthew Bennett
2556	Knight Frank	2227	Mayfair Residents Group
304	Knight Frank LLP	2296	McCarthy & Stone
1900	Kongolese Centre for Information and Advice	519	Meanwhile Gardens Playhut
2198	Land Securities Group PLC	1280	Meard and Dean Street
426	Landmark Hotels	2571	Media Officer - Westminster City Council
1616	Langham Estate Management Limited	2402	Member of Parliament
2062	Legal and General Property	2548	Members Services WCC
2102	Leicester Square Association	1549	Mencap
477	LHA London Ltd	2403	Merit Thornton Consultants
1481	Licensed Taxi Drivers Association Ltd	2280	Metropolis
1903	Lighthouse West London	526	Metropolitan Police (Central Traffic Unit)
446	Lisson Green and Church St Arab Association	525	Metropolitan Police Service
453	Loftus Family Property	534	Migrants Resource Centre
1019	London Borough of Hackney		
2474	London Borough of Hammersmith & Fulham		
2475	London Borough of Islington		

1551	Mind - National Association for Mental Health	2310	Paul Kentish & Co
585	Mono Consultants Ltd on behalf of The Mobile Operators Association (MOA)	2318	PC Dalton Planning
1338	Moreton Triangle Residents Association	613	PCCG Licensing Working Party
2076	Mothers' Union	617	Peacock and Smith
1851	Nathaniel Lichfield & Partners	2577	Pegasus Group
2109	National Portrait Gallery	2406	Pilbrow and Partners
2321	Natural England	1609	Pimlico FREDA
2074	Naz Project London	624	Pimlico FREDA
1757	Network Stadium Housing Association	2445	Pimlico Grid Resident Association
2075	New Roots	622	Pimlico Mothers And Childrens Association
1241	New West End Company (NWECC)	628	Pimlico Toy Library
2317	Nicholas Taylor and Associates	2460	Planning Aid for london
1858	Nimax Theatres Ltd	2574	Planning Consultant
1123	North Paddington Society	2404	Planning Consultants
2533	Northbank (BID)	2456	Planning Consultants
1915	Notre Dame de France	2457	Planning Consultants
2563	Notting Hill East neighbourhood forum	2519	Planning Consultants
1081	Octavia Housing	2520	Planning Consultants
44	One Housing Group	2522	Planning Consultants
195	One Support One Housing Group	2521	Planning Consultants
1100	Open Age	2432	Planning Potential Ltd
2497	Operational Director Development Planning (CLT)	1641	Pocket Living
2082	Operational Director for Children's Services	2072	Polish Social and Cultural Centre (POSK)
2496	Operational Director for Street Management (CLT) Interim	1569	Positively UK
2086	Operational Director Premises Management (CLT)	1570	Press for Change
588	Our Lady of the Assumption & St Gregory Church	2308	Preston Bennett
589	Out and About Club	1602	Pride London
2168	Outdoor Media Centre	2506	Private sector and Energy Commissioning Manager
1668	Paddington Academy	648	Pursuing Independent Paths - PIP
592	Paddington BID	2206	Qatari Diar
1305	Paddington Development Trust (PDT)	2188	Quadrant Town Planning Ltd
1131	Paddington Residents Active Concern on Transport (PRACT)	651	Queen's Park Crèche
601	Paddington Waterways & Maida Vale Society	649	Queen's Park Bangladesh Association
1689	Paddington Waterways and Maida Vale Society	656	Queen's Park Estate Society
2350	Paddington Waterways and Maida Vale Society	657	Queen's Park Neighbourhood Forum
605	PAN Westminster	2268	Quod
162	Parents Empowerment Community Association (PECA)	662	Radha Krishna Temple
608	Parkinson's UK	1273	Real Action Ltd
612	Paul Dickinson & Associates	1254	Refuge (Head office)
		668	Reliance Trust Ltd
		1661	Residents of Carlton House Terrace
		670	Residents' Society of Mayfair and St James's
		1332	Richard Coleman City Designer
		2409	Rinsler

1740	RNLI	2190	St James's Conservation Trust
676	Road Haulage Association Ltd	1282	St James's Conservation Area Trust
1074	Rolfe Judd Planning	766	St John's Wood Pre-Preparatory School
2132	Rose Doyle	1126	St John's Wood Society
1922	Royal Air Force Club	1318	St Marylebone Society
1876	Royal Albert Hall	759	St. Andrews Club
2473	Royal Borough of Greenwich	760	St. Christina's School (RC)
2311	Ruth Bloomfield	771	St. Judes Over 50s Club
697	Salvation Army - Edward Alsop Court	776	St. Marylebone Society
701	Sanctuary Housing Association - Dean Abbot House	777	St. Mary's Hospital Estates & Facilities
2316	Sanei Hopkins Architects	782	St. Vincent's Family Project
2217	Savile Row Bespoke	2020	Stanhope Plc
2469	Savills	1628	Stewart Ross Associates (also known as Dev Plan)
2265	Savills	2490	Strategic Director for City Management (SEB)
2270	Savills	2492	Strategic Director for Housing Regeneration and Property (SEB)
2411	Savills (UK) Limited	2299	Strategic PH Advisor
2431	Savills (UK) Limited	2586	Strathmore Estates
2315	Savills (UK) Ltd	2413	Strutt and Parker
199	School's Out!	2414	Strutt and Parker
2562	Scott Brownrigg	2077	Subway Gallery
2510	Senior PH Officer (Workforce Development)	804	Sudanese Supplementary School
2584	Serle Court	810	Sustrans
710	Shaftesbury PLC	813	Tachbrook Nursery School
204	Shanfina Voluntary Organisation	809	Terrence Higgins Trust
2066	Shape Arts	355	The Advocacy Project
2554	Shaw Corporation	251	The Anglo-Egyptian Society
1693	Shire Consulting	1093	The Avenue's Youth Project
2291	Simon Tarrant	2120	The Belgravia Society
2529	Smith Jenkins Town Planning Consultants	823	The Berkeley Group
2289	Snr Practitioner, Air Quality	2255	The British Antique Dealers' Association (BADA)
2307	Soho Estates Ltd	824	The British Hospitality Association
729	Soho Family Centre	1467	The British Land Company
732	Soho Society	1098	The Cara Trust
2561	SohoCreate	826	The Central London Gurdwara
2295	Sotheby's	1082	The Chelsea Society
1127	South East Bayswater Residents Association (SEBRA)	1330	The Church Commissioners
1555	Spinal Injuries Association (SIA)	1002	The Crown Estate
1034	Sport England	261	The Egyptians' UK Association
2543	SSA Planning	2472	The Foreign and Commonwealth Office (FCO)
751	SSAFA Forces Help (Westminster Division)	317	The Garden History Society
1407	SSE Utility Solutions	1325	The Georgian Group
752	St George Central London Limited	1669	The Inland Waterways Association
754	St James Group Ltd	419	The Knightsbridge Association

2379	The Lorenz Consultancy	1588	Victoria Palace Theatre
837	The Portman Estate	1092	Voluntary Action Westminster
1327	The Portman Group	359	WAIT UK
1333	The Roman Catholic Diocese Of Westminster	184	Walsingham Planning
1048	The Royal Parks Agency	878	Wand UK
2257	The Society of London Art Dealers (SLAD)	2532	Warwick Way Residents' Association
839	The Strand, Aldwych and Trafalgar Square Association	2419	Wells Mackereth Architects
1257	The Theatres Trust	2481	West Berkshire Council - (Waste)
840	The Tree Council	896	Westbourne Neighbourhood Association
862	The Twentieth Century Society	1288	Westbourne Neighbourhood Association
1324	The Victorian Society	2566	Westbourne Neighbourhood Forum
217	The Westminster Society for people with learning difficulties (Croxley Project)	185	Westbourne Park Family Centre
2045	The Wigmore Hall Trust	897	Western Charitable Foundation
1921	Thornbury Castle	1665	Westminster Academy
845	Thorney Island Society	2570	Westminster Advice Forum (Citizens Advice Bureau)
2569	Tibbalds Planning and Urban Design Ltd	356	Westminster Advocacy Service for Senior Residents
2245	Tim Carnegie	1482	Westminster Amenity Societies Forum (WASF)
2422	TJR Planning	2071	Westminster Arts
1636	tp bennett LLP	652	Westminster Bangladeshi Association
1008	Transport for London (TfL) - specific contacts	905	Westminster Boating Base
860	Travis Perkins	466	Westminster Islamic Community Centre
861	Trehearne Architects	238	Westminster Learning Disability Partnership
2541	Tri Borough Executive Director of Adult Social Care	2429	Westminster Living Streets
2500	Tri-borough Director of Libraries and Archives	2430	Westminster Living Streets
2491	Tri-Borough Executive Director for Children's Services	556	Westminster Muslim and Bangladeshi Association (WMBA)
1064	Tri-borough Head of Asset Strategy (Children's Services)	1255	Westminster Property Association (WPA)
1594	Turley	1250	Westminster Refugee Consortium
2362	Turley	1321	Westminster Senior Citizens Forum
2312	Turley Associates	1252	Westminster Senior Citizens Forum
2320	Turnberry Consulting	841	Westminster Society
400	Turning Point	505	WhiteKat Collective Trust
2576	UK Screen Association	2528	Wildstone Planning
401	Umoja Pamoja	507	Yaa Asantewaa Arts Centre
1513	University of Westminster	514	YMCA Central London
2537	URS (Acoustic consultants)	940	Young England Kindergarten
1715	Valentine Montagnani	944	Zoroastrian Trust Funds Of Europe (Inc)
1225	Verizon		
1293	Victoria Business Improvement District (BID)		
1750	Victoria Interchange Group		

Appendix 5: Regulation 19 Responses

1. Natural England
2. Katherine Lubar
3. Office of Rail and Road
4. Highways England
5. Katherine Lubar (second response)
6. Historic England
7. Jessica Arah
8. Mayor of London
9. John Shailer
10. St Marylebone Society
11. Thames Water
12. Environment Agency
13. Knightsbridge Association
14. WPA
15. SEBRA
16. Paddington Waterways
17. Michael Salmon
18. Grosvenor
19. John Lyons Charity

Other Responses

1. Natural England (HRA Screening)
2. Cranbrook Basements (Article 4)

Appendix 6: Regulation 18 letter



**From: Councillor Robert Davis DL
Deputy Leader of Westminster City Council
and Cabinet Member for the Built Environment**

**Westminster City Hall, Victoria Street, London SW1E 6QP
020 7641 8574**

Please reply to: Lisa O'Donnell

Direct Line / Voicemail: 020 7641 2503

Fax: 020 7641 3050

Email: planningpolicy@westminster.gov.uk

19th March 2015

Dear Sir/Madam

Revisions to Westminster's City Plan: Strategic Policies

Westminster City Council adopted the Westminster's City Plan: Strategic Policies in November 2013. We are writing to advise you that the City Council is going to make revisions to this document as follows:

1. Basement Revision to Westminster's City Plan
2. Vacant Building Credit Revision to Westminster's City Plan
3. Mixed Use Revision to Westminster's City Plan
4. Special Policy Areas and Policies Map Revision to Westminster's City Plan
5. Energy Revision to Westminster's City Plan
6. Full Revision to Westminster's City Plan
7. Waste Revision to Westminster's City Plan

This notice is being made in accordance with Regulation 18 of the Town and Country Planning (Local Planning)(England) Regulations 2012.

Once the first six revisions have been made, the new document will be the Local Plan for Westminster and will replace all current policies in the Unitary Development Plan. Although we are notifying you of these revisions together, they will be progressed separately to ensure there are no unnecessary delays.

We are inviting you to let us know what you would like to see in these revisions. What do you think these revisions should contain?

Detailed information about each revision is set out in Westminster's Local Development Scheme which can be viewed at www.westminster.gov.uk/local-development-scheme . However the revisions are briefly summarised as follows:

Basement Revision - Insertion of new detailed basement policy into Westminster's City Plan: Strategic Policies for managing basement developments and for use in determining these planning applications

Vacant Building Credit Revision - New definition of vacancy and policy for the application of the vacant building credit within Westminster

Special Policy Areas and Policies Map Revision - A) Strategic designation of the Mayfair Special Policy Area and inclusion of this area in City Plan Policy S2, for art galleries and antiques traders. B) Insertion of detailed policies into Westminster's City Plan: Strategic Policies for managing the following Special Policy Areas: Harley Street (to replace UDP Policy SOC5), Portland Place (to replace UDP Policies COM6 and COM7), East Marylebone (to replace UDP Policy COM12), Savile Row, St James's and Mayfair. C) Make minor boundary alterations to the adopted 'Westminster City Plan: Strategic Policies' Policies Map to address some minor errors in the current boundaries. The OS base map is updated periodically and this has created minor anomalies in the boundaries, for example where a City Plan designation boundary does not follow the actual site boundary on the base map.

Mixed Use Revision to Westminster's City Plan - New policy including revision to the adopted Strategic Policy in Westminster's City Plan: Strategic Policies for managing office development including proposals involving the loss of office floorspace and office to residential conversion/redevelopment, and delivering mixed use

Energy Revision - Insertion of new detailed energy policy into Westminster's City Plan: Strategic Policies for delivering energy efficiency, on-site and local energy solutions and the cost of carbon for where required energy targets cannot be achieved.

Full City Plan Revision - To set out criteria against which planning applications covering all of the policy areas set out in the topic-based booklets subject to informal consultation Oct 2013 to Mar 2015 not covered by the revisions set out in 1 to 5 above to: A) Provide greater detail to those policies in the City Plan and ensure the development accords with the objectives set out in the City Plan. B) Revise to the adopted Westminster City Plan: Strategic Policies as appropriate.

This revision will replace all remaining Unitary Development Plan policies. Once this revision is adopted, the Unitary Development Plan, adopted Jan 2007, will no longer form part of the statutory development plan for Westminster.

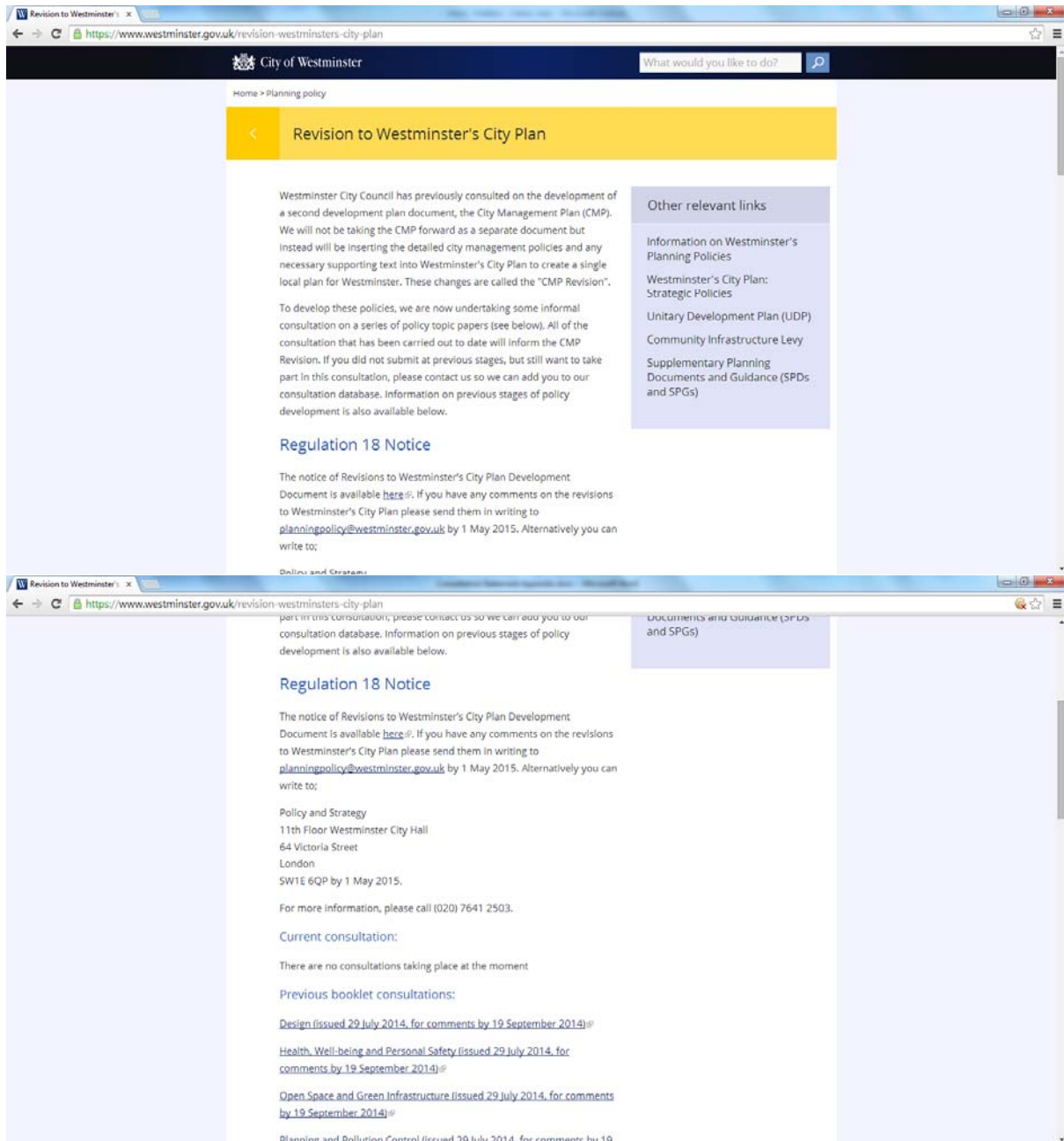
Waste Revision - To be developed alongside, and build upon, revisions to Westminster's Municipal Waste Management Strategy, and connect contractual obligations with waste planning and capacity provision within Westminster. The Waste Revision will secure any new waste sites that have been identified, and will also set out any joint working arrangements with other London Boroughs.

If you have any comments on the revisions to Westminster's City Plan please send them in writing by the **1st May 2015**. For more information, please call (020) 7641 2503. You can also find further information on the City Council's website at www.westminster.gov.uk/revision-westminsters-city-plan .



Councillor Robert Davis DL
Deputy Leader of Westminster City Council
Cabinet Member for Built Environment

Appendix 7: Webpages for Regulation 18



Appendix 8: Regulation 18 responses

- 1 Natural England
- 2 Highways Agency
- 3 Office for Rail Regulation
- 4 Marine Management Organisation
- 5 British Land
- 6 Royal Borough of Kensington and Chelsea
- 7 BBC
- 8 Criterion Capital
- 9 Historic England
- 10 Heart of London Business Alliance
- 11 Covent Garden Area Trust

Appendix 9 - Responses to Regulation 19

Consultation responses to the Basement Revision

1	Cranbrook Basements
2	Grosvenor
3	Highways England
4	Environment Agency
5	Historic England
6	Jessica Arah
7	John Lyons Charity
8	John Shailer
9	Katherine Lubar
10	Knightsbridge Association
11	Mayor of London
12	Michael Salmon
13	Natural England
14	Office of Rail and Road
15	Paddington Waterways
16	SEBRA
17	St Marylebone Society
18	Thames Valley Team, Natural England
19	Thames Water
20	WPA

Dear Sir / Madam,

I wish to register an objection to the proposed Article 4 direction in relation to Basements.

We do not support the blanket removal of permitted development rights and we consider that the introduction of an Article 4 Direction that takes basements out of permitted development is an unnecessary infringement of the house owner's right.

The NPPF states in paragraph 200 that "the use of Article 4 directions to remove national permitted development rights should be limited to situations where this is necessary to protect local amenity or the wellbeing of the area (this could include the use of Article 4 directions to require planning permission for the demolition of local facilities). Similarly, planning conditions should not be used to restrict national permitted development rights unless there is clear justification to do so." We do not consider that the local amenity and wellbeing of the area would be compromised throughout the entire Borough in order to justify the Article 4 Direction.

The proposed Basement SPD has only just been introduced which clarifies what can be built under permitted development. The Article 4 direction adds another cost to the Council when a planning application is required because permitted development rights have been removed, no fee is payable. This means the full cost of assessing applications must be carried by the Council. The full cost should include the cost of producing all of the documents that form the planning application if the basement could normally be constructed through permitted development, including Construction Method Statement, Subterranean Structural Method Statement and Construction Management.

Kind regards

Robert Walker BA(hons) MSc

Senior Architectural Designer
For and on behalf of Cranbrook Basements



GROSVENOR

09 September 2015

CIL Consultation
Policy, Performance and Strategy
19th Floor, City Hall
Westminster City Council
64 Victoria Street
London, SW1E 6QP

Our ref: |

Dear Barry

We welcome the opportunity to comment upon the latest revision of the basement policy - albeit it is slightly unfortunate that the consultation period has spanned the whole of the summer holiday period which may well have limited the number of responses that you might otherwise have received.

Grosvenor has commented on previous basement policy revisions and the comments made in those previous representations still stand. We therefore welcome the latest draft - subject to the specific comments below and also to the over-arching comment that an opportunity seems to have been missed to create a basement policy that could have been aligned more directly to those of the City's neighbours in the Royal Borough of Kensington & Chelsea, particularly as it applies to listed buildings.

The problems associated with the increasing number and scale of subterranean developments, especially those under existing residential buildings, is well documented within the consultation responses and as the associated maps show, this affects certain areas of the City, such as Belgravia, more than others.

It is because of the disproportionate impact that large scale basement developments can have upon the amenity of neighbours within dense residential communities, and upon the fragile fabric of listed and historic buildings, that we believe that the City Council's policies in respect of subterranean development under historic buildings should be more restrictive. Where however there is good access to the site, where it is a redevelopment rather than underpinning an existing building and particularly where it is within a commercial area, we support the WPA in their representations that deeper basements may be appropriate. In all cases the terms of the Construction Management Plan are crucial.

In terms of the document itself, we have the following comments:

1. Extent of excavation under the garden. This should be qualified so that it refers to the extent of the original garden before any extensions were made to the original building. Where there is a small courtyard, and it would be helpful to have a definition of both 'small' and 'large', it may be appropriate to allow an excavation under its entirety and not to insist upon the 1200mm soil cover, provided that there is some form of SUDs incorporated.



2. Where the lowest original floor level is already below street level and for listed buildings where there is historic fabric above, we do not believe that any further excavation below that

historic fabric should be encouraged. It may however be possible to carry out some excavations away from the historic fabric.

3. If the proposed policy is to be adopted, it would be helpful to have some guidance on how the hierarchy of a listed building, and its significance, is to be assessed. This could be based upon the listed status of the building (building of merit, grade II, II* or grade I), the internal integrity of the building and/or the size of the extension in relation to the overall floor area of the building.

4. In addition to engineers being CARE accredited, it is important that the contractors undertaking the subterranean works are also accredited. The Association of Structural Underpinning Contractors (ASUC) may be an appropriate body.

It may also be helpful to applicants to set out within the guide a list of the various consents, in addition to planning, that may be required. Such consents could include listed building consent, party wall awards, building regulation approval, landlord's consent and for those properties that are situated on an estate that is covered by an estate management scheme approved under S19 of the Leasehold Reform Act 1967 (which would include Grosvenor's Mayfair & Belgravia estates), the consent of the scheme manager.

Please contact me should you wish to discuss these comments in any further detail.

Yours sincerely

Nigel Hughes BSc FRICS
The Estate Surveyor
Grosvenor Britain & Ireland
Direct Line
Mobile
Email [redacted]

For the attention of: Lisa Fairmaner

Consultation: Westminster's Basements Revision to the City Plan

Dear Lisa,

Thank you for your correspondence dated 20 July 2015 inviting Highways England to be involved in the above consultation process.

Please note that as from the 1 April 2015, the Highways Agency is now Highways England. Please amend any references in the document(s) accordingly.

Highways England has been appointed by the Secretary of State for Transport as strategic highway company under the provisions of the Infrastructure Act 2015 and is the highway authority, traffic authority and street authority for the strategic road network (SRN). The SRN is a critical national asset and as such Highways England works to ensure that it operates and is managed in the public interest, both in respect of current activities and needs as well as in providing effective stewardship of its long-term operation and integrity.

We have reviewed and have no comments on this occasion.

Thank you again for consulting with Highways England and we look forward to working with London's local authorities.

Sent on behalf of Stephen Hall (Asset Manager) at Highways England.

Many thanks

Anup Shrestha, Admin Officer
Web: www.highwaysengland.co.uk



Lisa Fairmaner
Westminster City Council

Our ref: [REDACTED]

By email:
Planningpolicy@westminster.gov.uk

Date: 8 September 2015

Dear Lisa

Revision to Westminster's City Plan
1.Publication Draft Mixed Use Revision
2.Publication Draft Basement Revision

Thank you for consulting us on the above application. We have no comments to make on the mixed use revision aspects of the revision.

The only comment we have to make in respect of the basement policy is that page 7 states that the Environment Agency classes basements as highly vulnerable. We have noted in previous consultations that when reviewing applications for basements we would consider a self contained basement as one without internal access to upper floors above the breach level and therefore highly vulnerable. Basements with access to upper floors above the breach level would be considered more vulnerable.

If you have any queries on the above comments please do not hesitate to contact me on the details below.

Yours sincerely

Mrs Jane Wilkin
Planning Advisor

Telephone:
E-mail:
Based at:

[REDACTED]



City Planning Delivery Unit
Westminster City Council

Our ref:

By e-mail: planningpolicy@westminster.gov.uk

14 August 2015

Dear Sir/Madam

City of Westminster – City Plan Basement Revision (Regulation 19 consultation) July 2015

and Article 4 Direction for basements

Thank you for consulting Historic England on the draft City Plan Basement Revision and the associated Article 4 Direction. As the Government's adviser on the historic environment, and a statutory consultee in the context of Strategic Environmental Assessment (SEA), Historic England is keen to ensure that the conservation and enhancement of the historic environment is fully taken into account at all stages and levels of the Local Plan process.

Accordingly, in consultation with the Greater London Archaeological Advice Service (GLAAS) we have reviewed this consultation in the context of the National Planning Policy Framework (NPPF) and its core principle that heritage assets be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of this and future generations. Having done this, Historic England advises that:

City Plan Basement Revision

Historic England welcomes the clear references in this proposed policy to heritage assets (points 3b and 9). Specifically we are pleased that the document makes specific reference to the potential impact of basement developments on listed buildings, and to archaeology. This should help applicants address these issues at an early stage in the development planning process.

Nevertheless, as the two are different issues we would suggest that you split the paragraph on heritage (currently pp.7-8) into two. This is important with regard to archaeology as the excavation of a basement normally necessarily involves the destruction of archaeological remains within its footprint. Therefore it would be helpful if the reasoned justification were to make reference to the Archaeological Priority Areas within the City of Westminster, cross referencing where these can be found. You could also direct applicants in need of further advice to the GLAAS team ([link](#)).



In regard to listed buildings we are pleased that consideration of the impact of basements on the hierarchy of listed buildings is clearly expressed. You may also wish to make reference to likely impacts on the historic fabric, as some construction methods involve the total destruction of the original foundations when the building is underpinned and a new floor slab is cast.

While not heritage related, we are concerned that the intelligibility of part 1 a) and b) of the policy may undermine the overall effectiveness of the policy. This is because these clauses are very difficult to understand, and may encourage people submitting applications that the City Council would find unacceptable. In addition to providing clearer wording, we would ask you to consider whether more detailed guidance could be provided in the Policy Application section, including, potentially illustrations to illustrate what the Council considered acceptable.

Article 4 Direction for basements

Considering the proposed basement policy discussed above, Historic England notes that this Article 4 Direction could have particular advantages for the assessment and management of Westminster's archaeological resource.

Conclusion

Historic England welcomes the City Council's proposed basement policy, which should help manage the impacts of this type of work on the historic environment.

Finally, it must be noted that this advice is based on the information provided by you and for the avoidance of doubt does not reflect our obligation to advise you on, and potentially object to, any specific development proposal which may subsequently relate to this policy or Article 4 Direction and which may have adverse effects on the environment.

Yours sincerely

David English
Historic Places Adviser - London

Hello

I would like to register my support of the proposed measures to curb basement developments in Westminster but I still feel the proposed changes do not adequately address the enormous problems of noise, vibration, dirt and damage to property suffered by the neighbours of the developers while these works are being carried out.

For those with young children, the elderly and those who work at home (as I do) or are unwell (such as my daughter, who has had to take a year off university because of illness), living next to a building site with unmonitored and unregulated noise for two years or more can be a living nightmare and can destroy physical health and mental wellbeing as well as livelihoods.

Not only basement developments but all significant redevelopments need to be covered by more stringent building control and noise regulations and this should be taken into consideration when planning applications are considered.

Sincerely

Jessica Arah

Policy and Strategy
19th Floor
Westminster City Hall
64 Victoria Street
London
SW1E 6QP

9 September 2015

Dear Sirs

Basement Revision – Publication Draft (Regulation 19) Revision to Westminster City’s Plan: Strategic Policies

We are writing on behalf of John Lyon’s Charity and wish to advise that they will not be making any representation with respect to the basement revision publication. They have asked us to confirm their support for the proposals.

Yours faithfully,

 **Richard Lodge**
Partner
Cluttons LLP

T:
E:
M:
u2

cc: A J F Stebbings, Esq Chief Executive, John Lyon’s Charity

I would like to comment on Westminster Council's proposals for Basement Developments. In particular..

I do NOT think it is appropriate to develop residential basements under listed buildings

I do NOT think it is appropriate to allow basement development under a single property which is part of a larger single structure such as a terrace. The risk to neighbouring properties is too great.

Thank you

John Shailer

Dear Madam/Sir,

I wanted to write in with some comments regarding your plans to update the Basement Excavation guidelines.

I live on street with a number of building works going on, and also behind another street (Northumberland Place) with even more building works. These all cause a great deal of problems for those living nearby, such as loud noise - esp being woken up by loud drilling, vibrations, etc. There is also a huge amount of dust every day, which is not good for the plants and gardens in the vicinity. Because of all this disruption, I feel that the rules need to change for the times that builders can do certain types of work. I feel strongly that anything noisy, such as drilling, should only be allowed between 9.30-6 during the week and 11-5 on Saturdays. Any earlier than that risks waking people up who have a later schedule than the builders (which is most people).

I also think that basement excavations should be banned for buildings in listed areas, such as our street (Sutherland Place). It is dangerous for the foundations, and many of these buildings haven't got very strong or thick walls. My building has developed cracks because of all the building works going on nearby, and I know other people along our street have had the same problem.

I am also concerned with the recent spate of roof conversions - replacing roofs with mansard roofs. I have been told that these are not even the kind of roofs that the original buildings had (they had butterfly roofs, apparently) and they pose a risk because of the heavier weight of the lead that other types of roofs, and this can affect the load-bearing walls. There is also much disruption, noise and dust involved.

Please amend your regulations, with consideration of how the people living in the area are affected. My partner and I have even considered leaving the area, as it is so unpleasant to live among constant building works, even though I have lived here for almost 20 years and it would be a shame to leave my community.

I would be interested in taking part in any further consultations regarding these issues.

Kind regards,
Katherine Lubar

Dear Planning Department,

I would like to make some comments about the proposed revisions to the Mixed Use policy and Basement excavation policy.

In terms of basement excavations and story additions, I don't think that this should be allowed for listed buildings. Our street (Sutherland Place) has very old houses - from the early 1850s and all the building works in the area are causing cracks and structural problems.

For building works that are allowed, I feel that the working hours allowed need to change. They shouldn't start any noisy works (ie drilling) before 9.30am during the week and 12pm on Saturdays (if Saturdays should be allowed at all, which is debatable). Many people in the area either work from home, have a disability, are retired, or work different shifts from a regular 9-5 workday, which means that loud drilling noises are extremely disturbing to many residents. The laws that stipulated allowed working hours were devised before the advent of electric drills and other loud machinery. Therefore, I feel the hours need to change, based on what is best for the local community. Saturday morning used to be a good time for builders to work as most people were out doing their shopping; whereas now, most people try to catch up on their sleep from the week on Saturday mornings and do their shopping in the afternoon, or on Sundays.

There should be penalties for building sites that cause disturbing noise, and especially is this is early in the morning.

In regards to your mixed use policy amendment, I wholeheartedly agree that there needs to be an improvement in the mix of types of properties, as there are too many property developers building more luxury flats than other, more needed buildings. I don't think that buildings should be allowed to change usage unless there is a compelling reason for this. And Westminster needs to make sure that there are enough commercial premises, so as to serve the residents in an area. Where I live, in Bayswater, there are less and less useful shops than there used to be, so this needs to be addressed as well. On Westbourne Grove, there are now too many fancy furniture shops and restaurants and not enough basic food shops or other useful amenities for residents.

In terms of housing, there should be a law that says for every new housing development, there needs to be a certain percentage (25%?) of affordable housing built. Although at the moment it seems there too many residential properties and not enough commercial/community ones.

The other issue I wanted to mention was that many fine artists are being forced out of their studios in the city, as their studio buildings get turned into apartments by property developers. This is unethical as well as bad for the city, as artists bring a richness to London, even though they don't necessarily bring profits. Because so much of the property market is profit-driven, Westminster needs to make sure that artists as well as other non-profit types of activities are encouraged to thrive. It would be really helpful if Westminster provided subsidised buildings for artist studios like they do in other major cities, such as Berlin. Most artists are being priced out of London and the ones in London are barely surviving, and many aren't even able to rent studios anymore.

The ability for property developers to change the usage of buildings is part of the problem. A certain amount of buildings in the city need to be designated as fine artist studios, so that this doesn't continue to happen.

I'd be interested to be kept updated about this consultation.

Thank you for letting me share my views.

Kind regards,

Katherine Lubar

Basement Revision to the City Plan Consultation

This e-mail consultation response on the Basement Revision to the City Plan Consultation is made on behalf of Knightsbridge Association.

The Association overlaps both WCC and RBKC and therefore we are in a unique position to make a firsthand comparison of the two Councils' policies. We would like the following to be taken in to account

50% of gardens. WCC talks of 50% of 'curtilage', RBKC of 'garden or open part of the site'. We assume that they are the same thing but it isn't crystal clear.

Number of basement levels. We read the two plans as using different words to mean the same thing. If your house was built with a basement you can have one extra level underneath it but if a basement was added subsequent to the original construction, you can't. Is this correct?

Listed buildings. RBKC bans basements under listed buildings. WCC says you mustn't 'damage heritage assets' and you must not 'unbalance the [listed] building's hierarchy of spaces, where this contributes to significance'. This is not a ban and we would expect many listed buildings to be allowed basements under this policy. We would point out that WCC have long stopped people making lateral conversions across terrace houses on the basis that it would mess up the 'hierarchy of spaces'. What makes basements any more acceptable?

Impact on the highway during construction.

Highways licences.

The greatest nuisance caused by the development of basements is the disruption during the building period. The prime means of controlling this is the license given to builders permitting them to occupy the highway with their various excavation systems, skips, materials, vehicles etc. Where a planning permission has been given, it is not possible, as we understand the law, for a local authority to refuse a highway license outright. On the other hand all kinds of restrictions and conditions can and should be imposed in order that the street functions as well as possible during the building operations. For example, Trevor Place is a street of some 45 houses of which 34 were built in the first half of the 19th Century. For example since the beginning of 2010 a dozen of these houses have had basements created, or are in the process of building work to create a garden extension of the basement or have applied for basement work to be carried out. It has not been unusual for half a dozen of them to be worked on simultaneously. The disruption caused is not difficult to imagine.

The failure to coordinate and regulate these works is in our view a failure of the local authority to carry out its duties under the Highway Acts. Councils have ample powers; builders must receive consent before using skips or scaffolding or before storing materials or rubbish on the street or before using the street as a workplace. Consent can be refused if a proposed structure would cause an unreasonable obstruction of the highway. In addition the Highways Acts contain provisions for charging for such uses of the street or for charging if the agreed period for a licence is overrun. It is anomalous that these powers to make charges are not used when charges are made for other uses of the highway such as parking and street vending.

We recommend that:

- a) **Local authorities should delay licences in places where a licence or licences have already been issued and further works would create unreasonable obstruction to the normal functioning of the street.**
- b) **Local authorities should devise charging schemes, which would provide an incentive to minimise the time that the works take. In particular, skips and other builders' licenses should be charged by the day like a parking meter.**

The issuing of highway licences is a fairly obscure corner of local authority regulation rarely the subject of the political or public scrutiny that the planning application process receives, with its consultations, public committees and appeal processes. In a dense urban environment the highway licensing system is, however, crucial to the ability of those neighbouring a building site to continue their ordinary existence reasonably undisturbed. This is especially true in the streets of terrace houses with which we are primarily concerned.

Neither authority has taken up these ideas and we have never seen evidence that the KA's proposals misunderstand the powers available. It has always seemed to us essential to be able to control the *timing* of construction. One basement building site in your street may be tolerable; two or three are not.

WCC and developers should address the impacts of developments on ground water, including underground streams, and the capacity of clean and dirty wastewater infrastructure explicitly. There are many underground streams in London and our drainage network has finite not infinite capacity.

We are concerned about the so-called comfort derived from the duty of care owed by the engineer who prepares a structural engineer's report for the developer. These typically allege or confirm that the proposed double basement does not pose a particular risk. Many WCC case officer reports cite this assurance to the Committee on basement applications. The reliance on the duty of care is entirely misplaced. The engineers are commissioned by the applicant to prepare a report to assist the applicant in getting planning permission. The engineer owes his or her duties ONLY to the client and not to WCC or any adjoining property owners. While the engineer is a professional and must exercise professional judgement, it will do so in the context of the brief he/she is given - in these cases the brief is to assist in getting planning permission rather than to carry out a fully objective assessment of the risk associated with extensive underground excavations in a fully built up area. If the engineer is wrong and damage is caused to surrounding properties, neither those owners nor WCC will have any right of recourse against the engineer. Permission is being granted for basement excavations all too frequently on the basis of engineer's reports which are very limited in scope and responsibility. We would like WCC to require the structural engineer's report to include an express duty to WCC and the adjoining owners as well as the developers.

Yours sincerely,

Edward Davies-Gilbert.

Chairman of the Planning and Conservation Committee.

GREATER LONDON AUTHORITY
Development, Enterprise and Environment

Lisa O'Donnell

City Planning
11th Floor
Westminster City Council
Westminster City Hall
64 Victoria Street
London SW1E 6QP

Our ref: L
Date: 26 August 2015

Dear Ms O'Donnell,

**Planning and Compulsory Purchase Act 2004 (as amended);
Greater London Authority Acts 1999 and 2007; Town and Country Planning
(Local Development) (England) Regulations 2012**

**Re: Consultation on Basement Revision to Westminster's City Plan: Strategic
Policies: Publication Draft (Regulation 19 and Regulation 21); and Mixed
Use Revision to Westminster's City Plan: Strategic Policies: Publication Draft
(Regulation 19 and Regulation 21)**

Thank you for consulting the Mayor of London on the proposed revisions to Westminster's City Plan listed above. As you are aware, all development plan documents have to be in general conformity with the London Plan under section 24 (1)(b) of the Planning and Compulsory Purchase Act 2004. In this instance the Mayor has delegated authority to me to respond and his representations are set out below.

On 06 March 2015 the Mayor provided initial comments on the Booklet 18 (Mixed Use and Office to Residential Conversions) reference LDF33/LDD35/EK/02. The Council has responded positively to a number of matters raised as part of that process. It is my opinion that the publication draft documents for the Basement Revision and the Mixed Use Revision are in general conformity with the London Plan. However, there are some strategic policy concerns which I set out below along with representations to clarify and improve policy areas.

Basement Revision

The Council's approach to basement development is supported. The policy would benefit from further guidance on the thresholds for 'large' and 'small' sites and how a developer or owner can determine the original use of the building. Diagrams would be useful to illustrate the policy set out in criteria 1.

Criteria 4 and 5 which seek to protect gardens and trees are in line with London Plan policies 3.5 and 7.21. The Mayor has a target to increase tree cover by a further 5 percent by 2025. This is in part to help address urban heat island effect and climate change adaptation in line with London Plan policies 5.9 and 5.10.

In addition to encouraging energy efficient ventilation policy CM28.1 should encourage energy efficient lighting, and natural lighting where possible and appropriate.

It would be useful to note the specific role of SUDs to reduce the peak rate of run-off as well as other potential combined benefits such as improved biodiversity and urban greening.

It would be beneficial to extend the protection of the amenity of neighbours to the occupation stage, encouraging developers to consider the location of pumps and fans that may be required to ventilate a basement so as not to create noise nuisance.

In regard to transport issues, policy text should be amended to recognise the different approaches adopted in regard to borough roads and the Transport for London Road Network (TLRN). Further detail on this issue is provided in Appendix 1.

Mixed Use Revision

Policy S1 Mixed Use in the Central Activities Zone

Policy S1 sets out a policy cascade for determining the appropriate way that a relevant development should provide residential floorspace. Part C iii. of the policy requires the residential floorspace to be provided in off-site within the CAZ. It states ‘...The housing provided must be greater and of a higher quality than would be possible under i. or ii. above.’ The Council should clarify in the plan what ‘*greater and of a higher quality*’ means in practice for this policy requirement.

As highlighted in my representation of the 6 March 2015, part D ii. of Policy S1 could further erode the supply of small office space in Westminster contrary to the intention of London Plan Policy 4.3Bc by incentivising the change of use of offices in building originally built as residential. Former residential building can provide a valuable supply of lower cost office accommodation due to their suboptimal layout for office use. It is appreciated that it may not be practical to require on-site provision of commercial floorspace for the change of office use in former houses to residential use. However, requiring offsite provision of commercial floorspace or use of a mixed use credit would be practical, and it would level the policy requirements for the change of use of offices that are in different building typologies.

The final paragraph of Policy S1 (copied below) provides a choice of options for meeting the requirement to provide commercial and /or social and community floorspace.

‘The commercial and/or social and community floorspace can be provided on-site, offsite 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.’

The likely default option for an applicant will be to make a payment in lieu to the Council’s Civic Enterprise Fund rather than provide floorspace on or offsite. The fund assists in the creation of new ventures that support economic development in Westminster. However, on-site and offsite commercial and/or social and community floorspace will better meet the objective of the policy to maintain a broad mix of uses in the CAZ than a payment to the fund which may be used outside the CAZ. Thus the policy options should be presented as a cascade similarly to part C, with the preferred option being on-site provision, then offsite, then a draw down of mixed use credits, and finally where none of these options are practical by an appropriate payment in lieu to the City Council’s Civic Enterprise Fund.

The diagram in the Policy Application section of Policy S1 is useful for explaining a complex policy. However, it would be helpful to show examples for the development of existing mix use buildings and office buildings.

Policy S6 Core Central Activity Zone

The third bullet point of Policy S6 states:

‘Within the West End Stress Area, new entertainment uses will only be allowed where the council considers that they are small-scale, low-impact and they will not result in an increased concentration of late-night uses.’

This policy is overly restrictive and anti-competitive given that the introduction of a single new late-night use in the area would result in an increase in concentration, and thus would be restricted by the policy. As stated in my earlier representations (Ref LDF33/LDD35/EK/02) on the West End Booklet, the area is a strategic location for night-time as well as evening uses. To support London’s night-time economy there will be a 24 hour tube service over weekends from September 2015. The West End will be at the centre of the new ‘night tube’ network, which will bring a greater demand for, and opportunities to provide, an increased supply of night-time entertainment destinations in the West End.

It is understood that the Council intends to revise its policy approach to the West End in the near future. Westminster’s Local Plan should recognise the regional and national importance of night-time uses (10pm to 6am¹) in the West End, and plan positively to support these uses, particularly for the strategic clusters of night-time uses around Soho/Leicester Square/Covent Garden in accordance with London Plan Policies 2.11 Ae and 4.6.

The mixed use approach to the Millbank Strategic Cultural Area is welcome, particularly the references to including affordable business floorspace, workshops and studios.

The reference to the importance of art galleries in Mayfair and St James’s and the growth of men’s fashion retail in paragraph 4.20 is welcomed as these both are areas that the Mayor’s Culture Strategy has identified as a priorities.

Policy S18 Commercial Development

The change in policy approach to make commercial and other non-residential activities the priority use in the Core Centre Activities Zone in response to Council’s monitoring evidence base is supported.

Policy S20 Offices and Other B1 Floorspace

The policy sets a target of providing additional floorspace capacity for 58,000 new jobs between 2016/17 and 2036/37. The basis of this target is explained in footnote vii on page 26. The policy should clarify that the target is for office jobs so it is not confused with the total new jobs target set in Policy S18. In addition it would aid clarity if the footnote referenced which figures have been used from the London Office Policy Review 2012 Update for calculating the target.

¹ For the purposes of transport planning TfL have used 10pm as the beginning of the night-time, continuing through to the beginning of operations the following morning (5/6am). Source: TfL 90993 – Impact of the Night Tube on London’s Night-Time Economy Report September 2014, paragraph 4.3.

The end of the first paragraph in the reasoned justification for Policy S20 states:

‘Losses of office to other commercial or social and community uses are acceptable as they likewise contribute to the commercial activity in the area.’

Other commercial uses could include hotel use. The Council is reminded that hotel uses are not appropriate everywhere in the CAZ. London Plan Policy 4.5 London’s Visitor Infrastructure part C states:

‘...within the CAZ strategically important hotel provision should be focussed on its opportunity areas, with smaller scale provision in CAZ fringe locations with good public transport. Further intensification of provision in areas of existing concentration should be resisted, except where this will not compromise local amenity or the balance of local land use’

Appendix 4: Windfall Development

The second paragraph on page 36 and the following table states that small schemes of less than 10 units make up about 44% of additional residential units completed in Westminster. The Council should check its calculations are correct as the total number of <10 unit schemes is shown in the table as 3,283, and total number of all conventional housing units is given as 10,051. Thus the <10 unit schemes make up 33% of additional residential units completed in Westminster rather than 44%.

If you would like to discuss any of my representations in more detail, please contact Elliot Kemp (()) who will be happy to discuss and arrange a meeting.

Yours sincerely,

Stewart Murray

Assistant Director – Planning

cc Kit Malthouse, London Assembly Constituency Member
Nicky Gavron, Chair of London Assembly Planning Committee
National Planning Casework Unit, DCLG
Alex Williams, TfL

Appendix 1: Transport for London comments for Proposed Basement Planning Policy

Policy	Original Text	Proposed Text (new / additional text in red)	Reason
<p>CM28.1</p>	<p>Basement development to existing residential buildings or buildings originally built for residential purposes will:</p> <p>1.b) leave a margin of undeveloped garden land proportionate to the scale of development around the entire site boundary with the exception of one elevation adjacent to the public highway where the basement may extend beneath the public highway provided it satisfies the requirements set out in paragraph 10 below.</p> <p>....</p> <p>10. where constructing new basement development under the adjacent highway;</p> <p>a) retain a minimum vertical depth below the footway or carriageway of 900mm; and</p> <p>b) not encroach more than 1.8m under any part of the adjacent highway.</p> <p>11. where extending or strengthening/improvement works to existing basements horizontally under the highway;</p> <p>a) maintain the existing depth below the footway or carriageway to ensure no loss of existing cover level above a vault; and</p>	<p>Basement development to existing residential buildings or buildings originally built for residential purposes will:</p> <p>1.b) leave a margin of undeveloped garden land proportionate to the scale of development around the entire site boundary with the exception of one elevation adjacent to the public highway where the basement may extend beneath the public highway (other than where the highway forms part of the Transport for London Road Network [TLRN]) provided it satisfies the requirements set out in paragraph 10 below.</p> <p>....</p> <p>10. where constructing new basement development under the adjacent (non-TLRN) highway;</p> <p>a) retain a minimum vertical depth below the footway or carriageway of 900mm; and</p> <p>b) not encroach more than 1.8m under any part of the adjacent highway.</p> <p>11. where extending or strengthening/improvement works to existing basements horizontally under the highway;</p> <p>a) maintain the existing depth below the footway or carriageway to ensure no loss of existing cover level above a vault; and</p> <p>b) not be permitted where the existing basement already extends 1.8m or more under the highway.</p> <p>Applicants will demonstrate that they have taken into account the site-specific ground conditions, drainage and water</p>	<p>To recognise the different approaches adopted in regard to borough roads and the TLRN, and the separate routes to gaining consent for work affecting those highways, or infrastructure.</p> <p>TfL do not support new non (TfL / transport) operational excavation / development beneath the TLRN and the policy needs to clearly relay that.</p>

	<p>b) not be permitted where the existing basement already extends 1.8m or more under the highway.</p> <p>Applicants will demonstrate that they have taken into account the site-specific ground conditions, drainage and water environment(s) in the area of the development and that the basement development will:</p> <ol style="list-style-type: none"> 1. safeguard structural stability of the existing building, nearby buildings and other infrastructure; 2. not increase or otherwise exacerbate flood risk on the site or beyond; and 3. be constructed so as to minimise the impact on neighbouring uses; the amenity of those living or working in the area; and on users of the highway. <p>All applications will be accompanied by a detailed structural methodology statement and appropriate self-certification by a suitably qualified engineer with separate flood risk assessment where required</p>	<p>environment(s) in the area of the development and that the basement development will:</p> <ol style="list-style-type: none"> 1. safeguard structural stability of the existing building, nearby buildings and other infrastructure including the highway and railway lines / tunnels; 2. not increase or otherwise exacerbate flood risk on the site or beyond; and 3. be constructed so as to minimise the impact on neighbouring uses; the amenity of those living or working in the area; and on users of the highway. <p>All applications will be accompanied by a detailed structural methodology statement and appropriate self-certification by a suitably qualified engineer with separate flood risk assessment where required.</p> <p>Applications adjacent to or affecting the Transport for London Road Network (TLRN) or public transport infrastructure shall have regard to advice available at www.tfl.gov.uk. Development on land within the land identified for Crossrail 2 Safeguarding shall be subject to consultation with TfL as defined in the Safeguarding Directions (2015), for which further advice is available at http://crossrail2.co.uk/.</p>	
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Consultation Statement – Publication Drafts (Regulation 19) – Strategic Policies & Basement Revision.

Thank you for sending me the booklets on the above subjects.

I wish to make the following comment.

At the moment property developers in Westminster work a five and a half day week. This means that for half of Saturday local residents have to put up with all the disturbance involved in major building development. This includes drilling and all the inconvenience involved when large vans move into narrow streets such as Melina Place NW8, where I live. It also means that certain residential parking spaces are not allowed to be used while building work is going on. Although banksmen control delivery van movements so that local residents suffer minimum inconvenience, inevitably there is interference with residents' normal life. In Melina Place, residents parking places are barred to residents on Saturdays from 8 am to 1 pm.

I am therefore suggesting that for future developments in residential areas The Council should only allow developers to work from Monday to Friday inclusive allowing residents to enjoy week-ends free from what they have suffer from Monday to Friday.

Yours faithfully,

Michael Salmon

Date:
Our ref:
Your ref: Westminster's City Plan



Ms L Fairmaner
Westminster City Hall
Victoria Street
London
SW1E 6QP

BY EMAIL ONLY

planningpolicy@westminster.gov.uk

Dear Ms Fairmaner,

Basement Revision to Westminster's City Plan: Publication Draft

Thank you for your consultation on the above dated 16 July 2015 which was received by Natural England on the same day.

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

Natural England does not consider that this Basement Revision poses any likely risk or opportunity in relation to our statutory purpose, and so does not wish to comment on this consultation.

The lack of comment from Natural England should not be interpreted as a statement that there are no impacts on the natural environment. Other bodies and individuals may wish to make comments that might help the Local Planning Authority (LPA) to fully take account of any environmental risks and opportunities relating to this document.

If you disagree with our assessment of this proposal as low risk, or should the proposal be amended in a way which significantly affects its impact on the natural environment, then in accordance with Section 4 of the Natural Environment and Rural Communities Act 2006, please consult Natural England again.

We really value your feedback to help us improve the service we offer. We have attached a feedback form to this letter and welcome any comments you might have about our service.

Yours sincerely,

Victoria Kirkham
Consultations Team

Dear Sir/Madam

Thanks for your e-mail of 16.7.15 in regard to the proposed revision to Westminster's City Plan: the "Basement Revision" Consultation.

We have reviewed your proposals and can confirm that the ORR has no comment to make on this particular document.

For future reference ORR only requires to be consulted if the minerals & waste plan, transport plan, planning application, core strategy etc mentions or impacts on the mainline railway, tramway or London Underground network.

Kind regards

A Harrison
Planning Executive

In addition to the excellent letter from SEBRA, Paddington Waterways would add one point, based on local (bad) experience:

It would be good if any future WCC policy could clearly include a requirement for ground water flows to be evaluated, at the expense of the applicant and taken into consideration before significant deep and extensive basements were approved.

Elizabeth Virgo

**SEBRA COMMENTS ON REVISION OF BASEMENT POLICY
(FOR 9 SEPT 2015)**

We welcome this long overdue strengthening of policy. However, we suggest the following improvements.

5.16

The first two paragraphs relate to all buildings. The transition after the second paragraph to setting out a new policy, which relates only to residential buildings, is rather abrupt. It is not clear whether or not policy on non-residential buildings will change. (Apparently not, unless they adjoin residential properties, see page 5.)

New policy CM28.1

- a. The new policy is proposed to be accompanied by an Article 4 Direction that all proposals for basements beneath residential buildings will require planning permission, and that the present permitted development rules no longer apply. Should its wording not say this explicitly, so that the document is self-contained? As now drafted, one has to wait until two pages later to get this idea (when encountering the words 'Applications' and 'All applicants', in the first two full paragraphs of page 5).
- b. The way in which the policy relates to listed buildings needs more emphasis and should be brought forward from policy points 9 and 3 (b). More importantly, on the substance, we believe that, initially, the City Council should go for a much more stringent policy such as that which we understand is proposed by RB&KC – no new basements at all beneath listed buildings. We believe it is an open question at present whether or not the Inspector looking at the RB&KC code will accept this policy. If so, why draw back at the outset from this more stringent position?
5. (See third paragraph on page 6 about trees '.. the council will usually requirement their replacement ..'.) In the unusual case of no replacement, we suggest instead a stipulation of a financial contribution towards planting trees elsewhere in the public realm.
8. Refers to light-wells, skylights etc, in the design context. We suggest a new sub-policy to the effect, that subject to good design, basements should be naturally lit so far as possible.
10. '.. adjacent highway' Is it clear that 'highway' includes the footway (pavement), if indeed it does? Point (a) overleaf, in referring to 'footway or carriageway', implies that it does, but clarification is needed. In general, we believe that no basement should extend beneath the carriageway.

A furthe new sub-policy.

The construction of basements in narrow streets and in mews has caused much damage to the road surfaces there, especially where cobbled. We think that the policy should say explicitly that full reinstatement is the responsibility of the applicant and add that the Construction Management Plan should include a condition survey, before and after, by a qualified person, at the applicant's expense.

Page 5, paragraph beginning 'a construction management plan'.

The Code of Construction Practice is about to be revised, possibly (we do not yet know) imposing charges. Insert the date of its issue or the word 'revised'?

Page 6

What are SUDs? Spell this out?

Pages 8-9, construction.

See comments above requesting a new policy including condition surveys of road surfaces, before and after.

John Walton

President, SEBRA

9 September 2015

Dear Sir/ Madam

the St Marylebone Society strongly supports the proposed revisions to Westminster City Council's basement Policy.

kind regards

C.Poole

for the St Marylebone Society
(Planning subcommittee)

Publication Draft Basement Revision to Westminster's City Plan: Strategic Policies Basement Revision
Integrated Impact Assessment Basement Revision Consultation Statement Basement Revision
Supporting Information

Dear Ms Fairmaner,

Thank you for your correspondence in respect of the Habitats Regulations Assessment (HRA) Screening for the Publication Draft Mixed Use Revision and Basement Revision to Westminster's City Plan, this is much appreciated.

Having taken a look at the Habitats Regulations Screening as submitted for this revision to the Westminster City Plan the only comments Natural England would wish to make would be as follows. Given the search area for the HRA was 10km it would have made sense to also include and consider the Lee Valley SPA and Ramsar site which does fall well within 10km of the borough boundary. Additionally the "Essex Thames Estuaries SPA" is an incorrect naming of the site(s). The Thames Estuary & Marshes SPA and Essex Estuaries SAC appear to have been combined when these are two different Natura 2000 sites.

Other than the above points the conclusion that no further assessment is required doesn't cause an issue for Natural England.

I trust that this is sufficient for your purposes, and thank you again for keeping Natural England advised as to the progress of the Mixed Use Revision and Basement Revision to Westminster's City Plan.

Regards,

Piotr Behnke
Adviser
Sustainable Development and Regulation
Thames Valley Team



Thames Water Property Services

Sent by email to:
ldf@westminster.gov.uk

Name Chris Colloff
Phone
E-Mail

08 September 2015

WESTMINSTER CITY COUNCIL - PUBLICATION DRAFT (REGULATION 19) REVISION TO WESTMINSTER'S CITY PLAN: STRATEGIC POLICIES. BASEMENT REVISION TO WESTMINSTER'S CITY PLAN

Thank you for consulting Thames Water Utilities Limited (Thames Water) regarding the above mentioned document. Thames Water is the statutory sewerage undertaker and statutory water undertaker for Westminster City and we strongly welcome the proposed basement policy.

Thames Water's main concerns with regard to subterranean development are:

- 1) The scale of urbanisation throughout London is impacting on the ability of rainwater to soak into the ground resulting in more rainfall in Thames Water's sewerage network in periods of heavy rain. New development needs to be controlled to prevent an increase in surface water discharges into the sewerage network.
- 2) By virtue of their low lying nature, basements are vulnerable to many types of flooding and in particular sewer flooding. This can be from surcharging of larger trunk sewers, but it can also be a result from operational issues with smaller sewers, such as sewer blockages.

Specific Comments

Additional text is proposed in section 2.35 stating that *'Care is also needed to ensure that the cumulative impact of development (particularly basements) does not lead to increased incidence of surface water or other flooding.'*

Thames Water support the aim to prevent increased flooding, however, it is also important to ensure that new basement developments are protected from potential sources of flooding. As such it is considered that the following text should be added to the end of section 2.35:

'and to ensure that the developments are protected from flooding risks such as sewer flooding.'

It is noted that no changes are proposed to Policy CM28.1 over the wording previously consulted on. In previous responses to consultations regarding a proposed basement policy reference has been made to the use of pumped sewage systems to protect basements from sewer flooding.

In order to ensure that new basement development is protected against sewer flooding it is considered that Policy CM28.1 should be revised to include a requirement for a positive pumped device to be fitted. A similar approach has recently been adopted in the basement policy within the Royal Borough of Kensington and Chelsea Local Plan (Policy CL7). It is proposed that the following additional requirement should be added to Policy CM28.1:

"12. be protected from sewer flooding through the installation of a suitable pumped device."

The following supporting text could also be added:

"Given their nature, basements are more susceptible to flooding, both from surface water and sewage, than conventional extensions. Fitting basements with a 'positive pumped device' (or equivalent reflecting technological advances) will ensure that they are protected from sewer flooding. Fitting only a 'non return valve' is not acceptable as this is not effective in directing the flow of sewage away from the building."

We trust the above is satisfactory, but please do not hesitate to contact Thames Water if you have any queries.

Yours faithfully,

Mark Mathews
Town Planning Manager
Thames Water Property Services

B Smith Esq
Policy and Strategy
19th Floor Westminster City Hall
64 Victoria Street
London SW1E 6QP

X September 2015

Dear Barry

Westminster Core Strategy Regulation 19 Consultation – Basements Revision

I write on behalf of the Westminster Property Association to submit our response to the Basements City Plan revision, on which the City Council is currently formally consulting. I enclose a copy of our current membership list for your information.

WPA recognises the growing concern within Westminster regarding the proliferation of large basement extensions below existing residential properties and their gardens. WPA does not object to the principle of introducing additional controls and guidance on basement excavation for existing residential properties.

It is, however, important to ensure that policy on basement development does not preclude the creation of basements on larger commercial / residential developments, especially within the CAZ and in areas that are predominantly commercial/mixed use in character. Basement accommodation can be extremely useful in accommodating plant, cycle parking and car parking (for residential proposals); ensuring that more efficient use is made of space above ground; avoiding dead frontage and reducing the amount of roof-top plant.

WPA therefore suggests that the final paragraph of Policy CM28.1 is replaced as follows:

“Basements within new-build commercial and major residential developments within the CAZ will not usually be restricted.

Where new commercial or major residential developments are adjacent to residential properties, applicants may be required to demonstrate how the potential adverse amenity effects listed at 1-3, above, will be mitigated.”

WPA also suggests that the reference, at Policy CM28.1(1)(a) to “site curtilage” is amended to “site boundary” as this is a term that is more widely understood.

If it would be helpful to discuss the content of this letter further, please do contact me.

Yours sincerely

Charles Begley
WPA Executive Director



City of Westminster

Westminster City Hall, 64 Victoria Street, London SW1E 6QP
Planning policy helpline: 020 7641 2503
www.westminster.gov.uk/revision-westminsters-city-plan

Integrated Impact Assessment

Submission Draft (Regulation 22) Basement Revision



Non-Technical Summary

This Integrated Impact Assessment (IIA) report documents the assessment of the predicted social, environmental, economic, health and wellbeing, crime and disorder and equalities effects of the Basement Revision to Westminster's City Plan. It is intended to identify the nature and importance of these effects, and the need for any additional measures to mitigate them, to help ensure the City Council takes a properly informed decision on the proposed Revision.

The IIA fulfils the requirement for a Sustainability Appraisal (SA) and Strategic Environmental Assessment (SEA). It also provides the basis for the council to demonstrate that it has considered the equalities impacts of its decisions as a step in meeting the Public Sector Equalities Duty imposed by section 149 of the Equality Act 2010. The IIA also considers crime and disorder matters in accordance with The Crime and Disorder Act 1998 (as amended by the Police and Justice Act 2006) and again will provide the basis for the council to demonstrate it has met its duties under this legislation. Although not a statutory requirement, a Health Impact Assessment has also been included in this IIA as a matter of good practice. This is intended to help ensure that so far as possible, policies actively promote health gain for the local population, reduce health inequalities and do not actively damage health. This is particularly important in light of the Health and Social Care Act 2012 which transferred statutory responsibility for public health to local authorities.

The integrated approach avoids the need to undertake and report on separate assessments, seeks to reduce any duplication of assessment work and benefits from a shared understanding of the policies across the different cross-cutting issues assessed and a more comprehensive approach.

The IIA is part of a process intended to show how sustainability and other cross-cutting issues have been taken into account by the City Council in drawing the policy up and taking it through the legal process for formal adoption.

What is the Basement Revision to Westminster's City Plan?

This is the first of seven separate revisions to Westminster's City Plan:

1. Basement Revision to Westminster's City Plan
2. Vacant Building Credit Revision to Westminster's City Plan

3. Special Policy Areas and Policies Map Revision to Westminster's City Plan
4. Mixed Use Revision to Westminster's City Plan
5. Energy Revision to Westminster's City Plan
6. Revision to Westminster's City Plan (all remaining policies except waste)
7. Waste Revision to Westminster's City Plan

However, it should be noted that the first 5 revisions may emerge in a different order than set out above.

How was the Basements Revision to Westminster's City Plan Assessed?

The assessment of the Basements Revision to Westminster's City Plan has been undertaken using an objectives-led approach. The IIA objectives (shown below) have been informed by the baseline evidence, the consideration of key sustainability issues for Westminster and the review of plans and programmes. It has built on objectives identified within previous IIAs. Each objective is supported by a series of guide questions (see Table 2). All of this information was set out in the IIA Scoping Report prepared to support revision of Westminster's City Plan, which was consulted on between 17 June and 30 July 2014 and can be viewed [here](#).

IIA Objectives

1. To create cohesive, inclusive and safe communities
2. To reduce crime and the fear of crime
3. To ensure provision of appropriate housing types to reduce homelessness, reduce overcrowded households and meet the demand for affordable housing and family sized units
4. To promote and improve health and wellbeing
5. To reduce greenhouse gas emissions and support climate change adaption
6. To reduce the use of limited natural resources e.g; water, fossil fuels, quarried materials, wood
7. To reduce flood risk, promote sustainable urban drainage, protect surface and groundwater quality

8. To protect, enhance and create environments that encourage and support biodiversity
9. To improve Air Quality
10. To reduce noise and the impact of noise
11. To reduce the need to travel, the use of private motorised vehicular transport as well as encourage walking, cycling and the use of public transport
12. To reduce waste production and increase recycling, recovery and re-use of waste
13. To conserve and enhance the historic environment and architectural, archaeological and cultural heritage
14. To enhance public realm and street improvements
15. To protect, enhance and seek opportunities to increase open space
16. To ensure equality of opportunities, and support sustainable economic growth throughout Westminster
17. To maintain economic diversity and support sustainable economic growth

In this report, the Basement Revision to Westminster's City Plan has been assessed against these 17 objectives and given a positive, neutral or negative score with a commentary.

The IIA process has run alongside developing the basement policy. As well as assessing the policy itself, the legislation and associated guidance requires the assessment of reasonable alternatives to the policy being proposed by the City Council. These alternatives have been informed by previous informal and formal consultation exercises carried out as part of policy development as follows:

- [City Management Plan Policy Options January 2011](#)
- [City Management Plan Consultation Draft November 2011](#)
- [Basements Booklet No. 3 LDF Consultation October 2013](#)
- [Publication Draft \(Regulation 19\) Basement Revision](#)

In addition, comments received in response to consultation, which can themselves be considered to be reasonable alternatives, have also been assessed.

The issue

Westminster's high land values and limited opportunities for larger scale redevelopment in turn has led to greater pressure for extensions to existing buildings. In recent years basement development has become increasingly popular in Westminster.

Year	Permitted Applications	Refused Applications	Total
2010-2011	64	26	90
2011-2012	142	23	165
2012-2013	121	18	139
2013-2014	123	19	142
Total	450	86	536

These have been approved all over the City, but with particular concentrations in residential areas like Belgravia, Knightsbridge, Bayswater, St. John's Wood and the West End. Basements can be a discreet way of providing additional accommodation in places where there is limited scope for ground level extension. They can also have significant direct and indirect effects on buildings, gardens and neighbourhoods as well as raising the potential for wider sustainability issues. Surface level light wells, roof lights, railings, steps and plant associated with basement developments can spoil the appearance of a building and its surroundings. Impacts on trees and planting in gardens may cause lasting damage to gardens and the contribution they make to the distinctiveness of residential neighbourhoods. Different ground conditions across the City mean that consideration has to be given to overcome flooding and land stability risks. There is also a need to manage the impacts development of this kind can have on neighbours' amenity, to minimise waste and to ensure the safety and welfare of those who will eventually occupy new basement development. These concerns apply both to the direct impacts of basement developments and to the cumulative effects when a number take place in a particular area.

The City Council has brought forward a proposed planning policy to deal specifically with basement developments across Westminster. This proposed policy contributes to the council's City for All programme and responds to concerns raised by residents. The proposed policy will provide clarity for decision making and manage basement development across the city.

The Basement Revision to Westminster's City Plan

Policy CM28.1 Basement Development

- A) Basement development to existing residential buildings or buildings originally built for residential purposes will:
1. a) not extend beneath more than 50% of the ~~garden land 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.

b) leave a margin of undeveloped garden land proportionate to the scale of development around the entire site boundary with the exception of one elevation adjacent to the public highway (**other than where the highway forms part of the Transport for London Road Network [TLRN]**) where the basement may extend beneath the public highway provided it satisfies the requirements set out in paragraph 10 below.
 2. provide a minimum of 1m soil depth (plus minimum 200mm drainage layer) and adequate overall soil volume above the top cover of the basement;
 3. not involve the excavation of more than one storey below the lowest original floor level, unless the following exceptional circumstances have been demonstrated;
 - a) that the proposal relates to a large site with high levels of accessibility such that it can be constructed and used without adverse impact on neighbouring uses or the amenity of neighbouring occupiers; and
 - b) that no heritage assets will be adversely affected;
 4. provide a satisfactory landscaping scheme, incorporating soft landscaping, planting and permeable surfacing as appropriate;
 5. not result in the loss of trees of townscape, ecological or amenity value and, where trees are affected, provide an arboricultural report setting out in particular the steps to be taken to protect existing trees;

6. use the most energy efficient means of ventilation, **and lighting**, involving the lowest carbon emissions. Wherever practicable natural ventilation **and lighting** should be used where habitable accommodation is being provided;
 7. incorporate sustainable urban drainage measures **to reduce peak rate of run-off** or any other mitigation measures recommended in the structural statement or flood risk assessment;
 8. protect the character and appearance of the existing building, garden setting or the surrounding area, ensuring lightwells, plant, vents, skylights and means of escape are sensitively designed and discreetly located; and
 9. protect heritage assets, ~~safeguarding significant archaeological deposits~~ and in the case of listed buildings, not unbalance the buildings' original hierarchy of spaces, where this contributes to significance;
 10. **safeguard significant archaeological deposits;**
 11. where constructing new basement development under the adjacent **(nonTLRN)** highway;
 - a) retain a minimum vertical depth below the footway or carriageway of 900mm; and
 - b) not encroach more than 1.8m under any part of the adjacent highway.
 12. where extending or strengthening/improvement works to existing basements horizontally under the highway;
 - a) maintain the existing depth below the footway or carriageway to ensure no loss of existing cover level above a vault; and
 - b) not be permitted where the existing basement already extends 1.8m or more under the highway.
 13. **be protected from sewer flooding through the installation of a suitable pumped device.**
- B)** Applicants will demonstrate that they have taken into account the site-specific ground conditions, drainage and water environment(s) in the area of the development and that the basement development will:

1. safeguard structural stability of the existing building, nearby buildings and other infrastructure **including the highway and railway lines/tunnels;**
2. not increase or otherwise exacerbate flood risk on the site or beyond; and
3. be **designed and** constructed so as to minimise the impact **at design and occupation stages** on neighbouring uses; the amenity of those living or working in the area; and on users of the highway.
4. ~~All applications will~~ be accompanied by
 - a) a detailed structural methodology statement and appropriate self-certification by a suitably qualified engineer with separate flood risk assessment where required. In cases where the council considers there is a high potential risk that the development will have significant impacts on the matters covered by this policy or where work will affect a particularly significant and/or sensitive heritage asset, the council will have reports independently assessed at the applicant's expense.
 - b) A construction management plan ~~will be provided to~~ which demonstrates adherence to the relevant parts of the council's Code of Construction Practice and awareness of the need to comply with other public and private law requirements governing development of this kind.
- C) Non-residential development adjoining residential properties and new build residential incorporating basements will also be subject to the criteria set out above where there is potential for similar impact on those adjoining properties.

Policy S29 Health, Safety and Well-being

Development should ensure that the need to secure a healthy and safe environment is addressed, including minimising opportunities for crime, including the risk of terrorism, and addressing any specific risks to health or safety from the local environment or conditions. Developments should also maximise opportunities to contribute to health and well-being, including supporting opportunities for improved life chances and healthier lifestyle choices.

The council will resist proposals that result in an unacceptable material loss of residential amenity and developments should aim to improve the residential environment.

All new housing, and where possible refurbishment of existing housing, will provide a well-designed, high quality living environment, both internally and externally in relation to the site layout and neighbourhood.

The development of major infrastructure projects and where appropriate, other projects with significant local impacts will need to mitigate, avoid or remedy environmental and local impacts, both in construction and operation.

Highlighted in red bold are minor modifications which have been made in response to comments received at Regulation 19 consultation stage.

What were the key findings of the IIA?

Reasonable Alternatives

The City Council's experience has been that existing policies, which are not tailored to the particular issues raised by basement developments, are less effective as a basis for taking planning decisions on proposals of this kind than a dedicated policy would be. This gives rise to concerns that without a detailed policy approach there is a potential for detrimental sustainability outcomes for social, environmental and in some cases, economic objectives. Basement developments raise a number of potentially complex impacts, and some of the planning issues involved in responding to them can also be complicated. These factors in turn mean that a comprehensive and detailed approach is likely to be required in applying the planning system to deal with any negative outcomes.

Of the options considered, the proposed alternative (NP CMP 28.7 in Appendix 6) is the most detailed and positive in terms of Basement Development. It allows for a range of basement development in all parts of Westminster while seeking to identify and mitigate its adverse impacts and so ensuring high quality, sustainable development. Reasonable Alternative AO2 (also in Appendix 6) is the most positive alternative for the additional text to Policy S29 Health Safety and Well-Being.

Basement Revision to Westminster's City Plan

Appendix 5 of this report contains the detailed assessments of the Basement Revision to Westminster's City Plan. The assessments are for the new policy CM 28.1 Basement Development and supporting additional text in existing adopted policy S29 Health Safety

and Well-Being, which includes the requirement for construction to be managed through the Code of Construction Practice.

The overall assessment of CM 28.1 is positive in terms of the main objectives and for the sub-criteria. There are positive scores for sub-criteria in objectives 1, 3, 4, 7, 8, 9, 12, 13, 15, 16 and 17 with objectives 10 having positive scores for all sub-criteria objectives. There are no negative scores resulting from the policy.

The policy is most likely to have long term cumulative positive effects. This is likely to result in a positive impact, in particular, in relation to groundwater flooding, improvements to the landscape and character of open space and biodiversity. The proposed policy specifically mentions flooding, that basement development *will incorporate sustainable urban drainage measures or any other mitigation measures recommended in the structural statement or flood risk assessment*. Sustainable urban drainage systems (SUDS) are considered to be most effective in terms of addressing or mitigating surface water flooding, which is particularly important in the Surface Water 'hotspot' areas. Noise and disturbance during basement construction is of particular concern to Westminster residents and would be mitigated by this policy approach. All of these factors may in turn have a long term positive impact on health and wellbeing.

This policy may have a positive short term effect on some forms of flooding where historic river courses or underground infrastructure (including drains and sewers) are identified in any hydrological assessment. The reduction in construction waste is likely to be immediate but have a long term and cumulative impact on waste reduction in Westminster. The positive impact on conserving heritage sites and archaeological features will be immediate but again this has positive implications for the long term. Employment opportunities are likely to be short term.

There are no negative impacts resulting from this draft policy.

The additional wording in Policy S29 has been included to support Policy CM 28.1 given the extended construction phase which greatly increases vehicle movements and noise and vibration which can impact on residential amenity. The overall assessment of this policy is neutral in terms of the main objectives. There are no negative scores resulting from the policy and four positive scores in the sub-criteria for Objectives 1, 4 and 10; with the most significant positive impact on noise.

Changes to the Plan as a result of the IIA

As a result of the IIA and following discussions when drafting the Regulation 19 Basement Revision to Westminster's City Plan a requirement for SUDS or any other mitigation measures recommended in the structural statement or flood risk assessment has been included in the policy.

How will any effects be monitored?

The effects of this policy will be included in our Authority's Monitoring Report.

What are the next steps?

This IIA accompanies the Basement Revision to Westminster's City Plan submission draft. It is part of the supporting document submitted to the Secretary of State and will form part of the examination documents. Consultation responses are summarised in the consultation statement which also accompanies the basement revision as a support document.

The revision will be considered by an Inspector appointed by the Secretary of State. They will report to the council and ultimately the revision will be adopted. At this stage it will gain full weight for determination of planning applications as part of Westminster local plan.

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Appendices

Appendix 1 - Sustainability Process in relation to Local Plan Preparation

Appendix 2 - SEA Directive Requirements and how these have been addressed

Appendix 3 - Consultation Comments and City Council Responses on the IIA Scoping Report
June 2014

Appendix 4 - Relevant Plans, Programmes and Strategies – Updated Scoping Report version

Appendix 5 - IIA Detailed Appraisals for the Basement Revision to Westminster’s City Plan

Appendix 6 - Reasonable Alternatives

1. Introduction

Integrated Impact Assessment

- 1.1 This IIA report presents the findings of the Integrated Impact Assessment (IIA) of the Basements Revision to Westminster’s City Plan against the 17 objectives in the IIA Assessment Framework (set out in detail in Table 2) which has been prepared to assess the proposed revision to Westminster’s City Plan. The report also considers the potential effects of a number of reasonable alternatives to the Basements Revision. Table 1 below shows the various stages in the preparation of this IIA (this is based on the five stages of the SA preparation process set out in A Practical Guide to the Strategic Environmental Assessment Directive (ODPM 2005). This report has been prepared as Stage C of the IIA for the Basements Revision to Westminster’s City Plan. Appendix 1 of this report illustrates the development of the sustainability process in relation to the development plan process and Appendix 2 sets out the SEA Directive requirements checklist and how these have been covered in this report and in the [Scoping Report](#) June 2014.
- 1.2 Westminster’s City Plan will be revised in seven tranches, each taking the formal status of a separate revision to the Plan (this is explained in more detail in Chapter3). There will, therefore, be seven separate IIA reports dealing with the impacts of each of these sets of proposals (although they will inform each other and draw on a common evidence base) and one final IIA Report which will include a comprehensive overview and pick up policies that have been partly changed. The indices to be used for monitoring basement development (Stage E) will be included in this report and the relevant monitoring indices included in the subsequent IIA reports; however a comprehensive post adoption statement will only be published once all the IIA Reports have been finished and the process concluded.

Table 1- Stages of the Integrated Impact Assessment (IIA)

Stage A Setting the context and objectives, establishing the baseline and deciding on the scope Assemble the evidence base to inform the IIA and establish a framework for undertaking the appraisal (in the form of sustainability	Scoping Report – June 2014
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objectives).	
<p>Stage B</p> <p>Developing and refining alternatives and assessing effects</p> <p>Appraise the plan objectives and policies against the IIA Assessment Framework taking into account the evidence base. Propose mitigation measures for alleviating the plan's adverse effects as well as indicators for monitoring the plan's sustainability.</p>	Appraisal Framework Assessment
<p>Stage C</p> <p>Prepare the report</p> <p>Prepare an Integrated Impact Assessment Report documenting the appraisal process and findings.</p>	IIA Report
<p>Stage D</p> <p>Seek representations on the sustainability appraisal report from consultation bodies and the public</p> <p>This stage has been completed and this document will now be a supporting document for the basement revision to be submitted to the Secretary of State.</p>	IIA Report Consultation.
<p>Stage E</p> <p>Post adoption reporting and monitoring</p> <p>Prepare and publish post adoption statement and monitor the significant sustainability effects of implementing the plan.</p>	Authority's Monitoring Report (AMR) and Post Adoption Statement.

The Requirement for Sustainability Appraisal (SA) and Strategic Environmental Assessment (SEA)

1.3 This IIA fulfils the requirement for a Sustainability Appraisal (SA) and Strategic Environmental Assessment (SEA), which is the requirement of the Strategic Environmental Assessment Directive EC/2001/42 (SEA Directive). By taking an integrated approach it also enables the council to show how it has met a range of other statutory requirements:

- By considering equalities impacts for decisions it provides the council with the basis for, and evidence of, meeting the public sector equalities duty under section 149 of the Equality Act 2010.
- By considering crime and disorder matters, it provides the basis for, and evidence of, how the council has met the requirements of the Crime and Disorder Act 1998 (Amended by the Police and Justice Act 2006) to consider community safety implications of the policy.
- Although not the subject of a statutory requirement, a Health Impact Assessment has also been included in this IIA, as a matter of good practice. This is intended to ensure that so far as possible, policies actively promote health gain for the local population, reduce health inequalities and do not actively damage health. This is particularly important in light of the Health and Social Care Act 2012 which transferred statutory responsibility for public health to local authorities.

The integrated approach avoids the need to undertake and report on separate assessments, enables a comprehensive approach to cross-cutting issues and seeks to reduce any duplication of assessment work and benefits from a shared understanding of the policies.

Consultation on this IIA Report

1.4 This IIA Report was issued for public consultation on **Thursday 16th July to Wednesday 9th September 2015**. In addition to seeking views from statutory consultees this report was made available to all organisations/individuals on the planning policy database. There were no responses to the IIA. However, there was one comment in relation to Habitats Regulations Assessment Screening from Natural England. They noted that two sites had been incorrectly named and one had been omitted. This issue has now been

resolved and a revised Habitats Regulation Assessment Screening Report produced.
Natural England has confirmed that they are satisfied

Major positive	++
Minor positive	+
Neutral	0
Minor negative	-
Major negative	--

2. Scoping Report Update

- 2.1 The first stage of the IIA process (Stage A in Table 1) involved gathering evidence regarding the sustainability baseline and context for Westminster. This evidence was used to develop a set of sustainability objectives, which make up the sustainability framework to be used to assess the sustainability of the revisions to the City Plan. This information was set out in the IIA Scoping Report which was consulted on between 17 June and 30 July 2014 can be viewed [here](#).

Response to Consultation

- 2.2 In response to the IIA Scoping Report consultation three letters were received from Natural England, The Environment Agency and English Heritage. These comments and the City Council's response are set out in Appendix 3 of this report. The majority of the comments received concern matters that were already included in the Scoping Report. However, in response to comments from English Heritage, IIA Assessment Framework Objective 13 has been altered to better reflect the wording of national policy set out in the Government's National Planning Policy Framework (NPPF). In response to comments made by the Environment Agency's comments about the need to ensure that the IIA takes account of the European Union Water Framework Directive an additional sub-criterion question has been added to Objective 8 as follows: *Will it improve the water environment including quality?* Finally, additional documents have been included in the list of other relevant local plans/policies and strategies and information as a result of responses.

Updates to other relevant local plans/policies and strategies

- 2.3 Appendix 4 of this report is an updated list of relevant local plans/policies and strategies, originally contained in Chapter 4 of the Scoping report June 2014, to include documents suggested by consultees and updates of those most relevant to basement development. This includes Basement Development in Westminster SPD (October 2014) Westminster City Council and Westminster City Council Residential Basements Report (2013) Alan Baxter Associates.

Update of Corporate Vision

- 2.4 Since writing the Scoping report the city council's corporate vision has been updated. *Better City, Better Lives Year 2*, March 2014 has been replaced with *A City for All* (April 2015). The ambitions in *A City for All* are as follows:

City of Aspiration – We are enabling all our communities to share in the economic prosperity of our City by being ambitious and enterprising in the way we work.

City of Choice – We are being collaborative in the way we work to create a City of Choice where residents, businesses and visitors can make responsible decisions for themselves, their families and their neighbourhoods

City of Heritage – We are being productive in protecting and enhancing Westminster’s unique heritage so that *every* neighbourhood is a great place to live, work and visit, both now and in the future.

2.5 As with *Better City, Better Lives, A City for All* ambitions cross cut the objectives in the IIA Framework. However it is possible to align the closest matches as follows:

- **City of Aspiration** – IIA Framework objectives 3, 16 and 17
- **City of Choice** – IIA Framework objectives 1 and 4
- **City of Heritage** – IIA Framework objectives 2, 4 11, 13 and 15

The City of Heritage ambition specifically refers to the Basements Revision to Westminster’s City Plan.

Baseline Information

2.6 The collection of baseline information is a key component of the SA process and a legal requirement under the SEA Directive. Baseline data and contextual information help to provide a basis for identifying relevant sustainability issues and for predicting, assessing and monitoring effects. The baseline information to inform assessment of the revision of the City Plan was set out in the Scoping Report. All of this information has been drawn on in preparation of this report, which should be read in conjunction with the Scoping Report. However, the following section provides an update with information particularly relevant to basement development and the proposed policy.

Construction Management

2.7 On an average day, more than 600 building projects are under way in Westminsterⁱ

- 2.8 In a survey 36% of residents reported having been bothered by noise from building and construction. This is much higher than in other parts of the country; 19% considered this type of noise to be the most annoying type of noise (compared to 3% nationally).ⁱⁱ
- 2.9 Waste produced in London is forecast to rise to approximately 34 million tonnes by 2031. There are no figures currently available for Westminster, the London Planⁱⁱⁱ states that construction, excavation and demolition waste accounted for 7.2m tonnes, 48% of all waste in 2012. Although re-use and recycling rates for construction, excavation and demolition waste in London are already high – estimated at 82% for 2008, Policy 5.16 of the London Plan^{iv} sets a target of 95% for recycling and reuse of construction, excavation and demolition waste, by 2020.

Ground Water

- 2.10 Parts of Westminster have been categorised by the Environment Agency as being sensitive locations for ground water because they are located within source protection zones 1,2 or 3 and or located over principle or secondary aquifers. These are shown on Map 1 (overleaf).

Hidden Rivers

- 2.11 There are a number of hidden rivers and associated tributaries in Westminster, shown in Map 2.

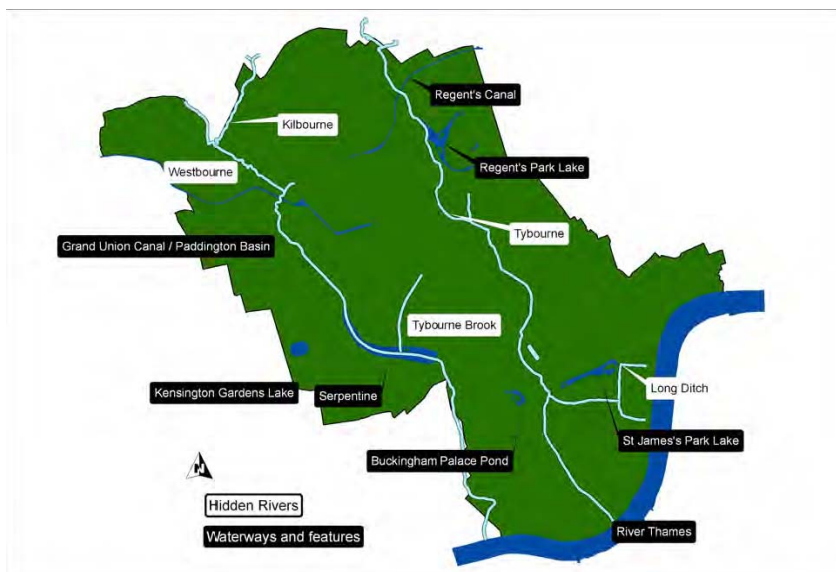
Surface Water

- 2.12 In addition to tidal flood risk, there are a number of areas throughout Westminster identified as being at greater risk of surface water flooding. During 2013/14, modelling was undertaken to identify those locations most at risk. Fifteen 'hotspot' areas have been identified which are at highest risk^v and these are shown on Map 3.

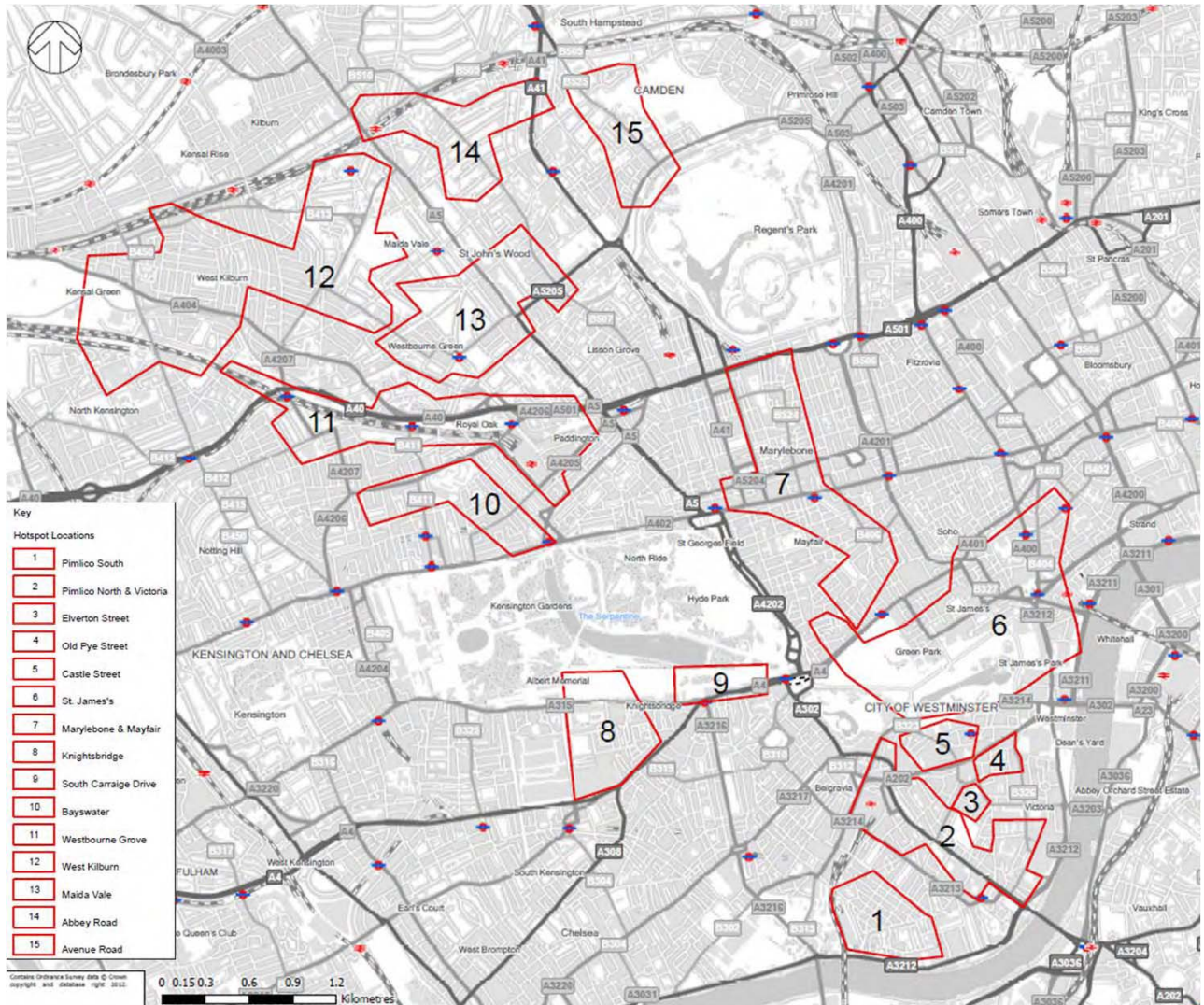
Map 1 Ground Water Source Protection Zones^{vi}



Map 2 Hidden Rivers



Map 3 Surface Flood Water Risk Hotspots



Green Space

2.13 It is estimated^{vii} that private domestic gardens comprise some 38% of all Westminster's green space

Biodiversity

- 2.14 Map 4 shows Biodiversity Action Plan Habitats and Sites of Importance for Nature Conservation in Westminster. Map 5 shows those parts of the City where the presence of Protected and Priority Species has been recorded.

Map 4

Biodiversity Action Plan Habitats and Sites of Importance for Nature Conservation
December 2014

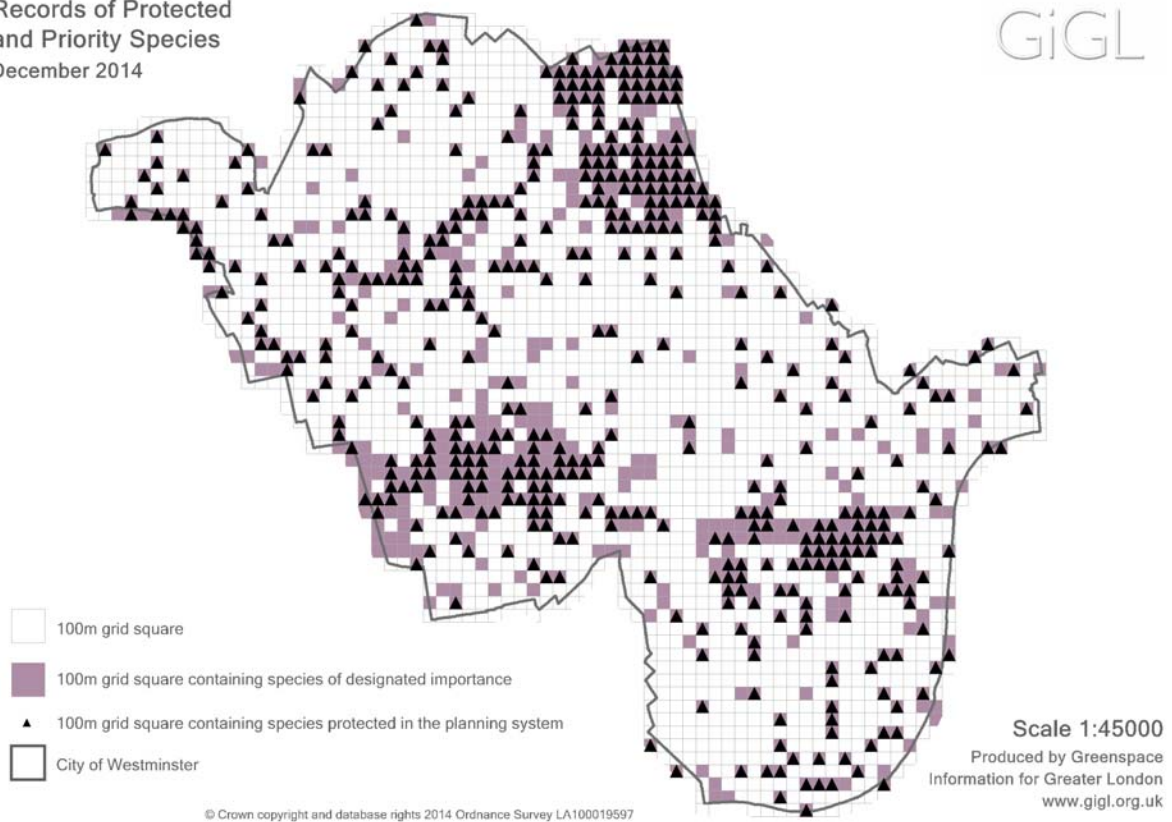
GiGL



Map 5

Records of Protected
and Priority Species
December 2014

GiGL



Likely Future Conditions

- 2.15 In recent years basement excavation to provide residential extensions has become an increasingly popular form of development in Westminster. There is currently no specific planning policy to deal with this matter, which has meant that in those cases where planning permission for development of this kind is required, policies prepared with surface-level development in mind have had to be applied. Without a specifically-devised policy in place, likely future conditions may include the loss of trees and other soft landscaping and green corridors because of basement developments of inappropriate scale and depth (particularly below back gardens) which may increase flood risk and impact on biodiversity. Experience has shown that excavation in a densely developed urban environment can often be a major engineering challenge with substantial amenity impacts. If it is ill-planned, poorly constructed or fails to properly consider geology and hydrology, it has the potential to damage both the existing and

neighbouring structures and infrastructure. As a complicated and lengthy process basement construction may cause nuisance and disturbance to neighbours due to additional traffic, noise dust and vibration. The uses associated with basement spaces may be more energy intensive due to additional requirements for lighting, ventilation and pumps, particularly where underground rooms have swimming pools or media rooms. The primary material used in basement construction is concrete which has a high embodied carbon content. All of these potential impacts would affect local, regional and national policies aimed at mitigating climate change and improving energy efficiency. Excavation and construction can also generate significant waste, giving rise to the potential need to move arising's for disposal.

Update final comment

- 2.16 The [Scoping Report](#) June 2014 is considered sufficiently recent and robust to inform the IIA report and the additional information set out above does not change the key considerations and 17 IIA objectives.¹

¹ The wording of Objective 3 has been altered at the request of English Heritage to better reflect the wording of the NPPF. However this change does not alter the meaning of the objective or outcome of any assessment.

3. The Local Plan – Westminster’s City Plan

3.1 The Basement Revision to Westminster’s City Plan is one of seven revisions to be carried out as follows:

1. Basement Revision to Westminster’s City Plan
2. Vacant Building Credit Revision to Westminster’s City Plan
3. Special Policy Areas and Policies Map Revision to Westminster’s City Plan
4. Mixed Use Revision to Westminster’s City Plan
5. Energy Revision to Westminster’s City Plan
6. Revision to Westminster’s City Plan (all remaining policies except waste)
7. Waste Revision to Westminster’s City Plan

This IIA Report is for No. 1 – The Basement Revision to Westminster’s City Plan.²

3.2 Once all seven revisions are adopted Westminster’s City Plan will consist of both strategic and detailed city management policies and will provide a comprehensive source of planning policy for Westminster. [Westminster’s Local Development Scheme March 2015](#) sets out the timeline for all Revisions to Westminster’s City Plan, with adoption dates between 2015 and 2016.

Strategic Policies

3.3 [Westminster’s City Plan: Strategic Policies](#), was adopted on 13 November 2013 and sets out the vision for Westminster up to 2025 and beyond. It puts in place a strategic policy framework to deliver that vision. This document is based on a review of the Core Strategy adopted in January 2011 and has been fully reviewed and updated to ensure consistency with the National Planning Policy Framework (NPPF) published in 2012, and the London Plan -July 2011 with Further Alterations in March 2015.

3.4 Westminster’s City Plan: Strategic Policies was subject to an Integrated Impact Assessment and the report can be viewed [here](#). This built on The Core Strategy Sustainability Appraisal Report which included a Strategic Environmental Assessment

² It should be noted that the first 5 revisions may emerge in a different order than set out above.

(November 2009), which can be found [here](#) with associated appendices [here](#). The 2007 scoping report is available to view [here](#).

City Management Policies

3.5 Work on developing the detailed city management policies began in 2008 and the steps taken to date are as follows:

- [Regulation 18 - Notification of the intent to prepare the plan October/ November 2008 \(Statutory Stage\)](#)
- [Consultation Workshops in the summer of 2009 \(Informal Stage\)](#)
- [City Management Plan Policy Options: January 2011 \(Informal Stage Consultation from January 2011 to March 2011\)](#)
- [City Management Plan Consultation Draft: November 2011 \(Informal Stage Consultation from November 2011 to March 2012\)](#)
- [Regulation 18-Notification of the intent to revise Westminster's Core Strategy to prepare a single local plan for Westminster May 2012 \(Statutory Stage\)](#)
- [Policy Topic based consultation booklets from October 2013 to 31 March 2014 \(including one dealing specifically with basement development – see below\)](#)
- [Regulation 18 Notice of Revisions to Westminster's City Plan Development Document April 2015 \(Statutory Stage\)](#)

3.6 In 2012 the Council published an IIA Scoping Report for Westminster's City Plan and focusing on the detailed city management policies. This document can be viewed [here](#). However, following the enactment of the Localism Act 2011 and the publication of the NPPF in March 2012 it was decided to merge the strategic policies (Westminster's City Plan: Strategic Policies) with the detailed city management policies into one document to be called Westminster's City Plan. Any subsequent work using the 2012 IIA Scoping Report was halted and a new IIA Scoping Report was drafted in 2014. This forms the basis of this IIA Report and adequately reflects both strategic and detailed matters.

Basements

3.7 [The Basement Consultation booklet](#) was published in October 2013, with the consultation period between 10th October and 29th November 2013. On 24th October 2014 the City Council adopted the [Basement Development in Westminster](#)

[Supplementary Planning Document. This was subject to an SEA Screening Report.](#) Both documents were supported by a technical Residential Basement Report prepared for the City Council by [Alan Baxter and Associates LLP](#)

3.8 The policies in The Basement Revision to Westminster's City Plan and the subject of this IIA report are as follows:

Policy CM28.1 Basement Development

A) Basement development to existing residential buildings or buildings original built for residential purposes will:

1. a) not extend beneath more than 50% of the **garden land 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.

b) leave a margin of undeveloped garden land proportionate to the scale of development around the entire site boundary with the exception of one elevation adjacent to the public highway (**other than where the highway forms part of the Transport for London Road Network [TLRN]**) where the basement may extend beneath the public highway provided it satisfies the requirements set out in paragraph 10 below.
2. provide a minimum of 1m soil depth (plus minimum 200mm drainage layer) and adequate overall soil volume above the top cover of the basement;
3. not involve the excavation of more than one storey below the lowest original floor level, unless the following exceptional circumstances have been demonstrated;
 - a) that the proposal relates to a large site with high levels of accessibility such that it can be constructed and used without adverse impact on neighbouring uses or the amenity of neighbouring occupiers; and
 - b) that no heritage assets will be adversely affected;
4. provide a satisfactory landscaping scheme, incorporating soft landscaping, planting and permeable surfacing as appropriate;

5. not result in the loss of trees of townscape, ecological or amenity value and, where trees are affected, provide an arboricultural report setting out in particular the steps to be taken to protect existing trees;
6. use the most energy efficient means of ventilation, **and lighting**, involving the lowest carbon emissions. Wherever practicable natural ventilation **and lighting** should be used where habitable accommodation is being provided;
7. incorporate sustainable urban drainage measures **to reduce peak rate of run-off** or any other mitigation measures recommended in the structural statement or flood risk assessment;
8. protect the character and appearance of the existing building, garden setting or the surrounding area, ensuring lightwells, plant, vents, skylights and means of escape are sensitively designed and discreetly located; and
9. protect heritage assets, ~~safeguarding significant archaeological deposits~~ and in the case of listed buildings, not unbalance the buildings' original hierarchy of spaces, where this contributes to significance;
10. **safeguard significant archaeological deposits;**
11. where constructing new basement development under the adjacent **(nonTLRN)** highway;
 - a) retain a minimum vertical depth below the footway or carriageway of 900mm; and
 - b) not encroach more than 1.8m under any part of the adjacent highway.
12. where extending or strengthening/improvement works to existing basements horizontally under the highway;
 - a) maintain the existing depth below the footway or carriageway to ensure no loss of existing cover level above a vault; and
 - b) not be permitted where the existing basement already extends 1.8m or more under the highway.
13. **be protected from sewer flooding through the installation of a suitable pumped device.**

- B. Applicants will demonstrate that they have taken into account the site-specific ground conditions, drainage and water environment(s) in the area of the development and that the basement development will:
1. safeguard structural stability of the existing building, nearby buildings and other infrastructure **including the highway and railway lines/tunnels**;
 2. not increase or otherwise exacerbate flood risk on the site or beyond; and
 3. be **designed and** constructed so as to minimise the impact **at design and occupation stages** on neighbouring uses; the amenity of those living or working in the area; and on users of the highway.
 4. **All applications will** be accompanied by
 - a) a detailed structural methodology statement and appropriate self-certification by a suitably qualified engineer with separate flood risk assessment where required. In cases where the council considers there is a high potential risk that the development will have significant impacts on the matters covered by this policy or where work will affect a particularly significant and/or sensitive heritage asset, the council will have reports independently assessed at the applicant's expense.
 - b) A construction management plan ~~will be provided to~~ **which** demonstrates adherence to the relevant parts of the council's Code of Construction Practice and awareness of the need to comply with other public and private law requirements governing development of this kind.
- C. Non-residential development adjoining residential properties and new build residential incorporating basements will also be subject to the criteria set out above where there is potential for similar impact on those adjoining properties.

Policy S29 Health, Safety and Well-being

Development should ensure that the need to secure a healthy and safe environment is addressed, including minimising opportunities for crime, including the risk of terrorism, and addressing any specific risks to health or safety from the local environment or conditions. Developments should also maximise opportunities to contribute to health and well-being, including supporting opportunities for improved life chances and healthier lifestyle choices.

The council will resist proposals that result in an unacceptable material loss of residential amenity and developments should aim to improve the residential environment.

All new housing, and where possible refurbishment of existing housing, will provide a well-designed, high quality living environment, both internally and externally in relation to the site layout and neighbourhood.

The development of major infrastructure projects and where appropriate, other projects with significant local impacts will need to mitigate, avoid or remedy environmental and local impacts, both in construction and operation.

Highlighted in red bold are minor modifications which have been made in response to comments received at Regulation 19 consultation stage.

The London Plan

- 3.9 The Mayor is responsible for London wide strategic planning, including the preparation of his spatial development strategy (known as ‘the London Plan’ – the latest version was published in July 2011). On 10 March 2015, the Mayor published (i.e. adopted) the Further Alterations to the London Plan (FALP). From this date, the FALP are operative as formal alterations to the London Plan (the Mayor’s spatial development strategy) and form part of the development plan for Greater London. Planning policies in Westminster must be in general conformity with the London Plan.

4. Methodology

Introduction

- 4.1 The IIA process carried out in Westminster is based on the five main stages of the SEA, as identified in guidance issued by the former Office of the Deputy Prime Minister (2005)³ and set out in Table 1. It is also in accordance with the SEA Directive Requirements checklist which is attached as Appendix 2 of this Report. [The 2014 Scoping Report](#) set out the scope of the IIA, using the baseline information and a review of plans, programmes and strategies to help identify key sustainability and other cross-cutting policy issues. Using this evidence and with regard to previous pre IIA and SA/SEA assessments the Scoping Report established a framework, comprising 17 objectives and associated sub-criteria (the IIA Framework) to be used for the assessment of all policies in preparing Westminster's City Plan. The actual assessment of the policies including the 'reasonable alternatives' will be an on-going process for the seven separate revisions to Westminster's City Plan.
- 4.2 Table 2 shows the IIA Framework. The objectives have been used for the assessment of reasonable alternatives and for the detailed IIA assessment of the Basements Revision policy to Westminster's City Plan.
- 4.3 Although the equalities and health objectives are cross cutting, the IIA Framework includes key specific priority objectives from the Council's Equality Objectives 2012-2016. These are defined in red text in Table 2. The long term goals set out in Westminster's joint Health and Wellbeing Strategy - Healthier City Healthier Lives (2013) - which are most likely to be influenced by the built environment are set out in blue text. Crime and disorder matters in accordance with The Crime and Disorder Act 1998 (amended by the Police and Justice Act 2006) are also considered (particularly in Objective 2).

Objective development through consultation

- 4.4 In response to consultation on the scoping report English Heritage (letter dated 31 July 2014) requested that the wording of Objective 13 be changed from '*protect and enhance the historic environment...*' to '**conserve** and enhance the historic environment.. .' The objective has been amended as requested. In addition, The Environment Agency (email dated 22 July 2014) sent out a fact sheet (relevant to all local authority scoping reports and not specific to Westminster) setting out the requirements of the European

³ A Practical Guide to the Strategic Environmental Assessment Directive, ODPM 2005

Union Water Framework Directive. To ensure that this matter was re-enforced in the IIA Framework an additional sub-criterion was added to Objective 8 stating ‘*will it improve the water environment?*’ A table with all consultation comments and the council’s response is contained in Appendix 3.

Table 2 Integrated Impact Assessment Framework

SA (SEA)EQIA/HIA Objective	sub criteria for assessment Including EQIA/HIA considerations:
1) To create cohesive, inclusive and safe communities	Will it improve access to local services? Shopping? Community facilities? * Will it increase ability to influence decision making (neighbourhoods)? * Will it foster an inclusive Westminster community? Will it encourage engagement in community activity?
2) To reduce crime and fear of crime	Will it reduce crime, disorder and antisocial behaviour? ** Will it reduce fear of crime, disorder and antisocial behaviour? ** Will it reduce other behaviour adversely affecting the local environment? **
3) To ensure provision of appropriate housing types to reduce homelessness; reduce overcrowded households and meet the demand for affordable housing and family sized units	Will it reduce homelessness? ** Will it increase the range of affordable housing? ** Will it reduce the number of unfit homes? ** Will it create high quality homes? ** Will it provide housing that can help people stay independent for longer?
4) To promote and improve health and well being	Will it help improve health inequalities? ** Will it reduce death rates? * Will it improve access/movement? * Will it encourage healthy lifestyles? * Will it improve cultural wellbeing? Will it foster an inclusive Westminster community, specifically through an active engagement in sport and physical activity opportunities? Will it provide access to a healthy diet and encourage healthy lifestyles? Will it encourage a physically active lifestyle (helping to reduce obesity)? Will it create healthy workplaces?
5) To reduce greenhouse emissions and support climate change adaptation	Will it reduce greenhouse gas emissions by reducing energy consumption, generating low or zero carbon energy and reducing the need to travel? * Will it reduce ozone depleting emissions? * Will it reduce emissions through retrofitting new

	<p>technology?</p> <p>Will it reduce heat island effects on people and property? *</p>
6) To reduce use of limited natural resources e.g. water, fossil fuels, quarried materials, wood	<p>Will it reduce water consumption and improve water efficiency?</p> <p>Will it reduce consumption of fossil fuels *</p> <p>Will use of other natural resources (e.g. quarried materials) be minimised?</p> <p>Will use of renewable resources (e.g. sustainably sourced timber) be prioritised over non-renewable resources?</p>
7) To reduce flood risk , promote SUDs, protect surface and groundwater quality	<p>Will it minimise flood risk from all sources of flooding? *</p> <p>Will it reduce property damage due to storm events/heavy rainfall by improving flood resistance and flood resilience?*</p> <p>Will it reduce combined sewer overflow events?*</p>
8) To protect, enhance and create environments that encourage and support biodiversity	<p>Will it protect, enhance and increase biodiversity and protect habitats?</p> <p>Will it preserve Sites of Importance to Nature Conservation?</p> <p>Will it improve access to and promote educational value of sites of biodiversity interest?*</p> <p>Will it conserve and enhance species and habitats?</p> <p>Will it improve the water environment including quality?</p>
9) To improve Air Quality	<p>Will it improve air quality? *</p> <p>Will it reduce emissions of key pollutants?*</p>
10) To reduce noise and impact of noise	<p>Will it reduce noise concerns and noise complaints?</p> <p>Will it reduce noise levels? *</p>
11) To reduce need to travel, the use of private motorised vehicular transport as well as encourage walking, cycling and use of public transport	<p>Will it reduce volumes of traffic?*</p> <p>Will it encourage walking and cycling?*</p> <p>Will it increase the proportion of journeys using modes other than the car?*</p>
12) To reduce waste production and increase recycling, recovery and re-use of waste	<p>Will it reduce consumption of materials and resources?</p> <p>Will it reduce household waste?</p> <p>Will it increase recycling, recovery and re-use?</p> <p>Will it reduce construction waste?</p>
13) To conserve and enhance the historic environment and architectural, archaeological and cultural heritage	<p>Will it conserve the significance of heritage sites and cultural value?</p> <p>Will it protect strategic views?</p> <p>Will it conserve listed buildings and their settings?</p> <p>Will it help conserve, enhance and record archaeological features and their settings?</p>

14) To enhance public realm and street improvements	Will it reduce litter? Will it enhance the quality of public realm? Will it improve access and mobility for all equality groups? **
15) To protect, enhance and seek opportunities to increase open space	Will it improve open space? * Will it improve landscape character? Will it improve access to open space? **
16) To ensure equality of opportunities, improve local opportunities and support sustainable economic growth throughout Westminster.	Will it improve qualifications, skills or training? ** Will it reduce unemployment? * Will it provide jobs for those most in need? * Will it improve earnings? Will it support young people, adults and vulnerable parents into employment, education and training?
17) To maintain economic diversity and support sustainable economic growth.	Will it improve business development and environment? Will it improve business resilience and economy? Will it encourage new business start-ups, small businesses and opportunities for local people? * Will it promote business in key sectors? Will it promote regeneration, reducing disparity? **

(* asterisks show where sub-criteria other than that identified in coloured text is likely to impact on equalities outcomes (red) or health outcomes (blue))

From Framework to Assessments

- 4.5 The anticipated effects of the basement policy and the associated reasonable alternatives have been assessed against the 17 objectives and sub-criteria in the IIA Framework using the following colour codes:

Green = Positive

Amber = Neutral

Red = Negative

Where appropriate this is supplemented with further annotations as follows:

Major positive	++
Minor positive	+
Neutral	0
Minor negative	-
Major negative	--

Commentary has been provided, which includes an overall summary on long and short term positive and negative effects, mitigation/changes to plan and on uncertainty, risks and cumulative effects, as appropriate given the scope of the policy being assessed.

For the purpose of this assessment the timescales are as follows:

- Short term - This may be taken to refer to the effects that are likely to occur in the first 5-10 years of implementing the policy.
- Long term - This may be taken to refer to the effects that are likely to occur beyond 10 years of implementing the policy.

This assessment also considers (where relevant) the cumulative effects, uncertainties/risks and mitigation/changes to the policy.

Completing the Assessments

- 4.6 The IIA has been undertaken by City Council officers and has progressed alongside the development of policies in the various stages of Westminster’s City Plan. The key stages are set out below in Table 3.

Table 3 Relationship between IIA Process and Development of Westminster’s City Plan

IIA Stage	City Plan Stage	When	Strategic or City Management policies
	Consultation Workshops	Summer 2009	City Management
Final SA Report	Core Strategy Adopted July 2011	2010-2011	Strategic
Reasonable Alternatives for the City Plan IIA	CMP Policy Options	January 2011	City Management
Reasonable Alternatives for the City Plan IIA	City Management Plan Consultation Draft	November 2011	City Management

IIA Report August 2013	Westminster's City Plan: Strategic Policies Adopted November 2013	2012-2013	Strategic
IIA Scoping Report for Westminster's City Plan September 2012	Development and background research for Topic Based booklets. CMP Revision	2012-2013	City Management
IIA Scoping Report for Westminster's City Plan July 2014	Consultation of Topic based policy booklets	2013-2014	Strategic and City Management
IIA Publication Draft (Regulation 19) Basement Revision	Basements Revision Publication Draft (Regulation 19)	2015	City Management
IIA Report for Basement Revision to Westminster's City Plan – Submission Stage	Basement Revision to Westminster's City Plan – Submission Stage	2015	City Management

Assumptions and Technical Difficulties

- 4.7 No technical difficulties have been encountered, particularly as it has been possible to draw on the Residential Basement Report prepared for the City Council by Alan Baxter and Associates LLP which was commissioned specifically to inform policy development in this area. However, the process of developing Westminster's City Plan, with various iterations using different names for documents and four of rounds of informal consultation, which began in 2009 is complex. Table 3 above clarifies this matter in relation to the IIA process.
- 4.8 The Scoping Report 2014 is considered sufficiently robust to support the IIA Report for Basement Revision to Westminster's City Plan, especially with the updates set out in Chapter 2.

- 4.9 The submission draft basements revision has been prepared in accordance with National Planning Policy Framework (NPPF) March 2012, which has sustainable development as a golden thread running through in terms of policy for plan making. Paragraph 8 of the NPPF advises that '*...to achieve sustainable development, economic, social and environmental gains should be sought jointly and simultaneously through the planning system.*'

Habitats Regulation Assessment

- 4.10 A Habitats Regulations Assessment (HRA) Screening Report has been produced as required by the European Habitats Directive (92/43/EEC), enacted by the *Conservation (Natural Habitats) Regulations 1994* (the Habitats Regulations) and was sent to Natural England in July 2015 for their comment. The report concludes that Westminster is not situated close enough to any of the designated European Sites for there to be any direct and obvious detrimental effects on these sites as a result of the Basement Revision to Westminster's City Plan and therefore a comprehensive Habitats Regulations Assessment is not required for this policy.
- 4.11 The response from Natural England has been resolved and a revised Habitats Regulation Assessment Screening Report produced. The updated version has been published on the website along with the HRA Screening Report. This confirms that Natural England have no further concerns.

Conservation of Wild Birds

- 4.12 The Birds Directive (more formally known as European Council Directive 2009/147/EC on the conservation of wild birds) is an EU directive adopted in 2009. It replaces Council Directive 79/409/EEC of 2 April 1979 on the conservation of wild birds. The Directive recognises that habitat loss and degradation are the most serious threats to the conservation of wild birds. It therefore places great emphasis on the protection of habitats for endangered as well as migratory species, especially through the establishment of a coherent network of Special Protection Areas (SPAs) comprising all the most suitable territories for these species. Since 1994 all SPAs form an integral part of the NATURA 2000 ecological network. There are no SPAs of this kind in Westminster.

5 Assessment Findings

- 5.1 This sets out the details of the assessment findings for the Basement Revision to Westminster's City Plan and for the identified reasonable alternatives.

Basement Revision to Westminster's City Plan – Detailed Assessments

- 5.2 Appendix 6 of this report contains the detailed assessments of the Basement Revision to Westminster's City Plan for Policy CM 28.1 Basement Development and for the additional wording to S29 Health Safety and Wellbeing. The assessments are based on the impact the new policy (or changes to the wording of the existing policy) will have on the current situation in Westminster where basement development is taking place without a specific policy context.

Assessment for CM28.1 Basement Development - Regulation 19

- 5.3 The overall assessment of this policy is positive in terms of the main objectives and for the sub-criteria. There are positive scores for sub-criteria in objectives 1, 3, 4, 7, 8, 9, 12, 13, 15, 16 and 17 with Objective 10 (noise) having positive scores for all sub-criteria objectives. There are no negative scores resulting from the policy.
- 5.4 The policy is most likely to have long term cumulative positive effects. This is likely to result in a positive impact, in particular, in relation to flooding, improvements to the landscape and character of open space and biodiversity. The policy now specifically addresses flooding matters, stating that basement development *will incorporate sustainable urban drainage measures or any other mitigation measures recommended in the structural statement or flood risk assessment*. SUDSs are considered to be most useful in terms of mitigating surface water flooding, which is particularly important in the Surface Water 'hotspot' areas. Noise and disturbance during basement construction is of particular concern to Westminster residents and would be mitigated by this policy approach. All of these factors may in turn have a long term positive (secondary and cumulative) impact on health and wellbeing.
- 5.5 This policy may have a positive short term effect on some forms of flooding where historic river courses or underground infrastructure (including drains and sewers) are identified in any hydrological assessment. The reduction in construction waste is likely to be immediate but have a long term and cumulative impact on waste reduction in Westminster. The positive impact on conserving heritage sites and archaeological features will be immediate but again this has positive implications for the long term. Employment opportunities are likely to be short term.

- 5.6 There are no negative impacts resulting from this draft policy.
- 5.7 As no negative effects have been identified from the proposed Basement Revision to Westminster's City Plan, no mitigating measures are required. As a result of the IIA discussions when drafting the Regulation 19 Basement Revision to Westminster's City Plan a requirement for SUDS or any other mitigation measures recommended in the structural statement or flood risk assessment has been included in the policy.

Assessment for additional wording to Policy S29 Health Safety and Well-Being

- 5.8 The additional wording in Policy S29 has been included to support Policy CM 28.1 given the extended construction phase which greatly increases vehicle movements and noise and vibration which can impact on residential amenity. The overall assessment of this policy is neutral in terms of the main objectives. There are no negative scores resulting from the policy and four positive scores in the sub-criteria for Objectives 1, 4 and 10. With the most significant positive impact on noise. Although not included in the policy itself the Reasoned Justification also includes the additional text as follows: *During the construction phase the impact on residential amenity will be managed through the Code of Construction Practice, which will be phased in for those that cause the greatest impacts.* This reinforces the wording in new Policy CM28.1 which also requires a construction management plan to demonstrate adherence to the relevant parts of the council's Code of Construction Practice. This document will be key in mitigating the adverse impacts during the construction phase of basement development.

Changes to the Basement Revision to Westminster's City Plan as a Result of Regulation 19 consultation responses

- 5.9 Minor modifications have been made to the draft Basement Policy following Regulation 19 consultation. This includes clarification over the remit of the policy with regard to the Transport for London Road Network (A1.b and A11), clarification points on garden land (A.1a), lighting (A6), drainage (A7), design and occupation stages (B.3) and the separation of heritage assets and archaeological deposits (A9 and A10). One additional statement has been added to the policy to further protect sites from sewer flooding (A13). The Integrated Impact Assessment has been reviewed in light of these minor modifications. Clarification regarding design and occupation stages will have a positive affect for inclusive communities as greater consideration is sought on the impact of development on neighbours however it does not change the overall assessment. Similarly, clarification points in regards to drainage and archaeological deposits are positive but do not affect the overall assessment. However, the addition of point 13 "be

protected from sewer flooding through the installation of a suitable pumped device” will significantly reduce the likelihood of combined sewer overflow events, objective 7, and is therefore revised to a Positive ++.

Reasonable Alternatives

5.9 The IIA process has run alongside (and has) helped inform development of the basement policy. They have been informed by previous informal, as well as formal consultation stages, in policy development as follows:

- [City Management Plan Policy Options January 2011](#)
- [City Management Plan Consultation Draft November 2011](#)
- [Basements Booklet No. 3 LDF Consultation October 2013](#)
- [Publication Draft \(Regulation 19\) Basement Revision](#)

These are in addition to any consultation responses. The assessment table and key to the reasonable alternatives are set out in Appendix 6.

Reasonable Alternatives Assessment

Policy CM28.1 Basement Development

5.10 **PO 7.1: “Do nothing”:** In recent years basement development has become increasingly popular in Westminster and with no detailed policy approach (the current situation and “do nothing” option (**PO 7.1**) there is a potential for detrimental sustainability outcomes for both social and environmental objectives, in particular objectives 1, 4, 7, 8, 10, 12 and 15. There is some evidence (the current situation) that without clear policy guidance there is increased scope for neighbour disputes which can be detrimental to cohesive communities and may be mitigated by a more tailored planning policy approach. This option receives a negative score for Objective 4 given the health implications of noise (also see Objective 10) and general disruption which can result from uncontrolled development especially during the construction stage. Unfettered basement development may also result in a detrimental impact on flooding (Objective 7), in particular surface water and groundwater. There may also be a negative impact on objectives 8 and 15 given the lack of control over the soil depth which can negatively impact on open space and biodiversity. Basement development can generate more waste than other forms of extension, given that it involves excavation and if uncontrolled this matter is likely to have a detrimental impact on Objective 12. PO 7.1

and **all other alternatives** have on balance been given a neutral score for Objective 5 (to reduce greenhouse emissions) for the following reasons:

- Embodied carbon during construction is high;
- The uses of the basements often require mechanical air movement and conditioning, which often cannot be delivered by open windows;
- There is often a need for increased water pumping to remove water;
- A lack of natural light requires electricity to overcome this; most basement development will include construction traffic.

Against these factors;

- Construction underground can save energy by increased cooling and warmth through thermal mass and insulation;
- Extending a property is often more efficient than constructing a larger new development;
- Ensuring that residents and communities are close to work and known communities will reduce emissions.

5.11 On careful consideration **all alternatives, with the exception of CO3** have been given a positive score for both Objective 16 and Objective 17. This is in recognition that building work contributes to the wider and local economy and may provide for sometimes relatively unskilled labour. This positive impact is likely to be relatively small and temporary during the construction stage and although there is a potential, there is no guarantee that those employed will be Westminster residents. It is difficult to quantify any change in this positive status between PO 7.1 and the more detailed alternatives (PO 7.2, PO 7.3, PO. 7.6, PO 7.7, CMP 2.7, NP CM28.7 CO1 and CO2) , without detailed evidence on the current impact of employment in building work associated with basements and how this may change as a result of a more controlled situation for basement development.

5.12 **All alternatives, with the exception of PO 7.8 and CO3**, have the potential to increase the housing stock. Of the 161 basements extensions approved between 2011 and 2012, 42 (38%) involved the creation of new self-contained residential dwellings, and on this basis on balance, receive positive scores. However, it is more difficult to quantify, the impact this will have on the provision of appropriate housing especially looking at future

requirement, as the housing needs assessment changes at least every five years. Of the 161 basement extensions approved between 2011 and 2012 some 51% included the creation of new habitable rooms to existing properties. These could be used for additional bedrooms for the creation of family sized units and are likely to result in higher quality homes. As with the economic policies above it is difficult to differentiate between the positive impact without a detailed policy approach (PO 7.1) and how this may change as a result of a more controlled situation for basement development.

Overall Score: **Negative 7** **Positive 3** **Positive+ 0** **Neutral 7**

- 5.13 **PO 7.2** is a basic policy approach focusing on the characteristics of basement developments, giving a number of criteria for acceptability. However some of the wording in PO 7.2 could be open to interpretation and therefore may still have a negative impact on Objective 1. It does not address waste and therefore is also negative for Objective 12. It has a positive score for objectives 8 (biodiversity) and 15 (open space) given it provides specific criteria (50%) for extension into garden areas and soil depth (at least 1 metre).

Overall Score: **Negative 3** **Positive 5** **Positive+ 0** **Neutral 9**

- 5.14 **PO 7.3** further refines PO 7.2 and introduces the requirement for self-certification from a Structural Engineer and a Hydrologist and for a full construction method statement and therefore in addition has a positive score for Objective 4 and a positive plus for Objective 7 - flooding. The alternative sets some criteria which can help address community concerns (Objective 1).

Overall Score: **Negative 0** **Positive 6** **Positive+ 1** **Neutral 10**

- 5.15 **PO 7.4** applies the principles of PO 7.2 and 7.3 to lightwells and receives the same score as PO 7.3.

Overall Score: **Negative 0** **Positive 6** **Positive+ 1** **Neutral 10**

- 5.16 **PO7.5** introduces the concept of basement excavation not involving more than one additional storey. This is likely to reduce the amount of evaporation waste and therefore this has a positive impact on Objective 12. In addition, deeper basements are more technically demanding to construct and may cause movements to adjoining buildings and result in more disruption and disturbance to neighbours.

Overall Score: **Negative 0** **Positive 7** **Positive+ 1** **Neutral 9**

5.17 **PO 7.6** receives a positive score for Objective 7 given it specifically refers to development not adversely impacting on ground water flow, water levels and drainage. However it could be argued that this adds little further to an approach which already requires a hydrology statement.

Overall Score: Negative 0 Positive 7 Positive+ 1 Neutral 9

5.18 **PO 7.7** is positive for Objective 13 as it specifically refers to historic buildings.

Overall Score: Negative 0 Positive 7 Positive+ 1 Neutral 9

5.19 **PO 7.8** is a standalone policy alternative for development under the highway and revives mainly neutral scores. Although it could be argued that without sufficient space access for maintenance of cables, pipes and sewers becomes more difficult which may have a detrimental impact on health and by adding these details this would be positive for Objective 4.

Overall Score: Negative 0 Positive 1 Positive+ 0 Neutral 16

5.20 **CMP 2.7** is an initial draft of a fully formed policy approach and although mainly neutral has positive scores for objectives 4, 12, 13 and 15 and a very positive score for Objective 8 given it requires 1.5 metre soil depth across the whole garden, with deeper tree pits where appropriate. This alternative requires a full construction statement but there is no mention of the impact on flooding so only gets an on balance gets a positive score given the requirement for soft landscaping, which can help with drainage.

Overall Score: Negative 0 Positive 8 Positive + 1 Neutral 8

5.21 **NP CMP 28.7** is a more recent iteration of CMP 2.7 and the last stage of informal consultation. It receives a positive score for Objective 1 given the requirement for a construction management plan demonstrating adherence to the Council's Code of Construction practice. This is because many of the concerns expressed by residents are around construction. It is very positive for Objective 8 because although on the face of it this alternative appears not as positive as CMP 2.7 (because it requires minimum of 1.2 rather than 1.5), this is somewhat off- set by a requirement in NP CMP 28.7 for basements not extending more than 50% or 4 metres whichever is the larger of the garden. As basement construction can be complicated and lengthy if badly managed it can cause noise and disturbance therefore the requirement for adherence to the code of construction practice has nudged the score for Objective 10 up from neutral to a positive. NP CMP 28.7 also extends requirements to non-residential buildings where there may be some impact on adjoining residential buildings. This alternative receives a

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positive + for Objective 7 given it requires applicants to demonstrate that basement development will not increase floodrisk on the site or beyond. However this iteration does not specifically mention the requirement for SUDSs.

Overall Score: **Negative 0** **Positive 10** **Positive+ 1** **Neutral 6**

- 5.22 **CO 1** receives similar scores to PO 7.1 and PO 7.2, with negative scores for objectives 1, 10, 12 and 15 This is because the wording lacks definition and open to so much interpretation that it would be difficult (if not impossible) to implement. It has a positive score for Objective 7 because it specifically mentions SUDSs and on balance positive scores for Objectives 3, 16 and 17.

Overall Score: **Negative 4** **Positive 3** **Positive+ 1** **Neutral 9**

- 5.23 Similarly it would be difficult to implement a policy (**CO 2**) which only refers to development under listed buildings and given the detrimental impacts than can arise from basement development this alternative also receives a number of negative scores. However, given this alternative retains the potential for basement development elsewhere this alternative receives a positive score for objectives 3, 16 and 17 and a positive + for Objective 13.

Overall Score: **Negative 7** **Positive 3** **Positive+ 1** **Neutral 6**

- 5.24 **CO 3** seeks to prohibit basement extensions in Westminster and has been included because of its popularity with residents following consultation. It is however on the margins of 'reasonable' given the difficulty of completely 'banning' a certain type of development, especially given negative sustainability outcomes can be mitigated as set out in alternatives above. Notwithstanding, this alternative has been given mainly neutral scores but on balance has positive scores for objectives 4 and 10. This is because prohibiting basements would effectively stop the noise associated with these extensions and the potential for an associated detrimental impact on health.

Overall Score: **Negative 2** **Positive 2** **Positive+ 0** **Neutral 13**

Policy CM29 Health, Safety and Well-Being

- 5.25 **AO1** is the 'business as usual' alternative and proposes no change to the wording of Westminster City Plan Policy S29 Health, Safety and Well-Being. This Policy was assessed in its entirety in the Core Strategy Sustainability Appraisal Report which included a Strategic Environmental Assessment (November 2009), which can be found [here](#) with associated appendices [here](#). Additional text was added to this policy (at this stage Policy

CS28) when revisions were made and finally adopted as [Westminster's City Plan: Strategic Policies](#) on 13 November 2013 and sets out the vision for Westminster up to 2025 and beyond.

- 5.26 Westminster's City Plan: Strategic Policies was subject to an Integrated Impact Assessment and the report can be viewed [here](#). The assessment of CS28 is in Paragraph 6.22. At this stage the changes to the wording was as follows: *The development of major infrastructure projects will need to mitigate, avoid or remedy environmental and local impacts, both in construction and operation*. This was considered on balance to have a neutral impact on all objectives in the IIA Framework. It could be argued that without this additional text harmful environmental and local impacts may have resulted from major infrastructure projects. However on balance given this text just clarifies the approach of CS28 the impact of the alterations was neutral. Having reassessed the matter for this IIA Report this is still considered to be the case.

Overall Score: Negative 0 Positive 0 Positive+ 0 Neutral 17

- 5.27 **AO2** contains additional wording to adopted Policy S29 Health, Safety and Well-Being (underlined text is new) The development of major infrastructure projects and where appropriate, other projects with significant local impacts will need to mitigate, avoid or remedy environmental and local impacts, both in construction and operation. This additional wording has been added in support of new Policy CM28.1 given some types of development such as basements extensions involve significant excavation and removal of soil, necessitating an extended construction phase, greatly increased vehicle movements, increased noise and vibration which are likely to impact on residential amenity during the construction period. Given this additional wording will strengthen S29 it has been given a positive assessment for objectives 1, 4 and 10.

Overall Score: Negative 0 Positive 3 Positive+ 0 Neutral 14

- 5.28 It should be noted that only two Reasonable Alternatives have been provided for the additional wording on S29, this is because it was difficult to generate any additional alternatives given the limited nature of this text and that the impacts are so closely tied to Policy CM28.1 Basement Development.

Cumulative, secondary and temporal impacts

- 5.29 The impacts of basement developments on open space (Objective 15) and biodiversity (Objective 8), with a secondary impact on health and wellbeing (Objective 4), are likely to be cumulative over a longer term. However, any impact on health and wellbeing may

be permanent. The impact of basement extensions on flooding may be direct in parts of Westminster where there are historic river courses or underground infrastructure (including drains and sewers), or indirect (secondary), where the loss of garden space and trees impacts on water run-off. In both cases this may also have a secondary impact on health and well-being in the short term or over the longer term.

Preferred Alternative

5.30 This stage of the process has assessed a range of alternatives against each other to determine which is the most sustainable and provide the best outcome in terms of health and well-being. The potential impact of basement development is complex and therefore a detailed approach is required to deal with any negative outcomes, which may be evident without a policy approach (PO 7.1). **NP CMP 28.7** which is the most detailed policy allows for a range of basement development in all parts of Westminster while still having the most positive overall outcome of all the policy options considered. With limited text to deal with only two alternatives were generated for Policy CM29 Health, Safety and Well-Being and of these **AO2** was preferred.

Changes to the Basement Revision to Westminster's City Plan as a Result of the IIA

- 5.31 No negative effects have been identified from the proposed Basement Revision to Westminster's City Plan and therefore no mitigating measures are considered to be required. However, the aspects of Policy CM 28.1 regarding flooding have been strengthened and refined in relation to CM 28.7 in [Basements Booklet No. 3 LDF Consultation October 2013](#) and this is reflected in the very positive scores given to the policy for Objective 7. The Basement Revision to Westminster's City Plan now specifically includes the wording *'incorporate sustainable urban drainage measures or any other mitigation measures recommended in the structural statement or flood risk assessment.'* Previous alternatives made no mention of sustainable urban drainage and this is considered important in terms of surface water drainage and can help to protect and enhance ground water quality. The additional wording to Policy S29 reinforces Policy CM28.1.

6. Mitigation and Monitoring

Mitigation

- 6.1 No negative effects have been identified from the proposed Basement Revision to Westminster's City Plan and therefore no mitigation measures are necessary.

Monitoring

- 6.2 Directive 2001/42/EC requires that significant sustainability effects of implementing the policy need to be monitored to identify unforeseen adverse effects to be able to undertake appropriate remedial action.
- 6.3 The following indices (set out in Table 4 below) will be collected and included in our Authorities Monitoring Report.

Table 4 Proposed Monitoring data

Indicators
1. Number of applications for basement proposals, to include size and type.
2. Number of proposals approved and refused, by size and type. Where refused, the reasons for the decision.
3. Numbers of basement proposals implemented.
4. Number of appeals to the Secretary of State from planning decisions by the Council concerning basement development and, where these are upheld, the reason why.
5. Number of complaints received by the council regarding the construction of basement development and the nature of these complaints, in particular regarding noise.
6. No. of Code of Construction Practice compliant schemes.

7. Installation of SUDS measures in basement developments.

7. Next Steps

- 7.1 This IIA accompanies the Basement Revision to Westminster's City Plan submission draft. It is part of the supporting document submitted to the Secretary of State and will form part of the examination documents. Consultation responses are summarised in the consultation statement which also accompanies the basement revision as a support document.
- 7.2 The revision will be considered by an Inspector appointed by the Secretary of State. They will report to the council and ultimately the revision will be adopted. At this stage it will gain full weight for determination of planning applications as part of Westminster local plan.
- 7.3 A comprehensive post adoption statement will be published once all the IIA Reports have been finished and the process concluded.

8. End Notes

ⁱ Planning and Pollution Booklet No.11 July 2014

ⁱⁱ The Westminster Noise Attitudes Survey, 2008

ⁱⁱⁱ The London Plan (The Spatial Development Strategy for London Consolidated with Alterations since 2011) P.211

^{iv} The London Plan (The Spatial Development Strategy for London Consolidated with Alterations since 2011) P.211

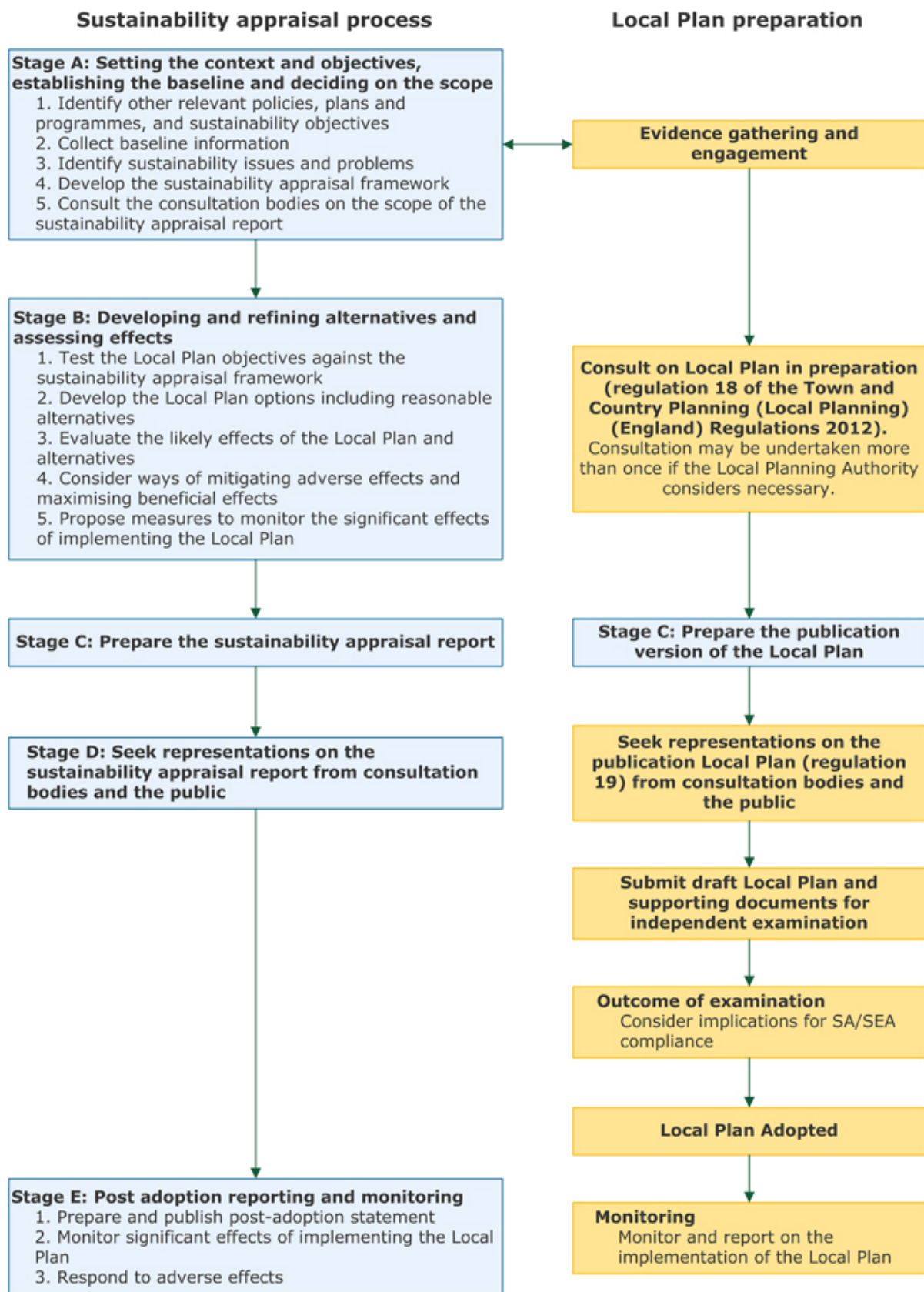
^v Basement Development in Westminster SPD (2014) Westminster City Council

^{vi} Data provided by the Environment Agency 2014

^{vii} This is based on the following information:

- The total private garden area is 2,906,316sqm (291Ha) this is 13% of the borough area.
- The royal parks area is 3,815,744sqm (382Ha)
- There is also Metropolitan open land which adds on some of the peripheral green spaces around the royal parks and so increases the area to 4,490,288. (449Ha)
- If we were to include the London Squares the area is 32.6Ha.

Appendix 1 Sustainability Process in relation to Local Plan Preparation - from NPPF PPG March 2014



Appendix 2 - SEA Directive Requirements and how these have been addressed

The SEA Directive Requirements	IIA Report Sections
a) An outline of the contents, main objectives of the plan and relationship with other relevant plans and programmes;	IIA Scoping Report 2014 and IIA submission report chapters 2 and 3.
b) The relevant aspects of the current state of the environment and the likely evolution thereof without implementation of the plan;	IIA Scoping Report 2014 and IIA submission report chapter 2.
c) The environmental characteristics of the areas likely to be significantly affected;	IIA Scoping Report 2014 and IIA submission report chapter 2.
d) Any existing environmental problems which are relevant to the plan, in particular, those relating to any areas of a particular environmental importance, such as areas designated pursuant to Directives 79/409/EEC and 92/43/EEC;	IIA Scoping Report 2014 and IIA submission report chapter 4. A separate Habitats Directive Screening Report was submitted to Natural England in June 2015.
e) The environmental protection objectives, established at international, community or national level, which are relevant to the plan and the way those objectives have been taken into account during preparation;	IIA Scoping Report 2014 and IIA submission report chapters 2 and 3.
f) The likely significant effects on the environment, including on issues such as biodiversity, population, human health, fauna, flora, soil, water, air, climatic factors, material assets, cultural heritage including architectural and archeological heritage, landscape and the interrelationship between the above factors. These effects should include secondary, cumulative, synergistic, short, medium and long term permanent and temporary, positive and negative effects);	IIA Assessment Framework in the Scoping Report 2014 and IIA submission report chapter 5 and Appendix 6.
g) The measures envisaged to prevent, reduce and as fully as possible offset any significant adverse effects on the environment of implementing the plan;	Chapter 7 of IIA submission report.
h) An outline of the reasons for selecting the alternatives dealt with, and a description of how the assessment was undertaken including and difficulties (such as technical deficiencies or lack of know-how) encountered in compiling the required information);	Chapters 4 and 5 IIA submission report.

i) a description of measures envisaged concerning monitoring in accordance with article 10;	Chapter 7 of IIA submission report.
j) a non-technical- summary of the information provided under the above headings	A non-technical summary is contained at the front of the IIA submission report.

The report must include the information that may reasonably be required taking into account current knowledge and methods of assessment, the contents and level of detail in the plan, its stage in the decision-making process and the extent to which certain matters are more appropriately assessed at different levels in that process to avoid duplication of the assessment (Article 5.2).

APPENDIX 3 - Consultation Comments on the City Plan IIA Scoping Report - June 2014

How comments received in response to consultation on the IIA Scoping Report for Westminster's City Plan (June 2014) have been taken into account.

Summary of Comments	How comments have been taken on board
Natural England	
There should be a priority for the creation of SUDs within any redevelopment which takes place in Westminster. This can have health benefits as identified in the scoping report and objective 7 mentions that the provision is most likely to happen as part of creation within built structures where green roofs and walls or rain gardens can be implemented.	Objective 7 promotes the use of SUDs.
The protection of the 30 Sites of Importance for Nature Conservation (SINCS) should be a key consideration throughout the City Plan process as given the amount of open space deficiency identified within the borough and the benefits both for human health and that of biodiversity loss of any sites would be detrimental and almost impossible to replace.	Objective 8 in the Sustainability Framework considers whether any policy in the local plan will preserve SINCS. Westminster City Plan Strategic Policy S36 states that Sites of Importance for Nature Conservation (SINCS) will be protected and enhanced.
Objectives 13 and 14 should both be used to help ensure that the plan overall has policies in it that will bring forward improvements in the open spaces in Westminster and also to improve the public realm through some potential greening measures to create a better environment for the public to want to walk through.	Objective 15 is the primary policy for open space. It seeks <i>to protect, enhance and seek opportunities to increase open space</i> . This objective in combination with objectives 11, 13 and 14 will be used to assess draft policies in terms of creating a better environment for the public to walk through.
Environment Agency	
No specific comments on the IIA but provided a factsheet containing suggested guidance on the scope and level of information to be included in the SA report.	Noted – See below.
Climate change should be considered as part of the evidence base for the SA, as a key sustainability issue and as SA objective against which your plan will be appraised.	Climate change is considered in paragraphs 3.114 to 3.119 in the baseline information and as a key sustainability issue (paragraph 5.6). It is also set out as Objective 5 in the Sustainability Framework.
Flood Risk should be included in the baseline	Flood risk is considered in the baseline

<p>information as a key sustainability issue and as an objective.</p> <p>The Strategic Flood Risk Assessment should be included as part of the evidence base.</p> <p>As should Westminster’s Surface Water Management Plan and the Environment Agency Thames Estuary 2100 plan.</p>	<p>information (paragraphs 2.129 to 3.131) and as a key sustainability issue (paragraph 5.8). It is also set out as Objective 7 in the Sustainability Framework.</p> <p>The Strategic Flood Risk Assessment and the Environment Agency Thames Estuary 2100 plan are included in Appendix 4 of this Report Updated Relevant Plans, Programmes and Strategies</p> <p>Westminster’s Surface Water Management Plan. Likely adoption June/July 2015.</p>
<p>The Water Framework Directive should be considered and recommendations from the Thames River Basin Management Plan as an objective and as part of the baseline.</p>	<p>There is one watercourse in Westminster (The Grand Union Canal) designated under the Water Framework Directive (WFD). This is included in the baseline information paragraph 3.105 in the IIA Scoping Report June 2014.</p> <p>An additional sub-criteria has also been added to Objective 8 as follows: <i>Will it improve the water environment including Quality?</i></p> <p>The Thames River Basin Management Plan is included in Appendix 4 of this Report Updated Relevant Plans, Programmes and Strategies.</p>
<p>Comment on the importance of green infrastructure and suggest that the protection and enhancement of biodiversity is considered as a key sustainability issue, protected habitats and species are mapped as part of the evidence base and biodiversity issues are addressed as an SA objective.</p>	<p>Biodiversity is considered in the baseline information (paragraphs 3.105 to 3.113) and as a key sustainability issue in Paragraph 5.9. It is also set out in Objective 8 in the Sustainability Framework.</p> <p>Map 4 of this IIA Report and Map 5 of this IIA Report show <i>Biodiversity Action Plan Habitats and Sites of Importance for Nature Conservation</i> and <i>Records of Protected and Priority Species</i> respectively.</p>
<p>Suggest that water quantity and water resource efficiency should be considered as part of the evidence base for the SA, as a key sustainability issue and as SA objective.</p>	<p>Water quantity and water resource efficiency are considered in the baseline information in paragraphs 3.133 to 3.135 Objectives 6 and 8 in the Sustainability Framework set out these</p>

	matters for assessment.
Comment that part of Westminster are defined as being sensitive locations for groundwater because they are located within source protection zones 1,2 or 3 and/or are located over principle or secondary aquifers. We suggest you include this information and information on land contamination in Westminster as part of the baseline for your SA to ensure that the potential impacts of the local plan policies and site allocations on groundwater can be identified and addressed.	Noted. Ground water has been mapped and shown in Map 1 of this IIA Report. In terms of contaminated land there are no Special Sites registered under the Environmental Protection Act 1990 78R-T, and none where notices have been served under Part IIA of Section 78.
Emphasise the importance of the 'waste hierarchy' and London Plan Policies 5.16 and 5.17 which encourage greater self sufficiency for waste management in London and sustainable transportation of waste. Therefore suggest that waste issues are considered as part of the SA and objectives addressing waste management and resource efficiency are included.	Waste is considered in paragraphs 3.149 to 3.159 in the baseline information and as a key sustainability issue (paragraph 5.13). It is also set out as Objective 12 in the Sustainability Framework.
Suggest that air quality issues are considered as part of the SA and objectives addressing air quality are included. Your Borough Air Quality Action Plan and the Mayor's Air Quality and Transport Strategies should form the evidence base for this.	Air Quality is considered in paragraphs 3.120 to 3.128 in the baseline information and as a key sustainability issue (paragraph 5.10). It is also set out as Objective 9 in the Sustainability Framework.
English Heritage	
Generally content with the treatment of the historic environment in the Scoping Report subject to the following comments:	Noted
Request that a further issue is added to Scoping Report Page 31 concerning <i>the pressure for residential development and employment uses being exponentially greater and the implications this might have for Westminster's town centre conservation areas and their settings in particular. Whilst Further Alterations to the London Plan (FALP) are yet to be examined and must not be given undue</i>	Noted

<p><i>weight, English Heritage considers that the pressures they convey could present real challenges for Westminster’s historic environment in the mid to long term future.</i></p>	
<p>Request the following documents are included in Relevant Plans, Programmes:</p> <p><i>English Heritage Good Practice Notes on</i></p> <ul style="list-style-type: none"> • <i>The Historic Environment in Local Plans</i> • <i>Decision-taking in the Historic Environment</i> • <i>The Setting of Heritage Assets</i> <p><i>Improving Historic Soho’s Environmental Performance</i></p> <p><i>Retrofitting Historic Buildings for Sustainability</i></p>	<p>These documents have been added to Appendix 4 of this Report Updated Relevant Plans, Programmes and Strategies</p>
<p>Request changes to the wording of the IIA Objective for cultural heritage to better reflect the requirements of the NPPF by reading as follows: <i>To conserve and enhance the significance of heritage assets and their settings.</i></p>	<p>The wording of Objective 13 has been changed as follows:</p> <p>To <u>conserve</u> and enhance the historic environment and architectural, archaeological and cultural heritage</p> <p>With the sub-criteria also changed to reflect NPPF wording as follows:</p> <p>Will it <u>conserve the significance</u> of heritage sites and cultural value?</p> <p>Will it protect strategic views?</p> <p>Will it <u>conserve</u> listed buildings and their settings?</p> <p>Will it help <u>conserve</u>, enhance and record archaeological features and their settings?</p>

Appendix 4 - Relevant Plans, Programmes and Strategies updated Scoping Report Version

International

EU Directives 79/409/EEC; 92/43/EEC; 2000/60/EC; 96/62/EC; 75/442/EEC; 99/31/WC

EU Directive 2008/50/EC

EU Water Directive Framework 2000

Kyoto protocol to the United Nations framework convention on climate change (2005)

The World Summit on Sustainable Development – Commitments arising from Johannesburg Summit United Nations (2002)

National

Air pollution: Action in a Changing Climate 2010 *DEFRA*

Air Quality Regulations 2010

Climate Change Act 2008

Conservation Principles, Policies and Guidance (2008) *English Heritage*

Crowded Places: The Planning System and Counter-Terrorism (2012) *Home Office*

Energy and Climate Change for all local authorities Dataset 6222 (2012). *Department of Energy and Climate Change*

Energy Efficiency and Historic Buildings (2012) *English Heritage*

Environment Act 1995

Equality Act 2010

Groundwater Protection: Policy and Practice (GP3) (2013) *Environment Agency*

Guidance on Tall Buildings (2007) *English Heritage/CABE*

Historic Environment Good Practice Advice in Planning Consultation Draft (2014) Notes 1-3 *English Heritage*

London Borough Environmental Fact Sheet (2011) *Environment Agency*

National Planning Policy Framework (2012) *Department for Communities and Local Government*

National Heritage Protection Plan (2011 –ongoing) *English Heritage*

Obesity and the environment: Increasing physical activity and active travel (November 2013) *Public Health England and LGA*

Planning Act 2008

Planning and Compulsory Purchase Act (2004)

Planning Policy for Traveler Sites (2012) *Communities and Local Government*

Planning Policy Statement 10: Planning for Sustainable Waste Management (2005) *Communities and Local Government*

Planning Practice Guidance (2014)

Safer Places: The Planning System and Crime Prevention (2004) *ODPM*

Seeing the History in the View: A method for assessing Heritage Significance within Views (2011) *English Heritage*

Thames Estuary 2100 Flood Risk Management Plan (2002) *Environment Agency*

Thames River Basin Management Plan (2009) *Environment Agency*

(The) Setting of Heritage Assets (2011) *English Heritage*

Technical Guidance to the National Planning Policy Framework (2012) *Department for Communities and Local Government*

UK Air Quality Strategy (2007) *Department for Environment, Food and Rural Affairs, Scottish Executive, Welsh Assembly Government and Department of the Environment Northern Ireland. Published by DEFRA*

Understanding Place: Conservation Area Designation, Appraisal and Management (2011) *English Heritage*

Updated National Waste Planning Policy: Planning for Sustainable Waste Management (2013) *Department for Communities and Local Government*

2010 Local Authority Carbon Dioxide Figures (2012) *Department of Climate and Energy Change*

Regional

Better Environment, Better Health: A GLA guide for London Boroughs. London Borough of Westminster (2013) *Mayor of London*

Energy Planning: GLA Guidance on preparing energy assessments (2011) *Greater London Authority*

Draft Housing Strategy (2013) *Mayor of London*

Health Issues in Planning - Best Practice Guidance, (2007) *Mayor of London*

Land for Industry and Transport SPG (2012) *Mayor of London*

London Office Policy Review (2012) *Ramidus*

London Plan (2011) *Mayor of London*

The London Plan – The Spatial Development Strategy for London Consolidated with Alterations since 2011 (March 2015) *Mayor of London*

London Carbon Scenarios to 2026 Report (2006) *London Energy Partnership*

London View Management Framework (2012) *Mayor of London*

Air Quality Strategy: Cleaning London's Air (2010) *Mayor of London*

All London Green Grid Supplementary Planning Guidance (2012) *Mayor of London*

Climate Change Mitigation and Energy Strategy (2011) *Mayor of London*

Cultural Metropolis: Mayor's Cultural Strategy (2010) *Mayor of London*

Delivering London's Energy future: the Mayor's climate change mitigation and energy strategy (2011) *Mayor of London*

Economic Development Strategy for London (2010) *Mayor of London*

London's Foundations Supplementary Planning Guidance (2012) *Mayor of London*

London's World Heritage Sites – Guidance on Settings Supplementary Planning Guidance (2011) *Mayor of London*

Managing risks and increasing resilience: the Mayor's climate change adaptation strategy (2011) *Mayor of London*

Securing London's water future: the Mayor's Water Strategy (2011) *Mayor of London*

Transport Strategy (2010) *Mayor of London*

Tree and Woodlands Supplementary Planning Guidance (2012) *Mayor of London*

Waste Management Strategies (2011) *Mayor of London*

Neighbouring Authorities

City of London – Core Strategy (adopted 8 September 2011)

London Borough of Brent – Core Strategy (adopted 12 July 2010) and Site Specific Allocations (2011)

London Borough of Camden – Core Strategy and Development Policies (adopted 8 November 2010)

Royal Borough of Kensington and Chelsea – Core Strategy (adopted 8 December 2010) and partial review of the Core Strategy (adopted January 2015)

Local

Affordable Housing Viability Study (2010) *DTZ Research. Published by Westminster City Council (jointly commissioned with London Borough of Camden)*

Affordable Housing Viability Study, Payments in Lieu of Affordable Housing (2011) *DTZ Research. Published by Westminster City Council (jointly commissioned with London Borough of Camden)*

Basement Development in Westminster SPD (October 2014) *Westminster City Council*

Air Quality Action Plan 2013-2018 (2013) *Westminster City Council*

Better City Better Lives Year 2 (2014) *Westminster City Council*

Biodiversity Action Plan (2007) *Westminster City Council*

Church Street Master Plan Health Profile refresh 2013 (2013) *JSNA*

Core Strategy Sustainability Appraisal Scoping Report (2007) *Westminster City Council*

Core Strategy Sustainability Appraisal - Publication Draft (2009) *Westminster City Council*

Core Strategy NPPF Revision (Draft) IIA 2012 *Westminster City Council*

Creative Industries Report and Statistical Update (2007 and 2011) *GVA Grimley; Burns and Owens*

Cycling Strategy (Consultation Draft) December 2013 *Westminster City Council*

Decentralised Energy Masterplan for the City of Westminster (2014) *Published by Westminster City Council*

Economic Development Strategy 2008-2011 (2007) *Westminster City Council*

Equalities Impact Analysis Guidance For assistance with Tri-and Bi-Borough and single Borough decisions

Estates Strategy 2008- 2013 (2008) *Westminster NHS Primary Care Trust*

Every Older Person Matters (2010 – 2013) *Westminster City Council*

Healthier City, Healthier Lives –Westminster’s Joint Health and Wellbeing Strategy (2013) *NHS, LINK and Westminster City Council*

Health profile 2012- City of Westminster (2012) *NHS*

Housing Renewal Strategy (2010) *Westminster City Council*

Housing Strategy 2007-2012 (2007) *Westminster City Council*

(The) Importance of the Historic Environment to the Office Market in Westminster (2007) *Drivers Jonas*

Improving Historic Soho’s Environmental Performance (2013) *Sturgis Carbon Profiling LLP, Ramboll, Sampson Associates and Donald Insall Associates for Westminster City Council, English Heritage and the Soho Community Environment Fund*

Local Development Scheme (2012) *Westminster City Council*

Local Economic Assessment Baseline Study (2011) *Westminster City Council*

Local Implementation Plan: a Transport Delivery Plan up to 2031(2011) *Westminster City Council*

Mapping LGBT Westminster (2009) *Deborah Gold and Katherine Cowan Published by Westminster City Council*

(Draft)Municipal Waste Management Strategy 2016-2031 (August 2013) *Westminster City Council*

Noise Attitudes Survey (2008) *GfK NOP Social Research. Published by Westminster City Council*

Noise Survey (2008) *Scott Wilson. Published by Westminster City Council*

North London Sub-Region Strategic Housing Market Assessment (2009) *Opinion Research Services. Published by City of Westminster and the London Boroughs of Barnet, Enfield, Haringay, Islington and Camden*

Our Strategy for Tackling Health Inequalities in Westminster 2009-2016 (2009) *NHS Westminster*

Preliminary Flood Risk Assessment (2011) *Drain London Westminster City Council*

The Prime Residential Market in Westminster (2014) *Ramidus Consulting*

Retrofitting Historic Buildings for Sustainability (2013) *Westminster City Council*

Retrofitting Soho (2008) *The Max Lock Centre, University of Westminster. Published by MLC Press, University of Westminster in partnership with Westminster City Council*

Safer Westminster Partnership Strategy (2011- 2014) *Westminster City Council*

Strategic Plan 2008-2013 (2008) *Westminster NHS*

Strategic Service Development Plan 2008-2013 (2008) *Westminster NHS Primary Care Trust*

Statement of Community Involvement (2014) *Westminster City Council*

Statement of Licensing Policy (2011) *Westminster City Council.*

Strategic Flood Risk Assessment (2009) *Westminster City Council*

(A) Study of Small Offices in Westminster 2008 (2009) *DTZ Research. Published by Westminster City Council*

Trees and the Public Realm (2011) *Westminster City Council*

Westminster Housing Market Analysis (2014) *Wessex Economics*

Waste Sites Assessment (2009) *Westminster City Council*

Westminster Biodiversity Action Plan (2007) *Westminster City Council*

Westminster City Plan 2006 - 2016 Sustainable Community Strategy (2006) *Westminster City Partnership*

Westminster City Council Residential Basements Report (2013) *Alan Baxter Associates*

Westminster City Council Equality Objectives 2012-2016

Westminster Infrastructure Plan: Technical Assessment 2006-2026 (2009) *URS Consultants. Published by Westminster City Council*

Westminster (City of) Local Economic Assessment Baseline Study (2011) *Westminster City Council*

Westminster Noise Strategy (2010) *Westminster City Council*

Westminster Office Study – Impact of the Recession (2009) *Drivers Jonas. Published by Westminster City Council*

Westminster Open Spaces Strategy (2007) *Westminster City Council*

Westminster Profile (2013) *Westminster City Council*

Westminster Way (2011) *Westminster City Council*

Westminster's City Plan: Strategic Policies (2013) *Westminster City Council*

APPENDIX 5 IIA Detailed Appraisal for the Basement Revision to Westminster's City Plan

1. Integrated Impact Assessment: For Policy CM 28.1 Basement Development			
Sustainability, Equality and Health Objectives	Detailed decision making sub-criteria including EIA and HIA	Score	Comments
1. To create cohesive, inclusive and safe communities	<ul style="list-style-type: none"> Will improve access to local services including shops and community facilities?* 	0	<p>This is mainly an equalities sub-criteria. However, it is important to recognise a positive impact that may arise from a specific policy for basement development in terms of community cohesion, where currently a situation of discord exists due to the lack of policy and where neighbours appear to be pitted against each other without a clear policy approach for resolution.</p> <p>Clarification regarding design and occupation stages will have also a positive affect for inclusive communities as greater consideration is sought prior to approval an assessment on the impact of basement development on neighbours.</p>
	<ul style="list-style-type: none"> Will in increase ability to influence decision making (neighbourhoods)? * 	0	
	<ul style="list-style-type: none"> Will it encourage engagement in community activity 	0	
	<ul style="list-style-type: none"> Will it foster an inclusive Westminster community? 	+	
2. To reduce crime and fear of crime	<ul style="list-style-type: none"> Will it reduce the levels of crime, disorder and anti-social behaviour?*** 	0	

	<ul style="list-style-type: none"> Will it reduce fear of crime, disorder and anti-social behaviour? ** 	0	
	<ul style="list-style-type: none"> Will it reduce other behaviour adversely affecting the local environment? ** 		
3. To ensure the provision of appropriate housing types to reduce homelessness; reduce overcrowded households and meet the demand for affordable housing and family sized units	<ul style="list-style-type: none"> Will it reduce homelessness? ** 	0	This policy has the potential to increase the housing stock. In 2011, the number of basements extensions doubled and over the last 4years (2011-2014) 386 have been approved. In, 2011 and 2012, 42 (38%) involved the creation of new self-contained residential dwellings, and on this basis on balance, receive positive scores. However, it is more difficult to qualify, the impact this will have on the provision of appropriate housing especially looking at future requirement, as the housing needs assessment changes at least every five years.
	<ul style="list-style-type: none"> Will it increase a range of affordable housing? ** 	0	
	<ul style="list-style-type: none"> Will it reduce the number of unfit homes? ** 	0	
	<ul style="list-style-type: none"> Will it result in high quality homes? ** 	+	
	<ul style="list-style-type: none"> Will it provide housing than can help people stay independent for longer? 	0	
4. To promote and improve health and wellbeing	<ul style="list-style-type: none"> Will it help health inequalities? ** 	0	Reduction in death rates - This is a secondary and long term cumulative impact that may possibly arise from the policy. The consideration is based on the potential benefits from reducing flood risk and helping to maintain open space and bio-diversity and improving air quality. There is also some merit in providing a co-ordinated approach of construction. This positive is very much on balance and is a result of the detailed nature of the IIA Framework. Although the general benefits on health and wellbeing are well recognised. There is also a link between mental well-being and a quiet environment. Although not a good fit with the sub-criteria.
	<ul style="list-style-type: none"> Will it reduce death rates? * 	+	
	<ul style="list-style-type: none"> Will it improve access/movement? * 	0	
	<ul style="list-style-type: none"> Will it encourage healthy lifestyles? * 	0	
	<ul style="list-style-type: none"> Will it improve cultural wellbeing? 	0	
	<ul style="list-style-type: none"> Will it foster an inclusive Westminster community, specifically through an active engagement in sport and physical activity opportunities? 	0	
	<ul style="list-style-type: none"> Will it provide access to a healthy diet and encourage healthy lifestyles? 	0	

	<ul style="list-style-type: none"> • Will it encourage a physically active lifestyle (helping to reduce obesity)? 	0	
	<ul style="list-style-type: none"> • Will it create healthy workplaces? 	0	
5. To reduce greenhouse gas emissions and support climate change adaption	<ul style="list-style-type: none"> • Will it reduce greenhouse gas emissions by reducing energy consumption, generating low or zero carbon energy and reducing the need to travel?* 	0	<p>This policy has on balance been given a neutral score for the following reasons:</p> <ol style="list-style-type: none"> 1) Embodied carbon during construction is high; 2) the uses of the basements often require mechanical air movement and conditioning, which often cannot be delivered by open windows; 3) there is often a need for increased water pumping to remove water; 4) and a lack of natural light requires electricity to overcome this; consequently the policy encourages natural ventilation and lighting. <p>On the other hand:</p> <ol style="list-style-type: none"> 5) construction underground can save energy by increased cooling and warmth through thermal mass and insulation; 6) extending a property is often more efficient than constructing a larger new development; 7) ensuring that residents and communities are close to work and known communities will reduce emissions.
	<ul style="list-style-type: none"> • Will it reduce ozone depleting emissions? * 	0	
	<ul style="list-style-type: none"> • Will it reduce emissions through retrofitting new technology? 	0	
	<ul style="list-style-type: none"> • Will it reduce heat island effects on people and property? * 	0	
6. To reduce the use of natural resources e.g. water, fossil fuels, quarried materials, wood.	<ul style="list-style-type: none"> • Will it reduce water consumption and improve water efficiency? 	0	
	<ul style="list-style-type: none"> • Will it reduce consumption of fossil fuels?* 	0	
	<ul style="list-style-type: none"> • Will use of other natural resources (e.g. quarried materials) be minimised? 		

	<ul style="list-style-type: none"> Will use of renewable resources (e.g. sustainably sourced timber) be prioritised over non-renewable resources? 	0	
7. To reduce flood risk, promote sustainable urban drainage (SUDs) and protect, surface and ground water quality	<ul style="list-style-type: none"> Will it minimise flood risk from all sources of flooding?* 	++	<p>The policy requires that basement development incorporates Sustainable Urban Drainage (SUDs) measures or any other mitigation measures recommended in the structural statement or flood risk assessment.</p> <p>In addition applicants are required to demonstrate that they have taken into account the site-specific ground conditions, drainage and water-environment in the area of the development and that the basement development will not increase flood risk on the site or beyond. The requirement for SUD's is considered important in terms of surface water drainage and can help to protect and enhance ground water quality. This policy also seeks a separate site-specific flood risk assessment where required. Surface water drainage can help protect and enhance ground water quality.</p> <p>The policy also explicitly states that the basement must be protected from sewer flooding through the installation of a suitable pumped device. This will have a significant mitigating effect on combined sewer overflow events.</p>
	<ul style="list-style-type: none"> Will it reduce property damage due to storm events/ heavy rainfall by improving flood resistance and flood resilience? * 	++	
	<ul style="list-style-type: none"> Will it reduce combined sewer overflow events?* 	++	
8. To protect, enhance and create environments that encourage and support biodiversity	<ul style="list-style-type: none"> Will it protect, enhance and increase biodiversity and protect habitats? 	++	<p>Private garden land supports biodiversity. Uncontrolled basement development can affect these functions and result in the loss of important trees and</p>
	<ul style="list-style-type: none"> Will it preserve SINCS? 	0	

	<ul style="list-style-type: none"> Will it improve access to and promote educational value of sites of biodiversity interest?* 	0	landscape. The policy requires an adequate depth and volume of soil to allow for new tree and shrub planting and not result in the loss of trees or townscape or ecological value.
	<ul style="list-style-type: none"> Will it conserve and enhance species and habitats? 	0	
	<ul style="list-style-type: none"> Will it improve the water environment? 		
9. To improve air quality	<ul style="list-style-type: none"> Will it improve air quality? * 	+	It could be argued that supporting biodiversity may cumulatively and in the long run support air quality.
	<ul style="list-style-type: none"> Will it reduce emissions of key pollutants?* 	0	
10. To reduce noise and impact of noise	<ul style="list-style-type: none"> Will it reduce noise levels* 	++	This is based on existing concerns from residents regarding noise resulting from basement construction. The policy requires adherence to the Councils Code of Construction Practice.
	<ul style="list-style-type: none"> Will it reduce noise concerns and complaints? 	+	
11. To reduce the need to travel; the use of private motorised vehicular transport as well as encourage walking, cycling and the use of public transport	<ul style="list-style-type: none"> Will it reduce traffic volumes?* 	0	
	<ul style="list-style-type: none"> Will it encourage walking and cycling?* 	0	
	<ul style="list-style-type: none"> Will it increase proportion of journeys using modes other than a car?* 	0	
12. To reduce waste production and increase recycling, recovery and use of all waste	<ul style="list-style-type: none"> Will lead to reduced consumption of materials and resources? 	0	Basement development can include a large amount of excavation and therefore construction waste. The policy restricts excavation to one storey below the original floor level, unless exceptional circumstances have been demonstrated and this will therefore reduce construction waste compared to unfettered basement development.
	<ul style="list-style-type: none"> Will reduce household waste? 	0	
	<ul style="list-style-type: none"> Will increase recovery recycling and re-use? 	0	
	<ul style="list-style-type: none"> Will reduce construction waste? 	+	
13. To conserve and enhance the historic environment and architectural, archaeological and cultural heritage	<ul style="list-style-type: none"> Will it conserve the significance of heritage sites and cultural value? 	0	The policy requires that any basement development protects heritage assets including significant archaeological deposits and in the case of listed buildings, not unbalance the buildings' original
	<ul style="list-style-type: none"> Will it protect strategic views? 	0	
	<ul style="list-style-type: none"> Will it conserve listed buildings and their settings? 	++	

	<ul style="list-style-type: none"> Will it help conserve, enhance and record archaeological features and their settings? 	++	hierarchy of spaces, where this contributes to significance.
14. To enhance public realm and street improvements	<ul style="list-style-type: none"> Will reduce litter? 	0	
	<ul style="list-style-type: none"> Will it enhance the quality of public realm? 	0	
	<ul style="list-style-type: none"> Will improve access and mobility for all equality group strands?* * 	0	
15. To protect, enhance and seek opportunities to increase open space	<ul style="list-style-type: none"> Will it improve open space?* 	0	The policy requires that any basement extension should not extend under more than 50% or 4m (whichever is the larger) of garden land and provide satisfactory landscaping including soft landscaping and a minimum of 1.2 m soil depth and adequate soil volume above the top cover of the basement. This can help ensure that green corridors and networks are maintained; allowing established mature and larger scale planting to continue to grow naturally.
	<ul style="list-style-type: none"> Will it improve landscape and character of open space? 	++	
	<ul style="list-style-type: none"> Will it improve access to open space? ** 	0	
16. To ensure equality of opportunity and improve local opportunities and support sustainable growth throughout Westminster.	<ul style="list-style-type: none"> Will it improve qualifications, skills and training? ** 	0	This policy has been given a positive score for both Objective 16 and Objective 17. This is in recognition that building work contributes to the wider and local economy and may provide for relatively unskilled labour. This positive impact is likely to be relatively small and temporary during the construction stage. There is no guarantee that those employed will be Westminster residents, however this potential exists and may reduce unemployment and provide jobs for those most in need.
	<ul style="list-style-type: none"> Will it reduce unemployment? * 	+	
	<ul style="list-style-type: none"> Will provide jobs for most in need? ** 	+	
	<ul style="list-style-type: none"> Will improve earnings? 	0	
	<ul style="list-style-type: none"> Will it support young people, adults and vulnerable parents into employment, education and training? 	0	
17. To maintain economic diversity, increase local opportunity and support sustainable economic	<ul style="list-style-type: none"> Will improve business development and environment? 	0	See above and construction work adds to the diversity of Westminster's economy.
	<ul style="list-style-type: none"> Will improve business resilience and economy? 	+	

<p>growth.</p>	<ul style="list-style-type: none"> • Will it encourage new business start ups, small businesses and opportunities for local people?* 	<p>0</p>	
	<ul style="list-style-type: none"> • Will it promote business in key sectors? 	<p>0</p>	
	<ul style="list-style-type: none"> • Will it promote regeneration, reducing disparity?*** 	<p>0</p>	
<p>(** asterisks show where the sub-criteria other than that identified in coloured text (blue text = health considerations and red text = equalities considerations) is likely to impact on health and equalities).</p> <p>For the EIA the following protected characteristics were considered: Age, Disability, Gender (including gender reassignment, Pregnancy and Maternity, Race, Religion or Belief (including lack of) and Sexual Orientation</p>			
<p>IIA Assessment</p> <p>Major positive ++ , Minor positive + Neutral 0, Minor negative – Major negative – –</p> <p>Overall Summary</p> <p>The overall assessment of this policy is positive in terms of the main objectives and for the sub-criteria. There are positive scores for sub-criteria in objectives 1, 3, 4, 7, 8, 9, 12, 13, 15, 16 and 17 With objective 10 having positive scores for all sub-criteria objectives. There are no negative scores resulting from the policy.</p>			
<p>Long Term positive effect – The policy is most likely to have long term cumulative positive effects in particular in relation to groundwater flooding, improvements to landscape and character of open space and biodiversity, SUDs can mitigate against surface water flooding which can be a particular problem in Westminster especially in the Surface Water ‘hotspot’ areas, again this matter is likely to be cumulative. Noise and disturbance during basement construction is of particular concern to Westminster residents and would be mitigated by this policy approach. All of these factors may in turn have a long term positive impact on health and wellbeing.</p> <p>Short term – This policy may have a positive short term effect on some forms of flooding where historic river courses or underground infrastructure (including drains and sewers) are identified in any hydrological assessment. The reduction in construction waste is likely to be immediate but have a long term and cumulative impact on waste reduction in Westminster. The positive impact on conserving heritage sites and archaeological features will be immediate but again this has positive implications for the long term. Employment opportunities are likely to be short term.</p> <p>Long term negative effects – None</p> <p>Short Term – None</p>			

Mitigation/Change to plan – The policy now specifically refers to incorporating sustainable urban drainage measures.

Cumulative effects – The policy is most likely to have long term cumulative positive effects.

Uncertainties/risks – Technological changes in basement construction.

Monitoring significant effects – The Authority’s Monitoring Report

2. Integrated Impact Assessment: For Policy S 29 - Health Safety and Well-Being (additional wording)			
Sustainability, Equality and Health Objectives	Detailed decision making sub-criteria including EIA and HIA	Score	Comments
1. To create cohesive, inclusive and safe communities	<ul style="list-style-type: none"> Will improve access to local services including shops and community facilities?* 	0	This is mainly an equalities sub-criteria. However, it is important to recognise a positive impact that may arise from a specific policy for basement development in terms of community cohesion, where currently
	<ul style="list-style-type: none"> Will in increase ability to influence decision making (neighbourhoods)? * 	0	
	<ul style="list-style-type: none"> Will it encourage engagement in community activity 	0	
	<ul style="list-style-type: none"> Will it foster an inclusive Westminster community? 	+	

			a situation of discord exists due to the lack of policy and where neighbours appear to be pitted against each other without a clear policy approach for resolution.
2. To reduce crime and fear of crime	<ul style="list-style-type: none"> Will it reduce the levels of crime, disorder and anti-social behaviour? ** 	0	
	<ul style="list-style-type: none"> Will it reduce fear of crime, disorder and anti-social behaviour? ** 	0	
	<ul style="list-style-type: none"> Will it reduce other behaviour adversely affecting the local environment? ** 	0	
3. To ensure the provision of appropriate housing types to reduce homelessness; reduce overcrowded households and meet the demand for affordable housing and family sized units	<ul style="list-style-type: none"> Will it reduce homelessness? ** 	0	
	<ul style="list-style-type: none"> Will it increase a range of affordable housing? ** 	0	
	<ul style="list-style-type: none"> Will it reduce the number of unfit homes? ** 	0	
	<ul style="list-style-type: none"> Will it result in high quality homes? ** 	0	
	<ul style="list-style-type: none"> Will it provide housing that can help people stay independent for longer? 	0	
4. To promote and improve health and wellbeing	<ul style="list-style-type: none"> Will it help health inequalities? ** 	0	This has been given a positive score because of the links between mental well-being and a quiet environment. Although not a good fit with the sub-criteria there is a defined link between these matters that should be recognised in this assessment.
	<ul style="list-style-type: none"> Will it reduce death rates? * 	0	
	<ul style="list-style-type: none"> Will it improve access/movement? * 	0	
	<ul style="list-style-type: none"> Will it encourage healthy lifestyles? * 	+	
	<ul style="list-style-type: none"> Will it improve cultural wellbeing? 	0	
	<ul style="list-style-type: none"> Will it foster an inclusive Westminster community, specifically through an active engagement in sport 	0	

	and physical activity opportunities?		
	<ul style="list-style-type: none"> Will it provide access to a healthy diet and encourage healthy lifestyles? 	0	
	<ul style="list-style-type: none"> Will it encourage a physically active lifestyle (helping to reduce obesity)? 	0	
	<ul style="list-style-type: none"> Will it create healthy workplaces? 	0	
5. To reduce greenhouse gas emissions and support climate change adaption	<ul style="list-style-type: none"> Will it reduce greenhouse gas emissions by reducing energy consumption, generating low or zero carbon energy and reducing the need to travel?* 	0	
	<ul style="list-style-type: none"> Will it reduce ozone depleting emissions? * 	0	
	<ul style="list-style-type: none"> Will it reduce emissions through retrofitting new technology? 	0	
	<ul style="list-style-type: none"> Will it reduce heat island effects on people and property? * 	0	
6. To reduce the use of natural resources e.g. water, fossil fuels, quarried materials, wood.	<ul style="list-style-type: none"> Will it reduce water consumption and improve water efficiency? 	0	
	<ul style="list-style-type: none"> Will it reduce consumption of fossil fuels?* 	0	
	<ul style="list-style-type: none"> Will use of other natural resources (e.g. quarried materials) be minimised? 		
	<ul style="list-style-type: none"> Will use of renewable resources (e.g. sustainably sourced timber) be prioritised over non-renewable resources? 	0	

7. To reduce flood risk, promote sustainable urban drainage (SUDs) and protect, surface and ground water quality	<ul style="list-style-type: none"> Will it minimise flood risk from all sources of flooding?* 	0	
	<ul style="list-style-type: none"> Will it reduce property damage due to storm events/ heavy rainfall by improving flood resistance and flood resilience? * 	0	
	<ul style="list-style-type: none"> Will it reduce combined sewer overflow events?* 	0	
8. To protect, enhance and create environments that encourage and support biodiversity	<ul style="list-style-type: none"> Will it protect, enhance and increase biodiversity and protect habitats? 	0	
	<ul style="list-style-type: none"> Will it preserve SINCs? 	0	
	<ul style="list-style-type: none"> Will it improve access to and promote educational value of sites of biodiversity interest?* 	0	
	<ul style="list-style-type: none"> Will it conserve and enhance species and habitats? 	0	
	<ul style="list-style-type: none"> Will it improve the water environment? 	0	
9. To improve air quality	<ul style="list-style-type: none"> Will it improve air quality? * 	0	
	<ul style="list-style-type: none"> Will it reduce emissions of key pollutants?* 	0	
10. To reduce noise and impact of noise	<ul style="list-style-type: none"> Will it reduce noise levels* 	++	This is based on existing concerns from residents regarding noise resulting from basement construction. The policy requires adherence to the Councils Code of Construction Practice.
	<ul style="list-style-type: none"> Will it reduce noise concerns and complaints? 	+	
11. To reduce the need to travel; the use of private motorised vehicular transport as well as encourage walking, cycling and the use of public transport	<ul style="list-style-type: none"> Will it reduce traffic volumes?* 	0	
	<ul style="list-style-type: none"> Will it encourage walking and cycling?* 	0	
	<ul style="list-style-type: none"> Will it increase proportion of journeys using modes other than a car?* 	0	

12. To reduce waste production and increase recycling, recovery and use of all waste	• Will lead to reduced consumption of materials and resources?	0	
	• Will reduce household waste?	0	
	• Will increase recovery recycling and re-use?	0	
	• Will reduce construction waste?	0	
13. To conserve and enhance the historic environment and architectural, archaeological and cultural heritage	• Will it conserve the significance of heritage sites and cultural value?	0	
	• Will it protect strategic views?	0	
	• Will it conserve listed buildings and their settings?	0	
	• Will it help conserve, enhance and record archaeological features and their settings?	0	
14. To enhance public realm and street improvements	• Will reduce litter?	0	
	• Will it enhance the quality of public realm?	0	
	• Will improve access and mobility for all equality group strands?* *	0	
15. To protect, enhance and seek opportunities to increase open space	• Will it improve open space?*	0	
	• Will it improve landscape and character of open space?	0	
	• Will it improve access to open space? **	0	
16. To ensure equality of opportunity and improve local opportunities and support sustainable growth throughout Westminster.	• Will it improve qualifications, skills and training? **	0	
	• Will it reduce unemployment? *	0	
	• Will provide jobs for most in need? **	0	
	• Will improve earnings?	0	

	<ul style="list-style-type: none"> • Will it support young people, adults and vulnerable parents into employment, education and training? 	0	
17. To maintain economic diversity, increase local opportunity and support sustainable economic growth.	<ul style="list-style-type: none"> • Will improve business development and environment? 	0	
	<ul style="list-style-type: none"> • Will improve business resilience and economy? 	0	
	<ul style="list-style-type: none"> • Will it encourage new business start ups, small businesses and opportunities for local people?* 	0	
	<ul style="list-style-type: none"> • Will it promote business in key sectors? 	0	
	<ul style="list-style-type: none"> • Will it promote regeneration, reducing disparity?*** 	0	
<p>(* asterisks show where the sub-criteria other than that identified in coloured text (blue text = health considerations and red text = equalities considerations) is likely to impact on health and equalities).</p> <p>For the EIA the following protected characteristics were considered: Age, Disability, Gender (including gender reassignment, Pregnancy and Maternity, Race, Religion or Belief (including lack of) and Sexual Orientation</p>			
<p>IIA Assessment</p> <p>Major positive ++ , Minor positive + Neutral 0, Minor negative – Major negative – –</p> <p>Overall Summary</p> <p>The overall assessment of this policy is neutral in terms of the main objectives. There are no negative scores resulting from the policy and four positive scores in the sub-criteria for Objectives 1, 4 and 10. With the most significant impact considered to be on noise.</p>			
<p>Long Term positive effect – Noise and disturbance during basement construction is of particular concern to Westminster residents and would be mitigated by this policy approach. All of these factors may in turn have a long term positive impact on health and wellbeing.</p> <p>Short term – An immediate reduction in noise and disturbance.</p> <p>Long term negative effects – None</p>			

Short Term – None

Mitigation/Change to plan – None

Cumulative effects – The policy is most likely to have long term cumulative positive effects.

Uncertainties/risks – Technological changes in basement construction.

Monitoring significant effects – The Authority's Monitoring Report

Appendix 6 (A) Subterranean/Basement Development and (B) Amendment to Policy S29 Health, Safety and Well-being– Reasonable Alternatives

(A)Subterranean/Basement Development

(Key to alternatives set out below the table)

IIA Objectives	PO 7.1	PO 7.2	PO 7.3	PO 7.4	PO 7.5	PO 7.6	PO7. 7	PO 7.8	CMP 2.7	NP CM2 8.7	CO 1	CO2	CO3	NP CM 28.1 (Reg. 19)	WPA (Reg 19)
1.To create cohesive, inclusive and safe communities	Red	Red	Yellow	Yellow	Yellow	Yellow	Yellow	Yellow	Yellow	Green	Red	Red	Yellow	+	Red
2. To reduce crime and fear of crime	Yellow	Yellow	Yellow	Yellow	Yellow	Yellow	Yellow	Yellow	Yellow	Yellow	Yellow	Yellow	Yellow	Yellow	Yellow
3.To ensure provision of appropriate housing types to reduce overcrowded households and meet the demand for affordable housing and family sized units	Green	Green	Green	Green	Green	Green	Green	Yellow	Green	Green	Green	Green	Yellow	+	Green
4.To promote and improve health and well being	Red	Yellow	Green	Green	Green	Green	Green	Green	Green	Green	Yellow	Red	Green	+	Red

economic growth															
17.To maintain economic diversity, increase local opportunity and support sustainable economic growth.															

PO 7.1 – PO 7.8 [CMP Policy Options](#) January 2011

PO 7.1

No policy.

PO 7.2

Subterranean development will:

- a. have no adverse visual impact on the existing building or the surrounding area;
- b. include a satisfactory scheme of landscaping, including at least 1 metre soil depth and ensure that adequate planted material will be provided to mitigate the reduction in the natural storm water infiltration capacity of a site and/ or the loss of biodiversity;
- c. extend under no more than 50% of the garden area;
- d. not result in the loss of trees of townscape, ecological or amenity value;
- e. be naturally or passively ventilated where practicable;
- f. not adversely affect neighbouring properties in terms of light pollution; and
- g. not result in the loss of existing boundary walls where they contribute positively to the character and appearance of the building and/ or the surrounding area.

PO 7.3

Policy Option 7.2 followed by:

All applications for subterranean development will be accompanied by appropriate self-certification from a Structural Engineer and a Hydrologist.

A full construction method statement may also be required, providing detail on excavation and construction techniques including details of the potential impact of subterranean development on the existing and neighbouring structures and a programme of works.

Archaeological assessments may need to be undertaken in conjunction with applications for subterranean development where they are in Areas of Special Archaeological Priority or sites with known archaeological potential.

PO 7.4

Include after Policy Option 7.2/7.3:

Lightwells will not be introduced:

- a To the front of properties, except where there is an acceptable historic precedent, or**
- b To the rear of properties, except where they are located immediately adjacent to the rear wall of the existing building.**

Where the introduction of a new lightwell is considered acceptable in the above cases, it must not :

- a result in the substantial loss of garden space;**
- b harm the appearance or character of the existing building; or**
- c impact upon the safety or operation of the highway.**

PO 7.5

In addition to Policy Option 7.2:

Subterranean development will not involve the excavation of more than one additional basement storey.

PO 7.6

In addition to Policy Option 7.2:

Subterranean development will not impact adversely on ground water flow, water levels and drainage.

PO 7.7

In addition to Policy Option 7.2:

Subterranean development will be designed to ensure the character of historic buildings is respected in terms of plan form and room proportions.

PO 7.8

New or extended basement areas under the adjacent highway will

- **retain a minimum vertical depth below the footway or carriageway of 900mm**
- **not encroach more than 1.8m under any part of the adjacent highway.**

CMP 2.7 [City Management Plan Consultation Draft](#) November 2011

CMP 2.7

A) Subterranean development will:

- 1. extend under no more than 50% of the front or rear garden area;**
- 2. include landscaping, incorporating adequate planted material with at least 1.5 metre soil depth across the garden as a whole, with deeper tree pits provided where appropriate;**
- 3. not result in the loss of trees of townscape, ecological or amenity value;**
- 4. be passively ventilated wherever practicable, or mechanically ventilated with heat recovery (using the lowest carbon option);**
- 5. not normally involve the excavation of more than one additional basement storey;**
- 6. have no adverse visual impact on the existing building or the surrounding area;**
- 7. not result in the loss of existing boundary walls where they contribute positively to the character and**

appearance of the building and/or the surrounding area; and
8. protect heritage assets and, in the case of listed buildings, not result in the subversion of the buildings' original hierarchy of spaces or otherwise adversely affect their significance.

B) All applications for subterranean development will be accompanied by a structural methodology statement and appropriate self-certification. A full construction method statement may also be required, providing detail on excavation and construction techniques including details of the potential impact of subterranean development on the existing and neighbouring structures.

C) New or extended basement areas under the adjacent highway will:

1. retain a minimum vertical depth below the footway or carriageway of 900mm; and
2. not encroach more than 1.8m under any part of the adjacent highway.

NP CM28.7 [Basements Booklet No.3 LDF Consultation](#) October 2013

NP CM 28.7 Basement development to residential buildings or buildings originally built for residential purposes will:

1. Provide satisfactory landscaping, incorporating soft landscaping, permeable surfacing, and a minimum of 1.2m soil depth and adequate soil volume above the top cover of the basement;
2. Not extend under more than 50% or 4m (whichever is the larger) of garden land, and not result in the loss of trees of townscape, ecological or amenity value;
3. Not involve the excavation of more than one storey below the lowest original floor level, unless exceptional circumstances have been demonstrated;
4. be naturally ventilated and lit wherever practicable, especially where habitable accommodation is being provided;
5. have no adverse visual impact on the existing building, garden setting or the surrounding area, ensuring lightwells, plant, vents, skylights and means of escape are sensitively designed and discreetly sited; and
6. protect heritage assets including significant archaeological deposits and, in the case of listed buildings, not unbalance the buildings' original hierarchy of spaces, where this contributes to significance

Applicants will be required to demonstrate that basement development will safeguard structural stability and will not increase flood risk on the site or beyond. All applications will be accompanied by a structural methodology statement and appropriate self-certification. A construction management plan demonstrating adherence to the Council's Code of Construction Practice will also be required.

Non-residential development adjoining residential properties and new build residential incorporating basements will also be subject to the criteria set out above where there is potential for similar impact on those adjoining properties.

New or extended basement areas under the adjacent highway will:

1. retain a minimum vertical depth below the footway or carriageway of 900mm; and
2. not encroach more than 1.8m under any part of the adjacent highway.

CO1-CO3 derived from responses to [Basements Booklet No.3 LDF Consultation](#) October 2013

CO1 Basement Force recommends the adoption of a simple criteria based policy based on wording below and consider this is a more *appropriate alternative* to the current proposed policy.

Support good basement development which is development:

- a. With an acceptable impact on the street scene;
- b. With an acceptable impact on any heritage assets including, where relevant, the building itself;
- c. With an acceptable impact on the amenity of neighbours and those using the public spaces around the building including the street;
- d. Which promotes, in a proportionate way, sustainable development – in relation to UK carbon emissions;
- e. Which does not cause an unsympathetic alteration to the leafy and well-treed character of gardens;
- f. Which incorporates SUDS and deals acceptably with other hydrological matters;
- g. Which is well designed (including protection from flooding and other technical matters);
- h. Which does not cause an adverse impact on the structural stability of any building.

CO2 Suggested by a number of residents and Grosvenor Estate – Prohibit basement extensions under listed buildings

CO3 suggested by a number of residents – Do not allow any basement extensions in Westminster

Reg19CO_WPA

This comment is derived from the Regulation 19 c consultation from the Westminster Property Association and suggests the following alternative wording to replace the final paragraph of the policy:

“Basements within new-build commercial and major residential developments within the CAZ will not usually be restricted. Where new commercial or major residential developments are adjacent to residential properties, applicants may be required to demonstrate how the potential adverse amenity effects listed at 1-3, above, will be mitigated.”

NP CM 28.1 post Regulation 19 consultation

(This option is the same as NP CM 28.7 with the additional minor modifications as a result of Regulation 19 consultation responses)

Basement development to residential buildings or buildings originally built for residential purposes will:

A

1. a) not extend beneath more than 50% of the garden land.
b) leave a margin of undeveloped garden land proportionate to the scale of development around the entire site boundary with the exception of one elevation adjacent to the public highway (other than where the highway forms part of the Transport for London Road Network [TLRN]) where the basement may extend beneath the public highway provided it satisfies the requirements set out in paragraph 10 below.
6. use the most energy efficient means of ventilation, and lighting, involving the lowest carbon emissions. Wherever practicable natural ventilation and lighting should be used where habitable accommodation is being provided;
7. incorporate sustainable urban drainage measures to reduce peak rate of run-off or any other mitigation measures recommended in the structural statement or flood risk assessment;
9. protect heritage assets, ~~safeguarding significant archaeological deposits~~ and in the case of listed buildings, not unbalance the buildings' original hierarchy of spaces, where this contributes to significance;

- 10. safeguard significant archaeological deposits;
- 11. where constructing new basement development under the adjacent (nonTLRN) highway;
- 13. be protected from sewer flooding through the installation of a suitable pumped device.

B.

Applicants will demonstrate that they have taken into account the site-specific ground conditions, drainage and water environment(s) in the area of the development and that the basement development will:

- 1. safeguard structural stability of the existing building, nearby buildings and other infrastructure including the highway and railway lines/tunnels;
- 3. be designed and constructed so as to minimise the impact at design and occupation stages on neighbouring uses; the amenity of those living or working in the area; and on users of the highway.

(B) Amendment to Policy S29 Health, Safety and Well-being

I/A Objectives	AO1	AO2
1.To create cohesive, inclusive and safe communities		
2. To reduce crime and fear of crime		
3.To ensure provision of appropriate housing types to reduce overcrowded households and meet the demand for affordable housing and family sized units		
4.To promote and improve health and well		

being		
5.To reduce green house emissions and support climate change adaption		
6.To reduce use of natural resources e.g. water, energy		
7.To reduce flood risk, promote SUDs, protect surface water and groundwater quality		
8.To protect, enhance and create environments that encourage and support biodiversity		
9.To improve Air Quality		
10.To reduce noise and the impact of noise		
11.To reduce the need to travel, the use of private motorised vehicular transport as well as encourage walking, cycling and use of public transport		
12.To reduce waste production and increase recycling, recovery and re-use of waste		
13.To protect and enhance the historic environment and architectural, archeological and cultural heritage		
14.To enhance public realm and street improvements		

15.To protect, enhance and seek opportunities to increase open space		
16.To ensure equal opportunities to improve local opportunities and support sustainable economic growth		
17.To maintain economic diversity, increase local opportunity and support sustainable economic growth.		

AO1 No change to the wording of Westminster City Plan Policy S29 Health, Safety and Well-Being

AO2 additional wording to adopted Policy S29 Health, Safety and Well-Being (underlined text is new) The development of major infrastructure projects and where appropriate, other projects with significant local impacts will need to mitigate, avoid or remedy environmental and local impacts, both in construction and operation.



City of Westminster

Westminster City Hall, 64 Victoria Street, London SW1E 6QP
Planning policy helpline: 020 7641 2503
www.westminster.gov.uk/revision-westminsters-city-plan

Mixed Use Revision

Submission Draft (Regulation 22) Revision to Westminster's City Plan: Strategic Policies



MIXED USE 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 ~~struckthrough~~ 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...*". Changes to the Glossary and References 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 and References sections 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 55, Figure 56, Appendix 3).

Maps reproduced from Ordnance Survey mapping with the sanction of Her Majesty's Stationery Office, Crown Copyright. Unauthorised reproduction may lead to prosecution or civil proceedings. City of Westminster 2009 LA 100019597.

Land Use Pie Charts for areas in Part III are based on 2010 pipeline data from Westminster City Council's land use monitoring [except where otherwise stated](#).

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PART I: INTRODUCTION

WESTMINSTER'S CITY PLAN

1.8 Westminster's City Plan is the local plan for Westminster. It sets out the vision for the City of Westminster up to and beyond 2026/27, and puts in place a policy framework to deliver that vision. Taken as a whole, it is the local expression of sustainable development. It balances competing requirements and demands to deliver against economic, social and environmental objectives. Looking to the future, it will deliver sustainable economic development including homes, business premises and infrastructure in a way that enhances those key attributes that make Westminster a great place to live, work and invest and creates thriving sustainable communities. **This plan only includes the strategic policies for the borough and is subject to a number of revisions which add more detailed policies. However it is not, in itself, a comprehensive policy framework for Westminster. It needs to be revised further to include the further detailed City Management policies, previously developed as a separate Development Plan Document. A Further revisions to this document is are underway. to integrate these policies and any necessary supporting text into this document to create the local plan for Westminster.** References have been made within this document highlighting ~~examples~~ where further City Management policy is necessary to provide detail. **Once this further the programme of revisions is are adopted, this they will replace all of the remaining saved policies in Westminster's Unitary Development Plan not referred to in Appendix 5.**

PART II: A UNIQUE CITY

THE LOCAL CONTEXT

WESTMINSTER AT THE HEART OF A GLOBAL CITY

2.1 Westminster is one of the most recognised, celebrated and exciting places in the world. It is at the heart of London, which is one of the leading world cities. Westminster is the seat of government and the Monarchy, thriving business clusters, a focus for culture and entertainment, a centre of learning and research and a hub for commerce and retailing. ~~It and~~ is home to many government departments, law courts, ~~many~~ places of worship of international importance, embassies and diplomatic institutions and other functions of the state. This activity is centred on the West End, a major national and international asset. It is the largest and most diverse concentration of jobs in the UK. Accommodating over 600,000 employees it is also one of the densest employment hubs in the world. Many of Westminster's attractions and functions, both in the West End and beyond, are emblematic of London itself.

2.2 The residential population of approximately ~~253,000~~ 227,000ⁱ swells to over 1 million every day, due to the influx of workers, visitors and tourists. This pressure is intense, at times overwhelming, and is central to both the city's character and many of its challenges. This level of movement and activity means that Westminster's more tranquil places; its parks, squares and residential enclaves are particularly valued. It also means that the residential environment offered is very different from that found in most other parts of London, with housing and commercial activity in very close proximity.

EMPLOYMENT AND THE LOCAL ECONOMY

2.4 Westminster functions as a national and international centre for business, shopping, arts and culture, and entertainment. It accommodates over 700,000 ~~590,000~~ jobs, ~~14%~~ 13% of all of London's jobs, and more than any other London local authority, the City and Canary Wharf combinedⁱⁱ. Westminster's economy generated ~~s~~ around £56 ~~£40~~ billion annually in Gross Value Added (GVA) in 2014/15, 16% ~~15%~~ of London's GVA, and 3.5% ~~3.1%~~ for the UKⁱⁱⁱ.

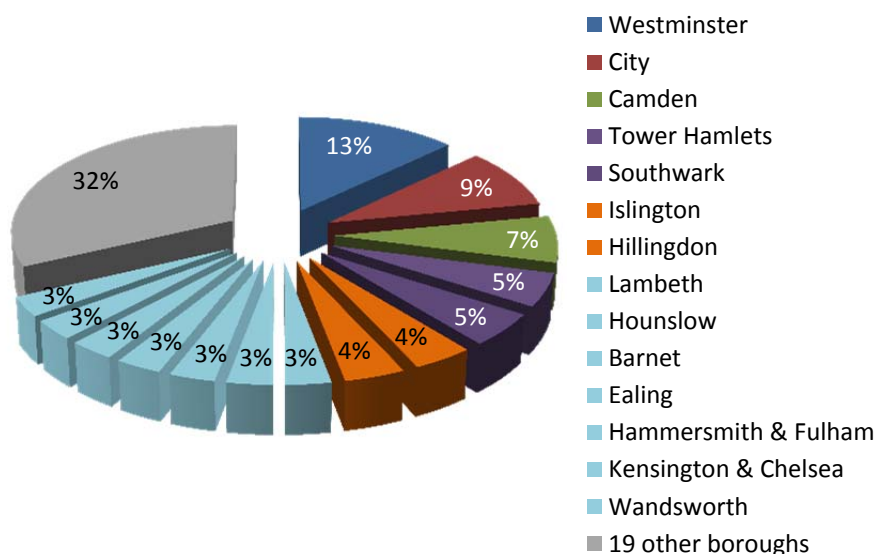


FIGURE 4 PROPORTION OF LONDON'S JOBS WITHIN EACH BOROUGH (BOROUGHS WITH OVER **100,000** **130,000** JOBS SHOWN) **2014 2010**^{iv}

2.5 Westminster's **43,000 46,000** businesses have a diverse and balanced employment offer, particularly when compared to other areas of the capital such as the City of London^v. This reflects its mixed character and contributes to its economic resilience. **Core business activity is focused in the West End, together with Paddington to the north- west and Victoria to the south. These areas host financial, commercial and professional services, creative, retail, leisure, tourism, eating, entertainment and cultural sectors. About** **seventy percent of these Westminster's** businesses are small businesses employing less than five people, and **about 85% 83%** employ less than ten people^{vi}. This is similar to averages for London and England as a whole.

A UNIQUE CITY

2.16 The City of Westminster is therefore unique and requires a bespoke planning framework to respond to the opportunities and challenges over the next 20 years. Looking towards **2036 2026/27**, Westminster will continue to play a key role at the heart of London: the profile of London as one of the world's great global cities should continue to bring long-term benefits through visitors, business and investment; we need to make our contribution to tackling climate change; rise to the challenge of new economic circumstances, changing markets and employment sectors; and changes in the composition of households and families, and the way people carry out their daily lives. This planning framework must retain those unique characteristics that make Westminster what it is today: its heritage, vibrancy, and mix of activities and places. The following chapters set out this planning framework to deliver Westminster's spatial vision for the future.

WESTMINSTER'S ISSUES AND CHALLENGES

ACCOMMODATING STRATEGIC LAND USES WITHIN A UNIQUE CENTRAL LONDON MIX

2.2120 Westminster is a nationally and internationally important location for offices, retail, media and creative industries, arts and culture, higher education institutions, entertainment and tourism, which it accommodates together with the functions of government and the state. The locations of these strategic land-uses overlap and all converge in the West End.

The West End boasts the busiest shopping district in the world centred around Oxford, Regent and Bond Streets. Westminster supports London's £22 billion visitor economy, ranging from the Abbey Road pedestrian crossing to 8 of the 20 top London visitor attractions. It is also the heart of London's evening and night-time economy, including 39 Michelin-starred restaurants. The home of theatre in Theatreland and cinema centred around Leicester Square are within the West End, and Westminster has a third of London's music, visual and performing arts employment and a third of London's television and radio employment.

2.2021 Westminster's central area, designated the Central Activities Zone (CAZ) within Westminster's City Plan, contains a mix of uses and activities that is unique both in London and the world. The complex mosaic of land uses gives Westminster its vitality, character and role within London as a world city. The apparent randomness of the mix is the product of the area's long history of changing patterns of land use and, since the 1970s, of careful control through planning policies and negotiations. This approach has proved a success: Soho, Mayfair and other central areas have retained their prestige as a desirable location for businesses and vitality and attraction, and the policy approach ensures that no one use dominates. ~~**Monitoring of this approach indicates that while there have been overall increases in office floorspace, the relative proportion of office floorspace within the most central part of this area (designated the Core CAZ) has changed very little over the past 25 years (50% in 1983, 51% in 1990, 48% in 2008 and 46% in 2011).**~~ This mix not only makes Westminster's Central Activities Zone unique, but also helps gives it a human scale, significantly enhancing the experience of the city from street level. **This approach successfully retained the proportion of office floorspace in the Core CAZ at between 48% and 51% since the early 1980s. However, significant office losses were seen from 2010/11 until 2015/16 due to a change in market drivers. The policy approach was modified to ensure that this loss did not continue and the CAZ could continue to fulfil its strategic function as an internationally important commercial agglomeration.**

2.22 Provision of housing within these areas is also intrinsic to its uniqueness and success. From flats in Soho to large residential neighbourhoods such as Pimlico, this residential element plays a major role in defining the character of different parts of the CAZ. The mix of uses must be carefully managed to ensure that **the residential use is part of the overall mix of uses, supporting the strategic function of the CAZ as a place to work and visit. Where homes are appropriate a healthy and safe residential environment must be able to be provided without compromising business activity, acknowledging that more commercial parts of the CAZ have a buzz and level of activity greater than primarily residential areas. is maintained.**

2.23 Maintaining such a complex environment will require a similarly rigorous approach over the lifetime of the plan, so as to ensure that incremental changes through site-by-site redevelopment do not erode the mix either at a very local level or across the wider area.

Policies to address this issue are set out at: S1 Mixed Use in the Central Activities Zone; S2 Special Policy Areas; S3 Paddington Opportunity Area; S4 Victoria Opportunity Area; S5 Tottenham Court Road Opportunity Area; S6 Core Central Activities Zone; S7 West End Special Retail Policy Area; S8 Marylebone and Fitzrovia; S9 Knightsbridge; S12 North Westminster Economic Development Area; **S14 Optimising Housing Delivery**; S18 Commercial Development; S20 Offices and Other B1 Floorspace; S21 Retail; S22 Tourism, Arts and Culture; S23 Hotels and Conference Facilities; S24 Entertainment Uses; S27 Buildings and Uses of International and National Importance; S29 Health, Safety and Well-Being; S31 Air Quality; S32 Noise; S33 Planning Obligations and Delivering Infrastructure; S42 Servicing and Deliveries; S43 Major Transport Infrastructure.

LACK OF AVAILABLE LAND, HOUSING, AND COMPETING LAND USES

2.27 Westminster's local economy relating to the Central Activities Zone also creates challenges for the borough. Since 2010/11, Westminster has seen significant annual losses of office floorspace. Much of this has been lost to housing, and the relative proportion of offices in the Core CAZ has declined to 46%, from a previous balance of between 48% and 51% retained for the 30 years previously. For this reason, a change in approach to offices within this strategically important area has been necessary. ~~In many cases developers would prefer single use office developments rather than a mix of uses, but such developments threaten the balance of uses which are so important to the character of Westminster's CAZ. For this reason, there is a particular problem ensuring that new housing development comes forward, and the council must actively and rigorously pursue housing development if it is to meet its statutory housing target.~~

PEOPLE PRESSURE

2.29 Westminster's residential population of approximately 250,000 swells to over one million during the daytime, with the influx of workers, visitors and tourists. Such intense activity is part of what makes Westminster exciting and vibrant, but is also one of its greatest challenges. It places enormous pressure on transport systems and the public realm and some locations struggle to accommodate the sheer numbers of people. Almost all journeys within Westminster involve a portion of walking within the public realm. A significant proportion of the capacity of social and community facilities and emergency services are taken by visitors rather than residents, and open spaces and parks, particularly the five Royal Parks, experience extraordinarily high visitor numbers from non-residents. The influx of visitors also extends into the evening and night-time, as people are drawn in for the entertainment offer, particularly concentrated around the West End. The high level of activity and 24 hour nature of some parts of the city strongly affects noise, air quality, crime and security, waste and the provision of local services. **The West End offers an almost unique residential environment, with the activity and offer of a 24 hour city on the doorstep. However, the City Council receives an increasing number of complaints from residents suggesting that the relationship between residents' expectations and business activity are not always well matched. The introduction of 24 hour tube running in September 2015 will further increase activity later into the night.** The functions of state and government, together with large events befitting Westminster's Central London role, and high numbers of people make the threat of terrorism a particular issue within the borough, and one which is best managed at design stage.

2.30 Regional growth also puts greater pressure on Central London locations such as Westminster, as people move through the city, and access centrally-located services and facilities as well as jobs. This movement to, through and across the city contributes to Westminster having amongst the worst air pollution in the country.

Westminster's activity makes it different from any other local authority in the country.

WESTMINSTER'S SPATIAL STRATEGY

WESTMINSTER'S SPATIAL VISION

~~To make~~ Westminster will remain a the foremost world class global city, while improving its sustainable performance: A city which values its unique heritage and accommodates growth and change to ensure the city's continued economic success while providing opportunities and a high quality of life for all of its communities and a high quality environment for residents, workers and visitors alike.

WESTMINSTER'S STRATEGIC OBJECTIVES

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.
4. To increase the supply of good quality housing across all parts of the city to meet Westminster's housing target, and to meet housing needs, including the provision of affordable housing and homes for those with special needs; whilst ensuring that new housing in commercial areas coexists alongside the business activity and an appropriate balance of uses is maintained.
5. To manage the pressures on the city from its national and international roles and functions, supporting business communities and tourism, and ~~to~~ ensuring e a safe and enjoyable visitor experience.

WESTMINSTER'S SPATIAL STRATEGY

EMPLOYMENT AND THE ECONOMY

2.36 Westminster is projected to accommodate growth in employment of about ~~56,000 people~~ 77,000 jobs to 2036 ~~between 2012/13 to 2026/27~~^{vii}. This provision will include 5,000 new jobs in Paddington Opportunity Area, 4,000 in Victoria Opportunity Area, and about 5,000 in the Tottenham Court Road Opportunity Area, including those areas within the London Borough of Camden^{viii}. It is crucial to remove barriers to employment for

Westminster's residents, such as a lack of skills and training. This will reduce deprivation and social exclusion, and provide a skilled, local workforce for Westminster's businesses.

2.37 Over the life-time of this plan, Westminster will continue to be one of London's most important office locations. New offices and other B1 business floorspace will be directed to appropriate locations within the Central Activities Zone, primarily the three Opportunity Areas at Paddington, Victoria and Tottenham Court Road, the Core Central Activities Zone, and to Named Streets within Marylebone and Fitzrovia. This will be delivered in such a way that maintains Westminster's unique mixed use character within Central London

recognising the importance of Westminster's office stock to the national economy, ~~with approximately half of the floorspace across the whole of Core CAZ being office floorspace.~~

Overspill office and other B1 accommodation will be directed to appropriate locations within the North Westminster Economic Development Area, extending the existing office stock being delivered within the Paddington Opportunity Area.

HOUSING

2.40 **Westminster offers a wide range of residential environments from quiet suburban streets to the hurley-burley of a global 24 hour city. As a general principle, housing is acceptable ~~on all sites within~~ in all parts of Westminster although it will not always be appropriate on all sites in the Central Activities Zone. As a minimum, an average of ~~770~~ 1,068 new homes will be delivered annually within Westminster. Opportunities for residential development will be optimised except in those parts of CAZ where the priority is for commercial development and where the introduction or increase of residential floorspace would be detrimental to the strategic functions of the CAZ as an internationally important business agglomeration, and is the priority land use for delivery. Housing delivery will slow in the later plan period as larger available sites are developed.**

2.42 The quality of the residential environment, **relationship between residential and commercial activity** and local characteristics of Westminster's neighbourhoods will continue to be a defining consideration for development proposals. This is expressed in the area-based policies throughout this plan.

ⁱ ONS Population Mid Year Estimates ~~2013~~ **2010**

ⁱⁱ **ONS Regional Labour Market: LI01 - Local Indicators for Counties, Local and Unitary Authorities April 2015 Business Register and Employment Survey 2010-11**

ⁱⁱⁱ **ONS, CEBR Analysis 2014 City of Westminster Local Economic Assessment Baseline Study, 2011**

^{iv} **ONS Regional Labour Market: LI01 - Local Indicators for Counties, Local and Unitary Authorities April 2015 Business Register and Employment Survey 2010-11**

^v Business Register and Employment Survey ~~2013/14~~ **2010-11**

^{vi} Business Register and Employment Survey ~~2013/14~~ **2010-11**

^{vii} **GLA Employment Projections 2013 London Office Policy Review, 2012**

^{viii} London Plan ~~2015~~ **2011**.

PART III: LOCAL SPATIAL POLICIES

THE CENTRAL ACTIVITIES ZONE

3.1 As Westminster has evolved, it has become one of the most mixed and exciting places in the world. This activity is centred around the West End, and includes the area which since the 1970s has been termed the Central Activities Zone (CAZ). Here, together with the functions of state and the Monarchy, are over 40,000 businesses, more office floorspace than the City of London and Canary Wharf combined, the nation's largest entertainment centre, London's theatre district and the West End cinemas, one of the most important hubs of creative industries in the world, and internationally important shopping offer including the West End and part of Knightsbridge. This area contains about 17% of London's hotel bedspaces and some of London's most recognised tourist attractions and most iconic public spaces such as Piccadilly Circus, Leicester, Trafalgar and Parliament squares, the Royal Parks and Speakers' Corner. All this takes place in an area that over ~~35,000~~ 21,500 people call home¹. ~~These residents~~ This mix, and the heritage of the buildings and places they inhabit, creates the unique character of Westminster's CAZ that makes it so different from any other part of London and unique in the world.

3.3 The central part of Westminster's CAZ is characterised by an intense level and range of activities. The council has designated this part of the CAZ as the Core Central Activities Zone (Core CAZ). The intensity of use and range of activities in the Core CAZ is not always appropriate in the other parts of the CAZ, which have their own unique character and role within the city. Approximately 120,000 people live across the wider CAZ area and there are many areas that are predominantly residential.

MIXED USES IN THE CENTRAL ACTIVITIES ZONE

3.5 There is an insatiable demand for every type of floorspace ~~strong competition for floorspace~~ within the CAZ from its internationally important agglomerations of commercial activities and functions, ~~but it is vital that consideration is also given to the place of~~ to its residential communities ~~and housing in the Central Activities Zone~~.

3.6 Managing Westminster's CAZ is all about balance. The mixed character of the CAZ is central to its economic **diversity and** vibrancy and is also crucial in attracting visitors and businesses. It also makes a significant contribution to the unique character of Westminster. It is acknowledged that in seeking mixed use, potential conflicts may be created which need to be managed. However, the benefits of genuine mixed use outweigh the difficulties of securing mixed use development or the additional management needs that may be generated by such a complex environment.

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;

i. Core CAZ,

ii. the Named Streets, or

iii. Opportunity Areas,

no residential floorspace will be required.

Within these areas, where proposals increase the amount of floorspace by;

i. less than 30% of the existing building, or

ii. less than 400sqm; (whichever is the greater),

no residential floorspace will be required.

B) Where proposals are in;

i. Core CAZ,

ii. the Named Streets, or

iii. Opportunity Areas, and

increase the amount of floorspace by between 30% and 50% of the existing building, and more than 400sqm, residential floorspace or an equivalent payment in lieu will be provided.

The residential floorspace required is equivalent to the net gain in B1 office floorspace less 30% of the total net additional floorspace. Where the net gain in B1 office floorspace is less than 30% of the total net additional floorspace, no residential will be required. The residential floorspace can be provided:

- i. on-site,
- ii. off-site, or
- iii. by mixed use credits (Policy CM47.2).

It is at the applicant's discretion whether they wish to provide a payment in lieu or residential floorspace, and where residential floorspace is provided, it is at the applicants discretion which of i, ii, or iii. above the apply.¹

C) Where proposals are in;

- i. Core CAZ,
- ii. the Named Streets, or
- iii. Opportunity Areas, and

increase the amount of floorspace by more than 50% of the existing building and more than 400sqm, residential floorspace will be provided.

The residential floorspace required is equivalent to the net gain in B1 office floorspace less 30% of the total net additional floorspace. Where the net gain in B1 office floorspace is less than 30% of the total net additional floorspace, no residential will be required. Where the net gain in B1 office floorspace is between 30% and 50% of the total net additional floorspace, B) above is applied.

¹ The following text has been deleted from Policy S1(B) “ 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 ... ; 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).”

~~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) Where proposals are in;

- i. Core CAZ,
- ii. the Named Streets, or

iii. Opportunity Areas,

and involve;

- 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, 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.

~~Where proposals increase the amount of commercial floorspace by 200 sqm or more, or in the case of A1 retail or private educational, health and leisure facilities (D1 or D2), by 400 sqm or more, the provision of an equivalent amount of residential floorspace will be required on-site, where the council considers this to be appropriate and practical. This will not apply to changes of use between commercial uses, except where the change of use is to B1 office use.~~

Insert the following new Policy Application between Policy S1 and its Reasoned Justification

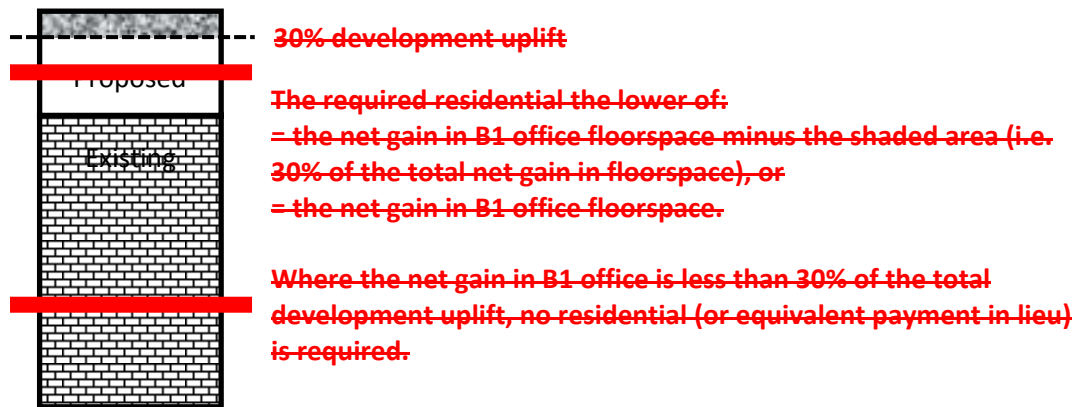
Policy Application

The requirement set out in 1B) and 1C) above for residential floorspace from office development ~~allows up to~~ ~~applies at above a~~ 30% development uplift ~~before the policy applies threshold (i.e where the net gain in floorspace is greater than 30% of the existing floorspace).~~ Development uplift is calculated as follows:

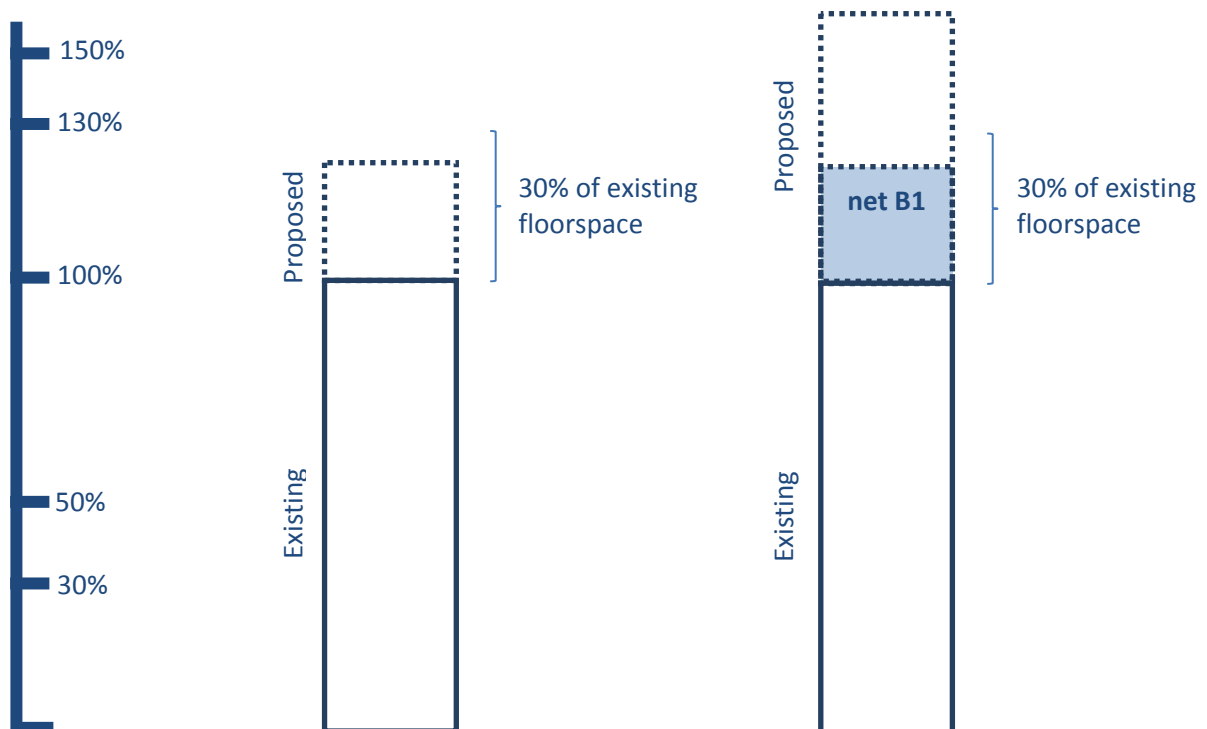
$$\frac{\text{Net gain in floorspace (sqm GIA)}}{\text{Existing floorspace (sqm GIA)}} \times 100$$

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

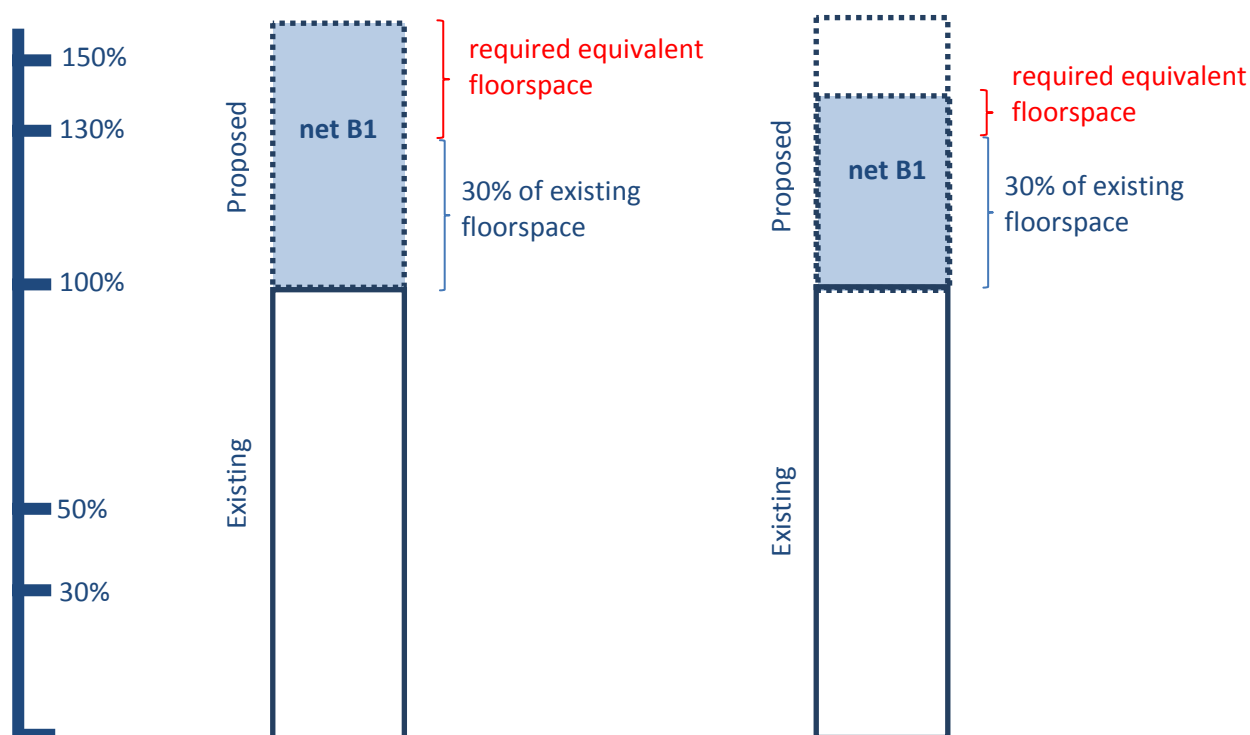
~~In such cases the required residential can be illustrated as follows:~~



In the following examples, no equivalent floorspace is required. In (A), the total net gain in floorspace is less than 30% of the existing floorspace. In (B), the net gain in office floorspace is less than 30% of the existing floorspace.



In the following examples, the floorspace which will be used for the policy is shown as the required equivalent floorspace. In (C), the floorspace required is equivalent to the total net gain in floorspace above 130% of the existing floorspace. Because this is still above 150% (or 50% development uplift) the cascade applies rather than it being at the applicant’s discretion how they provide this floorspace. In (D), the floorspace required is equivalent to all of the net gain in B1 office floorspace, because the net gain in office floorspace is more than the 30% development uplift, but less than the total net gain in floorspace. It would be at the applicant’s discretion how they provide this floorspace as it is less than 50% development uplift.



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.

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.

In D) above, where an appropriate amount of floorspace is required, this is a matter for agreement with the Council and will depend on what is appropriate on the individual site.

Reasoned Justification

The council wishes to accommodate the various economic functions that contribute to London's world-class city status and at the same time, build sustainable residential communities. The primary aim of this policy is to maintain and enhance the pre-eminent role of Westminster's CAZ in terms of an internationally important business agglomeration. Westminster's CAZ will continue to accommodate a broad mix of uses, but the balance between residential and commercial uses must be carefully managed to ensure that the core strategic commercial function can continue to thrive. ~~character and function of the CAZ in Westminster by increasing residential uses alongside increases in commercial uses. It is~~ The residential communities ~~living in~~ within CAZ, alongside the commercial uses, ~~which will continue to make it a living, human city centre, which is so attractive to businesses and visitors alike, Bringing new residents into CAZ will contributing e to the balance, variety and vibrancy of areas in CAZ. The consequent increase in the number of new homes in Westminster's CAZ will be an important contributor to meeting the borough's housing targets, but is considered a secondary reason for requiring mixed use in commercial schemes.~~

Mixed use means offices, shopping, entertainment, cultural, social and community and residential uses sharing buildings, streets and localities. The unique and varied mixed use character across CAZ is fundamental in ensuring the vitality, attraction and continued economic success of Central London. The mix sought must reflect the needs, character, function and priorities of these varied areas.

~~The council encourages and protects A1 uses so a higher threshold of A1 retail development will ensure there is no discouragement for small scale retail development. The council also acknowledges the role of private educational, health and leisure facilities and therefore applies this higher threshold to those uses. The threshold and proportions are measured by gross floorspace.~~

A mix of uses will be secured where development sites achieve a sizeable uplift in floorspace. Where on-site provision of residential or commercial floorspace is not considered appropriate or practicable practical, a cascade of other options, including

the use of land use swaps or residential credits will be applied. ~~, will be set out in detailed City Management policy.~~

Policies relating to the Opportunity Areas (Policies S3, S4 and S5), Core CAZ (Policy S6), West End Special Retail Policy Area (Policy S7) and S20 Offices and Other B1 Floorspace include specific exceptions to the application of this policy.

CORE CENTRAL ACTIVITIES ZONE

3.24 The majority of commercial activity in Westminster is located within Westminster's original CAZ designation, in place since the early 1980s. This area (with minor updates to the boundary) is designated as the Core Central Activities Zone (Core CAZ). It is an economic powerhouse and international destination, home to global companies, world-class hotels, 40 theatres, 20 cinemas, 30 museums and galleries, about 2,500 restaurants, public houses and bars and over 2,000 shops, all showcasing the best London has to offer in terms of retail, culture, leisure and entertainment. Creative Industries are an important element to the Westminster economy and interdependent with a vibrant cultural sector. The West End, particularly Soho, has the highest concentration of creative businesses in the world UK. The central part of Westminster has one of the largest clusters of cultural and entertainment uses in the country centred around the West End, including Theatreland, Trafalgar Square and Somerset House. This has been designated a Strategic Cultural Area. Millbank, along the Thames Riverside, is also a Strategic Cultural Area, including Tate Britain and the Chelsea College of Art and Design. *[moved from 3.28]* It also has many open, public and green spaces including London Squares and Royal Parks.

3.25 The Core CAZ is an ~~appropriate~~ internationally important location for commercial developments, institutes and activities and functions of national and international status and importance.

3.28 It is also home to a number of long-standing residential communities, including some areas suffering deprivation within the West End. *[moved from 3.24]*

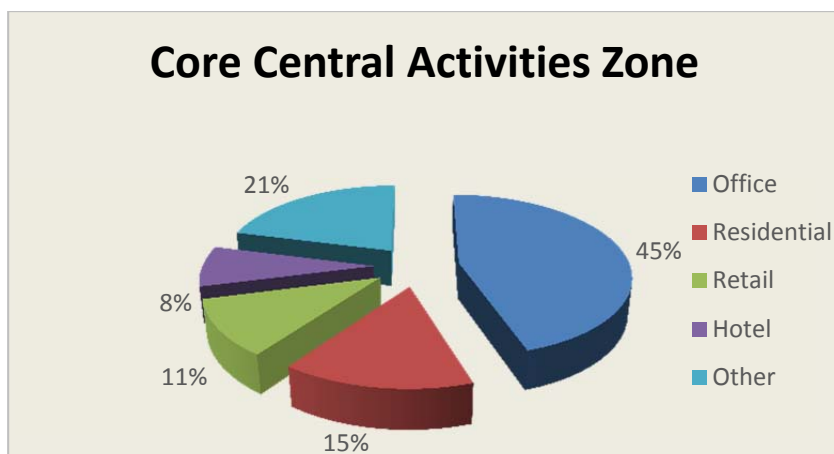
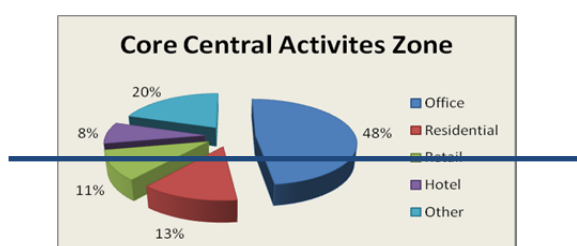


FIGURE 20 CORE CAZ LAND USE BREAKDOWN (2014)



POLICY S6 CORE CENTRAL ACTIVITIES ZONE

The Core Central Activities Zone (Core CAZ) is an appropriate location for ~~residential use and~~ a range of commercial and cultural uses and complimentary residential use, subject to the following priorities:

- Supporting strategically important clusters of uses consistent with enabling the growth and evolution of places to ensure ~~that the area retains its globally important function reputation of the area~~ as a business location. ~~is retained and enhanced.~~
- Retail floorspace is encouraged throughout the area. Large scale retail development will be directed to the West End International Shopping Centre's Primary Shopping Frontages, the CAZ Frontages and the Opportunity Areas, with smaller-scale retail development also to its other shopping centres. Development within the Knightsbridge Primary Shopping Frontage will support the character, function and vitality of the wider International Shopping Centre within the Royal Borough of Kensington and Chelsea.
- Within the West End Stress Area, new entertainment uses will only be allowed where the council considers that they are small-scale, low-impact and they will not result in an increased concentration of late-night uses.

- **Development sites within the Millbank Strategic Cultural Area between Lambeth and Vauxhall bridges will deliver a mix of uses including those that support culture and the creative industries - including arts and cultural uses, affordable business floorspace, workshops and studios; and**
- **Berwick Street market will be protected and the use of Rupert Street for specialist seasonal market trading will be supported.**

Where retail developments fronting the Primary Shopping Frontages result in the requirement to provide residential floorspace, the residential floorspace may be provided off-site in the vicinity rather than on-site, where the council is satisfied that off-site provision would better contribute to the vitality of the West End Special Retail Policy Area or Knightsbridge International Shopping Centre.

Reasoned Justification

This policy approach allows and encourages the growth of commercial uses within the Core CAZ and recognises the significant contribution Westminster makes to London's world city status **and the UK economy**. The Core CAZ is the centre of commercial life and **the** heart of business in London. **It has a deep culture and history, which has created a rich tapestry of instantly recognisable places and spaces at every scale. The area has a density of significance which is unequalled: historic, pop culture, aesthetic, creative and political.**

The unique agglomeration of commerce in this area must be protected and enhanced to ensure the economic sustainability and international reputation of this part of London. It must also be allowed to evolve, to remain vibrant and at the forefront of British culture and businesses.

Retail is an essential element of the mix of uses in Core CAZ contributing to its vibrancy and activity and its function as a world-class shopping destination, including its most famous retail destinations.

There is some potential for redevelopment between Lambeth and Vauxhall bridges to enhance the Millbank Strategic Cultural Area.

It is essential that the strategically important clusters of entertainment uses within the West End remain attractive and safe places in which to live, visit and work. There are identified 'crime hotspots' within the West End Stress Area and introduction of any additional entertainment uses would be unacceptable in many instances. In particular, larger scale and high impact entertainment uses have a disproportionate impact, and

are detrimental to the safety and functioning of the area, people's enjoyment and perceptions of the West End as a place to visit, and the character of the streetscape.

Off-site provision of the residential floorspace may be appropriate in the Primary Shopping Frontages to ensure that retail growth and improved retail space remains the priority. This will maintain a retail experience befitting the international status and help maintain the unique vitality and attractiveness for businesses, shoppers and visitors alike.

Cross-reference to Policy S1 Mixed Use in the Central Activities Zone; S18 Commercial Development.

ⁱ [Census postcode](#) estimated population of the Core Central Activities Zone, ~~2011~~ **2008**

PART IV: CITY-WIDE SPATIAL POLICIES

HOUSING PROVISION

4.3 Due to its historic fabric, densely built up areas, and lack of surplus industrial land that can be ‘released’ for housing, change within Westminster is typically small-scale and achieved through the sensitive redevelopment of smaller sites and refurbishment of existing buildings. This gives the urban environment its richness and strong local identity. The lack of available land is a considerable constraint for Westminster in meeting its housing needs. In many other parts of London, surplus industrial land makes a significant contribution to meeting the borough’s housing targets. This is not typically the case in Westminster where many sites already contain offices, shops and housing with existing high values, and new housing is delivered by change of use, making more efficient use of floorspace and building to higher densities.

4.4 Westminster has very few large sites, and some of the larger sites that are expected to deliver housing will also be providing a mix of commercial or other uses. For example, the three Opportunity Areas have been designated for major growth for housing and employment uses. Paddington Opportunity Area is expected to deliver at least 1,000 new homes over the plan period 2011 to 2031, Victoria Opportunity Area at least 1,000 new homes. The Tottenham Court Road Opportunity Area is expected to deliver at least 420 new homes, but the majority of this area lies within the London Borough Camden and the parts within Westminster’s boundary are Crossrail sites in the West End International Shopping Centre so are only expected to contribute about fifty residential units. The majority of the housing target will therefore be provided in the London Borough of Camden. In the Central Activities Zone (particularly Core CAZ), housing development competes with office development and other uses which contribute to the unique commercial agglomeration in the heart of the city. These uses must be balanced and the strategic function and fine-grained mix of uses must be protected to ensure the future sustainability of the CAZ. ~~and whether housing proposals come forward depends on the vagaries of the market for these competing land uses.~~ The London Plan sets targets for housing delivery and the policies set out below aim to achieve these targets whilst not compromising other strategic objectives such as economic sustainability, growth, heritage, health and well-being. ~~The council will need to actively and rigorously pursue housing development if it is to meet its statutory housing target.~~

OPTIMISING HOUSING DELIVERY

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 ~~offices and other~~ 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 most circumstances employment uses will be permitted to change use to residential, and~~ In core commercial areas, residential use will need to grow alongside significant expansions in commercial floorspace as part of a mix of uses.

4.9 Westminster's housing target set out in the London Plan¹ is 1,068 770 new homes per year (equates to 21,360 7,700 units between 2016/17 2011 and 2036/37 2021). Westminster does not have land that it can 'release' for housing development so in order to ensure that there is a continuous five year supply of deliverable housing sites available to achieve the housing target, the council will engage in discussions with landowners to identify and bring forward sites for housing. 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). In order to meet future housing targets set out in the London Plan in the longer term, the council will take account of the evidence set out in the SHLAA, supplemented by local viability testing, and discussions with landowners to prepare the 6-10 and 11-15 year lists of developable housing sites. The housing land supply schedules will also help facilitate housing development by providing guidance to potential developers about what will be expected from development sites, and instigating discussions with landowners of stalled sites. The housing land supply schedules of deliverable and developable sites will be updated through the Authority's Monitoring Report.

POLICY S14 OPTIMISING HOUSING DELIVERY

Reasoned Justification

To achieve and exceed Westminster's housing targets it is necessary to protect existing housing and have bring forward new housing as appropriate the priority use across the city. This means that schemes which retain or increase the overall housing floorspace should not reduce the number of residential units as this would reduce the number of homes in the city. Affordable housing is an exception as Westminster's own housing stock is dominated by one and two bedroom units; whilst need is focused on two and three bedroom units. Formerly converted houses which would provide family-sized homes will also be an exception because of the shortage of family homes with gardens in the city and the benefits

such ‘de-conversion’ would bring to providing a range of accommodation. This also creates a flexibility and sustainability within the housing stock for different sizes and types of accommodation to be provided throughout a building’s lifetime.

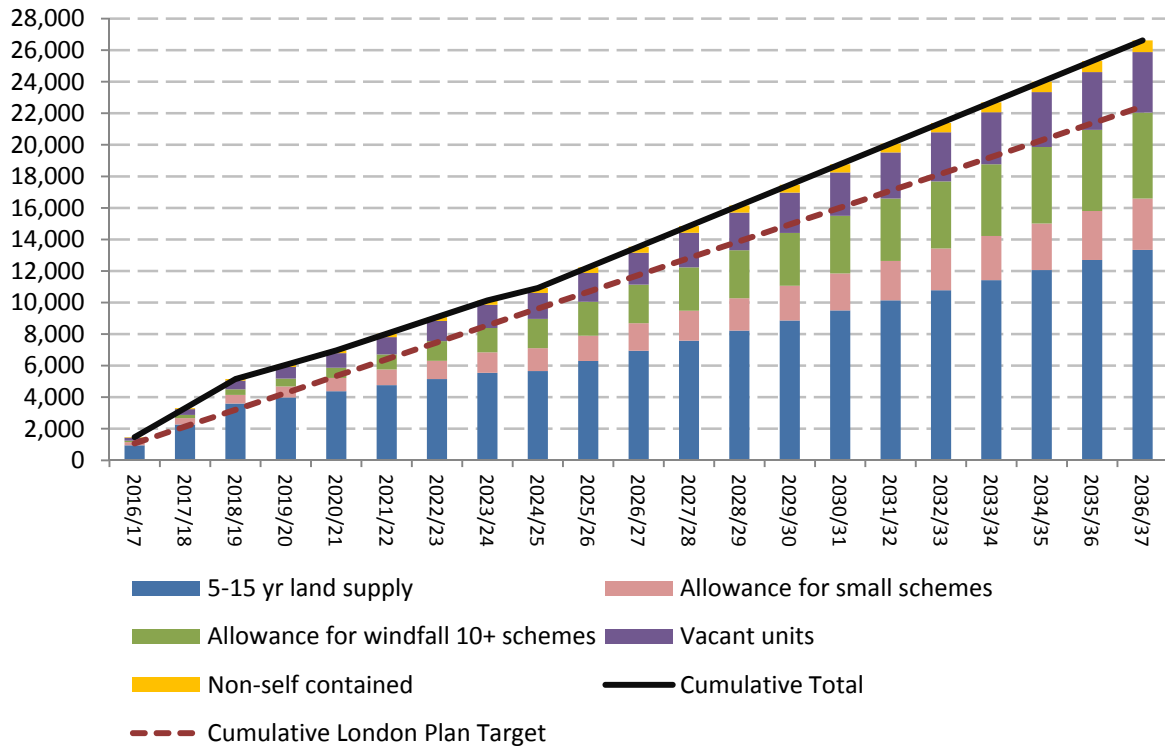


FIGURE 37 WESTMINSTER’S HOUSING TRAJECTORY

Westminster will be able to meet the London Plan target of **1,068 770** units from all sources.

This graph is based on the 15 year Land Supply Assessment ~~2016/17 - 2036/37~~ ~~2014/14 - 2028/29~~ ~~2012/13 – 2026/27~~ included in the **Annual Authority’s** Monitoring Report ~~2012/13~~ ~~2010/11~~, plus an allowance for windfall sites of 10 or more units and an allowance for sites yielding 1-9 units. **Figures beyond 2028/29 are based on estimates based on past delivery of non-conventional sources and development capacity.** It also includes sources of non-conventional housing: bringing vacant homes back into use and non-self contained housing. Westminster has local circumstances which justify including an allowance for windfalls and smaller sites, and that these can legitimately be included in the trajectory as set out in the spatial strategy. The justification is set out in Appendix 4, and is based on the following:

- The 15 year Land Supply Assessments include sites which are expected to deliver 10 or more residential units. However, 93% of housing sites in the city yield less than 10 units, and these small sites have yielded about 25% of new homes in the city.

- ~~This plan does not give general protection to office use; offices may therefore change to housing. Many applications for change of use from B1 use to housing are ‘windfalls’, which depend on the vagaries of the market and cannot be anticipated.~~
- Historically, windfalls have accounted for 80% of housing delivered in the city. However, the 15 year Land Supply Assessments will now capture many of these sites **and there will be less ‘windfalls’ from the loss of offices** so a far lower **proportion of new housing from this source figure** needs to be projected into the future.

The inclusion of these windfall and small sites allowances reflects the advice in the National Planning Policy Framework as such sites have consistently come forward and will continue to provide a reliable source of housing. It is based on new development and conversions, and does not rely on development of residential gardens. The 5 year housing land supply includes an additional 5% buffer to ensure choice and competition, although as most sites in Westminster are available for housing, this will include an element of windfalls as set out above.

...

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.

Cross-reference to Policy S1 Mixed Use in the Central Activities Zone; **S20 Offices and other B1 Floorspace**; Appendix 1 Proposals Sites: Strategic Sites for Housing.

BUSINESS AND EMPLOYMENT

4.17 The City of Westminster, in the heart of London, plays a definitive role in London's economy, accommodating more jobs than any other local authority, and providing opportunities for investment, enterprise and creativity. Employing over **600,000 half a million** people across a wide range of sectors, the local economy is both significant and diverseⁱⁱ. **Westminster has more employees in the UK and its employment density is second-highest behind the City of London. Over 60% of Westminster's employees and GVA are in just two wards: St James's and West End.** Westminster needs to remain competitive as a business location within a context of increasing globalisation and competition from other European and international cities, and fluctuations in economic circumstances and cycles.

4.18 ~~The working population of Westminster is projected to grow by about~~ **Westminster is projected to accommodate growth in employment of between 56,000 people 77,000 and 100,000 jobs** between ~~2016/17 2012/13~~ to ~~2036/37 2026/27~~ⁱⁱⁱ. There is significant development for new jobs to be created within the Opportunity Areas. There will be capacity for a further 5,000 new jobs within Paddington (capacity for over 27,000 jobs has already been created), 4,000 new jobs in Victoria, and 5,000 new jobs within Tottenham Court Road (shared with the London Borough of Camden). Increases in jobs are also sought within the Core Central Activities Zone and North Westminster Economic Development Area, particularly Church Street, Edgware Road and Harrow Road.

~~4.2720~~ The Creative Industries are a major element in Westminster's economy and Westminster is one of the most creative hubs in the world. Seven percent of the UK's Creative Industries' employees work in Westminster. **Soho alone accounts for about 11% of the creative turnover of the entire UK, and makes up 20% of London's new creative jobs., and Westminster's central area has the highest concentration of creative businesses in the UK, and probably the world. Mayfair and St James's is the largest concentrated art market in the world with over 150 retail galleries and three major auction houses, and three of Britain's top public galleries in the vicinity. It is also home to a significant proportion of the UK's antique trade. Soho is home to an internationally important cluster of film and television-related ing businesses. About 90% of film and high end drama Visual Effects are done by companies based in Soho or just north of Oxford Street. Nine of the top 10 (and 30 out of the top 50) televisual Top-50 post production houses in the UK are also based in Soho, with a further 7 elsewhere in Westminster. It continues to evolve and grow, for example recent consolidation as a global leader in men's fashion with the take-up of a number of key streets. Westminster also accommodates a third of London's advertising employment.** Westminster's attraction to Creative Industries is its

centrality, connectivity, density of business and consumers and availability of talent^{iv}. Protecting and enhancing the Creative Industries is a priority^v; however, they do not fall within a specific use class and therefore require a customised approach. In 2007, about 63% of Creative Industries operated from B1 Use Class units and a further 17% occupied A1 Use Class retail units^{vi}. However, the availability of other types of business floorspace remains important to the diversity and functioning of this sector.

4.20 4.21 However, there are limits to the level of growth that can realistically be achieved due to the already densely developed built form, transport capacity, the need to retain all areas of open space and the need for new development to be appropriate to its context, particularly in relation to the mix of uses and historic fabric of much of the city. Therefore, growth needs to be directed to the most appropriate locations in Westminster, **and the appropriate balance between commercial floorspace and residential needs to be struck, particularly for Westminster’s core commercial areas.**

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 77,000 new jobs 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, there are residential streets and areas within CAZ where commercial encroachment is not appropriate.

Reasoned Justification

Westminster is the economic powerhouse of the UK, with the business activity centred around the West End. Its preeminent role must be protected and enhanced for the benefit of the economy, Westminster and London’s global reputation as a place for business and to visit, and to nurture the unique business clusters that exist and will evolve in the future. The West End Commission, reporting in 2013, recognised the importance of the role of the West End as a major economic asset and its uniqueness, but also

recognised the challenges that needed to be addressed in the future. The loss of commercial floorspace fails to meet the needs of neither Westminster's business community nor those who are seeking a West End location. This is detrimental to the economy, driving up rents and reducing supply. Ultimately, at scale, it will be detrimental to the economy of London and the UK more widely if allowed to continue.

A balance must also be struck between business and residential activity in this strategically important area. Housing is an important part of the mix of the area, but too much housing can erode the agglomeration benefits which make the West End and Opportunity Areas so successful, and lead to unrealistic expectations of residential amenity which is not compatible with meeting legitimate business needs.

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.

This policy approach encourages the growth of commercial uses in the context of the already densely built form of predominantly human scale, mixed use character including residential, and the historic fabric of much of Westminster.

Cross-reference to Policies S3, S4 and S5 for the Opportunity Areas; S6 Core Central Activities Zone; S8 Marylebone and Fitzrovia; S12 North Westminster Economic Development Area; **S20 Offices and other B1 Floorspace.**

OFFICES AND BUSINESS FLOORSPACE

4.23 Between 1996 and 2010/11, office floorspace within Westminster increased, with much of these gains being within the Paddington Opportunity Area. The Core Central Activities Zone (Core CAZ), particularly the West End, accommodates the greatest proportion of Westminster's office stock, with a net increase in the overall amount of office floorspace of 70,400 sqm between 1996 and 2010/11. The proportion of the total floorspace within Core CAZ which is in office use ~~has~~ remained relatively stable during this period, ranging between 48% and 51% of the total floorspace between 1983 and 2009/10. However a sustained period of office losses began in the 2010/11 monitoring period, indicative of unprecedented changes to market conditions linked to the exceptionally strong performance of the housing market. ~~comprising 50% of total floorspace in 1983, 51% in 1990, 48% in 2008 and 46% in 2011.~~ This resulted in the loss of a significant amount of office floorspace with the loss of 167,000sqm in the four years 2010/11 to

2013/14. If continued unchecked, this would have had irreparably damaged UK's economic core.

4.24 The strategic approach to commercial and residential floorspace in the CAZ was changed in 2015 to ensure that the right mix and balance of uses was secured to support a sustainable and diverse economy. Crucial to achieving this balance is recognising the importance of the agglomeration benefits of the unique clusters of commercial activity, and their overlap and coming together to create the places like Soho, Mayfair, St James's and Covent Garden that are so attractive to businesses, workers, visitors and residents alike. These long term trends in office floorspace reflect the fact that, generally, unlike most other places in the UK, developers would rather bring forward office floorspace than any other land use.

~~4.26—Offices are supported as an important use within Westminster. However, because of the unique market pressures for office floorspace and long term stability in provision, it is not considered necessary to provide a specific policy to protect offices.~~

POLICY S20 OFFICES AND OTHER B1 FLOORSPACE

The council will work to achieve and exceed the target of additional **B1 Office** floorspace capacity for 58,000 new jobs between 2016/17 and 2036/37^{vii}, 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, taking into account:

1. 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;
2. the contribution of the office floorspace to meeting business and employment needs; and
3. the mix of type, size and tenure of housing proposed.

Where 3) above is not met due to site constraints and/or viability, the floorspace will be retained as B1 office floorspace.

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

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 until employment capacity has recovered in line with the employment targets and an appropriate balance of uses is re-established. Losses of office to other commercial or social and community uses are acceptable as they likewise contribute to the commercial activity in the area.

New offices are encouraged within these locations to retain **and enhance** Westminster's strategic role in London's office sector, and support London's global competitiveness. The policy also identifies Westminster's capacity for growth, predominantly in the three Opportunity Areas and North Westminster Economic Development Area.

In addition to offices, a range of other B1 floorspace is required in Westminster to ensure diversity across employment sectors. This supports a range of business activities, including Creative Industries, and employment opportunities. It will be sought where non-office type floorspace such as workshops and studios are appropriate as part of the overall mix of uses because of their location or existing use.

Cross-reference to Policies S1 Mixed Use in the Central Activities Zone; S3 Paddington Opportunity Area; S6 Core Central Activities Zone; S12 North Westminster Economic Development Area; **S14 Optimising Housing Delivery**; S18 Commercial Development.

ⁱ London Plan **2015 2011**.

ⁱⁱ **ONS BRES 2014. This differs from the number of jobs as some people have more than one job.**

ⁱⁱⁱ **The GLA have projected employment growth from the current 673,000 employees to 750,000 in 2036, an increase in 77,000 jobs (GLA Employment Projections 2013). The target could also be based on retaining Westminster's share of the London-wide growth projections, a target of an additional 98,000 jobs. Finally, a target based on employment growth matching London's (working age) population projected growth rate, an additional 105,000 jobs. London Office Policy Review, 2012**

^{iv} Creative Industries Report, 2007

^v Westminster Economic Development Strategy, 2007

^{vi} Creative Industries Report, 2007

^{vii} This target is based a) on the average office floorspace projections taking into account forecast employment and past stock growth, and assuming an occupation rate of 9sqm per employee for B1 uses and b) securing 49% of the employment growth target set out in Policy S18 in office-based employment. Both of these assessments are based on the London Office Policy Review 2012 Update, and both methods suggest a target of 58,000 jobs.

PART VI: IMPLEMENTATION

Insert the following new text after Policy S47 The Presumption in Favour of Sustainable Development:

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:

1. the sites are in the vicinity of each other;
2. the mixed use character of the immediate area is secured at a fine grain;
3. there is no net loss of floorspace which is protected by other policies in the plan **across the sites taken as a whole;**
4. the uses are appropriate within each area and there is no loss of amenity resulting from the introduction or intensification of a use into an area;
5. any residential accommodation is of a higher quality than could have been achieved without the land use swap or package;
6. the applications for all sites are submitted at the same time and all elements of the scheme are completed within a time frame agreed by the City Council.

This policy does not prejudice the application of any other policies in the plan, and requirements for floorspace to be provided must be met in full.

If agreed, the sites subject to the land use swap or package will be treated as though the development is on a single site, including for consideration of viability.

Applications must be accompanied by a full schedule of the existing and proposed floorspace including the following:

1. the floorspace of each use (Gross Internal Area) proposed for each site, and for all of the sites taken as a whole;
2. in the case of residential floorspace, the breakdown of floorspace provided in accordance with 1. (immediately above) by the tenure, unit floorspace, and the

number of bedrooms of each unit , and the total floorspace for all of the sites taken as a whole;

- 3. details of any draw downs of credits in accordance with Policy CM47.2 ; and**
- 4. calculations of any floorspace shortfalls being met from Payment in Lieu.**

Reasoned Justification

In order to maximise the potential of sites within the commercial areas of Westminster’s Central Activities Zone, flexibility is provided through land use swaps and packages to ensure a mix of uses is retained locally, but maximising the potential of each individual site.

Due consideration will be given to packages where one or more of the sites are not within the vicinity of each other against mixed use and mixed and sustainable community objectives. These will be considered on a site-by-site basis and therefore, while the objectives of this policy will be a consideration, they can not be treated as though they were a single site for planning purposes as their varied locations will need to be taken into account.

It is important that sufficient detail is provided with any application using this mechanism to allow a proper assessment to be made. In the case of land use packages, calculations can become very complex and it is important transparency is maintained.

POLICY CM47.2 CREDITS

A) Registering Credits

In addition to Policy S1 in the case of mixed use credits, credits must:

- 1. be agreed as a credit at application stage and registered as a credit at the time of permission being granted, or have been granted permission prior to *[revision adoption date]* and have not been implemented;**
- 2. establish a nominal floorspace value for the credit in agreement with the council, with each credit equating to 1 sqm;**
- 3. fund the development and maintenance of a credit monitoring database which will be the definitive list of credit sites;**
- 4. not be listed in Appendix 1 Proposals Sites with that use as a Preferred Use;**
- 5. comply with the following policies;**

Residential Mixed Use Credits	S14 Optimising Housing Delivery; Policy S16 Affordable Housing excluding Payments in Lieu; CM16.1 Meeting the Range of Affordable Housing Needs; and CM14.1 Housing Quality
Commercial Mixed Use Credits	S18 Commercial Development; S19 Inclusive Local Economy and Employment; and where relevant S21 Retail

In considering if a proposal should be agreed as a credit scheme, the council will take into account the scheme's location, scale and quality and in the case of residential floorspace, the type, tenure, mix and number of units to be provided and the type, tenure and mix of uses/housing in the local area.

B) Drawing Down Credits

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

- 1. They must be drawn down within 7 years of registration;**
- 2. The floorspace registered by the credits must be completed, and the completion certificate provided to the council;**
- 3. The nominal value referred to in A) 2. above must be used in any viability assessment for the host scheme;**
- 4. Credits may be pooled from more than one credit scheme, or used in combination with on-site, off-site or payment in lieu provision;**
- 5. The credits must be available for draw down, as follows;**
 - i. Credits are allocated to a host scheme at the time the planning application is submitted for the host scheme. After this, they will not be available for any other host scheme until they are released.**
 - ii. To release credits the council must be notified in writing that:**
 - a) the host scheme planning application has been refused and the time for an appeal has expired, or an appeal dismissed;**
 - b) the host scheme planning application has been withdrawn;**
 - c) the host scheme has been superseded by an alternative host scheme and the credits are transferred to the latter scheme;**

- d) the host scheme has been superseded by an alternative scheme that does not use the credits; or
 - e) the host scheme planning permission has expired.
- iii. Credits can only be drawn down once, and the credit has been drawn down when the council is notified in writing that the host scheme is completed.

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.

Reasoned Justification

Land use credits enable development to be bought forward early which can then meet policy requirements of a later scheme, referred to as the ‘host scheme’. This provides additional flexibility to support developers in delivering mixed use. However, it is important that the credits provide additionality to contribute towards the objectives of the mixed use policy.

It is also important that there is certainty around the value of the credit both at the time of the credit application and at the time of the host application, to ensure the drawing down of the credit at a later date does not impact on the ‘book’ viability of the host scheme and to avoid value escalation. It is also important that the credit is used in a timely way to ensure that the mix of uses can be monitored at a fine grain, with any

pipeline of development and credits taken into account to inform decision-making and plan development.

All costs associated with managing a credit scheme need to be absorbed into the scheme itself to ensure that this additional flexibility for the benefit of development does not cost the public purse.

RISK AND REVIEW

FIGURE 55 RISK ASSESSMENT

Area	Risk	Reason	Actions	Key Partners
Housing	Inability to meet housing target	Difficulty bringing housing forward as high existing use values, lack of brownfield sites, and wider economic downturns. <u>Less housing delivered from changes of use/redevelopments involving office losses.</u>	<u>Undertake regular reviews of housing delivery, and in appropriate locations, compare this to delivery against commercial targets. The policy approach enables approvals of residential from office losses once the commercial targets are better met. Make housing the priority use, and require it against commercial development in appropriate locations.</u>	Development industry.
	Inability to secure significant amounts of affordable housing	Affected by viability, particularly high existing use values, increasing reliance on viability testing, competing planning obligations demands and wider economic downturns. Uncertainty about	Changed threshold for requiring affordable housing (1,000 sqm), and amount sought (proportion floorspace). Housing Renewal Programme to provide about 500 affordable homes. Affordable Housing Fund to 'top up' Mayoral/ Registered Provider affordable	Westminster City Council (Housing), CityWest Homes, Registered Providers, Mayor of London (previously Homes and Communities Agency).

		future funding regimes. Proportion target strongly affected by small schemes below threshold.	housing funding. Working to develop an appropriate affordable rent product for Westminster and widen Intermediate Housing products to better meet needs of low- and medium-income families (through Housing Strategy and City Management policy).	
<u>Sustainable Economy</u>	<u>Continued loss of offices, loss of economic diversity, and loss of key business agglomerations, resulting in a less sustainable economy, economic resilience and loss of character and reputational damage in the longer term</u>	<u>Strong performance of the residential market</u>	<u>Inclusion of strategic jobs targets, and protection of offices in appropriate circumstances</u>	<u>Development industry Key Employment Sectors Business Improvement Districts</u>

FIGURE 56 MONITORING FRAMEWORK

HEADLINE OBJECTIVES	KEY INDICATORS' TOPICS	POLICY REF
Objective 1: To accommodate sustainable growth and change that will contribute to <u>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.</u>	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, <u>47.1, 47.2</u>
Objective 5: To manage the pressures on the city from its national and international roles and functions,	Tourism-related and visitor accommodation uses Entertainment uses within Stress Areas	<u>1, 2, 3, 4, 5, 6, 7, 8, 11, 18, 19, 20, 21, 22, 23,</u>

<u>supporting</u> business communities and tourism, and to <u>ensuring</u> a safe and enjoyable visitor experience.	Crime rates associated with the 24 hour economy	24, 25, 26, 27, 28, 29, 31, 32, 33, 34, 35, 36, 37, 41, 42, 43
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SUPPORTING INFORMATION

APPENDIX 3: KEY PARTNERSHIPS

PARTNERSHIP	LEVEL	EXAMPLES OF PROJECTS / ACHIEVEMENTS	STAKEHOLDERS INVOLVED
Business Improvement Districts (from 2001)	Local Area	These locally controlled partnerships are made up of groups of businesses. These include Paddington, <u>Baker Street</u> , New West End Company (around Oxford Regent and Bond Street), Heart of London (around Leicester Square and Piccadilly Circus), <u>Bayswater</u> , <u>North Bank (around the Strand)</u> , Victoria and Piccadilly & St James's. There are also emerging BIDs for Baker Street and the Strand. Within these areas business occupiers pay an additional levy to fund improvements to their local areas, often in conjunction with voluntary contributions with landowners.	Westminster City Council and groups of local businesses

APPENDIX 4: HOUSING DELIVERY

HOUSING DELIVERY

The table below sets out the projected delivery of housing for the ~~15~~ 20 year period ~~2012/13 – 2026/27~~ 2016/17 -2036/37. The council anticipates a net increase in conventional housing of ~~9,320~~ 22,041, and a further ~~2,640~~ 4,578 from non-conventional sources. This is based on annual estimates of ~~81~~ 183 vacant units bought back into use, ~~95~~ 35 non-self contained units, an average of ~~130~~ 260 windfalls of over 10 units, and ~~200~~ 150 units from schemes of <10 units.

These allowances accord with the London Strategic Housing and Land Availability Assessment ~~2009~~ 2013. However it is noted that delivery of units, particularly non-self contained units is, in reality, very ‘lumpy’. The annual allowance from all sources of housing includes a 5% buffer, although as most sites in Westminster are appropriate for housing, there is already a significant degree of choice and competition.

These are the raw figures shown in Figure 37 Westminster’s Housing Trajectory, to deliver against a ~~15~~ 20 year target of ~~11,550~~ 21,360 new units.

	Year	Conventional homes from 5-15 year land supply	Allowance for schemes under 10 units	Allowance for windfalls sites of 10+ units	Total conventional units	Bringing vacant homes back into use	Non-self contained units	Cumulative TOTAL
1	2012/13	725	200	0	925	81	95	886
2	2013/14	977	200	50	1,227	81	95	1,987
3	2014/15	546	200	50	796	81	95	3,390
4	2015/16	477	200	75	752	81	95	4,362
5	2016/17	780 <u>948</u>	150 <u>200</u>	75 <u>100</u>	1,005 <u>1,248</u>	81 <u>183</u>	95 <u>35</u>	5,290 <u>1,466</u>
6	2017/18	147 <u>1324</u>	150 <u>200</u>	100	397 <u>1624</u>	81 <u>183</u>	95 <u>35</u>	-6,471 <u>3,308</u>
7	2018/19	147 <u>1324</u>	<u>150</u>	100 <u>150</u>	397 <u>1624</u>	81 <u>183</u>	95 <u>35</u>	7,044 <u>5,150</u>
8	2019/20	147 <u>389</u>	<u>150</u>	150	447 <u>689</u>	81 <u>183</u>	95 <u>35</u>	7,617 <u>6,057</u>

<u>4</u>								
<u>9</u> <u>5</u>	2020/21	<u>147-389</u>	<u>150</u>	<u>150</u>	<u>447-689</u>	<u>81183</u>	<u>9535</u>	<u>8,240-6,964</u>
<u>10</u> <u>6</u>	2021/22	<u>147-389</u>	<u>150</u>	<u>200-300</u>	<u>497-839</u>	<u>81183</u>	<u>9535</u>	<u>-8,863-8,021</u>
<u>11</u> <u>7</u>	2022/23	<u>60-389</u>	<u>150</u>	<u>200-300</u>	<u>410-839</u>	<u>81183</u>	<u>9535</u>	<u>9536-9,078</u>
<u>12</u> <u>8</u>	2023/24	<u>60-389</u>	<u>150</u>	<u>250-300</u>	<u>460-839</u>	<u>81183</u>	<u>9535</u>	<u>10,122-10,135</u>
<u>13</u> <u>9</u>	2024/25	<u>0-120</u>	<u>150</u>	<u>250-300</u>	<u>400-570</u>	<u>81183</u>	<u>9535</u>	<u>10,758-10,923</u>
<u>14</u> <u>10</u>	2025/26	<u>0-640</u>	<u>150</u>	<u>250-300</u>	<u>450-1,090</u>	<u>81183</u>	<u>9535</u>	<u>11,334-12,231</u>
<u>15</u> <u>11</u>	2026/27	<u>0-640</u>	<u>150</u>	<u>300</u>	<u>450-1,090</u>	<u>81183</u>	<u>9535</u>	<u>11,960-13,539</u>
<u>12</u>	<u>2027/28</u>	<u>640</u>	<u>150</u>	<u>300</u>	<u>1,090</u>	<u>183</u>	<u>35</u>	<u>13539-14,848</u>
<u>13</u>	<u>2028/29</u>	<u>640</u>	<u>150</u>	<u>300</u>	<u>1,090</u>	<u>183</u>	<u>35</u>	<u>14847-16,155</u>
<u>14</u>	<u>2029/30</u>	<u>640</u>	<u>150</u>	<u>300</u>	<u>1,090</u>	<u>183</u>	<u>35</u>	<u>16155-17,463</u>
<u>15</u>	<u>2030/31</u>	<u>640</u>	<u>150</u>	<u>300</u>	<u>1,090</u>	<u>183</u>	<u>35</u>	<u>17463-18,771</u>
<u>16</u>	<u>2031/32</u>	<u>640</u>	<u>150</u>	<u>300</u>	<u>1,090</u>	<u>183</u>	<u>35</u>	<u>20,079</u>
<u>17</u>	<u>2032/33</u>	<u>640</u>	<u>150</u>	<u>300</u>	<u>1,090</u>	<u>183</u>	<u>35</u>	<u>21,387</u>
<u>18</u>	<u>2033/34</u>	<u>640</u>	<u>150</u>	<u>300</u>	<u>1,090</u>	<u>183</u>	<u>35</u>	<u>22,695</u>
<u>19</u>	<u>2034/35</u>	<u>640</u>	<u>150</u>	<u>300</u>	<u>1,090</u>	<u>183</u>	<u>35</u>	<u>24,003</u>
<u>20</u>	<u>2035/36</u>	<u>640</u>	<u>150</u>	<u>300</u>	<u>1,090</u>	<u>183</u>	<u>35</u>	<u>25,311</u>
<u>21</u>	<u>2036/37</u>	<u>640</u>	<u>150</u>	<u>300</u>	<u>1,090</u>	<u>183</u>	<u>35</u>	<u>26,619</u>
	TOTAL	<u>4,870</u> <u>13,341</u>	<u>2,550</u> <u>3,250</u>	<u>1,950</u> <u>5,450</u>	<u>9,320-22,041</u>	<u>1,215</u> <u>3,843</u>	<u>1,425</u> <u>735</u>	<u>26,619</u>

FIGURE 57 PROJECTED HOUSING SUPPLY FROM ALL SOURCES 2011/12 – 2026/27 2016/17 – 2036/37

WINDFALL DEVELOPMENTS

There are a number of unique local circumstances in Westminster which justify the inclusion of windfalls and smaller schemes (which are nearly always windfalls) when demonstrating

deliverability in terms of housing land supply, and producing the housing trajectory for Westminster's City Plan.

1. Westminster, being at the heart of Central London, is already densely built up, and has only has brownfield sites, and very few large sites. Any large sites coming forward will be expected to provide either solely housing (with supporting community facilities), e.g. Chelsea Barracks; or mixed uses to include housing, e.g. the three Opportunity Areas designated for mixed use to provide significant employment uses and housing.

2. Because Westminster is intensively built up, over 90% of housing schemes completed in the city have less than 10 additional residential units. Small schemes of less than 10 units produced ~~2,179~~ **3,283** units in the ~~nine~~ **twelve** years 2002 to ~~2013/14~~ **2010/11**, and make up about ~~27%~~ **44%** ~~33%~~ of additional residential units completed. This equated to an average figure of ~~242~~ **274** units per annum from these small sites. An allowance of 200 units per year for small schemes is therefore considered to represent a realistic estimate of likely units arising.

~~3. — There are no general policies in Westminster's City Plan protecting employment uses (i.e. B1 office). Housing is given the highest priority in the plan. Therefore, any office building can, in principle, change use to housing, and many do. However, it would be inappropriate to include all B1 buildings in the housing land supply as it is not known if, or when, any specific site will be developed for housing. Hence, whilst some such schemes, particularly those in the investment strategies of the major landowners, can be included in the 5-15 year land supply assessment, many applications for change of use from B1 use to housing are 'windfalls' and depend on the vagaries of the market and cannot be anticipated.~~

Period	No of < 10 unit schemes	Net units from < 10 unit schemes	Total net units from conventional housing	Percentage of conventional housing from < 10 unit schemes
2002	27	109	703	16%
2003	89	192	1,318	15%
2004	103	234	596	39%
2005/06	169	360	1,809	20%
2006/07	124	252	665	38%
2007/08	92	206	671	31%
2008/09	118	274	850	32%

2009/10	110	243	653	37%
2010/11	134	309	831	37%
<u>2011/12</u>	<u>198</u>	<u>458</u>	<u>837</u>	<u>24%</u>
<u>2012/13</u>	<u>127</u>	<u>286</u>	<u>591</u>	<u>21%</u>
<u>2013/14</u>	<u>163</u>	<u>360</u>	<u>527</u>	<u>31%</u>
Total/	966	2,179 3,283	8,096 10,051	27% 44%
Average	<u>1,454</u>			

FIGURE 58 RESIDENTIAL SCHEMES WITH 1 TO 9 ADDITIONAL RESIDENTIAL UNITS

4.3. The market will also dictate when it is viable to redevelop existing housing sites to a higher density. Most of these applications will be ‘windfalls’; though an exception will be existing Registered Provider/CityWest Homes sites, but the majority of these estates are already high density.

5.4. Westminster’s mixed use policy requires an equivalent amount of residential floorspace be provided in proposals for increases in **commercial office** floorspace of over **30% of the original building (or less than 400sqm, whichever is greater) 200 sqm (or 400 sqm in the case of A1 or private health, education and leisure facilities)**. This policy also therefore leads to new housing units in the city, but as with change of use schemes, mixed use developments cannot always be anticipated.

6.5. Between 2002 and 2009/10, ‘windfalls’ i.e. developments on sites not included in the UDP schedules of Major Development Sites or Opportunity Sites have accounted for 80% of housing units delivered in Westminster. However, the ~~new~~ system of preparing 5-15 year Land Supply Assessments will capture many sites that were previously considered to be ‘windfalls’. So a reduced allowance for windfalls sites with the capacity for 10 plus residential units needs to be made. In the nine year period 2002 – 2010/11, 5,917 completed units were the result of windfall sites of 10 or more units. It is therefore reasonable to make an allowance of 130 units per annum, which represents about 20% of this figure, reflecting the fact that windfalls will be significantly reduced in the future due to the improved site capture afforded by the preparation of the 5 - 15yr supply list. However, at the time of preparation of this Plan most sites which will deliver housing in the city beyond **2016/17 2021/22** are unknown to the council and therefore must be treated as windfalls, hence the ‘windfall’ allowance increases over time in the assessment.

MEETING HOUSING TARGETS

The housing targets for Westminster are updated over time, including though changes to the London Plan. This has made it difficult to assess performance against the London Plan targets because the overall time period has never been completed before the target has been changed. Whenever a new target is introduced, any surplus housing that may have been built in previous years does not count against the new target, and the borough essentially starts from zero again.

The housing trajectory set out at Figure 37 assumes an annual target of ~~770~~ **1,068** units. It applies these targets cumulatively over the ~~15~~ **20** year time period of the plan. However, the London Plan targets are actually as follows:

1999-2003	No London Plan target
2004-2006/07	970p.a. 1997-2016 or 2,910 for the three year period
2007/08 -2010/11	680p.a. 2007/08-2016/17 or 2,720 for the four year period
2011/12- 2014/15 current	770p.a. 2011/12-2021/22 or 7,700 for the ten year period
<u>2015/16-2036</u>	<u>1,068 p.a., or 21,360 for the twenty year period</u>

The figure above shows past and projected performance against these targets. It also rolls out the target of ~~770~~ **1,068 units per year p.a.** beyond the ~~2021/22~~ **2034/35** time period of the London Plan to cover the entire **Core Strategy City Plan** time period. This figure shows that, although the target may not be reached in any one year, cumulatively sufficient surplus is built up in other years to cover the target over the longer term. When the new 680 p.a. target was introduced in 2007/08, the surplus that had been built up previously was essentially deleted, although in that year the target was exceeded (1,011 homes were delivered) and therefore a surplus was still recorded for that year.

Overall, the figure demonstrates that Westminster has always met its London Plan target, and is confident of doing so in the future.

GLOSSARY

Add the following Glossary Definitions:

Credits	Where floorspace is delivered and registered as a credit, which is then used to off-set a policy requirement for that floorspace generated by another scheme at a later date.
Land use swaps and packages	Where two (land use swap) or more (land use package) sites are considered as a single application for the purposes of determining a planning application. These are used to provide the floorspace required by policies over more than one site.
Host Scheme	The scheme which credits are drawn down against. These are developed at a later date than the credit scheme and use the floorspace delivered by the credit scheme to meet floorspace requirements of other policies.
Original building	In relation to a building existing on 1st July 1948, as existing on that date and, in relation to a building built on or after 1st July 1948, as so built.

REFERENCES

Add the following References:

GLA Employment Projections: 2013 Borough Projections (2013) Greater London Authority.

London Office Policy Review 2012 Update (2014) Peter Brett Associates. Published by the Greater London Authority.

London Plan (2015) Mayor of London.

Regional Labour Market: LI01 - Local Indicators for Counties, Local and Unitary Authorities: 2014 (2015) Office for National Statistics.

Small offices and mixed use in London's Central Activities Zone (CAZ) (2015) Ramidus. Mayor of London.

Soho The world's creative hub (2013) BOP Consulting. Published by Westminster City Council.

SohoCreate Issue #1: Spring 2015 (2015) SohoCreate.

West End Vision (2015) ARUP. Published by the West End Partnership.

Westminster Creative Industries Programme: Statistical Update (2011) BOP Consulting. Published by Westminster City Council.

Delete the following References:

Central Activities Zone Map 1 Local Distinctiveness (2009) Westminster City Council.

Central Activities Zone Map 2 Boundary Comparisons (2009) Westminster City Council.

Local Development Scheme (2012) Westminster City Council.

London Plan (2011) Mayor of London.

Long Term Land Use Trends in the Core Central Activities Zone (2009) Westminster City Council.

Market View Report for Central London Offices Third Quarter 2008 (2008) CB Richard Ellis.

Office Trends UK Key Cities (2009) Drivers Jonas.

West End Entertainment Study (2001) Town Centres Limited. Published by Westminster City Council.

Westminster (City of) Local Economic Assessment Baseline Study (2011) Westminster City Council. (duplication)



City of Westminster

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www.westminster.gov.uk/revision-westminsters-city-plan

Consultation Statement

Submission Draft (Regulation 22) Mixed Use Revision



1.0 Introduction

1.1 This document summarises the consultation undertaken for the Mixed Use Revision to Westminster's City Plan. It has been prepared to meet legal requirements¹ and must accompany the revision itself when it is made publically available and submitted to the Secretary of State. It also helps inform the independent Inspector appointed to examine the Revision and advise whether it is 'sound'.

1.2 This statement covers the consultation responses at the formal consultation stages². It sets out who was consulted, for how long, and how they were invited to make representations. A summary of the main issues raised by the responses is provided, and details as to how these representations have been taken into account in the Mixed Use Revision.

1.3 All contacts on the council's LDF database were consulted, together with all specific consultees³, all ward councillors, and all neighbouring boroughs. Information on the database is updated on a continual basis, with contacts being added, removed or amended on request. This included a full refresh of contact details in 2013. The database currently has 615 consultees. Consultation was carried out in compliance with the council's Statement of Community Involvement⁴. It is noted that the Council laid an Article 4 Direction to remove permitted development rights to convert offices to residential in Westminster's designated Central Activities Zone at the same time as the most recent consultation. However, responses to this are not summarised in this document.

1.4 Development of these policies has had a lengthy gestation. Detailed development management policies were being developed as a separate Development Plan Document (DPD) to be called the 'City Management Plan' (CMP) as follows:

1	Notify intention to produce a City Management Plan	Oct/Nov 2008	Now Regulation 18
2	Consultation workshop	Jun 2009 -Dec 2010	Informal
3	Informal consultation and evidence gathering	Summer 2009	Informal
4	Policy Options consultation	Jan-Feb 2011	Old legal stage no longer required
5	CMP Policy Draft Informal Consultation	Nov 2011 - Mar 2012	Informal
6	Notify intention to produce the CMP Revision to the Core Strategy	May 2012	Regulation 18
7	Informal consultation booklet	Dec 2014-Feb 2015	Informal
8	Notify intention to produce the CMP Revision to Westminster's City Plan	May 2015	Regulation 18
9	Consultation on draft Mixed Use Revision	Jul-Sep 2015	Regulation 19

¹ Regulation 22 of the Town and Country Planning (Local Development) (England) Regulations 2012 ("The Regulations")

² Regulation 18, which notifies people of our intention to revise the plan, and Regulation 19 which is the formal, pre-submission consultation

³ These are consultees the Council is legally required to consult, and are usually public bodies or organisations responsible for utilities and infrastructure, and they are set out in Section 2 of the Regulations

⁴ This is a legal requirement under Regulation 19 of the Planning and Compulsory Purchase Act 2004 (as amended)

1.5 The loss of offices emerged as an issue from the 2010/11 monitoring period, and data over the following 4 years suggests this is a longer term trend. Therefore amendments were not made during the Core Strategy or NPPF Revision stages (previous stages of the Westminster's City Plan: Strategic Policies) to ensure that policy changes were being made to a longer term trend rather than short-term market anomaly. However, consultees raised concerns about the mixed use policy and loss of offices at both the Core Strategy (public examination July 2010) and the NPPF Revision (public examination May 2013) stages. At that stage the loss of offices was predominantly identified through pipeline rather than completions, and there were extenuating circumstances (development associated with the 2012 Games and celebrations and introduction of the Mayoral Community Infrastructure Levy for Crossrail) which meant that policy changes would not have been appropriate at that stage. Policy changes were first proposed by the City Council in the consultation booklet published in December 2014.

2.0 Formal Pre-Submission Consultation (Regulation 19)

2.1 This consultation took place between 10th July to 9th September 2015, for a period of 8 weeks. Notification was made by email to the vast majority of the 615 consultees (see Appendix 4), with a small number of letters sent to 5 of the consultees. Specific consultees including local/regional authorities contacted are set out in Appendix 3.

2.2 A copy of the consultation letter is attached as Appendix 6. The City Council's website also advertised this stage of consultation on the page relating to the Revision to Westminster's City Plan (attached as Appendix 7). This also included a link to the consultation letter.

2.3 Twenty three responses were received (attached as Appendix 8). The following is a summary of the main issues raised at this stage and details how the council took the main issues into account.

3.0 Consultation Response Summary

There were 23 responses to the formal pre-submission consultation⁵, of which 15 raised substantive issues (objections, comments or support). Objections are outstanding from 3 objectors, Soho Society, Westminster Property Association and British Land. Eleven respondees support the revision, either in whole or part. These include all of those who have outstanding objections. There are a number of comments outstanding from 13 respondees, with a total of 46 separate issues of which 18 are considered to be addressed, including by proposed minor modifications as set out in the Schedule of Minor Modifications in Annex A to this statement. Only 3 of those that made comments did not also support the revision in whole or in part. There are an additional 3 comments that fall outside the scope of the revision.

⁵ Regulation 19

3.1 Objections

The following sets out the unresolved objections to the Revision and the Council’s response to them.

1. The approach will reduce affordable housing provision.¹

The mixed use policy requires the provision of housing, and where this cannot be provided, a payment in lieu is sought which is used to deliver affordable housing (it is made to the Affordable Housing Fund - AHF). Additionally, where the required housing floorspace is provided, this can also trigger the requirement for affordable housing in itself, bought forward either as actual floorspace or a payment in lieu. Therefore, the mixed use policy, whilst about commercial development, has delivered affordable housing both directly and indirectly. Changes to Policy S1 will reduce receipts to the AHF. Looking at agreements over the past 5 years, the amount of AHF agreed to from the mixed use policy is estimated as the following per year:

	Potential Payments in Lieu per annum
1. AHF from non-office commercial (e.g. from hotels/retail)	£1,156,000
2. AHF from schemes in the wider CAZ but outside Core CAZ, the Named Streets and the Opportunity Areas	0
3. AHF affected by changes to the thresholds for mixed use policy	£1,658,000
AHF from schemes with a development uplift of < 30%	£1,308,000
AHF from schemes with a development uplift of 30%-50%, and discounting the first 30%	Approx £312,000
development uplift >50%, and discounting the first 30%	Approx £38,000
4. Mixed use schemes involving office losses to residential (which would be refused under the proposed policy S20 of the Mixed Use Revision)	£1,980,000 ²

Taking each of the elements in turn:

1. removing non-office commercial e.g. hotels and retail - if these were to be included within the policy, the same allowance of 30% uplift before the policy applies would be appropriate, to continue to incentivise commercial floorspace. If the contribution to the AHF from schemes of less than 30% uplift are removed from the figure above, and for larger increases, an allowance of 30% uplift without the policy applying is allowed, it reduces the commitment to about £300,000 per year. It is noted that this is simply signed legal agreements. There will be some schemes that will not go on to be completed and therefore the full amount will not be realised. Therefore the vast majority of the AHF commitment is from smaller schemes that would not be subject to the requirement. The additional burden on both developers and officers to calculate and negotiate is not justified by the amount of funding that would be generated. It is therefore proposed to leave this as it is.

¹ Soho Society

² There are a number of instances where schemes subject to the mixed use policy nonetheless provide housing. In the majority of cases the residential floorspace is equivalent or more than the commercial floorspace and therefore the payment is generated by the affordable housing policy, not the mixed use policy. However, in two schemes falling within this category, it is not possible to tell, and these delivered a combined total of £1.2 million.

2. *removing the requirement from the wider CAZ* - this did not yield any AHF and therefore this change to the adopted policy does not result in the loss of any affordable housing funding.

3. *introducing the 30% threshold* - this is an appropriate change to incentivise and stimulate office delivery.

4. *refusing office to residential conversions/demolition and rebuild* - this element of the policy framework is necessary to stem the significant office losses that have been seen over the past 5 years, albeit that it will result in a reduction in commitments to the AHF.

It is therefore proposed that also it will result in a reduction in receipts to the affordable housing fund, this is appropriate in the context of significant office losses in one of the most important commercial clusters in the world. The approach will incentivise and stimulate commercial growth.

2. Policy S1(C)(ii) and (iii): objection to the restriction requiring the necessary floorspace to be provided within the Opportunity Area: the policy should be the same as elsewhere should apply to stimulate growth and economic development⁸.

It is considered that the limitation on the Opportunity Areas is appropriate and should be retained. This only applies to the Paddington and Victoria Opportunity Areas, two areas with significant development capacity. In the interests of proper place-shaping, the balance of uses should be managed across but within the area, and not beyond its boundaries. Paddington was subject to early master-planning work to ensure that there was an appropriate balance of uses delivered over the entire delivery period. The office floorspace was delivered first, followed by the residential element in later years. Similarly, a Planning Brief Supplementary Planning Document was adopted to cover the Victoria area and deliver an appropriate balance of uses. In this respect, these areas differ from other commercial areas in the CAZ because of the scale and extent of development which is sufficient to create a new character which needs to be managed to ensure a good mix of uses and good functioning (particularly in Paddington). For this reason it is appropriate to ensure that throughout delivery of the significant uplift in development an appropriate balance of uses is maintained.

3. Policy S1(D): Policy 20 is sufficient to manage office losses and there should be no additional requirement to provide commercial floorspace when offices are turned into residential, as this can be difficult to accommodate. If this approach is retained, it should be at the applicant's discretion how the floorspace is met, and the existing exceptions should be kept.⁹

It is appropriate to seek a proportion of commercial development within these commercial areas where the building was not originally built for residential. Given the shift in priority from housing to other uses, and the need to balance housing delivery in these areas with commercial uses, the provision of retail, private gym or clinic, or office/workshop will support mixed use at a fine grain and ensure both commercial floorspace and the commercial activity it provides. It is noted that this requirement applies in core commercial areas where it is entirely appropriate that some commercial activity is delivered alongside the housing.

There is considerable flexibility in applying this policy and it is only the largest of development uplifts that has a specific requirement for a certain amount of commercial floorspace - for other

⁸ British Land, Westminster Property Association

⁹ British Land, Westminster Property Association

sites it is a matter for negotiation and will take into account the specifics of the site. The requirement for a specified amount of floorspace, at 50%, will only apply to about 3% - 10% of the sites.

There is also considerable flexibility about how this floorspace is delivered. It can be on- or off-site, or through a payment in lieu. Therefore this part of the objection is considered already resolved.

4. Policy S20 Should apply to the whole of CAZ, particularly other parts of Marylebone and Fitzrovia where the pressure for office to residential will intensify, and where the character will irrevocably change¹⁰. (see also comment 11 under Policy 20 below)

The Council has signalled an intention to look again at the Core CAZ and CAZ definitions through its West End booklet consulted on in Jan to Mar 2015. This will be part of a further revision scheduled for next year. However, plan development isn't advanced enough to submit these changes for independent examination and requires further informal and formal consultation. Therefore they have not been included as part of this revision.

However, it is noted that those parts of Marylebone and Fitzrovia that are primarily commercial, the Named Streets, are included within the policy and therefore will have their office floorspace protected.

3.2 Support

General

- Welcome prominence to the extraordinary business clusters and their contribution, including specifically Soho and the West End, and the entertainment and creative businesses.¹¹
- As a business owner, many customers are from the commercial uses and this would impact viability of local (non-office) businesses¹² and often conversion to luxury flats, and insufficient commercial buildings, including to serve residents such as shops with basic amenities.¹³
- Finding available and affordable business floorspace is one of the biggest limiters on job creation and therefore the move to slow the loss of commercial floorspace is welcomed.¹⁴
- Encouraging commercial development in CAZ¹⁵.

Part II: A Unique City

- A more balanced approach¹⁶ including the need to provide employment/commercial floorspace¹⁷.
- Paragraph 2.22: first two sentences¹⁸.

¹⁰ Westminster Property Association

¹¹ Soho Create

¹² Raymond Davis, Owner The Burlington Arms

¹³ Katharine Lubar

¹⁴ Soho Create

¹⁵ Land Securities

¹⁶ British Land

¹⁷ The Crown Estate

¹⁸ Soho Society

Policy S1

- A more flexible approach¹⁹, to rebalance the drivers of office to residential²⁰, specifically S1(A), S1(B) and S1(D)²¹, the Reasoned Justification²², exclusion of other commercial uses to bring forward a mix of uses, particularly retail²³, relaxation of thresholds²⁴.

Policy S6

- ²⁵including specifically the new first bullet²⁶ and reference to agglomeration in Reasoned Justification²⁷.

Part IV Housing Provision

- Paragraph 4.4: commitment to ensuring heritage is not compromised by accommodating growth and reference to the fine-grained mix as these are particularly associated with historic buildings and vulnerable to amalgamation or erosion.²⁸
- Policy S14 Reasoned Justification: Removing reference to housing priority²⁹

Part IV Business and Employment

- Paragraph 4.20: supports the Mayor's Culture Strategy priorities RE art galleries and fashion retail.³⁰

Policy S18

- ³¹ including target, prioritisation, and the need to strike a balance between residential and business³², directing commercial development to Paddington³³ and the reference to the West End Partnership³⁴.

Part VI: Implementation

- Policy CM47.1 Land use swaps: potentially useful tool³⁵
- Policy CM47.2 Credits: potentially useful tool and welcome relaxation of restrictions on the use of credits³⁶

¹⁹ British Land, Conde Nast

²⁰ Heart of London Business Alliance, The Crown Estate

²¹ Heart of London Business Alliance

²² Westminster Property Association

²³ The Crown Estate, Westminster Property Association

²⁴ Westminster Property Association

²⁵ The Crown Estate

²⁶ Soho Create, Westminster Property Association

²⁷ Soho Create

²⁸ Historic England

²⁹ Soho Create

³⁰ Mayor of London

³¹ Mayor of London, British Land

³² British Land, The Crown Estate, Westminster Property Association

³³ British Land

³⁴ The Crown Estate

³⁵ British Land, The Crown Estate, Westminster Property Association

³⁶ British Land, The Crown Estate, Westminster Property Association

3.3 Comments

1. Part II: A Unique City

1. Paragraph 2.22: Delete “without compromising business activity” as residents have demonstrated they do not have unreasonable expectations.³⁷
2. Strategic Objective 4: Reinstate ‘across all parts of the city’³⁸
3. Paragraph 2.40: Change “As a general principle, housing is acceptable in all parts of Westminster...” to “As a general principle, housing is acceptable in some parts of Westminster...”³⁹.

Response: It is considered that the revision strikes the appropriate balance between housing and commercial uses in relation to Westminster’s core commercial areas.

2. Policy S1

1. (A): Should go further and state that some areas are significantly less appropriate for residential.⁴⁰
2. (B) and Appendix 4, Point 4 after Figure 58: Remove the applicant’s discretion as to how to meet the requirement.⁴¹
3. (B): Clearer wording as follows⁴²:
B) Where proposals are in Core CAZ, the Named Streets or Opportunity Areas and increase the amount of floor space by between 30% and 50% of the existing building, and more than 400sqm, residential accommodation or an affordable housing payment should be provided.
The amount of residential accommodation required is equivalent to the lower of:
 - i. The increase in B1 office floor space, less an allowance of 30% of existing B1 office floor space; or*
 - ii. The net increase in floor space in all uses, less an allowance of 30% of all existing floor space.*
The requisite residential accommodation can be provided either:
 - i. on-site;*
 - ii. off-site;*
 - iii. by mixed use credits (Policy CM47.2); or*
 - iv. by an affordable housing payment in lieu equivalent to the required residential accommodation (Policy XX.XX).*
It is at the applicant’s discretion which of i. – iv above they apply.
4. (C): Concern that the ability to meet the residential requirement off-site will be difficult as offices are less likely to be allowed to convert to residential under other policies⁴³

³⁷ Soho Society

³⁸ Soho Society

³⁹ Soho Society

⁴⁰ Heart of London Business Alliance

⁴¹ Soho Society

⁴² Westminster Property Association, Land Securities

5. (C): should allow the residential floorspace to be provided outside CAZ, as is the case with clause (B)⁴⁴
6. (C): Consider further flexibility including off-site residential which can be incompatible with the commercial use.⁴⁵
7. (C): Clarify what “greater and higher quality” means⁴⁶ or remove as it goes further than current policy and is inconsistent with nationally described standards and suggest “equivalent” is also appropriate⁴⁷.
8. (C): State that loss of residential floorspace will be resisted and it cannot be reprovided by payment in lieu.”⁴⁸
9. (D): Include caveat “where appropriate and practical” to ensure the amount of residential schemes does not reduce to an unacceptable level including meeting the housing target.⁴⁹
10. (D): Would like it to go further by reducing the 400sqm threshold to support small-scale start-ups, but acknowledge consistency in approach.⁵⁰
11. (D): Concerns about residential exemption including the loss of small offices⁵¹, contrary to London Plan Policy 4.3Bc and which should be provided off-site⁵² or because it includes areas now predominantly commercial in character that could be significantly affected and should therefore be identified and exempted⁵³ and there is a history of houses also being used for businesses e.g. Soho⁵⁴.
12. (D): The options should be retained as a cascade rather than it being at the applicant’s discretion how they meet the requirement as actual floorspace (whether on- or off-site) better meets objectives.⁵⁵
13. (D): seek clarification that this is only applied above 400sqm threshold⁵⁶.
14. Policy Application: While the diagram is useful, worked examples would be helpful⁵⁷ and the diagram should clarify that it is the shaded area that should be matched by residential floorspace⁵⁸.

Response:

- 1, 2, 9. It is considered that the revision strikes the appropriate balance between housing and commercial uses in relation to Westminster’s core commercial areas.
3. An amendment has been made to clarify the text.
- 4, 5, 6, 12. There is considered to the adequate and appropriate flexibility whilst still achieving mixed use aims in Westminster’s core commercial areas.
7. Reference to “greater” removed and amendment made to Policy Application.

⁴³ British Land, The Crown Estate

⁴⁴ British Land, The Crown Estate

⁴⁵ Heart of London Business Alliance

⁴⁶ Mayor of London

⁴⁷ Westminster Property Association

⁴⁸ Soho Society

⁴⁹ CBRE

⁵⁰ Heart of London Business Alliance

⁵¹ Heart of London Business Alliance, Mayor of London

⁵² Mayor of London

⁵³ Heart of London Business Alliance, Soho Create

⁵⁴ Soho Create

⁵⁵ Mayor of London

⁵⁶ The Crown Estate

⁵⁷ Mayor of London

⁵⁸ Westminster Property Association

8. Provided in adopted Policy S14.

10, 11. This policy does not regulate to the principle of the office loss in the first instance which is covered by Policy S20. If the loss of a small office workspace of less than 400sqm was not appropriate, the proposal would not meet the tests of Policy S20 and therefore this part of the policy would not apply. It is only where it is considered appropriate for that small office to be lost to residential that this policy would apply, requiring some commercial floorspace to be retained. It is considered unreasonable to require commercial floorspace from an otherwise acceptable development because the amount of residential is so small.

14. There are a number of different scenarios and a guide will be produced with worked examples. However, the revisions to the policy text should also clarify.

3. Policy S6

1. Don't restrict residential to 'complimentary'.⁵⁹
2. Clarify as follows "Supporting strategically important clusters of uses consistent with enabling the growth and evolution of places to ensure that the function of the area as a globally important reputation of the area as a business location is retained and enhanced." to support its function rather than reputation.⁶⁰

Response:

1. It is considered that the revision strikes the appropriate balance between housing and commercial uses in relation to Westminster's core commercial areas.
2. Text modified to improve wording.

4. Part IV Housing Provision

1. Paragraph 4.8: Remove reference to a significant expansion in commercial floorspace⁶¹.

Response:

1. It is considered that the revision strikes the appropriate balance between housing and commercial uses in relation to Westminster's core commercial areas.

5. Policy 18

1. Remove the reference to scale and intensity as the objectives will lead to intensification and commercial uses are now the priority in Core CAZ⁶².
2. Reasoned Justification: Remove the reference to unrealistic expectations of residential amenity etc.⁶³

Response:

1. Commercial development still needs to be appropriate in terms of scale and intensity. Some parts of the Core CAZ are residential in character and it is not proposed to allow commercial development to encroach into these areas. Likewise, development in commercial areas still needs

⁵⁹ Soho Society

⁶⁰ Westminster Property Association

⁶¹ Soho Society

⁶² Westminster Property Association

⁶³ Soho Society

to be appropriate as different commercial areas have different scales and intensity of commercial activity.

2. Whilst the comment relates to established communities, people moving into an area also have expectations. It is also the experience of the Council that complaints are made arising from legitimate business activity.

6. Policy S20

1. Housing should remain the highest priority, particularly in light of London's housing supply shortages, the NPPF, and Westminster's housing target and impeding housing will unbalance the mix of uses.⁶⁴
2. Commercial development should be "encouraged and" directed to the named areas⁶⁵. Paddington is less constrained than other parts of the borough and it would capitalise on Crossrail.⁶⁶
3. Westminster is home to some of the most unique and important buildings, some of which, while technically offices, were built for specific users at a specific time and are unsuited to future office use (e.g. specific government department headquarters). Their architectural and historic significance would be better suited to alternative uses where the benefits to securing the long-term future of the building outweigh the loss of the (very poor) office floorspace, and also make a contribution to housing.⁶⁷
4. Viability should also be a consideration to avoid retaining poor office floorspace with limited economic benefit which is no longer viable.⁶⁸ Viability cannot be divorced from consideration of a proposal in the way suggested by the policy. Retaining a building as offices where an appropriate housing tenure mix cannot be achieved due to viability is contrary to the housing policies that take viability into account.⁶⁹
5. Policy S20: Add the following criteria:
 - *the quality of the existing stock, the length of vacancy and other relevant specific reasons for redevelopment⁷⁰ the likelihood of the existing building being successfully refurbished and redeveloped for office use⁷¹*
 - *The townscape benefits of redeveloping the existing building, especially where the existing building is unsightly or visually intrusive.⁷²*
 - *where an alternative use would secure a long term, viable future for listed buildings.⁷³*
 - *the nature and performance of office sub-markets, rather than just CAZ as a whole.⁷⁴*
 - *the economic benefits of alternative uses e.g. training and development opportunities.⁷⁵*
 - *the ability to consolidate office floorspace and maintain employment generation through better quality floorspace.⁷⁶*

⁶⁴ Clivedale Ventures Limited

⁶⁵ British Land, The Crown Estate

⁶⁶ British Land

⁶⁷ CBRE, The Crown Estate

⁶⁸ CBRE, Clivedale Ventures Limited

⁶⁹ Clivedale Ventures Limited

⁷⁰ GVA

⁷¹ Westminster Property Association

⁷² Westminster Property Association

⁷³ GVA

⁷⁴ Clivedale Ventures Limited

⁷⁵ Clivedale Ventures Limited

⁷⁶ Clivedale Ventures Limited

6. Clarify the target is office only⁷⁷ and reference which figures were used from the London Office Policy Review in the footnote⁷⁸ and the relationship between the target here and in S18⁷⁹.
7. Policy S20 Reasoned Justification: Hotels are not appropriate everywhere in CAZ (London Plan Policy 4.5(C)).⁸⁰
8. Add a further numbered bullet relating to the diversity of the housing tenure and a balanced community.⁸¹
9. There is no clear indication of how a decision maker should react to a development proposal and further supporting explanatory text should be provided in the Policy Application.⁸²
10. Developers will not necessarily pursue offices as an alternative: this is more likely to result in a gradual decline in secondary office stock particularly in the context of other protections such as hotels and Special Policy Areas.⁸³
11. The policy applies to the appropriate area and should not be extended to the wider CAZ.⁸⁴

Response:

1. For the most part these issues have been considered previously and it has been considered that on balance giving priority to commercial development in these areas is appropriate. The detail of this is set out in the Cabinet Member Report approving the Publication Draft Revision for Regulation 19 consultation. However, it is noted that there are parts of the Core CAZ that are still predominantly or wholly residential in character, particularly when looking at individual streets. Currently this is addressed by the reference in Policy 18 Commercial Development which states that *“proposals for new commercial uses must be appropriate in terms of scale and intensity of land uses, and character and function of the area.”* A minor modification to the wording is suggested to ensure that there is no inference that commercial development can encroach into residential streets (e.g. a number of streets in Mayfair). An additional sentence is proposed in the Reasoned Justification to clarify that although *“commercial and other non-residential activity is the priority in the Core CAZ”* (Policy S18 Mixed Use Revision), in areas that are still residential this does not justify commercial encroachment. Additional text is therefore proposed at the end of Policy S18 Mixed Use Revision Reasoned Justification.
2. No response needed - text already in the revision.
3. The policy is flexibly worded, enabling exceptional circumstances and properties to be considered on their individual merits.
4. Policy S33 notes that the obligations would not be sought at a level that would compromise development and therefore viability would be taken into account when considering the refurbishment of an office. Viability should not be used to justify an otherwise non-compliant scheme. It is noted that Policy S33 Delivering Infrastructure and Planning Obligations states: *“Planning obligations and Community Infrastructure Levy contributions will be sought at a level that ensures the overall delivery of appropriate development is not compromised.”* As this policy requires an appropriate mix of housing to justify the loss of office floorspace (criteria 2 and 3 of the policy) this specific requirement overrides the more general statement in Policy S33

⁷⁷ Mayor of London, Turley

⁷⁸ Mayor of London

⁷⁹ Westminster Property Association

⁸⁰ Mayor of London

⁸¹ Soho Society

⁸² Clivedale Ventures Limited

⁸³ Clivedale Ventures Limited

⁸⁴ Clivedale Ventures Limited

and it is appropriate that the Policy S1 is clear about this. Policy S1 could not be effectively implemented if criteria 3 requiring an appropriate housing mix could be undermined by viability. The *principle* of the office loss is only acceptable where an appropriate housing mix is viable and deliverable. The policy could not operate if this was not the case. It is also noted that lower quality office floorspace often makes a significant contribution to the local economy by providing more affordable workspace and diversity in the commercial activity.

5. These matters can be addressed through consideration of the contribution of the office *vis-à-vis* the proposed housing, the contribution of the office building and the contribution of the proposed floorspace. No specific criteria have been included deliberately so that the assessment of the relative benefits of the office versus the housing can be weighed openly and without constraint in the context of the overall office floorspace delivery. By putting specific criteria, this can be interpreted as those matters being of greater importance than others which are not stated, which is not considered to be appropriate. However, a guidance document could be developed which sets out detailed guidance and potentially case studies which developers may find helpful in both considering an office to residential proposal and setting out their justification for an office to residential development. As a basic principle, this policy should be interpreted as a protection for offices *until* pre-application advice or an outline permission has been obtained confirming that the loss of office is justified for the specific proposal.

6. Minor modification to clarify it is an office floorspace target. It is considered there is sufficient detail in the footnote and the target figure is not disputed.

7. The relevant section of the policy protecting office floorspace except in specific circumstances relates to Core CAZ, the Named Streets and the Opportunity Areas. Adopted Policy S23 of Westminster's City Plan makes it clear that hotels are appropriate in all of these areas.

8. This can be taken into account as one of the aspects that contributes to the benefits of the housing offer but does not need to be specifically stated as this will unbalance the policy.

9. A balance must also be struck with paragraph 21 of the NPPF "*Policies should be flexible enough to accommodate needs not anticipated in the plan and to allow a rapid response to changes in economic circumstances*" itself echoing the definition of sustainable development set out in Paragraph 14. The City Council carries out monitoring and other organisations likewise monitor office delivery across Westminster. Achievement against the new targets will therefore be measurable and publically available. In terms of the other two criteria set out in the policy, like many aspects of a planning application there will be a degree of negotiation, and the Council will be able to provide pre-application advice on matters such as whether the proposed justification in terms of the office *vis-à-vis* the housing offer is acceptable.

10. This will be a matter for on-going monitoring. However, rental values for offices within those areas subject to the policy are such that improvement to office stock can be delivered as can be seen by the refurbishments currently being delivered across Westminster.

11. As noted in relation to Objection 4 above, this is considered to be the subject of further discussion.

7. Policy CM47.1 Land use swaps

1. Clarify that the no net loss of protected floorspace is across all of the sites⁸⁵.
2. Remove the reference to higher quality in bullet 5 as the more onerous requirement will discourage use of the mechanism⁸⁶.

⁸⁵ Westminster Property Association

⁸⁶ Westminster Property Association

Response:

1. Clarification made through minor modification.
2. The land use swap should benefit residential by using the swap to deliver a high quality of housing. 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.

8. Policy CM47.2 Credits

1. Inclusion on the Proposals Sites should not exclude use as a credit as cross-funding may make the proposals site more deliverable⁸⁷.
2. The nominal value should be indexed when used in the viability assessment to account for inflation⁸⁸.

Response:

1. There would be no additionality if a site already identified for housing was used as a housing credit.
2. Further clarification added regarding the nominal value.

9. Appendix 4

1. Windfall development figures do not seem correct.⁸⁹

Response:

1. Agree, the error has been corrected by minor modification.

10. General

1. Need protection of artists due to their contribution to the City.⁹⁰
2. The document is unbalanced and additional references to the historic environment should be added.⁹¹
3. Review after a few months and adjust if necessary on an area-by-area basis.⁹²
4. Ensure affordable housing delivery.⁹³
5. The evidence base should only refer to completions, with other data referred to as pipeline as it will not necessarily be realised⁹⁴.
6. The office floorspace lost is not necessarily of good quality or fit for purpose⁹⁵.
7. Not all offices are occupied e.g. Victoria has a 5% vacancy rate⁹⁶.

⁸⁷ Westminster Property Association

⁸⁸ Westminster Property Association

⁸⁹ Mayor of London

⁹⁰ Katharine Lubar

⁹¹ Historic England

⁹² Pimlico Grid Residents' Association

⁹³ Pimlico Grid Residents' Association

⁹⁴ GVA

⁹⁵ GVA

⁹⁶ GVA

8. The evidence base should relate to offices across London's CAZ, not just Westminster⁹⁷.

Response:

1. The protection of artists is not within the scope of this revision. Whilst the contribution of artists is important, there is not such a significant cluster within Westminster to justify singling out. Moreover, if this were the case (as it is for the cluster of art-related uses around Cork Street) this would be addressed through a special policy area.
2. Modifications made.
3. Planning policies are subject to monitoring through the Authority's Monitoring Report. However, monthly reviews are not possible due to the resource burden, and wouldn't be useful as development operates over far longer timescales.
4. Affordable housing is discussed in full in the Objections section above.
5. The evidence would distinguish between the completions, under construction and pipeline. The reference in 4.23 for example relates to actual losses over the stated period, and no specific reference are given.
6. It is noted that the city needs a range of floorspace, including poorer quality floorspace, buildings in different stages of their lifecycle, and a range of sizes and affordability. For example, the recent Ramidus report commissioned by the Mayor of London notes the importance of non-Grade A office stock to small businesses.
7. Westminster does not have a pool of long-term vacant offices that need to be bought back into use. The industry benchmark for vacancy is 8%, below which there is insufficient supply to provide a range of available offices to the market. Even the quoted vacancy rate at Victoria falls below this industry standard and is symptomatic of supply issues. In fact, viewed another way, given that there is a significant volume of office floorspace under construction in Victoria it is notable that with all of this construction activity, 95% of the market is occupied and there is such a significant amount of pre-letting that offices are almost fully occupied on completion.
8. As evidenced in Section 4 to this report, Westminster works closely with central London, wider London and Mayoral representatives. There are issues of constrained supply across most, if not all, central London office markets. However, this revision is part of a local plan and articulating the broader picture is one most appropriate in the Mayor's London Plan or draft CAZ SPG.

11. Other

These references are to adopted policy which are not part of the revision. They will be considered in a later revision, or in the case of the Habitat Regulation Assessment Screening, has been resolved to the satisfaction of Natural England.

1. The principle of commercial development should be extended across the whole of CAZ.⁹⁸
2. Policy S6: question the restriction on entertainment uses and reference to the Millbank Strategic Cultural Area.⁹⁹
3. Protect open space from commercial growth.¹⁰⁰
4. The Habitat Regulation Assessment Screening has an error¹⁰¹.

⁹⁷ GVA

⁹⁸ Westminster Property Association

⁹⁹ Soho Create

¹⁰⁰ Pimlico Grid Residents' Association

¹⁰¹ Natural England

4.0 Formal Notification under Regulation 18 of The Regulations

4.1 Formal notification of the intention to produce the Mixed Use Revision to Westminster's City Plan was carried out between 19th March to 1st May 2015, for a period of just over six weeks (Stage 8 in paragraph 1.6 above). Notification was made by email to the vast majority of the 615 consultees (see Appendix 4), with a small number of letters sent to 5 of the consultees. The specific consultees contacted, including local/regional authorities, are set out in Appendix 3.

4.2 A copy of the consultation letter is attached as Appendix 1. Consultees were advised that the City Council was intending to make 7 revisions to Westminster's City Plan including this, the Mixed Use Revision (further information on this revision is available on the Council's website). This coincided with the publication of a new Local Development Scheme. Consultees were advised that notice was given in accordance with Regulation 18, that once the first 6 revisions had been made this would replace the Unitary Development Plan, and that although the revisions were notified together, they would be progressed separately. Consultees were invited to let the council know what they would like to see in these two revisions, and asked what they thought the revisions should contain. They were also advised of the consultation timescale, provided with a telephone contact for further information, and relevant weblinks for further information.

4.3 The City Council's website also advertised this stage of consultation on the page relating to the Revision to Westminster's City Plan (attached as Appendix 2). This also included a link to the consultation letter.

4.4 Eleven responses were received to the notification of 7 revisions to the City Plan (attached as Appendix 5), however only one of these responses had relevance for the Mixed Use Revision: British Land who reiterated comments made in relation to the mixed use consultation booklet, an earlier informal consultation stage.

4.5 There was a significant response to an earlier informal consultation stage including a petition organised by the Save Soho campaign and signed by 137 individuals. Save Soho is a *"coalition of performers, residents and politicians who came together out of concern for the future of Soho's historic role as a national platform for the performing arts"*. There has also been significant joint working around national amendments to permitted development rights, and lobbying to ensure the appropriate powers remain in place to stem office losses. This includes liaison with the Business Improvement Districts, Westminster Property Association and SohoCreate and the Save Soho Campaign. Relevant documents are included in Appendix 9 below.

5.0 Duty to Cooperate

The following sets out examples of the established relationships which fulfil the requirement in the Localism Act for the duty to cooperate. As this is a partial revision to the plan, only those aspects of the relationship most relevant to mixed use and the loss of offices have been included. This may or may not be specific to the "planning policy" function of the City Council, but nonetheless informed development of the Mixed Use Revision. These relationships also continue to inform plan development across the wider City Plan review.

Environment Agency

- Close working relationship but not directly relevant to the Mixed Use Revision.

English Heritage

- Close working relationship with detailed application specific liaison including joint site visits on many schemes and EH provide advice on archaeology. This directly influences policy development.
- Twice yearly liaison meetings between senior City Council officers and English Heritage. Council officers and English Heritage attend quarterly liaison meetings to discuss issues around major heritage assets including Ministry of Defence Estate and Royal Courts of Justice.
- On-going liaison and informal meetings on emerging policy as necessary.
- Joint working and consultation on conservation area audits, which in some cases the use and mixed use are part of the character of the area.
- Greater London Historic Environment Records maintained by English Heritage, with input from Westminster.
- Paddington and Victoria Station Masterplans.
- Various public realm schemes as required e.g. Leicester Square

Natural England

- Close working relationship but not directly relevant to the Mixed Use Revision.

Mayor of London (including Transport for London and Homes and Communities Agency)

Information: GLA Intelligence Unit forms part of the evidence base e.g. office loss datasets, ward level housing projections, economic papers, state of the environment reports, London Economics and bespoke evidence including the now published Ramidus research relating to offices. Provide NLUD/Brownfield review data return, London Development Database (recording rolling land supply and therefore capacity across London), Strategic Housing Land Availability Assessment

Joint working on development of the Mayor's draft Central Activities Zone SPG, specific and on-going discussions about office losses, including permitted development rights, and broader discussions about economic sustainability and various business sectors and clusters. Joint working regarding the future policy approach to mixed use, including office losses and gains in housing in London's core, to inform both the Mixed Use Revision and review of the London Plan. Joint lobbying of national government on office losses. Joint discussions with other boroughs on the approach to potential Article 4 Directions relating to office to residential for London's Central Activities Zone. Joint working to agree housing targets, published in the London Plan.

Joint working through the West End Partnership, as well as the strong relationship with businesses including Business Improvement Districts through their bi-annual meetings, and regular networking events such as the London Real Estate Forum.

Clinical Commissioning Group

- Close working relationship but not directly relevant to the Mixed Use Revision.

Network Rail

- Masterplans and schemes for all four termini and routes including the two specific Station Review Groups for Victoria and Paddington stations

Cross Borough Partnerships

Officers and politicians come together across London informally, with either regular groupings such as the Association of London Borough Planning Officers and London Council's, or informal task groups and meetings around particular topics or consultations/legislative changes.

West End Partnership¹⁰²: place-specific public/private partnership, bringing together key stakeholders from across the West End including the Mayoral family.

Central London Forward¹⁰³ (CLF): economic development and strategic partnership e.g. commissioning a shared infrastructure study, with a bespoke element for Westminster which formed the Core Strategy evidence base on infrastructure, currently commissioning a Central London Local Economic Assessment.

Cross River Partnership¹⁰⁴ (CRP): economic development, regeneration and sustainability projects e.g. EU electric vehicle programme (Evue) completed and major freight consolidation programme underway.

HCA Investment Region¹⁰⁵: sub-regional working arrangements covering housing strategy, investment, private sector housing and housing allocation, with regular meetings every 6 weeks.

City of London

- Relevant cross-borough partnerships: CLF, CRP, SHLAA
- Regular meetings held with economic development counterparts
- Regularly liaise with over mixed use and office-related issues
- Regular liaison with policy counterparts, particularly cross-borough issues more generally

¹⁰² Board made up of London Boroughs of Camden and Westminster, Mayor of London, Transport for London, Metropolitan Police, London First, Baker Street Quarter, Heart of London, New West End Company and Northbank BIDs, Federation of Small Businesses, London Chamber of Commerce, West End Community Network and Westminster Property Association

¹⁰³ London Boroughs of Camden, Islington, Kensington & Chelsea, Lambeth, Southwark, Westminster and the City of London

¹⁰⁴ Angel Aim BID, Better Bankside BID, Camden Town Unlimited BID, Cheapside Initiative, City of Westminster, Corporation of London, Greater London Authority, Groundwork London, Heart of London Business Alliance, InSW1 BID, London and Partners, London Borough of Camden, London Borough of Islington, London Borough of Lambeth, London Borough of Southwark, Network Rail, Royal Borough of Kensington and Chelsea, South Bank Employers Group, Team London Bridge BID, Transport for London, Waterloo Quarter Business Alliance

¹⁰⁵ GLA Homes and Communities Agency, London Boroughs of Camden, Haringay, Enfield, Barnet, Islington and City of Westminster.

- Liaison for Mayor of London's emerging Central Activities Zone SPG and broader London picture around office losses and permitted development rights

London Borough of Camden

- Relevant cross-borough partnerships: CLF, CRP, SHMA, SHLAA, West End Partnership, HCA Investment Region
- Regular liaison with policy counterparts, particularly cross-borough issues
- Close alignment on strategy e.g. east end of Oxford Street / St Giles including shared public realm projects, BIDs etc
- Shared experience and liaison on office losses, including permitted development rights
- Liaison for Mayor of London's emerging Central Activities Zone SPG
- Close working relationship on neighbourhood planning

London Borough of Brent

- Not relevant to Mixed Use revision other than the broader London picture regarding office losses through ALBPO.

Royal Borough of Kensington & Chelsea

- In tri-borough arrangements, e.g. shared services e.g. libraries, sport and leisure provision, tri-borough Planning and Health Workshop which in turn informs thinking on plan development, tri-borough infrastructure planning meeting.
- Relevant cross-borough partnerships: CLF, CRP, SHLAA
- Meetings held with economic development counterparts
- Shared experience and liaison on office on residential permitted development rights
- Liaison for Mayor of London's emerging Central Activities Zone SPG
- Close working relationship on neighbourhood planning
- Joint public realm projects e.g. Exhibition Road

London Borough of Wandsworth

- Relevant cross-borough partnerships: SHLAA
- Discussions on economic development held when necessary
- Regular officer level meetings including discussions regarding loss of offices and permitted development rights
- Liaison for Vauxhall Nine Elms Opportunity Area
- Liaison for Mayor of London's emerging Central Activities Zone SPG

London Borough of Lambeth

- Relevant cross-borough partnerships: CLF, CRP, SHLAA

- Liaison for Mayor of London's emerging Central Activities Zone SPG and broader London picture around office losses and permitted development rights
- Liaison for Vauxhall Nine Elms Opportunity Area

London Borough of Southwark

- Cross-borough partnerships: CRP, CLF, SHLAA, GiGL, CLSRTP
- Discussions on economic development held when necessary
- Liaison for Mayor of London's emerging Central Activities Zone SPG and broader London picture around office losses and permitted development rights
- Liaison for Mayor of London's emerging Central Activities Zone SPG and broader London picture around office losses and permitted development rights

Annex A Schedule of Minor Modifications

Reference	Reason for change	Change made
Paragraph 3.1	Historic England	Addition of reference to heritage
Policy S1 (A)	Clarification	Introducing subclauses and numbering to aid clarity
Policy S1 (B)	Clarification	Introducing subclauses and numbering to aid clarity
Policy S1(B)	Westminster Property Association and improved clarity	Improved clarity
Policy S1(C)	Clarification	Introducing subclauses and numbering to aid clarity, and rewording to bring in line with way policy is expressed in S1B.
Policy S1(C)	Mayor of London	Remove reference to 'or greater' as this is confusing and difficult to apply
Policy S1(D)	Clarification	Introducing subclauses, numbering, and italics to aid clarity
Policy S1 Policy Application	Mayor of London, Westminster Property Association	Improved clarity and diagrams
Policy S1 Policy Application	Mayor of London	Clarification as to what better quality means
Policy S6	Westminster Property Association	Improved clarity
Paragraph 4.8	Clarification	Addition of reference to this being in commercial areas
Paragraph 4.9	Correction	Insertion of word "Availability"
Policy S14 Reasoned Justification	Correction	Correct timescales, including consistency with graph
Policy S14 Reasoned Justification	Correction	Additional cross reference to revised policy which is now relevant
Policy S18	Clarification	Clarification that the policy does not infer that commercial development can encroach into wholly residential streets and areas.
Paragraph 4.20	Correction and clarification	Improved wording
Policy S20	Mayor of London, Turley	Clarification that the target is for office floorspace
Policy CM47.1	Westminster Property Association	Clarification that it is the sites taken as a whole
Policy CM47.2 Policy Application	Westminster Property Association	Clarification that the nominal value will be linked to inflation
Appendix 4, bullet 2 on page 36	Mayor of London	Correction from 44% to 33%
References	Addition	Reference to new report on small offices

Appendix 1: Regulation 18 letter



**From: Councillor Robert Davis DL
Deputy Leader of Westminster City Council
and Cabinet Member for the Built Environment**

**Westminster City Hall, Victoria Street, London SW1E 6QP
020 7641 8574**

Please reply to: Lisa O'Donnell

Direct Line / Voicemail: 020 7641 2503

Fax: 020 7641 3050

Email: planningpolicy@westminster.gov.uk

19th March 2015

Dear Sir/Madam

Revisions to Westminster's City Plan: Strategic Policies

Westminster City Council adopted the Westminster's City Plan: Strategic Policies in November 2013. We are writing to advise you that the City Council is going to make revisions to this document as follows:

1. Basement Revision to Westminster's City Plan
2. Vacant Building Credit Revision to Westminster's City Plan
3. Mixed Use Revision to Westminster's City Plan
4. Special Policy Areas and Policies Map Revision to Westminster's City Plan
5. Energy Revision to Westminster's City Plan
6. Full Revision to Westminster's City Plan
7. Waste Revision to Westminster's City Plan

This notice is being made in accordance with Regulation 18 of the Town and Country Planning (Local Planning)(England) Regulations 2012.

Once the first six revisions have been made, the new document will be the Local Plan for Westminster and will replace all current policies in the Unitary Development Plan. Although we are notifying you of these revisions together, they will be progressed separately to ensure there are no unnecessary delays.

We are inviting you to let us know what you would like to see in these revisions. What do you think these revisions should contain?

Detailed information about each revision is set out in Westminster's Local Development Scheme which can be viewed at www.westminster.gov.uk/local-development-scheme. However the revisions are briefly summarised as follows:

Basement Revision - Insertion of new detailed basement policy into Westminster's City Plan: Strategic Policies for managing basement developments and for use in determining these planning applications

Vacant Building Credit Revision - New definition of vacancy and policy for the application of the vacant building credit within Westminster

Special Policy Areas and Policies Map Revision - A) Strategic designation of the Mayfair Special Policy Area and inclusion of this area in City Plan Policy S2, for art galleries and antiques traders. B) Insertion of detailed policies into Westminster's City Plan: Strategic Policies for managing the following Special Policy Areas: Harley Street (to replace UDP Policy SOC5), Portland Place (to replace UDP Policies COM6 and COM7), East Marylebone (to replace UDP Policy COM12), Savile Row, St James's and Mayfair. C) Make minor boundary alterations to the adopted 'Westminster City Plan: Strategic Policies' Policies Map to address some minor errors in the current boundaries. The OS base map is updated periodically and this has created minor anomalies in the boundaries, for example where a City Plan designation boundary does not follow the actual site boundary on the base map.

Mixed Use Revision to Westminster's City Plan - New policy including revision to the adopted Strategic Policy in Westminster's City Plan: Strategic Policies for managing office development including proposals involving the loss of office floorspace and office to residential conversion/redevelopment, and delivering mixed use

Energy Revision - Insertion of new detailed energy policy into Westminster's City Plan: Strategic Policies for delivering energy efficiency, on-site and local energy solutions and the cost of carbon for where required energy targets cannot be achieved.

Full City Plan Revision - To set out criteria against which planning applications covering all of the policy areas set out in the topic-based booklets subject to informal consultation Oct 2013 to Mar 2015 not covered by the revisions set out in 1 to 5 above to: A) Provide greater detail to those policies in the City Plan and ensure the development accords with the objectives set out in the City Plan. B) Revise to the adopted Westminster City Plan: Strategic Policies as appropriate.

This revision will replace all remaining Unitary Development Plan policies. Once this revision is adopted, the Unitary Development Plan, adopted Jan 2007, will no longer form part of the statutory development plan for Westminster.

Waste Revision - To be developed alongside, and build upon, revisions to Westminster's Municipal Waste Management Strategy, and connect contractual obligations with waste planning and capacity provision within Westminster. The Waste Revision will secure any new waste sites that have been identified, and will also set out any joint working arrangements with other London Boroughs.

If you have any comments on the revisions to Westminster's City Plan please send them in writing by the **1st May 2015**. For more information, please call (020) 7641 2503. You can also find further information on the City Council's website at www.westminster.gov.uk/revision-westminsters-city-plan .



Councillor Robert Davis DL
Deputy Leader of Westminster City Council
Cabinet Member for Built Environment

Appendix 2: Webpages for Regulation 18

Revision to Westminster's City Plan

Westminster City Council has previously consulted on the development of a second development plan document, the City Management Plan (CMP). We will not be taking the CMP forward as a separate document but instead will be inserting the detailed city management policies and any necessary supporting text into Westminster's City Plan to create a single local plan for Westminster. These changes are called the "CMP Revision".

To develop these policies, we are now undertaking some informal consultation on a series of policy topic papers (see below). All of the consultation that has been carried out to date will inform the CMP Revision. If you did not submit at previous stages, but still want to take part in this consultation, please contact us so we can add you to our consultation database. Information on previous stages of policy development is also available below.

Regulation 18 Notice

The notice of Revisions to Westminster's City Plan Development Document is available [here](#). If you have any comments on the revisions to Westminster's City Plan please send them in writing to planningpolicy@westminster.gov.uk by 1 May 2015. Alternatively you can write to:

Policy and Strategy

Other relevant links

- Information on Westminster's Planning Policies
- Westminster's City Plan: Strategic Policies
- Unitary Development Plan (UDP)
- Community Infrastructure Levy
- Supplementary Planning Documents and Guidance (SPDs and SPGs)

Regulation 18 Notice

The notice of Revisions to Westminster's City Plan Development Document is available [here](#). If you have any comments on the revisions to Westminster's City Plan please send them in writing to planningpolicy@westminster.gov.uk by 1 May 2015. Alternatively you can write to:

Policy and Strategy
11th Floor Westminster City Hall
64 Victoria Street
London
SW1E 6QP by 1 May 2015.

For more information, please call (020) 7641 2503.

Current consultation:

There are no consultations taking place at the moment

Previous booklet consultations:

- [Design \(issued 29 July 2014, for comments by 19 September 2014\)](#)
- [Health, Well-being and Personal Safety \(issued 29 July 2014, for comments by 19 September 2014\)](#)
- [Open Space and Green Infrastructure \(issued 29 July 2014, for comments by 19 September 2014\)](#)
- [Planning and Pollution Control \(issued 29 July 2014, for comments by 19 September 2014\)](#)

Documents and Guidance (SPDs and SPGs)

Appendix 3: Specific consultation bodies

- 1475 Association of Electricity Producers
- 1944 Cavendish Communications
- 2149 City of London
- 2513 Clinical Commissioning Groups
- 1267 Crossrail
- 1006 Historic England (English Heritage)
- 2054 Environment Agency (London Office)
- 1212 Highways Agency
- 193 Homes and Communities Agency
- 1000 London Borough of Brent
- 2328 London Borough of Camden
- 746 London Borough of Southwark
- 462 London Borough of Wandsworth
- 2251 Marine Management Organisation
- 2512 Mayor of London and Assembly (GLA)
- 562 National Grid DPM Consultants
- 1499 Natural England
- 2573 NHS Property Services
- 2216 Office of Rail Regulation
- 684 Royal Borough of Kensington and Chelsea
- 1227 Thames Water Utilities Ltd
- 1345 The Coal Authority
- 1214 Town Planning Network Rail
- 2514 Transport for London (TfL)

Appendix 4: General consultation bodies

7	Abbey Centre	2567	Bidwells Property Consultants
1049	Abbey Community Association Ltd/South Westminster Action Network	22	Bishop Ho Ming Wah Association
12	Abercorn School	26	Black and Ethnic Minority Diabetes Association
2547	Acting Head of Development	27	Black Disabled People's Association
2546	Acting Head of Policy	1927	BLD International Fashion Agency Ltd
1545	Action on Hearing Loss	37	BME Health Forum
1548	Advocate for Mental Health	39	BME Network, Voluntary Action Westminster
586	Africa Centre	2135	BRE Global Limited
1613	Age Link	1110	Brent Planning Service
1014	Age UK Westminster	2233	Brewery Logistics Group
13	Al Manaar Muslim Cultural Heritage Centre	47	British Arab Resource Centre
2173	Alan Wipperman and Co	2184	British Beer and Pub Association
20	Al-hasaniya Moroccan Women's Centre	48	British Black Anti Poverty Network
25	All Souls Clubhouse	107	British Buddhist Association
1552	Alzheimer's Society	2394	British Land
32	Amberley Club	117	Brownie Guide Unit 6th East Paddington
36	American School in London	2536	Business
38	Ancient Monuments Society	1742	Butterfly Conservation
1919	Andrew Cotton	2324	Campaign to Protect Rural England
105	Arab Maghreb Community Association	2463	CAMRA
90	Arab Women and Youth	2282	CAMRA
96	Arab Women's Centre	1075	Canal & River Trust London
42	Archdeacon of Charing Cross	2526	Capco (Capital and Counties Properties Plc)
1562	Arthritis Care	2580	Capita
1331	ARUP	2568	Carbon Culture
1604	Ashley Gardens Residents Association	138	Cardinal Hume Centre
1223	Atkins Global	1253	Carers Network Westminster
2293	Baker Street Quarter Partnerships (BID)	5	Carlton Hill Residents' Association
2303	Basement Force	2410	Carter Jonas
67	Bayswater Residents Association	2393	Carter Jonas
1649	Bayswater Social & Cultural Association	1334	Cathedral Area Residents Group (CARG)
2199	Bayswater Village (BID)	144	Caxton Youth Organisation
2421	Bective	1328	CB Richard Ellis
2564	Belgravia Neighbourhood Forum	2275	CBRE - Central London Retail
1687	Belgravia Residents Association	1568	CBRE Ltd
77	Belgravia Residents Association	2319	CBRE Ltd
79	Bengali Cultural Association	1500	Central London Forward
200	Bengali Women's Welfare Project	1897	Centred (formally Kairos in Soho)
2056	Bennetts Associates	1249	Centro Cristiano Casa De Adoradores - CCCA
2305	Berkeley Homes	2468	Cgms
2261	Beverley Butler	2279	CgMs Consulting
1352	BG Gas Services Limited		

1258	Charlotte Street Association		Association
2488	Chief Executive (Westminster City Council)	206	Covent Garden Community Association
2545	Chief of Staff - Westminster	1303	Cross River Partnership (Lambeth Office)
1039	Chinese Community Centre	2511	Cultural Partnerships Officer
1801	Chinese Information and Advice Centre	224	Davis Coffey Lyons
1793	Chinese National Healthy Living Centre	2575	Deloitte LLP
999	Chris Thomas Ltd	246	Deloitte Real Estate
1790	Christian Muslim Forum	262	Democratic Development and Understanding
704	Church Army - Marylebone Project	1572	Department for Environment Food and Rural Affairs (DEFRA)
1452	Church Street Library	2505	Deputy Director Public Health
2565	Church Street Neighbourhood Forum	2427	deputy private secretary to the Prince of Wales
1036	Churches Together in Westminster	1637	Derek Horne & Associates Ltd
1692	Churches Together in Westminster	231	Derwent London
1056	Churchill Gardens Estates Residents	2039	Development Securities Plc
176	Churchill Gardens Lessees Association	222	DHA Planning
2096	City Commissioner of Transportation (CLT)	2542	Director of Communications and Strategy (SEB)
2221	City Of Westminster College	2540	Director of Public Health
2544	City Treasurer	1090	Director of Sport, Leisure and Wellbeing
1057	CityWest Homes Limited	1017	Disabled Living Foundation
1478	Civil Aviation Authority	2148	Dolphin Square Foundation
2559	Clarence Gate Gardens Residents Committee	240	Dorothy Gardner Nursery Centre
1020	Cluttons LLP	2284	DP9
2276	Cluttons LLP	2288	DP9
1647	Colliers International	2292	dp9
2285	Colliers International	2392	DP9
2259	Colliers International	2466	Dp9
2297	Colliers International	2555	Dp9
2301	Collins & Coward Limited	2560	dp9 Ltd
2495	Commissioner of Events, Filming and Contingencies (CLT)	2582	DP9 Ltd
2094	Commissioning Waste and Parks (CLT)	243	DPDS
2508	Commissioning Waste and Parks Team	2252	Drew Planning & Development Ltd
1940	Condici Limited	2587	E.ON Ruhrgas UK Energy Trading Limited
1479	Confederation of Passenger Transport	1010	Eagle Eyes NGO
1949	Consortium of LGBT Voluntary & Community Organisations	1063	eas planning a trading name of Capita Symonds
2412	Consultancy	1424	Eclipse Internet Home (KCOM Group Plc)
1358	Corona Energy Retail Limited	1224	EDF Energy
202	Cosmic (Children of St. Mary's Intensive Care)	2487	Edgware Road Partnership
203	Cotes House Tenants & Residents Association	2549	English Heritage
1276	Covent Garden Area Trust	274	Eritrean Community Support & Information Centre
2323	Covent Garden Community	2467	Ernst and Young

272	Ershad Community Centre	2417	GVA Grimley Ltd
2274	ESA Planning	2425	GVA Ltd
2588	ESP Electricity Limited	2539	H&F Executive Director of Finance & Corporate Finance
1245	Essie Graham	353	Hallfield Estate Residents' Association
1591	European Land & Property Ltd	362	Harrowby and District Residents Association
2283	Exhibition Road Cultural Group	1270	HCA International Ltd
572	Filipino Women's Association	2424	HDG Ltd
1584	First Base Ltd	1646	Head of Affordable and Private Housing
1038	Firstplan	2502	Head of Investment (WCC and CLT)
2530	Firstplan	2503	Head of Legal and Democratic Services (CLT)
292	Fitzrovia Court Residents' Association	2504	Head of Service Westminster Adult Education Services
1272	Fitzrovia Neighbourhood Association	1696	Head of Strategy Housing
1337	Fitzrovia Trust	2343	Heart of London BID
2235	Forextra Developments Ltd	1043	Heart of London Business Alliance
297	Forsterss Solicitors	2552	Hilson Moran
1463	Forward UK	2553	Hodkinson Consultancy
1461	Foundation 66	1277	Howard de Walden Estates Ltd
1756	Four Rivers Resident's Association	2164	Hugh Cortazzi
306	Freshwater Court Residents' Association	1938	Hunza
1297	Fusion Online Ltd	1124	Hyde Park Estate Association
1320	Future Champions	2407	Iceni Projects Limited
1748	Garden Square News	2300	Iceni Projects Limited
1326	Gay Business Association	2465	Iceni Projects Limited
1308	Gemma	2355	Iceni Projects Ltd
321	Genuine Empowerment of Mothers in Society	330	Imaan
2517	Gerald Eve	387	Imperial College Early Years Education Centre (EYEC)
2194	Gerald Eve LLP	1096	In Deep Community Task Force
2583	GIA - Surveying and Design Consultancy	391	Independent Mothers Pre-School
1416	Gieves and Hawkes	1097	India Welfare Society
2420	GL Hearn	1625	Individual
2572	GLA and Mayor contact	2464	Individual (Resident)
2183	GMRA Committee	1853	Individual (Resident)
1575	GMS Estates Limited	2434	Individual (Resident)
467	Go Ahead London	2435	Individual (Resident)
328	Golaw	2436	Individual (Resident)
337	Great Portland Estates Plc	2437	Individual (Resident)
2192	Grosvenor	2438	Individual (Resident)
1045	Grosvenor	2439	Individual (Resident)
345	Grosvenor Ltd	2440	Individual (Resident)
1597	Grosvenor Ltd	2441	Individual (Resident)
997	Groundwork Trust (Camden, Islington & Westminster)	2442	Individual (Resident)
2470	GVA	2444	Individual (Resident)
2585	GVA	2447	Individual (Resident)
2458	GVA Grimley		

2448	Individual (Resident)	2476	London Borough of Lambeth
2449	Individual (Resident)	2477	London Borough of Lewisham
2450	Individual (Resident)	2478	London Borough of Tower Hamlets
2451	Individual (Resident)	1578	London Business School
2452	Individual (Resident)	1906	London Chinatown Chinese Association
2453	Individual (Resident)	1263	London Diocesan Fund
2454	Individual (Resident)	2480	London Enterprise Partnership
2459	Individual (Resident)	1011	London Fire and Emergency Planning Authority (LFEPA)
2516	Individual (Resident)	475	London First
2538	Individual (Resident)	1683	London Forum of Amenity & Civic Societies Residents
2165	Individual (Resident)	2479	London Green Grid Local Nature Partnership
1244	Individual (Resident)	1631	London Irish Centre
2243	Individual (Resident)	1630	London Tigers
2446	Individual resident	487	London Travel Watch
706	Inner London Scope Nor-West Club	492	London Wildlife Trust
2220	Inner North West London PCT's	536	Londonewcastle
2501	Interim CIO	494	Look Ahead Housing Association - Head Office
1286	J Young	500	Lydford Estate Tenants & Residents Association
402	Jacs Club	502	M R Partnership
1917	Jeffrey Green Russell Limited	506	Malcolm Scott Consultants Ltd
1627	Joan Safran	511	Martlett Court Residents' Association
2581	Jon Dingle Ltd	512	Mary Paterson Nursery School
1281	Katherine Hosleyns	2204	Mary Travers
1898	Kenric	2226	Maryland Road Community Association
2100	Kensington and Chelsea with Westminster Friends of the Earth	998	Marylebone Association
1697	Kensington Society	2186	Marylebone Association
2313	Kingly Partners LLP	644	Marylebone Bangladeshi Society
2267	Kirkwells	1232	Matthew Bennett
2556	Knight Frank	2227	Mayfair Residents Group
304	Knight Frank LLP	2296	McCarthy & Stone
1900	Kongolese Centre for Information and Advice	519	Meanwhile Gardens Playhut
2198	Land Securities Group PLC	1280	Meard and Dean Street
426	Landmark Hotels	2571	Media Officer - Westminster City Council
1616	Langham Estate Management Limited	2402	Member of Parliament
2062	Legal and General Property	2548	Members Services WCC
2102	Leicester Square Association	1549	Mencap
477	LHA London Ltd	2403	Merit Thornton Consultants
1481	Licensed Taxi Drivers Association Ltd	2280	Metropolis
1903	Lighthouse West London	526	Metropolitan Police (Central Traffic Unit)
446	Lisson Green and Church St Arab Association	525	Metropolitan Police Service
453	Loftus Family Property	534	Migrants Resource Centre
1019	London Borough of Hackney		
2474	London Borough of Hammersmith & Fulham		
2475	London Borough of Islington		

1551	Mind - National Association for Mental Health	2310	Paul Kentish & Co
585	Mono Consultants Ltd on behalf of The Mobile Operators Association (MOA)	2318	PC Dalton Planning
1338	Moreton Triangle Residents Association	613	PCCG Licensing Working Party
2076	Mothers' Union	617	Peacock and Smith
1851	Nathaniel Lichfield & Partners	2577	Pegasus Group
2109	National Portrait Gallery	2406	Pilbrow and Partners
2321	Natural England	1609	Pimlico FREDA
2074	Naz Project London	624	Pimlico FREDA
1757	Network Stadium Housing Association	2445	Pimlico Grid Resident Association
2075	New Roots	622	Pimlico Mothers And Childrens Association
1241	New West End Company (NWECC)	628	Pimlico Toy Library
2317	Nicholas Taylor and Associates	2460	Planning Aid for london
1858	Nimax Theatres Ltd	2574	Planning Consultant
1123	North Paddington Society	2404	Planning Consultants
2533	Northbank (BID)	2456	Planning Consultants
1915	Notre Dame de France	2457	Planning Consultants
2563	Notting Hill East neighbourhood forum	2519	Planning Consultants
1081	Octavia Housing	2520	Planning Consultants
44	One Housing Group	2522	Planning Consultants
195	One Support One Housing Group	2521	Planning Consultants
1100	Open Age	2432	Planning Potential Ltd
2497	Operational Director Development Planning (CLT)	1641	Pocket Living
2082	Operational Director for Children's Services	2072	Polish Social and Cultural Centre (POSK)
2496	Operational Director for Street Management (CLT) Interim	1569	Positively UK
2086	Operational Director Premises Management (CLT)	1570	Press for Change
588	Our Lady of the Assumption & St Gregory Church	2308	Preston Bennett
589	Out and About Club	1602	Pride London
2168	Outdoor Media Centre	2506	Private sector and Energy Commissioning Manager
1668	Paddington Academy	648	Pursuing Independent Paths - PIP
592	Paddington BID	2206	Qatari Diar
1305	Paddington Development Trust (PDT)	2188	Quadrant Town Planning Ltd
1131	Paddington Residents Active Concern on Transport (PRACT)	651	Queen's Park Crèche
601	Paddington Waterways & Maida Vale Society	649	Queen's Park Bangladesh Association
1689	Paddington Waterways and Maida Vale Society	656	Queen's Park Estate Society
2350	Paddington Waterways and Maida Vale Society	657	Queen's Park Neighbourhood Forum
605	PAN Westminster	2268	Quod
162	Parents Empowerment Community Association (PECA)	662	Radha Krishna Temple
608	Parkinson's UK	1273	Real Action Ltd
612	Paul Dickinson & Associates	1254	Refuge (Head office)
		668	Reliance Trust Ltd
		1661	Residents of Carlton House Terrace
		670	Residents' Society of Mayfair and St James's
		1332	Richard Coleman City Designer
		2409	Rinsler

1740	RNLI	2190	St James's Conservation Trust
676	Road Haulage Association Ltd	1282	St James's Conservation Area Trust
1074	Rolfe Judd Planning	766	St John's Wood Pre-Preparatory School
2132	Rose Doyle	1126	St John's Wood Society
1922	Royal Air Force Club	1318	St Marylebone Society
1876	Royal Albert Hall	759	St. Andrews Club
2473	Royal Borough of Greenwich	760	St. Christina's School (RC)
2311	Ruth Bloomfield	771	St. Judes Over 50s Club
697	Salvation Army - Edward Alsop Court	776	St. Marylebone Society
701	Sanctuary Housing Association - Dean Abbot House	777	St. Mary's Hospital Estates & Facilities
2316	Sanei Hopkins Architects	782	St. Vincent's Family Project
2217	Savile Row Bespoke	2020	Stanhope Plc
2469	Savills	1628	Stewart Ross Associates (also known as Dev Plan)
2265	Savills	2490	Strategic Director for City Management (SEB)
2270	Savills	2492	Strategic Director for Housing Regeneration and Property (SEB)
2411	Savills (UK) Limited	2299	Strategic PH Advisor
2431	Savills (UK) Limited	2586	Strathmore Estates
2315	Savills (UK) Ltd	2413	Strutt and Parker
199	School's Out!	2414	Strutt and Parker
2562	Scott Brownrigg	2077	Subway Gallery
2510	Senior PH Officer (Workforce Development)	804	Sudanese Supplementary School
2584	Serle Court	810	Sustrans
710	Shaftesbury PLC	813	Tachbrook Nursery School
204	Shanfina Voluntary Organisation	809	Terrence Higgins Trust
2066	Shape Arts	355	The Advocacy Project
2554	Shaw Corporation	251	The Anglo-Egyptian Society
1693	Shire Consulting	1093	The Avenue's Youth Project
2291	Simon Tarrant	2120	The Belgravia Society
2529	Smith Jenkins Town Planning Consultants	823	The Berkeley Group
2289	Snr Practitioner, Air Quality	2255	The British Antique Dealers' Association (BADA)
2307	Soho Estates Ltd	824	The British Hospitality Association
729	Soho Family Centre	1467	The British Land Company
732	Soho Society	1098	The Cara Trust
2561	SohoCreate	826	The Central London Gurdwara
2295	Sotheby's	1082	The Chelsea Society
1127	South East Bayswater Residents Association (SEBRA)	1330	The Church Commissioners
1555	Spinal Injuries Association (SIA)	1002	The Crown Estate
1034	Sport England	261	The Egyptians' UK Association
2543	SSA Planning	2472	The Foreign and Commonwealth Office (FCO)
751	SSAFA Forces Help (Westminster Division)	317	The Garden History Society
1407	SSE Utility Solutions	1325	The Georgian Group
752	St George Central London Limited	1669	The Inland Waterways Association
754	St James Group Ltd	419	The Knightsbridge Association

2379	The Lorenz Consultancy	1588	Victoria Palace Theatre
837	The Portman Estate	1092	Voluntary Action Westminster
1327	The Portman Group	359	WAIT UK
1333	The Roman Catholic Diocese Of Westminster	184	Walsingham Planning
1048	The Royal Parks Agency	878	Wand UK
2257	The Society of London Art Dealers (SLAD)	2532	Warwick Way Residents' Association
839	The Strand, Aldwych and Trafalgar Square Association	2419	Wells Mackereth Architects
1257	The Theatres Trust	2481	West Berkshire Council - (Waste)
840	The Tree Council	896	Westbourne Neighbourhood Association
862	The Twentieth Century Society	1288	Westbourne Neighbourhood Association
1324	The Victorian Society	2566	Westbourne Neighbourhood Forum
217	The Westminster Society for people with learning difficulties (Croxley Project)	185	Westbourne Park Family Centre
2045	The Wigmore Hall Trust	897	Western Charitable Foundation
1921	Thornbury Castle	1665	Westminster Academy
845	Thorney Island Society	2570	Westminster Advice Forum (Citizens Advice Bureau)
2569	Tibbalds Planning and Urban Design Ltd	356	Westminster Advocacy Service for Senior Residents
2245	Tim Carnegie	1482	Westminster Amenity Societies Forum (WASF)
2422	TJR Planning	2071	Westminster Arts
1636	tp bennett LLP	652	Westminster Bangladeshi Association
1008	Transport for London (TfL) - specific contacts	905	Westminster Boating Base
860	Travis Perkins	466	Westminster Islamic Community Centre
861	Trehearne Architects	238	Westminster Learning Disability Partnership
2541	Tri Borough Executive Director of Adult Social Care	2429	Westminster Living Streets
2500	Tri-borough Director of Libraries and Archives	2430	Westminster Living Streets
2491	Tri-Borough Executive Director for Children's Services	556	Westminster Muslim and Bangladeshi Association (WMBA)
1064	Tri-borough Head of Asset Strategy (Children's Services)	1255	Westminster Property Association (WPA)
1594	Turley	1250	Westminster Refugee Consortium
2362	Turley	1321	Westminster Senior Citizens Forum
2312	Turley Associates	1252	Westminster Senior Citizens Forum
2320	Turnberry Consulting	841	Westminster Society
400	Turning Point	505	WhiteKat Collective Trust
2576	UK Screen Association	2528	Wildstone Planning
401	Umoja Pamoja	507	Yaa Asantewaa Arts Centre
1513	University of Westminster	514	YMCA Central London
2537	URS (Acoustic consultants)	940	Young England Kindergarten
1715	Valentine Montagnani	944	Zoroastrian Trust Funds Of Europe (Inc)
1225	Verizon		
1293	Victoria Business Improvement District (BID)		
1750	Victoria Interchange Group		

Appendix 5: Regulation 18 responses

- 1 Natural England
- 2 Highways Agency
- 3 Office for Rail Regulation
- 4 Marine Management Organisation
- 5 British Land
- 6 Royal Borough of Kensington and Chelsea
- 7 BBC
- 8 Criterion Capital
- 9 Historic England
- 10 Heart of London Business Alliance
- 11 Covent Garden Area Trust

APPENDIX 6: REGULATION 19 LETTER



From: Councillor Robert Davis MBE DL

**Deputy Leader of Westminster City Council
and Cabinet Member for Built Environment**

**Westminster City Hall, Victoria Street, London SW1E 6QP
020 7641 8574**

**Please reply to: Lisa Fairmaner
Telephone: 020 7641 4240
Email: planningpolicy@westminster.gov.uk**

Date: 10th July 2015

Dear Sir/Madam

Mixed Use Revision to the Westminster's City Plan: Publication Draft Article 4 Direction for Office to Residential Conversion in the Central Activities Zone

Westminster City Council is making revisions to Westminster's City Plan, adopted in November 2013. We are writing to consult you on the "Mixed Use Revision" which has now been published.

The Mixed Use Revision will ensure adequate provision of commercial floorspace, particularly offices, and jobs in Westminster's Central Activities Zone. It is accompanied by a proposed Article 4 Direction which will remove permitted development rights for office to residential conversions across Westminster's Central Activities Zone. The Article 4 Direction will come into effect on the 10th July 2016.

The Publication Draft document for the Mixed Use Revision, and supporting documents can be requested, viewed or downloaded as follows:

Web: www.westminster.gov.uk/revision-westminsters-city-plan

Request a paper copy:

Phone: (020) 7641 2503

Email: planningpolicy@westminster.gov.uk.

Inspect copies: Westminster City Hall and Westminster's libraries. Please see below for details of the representations procedure which gives more details of the places and times at which these documents can be inspected.

The supporting documents are:

- An Integrated Impact Assessment for each revision, including a Sustainability Appraisal report, and equalities and health impact assessments.
- A Consultation Statement for each revision, which summarises consultation undertaken at the previous Regulation 18 stage and informal consultation stages

Representations relating to the Mixed Use Revision (or supporting documents) must be made to arrive by close of business on Friday 4th September 2015 to planningpolicy@westminster.gov.uk or posted to:

Policy and Strategy,
Westminster City Council,
19th floor, City Hall, 64 Victoria Street,
London SW1E 6QP.

All responses will be made public, although private email and postal addresses and other contact details, and any signatures will be redacted. We will submit all representations received to the Inspector appointed to examine the Mixed Use Revision. We will also add your details to our database and notify you of future planning policy and neighbourhood planning consultations **unless you specifically request not to be added to the database.** We will not use your contact details for other purposes.

The purpose of the public examination referred to above is to consider whether the revisions comply with legal requirements, has regard to national policies, is in general conformity with the London Plan and is sound. 'Soundness' is assessed using the criteria set out in detail in paragraph 182 of the National Planning Policy Framework which can be viewed at <http://bit.ly/GXntIS>.

Representations may be accompanied by a request to be notified at a specified address of any of the following:

- that the Mixed Use Revision has been submitted to the Secretary of State for independent examination under section 20 of the above Act,
- the publication of the recommendations of any person appointed to carry out an independent examination of the Mixed Use Revision, and
- the adoption of the new local plan incorporating the Mixed Use Revision.

For further information please email planningpolicy@westminster.gov.uk or telephone 020 7641 2503.

Yours faithfully

Councillor Robert Davis MBE DL
Deputy Leader of Westminster City Council
Cabinet Member for the Built Environment

In accordance with the Town and Country Planning (Local Planning) (England) Regulations 2012, notice is hereby given that copies of the Publication Draft Mixed Use Revision to Westminster's City Plan document, together with Sustainability Appraisal Report (included within a wider Integrated Impact Assessment also looking at equalities and health), Consultation Statement, and Article 4 Direction for office to residential conversions across Westminster's Central Activities Zone are available for inspection free of charge at the following places and times from 10th July to 4th September 2015:

- Westminster City Hall, 62 Victoria Street, London SW1E 6QP: Monday – Friday 9.00am to 5.00pm (by prior arrangement by telephoning (020) 7641 2503)
- Charing Cross Library, 4-6 Charing Cross Road, London WC2H 0HF, Mon 9.30am-8.00pm, Tues,Thurs & Fri 9.30am-7.00pm, Wed 10.00am-7.00pm, Sat 10.30am-2.00pm, Sun 11.00am-5.00pm
- Church Street Library, 67 Church Street, London NW8 8EY, Mon 9.30am-8.00pm, Tues,Thurs & Fri 9.30am-7.00pm, Wed 10.00am-7.00pm, Sat 9.30am-5.00pm
- Little Venice Sports Centre Library (completely self-service), 6a Crompton Street London W2 1ND, Mon-Fri 9.00-10.30pm, Sat-Sun 10.00am-5.30pm
- Maida Vale Library, Sutherland Avenue, London W9 2QT, Mon 9.30am-8.00pm, Tues,Thurs & Fri 9.30am-7.00pm, Wed 10.00am-7.00pm, Sat 9.30am-5.00pm
- Marylebone Library (entrance in **Gloucester Place**), 109-117 Marylebone Road, London NW1 5PS, Mon,Tues,Thurs & Fri 9.30am-8.00pm, Wed 10.00am-8.00pm, Sat 9.30am-5.00pm, Sun 1.30pm-5.00pm
- Mayfair Library, 25 South Audley Street, London W1K 2PB, Mon-Fri 11.00am-7.00pm, Sat 10.30am-2.00pm
- Paddington Library, Porchester Road, London W2 5DU, Mon,Thu&Fri 9.30am-10.00pm, Tues 9.30am-9.00pm, Wed 10.00am-9.00pm, Sat 9.30am-5.00pm, Sun 11.00am-5.00pm
- Pimlico Library, Pimlico Academy, Lupus Street, London SW1V 3AT, Mon to Fri 9.30am-8.00pm, Sat 9.30am-5.00pm, Sun 1.30pm-5.00pm
- Queen's Park Library, 666 Harrow Road, London W10 4NE, Mon 9.30am-8.00pm, Tues,Thur&Fri 9.30am-7.00pm, Wed 10.00am-7.00pm, Sat 9.30am-5.00pm
- St John's Wood Library, 20 Circus Road, London NW8 6PD, Mon,Tues &Thurs 9.30am-7.00pm, Wed 10.00am-7.00pm, Fri 9.30am-8.00pm, Sat 9.30am-5.00pm, Sun 11.30am-3.00pm
- Victoria Library, 160 Buckingham Palace Road, London SW1W 9UD, Mon 9.30am-8.00pm, Tues,Thurs &Fri 9.30am-7.00pm, Wed 10.00am-7.00pm, Sat 9.30am-5.00pm

**THE TOWN AND COUNTRY PLANNING (GENERAL PERMITTED
DEVELOPMENT) (ENGLAND) ORDER 2015**

CITY OF WESTMINSTER

**NOTICE OF MAKING OF A DIRECTION UNDER ARTICLE 4(1) RELATING TO THE ENTIRE AREA
OF THE CITY OF WESTMINSTER**

NOTICE IS GIVEN by the City of Westminster, being the appropriate Local Planning Authority, that it has made a Direction under Article 4(1) of The Town And Country Planning (General Permitted Development) (England) Order 2015 (GPDO) .

The Direction was made on 10th July 2015 and applies to Westminster's Central Activities Zone.

The Direction applies to the development described in the following Class of the GPDO :-

Schedule 2 Part 3 Class J, in so far as it relates to development consisting of a change of use of a building and any land within its curtilage to a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order from a use falling within Class B1(a) (offices) of that Schedule.

The effect of the Direction is that the permission granted by Article 3 of the GPDO shall not apply to such development and such development shall not be carried out within that area unless planning permission is granted by the City of Westminster (the "Council").

A copy of the Direction and of the Plan defining the area to which it relates may be seen at the offices of the Council at Westminster City Hall, 64 Victoria Street, London SW1E 6QP during normal office hours or can be viewed on the Council's website at www.westminster.gov.uk.

Representations may be made concerning the aforementioned Article 4 Direction between 10th July 2015 and 4th September 2015. If you wish to make representations, the Council would prefer to receive your representations by email sent to planningpolicy@westminster.gov.uk. Alternatively, you may wish to send representations by post addressed to the Policy and Strategy, 19th Floor, City Hall, 64 Victoria Street, London SW1E 6QP. Whether using email or post please put the following reference on your representation namely: '**Representation for the Non immediate Article 4- Basement Direction**'. Any representation must be received by the Council by **4th September 2015** and should include your name, postal address and, if desired, an e-mail address.

It is proposed that the Direction will come into force on 10th July 2016, subject to the consideration of any representations received during the consultation period and the Direction being confirmed by the Council.

Dated

Signed

APPENDIX 7: REGULATION 19 WEBPAGE

TEXT:

Regulation 19 Consultation

The Council is currently consulting on two revisions to Westminster's City Plan: Strategic Policies:

1. Publication Draft Mixed Use Revision, and
2. Publication Draft Basement Revision

Consultation is from **Thursday 16th July** to **Wednesday 9th September** 2015.

These are pre-submission consultation on a revision that we believe is 'sound' as set out in paragraph of the National Planning Policy Framework. Following this consultation, we intend to submit the revision to the Secretary of State for public examination by an independent inspector.

The revisions are accompanied by an Integrated Impact Assessment, bringing together the Sustainability Appraisal, Equalities Impact Assessment and Health Impact Assessment. They also have a Consultation Statement and in the case of basements, additional supporting information.

Both revisions will be accompanied by an Article 4 Direction which will be published separately following completion of necessary legal procedures.

Mixed Use Revision

This revision makes changes to the local plan in relation to commercial development in the Central Activities Zone, and introduces new borough-wide targets for commercial jobs and office jobs. It also changes the relative priority of housing, and the housing target and delivery.

[Publication Draft Mixed Use Revision to Westminster's City Plan: Strategic Policies](#)
[Mixed Use Revision Integrated Impact Assessment](#)
[Mixed Use Revision Consultation Statement](#)

Basement Revision

This revision introduces detailed development management policy for basement development.

[Publication Draft Basement Revision to Westminster's City Plan: Strategic Policies](#)
[Basement Revision Integrated Impact Assessment](#)
[Basement Revision Consultation Statement](#)

SCREENSHOT:

Regulation 19 Consultation

The council is currently consulting on two revisions to Westminster's City Plan: Strategic Policies:

1. Publication Draft Mixed Use Revision
2. Publication Draft Basement Revision

The consultation runs from Thursday 16 July to Wednesday 9 September 2015.

These are pre-submission consultations on revisions that we believe are 'sound' as set out in paragraph 162 of the National Planning Policy Framework. Following this consultation, we intend to submit the revisions to the Secretary of State for public examination by an independent inspector.

The revisions are accompanied by an Integrated Impact Assessment bringing together the Sustainability Appraisal, Equalities Impact Assessment and Health Impact Assessment. They also have a Consultation Statement, and additional supporting information in the case of basements.

Both revisions will be accompanied by an Article 4 Direction which will be published separately following completion of the necessary legal procedures.

Mixed Use Revision

This revision makes changes to the Local Plan in relation to commercial development in the Central Activities Zone, and introduces new borough-wide targets for commercial jobs and office jobs. It also changes the relative priority of housing, and the housing target and delivery.

[Publication Draft Mixed Use Revision to Westminster's City Plan: Strategic Policies](#)^{PDF}

[Mixed Use Revision Integrated Impact Assessment](#)^{PDF}

[Mixed Use Revision Consultation Statement](#)^{PDF}

Basement Revision

This revision introduces detailed development management policy for basement development.

[Publication Draft Basement Revision to Westminster's City Plan: Strategic Policies](#)^{PDF}

[Basement Revision Integrated Impact Assessment](#)^{PDF}

[Basement Revision Consultation Statement](#)^{PDF}

[Basement Revision Supporting Information](#)^{PDF}

Previous Stages

[Regulation 18 Notice](#)

APPENDIX 8: REGULATION 19 CONSULTATION RESPONSES

1. British Land
2. CBRE
3. Clivedale Ventures Ltd
4. Conde Nast
5. Crown Estate (The)
6. Foreign & Commonwealth Office
7. GVA
8. Heart of London Business Alliance
9. Highways England
10. Historic England
11. Katherine Lubar (resident)
12. Land Securities
13. Mayor of London
14. Natural England
15. Office of Rail and Road
16. Pimlico Grid Residents Association
17. Raymond Davies The Burlington Arms
18. Royal Borough of Kensington and Chelsea
19. Soho Create
20. Soho Society
21. Turley
22. Westminster Property Association

City Planning Delivery Unit
Westminster City Council
11th Floor East, Westminster City Hall
64 Victoria Street
London, SW1E 6QP

8 September 2015

Letter sent by e mail

Dear Sir/Madam,

BRITISH LAND

MIXED USE REVISION – PUBLICATION DRAFT (REGULATION 19)

We act on behalf of British Land and are responding to the current 'Regulation 19' consultation on Westminster City Council's July 2015 Mixed Use Revision to Westminster's City Plan: Strategic Policies.

British Land is one of the UK's leading public property companies. The company manages, develops and finances a portfolio of properties with a particular focus on UK Retail and London Offices. British Land invests for the long term and takes pride in creating outstanding places which make a positive difference to people's everyday lives.

British Land is actively promoting a number of strategic developments across London, including projects at Regent's Place in Camden, Broadgate and the Leadenhall Building in the City of London, Blossom Street in Tower Hamlets and Canada Water in Southwark.

Within the City of Westminster, British Land is currently developing Clarges Mayfair, a mixed residential, office and retail scheme which is due to complete in 2017.

In 2013, British Land purchased the majority of Paddington Central and has, since that time, worked with the Council in bringing forward a number of projects to enhance the estate alongside consideration of development proposals for the remaining plots on site. The company has recently commenced the first phase of estate-wide public realm improvements, started building a new office block known as 4 Kingdom Street and completed the acquisition of One Sheldon Square.

We respond below to the relevant sections of the Mixed Use Revision Document as follows:

PART II: A UNIQUE CITY

British Land believes it critical that, in reviewing its City Plan, the City Council provides a robust and positive policy framework that will allow the City to both deliver much needed new housing and address

the revised housing targets in the London Plan (March 2015), as well as providing the modern, high quality commercial space that Westminster needs if it is to successfully address the forecast demand for growth in employment and the associated need for more commercial space over the plan period.

In this context, we therefore welcome the more balanced approach towards new commercial and residential development in the Central Activities Zone (CAZ) as set out in this section of the plan and in particular the proposed alterations to paragraphs 2.21, 2.22, 2.27 and 2.40.

We consider this is an appropriate approach going forward in order to enable the delivery of sustainable medium to long term growth in the centre of the City. Having regard to London Plan employment forecasts, the need to deliver significant new commercial space within the Westminster CAZ is clearly critical if growth in Westminster's economy (and the wider London economy) is to be sustained.

PART III: LOCAL SPATIAL POLICIES

Policy S1 – Mixed Use in the Central Activities Zone

We broadly welcome the more flexible approach to mixed use policy as set out in this draft policy. In particular we support the amendment to this latest iteration of the draft policy which excludes other (non-office) commercial uses from consideration under this policy. We consider this will make a positive contribution in terms of facilitating the delivery of a broad mix of land uses. We do however consider certain elements of this policy would benefit from being amended or clarified as set out below.

Part (C) of this draft policy seeks the provision of an equivalent amount of residential floorspace in connection with schemes that increase office floorspace by 50%+ (and more than 400 sq m) unless it can be demonstrated that this provision is not appropriate or practical. It is in practice often the case, particularly where off-site provision of residential is agreed, that applicants deliver the residential floorspace required under mixed use policy by way of the conversion or redevelopment of an existing office building elsewhere within their portfolio. However such an approach may not always be possible going forward in accordance with other draft City Plan policies which seek to reinforce the commercial function of the CAZ (in particular the revised version of policy S18 which identifies commercial and other non-residential activity as the priority in the Core CAZ). We consider that any assessment of the 'appropriateness' or otherwise of providing residential accommodation through conversion or redevelopment of an existing office building should take this into account.

We question the need for the conditions set out in Parts C (ii)&(iii) of this policy, which require any residential floorspace arising out of a commercial development within an Opportunity Area to be provided within the Opportunity Area. This appears to impose a more restrictive obligation on development within Opportunity Areas than that which would be applied elsewhere within the CAZ where, subject to satisfying the City Council that any required residential floorspace cannot be provided on-site or in the immediate vicinity of the site, a wider 'vicinity' may be acceptable. The same conditions should be applied to development within Opportunity Areas to stimulate growth and economic development, particularly around major transport hubs.

We welcome the change to part (B) of this draft policy (when compared to the previous iteration set out within the consultation booklet) insofar as this now provides flexibility for schemes involving a mid-range uplift in commercial space (30% to 50%) to potentially provide associated residential floorspace outside

the CAZ. We consider that it would also be appropriate to introduce this flexibility to part C of this policy particularly, as referred to above, the provision of residential accommodation within the CAZ often involves the loss of office floorspace.

British Land does not support the introduction of part (D), which in some cases would require office to residential conversions in the Core CAZ, Named Streets and Opportunity Areas to provide replacement commercial, social or community floorspace.

Policy S20 is sufficient to restrict the conversion of offices to residential. However, introducing a requirement for the provision of an equivalent amount of commercial, social or community floor space would introduce significant additional complexity. In many cases it will be impractical to provide commercial development within the same building, where an existing building is being converted residential. Commercial space would therefore be required on alternative sites which may not be within the control of the developer.

British Land therefore suggests that part (D) is removed.

If this part of the policy is retained, the final paragraph should be amended so that it is clear that the means by which the requirement for replacement floorspace is met is at the applicant's choice. The exceptions for conversions below 400 sq m and where the building was originally built as residential should also be retained.

Policy S6 – Core Central Activities Zone

We welcome the proposed amendments to this policy which specifically identify the importance of retaining and enhancing the global reputation of this area as a business location.

PART IV: CITY-WIDE SPATIAL POLICIES

Policy S18 – Commercial Development

We welcome the introduction of a specific jobs target and consider that the reference in policy S18 to commercial and other non-residential activity being the priority in the Core CAZ is appropriate, particularly in the context of the need to retain and enhance this area as business location as identified in policy S6. We agree it is important that a balance is struck between business and residential activity in this area, as identified in the supporting text to this policy.

We welcome the reference in the draft policy to new commercial development being encouraged and directed to Paddington, amongst other locations. The Opportunity Areas and Paddington in particular have significant capacity for additional commercial floorspace.

Policy S20 – Offices and Other B1 Floorspace

For consistency with policy S18 (commercial development), we consider this policy should state that new office development will be 'encouraged and directed to Paddington and the various other locations named in this policy.

We consider that the Paddington Opportunity Area is particularly well suited to accommodate the requirements for new office and commercial development as identified in the emerging City Plan revision. There are significant parts of the City of Westminster where development capacity will continue to be

constrained by established policy objectives such as preserving and enhancing designated heritage assets which include a large number of listed buildings and Conservation Areas. Paddington is much less constrained and thus has the capacity and potential to deliver major new office and mixed use development, with significant opportunities for place-making and improving connectivity, capitalising on major new transport infrastructure and the opening of Crossrail.

PART VI: IMPLEMENTATION

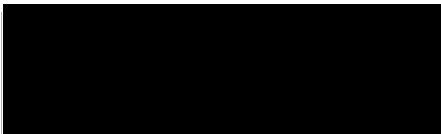
Policy CM 47.1 – Land Use Swaps and Packages/ Policy CM47.2 Credits 20 – Offices and Other B1 Floorspace

As we set out in our response to the ‘Mixed Use and Office to Residential Conversion’ consultation booklet, the principle of land use swaps and packages together with the use of credits is a potentially useful tool to enable a mix of uses to be brought forward and the development capacity of individual sites optimised.

We welcome the relaxation in the restrictions on sites which could be utilised as a residential credit (when compared to the earlier iteration of this policy) as set out in part (A)4 of policy CM47.2. We would welcome clarification however that this updated draft policy will still allow for the registration and draw down of affordable housing credits.

We look forward to continuing a positive dialogue with the City Council as the new City Plan emerges. In the meantime please let me know if you need any further clarification or would like to discuss any of these representations further.

Yours faithfully



GRAHAM TIMMS
Associate Director

Dear Lisa,

Thank you very much for your time on the phone last week.

Further to our discussions I wanted to raise the following points (as formal representations) in relation to draft policies S20 and Part D of S1.

S20

Westminster is home to some of the most unique and important historic buildings in the UK many of which are becoming surplus to the requirements their long term custodians.

I think S20 would benefit from acknowledging that these types of buildings (e.g. headquarters of specific Government departments that are unique to Westminster) while technically in B1 office use were purpose built for very specific users at a particular point in time and in many cases are not suitable for future office use.

Where these buildings are listed by nature of their architectural and/or historic significance I think is important for policy to acknowledge that the benefits of retaining these unique buildings as poor quality office space could be outweighed by allowing alternative uses on the site (including residential) where these uses secure the long term future of the building to the benefit of Westminster as a whole. Many of these buildings could make a significant contribution to Westminster's housing targets with little or no impact on Westminster's economy as a whole. I also think scheme viability should be a consideration in this policy given that it is at the heart of the NPPF and London Plan. To ignore it could result in many office to residential schemes being refused in favour of retaining office space that is extremely poor quality, is no longer viable and adds little to Westminster's economy. In addition to the above the stringent nature of the policy could impact significantly on Westminster's ability to deliver on their housing targets at a time when a significant quantum of large scale office redevelopment schemes are being brought forward.

I think a more flexible approach here would be beneficial to ensure an appropriate mix of uses is brought forward over the plan period while still allowing the City Council to retain control over how and where this comes forward.

S1D

Following our discussion I am now clearer on the aims of Policy S1D which seeks to retain an element of commercial floorspace in change of use applications where existing office space is proposed to be converted to residential (subject to satisfying Policy S20 and the caveats set out in points i and ii). Notwithstanding I think the policy should acknowledge that such space should only be provided where appropriate. Without this caveat there is a danger that the quantum of residential schemes in the City will be reduced to the point where the annual housing target is impossible to get close to.

Where such proposals involve increasing the floor area of the building by more than 50% of the original building and more than 400sqm again I think a degree of flexibility could be added to the wording to acknowledge that an equivalent amount of commercial and/or social and community floorspace should be added *where appropriate and practical*.

I hope the above is helpful.

Kind regards

Ian
Ian Rennie | Director
CBRE Ltd | Planning

DP3780/JWP/AWR

26 October 2015



City Planning Delivery Unit
Westminster City Council
11th Floor East
Westminster City Hall
64 Victoria Street
London
SW1E 6QP

DP9 Ltd
100 Pall Mall
London SW1Y 5NQ

Registered No. 05092507

telephone 020 7004 1700
facsimile 020 7004 1790

www.dp9.co.uk

BY POST AND EMAIL

Dear Sir / Madam

REVISION TO WESTMINSTER'S CITY PLAN

Mixed Use Revision

**Representations on Publication Draft (Regulation 19) Revision to Westminster's City Plan:
Strategic Policies (July 2015)**

We are instructed by our client, Clivedale Ventures Limited, to submit on their behalf the following representations on Publication Draft (Regulation 19) Mixed Use Revision to Westminster's City Plan: Strategic Policies (July 2015) in the context of their ongoing development work within the City of Westminster. These representations should be read in conjunction with our client's previous representations on Booklet No.16 Spatial Policy and Implementation and Booklet No.18 Mixed Use and Office to Residential Conversion dated 27 February 2015.

Introduction

The main purpose of the revised policies proposed within this document is to address the loss of offices and the growth of housing within the city whilst at the same time balancing the need to encourage increased commercial development and deliver housing. In our client's view it is unclear how Policy S20 Offices and Other B1 Floorspace, that restricts residential development in certain locations, would be applied by the City Council when assessing planning applications and further clarification should be provided within the supporting explanatory text for the policy.

To summarise the key points of our client's previous representations, in our client's view housing should remain as the highest priority land use within the City Plan (Policy S14). Particularly given that housing supply remains one of London's biggest challenges, the NPPF seeks to boost the supply of housing, and the City Council's housing target increased significantly from 770 to 1,068 housing units per year in the recently adopted London Plan 2015. Any policy that restricts residential development will impact on the supply of residential development in the city and upon the City Council meeting its significant housing targets.



Restricting residential development in favour of retaining office buildings will not necessarily mean developers will pursue office development as an alternative. More likely is a gradual decline in the quality of secondary office stock. This could have implications on the amount of new housing created for all tenures. In addition, the supply of sites for new housing is already constrained by other policies in the Local Plan that protect a range of existing uses such as hotels and those in Special Policy Areas.

It is acknowledged that a range of uses are required to meet the needs of the city, which includes new commercial floorspace to meet the key economic drivers being tourism, retail and other commercial uses, in addition to offices. There are many instances where commercial development is the preferred approach as landowners can retain long term ownership or freehold reversion with a regular rental income.

Given the continued and increasing need to provide new homes it is considered that the provision of new commercial space, and offices in particular, should not be at the expense of housing.

Policy S20 Offices and Other B1 Floorspace

For the reasons explained above and in our client's previous representations in our client's view it is not necessary to include the following proposed additional wording within Policy S20 in order to manage the loss of offices:

"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, taking into account:

1. *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;*
2. *the contribution of the office floorspace to meeting business and employment needs; and*
3. *the mix of type, size and tenure of housing proposed.*

Where 3) above is not met due to site constraints and/or viability, the floorspace will be retained as B1 office floorspace."

We understand that, notwithstanding previous representations made to Revisions to the City Plan, the City Council has put forward this revision to policy within its Publication Draft and accordingly our client offers the following comments.

Insufficient guidance is given with regard to what would be deemed to be acceptable and what tests should be met to comply with the policy, in particular in respect of parts 2 and 3. We consider that the supporting explanatory text should provide this guidance and explain in what circumstances a development scheme might satisfy these tests and more specifically what the key considerations will be for the City Council in making their assessment.

Due to the extent of the Core CAZ and the dynamic nature of the office submarkets within it, for example Mayfair being very different to Victoria and Covent Garden, there is a need to consider the nature and performance of the office submarket for each site, rather than in the context of office supply in the whole of the city. This should take account of up to date evidence on both



prevailing and projected demand and supply as well as having regard to the mix of uses and character of the area.

Due regard should be had to the economic benefits of alternative uses including training and development opportunities along with the acceptability of proposals that consolidate office floorspace and maintain employment generation through providing higher quality accommodation fit for modern needs.

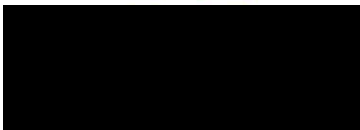
Other considerations that relate to the ability to better meet other policy objectives should also be recognised such as enhancing heritage assets and townscape benefits.

In our client's view these points should be acknowledged within the supporting explanatory text for the policy to enable Policy S20 to be assessed on a site by site basis.

Finally we would encourage the City Council to reconsider the wording of the final statement of the policy as it is not considered that viability can be divorced from the decision making process in the way the policy is drafted and it will be necessary to inform the acceptability of proposals for the Council.

We are aware the City Council has received representations to increase the area covered by Policy S20 to include the whole of the CAZ. Our client does not support this proposal.

Yours faithfully



DP9 Ltd

28 August 2015

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Dear Sir / Madam,

**DRAFT MIXED USE REVISION TO WESTMINSTER'S CITY PLAN
REPRESENTATION**

These representations are submitted on behalf of Conde Nast in respect of the draft mixed use revision to Westminster's City Plan.

Conde Nast are currently located within the City of Westminster occupying commercial space at a number of locations including the following:

- Vogue House, 1-2 Hanover Square;
- Lilly House, 13 Hanover Square;
- 25 Maddox Street;
- 16-17 Greek Street; and
- 18 Haunch of Venison Yard.

Conde Nast are supportive of the proposed revisions to mixed use Policy S1 as explained in detail below.

Policy S1 of the adopted Westminster City Plan requires proposals, within the CAZ, to provide an equivalent amount of residential floorspace onsite where there is an uplift of 200sqm or more of commercial floorspace. Where this is not considered appropriate or practical a payment in lieu will be sought.

Application of the current planning policy is restrictive and can result in moderate extensions to commercial floorspace being financially unviable.

This issue has been recognised by Westminster City Council and the proposed new policy wording provides greater flexibility with a new uplift threshold introduced. Should the policy be adopted an equivalent amount of residential floorspace would only be required where proposals



within the CAZ increase the amount of commercial floorspace by 30% of the existing building or 400sqm (whichever is the greater).

The proposed new approach (which takes into account a percentage uplift) will help incentivise office development by allowing it to come forward without the requirements of the mixed use policy and its associated costs in many cases.

This direction of travel and the proposed revisions to Policy S1 are wholly supported by Conde Nast. The new mixed use policy position would help facilitate expansion of Conde Nast's current office accommodation and, therefore, retain their presence within the City of Westminster.

We look forward to receiving confirmation that the representations have been received and will be taken into account. We request that we be kept informed of forthcoming publications and consultation material. If you would like to discuss any aspect of these representations in more detail, please contact Chris Beard or Luke Thrumble of this office.

Yours sincerely,

DP9 Limited

City Planning
Westminster City Council
11th Floor, Westminster City Hall
64 Victoria Street
London SW1 6QP

9th September 2015

Dear Sir

THE CROWN ESTATE

RESPONSE TO WESTMINSTER COUNCIL CITY PLAN MIXED USE REVISION PUBLICATION DRAFT (REGULATION 19) - JULY 2015

CBRE is responding on behalf of The Crown Estate in relation to the above referenced consultation document. The Crown Estate is committed to the long term sustainable development of Westminster and is pleased to take part in this consultation.

The Crown Estate has a nationwide property portfolio with a combined value of over £11.5 billion. The largest concentration of these assets is in the West End in St James's and Regent Street. Between them, as well as including residential uses, these two areas form a significant proportion of The Crown Estate's UK commercial portfolio. Over 10,000 people work on Regent Street in more than 700 office businesses and over 150 retail and catering outlets.

Alongside the comprehensive renewal and redevelopment of Regent Street that has been undertaken to provide modern office, retail and residential space and an enhanced public realm, The Crown Estate has embarked on a strategy to enhance the role of St James's, acknowledging the area's distinctive mix of uses, from theatres, restaurants and bespoke shopping to the fine art businesses and international auction houses within St James's and the cluster of private members' clubs in Pall Mall as well as significant residential occupiers.

We set out below our responses to the Mixed Use Revision Publication Draft:

PART II: A UNIQUE CITY

The Crown Estate believes it critical that, in reviewing its City Plan, the City Council provides a robust and positive policy framework that will allow the City to both deliver much needed new housing and address the revised housing targets in the soon to be adopted revised London Plan, as well as providing the modern, high quality commercial space that Westminster needs if it is to successfully address the forecast demand for growth in employment and the associated need for more commercial space over the plan period.

In this context, we therefore welcome the more balanced approach towards new commercial and residential development in the Central Activities Zone (CAZ) as set out in this section of the plan and in particular the proposed alterations to paragraphs 2.20, 2.22 and 2.27.

We consider this is an appropriate approach going forward in order to enable the delivery of sustainable medium to long term growth in the centre of the City. Having regard to London Plan employment forecasts, the need to deliver significant new commercial space within the Westminster CAZ is clearly critical if growth in Westminster's economy (and the wider London economy) is to be sustained.

We welcome the proposed removal of the current prioritisation for housing and recognition of the importance of Westminster's office stock to the national economy as set out within paragraph 2.40 (and also the supporting text to policy S14 – Optimising Housing Delivery). This reflects our comments on the Mixed Use and Office to Residential consultation booklet published in December 2014 and acknowledges the need for a balanced approach, which is paramount here.

PART III: LOCAL SPATIAL POLICIES

Policy S1 – Mixed Use in the Central Activities Zone

We broadly welcome the more flexible approach to mixed use policy as set out in this draft policy. In particular we support the amendment to this latest iteration of the draft policy which excludes other (non-office) commercial uses from consideration under this policy. We consider this will make a positive contribution in terms of facilitating the delivery of a broad mix of uses, including additional retail floorspace within the defined International Shopping Centres, which will enhance the Central Activities Zone and Westminster's role as a World City.

We do however consider certain elements of this policy would benefit from being amended or clarified as set out below.

Part (C) of this policy seeks the provision of residential floorspace in connection with schemes that increase floorspace by 50%+ unless it can be demonstrated that this provision is not appropriate or practical. It is in practice often the case, particularly where off site residential is agreed, that applicants deliver the residential floorspace required under mixed use policy by way of the conversion or redevelopment of an office building elsewhere within their portfolio. We consider however that such an approach may not always be appropriate going forward in the context of other draft City Plan policies which seek to reinforce the commercial function of the CAZ (in particular the revised version of policy S18 which identifies commercial and other non-residential activity as the priority in the Core CAZ). We consider that any assessment of the 'appropriateness' or otherwise of providing residential accommodation should take this issue into account.

We welcome the change to part B of this draft policy (when compared to the previous iteration set out within the consultation booklet) insofar as this now provides flexibility for schemes involving a mid-range uplift in commercial space (30% to 50%) to potentially provide associated residential floorspace outside the CAZ. We consider that it would also be appropriate to introduce this flexibility to part C of this policy particularly, as referred to above, the provision of residential accommodation within the CAZ will often involve the loss of office floorspace.

With regards to part (D) of this policy, we are assuming that in circumstances where residential floorspace is considered acceptable in accordance with the requirements of this policy, then any associated requirement to provide commercial floorspace and/ or social and community floorspace would only be triggered by proposals which increase the amount of floorspace by more than 50% of the original building and more than 400sqm. We would however welcome clarification that this is the case as the wording of part (D) is currently somewhat ambiguous.

Policy S6 – Core Central Activities Zone

We welcome the proposed amendments to this policy which specifically identify the importance of retaining and enhancing the global reputation of this area as a business location.

PART IV: CITY-WIDE SPATIAL POLICIES

Policy S18 – Commercial Development

We consider the updated reference in policy S18 to commercial and other non-residential activity being the priority in the Core CAZ is appropriate, particularly in the context of the need to retain and enhance this area as business location as identified in policy S6. We welcome the acknowledgement of the conclusions of the West End Commission's 2013 report in the reasoned justification to this policy. The West End Partnership was created following this report and their 'West End Vision 2030', which was launched in June 2015, identifies the West End's pivotal role in London's continued economic success as a key element of this vision.

We agree it is important a balance must be struck between business and residential activity in this area, as identified in the supporting text to this policy.

Policy S20 – Offices and Other B1 Floorspace

For consistency with policy S18 (commercial development), we consider this policy should state that new office development will be 'encouraged and directed...' to the various named locations in this policy.

We do however believe that one of the issues that should be taken into consideration in any assessment of the acceptability of a proposed change of use from office to residential is the benefits that would arise from bringing a building that is a heritage asset back into the use for which it was originally built. We consider that policy S20 should acknowledge this.

PART VI: IMPLEMENTATION

Policy CM 47.1 – Land Use Swaps and Packages/ Policy CM47.2 Credits

As we set out in our response to the 'Mixed Use and Office to Residential Conversion' consultation booklet, the principle of land use swaps and packages together with mixed use credits is one that The Crown Estate welcomes. This facilitates the provision of a mix of uses while at the same time allowing the rationalisation of space across sites and allowing particular uses to be provided at the most suitable site or building. This is particularly pertinent for The Crown Estate, given it has on a number of occasions brought forward linked proposals for the reuse and redevelopment of several different sites.

We welcome the reduction in the restrictions on sites which could be utilised as a residential credit (when compared to the earlier iteration of this policy) as set out in part (A)4 of policy CM47.2. We would appreciate clarification however that this updated draft policy will still allow the delivery of affordable housing credits.

We look forward to continuing a positive dialogue with the City Council as the new City Plan emerges. In the meantime, should you have any queries or require further information in connection with these representations please do not hesitate to contact me.

Yours faithfully,



GRAHAM TIMMS
Associate Director

Dear Sirs

Thank you for the attached email.

The Foreign & Commonwealth Office have no comments to make on this matter.

Regards Paul

Paul Howarth BSc MRICS Regional Estate Surveyor | UK/Europe and Asia Group | Estates & Security
Directorate | Foreign & Commonwealth Office

 King Charles Street | SW1A 2AH

Our ref: SGB/LJ12

9th September 2015

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Dear Sirs,

Mixed Use Revision Publication Draft (Regulation 19) - Revision to Westminster's City Plan: Strategic Policies - Representation by GVA

Thank you for providing us with the opportunity to comment on the Publication Version of the Mixed Use Revision to Westminster City Plan: Strategic Policies. Our representations are submitted on behalf of clients who are investors and developers within the Borough.

You will note that we submitted representations on the initial draft revisions to Westminster's City Plan, "Mixed Use and Office to Residential Conversion" Policy Booklet in February 2015. We attach our original representations at **Appendix 1**. We consider many of these points remain unresolved.

Our further representations are made with the objective of ensuring the plan meets the four Tests of Soundness within Paragraph 182 of the National Planning Policy Framework (2012), namely that the plan is: (1) Positively 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; (2) Justified, and is the most appropriate strategy, when considered against the reasonable alternatives, based on proportionate evidence; (3) Effective, and is deliverable over its period and based on effective joint working on cross-boundary strategic priorities; and (4) Consistent with national policy, and will enable the delivery of sustainable development in accordance with the policies in the Framework.

In making these representations, we have also considered the plan's conformity with the London Plan (consolidated with changes since 2011), adopted March 2015.

We have also had regard to the "Duty to Cooperate", a legal requirement as set out in the Localism Act 2011 that amends the Planning and Compulsory Purchase Act 2004, and places a legal duty on local planning authorities, county councils in England and public bodies to engage constructively, actively and on an on-going basis to maximise the effectiveness of Local and Marine Plan preparation in the context of strategic cross boundary matters.

In respect of the Duty to Cooperate, Planning Practice Guidance states: "*planning authorities should make every effort to secure the necessary cooperation on strategic cross boundary matters before they submit their Local Plans for examination*" (Paragraph: 001 Reference ID: 9-001-20140306).

The following comments are made in relation to the Publication Version of the Mixed Use Revision to Westminster's City Plan:

1. Evidence Base

We agree that the plan should seek to deliver and maintain an appropriate balance of uses within Westminster, and we support the principle that new housing in commercial areas coexists alongside business activity.

We would re-iterate that the approach to managing office loss should be appropriately evidenced. Only those implemented office/ office to residential developments should be considered to be "actual" loss of office or future supply of office. Approved but unimplemented planning permissions should relate only to "projected" losses of office or future office pipeline supply. This data should be reported accurately, using net supply of office and residential on a comparative basis consistently and in line with the above. We note that the plan does not consistently record or report this data; this should be addressed.

The evidence base assumes that all space lost was 'fit for purpose' and does not account for existing quality. To take the Victoria office sub-market as an example, data taken from CoStar shows over 50% of the units and 95% of the floorspace have a 4 star quality rating, where office stock is generally much newer. In comparison, in the west end market, 43% of the units and 69% of floorspace have a 4 star quality rating. This data demonstrates that a more qualitative approach should be taken in appraising the loss of office.

The evidence provided in respect of loss of office suggests that all of the space was being utilised prior to its loss to residential, which is unlikely to have been the case given vacancy trends within the local market. To take Victoria as an example, from analysis of availability data from CoStar there is estimated to be a 5% vacancy rate. Again, this data demonstrates that a more qualitative approach should be taken in appraising the loss of office.

We commented previously that the relevant evidence base should not just relate to the Borough in isolation, but instead to the office sector of the wider Central Activities Zone (CAZ) and Greater London as a whole. Little information is provided with the booklet of how other office markets outside of the Borough have performed, including in the CAZ, nor how the office sector within the Borough 'fits' within a pan London context. From reviewing recent publications of the Greater London Authority's Annual Monitoring Reports and other published evidence, this is likely to demonstrate that there is no need to progress a planning policy within Westminster which seeks to protect existing office floorspace per-se. We would re-iterate that to comply with the "Duty to Cooperate", the evidence base should consider the pan-London context.

2. Suggested Local Plan Revisions

We note that the Council seeks to progress with a policy concerning "loss of office space". Notwithstanding the above representations, any option that is taken forward should include an exemption for listed buildings where an alternative use would secure a long term, viable future and should have better regard to local circumstances, including office sub-markets and other qualitative factors including the quality of the existing floorspace, the length of the office vacancy and the specific reasons for redevelopment (for example, the relocation of a government office). The policy tests within Draft Policy S20 for loss of office should be revised as suggested in **Appendix 2**. In supporting this approach, we refer to the following evidence:

- Paragraph 4.23 of the City of Westminster's Mixed Use Revision Publication Draft (July 2015) states that office to residential conversions have delivered 1,278 new homes in the past four years, resulting in a net loss across Westminster between 2011/12 – 2013/14 of 167,000 sq m. Despite general concerns across Westminster relating to the loss of office to residential use, some sub areas do not follow this trend, such as the Victoria office sub-market, where higher quality, pipeline office supply continues to be delivered.

- Whilst the borough-wide trend shows a net loss of space, within the relevant Victoria Opportunity Area there has been a net gain in completed office space of 14,672 sq m over the same period (between 2011/12 – 2013/14).
- In addition to this historic increase of floorspace, there is a further 20,842 sq m of net additional office space under construction, which once complete will further increase the supply of new, Grade A space within the Victoria Opportunity Area.
- If any, the scale of office loss is relatively low at c.7,500sqm across the whole Victoria Opportunity Area when taking into consideration both committed office development and changes of use from office to residential which are approved but not under construction. However, this data does not account for the current market position, which is experiencing a shift whereby office is increasingly attractive as a long term investment over residential, particularly given the buoyancy of office rents. In this respect, it is increasingly acknowledged in the market that office to residential conversions are likely to remain unimplemented. The market should be left to meet relevant demand on this basis.

We look forward to confirmation of receipt of these representations at the earliest opportunity and would welcome the opportunity to meet with officers to discuss any part of our representations as required. If you have any queries or wish to discuss, please do not hesitate to contact Laura Jenkinson (020 7911 2366) of this office.

Yours faithfully



GVA



Appendix %

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Our ref: SGB/LJ12

27th February 2015

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gva.co.uk

Dear Sirs,

**Revisions to Westminster's City Plan
Mixed Use and Office to Residential Conversion Policy Booklet
Representation by GVA**

Thank you for providing us with the opportunity to comment on the Westminster City Plan policy booklet "Mixed Use and Office to Residential Conversion", which forms part of an initial stage of consultation on revisions to Westminster's City Plan. Our representations are submitted on behalf of clients who are investors and developers within the Borough. We intend to respond to further published booklets in due course.

The following comments are made in relation to the section of the Mixed Use and Office to Residential booklet that refers to the management of office loss:

- (i) We consider that the approach to managing office loss should be evidence based.
- (ii) The relevant evidence base should not just relate to the Borough in isolation, but instead to the office sector of the wider Central Activities Zone (CAZ) and Greater London as a whole. Little information is provided with the booklet of how other office markets outside of the Borough have performed, including in the CAZ, nor how the office sector within the Borough 'fits' within a pan London context. From reviewing recent publications of the Greater London Authority's Annual Monitoring Reports and other published evidence, this is likely to demonstrate that there is no need to progress a planning policy within Westminster which seeks to protect existing office floorspace per-se. Indeed, we consider that the office sector would be better supported and encouraged through greater flexibility in the application of policy requirements and obligations associated with new commercial development. Paragraph 173 of the National Planning Policy Framework (NPPF) indicates that Plans should not refer to obligations and policy burdens which threaten development viability.
- (iii) The Council should only progress with a restrictive loss of office policy only where harm resulting from loss can be demonstrated in the wider CAZ and pan-London context. This is particularly pertinent given the impact that Crossrail will have on existing and emerging office locations, typically preferable in locations of high public transport accessibility.
- (iv) In the event that the Council seeks to progress with a policy concerning 'loss of office space', any option that is taken forward should include an exemption for the Victoria Opportunity Area and also listed buildings where an alternative use would secure a long term, viable future. In supporting this approach, we refer to the following evidence:

- The office market within Victoria is driven by a number of factors including its relationship to Westminster as the hub of government activity, which drives a range of institutional activities, its accessibility via Victoria Station and the underground network, and the range of major corporates located within or close to the area.
- Its traditional strength as an office location is reflected in the scale of stock within the area. CoStar estimates that there is c. 21million sqft of office space provided within 485 office buildings. Of this space over 1.4million sqft of space is currently available, of which almost 500,000sqft is currently recorded as vacant.
- CoStar data estimates that 1.1million sqft of new, Grade A space is available within Victoria, almost 900,000sqft of which is currently under construction and will be introduced to the market in the next 2 years. It is also estimated that office availability is at the highest level recorded for the past 10 years, reflecting the significant quantum of stock that has just entered, or is about to enter, the market (c.79% of all floorspace available).
- This evidence indicates to us that planning policy does not need to address an office market failure in this location. Indeed, we consider that the introduction of a greater mix of uses, including new retail and residential accommodation, should be a priority to provide balance and qualitative improvement. Such an approach would be consistent with the Council's wider policy approach for the Opportunity Area (as set out in the adopted City Plan), which promotes mixed uses and vibrancy within the CAZ.
- Paragraph 17 of the National Planning Policy Framework indicates that a core planning principle should be to "conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of this and future generations". We consider that this should take precedent.

We look forward to confirmation of receipt of these representations at the earliest opportunity and would welcome the opportunity to meet with officers to discuss any part of our representations as required. If you have any queries or wish to discuss, please do not hesitate to contact Laura Jenkinson (020 7911 2366) of this office.

Yours faithfully



GVA



Appendix 2

Suggested Policy Revisions

Appendix 2:

Suggested Amendments to the Publication Version of the Mixed Use Revision to Westminster City Plan: Strategic Policies

Note: All amendments listed below relate to Pages 24-26 of the Publication Version of the Mixed Use Revision to Westminster City Plan: Strategic Policies.

Additional text is shown in bold red underlined text, deleted text is black bold text with a strikethrough.

OFFICES AND BUSINESS FLOORSPACE

4.23 Between 1996 and 2010/11, office floorspace within Westminster increased, with much of these gains being within the Paddington Opportunity Area. The Core Central Activities Zone (Core CAZ), particularly the West End, accommodates the greatest proportion of Westminster's office stock, with a net increase in the overall amount of office floorspace of 70,400 sqm between 1996 and 2010/11. The proportion of the total floorspace within Core CAZ which is in office use has remained relatively stable during this period, ranging between 48% and 51% of the total floorspace between 1983 and 2009/10. However a sustained period of office losses began in the 2010/11 monitoring period, indicative of unprecedented changes to market conditions linked to the exceptionally strong performance of the housing market.

This resulted in the loss of a significant amount of office floorspace with the loss of 167,000sqm in the four years 2010/11 to 2013/14. If continued unchecked, this would have had irreparably damaged UK's economic core.

4.24 The strategic approach to commercial and residential floorspace in the CAZ was changed in 2015 to ensure that the right mix and balance of uses was secured to support a sustainable and diverse economy. Crucial to achieving this balance is recognising the importance of the agglomeration benefits of the unique clusters of commercial activity, and their overlap and coming together to create the places like Soho, Mayfair, St James's and Covent Garden that are so attractive to businesses, workers, visitors and residents alike.

POLICY S20 OFFICES AND OTHER B1 FLOORSPACE

The council will work to achieve and exceed the target of additional floorspace capacity for 58,000 new jobs between 2016/17 and 2036/37vii, 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, taking into account:

1. 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;
2. the contribution of the office floorspace to meeting business and employment needs, **the quality of the existing stock, the length of vacancy and other relevant specific reasons for redevelopment;** **and**
3. the mix of type, size and tenure of housing proposed; **and**
4. **where an alternative use would secure a long term, viable future for listed buildings.**

Where 3) above is not met due to site constraints and/or viability, the floorspace will be retained as B1 office floorspace. Where appropriate, the council will request a range of business floorspace including workshops and studios.

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 until employment capacity has recovered in line with the employment targets and an appropriate balance of uses is re-established. Losses of office to other commercial or social and community uses are acceptable as they likewise contribute to the commercial activity in the area.

New offices are encouraged within these locations to retain and enhance Westminster's strategic role in London's office sector, and support London's global competitiveness. The policy also identifies Westminster's capacity for growth, predominantly in the three Opportunity Areas and North Westminster Economic Development Area.

In addition to offices, a range of other B1 floorspace is required in Westminster to ensure diversity across employment sectors. This supports a range of business activities, including Creative Industries, and employment opportunities. It will be sought where non-office type floorspace such as workshops and studios are appropriate as part of the overall mix of uses because of their location or existing use.



Heart of London Business Alliance
West End Business Improvement Districts

Representation to Westminster City Council's Consultation on 'Mixed Use Revisions to Westminster's City Plan'

9th September 2015

Introduction

Members of the Heart of London Business Alliance welcome the opportunity to respond to Westminster City Council's consultation on the 'Mixed Use Revisions to Westminster's City Plan'.

The Heart of London Business Alliance was established in 2001, becoming the first central London BID in 2005. We now operate two Business Improvement Districts, representing 500 businesses in the Piccadilly & St James's and Leicester Square to Piccadilly Circus areas. Our area is home to London's most iconic entertainment areas and is a place which is rich in history and culture. Following successful ballots earlier this year, we have successfully launched the UK's first property-owner BIDs to deliver our shared ambitions for:

- Effective Leadership and Influence
- Transformational Place Management
- Destination Marketing

Summary

In summary, our members share Westminster City Council's concerns about the growing trend for converting office premises to residential use, which has seen the proportion of office floorspace in the Core Central Activities Zone decline from 51% to 46% in recent years. We also recognise the need to balance restrictions in conversions with the introduction of new incentives for the delivery of commercial floorspace in the Central Activities Zone, Named Streets and Opportunity Areas.

We are extremely concerned about the impact of the current trend on central London's economic vitality, the ability of industries to agglomerate, the delivery of new jobs and the offer of an appropriate range of commercial floorspace.

We are also concerned about the announcement in July by the Department for Communities and Local Government indicating a further relaxation of office to residential planning controls and indications that central Government is considering ending the exemption that Westminster City Council gained in 2012 to the previous national scheme.

We believe that Westminster City Council should ultimately retain planning control over office to residential conversions in the Core CAZ and that this should not be subject to further deregulation if we are to retain the economic vitality and vibrancy of the West End.

The proposals

- 1. Where proposals are in the Core CAZ, Named Streets or Opportunity Areas and increase the amount of floorspace by less than 30% of the existing building or less than 400m² (whichever is greater) no residential floorspace will be required.**

As per our submission to the consultation on the policy booklet in February, we strongly support the principle of extending the thresholds in terms of uplifts in commercial floorspace before an accompanying residential requirement is triggered.

We believe that extending the threshold will help rebalance some of the existing drivers to convert commercial premises to residential and increase the viability of commercial rebuilds and uplifts in commercial floorspace on existing premises. We consider that the proposed new policy will start to achieve this without undermining Westminster City Council's ongoing need for more affordable residential accommodation and our business needs of a locally-based workforce.

Whilst the impact of the national reforms, volume of applications and changing economic drivers varies, we would nonetheless suggest that the revised policy could still go further and clarify that some areas of the City of Westminster are significantly less appropriate than others for residential use. This would be invaluable in helping our businesses mitigate against the risk of inappropriate conversions in areas where it is very difficult to offer a standard of residential amenity without this coming at the expense of the commercial operation.

- 2. Where proposals in the Core CAZ, Named Streets or Opportunity Areas to increase the floorspace between 30% and 50% of the existing building, and more than 400m² for B1 office floorspace:**
 - a. There will be a requirement for an equivalent amount of residential floorspace (generated above the 30% threshold) on-site, off-site or by mixed use credits; or**
 - b. There will be an affordable housing payment in lieu equivalent of the net gain in B1 office floorspace (generated above the 30% threshold)**

It will be at the applicant's discretion whether they apply a. or b.

We strongly support the proposed new flexibility on mid-range uplifts in commercial space to present developers with a clear choice in terms of how they meet the associated residential requirement.

As we have already outlined, we strongly believe that in many cases providing residential accommodation on site as part of a commercial development often leads to incompatible competing demands. Equally, in predominantly commercial areas, the provision of residential accommodation in the vicinity is also often inappropriate as it can dilute the acknowledged economic benefits of the co-location of particular industries.

We therefore believe that this proposal will support good planning decisions. Retaining an appropriate mix of commercial, entertainment and retail uses is essential to the long-term economic vitality of particular areas, with the viability of other uses often co-dependent with these.

- 3. Where proposals in the Core CAZ, Named Streets or Opportunity Areas increase the amount of floorspace by more than 50% of the existing building and more than 400m², net increases in B1 office floorspace (up to a maximum of the net additional floorspace above the 30% threshold) will be accompanied by an equivalent amount of residential floorspace provided according to the following cascade:**

- a. **On site or in the immediate vicinity.**
- b. **Off site on a site in the vicinity of the development – or in the case of Victoria and Paddington – within the respective Opportunity Area.**
- c. **Off-site elsewhere within the CAZ.**
- d. **Payment of an appropriate Payment in Lieu to the Affordable Housing Fund equivalent to the net gain in B1 office floorspace (above the 30% threshold).**

We welcome the clarity provided in the above proposals as to the cascade approach that will be adopted by Westminster City Council when determining applications which do trigger the provision of new residential floorspace.

We would however refer Westminster City Council to our comments under point 1, particularly our position that the revised policy could go still further and clarify that some areas of the City of Westminster are significantly less appropriate than others for residential use.

We are also concerned that, where there is an uplift of more than 50%, there is an expectation that new residential accommodation will be provided on-site. We believe that in many circumstances, the different type of use and expected standards of residential accommodation may be incompatible with commercial use.

We would ask that further thought is given to introducing greater flexibility on this point. This would continue to incentivise the delivery of additional commercial floorspace and meet the targets set out in the draft policies.

- 4. In Core CAZ, Named Streets or Opportunity Areas, where changes of use from office to residential and / or replacement of office floorspace with residential floorspaces are acceptable in principle according to existing policies, the net increase in residential floorspace will be accompanied by an appropriate amount of commercial floorspace and / or social and community floorspace, except where:**
- a. **The net increase in residential floorspace is less than 400m²; or**
 - b. **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 proposals increase the amount of floorspace by more than 50% of the original building and more than 400m², 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 drawn down of mixed use credits 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.

We welcome the proposed requirement that uplifts in residential floorspace of 400m² will require an appropriate accompanying amount of commercial or social and community floorspace.

We would ideally prefer the 400m² threshold to be lowered and a further incentive introduced to facilitate the provision of smaller floorplates to house small-scale start-ups. However, we also recognise the need for consistency in applying the 400m² threshold as per the earlier proposed policies.

We do retain concerns about the proposed exemption for buildings which were originally built as residential. There are some areas that are now predominantly commercial in character, but were originally built as residential. These could be badly impacted by the proposed policy. This particularly applies to former residential properties which may now host and be appropriate for the provision of smaller commercial floorplates.

Westminster City Council may therefore wish to undertake further work to identify those areas where further protections may be necessary.

Article 4 Direction

We have noted with interest the new proposal to introduce an Article 4 direction for the Core Central Activities Zone, with effect from July 2016.

We recognise that this is wholly necessary in order for Westminster City Council to retain control over office to residential conversions in the face of recent statements and indications from the Department for Communities and Local Government that they are considering further relaxations to changes between use classes.

We therefore believe that the proposed new safeguard would help protect the City of Westminster against any potential future changes at national level to deregulate such applications, which we believe would come at the expense of the economic vitality of the nation's economic heartland.

Conclusion

In conclusion, we welcome both the proposed new restrictions on the loss of commercial space and the incentives to deliver more commercial space outlined in the consultation, particularly given the ongoing buoyancy of the residential market.

We believe that policy could be strengthened in relation to the conversion of premises that were originally residential back to their original use. There are certain streets that were originally residential when built in the 18th or 19th Centuries that would be inappropriate for conversion back to residential use, due to the loss of small office floorspace that would result. We would suggest such streets should be identified and exempted from this policy.

For the attention of: Lisa Fairmaner

Consultation: Consultation on Westminster's Mixed Use Revision to the City Plan

Dear Lisa,

Thank you for your correspondence dated 16 July 2015 inviting Highways England to be involved in the above consultation process.

Please note that as from the 1 April 2015, the Highways Agency is now Highways England. Please amend any references in the document(s) accordingly.

Highways England has been appointed by the Secretary of State for Transport as strategic highway company under the provisions of the Infrastructure Act 2015 and is the highway authority, traffic authority and street authority for the strategic road network (SRN). The SRN is a critical national asset and as such Highways England works to ensure that it operates and is managed in the public interest, both in respect of current activities and needs as well as in providing effective stewardship of its long-term operation and integrity.

We have reviewed and have no comments on this occasion.

Thank you again for consulting with Highways England and we look forward to working with London's local authorities.

Sent on behalf of Stephen Hall (Asset Manager) at Highways England.

Many thanks

Anup Shrestha, Admin Officer

1st Floor, Bridge House, Walnut Tree Close, Guildford, GU1 4GA

Tel: [REDACTED]

Web: www.highwaysengland.co.uk



Historic England

Policy and Strategy
Westminster City Council
19th Floor, City Hall
64 Victoria Street
London
SW1E 6QP

9 September 2015

By email: planningpolicy@westminster.gov.uk

Dear Sir/Madam,

Mixed Use Revision to Westminster's City Plan: Publication draft

Thank you for consulting Historic England on the proposed revisions to the Westminster City Plan relating to Mixed Use. As the Government's adviser on the historic environment, and a statutory consultee on Strategic Environmental Assessment, Historic England is keen to ensure that conservation and enhancement of the historic environment is fully taken into account at all stages and levels of the Local Plan process.

Accordingly we have reviewed this consultation in the context of the National Planning Policy Framework (NPPF) and its core planning principle that heritage assets be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of this and future generations.

Our specific comments on the document are attached. In some cases we have suggested small changes to assist the Council in aligning the plan more closely with the NPPF, and the requirement to set out a positive strategy for the historic environment (paras 126 and 157(7) of the Framework). We would be pleased to discuss any of these points with you.

As a general comment we consider there is a need to define 'character' more clearly in the context of the local plan revisions to ensure consistency of interpretation. Historic England has previously suggested that Westminster completes a characterisation report to allow the contribution of the historic environment to be better understood spatially across the borough. Such information would greatly assist in the preparation of site specific and development management policies, as well as providing a clear basis for strategic policy references. We understand that a borough-wide approach is not practicable at this stage. It would be helpful for the strategic policies document to include a definition of character



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Please note that Historic England operates an access to information policy.
Correspondence or information which is sent to us in confidence may therefore become publicly available.

at the beginning, referring to the positive contribution of the historic environment to character.

We do not wish to make detailed comments on the Integrated Impact Assessment (IIA) report. However, in our response to the IIA scoping report dated 31 July 2014 we recommended that the objective for cultural heritage be adjusted to better reflect the requirements of the NPPF by reading: *'To conserve and enhance the significance of heritage assets and their settings'*. We also recommended references to a number of relevant publications, including the Good Practice Advice in Planning Notes 1, 2 and 3 relating to the historic environment.

Lastly, these comments should be understood in the context of a partial review of Westminster's local plan document covering strategic policies. We may wish in later consultations to review how the policies as a whole work together and identify areas in this and other policy documents which may require further consideration to ensure the plan operates favourably as a whole for the historic environment, in accordance with the NPPF.

I hope this response is helpful to you. We look forward to further discussions with you in relation to the other policy areas of the plan in due course.

Yours faithfully,

[REDACTED]

Katharine Fletcher
Historic Environment Planning Adviser

E-mail: [REDACTED]

Direct Dial: [REDACTED]

Specific comments on the Mixed Use Revision document

Part II: A Unique City

The Local Context, pp2

Para 2.1 – Westminster at the Heart of a global city

Westminster's heritage is a key to the borough being one of the most recognised around the world, and is a positive attractor for business and residents alike. The proposed changes to this paragraph could result in an imbalance without the role of heritage as a positive asset being more clearly embraced. To provide the necessary clarity and balance, in accordance with the definition of sustainable development, we recommend that changes along the following lines are incorporated:

- Amend the third sentence to 'Westminster is *the historic heart of the capital*, the seat of government and the Monarchy ...'
- Amend the final sentence to '*Westminster's outstanding historic environment is integral to this success; many of its attractions, functions and heritage assets, both in the West End and beyond, are emblematic of London itself.*'

Paras 2.4 to 2.16 – these paragraphs provide contextual information under the headings of Westminster's economy, residents, health and well-being and an environment fit for a World City. We recommend that the last section on the environment refers also to Westminster's exceptional heritage, including its World Heritage Site. This would then provide a strong link into the statement in 2.16 'The city of Westminster is therefore unique and requires a bespoke planning framework ...'. It would also place the historic environment very clearly within the bracket of environmental issues as set out in the NPPF definition of sustainable development (para 7). In suggesting this we do recognise the important later section relating to heritage; a brief addition here would be helpful to make the point.

Westminster's issues and challenges

Accommodating Strategic Land Uses within a Unique Central London Mix, p4

New para 2.21 – The highly positive role of Westminster's historic townscape should be acknowledged here as a key aspect of the special character of local areas. The synergy between historic townscape and vibrant mixed use is both a positive opportunity and a challenge. The prestige of Mayfair and Soho, for example, is inseparable from their townscape quality and heritage significance. To take this forward we recommend the following amendments:





- Opening sentences: ‘...contains a mix of uses and activities, *often within historic townscape settings* that is unique both in London and the World. *This complex mosaic of uses and attributes* gives Westminster its vitality, character and role within London as a world city.’
- Fifth sentence: ‘This mix not only makes Westminster’s Central Activities Zone unique, but *it works well with the historic significance of the townscape*, helps to give the area human scale *and enhances* the experience of the city from street level’

Part III Local Spatial Policies

Central Activities Zone, pp9

Policy S1 Mixed Use in the Central Activities Zone, and supporting text -

It is especially important to be clear in this section that ‘character’ is not only a function of land use. An additional sentence to the end of para 3.1 could help with this. For instance: ‘...This mix creates the unique character of Westminster’s CAZ that makes it so different from any other part of London and unique in the world. *The important character and significance of many buildings associated with these diverse uses is recognised by heritage designations such as conservation area and listed building status*’.

Westminster’s theatres, cinemas, museums, galleries, public houses and shops referred to in para 3.24 provide an illustration of the strong link between uses and heritage assets; this is particularly evident in the case in the special policy areas where either through architectural design, or longevity of specialist uses heritage assets and use are inextricably associated.

Within policy S1, it will be important that references to character are understood to go beyond land uses, and that the policy operates positively in conjunction with Westminster’s historic environment policies. We are aware that these are currently under review and we hope that this relationship will be carefully considered as part of the Council’s positive strategy.

Core Central Activities Zone, pp14

We strongly support the added reference to historic significance within the reasoned justification to policy S6. It would be suitable to consider integrating this into the new bullet point in the amended policy, for instance:

- ‘Supporting strategically important clusters of uses consistent with enabling the growth and evolution of places to ensure the global reputation of the area as a business location is retained and enhanced, *while sustaining the historic character of Westminster*’





Part IV: City-wide spatial policies

Housing provision

Historic England strongly supports the references to protecting the fine-grained mix of uses in para 4.4 since these are especially associated with historic buildings and are vulnerable to amalgamation or erosion. We also welcome the commitment in 4.4 to ensuring Westminster's strategic objective for heritage is not compromised in the process of accommodating growth.



Dear Planning Department,

I would like to make some comments about the proposed revisions to the Mixed Use policy and Basement excavation policy.

In terms of basement excavations and story additions, I don't think that this should be allowed for listed buildings. Our street (Sutherland Place) has very old houses - from the early 1850s and all the building works in the area are causing cracks and structural problems.

For building works that are allowed, I feel that the working hours allowed need to change. They shouldn't start any noisy works (ie drilling) before 9.30am during the week and 12pm on Saturdays (if Saturdays should be allowed at all, which is debatable). Many people in the area either work from home, have a disability, are retired, or work different shifts from a regular 9-5 workday, which means that loud drilling noises are extremely disturbing to many residents. The laws that stipulated allowed working hours were devised before the advent of electric drills and other loud machinery. Therefore, I feel the hours need to change, based on what is best for the local community. Saturday morning used to be a good time for builders to work as most people were out doing their shopping; whereas now, most people try to catch up on their sleep from the week on Saturday mornings and do their shopping in the afternoon, or on Sundays.

There should be penalties for building sites that cause disturbing noise, and especially is this is early in the morning.

In regards to your mixed use policy amendment, I wholeheartedly agree that there needs to be an improvement in the mix of types of properties, as there are too many property developers building more luxury flats than other, more needed buildings. I don't think that buildings should be allowed to change usage unless there is a compelling reason for this. And Westminster needs to make sure that there are enough commercial premises, so as to serve the residents in an area. Where I live, in Bayswater, there are less and less useful shops than there used to be, so this needs to be addressed as well. On Westbourne Grove, there are now too many fancy furniture shops and restaurants and not enough basic food shops or other useful amenities for residents.

In terms of housing, there should be a law that says for every new housing development, there needs to be a certain percentage (25%?) of affordable housing built. Although at the moment it seems there too many residential properties and not enough commercial/community ones. The other issue I wanted to mention was that many fine artists are being forced out of their studios in the city, as their studio buildings get turned into apartments by property developers. This is unethical as well as bad for the city, as artists bring a richness to London, even though they don't necessarily bring profits. Because so much of the property market is profit-driven, Westminster needs to make sure that artists as well as other non-profit types of activities are encouraged to thrive. It would be really helpful if Westminster provided subsidised buildings for artist studios like they do in other major cities, such as Berlin. Most artists are being priced out of London and the ones in London are barely surviving, and many aren't even able to rent studios anymore.

The ability for property developers to change the usage of buildings is part of the problem. A certain amount of buildings in the city need to be designated as fine artist studios, so that this doesn't continue to happen.

I'd be interested to be kept updated about this consultation.

Thank you for letting me share my views.

Kind regards,

Katherine Lubar

Your ref

Our ref PM

Ben Smith Esq
Policy and Strategy
19th Floor Westminster City Hall
64 Victoria Street
London
SW1E 6QP

By email - planningpolicy@westminster.gov.uk



9 September 2015

Dear Mr Smith

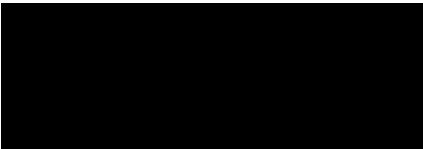
Westminster Core Strategy Regulation 19 Consultation - Mixed Use Revision

Land Securities is a FTSE 100 company and the largest Real Estate Investment Trust (REIT) in the UK on the basis of equity market capitalisation with a combined portfolio market value of £14 billion. We have an established track record as one of the foremost property developers in the UK and have a number of development projects within the City of Westminster.

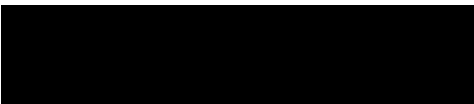
We welcome the opportunity to comment on the revisions to the Mixed Use policy within Westminster Core Strategy. We have reviewed and contributed to the Westminster Property Association response and endorse the content of their submission. Like WPA we support the principle and sentiment underlying the proposed changes to mixed use policy set out within the proposed Revision. The principle of encouraging commercial development within the CAZ is strongly encouraged and supported. We would however encourage the City Council to fully consider and incorporate WPA's suggested amendments to the draft policy.

We trust this representation is helpful and we would be happy to meet to discuss it in more detail should that be of interest.

Yours sincerely



Oliver Gardiner
Head of Development
London Portfolio



GREATER LONDON AUTHORITY

Development, Enterprise and Environment

Lisa O'Donnell

City Planning
11th Floor
Westminster City Council
Westminster City Hall
64 Victoria Street
London SW1E 6QP

Our ref: [REDACTED]

Date: 26 August 2015

Dear Ms O'Donnell,

Planning and Compulsory Purchase Act 2004 (as amended); Greater London Authority Acts 1999 and 2007; Town and Country Planning (Local Development) (England) Regulations 2012

Re: Consultation on Basement Revision to Westminster's City Plan: Strategic Policies: Publication Draft (Regulation 19 and Regulation 21); and Mixed Use Revision to Westminster's City Plan: Strategic Policies: Publication Draft (Regulation 19 and Regulation 21)

Thank you for consulting the Mayor of London on the proposed revisions to Westminster's City Plan listed above. As you are aware, all development plan documents have to be in general conformity with the London Plan under section 24 (1)(b) of the Planning and Compulsory Purchase Act 2004. In this instance the Mayor has delegated authority to me to respond and his representations are set out below.

On 06 March 2015 the Mayor provided initial comments on the Booklet 18 (Mixed Use and Office to Residential Conversions) reference LDF33/LDD35/EK/02. The Council has responded positively to a number of matters raised as part of that process. It is my opinion that the publication draft documents for the Basement Revision and the Mixed Use Revision are in general conformity with the London Plan. However, there are some strategic policy concerns which I set out below along with representations to clarify and improve policy areas.

Basement Revision

The Council's approach to basement development is supported. The policy would benefit from further guidance on the thresholds for 'large' and 'small' sites and how a developer or owner can determine the original use of the building. Diagrams would be useful to illustrate the policy set out in criteria 1.

Criteria 4 and 5 which seek to protect gardens and trees are in line with London Plan policies 3.5 and 7.21. The Mayor has a target to increase tree cover by a further 5 percent by 2025. This is in part to help address urban heat island effect and climate change adaptation in line with London Plan policies 5.9 and 5.10.

In addition to encouraging energy efficient ventilation policy CM28.1 should encourage energy efficient lighting, and natural lighting where possible and appropriate.

It would be useful to note the specific role of SUDs to reduce the peak rate of run-off as well as other potential combined benefits such as improved biodiversity and urban greening.

It would be beneficial to extend the protection of the amenity of neighbours to the occupation stage, encouraging developers to consider the location of pumps and fans that may be required to ventilate a basement so as not to create noise nuisance.

In regard to transport issues, policy text should be amended to recognise the different approaches adopted in regard to borough roads and the Transport for London Road Network (TLRN). Further detail on this issue is provided in Appendix 1.

Mixed Use Revision

Policy S1 Mixed Use in the Central Activities Zone

Policy S1 sets out a policy cascade for determining the appropriate way that that a relevant development should provide residential floorspace. Part C iii. of the policy requires the residential floorspace to be provided in off-site within the CAZ. It states ‘...The housing provided must be greater and of a higher quality than would be possible under i. or ii. above.’ The Council should clarify in the plan what ‘*greater and of a higher quality*’ means in practice for this policy requirement.

As highlighted in my representation of the 6 March 2015, part D ii. of Policy S1 could further erode the supply of small office space in Westminster contrary to the intention of London Plan Policy 4.3Bc by incentivising the change of use of offices in building originally built as residential. Former residential building can provide a valuable supply of lower cost office accommodation due to their suboptimal layout for office use. It is appreciated that it may not be practical to require on-site provision of commercial floorspace for the change of office use in former houses to residential use. However, requiring offsite provision of commercial floorspace or use of a mixed use credit would be practical, and it would level the policy requirements for the change of use of offices that are in different building typologies.

The final paragraph of Policy S1 (copied below) provides a choice of options for meeting the requirement to provide commercial and /or social and community floorspace.

‘The commercial and/or social and community floorspace can be provided on-site, offsite 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.’

The likely default option for an applicant will be to make a payment in lieu to the Council’s Civic Enterprise Fund rather than provide floorspace on or offsite. The fund assists in the creation of new ventures that support economic development in Westminster. However, on-site and offsite commercial and/or social and community floorspace will better meet the objective of the policy to maintain a broad mix of uses in the CAZ than a payment to the fund which may be used outside the CAZ. Thus the policy options should be presented as a cascade similarly to part C, with the preferred option being on-site provision, then offsite, then a draw down of mixed use credits, and finally where none of these options are practical by an appropriate payment in lieu to the City Council’s Civic Enterprise Fund.

The diagram in the Policy Application section of Policy S1 is useful for explaining a complex policy. However, it would be helpful to show examples for the development of existing mix use buildings and office buildings.

Policy S6 Core Central Activity Zone

The third bullet point of Policy S6 states:

‘Within the West End Stress Area, new entertainment uses will only be allowed where the council considers that they are small-scale, low-impact and they will not result in an increased concentration of late-night uses.’

This policy is overly restrictive and anti-competitive given that the introduction of a single new late-night use in the area would result in an increase in concentration, and thus would be restricted by the policy. As stated in my earlier representations (Ref LDF33/LDD35/EK/02) on the West End Booklet, the area is a strategic location for night-time as well as evening uses. To support London’s night-time economy there will be a 24 hour tube service over weekends from September 2015. The West End will be at the centre of the new ‘night tube’ network, which will bring a greater demand for, and opportunities to provide, an increased supply of night-time entertainment destinations in the West End.

It is understood that the Council intends to revise its policy approach to the West End in the near future. Westminster’s Local Plan should recognise the regional and national importance of night-time uses (10pm to 6am¹) in the West End, and plan positively to support these uses, particularly for the strategic clusters of night-time uses around Soho/Leicester Square/Covent Garden in accordance with London Plan Policies 2.11 Ae and 4.6.

The mixed use approach to the Millbank Strategic Cultural Area is welcome, particularly the references to including affordable business floorspace, workshops and studios.

The reference to the importance of art galleries in Mayfair and St James’s and the growth of men’s fashion retail in paragraph 4.20 is welcomed as these both are areas that the Mayor’s Culture Strategy has identified as a priorities.

Policy S18 Commercial Development

The change in policy approach to make commercial and other non-residential activities the priority use in the Core Centre Activities Zone in response to Council’s monitoring evidence base is supported.

Policy S20 Offices and Other B1 Floorspace

The policy sets a target of providing additional floorspace capacity for 58,000 new jobs between 2016/17 and 2036/37. The basis of this target is explained in footnote vii on page 26. The policy should clarify that the target is for office jobs so it is not confused with the total new jobs target set in Policy S18. In addition it would aid clarity if the footnote referenced which figures have been used from the London Office Policy Review 2012 Update for calculating the target.

¹ For the purposes of transport planning TfL have used 10pm as the beginning of the night-time, continuing through to the beginning of operations the following morning (5/6am). Source: TfL 90993 – Impact of the Night Tube on London’s Night-Time Economy Report September 2014, paragraph 4.3.

The end of the first paragraph in the reasoned justification for Policy S20 states:

‘Losses of office to other commercial or social and community uses are acceptable as they likewise contribute to the commercial activity in the area.’

Other commercial uses could include hotel use. The Council is reminded that hotel uses are not appropriate everywhere in the CAZ. London Plan Policy 4.5 London’s Visitor Infrastructure part C states:

‘...within the CAZ strategically important hotel provision should be focussed on its opportunity areas, with smaller scale provision in CAZ fringe locations with good public transport. Further intensification of provision in areas of existing concentration should be resisted, except where this will not compromise local amenity or the balance of local land use’

Appendix 4: Windfall Development

The second paragraph on page 36 and the following table states that small schemes of less than 10 units make up about 44% of additional residential units completed in Westminster. The Council should check its calculations are correct as the total number of <10 unit schemes is shown in the table as 3,283, and total number of all conventional housing units is given as 10,051. Thus the <10 unit schemes make up 33% of additional residential units completed in Westminster rather than 44%.

If you would like to discuss any of my representations in more detail, please contact Elliot Kemp ([REDACTED]) who will be happy to discuss and arrange a meeting.

Yours sincerely,

[REDACTED]

Stewart Murray
Assistant Director – Planning

cc Kit Malthouse, London Assembly Constituency Member
Nicky Gavron, Chair of London Assembly Planning Committee
National Planning Casework Unit, DCLG
Alex Williams, TfL

Appendix 1: Transport for London comments for Proposed Basement Planning Policy

Policy	Original Text	Proposed Text (new / additional text in red)	Reason
<p>CM28.1</p>	<p>Basement development to existing residential buildings or buildings originally built for residential purposes will:</p> <p>1.b) leave a margin of undeveloped garden land proportionate to the scale of development around the entire site boundary with the exception of one elevation adjacent to the public highway where the basement may extend beneath the public highway provided it satisfies the requirements set out in paragraph 10 below.</p> <p>....</p> <p>10. where constructing new basement development under the adjacent highway;</p> <p>a) retain a minimum vertical depth below the footway or carriageway of 900mm; and</p> <p>b) not encroach more than 1.8m under any part of the adjacent highway.</p> <p>11. where extending or strengthening/improvement works to existing basements horizontally under the highway;</p> <p>a) maintain the existing depth below the footway or carriageway to ensure no loss of existing cover level above a vault; and</p>	<p>Basement development to existing residential buildings or buildings originally built for residential purposes will:</p> <p>1.b) leave a margin of undeveloped garden land proportionate to the scale of development around the entire site boundary with the exception of one elevation adjacent to the public highway where the basement may extend beneath the public highway (other than where the highway forms part of the Transport for London Road Network [TLRN]) provided it satisfies the requirements set out in paragraph 10 below.</p> <p>....</p> <p>10. where constructing new basement development under the adjacent (non-TLRN) highway;</p> <p>a) retain a minimum vertical depth below the footway or carriageway of 900mm; and</p> <p>b) not encroach more than 1.8m under any part of the adjacent highway.</p> <p>11. where extending or strengthening/improvement works to existing basements horizontally under the highway;</p> <p>a) maintain the existing depth below the footway or carriageway to ensure no loss of existing cover level above a vault; and</p> <p>b) not be permitted where the existing basement already extends 1.8m or more under the highway.</p> <p>Applicants will demonstrate that they have taken into account the site-specific ground conditions, drainage and water</p>	<p>To recognise the different approaches adopted in regard to borough roads and the TLRN, and the separate routes to gaining consent for work affecting those highways, or infrastructure.</p> <p>TfL do not support new non (TfL / transport) operational excavation / development beneath the TLRN and the policy needs to clearly relay that.</p>

	<p>b) not be permitted where the existing basement already extends 1.8m or more under the highway.</p> <p>Applicants will demonstrate that they have taken into account the site-specific ground conditions, drainage and water environment(s) in the area of the development and that the basement development will:</p> <ol style="list-style-type: none"> 1. safeguard structural stability of the existing building, nearby buildings and other infrastructure; 2. not increase or otherwise exacerbate flood risk on the site or beyond; and 3. be constructed so as to minimise the impact on neighbouring uses; the amenity of those living or working in the area; and on users of the highway. <p>All applications will be accompanied by a detailed structural methodology statement and appropriate self-certification by a suitably qualified engineer with separate flood risk assessment where required</p>	<p>environment(s) in the area of the development and that the basement development will:</p> <ol style="list-style-type: none"> 1. safeguard structural stability of the existing building, nearby buildings and other infrastructure including the highway and railway lines / tunnels; 2. not increase or otherwise exacerbate flood risk on the site or beyond; and 3. be constructed so as to minimise the impact on neighbouring uses; the amenity of those living or working in the area; and on users of the highway. <p>All applications will be accompanied by a detailed structural methodology statement and appropriate self-certification by a suitably qualified engineer with separate flood risk assessment where required.</p> <p>Applications adjacent to or affecting the Transport for London Road Network (TLRN) or public transport infrastructure shall have regard to advice available at www.tfl.gov.uk. Development on land within the land identified for Crossrail 2 Safeguarding shall be subject to consultation with TfL as defined in the Safeguarding Directions (2015), for which further advice is available at http://crossrail2.co.uk/ .</p>	
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FAO: Lisa Fairmaner,

Dear Ms Fairmaner,

Thank you for your correspondence in respect of the Habitats Regulations Assessment (HRA) Screening for the Publication Draft Mixed Use Revision and Basement Revision to Westminster's City Plan, this is much appreciated.

Having taken a look at the Habitats Regulations Screening as submitted for this revision to the Westminster City Plan the only comments Natural England would wish to make would be as follows. Given the search area for the HRA was 10km it would have made sense to also include and consider the Lee Valley SPA and Ramsar site which does fall well within 10km of the borough boundary. Additionally the "Essex Thames Estuaries SPA" is an incorrect naming of the site(s). The Thames Estuary & Marshes SPA and Essex Estuaries SAC appear to have been combined when these are two different Natura 2000 sites.

Other than the above points the conclusion that no further assessment is required doesn't cause an issue for Natural England.

I trust that this is sufficient for your purposes, and thank you again for keeping Natural England advised as to the progress of the Mixed Use Revision and Basement Revision to Westminster's City Plan.

Regards,

Piotr Behnke
Adviser
Sustainable Development and Regulation
Thames Valley Team

Natural England,

Date: 28 August 2015
Our ref: [REDACTED]
Your ref: Westminster's City Plan



Lisa Fairmaner
Westminster City Council
19th floor, City Hall
64 Victoria Street,
London SW1E 6QP

Hornbeam House
Crewe Business Park
Electra Way
Crewe
Cheshire
CW1 6GJ

T 0300 060 3900

BY EMAIL ONLY

planningpolicy@westminster.gov.uk

Dear Ms Fairmaner,

**Mixed Use Revision to the Westminster's City Plan: Publication Draft
Article 4 Direction for Office to Residential Conversion in the Central Activities Zone**

Thank you for your consultation on the above dated 16 July 2015 which was received by Natural England on the same day.

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

Natural England does not consider that this consultation poses any likely risk or opportunity in relation to our statutory purpose, and so does not wish to comment on this consultation.

The lack of comment from Natural England should not be interpreted as a statement that there are no impacts on the natural environment. Other bodies and individuals may wish to make comments that might help the Local Planning Authority (LPA) to fully take account of any environmental risks and opportunities relating to this document.

If you disagree with our assessment of this proposal as low risk, or should the proposal be amended in a way which significantly affects its impact on the natural environment, then in accordance with Section 4 of the Natural Environment and Rural Communities Act 2006, please consult Natural England again.

We really value your feedback to help us improve the service we offer. We have attached a feedback form to this letter and welcome any comments you might have about our service.

Yours sincerely,

Victoria Kirkham
Consultations Team

Dear Sir/Madam

Thanks for your e-mail of 16.7.15 in regard to the proposed Mixed Use Revision to Westminster's City Plan Consultation.

We have reviewed your proposals and can confirm that the ORR has no comment to make on this particular document.

For future reference ORR only requires to be consulted if the minerals & waste plan, transport plan, planning application, core strategy etc mentions or impacts on the mainline railway, tramway or London Underground network.

Kind regards

A Harrison
Planning Executive

Office of Rail and Road

Consultation July 2015: Revision Westminster City Plan: Strategy Policies
Mixed Use Revision /Regulation 19

Pimlico Grid Residents' Association offers the following for the Council's consideration regarding the above consultation:

Ensure that a review of this policy's impact is undertaken after several months of operation to assess, monitor and adjust policy if needed to attain the desired balance of residential units to commercial and business units. Attention should be given to an area- by-area analysis to assess any unsavoury changes within small village-like locations of the wider Westminster, e.g., Pimlico;

Ensure that affordable housing and rents are delivered within Westminster for those hard-working individuals who need strategic, Central London location for their work;

Protect open, green spaces to ensure that heritage, health and well-being of local residents and the area are not compromised in the Council's drive for further commercial development;

Ensure that housing density does not compromise the already existing local quality of life by robbing light from residential properties, recreational areas or heritage locations or by damaging and/or destroying trees and grassy areas required to maintain sound mental and physical well-being for city residents.

Westminster City Plan: Strategic Policies Consultation
Mixed Use: Integrated Impact Assessment

Pimlico Grid Residents' Association offers the following for the Council's consideration regarding the above document.

ACCESS TO OPEN SPACES

Table 2: Integrated Impact Assessment Framework
Number 15 of this table asks two questions which may create serious contradictions.

Question 1: Will it improve open space?
Question 3: Will it improve access to open space?

We would suggest the removal of Question 3 since "improving access to open space" can be done in ways that will actually destroy or damage the open space. If open space is readily accessible via a short walk from a nearby tube or a brief cycle journey from a nearby cycle route, the "access to the open space" should be considered ample and not in need of further improvement, particularly, if improving access to the open space in any way alters the amenity of the open space by removing its light, trees, green grass or impacting on other exercise facilities of the space.

In fact, we would argue that a cycle ride via an already available route or short walk from a local tube station to the open space actually enhance the overall well-being of the visitor to the open space by adding an added dimension of physical exercise.

Dear Sir/Madam,

I am writing to confirm that I agree with the proposals and aims detailed in the Mixed Use Revision document. I am an owner of a small business in W1, and it is very important that the area does not become predominately residential floorspace, as this would result in my losing a great many of my customers, and make my business less viable.

Yours faithfully,

Raymond G Davis
(Owner of The Burlington Arms, 21 Old Burlington Street).

Planning and Borough Development
Kensington Town Hall, Hornton Street, LONDON, W8 7NX

Executive Director Planning and Borough Development
Mr Graham Stallwood



THE ROYAL BOROUGH OF
**KENSINGTON
AND CHELSEA**

Lisa Fairmaner
Policy and Strategy
Westminster City Council
11th Floor, Westminster City Hall
64 Victoria Street
London SW1E 6QP

Sent by email: planningpolicy@westminster.gov.uk

My reference: Revisions to Westminster's City Plan: Strategic Policies – Mixed uses

Please ask for: Chris Turner

23 July 2015

Dear Mrs Fairmaner

Revisions to Westminster's City Plan: Strategic Policies – Mixed Uses

Thank you for the opportunity for the Royal Borough of Kensington and Chelsea (RBKC) to respond to Westminster City Council's (WCC) **City Plan: Strategic Policies: Mixed Use Revision** Regulation 19 Consultation. Please find the comments from RBKC below in advance of the deadline of 5pm on 9th September 2015.

Duty to Cooperate

These comments are made in light of the statutory Duty to Cooperate which places a legal duty on Councils to engage "constructively, actively and on an on-going basis" in "maximising the effectiveness" of Local Plans relating to "strategic matters" which may impact on at least two planning areas including in connection with infrastructure which is strategic¹. The Duty applies to activities relating to the preparation of 'Local Plan' documents and supporting activities, so far as relating to a strategic matter. It is considered that the revised Westminster City Plan Mixed Uses Policies must be prepared in accordance with the Duty for these reasons. Within London, the National Planning Practice Guidance (NPPG) on the Duty to Cooperate considers that the extent of any cooperation required will depend on the extent to which strategic issues have been addressed in the London Plan².

In light of this, the Council would welcome the continued engagement and dialogue.

¹ S331 Planning and Compulsory Purchase Act 2004; NPPF paragraphs 156; 178-181; NPPG Duty to Cooperate

² Paragraph 007

Notifications

The Council formally requests to be notified of any of the following:

- That any or all of the revisions have been submitted to the Secretary of State for independent examination;
- The publication of the recommendations of any person appointed to carry out an independent examination of any or all of the revisions; and
- The adoption of any or all of the revisions.

Aside from this we have no further comments on the review at this stage. We look forward to being consulted further as the review progresses.

I trust you will find these comments useful. If you have any queries regarding the Council's response, please do not hesitate to contact my colleague, Chris Turner.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'JWA', with a long horizontal flourish extending to the right.

Jonathan Wade

Head of Forward Planning
Planning & Borough Development

SohoCreate
6 Brewer Street
London W1F 0SD

August 8th 2015

Dear City Planning Department

Views on Revisions to Westminster's City Plan July 2015

Please consider the following as our formal comments on this consultancy. I confirm that we are happy for these views to be made public as part of the consultancy.

About SohoCreate

SohoCreate is a creative festival celebrating Soho's extraordinary creativity. It is the biggest collective conversation on creativity in the country. The festival takes place at events throughout the year all coming together in early June in the most creative square mile in the world. Now in its third year, SohoCreate, with the support of Westminster City Council, is expanding out onto the streets of Soho and is now working much more closely with businesses. SohoCreate is about to launch SohoConnect, which will –

- 1 Grow productivity by ensuring Soho companies have access to the best ideas and people.
- 2 Grow innovation by improving the connectivity between Soho creative businesses.
- 3 Grow success by linking commercial industry with public policy and marketing.

SohoCreate is a private ltd company supported by ad sales and sponsorship with investors based in London and Canada. Investors include Westminster City Council.

SohoCreate Advisory Committee members are –

- Sir John Hegarty – SohoCreate Chairman
- Jude Kelly CBE, Artistic Director South Bank Centre
- Rupert Gavin, Chairman Historic Royal Palaces
- Nick Allot OBE, MD Cameron Mackintosh Ltd
- Malcolm Gerrie, CEO Whizzkid Entertainment
- Sir Peter Bazalgette, Chairman Arts Council England
- Russel Norman, Restaurateur
- Brett Rogers OBE, Director Photographers Gallery
- Sue Walter, CEO Hospital Club
- John Sorrel, Chair University of the Arts and Creative Industry Federation
- Sally Green OBE, CEO Old Vic Productions, Proprietor Ronnie Scotts.
- Brian Clivaz, Owner and Restaurateur

Soho as a creative, cultural and economic engine.

Soho's creative credentials began 450 years ago when the first Huguenot refugees and crafts people were welcomed to this neighbourhood in the heart of London. Its creative life has been well documented, from the early performances of Jagger, Hendrix and Daltry to the birth of Spandau Ballet; from the place Dickens wrote Tale of Two Cities to the place television was invented. Soho's creative companies now win an average of two Oscars a year and are responsible for 20% of London's new creative jobs. Their collective turnover is £7.5billion, and creative industry workforce numbers are 46,000.

Views

Vision

We welcome the evolving focus on the City Plan. It now gives suitable prominence to the extraordinary commercial businesses that are the life blood of London. It now acknowledges the thriving business clustering existing here and the weight and breadth of their contribution to the economic and cultural life of the City. It is much more celebratory of the contributions made by business in Soho, the West End and beyond, rightly acknowledging the positive impact of the entertainment and creative businesses both locally and globally.

We are proud to see the outputs of the creative sector being championed fully within a policy document like this and welcome the positive language being adopted.

We welcome the acknowledgment in the plan that areas such as Soho have a *'buzz and level of activity greater than primarily residential areas.'* Soho is a business district with four workers to every resident. We agree that compromise is required to maintain a successful living *and* working environment. However, at a time of high rents and squeezed margins it is important to ensure businesses are allowed to be as commercial as possible in the business district they occupy. This will be an increasing challenge as London becomes a 24 hour City.

Future

The contribution that entertainment venues make to the local economy is significant. Licensing hours are crucial to their profitability. As a future refinement to late night licensing we recommend that the cultural and developmental contribution made to the local cluster is considered. For example, a music venue with experienced staff who develop young bands, take risks, and invest back into the community, would make a much higher local contribution than a traditional night club with no development strategy. As the pressure to expand the West End entertainment offering increases, a cultural impact agenda should play a part.

Spatial Policy

We are not experts on the intricacies of current planning policy, so cannot comment on the amended percentages with the new Spatial Policy. However, we welcome the new importance given to commercial office space in the Plan.

Creative industries are the fastest growing sector in the country in turnover and job creation. Recent government figures released by the DCMS show jobs in the creative industries increased by 5.5% compared to a national 2.1% rise in employment between 2013 and 2014. At this growth rate the Soho Creative Cluster alone would deliver 2,500 new jobs per annum. The creative industries across Westminster would deliver nearly 5,000 new jobs per annum. WCC is projecting all sector combined job growth at an average of 3,850 per annum for the next 20 years. Figures suggest that the creative industries would be more than capable of delivering this figure on their own at their existing growth rates.

The fact that the Soho Cluster has lost 30,000 square metres of office space in the last five years with double that being created for mostly high end residential, has been acknowledged as a significant challenge. Clearly available, and affordable space for growth is one of the biggest limiters on job creation by the creative companies in the Soho Cluster.

We welcome the Plan's new policy guidelines to slow the loss of commercial space in the business districts, and commend WCC on their identification of the problem and the actions they are taking.

It is vital that commercial space more than meets demand if rental rates are to be restrained. Demand and supply should be monitored closely to ensure that Soho's unique creative cluster is grown and not reduced. Too little available and suitable commercial space will result in high rents that will drive creative companies out of the cluster that they have been part of developing since the 1950s. Soho is a world class cluster and the creative businesses should be encouraged by sympathetic policy where possible.

We note in Policy S1 D page 11 a good example of the protection of commercial space within the new policy. However, in Dii the policy removes the requirement to accompany increase in residential floor space with a corresponding increase in commercial floor space if –

“in the case of changes from office to residential, the building was originally built as residential and the building is substantially retained”

This precedent seems hugely problematic to us. Nearly all of Soho's unique buildings were originally built as residential. This clause would significantly undermine the new guidelines to protect office space. Despite being residential, many of the houses were also used as businesses and retail, particularly on the ground floor and basements, housing artists, writers, tailors etc. John Logi Baird perfected his

invention of television, not in a workshop, but in upstairs rooms of a house in Soho's Frith Street.

Core Central Activities Zone

We welcome the new emphasis on –

“Supporting strategically important clusters of uses consistent with enabling the growth and evolution of places to ensure the global reputation of the area as a business location is retained and enhanced.”

However, restricting new entertainment uses to small scale and low impact with no resulting increase in late night uses, runs contrary to London's impending 24 hour city status. The West End must continue to offer the best entertainment in the world, and we therefore question the restrictive wording being used in this instance.

We particularly welcome the statement –

“The unique agglomeration of commerce in this area must be protected and enhanced to ensure the economic sustainability and international reputation of this part of London. It must also be allowed to evolve, to remain vibrant and at the forefront of British culture and businesses.”

Whilst we welcome the plans to grow cultural and creative industries in the Millbank Strategic Cultural Area we note that commercial creative industries are best grown in close proximity to other more mature and successful creative companies, rather than in isolation and amongst other companies at a similar developmental and experiential level. New companies need to work with great companies to grow, not with other new companies like themselves. It would be a great loss if resource went into developing new creative companies in an area of cheaper rents in opposition to encouraging their growth and traction in amongst the existing creative cluster of world class companies.

Conclusion and recommendations

We welcome the commercial focus of the plan. It is very business friendly and recognises the importance of Soho's creative cluster in the economic and cultural life of London. The language is positive and proud which is appropriate.

We are very pleased to see WCC identifying and addressing the problem of office space loss in an assertive, constructive and inclusive manner.

We note that the licensing of entertainment venues will come under increasing pressure as London becomes a 24 hour city.

We urge caution with the plan of developing creative industries based only on the geographic availability of cheap space.

- 1. We recommend close monitoring of the change in availability of appropriate and affordable commercial space for creative industries. This should be linked to the creative industries ability to create significant new jobs in the area.**
- 2. We recommend that the current thrust of clause Dii be reviewed. As currently worded it appears to undermine much of the good intention to protect office space within the Soho Cluster.**
- 3. We recommend early discussions on the type of entertainment establishments that will be welcome due to the economic AND long term cultural impact they produce. The support and development of new talent should be a factor in the type of new entertainment businesses that should be encouraged.**
- 4. We recommend a sophisticated approach to the development of the creative industries in Westminster. Whilst all new growth initiatives are welcome, we recommend putting new companies and workers into close working proximity with existing world class companies and individuals offering a challenging commercial working environment.**

SohoCreate, it's Advisory Board and Management Board will happily take part in any discussions that can usefully finesse any of the above recommendations.

Tom Harvey MBE
CEO SohoCreate.

CONSULTATION ON WESTMINSTER'S MIXED USE REVISION TO THE CITY PLAN

Consultation ends 9th September 2015

Soho Society response

Introduction

We recognise the need to introduce controls to stop the loss of office space, particularly for small office users by conversion to residential. We also recognise the need to increase commercial floor space to help meet demand. However, we do not agree with the overall thrust of the document to reduce the amount of affordable housing that is delivered within the core West End and the CAZ. We believe that Soho and areas like it benefit from having a wide range of housing tenures and that it should not just be left to the market to provide increasingly expensive housing for sale or rent as it has done by conversions from commercial use to residential in recent years. Westminster's policies should recognise and support the role of reasonable amounts of affordable housing within the CAZ alongside private housing and continue to provide policies which incentivise some delivery within areas like Soho and the CAZ more generally. We also believe that over many generations those living long term within the CAZ have demonstrated that they can live alongside legitimate commercial uses and do not have unrealistic expectations. We recognise that better value for money in terms of the costs per unit can be achieved in other parts of the City and therefore recognise that most of the funds generated by development in the core West End will be spent elsewhere but urge very strongly that a proportion of those funds (perhaps 20 or 25%) are spent in supporting affordable housing either on site or in the vicinity of relevant developments to refresh this tenure and help contribute to balanced communities within the West End of London.

Comments paragraph by paragraph

Page 5 Para 2.22 We support the first two sentences. Third sentence delete 'without compromising business activity'.

Page 7 Point 4. Reinstate 'across all parts of the city'

Page 8 Para 2.40 In second sentence replace 'all' with 'some'

Page 10 Policy S1 B In i delete the final 'or' and insert 'Where applicants can demonstrate to the Council's satisfaction that it is not practical to provide the floor space then' Delete the final sentence of B 'It is at the applicant's discretion whether they wish to apply i or ii above'

Page 11 Policy S1 C At the end of the section add 'However, development which has the effect of removing existing residential floor space will be resisted and it will not be acceptable to replace existing housing by a payment in lieu'

Page 15 Policy S6 In first sentence delete 'complimentary'

Page 19 Para 4.8 last sentence delete 'significant'

Page 24 First Para second sentence insert full stop after 'successful' and delete rest of the sentence.

Page 25 Third Para delete 'will only' and insert point '4. Where the council considers that new residential space will add to the diversity of housing tenure and ensure a continuing balanced community'

Page 37 delete the second sentence

MB 7.9.2015

9 September 2015
Delivered by email

Policy and Strategy
19th Floor Westminster City Hall
64 Victoria Street
London
SW1E 6QP

Dear Sirs

**CONSULTATION RESPONSE - MIXED USE REVISION TO WESTMINSTER'S CITY PLAN
(PUBLICATION DRAFT (REGULATION 19))**

The Council's mixed use policy representation consultation addresses *inter alia* the loss of office floorspace to housing in the Core Central Activities Zone, Opportunity Areas and the Named Streets.

We occasionally advise clients interested in converting offices into other uses, such as education or healthcare uses.

At the time of writing development plan policy accepts, across the majority of Westminster, such changes of use in principle. Development proposals of course still have to be assessed against the variety of other development plan policies.

The mixed use policy representation consultation does not seem to explicitly state that the Council's planning policies will continue to allow in principle, across the majority of Westminster, for changes of use from office to other non-residential uses (e.g. education or healthcare uses). Such uses of course provide important services within the city and employment.

We are grateful if the Council can clarify that the loss of offices to other non-residential uses will continue to be acceptable in principle, as per the above.

Yours faithfully

Ian Fergusson
Associate Director

████████████████████
The Charlotte Building
17 Gresse Street
London
W1T 1QL

T ██████████ turley.co.uk

B Smith Esq
Policy and Strategy
19th Floor Westminster City Hall
64 Victoria Street
London SW1E 6QP

X September 2015

Dear Barry

Westminster Core Strategy Regulation 19 Consultation - Mixed Use Revision

I write on behalf of the Westminster Property Association to submit our response to the Mixed Use City Plan revision, on which the City Council is currently formally consulting. I enclose a copy of our current membership list for your information.

As you will be aware, we have previously provided detailed comments on these matters during the previous stages of consultation, in our response to the Mixed Use Booklet (no. 18) dated 27 February 2015.

General

In broad terms, WPA strongly endorses the principle and sentiment underlying the proposed changes to mixed use policy set out within the proposed Revision. WPA strongly supports alterations to planning policy that would support the continued economic success of Westminster as the heart of a World City and as a key employment location for the UK. The principle of encouraging commercial development within the CAZ is strongly encouraged and supported.

Whilst the extent of the Core CAZ boundary does not form part of the Mixed Use Revision, WPA's view remains that Core CAZ should be extended to the wider London Plan CAZ, making the principle of commercial development acceptable across the wider CAZ area.

Policy S6 – Core CAZ

WPA supports the proposed alterations to Policy S6 that indicate that the Core CAZ is an appropriate location for a range of commercial and cultural uses, and complementary residential uses. Prioritising support for the area as a business location (first bullet) is welcomed, although we suggest that this could be made clearer, as follows:

Supporting strategically important clusters of uses consistent with enabling the growth and evolution of places to ensure that the function of the area as a globally important business location is enhanced.

It is the Core CAZ's actual function as a business and visitor location, rather than its reputation, that policy should seek to support.

The additional weight placed on the importance of commercial development within the Reasoned Justification to Policy S1 is supported for the same reason. Likewise, the proposed amendment to the Reasoned Justification for Policy S14, to remove the reference to housing as "the priority use" across the City is supported.

Policy S1 – Mixed Use in the CAZ

The amendments to Policy S1(A-C) are supported in principle. WPA welcomes the alterations proposed to the operation of mixed use policy for commercial developments.

In particular, WPA welcomes:

- (a) the relaxation in the quantum of commercial floor space that can be provided before a residential component is triggered, and
- (b) the intention that any requirement for residential floor space would be based on Class B1 office uplift only.

Cumulatively, these would provide a welcome incentive to both office development, and the development of other commercial uses, within the Core CAZ and the Named Streets.

We believe the wording of S1(B), in particular, could be simplified. We enclose suggested revised policy wording at Appendix 1. Our intention is that the effect of this policy would be identical, but that its meaning would be clearer.

The intention of the policy could also be helped by examples and we suggest some are included within the Plan. We have enclosed examples setting out our understanding of the policy at Appendix 2.

The diagram on Page 13 should be amended to clarify that it is the shaded area that should be matched by residential accommodation.

The requirement at Policy S1(C)(iii) that off-site housing must be 'greater' and 'of a higher quality' than would be possible should be amended. This goes further than current policy on use swaps, within UDP Policy COM3, which requires that such swaps be at least equivalent in terms of quantity. It is also inconsistent with draft policy CM47.1 within the document. Policy should require that replacement residential should be of an acceptable standard that meets the nationally described space standard.

A requirement to provide an increase in floor space makes off-site provision more difficult to deliver and creates uncertainty as to how much additional floor space is required. WPA suggests that the final line is amended to read **"The housing provided must be of equivalent, or greater, quantity and quality than would be possible under i. or ii. above."**

Policy S1(C)(ii) and (iii) currently require any residential requirement arising out of a commercial development within an Opportunity Area to be provided within that Opportunity Area. This would impose a more restrictive obligation on development within Opportunity Areas than would be applied elsewhere within the CAZ where, subject to satisfying the Council that any residential floor space could not be provided either on-site or in its immediate vicinity, a site within the vicinity (ii) or elsewhere within the CAZ (iii) may be acceptable. Mixed use policy within the Opportunity Areas should not be more restrictive than elsewhere in the CAZ. Instead, the same approach to the rest of the CAZ should be applied to development within Opportunity Areas to stimulate growth and economic development, particularly around major transport hubs.

WPA does not support the introduction of Policy S1(D). Policy S1(D), as drafted, would require that some replacement commercial, or social and community, floor space is provided in some cases where the conversion of offices to residential is accepted.

Policy S20 is sufficient to restrict the conversion of offices to residential. However, introducing a requirement for the re-provision of commercial, or social and community, floor space where the loss of office accommodation is accepted in principle would introduce significant additional complexity. It would generally be impractical to provide commercial development within the same building, not least because in most of the relevant cases offices would be being converted to residential. Commercial space would therefore be required on nearby sites which may not be within the control of the developer.

The policy would not provide certainty as to what amount of commercial floor space would be sought. For example, in cases where the increase in residential floor space exceeds 400sqm but the overall increase in floor space is less than 50% of the existing building there is no indication of what amount of commercial floor space is “appropriate.” The policy does not provide the clarity and certainty over the quantum and nature of replacement commercial floor space that would be required. This would lead to delay and uncertain outcomes in planning decision-making.

WPA therefore suggests that Policy S1(D) be removed.

Notwithstanding this, we suggest that, if it is retained, the final paragraph should be amended so that it is clear that the means by which the requirement for replacement floor space is addressed is at the applicant’s choice. In this case, an indication of the likely cost of contributions to the Civic Enterprise Fund should be set out within the proposed amendment.

Policy S18 – Commercial Development

The proposed changes to Policy S18 are welcomed. WPA supports the intention to include targets for additional floor space within the Core CAZ, although it is essential that these remain minima to be exceeded (as drafted) and do not become caps or limits. The reference to commercial, and other non-residential activity, being the priority land uses in the Core CAZ is strongly supported and is consistent with other proposed changes.

WPA suggests that the final paragraph of Policy S18, relating to proposals for new commercial uses “being appropriate in terms of scale and intensity of use”, should be removed, as the objectives of the policy will lead to intensification of use in some locations and commercial uses are now proposed to be the priority land use within the Core CAZ.

Policy S20 – Office and other B1 floor space

WPA supports the intention to include targets for additional floor space within the Core CAZ, although it is essential that these remain minima to be exceeded (as drafted). The relationship between the 58,000 jobs referred to in Policy S20, and the 77,000 jobs referred to in Policy S18, should be explained.

As set out in our response to the Mixed Use and Office to Residential policy booklet, WPA considers that the proposed policy restricting the conversion of offices to residential, if it is to be introduced, should be applied to the whole of the CAZ, not just to the Core CAZ, Named Streets and Opportunity Areas. This is because if other parts of the CAZ, particular in Marylebone and Fitzrovia, are excluded from this policy, the pressure for office to residential conversion in these areas – which have substantial existing office accommodation – is likely to be further intensified.

Such areas would become the only relatively central parts of the City where office to residential conversion, especially of the period buildings that predominate in large areas of them, remained acceptable. This could significantly change their existing mixed use character and local sustainability.

WPA therefore suggests that the fourth paragraph be reworded as follows:

“Inside the Central Activities Zone and the Opportunity Areas changes of use from office to residential or replacement of office floor space with residential floor space will only be acceptable where...”

WPA also supports the use of a criteria based-approach for assessing when the loss of existing employment floor space will be acceptable. Additional criteria should be introduced to give weight to the likelihood of successful office re-use, and the potential townscape benefits of redevelopment.

We suggest adding the following two additional criteria:

4. **“... The likelihood of the existing building being successfully refurbished and redeveloped for office use;**
5. **The townscape benefits of redeveloping the existing building, especially where the existing building is unsightly or visually intrusive.”**

There are likely to be circumstances, especially in secondary office locations within the CAZ, where market conditions are unlikely to support the redevelopment of an existing office building. Often such buildings may be unattractive or have adverse effects on local conservation areas or listed buildings. These criteria would ensure that there was still scope to redevelop such buildings and realise the associated potential townscape benefits.

Policy CM47.1 – Land use swaps and packages

WPA supports the continued policy support for land use swaps, and for packages across multiple sites. Criterion 3 should be clear that there should be **“no net loss overall of floorspace which is protected by other policies in the plan across the sites,”** so that the policy is clear that protected floor space can be moved from one site to another as intended.

Policy should require that any residential accommodation should be of an acceptable quality. Criterion 5 should be amended accordingly. Use swaps can potentially make more efficient use of land; their use should not be discouraged by imposing more onerous requirements on them in terms of residential quality.

Policy CM47.2 – Credits

WPA continues to endorse the principle of mixed use credits. It recognises the importance of ensuring that any credit policy is simple and effective to encourage the early delivery of appropriate development. Used appropriately, credits can be a stimulus for development.

WPA welcomes the fact sites identified on the Housing Land Supply List or with extant planning permissions are no longer prevented from establishing credits although it maintains that inclusion of a site on the Proposals Sites list should not prevent a credit for that use being formed. Inclusion on the Proposals Sites list does not, in itself, make a site deliverable. It may be that the cross-funding that can be produced by credits could actually enable that site to be brought forward and delivered in the use indicated by the plan or delivered earlier than would otherwise occur.

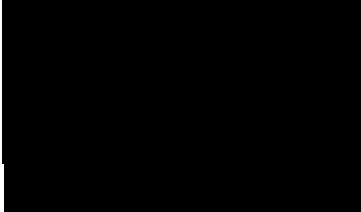
The nominal value established for the credit under A(2) should be indexed when used in a viability assessment under part B(3), to account for inflation. The value of the credit would, otherwise, erode over time.

Conclusion

WPA is grateful for the continued opportunity to engage on these key land use policies. It recognises the alterations that have been introduced since the previous consultation and continues support the broad policy direction on alterations to mixed use policy to incentivise commercial development.

If it would be helpful to discuss the content of this letter further, please do contact me.

Yours sincerely



Charles Begley
Executive Director
Westminster Property Association

Appendix 1 – WPA Suggested Replacement Policy S1

- A) No residential floor space will be required where proposals are either:
- i. outside Core CAZ, the Named Streets or Opportunity Areas; or
 - ii. within these areas and increase the amount of floor space by less than 30% of the existing building or less than 400sqm (whichever is the greater),
- B) Where proposals are in Core CAZ, the Named Streets or Opportunity Areas and increase the amount of floor space by between 30% and 50% of the existing building, and more than 400sqm, residential accommodation or an affordable housing payment should be provided.

The amount of residential accommodation required is equivalent to the lower of:

- i. The increase in B1 office floor space, less an allowance of 30% of existing B1 office floor space; or
- ii. The net increase in floor space in all uses, less an allowance of 30% of all existing floor space.

The requisite residential accommodation can be provided either:

- i. on-site;
- ii. off-site;
- iii. by mixed use credits (Policy CM47.2); or
- iv. by an affordable housing payment in lieu equivalent to the required residential accommodation (Policy XX.XX).

It is at the applicant's discretion which of i. – iv above they apply.

- C) Where proposals in Core CAZ, the Named Streets or Opportunity Areas increase the amount of floor space by more than 50% of the existing building and more than 400sqm, residential accommodation should be provided, in accordance with the cascade contained at i-iv, below.

The amount of residential accommodation required is equivalent to the lower of:

- i. The increase in B1 office floor space, less an allowance of 30% of existing B1 office floor space; or
- ii. The net increase in floor space in all uses, less an allowance of 30% of all existing floor space;

Applicants are required to demonstrate to the council's satisfaction that it is not appropriate or practicable to provide the floor space (in whole or in part) at each step of the policy cascade before they can move to the next.

- i. The required floor space will be provided on-site or in the immediate vicinity of the site.
- ii. The required floor space 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, including, in the case of the Victoria and Paddington Opportunity Areas, within that Opportunity Area.

- iii. The required floor space will be provided off-site (including through a draw down of mixed use credits in accordance with Policy CM47.2) elsewhere within the CAZ. The housing provided must be of an acceptable quality and a quantity equivalent, or greater, to that which 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 floor space (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 floor space on site."

Appendix 2
Mixed Use Policy Examples

Example 1

A 350sqm office extension is proposed to an existing office building of 1,000sqm.

The development uplift is 35% ($350/1000 * 100$).

No residential requirement is sought under S1(A) because the increase in floor space is below 400sqm.

Example 2

A 450sqm office extension is proposed to an existing office building of 1,000sqm.

The development uplift is 45% ($450/1000 * 100$).

Policy S1(B) therefore applies.

The increase in office floor space is 450sqm. From this, an allowance of 30% of the existing office area, 300sqm, is deducted ($1,000 * 0.3 = 300$). This leaves a requirement for 150sqm of residential to match the office increase.

In this scenario, the total increase under S1(B)(ii) would be the same as the office increase. In either case, 150sqm would remain to be matched by residential.

S1(B) requires that the relevant increase in office floor space be matched by residential accommodation on- or off-site, by credit, or by an affordable housing payment, at the developer's discretion.

Example 3

A 7,500sqm office extension is proposed to an existing office building of 10,000sqm.

The development uplift is 75% ($7,500/10,000 * 100$).

Policy S1(C) therefore applies.

The increase in office floor space is 7,500sqm. From this, an allowance of 30% of the existing office area, 3,000sqm, is deducted ($10,000 * 0.3 = 3000$). This leaves a requirement for 4,500sqm of residential to match the remaining office increase.

In this scenario, the total uplift under S1(C)(ii) would be the same as the office increase. In either case, 4,500sqm would remain to be matched by residential.

Under S1(C) the preference under the cascade would be for on-site residential. This could be satisfied, for example, by providing 2,250 sqm of space in the new building as residential instead of offices.

Example 4

A partial change of use to offices of a building currently principally in retail use, with some office space, is proposed:

	Existing	Proposed	Change
Retail	7,500	2,500	-5,000
Office	2,500	10,000	+7,500
Total	10,000	12,500	+2,500

The development uplift is 25% (2,500/10,000 *100).

No residential requirement is sought under S1(A) because the development uplift is below 30%.

Example 5

A partial change of use to offices of a building currently principally in retail use, with some office space, is proposed:

	Existing	Proposed	Change
Retail	7,500	2,500	-5,000
Office	2,500	11,500	+9,000
Total	10,000	14,000	+4,000

The development uplift is 40% (4,000/10,000 * 100).

Policy S1(B) therefore applies.

S1(B) / (C) provide that the residential requirement is equivalent to the lower of either the uplift in office floor space less an allowance of 30% of existing office floor space, or the uplift in total floor space less an allowance of 30% of total floor space is deducted. This is calculated as follows:

	A	B	C	D	E
Use	Existing	Proposed	30% allowance (A x 0.3)	Uplift (B - A)	Uplift less allowance (D - C)
Office	2,500	11,500	750	9,000	8,250
Total	10,000	14,000	3,000	4,000	1,000

Therefore the residential requirement is 1,000sqm, as this is lower than the equivalent office-only figure (8,250). This should be matched by residential accommodation on- or off-site, by credit, or by an affordable housing payment, at the developer’s discretion.

In this example, it follows that, had the office increase been larger and the total development uplift exceeded 50%, S1(C) would have applied, rather than S1(B). The residential requirement would have been larger although still calculated on the same basis.

Example 6

A significant expansion of a building principally in retail use, with some limited expansion in office use, is proposed.

	Existing	Proposed	Change
Retail	7,500	10,000	+ 2,500
Office	2,500	4,000	+ 1,500
Total	10,000	14,000	+ 4,000

The development uplift is 40% (4,000/10,000 * 100).

Policy S1(B) therefore applies.

S1(B) / (C) provide that the residential requirement is equivalent to the lower of either the uplift in office floor space less an allowance of 30% of existing office floor space, **or** the uplift in total floor space less an allowance of 30% of total floor space is deducted. This is calculated as follows:

	A	B	C	D	E
Use	Existing	Proposed	30% allowance (A x 0.3)	Uplift (B - A)	Uplift less allowance (D - C)
Office	2,500	4,000	750	1,500	750
Total	10,000	14,000	3,000	4,000	1,000

Therefore the residential requirement is 750sqm as this is lower than the office uplift. This should be matched by residential accommodation on- or off-site, by credit, or by an affordable housing payment, at the developer's discretion.

Example 7

A very significant expansion of a building principally in retail use, with some limited expansion in office use, is proposed.

	Existing	Proposed	Change
Retail	7,500	15,000	+ 7,500
Office	2,500	4,000	+ 1,500
Total	10,000	19,000	+ 9,000

The development uplift is 90% (9,000/10,000 * 100).

Policy S1(C) therefore applies.

S1(B) / (C) provide that the residential requirement is equivalent to the lower of either the uplift in office floor space less an allowance of 30% of existing office floor space, **or** the uplift in total floor space less an allowance of 30% of total floor space is deducted. This is calculated as follows overleaf:

	A	B	C	D	E
Use	Existing	Proposed	30% allowance (A x 0.3)	Uplift (B - A)	Uplift less allowance (D - C)
Office	2,500	4,000	750	1,500	750
Total	10,000	19,000	3,000	9,000	6,000

Therefore the residential requirement is remains at 750sqm as this is lower than the office uplift. This should be matched by residential accommodation with a preference for on-site provision, or provision within the immediate vicinity, in accordance with the cascade at S1(C).

Example 7a

As at Example 7, a very significant expansion of a building principally in retail use, with some limited expansion in office use, is proposed. Some residential is now proposed, to satisfy mixed use policy.

	Existing	Proposed	Change
Retail	7,500	14,250	+ 6,750
Office	2,500	4,000	+ 1,500
Residential	0	750	+ 750
Total	10,000	19,000	+ 9,000

The development uplift is 90% (9,000/10,000 * 100).

Policy S1(C) therefore applies.

S1(B) / (C) provide that the residential requirement is equivalent to the lower of either the uplift in office floor space less an allowance of 30% of existing office floor space, or the uplift in total floor space less an allowance of 30% of total floor space is deducted. This is calculated as follows:

	A	B	C	D	E
Use	Existing	Proposed	30% allowance (A x 0.3)	Uplift (B - A)	Uplift less allowance (D - C)
Office	2,500	4,000	750	1,500	750
Total	10,000	19,000	3,000	9,000	6,000

Therefore the residential requirement remains at 750sqm, as this is lower than the office uplift.

This has been matched by the residential provided within the proposed development, in accordance with the cascade at S1(C) and there is no further requirement under mixed-use policy.

Appendix 9: Joint working

LONDON'S BUSINESS IMPROVEMENT DISTRICTS

Rt Hon Eric Pickles MP
Secretary of State
Department for Communities and Local Government
Eland House
Bressenden Place
London SW1E 5DU

10th March 2015

Dear Secretary of State,

London has a serious housing shortage – no one would deny that. But creating space for new homes should not come at the expense of the jobs and business opportunities that draw people to London in the first place. A thriving London is absolutely crucial to the improving economic performance of the UK, which is why we **37** Business Improvement Districts (BIDs) are working together to campaign on a key issue that is fundamentally threatening the vibrancy of our local high streets and is significantly damaging commercial activity across the nation's capital.

There are currently 41 BIDs in London. In 2013, when there were only 32 BIDs, BID areas included more than 7.6% of London's firms and 11.3% of London's total employment.

As part of its strategy for tackling the housing shortfall, the Government reformed the planning system to create greater flexibilities for the conversion of certain types of office space into residential property. Between May 2013, when the extension of this Permitted Development Right (PDR) was granted, and July 2014, 2,000 prior approval applications for office to residential changes of use were received in London. This is the equivalent of around 17,000 homes.

However, growing evidence suggests that this is coming at the cost of local jobs and small businesses. The Greater London Authority estimates that four million square metres of office space could be at risk because of the PDR extension, which could mean the loss of up to 340,000 jobs across the capital.

- In the London Borough of Camden, 2,500 jobs have already been lost as a result of office space being converted to homes and small businesses being 'turfed out' of the neighbourhood.
- In the City of Westminster there has been a net loss of 167,000 sq. metres of office space to other uses, 75% of which was to residential.
- Despite also being in the CAZ, London Bridge is shortly to lose Fielden House (3,500 sq. metres of office commercial space) and Capital House (4,079 sq. metres of education support facilities.) This represents roughly 700 jobs located in these spaces over 10 businesses.
- Connect House in Mitcham is being transformed into residential units at the expense of a large SME community.
- 2,705 sq. metres of office space in Burford Rd, Stratford E15, containing 23 SMEs is under threat.
- In Bermondsey, decreasing office space available means that landlords are increasing rents in what space is available, in some instances by 75%.

There is no guarantee that the additional housing created through the PDR extension is accessible to those who need it most, as there is no requirement to provide affordable housing contributions. Furthermore, developers have a financial incentive to convert the very best office space available, such as commercial property in key business hubs with good transport links and amenities. This means that the problem of vacant commercial premises will remain. And given the complex nature of ownerships and market conditions it is reasonable to assume that this is permanent change and that this stock will never be returned to office use.

As BIDs that are democratically appointed by local businesses in London to make neighbourhoods better for living and working, we are concerned that the PDR extension is taking decision making about the

economic and social make-up of communities out of the hands of local people, local representative bodies, and local partnerships. Therefore:

‘We call on this Government and the next Government to implement and maintain a full exemption for Greater London from the office to residential PDR, and to explore more sustainable and effective options for new homes that are affordable and do not cost local jobs.’

Yours sincerely,

[Redacted signature]

Simon Pitkeathley, Chief [Redacted] **Town** Unlimited & Chair, GLA BIDs Advisory Group
37 Camden High Street, London NW1 7JE, 020 7380 8260, simon@camdentownunlimited.com

On behalf of London’s Business Improvement Districts:

Ilker Dervish, Chair, **London Riverside** BID & Chair, GLA Industrial Estates Advisory Group

Richard Dickinson, Chief Executive, **New West End** Company

Sarah Porter, Chief Executive, **Heart of London** Business Alliance

Ruth Duston, Chief Executive, **Northbank** and **Victoria** BIDs

Ted Inman, Chief Executive, **Southbank** Employers’ Group

Peter Williams, Chief Executive, Better **Bankside**

Giles Semper, Executive Director, **Vauxhall One**

Nadia Broccardo, Chief Executive, Team **London Bridge**

Kay Buxton, Chief Executive, **Paddington** Now

Penny Alexander, Chief Executive, **Baker Street** Quarter Partnership

Lee Lyons, BID Manager, **Fitzrovia** Partnership

Ann Hunter, Chief Executive, **Ealing Broadway** BID and **West Ealing** BID

Christine Lovett, Chief Executive, **Angel** AIM

Colin Newton, Chairman, **Kimpton** Industrial Park (Kippa) BID

Tass Mavrogordato, Chief Executive, **inMidtown**

Cathy Low, Project Director, **Stratford** Renaissance Partnership

Graham Willins, Secretary, **Willow** BID

Rai Holdstock, Chair, **Ilford** BID

Helen Clark Bell, BID Manager, Love **Wimbledon**

Ross Feeney, Chief Executive, Successful **Sutton**

Patricia Bench, BID Director, **Hamersmith** BID

Matthew Sims, Chief Executive, **Croydon** BID

Ros Morgan, Chief Executive, **Kingston** First

Simon Cripps, Chairperson, **Purley** Business Association

Judith Roscoe, BID Coordinator, **Garratt Business Park**

Russell Dryden, BID Manager, Blue **Bermondsey**

Ken Burgess, Chair, **New Addington** BID

Chris Wyles, Chairman, **Hainault Business Park**

Elly Foster, Chair, **Brixton** BID

Amanda Faul, Deputy CEO, **Waterloo** Quarter BID

Andy Stubbs, Chief Executive, **Harrow** Town Centre BID

Fawaad Shaikh, Operations Director, **E11** BID

Jeremy Keates, BID Manager, This is **Clapham**

CC.

Dr Vince Cable MP, Secretary of State for Business, Innovation and Skills

Boris Johnson, Mayor of London and Chairman of the London Enterprise Panel

Brandon Lewis MP, Minister of State for Communities and Local Government

Planning Consultation Team
Department for Communities and Local Government
1/H3 Eland House
Bressenden Place
London SW1E 5DU
Sent Via Email: planning.consultation@communities.gsi.gov.uk

28 September 2014

Dear Sir/Madam,

Technical Consultation on Planning

The Westminster Property Association (WPA) is grateful for the opportunity of responding to this consultation paper.

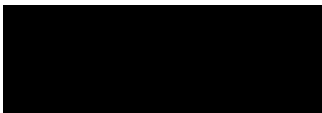
The WPA was established 25 years ago and with over 200 members we are the representative body of the property industry in the City of Westminster. Our membership is made up of all the major owners, developers, investors and professional advisors of real estate in Central London. Visit www.westminsterpropertyassociation.com

Question 2.5

We have seen both Westminster City Council response and the joint response from the Mayor of London, British Property Federation, Planning Officers Society London and London First to this question regarding permitted development rights for change of use from office (B1a) to residential (C3) and fully endorse their collective positions. We are strongly of the opinion that the current exemption for Central Activity Zone (CAZ) should be continued post May 2016 for the reasons set out in their respective responses. It is vital that we continue to protect the most strategic office floorspace in London to provide for long term economic and employment growth in this world city.

We trust this response will be taken into consideration.

Yours sincerely



JACE TYRRELL
Executive Director

Save Soho Campaign Response to Government Consultation Feb 2015

Objections with regard to Government policy relating to the change of use concerning previous office usage into residential units

We strenuously object to the current policy of allowing commercial premises to convert to residential usage. We find the premise this is based on has not taken into consideration the very real consequences this has on already existing premises with regards to specifically Music and entertainment venues that are already established, with residential units being either placed above or beside such venues it allows for the developers to create conditions using current enforcement legislation to force the existing business either to ruinous expense in relation to sound proofing such a venue or in the worst case forcing their closure. It seems to us that this is grossly unfair and a curtailment of an established venue by a developer who in the past would have been unable to change the usage of commercial properties without local government approval.

This is especially pertinent to Soho that is world famous for its venues, bars, restaurants and clubs that make up the fabric and define the area, rather than new residential developments that are now being proposed which are above these premises, which prior to the government policy change would remain as offices for this very reason.

To allow developers to change the usage into residential with no consultation and then allow them to object to noise from existing venues and to allow enforcement of legislation seems to be destroying the very unique character and spirit that is Soho. It also allows for the development of these venues into residential properties by exploiting this.

With trepidation for the future.

The Save Soho Committee

Stephen Fry, Actor and writer – Chairman

Tim Arnold, Singer Songwriter – Founder of Save Soho (Soho resident)

Guy Hamilton, Partner at BHB Agency Ltd – Founder Member

Benedict Cumberbatch, Actor – Founder Member

Colin Vaines, Film producer (Soho resident)

Alexander Parsonage, Theatre director

Howard Raymond, Chairman of Raymond Estates



[Tom Harvey](#) [Become a fan](#)
CEO of SohoCreate

How To Save London's Soho

Posted: 11/12/2014 17:02 GMT Updated: 10/02/2015 10:59 GMT

It's been fascinating and heart warming to see the extent of the protest at the temporary closure of Madame JoJo's club in London's Soho. The clubs Trannyshack and Burlesque nights are already Soho legends, epitomizing the area's diversity, edge and love of extravagant live entertainment. We look forward to their return.

It's interesting to go back in time and look at the obituaries for other clubs that have had a hedonistic reign in Soho: Billy's, Blitz, Gossips, [The Wag](#), The Colony Rooms. What we see is an equal outpouring of sorrow at their departure and a wave of nostalgia about the 'old Soho'.

With the disappearance of these legendary clubs, are we watching the slow death of Soho as many in the [recent press](#) would have us believe? Or is it just more creative churn in the history of this extraordinary place?

I am interested in the creative future of Soho, so I am keen to understand the facts and complexity of what is really going on.

I have worked in Soho on and off most of my professional life. I now run [SohoCreate](#), a new creative festival for London, put in place to champion the gorgeous, mouthy, glossy entertainment capital of the country. It's a place where there are four workers to every resident - A quarter of Soho's entire workforce, earn a living in the theatres, galleries, design and effects companies, ad agencies and fashion houses that make up this most creative square mile in the world.

Soho's creative credentials began 450 years ago when the first Huguenot refugees and crafts people were welcomed to this neighbourhood in the heart of London. Its creative life has been well documented, from the early performances of Jagger, Hendrix and Daltry to the birth of Spandau Ballet; from the place Dickens wrote Tale of Two Cities to the place television was invented. Soho's creative companies now win an average of two Oscars a year and are responsible for 20% of London's new creative jobs. Their collective turnover: £7.5billion.

In light of those extraordinary statistics, why is the narrative of Soho's decline so enduring?

Partly because Soho is to some extent, a myth itself. As Ian Board of the long departed (and much mourned) Colony Rooms said of Soho "It isn't what it used to be, but it never was what it was." Soho's seedy, sexy, taboo and often violent history makes it a great place to get nostalgic about. For many, Soho is hardwired into memories of their youth, the clubs, the all night drinking, the sex workers. For a large proportion of Londoners, past and present, thoughts of Soho still quicken the heart.

The narrative also endures because we love a good polarized story. The bad guys in this narrative are mostly the agents of change, the developers, landlords and council. The good guys are the low- and high-life good-timers, the drinkers, actors, singers and performers, reeling home in the early hours, arm-in-arm through their own rainy streets.

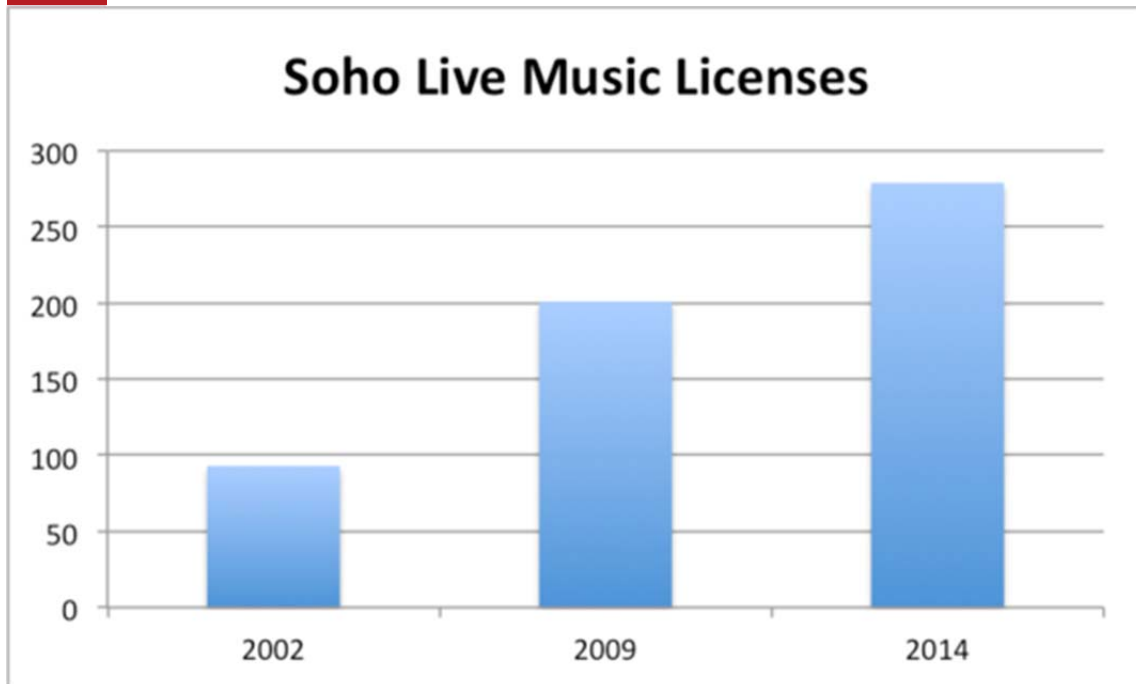
And of course, let's be clear, we hate the changes happening because we happen to hate change.

There are elements of truth in all the wringing of hands and outrage at the changing face of Soho, all triggered by the Madame JoJo's incident. Soho's glorious creative past and present is very definitely at risk. But the risks are many and complex, sadly not black and white at all.

Many critics have cited the developers and landlords as the enemy. We work closely with both Shaftesbury PLC and Soho Estates, two of the larger property owners in Soho. Indeed they are both supporters of our SohoCreate festival. I am therefore biased but also informed. Both companies care immensely about Soho and its creative future. Neither company is encouraging chains to move into Soho; both companies work hard to develop the place in keeping with its long history in fashion, entertainment and performance.

Soho Estates' plans to develop the building housing the current Madame JoJo's have been through the normal consultation process and approvals over the last two years. The refurbished building contains two nightclubs and a brand new performance space for Soho. Hardly a development that would be put forward by a company intent on profiting from ending Soho's entertainment tradition.

The dark star is also not Westminster City Council. I have found the team at Westminster City Council to be energetic champions of the creative industries, doing all they can to grow and protect the creative sector in Soho. Far from an intention to close live venues the trend is to licence more. This is evidenced by the fact that the number of Live Music Licenses has risen by 39% in the last five years.



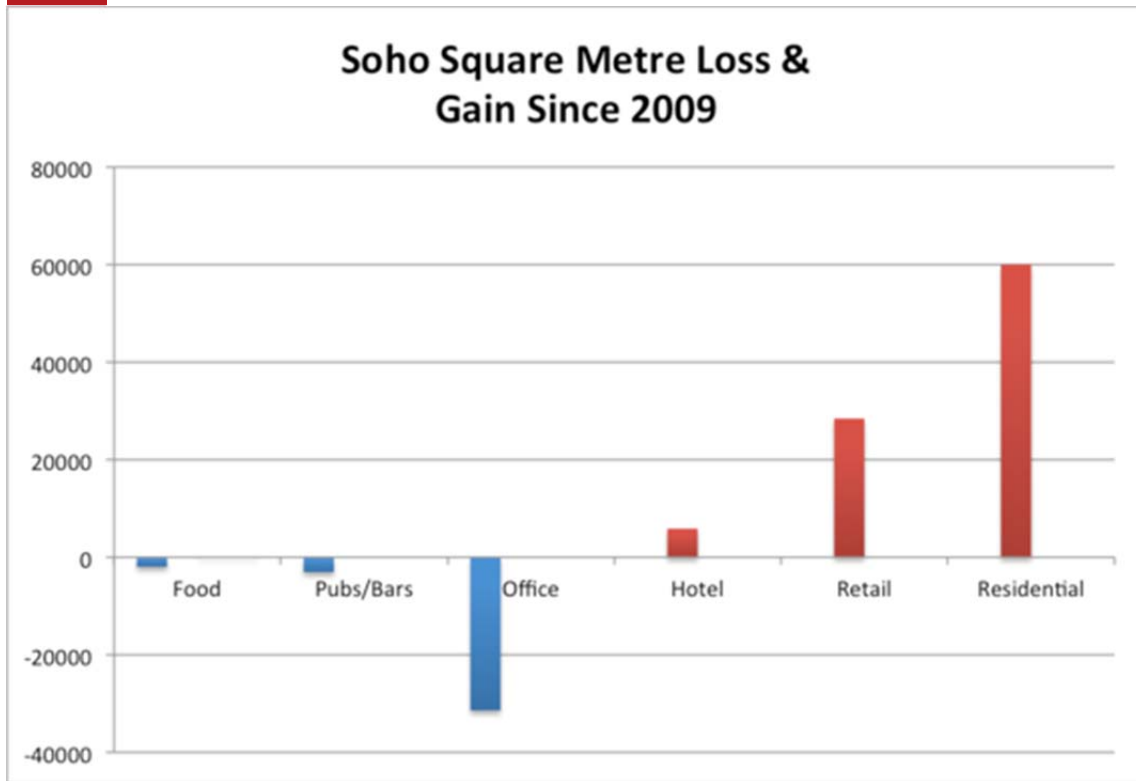
Now councils are notoriously fickle and larger ones often struggle to unify approaches across every department. But this joining up of a strategy for Soho across Westminster City Council is a key aim and opportunity for us all.

Here is the real issue.

Like many cities around the country - including Manchester, Liverpool, Leeds and Newcastle - London is at risk of hollowing out its vibrant and creative centre. As property prices inevitably rise around the country, even with low economic growth, the people who live and work in small creative spaces in our city centres can no longer afford to live and work there. A free market, without intervention, favours capital. If we fail to act, our artists will all live and work outside our cities and our performers will all commute into the clubs and theatres. As musician Tim Arnold and his celebrity supporters point out in their letter to Boris Johnson that [appeared in the Times](#), we are all keen to prevent this happening, not just in London, but across the country.

The problem arises partly from the government emphasis on residential housing. As with many positive action policies there are unintended consequences. All over the country, small office spaces, perfect for creative companies are being converted into residential.

In the last five years in Soho over 30,000 sq. metres of office space has been lost against 60,000 sq. metres of residential space gained. That's over 500 flats created and over 3,000 creative working spaces lost. As much as £500million of creative industry turnover lost to Soho, a significant dent.



This is highly counterproductive. Very little of the housing created in Soho is affordable for most residents of the UK; it also takes potential creative space out of the market for 100 years.

I have spoken to Soho Estates on exactly this topic and here is their response -

Soho Estates remains keen to champion the cause of office retention in the area. The unnecessary imposition of residential use flies in the face of our business strategy. The last thing we wish to do is create luxury flats for sale to an overseas market. Current planning policy favours others with a short term view to do just that, thereby reducing the availability of space for the creative industries keen to base themselves in this fantastic part of London

As club owner Alex Proud pointed out in his article appearing in [The Telegraph](#), high end residential can easily push out entertainment as well as business, as residents object to late licensing and club life outside their front doors.

We all want to protect Soho's character and reputation as a proving ground for new creative companies and performers. But we should be aiming at protecting its extraordinary status as the most creative square mile in the world with special planning status, not by trying to halt its development and evolution.

We need to have much more granular and local strategies for the creative development of our inner cities. Local authorities must be allowed more control within planning regulations over what these strategies are.

The real danger for Soho is a lack of unity amongst the different groups who care immensely about the place. Intervention is required and protection needed, but polarizing debate is seldom helpful and unlikely to generate solutions.

But then "All aligned on special planning status for creative square mile" is not nearly as juicy a story as: "Club closes - Soho over". Just like managing change in a complex environment is not as sexy as "developers gentrify Soho."

These are difficult times. There is not a conspiracy to destroy Soho. There is instead a powerful belief in its endearing greatness and a desire to build on that and keep it exciting, edgy and relevant. If we can do this together, we will help to keep UK creativity the best in world. If we fail, then we will be waving goodbye to much more than Madame JoJo's.

Follow Tom Harvey on Twitter: www.twitter.com/SohoCreate

Screen shots from Save Soho Campaign website

The screenshot shows a web browser window with the following elements:

- Browser Tabs:** Save Soho, London's first ever su..., Next generatio
- Browser Address Bar:** com/
- Browser Menu:** Tools Help
- Browser Bookmarks:** loyee Self-Service Por..., UNIT4 Agresso, CP Rev, NPPF, Communication Centre H..., SofD, http--committees.w
- Page Title:** CHANGE NATIONAL PLANNING FRAMEWORK
- Metadata:** FEBRUARY 25, 2015, TIM, 3 COMMENTS
- Text:**
 - Dear Save Soho supporters
 - The Good news
 - Since the Mayor voiced his concerns about the government's permitted development rights, Westminster are now consulting on changes to their Local Plan to try and safeguard some of their office space. The consultation ends in 2 days.
 - You and I have until this Friday to put in objections on the government's National Planning Framework. This is the legislation that is currently threatening all bars, clubs, entertainment venues and creative spaces in Soho.
 - HOW YOU CAN HELP
 - Please write a letter of objection to the Government's new Permitted Development Rights. These rights are at the heart of what is threatening the character and spirit of Soho.
 - Send your objection to: planningpolicy@westminster.gov.uk
 - Please see our own letter of objection below
 - [More information](#)
 - The time is now.
 - Save Soho





City of Westminster

Westminster City Hall, 64 Victoria Street, London SW1E 6QP
Planning policy helpline: 020 7641 2503
www.westminster.gov.uk/revision-westminsters-city-plan

Integrated Impact Assessment

Submission Draft (Regulation 22) Mixed Use Revision



Non-Technical Summary

This Integrated Impact Assessment (IIA) report documents the assessment of the predicted social, environmental, economic, health and wellbeing, crime and disorder and equalities effects of the Mixed Use Revision to Westminster's City Plan. It is intended to identify the nature and importance of these effects, and the need for any additional measures to mitigate them, to help ensure the City Council takes a properly informed decision on the proposed Revision.

The IIA fulfils the requirement for a Sustainability Appraisal (SA) and Strategic Environmental Assessment (SEA). It also provides the basis for the council to demonstrate that it has considered the equalities impacts of its decisions as a step in meeting the Public Sector Equalities Duty imposed by section 149 of the Equality Act 2010. The IIA also considers crime and disorder matters in accordance with The Crime and Disorder Act 1998 (as amended by the Police and Justice Act 2006) and again will provide the basis for the council to demonstrate it has met its duties under this legislation. Although not a statutory requirement, a Health Impact Assessment has also been included in this IIA as a matter of good practice. This is intended to help ensure that so far as possible, policies actively promote health gain for the local population, reduce health inequalities and do not actively damage health. This is particularly important in light of the Health and Social Care Act 2012 which transferred statutory responsibility for public health to local authorities.

The integrated approach avoids the need to undertake and report on separate assessments, seeks to reduce any duplication of assessment work and benefits from a shared understanding of the policies across the different cross-cutting issues assessed and a more comprehensive approach.

The IIA is part of a process intended to show how sustainability and other cross-cutting issues have been taken into account by the City Council in drawing the policy up and taking it through the legal process for formal adoption.

What is the Mixed Use Revision to Westminster's City Plan?

There are seven separate revisions to Westminster's City Plan as follows:

1. Basement Revision to Westminster's City Plan
2. Vacant Building Credit Revision to Westminster's City Plan

3. Special Policy Areas and Policies Map Revision to Westminster's City Plan
4. Mixed Use Revision to Westminster's City Plan
5. Energy Revision to Westminster's City Plan
6. Revision to Westminster's City Plan (all remaining policies except waste)
7. Waste Revision to Westminster's City Plan

This IIA is in connection with Revision No. 4. - Mixed Use.

How was the Mixed Use Revision to Westminster's City Plan Assessed?

The assessment of the Mixed Use Revision to Westminster's City Plan has been undertaken using an objectives-led approach. The IIA objectives (shown below) have been informed by the baseline evidence, the consideration of key sustainability issues for Westminster and the review of plans and programmes. It has built on objectives identified within previous IIAs. Each objective is supported by a series of guide questions (see Table 2 on P.23). All of this information was set out in the IIA Scoping Report prepared to support revision of Westminster's City Plan, which was consulted on between 17 June and 30 July 2014 and can be viewed [here](#).

IIA Objectives

1. To create cohesive, inclusive and safe communities
2. To reduce crime and the fear of crime
3. To ensure provision of appropriate housing types to reduce homelessness, reduce overcrowded households and meet the demand for affordable housing and family sized units
4. To promote and improve health and wellbeing
5. To reduce greenhouse gas emissions and support climate change adaption
6. To reduce the use of limited natural resources e.g; water, fossil fuels, quarried materials, wood
7. To reduce flood risk, promote sustainable urban drainage, protect surface and groundwater quality

8. To protect, enhance and create environments that encourage and support biodiversity
9. To improve Air Quality
10. To reduce noise and the impact of noise
11. To reduce the need to travel, the use of private motorised vehicular transport as well as encourage walking, cycling and the use of public transport
12. To reduce waste production and increase recycling, recovery and re-use of waste
13. To conserve and enhance the historic environment and architectural, archaeological and cultural heritage
14. To enhance public realm and street improvements
15. To protect, enhance and seek opportunities to increase open space
16. To ensure equality of opportunities, and support sustainable economic growth throughout Westminster
17. To maintain economic diversity and support sustainable economic growth

In this report, the Mixed Use Revision to Westminster's City Plan has been assessed against these 17 objectives and given a positive, neutral or negative score with a commentary.

The IIA process has run alongside developing Westminster's City Plan. As well as assessing the policy itself, the legislation and associated guidance requires the assessment of reasonable alternatives to the policy being proposed by the City Council. These alternatives have been informed by previous informal, and formal, consultation exercises carried out as part of policy development as follows:

- [City Management Plan Policy Options January 2011](#)
- [City Management Plan Consultation Draft November 2011](#)
- [Mixed Use and Office to Residential Conversions December 2014](#)
- [Mixed Use Revision Publication Draft \(Regulation 19\) July 2015](#)

In addition, comments received in response to consultation which can themselves be considered to be reasonable alternatives have also been assessed.

Where policies have not been through this process reasonable alternatives have been derived using adopted policies in Westminster's City Plan: Strategic Policies and by setting out other scenarios.

The issue

There is an insatiable demand for every type of floorspace within the central part of Westminster (known as the Central Activities Zone (CAZ)) from its internationally important agglomerations of commercial activities and functions to its residential communities.

Managing Westminster's CAZ is all about balance for both commercial and residential uses. The council wishes to maintain and enhance the preeminent role of Westminster's CAZ in terms of an internationally important business location to accommodate a broad mix of uses, but the balance between residential and commercial uses need to be carefully managed to ensure that the core strategic and commercial function can continue to thrive.

The Mixed Use Revision contains policies to try and achieve this balance and work to and achieve targets for new jobs. The council also has housing targets to meet and there will be separate policies for this matter to be included in the Revision to Westminster's City Plan (all remaining policies except waste), but for the purposes of this Revision residential use will grow alongside significant expansions in commercial floorspace as part of a mix of uses. Land use credits enable development to be brought forward early which can then meet policy requirements of a later scheme.

Mixed Use Revision to Westminster's City Plan

The following have been assessed in this IIA Report:

Westminster's Strategic Objectives

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.

4. To increase the supply of good quality housing to meet Westminster's housing target, and to meet housing needs, including the provision of affordable housing and homes for those with special needs; **whilst ensuring that new housing in commercial areas coexists alongside the business activity and an appropriate balance of uses is maintained.**

5. To manage the pressures on the city from its national and international roles and functions, **supporting** business communities and tourism, and ensuring a safe and enjoyable visitor experience.

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;

- i. Core CAZ,
- ii. the Named Streets, or
- iii. Opportunity Areas,

no residential floorspace will be required.

Within these areas, where proposals increase the amount of floorspace by;

- i. less than 30% of the existing building, or
- ii. less than 400sqm; (whichever is the greater),

no residential floorspace will be required.

B) Where proposals are in;

- i. Core CAZ,
- ii. the Named Streets, or
- iii. Opportunity Areas, and

increase the amount of floorspace by between 30% and 50% of the existing building, and more than 400sqm, **residential floorspace or an equivalent payment in lieu will be provided.**

The residential floorspace required is equivalent to the net gain in B1 office floorspace less 30% of the total net additional floorspace. Where the net gain in B1 office floorspace is less than 30% of the total net additional floorspace, no residential will be required. The residential floorspace can be provided:

- i. on-site,
- ii. off-site, or
- iii. by mixed use credits (Policy CM47.2).

It is at the applicant's discretion **whether they wish to provide a payment in lieu or residential floorspace, and where residential floorspace is provided,** it is at the applicants discretion which of i, ii, or iii above the apply.¹

C) Where proposals are in;

- i. Core CAZ,
- ii. the Named Streets, or
- iii. Opportunity Areas, and

¹ The following text has been deleted from Policy S1(B) “ 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 ... ; 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).”

increase the amount of floorspace by more than 50% of the existing building and more than 400sqm, **residential floorspace will be provided.**

The residential floorspace required is equivalent to the net gain in B1 office floorspace less 30% of the total net additional floorspace. Where the net gain in B1 office floorspace is less than 30% of the total net additional floorspace, no residential will be required. Where the net gain in B1 office floorspace is between 30% and 50% of the total net additional floorspace, B) above is applied.

~~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) **Where proposals are in;**

- i. Core CAZ,
- ii. the Named Streets, or
- iii. Opportunity Areas,

and involve;

- 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, 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 S6 Core Central Activities Zone

The Core Central Activities Zone (Core CAZ) is an appropriate location for a range of commercial and cultural uses and complimentary residential use, subject to the following priorities:

- Supporting strategically important clusters of uses consistent with enabling the growth and evolution of places to ensure **that the area retains its globally important function reputation of the area as a business location. is retained and enhanced.**
- Retail floorspace is encouraged throughout the area. Large scale retail development will be directed to the West End International Shopping Centre's Primary Shopping Frontages, the CAZ Frontages and the Opportunity Areas, with smaller-scale retail development also to its other shopping centres. Development within the Knightsbridge Primary Shopping Frontage will support the character, function and vitality of the wider International Shopping Centre within the Royal Borough of Kensington and Chelsea.
- Within the West End Stress Area, new entertainment uses will only be allowed where the council considers that they are small-scale, low-impact and they will not result in an increased concentration of late-night uses.
- Development sites within the Millbank Strategic Cultural Area between Lambeth and Vauxhall bridges will deliver a mix of uses including those that support culture and the creative industries - including arts and cultural uses, affordable business floorspace, workshops and studios; and

- Berwick Street market will be protected and the use of Rupert Street for specialist seasonal market trading will be supported.

Where retail developments fronting the Primary Shopping Frontages result in the requirement to provide residential floorspace, the residential floorspace may be provided off-site in the vicinity rather than on-site, where the council is satisfied that off-site provision would better contribute to the vitality of the West End Special Retail Policy Area or Knightsbridge International Shopping Centre.

Optimising Housing Delivery Reasoned Justification and Appendix 4: Housing Delivery

Reasoned Justification

To achieve and exceed Westminster's housing targets it is necessary to protect existing housing and bring forward new housing as appropriate across the city. This means that schemes which retain or increase the overall housing floorspace should not reduce the number of residential units as this would reduce the number of homes in the city. Affordable housing is an exception as Westminster's own housing stock is dominated by one and two bedroom units; whilst need is focused on two and three bedroom units. Formerly converted houses which would provide family-sized homes will also be an exception because of the shortage of family homes with gardens in the city and the benefits such 'de-conversion' would bring to providing a range of accommodation. This also creates a flexibility and sustainability within the housing stock for different sizes and types of accommodation to be provided throughout a building's lifetime.

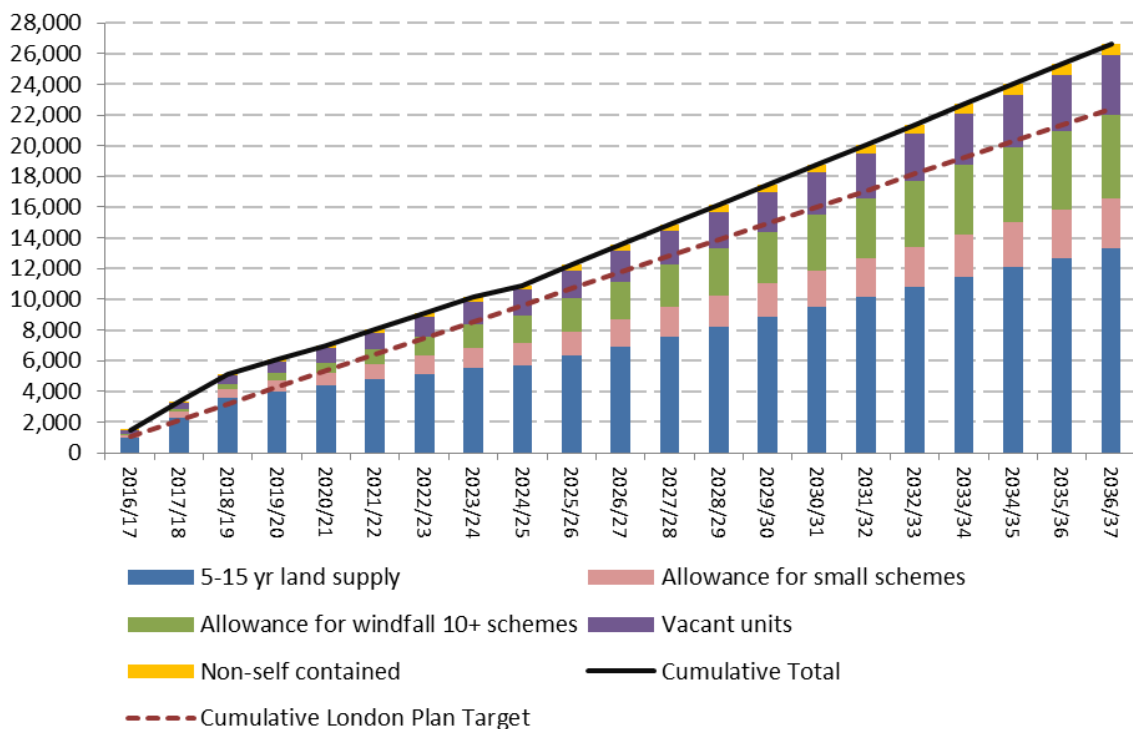


FIGURE 37 WESTMINSTER'S HOUSING TRAJECTORY

Westminster will be able to meet the London Plan target of **1,068 units from all sources**.

This graph is based on the 15 year Land Supply Assessment **2016/17-2036/37** included in the **Annual Authorities** Monitoring Report 2010/11, plus an allowance for windfall sites of 10 or more units and an allowance for sites yielding 1-9 units. **Figures beyond 2028/29 are based on estimates based on past delivery of non-conventional sources and development capacity.** It also includes sources of non-conventional housing: bringing vacant homes back into use and non-self contained housing. Westminster has local circumstances which justify including an allowance for windfalls and smaller sites, and that these can legitimately be included in the trajectory as set out in the spatial strategy. The justification is set out in Appendix 4, **(Note: This is set out as Appendix 7 to this IIA Report)** and is based on the following:

The 15 year Land Supply Assessments include sites which are expected to deliver 10 or more residential units. However, 93% of housing sites in the city yield less than 10 units, and these small sites have yielded about 25% of new homes in the city.

Historically, windfalls have accounted for 80% of housing delivered in the city. However, the 15 year Land Supply Assessments will now capture many of these sites **and there will be less 'windfalls' from the loss of offices** so a far lower figure needs to be projected into the future.

The inclusion of these windfall and small sites allowances reflects the advice in the National Planning Policy Framework as such sites have consistently come forward and will continue to provide a reliable source of housing. It is based on new development and conversions, and does not rely on development of residential gardens. The 5 year housing land supply includes an additional 5% buffer to ensure choice and competition, although as most sites in Westminster are available for housing, this will include an element of windfalls as set out above.

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.

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 77,000 new jobs 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, there are residential streets and areas within CAZ where commercial encroachment is not appropriate.**

Policy S20 Offices and other B1 Floorspace

The council will work to achieve and exceed the target of additional **B1 Office** floorspace capacity for 58,000 new jobs between 2016/17 and 2036/37^[1], 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, taking into account:

1. 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;
2. the contribution of the office floorspace to meeting business and employment needs; and
3. the mix of type, size and tenure of housing proposed.

Where 3) above is not met due to site constraints and/or viability, the floorspace will be retained as B1 office.

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

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:

1. the sites are in the vicinity of each other;
2. the mixed use character of the immediate area is secured at a fine grain;

^[1] This target is based a) on the average office floorspace projections taking into account forecast employment and past stock growth, and assuming an occupation rate of 9sqm per employee and b) securing 49% of the employment growth target set out in Policy S18 in office-based employment. Both of these assessments are based on the London Office Policy Review 2012 Update, and both methods suggest a target of 58,000 jobs.

3. there is no net loss of floorspace which is protected by other policies in the plan **across the site taken as a whole;**
4. the uses are appropriate within each area and there is no loss of amenity resulting from the introduction or intensification of a use into an area;
5. any residential accommodation is of a higher quality than could have been achieved without the land use swap or package;
6. the applications for all sites are submitted at the same time and all elements of the scheme are completed within a time frame agreed by the City Council.

This policy does not prejudice the application of any other policies in the plan, and requirements for floorspace to be provided must be met in full.

If agreed, the sites subject to the land use swap or package will be treated as though the development is on a single site, including for consideration of viability.

Applications must be accompanied by a full schedule of the existing and proposed floorspace including the following:

1. the floorspace of each use (Gross Internal Area) proposed for each site, and for all of the sites taken as a whole;
2. in the case of residential floorspace, the breakdown of floorspace provided in accordance with 1. (immediately above) by the tenure, unit floorspace, and the number of bedrooms of each unit , and the total floorspace for all of the sites taken as a whole;
3. details of any draw downs of credits in accordance with Policy CM47.2
4. calculations of any floorspace shortfalls being met from Payment in Lieu.

Policy CM47.2 Credits

A) Registering Credits

In addition to Policy S1 in the case of mixed use credits, credits must:

1. be agreed as a credit at application stage and registered as a credit at the time of permission being granted, or have been granted permission prior to [revision adoption date] and have not been implemented;

2. establish a nominal floorspace value for the affordable housing credit in agreement with the council, with each credit equating to 1 sqm;
3. fund the development and maintenance of a credit monitoring database which will be the definitive list of credit sites;
4. not be listed in Appendix 1 Proposals Sites with that use as a Preferred Use;
5. comply with the following policies;

Residential Mixed Use Credits	S14 Optimising Housing Delivery; Policy S16 Affordable Housing excluding Payments in Lieu; CM16.1 Meeting the Range of Affordable Housing Needs; and CM14.1 Housing Quality
Commercial Mixed Use Credits	S18 Commercial Development; S19 Inclusive Local Economy and Employment; and where relevant S21 Retail

In considering if a proposal should be agreed as a credit scheme, the council will take into account the scheme's location, scale and quality and in the case of residential floorspace, the type, tenure, mix and number of units to be provided and the type, tenure and mix of uses/housing in the local area.

B) Drawing Down Credits

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

1. They must be drawn down within 7 years of registration;
2. The floorspace registered by the credits must be completed, and the completion certificate provided to the council;
3. The nominal value referred to in A) 2. above must be used in any viability assessment for the host scheme;
4. Credits may be pooled from more than one credit scheme, or used in combination with on-site, off-site or payment in lieu provision;
5. The credits must be available for draw down, as follows;

- i. Credits are allocated to a host scheme at the time the planning application is submitted for the host scheme. After this, they will not be available for any other host scheme until they are released.
- ii. To release credits the council must be notified in writing that:
 - a) the host scheme planning application has been refused and the time for an appeal has expired, or an appeal dismissed;
 - b) the host scheme planning application has been withdrawn;
 - c) the host scheme has been superseded by an alternative host scheme and the credits are transferred to the latter scheme;
 - d) the host scheme has been superseded by an alternative scheme that does not use the credits; or
 - e) the host scheme planning permission has expired.
- iii. Credits can only be drawn down once, and the credit has been drawn down when the council is notified in writing that the host scheme is completed.

What were the key findings of the IIA?

Mixed Use Revision to Westminster's City Plan

Appendix 5 of this report contains the detailed assessments and associated considerations for the Mixed Use Revision to Westminster's City Plan for Strategic Objectives 1, 4 and 5, Policies S1, S6, S18, S20, CM47.1, CM47.2 and for additional wording to the text and reasoned justification for S14 and changes in Appendix 4: Housing Delivery (*Included as Appendix 7 to this IIA Report*). A summary of the assessments are as follows:

Strategic Objective 1

This strategic objective is mainly neutral but has positive scores for the sub-criteria in objectives 4, 11, 13, 16 and 17. All sub-criteria are positive for Objective 17 as the strategic objective primarily seeks to accommodate economic growth and change. The impact is considered to be both short term and long term and the cumulative impact is most likely to be for Objective 16 in terms of reducing unemployment.

Strategic Objective 4

This strategic objective is neutral overall. It has positive scores for objectives 1, 3, 4, 10, 11 and 17. It receives positive scores for all sub-criteria in objectives 3 and 17. However, it has negative scores for 3 because housing will no longer be the priority across Westminster and will be balanced against the commercial activity in Westminster's commercial core. This is balanced by gains in employment and workspace, and potential reduction in conflicts between residents and businesses e.g. noise.

Strategic Objective 5

This strategic objective is mainly neutral. It receives positive scores for all sub-criteria in objectives 2, 10 and 17 and three of the four sub-criteria in Objective 13 and one in objectives 4 and 16. The impact is considered to be both short term and long term and the cumulative impact is most likely to be a positive impact in the centre of Westminster spreading out the more deprived parts of Westminster in the north.

Mixed Use in the CAZ (Policy S1)

Policy S1 provides sustainable outcomes for economic, social and environmental objectives. The policy seeks to maintain and enhance the pre-eminent role of Westminster's CAZ in terms of an internationally important business agglomeration, and ensure a balance of homes mixed with commercial uses, which will help protect and enhance the unique character of Westminster and which underpins its sustainable economic growth. The policy is particularly positive for objectives 1, 11, 16 and 17.

The revision does have negative scores for objective 3 as it will result in an overall loss of housing, and a loss of receipts to the Affordable Housing Fund. This is balanced however, by the reversal of the negative impacts currently arising in relation to Objective 17, which receives very high positive scores. The small reduction in housing delivery is more than off-set by these gains. Research by Drivers Jonasi has shown that it is the diversity of commercial uses in Westminster and its mix of commercial and residential use that results in economic sustainability (IIA objective 17) in particular, in times of an economic down turn. Furthermore, there are significant agglomeration benefits in Westminster's core commercial areas that are being eroded by unbalanced growth in residential floorspace in these areas. The credits system is both beneficial to developers and the council and may provide more and higher quality new homes (IIA objective 3). Providing mixed commercial and residential communities has the potential to improve cultural wellbeing if theatres and cinemas are provided as part of the

mix(Objective 4) The potential for Payment in Lieu is positive for IIA objective 3 in particular the EQIA criteria for increasing the range of affordable housing.

Core Central Activities Zone (Policy S6)

This is neutral overall but has significant positive impacts in Core CAZ encouraging economic growth including the retail and cultural offer and strategically important clusters of use and minimises the need to travel. There is a long term positive impact on the UK economy and Westminster's role in London's world city status. The recognition of diversity ensures an overall sustainable approach to development. The policy is particularly positive for objective 17, but also is positive for sub-criteria in objectives 1, 2, 3, 4 and 11. A growth in construction waste is likely and this gives a negative score to Objective 12. The economic impacts on other parts of the city are likely to be long term and cumulative.

Changes to supporting text and to the Reasoned Justification to Policy S14 - Optimising Housing Delivery and to Appendix 4: Housing Delivery

Although there are no changes to the wording of Policy S14, there is significant alteration to the text and reasoned justification around this policy and to Appendix 4 – Housing Delivery that merit an IIA assessment. These mainly concern increased London Plan housing targets which result in a positive score for sub-criteria in Objective 3 and an associated improvement in health and well-being in Objective 5. The other change dovetails in to the mixed use balance of commercial and residential uses which is the overall theme of all changes in this phase of the City Plan and has removed the reference in the reasoned justification to not giving general protection to office use which is considered to potentially provide an improved business environment in particular for offices. There are long term positive effects for both housing and commercial uses with a cumulative impact on health and wellbeing.

Commercial Development (Policy S18)

This policy is overall neutral but is most positive for Objective 17 seeking to protect and enhance Westminster's pre-eminent role for the economy. There may be a positive impact on Objective 13 by ensuring development is of an appropriate scale and for objectives 1 and 11 in terms of the provision of shops and services and reducing the need to travel by car. The changes made pre-submission clarify that even within the Central Activities Zone, there should be no commercial encroachment into wholly residential areas or streets and overall assessment remains neutral. As with other

similar policies this has a negative score for construction waste and is neutral for the reasons set out above in the strategic objectives all other environmental policies.

Offices and Other B1 Floorspace (Policy S20)

This policy is very positive for Objective 17, in particular for businesses in key sectors, which is considered to include office floorspace. This has been given a neutral score for Objective 3 very much on balance. However, compared to the existing situation this may result in a reduced provision of housing. For office development which may have a wider impact on the UK and international economy.

Land Use Swaps and Packages (Policy CM7.1)

This policy is positive on social and economic sustainability criteria in particular IIA objective 3 and Objective 17. The transfer of uses between buildings can facilitate a better arrangement of uses within buildings and therefore greater efficiency and sustainability of the building stock by ensuring long-term suitability and continued occupation. The overall effect is to enhance the quality of both commercial and residential accommodation. Applications for land use swaps are normally small scale involving change of use and therefore the policy is relatively neutral on environmental sustainability grounds. Larger scale applications where the swap of uses is in connection with the Mixed Use policy will be encouraged to provide an overall improvement for IIA sub-criteria in objectives 5 and 6.

Credits (Policy CM47.2)

This policy provides the mechanism for the implementation of land use credits set out in Policy S1. These credits enable development to be bought forward early which can then meet policy requirements of a later scheme. It provides additional flexibility to support developers in delivering mixed use. This approach receives positive scores for both housing and economic objectives. In particular in the delivery of higher quality housing and affordable housing and for improving business development and environment. This policy is likely to result in the agglomeration of the residential requirement from several smaller mixed use schemes and therefore affordable housing will be provided where it may not have been possible in individual mixed use schemes.

Reasonable Alternatives

The SEA Directive requires the assessment of reasonable alternatives and these have been informed by previous informal consultation stages in policy development as follows:

- [City Management Plan Consultation Draft November 2011](#)
- [Mixed Use and Office to Residential Conversion Consultation Booklet 18 December 2014](#)
- [Mixed Use Revision Publication Draft \(Regulation 19\) July 2015](#)

Where policies have not been through this process reasonable alternatives have been derived using adopted policies in Westminster's City Plan: Strategic Policies and by setting out other scenarios. The assessment tables including a full key to the reasonable alternatives are set out in Appendix 6 and a full description of the findings is contained in paragraphs 5.17 – 5.28 of this report. In summary the 'No policy approach' is the most negative for all policy areas and in general the more developed and detailed the approach the more positive scores the alternative receives.

Changes to the Plan as a result of the IIA

There have been no changes to the Mixed Use Revision to Westminster's City Plan as a result of this IIA.

How will any effects be monitored?

The effects of this policy will be included in our Authority's Monitoring Report.

What are the next steps?

This IIA accompanies the Basement Revision to Westminster's City Plan submission draft. It is part of the supporting document submitted to the Secretary of State and will form part of the examination documents. Consultation responses are summarised in the consultation statement which also accompanies the basement revision as a support document.

The revision will be considered by an Inspector appointed by the Secretary of State. They will report to the council and ultimately the revision will be adopted. At this stage it will gain full weight for determination of planning applications as part of Westminster local plan.

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Appendices

Appendix 1 - Sustainability Process in relation to Local Plan Preparation

Appendix 2 - SEA Directive Requirements and how these have been addressed

Appendix 3 - Consultation Comments and City Council Responses on the IIA Scoping Report June 2014

Appendix 4 - Relevant Plans, Programmes and Strategies – Updated Scoping Report version

Appendix 5 - IIA Detailed Appraisals for the Mixed Use Revision to Westminster’s City Plan

Appendix 6 - Reasonable Alternatives

Appendix 7 - Appendix 4: Housing Delivery of the Mixed Use Revision to Westminster’s City Plan

1. Introduction

Integrated Impact Assessment

- 1.1 This IIA report presents the findings of the Integrated Impact Assessment (IIA) of the Mixed Use Revision to Westminster’s City Plan against the 17 objectives in the IIA Assessment Framework (set out in detail in Table 2 on page23) which has been prepared to assess the proposed revision to Westminster’s City Plan. The report also considers the potential effects of a number of reasonable alternatives to the Mixed Use Revision. Table 1 below shows the various stages in the preparation of this IIA (this is based on the five stages of the SA preparation process set out in A Practical Guide to the Strategic Environmental Assessment Directive (ODPM 2005). Appendix 1 of this report illustrates the development of the sustainability process in relation to the development plan process and Appendix 2 sets out the SEA Directive requirements checklist and how these have been covered in this report and in the [Scoping Report](#) June 2014.
- 1.2 Westminster’s City Plan will be revised in seven tranches, each taking the formal status of a separate revision to the Plan (this is explained in more detail in Chapter3). There will, therefore, be seven separate IIA reports dealing with the impacts of each of these sets of proposals (although they will inform each other and draw on a common evidence base) and one final IIA Report which will include a comprehensive overview and pick up policies that have been partly changed. The indices to be used for monitoring mixed use development (Stage E) will be included in this report and the relevant monitoring indices included in the subsequent IIA reports; however a comprehensive post adoption statement will only be published once all the IIA Reports have been finished and the process concluded.

Table 1- Stages of the Integrated Impact Assessment (IIA)

<p>Stage A</p> <p>Setting the context and objectives, establishing the baseline and deciding on the scope</p> <p>Assemble the evidence base to inform the IIA and establish a framework for undertaking the appraisal (in the form of sustainability</p>	<p>Scoping Report – June 2014</p>
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objectives).	
<p>Stage B</p> <p>Developing and refining alternatives and assessing effects</p> <p>Appraise the plan objectives and policies against the IIA Assessment Framework taking into account the evidence base. Propose mitigation measures for alleviating the plan’s adverse effects as well as indicators for monitoring the plan’s sustainability.</p>	Appraisal Framework Assessment
<p>Stage C</p> <p>Prepare the report</p> <p>Prepare an Integrated Impact Assessment Report documenting the appraisal process and findings.</p>	IIA Report
<p>Stage D</p> <p>Seek representations on the sustainability appraisal report from consultation bodies and the public</p> <p>This stage has been completed and this document will now be a supporting document for the basement revision to be submitted to the Secretary of State.</p>	IIA Report Consultation – Current Stage.
<p>Stage E</p> <p>Post adoption reporting and monitoring</p> <p>Prepare and publish post adoption statement and monitor the significant sustainability effects of implementing the plan.</p>	Authority’s Monitoring Report (AMR) and Post Adoption Statement.

The Requirement for Sustainability Appraisal (SA) and Strategic Environmental Assessment (SEA)

1.3 This IIA fulfils the requirement for a Sustainability Appraisal (SA) and Strategic Environmental Assessment (SEA), which is the requirement of the Strategic Environmental Assessment Directive EC/2001/42 (SEA Directive). By taking an integrated approach it also enables the council to show how it has met a range of other statutory requirements:

- By considering equalities impacts for decisions it provides the council with the basis for, and evidence of, meeting the public sector equalities duty under section 149 of the Equality Act 2010).
- By considering crime and disorder matters, it provides the basis for, and evidence of, how the council has met the requirements of the Crime and Disorder Act 1998 (Amended by the Police and Justice Act 2006) to consider community safety implications of the policy.
- Although not the subject of a statutory requirement, a Health Impact Assessment has also been included in this IIA, as a matter of good practice. This is intended to ensure that so far as possible, policies actively promote health gain for the local population, reduce health inequalities and do not actively damage health. This is particularly important in light of the Health and Social Care Act 2012 which transferred statutory responsibility for public health to local authorities.

The integrated approach avoids the need to undertake and report on separate assessments, enables a comprehensive approach to cross-cutting issues and seeks to reduce any duplication of assessment work and benefits from a shared understanding of the policies.

Consultation on this IIA Report

1.4 This IIA Report was issued for public consultation **10th July to 4th September 2015**. In addition to seeking views from statutory consultees this report was made available to all organisations/individuals on the planning policy database. No responses were received specific to the IIA.

2. Scoping Report Update

- 2.1 The first stage of the IIA process (Stage A in Table 1 above) involved gathering evidence regarding the sustainability baseline and context for Westminster. This evidence was used to develop a set of sustainability objectives, which make up the sustainability framework to be used to assess the sustainability of the revisions to Westminster's City Plan. This information was set out in the IIA Scoping Report which was consulted on between 17 June and 30 July 2014 can be viewed [here](#).

Response to Consultation

- 2.2 In response to this consultation three letters were received from Natural England, The Environment Agency and English Heritage. These comments and the City Council's response are set out in Appendix 3 of this report. The majority of the comments received concern matters that were already included in the Scoping Report. However, in response to comments from English Heritage, IIA Assessment Framework Objective 13 has been altered to better reflect the wording of national policy set out in the Government's National Planning Policy Framework (NPPF). In response to comments made by the Environment Agency's comments about the need to ensure that the IIA takes account of the European Union Water Framework Directive an additional sub-criterion question has been added to Objective 8 as follows: *Will it improve the water environment including quality?* Finally, additional documents have been included in the list of other relevant local plans/policies and strategies and information as a result of responses.

Updates to other relevant local plans/policies and strategies

- 2.3 Appendix 4 of this report is an updated list of relevant local plans/policies and strategies, originally contained in Chapter 4 of the Scoping report June 2014, to include documents suggested by consultees and updates of those most relevant to mixed use.

Update of Corporate Vision

- 2.4 Since writing the Scoping report the city council's corporate vision has been updated. *Better City, Better Lives Year 2*, March 2014 has been replaced with *A City for All* (April 2015). The ambitions in *A City for All* are as follows:

City of Aspiration – We are enabling all our communities to share in the economic prosperity of our City by being ambitious and enterprising in the way we work.

City of Choice – We are being collaborative in the way we work to create a City of Choice where residents, businesses and visitors can make responsible decisions for themselves, their families and their neighbourhoods

City of Heritage – We are being productive in protecting and enhancing Westminster’s unique heritage so that *every* neighbourhood is a great place to live, work and visit, both now and in the future.

2.5 As with *Better City, Better Lives, A City for All* ambitions cross cut the objectives in the IIA Framework. However it is possible to align the closest matches as follows:

- **City of Aspiration** – IIA Framework objectives 3, 16 and 17
- **City of Choice** – IIA Framework objectives 1 and 4
- **City of Heritage** – IIA Framework objectives 2, 4 11, 13 and 15

The City of Heritage ambition specifically refers to the Mixed Use Revision to Westminster’s City Plan.

Baseline Information

2.6 The collection of baseline information is a key component of the SA process and a legal requirement under the SEA Directive. Baseline data and contextual information help to provide a basis for identifying relevant sustainability issues and for predicting, assessing and monitoring effects. The baseline information to inform assessment of the revision of the City Plan was set out in the Scoping Report. All of this information has been drawn on in preparation of this report, which should be read in conjunction with the Scoping Report. However, the following section provides an update with information particularly relevant to mixed use development.

Affordable Housing

2.7 Overall the London average for buying is £513,519ⁱⁱ. In Westminster average market pricesⁱⁱⁱ are as follows:

- 1 bedroom flat - £508,000
- 2 bedroom flat -£779,700

- 3 bedroom flat - £939,000
- 2.8 Overall the London average for renting (per week is) £530^{iv}. In Westminster^v this is as follows:
- 1 bedroom - £425
 - 2 bedrooms - £600
 - 3 bedrooms - £890
 - 4 bedrooms - £1,395
- 2.9 Westminster benefits for a very diverse economy including jobs with lower pay. These employees are unable to afford market properties in the area. Businesses benefit from a diverse employee base including people who live more locally. This is especially important for jobs with late/early shifts when public transport out of the city is less frequent.^{vi}
- 2.10 The entry cost of a home is currently on average 27 times the average wage in Westminster.^{vii}

Office – Rents and affordability

- 2.11 Figure 1 below shows consistently high demand for offices in Westminster over the last eight years and a growing demand for office base floorspace of under 300 sqm. At a strategic level, Westminster has the most employees in the UK, with about 693,000 employees, well ahead of the next largest number of employees in the City of London with some 392,000 and Camden with 328,000^{viii}. Westminster generates by some estimates £55.7bn Gross Added Value, 18% of London's GVA and 4% of the UK's GVA.

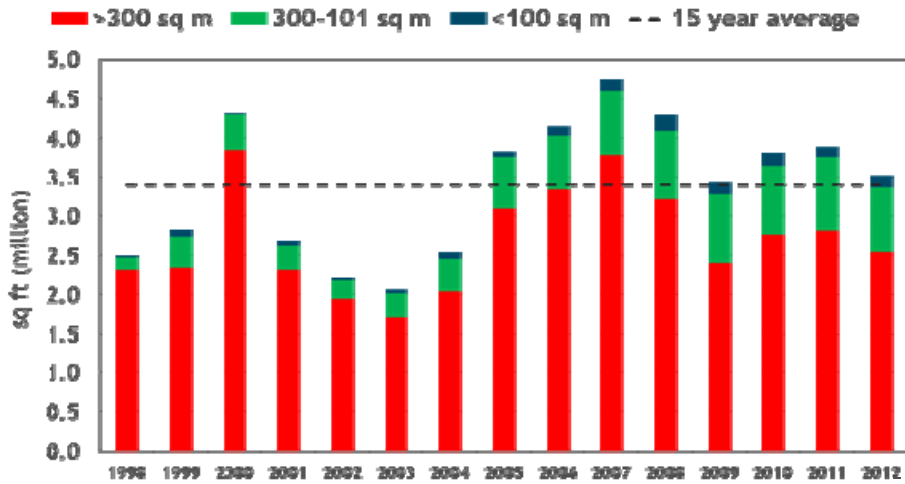


Figure 1 Westminster’s Office Take-up 1998-2012^{ix}

- 2.12 Westminster’s office stock accommodates over 17,500 rateable business’s with a rateable value of over £2.6 billion. This makes up 62% of Westminster’s rateable businesses.
- 2.13 Average office rents have performed well and recovered to pre-recession levels. The higher returns on residential floorspace has now operated for over a decade. Figure 2 shows the price per square foot for both office and residential sales up to 2013.

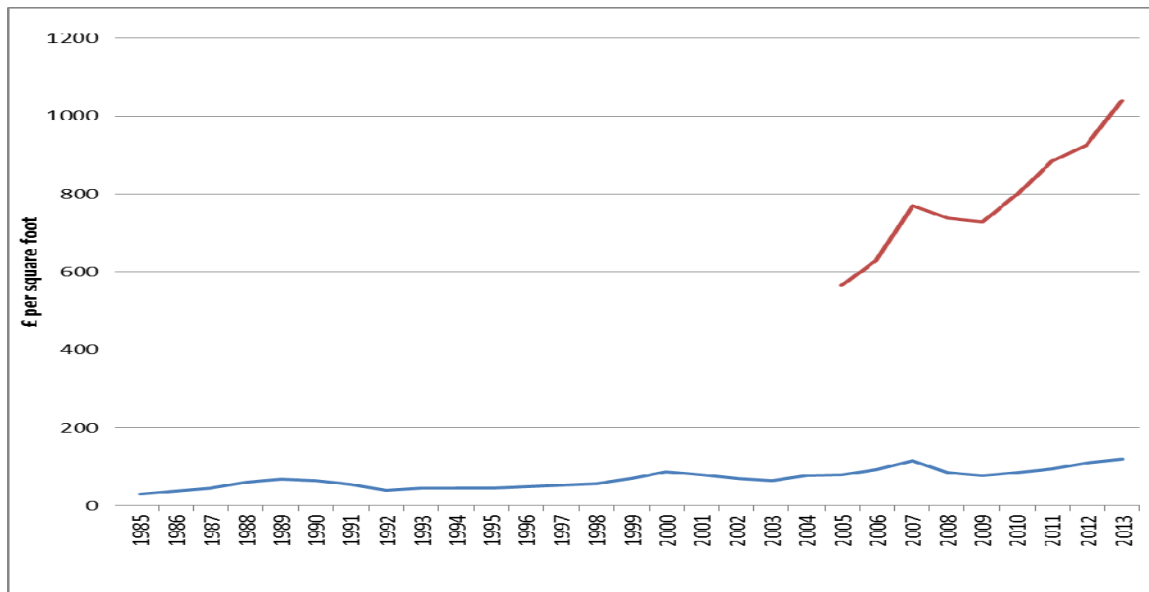


Figure 2 Average prime office (blue) 1985-2013 and average residential sales (red) 2005 - 2013

Likely Future Conditions

- 2.14 Westminster is home to thriving business clusters and a hub for commerce. It is also home to a significant residential population which is in places very different from that found in most other parts of London, with housing and commercial activity in very close proximity. It is this balance and mix of uses that help make Westminster a successful and sustainable location, and which in turn has a positive impact on London and the UK economy as a whole. Paragraph 3.9 of The [Scoping Report](#) June 2014 set out details of the consequences in Westminster from change in market conditions which has without a policy approach resulted in a loss of office accommodation to residential. Paragraph 3.28 of The [Scoping Report](#) June 2014 (*Likely Future Conditions*) sets out the need for a policy to ensure there is no future detrimental impact on the mixed use character of central Westminster and overall quantum of offices. This assessment still stands.

Update final comment

- 2.15 The [Scoping Report](#) June 2014 is considered sufficiently recent and robust to use for this IIA report and the additional information set out above does not change the key considerations and 17 IIA objectives.²

² The wording of Objective 3 has been altered at the request of English Heritage to better reflect the wording of the NPPF. However, this change does not alter the meaning of the objective or outcome of any assessment.

3. The Local Plan – Westminster’s City Plan

3.1 The Mixed Use Revision to Westminster’s City Plan is one of seven revisions to be carried out as follows:

1. Basement Revision to Westminster’s City Plan
2. Vacant Building Credit Revision to Westminster’s City Plan
3. Special Policy Areas and Policies Map Revision to Westminster’s City Plan
4. Mixed Use Revision to Westminster’s City Plan
5. Energy Revision to Westminster’s City Plan
6. Revision to Westminster’s City Plan (all remaining policies except waste)
7. Waste Revision to Westminster’s City Plan

This IIA Report is for 4. Mixed Use Revision to Westminster’s City Plan.³

3.2 Once all seven revisions are adopted Westminster’s City Plan will consist of both strategic and detailed city management policies and will provide a comprehensive source of planning policy for Westminster. [Westminster’s Local Development Scheme March 2015](#) sets out the timeline for all Revisions to Westminster’s City Plan, with adoption dates between 2015 and 2016.

Strategic Policies

3.3 [Westminster’s City Plan: Strategic Policies](#) was adopted on 13 November 2013 and sets out the vision for Westminster up to 2025 and beyond. It puts in place a strategic policy framework to deliver that vision. This document is based on a review of the Core Strategy adopted in January 2011 and has been fully reviewed and updated to ensure consistency with the National Planning Policy Framework (NPPF) published in 2012, and the London Plan - July 2011, with Further Alterations – March 2015.

3.4 Westminster’s City Plan: Strategic Policies was subject to an Integrated Impact Assessment and the report can be viewed [here](#). This built on The Core Strategy Sustainability Appraisal Report which included a Strategic Environmental Assessment (November 2009), which can be found [here](#) with associated appendices [here](#). The 2007 scoping report is available to view [here](#).

³ It should be noted that the first 5 revisions may emerge in a different order than set out above.

City Management Policies

3.5 Work on developing the detailed city management policies began in 2008 and the steps taken to date are as follows:

- [Regulation 18 - Notification of the intent to prepare the plan October/ November 2008 \(Statutory Stage\)](#)
- [Consultation Workshops in the summer of 2009 \(Informal Stage\)](#)
- [City Management Plan Policy Options: January 2011 \(Informal Stage Consultation from January 2011 to March 2011\)](#)
- [City Management Plan Consultation Draft: November 2011 \(Informal Stage Consultation from November 2011 to March 2012\)](#)
- [Regulation 18-Notification of the intent to revise Westminster's Core Strategy to prepare a single local plan for Westminster May 2012 \(Statutory Stage\)](#)
- [Policy Topic based consultation booklets from October 2013 to 31 March 2014 \(including one dealing specifically with Mixed Use – see below\)](#)
- [Regulation 18 Notice of Revisions to Westminster's City Plan Development Document April 2015 \(Statutory Stage\)](#)

3.6 In 2012 the Council published an IIA Scoping Report for Westminster's City Plan and focusing on the detailed city management policies. This document can be viewed [here](#). However, following the enactment of the Localism Act 2011 and the publication of the NPPF in March 2012 it was decided to merge the strategic policies (Westminster's City Plan: Strategic Policies) with the detailed city management policies into one document to be called Westminster's City Plan. Any subsequent work using the 2012 IIA Scoping Report was halted and a new IIA Scoping Report was drafted in 2014. This forms the basis of this IIA Report and adequately reflects both strategic and detailed matters.

Mixed Use

3.7 The [Mixed Use and Office to Residential Conversions December 2014](#) booklet was published in December 2014, with the consultation period between 15th December 2014 and 27th February 2015.

3.8 The policies and changes to text in the Mixed Use Revision to Westminster's City Plan which are the subject of this IIA report are as follows:

3.9 **Westminster's Strategic Objectives**

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.

4. To increase the supply of good quality housing to meet Westminster's housing target, and to meet housing needs, including the provision of affordable housing and homes for those with special needs; whilst ensuring that new housing in commercial areas coexists alongside the business activity and an appropriate balance of uses is maintained.

5. To manage the pressures on the city from its national and international roles and functions, supporting business communities and tourism, and ensuring a safe and enjoyable visitor experience.

3.10 **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;
- i. Core CAZ,
 - ii. the Named Streets, or
 - iii. Opportunity Areas,

no residential floorspace will be required.

Within these areas, where proposals increase the amount of floorspace by;

- i. less than 30% of the existing building, or
- ii. less than 400sqm; (whichever is the greater),

no residential floorspace will be required.

B) Where proposals are in;

- i. Core CAZ,
- ii. the Named Streets, or
- iii. Opportunity Areas, and

increase the amount of floorspace by between 30% and 50% of the existing building, and more than 400sqm, residential floorspace or an equivalent payment in lieu will be provided.

The residential floorspace required is equivalent to the net gain in B1 office floorspace less 30% of the total net additional floorspace. Where the net gain in B1 office floorspace is less than 30% of the total net additional floorspace, no residential will be required. The residential floorspace can be provided:

- i. on-site,
- ii. off-site, or
- iii. by mixed use credits (Policy CM47.2).

It is at the applicant's discretion whether they wish to provide a payment in lieu or residential floorspace, and where residential floorspace is provided, it is at the applicants discretion which of i, ii, or iii above the apply.⁴

⁴ The following text has been deleted from Policy S1(B) " 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 ... ; or ii. net increases in B1 office

- C) Where proposals are in;
- i. Core CAZ,
 - ii. the Named Streets, or
 - iii. Opportunity Areas, and

increase the amount of floorspace by more than 50% of the existing building and more than 400sqm, residential floorspace will be provided.

The residential floorspace required is equivalent to the net gain in B1 office floorspace less 30% of the total net additional floorspace. Where the net gain in B1 office floorspace is less than 30% of the total net additional floorspace, no residential will be required. Where the net gain in B1 office floorspace is between 30% and 50% of the total net additional floorspace, B) above is applied.

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.

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)."

- 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 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) Where proposals are in;
 - i. Core CAZ,
 - ii. the Named Streets, or
 - iii. Opportunity Areas,

and involve;

- 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, 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.

3.12 **Policy S6 Core Central Activities Zone**

The Core Central Activities Zone (Core CAZ) is an appropriate location for a range of commercial and cultural uses and complimentary residential use, subject to the following priorities:

- Supporting strategically important clusters of uses consistent with enabling the growth and evolution of places to ensure that the area retains its globally important function as a business location.
- Retail floorspace is encouraged throughout the area. Large scale retail development will be directed to the West End International Shopping Centre's Primary Shopping Frontages, the CAZ Frontages and the Opportunity Areas, with smaller-scale retail development also to its other shopping centres. Development within the Knightsbridge Primary Shopping Frontage will support the character, function and vitality of the wider International Shopping Centre within the Royal Borough of Kensington and Chelsea.
- Within the West End Stress Area, new entertainment uses will only be allowed where the council considers that they are small-scale, low-impact and they will not result in an increased concentration of late-night uses.
- Development sites within the Millbank Strategic Cultural Area between Lambeth and Vauxhall bridges will deliver a mix of uses including those that support culture and the creative industries - including arts and cultural uses, affordable business floorspace, workshops and studios; and

- Berwick Street market will be protected and the use of Rupert Street for specialist seasonal market trading will be supported.

Where retail developments fronting the Primary Shopping Frontages result in the requirement to provide residential floorspace, the residential floorspace may be provided off-site in the vicinity rather than on-site, where the council is satisfied that off-site provision would better contribute to the vitality of the West End Special Retail Policy Area or Knightsbridge International Shopping Centre.

3.13 **Optimising Housing Delivery Reasoned Justification and Appendix 4**

Reasoned Justification

To achieve and exceed Westminster's housing targets it is necessary to protect existing housing and bring forward new housing as appropriate across the city. This means that schemes which retain or increase the overall housing floorspace should not reduce the number of residential units as this would reduce the number of homes in the city. Affordable housing is an exception as Westminster's own housing stock is dominated by one and two bedroom units; whilst need is focused on two and three bedroom units. Formerly converted houses which would provide family-sized homes will also be an exception because of the shortage of family homes with gardens in the city and the benefits such 'de-conversion' would bring to providing a range of accommodation. This also creates a flexibility and sustainability within the housing stock for different sizes and types of accommodation to be provided throughout a building's lifetime.

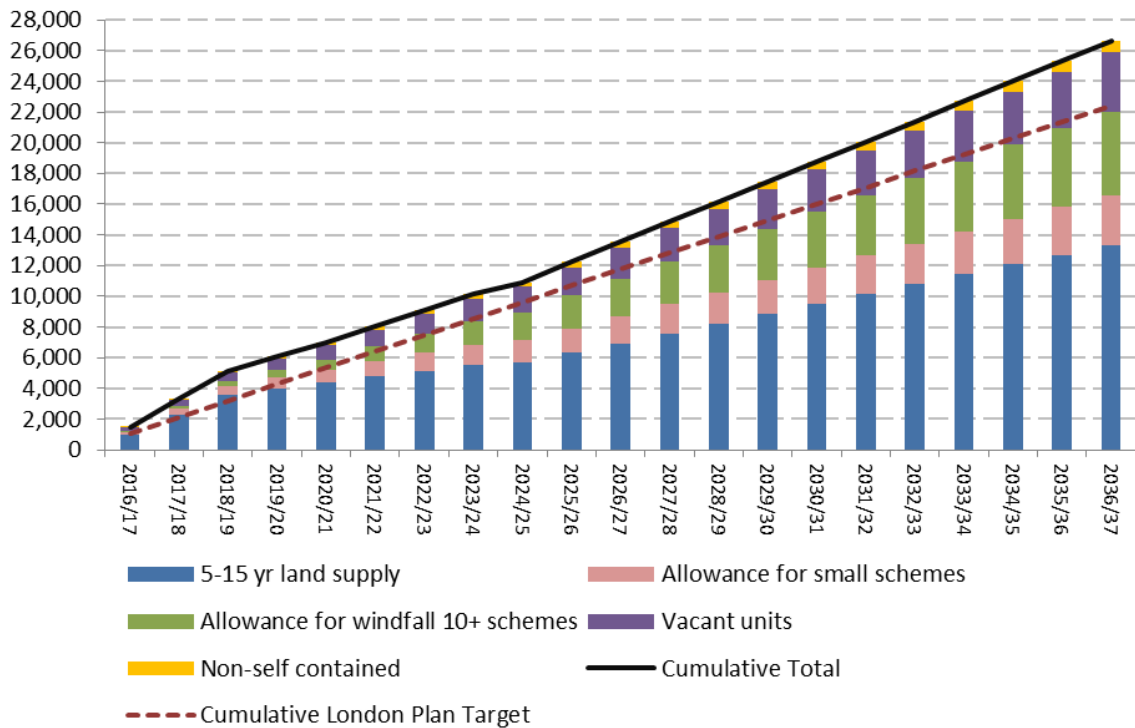


FIGURE 37 WESTMINSTER'S HOUSING TRAJECTORY

Westminster will be able to meet the London Plan target of **1,068 units from all sources**.

This graph is based on the 15 year Land Supply Assessment included in the Annual Monitoring Report 2010/11, plus an allowance for windfall sites of 10 or more units and an allowance for sites yielding 1-9 units. It also includes sources of non-conventional housing: bringing vacant homes back into use and non-self contained housing.

Westminster has local circumstances which justify including an allowance for windfalls and smaller sites, and that these can legitimately be included in the trajectory as set out in the spatial strategy. The justification is set out in Appendix 4, **(Note: This is set out as Appendix 7 to this IIA Report)** and is based on the following:

The 15 year Land Supply Assessments include sites which are expected to deliver 10 or more residential units. However, 93% of housing sites in the city yield less than 10 units, and these small sites have yielded about 25% of new homes in the city.

Historically, windfalls have accounted for 80% of housing delivered in the city. However, the 15 year Land Supply Assessments will now capture many of these sites **and there**

will be less 'windfalls' from the loss of offices so a far lower figure needs to be projected into the future.

The inclusion of these windfall and small sites allowances reflects the advice in the National Planning Policy Framework as such sites have consistently come forward and will continue to provide a reliable source of housing. It is based on new development and conversions, and does not rely on development of residential gardens. The 5 year housing land supply includes an additional 5% buffer to ensure choice and competition, although as most sites in Westminster are available for housing, this will include an element of windfalls as set out above.

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) have other priorities **instead of, or** in addition to housing.

3.14 **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 77,000 new jobs 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, there are residential streets and areas within CAZ where commercial encroachment is not appropriate.

3.15 **Policy S20 Offices and other B1 Floorspace**

The council will work to achieve and exceed the target of additional B1 office floorspace capacity for 58,000 new jobs between 2016/17 and 2036/37x, 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, taking into account:

1. 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;
2. the contribution of the office floorspace to meeting business and employment needs; and
3. the mix of type, size and tenure of housing proposed.

Where 3) above is not met due to site constraints and/or viability, the floorspace will be retained as B1 office floorspace.

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

3.16 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:

1. the sites are in the vicinity of each other;
2. the mixed use character of the immediate area is secured at a fine grain;
3. there is no net loss of floorspace which is protected by other policies in the plan across the sites taken as a whole;
4. the uses are appropriate within each area and there is no loss of amenity resulting from the introduction or intensification of a use into an area;
5. any residential accommodation is of a higher quality than could have been achieved without the land use swap or package;

6. the applications for all sites are submitted at the same time and all elements of the scheme are completed within a time frame agreed by the City Council.

This policy does not prejudice the application of any other policies in the plan, and requirements for floorspace to be provided must be met in full.

If agreed, the sites subject to the land use swap or package will be treated as though the development is on a single site, including for consideration of viability.

Applications must be accompanied by a full schedule of the existing and proposed floorspace including the following:

1. the floorspace of each use (Gross Internal Area) proposed for each site, and for all of the sites taken as a whole;
2. in the case of residential floorspace, the breakdown of floorspace provided in accordance with 1. (immediately above) by the tenure, unit floorspace, and the number of bedrooms of each unit , and the total floorspace for all of the sites taken as a whole;
3. details of any draw downs of credits in accordance with Policy CM47.2; and
4. calculations of any floorspace shortfalls being met from Payment in Lieu.

3.17 **Policy CM47.2 Credits**

A) Registering Credits

In addition to Policy S1 in the case of mixed use credits, credits must:

1. be agreed as a credit at application stage and registered as a credit at the time of permission being granted, or have been granted permission prior to [revision adoption date] and have not been implemented;
2. establish a nominal floorspace value for the affordable housing credit in agreement with the council, with each credit equating to 1 sqm;
3. fund the development and maintenance of a credit monitoring database which will be the definitive list of credit sites;
4. not be listed in Appendix 1 Proposals Sites with that use as a Preferred Use;
5. comply with the following policies;

Residential Mixed Use Credits	S14 Optimising Housing Delivery; Policy S16 Affordable Housing excluding Payments in Lieu; CM16.1 Meeting the Range of Affordable Housing Needs; and CM14.1 Housing Quality
Commercial Mixed Use Credits	S18 Commercial Development; S19 Inclusive Local Economy and Employment; and where relevant S21 Retail

In considering if a proposal should be agreed as a credit scheme, the council will take into account the scheme's location, scale and quality and in the case of residential floorspace, the type, tenure, mix and number of units to be provided and the type, tenure and mix of uses/housing in the local area.

B) Drawing Down Credits

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

1. They must be drawn down within 7 years of registration;
2. The floorspace registered by the credits must be completed, and the completion certificate provided to the council;
3. The nominal value referred to in A) 2. above must be used in any viability assessment for the host scheme;
4. Credits may be pooled from more than one credit scheme, or used in combination with on-site, off-site or payment in lieu provision;
5. The credits must be available for draw down, as follows;
 - i. Credits are allocated to a host scheme at the time the planning application is submitted for the host scheme. After this, they will not be available for any other host scheme until they are released.
 - ii. To release credits the council must be notified in writing that:
 - a) the host scheme planning application has been refused and the time for an appeal has expired, or an appeal dismissed;
 - b) the host scheme planning application has been withdrawn;

- c) the host scheme has been superseded by an alternative host scheme and the credits are transferred to the latter scheme;
 - d) the host scheme has been superseded by an alternative scheme that does not use the credits; or
 - e) the host scheme planning permission has expired.
- iii. Credits can only be drawn down once, and the credit has been drawn down when the council is notified in writing that the host scheme is completed.

The London Plan

- 3.18 The Mayor is responsible for London wide strategic planning, including the preparation of his spatial development strategy (known as 'the London Plan' – the latest version was published in July 2011). On 10 March 2015, the Mayor published (i.e. adopted) the Further Alterations to the London Plan (FALP). From this date, the FALP are operative as formal alterations to the London Plan (the Mayor's spatial development strategy) and form part of the development plan for Greater London. Planning policies in Westminster must be in general conformity with the London Plan.

4. Methodology

Introduction

- 4.1 The IIA process carried out in Westminster is based on the five main stages of the SEA, as identified in guidance issued by the former Office of the Deputy Prime Minister (2005)⁵ and set out in Table 1 (pages 8-9). It is also in accordance with the SEA Directive Requirements checklist which is attached as Appendix 2 of this Report. [The 2014 Scoping Report](#) set out the scope of the IIA, using the baseline information and a review of plans, programmes and strategies to help identify key sustainability and other cross-cutting policy issues. Using this evidence and with regard to previous pre IIA and SA/SEA assessments the Scoping Report established a framework, comprising 17 objectives and associated sub-criteria (the IIA Framework) to be used for the assessment of all policies in preparing Westminster's City Plan. The actual assessment of the policies including the 'reasonable alternatives' will be an on-going process for the seven separate revisions to Westminster's City Plan.
- 4.2 Table 2 shows the IIA Framework. The objectives have been used for the assessment of the reasonable alternatives (contained in Appendix 5) and for the detailed assessment Mixed Use Revision policy to Westminster's City Plan (contained in Appendix 6).
- 4.3 Although the equalities and health objectives are cross cutting, the IIA Framework includes key specific priority objectives from the Council's Equality Objectives 2012-2016. These are defined in red text in Table 2. The long term goals set out in Westminster's joint Health and Wellbeing Strategy - Healthier City Healthier Lives (2013) - which are most likely to be influenced by the built environment are set out in blue text. Crime and disorder matters in accordance with The Crime and Disorder Act 1998 (amended by the Police and Justice Act 2006) are also considered (particularly in Objective 2).

Objective development through consultation

- 4.4 In response to consultation on the scoping report English Heritage (letter dated 31 July 2014) requested that the wording of Objective 13 be changed from '*protect and enhance the historic environment.*' to '**conserve** and enhance the historic environment.'. The objective has been amended as requested. In addition, The Environment Agency (email dated 22 July 2014) sent out a fact sheet (relevant to all local authority scoping reports and not specific to Westminster) setting out the requirements of the European

⁵ A Practical Guide to the Strategic Environmental Assessment Directive, ODPM 2005

Union Water Framework Directive. To ensure that this matter was re-enforced in the IIA Framework an additional sub-criterion was added to Objective 8 stating ‘*will it improve the water environment?*’ A table with all consultation comments and the council’s response is contained in Appendix 3.

Table 2 Integrated Impact Assessment Framework

SA (SEA)EQIA/HIA Objective	sub criteria for assessment Including EQIA/HIA considerations:
1) To create cohesive, inclusive and safe communities	Will it improve access to local services? Shopping? Community facilities? * Will it increase ability to influence decision making (neighbourhoods)? * Will it foster an inclusive Westminster community? Will it encourage engagement in community activity?
2) To reduce crime and fear of crime	Will it reduce crime, disorder and antisocial behaviour? ** Will it reduce fear of crime, disorder and antisocial behaviour? ** Will it reduce other behaviour adversely affecting the local environment? **
3) To ensure provision of appropriate housing types to reduce homelessness; reduce overcrowded households and meet the demand for affordable housing and family sized units	Will it reduce homelessness? ** Will it increase the range of affordable housing? ** Will it reduce the number of unfit homes? ** Will it create high quality homes? ** Will it provide housing that can help people stay independent for longer?
4) To promote and improve health and well being	Will it help improve health inequalities? ** Will it reduce death rates? * Will it improve access/movement? * Will it encourage healthy lifestyles? * Will it improve cultural wellbeing? Will it foster an inclusive Westminster community, specifically through an active engagement in sport and physical activity opportunities? Will it provide access to a healthy diet and encourage healthy lifestyles? Will it encourage a physically active lifestyle (helping to reduce obesity)? Will it create healthy workplaces?
5) To reduce greenhouse	Will it reduce greenhouse gas emissions by reducing energy

emissions and support climate change adaptation	<p>consumption, generating low or zero carbon energy and reducing the need to travel? *</p> <p>Will it reduce ozone depleting emissions?*</p> <p>Will it reduce emissions through retrofitting new technology?</p> <p>Will it reduce heat island effects on people and property? *</p>
6) To reduce use of limited natural resources e.g. water, fossil fuels, quarried materials, wood	<p>Will it reduce water consumption and improve water efficiency?</p> <p>Will it reduce consumption of fossil fuels *</p> <p>Will use of other natural resources (e.g. quarried materials) be minimised?</p> <p>Will use of renewable resources (e.g. sustainably sourced timber) be prioritised over non-renewable resources?</p>
7) To reduce flood risk , promote SUDs, protect surface and groundwater quality	<p>Will it minimise flood risk from all sources of flooding? *</p> <p>Will it reduce property damage due to storm events/heavy rainfall by improving flood resistance and flood resilience?*</p> <p>Will it reduce combined sewer overflow events?*</p>
8) To protect, enhance and create environments that encourage and support biodiversity	<p>Will it protect, enhance and increase biodiversity and protect habitats?</p> <p>Will it preserve Sites of Importance to Nature Conservation?</p> <p>Will it improve access to and promote educational value of sites of biodiversity interest?*</p> <p>Will it conserve and enhance species and habitats?</p> <p>Will it improve the water environment including quality?</p>
9) To improve Air Quality	<p>Will it improve air quality? *</p> <p>Will it reduce emissions of key pollutants?*</p>
10) To reduce noise and impact of noise	<p>Will it reduce noise concerns and noise complaints?</p> <p>Will it reduce noise levels? *</p>
11) To reduce need to travel, the use of private motorised vehicular transport as well as encourage walking, cycling and use of public transport	<p>Will it reduce volumes of traffic?*</p> <p>Will it encourage walking and cycling?*</p> <p>Will it increase the proportion of journeys using modes other than the car?*</p>
12) To reduce waste production and increase recycling, recovery and re-use of waste	<p>Will it reduce consumption of materials and resources?</p> <p>Will it reduce household waste?</p> <p>Will it increase recycling, recovery and re-use?</p> <p>Will it reduce construction waste?</p>
13) To conserve and enhance the historic	<p>Will it conserve the significance of heritage sites and cultural value?</p>

environment and architectural, archaeological and cultural heritage	Will it protect strategic views? Will it conserve listed buildings and their settings? Will it help conserve, enhance and record archaeological features and their settings?
14) To enhance public realm and street improvements	Will it reduce litter? Will it enhance the quality of public realm? Will it improve access and mobility for all equality groups? **
15) To protect, enhance and seek opportunities to increase open space	Will it improve open space? * Will it improve landscape character? Will it improve access to open space? **
16) To ensure equality of opportunities, improve local opportunities and support sustainable economic growth throughout Westminster.	Will it improve qualifications, skills or training? * * Will it reduce unemployment? * Will it provide jobs for those most in need? * Will it improve earnings? Will it support young people, adults and vulnerable parents into employment, education and training?
17) To maintain economic diversity and support sustainable economic growth.	Will it improve business development and environment? Will it improve business resilience and economy? Will it encourage new business start-ups, small businesses and opportunities for local people? * Will it promote business in key sectors? Will it promote regeneration, reducing disparity? **

(** asterisks show where sub-criteria other than that identified in coloured text is likely to impact on equalities outcomes (red) or health outcomes (blue))

From Framework to Assessments

- 4.5 The anticipated effects of the basement policy and the associated reasonable alternatives have been assessed against the 17 objectives and sub-criteria in the IIA Framework using the following colour codes:

Green = Positive

Amber = Neutral

Red = Negative

Where appropriate this is supplemented with further annotations as follows:

Major positive ++
Minor positive +

Neutral	0
Minor negative	–
Major negative	--

Commentary has been provided, which includes an overall summary and on long and short term positive and negative effects, mitigation/changes to plan and on uncertainty, risks and cumulative effects, as appropriate given the scope of the policy being assessed.

For the purpose of this assessment the timescales are as follows:

- Short term - This may be taken to refer to the effects that are likely to occur in the first 5-10 years of implementing the policy.
- Long term - This may be taken to refer to the effects that are likely to occur beyond 10 years of implementing the policy.

The assessment of the policies also considers (where relevant) the cumulative effects, uncertainties/risks and mitigation/changes to the policy.

Completing the Assessments

- 4.6 The IIA has been undertaken by City Council officers and has progressed alongside the development of policies in the various stages of Westminster’s City Plan. The key stages are set out below in Table 3.

Table 3 Relationship between IIA Process and development of Westminster’s City Plan

IIA Stage	City Plan Stage	When	Strategic or City Management policies
	Consultation Workshops	Summer 2009	City Management
Final SA Report	Core Strategy Adopted July 2011	2010-2011	Strategic
Reasonable Alternatives for the City Plan IIA	CMP Policy Options	January 2011	City Management

Reasonable Alternatives for the City Plan IIA	City Management Plan Consultation Draft	November 2011	City Management
IIA Report August 2013	Westminster's City Plan: Strategic Policies Adopted November 2013	2012-2013	Strategic
IIA Scoping Report for Westminster's City Plan September 2012	Development and background research for Topic Based booklets. CMP Revision	2012-2013	City Management
IIA Scoping Report for Westminster's City Plan July 2014	Consultation of Topic based policy booklets	2013-2014	Strategic and City Management
IIA Report for Mixed Use Revision to Westminster's City Plan.	Mixed Use Revision to Westminster's City Plan.	2015	Strategic and City Management
IIA Report for Mixed Use Revision to Westminster's City Plan – Submission Stage	Mixed Use Revision to Westminster's City Plan – Submission Stage	2015	Strategic and City Management

Assumptions and Technical Difficulties

- 4.7 No technical difficulties have been encountered. However, the process of developing Westminster's City Plan, with various iterations using different names for documents and four of rounds of informal consultation, which began in 2009 is complex. Table 3 above clarifies this matter in relation to the IIA process.

- 4.8 The Scoping Report 2014 is considered sufficiently robust to support this IIA Report for the Mixed Use Revision to Westminster's City Plan, especially with the updates to relevant local plans/policies and strategies and to the baseline information as set out in Chapter 2.
- 4.9 It should be noted that any submission version policies will have been prepared in accordance with National Planning Policy Framework (NPPF) March 2012, which has sustainable development as a golden thread running through in terms of policy for plan making. Paragraph 8 of the NPPF advises that '*...to achieve sustainable development, economic, social and environmental gains should be sought jointly and simultaneously through the planning system.*'

Habitats Regulation Assessment

- 4.10 A Habitats Regulations Assessment (HRA) Screening report has been produced as required by the European Habitats Directive (92/43/EEC), enacted by the *Conservation (Natural Habitats) Regulations 1994* (the Habitats Regulations) was sent to Natural England in June 2015 for their comment. The report concludes that Westminster is not situated close enough to any of the designated European Sites for there to be any direct and obvious detrimental effects on these sites as a result of the Mixed Use Revision to Westminster's City Plan and therefore a comprehensive Habitats Regulations Assessment is not required for this policy.
- 4.11 The response from Natural England has been resolved and a revised Habitats Regulation Assessment Screening Report produced. The updated version has been published on the website along with the HRA Screening Report. This confirms that Natural England have no further concerns.

Conservation of Wild Birds

- 4.12 The Birds Directive (more formally known as European Council Directive 2009/147/EC on the conservation of wild birds) is an EU directed adopted in 2009. It replaces Council Directive 79/409/EEC of 2 April 1979 on the conservation of wild birds. The Directive recognises that habitat loss and degradation are the most serious threats to the conservation of wild birds. It therefore places great emphasis on the protection of habitats for endangered as well as migratory species, especially through the establishment of a coherent network of Special Protection Areas (SPAs) comprising all the most suitable territories for these species. Since 1994 all SPAs form an integral part of the NATURA 2000 ecological network. There are no SPAs of this kind in Westminster.

5 Assessment Findings

- 5.1 This chapter sets out a summary of the assessment findings for the Mixed Use Revision to Westminster's City Plan and for the identified reasonable alternatives.

Mixed Use Revision to Westminster's City Plan IIA Detailed Assessments

- 5.2 Appendix 5 of this report contains the detailed assessments and associated considerations for the Mixed Use Revision to Westminster's City Plan for Strategic Objectives 1, 4 and 5, Policies S1, S6, S18, S20, CM47.1, CM47.2 and for additional wording to the text and reasoned justification for S14 and changes in Appendix 4: Housing Delivery. A summary of the assessments are as follows:

Strategic Objective 1

- 5.3 This strategic objective is mainly neutral but has positive scores for the sub-criteria in objectives 4, 11, 13, 16 and 17. All sub-criteria are positive for Objective 17 as the strategic objective primarily seeks to accommodate economic growth and change. There are no negative objectives however it could be argued that any development may result in increased use of sustainable resources. However, given the NPPF requires that development is positive for environmental and as well as social and economic criteria then on balance objectives 5, 6, 7, 8 9 and 10 have been given a neutral assessment. The impact is considered to be both short term and long term and the cumulative impact is most likely to be for Objective 16 in terms of reducing unemployment.

Strategic Objective 4

- 5.4 This Strategic Objective is neutral overall. It has positive scores for objectives 1, 3, 4, 11 and 17. It receives positive scores for all sub-criteria in objectives 3 and 17. There are no negative objectives however it could be argued that any development may result in increased use of sustainable resources. However, as with other assessments given the NPPF requires that development is positive for environmental and as well as social and economic criteria then on balance objectives 5, 6, 7, 8 9 and 10 have been given a neutral assessment. Cumulatively access to good housing can help improve health inequalities and potentially improve death rates in the long term.

Strategic Objective 5

- 5.5 This strategic objective is mainly neutral. It receives positive scores for all sub-criteria in objectives 2, 10 and 17 and three of the four sub-criteria in Objective 13 and one in objectives 4 and 16. There are no negative objectives however it could be argued that

any development may result in increased use of sustainable resources. However, given the NPPF requires that development is positive for environmental and as well as social and economic criteria and that this strategic objective seeks to manage the pressures of the city from its national and international roles and functions, which includes any environmental concerns it has been given a neutral score for most environmental objectives. The impact is considered to be both short term and long term and the cumulative impact is most likely to be a positive impact in the center of Westminster spreading out the more deprived parts of Westminster in the north.

Mixed Use in the CAZ (Policy S1)

- 5.6 Policy S1 provides sustainable outcomes for economic, social and environmental objectives. The policy seeks to maintain and enhance the pre-eminent role of Westminster's CAZ in terms of an internationally important business agglomeration. It ensures a balance of homes mixed with commercial uses, which will help protect and enhance the unique character of Westminster and which underpins its sustainable economic growth. The policy is particularly positive for objectives 3, 11, 16 and 17.
- 5.7 The policy approach, which includes the provision of the residential in the vicinity (where this is not appropriate and practical to provide on-site) ensures that truly mixed commercial and residential communities are maintained in the most central part of Westminster. Research by Drivers Jonas^{xi} has shown that it is the diversity of commercial uses in Westminster and its mix of commercial and residential use that results in economic sustainability (IIA Objective 17). The credits system is both beneficial to developers and the council and may provide more and higher quality new homes (IIA Objective 3). Providing mixed commercial and residential communities has the potential to improve cultural wellbeing if theatres and cinemas are provided as part of the mix (Objective 4) The potential for Payment in Lieu is positive for IIA Objective 3 in particular the EQIA criteria for increasing the range of affordable housing.
- 5.8 Any building adding to a net increase in any area is likely to result in an increased use of natural resources. However, as most development in Westminster is on previously developed land this impact is likely to be less than in other less developed areas in London and the UK as a whole. In addition other policies in the plan seek mitigation measures in connection with new development. The NPPF also seeks a high standard of development which was not evident when many of the existing buildings were given permission. It is unlikely this policy will result in a reduction in waste. However it may indirectly result in improved recycling as facilities in new buildings are improved. On balance however most of the sub-criteria are neutral except for that seeking to reduce

construction waste as it is difficult to see how this can be achieved with this policy and this therefore receives a negative score.

- 5.9 Although primarily for central Westminster this policy may have a cumulative positive impact on the more deprived parts of north Westminster. Improved housing is likely to have a cumulative impact on health and well-being. The positive objectives identified are considered to be both long and short term.

Core Central Activities Zone (Policy S6)

- 5.10 This is overall neutral but has significant positive impacts in Core CAZ encouraging economic growth including the retail and cultural offer and strategically important clusters of use and minimises the need to travel. There is a long term positive impact on the UK economy and Westminster's role in London's world city status. The recognition of diversity ensures an overall sustainable approach to development. The policy is particularly positive for objective 17, but also is positive for sub-criteria in objectives 1, 2, 3, 4 and 11. A growth in construction waste is likely and this gives a negative score to Objective 12. The economic impacts on other parts of the city are likely to be long term and cumulative.

Changes to supporting text and to the Reasoned Justification to Policy S14 - Optimising Housing Delivery and to Appendix 4

- 5.11 Although there are no changes to the wording of Policy S14, there is significant alteration to the text and reasoned justification around this policy and to Appendix 4 – Housing Delivery that merit an IIA assessment. These mainly concern increased London Plan housing targets which result in a positive score for sub-criteria in Objective 3 and an associated improvement in health and well-being in Objective 5. The other change dovetails in to the mixed use balance of commercial and residential uses which is the overall theme of all changes in this phase of the City Plan and has removed the reference in the reasoned justification to not giving general protection to office use which is considered to potentially provide an improved business environment in particular for offices. There are long term positive effects for both housing and commercial uses with a cumulative impact on health and well-being.

Commercial Development (Policy S18)

- 5.12 This policy is overall neutral but is most positive for Objective 17 seeking to protect and enhance Westminster's pre-eminent role for the economy. There may be a positive impact on Objective 13 by ensuring development is of an appropriate scale and for

objectives 1 and 11 in terms of the provision of shops and services and reducing the need to travel by car. As with other similar policies this has a negative score for construction waste and is neutral for the reasons set out above in the strategic objectives all other environmental policies.

Offices and Other B1 Floorspace (Policy S20)

- 5.13 This policy is very positive for Objective 17, in particular for businesses in key sectors, which is considered to include office floorspace. This has been given a neutral score for Objective 3 very much on balance. However, compared to the existing situation this may result in a reduced provision of housing. For office development which may have a wider impact on the UK and international economy.

Land Use Swaps and Packages (Policy CM47.1)

- 5.14 This policy is positive on social and economic sustainability criteria in particular IIA objective 3 and Objective 17. The transfer of uses between buildings can facilitate a better arrangement of uses within buildings and therefore greater efficiency and sustainability of the building stock by ensuring long-term suitability and continued occupation. The overall effect is to enhance the quality of both commercial and residential accommodation. Applications for land use swaps are normally small scale involving change of use and therefore the policy is relatively neutral on environmental sustainability grounds. Larger scale applications where the swap of uses is in connection with the Mixed Use policy will be encouraged to provide an overall improvement for IIA sub-criteria in objectives 5 and 6.

Credits (Policy CM47.2)

- 5.15 This policy provides the mechanism for the implementation of land use credits set out in Policy S1. These credits enable development to be bought forward early which can then meet policy requirements of a later scheme. It provides additional flexibility to support developers in delivering mixed use. This approach receives positive scores for both housing and economic objectives. In particular in the delivery of higher quality housing and affordable housing and for improving business development and environment. This policy is likely to result in the agglomeration of the residential requirement from several smaller mixed use schemes and therefore affordable housing will be provided where it may not have been possible in individual mixed use schemes.

Reasonable Alternatives

5.16 The IIA process has run alongside the development of the Mixed Use Revision to Westminster's City Plan and reasonable alternatives have been informed by previous informal consultation stages in policy development as follows:

- [City Management Plan Consultation Draft November 2011](#)
- [Mixed Use and Office to Residential Conversion Consultation Booklet 18 December 2014](#)

In addition, comments received in response to consultation which can themselves be considered to be reasonable alternatives have also been assessed. These are indicated in the table and below as CO. Where policies have not been through this process reasonable alternatives have been derived using adopted policies in Westminster's City Plan: Strategic Policies and by setting out other scenarios (indicated in the table and below by AO). The assessment tables and a full key to the reasonable alternatives are set out in Appendix 6.

Reasonable Alternatives Assessment

Westminster's Strategic Objective 1

5.17 The **AO1** 'No policy' approach receives negative scores for objectives 4,11,12,13 16 and 17, which is contrast to the positive scores for **WCP** and **MUR**. **MUR** has a positive + score for Objective 17 given the additional wording refers to supporting the unique economic breath and diversity of the Westminster and its fringe areas and therefore is marginally the most positive of all alternatives.

Westminster's Strategic Objective 4

5.18 The **AO1** 'No policy' approach receives negative scores for objectives 1, 3, 11 and 17. **WCP** and **MUR** receive positive scores for these objectives. **WCP** has a positive + score for Objective because it refers to increasing the supply of housing across all parts of the city. This wording has been removed in **MUR** which indicates there are parts of Westminster where this will not be the case. For this reason **WCP** is considered to be the most positive of all alternatives

Westminster's Strategic Objective 5

5.19 The **AO1** 'No policy' approach receives negative scores for objectives 2, 4, 10, 13 and 17. Both **WCP** and **MUR** are positive for these objectives with these alternatives receiving positive + scores for objectives 2, 13 and 17. The wording is very positive and supportive in terms of safety and business and managing pressures on the city is considered to include pressures on the historic environment. **WCP** and **MUR** are jointly the most positive alternatives.

Mixed Use Policy (S1)

5.20 The **AO1** 'No policy' approach is considered to be negative for objectives 3, 4 and 17 this is on the consideration that a policy is required which carefully manage a balance between residential commercial uses and without this the symbiotic relationship which is so evident in the central part of Westminster will be lost. Developers may argue this would have a positive impact on economic growth by removing viability constraints and given the lack of evidence to hand to dispute this matter this alternative has been given a negative score for Objective 17. Where there are positive scores or negative scores for both objectives 3 and 17 there are also reflected in Objective 4 given these matters can have an impact on health and wellbeing. **AO2** may result in the provision of additional housing in Westminster but fails to result in mixed use communities. Research has shown that it is this mixed use character which has helped make Westminster more resilient to recessionary pressures and for this reason this alternative receives a negative score for Objective 17.

5.21 **AO 3** recognises that the market is bringing forward housing in the CAZ but offices are being lost. It enables the delivery of commercial floorspace up to a point but without associated housing. This alternative is likely to have a positive impact on commercial development (Objective 17). However, it is likely to result in a loss of overall housing delivery, in particular affordable housing. **AO4** has an overall neutral score. It is difficult to assess the impact on affordable housing provision given its impact would depend on the size and location of the area that was subject to the exemption, however on balance this alternative is given a positive score for Objective 17 given it may be favorable to developers. **AO 5** This alternative provides a flexible approach in which commercial and residential floorspace would balance each other out and for this reason this alternative has positive scores for objectives 3, 4 and 17. The principle of benchmarking the mixed use policy in terms of market conditions (**AO 6**) appears to present an alternative which would be beneficial to both the provision of housing and for economic growth and therefore has positive scores for these objectives. **AO 7** receives a very positive score for

Objective 3 given it requires only affordable housing alongside commercial development. **CO1** was suggested by the Howard de Walden Estate. This has been included as a mixed use alternative although it could potentially be included along with the office policies or as a new policy topic. However, given the objective is to create a mixed use environment it is considered to be most appropriate in this section. This alternative is positive for objectives 1,3,4 and 17 as it is considered it provides a credible approach to providing a mixed use environment. However it is not positive + for objective 3 and 17 because the wording is not specific and it maybe difficult to easily quantify some of the aspects applied to individual applications (such as Gross Value Added).

- 5.22 **S1** is contained in the [Mixed Use and Office to Residential Conversion Consultation Booklet 18 December 2014](#) Given concerns about the loss of office to residential accommodation it provides a more refined approach by introducing a percentage up lift and also sets out a cascade approach to how the policy should be implemented. Part C of the policy in particular provides a mechanism for securing commercial floorspace where offices are being lost in favor of housing. In combination these matters are considered to result in a positive score for Objective 17 and overall the most positive of all alternatives. **Reg 19** includes the minor modification to remove the requirement for a greater amount of housing if it is provided off-site. This does not change the assessment.

Core Central Activities Zone (S6)

- 5.23 The **AO1** No policy approach is considered to be negative for objectives 1, 2, 3, 4, 11 and 17. This is counterbalanced by the positive scores received for these objectives in **WCP** and **MUR**. Both **WCP** and **MUR** encourage retail floorspace and a mixed uses including additional housing and those supporting culture, which may reduce the need to travel. This approach which encourages a range of commercial uses may have a ripple effect on other parts of Westminster and the London economy as a whole. There is no significant difference to the assessment with the additional wording in **MUR**.

Optomising Housing Delivery (S14)

- 5.24 There are no reasonable alternatives set out for the changes to the supporting text and the Reasoned Justification for S14 and to Appendix 4 as the targets are set out in the London Plan and accord with the London Strategic Housing and Land Availability Assessment 2013.

Commercial Development (S18)

5.25 These alternatives direct commercial development in Westminster and advise that they must be appropriate in terms of scale and intensity of land uses and character and function of the area. In addition **MUR** states that commercial and non-residential activity will be a priority in Core CAZ and that the Council will work to achieve and exceed the London Plan jobs target. For this reason MUR receives very positive scores for Objective 17. As for **WCP**, **MUR** has positive scores for objectives 1, 11, 13, 16 and 17. The **AO1** No Policy alternative conversely receives negative scores for these objectives. **Reg 19** clarifies that the new policy approach does not justify encroachment of commercial floorspace into wholly residential areas and streets. Whilst this was the intention of the policy, the clarification will ensure it happens and therefore helps secure higher quality housing, albeit that the overall scores do not change.

Office and Other B1 Floorspace (S20)

5.26 This is the council's key policy for office floorspace. Most objectives for all alternatives are neutral. It is considered that without a policy approach (**AO1**) which directs and encourages office development there could be a negative outcome for objectives 16 and 17, especially in the current economic climate where developers are favoring residential over offices. On balance **WCP** has been given neutral scores for these objectives given this policy alternative directs offices to the most commercial parts of Westminster. **S1** is the most positive for Objective 17 given it directly addresses applications which would result in the loss of office floorspace. Alternative **CO2** was suggested by the Grosvenor Estate and is considered to be the most positive alternative including additional wording to S20 by including job creation and uses other than offices. However, this approach would need to fit in with other policies in the plan. **CO4** includes further criteria that were suggested. While on the face of it, these additional references may appear to alter the assessment, in reality the inclusion of more detailed criteria would potentially 'shut down' other reasons why a decision may be made one way or another on the loss of offices and for this reason was considered to have a slightly negative overall impact compared to the policy as proposed.

Land Use Swaps and Packages (CM47.1)

5.27 **AO1** does not provide any mechanism to allow the swap between office and residential properties and therefore is negative for objective 17. **AO2** allows land use swaps throughout Westminster. The swap of uses between buildings can facilitate a better arrangement of uses and therefore greater efficiency and sustainability of the building

stock by ensuring its long-term suitability and continued occupation. The land swaps take place between commercial and private residential premises and therefore are unlikely to have a direct positive impact in terms of ensuring the provision of affordable housing and reducing overcrowding, however **CMP 1.4** requires the new residential to be of a higher quality which is one of the sub criteria for Objective 3. **NP CM49.2** provides for a more defined and well drafted version of CMP 1.4 it includes advice for packages (two or more sites) as well as between individual properties. The aim is to ensure that mixed use is maintained at a very local level and it enables flexibility for developers and as such receives a very positive score for Objective 17. Allowing swaps throughout Westminster (AO2) rather than just within the Core CAZ may undermine council policies for mixed use buildings and mixed use areas. This is considered the most positive alternative with a positive plus score for Objective 17.

Credits (CM47.2)

- 5.28 Where it is not practical or viable for the housing requirement to be provided on site; the use of Residential Mixed Use Credits can provide an alternative method for providing affordable housing off-site. **CMP 1.2** sets out the mechanism for this and specifies that this should deliver a substantially better planning outcome for the council by providing more homes, homes that are provided earlier and homes which have the highest standards of sustainable design and amenity provision, in comparison to what could have been provided on site. **CMP 1.2** has been assessed as providing a positive outcome for objectives 3 and 4 and 17, given the positive economic benefits of mixed use localities. As an addition to the cascade of approaches to the provision of Residential Mixed Use Credits are welcomed but it is considered there is overall likely to be only a neutral outcome if there were no detailed policy on this matter (**AO1**), given there may only be a limited application as they are only available to developers with a large property portfolio, however there may be a negative impact on objective 17 because in terms of providing for a mixed use in Central Westminster the credits approach is preferable to a payment in lieu, where the housing could be provided in any part of the city. **NP CM49.3** sets out an approach for credits that apply to both housing (including affordable housing) and for commercial development and for this reason this approach also receives a very positive score for Objective 17 and is the preferred alternative.

Changes to the Mixed Use Revision to Westminster's City Plan as a Result of the IIA

- 5.29 No changes have been identified.

6. Mitigation and Monitoring

Mitigation

- 6.1 No negative effects have been identified from the proposed Basement Revision to Westminster's City Plan and therefore no mitigation measures are necessary.

Monitoring

- 6.2 Directive 2001/42/EC requires that significant sustainability effects of implementing the policy need to be monitored to identify unforeseen adverse effects to be able to undertake appropriate remedial action.
- 6.3 The following indices (set out in Table 4 below) will be collected and included in our Authorities Monitoring Report.

Table 4 Proposed Monitoring data

Indicators
Delivery of commercial floorspace against Policy S18 target and office floorspace against Policy S20 target (annual net completions)
Permissions for the loss of office floorspace to residential use pre- and post- 1 st - September 2015
Permissions for the loss of office floorspace to residential use to other uses
Delivery of commercial floorspace from office to residential conversions and/or redevelopment
Delivery of residential floorspace as part of a mixed use development
Use of land use swaps to deliver against Policy S1 Mixed Use requirements

Use of the credits mechanism for delivery against Policy S1 Mixed Use requirements, including whether these were instigated by the developer (less than 50% development uplift) or through the policy cascade (greater than 50% development uplift)

Payments in lieu taken to meet requirements of Policy S1 Mixed Use requirements, including whether these were instigated by the developer (less than 50% development uplift) or through the policy cascade (greater than 50% development uplift)

Number of appeals to the Secretary of State from planning decisions by the Council concerning office losses and, where these are upheld, the reason why.

7. Next Steps

- 7.1 This IIA accompanies the Basement Revision to Westminster's City Plan submission draft. It is part of the supporting document submitted to the Secretary of State and will form part of the examination documents. Consultation responses are summarised in the consultation statement which also accompanies the basement revision as a support document.
- 7.2 The revision will be considered by an Inspector appointed by the Secretary of State. They will report to the council and ultimately the revision will be adopted. At this stage it will gain full weight for determination of planning applications as part of Westminster local plan.
- 7.3 A comprehensive post adoption statement will be published once all the IIA Reports have been finished and the process concluded.

8. End Notes

ⁱ Westminster Office Study Impact of the Recession (2009)

ⁱⁱ London Property Watch April 2014

ⁱⁱⁱ Hometrack. Three months to March 2014

^{iv} London Property Watch April 2014

^v Hometrack. Three months to March 2014

^{vi} Affordable Housing Developing Westminster's Local Plan Booklet No. 17 (P.11) January 2015

^{vii} Affordable Housing Developing Westminster's Local Plan Booklet No. 17 January 2015

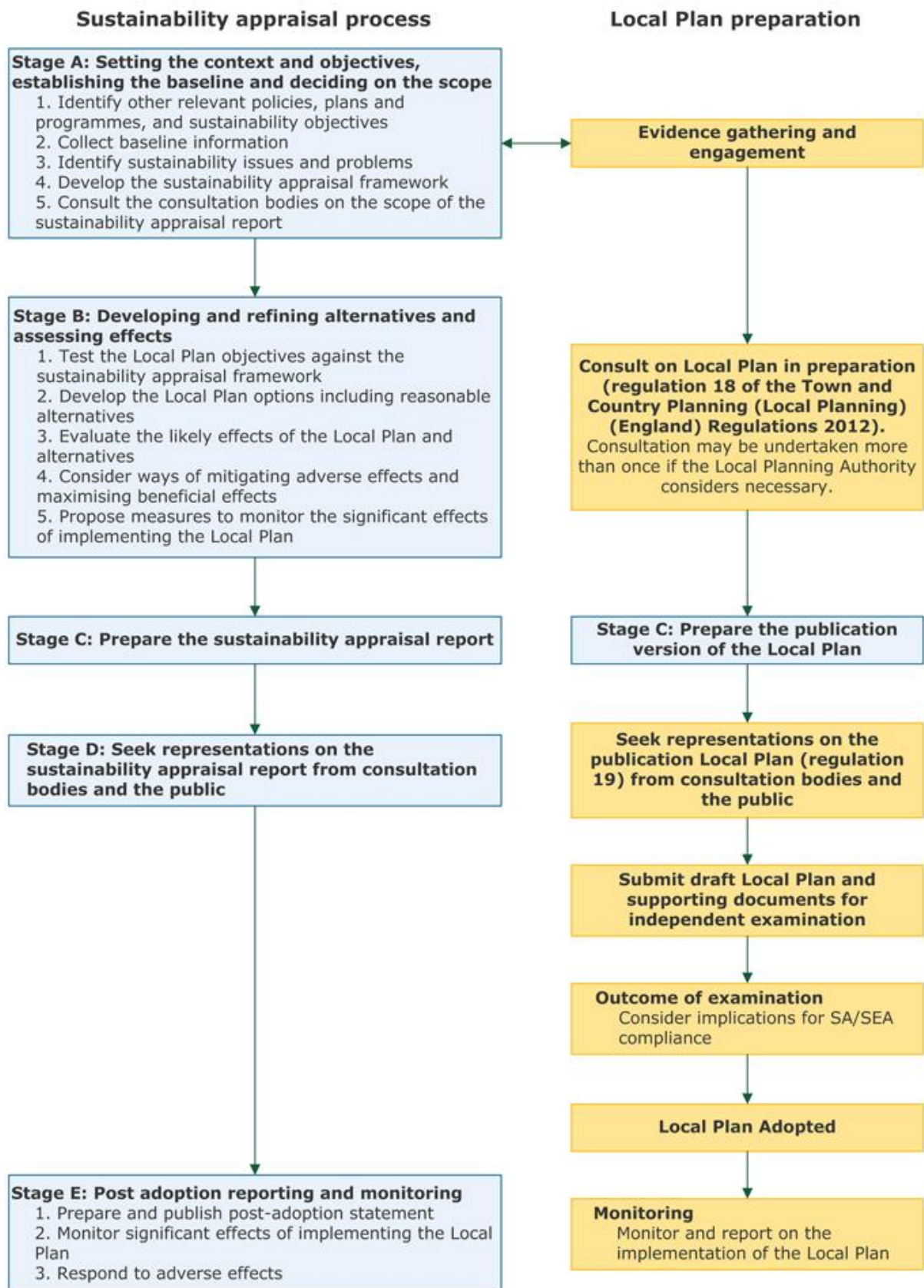
^{viii} Provisional 2013 BRES figures

^{ix} Colliers International

^x **This target is based a) on the average office floorspace projections taking into account forecast employment and past stock growth, and assuming an occupation rate of 9sqm per employee for B1 uses and b) securing 49% of the employment growth target set out in Policy S18 in office-based employment. Both of these assessments are based on the London Office Policy Review 2012 Update, and both methods suggest a target of 58,000 jobs.**

^{xi} Westminster Office Study Impact of the Recession (2009)

Appendix 1 Sustainability Process in relation to Local Plan Preparation from NPPF PPG March 2014



Appendix 2 - SEA Directive Requirements and how these have been addressed

The SEA Directive Requirements	IIA Report Sections
a) An outline of the contents, main objectives of the plan and relationship with other relevant plans and programmes;	IIA Scoping Report 2014 and chapters 2 and 3 in this IIA Report.
b) The relevant aspects of the current state of the environment and the likely evolution thereof without implementation of the plan;	IIA Scoping Report 2014 and Chapter 2 in this IIA Report.
c) The environmental characteristics of the areas likely to be significantly affected;	IIA Scoping Report 2014 and Chapter 2 in this IIA Report.
d) Any existing environmental problems which are relevant to the plan, in particular, those relating to any areas of a particular environmental importance, such as areas designated pursuant to Directives 79/409/EEC and 92/43/EEC;	IIA Scoping Report 2014 and Chapter 4 in this IIA report. A separate Habitats Directive Screening Report has been to Natural England.
e) The environmental protection objectives, established at international, community or national level, which are relevant to the plan and the way those objectives have been taken into account during preparation;	IIA Scoping Report 2014 and chapters 2 and 3 in this IIA Report.
f) The likely significant effects on the environment, including on issues such as biodiversity, population, human health, fauna, flora, soil, water, air, climatic factors, material assets, cultural heritage including architectural and archeological heritage, landscape and the interrelationship between the above factors. These effects should include secondary, cumulative, synergistic, short, medium and long term permanent and temporary, positive and negative effects);	IIA Assessment Framework in the Scoping Report 2014 and Chapter 5 and Appendix 6 of this IIA Report.
g) The measures envisaged to prevent, reduce and as fully as possible offset any significant adverse effects on the environment of implementing the plan;	Chapter 7 of this IIA Report.
h) An outline of the reasons for selecting the alternatives dealt with, and a description of how the assessment was undertaken including and difficulties (such as technical deficiencies or lack of know-how) encountered in compiling the required information);	Chapters 4 and 5 of this IIA Report.
i) a description of measures envisaged concerning monitoring in accordance with article 10;	Chapter 7 of this IIA Report.
j) a non-technical- summary of the information provided under the above headings	A non-technical summary is contained at the front of this IIA

The report must include the information that may reasonably be required taking into account current knowledge and methods of assessment, the contents and level of detail in the plan, its stage in the decision-making process and the extent to which certain matters are more appropriately assessed at different levels in that process to avoid duplication of the assessment (Article 5.2).

APPENDIX 3 - Consultation Comments on the City Plan IIA Scoping Report - June 2014

How comments received in response to consultation on the IIA Scoping Report for Westminster's City Plan – June 2014 have been taken into account.

Summary of Comments	How comments have been taken on board
Natural England	
There should be a priority for the creation of SUDs within any redevelopment which takes place in Westminster. This can have health benefits as identified in the scoping report and objective 7 mentions that the provision is most likely to happen as part of creation within built structures where green roofs and walls or rain gardens can be implemented.	Not relevant to Mixed Use Revision
The protection of the 30 Sites of Importance for Nature Conservation (SINCS) should be a key consideration throughout the City Plan process as given the amount of open space deficiency identified within the borough and the benefits both for human health and that of biodiversity loss of any sites would be detrimental and almost impossible to replace.	Not relevant to Mixed Use Revision
Objectives 13 and 14 should both be used to help ensure that the plan overall has policies in it that will bring forward improvements in the open spaces in Westminster and also to improve the public realm through some potential greening measures to create a better environment for the public to want to walk through.	Objective 15 is the primary policy for open space. It seeks <i>to protect, enhance and seek opportunities to increase open space</i> . This objective in combination with objectives 11, 13 and 14 will be used to assess draft policies in terms of creating a better environment for the public to walk through.
Environment Agency	
No specific comments on the IIA but provided a factsheet containing suggested guidance on the scope and level of information to be included in the SA report.	Noted – See below.
Climate change should be considered as part of the evidence base for the SA, as a key sustainability issue and as SA objective against which your plan will be appraised.	Climate change is considered in paragraphs 3.114 to 3.119 in the baseline information and as a key sustainability issue (paragraph 5.6). It is also set out as Objective 5 in the Sustainability Framework.
Flood Risk should be included in the baseline	Flood risk is considered in the baseline

<p>information as a key sustainability issue and as an objective.</p> <p>The Strategic Flood Risk Assessment should be included as part of the evidence base.</p> <p>As should Westminster’s Surface Water Management Plan and the Environment Agency Thames Estuary 2100 plan.</p>	<p>information (paragraphs 2.129 to 3.131) and as a key sustainability issue (paragraph 5.8). It is also set out as Objective 7 in the Sustainability Framework.</p> <p>The Strategic Flood Risk Assessment and the Environment Agency Thames Estuary 2100 plan are included in Appendix 4 of this Report Updated Relevant Plans, Programmes and Strategies</p> <p>Westminster’s Surface Water Management Plan. Likely adoption June/July 2015.</p>
<p>The Water Framework Directive should be considered and recommendations from the Thames River Basin Management Plan as an objective and as part of the baseline.</p>	<p>There is one watercourse in Westminster (The Grand Union Canal) designated under the Water Framework Directive (WFD). This is included in the baseline information paragraph 3.105 in the IIA Scoping Report June 2014.</p> <p>An additional sub-criteria has also been added to Objective 8 as follows: <i>Will it improve the water environment including Quality?</i></p> <p>The Thames River Basin Management Plan is included in Appendix 4 of this Report Updated Relevant Plans, Programmes and Strategies.</p>
<p>Comment on the importance of green infrastructure and suggest that the protection and enhancement of biodiversity is considered as a key sustainability issue, protected habitats and species are mapped as part of the evidence base and biodiversity issues are addressed as an SA objective.</p>	<p>Biodiversity is considered in the baseline information (paragraphs 3.105 to 3.113) and as a key sustainability issue in Paragraph 5.9. It is also set out in Objective 8 in the Sustainability Framework.</p> <p>Map 4 (page 17) of this IIA Report and Map 5 (page 18) of this IIA Report show <i>Biodiversity Action Plan Habitats and Sites of Importance for Nature Conservation</i> and <i>Records of Protected and Priority Species</i> respectively.</p>
<p>Suggest that water quantity and water resource efficiency should be considered as part of the evidence base for the SA, as a key sustainability issue and as SA objective.</p>	<p>Water quantity and water resource efficiency are considered in the baseline information in paragraphs 3.133 to 3.135 Objectives 6 and 8 in the Sustainability Framework set out these</p>

	matters for assessment.
Comment that part of Westminster are defined as being sensitive locations for groundwater because they are located within source protection zones 1,2 or 3 and/or are located over principle or secondary aquifers. We suggest you include this information and information on land contamination in Westminster as part of the baseline for your SA to ensure that the potential impacts of the local plan policies and site allocations on groundwater can be identified and addressed.	Noted. Ground water has been mapped and shown in Map 1 of this IIA Report. In terms of contaminated land there are no Special Sites registered under the Environmental Protection Act 1990 78R-T, and none where notices have been served under Part IIA of Section 78.
Emphasise the importance of the 'waste hierarchy' and London Plan Policies 5.16 and 5.17 which encourage greater self sufficiency for waste management in London and sustainable transportation of waste. Therefore suggest that waste issues are considered as part of the SA and objectives addressing waste management and resource efficiency are included.	Waste is considered in paragraphs 3.149 to 3.159 in the baseline information and as a key sustainability issue (paragraph 5.13). It is also set out as Objective 12 in the Sustainability Framework.
Suggest that air quality issues are considered as part of the SA and objectives addressing air quality are included. Your Borough Air Quality Action Plan and the Mayor's Air Quality and Transport Strategies should form the evidence base for this.	Air Quality is considered in paragraphs 3.120 to 3.128 in the baseline information and as a key sustainability issue (paragraph 5.10). It is also set out as Objective 9 in the Sustainability Framework.
English Heritage (now Historic England)	
Generally content with the treatment of the historic environment in the Scoping Report subject to the following comments:	Noted
Request that a further issue is added to Scoping Report Page 31 concerning <i>the pressure for residential development and employment uses being exponentially greater and the implications this might have for Westminster's town centre conservation areas and their settings in particular. Whilst Further Alterations to the London Plan (FALP) are yet to be examined and must not be given undue weight, English Heritage considers that the pressures they convey could present real challenges for Westminster's historic</i>	Noted

<i>environment in the mid to long term future.</i>	
<p>Request the following documents are included in Relevant Plans, Programmes:</p> <p><i>English Heritage Good Practice Notes on</i></p> <ul style="list-style-type: none"> • <i>The Historic Environment in Local Plans</i> • <i>Decision-taking in the Historic Environment</i> • <i>The Setting of Heritage Assets</i> <p><i>Improving Historic Soho’s Environmental Performance</i></p> <p><i>Retrofitting Historic Buildings for Sustainability</i></p>	<p>These documents have been added to Appendix 4 of this Report Updated Relevant Plans, Programmes and Strategies</p>
<p>Request changes to the wording of the IIA Objective for cultural heritage to better reflect the requirements of the NPPF by reading as follows: <i>To conserve and enhance the significance of heritage assets and their settings.</i></p>	<p>The wording of Objective 13 has been changed as follows:</p> <p>To <u>conserve</u> and enhance the historic environment and architectural, archaeological and cultural heritage</p> <p>With the sub-criteria also changed to reflect NPPF wording as follows:</p> <p>Will it <u>conserve the significance</u> of heritage sites and cultural value?</p> <p>Will it protect strategic views?</p> <p>Will it <u>conserve</u> listed buildings and their settings?</p> <p>Will it help <u>conserve</u>, enhance and record archaeological features and their settings?</p>

Appendix 4 - Relevant Plans, Programmes and Strategies updated Scoping Report Version

International

EU Directives 79/409/EEC; 92/43/EEC; 2000/60/EC; 96/62/EC; 75/442/EEC; 99/31/WC

EU Directive 2008/50/EC

EU Water Directive Framework 2000

Kyoto protocol to the United Nations framework convention on climate change (2005)

The World Summit on Sustainable Development – Commitments arising from Johannesburg Summit United Nations (2002)

National

Air pollution: Action in a Changing Climate 2010 *DEFRA*

Air Quality Regulations 2010

Climate Change Act 2008

Conservation Principles, Policies and Guidance (2008) *English Heritage*

Crowded Places: The Planning System and Counter-Terrorism (2012) *Home Office*

Energy and Climate Change for all local authorities Dataset 6222 (2012). *Department of Energy and Climate Change*

Energy Efficiency and Historic Buildings (2012) *English Heritage*

Environment Act 1995

Equality Act 2010

Groundwater Protection: Policy and Practice (GP3) (2013) *Environment Agency*

Guidance on Tall Buildings (2007) *English Heritage/CABE*

Historic Environment Good Practice Advice in Planning Consultation Draft (2014) Notes 1-3 *English Heritage*

London Borough Environmental Fact Sheet (2011) *Environment Agency*

National Planning Policy Framework (2012) *Department for Communities and Local Government*

National Heritage Protection Plan (2011 –ongoing) *English Heritage*

Obesity and the environment: Increasing physical activity and active travel (November 2013) *Public Health England and LGA*

Planning Act 2008

Planning and Compulsory Purchase Act (2004)

Planning Policy for Traveler Sites (2012) *Communities and Local Government*

Planning Policy Statement 10: Planning for Sustainable Waste Management (2005) *Communities and Local Government*

Planning Practice Guidance (2014)

Safer Places: The Planning System and Crime Prevention (2004) *ODPM*

Seeing the History in the View: A method for assessing Heritage Significance within Views (2011) *English Heritage*

Thames Estuary 2100 Flood Risk Management Plan (2002) *Environment Agency*

Thames River Basin Management Plan (2009) *Environment Agency*

(The) Setting of Heritage Assets (2011) *English Heritage*

Technical Guidance to the National Planning Policy Framework (2012) *Department for Communities and Local Government*

UK Air Quality Strategy (2007) *Department for Environment, Food and Rural Affairs, Scottish Executive, Welsh Assembly Government and Department of the Environment Northern Ireland. Published by DEFRA*

Understanding Place: Conservation Area Designation, Appraisal and Management (2011) *English Heritage*

Updated National Waste Planning Policy: Planning for Sustainable Waste Management (2013) *Department for Communities and Local Government*

2010 Local Authority Carbon Dioxide Figures (2012) *Department of Climate and Energy Change*

Regional

Affordable Capital? Housing in London (2012) *Institute for Public Policy Research*

Better Environment, Better Health: A GLA guide for London Boroughs. London Borough of Westminster (2013) *Mayor of London*

Building London, Building Britain: The economic impact of Central London construction (2013) *London First*

Energy Planning: GLA Guidance on preparing energy assessments (2011) *Greater London Authority*

Draft Housing Strategy (2013) *Mayor of London*

Health Issues in Planning - Best Practice Guidance, (2007) *Mayor of London*

Land for Industry and Transport SPG (2012) *Mayor of London*

London Office Policy Review (2012) *Ramidus*

London Plan (2011) *Mayor of London*

The London Plan – The Spatial Development Strategy for London Consolidated with Alterations since 2011 (March 2015) *Mayor of London*

London Carbon Scenarios to 2026 Report (2006) *London Energy Partnership*

London View Management Framework (2012) *Mayor of London*

Air Quality Strategy: Cleaning London's Air (2010) *Mayor of London*

All London Green Grid Supplementary Planning Guidance (2012) *Mayor of London*

Climate Change Mitigation and Energy Strategy (2011) *Mayor of London*

Cultural Metropolis: Mayor's Cultural Strategy (2010) *Mayor of London*

Delivering London's Energy future: the Mayor's climate change mitigation and energy strategy (2011) *Mayor of London*

Economic Development Strategy for London (2010) *Mayor of London*

London Development Report (2012) *Knight Frank*

London's Foundations Supplementary Planning Guidance (2012) *Mayor of London*

London's World Heritage Sites – Guidance on Settings Supplementary Planning Guidance (2011) *Mayor of London*

Managing risks and increasing resilience: the Mayor's climate change adaptation strategy (2011) *Mayor of London*

Securing London's water future: the Mayor's Water Strategy (2011) *Mayor of London*

The London Review Autumn 2012 (2012) *Knight Frank*

Transport Strategy (2010) *Mayor of London*

Tree and Woodlands Supplementary Planning Guidance (2012) *Mayor of London*

Waste Management Strategies (2011) *Mayor of London*

Neighbouring Authorities

City of London – Core Strategy (adopted 8 September 2011)

London Borough of Brent – Core Strategy (adopted 12 July 2010) and Site Specific Allocations (2011)

London Borough of Camden – Core Strategy and Development Polices (adopted 8 November 2010)

Royal Borough of Kensington and Chelsea –Core Strategy (adopted 8.December 2010) and partial review of the Core Strategy (adopted January 2015)

Local

Affordable Housing Viability Study (2010) *DTZ Research. Published by Westminster City Council (jointly commissioned with London Borough of Camden)*

Affordable Housing Viability Study, Payments in Lieu of Affordable Housing (2011) *DTZ Research. Published by Westminster City Council (jointly commissioned with London Borough of Camden)*

Basement Development in Westminster SPD (October 2014) *Westminster City Council*

Air Quality Action Plan 2013-2018 (2013) *Westminster City Council*

Better City Better Lives Year 2 (2014) *Westminster City Council*

Biodiversity Action Plan (2007) *Westminster City Council*

Church Street Master Plan Health Profile refresh 2013 (2013) *JSNA*

Core Strategy Sustainability Appraisal Scoping Report (2007) *Westminster City Council*

Core Strategy Sustainability Appraisal - Publication Draft (2009) *Westminster City Council*

Core Strategy NPPF Revision (Draft) IIA 2012 *Westminster City Council*

Creative Industries Report and Statistical Update (2007 and 2011) *GVA Grimley; Burns and Owens*

Cycling Strategy (Consultation Draft) December 2013 *Westminster City Council*

Decentralised Energy Masterplan for the City of Westminster (2014) *Published by Westminster City Council*

Economic Development Strategy 2008-2011 (2007) *Westminster City Council*

Equalities Impact Analysis Guidance For assistance with Tri-and Bi-Borough and single Borough decisions

Estates Strategy 2008- 2013 (2008) *Westminster NHS Primary Care Trust*

Every Older Person Matters (2010 – 2013) *Westminster City Council*

From offices to oligarchs: A new role for Mayfair (2011) *Ramidus Consulting Ltd*

Healthier City, Healthier Lives –Westminster’s Joint Health and Wellbeing Strategy (2013) *NHS, LINK and Westminster City Council*

Health profile 2012- City of Westminster (2012) *NHS*

Housing Renewal Strategy (2010) *Westminster City Council*

Housing Strategy 2007-2012 (2007) *Westminster City Council*

(The) Importance of the Historic Environment to the Office Market in Westminster (2007) *Drivers Jonas*

Improving Historic Soho’s Environmental Performance (2013) *Sturgis Carbon Profiling LLP, Ramboll, Sampson Associates and Donald Insall Associates for Westminster City Council, English Heritage and the Soho Community Environment Fund*

Local Development Scheme (2012) *Westminster City Council*

Local Economic Assessment Baseline Study (2011) *Westminster City Council*

Local Implementation Plan: a Transport Delivery Plan up to 2031(2011) *Westminster City Council*

Mapping LGBT Westminster (2009) *Deborah Gold and Katherine Cowan Published by Westminster City Council*

(Draft)Municipal Waste Management Strategy 2016-2031 (August 2013) *Westminster City Council*

Noise Attitudes Survey (2008) *GfK NOP Social Research. Published by Westminster City Council*

Noise Survey (2008) *Scott Wilson. Published by Westminster City Council*

North London Sub-Region Strategic Housing Market Assessment (2009) *Opinion Research Services. Published by City of Westminster and the London Boroughs of Barnet, Enfield, Haringay, Islington and Camden*

Our Strategy for Tackling Health Inequalities in Westminster 2009-2016 (2009) *NHS Westminster*

Preliminary Flood Risk Assessment (2011) *Drain London Westminster City Council*

The Prime Residential Market in Westminster (2014) *Ramidus Consulting*

Retrofitting Historic Buildings for Sustainability (2013) *Westminster City Council*

Retrofitting Soho (2008) *The Max Lock Centre, University of Westminster. Published by MLC Press, University of Westminster in partnership with Westminster City Council*

Safer Westminster Partnership Strategy (2011- 2014) *Westminster City Council*

Strategic Plan 2008-2013 (2008) *Westminster NHS*

Strategic Service Development Plan 2008-2013 (2008) *Westminster NHS Primary Care Trust*

Statement of Community Involvement (2014) *Westminster City Council*

Statement of Licensing Policy (2011) *Westminster City Council.*

Strategic Flood Risk Assessment (2009) *Westminster City Council*

(A) Study of Small Offices in Westminster 2008 (2009) *DTZ Research. Published by Westminster City Council*

Trees and the Public Realm (2011) *Westminster City Council*

Westminster Housing Market Analysis (2014) Wessex Economics

Waste Sites Assessment (2009) *Westminster City Council*

West End in the Market (2014) *Deloitte Real Estate*

Westminster Biodiversity Action Plan (2007) *Westminster City Council*

Westminster City Plan 2006 - 2016 Sustainable Community Strategy (2006) *Westminster City Partnership*

Westminster City Council Residential Basements Report (2013) *Alan Baxter Associates*

Westminster City Council Equality Objectives 2012-2016

Westminster Infrastructure Plan: Technical Assessment 2006-2026 (2009) *URS Consultants. Published by Westminster City Council*

Westminster (City of) Local Economic Assessment Baseline Study (2011) *Westminster City Council*

Westminster Noise Strategy (2010) *Westminster City Council*

Westminster Office Study – Impact of the Recession (2009) *Drivers Jonas. Published by Westminster City Council*

Westminster Open Spaces Strategy (2007) *Westminster City Council*

Westminster Profile (2013) *Westminster City Council*

Westminster Way (2011) *Westminster City Council*

Westminster's City Plan: Strategic Policies (2013) *Westminster City Council*

Appendix 5 – The IIA Assessments

For the following: Strategic Objectives 1, 4 and 5, Policies S1 (Mixed Use in the CAZ), S6 (Core CAZ), S14 Housing, S18 (Commercial Development), S20 (Offices and other B1 floorspace), CM47.1 (Land Use Swaps and Packages), CM47.2 (Credits)

Integrated Impact Assessment: For Westminster's Strategic Objectives No.1			
Sustainability, Equality and Health Objectives	Detailed decision making sub-criteria including EIA and HIA	Score	Comments
1. To create cohesive, inclusive and safe communities	<ul style="list-style-type: none"> Will improve access to local services including shops and community facilities?* 	0	
	<ul style="list-style-type: none"> Will in increase ability to influence decision making (neighbourhoods)? * 	0	
	<ul style="list-style-type: none"> Will it encourage engagement in community activity 	0	
	<ul style="list-style-type: none"> Will it foster an inclusive Westminster community? 	0	
2. To reduce crime and fear of crime	<ul style="list-style-type: none"> Will it reduce the levels of crime, disorder and anti-social behaviour? ** 	0	
	<ul style="list-style-type: none"> Will it reduce fear of crime, disorder and anti-social behaviour? ** 	0	
	<ul style="list-style-type: none"> Will it reduce other behaviour adversely affecting the local environment? ** 		
3. To ensure the provision of appropriate	<ul style="list-style-type: none"> Will it reduce homelessness? ** 	0	

housing types to reduce homelessness; reduce overcrowded households and meet the demand for affordable housing and family sized units	• Will it increase a range of affordable housing?***	0	
	• Will it reduce the number of unfit homes?***	0	
	• Will it result in high quality homes?***	0	
	• Will it provide housing than can help people stay independent for longer?	0	
4. To promote and improve health and wellbeing	• Will it help health inequalities?***	0	This strategic objective has the potential to increase cultural wellbeing given it supports cultural, tourism and entertainment functions
	• Will it reduce death rates?*	0	
	• Will it improve access/movement?*	0	
	• Will it encourage healthy lifestyles?*	0	
	• Will it improve cultural wellbeing?	+	
	• Will it foster an inclusive Westminster community, specifically through an active engagement in sport and physical activity opportunities?	0	
	• Will it provide access to a healthy diet and encourage healthy lifestyles?	0	
	• Will it encourage a physically active lifestyle (helping to reduce obesity)?	0	
	• Will it create healthy workplaces?	0	

5. To reduce greenhouse gas emissions and support climate change adaption	<ul style="list-style-type: none"> Will it reduce greenhouse gas emissions by reducing energy consumption, generating low or zero carbon energy and reducing the need to travel?* 	0	
	<ul style="list-style-type: none"> Will it reduce ozone depleting emissions? * 	0	
	<ul style="list-style-type: none"> Will it reduce emissions through retrofitting new technology? 	0	
	<ul style="list-style-type: none"> Will it reduce heat island effects on people and property? * 	0	
6. To reduce the use of natural resources e.g. water, fossil fuels, quarried materials, wood.	<ul style="list-style-type: none"> Will it reduce water consumption and improve water efficiency? 	0	
	<ul style="list-style-type: none"> Will it reduce consumption of fossil fuels?* 	0	
	<ul style="list-style-type: none"> Will use of other natural resources (e.g. quarried materials) be minimised? 		
	<ul style="list-style-type: none"> Will use of renewable resources (e.g. sustainably sourced timber) be prioritised over non-renewable resources? 	0	
7. To reduce flood risk, promote sustainable urban drainage (SUDs) and	<ul style="list-style-type: none"> Will it minimise flood risk from all sources of flooding?* 	0	

protect, surface and ground water quality			
	<ul style="list-style-type: none"> Will it reduce property damage due to storm events/ heavy rainfall by improving flood resistance and flood resilience? * 		
	<ul style="list-style-type: none"> Will it reduce combined sewer overflow events?* 	0	
8. To protect, enhance and create environments that encourage and support biodiversity	<ul style="list-style-type: none"> Will it protect, enhance and increase biodiversity and protect habitats? 	0	
	<ul style="list-style-type: none"> Will it preserve SINCs? 	0	
	<ul style="list-style-type: none"> Will it improve access to and promote educational value of sites of biodiversity interest?* 	0	
	<ul style="list-style-type: none"> Will it conserve and enhance species and habitats? 	0	
	<ul style="list-style-type: none"> Will it improve water environment? 		
9. To improve air quality	<ul style="list-style-type: none"> Will it improve air quality? * 	0	
	<ul style="list-style-type: none"> Will it reduce emissions of key pollutants?* 	0	
10. To reduce noise and impact of noise	<ul style="list-style-type: none"> Will it reduce noise levels* 	0	
	<ul style="list-style-type: none"> Will it reduce noise concerns and complaints? 	0	
11. To reduce the need to travel; the use of private motorised vehicular transport as well as encourage walking, cycling and the use of public transport	<ul style="list-style-type: none"> Will it reduce traffic volumes?* 	0	Providing economic functions alongside residential uses potentially has the impact of increasing walking and the use of public transport.
	<ul style="list-style-type: none"> Will it encourage walking and cycling?* 	+	
	<ul style="list-style-type: none"> Will it increase proportion of journeys using modes other than a car?* 	+	

12. To reduce waste production and increase recycling, recovery and use of all waste	<ul style="list-style-type: none"> Will lead to reduced consumption of materials and resources? 	0	
	<ul style="list-style-type: none"> Will reduce household waste? 	0	
	<ul style="list-style-type: none"> Will increase recovery recycling and re-use? 	0	
	<ul style="list-style-type: none"> Will reduce construction waste? 	0	
13. To conserve and enhance the historic environment and architectural, archaeological and cultural heritage	<ul style="list-style-type: none"> Will it conserve the significance of heritage sites and cultural value? 	++	This objective specifically refers to the importance of cultural, tourism and entertainment functions and Westminster's unique and historic character and for this reason has positive scores for the sub-criteria.
	<ul style="list-style-type: none"> Will it protect strategic views? 	+	
	<ul style="list-style-type: none"> Will it conserve listed buildings and their settings? 	+	
	<ul style="list-style-type: none"> Will it help conserve, enhance and record archaeological features and their settings? 	0	
14. To enhance public realm and street improvements	<ul style="list-style-type: none"> Will reduce litter? 	0	
	<ul style="list-style-type: none"> Will it enhance the quality of public realm? 	0	
	<ul style="list-style-type: none"> Will improve access and mobility for all equality group strands?* * 	0	
15. To protect, enhance and seek opportunities to increase open space	<ul style="list-style-type: none"> Will it improve open space?* 	0	
	<ul style="list-style-type: none"> Will it improve landscape and character of open space? 	0	
	<ul style="list-style-type: none"> Will it improve access to open space? ** 	0	
16. To ensure equality of opportunity and improve local opportunities and support sustainable growth throughout	<ul style="list-style-type: none"> Will it improve qualifications, skills and training? ** 	0	This has been given a neutral score overall but this is very much on balance and it is considered that there may be a secondary impact on these
	<ul style="list-style-type: none"> Will it reduce unemployment? * 	+	

Westminster.	<ul style="list-style-type: none"> • Will provide jobs for most in need?* 	0	matters. It is likely that Objective 1 will contribute to increased employment and therefore this sub criteria has been given a positive score.
	<ul style="list-style-type: none"> • Will improve earnings? 	0	
	<ul style="list-style-type: none"> • Will it support young people, adults and vulnerable parents into employment, education and training? 	0	
17. To maintain economic diversity, increase local opportunity and support sustainable economic growth.	<ul style="list-style-type: none"> • Will improve business development and environment? 	++	This strategic objective is positive for all sub criteria in Objective 17 as it primarily seeks to accommodate sustainable economic growth and change.
	<ul style="list-style-type: none"> • Will improve business resilience and economy? 	++	
	<ul style="list-style-type: none"> • Will it encourage new business start ups, small businesses and opportunities for local people?* 	+	
	<ul style="list-style-type: none"> • Will it promote business in key sectors? 	++	
	<ul style="list-style-type: none"> • Will it promote regeneration, reducing disparity?* 	+	
<p>(* asterisks show where the sub-criteria other than that identified in coloured text (blue text = health considerations and red text = equalities considerations) is likely to impact on health and equalities).</p> <p>For the EIA the following protected characteristics were considered:</p> <p>Age, Disability, Gender (including gender reassignment, Pregnancy and Maternity, Race, Religion or Belief (including lack of) and Sexual Orientation</p>			

<p>IIA Assessment</p> <p>Major positive ++ , Minor positive + Neutral 0, Minor negative – Major negative – –</p> <p>Overall Summary</p> <p>This strategic objective is mainly neutral but has positive scores for the sub-criteria in objectives 4, 11, 13, 16 and 17. All sub-criteria are positive for Objective 17 as the strategic objective primarily seeks to accommodate economic growth and change. There are no negative objectives however it could be argued that any development may result in increased use of sustainable resources. However, given the NPPF requires that development is positive for environmental and as well as social and economic criteria then on balance objectives 5, 6, 7, 8 9 and 10 have been given a neutral assessment.</p>
<p>Long Term positive effect – All the objectives identified as positive are likely to be for the short and long term</p> <p>Short term – All the objectives identified as positive are likely to be for the short and long term</p> <p>Long term negative effects – None identified</p> <p>Mitigation/Change to plan – None identified</p> <p>Cumulative effects – The cumulative impact is most likely to be for Objective 16 in terms of reducing unemployment</p> <p>Uncertainties/risks – All potential positive effects related to economic growth are dependent on the health of the economy as a whole and related to a number of national and international factors.</p> <p>Monitoring significant effects – AMR</p>

Integrated Impact Assessment: For Westminster’s Strategic Objectives No.4			
Sustainability, Equality and Health Objectives	Detailed decision making sub-criteria including EIA and HIA	Score	Comments

1. To create cohesive, inclusive and safe communities	<ul style="list-style-type: none"> Will improve access to local services including shops and community facilities?* 	0	The mix of residential and commercial uses in a locality has the potential to encourage community activity in particular if these are 'active uses' such as public houses and retail.
	<ul style="list-style-type: none"> Will in increase ability to influence decision making (neighbourhoods)? * 	0	
	<ul style="list-style-type: none"> Will it encourage engagement in community activity 	+	
	<ul style="list-style-type: none"> Will it foster an inclusive Westminster community? 	+	
2. To reduce crime and fear of crime	<ul style="list-style-type: none"> Will it reduce the levels of crime, disorder and anti-social behaviour? ** 	0	Balanced mixed residential and commercial communities have the potential to reduce crime and anti-social behaviour and the fear of this given this provides activity on the street but this may also increase so under the circumstances this objective is neutral.
	<ul style="list-style-type: none"> Will it reduce fear of crime, disorder and anti-social behaviour? ** 	0	
	<ul style="list-style-type: none"> Will it reduce other behaviour adversely affecting the local environment? ** 	0	
3. To ensure the provision of appropriate housing types to reduce homelessness; reduce overcrowded households and meet the demand for affordable housing and family sized units	<ul style="list-style-type: none"> Will it reduce homelessness? ** 	+	This has the potential to result in positive outcomes for all sub-criteria given the emphasis on increasing the supply of good quality housing to meet Westminster's housing targets and housing needs
	<ul style="list-style-type: none"> Will it increase a range of affordable housing? ** 	++	
	<ul style="list-style-type: none"> Will it reduce the number of unfit homes? ** 	+	
	<ul style="list-style-type: none"> Will it result in high quality homes? ** 	+	
	<ul style="list-style-type: none"> Will it provide housing than can help people stay independent for longer? 	+	
4. To promote and improve health and wellbeing	<ul style="list-style-type: none"> Will it help health inequalities? ** 	+	Access to good quality housing can help improve health inequalities and potentially improve death rates
	<ul style="list-style-type: none"> Will it reduce death rates? * 	+	

	<ul style="list-style-type: none"> • Will it improve access/movement?* 	0	although the impact is likely to be indirect and long term.
	<ul style="list-style-type: none"> • Will it encourage healthy lifestyles?* 	0	
	<ul style="list-style-type: none"> • Will it improve cultural wellbeing? 	0	
	<ul style="list-style-type: none"> • Will it foster an inclusive Westminster community, specifically through an active engagement in sport and physical activity opportunities? 	0	
	<ul style="list-style-type: none"> • Will it provide access to a healthy diet and encourage healthy lifestyles? 	0	
	<ul style="list-style-type: none"> • Will it encourage a physically active lifestyle (helping to reduce obesity)? 	0	
	<ul style="list-style-type: none"> • Will it create healthy workplaces? 	0	
5. To reduce greenhouse gas emissions and support climate change adaption	<ul style="list-style-type: none"> • Will it reduce greenhouse gas emissions by reducing energy consumption, generating low or zero carbon energy and reducing the need to travel?* 	0	
	<ul style="list-style-type: none"> • Will it reduce ozone depleting emissions? * 	0	
	<ul style="list-style-type: none"> • Will it reduce emissions through retrofitting new technology? 	0	
	<ul style="list-style-type: none"> • Will it reduce heat island effects on people and property? * 	0	

6. To reduce the use of natural resources e.g. water, fossil fuels, quarried materials, wood.	<ul style="list-style-type: none"> Will it reduce water consumption and improve water efficiency? 	0	
	<ul style="list-style-type: none"> Will it reduce consumption of fossil fuels?* 	0	
	<ul style="list-style-type: none"> Will use of other natural resources (e.g. quarried materials) be minimised? 		
	<ul style="list-style-type: none"> Will use of renewable resources (e.g. sustainably sourced timber) be prioritised over non-renewable resources? 	0	
7. To reduce flood risk, promote sustainable urban drainage (SUDs) and protect, surface and ground water quality	<ul style="list-style-type: none"> Will it minimise flood risk from all sources of flooding?* 	0	
	<ul style="list-style-type: none"> Will it reduce property damage due to storm events/ heavy rainfall by improving flood resistance and flood resilience? * 		
	<ul style="list-style-type: none"> Will it reduce combined sewer overflow events?* 	0	
8. To protect, enhance and create environments that encourage and support biodiversity	<ul style="list-style-type: none"> Will it protect, enhance and increase biodiversity and protect habitats? 	0	
	<ul style="list-style-type: none"> Will it preserve SINCs? 	0	
	<ul style="list-style-type: none"> Will it improve access to and promote educational value of sites of biodiversity interest?* 	0	

	<ul style="list-style-type: none"> Will it conserve and enhance species and habitats? 	0	
	<ul style="list-style-type: none"> Will it improve water environment? 		
9. To improve air quality	<ul style="list-style-type: none"> Will it improve air quality? * 	0	
	<ul style="list-style-type: none"> Will it reduce emissions of key pollutants?* 	0	
10. To reduce noise and impact of noise	<ul style="list-style-type: none"> Will it reduce noise levels* 	0	
	<ul style="list-style-type: none"> Will it reduce noise concerns and complaints? 	0	
11. To reduce the need to travel; the use of private motorised vehicular transport as well as encourage walking, cycling and the use of public transport	<ul style="list-style-type: none"> Will it reduce traffic volumes?* 	+	Encouraging commercial and residential in the same location may have a positive impact on this objective. Residents can walk or cycle to work and shops. Entertainment facilities and local services rather than use a car.
	<ul style="list-style-type: none"> Will it encourage walking and cycling?* 	+	
	<ul style="list-style-type: none"> Will it increase proportion of journeys using modes other than a car?* 	+	
12. To reduce waste production and increase recycling, recovery and use of all waste	<ul style="list-style-type: none"> Will lead to reduced consumption of materials and resources? 	0	
	<ul style="list-style-type: none"> Will reduce household waste? 	0	
	<ul style="list-style-type: none"> Will increase recovery recycling and re-use? 	0	
	<ul style="list-style-type: none"> Will reduce construction waste? 	0	
13. To conserve and enhance the historic environment and architectural, archaeological and cultural heritage	<ul style="list-style-type: none"> Will it conserve the significance of heritage sites and cultural value? 	0	
	<ul style="list-style-type: none"> Will it protect strategic views? 	0	
	<ul style="list-style-type: none"> Will it conserve listed buildings and their settings? 	0	

	<ul style="list-style-type: none"> Will it help conserve, enhance and record archaeological features and their settings? 	0	
14. To enhance public realm and street improvements	<ul style="list-style-type: none"> Will reduce litter? 	0	
	<ul style="list-style-type: none"> Will it enhance the quality of public realm? 	0	
	<ul style="list-style-type: none"> Will improve access and mobility for all equality group strands?* * 	0	
15. To protect, enhance and seek opportunities to increase open space	<ul style="list-style-type: none"> Will it improve open space?* 	0	
	<ul style="list-style-type: none"> Will it improve landscape and character of open space? 	0	
	<ul style="list-style-type: none"> Will it improve access to open space? ** 	0	
16. To ensure equality of opportunity and improve local opportunities and support sustainable growth throughout Westminster.	<ul style="list-style-type: none"> Will it improve qualifications, skills and training?** 	0	
	<ul style="list-style-type: none"> Will it reduce unemployment? * 		
	<ul style="list-style-type: none"> Will provide jobs for most in need?** 	0	
	<ul style="list-style-type: none"> Will improve earnings? 	0	
	<ul style="list-style-type: none"> Will it support young people, adults and vulnerable parents into employment, education and training? 	0	
17. To maintain economic diversity, increase local opportunity and support sustainable economic growth.	<ul style="list-style-type: none"> Will improve business development and environment? 	0	Research by Drivers Jonas showed that during the recession, Westminster was more resilient due to its mixed use economy (residential and commercial uses).
	<ul style="list-style-type: none"> Will improve business resilience and economy? 	+	
	<ul style="list-style-type: none"> Will it encourage new business start ups, small businesses and opportunities for local people?* 	0	
	<ul style="list-style-type: none"> Will it promote business in key sectors? 	0	

	<ul style="list-style-type: none"> • Will it promote regeneration, reducing disparity? ** 	0	
<p>(* asterisks show where the sub-criteria other than that identified in coloured text (blue text = health considerations and red text = equalities considerations) is likely to impact on health and equalities).</p> <p>For the EIA the following protected characteristics were considered:</p> <p>Age, Disability, Gender (including gender reassignment, Pregnancy and Maternity, Race, Religion or Belief (including lack of) and Sexual Orientation</p>			
<p>IIA Assessment</p> <p>Major positive ++ , Minor positive + Neutral 0, Minor negative – Major negative – –</p> <p>Overall Summary</p> <p>This Strategic Objective is neutral overall. It has positive scores for objectives 1, 3, 4, 11 and 17. It receives positive scores for all sub-criteria in objectives 3 and 17. There are no negative objectives however it could be argued that any development may result in increased use of sustainable resources. However, given the NPPF requires that development is positive for environmental and as well as social and economic criteria then on balance objectives 5, 6, 7, 8 9 and 10 have been given a neutral assessment.</p>			
<p>Long Term positive effect – Access to good quality housing can help improve health inequalities and potentially improve death rates although the impact is likely to be indirect and long term.</p> <p>Short term – Most likely to be on the supply of housing.</p> <p>Long term negative effects – None</p> <p>Mitigation/Change to plan – None</p> <p>Cumulative effects – Most likely to impact on Objective 11</p> <p>Uncertainties/risks – The economy</p> <p>Monitoring significant effects – AMR</p>			

Integrated Impact Assessment: For Westminster's Strategic Objectives No.5			
Sustainability, Equality and Health Objectives	Detailed decision making sub-criteria including EIA and HIA	Score	Comments
1. To create cohesive, inclusive and safe communities	<ul style="list-style-type: none"> Will improve access to local services including shops and community facilities?* 	0	
	<ul style="list-style-type: none"> Will in increase ability to influence decision making (neighbourhoods)? * 	0	
	<ul style="list-style-type: none"> Will it encourage engagement in community activity 	0	
	<ul style="list-style-type: none"> Will it foster an inclusive Westminster community? 	0	
2. To reduce crime and fear of crime	<ul style="list-style-type: none"> Will it reduce the levels of crime, disorder and anti-social behaviour? ** 	+	
	<ul style="list-style-type: none"> Will it reduce fear of crime, disorder and anti-social behaviour? ** 	+	
	<ul style="list-style-type: none"> Will it reduce other behaviour adversely affecting the local environment? ** 	+	
3. To ensure the provision of appropriate housing types to reduce homelessness; reduce overcrowded households and meet the demand for affordable housing and family sized units	<ul style="list-style-type: none"> Will it reduce homelessness? ** 	0	
	<ul style="list-style-type: none"> Will it increase a range of affordable housing? ** 	0	
	<ul style="list-style-type: none"> Will it reduce the number of unfit homes? ** 	0	
	<ul style="list-style-type: none"> Will it result in high quality homes? ** 	0	
	<ul style="list-style-type: none"> Will it provide housing than can help people stay independent for longer? 	0	

4. To promote and improve health and wellbeing	<ul style="list-style-type: none"> Will it help health inequalities? ** 	0	
	<ul style="list-style-type: none"> Will it reduce death rates? * 	0	
	<ul style="list-style-type: none"> Will it improve access/movement? * 	0	
	<ul style="list-style-type: none"> Will it encourage healthy lifestyles? * 	0	
	<ul style="list-style-type: none"> Will it improve cultural wellbeing? 	+	
	<ul style="list-style-type: none"> Will it foster an inclusive Westminster community, specifically through an active engagement in sport and physical activity opportunities? 	0	
	<ul style="list-style-type: none"> Will it provide access to a healthy diet and encourage healthy lifestyles? 	0	
	<ul style="list-style-type: none"> Will it encourage a physically active lifestyle (helping to reduce obesity)? 	0	
	<ul style="list-style-type: none"> Will it create healthy workplaces? 	0	
5. To reduce greenhouse gas emissions and support climate change adaption	<ul style="list-style-type: none"> Will it reduce greenhouse gas emissions by reducing energy consumption, generating low or zero carbon energy and reducing the need to travel? * 	0	
	<ul style="list-style-type: none"> Will it reduce ozone depleting emissions? * 	0	

	<ul style="list-style-type: none"> • Will it reduce emissions through retrofitting new technology? 	0	
	<ul style="list-style-type: none"> • Will it reduce heat island effects on people and property? * 	0	
6. To reduce the use of natural resources e.g. water, fossil fuels, quarried materials, wood.	<ul style="list-style-type: none"> • Will it reduce water consumption and improve water efficiency? 	0	
	<ul style="list-style-type: none"> • Will it reduce consumption of fossil fuels?* 	0	
	<ul style="list-style-type: none"> • Will use of other natural resources (e.g. quarried materials) be minimised? 		
	<ul style="list-style-type: none"> • Will use of renewable resources (e.g. sustainably sourced timber) be prioritised over non-renewable resources? 	0	
7. To reduce flood risk, promote sustainable urban drainage (SUDs) and protect, surface and ground water quality	<ul style="list-style-type: none"> • Will it minimise flood risk from all sources of flooding?* 	0	
	<ul style="list-style-type: none"> • Will it reduce property damage due to storm events/ heavy rainfall by improving flood resistance and flood resilience? * 		

	<ul style="list-style-type: none"> Will it reduce combined sewer overflow events?* 	0	
8. To protect, enhance and create environments that encourage and support biodiversity	<ul style="list-style-type: none"> Will it protect, enhance and increase biodiversity and protect habitats? 	0	
	<ul style="list-style-type: none"> Will it preserve SINCs? 	0	
	<ul style="list-style-type: none"> Will it improve access to and promote educational value of sites of biodiversity interest?* 	0	
	<ul style="list-style-type: none"> Will it conserve and enhance species and habitats? 	0	
	<ul style="list-style-type: none"> Will it improve water environment? 		
9. To improve air quality	<ul style="list-style-type: none"> Will it improve air quality? * 	0	
	<ul style="list-style-type: none"> Will it reduce emissions of key pollutants?* 	0	
10. To reduce noise and impact of noise	<ul style="list-style-type: none"> Will it reduce noise levels* 	+	Residential amenity including noise is likely to be a key consideration in this strategic objective
	<ul style="list-style-type: none"> Will it reduce noise concerns and complaints? 	+	
11. To reduce the need to travel; the use of private motorised vehicular transport as well as encourage walking, cycling and the use of public transport	<ul style="list-style-type: none"> Will it reduce traffic volumes?* 	0	
	<ul style="list-style-type: none"> Will it encourage walking and cycling?* 	0	
	<ul style="list-style-type: none"> Will it increase proportion of journeys using modes other than a car?* 	0	
12. To reduce waste production and increase recycling, recovery and use of all waste	<ul style="list-style-type: none"> Will lead to reduced consumption of materials and resources? 	0	
	<ul style="list-style-type: none"> Will reduce household waste? 	0	
	<ul style="list-style-type: none"> Will increase recovery recycling and re-use? 	0	

	<ul style="list-style-type: none"> Will reduce construction waste? 	0	
13. To conserve and enhance the historic environment and architectural, archaeological and cultural heritage	<ul style="list-style-type: none"> Will it conserve the significance of heritage sites and cultural value? 	+	Although the historic environment is key in its prominent national and international role it is also at risk from the pressures this brings. This strategic objective predicates the more detailed policies to ensure the architectural and historic environment is conserved and enhanced.
	<ul style="list-style-type: none"> Will it protect strategic views? 	+	
	<ul style="list-style-type: none"> Will it conserve listed buildings and their settings? 	+	
	<ul style="list-style-type: none"> Will it help conserve, enhance and record archaeological features and their settings? 	0	
14. To enhance public realm and street improvements	<ul style="list-style-type: none"> Will reduce litter? 	0	
	<ul style="list-style-type: none"> Will it enhance the quality of public realm? 	0	
	<ul style="list-style-type: none"> Will improve access and mobility for all equality group strands?* * 	0	
15. To protect, enhance and seek opportunities to increase open space	<ul style="list-style-type: none"> Will it improve open space?* 	0	
	<ul style="list-style-type: none"> Will it improve landscape and character of open space? 	0	
	<ul style="list-style-type: none"> Will it improve access to open space? ** 	0	
16. To ensure equality of opportunity and improve local opportunities and support sustainable growth throughout Westminster.	<ul style="list-style-type: none"> Will it improve qualifications, skills and training? ** 	0	
	<ul style="list-style-type: none"> Will it reduce unemployment? * 	+	
	<ul style="list-style-type: none"> Will provide jobs for most in need? ** 	0	
	<ul style="list-style-type: none"> Will improve earnings? 	0	
	<ul style="list-style-type: none"> Will it support young people, adults and vulnerable parents into employment, education and training? 	0	

17. To maintain economic diversity, increase local opportunity and support sustainable economic growth.	<ul style="list-style-type: none"> Will improve business development and environment? 	+	This strategic objective seeks to support business communities and tourism and is therefore positive for Objective 17. It has been given a positive score for the sub-criteria 'will it promote regeneration, reducing disparity because although business activity is mainly located in the CAZ this may have a ripple effect on other parts of Westminster in particular NWEDA.
	<ul style="list-style-type: none"> Will improve business resilience and economy? 	+	
	<ul style="list-style-type: none"> Will it encourage new business start ups, small businesses and opportunities for local people?* 	+	
	<ul style="list-style-type: none"> Will it promote business in key sectors? 	++	
	<ul style="list-style-type: none"> Will it promote regeneration, reducing disparity?*** 	+	
<p>(** asterisks show where the sub-criteria other than that identified in coloured text (blue text = health considerations and red text = equalities considerations) is likely to impact on health and equalities).</p> <p>For the EIA the following protected characteristics were considered:</p> <p>Age, Disability, Gender (including gender reassignment, Pregnancy and Maternity, Race, Religion or Belief (including lack of) and Sexual Orientation</p>			
<p>IIA Assessment</p> <p>Major positive ++ , Minor positive + Neutral 0, Minor negative – Major negative – –</p> <p>Overall Summary</p> <p>This strategic objective is overall neutral. It receives positive scores for all sub-criteria in Objective 2, 10 and 17 and three of the four sub-criteria in Objective 13 and one in objectives 4 and 16.</p> <p>There are no negative objectives however it could be argued that any development may result in increased use of sustainable resources. However, given the NPPF requires that development is positive for environmental and as well as social and economic criteria and that this strategic objective seeks to manage the pressures of the city from its national and international roles and functions, which includes any environmental concerns it has been given a neutral score for most environmental objectives.</p>			

Long Term positive effect – The sub-criteria identified as positive are for both the long and short terms

Short term – The sub-criteria identified as positive are for both the long and short terms

Long term negative effects – None identified

Mitigation/Change to plan – None identified

Cumulative effects – The positive effects in Central Westminster may have a cumulative positive impact on the more deprived parts of the city resulting in regeneration.

Uncertainties/risks – Depends on the national and international economy

Monitoring significant effects – AMR

Integrated Impact Assessment: For Policy No. S1 Mixed Use in the CAZ			
Sustainability, Equality and Health Objectives	Detailed decision making sub-criteria including EIA and HIA	Score	Comments
1. To create cohesive, inclusive and safe communities	• Will improve access to local services?	+	The SA for the Core Strategy identified the social and economic benefits that can lead to improved quality of life and reduced inequality and poverty some of the deprived parts of the CAZ resulting from the Mixed Use Policy as set out in CS1. Policy S1 provides further detailed criteria for the policy.
	• Shopping?	+	
	• Community facilities?	+	
	• Will in increase ability to influence decision making (neighbourhoods)?	0	
	• Will it foster an inclusive Westminster community?	0	
	• Will it encourage engagement in community activity	0	

2. To reduce crime and fear of crime	<ul style="list-style-type: none"> Will it reduce the levels of crime, disorder and anti-social behaviour? ** 	+	Natural surveillance in mixed use areas can reduce crime.
	<ul style="list-style-type: none"> Will it reduce the fear of crime, disorder and anti-social behaviour? ** 	0	
	<ul style="list-style-type: none"> Will it reduce other behaviour adversely affecting the local environment? ** 	0	
3. To ensure the provision of appropriate housing types to reduce homelessness; reduce overcrowded households and meet the demand for affordable housing and family sized units	<ul style="list-style-type: none"> Will it reduce homelessness? * 	++	This policy has a direct impact on the provision of housing.
	<ul style="list-style-type: none"> Will it increase a range of affordable housing? * 	++	
	<ul style="list-style-type: none"> Will it reduce the number of unfit homes? 	0	
	<ul style="list-style-type: none"> Will it result in high quality homes? ** 	++	
	<ul style="list-style-type: none"> Will it provide housing that can help people stay independent for longer? 	+	
4. To promote and improve health and wellbeing	<ul style="list-style-type: none"> Will it help health and equalities? ** 	0	A shift from using private vehicles to public transport. Walking and cycling will improve access/movement and can encourage a healthier lifestyle.
	<ul style="list-style-type: none"> Will it reduce death rates? 	0	
	<ul style="list-style-type: none"> Will it improve access/movement? 	+	Providing mixed commercial and residential communities has the potential to improve cultural wellbeing if theatres and cinemas are provided as part of the mix in any locality.
	<ul style="list-style-type: none"> Will it encourage healthy lifestyles? 	+	
	<ul style="list-style-type: none"> Will it improve cultural wellbeing? 		
	<ul style="list-style-type: none"> Will it foster an inclusive Westminster community, specifically through an active engagement in sport and physical activity opportunities? 	0	
	<ul style="list-style-type: none"> Will it provide access to a healthy diet and encourage healthy lifestyles? 	0	
	<ul style="list-style-type: none"> Will it encourage a physically active lifestyle (helping to reduce obesity)? 	+	
<ul style="list-style-type: none"> Will it create healthy workplaces? 	0		
5. To reduce greenhouse gas emissions and support climate change adaption	<ul style="list-style-type: none"> Will it reduce greenhouse gas emissions by reducing energy consumption and the need to travel? * 	0	Homes provided in conjunction with commercial activity in the CAZ reduces the need for residents to travel for work, shopping and leisure .However this is off-set by any

	<ul style="list-style-type: none"> • Will it reduce ozone depleting emissions? 	0	increase in greenhouse gas generated by development. On balance this has been given a neutral score.
	<ul style="list-style-type: none"> • Will it reduce emissions through retrofitting new technology? 	0	
	<ul style="list-style-type: none"> • Will it reduce heat island effects on people and property? 	0	
6. To reduce the use of natural resources e.g. water, fossil fuels, quarried materials, wood.	<ul style="list-style-type: none"> • Will it reduce water consumption? 	0	Any building adding to a net increase in any area is likely to result in an increased use of natural resources. However, as most development in Westminster is on previously developed land this impact is likely to be less than in other less developed areas. In addition other policies in the plan seek mitigation measures in connection with new development. The NPPF also seeks a high standard of development which was not evident when many of the existing buildings were given permission.
	<ul style="list-style-type: none"> • Will it reduce consumption of fossil fuels?* • Will use of other natural resources (e.g. quarried materials) be minimised? 	0	
	<ul style="list-style-type: none"> • Will use of renewable resources (e.g. sustainably sourced timber) be prioritised over non-renewable resources? 	0	
7. To a) reduce flood risk, promote sustainable urban drainage and b) protect, surface and ground water quality	<ul style="list-style-type: none"> • Will it minimise flood risk from all sources of flooding?* 	0	
	<ul style="list-style-type: none"> • Will it reduce property damage due to storm events/ heavy rainfall by improving flood resistance and flood resilience?* 		
	<ul style="list-style-type: none"> • Will it reduce combined sewer overflow events? 	0	
8.To protect, enhance and create environments that encourage and support biodiversity	<ul style="list-style-type: none"> • Will it protect, enhance and increase biodiversity and protect habitats? 	0	
	<ul style="list-style-type: none"> • Will it preserve SINCs? 	0	
	<ul style="list-style-type: none"> • Will it improve access to and promote educational value of sites of biodiversity interest? 	0	
	<ul style="list-style-type: none"> • Will it conserve and enhance species and habitats? 	0	
	<ul style="list-style-type: none"> • Will it improve water quality? 		

9.To improve air quality	• Will it improve air quality? *	0	
	• Will it reduce emissions of key pollutants?	0	
10.To reduce noise and impact of noise	• Will it reduce noise levels*	0	
	• Will it reduce noise concerns and complaints?	0	
11.To reduce the need to travel; the use of private motorised vehicular transport as well as encourage walking, cycling and the use of public transport	• Will it reduce traffic volumes?	++	
	• Will it encourage walking and cycling?*	++	
	• Will it increase proportion of journeys using modes other than a car?	++	
12.To reduce waste production and increase recycling, recovery and use of all waste	• Will lead to reduced consumption of materials and resources?	0	It is unlikely this policy will result in a reduction in waste. However it may indirectly result in improved recycling as facilities in new buildings are improved. On balance however most of the sub-criteria are neutral except for that seeking to reduce construction waste as it is difficult to see how this can be achieved with this policy.
	• Will reduce household waste?	0	
	• Will increase recovery recycling and re-use?	0	
	• Will reduce construction waste?	-	
13. To conserve and enhance the historic environment and architectural, archaeological and cultural heritage	• Will it conserve the significance of heritage sites and cultural value?	0	.
	• Will it protect strategic views?	0	
	• Will it conserve listed buildings and their settings?	0	
	• Will it help conserve, enhance and record archaeological features and their settings?	0	
14.To enhance public realm and street improvements	• Will reduce litter?	0	
	• Will it enhance the quality of public realm?	0	
	• Will improve access and mobility for all equality group strands?*	0	
15.To protect, enhance and seek	• Will it improve open space?*	0	

opportunities to increase open space throughout the borough	<ul style="list-style-type: none"> Will it improve landscape and character of open space? 	0	This policy may improve both qualifications and skills and reduce unemployment given it refers to an appropriate payment into the Civic Enterprise fund as part of the cascade.	
	<ul style="list-style-type: none"> Will it improve access to open space? ** 	0		
16.To ensure equality of opportunity and improve local opportunities for education, training and employment and support sustainable growth	<ul style="list-style-type: none"> Will it improve qualifications skills and training? ** 	+		
	<ul style="list-style-type: none"> Will reduce unemployment? 	+		
	<ul style="list-style-type: none"> Will provide jobs for most in need? ** 	0		
	<ul style="list-style-type: none"> Will improve earnings? 	0		
	<ul style="list-style-type: none"> Will it support young people, adults and vulnerable parents into employment, education and training? 	0		
17. To maintain economic diversity, increase local opportunity and support sustainable economic growth.	<ul style="list-style-type: none"> Will improve business development and environment? 	+		comment
	<ul style="list-style-type: none"> Will improve business resilience and economy? 	++		
	<ul style="list-style-type: none"> Will it encourage new business start ups, small businesses and opportunities for local people?* 	++		
	<ul style="list-style-type: none"> Will it promote business in key sectors? 	+		
	<ul style="list-style-type: none"> Will it promote regeneration, reducing disparity? ** 	++		
<p>For the EIA the following protected characteristics were considered: Age, Disability, Gender (including gender reassignment, Pregnancy and Maternity, Race, Religion or Belief (including lack of) and Sexual Orientation</p> <p>Coloured asterisks **show SA sub-criteria also relevant to EIA and HA consideration</p>				
<p>IIA Assessment</p> <p>Major positive ++ , Minor positive + Neutral 0, Minor negative – Major negative – –</p> <p>Overall Summary</p> <p>Policy S1 provides sustainable outcomes for economic, social and environmental objectives. The policy seeks to maintain and enhance the pre-eminent role of Westminster’s CAZ in terms of an internationally important business agglomeration. And ensure a balance of homes mixed with commercial uses, which will help protect and enhance the unique character of Westminster and which underpins its sustainable economic growth. The policy is particularly positive for objectives 3, 11, 16 and 17.</p>				

The policy approach, which includes the provision of the residential in the vicinity (where this is not appropriate and practical to provide on-site) ensures that truly mixed commercial and residential communities are maintained in the most central part of Westminster. Research by Drivers Jonas¹ has shown that it is the diversity of commercial uses in Westminster and its mix of commercial and residential use that results in economic sustainability (IIA objective 17) in particular, in times of an economic down turn. The credits system is both beneficial to developers and the council and may provide more and higher quality new homes (IIA objective 3). Providing mixed commercial and residential communities has the potential to improve cultural wellbeing if theatres and cinemas are provided as part of the mix (Objective 4) The potential for Payment in Lieu is positive for IIA objective 3 in particular the EQIA criteria for increasing the range of affordable housing.

Any building adding to a net increase in any area is likely to result in an increased use of natural resources. However, as most development in Westminster is on previously developed land this impact is likely to be less than in other less developed areas. In addition other policies in the plan seek mitigation measures in connection with new development. The NPPF also seeks a high standard of development which was not evident when many of the existing buildings were given permission. It is unlikely this policy will result in a reduction in waste. However it may indirectly result in improved recycling as facilities in new buildings are improved. On balance however most of the sub-criteria are neutral except for that seeking to reduce construction waste as it is difficult to see how this can be achieved with this policy and this is negative.

Long Term positive effect – The positive objectives identified are considered to be both short and long term. The policy seeks sustainable development which is a long term objective. The positive impact on health and well-being is likely to be long term.

Short term – See above

Short term negative effects – increased construction waste

Mitigation/Change to plan – None

Cumulative effects – Although primarily for central Westminster this policy may have a cumulative positive impact on the more deprived parts of north Westminster. Improved housing is likely to have a cumulative impact on health and well-being.

Uncertainties/risks – This policy is very much linked to the ups and downs of the international and national economy.

Monitoring - AMR

Integrated Impact Assessment: For Policy No. S6 Core Central Activities Zone			
Sustainability, Equality and Health Objectives	Detailed decision making sub-criteria including EIA and HIA	Score	Comments
1. To create cohesive, inclusive and safe communities	<ul style="list-style-type: none"> Will improve access to local services including shops and community facilities?* 	+	Retail floorspace is encouraged throughout the area.
	<ul style="list-style-type: none"> Will it increase ability to influence decision making (neighbourhoods)? * 	0	
	<ul style="list-style-type: none"> Will it encourage engagement in community activity 	0	
	<ul style="list-style-type: none"> Will it foster an inclusive Westminster community? 	0	
2. To reduce crime and fear of crime	<ul style="list-style-type: none"> Will it reduce the levels of crime, disorder and anti-social behaviour? ** 	+	Vibrant space for the community and visitors alike may result in a reduction in levels of crime, disorder and anti-social behaviour and the fear of these matters.
	<ul style="list-style-type: none"> Will it reduce fear of crime, disorder and anti-social behaviour? ** 	+	
	<ul style="list-style-type: none"> Will it reduce other behaviour adversely affecting the local environment? ** 	0	
3. To ensure the provision of appropriate housing types to reduce homelessness; reduce overcrowded households and meet the demand for affordable housing and family sized units	<ul style="list-style-type: none"> Will it reduce homelessness? ** 	+	Any additional housing theoretically has the potential to reduce homelessness. New commercial development as part of mixed use schemes can increase the provision of housing including affordable housing.
	<ul style="list-style-type: none"> Will it increase a range of affordable housing? ** 	+	
	<ul style="list-style-type: none"> Will it reduce the number of unfit homes? ** 	0	
	<ul style="list-style-type: none"> Will it result in high quality homes? ** 	0	
	<ul style="list-style-type: none"> Will it provide housing that can help people stay independent for longer? 	0	

<p>4. To promote and improve health and wellbeing</p>	<ul style="list-style-type: none"> • Will it help health inequalities?*** 	+	<p>Access to fresh food in Berwick Street Market can help provide access to a healthy diet.</p>
	<ul style="list-style-type: none"> • Will it reduce death rates?* 	0	
	<ul style="list-style-type: none"> • Will it improve access/movement?* 	0	<p>This policy encourages the development of uses that support culture and the creative industries in the Millbank Strategic Cultural Area.</p>
	<ul style="list-style-type: none"> • Will it encourage healthy lifestyles?* 	0	
	<ul style="list-style-type: none"> • Will it improve cultural wellbeing? 	+	
	<ul style="list-style-type: none"> • Will it foster an inclusive Westminster community, specifically through an active engagement in sport and physical activity opportunities? 	0	
	<ul style="list-style-type: none"> • Will it provide access to a healthy diet and encourage healthy lifestyles? 	+	
	<ul style="list-style-type: none"> • Will it encourage a physically active lifestyle (helping to reduce obesity)? 	0	
<ul style="list-style-type: none"> • Will it create healthy workplaces? 	0		
<p>5. To reduce greenhouse gas emissions and support climate change adaption</p>	<ul style="list-style-type: none"> • Will it reduce greenhouse gas emissions by reducing energy consumption, generating low or zero carbon energy and reducing the need to travel?* 	0	<p>Homes provided in conjunction with commercial activity in the Core CAZ reduces the need for residents to travel for work, shopping and leisure. However this is off-set by any increase in greenhouse gas generated by development. On</p>
	<ul style="list-style-type: none"> • Will it reduce ozone depleting emissions? * 	0	

	<ul style="list-style-type: none"> • Will it reduce emissions through retrofitting new technology? 	0	balance this has been given a neutral score.
	<ul style="list-style-type: none"> • Will it reduce heat island effects on people and property? * 	0	
6. To reduce the use of natural resources e.g. water, fossil fuels, quarried materials, wood.	<ul style="list-style-type: none"> • Will it reduce water consumption and improve water efficiency? 	0	Any building adding to a net increase in any area is likely to result in an increased use of natural resources. However, as most development in Westminster is on previously developed land this impact is likely to be less than in other less developed areas. In addition other policies in the plan seek mitigation measures in connection with new development. The NPPF also seeks a high standard of development which was not evident when many of the existing buildings were given permission.
	<ul style="list-style-type: none"> • Will it reduce consumption of fossil fuels?* 	0	
	<ul style="list-style-type: none"> • Will use of other natural resources (e.g. quarried materials) be minimised? 	0	
	<ul style="list-style-type: none"> • Will use of renewable resources (e.g. sustainably sourced timber) be prioritised over non-renewable resources? 	0	

7. To reduce flood risk, promote sustainable urban drainage (SUDs) and protect, surface and ground water quality	<ul style="list-style-type: none"> Will it minimise flood risk from all sources of flooding?* 	0	The Millbank Strategic Cultural Area is in Flood Zone 3.
	<ul style="list-style-type: none"> Will it reduce property damage due to storm events/ heavy rainfall by improving flood resistance and flood resilience? * 		
	<ul style="list-style-type: none"> Will it reduce combined sewer overflow events?* 	0	
8. To protect, enhance and create environments that encourage and support biodiversity	<ul style="list-style-type: none"> Will it protect, enhance and increase biodiversity and protect habitats? 	0	
	<ul style="list-style-type: none"> Will it preserve SINCs? 	0	
	<ul style="list-style-type: none"> Will it improve access to and promote educational value of sites of biodiversity interest?* 	0	
	<ul style="list-style-type: none"> Will it conserve and enhance species and habitats? 	0	
	<ul style="list-style-type: none"> Will it improve water environment? 		
9. To improve air quality	<ul style="list-style-type: none"> Will it improve air quality? * 	0	
	<ul style="list-style-type: none"> Will it reduce emissions of key pollutants?* 	0	
10. To reduce noise and impact of noise	<ul style="list-style-type: none"> Will it reduce noise levels* 	0	
	<ul style="list-style-type: none"> Will it reduce noise concerns and complaints? 	0	
11. To reduce the need to travel; the use of private motorised vehicular transport as well as encourage walking, cycling and the use of public transport	<ul style="list-style-type: none"> Will it reduce traffic volumes?* 	0	
	<ul style="list-style-type: none"> Will it encourage walking and cycling?* 	+	
	<ul style="list-style-type: none"> Will it increase proportion of journeys using modes other than a car?* 	+	

12. To reduce waste production and increase recycling, recovery and use of all waste	<ul style="list-style-type: none"> Will lead to reduced consumption of materials and resources? 	0	
	<ul style="list-style-type: none"> Will reduce household waste? 	0	
	<ul style="list-style-type: none"> Will increase recovery recycling and re-use? 	0	
	<ul style="list-style-type: none"> Will reduce construction waste? 	-	
13. To conserve and enhance the historic environment and architectural, archaeological and cultural heritage	<ul style="list-style-type: none"> Will it conserve the significance of heritage sites and cultural value? 	0	
	<ul style="list-style-type: none"> Will it protect strategic views? 	0	
	<ul style="list-style-type: none"> Will it conserve listed buildings and their settings? 	0	
	<ul style="list-style-type: none"> Will it help conserve, enhance and record archaeological features and their settings? 	0	
14. To enhance public realm and street improvements	<ul style="list-style-type: none"> Will reduce litter? 	0	
	<ul style="list-style-type: none"> Will it enhance the quality of public realm? 	0	
	<ul style="list-style-type: none"> Will improve access and mobility for all equality group strands?* * 	0	
15. To protect, enhance and seek opportunities to increase open space	<ul style="list-style-type: none"> Will it improve open space?* 	0	
	<ul style="list-style-type: none"> Will it improve landscape and character of open space? 	0	
	<ul style="list-style-type: none"> Will it improve access to open space? ** 	0	
16. To ensure equality of opportunity and improve local opportunities and support sustainable growth throughout	<ul style="list-style-type: none"> Will it improve qualifications, skills and training? ** 	0	
	<ul style="list-style-type: none"> Will it reduce unemployment? * 	0	

Westminster.	<ul style="list-style-type: none"> • Will provide jobs for most in need?* 	0	
	<ul style="list-style-type: none"> • Will improve earnings? 	0	
	<ul style="list-style-type: none"> • Will it support young people, adults and vulnerable parents into employment, education and training? 	0	
17. To maintain economic diversity, increase local opportunity and support sustainable economic growth.	<ul style="list-style-type: none"> • Will improve business development and environment? 	+	This policy encourages a range of commercial uses and recognises that Core CAZ is the centre of commercial life and the heart of business in London but may also have a ripple effect to the more deprived parts of the city. A diverse range of commercial uses means that any local economy is more likely to be more buoyant in a downturn. This policy encourages key businesses sectors and important clusters and recognises the significant contribution these make to Westminster and its key position in the national and international world economy.
	<ul style="list-style-type: none"> • Will improve business resilience and economy? 	+	
	<ul style="list-style-type: none"> • Will it encourage new business start ups, small businesses and opportunities for local people?* 	+	
	<ul style="list-style-type: none"> • Will it promote business in key sectors? 	++	
	<ul style="list-style-type: none"> • Will it promote regeneration, reducing disparity?* 	+	
<p>(* asterisks show where the sub-criteria other than that identified in coloured text (blue text = health considerations and red text = equalities considerations) is likely to impact on health and equalities).</p> <p>For the EIA the following protected characteristics were considered:</p> <p>Age, Disability, Gender (including gender reassignment, Pregnancy and Maternity, Race, Religion or Belief (including lack of) and Sexual Orientation</p>			

IIA Assessment

Major positive ++ , Minor positive + Neutral 0, Minor negative – Major negative – –

Overall Summary

This is overall neutral but has significant positive impacts in Core CAZ encouraging economic growth including the retail and cultural offer and strategically important clusters of use and minimises the need to travel. There is a long term positive impact on the UK economy and Westminster's role in London's world city status. The recognition of diversity ensures an overall sustainable approach to development. A growth in construction waste is likely and this gives a negative score to Objective 12.

Long Term positive effect – This policy has both long term and short term positive impacts. The impact on health and well-being is likely to be seen in the long term as will any positive impact on the north of Westminster.

Short term – See above

Short term negative effects – Increase in construction waste however this is likely to be mitigated by forthcoming policies for waste

Mitigation/Change to plan – None

Cumulative effects – The economic impacts on other parts of the city are likely to be long term and cumulative.

Uncertainties/risks – The wider economy

Monitoring significant effects – AMR

Integrated Impact Assessment: For changes to supporting text and to the Reasoned Justification to Policy No. 14 Optimising Housing Delivery and to Appendix 4.			
Sustainability, Equality and Health Objectives	Detailed decision making sub-criteria including EIA and HIA	Score	Comments
1. To create cohesive, inclusive and safe communities	<ul style="list-style-type: none"> Will improve access to local services including shops and community facilities?* 	0	
	<ul style="list-style-type: none"> Will in increase ability to influence decision making (neighbourhoods)? * 	0	
	<ul style="list-style-type: none"> Will it encourage engagement in community activity 	0	
	<ul style="list-style-type: none"> Will it foster an inclusive Westminster community? 	0	
2. To reduce crime and fear of crime	<ul style="list-style-type: none"> Will it reduce the levels of crime, disorder and anti-social behaviour? ** 	0	
	<ul style="list-style-type: none"> Will it reduce fear of crime, disorder and anti-social behaviour? ** 	0	
	<ul style="list-style-type: none"> Will it reduce other behaviour adversely affecting the local environment? ** 		
3. To ensure the provision of appropriate housing types to reduce homelessness; reduce overcrowded households and meet the demand for affordable housing and family sized units	<ul style="list-style-type: none"> Will it reduce homelessness? ** 	+	This additional text sets out updated figures from the London Plan equating to 21,360 units between 2016/17 and 2036/37.(previously 7,700 units between 2011 and 2021).
	<ul style="list-style-type: none"> Will it increase a range of affordable housing? ** 	+	
	<ul style="list-style-type: none"> Will it reduce the number of unfit homes? ** 	0	
	<ul style="list-style-type: none"> Will it result in high quality homes? ** 	0	
	<ul style="list-style-type: none"> Will it provide housing than can help people stay independent for longer? 	0	

4. To promote and improve health and wellbeing	<ul style="list-style-type: none"> • Will it help health inequalities? ** 	+	Additional housing may have a long term positive impact on health inequalities and a reduction in death rates.
	<ul style="list-style-type: none"> • Will it reduce death rates?* 	+	
	<ul style="list-style-type: none"> • Will it improve access/movement?* 	0	
	<ul style="list-style-type: none"> • Will it encourage healthy lifestyles?* 	0	
	<ul style="list-style-type: none"> • Will it improve cultural wellbeing? 	0	
	<ul style="list-style-type: none"> • Will it foster an inclusive Westminster community, specifically through an active engagement in sport and physical activity opportunities? 	0	
	<ul style="list-style-type: none"> • Will it provide access to a healthy diet and encourage healthy lifestyles? 	0	
	<ul style="list-style-type: none"> • Will it encourage a physically active lifestyle (helping to reduce obesity)? 	0	
	<ul style="list-style-type: none"> • Will it create healthy workplaces? 	0	
5. To reduce greenhouse gas emissions and support climate change adaption	<ul style="list-style-type: none"> • Will it reduce greenhouse gas emissions by reducing energy consumption, generating low or zero carbon energy and reducing the need to travel?* 	0	.
	<ul style="list-style-type: none"> • Will it reduce ozone depleting emissions? * 	0	
	<ul style="list-style-type: none"> • Will it reduce emissions through retrofitting new technology? 	0	
	<ul style="list-style-type: none"> • Will it reduce heat island effects on people and property? * 	0	
6. To reduce the use of natural resources e.g. water, fossil fuels, quarried materials, wood.	<ul style="list-style-type: none"> • Will it reduce water consumption and improve water efficiency? 	0	.
	<ul style="list-style-type: none"> • Will it reduce consumption of fossil fuels?* 	0	

	<ul style="list-style-type: none"> Will use of other natural resources (e.g. quarried materials) be minimised? 		
	<ul style="list-style-type: none"> Will use of renewable resources (e.g. sustainably sourced timber) be prioritised over non-renewable resources? 	0	
7. To reduce flood risk, promote sustainable urban drainage (SUDs) and protect, surface and ground water quality	<ul style="list-style-type: none"> Will it minimise flood risk from all sources of flooding?* 	0	
	<ul style="list-style-type: none"> Will it reduce property damage due to storm events/ heavy rainfall by improving flood resistance and flood resilience? * 		
	<ul style="list-style-type: none"> Will it reduce combined sewer overflow events?* 	0	
8. To protect, enhance and create environments that encourage and support biodiversity	<ul style="list-style-type: none"> Will it protect, enhance and increase biodiversity and protect habitats? 	0	
	<ul style="list-style-type: none"> Will it preserve SINCs? 	0	
	<ul style="list-style-type: none"> Will it improve access to and promote educational value of sites of biodiversity interest?* 	0	
	<ul style="list-style-type: none"> Will it conserve and enhance species and habitats? 	0	
	<ul style="list-style-type: none"> Will it improve water environment? 		
9. To improve air quality	<ul style="list-style-type: none"> Will it improve air quality? * 	0	
	<ul style="list-style-type: none"> Will it reduce emissions of key pollutants?* 	0	
10. To reduce noise and impact of noise	<ul style="list-style-type: none"> Will it reduce noise levels* 	0	
	<ul style="list-style-type: none"> Will it reduce noise concerns and complaints? 	0	
11. To reduce the need to travel; the use of private motorised vehicular transport as well as encourage walking, cycling and the use of public transport	<ul style="list-style-type: none"> Will it reduce traffic volumes?* 	0	
	<ul style="list-style-type: none"> Will it encourage walking and cycling?* 	0	
	<ul style="list-style-type: none"> Will it increase proportion of journeys using 	0	

	modes other than a car?*		
12. To reduce waste production and increase recycling, recovery and use of all waste	• Will lead to reduced consumption of materials and resources?	0	
	• Will reduce household waste?	0	
	• Will increase recovery recycling and re-use?	0	
	• Will reduce construction waste?	0	
13. To conserve and enhance the historic environment and architectural, archaeological and cultural heritage	• Will it conserve the significance of heritage sites and cultural value?	0	
	• Will it protect strategic views?	0	
	• Will it conserve listed buildings and their settings?	0	
	• Will it help conserve, enhance and record archaeological features and their settings?	0	
14. To enhance public realm and street improvements	• Will reduce litter?	0	
	• Will it enhance the quality of public realm?	0	
	• Will improve access and mobility for all equality group strands?* *	0	
15. To protect, enhance and seek opportunities to increase open space	• Will it improve open space?*	0	
	• Will it improve landscape and character of open space?	0	
	• Will it improve access to open space? **	0	
16. To ensure equality of opportunity and improve local opportunities and support sustainable growth throughout Westminster.	• Will it improve qualifications, skills and training? **	0	
	• Will it reduce unemployment? *		
	• Will provide jobs for most in need? **	0	
	• Will improve earnings?	0	

	<ul style="list-style-type: none"> • Will it support young people, adults and vulnerable parents into employment, education and training? 	0	
17. To maintain economic diversity, increase local opportunity and support sustainable economic growth.	<ul style="list-style-type: none"> • Will improve business development and environment? 	+	The changes to the wording of the policy has removed the reference in the RJ to not giving general protection to office use which is considered to potentially provide an improved business environment in particular for offices.
	<ul style="list-style-type: none"> • Will improve business resilience and economy? 	0	
	<ul style="list-style-type: none"> • Will it encourage new business start ups, small businesses and opportunities for local people?* 	0	
	<ul style="list-style-type: none"> • Will it promote business in key sectors? 	+	
	<ul style="list-style-type: none"> • Will it promote regeneration, reducing disparity?*** 	0	
<p>(* asterisks show where the sub-criteria other than that identified in coloured text (blue text = health considerations and red text = equalities considerations) is likely to impact on health and equalities).</p> <p>For the EIA the following protected characteristics were considered: Age, Disability, Gender (including gender reassignment, Pregnancy and Maternity, Race, Religion or Belief (including lack of) and Sexual Orientation</p>			
<p>IIA Assessment</p> <p>Major positive ++ , Minor positive + Neutral 0, Minor negative – Major negative – –</p> <p>Overall Summary Although there are no changes to the wording of Policy S14, there is significant alteration to the text and reasoned justification around this policy and to Appendix 4 – Housing Delivery that merit an IIA assessment. These mainly concern increased London Plan housing targets which result in a positive score for sub-criteria in Objective 3 and an associated improvement in health and well-being in Objective 5. The other change dovetails in to the mixed use balance of commercial and residential uses which is the overall theme of all changes in this phase of the City Plan and has removed the reference in the reasoned justification to not giving general protection to office use which is considered to potentially provide an improved business environment in particular for offices</p>			
<p>Long Term positive effect – For both housing and commercial uses with a cumulative impact on health and well-being Short term – For both housing and commercial uses Long term negative effects – None identified Mitigation/Change to plan – None Cumulative effects – See above- Health and well-being Uncertainties/risks – The wider economy Monitoring significant effects – AMR</p>			

Integrated Impact Assessment: For Policy No. S18 Commercial development			
Sustainability, Equality and Health Objectives	Detailed decision making sub-criteria including EIA and HIA	Score	Comments
1. To create cohesive, inclusive and safe communities	<ul style="list-style-type: none"> Will improve access to local services including shops and community facilities?* 	+	This policy approach encourages the growth of commercial uses and should therefore improve access to all local shops and community facilities where required.
	<ul style="list-style-type: none"> Will in increase ability to influence decision making (neighbourhoods)? * 	0	
	<ul style="list-style-type: none"> Will it encourage engagement in community activity 	0	
	<ul style="list-style-type: none"> Will it foster an inclusive Westminster community? 	0	
2. To reduce crime and fear of crime	<ul style="list-style-type: none"> Will it reduce the levels of crime, disorder and anti-social behaviour? ** 	0	
	<ul style="list-style-type: none"> Will it reduce fear of crime, disorder and anti-social behaviour? ** 	0	
	<ul style="list-style-type: none"> Will it reduce other behaviour adversely affecting the local environment? ** 		
3. To ensure the provision of appropriate housing types to reduce homelessness; reduce overcrowded households and meet the demand for affordable housing and family sized units	<ul style="list-style-type: none"> Will it reduce homelessness? ** 	0	The changes made pre-submission clarify that even within the Central Activities Zone, there should be no commercial encroachment into wholly residential areas or streets.
	<ul style="list-style-type: none"> Will it increase a range of affordable housing? ** 	0	
	<ul style="list-style-type: none"> Will it reduce the number of unfit homes? ** 	0	
	<ul style="list-style-type: none"> Will it result in high quality homes? ** 	0	
	<ul style="list-style-type: none"> Will it provide housing than can help people stay independent for longer? 	0	

4. To promote and improve health and wellbeing	• Will it help health inequalities?*	0	
	• Will it reduce death rates?*	0	
	• Will it improve access/movement?*	0	
	• Will it encourage healthy lifestyles?*	0	
	• Will it improve cultural wellbeing?	0	
	• Will it foster an inclusive Westminster community, specifically through an active engagement in sport and physical activity opportunities?	0	
	• Will it provide access to a healthy diet and encourage healthy lifestyles?	0	
	• Will it encourage a physically active lifestyle (helping to reduce obesity)?	0	
	• Will it create healthy workplaces?	0	
5. To reduce greenhouse gas emissions and support climate change adaption	• Will it reduce greenhouse gas emissions by reducing energy consumption, generating low or zero carbon energy and reducing the need to travel?*	0	.
	• Will it reduce ozone depleting emissions? *	0	
	• Will it reduce emissions through retrofitting new technology?	0	
	• Will it reduce heat island effects on people and property? *	0	
6. To reduce the use of natural resources e.g. water, fossil fuels, quarried materials, wood.	• Will it reduce water consumption and improve water efficiency?	0	.
	• Will it reduce consumption of fossil fuels?*	0	

	<ul style="list-style-type: none"> Will use of other natural resources (e.g. quarried materials) be minimised? 		
	<ul style="list-style-type: none"> Will use of renewable resources (e.g. sustainably sourced timber) be prioritised over non-renewable resources? 	0	
7. To reduce flood risk, promote sustainable urban drainage (SUDs) and protect, surface and ground water quality	<ul style="list-style-type: none"> Will it minimise flood risk from all sources of flooding?* 	0	
	<ul style="list-style-type: none"> Will it reduce property damage due to storm events/ heavy rainfall by improving flood resistance and flood resilience? * 		
	<ul style="list-style-type: none"> Will it reduce combined sewer overflow events?* 	0	
8. To protect, enhance and create environments that encourage and support biodiversity	<ul style="list-style-type: none"> Will it protect, enhance and increase biodiversity and protect habitats? 	0	
	<ul style="list-style-type: none"> Will it preserve SINCs? 	0	
	<ul style="list-style-type: none"> Will it improve access to and promote educational value of sites of biodiversity interest?* 	0	
	<ul style="list-style-type: none"> Will it conserve and enhance species and habitats? 	0	
	<ul style="list-style-type: none"> Will it improve water environment? 		
9. To improve air quality	<ul style="list-style-type: none"> Will it improve air quality? * 	0	
	<ul style="list-style-type: none"> Will it reduce emissions of key pollutants?* 	0	
10. To reduce noise and impact of noise	<ul style="list-style-type: none"> Will it reduce noise levels* 	0	
	<ul style="list-style-type: none"> Will it reduce noise concerns and complaints? 	0	
11. To reduce the need to travel; the use of private motorised vehicular transport as well as encourage walking, cycling and the use of public transport	<ul style="list-style-type: none"> Will it reduce traffic volumes?* 	0	
	<ul style="list-style-type: none"> Will it encourage walking and cycling?* 	+	
	<ul style="list-style-type: none"> Will it increase proportion of journeys using 	+	

	modes other than a car?*		
12. To reduce waste production and increase recycling, recovery and use of all waste	• Will lead to reduced consumption of materials and resources?	0	
	• Will reduce household waste?	0	
	• Will increase recovery recycling and re-use?	0	
	• Will reduce construction waste?	-	
13. To conserve and enhance the historic environment and architectural, archaeological and cultural heritage	• Will it conserve the significance of heritage sites and cultural value?	0	The policy seeks appropriate development in terms of scale..... which may protect strategic views
	• Will it protect strategic views?	+	
	• Will it conserve listed buildings and their settings?	0	
	• Will it help conserve, enhance and record archaeological features and their settings?	0	
14. To enhance public realm and street improvements	• Will reduce litter?	0	
	• Will it enhance the quality of public realm?	0	
	• Will improve access and mobility for all equality group strands?* *	0	
15. To protect, enhance and seek opportunities to increase open space	• Will it improve open space?*	0	
	• Will it improve landscape and character of open space?	0	
	• Will it improve access to open space? **	0	
16. To ensure equality of opportunity and improve local opportunities and support sustainable growth throughout Westminster.	• Will it improve qualifications, skills and training? **	0	
	• Will it reduce unemployment? *	++	
	• Will provide jobs for most in need? **	0	
	• Will improve earnings?	0	

	<ul style="list-style-type: none"> • Will it support young people, adults and vulnerable parents into employment, education and training? 	0	
17. To maintain economic diversity, increase local opportunity and support sustainable economic growth.	<ul style="list-style-type: none"> • Will improve business development and environment? 	++	This policy specifically encourages development and directs to certain parts of Westminster including NWEDA and the designated shopping centres. It states that commercial and other non-residential activity is the priority in the Core CAZ and also that the council will work to achieve and exceed London plan targets for jobs.
	<ul style="list-style-type: none"> • Will improve business resilience and economy? 	++	
	<ul style="list-style-type: none"> • Will it encourage new business start ups, small businesses and opportunities for local people?* 	++	
	<ul style="list-style-type: none"> • Will it promote business in key sectors? 	++	
	<ul style="list-style-type: none"> • Will it promote regeneration, reducing disparity?*** 	++	
<p>(* asterisks show where the sub-criteria other than that identified in coloured text (blue text = health considerations and red text = equalities considerations) is likely to impact on health and equalities).</p> <p>For the EIA the following protected characteristics were considered: Age, Disability, Gender (including gender reassignment, Pregnancy and Maternity, Race, Religion or Belief (including lack of) and Sexual Orientation</p>			
<p>IIA Assessment</p> <p>Major positive ++ , Minor positive + Neutral 0, Minor negative – Major negative – –</p> <p>Overall Summary This policy is overall neutral but is most positive for Objective 17 seeking to protect and enhance Westminster's pre-eminent role for the economy. There may be a positive impact on Objective 13 by ensuring development is of an appropriate scale and for objectives 1 and 11 in terms of the provision of shops and services and reducing the need to travel by car. As with other similar policies this has a negative score for construction waste and is neutral for all other environmental policies.</p>			
<p>Long Term positive effect – This is considered to be most positive for Objective 17. Short term – This is considered to be most positive for Objective 17. Short term negative effects – Construction waste Mitigation/Change to plan – None Cumulative effects – Without this policy in place potentially there could be a detrimental impact to the economy of London and UK more widely Uncertainties/risks – Economy Monitoring significant effects – AMR</p>			

Integrated Impact Assessment: For Policy No. S20 Offices and other B1 Floorspace			
Sustainability, Equality and Health Objectives	Detailed decision making sub-criteria including EIA and HIA	Score	Comments
1. To create cohesive, inclusive and safe communities	<ul style="list-style-type: none"> Will improve access to local services including shops and community facilities?* 	0	
	<ul style="list-style-type: none"> Will in increase ability to influence decision making (neighbourhoods)? * 	0	
	<ul style="list-style-type: none"> Will it encourage engagement in community activity 	0	
	<ul style="list-style-type: none"> Will it foster an inclusive Westminster community? 	0	
2. To reduce crime and fear of crime	<ul style="list-style-type: none"> Will it reduce the levels of crime, disorder and anti-social behaviour? ** 	0	
	<ul style="list-style-type: none"> Will it reduce fear of crime, disorder and anti-social behaviour? ** 	0	
	<ul style="list-style-type: none"> Will it reduce other behaviour adversely affecting the local environment? ** 		
3. To ensure the provision of appropriate housing types to reduce homelessness; reduce overcrowded households and meet the demand for affordable housing and family sized units	<ul style="list-style-type: none"> Will it reduce homelessness? ** 	0	This has been given a neutral score very much on balance. However compared to the exiting situation this may result in a reduced provision of housing.
	<ul style="list-style-type: none"> Will it increase a range of affordable housing? ** 	0	
	<ul style="list-style-type: none"> Will it reduce the number of unfit homes? ** 	0	
	<ul style="list-style-type: none"> Will it result in high quality homes? ** 	0	
	<ul style="list-style-type: none"> Will it provide housing than can help people stay independent for longer? 	0	

4. To promote and improve health and wellbeing	• Will it help health inequalities?*	0	
	• Will it reduce death rates?*	0	
	• Will it improve access/movement?*	0	
	• Will it encourage healthy lifestyles?*	0	
	• Will it improve cultural wellbeing?	0	
	• Will it foster an inclusive Westminster community, specifically through an active engagement in sport and physical activity opportunities?	0	
	• Will it provide access to a healthy diet and encourage healthy lifestyles?	0	
	• Will it encourage a physically active lifestyle (helping to reduce obesity)?	0	
	• Will it create healthy workplaces?	0	
5. To reduce greenhouse gas emissions and support climate change adaption	• Will it reduce greenhouse gas emissions by reducing energy consumption, generating low or zero carbon energy and reducing the need to travel?*	0	.
	• Will it reduce ozone depleting emissions? *	0	
	• Will it reduce emissions through retrofitting new technology?	0	
	• Will it reduce heat island effects on people and property? *	0	
6. To reduce the use of natural resources e.g. water, fossil fuels, quarried materials, wood.	• Will it reduce water consumption and improve water efficiency?	0	.
	• Will it reduce consumption of fossil fuels?*	0	

	<ul style="list-style-type: none"> Will use of other natural resources (e.g. quarried materials) be minimised? 		
	<ul style="list-style-type: none"> Will use of renewable resources (e.g. sustainably sourced timber) be prioritised over non-renewable resources? 	0	
7. To reduce flood risk, promote sustainable urban drainage (SUDs) and protect, surface and ground water quality	<ul style="list-style-type: none"> Will it minimise flood risk from all sources of flooding?* 	0	
	<ul style="list-style-type: none"> Will it reduce property damage due to storm events/ heavy rainfall by improving flood resistance and flood resilience? * 		
	<ul style="list-style-type: none"> Will it reduce combined sewer overflow events?* 	0	
8. To protect, enhance and create environments that encourage and support biodiversity	<ul style="list-style-type: none"> Will it protect, enhance and increase biodiversity and protect habitats? 	0	
	<ul style="list-style-type: none"> Will it preserve SINCs? 	0	
	<ul style="list-style-type: none"> Will it improve access to and promote educational value of sites of biodiversity interest?* 	0	
	<ul style="list-style-type: none"> Will it conserve and enhance species and habitats? 	0	
	<ul style="list-style-type: none"> Will it improve water environment? 		
9. To improve air quality	<ul style="list-style-type: none"> Will it improve air quality? * 	0	
	<ul style="list-style-type: none"> Will it reduce emissions of key pollutants?* 	0	
10. To reduce noise and impact of noise	<ul style="list-style-type: none"> Will it reduce noise levels* 	0	
	<ul style="list-style-type: none"> Will it reduce noise concerns and complaints? 	0	
11. To reduce the need to travel; the use of private motorised vehicular transport as well as encourage walking, cycling and the use of public transport	<ul style="list-style-type: none"> Will it reduce traffic volumes?* 	0	
	<ul style="list-style-type: none"> Will it encourage walking and cycling?* 	0	
	<ul style="list-style-type: none"> Will it increase proportion of journeys using 	0	

	modes other than a car?*		
12. To reduce waste production and increase recycling, recovery and use of all waste	• Will lead to reduced consumption of materials and resources?	0	
	• Will reduce household waste?	0	
	• Will increase recovery recycling and re-use?	0	
	• Will reduce construction waste?	-	
13. To conserve and enhance the historic environment and architectural, archaeological and cultural heritage	• Will it conserve the significance of heritage sites and cultural value?	0	
	• Will it protect strategic views?	0	
	• Will it conserve listed buildings and their settings?	0	
	• Will it help conserve, enhance and record archaeological features and their settings?	0	
14. To enhance public realm and street improvements	• Will reduce litter?	0	
	• Will it enhance the quality of public realm?	0	
	• Will improve access and mobility for all equality group strands?* *	0	
15. To protect, enhance and seek opportunities to increase open space	• Will it improve open space?*	0	
	• Will it improve landscape and character of open space?	0	
	• Will it improve access to open space? **	0	
16. To ensure equality of opportunity and improve local opportunities and support sustainable growth throughout Westminster.	• Will it improve qualifications, skills and training? **	0	
	• Will it reduce unemployment? *	+	
	• Will provide jobs for most in need? **	0	
	• Will improve earnings?	0	

	<ul style="list-style-type: none"> • Will it support young people, adults and vulnerable parents into employment, education and training? 	0	
17. To maintain economic diversity, increase local opportunity and support sustainable economic growth.	<ul style="list-style-type: none"> • Will improve business development and environment? 	+	This policy is very positive for this objective in particular for businesses in key sectors, which is considered to include office floorspace.
	<ul style="list-style-type: none"> • Will improve business resilience and economy? 	+	
	<ul style="list-style-type: none"> • Will it encourage new business start ups, small businesses and opportunities for local people?* 	+	
	<ul style="list-style-type: none"> • Will it promote business in key sectors? 	++	
	<ul style="list-style-type: none"> • Will it promote regeneration, reducing disparity?*** 	+	
<p>(* asterisks show where the sub-criteria other than that identified in coloured text (blue text = health considerations and red text = equalities considerations) is likely to impact on health and equalities).</p> <p>For the EIA the following protected characteristics were considered: Age, Disability, Gender (including gender reassignment, Pregnancy and Maternity, Race, Religion or Belief (including lack of) and Sexual Orientation</p>			
<p>IIA Assessment</p> <p>Major positive ++ , Minor positive + Neutral 0, Minor negative – Major negative – –</p> <p>Overall Summary This policy is very positive for Objective 17, in particular for businesses in key sectors, which is considered to include office floorspace. This has been given a neutral score for Objective 3 very much on balance. However compared to the existing situation this may result in a reduced provision of housing.</p>			
<p>Long Term positive effect – For office development which may have a wider impact on the UK and international economy Short term – For office development Short term negative effects – Construction waste Mitigation/Change to plan – None Cumulative effects – See long term positive effect Uncertainties/risks – The economy Monitoring significant effects – AMR</p>			

Integrated Impact Assessment: For Policy No.CM47.1 Land Use Swaps and Packages			
Sustainability, Equality and Health Objectives	Detailed decision making sub-criteria including EIA and HIA	Score	Comments
1. To create cohesive, inclusive and safe communities	• Will improve access to local services?	0	
	• Shopping?	0	
	• Community facilities?	0	
	• Will in increase ability to influence decision making (neighbourhoods)?	0	
	• Will it foster an inclusive Westminster community?	0	
	• Will it encourage engagement in community activity	0	
2. To reduce crime and fear of crime	• Will it reduce the levels of crime, disorder and anti-social behaviour? **	0	
	• Will it reduce fear of crime, disorder and anti-social behaviour? **	0	
	• Will it reduce other behaviour adversely affecting the local environment? **	0	
3. To ensure the provision of appropriate housing types to reduce homelessness; reduce overcrowded households and meet the demand for affordable housing and family sized units	• Will it reduce homelessness? *	0	
	• Will it increase a range of affordable housing? *	0	
	• Will it reduce the number of unfit homes?	+	
	• Will it result in high quality homes? **	+	
	• Will it provide housing that can help people stay independent for longer?	0	
4. To promote and improve	• Will it help health and equalities? **	0	

health and wellbeing	• Will it reduce death rates?	0	
	• Will it improve access/movement?	0	
	• Will it encourage healthy lifestyles?	0	
	• Will it improve cultural wellbeing?		
	• Will it foster an inclusive Westminster community, specifically through an active engagement in sport and physical activity opportunities?	0	
	• Will it provide access to a healthy diet and encourage healthy lifestyles?	0	
	• Will it encourage a physically active lifestyle (helping to reduce obesity)?	0	
	• Will it create healthy workplaces?	0	
5. To reduce greenhouse gas emissions and support climate change adaption	• Will it reduce greenhouse gas emissions by reducing energy consumption and the need to travel?*	+	The principle of allowing the re-location of uses between buildings can facilitate a better arrangement of uses within buildings and therefore greater efficiency and sustainability of building stock by ensuring long term suitability and continued occupation. Larger scale applications where the swap of uses is in connection with the Mixed Use policy will be encouraged to provide an overall improvement in environmental sustainability, in accordance with IIA criteria 5 and 6.
	• Will it reduce ozone depleting emissions?	0	
	• Will it reduce emissions through retrofitting new technology?	0	
	• Will it reduce heat island effects on people and property?	0	
6. To reduce the use of natural resources e.g. water, fossil fuels, quarried materials, wood	• Will it reduce water consumption and improve water efficiency?	0	
	• Will it reduce consumption of fossil fuels?*	0	
	• Will use of other natural resources (e.g. quarried materials) be minimised?	+	

	<ul style="list-style-type: none"> Will use of renewable resources (e.g. sustainably sourced timber) be prioritised over non-renewable resources? 		
7. To a) reduce flood risk, promote sustainable urban drainage and b) protect, surface and ground water quality	<ul style="list-style-type: none"> Will it minimise flood risk from all sources of flooding?* 	0	
	<ul style="list-style-type: none"> Will it reduce property damage due to storm events/ heavy rainfall by improving flood resistance and flood resilience?* 		
	<ul style="list-style-type: none"> Will it reduce combined sewer overflow events? 	0	
8. To protect, enhance and create environments that encourage and support biodiversity	<ul style="list-style-type: none"> Will it protect, enhance and increase biodiversity and protect habitats? 	0	
	<ul style="list-style-type: none"> Will it preserve SINC's? 	0	
	<ul style="list-style-type: none"> Will it improve access to and promote educational value of sites of biodiversity interest? 	0	
	<ul style="list-style-type: none"> Will it conserve and enhance species and habitats? 	0	
	<ul style="list-style-type: none"> Will it improve water quality? 		
9. To improve air quality	<ul style="list-style-type: none"> Will it improve air quality? * 	0	
	<ul style="list-style-type: none"> Will it reduce emissions of key pollutants? 	0	
10. To reduce noise and impact of noise	<ul style="list-style-type: none"> Will it reduce noise levels* 	0	
	<ul style="list-style-type: none"> Will it reduce noise concerns and complaints? 	0	
11. To reduce the need to travel; the use of private motorised vehicular transport as well as encourage walking, cycling and the use of public transport	<ul style="list-style-type: none"> Will it reduce traffic volumes? 	+	Any policy which encourages the provision of housing and employment uses/local services in close proximity will reduce the need to travel.
	<ul style="list-style-type: none"> Will it encourage walking and cycling?* 	+	
	<ul style="list-style-type: none"> Will it increase proportion of journeys using modes other than a car? 	+	
12. To reduce waste production and increase recycling, recovery and use of all waste	<ul style="list-style-type: none"> Will lead to reduced consumption of materials and resources? 	0	
	<ul style="list-style-type: none"> Will reduce household waste? 	0	

	<ul style="list-style-type: none"> Will increase recovery recycling and re-use? 	0	
	<ul style="list-style-type: none"> Will reduce construction waste? 	0	
13. To conserve and enhance the historic environment and architectural, archaeological and cultural heritage	<ul style="list-style-type: none"> Will it conserve the significance of heritage sites and cultural value? 	0	
	<ul style="list-style-type: none"> Will it protect strategic views? 	0	
	<ul style="list-style-type: none"> Will it conserve listed buildings and their settings? 	0	
	<ul style="list-style-type: none"> Will it help conserve, enhance and record archaeological features and their settings? 	0	
14. To enhance public realm and street improvements	<ul style="list-style-type: none"> Will reduce litter? 	0	
	<ul style="list-style-type: none"> Will it enhance the quality of public realm? 	0	
	<ul style="list-style-type: none"> Will improve access and mobility for all equality group strands?* 	0	
15. To protect, enhance and seek opportunities to increase open space throughout the borough	<ul style="list-style-type: none"> Will it improve open space?* 	0	
	<ul style="list-style-type: none"> Will it improve landscape and character of open space? 	0	
	<ul style="list-style-type: none"> Will it improve access to open space? ** 	0	
16. To ensure equality of opportunity and improve local opportunities for education, training and employment and support sustainable growth	<ul style="list-style-type: none"> Will it improve qualifications, skills and training? ** 	0	
	<ul style="list-style-type: none"> Will reduce unemployment?* 	0	
	<ul style="list-style-type: none"> Will provide jobs for most in need? ** 	0	
	<ul style="list-style-type: none"> Will improve earnings? 	0	
	<ul style="list-style-type: none"> Will it support young people, adults and vulnerable parents into employment, education and training? 	0	
17. To maintain economic diversity, increase local opportunity and support sustainable economic growth.	<ul style="list-style-type: none"> Will improve business development and environment? 	+	This policy maximises the potential of sites within the commercial parts of Westminster. It ensures a mix of uses is retaining locally and has the potential to improve business
	<ul style="list-style-type: none"> Will improve business resilience and economy? 	+	
	<ul style="list-style-type: none"> Will it encourage new business start ups, small 	0	

	businesses and opportunities for local people?*		development and environment.
	<ul style="list-style-type: none"> • Will it promote business in key sectors? 	0	
	<ul style="list-style-type: none"> • Will it promote regeneration, reducing disparity?*** 	0	
<p>For the EIA the following protected characteristics were considered: Age, Disability, Gender (including gender reassignment, Pregnancy and Maternity, Race, Religion or Belief (including lack of) and Sexual Orientation</p> <p>Coloured asterisks **show SA sub-criteria also relevant to EIA and HA consideration</p>			
<p>IIA Assessment</p> <p>Major positive ++ , Minor positive + Neutral 0, Minor negative – Major negative – –</p> <p>Overall Summary This policy is positive on social and economic sustainability criteria in particular IIA objective 3 and IIA objective 17. The transfer of uses between buildings can facilitate a better arrangement of uses within buildings and therefore greater efficiency and sustainability of the building stock by ensuring long-term suitability and continued occupation. The overall effect is to enhance the quality of both commercial and residential accommodation. Applications for land use swaps are normally small scale involving change of use and therefore the policy is relatively neutral on environmental sustainability grounds. Larger scale applications where the swap of uses is in connection with the Mixed Use policy will be encouraged to provide an overall improvement for IIA sub-criteria in objectives 5 and 6.</p>			
<p>Short and Long Term positive effect – The principle of allowing the relocation of uses between buildings can facilitate a better arrangement of uses within buildings and therefore greater efficiency and sustainability of building stock by ensuring long term suitability and continued occupation rather than redevelopment.</p> <p>Long term negative effects – No significant effects</p> <p>Cumulative effects Spatial Sustainability</p> <p>Uncertainties/risks – Development in Westminster will depend on wider economic impacts.</p> <p>Monitoring significant effects – AMR</p>			

Integrated Impact Assessment: For Policy No. CM47.2 Credits			
Sustainability, Equality and Health Objectives	Detailed decision making sub-criteria including EIA and HIA	Score	Comments
1. To create cohesive, inclusive and safe communities	• Will improve access to local services?	0	
	• Shopping?	0	
	• Community facilities?	0	
	• Will it increase ability to influence decision making (neighbourhoods)?	0	
	• Will it foster an inclusive Westminster community?	0	
	• Will it encourage engagement in community activity	0	
2. To reduce crime and fear of crime	• Will it reduce the levels of crime, disorder and anti-social behaviour? **	0	
	• Will it reduce fear of crime, disorder and anti-social behaviour? **	0	
	• Will it reduce other behaviour adversely affecting the local environment? **	0	
3. To ensure the provision of appropriate housing types to reduce homelessness; reduce overcrowded households and meet the demand for affordable housing and family sized units	• Will it reduce homelessness? *	+	The policy requires better quality housing than would have been possible on site.
	• Will it increase a range of affordable housing? *	+	
	• Will it reduce the number of unfit homes?	+	
	• Will it result in high quality homes? **	++	
	• Will it provide housing that can help people stay independent for longer?	0	
4. To promote and improve	• Will it help health and equalities? **	0	

health and wellbeing	• Will it reduce death rates?	0	
	• Will it improve access/movement?	0	
	• Will it encourage healthy lifestyles?	0	
	• Will it improve cultural wellbeing?		
	• Will it foster an inclusive Westminster community, specifically through an active engagement in sport and physical activity opportunities?	0	
	• Will it provide access to a healthy diet and encourage healthy lifestyles?	0	
	• Will it encourage a physically active lifestyle (helping to reduce obesity)?	0	
	• Will it create healthy workplaces?	0	
5. To reduce greenhouse gas emissions and support climate change adaption	• Will it reduce greenhouse gas emissions by reducing energy consumption and the need to travel?*	0	
	• Will it reduce ozone depleting emissions?	0	
	• Will it reduce emissions through retrofitting new technology?	0	
	• Will it reduce heat island effects on people and property?	0	
6. To reduce the use of natural resources e.g. water, fossil fuels, quarried materials, wood	Will it reduce water consumption and improve water efficiency?	0	
	• Will it reduce consumption of fossil fuels?*	0	
	• Will use of other natural resources (e.g. quarried materials) be minimised?	0	
	• Will use of renewable resources (e.g. sustainably sourced timber) be prioritised over non-renewable resources?	0	

7. To a) reduce flood risk, promote sustainable urban drainage and b) protect, surface and ground water quality	<ul style="list-style-type: none"> Will it minimise flood risk from all sources of flooding?* 	0	
	<ul style="list-style-type: none"> Will it reduce property damage due to storm events/ heavy rainfall by improving flood resistance and flood resilience? 	0	
	<ul style="list-style-type: none"> Will it reduce combined sewer overflow events? 	0	
8. To protect, enhance and create environments that encourage and support biodiversity	<ul style="list-style-type: none"> Will it protect, enhance and increase biodiversity and protect habitats? 	0	
	<ul style="list-style-type: none"> Will it preserve SINCs? 	0	
	<ul style="list-style-type: none"> Will it improve access to and promote educational value of sites of biodiversity interest? 	0	
	<ul style="list-style-type: none"> Will it conserve and enhance species and habitats? 	0	
	<ul style="list-style-type: none"> Will it improve water quality? 		
9. To improve air quality	<ul style="list-style-type: none"> Will it improve air quality? * 	0	
	<ul style="list-style-type: none"> Will it reduce emissions of key pollutants? 	0	
10. To reduce noise and impact of noise	<ul style="list-style-type: none"> Will it reduce noise levels* 	0	
	<ul style="list-style-type: none"> Will it reduce noise concerns and complaints? 	0	
11. To reduce the need to travel; the use of private motorised vehicular transport as well as encourage walking, cycling and the use of public transport	<ul style="list-style-type: none"> Will it reduce traffic volumes? 	0	
	<ul style="list-style-type: none"> Will it encourage walking and cycling?* 	0	
	<ul style="list-style-type: none"> Will it increase proportion of journeys using modes other than a car? 	0	
12. To reduce waste production and increase recycling, recovery and use of all waste	<ul style="list-style-type: none"> Will lead to reduced consumption of materials and resources? 	0	
	<ul style="list-style-type: none"> Will reduce household waste? 	0	
	<ul style="list-style-type: none"> Will increase recovery recycling and re-use? 	0	

	<ul style="list-style-type: none"> • Will reduce construction waste? 	0	
13. To conserve and enhance the historic environment and architectural, archaeological and cultural heritage	<ul style="list-style-type: none"> • Will it conserve the significance of heritage sites and cultural value? 	0	
	<ul style="list-style-type: none"> • Will it protect strategic views? 	0	
	<ul style="list-style-type: none"> • Will it conserve listed buildings and their settings? 	0	
	<ul style="list-style-type: none"> • Will it help conserve enhance and record archaeological features and their settings? 	0	
14. To enhance public realm and street improvements	<ul style="list-style-type: none"> • Will reduce litter? 	0	
	<ul style="list-style-type: none"> • Will it enhance the quality of public realm? 	0	
	<ul style="list-style-type: none"> • Will improve access and mobility for all equality group strands?* 	0	
15. To protect, enhance and seek opportunities to increase open space throughout the borough	<ul style="list-style-type: none"> • Will it improve open space?* 	0	
	<ul style="list-style-type: none"> • Will it improve landscape and character of open space? 	0	
	<ul style="list-style-type: none"> • Will it improve access to open space? ** 	0	
16. To ensure equality of opportunity and improve local opportunities for education, training and employment and support sustainable growth	<ul style="list-style-type: none"> • Will it improve qualifications, skills and training? ** 	0	
	<ul style="list-style-type: none"> • Will reduce unemployment?* 	0	
	<ul style="list-style-type: none"> • Will provide jobs for most in need? ** 	0	
	<ul style="list-style-type: none"> • Will improve earnings? 	0	
	<ul style="list-style-type: none"> • Will it support young people, adults and vulnerable parents into employment, education and training? 	0	
17. To maintain economic diversity, increase local opportunity and support sustainable economic growth.	<ul style="list-style-type: none"> • Will improve business development and environment? 	+	
	<ul style="list-style-type: none"> • Will improve business resilience and economy? 	0	
	<ul style="list-style-type: none"> • Will it encourage new business start ups, small businesses and opportunities for local people?* 	0	
	<ul style="list-style-type: none"> • Will it promote business in key sectors? 	0	

	<ul style="list-style-type: none"> • Will it promote regeneration, reducing disparity? ** 	0	
<p>For the EIA the following protected characteristics were considered: Age, Disability, Gender (including gender reassignment, Pregnancy and Maternity, Race, Religion or Belief (including lack of) and Sexual Orientation</p> <p>Coloured asterisks **show SA sub-criteria also relevant to EIA and HA consideration</p>			
<p>IIA Assessment</p> <p>Major positive ++ , Minor positive + Neutral 0, Minor negative – Major negative – –</p> <p>Overall Summary This policy provides the mechanism for the implementation of land use credits set out in Policy S1. These credits enable development to be bought forward early which can then meet policy requirements of a later scheme. This provides additional flexibility to support developers in delivering mixed use. This policy approach receives positive scores for both housing and economic objectives. In particular in the delivery of higher quality housing and affordable housing and for improving business development and environment.</p>			
<p>Long Term positive effect – This policy is likely to result in the agglomeration of the residential requirement from several smaller mixed use schemes and therefore affordable housing will be provided where it may not have been possible in individual mixed use schemes.</p> <p>Short term – More certainty on the land use outcome of schemes</p> <p>Long term negative effects – No significant effects</p> <p>Cumulative effects – Supports other policies in the plan</p> <p>Uncertainties/risks – All potential positive effects depend on economic growth.</p> <p>Monitoring significant effects – AMR</p>			

ⁱ Westminster Office Study Impact of the Recession (2009)

Appendix 6 Reasonable Alternatives

For the following: Strategic Objectives 1, 4 and 5, Policies S1 (Mixed Use in the CAZ), S6 (Core CAZ), S18 (Commercial Development), S20 (Offices and other B1 floorspace), CM47.1 (Land Use Swaps and Packages), CM47.2 (Credits)

(Key to alternatives set out below the tables)

Strategic Objective 1

IIA Objectives	AO1	WCP	MUR
1.To create cohesive, inclusive and safe communities			
2. To reduce crime and fear of crime			
3.To ensure provision of appropriate housing types to reduce overcrowded households and meet the demand for affordable housing and family sized units			
4.To promote and improve health and well being			
5.To reduce greenhouse emissions and support climate change adaption			
6.To reduce use of natural resources e.g. water, energy			

7.To reduce flood risk, promote SUDs, protect surface water and groundwater quality			
8.To protect, enhance and create environments that encourage and support biodiversity			
9.To improve Air Quality			
10.To reduce noise and the impact of noise			
11.To reduce the need to travel, the use of private motorised vehicular transport as well as encourage walking, cycling and use of public transport			
12.To reduce waste production and increase recycling, recovery and re-use of waste			
13.To protect and enhance the historic environment and architectural, archeological and cultural heritage			
14.To enhance public realm and street improvements			
15.To protect, enhance and seek opportunities to increase open space			
16.To ensure equal opportunities to improve local opportunities and support sustainable			

economic growth			
17.To maintain economic diversity, increase local opportunity and support sustainable economic growth.			+

AO1 – No Policy

WCP (Westminster City Plan: Strategic Policies. Westminster’s Strategic Objectives 1.) To accommodate sustainable growth and change that will contribute to enhancing London’s role as a sustainable world class city, including its international business, retail, cultural and entertainment functions within the Central Activities Zone; whilst maintaining its unique and historic character, mix, functions, and townscapes.

MUR (Mixed Use Revision to Westminster’s City Plan Strategic 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.

Strategic Objective 4

IIA Objectives	AO1	WCP	MUR
1.To create cohesive, inclusive and safe communities			
2. To reduce crime and fear of crime			
3.To ensure provision of appropriate housing		+	

types to reduce overcrowded households and meet the demand for affordable housing and family sized units	Red	Green	Green
4.To promote and improve health and well being	Yellow	Yellow	Yellow
5.To reduce greenhouse emissions and support climate change adaption	Yellow	Yellow	Yellow
6.To reduce use of natural resources e.g. water, energy	Yellow	Yellow	Yellow
7.To reduce flood risk, promote SUDs, protect surface water and groundwater quality	Yellow	Yellow	Yellow
8.To protect, enhance and create environments that encourage and support biodiversity	Yellow	Yellow	Yellow
9.To improve Air Quality	Yellow	Yellow	Yellow
10.To reduce noise and the impact of noise	Yellow	Yellow	Yellow
11.To reduce the need to travel, the use of private motorised vehicular transport as well as encourage walking, cycling and use of public transport	Red	Green	Green
12.To reduce waste production and increase recycling, recovery and re-use of waste	Yellow	Yellow	Yellow

13.To protect and enhance the historic environment and architectural, archeological and cultural heritage			
14.To enhance public realm and street improvements			
15.To protect, enhance and seek opportunities to increase open space			
16.To ensure equal opportunities to improve local opportunities and support sustainable economic growth			
17.To maintain economic diversity, increase local opportunity and support sustainable economic growth.			

AO1 – No Policy

WCP (Westminster City Plan: Strategic Policies. Westminster’s Strategic Objective 4.) To increase the supply of good quality housing across all parts of the city to meet Westminster’s housing target, and to meet housing needs, including the provision of affordable housing and homes for those with special needs.

MUR (Mixed Use Revision to Westminster’s City Plan Strategic Objective 4.) ~~To increase the supply of good quality housing across all parts of the city~~ to meet Westminster’s housing target, and to meet housing needs, including the provision of affordable housing and homes for those with special needs; whilst ensuring that new housing in commercial areas coexists alongside the business activity and an appropriate balance of uses is maintained.

Strategic Objective 5

IIA Objectives	AO1	WCP	MUR
1.To create cohesive, inclusive and safe communities			
2. To reduce crime and fear of crime		+	+
3.To ensure provision of appropriate housing types to reduce overcrowded households and meet the demand for affordable housing and family sized units			
4.To promote and improve health and well being			
5.To reduce greenhouse emissions and support climate change adaption			
6.To reduce use of natural resources e.g. water, energy			
7.To reduce flood risk, promote SUDs, protect surface water and groundwater quality			
8.To protect, enhance and create environments that encourage and support biodiversity			

9.To improve Air Quality			
10.To reduce noise and the impact of noise			
11.To reduce the need to travel, the use of private motorised vehicular transport as well as encourage walking, cycling and use of public transport			
12.To reduce waste production and increase recycling, recovery and re-use of waste			
13.To protect and enhance the historic environment and architectural, archeological and cultural heritage		+	+
14.To enhance public realm and street improvements			
15.To protect, enhance and seek opportunities to increase open space			
16.To ensure equal opportunities to improve local opportunities and support sustainable economic growth			
17.To maintain economic diversity, increase local opportunity and support sustainable economic growth.		+	+

AO1 – No Policy

WCP (**Westminster City Plan: Strategic Policies. Westminster’s Strategic Objective 5**) To manage the pressures on the city from its national and international roles and functions, business communities and tourism, and to ensure a safe and enjoyable visitor experience.

MUR (**Mixed Use Revision to Westminster’s City Plan Strategic Objective 5**) To manage the pressures on the city from its national and international roles and functions, supporting business communities and tourism, and ~~to~~ ensuring a safe and enjoyable visitor experience.

Mixed Use

I/A Objectives	AO1	AO2	AO3	AO4	AO5	AO6	AO7	S1	CO1	Reg 19
1.To create cohesive, inclusive and safe communities										
2. To reduce crime and fear of crime										
3.To ensure provision of appropriate housing types to reduce overcrowded households and meet the demand for affordable housing and family sized units							+	+		
4.To promote and improve health and well being										
5.To reduce greenhouse emissions and support climate change adaption										

improvements											
15.To protect, enhance and seek opportunities to increase open space											
16.To ensure equal opportunities to improve local opportunities and support sustainable economic growth											
17.To maintain economic diversity, increase local opportunity and support sustainable economic growth.								+			

A01 – No Policy

A02 – Do not pursue a cascade approach as part of mixed use but require a payment in lieu of residential provision

A03 – Allow a percentage uplift in development before the mixed use policy applies

A04 – Area-based exemption from mixed use policy

A05 - Require a mix of uses from office to residential conversions

A06 – Benchmark triggered policy for mixed use

A07- Require only affordable housing alongside commercial development

S1 [Mixed Use and Office to Residential Conversion Consultation Booklet 18 December 2014](#)

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 increase the amount of floorspace by more than 50% of the original building, net increases in commercial floorspace will be accompanied by an equivalent amount of residential floorspace, except where the net increase in commercial floorspace is less than 200sqm in the case of B Use Classes, or less than 400sqm in the case of A Use Classes or private D Use Classes. 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 Policy CM49.3) on a site in the vicinity of the development site, or in the case of an Opportunity Area, within that Opportunity Area.
- iii. The required floorspace will be provided off-site (including through a draw down of Mixed Use Credits Policy CM49.3) elsewhere within the Core CAZ or the Named Streets. This part of the cascade does not apply to sites in 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 in accordance with Appendix 1.1 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.

B) Where proposals increase the amount of floorspace by between 30% and 50% of the original building, except where the commercial floorspace is less than 200sqm in the case of B Use Classes, or less than 400sqm in the case of A Use Classes or private D Use Classes:

- i. all commercial floorspace will be accompanied by an equivalent amount of residential floorspace, either on-site, elsewhere in the CAZ or by mixed use credit (Policy CM49.3); or

ii. all commercial floorspace will be accompanied by an affordable housing payment in lieu equivalent to the amount of commercial floorspace, calculated in accordance with Appendix 1.1;

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

POLICY S1 MIXED USE IN THE CENTRAL ACTIVITIES ZONE – Additional Alternative Requirement

C) Where proposals increase the amount of floorspace by more than 30% of the original building, changes of use from office to residential and replacement of office floorspace with residential floorspace will be accompanied by an equivalent 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.

The floorspace can be provided on-site, off-site, through the draw down of a mixed use credit (Policy CM49.3) or by an appropriate payment in lieu to the Civic Enterprise Fund in accordance with Appendix 1.1.

CO1 suggested by Howard de Walden Estate

“...inside the Central Activities Zone change of use from office to residential, or replacement of office floorspace with residential, should demonstrate that the benefits to Westminster, in terms of one, or more, of the following factors, or other material considerations, outweigh the contribution made by the office floorspace, particularly to meeting business and employment needs:

- a) Economic contribution, in terms of Gross Value Added, and/or comparable measurement; or
- b) Quality of existing office accommodation and the likelihood of outdated or obsolete office floorspace being successfully redeveloped or refurbished for continuing office use; or
- c) Townscape benefits of redeveloping an existing poor quality building that is visually detrimental to its surrounding area; or
- d) Contribution to meeting Westminster's housing needs.”

POLICY S1 MIXED USE IN THE CENTRAL ACTIVITIES ZONE

... 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.

... 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.

Core Central Activities Zone (S6)

IIA Objectives	AO1	WCP	MUR
1.To create cohesive, inclusive and safe communities			
2. To reduce crime and fear of crime			
3.To ensure provision of appropriate housing types to reduce overcrowded households and meet the demand for affordable housing and			

family sized units			
4.To promote and improve health and well being			
5.To reduce greenhouse emissions and support climate change adaption			
6.To reduce use of natural resources e.g. water, energy			
7.To reduce flood risk, promote SUDs, protect surface water and groundwater quality			
8.To protect, enhance and create environments that encourage and support biodiversity			
9.To improve Air Quality			
10.To reduce noise and the impact of noise			
11.To reduce the need to travel, the use of private motorised vehicular transport as well as encourage walking, cycling and use of public transport		+	+
12.To reduce waste production and increase recycling, recovery and re-use of waste			
13.To protect and enhance the historic environment and architectural, archeological			

and cultural heritage			
14.To enhance public realm and street improvements			
15.To protect, enhance and seek opportunities to increase open space			
16.To ensure equal opportunities to improve local opportunities and support sustainable economic growth			
17.To maintain economic diversity, increase local opportunity and support sustainable economic growth.		++	++

AO1 – No Policy

WCP Westminster City Plan: Strategic Policies. Policy S6 Core Central Activities Zone

POLICY S6 CORE CENTRAL ACTIVITIES ZONE

The Core Central Activities Zone (Core CAZ) is an appropriate location for residential use and a range of commercial and cultural uses, subject to the following priorities:

- Retail floorspace is encouraged throughout the area. Large scale retail development will be directed to the West End International Shopping Centre’s Primary Shopping Frontages, the CAZ Frontages and the Opportunity Areas, with smaller-scale retail development

also to its other shopping centres. Development within the Knightsbridge Primary Shopping Frontage will support the character, function and vitality of the wider International Shopping Centre within the Royal Borough of Kensington and Chelsea.

- Within the West End Stress Area, new entertainment uses will only be allowed where the council considers that they are small-scale, low-impact and they will not result in an increased concentration of late-night uses.
- Development sites within the Millbank Strategic Cultural Area between Lambeth and Vauxhall bridges will deliver a mix of uses including those that support culture and the creative industries - including arts and cultural uses, affordable business floorspace, workshops and studios; and
- Berwick Street market will be protected and the use of Rupert Street for specialist seasonal market trading will be supported.

Where retail developments fronting the Primary Shopping Frontages result in the requirement to provide residential floorspace, the residential floorspace may be provided off-site in the vicinity rather than on-site, where the council is satisfied that off-site provision would better contribute to the vitality of the West End Special Retail Policy Area or Knightsbridge International Shopping Centre.

MUR Mixed Use Revision to Westminster's City Plan. Policy S6 Core Central Activities Zone

POLICY S6 CORE CENTRAL ACTIVITIES ZONE

The Core Central Activities Zone (Core CAZ) is an appropriate location for ~~residential use and~~ a range of commercial and cultural uses and complimentary residential use, subject to the following priorities:

- Supporting strategically important clusters of uses consistent with enabling the growth and evolution of places to ensure the global reputation of the area is retained and enhanced.
- Retail floorspace is encouraged throughout the area. Large scale retail development will be directed to the West End International Shopping Centre's Primary Shopping Frontages, the CAZ Frontages and the Opportunity Areas, with smaller-scale retail development also to its other shopping centres. Development within the Knightsbridge Primary Shopping Frontage will

support the character, function and vitality of the wider International Shopping Centre within the Royal Borough of Kensington and Chelsea.

- Within the West End Stress Area, new entertainment uses will only be allowed where the council considers that they are small-scale, low-impact and they will not result in an increased concentration of late-night uses.
- Development sites within the Millbank Strategic Cultural Area between Lambeth and Vauxhall bridges will deliver a mix of uses including those that support culture and the creative industries - including arts and cultural uses, affordable business floorspace, workshops and studios; and
- Berwick Street market will be protected and the use of Rupert Street for specialist seasonal market trading will be supported.

Where retail developments fronting the Primary Shopping Frontages result in the requirement to provide residential floorspace, the residential floorspace may be provided off-site in the vicinity rather than on-site, where the council is satisfied that off-site provision would better contribute to the vitality of the West End Special Retail Policy Area or Knightsbridge International Shopping Centre.

Where retail developments fronting the Primary Shopping Frontages result in the requirement to provide residential floorspace, the residential floorspace may be provided off-site in the vicinity rather than on-site, where the council is satisfied that off-site provision would better contribute to the vitality of the West End Special Retail Policy Area or Knightsbridge International Shopping Centre.

Commercial Development (S18)

IIA Objectives	AO1	WCP	MUR	Reg 19
1.To create cohesive, inclusive and safe communities				
2. To reduce crime and fear of crime				

3.To ensure provision of appropriate housing types to reduce overcrowded households and meet the demand for affordable housing and family sized units				
4.To promote and improve health and well being				
5.To reduce greenhouse emissions and support climate change adaption				
6.To reduce use of natural resources e.g. water, energy				
7.To reduce flood risk, promote SUDs, protect surface water and groundwater quality				
8.To protect, enhance and create environments that encourage and support biodiversity				
9.To improve Air Quality				
10.To reduce noise and the impact of noise				
11.To reduce the need to travel, the use of private motorised vehicular transport as well as encourage walking, cycling and use of public transport				
12.To reduce waste production and increase				

recycling, recovery and re-use of waste				
13.To protect and enhance the historic environment and architectural, archeological and cultural heritage				
14.To enhance public realm and street improvements				
15.To protect, enhance and seek opportunities to increase open space				
16.To ensure equal opportunities to improve local opportunities and support sustainable economic growth			+	
17.To maintain economic diversity, increase local opportunity and support sustainable economic growth.		+	++	

AO1 – No Policy

WCP Westminster City Plan: Strategic Policies. 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.

Proposals for new commercial uses must be appropriate in terms of scale and intensity of land uses, and character and function of the area.

MUR Mixed Use Revision to Westminster's City Plan. 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 77,000 new jobs 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.

REG 19 MIXED USE REVISION TO WESTMINSTER'S CITY PLAN SUBMISSION DRAFT. 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 77,000 new jobs 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, there are residential streets and areas within CAZ where commercial encroachment is not appropriate.

Offices and other B use business floorspace

IJA Objectives	AO1	WCP	S20	CO2	CO4
----------------	-----	-----	-----	-----	-----

1.To create cohesive, inclusive and safe communities					
2. To reduce crime and fear of crime					
3.To ensure provision of appropriate housing types to reduce overcrowded households and meet the demand for affordable housing and family sized units					
4.To promote and improve health and well being					
5.To reduce green house emissions and support climate change adaption					
6.To reduce use of natural resources e.g. water, energy					
7.To reduce flood risk, promote SUDs, protect surface water and groundwater quality					
8.To protect, enhance and create environments that encourage and support biodiversity					
9.To improve Air Quality					
10.To reduce noise and the impact of noise					
11.To reduce the need to travel, the use of private motorised vehicular transport as well as					

encourage walking, cycling and use of public transport					
12.To reduce waste production and increase recycling, recovery and re-use of waste					
13.To protect and enhance the historic environment and architectural, archeological and cultural heritage					
14.To enhance public realm and street improvements					
15.To protect, enhance and seek opportunities to increase open space					
16.To ensure equal opportunities to improve local opportunities and support sustainable economic growth				+	
17.To maintain economic diversity, increase local opportunity and support sustainable economic growth.			++	++	

A01 – No Policy

WCP Westminster City Plan: Strategic Policies. Policy S20 Offices and Other B1 Floorspace

POLICY S20 OFFICES AND OTHER B1 FLOORSFACE

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.

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

S20 [Mixed Use and Office to Residential Conversion Consultation Booklet 18 December 2014](#)

POLICY S20 OFFICES AND OTHER B USE BUSINESS FLOORSPACE

New office development will be directed to the 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:

A) Changes of use from office to residential will be appropriate where the building:

- i) was originally built as residential; and
- ii) is substantially retained.

B) Any other changes of use from office to residential or replacement of office floorspace with residential floorspace must provide a mix of type, size and tenure of housing that the council considers contributes to meeting Westminster's housing needs to the extent that this outweighs the contribution made by the office floorspace, particularly to meeting business and employment needs. Where either A) or B) above are not met, or can not be met due to site constraints and/or viability, the floorspace will be retained as B1 office.

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

CO2 Suggestion by Grosvenor Estate

Additional criteria for S20:

- i the respective contributions of the existing and proposed uses to job creation;
- ii the quality of existing office accommodation and the likelihood of outdated or obsolete office floorspace being successfully redeveloped or refurbished for continuing office use; and
- iii the contribution of an existing office building to the character and appearance of an area. Buildings that detract from the surrounding area to be redeveloped for alternative uses where this would lead to a material improvement. Uses other than offices, such as hotels and retail, can make a very significant contribution to the vitality and architectural distinctiveness of Central Westminster.

Policy S20: Add the following criteria:

- *the quality of the existing stock, the length of vacancy and other relevant specific reasons for redevelopment¹ the likelihood of the existing building being successfully refurbished and redeveloped for office use* (Westminster Property Association)
- *The townscape benefits of redeveloping the existing building, especially where the existing building is unsightly or visually intrusive.* (Westminster Property Association)
- *where an alternative use would secure a long term, viable future for listed buildings.* (GVA)

Land Use Swaps and Packages

IIA Objectives	AO1	AO2	CMP 1.4	NP CM49.2
1.To create cohesive, inclusive and safe communities				

¹ GVA

2. To reduce crime and fear of crime				
3.To ensure provision of appropriate housing types to reduce overcrowded households and meet the demand for affordable housing and family sized units				
4.To promote and improve health and well being				
5.To reduce green house emissions and support climate change adaption				
6.To reduce use of natural resources e.g. water, energy				
7.To reduce flood risk, promote SUDs, protect surface water and groundwater quality				
8.To protect, enhance and create environments that encourage and support biodiversity				
9.To improve Air Quality				
10.To reduce noise and the impact of noise				
11.To reduce the need to travel, the use of privet motorised vehicular transport as well as encourage walking, cycling and use of public transport				
12.To reduce waste production and increase recycling, recovery and re-use of waste				

13.To protect and enhance the historic environment and architectural, archeological and cultural heritage				
14.To enhance public realm and street improvements				
15.To protect, enhance and seek opportunities to increase open space				
16.To ensure equal opportunities to improve local opportunities and support sustainable economic growth				
17.To maintain economic diversity, increase local opportunity and support sustainable economic growth.				+

A01 – No Policy for Land Use Swaps

A02 – Policy to Apply to the whole of Westminster

CMP 1.4 Policy in [City Management Plan Consultation Draft November 2011](#)

Planning permission for the swapping of uses between sites which are located in the Core Central Activities Zone

or in the Named Streets will be granted where:

1. the swap is of lawful commercial and residential accommodation;

2. the swap is between sites which are in the vicinity of each other;
3. the mixed use character of buildings and the area around the commercial site is maintained;
4. at least the equivalent amount of residential floorspace is provided;
5. the new residential accommodation is of a higher standards in terms of quality and amenity;
6. the commercial site is not protected by other Core Strategy or CMP polices;
7. the commercial site does not have a previous permission for residential purposes;
8. the commercial property is not on the 5-15 year list of identified sites for housing delivery; and
9. the lawful commercial site and the residential site are in the same ownership.

NP CM49.2 in [Mixed Use and Office to Residential Conversion Consultation Booklet 18 December 2014](#)

NEW POLICY CM49.2 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 Core Central Activities Zone or in the Named Streets will be appropriate where:

1. the sites are in the vicinity of each other;
2. the mixed use character of the immediate area is secured at a fine grain;
3. there is no net loss of floorspace which is protected by other policies in the plan;
4. the uses are appropriate within each area and there is no loss of amenity resulting from the introduction or intensification of a use into an area;

- 5. any residential accommodation is of a higher quality than could have been achieved without the land use swap or package;
- 6. the applications for all sites are submitted at the same time and all elements of the scheme are completed within a time frame agreed by the City Council.

This policy does not prejudice the application of any other policies in the plan, and requirements for floorspace to be provided must be met in full.

If agreed, the sites subject to the land use swap or package will be treated as though the development is on a single site, including for consideration of viability.

Applications must be accompanied by a full schedule of the existing and proposed floorspace including the following:

- 1. the floorspace of each use (Gross Internal Area) proposed for each site, and for all of the sites taken as a whole;
- 2. in the case of residential floorspace, the breakdown of floorspace provided in accordance with 1. (immediately above) by the tenure, unit floorspace, and the number of bedrooms of each unit , and the total floorspace for all of the sites taken as a whole;
- 3. details of any draw downs of Mixed Use Credits or Affordable Housing Credits; and
- 4. calculations of any floorspace shortfalls being met from Payment in Lieu.

Mixed Use Credits

IIA Objectives	AO1	CMP 1.2	NP CM49.3
1.To create cohesive, inclusive and safe communities			

2. To reduce crime and fear of crime			
3.To ensure provision of appropriate housing types to reduce overcrowded households and meet the demand for affordable housing and family sized units			
4.To promote and improve health and well being			
5.To reduce green house emissions and support climate change adaption			
6.To reduce use of natural resources e.g. water, energy			
7.To reduce flood risk, promote SUDs, protect surface water and groundwater quality			
8.To protect, enhance and create environments that encourage and support biodiversity			
9.To improve Air Quality			
10.To reduce noise and the impact of noise			
11.To reduce the need to travel, the use of private motorised vehicular transport as well as encourage walking, cycling and use of public transport			
12.To reduce waste production and increase recycling, recovery and re-use of waste			

13.To protect and enhance the historic environment and architectural, archeological and cultural heritage			
14.To enhance public realm and street improvements			
15.To protect, enhance and seek opportunities to increase open space			
16.To ensure equal opportunities to improve local opportunities and support sustainable economic growth			
17.To maintain economic diversity, increase local opportunity and support sustainable economic growth.			+

AO1 – No Policy

CMP 1.2 in [City Management Plan Consultation Draft November 2011](#)

Policy CMP 1.2: Residential Mixed Use Credits

A) Proposals for residential development intended for use as a residential mixed use credit site must:

1. be agreed as a residential mixed use credit site at application stage;
2. be a commercial building/site which has no previous applications for change of use to residential and is not on a site included in the council’s 5 – 15 yr list of housing sites;

3. be in the Core CAZ or Named Streets;
 4. achieve the highest standards of sustainable design and amenity provision;
 5. provide affordable housing on sites of 10 additional units or 1000sqm of additional residential floorspace;
 6. accord with housing mix and sustainable living policies and be within the appropriate housing density range, and
 7. fund the development and maintenance of a monitoring database for each mixed use credit site.
- B) When it is agreed that a land use credit is an acceptable way of complying with Policies CS1 and CMP1.1, more homes and residential floorspace should result than would have been possible on-site. This will be achieved by:
1. applying an 'uplift' to the amount of residential floorspace to reflect that the host commercial site will be able to provide more commercial floorspace (as set out in CMP1.1 Mixed Use Cascade); and
 2. applying the multipliers set out in Table 1.1 where the credit site is in a lower value area than the host mixed use site.

NP CM49.3 in [Mixed Use and Office to Residential Conversion Consultation Booklet 18 December 2014](#)

NEW POLICY CM49.3 CREDITS

A) Registering Credits

In addition to Policy S1 in the case of mixed use credits and S16 in the case of affordable housing credits, credits must:

1. be agreed as a credit at application stage and registered as a credit at the time of permission being granted, or follow the procedure for late application;
2. establish a nominal floorspace value for the affordable housing credit in agreement with the council, with each credit equating to 1 sqm;
3. fund the development and maintenance of a credit monitoring database which will be the definitive list of credit sites;
4. not be;
 - i. subject to an extant planning permission for that use;
 - ii. be listed in Appendix 1 Proposals Sites with that use as a Preferred Use; or
 - iii. in the case of residential mixed use credits, be included on the Housing Land Supply list published in the most recent Annual Monitoring report;
5. comply with the following policies;

Residential Mixed Use Credits -

S14 Optimising Housing Delivery; Policy S16 Affordable Housing excluding Payments in Lieu; CM16.1 Meeting the Range of Affordable Housing Needs; and CM14.1 Housing Quality

Commercial Mixed Use Credits -

S18 Commercial Development; S19 Inclusive Local Economy and Employment; and where relevant S21 Retail

Affordable Housing Credits -

S14 Optimising Housing Delivery; CM16.1 Meeting the Range of Affordable Housing Needs; and CM14.1 Housing Quality

6. in the case of affordable housing credits, not exceed a maximum of 50 affordable housing units registered as credits on each development site, and be provided with Westminster.

In considering if a proposal should be agreed as a credit scheme, the council will take into account the scheme's location, scale and quality and in the case of residential floorspace, the type, tenure, mix and number of units to be provided and the type, tenure and mix of uses/housing in the local area.

B) Drawing Down Credits

1. In addition to Policy S1 in the case of mixed use credits and S16 in the case of affordable housing credits, when drawing down credits:
2. They must be drawn down within 7 years of registration;
3. The floorspace registered by the credits must be completed, and the completion certificate provided to the council;
4. The nominal value referred to in A) 2. above must be used in any viability assessment for the host scheme;
5. Credits may be pooled from more than one credit scheme, or used in combination with on-site, off-site or payment in lieu provision;
6. The credits must be available for draw down, as follows;
 - i. Credits are allocated to a host scheme at the time the planning application is submitted for that scheme. After this, they not available for any other host scheme until they are released.
 - ii. To release credits the council must be notified in writing that:

- a) the host scheme planning application has been refused and the time for an appeal has expired, or an appeal lost;
 - b) the host scheme planning application has been withdrawn;
 - c) the host scheme has been superseded by an alternative host scheme and the credits are transferred to the latter scheme;
 - c) the host scheme has been superseded by an alternative scheme that does not use the credits; or
 - d) the host scheme planning permission has expired.
- iii. Credits can only be drawn down once, and the credit has been drawn down when the council is notified in writing that the host scheme is completed.

APPENDIX 4: HOUSING DELIVERY

HOUSING DELIVERY

The table below sets out the projected delivery of housing for the ~~15~~ 20 year period ~~2012/13 – 2026/27~~ 2016/17 -2036/37. The council anticipates a net increase in conventional housing of ~~9,320~~ 22,041, and a further ~~2,640~~ 4,578 from non-conventional sources. This is based on annual estimates of ~~81~~183 vacant units bought back into use, ~~95~~ 35 non-self contained units, an average of ~~130~~ 260 windfalls over 10 units per year, and ~~200~~ 150 units per year from schemes of <10 units.

These allowances accord with the London Strategic Housing and Land Availability Assessment ~~2009~~ 2013. However it is noted that delivery of units, particularly non-self contained units is, in reality, very ‘lumpy’. The annual allowance from all sources of housing includes a 5% buffer, although as most sites in Westminster are appropriate for housing, there is already a significant degree of choice and competition.

These are the raw figures shown in Figure 37 Westminster’s Housing Trajectory, to deliver against a ~~15~~ 20 year target of ~~11,550~~ 21,360.

	Year	Conventional homes from 5-15 year land supply	Allowance for schemes under 10 units	Allowance for windfalls sites of 10+ units	Total conventional units	Bringing vacant homes back into use	Non-self contained units	Cumulative TOTAL
<u>1</u>	2012/13	725	200	0	925	81	95	886
<u>2</u>	2013/14	977	200	50	1,227	81	95	1,987
<u>3</u>	2014/15	546	200	50	796	81	95	3,390
<u>4</u>	2015/16	477	200	75	752	81	95	4,362
<u>5</u>	2016/17	780-948	150-200	75-100	1,005-1248	81-183	95-35	5,290-1,466
<u>6</u>	2017/18	147-1324	150-200	100	397-1624	81-183	95-35	-6,471-3,308
<u>7</u>	2018/19	147-1324	150	100-150	397-1624	81-183	95-35	7,044-5,150
<u>8</u>	2019/20	147-389	150	150	447-689	81-183	95-35	7,617-6,057
<u>9</u>	2020/21	147-389	150	150	447-689	81-183	95-35	8,240-6,964
<u>10</u>	2021/22	147-389	150	200-300	497-839	81-183	95-35	-8,863-8,021

11 7	2022/23	60 <u>389</u>	<u>150</u>	<u>200-300</u>	<u>410-839</u>	<u>81183</u>	<u>9535</u>	<u>9536 9,078</u>
12 8	2023/24	60 <u>389</u>	<u>150</u>	<u>250-300</u>	<u>460-839</u>	<u>81183</u>	<u>9535</u>	<u>10,122-10,135</u>
13 9	2024/25	0 <u>120</u>	<u>150</u>	<u>250-300</u>	<u>400-570</u>	<u>81183</u>	<u>9535</u>	<u>10,758-10,923</u>
14 10	2025/26	0 <u>640</u>	<u>150</u>	<u>250-300</u>	<u>4501,090</u>	<u>81183</u>	<u>9535</u>	<u>11,334 12,231</u>
15 11	2026/27	0 <u>640</u>	<u>150</u>	<u>300</u>	<u>4501,090</u>	<u>81183</u>	<u>9535</u>	<u>11,960-13,539</u>
12	<u>2027/28</u>	<u>640</u>	<u>150</u>	<u>300</u>	<u>1,090</u>	<u>183</u>	<u>35</u>	<u>13539-14,848</u>
13	<u>2028/29</u>	<u>640</u>	<u>150</u>	<u>300</u>	<u>1,090</u>	<u>183</u>	<u>35</u>	<u>14847-16,155</u>
14	<u>2029/30</u>	<u>640</u>	<u>150</u>	<u>300</u>	<u>1,090</u>	<u>183</u>	<u>35</u>	<u>16155-17,463</u>
15	<u>2030/31</u>	<u>640</u>	<u>150</u>	<u>300</u>	<u>1,090</u>	<u>183</u>	<u>35</u>	<u>17463-18,771</u>
16	<u>2031/32</u>	<u>640</u>	<u>150</u>	<u>300</u>	<u>1,090</u>	<u>183</u>	<u>35</u>	<u>20,079</u>
17	<u>2032/33</u>	<u>640</u>	<u>150</u>	<u>300</u>	<u>1,090</u>	<u>183</u>	<u>35</u>	<u>21,387</u>
18	<u>2033/34</u>	<u>640</u>	<u>150</u>	<u>300</u>	<u>1,090</u>	<u>183</u>	<u>35</u>	<u>22,695</u>
19	<u>2034/35</u>	<u>640</u>	<u>150</u>	<u>300</u>	<u>1,090</u>	<u>183</u>	<u>35</u>	<u>24,003</u>
20	<u>2035/36</u>	<u>640</u>	<u>150</u>	<u>300</u>	<u>1,090</u>	<u>183</u>	<u>35</u>	<u>25,311</u>
21	<u>2036/37</u>	<u>640</u>	<u>150</u>	<u>300</u>	<u>1,090</u>	<u>183</u>	<u>35</u>	<u>26,619</u>
	TOTAL	4,870 <u>13,341</u>	2,550 <u>3,250</u>	1,950 <u>5,450</u>	9,320 <u>22,041</u>	1,215 <u>3,843</u>	1,425 <u>735</u>	<u>26,619</u>

FIGURE 57 PROJECTED HOUSING SUPPLY FROM ALL SOURCES ~~2011/12 – 2026/27~~ 2016/17 – 2036/37

WINDFALL DEVELOPMENTS

There are a number of unique local circumstances in Westminster which justify the inclusion of windfalls and smaller schemes (which are nearly always windfalls) when demonstrating deliverability in terms of housing land supply, and producing the housing trajectory for Westminster's City Plan.

1. Westminster, being at the heart of Central London, is already densely built up, and has only has brownfield sites, and very few large sites. Any large sites coming forward will be expected to provide either solely housing (with supporting community facilities), e.g. Chelsea Barracks; or mixed uses to include housing, e.g. the three Opportunity Areas designated for mixed use to provide significant employment uses and housing.
2. Because Westminster is intensively built up, over 90% of housing schemes completed in the city have less than 10 additional residential units. Small schemes of less than 10 units produced ~~2,179~~ 3,283 units in the ~~nine~~ twelve years 2002 to 2013/14 2010/11, and make up about ~~27%~~ 44% 33% of additional residential units completed. This equated to an average figure of 242 274 units per annum from these small sites. An allowance of 200 units per year for small schemes is therefore considered to represent a realistic estimate of likely units arising.

~~3. — There are no general policies in Westminster’s City Plan protecting employment uses (i.e. B1 office). Housing is given the highest priority in the plan. Therefore, any office building can, in principle, change use to housing, and many do. However, it would be inappropriate to include all B1 buildings in the housing land supply as it is not known if, or when, any specific site will be developed for housing. Hence, whilst some such schemes, particularly those in the investment strategies of the major landowners, can be included in the 5-15 year land supply assessment, many applications for change of use from B1 use to housing are ‘windfalls’ and depend on the vagaries of the market and cannot be anticipated.~~

Period	No of < 10 unit schemes	Net units from < 10 unit schemes	Total net units from conventional housing	Percentage of conventional housing from < 10 unit schemes
2002	27	109	703	16%
2003	89	192	1,318	15%
2004	103	234	596	39%
2005/06	169	360	1,809	20%
2006/07	124	252	665	38%
2007/08	92	206	671	31%
2008/09	118	274	850	32%
2009/10	110	243	653	37%
2010/11	134	309	831	37%
<u>2011/12</u>	<u>198</u>	<u>458</u>	<u>837</u>	<u>24%</u>
<u>2012/13</u>	<u>127</u>	<u>286</u>	<u>591</u>	<u>21%</u>
<u>2013/14</u>	<u>163</u>	<u>360</u>	<u>527</u>	<u>31%</u>
Total/ Average	966 1,454	2,179 3,283	8,096 10,051	27% 44%

FIGURE 58 RESIDENTIAL SCHEMES WITH 1 TO 9 ADDITIONAL RESIDENTIAL UNITS

~~4. 3.~~ The market will also dictate when it is viable to redevelop existing housing sites to a higher density. Most of these applications will be ‘windfalls’; though an exception will be existing Registered Provider/CityWest Homes sites, but the majority of these estates are already high density.

~~5.4.~~ Westminster's mixed use policy requires an equivalent amount of residential floorspace be provided in proposals for increases in commercial office floorspace of over 30% of the original building (or less than 400sqm, whichever is greater) 200 sqm (or 400 sqm in the case of A1 or private health, education and leisure facilities). This policy also therefore leads to new housing units in the city, but as with change of use schemes, mixed use developments cannot always be anticipated.

~~6.5.~~ Between 2002 and 2009/10, 'windfalls' i.e. developments on sites not included in the UDP schedules of Major Development Sites or Opportunity Sites have accounted for 80% of housing units delivered in Westminster. However, the ~~new~~ system of preparing 5-15 year Land Supply Assessments will capture many sites that were previously considered to be 'windfalls'. So a reduced allowance for windfalls sites with the capacity for 10 plus residential units needs to be made. In the nine year period 2002 – 2010/11, 5,917 completed units were the result of windfall sites of 10 or more units. It is therefore reasonable to make an allowance of 130 units per annum, which represents about 20% of this figure, reflecting the fact that windfalls will be significantly reduced in the future due to the improved site capture afforded by the preparation of the 5 - 15yr supply list. However, at the time of preparation of this Plan most sites which will deliver housing in the city beyond ~~2016/17~~ 2021/22 are unknown to the council and therefore must be treated as windfalls, hence the 'windfall' allowance increases over time in the assessment.

MEETING HOUSING TARGETS

The housing targets for Westminster are updated over time, including though changes to the London Plan. This has made it difficult to assess performance against the London Plan targets because the overall time period has never been completed before the target has been changed. Whenever a new target is introduced, any surplus housing that may have been built in previous years does not count against the new target, and the borough essentially starts from zero again.

The housing trajectory set out at Figure 37 assumes an annual target of ~~770~~ 1,068 units. It applies these targets cumulatively over the 15 20 year time period of the plan. However, the London Plan targets are actually as follows:

<u>1999-2003</u>	<u>No London Plan target</u>
<u>2004-2006/07</u>	<u>970p.a. 1997-2016 or 2,910 for the three year period</u>
<u>2007/08 -2010/11</u>	<u>680p.a. 2007/08-2016/17 or 2,720 for the four year period</u>

2011/12-2014/15 current 770p.a. 2011/12-2021/22 or 7,700 for the ten year period

2015/16-2036 1,068 p.a., or 21,360 for the twenty year period

The figure above shows past and projected performance against these targets. It also rolls out the target of ~~770~~ 1,068 units per year p.a. beyond the ~~2021/22~~ 2034/35 time period of the London Plan to cover the entire Core Strategy City Plan time period. This figure shows that, although the target may not be reached in any one year, cumulatively sufficient surplus is built up in other years to cover the target over the longer term. When the new 680 p.a. target was introduced in 2007/08, the surplus that had been built up previously was essentially deleted, although in that year the target was exceeded (1,011 homes were delivered) and therefore a surplus was still recorded for that year.

Overall, the figure demonstrates that Westminster has always met its London Plan target, and is confident of doing so in the future.



City of Westminster

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Planning policy helpline: 020 7641 2503
www.westminster.gov.uk/revision-westminsters-city-plan



City of Westminster

Cabinet Member Report

Meeting or Decision Maker:	<i>Cabinet Member for Public Protection</i>
Date:	<i>22 October 2015</i>
Classification:	<i>General Release</i>
Title:	<i>Formal agreement of the new 2016 – 2019 Statement of Licensing Principles for Gambling</i>
Wards Affected:	<i>All</i>
City for All Summary	<i>This decision will enable our communities to share in the economic prosperity. It will create opportunities for residents, businesses and visitors to make responsible choices for themselves, their families and their neighbourhood and we will protect and enhance Westminster's unique heritage so that every neighbourhood remains a great place to live, work and visit both now and in the future.</i>
Key Decision:	<i>No</i>
Financial Summary:	<i>None</i>
Report of:	<i>Julia Corkey, Director of Policy Performance and Communications and Stuart Love, Executive Director of City Management and Communities</i>

1. Executive Summary

- 1.1 The Council's Statement of Licensing Principles for Gambling expires on the 30th January 2016. The Gambling Act 2005 (the Act) requires the Licensing Authority to prepare and publish a new three year Statement of Licensing Principles which will be effective from the 31st January 2016.
- 1.2 The Licensing Authority is adopting a two staged approach to the preparation and publication of its Statement of Principles. Stage 1 is the reproduction of the current Statement with minor amendments and updates. Stage 2 will be a complete revision of the Statement of Principles which will include a new

Local Area Profile, results from the Council's own Commissioned research and the implementation of new policies.

- 1.3. The stage 1 proposed new Statement of Licensing Principles for Gambling was consulted upon for a period of five weeks ending on the 2nd October 2015. The Council has received seven responses to that consultation. After considering these consultation responses and making minor amendments to the proposed draft the final version of the new Statement of Licensing Principles is attached at Appendix 1 to this report.
- 1.4 To fulfil the Council's statutory duties, it is recommended that the draft Statement of Licensing Principles is published on 1st December 2015, and adopted from 31st January 2016.

2. Recommendations

- 2.1 That the Cabinet Member approves the draft Statement of Licensing Principles for Gambling attached as Appendix 1.
- 2.2 That the Cabinet Member approves the publication of the council's response document at Appendix 2 on the Council's website.
- 2.3 That the Cabinet Member recommend to full Council that the decision to publish and adopt the draft Statement of Licensing Principles for Gambling attached to this report as Appendix 1 be published on 1st December 2015, and made effective from 31st January 2016.

3. Reasons for Decision

- 3.1 The approval of this final draft of the Statement of Licensing Principles for Gambling and recommendation that it be approved for publication by Full Council will ensure that the Council meets its statutory requirements for adopting this statement.

4. Background, including Policy Context

- 4.1 The City Council as the Licensing Authority must prepare and publish a new Statement of Licensing Principles for Gambling every three years under the requirements of section 349 of the Act.
- 4.2 It has been agreed to run a two staged approach to prepare a new Statement of Licensing Principles for Gambling. Stage 1 is to re-adopt the current statement with minor amendments to outdated elements and to reflect legislative changes that have occurred during the past three years.
- 4.3 Stage 2 will be a completely revised statement which will take into account the Gambling Commission's new Licence Conditions and Codes of Practice relating to local risk assessments and their Guidance to Licensing Authorities. The revised statement will also include a new Local Area Profile which will include the results from the research into area based vulnerability to gambling related harm which the council has commissioned in partnership with

Manchester City Council and supported by the Local Government Association. In addition to this there will be a new structure to the statement to make it more user friendly to gambling operators and include new policies that will assist the council to consider applications under the Act. This revised statement will be subject to a separate public consultation over a longer period in 2016.

- 4.4 The draft Statement of Licensing Principles was consulted upon for a period of five weeks. During that period the Council received seven responses. Of the seven responses four were from local gambling operators, two were from national trade associations and one was from a charity. A full copy of those responses have been put into a table and attached to this report as Appendix 2.
- 4.5 Officers have considered the responses to this consultation in detail. In doing so a commentary of the considerations given to the consultation response and any action the council intends to amend the draft Statement of Licensing Principles for Gambling is contained within the table in Appendix 2 to this report.
- 4.6 During the consultation period the Gambling Commission published their 5th Edition of its Guidance of Licensing Authorities. The 5th Edition has been considered and changes have been made to the originally draft consultation version of the statement to reflect this new edition. In addition some other minor amendments were identified by officers during the consultation period which have also been implemented in the final draft of the Statement of Principles for Gambling. These amendments are detailed within Appendix 3 of this report.
- 4.7 The final draft of the statement attached as Appendix 1 reflects the council's considerations to the consultation responses and actions identified within Appendix 2 and also the modifications referred to in Appendix 3.

5. Financial Implications

- 5.1 There are no direct financial costs as a result of approving this final version of the Statement.

6. Legal Implications

- 6.1 The City Council has a requirement under section 349 of the Gambling Act 2005 sets out the requirements on the City Council as the Licensing Authority to prepare and publish a statement of principles for gambling.
- 6.2 Section 349(1) requires the Licensing Authority to prepare and publish a Statement of Principles before each successive period of three years. Within the proposed staged approach this Statement of Licensing Principles would meet the requirement of this subsection and is referred to as the statement in these sections. The requirement of section 349(1) means that even if the policy was reviewed and altered during the 3 year period, the 3 year period still remains a standalone period of time which is not reset.

- 6.3 Section 349(2) requires the Licensing Authority to review its Statement of Licensing Principles under this section from time to time if it is deemed necessary in light of a review to revise the Statement and publish any revision before giving it effect. It is proposed that the stage 2 revision will be undertaken under this sub-section. The stage 2 Statement will be a fundamental revision of the stage 1 Statement once agreed.
- 6.4 The Gambling Act 2005 (Licensing Authority Policy Statement) (England and Wales) Regulations 2006 sets out the requirements for the legal requirements for the form of the statement or revision, what matters must be included and set out in separate sections within the statement or revision and the procedures for preparing or publishing a statement or revision.
- 6.5 Regulation 7 of these regulations set out the procedure to be followed in preparing the statement or revision for publication. The statement or revision must be published on the authority's website and be available for inspection at reasonable times on one or both of the following places:-
- 6.5.1 one or more public libraries within Westminster
 - 6.5.2 other premises situated in Westminster.
- 6.6 The Licensing Authority must also publish a notice advertising the statement or revision. That notice must be published no later than the first day on which the statement of revision is published on the Council's website and in or on one or more of the following places-
- 6.6.1 a local newspaper circulating in the area covered by the statement
 - 6.6.2 a local newsletter, circular, or similar document circulating in the area covered by the statement;
 - 6.6.3 a public notice board in or near the principle office of the authority;
 - 6.6.4 a public notice board on the premises of public libraries in the area covered by the statement.

7. Staffing Implications

- 7.1 There are no staffing implications as a result of this report. The development of the Statement of Licensing Principles will be undertaken by the Licensing and Policy Strategy Manager and members of the Licensing Team.

8. Consultation

- 8.1 Consultation on the draft Statement of Licensing Principles was carried out between the 28th August and the 2nd October 2015. During that period seven responses were received. Of those seven responses three responses were received from betting shop operators and one from a local casino. Two trade associations, the National Casino Forum and Association of British Bookmakers also responded. We received one response from the Citizens Advice Bureau. A copy of the submissions received during the consultation period are provided at Appendix 2 to this report.

If you have any queries about this Report or wish to inspect any of the Background Papers please contact:

Mr Kerry Simpkin, Licensing Team Manager

Telephone: 020 7641 1840, email: ksimpkin@westminster.gov.uk

BACKGROUND PAPERS:

Gambling Act 2005

Current Westminster City Council Statement of Licensing Principles for Gambling

Gambling Commission Consolidated Licence Conditions and Codes of Practice (LCCP)

Gambling Commission Guidance to Licensing Authorities 4th and 5th Editions

NB: For individual Cabinet Member reports only

For completion by the **Cabinet Member for Public Protection**

Declaration of Interest

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

Signed: _____ Date: _____

NAME: _____

State nature of interest if any

.....
.....

(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 **Formal agreement of the new 2016 – 2019 Statement of Licensing Principles for Gambling** and reject any alternative options which are referred to but not recommended.

Signed

Cabinet Member for Public Protection

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 Head of Legal and Democratic Services, 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.



City of Westminster

Statement of Licensing Principles for Gambling

The Gambling Act 2005

Effective from 31 January 2016

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Part 1: Licensing Authority, its Functions and Relevant Parties

1. Introduction

- 1.1 Under section 349 of the Gambling Act 2005 (the Act) the council is required to publish a statement of principles which it proposes to apply when exercising its functions under the Act. The form of the statement of principles is set out in The Gambling Act 2005 (Licensing Authority Policy Statement) (England and Wales) Regulations 2006. The Gambling Commission's Guidance to licensing authorities (5th Edition) contains further detail on the form of the council's statement of principles.
- 1.2 Gambling is a legitimate regulated activity that is enjoyed by a large number of the population. However, there are a number of people within our society who are at risk to gambling related harm. The council, as the Licensing Authority under the Act has a duty to consider applications relating to allowing gambling facilities within the City to ensure that they meet the fundamental principles of the Act. In doing so the authority must balance the needs of business to profit and grow with the potential impact on those who are vulnerable to being exploited or susceptible to gambling related harm.
- 1.3 The Licensing Authority, in carrying out its functions under section 153 of the Gambling Act 2005 will aim to permit the use of premises for gambling in so far as it thinks it:
- (a) in accordance with any relevant code of practice under section 24
 - (b) in accordance with any relevant guidance issued by the Gambling Commission under section 25
 - (c) reasonably consistent with the licensing objectives (subject to (a) and (b) above), and
 - (d) in accordance with this statement of licensing policy (Statement of Licensing Principles for Gambling) (subject to (a) to (c) above)
- 1.4 The aim to permit principle provides wide scope for the authority to impose conditions on a premises licence, reject, review or revoke premises licences where there is a potential conflict with the relevant codes of practice, relevant Guidance issued by the Gambling Commission and this Statement of Licensing Principles.
- 1.5 The council's statement of principles is intended to be reasonably consistent with the three licensing objectives set out in the Act. These objectives are:
- Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime;
 - Ensuring that gambling is conducted in a fair and open way;
 - Protecting children and other vulnerable persons from being harmed or exploited by gambling.
- 1.6 This statement of licensing principles was prepared in 2015 and following consultation was agreed by the Council on the 11th November 2015. This new three year statement of licensing principles was published on 1st December 2015 and has effect from 31st January 2016.
- 1.7 The Act requires that the following people and bodies be consulted in the revision of the statement:
- The Chief Officer of Police;

- People and bodies representing the interests of persons in gambling businesses in the area;
 - People and bodies who represent the interests of persons who are likely to be affected by the exercise of the authority's functions under the Act.
- 1.8 The council consulted widely upon the revised statement of principles from 28th August 2015 to 2nd October 2015. A list of those consulted on the revision of the statement of principles is attached at Appendix 1.
- 1.9 It should be noted that this policy statement will not override the right of any person to make an application, or to make representations about an application, or to apply for a review of a licence, as each will be considered on its own merits and in accordance with the statutory requirements of the Act.

2. Declaration

- 2.1 In reviewing this Statement of Licensing Principles, the council has had regard to the licensing objectives of the Act, and Guidance to licensing authorities issued by the Gambling Commission and has had regard to the responses arising from consultation.

3 Westminster's Geographical Area

- 3.1 Westminster is the centre of many functions of the state: Buckingham Palace, the Houses of Parliament and the Royal Courts of Justice are within the boundaries. Westminster is also an important commercial centre and is a base for the headquarters of many national and international organisations and home to 4 of London's top universities. Its residents, numbering over 230,000, are outnumbered every day by the 550,000 people who work in the 47,000 businesses in Westminster and the other daily visitors who swell the daytime population to over 1 million.
- 3.2 Westminster contains 9 million square metres of office space, 2.3 million square metres of shops (1.6 million in the West End alone) and 1.1 million square metres of hotels. The City of Westminster is the gateway to the UK. Over 90% of visitors to the UK spend at least part of their stay in Westminster. Tourism in Westminster contributes £5 billion per annum to the economy in Westminster, and it supports 65,000 jobs in the City. The City has over 430 hotels, which makes up 40% of the hotel stock in London. The City has a wealth of entertainment and leisure venues including 38 theatres, 60 cinema screens, 20 casinos and over 3,000 eating, drinking and nightlife establishments.
- 3.3 Westminster is at the centre of the London transport infrastructure and has both of its busiest underground stations. It also has four main line rail termini and direct rail connections to Heathrow and Gatwick.

Map of Westminster showing parks and main roads



4. Responsible Authorities

4.1 The council is required by regulations to state the principles it will apply in exercising its powers under Section 157(h) of the Act to designate, in writing, a body which is competent to advise the authority about the protection of children from harm.

The principles are:

- the need for the body to be responsible for an area covering the whole of the council's area; and
- the need for the body to be answerable to democratically elected persons, rather than any particular vested interest group.

4.2 In common with its practice under the Licensing Act 2003, the council designates the Area Child Committee to advise on the protection of children from harm. The Responsible Authorities are therefore:

- The council's Licensing Service (as licensing authority)
- The Gambling Commission
- The Metropolitan Commissioner of Police
- The London Fire and Emergency Planning Authority
- The council's Planning Department (as planning authority)
- The council's Environmental Health Consultation Team (as the authority minimising or preventing the risk of environmental pollution and/or harm to human health)

- The Area Child Committee
 - H.M. Revenue and Customs
- 4.3 The Secretary of State has not, as yet, prescribed any further Responsible Authorities. The contact details of all the Responsible Authorities in relation to the Act are available at Appendix 3.

5. Interested parties

- 5.2 Interested parties can make representations about licence applications, or apply for a review of an existing licence. These parties are defined in s158 of the Act as follows: “For the purposes of this Part a person is an interested party in relation to a premises licence or in relation to an application for or in respect of a premises licence if, in the opinion of the licensing authority which issues the licence or to which the applications is made, the person-
- a) lives sufficiently close to the premises to be likely to be affected by the authorised activities,
 - b) has business interests that might be affected by the authorised activities, or
 - c) represents persons who satisfy paragraph (a) or (b)”
- 5.3 When determining whether a person is an interested party for the purposes of the Act the council will not apply rigid rules but will apply the principle that ‘each case will be decided upon its merits.’
- 5.4 In considering whether a person lives sufficiently close to a premises to be considered to be an interested party the following matters will be taken into account:
- The size of the premises.
 - The nature of the premises
 - The distance of the premises from the habitual residence or workplace of the person making the representation.
 - The potential impact of the premises (numbers of customers, routes likely to be taken by those visiting the premises).
 - The circumstances of the person and nature of their interests, which may be relevant to the distance from the premises.
- 5.5 In determining whether a person or organisation "has business interests" the authority will adopt the widest possible interpretation and include residents’ and tenants’ associations, trade associations, trades unions, partnerships, charities, faith groups and medical practices, as appropriate.
- 5.6 The council will regard bodies such as trade associations, trade unions, residents’ and tenants’ associations, amenity societies, Ward Councillors, Members of Parliament and professional advisors such as solicitors, barristers and consultants, as capable of representing interested parties where they are satisfied that the interested party has asked for representation. The council will only regard representative bodies as interested parties in their own right if they have a member who can be classed as an interested person under the terms of the Act.
- 5.7 In principle, the council will allow any person to represent an interested party but it may seek to have it confirmed that the person genuinely represents the interested party. The council will generally require evidence that a person/body (e.g. an

advocate or relative) 'represents' someone. If persons representing interested parties are Councillors, Members of Parliament or Members of the European Parliament, then no specific evidence of being asked to represent an interested person will be required as long as they represent the area likely to be affected.

- 5.8 If individuals wish to approach Councillors to ask them to represent their views then those Councillors shall not sit on a Licensing Sub-Committee that meets to determine the licence application. If there are any doubts then either interested parties or Councillors should contact the Licensing Service for advice.

6. Exchange of Information

- 6.1 The council will act in accordance with the provisions of Section 350 of the Act in its exchange of information with the Gambling Commission; this includes a provision that the Data Protection Act 1998 will not be contravened. The council will also have regard to Guidance issued by the Gambling Commission to local authorities on this matter, as well as any relevant regulations issued by the Secretary of State under the powers provided in the Act.

7. Enforcement

- 7.1 The principles to be applied by the council in exercising the functions under Part 15 of the Act with respect to the inspection of premises; and the powers under section 346 of the Act to institute criminal proceedings in respect of the offences specified, are stated below:

- 7.2 The council will operate within the principles of natural justice and take into account the Human Rights Act 1998. It will have regard to Commission Guidance and will endeavour to avoid unnecessary duplication with other regulatory regimes as far as possible and to be:

- Proportionate: only intervening when necessary: Remedies will be appropriate to the risk posed, and costs identified and minimised;
- Accountable: able to justify its decisions, and be subject to public scrutiny;
- Consistent: implementing rules and standards fairly in a joined-up way;
- Transparent: open, and keep conditions placed on premises licences simple and user friendly; and
- Targeted: focusing on the problems, and aiming to minimise the side effects.

- 7.3 The main enforcement and compliance role for the council is to ensure compliance with the premises licences and other permissions which it grants itself. The Gambling Commission will be the enforcement body for operating licences and personal licences. Similarly, concerns about manufacture, supply or repair of gaming machines will not be dealt with by the council, but the council will be alert to the way premises are operated and will notify the Gambling Commission if it becomes aware of matters of concern in the operation of the premises.

8. The council's functions

- 8.1 Licensing authorities are required under the Act to:

- Be responsible for the licensing of premises where gambling activities are to take place by issuing Premises Licences

- Issue Provisional Statements
- Regulate members' clubs and miners' welfare institutes who wish to undertake certain gaming activities via issuing Club Gaming Permits and/or Club Machine Permits
- Issue Club Machine Permits to Commercial Clubs
- Grant permits for the use of certain lower stake gaming machines at unlicensed Family Entertainment Centres
- Receive notifications from alcohol licensed premises (under the Licensing Act 2003) for the use of two or fewer gaming machines
- Issue Licensed Premises Gaming Machine Permits for premises licensed to sell/supply alcohol for consumption on the licensed premises, under the Licensing Act 2003, where there are more than two machines
- Register small society lotteries below the prescribed thresholds
- Issue Prize Gaming Permits
- Receive and endorse Temporary Use Notices
- Receive Occasional Use Notices for betting at tracks
- Provide information to the Gambling Commission regarding details of licences, permits and other permissions issued (see section above on 'information exchange')
- Maintain registers of the permits and licences that are issued under these functions

8.2 Licensable activities are described in the Glossary at Appendix 2. It should be noted that local licensing authorities are not involved in licensing remote gambling at all. The licensing of remote gambling is the responsibility of the Gambling Commission via operating licences.

9. Duplication with other regulatory regimes

9.1 The council will seek to avoid any duplication with other statutory and regulatory systems where possible, including planning. The licensing authority will not consider whether an application for a premises licence, permit or other permission is for premises that has been or is likely to be awarded planning permission or building regulations approval, in its own consideration of it. Nor will it regard the granting of a licence, permit or permission as fettering the council's ability to consider planning applications independently on their planning merits.

Part 2: Licensing Objectives and Location

Policies that apply to this part:

- OBJ1** - Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime.
- OBJ2** - Ensuring that gambling is conducted in a fair and open way.
- OBJ3** - Protecting children and other vulnerable persons from being harmed or exploited by gambling.
- LOC1** - Location Policy

10. Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime.

Policy OBJ1

To prevent gambling from being a source of crime or disorder, being associated with crime or disorder, or being used to support crime, the Licensing Authority will apply the following criteria and take into account the following considerations, where relevant, in determining applications and reviews:

Criteria:

- 10.1 Whether the premises make or will make a contribution to the levels of crime and disorder and whether the applicant has demonstrated that they have, or intends to, implement sufficient controls to prevent gambling from being a source of, and/or associated with crime or disorder, or being used to support crime, if the application is granted.

Considerations:

- 10.1.1 Where an area is known for high levels of crime the council will consider carefully whether gambling premises are suitable to be located there, and whether additional conditions may be necessary, such as the provision of CCTV, minimum levels of staffing and licensed door supervisors.
- 10.1.2 Whether there is a history of crime or disorder associated with the premises or its use by those involved in crime to associate or dispose of the proceeds of crime
- 10.1.3 Whilst issues of nuisance are not included specifically in the gambling objectives, the council may consider, when making decisions on the applications for premising licenses, that extreme instances of public nuisance and persistent public nuisance may constitute disorder and criminal offences.
- 10.1.4 Whether the layout, lighting and fitting out of the premises have been designed so as to minimise conflict and opportunities for crime and disorder.
- 10.1.5 Whether sufficient management measures are proposed or are in place to prevent the premises being a source of, or associated with crime or disorder, or used to support crime either as a place of association or to avoid apprehension.

Reasons for Policy OBJ1

- 10.2 Applicants for premises licences will have to hold an operator's licence from the

Commission (except occupiers of tracks who do not propose to offer gambling themselves). Generally, the licensing authority will not (unless evidence to the contrary comes to light) have to ascertain if the applicant is suitable to hold a premises licence. The licensing authority will have to be satisfied that the premises will not adversely affect the licensing objectives and is compliant with the Commission's Guidance, codes or practice and this statement of principles.

- 10.3 The council will expect the applicant to have a good understanding of the local area in which they either operate, or intend to operate, a gambling premises. The applicant will have to provide evidence that they meet the criteria set out in this policy and demonstrate that in operating the premises they will be reasonably consistent with this objective. Operators need to be aware of how the operation of their premises may impact on this objective. The council will expect the applicants to provide details as to their crime prevention measures and any risk assessments that they have carried out. The operator must meet the Commission's requirements to obtain and hold an operator's licence, whilst the Licensing Authority's concerns are focused on the premises and how the operation of the premises will affect the licensing objectives.
- 10.4 The council is aware that the police have experienced difficulty in certain areas of the City in dispersing people involved in drug related activity and on occasions prostitution who use licensed gambling premises as 'cover' to conceal their activities. The council, when considering any applications in such a location that has been identified by the police as having a problem with anti-social behaviour, particularly involving groups who loiter will expect applicants or licensees to demonstrate that they have sufficient measures in place to prevent or deter people involved in unlawful activities from using their premises to support crime or to avoid apprehension.

11. Ensuring that gambling is conducted in a fair and open way.

Policy OBJ2

To ensure that gambling is conducted in a fair and open way, the Licensing Authority will apply the following criteria and take into account the following considerations, where relevant, in determining applications and reviews:

Criteria:

- 11.1 Whether the premises will operate with such measures that will ensure that the gambling activity is conducted in a fair and open way.

Considerations:

- 11.1.1 Whether the layout, lighting and fitting out of the premises have been designed so as to ensure gambling is conducted in a fair and open way.
- 11.1.2 Whether sufficient management measures are proposed or are in place to ensure that gambling is conducted in a fair and open way.
- 11.1.3 Whether the management and operation of the premises is open and transparent.

11.1.4 Whether the operators of the premises have been or will be fully cooperative with enforcement agencies.

11.1.5 Whether the Commissions Codes of Practice have been complied with.

Reasons for Policy OBJ2

11.2 The Gambling Commission is the body primarily concerned with ensuring that each operator conducts gambling activities in a fair and open way. The Licensing Authority will consider each application on its own merits and will look closely at applications for types of premises that can be run by an operator where there is no requirement to hold an operator's licence. Track owners do not necessarily require an operator's licence and any application made by such an unlicensed operator will be scrutinised to ensure that this objective is met. In these circumstances, the applicant would be expected to address how they intend to ensure that gambling will be conducted fairly and openly. The Licensing Authority may wish to impose conditions to ensure that the environment in which betting takes place is suitable.

12. Protecting children and other vulnerable persons from being harmed or exploited by gambling.

Policy OBJ3

To protect children and other vulnerable persons from being harmed or exploited by gambling, the Licensing Authority will apply the following criteria and take into account the following considerations, where relevant, in determining applications and reviews.

Criteria:

12.1 Whether there are appropriate measures in place to protect children and other vulnerable persons from being harmed or exploited by gambling.

Considerations:

12.1.1 Has the operator a specific training programme for staff to ensure that they are able to identify children and vulnerable people and take appropriate action to be reasonably consistent with this objective to exclude them from the premises or parts of the premises.

12.1.2 If the premises is an adult only environment has the operator taken effective measures to implement an appropriate proof of age scheme to ensure that no one under the age of 18 is admitted to the premises or restricted areas.

12.1.3 Whether the layout, lighting and fitting out of the premises have been designed so as to not attract children and other vulnerable persons who might be harmed or exploited by gambling.

12.1.4 Whether sufficient management measures are proposed or are in place to protect children and other vulnerable persons from being harmed or exploited by gambling.

12.1.5 Whether any promotional material associated with the premises could encourage the use of the premises by children or young people.

Reasons for Policy OBJ3

- 12.2 The Licensing Authority will expect applicants to consider the measures necessary to be reasonably consistent with the licensing objective of protecting children and other vulnerable persons from being harmed or exploited by gambling. The location of the premises may be a significant factor if for example the premises are located near a school, hostel or other sensitive premises. Other policies specifically deal with location although the applicant will have to demonstrate that there are suitable control measures to be reasonably consistent with this objective.
- 12.3 Persons under 18 cannot be admitted to many types of gambling premises. New gambling premises or variations to existing premises that are in close proximity to schools or main routes to schools will expect the applicant to have carefully considered their operation and any potential for exposing children and young people to gambling. Operators should demonstrate policies and procedures that will prevent children and young people from entering premises or partaking in gambling activities.
- 12.4 It is noted that the Act and Commission Guidance does not define the term vulnerable persons. The Commission states that “it will for regulatory purposes assume that this group includes people who gamble more than they want to; people who gamble beyond their means; and people who may not be able to make informed or balanced decisions about gambling due to a mental impairment, alcohol or drugs”. This is the definition of vulnerable persons the council will use in its consideration of applications.

13. Safeguarding against Child Sexual exploitation (CSE)

- 13.1 The Council acknowledges that CSE awareness doesn't just apply to children on licensed premises, particularly as children are not permitted access to most gambling premises. Applicants should be equally aware of children in the proximity of the premises that may be waiting for, or seeking, older persons.
- 13.2 Applicants are encouraged to ensure that suitable management controls are in place to safeguard children against the risk of CSE as part of addressing policy OBJ1 and OBJ3 above. Measures may include, but are not limited to:
- awareness training for staff, including signposting to information or support services;
 - regular patrols of the premises, including external areas and the immediate proximity, to identify any vulnerable children;
 - close monitoring of patrons as they leave the premises;
 - recording and reporting concerns to the police.
- 13.3 The Council expects applicants to be aware of 'risk indicators' of CSE which include, but are not limited to:
- developing relationships between a child and an older person;
 - children in the company of a group of older persons;

- children regularly attending premises and meeting with a number of different older persons, particularly where older persons may be facilitating gambling for children;
- children outside of licensed premises developing relationships with an older person, particularly an older person facilitating gambling for children;
- children leaving the locality of the premises with older persons, particularly with a group of older persons;
- children looking uncomfortable in the company of, or leaving with, older persons, particularly groups of older persons.

13.4 Whilst the Council does not wish to create the impression that all contact between children and older persons is inappropriate, it is strongly of the view that licence holders should be aware of the risks of CSE and should proactively manage their premises to minimise the risks.

14. Location Policy

14.1. In considering the location of premises seeking premises licences, issues of demand cannot be considered either at a citywide or more local scale. However, it considers that the location of gambling premises can be a major factor on the promotion of the licensing objectives. The council will pay particular attention to the suitability of a location for gambling activity in terms of the objective of the protection of children and vulnerable persons from being harmed or exploited by gambling, and the effect of crime and /or disorder on residents and on those working in and visiting the area.

Policy: LOC1

Applicants for new or variation applications of premises licences within a sensitive location must include detailed information as to how the proposals will be reasonably consistent with the gambling objectives and policies OBJ1, OBJ2 and OBJ3 A sensitive location is defined as any premises which is within close proximity or on a main route to a school, other educational institution, hostel or other sensitive locations where there is the potential for exposing children, young people or other vulnerable persons to gambling.

Reason for Policy LOC1

14.2 Before an application is made to the Licensing Authority the applicant should establish if there are any sensitive premises or locations within close proximity to the proposed gambling premises. If the premises is located near a sensitive premises or location the applicant should, in addition to their application, submit information as to how they plan to be reasonably consistent with the protection of children and other vulnerable persons from being harmed or exploited by gambling objective. The additional supporting information may contain the following information:

- how the premises operate will restrict access to children, young people or other vulnerable persons,
- whether a proof of age scheme is being used,
- will the appropriate number of security staff be employed at appropriate

- times ,
- will opening times be set so that the premises are not open during school start and finish times,
- what procedures and staff training are in place to identify vulnerable persons such as problem gamblers, those who are inebriated through drink or drugs, etc,

This list is not mandatory, nor exhaustive, and is merely indicative of example measures.

- 14.3 The applicant for a premises licence will have to specifically consider how the location of the premises will impact on the objectives. Applicants will have to clearly show that they have considered the potential impact of their proposed business on the licensing objectives and propose ways that will reduce or remove any likely adverse impact on them.
- 14.4 The council will consider proposals for new gambling premises that are in close proximity to hostels or other accommodation or centres catering for vulnerable people, including those with mental disabilities or learning difficulties, and those with problem gambling or with alcohol or drug abuse problems, as very likely to adversely affect the gambling objectives
- 14.5 The council considers that sensitive locations will include locations where there is a concentration of gambling premises in an area where children or other vulnerable persons are likely to be harmed or exploited.
- 14.6 It should be noted that this policy does not preclude any application being made and every application will be decided on its individual merits, with the opportunity given for the applicant to show how potential concerns can be overcome.

Part 3: Premises Licences

Policies that apply to this part:

- DAP1** - More than one licence and division of premises and access between premises policy
- CAS1** - Casinos
- BGO1** - Bingo
- BET1** - Betting (Other)
- BET2** - Betting Tracks including other sporting venues
- AGC1** - Adult Gaming Centres
- FEC1** - Family Entertainment Centres

15. Premises Licences

- 15.1 Any person or business that wishes to offer gambling for which an operating licence from the Gambling Commission is required, and which is premises based, must apply to the Licensing Authority for a premises licence.
- 15.2 Premises licences can authorise the provision of facilities on:
- (a) casino premises,
 - (b) bingo premises,
 - (c) betting premises including tracks and premises used by betting intermediaries,
 - (d) adult gaming centre premises, or
 - (e) family entertainment centre premises.
- 15.3 For each premises type the Act makes it clear that the primary activity should be that described in the premises licence type. It is the council's opinion that all gambling premises, whether subject to application or currently licensed, must operate primarily in the use of the licence type applied for or issued.
- 15.4 A premises licence issued by the Licensing Authority will be subject to mandatory and/or default conditions and conditions imposed by the council. The council may consider that conditions, other than the mandatory or default conditions are necessary to ensure that the premises are reasonably consistent with the licensing objectives, the Commission's codes of practice and/or local authority guidance, and this statement of principles.

16 Primary Gambling Activity

- 16.1 The primary activity of each premises licence type is specified on the premises licence when it is issued. Section 150 of the Gambling Act 2005 authorises the provision of gambling facilities for the following types of premises licences:
- (a) casino premises
 - (b) bingo premises
 - (c) betting premises, including tracks and premises used by betting intermediaries
 - (d) adult gaming centre premises (for category C and D machines)
 - (e) family entertainment centre premises (for category C and D machines) (note that, separate to this category, the licensing authority may issue family entertainment centre gaming machine permits, which authorise the use of category D machines only).

(See Appendix 2 for definitions of categories of gaming machines)

- 16.2 In betting premises the primary activity will be betting, with gaming machines as an ancillary offer on the premises. The Commission have provided information relating to the primary gambling activity in both the Local Authority Guidance and Licence Conditions and Codes of Practice. The Code of Practice and Guidance set out the requirements on operators to ensure that their premises meet the terms of the Act and the relevant conditions.
- 16.3 The council will take decisions in accordance with the Commission's Guidance and

Codes of Practice on primary gambling activity, and will have regard to the advice which it issues from time to time, and will expect applicants to operate premises in line with the Commissions Guidance and conditions on their operator's licence. The council will monitor the operation of premises and report any potential breach of operating licence conditions to the Commission. Applications for new premises licences, or to vary an existing licence, will be expected to be clear that the premises are intended to be used for the primary gambling activity proposed. For example a betting (other) premises licence application that only has 4 gaming machines but no betting counter or associated betting facilities shown on the proposed plans, will not be considered as offering the primary gambling activity in accordance with that indicated on the application.

17 Conditions

- 17.1 The majority of premises licences will have mandatory and/or default conditions attached to the licence. These conditions are detailed in the Gambling Act 2005 (Mandatory and Default Conditions) Regulations 2007.
- 17.2 The Licensing Authority can attach conditions to any licence if it believes that the imposition of conditions will ensure that the operation of the premises is reasonably consistent with the licensing objectives. Any conditions attached to a licence will be:
- relevant to the need to make the proposed building suitable as a gambling facility;
 - directly related to the premises and the type of licence applied for;
 - related to the scale and type of premises; and
 - reasonable in all respects.
- 17.3 Certain matters are set out in the Act may not be the subject of conditions. These are
- conditions which make it impossible to comply with an operating licence.
 - conditions as to gaming machines that contradict the provisions in the Act.
 - conditions making activities, premises or parts of them operate as a membership club
 - conditions on fees, winnings, stakes or prizes.
- 17.4 Conditions will be attached to individual licences on the basis of their merits. However, there will be a number of measures the council will commonly consider utilising in order to pursue the licensing objectives. These may include measures such as: the supervision of entrances; separation of gambling from non-gambling areas frequented by children; and the supervision of gaming machines in premises not specifically for adult gambling; appropriate signage for adult only areas, etc. The council will expect the applicant to propose how the licensing objectives can be met effectively through the use of conditions.
- 17.5 The licensing authority will ensure that where category C or above machines are on offer in premises to which children are admitted:
- all such machines are located in an area of the premises which is separated from the remainder of the premises by a physical barrier which is effective to prevent any views of machines in category C or above and any access to them other than through a designated entrance;
 - only adults are admitted to the area where these machines are located;

- access to the area where the machines are located is supervised;
- the area where these machines are located is arranged so that it can be observed by the staff or the licence holder; and
- at the entrance to and inside any such areas there are prominently displayed notices indicating that access to the area is prohibited to persons under 18.

18 Buildings divided into more than one premises

- 18.1 Part 7, paragraph 7.5 of the Commissions Guidance states that “there is no reason in principle why a single building could not be subject to more than one premises licence provided they are for different parts of the building, and the different parts of the building can be reasonably regarded as being different premises”. Examples are given of multiple unit premises, such as pleasure parks, tracks, or shopping malls. A shopping mall will have multiple self-contained units (premises) which are located within one building. It is also possible for licensed premises to be located next to each other as long as there are no restrictions regarding direct access between these premises imposed on that category of gambling premises from its mandatory conditions. The council will follow this guidance.
- 18.2 Whether different parts of a building can be reasonably regarded as different premises will depend on the circumstances of the individual building and how any division is proposed. To agree to accept applications to grant or vary a licence for a building which has been divided, the council will need to be satisfied that the different premises are genuinely separate premises, and not an artificially created part of what is readily identifiable as a single premises.
- 18.3 In considering whether different areas of a building are genuinely separate premises the council will take into account factors which will include: whether there are separate registrations for business rates in place for the premises, whether the premises are owned or operated by the same person, and whether the premises are operated independently of each other.
- 18.4 For the policy that relates to this section please see section 21 below.

19. Separation of premises within a single building

- 19.1 When considering proposals to divide a building into genuinely separate premises the council will also need to be satisfied that the form of separation between the premises is appropriate.
- 19.2 The separation between one premises and another must be clearly defined. Any barrier used to separate one premises from another must be permanent and constructed so the public cannot go from one premises to another. The council would not, for example, be likely to consider that separation of areas of a building by ropes, or by low level, or moveable partitions to be appropriate.
- 19.3 It may be acceptable for staff working in adjacent premises to have access through barriers between premises to enable them access one premises from the other. The applicant must demonstrate that in providing this staff access there are suitable control measures in place that will ensure the safety and security of staff and that will effectively prevent the public from using the same access point to enter the other premises.
- 19.4 For the policy that relates to this section please see section 21 below.

20. Access to premises

- 20.1 The Gambling Act 2005 (Mandatory and Default Conditions) Regulations 2007 restrict access to different types of licensed gambling premises. In considering proposals to divide a building into different premises the council will have to be satisfied that proposals to divide buildings are compatible with the mandatory conditions which relate to access between premises.
- 20.2 The relevant provisions of the regulations relating to access are set out in paragraph 7.23 of the Commission's Guidance. In a number of types of licensed premises provisions on access that prevent customers from being able to enter the premises directly from other licensed premises.
- 20.3 The Commission Guidance at paragraph 7.22 states "There is no definition of 'direct access' in the Act or regulations, but licensing authorities may consider that there should be an area separating the premises concerned, for example a street or café, which the public go to for purposes other than gambling, for there to be no direct access."
- 20.4 The Licensing Authority has had a number of applications to divide buildings into separate premises, or locate licensed premises next to each other. The council has refined its opinion as to what would constitute direct access, and how access provision needs to be addressed in accordance with the Act and Regulations.
- 20.5 In particular, where premises are not accessed from the street, the council has sought to define the nature of the area which must separate licensed premises and through which the premises are accessed, so as to prevent direct access between premises in order to comply with the provisions of the Act and regulations.
- 20.6 It is the council's opinion that any area which separates licensed premises, and from which those premises can be accessed, must be genuinely separate premises which are habitually and actually used by members of the public other than those using the licensed premises.
- 20.7 The council does not consider that provisions which prohibit direct access between licensed premises are satisfied where licensed premises are separated by an area created artificially within a building principally for members of the public attending the licensed premises, irrespective of whether this area is unlicensed or provides non-gambling facilities, for example refreshments or ATMs,
- 20.8 Where the council is satisfied that a building can be divided into separate premises and properly satisfy the statutory provisions, the council will expect applicants to ensure that:
- premises are configured so that children are not invited to participate in, have accidental access to, or closely observe gambling to which they are prohibited from taking part,
 - entrances to and exits from parts of a building covered by one or more premises licences should be separate and identifiable so that the separation of different premises is not compromised and people do not 'drift' into a gambling area. In this context it should be possible to access the premises without going through another licensed premises or premises with a permit.
 - Customers should be able to participate in the activity named on the premises licence.

This is not an exhaustive list and the council will consider other aspects based on the merits of the application.

20.9 For the policy that relates to this section please see section 21 below.

21. More than one licence and division of premises and access between premises policy

Policy: DAP1

Applications to have more than one licensed premises within a building, or divide and separate a building into different premises will be determined subject to other policies in this Statement of Principles and subject to the relevant criteria in Policies OBJ1, OBJ2 and OBJ3, and other policies in this statement, and it will need to be demonstrated that :

- (1) the different premises are genuinely separate premises, and not an artificially created part of what is readily identifiable as a single premises**
- (2) separation between the premises is appropriate**
- (3) access between premises is restricted to prevent unlawful direct access by customers between licensed premises.**

Reason for Policy DAP1

- 21.1 The council has received applications that seek to create different premises within a building solely to increase the entitlement to gaming machines which are permitted within premises. The licensed premises and unlicensed areas which separate them were created artificially, and the building was to be operated by a single operator. In reality, such unlicensed areas are unlikely to be used by members of the public other than those attending the licensed premises.
- 21.2 The Act, regulations and the Commission's Guidance support the principle that different premises within a single building should not be artificially created, that separation between premises must be adequate, and direct access between certain licensed premises prohibited. Policy DAP1, in the context of this part of the statement of principles, seeks to compliment the statutory provisions.
- 21.3 Some applicants have attempted to create an unlicensed area accessed from the street which then leads into separate licensed premises, see figure 1. In such cases the premises are not clearly identifiable as separate premises and the unlicensed area is not likely to be used by the public other than by those using the gambling premises. Applications to place two licensed premises in one premises with a unlicensed area separating them, (see figure 2) will also not meet this Policy because of the artificial nature of the premises, access, and likely use issues which arise.

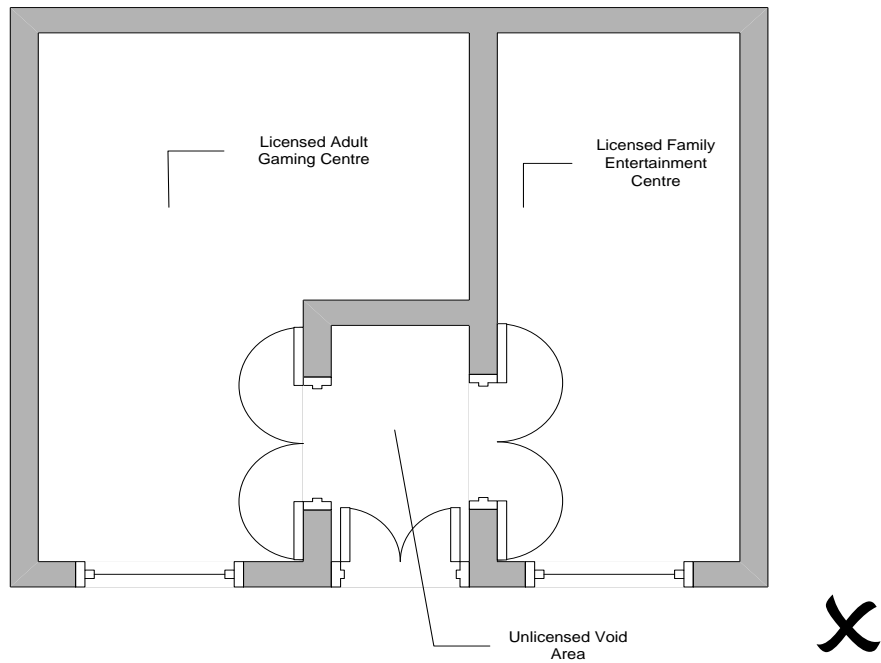


Figure 1.

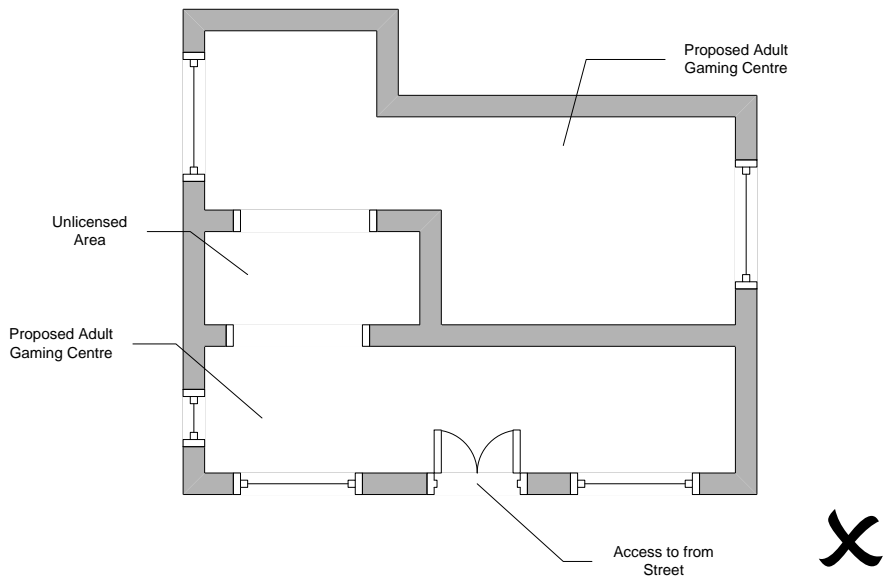


Figure 2.

- 21.4 It is possible to have a foyer area or passage way which separates one licensed premises from another. However, such a foyer or passage way must be accessible and generally used by members of the public other than those using the gambling premises. An example of this would be a hotel lobby which has an entrance to a casino and an adult gaming centre off it. The foyer itself will be used by hotel guests and visitors who may have no intention of using either licensed premises.
- 21.5 It may also be acceptable if a premises is separated by another non-licensed premises that has access to both licensed premises from it. An example of this could be in the form of a coffee shop which has a main entrance to the street. The

coffee shop may have access to an Adult Gaming Centre on one side and an entrance Family Entertainment Centre on the other side, see figure 3. Where a member of the public not using the gambling premises is likely to use the coffee shop it may be considered that there is no direct access between the two licensed premises. If any such unlicensed area is used to separate licensed premises then it must genuinely, in the authority's opinion, be likely to be used by members of the public not using the gambling premises.

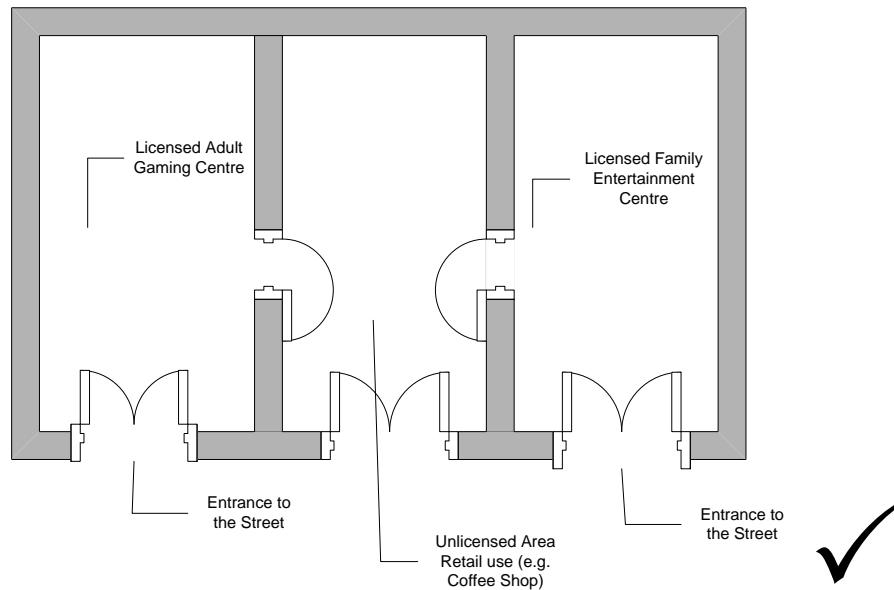


Figure 3.

22 Casinos

22.1 The Licensing Authority cannot grant any new casino premises licences but an existing converted casino premises licence can be varied to increase or decrease the permitted gambling area, vary the default conditions, or any conditions imposed by the council. Unlike other types of licences, they can be varied to move them from one premises to another. See 22.2 below.

Policy: CAS1

Applications to vary premises licence will generally be granted subject to the relevant criteria in policies OBJ1, OBJ2, OBJ3, LOC 1 and other policies within this statement of principles.

Reason for Policy CAS1

22.2 The council does not qualify to issue new casino licences so this policy will only relate to variation applications. In addition to the standard variation applications (e.g. to remove a default condition, increase the licensable area of the premises, etc) an existing converted casino premises licence can be varied under paragraph 65 Part 7, Schedule 4 of The Gambling Act 2005 (Commencement No. 6 and Transitional Provisions) Order 2006 (2006 Order) to relocate the licence to another premises. These converted casinos have the special provisions under the 2006

Order to ensure that if for any reason the premises cannot continue to operate at their existing premises they will not then lose their licence rights.

- 22.3 The council in considering any applications will consider whether it will meet the Licensing Objectives policies and any other relevant policy within this statement. For variations to relocate an existing licence, Location Policy LOC 1 will be a significant consideration in addition to the objective policies.

23. Bingo

- 23.1 This policy applies to applications for a bingo premises licence. Bingo has its ordinary and natural meaning and includes any version of the game irrespective of by what name it is described. A holder of a bingo premises licence will be able to offer bingo in all its forms. Westminster had no bingo licences to be converted.
- 23.2 A Bingo premises licence granted before the 13th July 2011 are entitled to make eight category B gaming machines, or 20% of the total number of gaming machines, whichever is greater. For Bingo premises licences granted after the 13th July 2011 are entitled to make available for use a number of category B gaming machines not exceeding 20% of the total number of gaming machines on the premises. There are no restrictions on category C or D machines that can be made available in any Bingo licence no matter when it was granted.
- 23.3 Children and young persons are permitted in bingo premises, but may not participate in the bingo. If any category B or C machines are made available for use, these must be separated from areas where children and young people are allowed.

Policy: BGO1

Applications and reviews will be determined, subject to the relevant criteria in Policies OBJ1, OBJ2, OBJ3 and other policies within this statement.

Reasons for Policy BGO1

- 23.4 To avoid a situation where a premises holds a bingo premises licence primarily to benefit from the gaming machine allowance, the licensing authority will need to be satisfied that bingo can be played in any premises for which a premises licence is issued. Particular consideration will be given when the operator of an existing bingo premises applies to vary the premises licence to exclude an area of the existing premises and then applies for a new licence for the excluded area. See 17 above.
- 23.5 Given that children and young persons are permitted in bingo premises, the appropriate weight will be given to OBJ3. In addition, young persons, aged 16 and 17, may be employed in bingo premises provided their duties are not connected with the gaming or gaming machines. The licensing authority will not grant licences unless the applicant demonstrates how they intend to meet this licensing objective and identify appropriate measures they will take to protect young employees.

24. Betting (Other)

- 24.1 This policy applies to applications for off-course betting premises. This is betting

that takes place other than at a track, typically in a betting shop, and includes an entitlement to operate up to four gaming machines of category B2, B3, B4, C or D, and any number of betting machines.

Policy: BET1

Applications and reviews will be determined, subject to the relevant criteria in Policies OBJ1, OBJ2, OBJ3 and other policies within this statement.

Reasons for Policy BET1

- 24.2 The council takes note of the Gambling Commission suggestion that licensing authorities will want to consider restricting the number and location of betting machines in respect of applications for betting premises licences. The council when considering the number/ nature/ circumstances of betting machines an operator wants to offer will follow the Gambling Commission's Guidance and take into account the size of the premises, the number of counter positions available for person-to-person transactions, and the ability of staff to monitor the use of the machines.
- 24.3 The licensing authority must be satisfied that the primary use of the premises is to operate as betting premises in accordance with the principles outlined in paragraph 17 of this Statement. The applicant will be expected to demonstrate that they can offer sufficient facilities for betting.
- 24.4 In determining whether the application meets the criteria in OBJ1, OBJ2, OBJ3 or other policies consideration will be given to appropriate measures/licensing conditions to address the matters listed below.
- Proof of age schemes
 - CCTV
 - Entry control system
 - Supervision of entrances/ machine areas
 - Physical separation of areas
 - Location of entry
 - Notices/ signage
 - Specific opening hours
 - Self-barring schemes
 - Provision of information leaflets / helpline numbers for organisations such as GamCare
- 24.5 This list is not exhaustive, and is merely indicative of examples of measures the council will expect applicants to offer their own measures to meet the licensing objectives:

25. Betting Tracks including other sporting venues

- 25.1 There are major indoor and outdoor venues in the City where a variety of sporting events take place. Under section 353 of the Act, "tracks" includes premises where a race or other sporting event takes place or is intended to take place. These may be subject to one or more than one premises licence, provided each licence relates to a specified area of the "track". The Commission Guidance, identifies that

operators of track betting premises will not necessarily hold an operator's licence issued by the Commission. The council will have particular regard to proposals and measures to ensure that the environment in which betting takes place is suitable for betting and that betting is conducted in a fair and open way.

- 25.2 The council will consider the impact upon the objective of protection of children and vulnerable persons, the need to ensure that entrances to each type of licensed premises within the sporting venue are distinct and that children are excluded from gambling areas where they are not permitted to enter.
- 25.3 The possibility of multiple licences at tracks is noted in paragraphs 20.56 – 20.61, Part 20 of the Commission Guidance. The council will expect the applicant for a premises licence to demonstrate suitable measures to ensure that children do not have access to adult-only gaming facilities. It is noted that children and young persons will be permitted to enter track areas where facilities for betting are provided on days when dog-racing and/or horse racing takes place, but that they are still prevented from entering areas where gaming machines (other than category D machines) are provided. (Children and young persons are not prohibited from playing category D machines on a track.)

Policy: BET2

Applications and reviews will be determined, subject to the relevant criteria in Policies OBJ1, OBJ2, OBJ3 and other policies within this statement.

Reasons for Policy BET2

- 25.4 In determining whether the application meets the criteria in OBJ1, OBJ2, OBJ3 or other policies consideration will be given to appropriate measures/licensing conditions to address the matters listed below.
- Proof of age schemes
 - CCTV
 - Entry control system
 - Supervision of entrances/ machine areas
 - Physical separation of areas
 - Location of entry
 - Notices/ signage
 - Specific opening hours
 - Self-barring schemes
 - Provision of information leaflets/ helpline numbers for organisations such as GamCare
- 25.5 This list is not exhaustive, and is merely indicative of examples of measures the council will expect applicants to offer their own measures to meet the licensing objectives:
- 25.6 Track betting operators must be able to demonstrate their adoption of socially responsible gambling policies and procedures. Such policies and procedures must ensure that the track betting activities are reasonably consistent with the licensing objectives of ensuring that gambling is conducted in a fair and open way and children and other vulnerable people are not harmed or exploited by gambling.

- 25.7 The council will consider the location of gaming machines at tracks, and applicants for track premises licences will need to demonstrate that, where the applicant holds or seeks a pool betting operating licence and is going to use his entitlement to four gaming machines, these machines are located in areas from which children are excluded. The applicant will be required to provide information as to what measures it will put in place around the gaming machines to ensure that children are excluded.
- 25.8 The council will expect applicants to include detailed plans for the race track itself and the area that will be used for temporary “on-course” betting facilities (often known as the “betting ring”), pool betting, as well as any other proposed gambling facilities. Plans should make clear what is being sought for authorisation under the track betting premises licence and what, if any, other areas are to be subject to a separate application for a different type of premises licence. Any such plans must also contain the information prescribed by Regulations.
- 25.9 The council concurs with the Commission’s view that it would be preferable for all self-contained premises operated by off-course betting operators to be the subject of separate premises licences, to ensure that there is clarity between the respective responsibilities of the track operator and the off-course betting operator running a self-contained unit on the premises.

26. Adult Gaming Centres

- 26.1 Adult gaming centres (AGCs) premises licences allow the holder of the licence to make gaming machines available for use on the premises. Persons operating an AGC must hold a gaming machines general operating licence from the Commission and must seek a premises licence from the licensing authority. The holder of an adult gaming centre premises licence that was issued prior to the 13th July 2011 is entitled to make available four category B3/B4 gaming machines, or 20% of the total number of gaming machines, whichever is the greater. An AGC premises licence granted after the 13th July 2011 may make available for use a number of category B gaming machines not exceeding 20% of the total number of gaming machines which are available for use on the premises and any number of category C or D machines.
- 26.2 Gaming machines are a form of gambling which is attractive to children and AGC’s will contain machines of a similar format to the Category D machines on which children are allowed to play. However, no-one under the age of 18 is permitted to enter an AGC and applicants must be aware of the location of and entry to AGC’s to minimise the opportunities for children to gain access.

Policy: AGC1

Applications and reviews will be determined, subject to the relevant criteria in policies OBJ1, OBJ2, OBJ3 and other policies within this statement.

- 26.3 Because gaming machines provides opportunities for solitary play and immediate payouts, they are more likely to engender repetitive and excessive play. The council in considering premises licences and will specifically have regard to the need to protect children and vulnerable persons from harm or being exploited by

gambling and will expect the applicant to satisfy the authority that there will be sufficient measures to, for example, ensure that under 18 year olds are not attracted to, or gain access to, the premises.

- 26.4 The council will expect applicants to offer their own measures to meet the licensing objectives; however appropriate measures / licence conditions may cover issues such as:
- Proof of age schemes
 - CCTV
 - Entry control system
 - Supervision of entrances/ machine areas
 - Physical separation of areas
 - Location of entry
 - Notices/ signage
 - Specific opening hours
 - Self-barring schemes for individuals to bar themselves from premises
 - Provision of information leaflets/ helpline numbers for organisations such as GamCare.
- 26.5 This list is not mandatory, nor exhaustive, and is merely indicative of example measures.
- 26.6 The council has created a Byelaw for Pleasure Fairs (Amusement Premises) in pursuance of section 75 of the Public Health Act 1961 (the 1961 Act) as amended by section 22 of the Local Government (Miscellaneous Provisions) Act 1976. These byelaws apply to Adult Gaming Centres as the premises are used to provide amusement with prizes machines (gaming machines) or entertainment machines which are used to play games where there are no chance of winning prizes. A copy of the Pleasure Fairs (Amusement Premises) byelaws is attached for information as Appendix 4.

27. Family Entertainment Centres (FEC)

- 27.1 Generally, FECs must be operated by a person or body having an operating licence from the Gambling Commission (the Act also provides that there is a class of unlicensed Family Entertainment Centres that may be run by individuals or bodies not holding an operator's licence). Unlicensed Family Entertainment Centres do not require the operator to have a Gambling Commission operator's licence or premises licence from the local licensing authority but do need to have a gaming machine permit as set out below. Gaming machines are a form of gambling which is attractive to children and FECs will contain both Category D machines on which they are allowed to play, and category C machines on which they are not.

Policy: FEC1

Applications and reviews will be determined, subject to the relevant criteria in policies OBJ1, OBJ2, OBJ3 and other policies within this statement.

- 27.2 Because gaming machines provide opportunities for solitary play and for immediate payouts, they are more likely to engender repetitive and excessive play. The council, in considering applications for FEC premises licences will specifically have regard to the need to protect children and vulnerable persons from harm or being

exploited by gambling and will expect the applicant to satisfy the authority, for example, that there will be sufficient measures to ensure that under 18 year olds do not have access to the adult only gaming machine areas.

- 27.3 The council will expect applicants to offer their own measures to meet the licensing objectives however appropriate measures/ licence conditions may cover issues such as:
- CCTV
 - Supervision of entrances/ machine areas
 - Physical separation of areas for category C machines
 - Location of entry
 - Notices/ signage
 - Specific opening hours
 - Self-barring schemes for individuals to bar themselves from premises
 - Provision of information leaflets/ helpline numbers for organisations such as GamCare
 - Measures & training for dealing with children on the premises suspected of truanting.
- 27.4 This list is neither mandatory, nor exhaustive, and is merely indicative of example measures.
- 27.5 The council will have regard to the Gambling Commission's guidance on any conditions that apply to operating licences covering the way in which the area containing the category C machines should be delineated but may require further measures on physical separation and controls on entry. The council must apply the mandatory conditions but will consider whether to exclude any of the default conditions that may be specified by regulation from the Secretary of State.
- 27.6 As with Adult Gaming Centres, Family Entertainment Centres will be subject to the councils Pleasure Fairs (Amusement Premises) byelaw which is attached at Appendix 4. Family Entertainment Centres will provide amusement with prizes machines (gaming machines) or entertainment machines which are used to play games where there are no chance of winning prizes. All Family Entertainment Licensed premises will have to comply with these byelaws.

28. Travelling Fairs

- 28.1 The Act defines a travelling fair as 'wholly or principally' providing amusements and they must be on a site that has been used for fairs for no more than 27 days per calendar year. Travelling fairs do not require a permit to provide gaming machines but must comply with legal requirements about the way the machines are operated.
- 28.2 It will fall to the council to decide whether, where category D machines and/ or equal chance prize gaming without a permit is to be made available for use at travelling fairs, the statutory requirement that the facilities for gambling amount to no more than an ancillary amusement at the fair is met.
- 28.3 The council will also consider whether the applicant falls within the statutory definition of a travelling fair. The council notes the 27 day statutory maximum for the land being used as a fair each calendar year applies to the piece of land on which the fairs are held, regardless of whether it is the same or different travelling fairs occupying the land. The licensing authority will keep a record of any travelling fairs

that take place in Westminster that offer gambling as an ancillary use to the fair. The authority will ensure that the 27 day statutory maximum for the land being used is not breached. The Authority will advise travelling fair operators if requested of the statutory time period remaining for the land they intend to use.

- 28.4 It should be noted that the council has adopted byelaws which apply to Pleasure Fairs (Amusement Premises). These are attached as Appendix 4.

29. Door Supervisors

- 29.1 The Commission's Guidance advises that licensing authorities may consider whether there is a need for door supervision in terms of the licensing objectives of protection of children and vulnerable persons from being harmed or exploited by gambling (paragraph 5.3 and Part 33), but there can also be a need for supervision to stop premises becoming a source of crime. It is noted that the door supervisors at casinos or bingo premises are not required to be registered by the Security Industry Authority (SIA) under the Private Security Industry Act 2001 (see paragraph 9.14 and Part 33). Door supervisors not directly employed by a casino or bingo operator do have to be SIA registered.
- 29.2 For betting offices and other premises other than casinos and bingo premises, the operator and/or the council may decide that supervision of entrances or machines is appropriate in particular cases. The authority will make door supervision a requirement where there is evidence, from the history of trading at the premises or in the area, that the premises cannot be adequately supervised from the counter and that door supervision is both necessary and proportionate.

30. Provisional Statements

- 30.1 Following the grant of a provisional statement, no further representations from relevant authorities or interested parties can be taken into account unless they concern matters which could not have been addressed at the provisional statement stage, or they reflect a change in the applicant's circumstances. In addition, the authority may refuse the premises licence (or grant it on terms different to those attached to the provisional statement) only by reference to matters:
- (a) which could not have been raised by objectors at the provisional licence stage; or
 - (b) which in the authority's opinion reflect a change in the operator's circumstances.

31. Reviews

- 31.1 Requests for a review of a premises licence can be made by interested parties or responsible authorities, including the licensing authority. However, it is for the licensing authority to decide whether the review is to be carried out. This will be on the basis of whether the request for the review is relevant to the matters listed below:
- any relevant code of practice issued by the Gambling Commission;
 - any relevant guidance issued by the Gambling Commission;
 - the licensing objectives;
 - the authority's statement of principles.

- 31.2 The licensing authority may reject an application for review if it thinks that the grounds on which the review is sought:
- (a) are not relevant to the relevant code of practice or guidance issued by the Gambling Commission, the licensing objectives or the licensing authority's statement of principles;
 - (b) are frivolous;
 - (c) are vexatious;
 - (d) 'will certainly not' cause the licensing authority to revoke or suspend the licence or to remove, amend or attach conditions on the premises licence;
 - (e) are substantially the same as grounds cited in a previous application relating to the same premises (the licensing authority will consider the length of time that has passed since the earlier application in deciding whether this is a reasonable reason to reject the review application);
 - (f) are substantially the same as representations made at the time the application for the premises licence was considered. While the licensing authority will consider the length of time that has passed since the representations were made, it will not normally review a licence on the basis of the same arguments considered on the grant of the premises licence.
- 31.3 General objections to gambling as an activity are not likely to be considered relevant reasons for a review. Other examples of irrelevant considerations include demand for gambling premises, issues relating to planning, public safety and traffic congestion.
- 31.4 The licensing authority itself, as a responsible authority can initiate a review of a particular premises licence, or any particular class of premises licence, for any reason which it thinks is appropriate. This includes reviewing a premises licence on the grounds that a premises licence holder has not provided facilities for gambling at the premises. This is to prevent people from applying for licences in a speculative manner without intending to use them, or to ensure that the principle of primary use is applied.
- 31.5 The licensing authority may review any matter connected with the use made of a particular premises if it has reason to believe that the premises licence conditions are not being observed, or for any other reason which gives it cause to believe a review may be appropriate.
- 31.6 A responsible authority or interested party may apply to the council to review a premises licence. Such reviews can be made in relation to, amongst other things if there are repeated incidents of crime and disorder associated with the premises or the gambling activity which the premises operator has failed to adequately address, where incidents that have adversely effected one or more licensing objectives have occurred at a premises that could have been prevented if advice and guidance from a responsible authority had been heeded, if the premises due to the activities being undertaken is either attracting children or people likely to be involved in crime and disorder.
- 31.7 As a review of a premises licence can lead to its revocation the council will consider whether informal actions to ensure timely or immediate compliance have been exhausted prior to an application being made. The council accepts that an application for review may be appropriate without informal measures being taken, but will seek to establish that all options have been considered in determining review applications.

Part 4: Permits and Notices

Policies that apply to this part:

UFEC1 - Unlicensed Family Entertainment Centres (UFEC) Gaming Machine Permits

LPGMP1 - Alcohol-Licensed Premises Gaming Machine Permits

PGP1 - Prize Gaming Permits

TUN1 - Temporary Use Notices

32. Permits

- 32.1 Permits regulate gambling and the use of gaming machines in a premises which does not hold a premises licence. They are required when a premises provides gambling facilities but either the stakes are very low or gambling is not the main function of the premises.

The council is responsible for issuing the following permits:

- (a) unlicensed family entertainment centre gaming machine permits;
- (b) alcohol-licensed premises gaming machine permits;
- (c) prize gaming permits;
- (d) club gaming permits and club machine permits.

- 32.2 The council can only grant or reject an application for a permit and cannot attach conditions. Therefore, the council will consider a number of factors before determining an application for a permit to ensure that the permit holder and the premises are suitable for the proposed gambling activities.

33. Unlicensed Family Entertainment Centre (UFEC) Gaming Machine Permits

- 33.1 This policy applies to those premises that are proposed to be used as Unlicensed Family Entertainment Centres. UFECs are those that offer only category D machines and a permit allows any number of these machines to be made available at the premises (subject to other considerations such as health and safety and fire regulations). Given that category D machines have no age restrictions, these premises will particularly appeal to children and young persons. Therefore, the council will give particular weight to matters relating to child protection issues.

Policy: UFEC1

Valid applications will be refused unless the relevant criteria in Policies OBJ1, OBJ2 and OBJ3 are met, and subject to the other policies in this Statement of Principles.

Reasons for Policy UFEC1

- 33.2 The council will grant an application for a permit only if it is satisfied that the premises will be used as an unlicensed FEC, and following consultation with the Chief of Police.
- 33.3 The council will require applicants to demonstrate:
- a full understanding of the maximum stakes and prizes of the gambling that is permissible in unlicensed FECs;
 - that the applicant has no relevant convictions (those that are set out in Schedule 7 of the Act); and
 - that staff are trained to have a full understanding of the maximum stakes and prizes (Guidance; paragraph 24.9)
- 33.4 The council will expect the applicant to show that there are policies and procedures

in place to protect children and vulnerable people from harm. Harm in this context is not limited to harm from gambling but includes wider child protection considerations. The efficiency of such policies and procedures will each be considered on their merits. However, they may include:

- measures / training for staff as regards suspected truant school children on the premises;
- measures / training covering how staff would deal with unsupervised very young children being on the premises;
- measures / training covering how staff would deal with children causing perceived problems on or around the premises.
- Measures / training covering how staff would identify the signs and symptoms of persons engaged in the illegal use of controlled drugs.

33.5 All premises that hold an Unlicensed Family Entertainment Centre gaming machine permits will be subject to the Pleasure Fairs (Amusement Premises) byelaw which has been adopted by the council. This byelaw is attached to this statement as Appendix 4. This byelaw will apply to premises that operate as an Unlicensed Family Entertainment Centre as they provide amusement with prizes machines (gaming machines) and also to entertainment machines which are used to play games where there are no opportunities for winning prizes.

34. Alcohol-Licensed Premises Gaming Machine Permits

Automatic entitlement to 2 gaming machines

34.1 A premises licensed to sell alcohol under the Licensing Act 2003 is automatically entitled to 2 gaming machines of category C and/or D. The holder of the on-premises licence under the Licensing Act 2003 must notify the council of their intention to make the gaming machines available for use and must pay the prescribed fee.

34.2 The council will remove the automatic authorisation in respect of any particular premises if:

- provision of the machines is not reasonably consistent with the pursuit of the licensing objectives;
- gaming has taken place on the premises that breaches a provision of section 282 of the Gambling Act (i.e. that written notice has been provided to the council, that a fee has been provided and that any relevant code of practice issued by the Gambling Commission about the location and operation of the machine has been complied with);
- the premises are mainly used for gaming; or
- an offence under the Gambling Act has been committed on the premises.

Permit for 3 or more gaming machines

34.3 This policy applies to those licensed premises that propose to have 3 or more gaming machines. A licensed premises wishing to have 3 or more gaming machines of category C or D must apply to the council for a permit.

Policy: LPGMP1

Applications will be refused unless the relevant criteria in Policies OBJ1,

Reasons for Policy LPGMP1

- 34.4 As gaming machines provide opportunities for solitary play and immediate payouts, they are more likely to engender repetitive and excessive play. The council, on considering an application, will consider whether granting a permit would be appropriate on a case by case basis, but will specifically have regard to:
- the need to protect children and vulnerable people from harm or being exploited by gambling;
 - measures taken by the applicant to satisfy the council that there will be sufficient measures to ensure that under 18 year olds do not have access to the adult only gaming machines.
- 34.5 The council will expect applicants to offer their own measures to meet the licensing objectives. However, appropriate measures may cover issues such as:
- the adult machines being in sight of the bar;
 - the adult machines being in the sight of staff who will monitor that the machines are not being used by those under 18;
 - notices and signage;
 - the provision of information leaflets or helpline numbers for organisations such as GamCare.
- 34.6 If it is not satisfied that appropriate measures have been taken by the applicant to comply with this policy, the council will refuse to grant the permit, or it may vary the number or category of gaming machines authorised by the permit.
- 34.7 The holder of a permit must comply with any Code of Practice issued by the Gambling Commission about the location and operation of the gaming machines.
- 35.8 The council may cancel a permit or may vary the number or category (or both) of gaming machines authorised by it if:
- (a) it would not be reasonably consistent with pursuit of the licensing objectives for the permit to continue to have effect,
 - (b) gaming has taken place on the premises in purported reliance on the permit but otherwise than in accordance with the permit or a condition of the permit,
 - (c) the premises are mainly use or to be used for making gaming machines available, or,
 - (d) an offence under the Gambling Act 2005 has been committed on the premises.
- 34.9 Before the council cancels or varies a permit it will give the permit holder 21 days' notice of its intention and allow him the opportunity to make a representation. If the permit holder requests a hearing the council will arrange a Licensing Sub-Committee hearing to consider the permit holder's representation and any other evidence available before making its determination.
- 34.10 The Council when determining an application for an alcohol-licensed premises

gaming machine permit will consider each application on their own merits.

- 34.11 Some alcohol licensed premises may apply for a premises licence for their non-alcohol licensed areas. e.g. hotels. Any such application would most likely need to be applied for and dealt with as an Adult Gaming Centre premises licence.

35. Prize Gaming Permits

- 35.1 This policy applies to applications for, or renewals of, prize gaming permits. Gaming is “prize gaming” if the nature and size of the prize is not determined by the number of people playing or the amount paid for or raised by the gaming. Normally the prizes are determined by the operator before play commences.
- 35.2 Prize gaming may take place without a permit in various premises. These are casinos, bingo halls, adult gaming centres, licensed and unlicensed family entertainment centres and travelling fairs.

Policy: PGP1

Applications will be refused unless the relevant criteria in Policies OBJ1, OBJ2 and OBJ3 are met, and subject to the other policies in this Statement of Principles.

Reasons for Policy PGP1

- 35.3 Given that the prize gaming will particularly appeal to children and young persons, the licensing authority will give weight to child protection issues.
- 35.4 The applicant will be expected to set out the types of gaming that they are intending to offer and will also be expected to demonstrate:
- an understanding of the limits to stakes and prizes set out in regulations;
 - That the gaming offered is within the law;
 - Clear policies that outline the steps to be taken to protect children from harm.
- 35.5 The council will only grant a permit after consultation with the chief officer of police. This will enable the licensing authority to determine the suitability of the applicant in terms of any convictions that they may have that would make them unsuitable to operate prize gaming, the suitability of the premises in relation to their location, and issues about disorder.
- 35.6 It should be noted that there are conditions in the Act with which the permit holder must comply, but that the council cannot attach conditions. The conditions in the Act are:
- the limits on participation fees, as set out in regulations, must be complied with;
 - all chances to participate in the gaming must be allocated on the premises on which the gaming is taking place and on one day; the game must be played and completed on the day the chances are allocated; and the result of the game must be made public in the premises on the day that it is played;
 - the prize for which the game is played must not exceed the amount set out in

- regulations (if a money prize), or the prescribed value (if non-monetary prize); and
- participation in the gaming must not entitle the player to take part in any other gambling.

36. Club Gaming and Club Machines Permits

36.1 Members clubs and Miners' welfare institutes (but not commercial clubs) may apply for a club gaming permit or a club machine permit. Commercial clubs may apply for a club machine permit. The club gaming permit will enable the premises to provide gaming machines (three machines of categories B, C or D), equal chance gaming, and games of chance as set out in regulations. A club machine permit will enable the premises to provide gaming machines (three machines of categories B4, C or D).

36.2 A club must meet the following criteria to be considered a members' club:

- It must have at least 25 members;
- It must be established and conducted wholly or mainly for purposes other than gaming (unless the gaming is permitted by separate regulations);
- It must be permanent in nature;
- It must not be established to make a commercial profit;
- It must be controlled by its members equally.

Examples of these include working men's clubs, branches of the Royal British Legion and clubs with political affiliations.

36.3 The council may only refuse an application on the grounds that:

- (a) the applicant does not fulfil the requirements for a members' or commercial club or miners' welfare institute and therefore is not entitled to receive the type of permit for which it has applied;
- (b) the applicant's premises are used wholly or mainly by children and/ or young persons;
- (c) an offence under the Act or a breach of a permit has been committed by the applicant while providing gaming facilities;
- (d) a permit held by the applicant has been cancelled in the previous ten years; or
- (e) an objection has been lodged by the Commission or the police.

36.4 There is also a "fast-track" procedure available under the Act for premises which hold a club premises certificate under the Licensing Act 2003 (Schedule 12 paragraph 10). Under the fast-track procedure there is no opportunity for objections to be made by the Commission or the police, and the grounds upon which a council can refuse a permit are reduced. The grounds on which an application under this process may be refused are:

- (a) that the club is established primarily for gaming, other than gaming prescribed under schedule 12;
- (b) that in addition to the prescribed gaming, the applicant provides facilities for other gaming; or
- (c) that a club gaming permit or club machine permit issued to the applicant in the last ten years has been cancelled".

- 36.5 There are statutory conditions on club gaming permits that no child uses a category B or C machine on the premises and that the holder complies with any relevant provision of a code of practice about the location and operation of gaming machines.

37. Temporary Use Notices

- 37.1 This policy applies to applications for Temporary Use Notices. Temporary Use Notices allow the use of premises for gambling where there is no premises licence but where a gambling operator wishes to use the premises temporarily for providing facilities for gambling. Premises that might be suitable for gambling would include hotels, conference centres and sporting venues.
- 37.2 The licensing authority can only grant a Temporary Use Notice to a person or a company holding a relevant operating licence.
- 37.3 Currently, Temporary Use Notices can only be used to permit the provision of facilities for equal chance gaming, where the gaming is intended to produce a single overall winner.

Policy: TUN1

Applications will be refused unless the relevant criteria in Policies OBJ1, OBJ2 and OBJ3 are met, and subject to the other policies in this Statement of Principles.

Reasons for Policy TUN1

- 37.4 The licensing authority, in considering applications for Temporary Use Notices, will consider whether gambling should take place, or should only take place with modifications to the TUN. In doing so, the licensing authority will consider:
- the suitability of the premises;
 - the location of the premises, paying particular attention to its proximity to any schools, hostels or other sensitive premises;
 - The CCTV coverage within the premises;
 - The ability of the premises to provide sufficient staff and/or licensed door supervisors for the notice period;
 - whether the premises or the holder of the operating licence have given the council any cause for concern at previous events in relation to the licensing objectives, the guidance issued by the Commission, the relevant code of practice or this statement of principles.

38. Occasional Use Notices

- 38.1 The council has very little discretion as regards Occasional Use Notices to accept bets at “tracks”, aside from ensuring that the statutory limit of 8 days in a calendar year is not exceeded. The council will, however, consider the definition of a “track” and whether the applicant will need to demonstrate that they are in fact responsible for the administration of the “track” or is an occupier, and therefore permitted to avail themselves of the notice. It should be noted that the definition of track in the Act is wider than dog tracks or horse racecourses and includes places where races or other sporting events take place. This could include major halls, hotels and other

venues in Westminster. If notices are given for a single track which would permit betting to occur for more than 8 days per year the council has an obligation to issue a counter notice preventing such a breach occurring.

List of Bodies consulted on review in 2015

Association of British Bookmakers (ABB)
British Amusement Catering Trade Association (BACTA)

City of London Corporation
Gamble Aware
GamCare
Local Government Regulation
London Borough of Wandsworth
London Borough of Lambeth Council
London Borough of Camden Council
London Borough of Brent Council
London Fire and Emergency Planning Authority (LFEPA)
Members of Westminster's Entertainment Forum
Metropolitan Police
National Casino Forum (NCF)
Operators of Casinos in Westminster
Operators of Betting Premises in Westminster
Operators of Betting Tracks in Westminster
Operators of Adult Gaming Centres in Westminster
Operators of Family Entertainment Centres in Westminster
Operators of Bingo Premises in Westminster
Recognised Amenity Societies
The Royal Borough of Kensington and Chelsea
Chinese Information & Advice Centre
Westminster City Councillors

Glossary

Adult Gaming Centres

Adult gaming centres (AGCs) are a category of gambling premises contained within the Act. Persons operating an AGC must hold a gaming machines general operating licence from the Commission and must seek a premises licence from the licensing authority. The holder of an adult gaming centre premises licence that was issued prior to the 13th July 2011 is entitled to make available four category B3/B4 gaming machines, or 20% of the total number of gaming machines, whichever, is the greater. An AGC premises licence granted after the 13th July 2011 may make available for use a number of category B gaming machines not exceeding 20% of the total number of gaming machines which are available for use on the premises and any number of category C or D machines.

Amusement arcades

These are not referred to as such in the Act. See Adult Gaming Centres and licensed and unlicensed Family Entertainment Centres.

Betting

'Betting' means making or accepting a bet on the outcome of a race, competition, or any other event; the likelihood of anything occurring or not occurring; or whether anything is true or not true.

Bingo

Bingo has no statutory definition in the Act. It has its ordinary and natural meaning. The distinction between cash bingo, where cash prizes are derived from the stakes, and prize bingo, where prizes were not directly related to the stakes paid, under the previous legislation has been removed for commercial operators, and the holder of a bingo operating licence will be able to offer any type of bingo game, whether cash or prize. That means that premises with a bingo premises licence, or a casino premises licence (where the operator holds a bingo as well as a casino operating licence), will be able to offer bingo in all its forms. So too will alcohol-licensed premises, club and miners' welfare institutes (up to a total weekly prize value of less than £2,000).

Prize bingo is traditionally played in arcades, or travelling funfairs. For these operators, prize bingo is subsumed within the allowances for prize gaming in the Act. This means that adult gaming centres, both licensed and unlicensed family entertainment centres, travelling fairs, and any premises with a prize gaming permit will be able to offer prize gaming, which includes prize bingo. There will be Government Regulations issued setting the prize limits.

Bingo premises licensed under the Act can provide gaming machines for use. A Bingo premises licence granted before the 13th July 2011 are entitled to make eight category B gaming machines, or 20% of the total number of gaming machines, whichever is greater. For Bingo premises licences granted after the 13th July 2011 are entitled to make available for use a number of category B gaming machines not exceeding 20% of the total number of gaming machines on the premises. There are no restrictions on category C or D machines that can be made available in any Bingo licence no matter when it was granted.

Casino

“An arrangement” whereby people can participate in one or more casino games.

Casino Games

Games of chance not being equal chance gaming. i.e. games in which players stake against a “bank”.

Categories of Casinos

	Minimum number of gaming tables	Minimum table gaming area sq.ms Section 7 (5) Regulations	Additional gambling area sq.ms Section 7 (5) Regulations	Minimum non gambling areas Mandatory conditions	Highest Categories of gaming machines permitted	Maximum stake/prize for gaming machines	Max number gaming machines
Existing (Converted Casino)	One	None	None	10%of total gaming area	B1	£5/ £10,000	20 B to D (except B3A machines) or any number of C or D machines instead
Small	One	500	999 max	250 sq.ms	B1	£5/ £10,000	80 any combination of B to D (except B3A machines) within the total limit (Subject to machine/table ratio)
Large	One	1000	500 min 2499 maximum	500 sq.ms	B1	£5/ £10,000	150 any combination of B to D (except B3A machines) within the total limit (subject to machine/table ratio)

Equal chance gaming

This is a game where the chances of winning are equally favourable to all participants, and which does not involve playing or staking against a “bank”. It is immaterial how the “bank” is described and whether or not it is controlled by a player.

Exempt activities

Private betting is betting which takes place between inhabitants of the same premises or between employees of the same employer.

Private gaming (which is gaming that takes place in private dwellings and on domestic occasions) is exempt from licensing or registration providing that no charge is made for participating; only equal chance gaming takes place; and it does not occur in a place to which the public have access.

Non-Commercial Gambling

Non-commercial Gambling is when no part of the proceeds/profits will be for private gain. The proceeds/profits are the sums raised by the organisers, for example, by way of fees for entrance or participation, or by way of stakes, minus an amount deducted by the organiser in respect of costs reasonably incurred in organising the event including the provision of a prize. The following conditions would also have to apply:

- The profits will be for a purpose other than that for private gain;
- The players are informed that the purpose of the gaming is to raise money for a specified purpose other than that of private gain;
- The event must NOT take place in premises which either have a premises licence or on premises relying on a temporary use notice under the new act;
- The gaming must not be remote.

Any Regulations made by the Secretary of State will need to be complied with and will include for example regulations limiting the amounts staked and limiting participation fees. If the profits from the activity used for a purpose other than that which was specified, an offence would be committed.

Gambling

Gambling is defined as either gaming, betting or participating in a lottery.

Games of chance

Includes games that involve both chance and skill. This includes games in which skill can eliminate an element of chance and includes games that are presented as involving an element of chance. It does not include a sport. Playing a game of chance need not involve other participants

Gaming

Gaming means playing a game of chance for a prize;

Gaming machines – Categories

This Table sets out the current proposals for the different categories with the maximum stakes and prizes that apply.

CATEGORY	MAXIMUM STAKE (from Jan 2014)	MAXIMUM PRIZE (from Jan 2014)
A	Unlimited – (Note: no category A gaming machines are currently permitted.)	
B1	£5	£10,000*
B2	£100 (in multiples of £10)	£500
B3A	£2	£500
B3	£2	£500
B4	£2	£400
C	£1	£100
D – non-money prize (other than a crane grab machine or a coin pusher or penny falls machine)	30p	£8
D – non-money prize (crane grab machine)	£1	£50
D - money prize (other than a coin pusher or penny falls machine)	10p	£5
D – combined money and non-money prize (other than a coin pusher or penny falls machine)	10p	£8 (of which no more than £5 may be a money prize)
D – combined money and non-money prize (coin pusher or penny falls machine)	20p	£20 (of which no more than £10 may be a money prize)

**With the option of a maximum £20,000 linked progressive jackpot on a premises basis only.*

Gaming Machines by Premises Type

Type	Gaming Machines
Large Casino (machine/table ratio of 5-1 up to maximum) <i>This premises licence type is not permitted in Westminster.</i>	Maximum of 150 machines. Any combination of machines in categories B to D (except B3A machines), within the total limit of 150 (subject to machine/table ratio)
Small Casino (machine/table ratio of 2-1 up to maximum) <i>This premises licence type is not permitted in Westminster.</i>	Maximum of 80 machines. Any combination of machines in categories B to D (except B3A machines), within the total limit of 80 (subject to machine/table ratio).
Pre – 2005 Act casino premises (no machine/table ratio)	Maximum of 20 machines categories B to D (except B3A machines), or any number of C or D machines instead.
Bingo premises	Maximum of 20% of the total number of gaming machines which are available for use on the premises categories B3 or B4** and no limit on category C or D machines.
Betting premises and tracks occupied by pool betting.	Maximum of 4 machines categories B2 to D (except B3A machines)–
Adult Gaming Centre	Maximum of 20% of the total number of gaming machines which are available for use on the premises categories B3 or B4** and no limit on category C or D machines.
Family Entertainment Centre with premises licence	No limit on category C or D machines.
Family Entertainment Centre with permit	No limit on category D machines.
Clubs or miners' welfare institute (with permits)	Maximum of 3 machines in categories B3A or B4 to D*
Qualifying alcohol-licensed premises	1 or 2 machines of category C or D automatic upon notification.
Qualifying alcohol-licensed premises (with gaming machine permit).	Number of category C – D machines as specified on permit.
Travelling fairs	No limit on category D machines.

* It should be noted that members' clubs and miners' welfare institutes are entitled to site a total of three machines in categories B3A to D but only one B3A machine can be sited as part of this entitlement. Commercial clubs are entitled to a total of three machines in categories B4 to D.

** Adult gaming centre and bingo premises are entitled to make available a number of Category B gaming machines not exceeding 20% of the total number of gaming machines which are available for use on the premises. Premises in existence before 13 July 2011 are entitled to make available four (adult gaming centre premises) or eight (bingo premises) category B gaming machines, or 20% of the total number of gaming machines, whichever is the greater. Adult gaming centre premises and bingo premises licences granted on or after 13 July 2011 but before 1 April 2014 are entitled to a maximum of four or eight category B gaming machines or 20% of the total number of gaming

machines, whichever is the greater; from 1 April 2014 these premises are entitled to 20% of the total number of gaming machines only, but not B3A machines.

Guidance

The Gambling Commission under section 25 of the Act are required to issue guidance on the manner in which local authorities are to exercise their functions under the Act, in particular, the principles to be applied by local authorities in exercising their functions under the Act. The 5th edition of the Commission's Guidance was released in September 2015.

Interested Parties

Interested parties are defined under section 158 of the Act. To accept a representation from an interested party, the council must take the view that the person:

- (a) lives sufficiently close to the premises to be likely to be affected by the authorised activities,
- (b) has business interests that might be affected by the authorised activities
- (c) represents persons in either of these groups.

Interested parties can also be a councillor or an MP.

Licensed Family Entertainment Centres:

These premises require operating licences from the Gambling Commission. They will be able to offer gaming machines in categories C and D. Gaming machines are a form of gambling which is attractive to children and Licensed Family Entertainment Centres may contain machines of the Category D machines on which they are allowed to play as well as category C which they are not permitted to play on.

Lottery

A 'lottery' is where persons are required to pay in order to take part in an arrangement, during the course of which one or more prizes are allocated by a process which relies wholly on chance

Operating Licence

The Act requires that individuals or companies who intend to provide facilities for certain types of gambling must obtain an operating licence from the Gambling Commission. In general, these licences cover the principal commercial forms of gambling operation. Operating licences may be issued for the following forms of gambling:

- A casino operating licence
- A bingo operating licence
- A general betting operating licence
- A pool betting operating licence
- A betting intermediary operating licence
- A gaming machine general operating licence (for an adult gaming centre)
- A gaming machine general operating licence (for a family entertainment centre)
- A gaming machine technical operating licence (to manufacture, supply, install, adapt, maintain or repair a gaming machine or part of a gaming machine)
- A gambling software operating licence (to manufacture, supply, install or adapt gambling software)
- A lottery operating licence.

Premises Licence

A premises licence issued by a licensing authority authorises the provision of facilities on casino premises, bingo premises, betting premises, including tracks, adult gaming centres and family entertainment centres.

Representations

In dealing with applications the council is obliged to consider representations from two categories of person, referred to in the Act as interested parties and responsible authorities.

Unlicensed Family Entertainment Centres

Premises that hold an Unlicensed Family Entertainment Centre gaming machine permit may only offer category D gaming machines.

List of Responsible Authorities relating to the Gambling Act 2005

Licensing Authority

Licensing Service
4th Floor City Hall
64 Victoria Street
London
SW1E 6QP
Telephone: 020 7641 6500
Email: gambling@westminster.gov.uk

Gambling Commission

Victoria Square House
Victoria Square
Birmingham
B1 1BB
Tel: 0121 230 6666
Fax: 0121 233 1096

The Fire Authority:

London Fire & Emergency Planning Authority
156 Harrow Road, London, W2 6NL
Telephone: 020 7587 2000
Email: info@london-fire.gov.uk

The Chief Officer of Police:

Westminster Police Licensing Team
4th Floor, Westminster City Hall,
London, SW1E 6QP
Telephone: 020 7641 3179
Fax: 020 7641 2436
Email: PoliceLicensingTeam@westminster.gov.uk

The Planning Authority:

Development Planning Services
Westminster City Council
64 Victoria Street, London, SW1E 6QP
Central Area Team (W1 addresses):
Telephone: 020 7641 2514/2927
South Area Team (SW1, SW7, WC2, EC4 addresses):
Telephone: 020 7641 2977/2681
Fax: 020 7641 2339
North Area Team (W2, W9, W10, W11, NW1, NW8 addresses):
Telephone: 020 7641 2924/2017
Fax: 020 7641 2338

For minimising or preventing the risk of pollution of the environment or of harm to human health:

Environmental Health Consultation Team
Westminster City Council
4th Floor, Westminster City Hall, London, SW1E 6QP
Tel: 020 7641 1884
Email: EHConsultationTeam@westminster.gov.uk

Her Majesty's Commissioners of Customs and Excise

HM Revenue and Customs
National Registration Unit
Portcullis House
21 India Street
Glasgow G2 4PZ
Telephone: 0141 555 3633
Email: nru.betting&gaming@hmrc.gsi.gov.uk

For the Protection of Children from Harm, the Area Child Protection Committee

Head of Commissioning – Child Protection & Quality, Social and Community Services – Children and Families
4 Frampton Street, NW8 8LF
Telephone: 020 7641 7665
Fax: 020 7641 7672
Email: ChildProtectionLicensing@westminster.gov.uk

Pleasure Fairs (Amusement Premises) Byelaw

Byelaws for the regulation of hours during which amusement premises may be open to the public; for the securing of safe and adequate means of ingress to and egress from amusement premises; for the prevention and suppression of nuisances and for the preservation of sanitary conditions, cleanliness, order and public safety at amusement premises; for the prevention of outbreaks of fire which might endanger structures used or intended for use in connection with amusement premises, and for reducing the risk of, and the spread of fire from, such outbreaks; made by the Westminster City Council in pursuance of Section 75 of the Public Health Act 1961, as amended by Section 22 of the Local Government (Miscellaneous Provisions) Act 1976.

1. (a) These byelaws shall apply only to pleasure fairs within the meaning of Section 75(2) of the Public Health Act 1961 which are amusement premises:
- (b) These byelaws shall not apply to premises licensed or registered under Part II of the Gaming Act 1968 or to members clubs and miners welfare institutes registered under Part III of that Act.
2. In these byelaws, except where the context otherwise requires, the following expressions have the following meanings respectively, that is to say:
 - (a) "Amusement premises" means any place used wholly or mainly to provide entertainments within the meaning of Section 75(3)(f) of the Public Health Act 1961, and shall include any stationary vehicle, vessel, stall, caravan, trailer or tent where the above applies.
 - (b) "The Council" means the Westminster City Council.
 - (c) "Manager" means the person having control of the entertainments provided within the meaning of Section 75(3)(f) at the amusement premises.

Regulation of opening hours

3. (1) The manager shall not keep the amusement premises open between the hours of 12 midnight and 9am.
- (2) The Council, may by resolution, fix a later hour in substitution for the hour of 12 midnight in this byelaw for the closing of amusement premises or specified classes of amusement premises on specified dates or during specified periods or generally.
4. (1) The manager shall give to the proper officer of the Council at least 5 days prior notice in writing of the intention to use any amusement premises specifying therein the dates and place at which such amusement premises are to be used.
- (2) The notice to be given under this byelaw shall be in addition to and not in substitution for any notice required to be given under any other enactment.
- (3) In this byelaw "proper officer" means an officer appointed for the purpose of the Council.

Provision for safe ingress and egress

5. (1) The manager shall take such steps as are reasonably practicable to ensure that there are provided such entrances and exits to the amusement premises as will enable persons using the amusement premises (including disabled persons) to be safe and free from risks to health and while such persons are present on the premises every exit provided for their use shall be unsecured and free from obstruction.
- (2) The manager shall cause to be exhibited over each exit from the amusement premises a notice bearing the word 'EXIT' in letters of sufficient size to ensure it is legible at the maximum viewing distance.
6. No person shall place or cause to be placed any obstruction in any exit or gangway provided in accordance with these byelaws while any persons are using the amusement premises.

Nuisances, sanitary conditions, cleanliness, order and public safety

7. The manager shall ensure that at all times when the amusement premises are open for business, there is in operation such lighting as is adequate to enable persons using the premises to be safe.
8. The manager shall ensure that the internal parts of the amusement premises are maintained in good repair and condition in order that persons using the premises shall be safe at all times when the premises are open for business.
9. The manager shall take such steps as are reasonably practicable to ensure that:-
 - (a) a sufficient number of unobstructed gangways are provided and maintained in the amusement premises;
 - (b) amusement machines, seats and other furnishings and structures are distributed in order that the amusement premises shall, at all times when they are open for business, be safe for persons using the premises (including disabled persons).
10. The manager shall ensure that all parts of the premises (including sanitary accommodation) are kept as clean as is reasonably practicable.
11. The manager shall take such steps as are reasonably practicable to ensure that every machine provided at the amusement premises is properly and safely installed.
12. The manager shall not knowingly permit:-
 - (a) the amusement premises to be used for soliciting for the purpose of prostitution nor as a habitual resort or place of meeting of reputed prostitutes but this does not prohibit the manager from permitting such persons to remain on the premises for the purpose of using the amusement machines for such time as is necessary for that purpose.
 - (b) any person who is drunk or disorderly to enter or remain on the amusement premises.
13. The manager shall take such steps as are reasonably practicable to ensure that

the external doors to the amusement premises suppress noise emanating from those premises where by means of the doors being fitted with a device for automatic closure or by any other similar means.

14. The manager shall ensure that the amusement premises are under the supervision of at least one responsible person at all times when those premises are open for business.

Fire protection

15. (1) The manager shall:
 - (a) Consult the fire authority regarding a means of fighting fire for use in the amusement premises; and
 - (b) Provide and maintain reasonable means of fighting fire having regard to all the circumstances including the size, nature and age of the amusement premises; and
 - (c) Keep the means for fighting fire in a place where it is readily available for use.
- (2) In this byelaw 'maintain' means to maintain in an efficient state in efficient working order and in good repair.

Penalty

16. Any person offending against any of the foregoing byelaws shall be liable on summary conviction to a fine not exceeding £400.

Defence

17. It shall be a defence for a person to prove that he had taken all reasonable precautions and exercised all due diligence to prevent the commission of an offence under these byelaws.

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City of Westminster

Licensing Team
4th Floor East
Westminster City Council
Westminster City Hall
64 Victoria Street
London
SW1E 6QP

Tel: 020 7641 6500
Email: licensing@westminster.gov.uk

Web: www.westminster.gov.uk/licensing

Responses received to the stage 1 consultation on the new draft Statement of Licensing Principles for Gambling

In consulting on the stage 1 draft of the new Statement of Licensing Principles for Gambling the council set two questions. These questions were:

- Q1. Do you have any views on the proposed stage 1 Statement of Licensing Principles for Gambling?
- Q2. Do you have any other comments or suggestions relating to elements that should be included or excluded within this proposed Statement of Licensing Principles for Gambling?

Some responders did specifically answer these questions within their responses. The responses below have been put under the relevant questions to which they were addressing. Some responders made a response without specifically addressing the questions and provided a statement of response. Where responders have not specifically set out that they are answering one of the defined questions we have removed the reference to the relevant question within the table below.

The following responses were received in relation to this consultation. (If you are viewing this document electronically you can click on the response heading below which will take you to that response and the council comments and views in relation to that response).

1. [William Hill Organization Limited](#)
2. [National Casino Forum](#)
3. [Hippodrome Casino](#)
4. [Association of British Bookmakers](#)
5. [Coral Racing Limited](#)
6. [Licensing Advice Project – Citizens Advice Bureau](#)
7. [Paddy Power \(Power Leisure Bookmakers Limited\)](#)

Date Received	Responder	Response	Licensing Authority comments and action
29/09/2015	William Hill (Betting Shop Premises Licence Holder)	<p>Question 1</p> <p>William Hill's Response to the Consultation on Westminster City Council's proposed Stage 1 Statement of Licensing Principles for Gambling (2016-2019)</p> <p>Introduction</p> <p>William Hill is currently the UK's largest betting operator with some 2300 betting shops.</p> <p>The Authority will have its own figures, but in Westminster, William Hill has reduced its estate from 52 shops in 2007 to 44. Overall for all operators, the number has also fallen from 104 shops in 2007 to 98 shops.</p> <p>Many shops have been in situ for over 20 years and the large majority for more than 10 years.</p> <p>We are pleased that the Authority has not only given an indication as to resident population, but just as importantly detailed the very significant commuter in flows and substantial visitor numbers.</p> <p>William Hill has amongst its customer base not only Westminster residents, but a proportion of the half a million commuters; many of them who earn above average salaries and some who are high net worth</p>	

	<p>individuals; in addition to a proportion of the significant number of visitors, the majority of whom will be predisposed to some form of leisure spend. Some of William Hill's most profitable shops are in the City of Westminster. We also have shops in challenging locations in the Authority area. This makes it important that a one size fits all approach is not the right one. This particularly applies to issues like the imposition of standard conditions (over and above the Mandatory and Default conditions).</p> <p>We feel that in any introduction it is important to acknowledge the importance of the "aim to permit" principle. Operators applying for a premises licence have, in the main, satisfied the Gambling Commission as to their suitability and the robustness of their policies and procedures.</p> <p>Also the Authority should do nothing to undermine the "aim to permit" principle. In other words, the Authority should not attempt to reverse the burden of proof, seek to establish new thresholds for licensing or to try and extend or alter statutory definitions.</p> <p>Neither can it use elements of the Gambling Commission's Guidance to Licensing Authorities as a legal safe harbour, William Hill's view is that elements of the draft Guidance are erroneous and are susceptible to legal challenge if maintained in the final Guidance.</p> <p>When one removes the cohort who gamble on the</p>	
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	<p>National Lottery then the percentage of the population that engage in commercial gambling is relatively small. Of this group, the majority gamble harm free. Therefore betting shops are neither a significant societal issue nor is problem gambling a major public health issue; albeit it is a serious issue for a minority.</p> <p>We note that the Authority has removed the previous section on "Problem Gambling". An exposition on problem gambling gives context and would give a sense of proportionality. Problem gambling levels in the UK are low, stable and according to the most recent Gambling Commission report (Gambling behaviour in England and Scotland – June 2014) actually appears to be declining. It is important that Committee Members are aware of the latest research so that their decision making, particularly about betting shops, is made on fact and they are not misled by prevailing negative political and campaign rhetoric.</p> <p>The Authority is also respectfully reminded that where there is a potential interference with the property rights of operators (which includes commercial exploitation of the licence) then a high evidential hurdle exists. The Authority cannot simply provide a list of theoretical risks related to gambling harm. The risks have to be real, evidenced and apparent. We note below where the Authority has strayed into un-evidenced conjecture.</p> <p>We have responded separately to what we believe to</p>	<p>This element of the draft was removed as it was felt that this data was now out of date and that there has been increasing amounts of research over the past three years which we couldn't include in this version of the statement due to the limited timeframe involved in meeting the statutory requirements for publication. We note the comments on making Committee members aware of the latest gambling research. We will ensure that officers do provide members with any updates on research into gambling related harm or problem gambling during the period when this statement is in effect. It is intended that the stage 2 revision of the Statement of Licensing Principles for Gambling will include a detailed element in relation to gambling related harm and problem gambling which will reflect relevant research into these specific areas.</p> <p>William Hill have provided a detailed response</p>
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	<p>be the Authority's erroneous approach to risk assessment.</p> <p>Our detailed comments on specific paragraphs/sections are set out below.</p> <p>Paragraph 10.3</p> <p>We note that the Council has concerns about betting shops, but unless these issues are clearly evidenced as systemic problems then they have no place in a policy statement. Some of the conclusions are also erroneous. For example the comparative numbers clearly show that betting shop numbers in Westminster are falling. There is no proliferation.</p> <p>The Council is also aware that the majority of operators (including William Hill) have reduced opening hours to accord with the Authority's night time economy definitions and that most betting shops are not now open beyond the default hours.</p> <p>Crime and Disorder</p> <p>The Authority will be aware of the distinction between disorder and nuisance, the drafting appears to conflate the two issues whilst not making clear the distinction between the two. Also any serious "disorder" (as defined in the Guidance to Licensing Authorities) needs to be clearly associated with gambling. Therefore acts committed outside the curtilage of the betting shop are unlikely to be</p>	<p>to separate consultation on the council's guidance on local area risk assessments for gambling and these will be considered outside of this process.</p> <p>Paragraph 10.3 through to 10.6 of the consulted version of the draft statement shall be deleted as they relate to the previous consultation on the Council's statement in 2012.</p> <p>There isn't a proposal to amend policy OBJ1 and the paragraphs relating to the criteria and reasoning for this policy. However, there were minor corrections in relation to incorrect references to 'promote' the licensing objectives when it should state 'be reasonably consistent with'. In considering the views of</p>
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	<p>associated directly with gambling.</p> <p>The Authority should not seek to blur the distinction between disorder and nuisance and the normal legal meanings should be applied. For example people loitering outside a betting shop, smoking and drinking is not by any definition disorder; although it may cause a public nuisance.</p> <p>Likewise any harassment (even if it constitutes a public order offence) in the street outside a betting shop is unconnected with the activity of gambling. The operator has responsibility for what goes on within a shop and not what occurs outside its area of control. Betting shops do not sell alcohol and are therefore not responsible for external behaviour relating to the on premises activity. Before the passing of the Act, this matter was debated by Parliament and it was clearly felt the nuisance was not a matter that was to be considered under the Licensing Objectives.</p> <p>References to "criminals" evading detection by sheltering in betting shops does not indicate that any crime is directly connected with gambling. Likewise there is no room for anecdotal references to association with crime; simply because the anecdotes may have been provided by the police.</p> <p>There are separate powers to deal with street drinking, unlawful assembly or individual acts of harassment.</p>	<p>William Hill we have agreed to amend paragraph 11.1 of the consulted version of the draft statement (10.1 in the final version of the statement) and remove the words 'the premises' from the third line and replace them with 'gambling from'. This will mirror the licensing objective and the wording of the OBJ1 objective. However, we disagree that a licence holder's responsibility in relation to the Act is limited to the premises and curtilage. It is clear from experience that customers from gambling premises can cause crime and disorder at and around licensed premises. The reason for their presence is due to the gambling premises and therefore any crime or disorder associated with gambling, which includes the premises will be relevant. It should also be noted that the purpose of OBJ1 is relevant to all gambling premises and other types of gambling premises may have a wider influence in relation to crime and disorder. For example gambling premises, such as a casino could attract crime and disorder to the local area in the form of street robbery or theft from motor vehicles. The reason for these crimes may relate to customers going to or leaving the premises with significant sums of money or the parking of cars in the local area to access the gambling premises.</p> <p>The use of gambling premises by criminals to</p>
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	<p>In most cases, betting shop operators and/or their staff are victims of crime. In the circumstance detailed above, the premises (and its use) are neither the cause of the crime or "associated" with crime (in the context envisaged by Parliament).</p> <p>Whilst we accept public opinion is valid, it is not evidence and references to public opinion (often used as a proxy for political opinion) should not constitute part of a policy document. Particularly where that opinion is based on erroneous fact or mere conjecture. We firmly believe that these references would not pass judicial scrutiny.</p> <p>Paragraph 11.4 is particularly objectionable as there is no clear evidence of a systemic problem. We do not dispute that issues occur in individual betting shops on rare occasions, but the Authority will also be aware that there are greater crime levels in alcohol licensed premises and retail premises. We feel that there is no contextualisation here and this is indicative of an exclusionary policy and bias against betting operators. Westminster also has a general problem with street crime and street disorder that cannot be laid at the door of betting shops.</p> <p>The Authority should take care not to apply too wide a definition to the crime and disorder objective, which could clearly be open to legal challenge.</p> <p>Primary Use</p>	<p>evade detection is in our view relevant. We are aware of Adult Gaming Centres and betting shops being used by drug dealers, prostitutes and street robbers to loiter and congregate when police are in the area. Their presence in these premises is not to participate in gambling but to avoid contact with the police and potentially carryout illegal activity. We do expect gambling operators to establish measures to prevent their premises from being associated with crime or disorder and especially if a location is identified as being a particular concern in relation to criminal activity.</p> <p>We agree that betting operators can be victims of crime and the council and the Metropolitan Police Service will support operators in trying to address crime or disorder at the premises or in the vicinity.</p> <p>As stated above we do expect gambling operators to consider how they can prevent their premises and gambling from being associated with crime and disorder when an area has been identified as of particular concern to crime and disorder. When the Licensing Authority considers applications relating to these premises it will have regard to any evidence presented to it by a responsible authority and interested parties. It will also consider any responses from an</p>
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	<p>Current Gambling Commission advice makes it clear that as long as a betting premise offers full facilities that it is not the Authority's place to analyse the income from different products. This is clearly a reference to gaming machines which are a legitimate betting shop product.</p> <p>Paragraph 12</p> <p>The Gambling Commission have made it clear that the "Fair and open" Objective is generally not a matter for Licensing Authorities (who have little or no expertise in this area). We are therefore surprised by the Authority's approach in reserving the right to intervene in this area.</p> <p>Paragraph 13.3</p> <p>Likewise the location of schools and youth centres is</p>	<p>applicant or licensee in relation to that evidence and make a decision based on the evidence.</p> <p>We are aware that that Gambling Commission are about to consult on Operators Licence Condition 16 which is replacing Primary Gambling Activity. However, until that consultation has been carried out and condition 16 of the Licence Conditions and Codes of Practice (LCCP) has been amended we will not be making any changes to the Primary Gambling Activity section of the Statement. However, this is being reviewed as part of stage 2 which will be consulted upon next year.</p> <p>No changes were proposed to OBJ2 (para 12 of the consulted version of the draft statement) apart from two minor typographical errors. We fundamentally disagree with the view that the Fair and Open licensing objective is not for the Licensing Authority to consider. Section 153 makes it clear that it is a consideration and although it is less likely to be an issue at a premises level than that at an operator level the Licensing Authority will consider applications in line with OBJ2.</p> <p>No changes were proposed to OBJ3 (par 13 of the consulted version of the draft statement) apart from the removal of</p>
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broadly irrelevant if the operator has appropriate age restriction controls (as is required by law and existing regulation). Also see our comments on location policy below.

‘promote’ and replacement with ‘reasonably consistent with’ in relation to the licensing objective. We do feel that schools in an area surrounding gambling premises are a legitimate consideration. However, operators are invited to comment on the control measures they have in place to prevent access, such as think 21 policies, staff training, third party testing, etc. We will amend paragraph 13.3 of the consulted version of the draft statement of the draft statement to create two amended paragraphs in the final version numbered 12.3 and 12.4 which are shown below.

“Persons under 18 cannot be admitted to many types of gambling premises. New gambling premises or variations to existing premises that are in close proximity to schools or main routes to schools will expect the applicant to have carefully considered their operation and any potential for exposing children and young people to gambling. Operators should demonstrate policies and procedures that will prevent children and young people from entering premises or partaking in gambling activities.

It is noted that the Act and Commission Guidance does not define the term vulnerable persons. The Commission states that “it will for regulatory purposes assume that this

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Part 14

Whilst safeguarding against child sexual exploitation is a laudable aim, this is not relevant to the gambling Licensing Objectives and certainly not relevant to betting shops which are over 18 environments. The Authority has recognised that the principle duty is to protect children and other persons from the potentially harmful effects of gambling; as opposed to wider societal harm. We accept that in premises with Family Entertainment Centres (which admit children) and Adult Gaming Centres combined that there may be a degree of heightened risk, but again there is not evidence cited.

Part 15 Location Policy

The Authority is reminded that they cannot operate an exclusionary policy based on what they determine to be vulnerable premises/locations. It is right that

group includes people who gamble more than they want to; people who gamble beyond their means; and people who may not be able to make informed or balanced decisions about gambling due to a mental impairment, alcohol or drugs". This is the definition of vulnerable persons the council will use in its consideration of applications.

This was a new section added to address the concerns over the potential of child sexual exploitation. The Council is aware of allegations relating to children and sexual exploitation from customers of gambling premises. As a result of this information the council has added this part the draft statement. We feel it is relevant to gambling and fits both the crime and protection of children and young people gambling objectives.

No changes were proposed in the draft version of the statement from the current version apart from some minor typographical errors and to change 'promote' to reasonably consistent with' relating to the licensing

	<p>special consideration is given to the risk controls; where there is clear evidence that the premises could be accessed by children and vulnerable groups. However operators must also act in accordance with the Equality Act and not automatically exclude any class of person. Each case (particularly where there are questions over capacity) has to be considered in an holistic way and on its own merits. The policy should recognize the complexities as outlined. Disability and any degree of mental incapacity, cannot be treated as a reason for exclusion from the premises or indeed a general exclusionary policy regarding location because of generalised theoretical risk.</p> <p>Furthermore, in anticipation of a local area profile that maps deprivation, we do not see the relevance of maps that indicate areas of social deprivation. The majority of inner city betting shops cater for demand in areas of dense population or high footfall. In many areas of Westminster, areas of deprivation will back on the busy business districts and areas of strong footfall. Therefore the whole picture has to be taken into account.</p> <p>We are at a loss to understand what additional controls could be put in place to further reduce gambling related harm in areas designated as deprived. The physical location of betting shops- in terms of the vibrancy and vitality of high streets- is really a matter for the planning regime (betting shops are in a sui generis use class). Unless the Authority</p>	<p>objectives. This policy has been effective for a number of years and the Council has made it clear in the opening paragraph of section 15 of the consulted version of the draft statement (14 in the final version of the statement) that demand is not a consideration relating to gambling premises. As indicated in William Hill's response the new risk assessment requirement placed upon operators will require them to consider the effects of the premises in relation to the licensing objectives. We intend to provide more information and policy considerations in the revised stage 2 statements which will be put out for consultation in early 2016. This revised statement will provide further information relating to crime and disorder, children and the vulnerable within the local area profile. It should be noted that Westminster does not intend to use deprivation scoring as any marker relating to vulnerability.</p> <p>We agree that the council will not be considering, in relation to the premises licence the vibrancy and vitality of high streets which is a planning issue. However, it will consider the area and location of gambling premises in relation to the licensing objectives.</p>
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wishes to pursue an unlawful exclusionary policy in respect of betting shops then we cannot understand why deprivation would be a relevant factor under the “aim to permit” principle. Such a policy would be at odds with the general principles of the Act.

The words “applications will not be granted in sensitive locations....” clearly indicates the imposition of an exclusionary policy where the council is seeking to reverse the burden of proof. This is clearly an abuse of process and open to legal challenge.

Paragraph 15.2 The idea of asking commercial premises to close at key times of the day is frankly illogical and a disproportionate way of dealing with a theoretical and generalised perceived risk.

We accept the wording in LOC1 does appear to be exclusionary which isn't the council's intention relating to this policy. To ensure that this policy is representative of the authority's intentions we will amend LOC1 to the following:

“Applicants for new or variation applications of premises licences within a sensitive location must include detailed information as to how the proposals will be reasonably consistent with the gambling objectives and policies OBJ1, OBJ2 and OBJ3 A sensitive location is defined as any premises which is within close proximity or on a main route to a school, other educational institution, hostel or other sensitive locations where there is the potential for exposing children, young people or other vulnerable persons to gambling.”

With reference to paragraph 15.2 of the consulted version of the draft statement (14.2 of the final version), this relates to possible proposals for applicants to address local concerns and to demonstrate a method of addressing that concern. It is not being

Additional Licensing Conditions

Whilst it is sometimes helpful to have sample conditions, the law is very clear that additional conditions (over and above the mandatory and default conditions) should only be imposed where they are relevant to deal with clearly identified risk, in specific circumstances.

We are aware that the Authority has issued a template of potential additional conditions. Some of these stated conditions are generally commercially unworkable (and damaging) and cannot be used as a way of extending the mandatory and default conditions as a matter of course. We are not sure where this list has been taken from, but it is erroneous with many of these conditions being subject to dispute and possible legal challenge.

We see that the inclusion of a standard list of Licensing Conditions could be wrongly applied by Licensing Committees or officers as a standard list for Westminster gambling premises. This approach would be unlawful. Any template should be discussed fully with the industry as part of the consultation process.

imposed on operators, rather operators may choose to adopt this if they identify it as a suitable control measure.

No changes have been proposed to the wording of the licensing conditions section apart from correcting minor typographical errors. The council has established a pool of model conditions for gambling. These are not included in the draft statement and there is no intention to include these. The pool of model conditions are intended to be used by applicants, licensees, responsible authorities and interested parties to address specific issues and to provide some consistency with the wording of conditions.

The Licensing Authority is entitled to impose conditions, in addition to the Mandatory and Default conditions already in place to address specific issues. When considering conditions on premises licences the committee will consider the reasoning for those conditions and hear from all parties before determining whether to impose them on a licence.

It should be noted that the Conditions section within the draft statement is not limited to betting premises and relates to all gambling premises. Some examples within this section may not be relevant or workable for betting

	<p>Other than in extreme cases (of disorder as opposed to nuisance), as a temporary measure, door supervision is not a generally effective control mechanism in betting shops. Similar to other operators within the gambling sector, there is an obligation on William Hill's own staff to "watch the door and manage the floor", effectively providing the 'in-house' services referred to in the Gambling Commission Guidance to Local Authorities. Door supervisors have no authority to police the street.</p> <p>Conclusions</p> <p>Many aspects of this amended policy are objectionable. Conclusions lack evidential rigor and there is a clear attempt, in our view, to undermine the fundamental "aim to permit" principle by the use of exclusionary language and the setting of additional hurdles for operators. Were the amended policy to remain in its current form then it is susceptible to legal challenge on the grounds of reasonableness and its inconsistency with the provisions of the enabling Act (Gambling Act 2005).</p> <p>We note that the Authority had proposed a workshop with operators over its proposed approach to risk assessment. This has not happened and whilst operators have been asked to respond to written consultations, it is clear that the lack of face to face consultation has been detrimental and such a workshop would have improved the consultation process and created a more collaborative</p>	<p>shops but they may be for other gambling premises.</p> <p>This draft statement is the same as the current statement with the exception of those changes identified within the draft stage 1 statement which was consulted upon. We do not agree that the policy will in any way undermine section 153, "aim to permit" principles. The council has operated the gambling licensing regime for the past three years under the current statement effectively and that statement has not been legally challenged.</p> <p>A workshop relating to the guidance on risk assessments has been proposed but due to operational resource restrictions within the Licensing Team this has been delayed until either later in the year or early 2016. That consultation and engagement is outside of the scope of the Statement of Licensing Principles for Gambling and will be</p>
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		<p>environment.</p> <p>As currently drafted, the policy is likely to drive conflict and legal dispute which for a generally business friendly Authority like Westminster is a disappointing outcome.</p> <p>The policy and general approach also offends better regulation principles. We will be taking this issue up the BRDO.</p>	<p>progressed under its own work stream.</p> <p>We appreciate William Hill's time in making their response to this consultation. We do not feel that we are driving conflict and creating a legal dispute with the trade via this statement. We have set out our intentions very clearly that we plan to readopt the existing statement with some minor amendments as stage 1 and that we will be consulting on a completely revised statement in early 2016 as stage 2 of this work stream. We do not consider the statement to be in conflict with the better regulation principles and indeed the Regulators Code.</p>
<p>30/09/2015</p>	<p>National Casino Forum (Trade Association)</p>	<p>Question 1</p> <p>The National Casino Forum (NCF) is the trade association which represents over 98% of the land based casinos in the UK. All the casinos operating in Westminster are members of the NCF.</p> <p>The NCF recognises the requirement placed on the Authority to review its Statement of Licensing Principles for Gaming. It also supports a two stage review that ensures that the Licensing Principles remain as current and relevant as possible.</p> <p>NCF supports the proposed initiatives and awareness requirements surrounding Safeguarding against Child Sexual Exploitation (CSE).</p>	

		<p>NCF members are committed to continuing to upholding the licensing objectives and maintaining high standards of controls with its casinos. These principles are underpinned by its Playing Safe strategy and the recent launch of SENSE, the Self-Enrolment National Self-Exclusion scheme.</p> <p>Question 2</p> <p>Although the Appendices section has been updated to reflect the increased stakes and prizes within the Gaming Machines – Category table, these changes have not been similarly updated in the preceding Categories of Casinos table.</p>	<p>Appendix 2 of the draft statement which was consulted upon should have been amended to reflect the current statutory requirements relating to casino tables. This has been corrected in the final version of the statement.</p>
<p>01/10/2015</p>	<p>Hippodrome Casino (Casino Premises Licence Holder)</p>	<p>Question 1</p> <p>The Hippodrome casino notes the changes made to the draft Statement of Licensing Principles for Gaming which are required to be reviewed. We support the inclusion of the proposals in relation to the Safeguarding against Child Sexual Exploitation (CSE) and the detailed requirements specified as well as the risk indicators outlined.</p> <p>We note that the Licensing Principles will need to be revised when the local risk assessments are submitted by gambling operators, as required by the Gambling Commission’s Licence Conditions and Codes of Practice.</p>	

		<p>We continue to be committed to complying with the licensing objectives and continuing with the high standard of controls within the premises.</p> <p>Question 2</p> <p>The Hippodrome casino believe that there should be emphasis on all, particularly smaller gambling operators to ensure sufficient resources are made available to safeguard against Child Sexual Exploitation and to uphold the licensing objectives.</p>	<p>The council has added the Safeguarding against CSE part to the statement with the intention that it will apply to all gambling operators no matter how big or small they are. The requirements for operators to demonstrate their CSE processes and policies are not considered to be over prescriptive or onerous. Any gambling operator wishing to seek assistance relating to developing their CSE policies and procedures can contact the Licensing Team who will provide assistance and guidance</p>
01/10/15	Association of British Bookmakers (Trade Association)	<p>Re: ABB Response to Proposed Stage 1 Statement of Licensing Principles for Gambling 2016 to 2019.</p> <p>We act for the Association of British Bookmakers (ABB) and have received instructions to respond on behalf of our client to Stage 1 of the Council's review of its gambling statement. We note that there will be a further consultation upon Stage 2 and we will also forward a response with regard to that when it is available.</p> <p>The ABB represents over 80% of the high street</p>	

		<p>betting market. Its members include large national operators such as William Hill, Ladbrokes, Coral and Paddy Power, as well as almost 100 smaller independent bookmakers.</p> <p>This response will explain the ABB approach to partnership working with local authorities, it will detail its views on the implementation of the new LCCP requirements, from April 2016, relating to operators' local area risk assessments and their impact on the licensing regime and will then make specific comment with regard to any statement(s) of concern/that are welcomed in your draft policy.</p> <p>The ABB is concerned to ensure that any changes are not implemented in such a way as to fundamentally change the premises licence regime through undermining the "aim to permit" principle contained within s153 Gambling Act 2005.</p> <p>The current regime already adequately offers key protections for communities and already provides a clear process (including putting the public on notice) for representations/objections to premises licence applications. The recent planning law changes effective since April 2015 have also already increased the ability of local authorities to consider applications for new premises, as all new betting shops must now apply for planning permission.</p> <p>It is important that any consideration of the draft policy and its implementation at a local level is put</p>	
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		<p>into context. There has recently been press coverage suggesting that there has been a proliferation of betting offices and a rise in problem gambling rates. This is factually incorrect.</p> <p>Over recent years betting shop numbers have been relatively stable at around 9,000 nationally, but more recently a trend of overall downwards decline can be seen. The latest Gambling Commission industry statistics show that numbers as at 31 Mar 2015 were 8,958 - a decline of 179 from the previous year, when there were 9,137 recorded as at 31 March 2014.</p> <p>As far as problem gambling is concerned, successive prevalence surveys and health surveys reveal that problem gambling rates in the UK are stable (0.6%) and possibly falling.</p> <p>Working in partnership with local authorities</p> <p>The ABB is fully committed to ensuring constructive working relationships exist between betting operators and licensing authorities, and that where problems may arise that they can be dealt with in partnership. The exchange of clear information between councils and betting operators is a key part of this and we welcome the opportunity to respond to this consultation.</p> <p>There are a number of examples of the ABB working closely and successfully in partnership with local authorities.</p>	<p>Westminster City Council is committed to engaging with gambling operators and their relevant trade associations where possible. This approach is effective in dealing with issues and in setting out the council's views in relation to the larger policy context or for individual premises. There are plans to have further engagement with the gambling industry on the second stage of the council Statement of Licensing Principles for Gambling. There is also an intention to engage with the industry over the council's</p>
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	<p>LGA – ABB Betting Partnership Framework</p> <p>In January 2015 the ABB signed a partnership agreement with the Local Government Association (LGA). This was developed over a period of months by a specially formed Betting Commission consisting of councillors and betting shop firms and established a framework designed to encourage more joint working between councils and the industry.</p> <p>Launching the document Cllr Tony Page, LGA Licensing spokesman, said it demonstrated the <i>“...desire on both sides to increase joint-working in order to try and use existing powers to tackle local concerns, whatever they might be.”</i></p> <p>The framework built on earlier examples of joint working between councils and the industry, for example the Ealing Southall Betwatch scheme and Medway Responsible Gambling Partnership.</p> <p>In Ealing, the Southall Betwatch was set up to address concerns about crime and disorder linked to betting shops in the borough. As a result, crime within gambling premises reduced by 50 per cent alongside falls in public order and criminal damage offences.</p> <p>In December last year, the Medway Responsible Gambling Partnership was launched by Medway Council and the ABB. The first of its kind in Britain, the voluntary agreement allows anyone who is</p>	<p>Guidance on Local Area Risk Assessments for Gambling Premises.</p>
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		<p>concerned they are developing a problem with their gambling to exclude themselves from all betting shops in the area.</p> <p>The initiative also saw the industry working together with representatives of Kent Police and with the Medway Community Safety Partnership to develop a Reporting of Crime Protocol that is helpful in informing both the industry, police and other interested parties about levels of crime and the best way to deal with any crime in a way that is proportionate and effective.</p> <p>Lessons learnt from the initial self-exclusion trial in Medway have been incorporated into a second trial in Glasgow city centre, launched in July this year with the support of Glasgow City Council, which it is hoped will form the basis of a national scheme to be rolled out in time for the LCCP deadline for such a scheme by April 2016.</p> <p>Jane Chitty, Medway Council's Portfolio Holder for Planning, Economic Growth & Regulation, said: <i>"The Council has implemented measures that work at a local level but I am pleased to note that the joint work we are doing here in Medway is going to help the development of a national scheme."</i></p> <p>Describing the project, Glasgow's City Treasurer and Chairman of a cross-party Sounding Board on gambling, Cllr Paul Rooney said: <i>"This project breaks new ground in terms of the</i></p>	
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		<p><i>industry sharing information, both between operators and, crucially, with their regulator.”</i></p> <p>Primary Authority Partnerships in place between the ABB and local authorities</p> <p>All major operators, and the ABB on behalf of independent members, have also established Primary Authority Partnerships with local authorities.</p> <p>These Partnerships help provide a consistent approach to regulation by local authorities, within the areas covered by the Partnership; such as age-verification or health and safety. We believe this level of consistency is beneficial both for local authorities and for operators.</p> <p>For instance, Primary Authority Partnerships between Milton Keynes Council and Reading Council and their respective partners, Ladbrokes and Paddy Power, led to the first Primary Authority inspection plans for gambling coming into effect in January 2015.</p> <p>By creating largely uniform plans, and requiring enforcing officers to inform the relevant Primary Authority before conducting a proactive test-purchase, and provide feedback afterwards, the plans have been able to bring consistency to proactive test-purchasing whilst allowing the Primary Authorities to help the businesses prevent underage gambling on their premises.</p>	
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		<p>Local area risk assessments</p> <p>With effect from 6th April 2016, under new Gambling Commission LCCP provisions, operators are required to complete local area risk assessments identifying any risks posed to the licensing objectives and how these would be mitigated.</p> <p>Licensees must take into account relevant matters identified in the licensing authority's statement of licensing policy and local area profile in their risk assessment, and these must be reviewed where there are significant local changes or changes to the premises, or when applying for a variation to or a new premises licence.</p> <p>The ABB is concerned that overly onerous requirements on operators to review their local risk assessments with unnecessary frequency could be damaging. As set out in the LCCP a review should only be required in response to significant local or premises change. In the ABB's view this should be where evidence can be provided to demonstrate that the change could impact the premises' ability to uphold the three licensing objectives.</p> <p>Although ABB members will be implementing risk assessment at a local premises level, we do not believe that it is for the licensing authority to prescribe the form of that risk assessment. We believe that to do so would be against better regulation principles. Instead operators should be allowed to gear their risk</p>	<p>We understand the ABB concerns relating to this and that they have raised these concerns with the Gambling Commission. However, the proposed stage 1 draft Statement of Licensing Principles for Gambling, which was subject to this consultation, did not include any specific requirements relating to local risk assessments. This will be contained within the stage 2 revision that will be released in early 2016 and the ABB will be a consultee in respect to that consultation.</p>
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		<p>assessments to their own operational processes informed by Statements of Principles and the local area profile.</p> <p>The ABB supports the requirement as set out in the LCCP, as this will help sustain a transparent and open dialogue between operators and councils. The ABB is also committed to working pro-actively with local authorities to help drive the development of best practice in this area.</p> <p>Local Area Profiles – Need for an evidence based approach</p> <p>It is important that any risks identified in the local area profile are supported by substantive evidence. Where risks are unsubstantiated there is a danger that the regulatory burden will be disproportionate. This may be the case where local authorities include perceived rather than evidenced risks in their local area profiles.</p> <p>This would distort the “aim to permit” principle set out in the Gambling Act 2005 by moving the burden of proof onto operators. Under the Act, it is incumbent on licensing authorities to provide evidence as to any risks to the licensing objectives, and not on the operator to provide evidence as to how they may mitigate any potential risk.</p> <p>A reversal of this would represent a significant increase in the resource required for operators to be compliant whilst failing to offer a clear route by which</p>	<p>The council is aware of the concerns expressed in the ABB’s submission relating to Local Area Profiles. However, the council has not included a Local Area Profile in the stage 1 draft of its Statement of Licensing Principles for Gambling. The Council does intend to incorporate a Local Area Profile in the proposed stage 2 draft Statement of Licensing Principles for Gambling. This stage 2 revision will be released in early 2016 and the ABB will be a consultee in respect to that consultation.</p>
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		<p>improvements in protections against gambling related harm can be made.</p> <p>We would also request that where a local area profile is produced by the licensing authority that this be made clearly available within the body of the licensing policy statement, where it will be easily accessible by the operator and also available for consultation whenever the policy statement is reviewed.</p> <p>Concerns around increases in the regulatory burden on operators</p> <p>Any increase in the regulatory burden would severely impact on our members at a time when overall shop numbers are in decline, and operators are continuing to respond to and absorb significant recent regulatory change. This includes the increase to 25% of MGD, changes to staking over £50 on gaming machines, and planning use class changes which require all new betting shops in England to apply for planning permission.</p> <p>Moving away from an evidence based approach would lead to substantial variation between licensing authorities and increase regulatory compliance costs for our members. This is of particular concern for smaller operators, who do not have the same resources to be able to put into monitoring differences across all licensing authorities and whose businesses are less able to absorb increases in costs, putting them at risk of closure.</p>	
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		<p>Such variation would in our opinion also weaken the overall standard of regulation at a local level by preventing the easy development of standard or best practice across different local authorities.</p> <p>Employing additional licence conditions</p> <p>The ABB believes that additional conditions should only be imposed in exceptional circumstances where there are clear reasons for doing so - in light of the fact that there are already mandatory and default conditions attached to any premises licence. The ABB is concerned that the imposition of additional licensing conditions could become commonplace if there are no clear requirements in the revised licensing policy statements as to the need for evidence.</p> <p>This would further increase variation across licensing authorities and create uncertainty amongst operators as to licensing requirements, over complicating the licensing process both for operators and local authorities.</p> <p>Specific Policy Comments</p> <p>The ABB welcomes the removal of the references to “promoting” the licensing objectives and the implicit acknowledgement that it is neither the function of the licensing authority or operators to promote those licensing objectives.</p>	<p>The council will consider the imposition of licence conditions on each applications merit after having regard to any representations that have been made by the applicant, a responsible authority or interested party.</p>
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		<p>The ABB also welcomes the removal of the sections with regard to gaming prevalence and problem gaming and we anticipate that those sections will be replaced once your research with regard to vulnerable groups is available when Stage 2 of the policy is consulted upon.</p> <p>It is unfortunate that the policy does not recognise the fact that regulated gambling is a lawful pastime enjoyed by many people. The policy also fails to recognise that the overriding principle of Gaming Act 2005 is that the licensing authority is to aim to permit the use of premises for gambling. This is not recognised until page 12 of the statement. We respectfully submit that this should be included within the introduction which deals with the licensing objectives and the fact that nothing in the policy statement overrides the right of any person to make an application which will be considered on its own merit.</p> <p>Paragraph 10.3 refers to concerns raised in the review of the second statement of principles. These issues are now over three years old and clarification has since been given by the Gambling Commission and the work on the principle use of betting offices and provision of gaming machines. Unless these concerns remain and are supported by evidence that this paragraph should be removed as it is pejorative and suggests that the authority's view is not that it will aim to permit betting offices.</p>	<p>The council recognises that gambling is a lawful activity and that it is enjoyed by a large number of the population. We have delete paragraphs 10.1 to 10.7 on page 12 of the consulted version of the draft statement which is where you refer to the aim to permit principles. We will be emphasising the requirements under section 153 'aim to permit principles within the introduction to the statement and also set out the council's duty to promote business whilst protecting those who are most vulnerable or at risk to gambling related harm.</p>
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		<p>The paragraph beneath policy Obj 1 introduces the criteria that will be considered by the authority in determining “whether the <u>premises</u> make or will make a contribution to the level of crime and disorder.....” The licensing authority is respectfully reminded that the licensing objective is to prevent <u>gambling</u> from being a source of crime or disorder.</p> <p>The policy also indicates that the authority will not consider issues of nuisance. The policy would be assisted by the inclusion of the Gambling Commission’s statement that disorder is intended to mean activity that is more serious and disruptive than mere nuisance, and that factors to consider in determining whether a disturbance was serious enough to consider disorder would include whether police assistance was required and how threatening the behaviour was to those who could see or hear it.</p> <p>Paragraph 16.4 indicates that a premises licence issued by the licensing authority will be subject to mandatory and/or default conditions and <u>conditions imposed by the council</u>. The licensing authority is reminded that the ability to impose conditions will only arise where there are relevant representations and the committee has considered evidence in a hearing that the mandatory and default conditions will need to be supplemented by additional conditions. The policy should acknowledge that the starting point for consideration of an application is that it will be granted without conditions.</p>	<p>We will be amending the wording in paragraph 11.1 of the consulted version of the draft statement (10.1 of the final version) to replace “the premises” with the “gambling from” on the 3rd line.</p> <p>As stated above the council will consider each application on its own merits and where necessary impose conditions to ensure that the premises meets the requirements of section 153 of the Act. In determining an application that is opposed and whether to add conditions the Committee will consider the views of the applicant, responsible authorities and interested parties at the hearing before coming to any decision.</p>
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	<p>Paragraph 25.3 needs to be clarified. The holder of a betting premises licence is entitled to make up to four category B, C or D gaming machines available for use. The licensing authority cannot impose a condition to change this. It is accepted that upon application, an applicant must demonstrate that the primary gambling activity will be betting. Once the licence is granted, however, it may make gaming machines available on the premises.</p> <p>Conclusion</p> <p>The industry fully supports the development of proportionate and evidenced based regulation, and is committed to minimising the harmful effects of gambling. The ABB is continuing to work closely with the Gambling Commission and the government to further evaluate and build on the measures put in place under the ABB Code for Responsible Gambling, which is mandatory for all our members.</p> <p>ABB and its members are committed to working closely with both the Gambling Commission and local authorities to continually drive up standards in regulatory compliance in support of the three licensing objectives: to keep crime out of gambling, ensure that gambling is conducted in a fair and open way, and to protect the vulnerable.</p> <p>Indeed, as set out, we already do this successfully in partnership with local authorities now. This includes through the ABB Code for Responsible Gambling,</p>	<p>For clarification we will remove “and, unless it does so, should not be making gaming machines available on the premises”.</p>
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		<p>which is mandatory for all our members, and the Safe Bet Alliance (SBA), which sets voluntary standards across the industry to make shops safer for customers and staff. We would encourage local authorities to engage with us as we continue to develop both these codes of practice which are in direct support of the licensing objectives.</p>	
<p>02/10/2015</p>	<p>Coral Racing Limited (Betting Shop Premises Licence Holder)</p>	<p>Question 1</p> <p>Comments included within Q2 response.</p> <p>Question 2</p> <p>The majority of the Statement of Licensing Principles for Gambling produced by Council's include a reference stating that any moral objections to gambling should not be taken into account when judging applications and we kindly suggest that this is included.</p> <p>With reference to Location Policy LOC1 (item 15.1 within your statement), your statement references premises being located within the proximity of schools as being a possible relevant consideration which may affect the licensing objectives to be upheld.</p> <p>Coral Racing knows of no evidence that the location of a licensed betting office within the proximity of schools causes harm to the licensing objectives nor</p>	<p>The council will be amending the wording of LOC1 to ensure that this policy is representative of the authority's intentions. The wording of LOC1 will be amended as follows:</p> <p>"Applicants for new or variation applications of premises licences within a sensitive location must include detailed information as to how the proposals will be reasonably consistent</p>

		<p>that children coming from schools are gaining access to betting offices. Our general experience, in common with other bookmakers, is that children are not interested in betting, and in any case the Think 21 policy operated by Coral is adequate to ensure that under-age gambling does not occur in their premises. There are very many examples of betting offices sited immediately next to schools and colleges and no evidence whatsoever that they cause problems. Coral fully recognises within your Statement that it notes that each application will be considered on its merits.</p>	<p>with the gambling objectives and policies OBJ1, OBJ2 and OBJ3 A sensitive location is defined as any premises which is within close proximity or on a main route to a school, other educational institution, hostel or other sensitive locations where there is the potential for exposing children, young people or other vulnerable persons to gambling.”</p> <p>With reference to paragraph 15.2 this relates to possible proposals for applicants to address local concerns and to demonstrate a method of addressing that concerns relating to children and young people. It is not being imposed on operators but operators could consider this if they identified it as a method of addressing the licensing objective.</p>
<p>02/10/2015</p>	<p>Licensing Advice Project – Citizens Advice Bureau (Charity)</p>	<p>Question 1</p> <p>We have read through the track-changed Statement and the changes all seem sensible. We have no comments on the suggested amendments proposed in stage 1.</p> <p>Question 2</p> <p>Given the statutory time constraints and the intention to initiate a more comprehensive revision of the Statement Licensing Principles to take into account</p>	<p>The council notes the response from the Citizens Advice Bureau and we will ensure that they are consulted on the stage 2 revision in early 2016</p>

		<p>changes to the LCCP and the outcome of the joint research project with Manchester City Council, it seems sensible to have a two-stage approach as proposed. We are sure that the development of Local Area Profiles will be of interest to some residents/groups, and so we look forward to seeing the stage 2 proposals in due course.</p>	
<p>02/10/2015</p>	<p>Paddy Power (Betting Shop Premises Licence Holder)</p>	<p>Power Leisure Bookmakers Limited response to Westminster City Council’s Consultation on its draft Statement of Gambling Principles</p> <p>Paddy Power is Ireland’s biggest Bookmaker and operates both a retail business through licensed betting offices and an online/telephone business. Paddy Power operates 251 licensed betting offices in Ireland and 325 betting offices in the United Kingdom.</p> <p>Paddy Power is a leading national operator of betting premises with clear and proactive policies to promote the Gambling Licensing Objectives. Operators of premises licences have full authority to provide their services by the provision of an Operators’ Licence granted by the Gambling Commission. The UK’s gambling regulator has therefore approved the measures implemented by operators to ensure that effective anti-money laundering procedures are implemented and that policies have been developed that ensure responsible trading in accordance with</p>	

		<p>gambling legislation, the licensing objectives and the Licence Conditions and Codes of Practice. Of particular relevance are the obligations and requirements now placed upon operators under the social responsibility provisions of the LCCP, which were introduced by the Gambling Commission earlier this year.</p> <p>We refer the authority to the Regulators' Code, which was introduced by the Legislative and Regulatory Reform Act 2006 and provides the code to which the Authority must have regard. Specifically, regulators should avoid imposing unnecessary burdens and choose proportionate approaches to those they regulate and have mechanisms in place for consultation. The Code provides that before any changes in policy are implemented the effect that any proposed amendments may have on businesses should be considered and stakeholders should be engaged. As the Gambling Commission is in the process of amending its Guidance to Licensing Authorities, should the Authority's policy require further revision, stakeholders should be consulted before any final changes are made. The Regulator's Code also identifies that where local risks are to be addressed, an evidenced based approach should be taken.</p> <p>Unnecessary burdens would include those which duplicate existing regulation. Licensing Authorities must therefore avoid approaches to regulation in their policy statements which mirror those already imposed</p>	<p>The council has considered the stage 1 draft statement in relation to the provisions of better regulation and the Regulators Code. This new statement is a re-adoption of the existing Statement of Licensing Principles for Gambling with the exception of some minor amendments. The Council has made it clear that it intends to consult in early 2016 on a revised statement which will be very different from this proposed policy and it will include elements such as the Local Area Profile, new structures approach to the statement, more specific policies rather than generic policies for all operators and what it will consider when determining applications for new and variations to existing premises. The council will be reviewing the stage 2 revision in line with the Regulators Code and other relevant considerations prior to consultation.</p>
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		<p>by the Gambling Commission.</p> <p>General Policy Commentary Licensing Authorities are under the statutory obligation to aim to permit the use of premises for gambling so far as the authority believes that an application is reasonably consistent with the licensing objectives and in accordance with its own statement of principles. Authorities can request additional information in support of an application to assist with the determination in consideration of the above criteria.</p> <p>The draft statement of principles correctly identifies that unmet demand is not a criterion that can be considered and that duplication with other regulatory regimes will be avoided.</p> <p>Location and local area risk assessment Westminster City Council will be aware that under new Gambling Commission LCCP provisions, from April 2016 operators will be required to complete local area risk assessments that identify risks posed to the licensing objectives and how these should be mitigated. We refer the Authority to the Regulators' Code, which provides that in making an assessment of risk, regulators should recognise the compliance record of those they regulate and take an evidenced based approach to determining the priority risks in their area of responsibility. To ensure that better regulation principles are followed, operators should be allowed to assess their existing operational</p>	<p>The stage 1 draft consultation doesn't make any reference to the new LCCP requirements for local risk assessments. As stated above the stage 1 statement is the re-adoption, subject to some minor amendments to the current version of the council's policy. As stated above we will consider the Regulators Code when finalising the stage 2 statement prior to consultation in early 2016.</p>
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	<p>processes, informed by Statements of Principle, which highlight potential areas of particular sensitivity and known vulnerability. High risk areas must only be identified where empirical evidence is adduced that clear gambling related harm would be caused by the presence of gambling related premises. Identification of theoretical risk factors such as area demographics, ethnicity, proximity to other premises and deprivation should only be included where local evidence is available, which quantifies the ascertainable risk to be mitigated. Any proposed measures to address risks identified should be proportionate, effective and tailored to specific concerns identified. All risks must be substantiated in order to prevent the implementation of a disproportionate regulatory burden upon operators. We believe that the Stage 2 policy must be amended to follow these principles.</p> <p>Where variations are made to existing permissions, additional measures should only be considered where empirical evidence suggests there is an actual risk to the promotion of the licensing objectives and that existing approved measures are insufficient to address those concerns. It may not be proportional for applicants or existing licence holders to actively engage in investigations for unique localised risk factors where problems, which may be associated with gambling premises are not realised. Operators are under existing obligations to regularly review their policies and procedures incorporating risk assessment at a local premises level and, as such, it</p>	
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	<p>may not be appropriate for the Authority to prescribe the nature of such assessment as internal processes should already be responsive to evidence of changes in local operational risk profiles.</p> <p>Should the Licensing Authority contemplate introducing detailed policies regarding the location of specific gambling premises, thorough details should be provided for consultation with stakeholders at that time. Such consultation would permit the thorough assessment of the validity of any potential local area profiling that may be completed. Any evidence gathered should directly correlate with actual risks identified in those locations and appropriate assessment completed of any detrimental impact that any proposed gaming provision may have.</p> <p>Any finalised policy must not suggest that gaming related applications pose an inherent risk to 'vulnerable people', regardless of status or evidence of actual harm. Where operators are asked to mitigate any perceived risks, sufficient parameters should be identified addressing the specific risks concerned relative to those individuals who may be at risk from the grant of any proposed application.</p> <p>Primary Authority Power Leisure Bookmakers Limited has established a Primary Authority Partnership with Reading Council. The primary authority worked with the Gambling Commission to develop a national inspection strategy to be implemented to help protect underage people</p>	
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		<p>from gambling. Such schemes enable a consistent approach to regulation and enforcement and provide a uniform standard.</p> <p>Conditions Mandatory and default premises licence conditions are already imposed on operators and the authority must consider that operators are required to uphold social responsibility. Additional conditions should only be imposed in exceptional circumstances where evidence based risks are identified and operators existing provisions are considered inadequate to specifically address those concerns.</p> <p>Safeguarding against child sexual exploitation Paddy Power is concerned regarding the additional paragraphs regarding safeguarding against sexual exploitation.</p> <p>The Gambling Act 2005 licensing objectives relating to children refers to protecting children and other vulnerable persons from being harmed or exploited by gambling.</p> <p>The additional paragraphs regarding safeguarding against child sexual exploitation have no relevance to gambling. There is no evidence to support the inclusion of this content within the policy statement. Children are not permitted to enter betting premises. The risk indicators listed at the proposed 4.13 generally relate to activities which would take place</p>	<p>As stated above the council will consider each application on its own merits and where necessary impose conditions to ensure that the premises meets the requirements of section 153 of the Act. In determining an application that is opposed and whether to add conditions the Committee will consider the views of the applicant, responsible authorities and interested parties at the hearing before coming to any decision.</p> <p>This was a new section added to address the concerns over the potential of child sexual exploitation. The Council is aware of allegations relating to children and sexual exploitation relating to customers of gambling premises. As a result of this information the council has added this part the draft statement. We feel it is relevant to gambling and fits both the crime and protection of children and young people gambling objectives.</p>
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		<p>within betting premises. These cannot be relevant to a betting premises as children are not permitted to enter.</p> <p>Child sexual exploitation is a serious matter. However it is the responsibility of Paddy Power to protect children from being harmed or exploited by gambling. To ask us to safeguard against child sexual exploitation goes beyond the objectives of the Gambling Act 2005. Whilst we agree that licence holders, indeed all businesses throughout society, should be aware of the risks of child sexual exploitation, commentary in this regard is not relevant to the objectives of the Gambling Act.</p> <p>The council has decided to remove the section on gambling prevalence and problem gambling and has also made amendments to the current paragraphs 11.6 and 11.7 on evidence of issues relating to the concentration or density of betting shops, extensions of opening hours for betting shops, association with crime and disorder in the vicinity of betting premises, and the primary use of betting shops and provision of gaming machines. Paddy power would like to better understand, to be able to respond to the consultation, the council's motives for removing these sections.</p> <p>Conclusion</p> <p>We are committed to working in partnership with the Gambling Commission and local authorities to continue to promote best practice and compliance in</p>	<p>This element of the draft was removed as it was felt that this data was now out of date and that there has been increasing amounts of research over the past three years which we couldn't include in this version of the statement due to the limited timeframe involved in meeting the statutory requirements for publication. We note the comments on making Committee members aware of the latest gambling research. We will ensure that officers do provide members with any updates on research into gambling related harm or problem gambling during the period when this statement is in effect. It is intended that the stage 2 revision of the Statement of Licensing Principles for Gambling will include a detailed element in</p>
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		support of the licensing objectives. We look forward to discussion on the proposed Statement of Principles with you.	relation to gambling related harm and problem gambling which will reflect relevant research into these specific areas.
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Additional changes to the consulted version of the draft statement

Paragraph of consulted version changes by Licensing Authority	Final version paragraph number	Change	Reason
5.6	5.6	Added amenity societies, Ward Councillors and Members of Parliament to the list of individuals who would be deemed by the council to represent interested parties upon request.	It was felt that the current list omitted these three groups who are prominent within Westminster for representing interested parties.
11.1	10.1	Reworded "he has" to "they have".	Removal of masculine reference within this paragraph to a more inclusive phrasing.
14.2	13.2	Addition of reference to OBJ1 policy and addition of to the first bullet point to include signposting to information and support services within staff training.	Due to the nature of Safeguarding Children from Sexual exploitation there is an element of criminal activity that would have an impact on the Crime licensing objective. As a result it was felt that a reference to OBJ1 should be included along with OBJ3 relating to protection of the vulnerable and children. It was also felt that awareness training should also include information and signposting to support services.
17.2	16.2	Removal of old reference to LCCP supplements and LA Bulletin relating to Primary Gambling Activity	Outdated
19.1	18.1	Re worded reference to guidance on the meaning of	Updated to reflect the 5 th Edition of

		premises and multiple unit premises	Guidance to Licensing Authorities that was issued by the Gambling Commission during consultation period
19.4, 20.4 and 21.10	18.4, 19.4 and 20.10	Amend section reference from 22 to 21	Section number changes due to deletion of earlier redundant section (Section 10 of the consulted version of the draft statement)
21.2 and 21.3	20.2 and 20.3	Re worded reference to guidance on access to premises	Updated to reflect the 5 th Edition of Guidance to Licensing Authorities that was issued by the Gambling Commission during consultation period
21.4	20.4	Removal to reference of past three years	As this is the next edition of the Council's statement the period of three years wasn't relevant to this edition as it referred to the period prior to the last review back in 2012.
24.3	23.3	Deletion of existing paragraph and new paragraph inserted relating to gaming machines entitlements.	Outdated paragraph and didn't reflect legislation changes in 2011 relating to Bingo premises gaming machines entitlements.
26.3	25.3	Addition of reference to paragraphs 20.56 to 20.61 from the 5 th Edition of the Commission's Guidance relating to multiple licences at tracks.	Updated to reflect the 5 th Edition of Guidance to Licensing Authorities that was issued by the Gambling Commission during consultation period
27.1	26.1	Redrafted paragraph to reflect gaming machine entitlement for AGC premises	Outdated paragraph and didn't reflect legislation changes in 2011 relating to AGC premises gaming machines entitlements.
30.1	29.1	Addition of references to paragraph 5.3 and Part 33 of the 5 th Edition of the Commission's Guidance relating to door supervisors	Updated to reflect the 5 th Edition of Guidance to Licensing Authorities that was issued by the Gambling Commission during consultation period

34.3	33.3	Re number paragraph reference in the Gambling Commission's Guidance to relevant paragraph on 5 th Edition of the Guidance.	Updated to reflect the 5 th Edition of Guidance to Licensing Authorities that was issued by the Gambling Commission during consultation period
28.1	28.1 and 28.2	Split paragraph to two separate paragraphs. Also include new policy FEC1 which mirrors the AGC1 policy.	It was felt that there was an omission not to add a policy relating to FEC's which matched the current AGC policy. The policy for FEC was felt to be appropriate as no policy is currently present for these licensed premises types. However, the current Statement does include references to what the council expects applicants to provide which is very similar to that already in place for AGC's.
Glossary – Bingo Premises	Glossary - Bingo Premises	Bingo premises gaming machine entitlement changed to reflect changes to legislation	Outdated reference didn't reflect legislation changes in 2011 relating to Bingo premises gaming machines entitlements.
Glossary – Adult Gaming Centres	Glossary - Adult Gaming Centres	Adult gaming centres changed to reflect changes to gaming machine entitlement implemented via legislative changes	Outdated reference and didn't reflect legislation changes in 2011 relating to Bingo premises gaming machines entitlements.
Glossary - Categories of Casinos	Glossary - Categories of Casinos	Amended to table to reflect gaming machine entitlements	Updated to reflect changed to Maximum stakes and prizes which were incorrect following a recent legislative change.
Glossary – Guidance	Glossary – Guidance	Additional reference to 5 th Edition of Guidance	Updated to reflect current version
Glossary – Unlicensed FEC's	Glossary – Unlicensed FEC's	Re-worded reference	Change to better reflect what an Unlicensed FEC is.

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City of Westminster

Cabinet Member Report

Meeting or Decision Maker:	Cabinet Member for Public Protection
Date:	23rd October 2015
Classification:	General Release
Title:	Revised Statement of Licensing Policy
Wards Affected:	All
City for All	This decision will promote a City of aspiration, choice and heritage by promoting statutory licensing objectives, allowing businesses to thrive and enabling local residents to be more involved in their community.
Key Decision:	No
Financial Summary:	None
Report of:	Julia Corkey, Director of Policy Performance and Communications

1. Executive Summary

- 1.1 The Council's Statement of Licensing Policy expires on the 6th January 2016. The Licensing Act 2003 (the 2003 Act) requires the Licensing Authority to review its policy and publish a revised Statement of Licensing Policy which will be effective by the 7st January 2016.
- 1.2 Following extensive public consultation, and considering 27 consultation responses, the revised policy statement incorporates eight specific proposals to clarify the existing policies and update the policy in line with changes in legislation and Government guidance which have occurred since the current policy was published.
- 1.3. The final draft of the revised Statement of Licensing Policy is attached at Appendix 1 to this report.
- 1.4 To fulfil the Council's statutory duties, it is recommended that the revised Statement of Licensing Policy is adopted from 7th January 2016.

1.5 The revised Statement of Licensing Policy has to be formally approved by Full Council.

2. Recommendations

2.1 Subject to recommendation 2.2 below , that the Cabinet Member agrees the draft Statement of Licensing Policy attached as Appendix 1, subject to any non-substantive legal or minor amendments which may be required and which are delegated to the Executive Director, Policy, Performance and Communications to make.

2.2 That the Cabinet Member recommends that Full Council adopt the draft Statement of Licensing Policy and that it be published and made effective from 7th January 2016.

3. Reasons for Decision

3.1 The approval of the final draft of the Statement of Licensing Policy and approval for publication by Full Council will ensure that the Council meets its statutory requirements for adopting this statement.

4. Background, including Policy Context

4.1 Under the 2003 Act, the City Council regulates the retail sale of alcohol, the supply of alcohol at club premises, the provision of regulated entertainment, and the sale of hot food and hot drink between 23.00 and 05.00.

4.2 At least every 5 years, the council must determine and keep under review its policy with respect to the exercise of its licensing functions, and publish a statement of that policy. The council has a duty to promote the four licensing objectives, which are;

Prevention of crime and disorder

Public safety

Prevention of public nuisance, and

Protection of children from harm

4.3 The current Statement of Licensing Policy has operated since 7th January 2011. The current policy sets out the approach the council will take when applications for new licences are received, when variations are sought to existing licences, (for instance to extend the hours of licensable activity, change conditions of the licence, or add other licensable activities), and to determine applications to review licences and for dealing with Temporary Event Notices. The aim of the policy is to promote the licensing objectives.

4.4 The policy recognises that the scale, diversity and concentration of licensed premises, particularly in the West End, is unique and brings cultural and financial benefits to the whole city. The City Council believes that good management of its vibrant entertainment industry, and of the street

environment within which it operates, is essential to the continued success of central London, and in attracting a wide range of people who want to work, visit or live there.

- 4.5 The policy seeks to widen the choice and appeal of licensed premises, the development of greater diversity in the types of entertainment and cultural activity on offer and in the age groups attracted to them, and to protect the quality of life of local residents and visitors.
- 4.6 There are four general policies which relate to each of the four licensing objectives, and a policy which sets out the “core hours” to which the council will generally grant a licence.
- 4.7 Additionally, the Statement identifies three “stress areas” within the city which have been identified as suffering from the cumulative impact of a concentration of licensed premises, and where special policies apply; capping the number of bars, night clubs and take-away hot food premises and preventing them opening later or increasing their capacities. The council recognises the differing impacts that different types of licensed premises can have in relation to the licensing objectives and has policies for various types of premises, both inside and outside the designated “stress areas”. Adopting the terminology in Guidance the City Council proposes to re-label “stress areas” as Cumulative Impact Areas and the special policies which apply in those areas as Cumulative Impact Policies. Statutory guidance states that the cumulative impact of licensed premises is a proper matter for licensing authorities to consider when developing statements of licensing policy.
- 4.8 In drafting its revised policy the City Council has considered the operation of the current policy, drawing on issues raised at hearings of the Licensing Sub-Committee, and which often reflect applicants’ or objector’s concerns over the policy, and issues raised in the courts at appeal.
- 4.9 The policy has also been revised to reflect changes in legislation, statutory guidance and council policies and initiatives which have been introduced since the last review and relevant data has been updated.

5. Financial Implications

- 5.1 There are no direct financial costs as a result of approving this final version of the Statement.

6. Legal Implications

- 6.1 Section 5 of the 2003 Act requires the Licensing Authority to prepare and publish a statement of its licensing policy at least every 5 years. Such a policy must be approved by Full Council and must be published before the authority carries out any functions or determines any applications or deals with any notices made under the terms of the 2003 Act.

7. Staffing Implications

7.1 There are no staffing implications as a result of this report.

8. Equalities Implications

8.1 In preparing the proposed policy, officers have had regard to its Public Sector Equality Duty (PSED) imposed under section 149 of the Equality Act 2010. This requires public bodies to consider how the decisions they make, and the services they deliver, affect people who share different protected characteristics including age, race and disabilities etc. It is considered that the policies in the revised Statement of Licensing Policy will not negatively impact on any of the protected categories within the Equality Act.

9 Consultation

9.1 Extensive public consultation was open for 8 weeks until 15th May 2015. The council received 27 written responses to the consultation from:

The Soho Society	HK Diner
Covent Garden Community	St Johns Wood Society
Covent Garden Area Trust	CAB Licensing Project
Paddington Waterways and Maida Vale Society	Hippodrome Casino
Mayfair Residents Group	Soho Estates
Knightsbridge Association	Jeffrey Green Russell Solicitors
Soho resident and ex restaurateur	Heart of London Business Alliance
Marylebone Association	Shaftesbury plc
Marylebone resident	WCC Environment Health
Chiltern Street resident	Dr Philip Hadfield
Blandford Street resident	Edgware Road Partnership
Berkeley Street residents	Capco Covent Garden
Park Street resident	Parley Beer Group
West End (Chinatown) Tenants Association	

A summary of responses to the consultation questions is available at http://transact.westminster.gov.uk/docstores/publications_store/Licensing/revision_statement_licensing_policy2015.pdf

If you have any queries about this Report or wish to inspect any of the Background Papers please contact:

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BACKGROUND PAPERS:

Licensing Act 2003

Current Westminster City Council Statement of Licensing Policy

Revised Guidance issued by the Secretary of State under section 182 of the Licensing Act 2003 – March 2015

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Statement of Licensing Policy 2016

This Statement of Licensing Policy of Westminster City Council, the Licensing Authority for the City of Westminster, was prepared under Section 5 of the Licensing Act 2003 with regard to Revised Guidance issued under section 182 of the Licensing Act 2003. Revisions to the policy and its publication

Document title:	Statement of Licensing Policy
Version:	5
Date:	7 January 2016
Produced by:	City of Westminster Policy Performance and Communication City Hall, 64 Victoria Street London SW1E 6QP
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Licensing Policy vision statement

“We want to make sure that Westminster continues to offer a wide choice of high quality and well managed entertainment and cultural venues within a safe, orderly and attractive environment; valued by those who live here, work here and come to visit.”

FOREWORD



By Councillor Aiken to follow

FOREWORD

By Metropolitan Police Commander to follow

OVERVIEW

1

Strategy

- 1.1 The council has wide experience in regulating entertainment. Licensed entertainment in Westminster contributes to London's appeal to tourists and visitors as a vibrant city. The scale, the diversity and the concentration of entertainment in the West End are unique. The City of Westminster has more licensed premises than any other local authority in Britain; over 3,100. These include nearly 500 pubs, bars and wine bars, over 1,000 restaurants licensed to serve alcohol, 39 theatres and 136 night clubs and dance venues. There are many other premises which are licensed which include other cultural venues and shops. The entertainment industry brings cultural and financial benefits to the city, with the night-time element alone being estimated as having over 14,000 firms with turnover of more than £24 billion and employing over 220,000 people. The council believes that good management of its vibrant entertainment industry and of the street environment within which it operates is essential to the continued success of central London and attracting a wide range of people who want to come here to work, to visit and to live.
- 1.2 The policy sets out how the council as a Licensing Authority promotes the licensing objectives in the Licensing Act 2003. Changes to this Statement of Licensing Policy were approved by the Council on 11th November 2015 (see Appendix 1).

The licensing objectives:

- prevention of crime and disorder
- public safety
- prevention of public nuisance

- protection of children from harm.

Section 4(2) of the Licensing Act 2003

1.3 The Licensing Authority must have regard to these licensing objectives in carrying out its licensing functions under the Licensing Act 2003. They embody concerns that the council acknowledged in exercising its licensing powers under previous legislation. It has had regard to Revised Guidance issued by the Secretary of State in March 2015 in drawing up this Revised Statement of Licensing Policy. If the council acting as the Licensing Authority departs from this Guidance, it will give reasons as suggested in paragraph 1.9 of Revised Guidance. It will always consider the circumstances of each application. It may make exceptions to its own policies where it is appropriate to do so in order to promote the licensing objectives and it will give reasons for doing this. The policies are intended to strike a reasonable balance between different and sometimes competing aims in promoting the licensing objectives. The introduction to Revised Guidance (paragraph 1.5) states that the legislation also supports a number of other key aims and purposes which are vitally important. These include giving the police and licensing authorities powers to effectively manage the night time economy; recognising the important role that licensed premises play in local communities; reflecting the needs of local communities and making the most appropriate strategies for their local area; and encouraging greater community involvement and giving local residents the opportunity to have their say on decisions which may affect them. The council has shaped its policies very much in line with these aims. It gives high priority to the development of greater diversity in the types of entertainment and cultural activity on offer and in the age groups attracted to them, and also to its long standing policies of increasing the resident population of the city and ensuring that it enjoys a good quality of life. By doing this it furthers the licensing objectives of prevention of crime and disorder and public nuisance. The council wishes to discourage drunkenness and to encourage the provision of more seating in premises which serve alcohol for people to sit and enjoy a drink and order food by table service, in place of open bar space which caters for high volume vertical drinking as referred to in Revised Guidance

(paragraph 10.23 and 10.24). It is a key feature of the Statement of Licensing Policy that its policies are intended to encourage change in the composition of Westminster's night-time economy so that it becomes more widely based and less dominated by alcohol led premises, and thus promotes the licensing objectives. The effective dispersal of customers both from premises and from the Cumulative Impact Areas is regarded by the licensing authority as a key principle of its policy to promote the licensing objectives of the prevention of crime and disorder, public nuisance, and public safety.

- 1.4 The council, acting as the Licensing Authority, has discretion on whether to grant applications for licences (see Appendix 2) and to impose conditions on granting and reviewing licences, only when representations relevant to the licensing objectives are made by "responsible authorities" or "other persons" (including local residents and businesses) (see Glossary). Where no relevant representations are received it is the duty of the Licensing Authority to grant a licence subject only to conditions consistent with the operating schedule and the mandatory conditions under the Licensing Act 2003. See Revised Guidance (paragraph 1.15). This Statement of Licensing Policy generally reflects the council's understanding of the concerns of these responsible authorities at the time it was revised. However the responsible authorities are not bound by this Statement and can make any representations if they are concerned over the effect of the grant of any application on the licensing objectives. The council can advise potential applicants if activities require licences. Further information can be accessed on the council's website; <https://www.westminster.gov.uk/licensing>
- 1.5 This Statement of Licensing Policy does not undermine the right of any individual to apply under the terms of the Act for a variety of permissions, and have any such application considered on its individual merits (Revised Guidance, paragraph 13.10). The way that the council has delegated authority to determine applications is shown at Appendix 3 (Revised Guidance, paragraph 13.61). This Statement of Licensing Policy does not override the right of any person to make representations on an application or seek a review of a licence or certificate, where provision has been made for them to do so in

the Licensing Act 2003 (Revised Guidance, paragraph 13.11). See Appendix 4 on reviews of premises licences.

Related strategies and initiatives

- 1.6 The council has adopted a variety of strategies to protect and promote Westminster's status as a world class city. These are outlined in Appendix 5. The council has taken initiatives to prevent anti-social behaviour, noise, and degradation of the street environment. These problems are often associated with late night entertainment. A combination of licensing and planning powers, and effective management of the street environment, is required to tackle these problems (see Amended Guidance, paragraphs 13.40 and 13.56).
- 1.7 The local planning authority is a responsible authority and can make representations on applications. However, it can only make representations related to the licensing objectives. Nuisance and crime and disorder are shared concerns of planning and licensing. Planning concerns relating to the character and function of an area and aspects of amenity that fall short of being a public nuisance are outside the scope of the licensing regime. For example, a large restaurant might be unacceptable in a conservation area characterised by small retail units on planning grounds of character and function, whereas licensing grounds of public nuisance might not apply.
- 1.8 The absence of lawful planning use for an activity is not of itself a matter for licensing. The Licensing Sub Committee and the applicants may be informed of the planning status of premises where licences are sought, by providing this information in reports on licensing applications. Only in exceptional cases has the council as the planning authority made representations as a responsible authority. Whether the premises have planning permission or whether a lawful use exists are matters that are taken up separately by the planning authority.
- 1.9 The council as a planning authority has planning policies which apply differently in the Cumulative Impact Areas and other areas. These are policies which relate to planning concerns and are related to development, including

the use of buildings and land. They contain criteria related to sizes of premises and the use of premises rather than to individual licensable activities.

- 1.10 Planning remains the regime that is directed at the development of premises and their overall use. Licensing is the regime that is directed at individual licensable activities and their management and their impact on the licensing objectives. The granting of a planning permission for premises, or finding that a premises enjoy a lawful use, does not constrain the council as Licensing Authority from considering in detail the licensable activities, their management and conditions appropriate to them.
- 1.11 The council regards licensing as the most appropriate tool to ensure that the licensing objectives are promoted through premises being properly managed and operated and, where necessary, the types, number, location and hours of premises being controlled when this cannot be done adequately or appropriately through other legislation. The council regards licensing as a key means of controlling nuisance and anti-social behaviour, and part of a holistic approach to the management of the evening and night-time economy (Revised Guidance, paragraph 13.13).
- 1.12 The council recognises the links between excessive alcohol consumption and poor health. As part of a wider package of initiatives the council is aiming to tackle the negative impacts associated with alcohol consumption through the Westminster Alcohol Strategy (see Appendix 5).
<http://westminstercitypartnership.org.uk/Partnerships/Safer%20Westminster/Safer%20Westminster%20Resources/Tackling%20Alcohol%20Misuse%20in%20Westminster%202006%20-%202009.pdf>

Other relevant legislation

- 1.13 Many other statutory requirements apply to licensed premises such as fire safety, planning, building control, public health, food hygiene, and trading standards.
- 1.14 The council must also have regard to its duties under Section 17 of the Crime and Disorder Act 1998, to prevent crime and disorder. These regulatory

regimes will be properly separated as described in Revised Guidance (paragraph 13.57). This suggests that applications for premises licences for commercial premises should normally be from businesses with planning consent for the property concerned. The council is committed to avoiding duplication with other regulatory regimes as far as possible. Conditions will only be attached to premises licences if they are considered appropriate to promote the licensing objectives and are not required under other legislation.

- 1.15 In order to promote equality, and to fulfil its statutory duties under the Equality Act 2010, the council has developed and published a series of 8 equality objectives which reflect emerging priorities for the council and remain central to the running of the authority, including the exercise of its duties under the Licensing Act. These objectives are implemented through the Council Equality Action Plan 2012 to 2016. It is considered that the publishing and implementation of the Statement of Licensing Policy will assist in fulfilling its duty to promote equality. It is recommended that licensees make themselves familiar with the requirements of this Act for the access and provision of services for persons within the protected groups identified by the legislation.
- 1.16 Other relevant legislation is listed in Appendix 6.

POLICIES

2

2.1. Policy approach

2.1.1 The council as a Licensing Authority only has discretion on whether to grant applications for new premises licences or variations to licences (see Appendix 2), and to impose conditions on granting or varying licences, if representations relevant to the licensing objectives are made by “responsible authorities “ or by “other persons” (including local residents and businesses) (see Glossary) in due time. Otherwise, the Licensing Authority must grant all applications for premises licences. Therefore, the Licensing Authority will only consider these policies when such relevant representations have been made. There are four types of policy in this statement:

- Policies supporting each of the licensing objectives (Policies CD1, PS1, PN1 and CH1). These apply to all applications. They contain criteria and considerations whose relevance will depend on the type and nature of the application. They refer to matters that may be the subject of conditions.
- A policy on hours (Policy HRS1) on the considerations that will apply to all applications.
- A special policy CIP1 on cumulative impact that applies only in the Cumulative Impact Areas, (see Appendices 14 and 15), and policy CIP2 on reviews in Cumulative Impact Areas.
- Policies that apply to various types of licensable activities. These outline the way the criteria and considerations will be applied. They reflect the likely impact of types of licensable activities and the council’s intention to promote cultural and age diversity, in order to further the licensing objectives

Restaurants (RNT1&2)

Fast food premises (FFP1&2)

Public Houses and bars (PB1&2)

Sale of alcohol for consumption off the premises (OS 1&2)

Premises that have facilities for music and dancing (MD1&2)

Theatres, cinemas, performance venues and qualifying clubs
(PVC1&2)

Hotels (HOT 1)

Casinos (CAS 1)

Combined use premises (COMB1)

Nudity, striptease and sex related entertainment etc (NS1)

2.1.2 It should be noted that the council has adopted Action Plans for the improvement of particular areas, and it may adopt other area improvement plans and strategies for local areas in future. The Licensing Authority will take such plans into account where relevant to the licensing objectives.

2.1.3 The Licensing Authority will continue to monitor the effect of the grant of licences on the licensing objectives. It has once again considered carefully the cumulative impact of the grant of licences, having particular regard to areas adjoining Cumulative Impact Areas when reviewing its Statement of Licensing Policy. It has decided that, on the basis of reports of crime and disorder and of public nuisance collected over the period of the review, there is insufficient evidence to justify the extension of the Cumulative Impact Areas as part of this revised policy. The reports of violent crime in the late night period after midnight to 04:00 indicate that the extent of crime in areas adjoining the West End Cumulative Impact Area is substantially less than in the Cumulative Impact Area, and do not at this time provide sufficient justification for the extension of special policies on cumulative impact. The designation of additional areas where special policies on cumulative impact apply requires firm evidence to justify these strict policies. In the areas surrounding the West End Cumulative

Impact Area, there continue to be a small number of premises outside the Cumulative Impact areas that seem to be having a disproportionately adverse effect on the licensing objectives in terms of the crime associated with them. It is considered that this is best addressed by programmes of targeted monitoring and enforcement. The evidence from records of crime reports of rowdy and inconsiderate behaviour does not indicate that incidents are particularly concentrated in areas adjoining the West End Cumulative Impact Area.

- 2.1.4 In accordance with Revised Guidance at paragraph 13.41 the licensing authority will consider the use of alternative measures such as fixed closing times, staggered closing times and zoning within the city, providing such mechanisms are justified on the basis of the licensing objectives and are only presumptive, with final decisions continuing to be made in relation to individual premises on a case by case basis in accordance with what is appropriate to promote the licensing objectives.
- 2.1.5 Conscious of concerns from city residents, the council, at the time of the 2015 review of its Statement of Licensing Policy invited the submission of evidence where it is suggested that the cumulative impact of a significant number of licensed premises concentrated in one area is undermining any of the licensing objectives or where alternative measures may be appropriate. The council intends to assess relevant evidence and formulate further policy proposals for specific areas where appropriate to promote the licensing objectives. Such proposals will be subject to public consultation and approval before adoption as part of this Statement of Licensing Policy.
- 2.1.6 Revised Guidance in paragraph 13.33 states “The absence of a special policy does not prevent any responsible authority or other person making representations on an application for the grant or variation of a licence on the grounds that the premises will give rise to a negative cumulative impact on one or more of the licensing objectives” . There will not be a policy presumption against grant of a premises licence outside the Cumulative Impact Area on the grounds of cumulative impact. However the overall effect

of the grant of any licence or the variation of a licence will be considered in relation to evidence of cumulative impact on the licensing objectives.

- 2.1.7 When relevant representations are made, the Licensing Authority will apply the relevant parts of these policies in relation to applications for new licences, including those for provisional statements, for variations to premises licences and also to reviews and also to similar applications related to club premises certificates for qualifying clubs.
- 2.1.8 Trial periods are not appropriate in relation to policy CIP1 with regard to policies FFP2 for fast food, PB2 for pubs and bars, and MD2 on music and dancing in the Cumulative Impact Areas. This is because the impact on the Cumulative Impact Area of any one premises staying open later can rarely be measured empirically over a trial period, (which underlies the fact that cumulative impact is a consequence of the totality of premises in an area rather to any individual premises). Moreover, there are not the resources available to the responsible authorities to conduct such empirical measurement exercises. Accordingly, a trial period for individual premises in the Cumulative Impact Area will almost inevitably be a futile exercise. Any trial periods to demonstrate that grant of licences of other types do not add to cumulative impact in the Cumulative Impact Area would generally be impractical for the same reasons. The council considers that as a general principle, trial periods are not in accordance with the principles of the Licensing Act because the Licensing Authority needs to be satisfied that the grant of an application would promote the licensing objectives, and if it were so satisfied a trial period would not be necessary. It is for this reason that trial periods outside Cumulative Impact Areas are not considered appropriate.
- 2.1.9 In cases where licences have lapsed through insolvency or death, the council will generally grant a new licence on similar terms to the lapsed licence as a replacement. However the council will take into account the previous history of the premises, the length of time the premises have been closed, and any problems at the premises, and will impose conditions that reflect current good practice for the type of business proposed at the premises

2.2. Policies supporting each of the licensing objectives

Introduction/definitions

- 2.2.1 These policies are intended to help applicants by setting out criteria and considerations that they should have in mind when drawing up an Operating Schedule. The criteria, because they relate to the licensing objectives, will apply to all applications to some degree; the considerations listed may not necessarily apply, or apply equally, to all applications. These considerations have been developed with reference to the licensing objectives and in consultation with the responsible authorities. They alert applicants to the matters that responsible authorities will be likely to consider when deciding whether to make representations on an application or whether to call for a review. They also draw the attention of applicants to matters that are likely to be the subject of proposed conditions designed to promote the licensing objectives that may be attached to the grant of a licence.

Prevention of crime and disorder - Policy CD1

To prevent crime and disorder, the Licensing Authority will apply the following criteria and take into account the following considerations, where relevant, in determining applications and reviews:

Criteria

Whether the premises make or will make a significant contribution to levels of crime and disorder, and whether the Operating Schedule is based on an adequate risk assessment, undertaken by the applicant, of the likelihood of crime and disorder occurring as a result of the grant of the application.

Considerations

(i) The levels of crime and disorder in and around the venue; the proposals contained in the operating schedule; the level of compliance to conditions on existing licences; and the extent to which the Metropolitan Police' s effective management checklist (see Appendix 7) has been taken into account. This provides an illustrative but not exhaustive list of considerations, not all of which will be applicable to all premises.

(ii) Whether the layout, lighting and fittings of the premises have been designed so as to minimise conflict and opportunities for crime and disorder (see Appendix 7).

(iii) Whether the Operating Schedule includes appropriate management measures to prevent crime and disorder (see Appendix 7).

(iv) Whether the Operating Schedules for pubs and bars or for the provision of facilities for music and dancing have taken into account: the possibility of crowding the areas set aside for drinking while standing, and of the measures set out in Appendix 9. Other premises may have to have regard to these matters in exceptional circumstances.

Reasons for Policy CD1

- 2.2.2 The Licensing Authority will expect applicants to explain in their Operating Schedule how the operation of the premises will promote the prevention of crime and disorder. For pubs, bars and premises with facilities for music and dancing (e.g. night clubs), a specific assessment is needed of how the risks of violence and crime in the premises and the vicinity will be managed. This is attached as Appendix 9. Details of the issues associated with crime and disorder, public safety, and public nuisance are outlined in Appendix 12. Westminster Police' s policy statement is attached as Appendix 10.

Conditions

2.2.3 Revised Guidance (paragraphs 2.2 to 2.4) sets out matters that may be relevant to the imposition of conditions relating to crime and disorder on licensed premises. The Licensing Authority will tailor appropriate conditions for premises licences and club premises certificates. Since the matters set out in Guidance and this Statement of Licensing Policy cannot cover every possible scenario, the council will liaise with the police for advice on appropriate conditions for particular premises. Conditions attached to premises licences and club premises certificates will, as far as possible, reflect local crime prevention strategies as suggested in Revised Guidance (paragraph 2.1).

2.2.4 The Licensing Authority may impose a range of conditions on premises licences or club premises certificates, which may include model conditions collated by the licensing authority. The seeking and any imposition of these conditions and their extent will depend upon the risks of crime and disorder at the particular premises.

- Prescribed capacity of premises.
- Requirements for an appropriate ratio of tables and chairs to customers, based on capacity, and for areas to be allocated permanently for seated customers in order to prevent overcrowding, which can lead to disorder and violence.
- A requirement for Security Industry Authority registered door supervisors to control numbers of persons entering the premises and to deny entry to individuals who appear drunk, disorderly or intent on crime.
- Requirements that drinking vessels be made of toughened glass or plastic or other materials that do not form a sharp edge when broken, and that glass bottles are not passed to customers; This may be a particular concern if drinks are to be consumed

outside premises. These conditions will generally only be required when there have been a number of incidents of injuries inflicted with by broken glass and where numbers of people gather in association with major sporting and other events. The Police will encourage the adoption of shatter-proof or crumpleable drink containers at particular premises at times when there are risks of disorder or threats to public safety. If problems of disorder or threats to public safety persist and result in reviews, appropriate conditions may be imposed preventing the use of glasses and glass bottles and requiring appropriate types of shatter-proof, or crumpleable drink containers that can neither be deployed as a weapon or a missile to be used in premises at specified times. In all cases the licensing sub-committee will need to determine in the context of the individual circumstances of an application, whether it is appropriate to ban glass bottles and glasses based on the evidence presented

- Restrictions on drinking in areas within and outside the premises.
- Procedures for checking the ages of young people who appear under 21 or under 25 to ensure that alcohol is not sold to those under 18, and that those under 16 are accompanied in alcohol-led premises.
- The maintenance of good order by the management, particularly where alcohol is supplied for consumption and where large numbers of people are admitted.
- Dedicated text, pager or other remote communications between management teams, and local police stations and other licensed premises to provide early warning of disorder.
- Warning signs about crime prevention measures.

- Where appropriate, the installation and maintenance of an appropriate number of suitably sited closed circuit television cameras (CCTV) both inside and immediately outside the premises which can provide images of a suitable quality for use as evidence. These to be operational during the period of provision of licensable activities and at other appropriate times. CCTV images are an integral part of crime investigation and one of the most powerful pieces of evidence to secure a conviction. CCTV should be provided at premises to varying extents, and only as appropriate to promote the licensing objectives. Generally only minimum levels of CCTV to cover entrances, exits and the till areas, to a standard to enable facial recognition, will be required in those licensed premises where CCTV is appropriate to assist in the investigation of thefts, underage sales, non payment of bills etc. Higher levels of coverage, based on factors including the type and location of the premises, any history of crime, and the layout and proposed use of the premises, may be appropriate at individual premises or types of premises associated with high levels or serious crime. In these cases, the council would expect the police to indicate why and to what extent CCTV was being requested. Conditions may require the installation, maintenance, and operation of appropriately sited CCTV cameras and recording systems, which can provide images in all light conditions of a quality to enable facial recognition and be suitable for use as evidence, when premises are used for licensable activities. Conditions may also require that images should be retained for a calendar month and that staff should be trained and authorised to make these images readily available to the Police and other authorised officers.
- Clear policies and measures to prevent illegal drugs being brought onto the premises and measures to discourage the use of illegal drugs.

- Searching of customers and staff may be a condition on premises licences associated with serious crime and disorder or those where they are holding events organised by an outside promoter. Search arches and search wands to detect weapons and “clubscan” schemes to record the identity of all those attending premises, may be required where there is evidence of a significant risk of serious violence at an event or premises.

2.2.5 Other conditions relating to the deterrence and prevention of crime and disorder and initiatives to reduce crime will be drawn up in liaison with the police to deal with particular premises or types of premises where concerns may arise. The council recognises the value of the coordination of premises through schemes such as the Pubwatch and other similar schemes to combat problems associated with football and other sporting events and in alerting premises to trouble and it encourages membership of an appropriate scheme where this would promote the licensing objectives.

Public safety - Policy PS1

To promote public safety the Licensing Authority will apply the following criteria and take into account the following considerations, where relevant, in determining applications and reviews:

Criteria

Whether appropriate and satisfactory general and technical risk assessments, management procedures and certificates have been made available to the relevant responsible authority and to the Licensing Authority, that demonstrate that the public will be safe within and in the vicinity of the premises.

Considerations

(i) Whether the premises already have a licence or a fire certificate that specifies the maximum number of people that can attend it or be present and, if not, whether a risk assessment has been undertaken as to the maximum number of people who can be present in various parts of the premises, so that they can be operated safely and can be evacuated safely in the event of an emergency.

(ii) Whether there are procedures proposed to record and limit the number of people on the premises with opportunities for “pass outs” and readmission.

(iii) Whether patrons can arrive at and depart from the premises safely.

(iv) Whether there may be overcrowding in particular parts of the premises;

(v) Whether music and dance venues and performance venues will use equipment or special effects that may affect public safety (e.g. moving equipment, vehicles, pyrotechnics, strobe lights, smoke machines).

(vi) Whether due account has been given to the measures outlined in ‘Safer Clubbing’¹ in applications for facilities for music and dancing. The key areas identified are:

- prevention of overcrowding
- air conditioning and ventilation
- availability of drinking water

¹ Safer Clubbing’ published by the Home Office (Drugs Prevention Advisory Service and the London Drug Policy Forum) January 2002

- affordable Cloak rooms
- further measures to combat dancers and others overheating
- overall safety

(vii) Whether there are defined responsibilities and procedures for medical and other emergencies and for calling the emergency services.

(viii) The levels of compliance with conditions on existing licences relating to public safety.

Reasons for Policy PS1

2.2.6 The council in its role as Licensing Authority must try to ensure the safety of people visiting and working in licensed premises. The council will need to be satisfied that measures to promote public safety including risk assessments, setting safe capacities, adequate means of escape, and where appropriate, CCTV are put in place and maintained, if not adequately provided for by other regulatory regimes. There are a considerable number of premises without fire safety certificates or licences that specify their safe capacities. Crime, disorder and anti-social behaviour inside and in the vicinity of licensed premises may threaten public safety and affect perceptions of public safety.

Conditions

2.2.7 Revised Guidance (paragraphs 2.7 to 2.13) sets out matters which relate to conditions on public safety. These will be used to tailor appropriate conditions for premises licences and club premises certificates. Where a premises is a vessel for which a current passenger ship certificate is in force, the public safety objective can generally be considered to be met in respect of the premises itself where the operation of the vessel is in accordance with that certificate.

2.2.8 Matters that should be considered in operating schedules include the following and conditions may be attached to licences by the Licensing Authority but other conditions related to public safety may also be attached:

- Checks on equipment at specified intervals.
- Standards to be maintained e.g. temporary electrical installations to comply with British Standards.
- The number of people on the premises appropriate to the activities taking place and reliable ways of counting the number of people on the premises.
- Maintaining and making available a record of inspections, pre-opening and during performance, of fire doors, escapes, and appliances and of the number of people on the premises.
- Ensuring that floors are kept from becoming slippery from spillages or condensation.
- Measures to prevent climbing onto ledges, balconies and speakers.
- Measures to keep sound levels below levels where damage to the hearing of staff and customers is likely to occur.
- Management measures to reduce the risks of dancers and others
- overheating such as affordable cloakrooms, “chill-out rooms” , breaks from fast dance rhythms, and identifying dancers who may be in distress.
- Provision of facilities for people who are taken ill or injured to contact friends or family, to recover, or be kept safe while awaiting medical assistance.

Prevention of public nuisance - Policy PN1

To prevent public nuisance the Licensing Authority will apply the following criteria and take into account the following considerations, where relevant, in determining applications and reviews:

Criteria

The potential for nuisance associated with the style, characteristics and activities of the business to be carried on at the premises and the potential steps which could be taken to reduce the risk of nuisance occurring. This will particularly apply in areas of residential accommodation and where there is residential accommodation in the proximity of the premises.

Considerations

1. Noise and vibration

Whether Operating Schedules contain adequate measures to prevent noise and vibration, whether air borne or structure borne, generated from within the premises, outside it, or from an open site, that may cause disturbance to people in the vicinity. Regard will be had to disturbance of people whether at home, at work, staying in, or visiting the vicinity. However, stricter conditions will be imposed on premises licences in areas that have denser residential accommodation or have residential accommodation close to them. See Appendix 11.

Measures to limit noise and vibration

Applicants will be expected to have included measures in their Operating Schedules that make adequate provision to:

- (a) restrict the generation of noise within the premises and from activities associated with the premises in the vicinity, or from an open air site
- (b) limit the escape of noise from the premises or open air site
- (c) restrict noise emissions to below levels that could affect people in the vicinity going about their business, at work and when at home both while relaxing and while sleeping
- (d) minimise and control noise from customers arriving at the premises, or open air site outside it and departing from it
- (e) minimise and control noise from staff, contractors and suppliers and their activities
- (f) minimise and control noise from vehicles associated with and providing services to the premises or open air site and their customers

The measures proposed in the Operating Schedule should have regard to the objective noise criteria set out in Appendix 11.

2. Eating, drinking and smoking outside premises

- (a) Whether people standing or sitting outside premises are likely to cause obstruction or other nuisance.
- (b) Whether the premises are under or near to residential accommodation.
- (c) The hours of the sale of alcohol in open containers or food for consumption outside the premises.
- (d) Measures to make sure that customers move away from outside premises when such sales cease.
- (e) Measures to collect drinking vessels and crockery, cutlery and litter.
- (f) The extent and location of areas proposed to be set aside for the consumption of food and alcoholic drink and for smoking.

(g) Whether there is a need for door supervisors to prevent or to control customers congregating in outdoor areas to smoke, consume food or drink (whether supplied from the premises or not), between certain hours or at all times. There may in addition be particular issues of crime and disorder with regard to outside activities.

Note: Both planning permission and a street trading licence are required for seating for the use of customers on the public highway and these are generally restricted to before 23:00 in Westminster.

3. Other environmental impacts

(a) Whether Operating Schedules contain adequate measures to prevent:

- litter, smells, fumes, dust, tobacco or other smoke, or other emissions
- street fouling
- light pollution

arising from the proposed licensable activity that may cause disturbance to people in the vicinity.

(b) Whether the proposed licensable activities will be likely to cause nuisance by congesting the pavement or the roadway, and so impeding reasonable access (including the access required to provide essential services such as refuse collection and street cleaning).

(c) If the sale of alcohol in open containers or food for consumption outside the premises has been proposed, either within open areas which form part of the premises such as forecourts or gardens or outside the premises, whether or not external seating is proposed, the following considerations are relevant.

(d) Whether the proposals would lead to the need for increased refuse storage or waste collection.

(e) Whether measures would be undertaken to prevent nuisance caused by the storage, handling and collection of refuse and recyclable materials.

(f) Whether the sale of take-away food is proposed and the measures planned to prevent littering in the vicinity and to clear up any litter that occurs.

(g) Whether late night premises are likely to generate litter. Premises may need to make provision for patrols to clear up litter, taking into consideration the hours of street sweeping.

(h) Whether queuing is likely and the steps proposed to prevent queuing or, if some queuing is inevitable, to divert queues away from residential properties and entrances of neighbouring premises, and to manage the queue to prevent disturbance or obstruction.

(i) The measures proposed for the management of people leaving premises to smoke and for their readmission; including managing readmissions in relation to any queuing for admission and to measures to ensure that security procedures apply equally to admissions and readmissions.

(j) Whether other measures to prevent nuisance such as the use of CCTV or the employment of registered door supervisors are appropriate.

Reasons for Policy PN1

2.2.9 The Licensing Authority will expect applicants to set out in their Operating Schedules the steps taken, or proposed to be taken, to deal with the potential for public nuisance arising from the operation of the premises or open air site under the licence. Applicants should identify and describe through a risk assessment how these risks will be managed. Public nuisance could include low-level nuisance perhaps affecting a few people living locally as well as major disturbance affecting the whole community. It may also include, in appropriate circumstances, a reduction of the living and working amenity and environment of persons in the vicinity of licensed premises.

2.2.10 Westminster has a substantial residential population and the council as the Licensing Authority has a duty to protect it from nuisance. In certain areas, the increased concentration of entertainment uses and the longer hours of operation have adversely affected local residents. Commercial occupiers of premises also have a legitimate expectation of an environment that is attractive and helps sustain their businesses. The role of the council as Licensing Authority is to maintain an appropriate balance between the legitimate aspirations of the entertainment industry and the needs of residents and other users of the city including, businesses, workers, shoppers and visitors. It will need to satisfy itself that adequate measures to prevent public nuisance are in place and will be maintained. These principles apply also to events in open air sites.

2.2.11 Playing of music can cause nuisance both through noise breakout, transmission through the structure of the building and also by its effect on patrons, who become accustomed to high sound levels and to shouting to make themselves heard, which can lead to them being noisier when leaving premises. The later that music is played, the greater the potential for nuisance. Other major sources of noise nuisance are vehicles collecting customers; the slamming of car doors and the sounding of horns resulting from congestion and pressure for on-street parking space and the need for the servicing of premises. These noises can be particularly intrusive at night when ambient noise levels are lower. Other impacts include: noise from customers smoking, drinking, and eating in the open-air, the servicing of premises, and noise and smells from ducts and ventilation equipment. There are similar issues that apply to the operation of events at open air sites.

2.2.12 Residents are often subjected to nuisance from the noise of people on their way to and from premises, and loitering in the streets after they have left premises. This can affect residents even at some distance from the premises themselves, especially along routes to transport facilities, and to car parks and parking areas and on routes between late night premises of various types. The nuisance from noise depends on its nature and whether it is during the day, the evening or at night. Late night noise is often unsettling; particularly

shouting and screaming. Some of this is associated with aggression and assaults but most of it is "high spirits" . It is impossible to distinguish between the reasons for these noises and in any case, it is very disturbing late at night. The degree of nuisance caused by noise increases with the lateness of the hour; especially if it disturbs or prevents sleep.

2.2.13 Eating and drinking outdoors is increasingly popular, and the smoking ban inside premises has increased the number of people outside premises smoking or accompanying smokers. The noise of people socialising outdoors can cause public nuisance, even if they are not badly behaved. In addition, the blocking of footways, and more occasionally roadways, by people standing about drinking and smoking is a public nuisance whether or not it amounts to the offence of obstruction or becomes an issue of public safety. There have been a number of reviews of premises licences solely on the basis of nuisance from outside drinking. The placing of tables and chairs for people to eat or drink on any part of the public highway, or within 7 metres of it, requires both planning permission and a street trading licence in Westminster. In determining both these types of applications, regard will be paid to amenity concerns. However, the use of garden or courtyard areas or other private areas is not controlled under these regimes. In order to prevent public nuisance it will be necessary to consider the extent of eating and drinking that will take place outdoors and the measures that may be appropriate to ensure that nuisance is not created. Outdoor eating and drinking and the congregation of people at night is likely to cause nuisance and conditions are likely to be imposed to limit the hours when this takes place. It also increases the potential for criminal activity. This may require staff to control or prevent people going outdoors with food or drink, either some or all of the time. Where appropriate, conditions will be imposed to manage or, if appropriate, prevent outdoor eating and drinking. The council is aware that problems arising from people congregating to smoke and to accompany smokers are widespread. The council will continue with its risk-based approach to enforcement, using a range of escalating informal measures, prior to review. It may encourage the management of people standing outside premises to minimise the adverse effects on the licensing objectives. The council may

impose conditions that if customers leave premises to smoke, they must not take drinks with them. While there can be no ban on people leaving premises to smoke, conditions may be imposed that there is no readmission after certain hours or at any time. If problems from people congregating outside premises persist, and if there are representations from the police, other responsible authorities or other persons and these are substantiated at review, the council might restrict the hours for, or remove the sale of alcohol for consumption off the premises from a premises licence.

- 2.2.14 Some late night premises contribute significantly to the public nuisance of litter; particularly premises selling hot take-away food and drink late at night, or clubs where there is queuing or which distribute publicity flyers. Customers drop litter late at night and by congregating outside these premises they make it impossible for the streets to be properly and effectively swept. Flyposting is a public nuisance. Entertainment venues are one of the main types of business that resort to this type of advertising
- 2.2.15 In those parts of the city characterised by round-the-clock activity, the council operates a 24-hour cleansing service. However, at the busiest times and in the busiest places it is sometimes impossible to maintain streets to a high standard of cleanliness. In such locations, a "window of opportunity" is needed between about 02:30 and 05:00 when the streets are sufficiently empty to sweep them effectively and to use mechanical equipment, in order to restore a high standard of cleanliness before the start of the next working day.
- 2.2.16 For the purpose of this policy statement "touting on behalf of premises" includes behaviour which involves physically approaching and getting customers to come directly to premises either from on the streets or from other premises. This has an adverse effect on the licensing objectives; nuisance is caused by pestering the public in the street and in other premises; it has an adverse effect on crime and disorder and public safety because of the potential for disputes between touts over potential customers, and the sending of customers to venues which are unsuitable for their needs. Escorting groups of customers in party mood from one licensed premises to

another may cause nuisance and increase queuing and consequential nuisance in the vicinity of the second venue. Where such problems arise an appropriate remedy may be to restrict the hours of admission at the second, "follow-on" premises that is engaging in, or encouraging, touting. Conditions may be sought which make the use of touts a breach of the terms of the licence, irrespective of whether payment is made to touts. Model conditions will be developed on unacceptable practices, referring to those activities which compromise the licensing objectives including engaging in or encouraging touting.

Conditions

- 2.2.17 Revised Guidance (paragraphs 2.14 to 2.20) includes advice on conditions that relate to the prevention of public nuisance. Hours of opening and hours for each licensable activity must be included in Operating Schedules. Conditions will be attached on the hours when premises are permitted to be open to the public or to members and their guests for the prevention of public nuisance. Conditions could be appropriate to limit the times when certain licensable activities take place, although the premises may be open to the public at such times. For example, there may be reason to have a condition on the hour that music ceases to be played in a bar or restaurant, or when alcohol is served at a music venue, which is prior to the end of other licensable activities. Conditions may also be attached referring to the parts of premises that might be used for certain licensable activities at certain times. Stricter conditions will be expected in areas of denser residential accommodation.
- 2.2.18 Conditions will be attached to premises licences where appropriate. These may include conditions on: maximum noise levels over particular time periods, the installation of sound limiters, acoustic lobbies; provision of signs, publicity and verbal advice to patrons to leave quietly and by certain routes; controlling nuisance from light pollution; taking food or drink outside the premises; flyposting; distribution of leaflets; litter and cleaning outside of the frontage and in the vicinity of the premises. (See paragraph 3.1.7 of this document on the council's pool of model conditions).

Protecting children from harm - Policy CH1

To protect children from harm, the Licensing Authority will apply the following criteria and take in to account the following considerations, where relevant, in determining applications and reviews:

Criteria

Whether there are appropriate measures in place to protect children from harm.

Considerations

(i) Whether there are effective measures to check the age of those young people who appear under 21, or under 25, to ensure that alcohol is not sold to those under 18 and those under 16 are accompanied in alcohol led premises (see Appendix 9).

(ii) Whether the supply of alcohol for consumption on the premises is the exclusive or primary purpose of the services provided at the premises.

(iii) Whether accompanied children under 16 on the premises of which the primary purpose is supply of alcohol for consumption on the premises are taking a table meal or are being entertained by a live performance.

(iv) The hour to which accompanied children under 16 are proposed to be on the premises where the exclusive or primary purpose of the services provided at the premises is the supply of alcohol for consumption on the premises.

(v) Whether due regard is paid to industry codes of good practice on the labelling and display of alcoholic drinks²

(vi) Whether there are adequate procedures for identifying unaccompanied or lost children and ensuring that they are kept safe and adequately supervised until they can be handed over to a responsible adult.

(vii) The likelihood of children being attracted to the premises; e.g. by the nature of activities or facilities provided whether or not these are licensed.

(viii) Whether there is evidence of heavy, binge or underage drinking on the premises.

(ix) Whether the premises commonly provides entertainment or services of an adult or sexual nature (see Glossary).

(x) Whether there is a strong element of gambling on the premises (but not, for example, the presence of a small number of cash prize gaming machines).

(xi) Whether films are to be shown and the measures to restrict children from viewing age restricted films classified according to the recommendations of the British Board of Film Classification or the council itself; Revised Guidance (paragraph 13.55) refers.

² The Portman Group Code of Practice on the Naming, Packaging and Merchandising of Alcoholic Drinks and their Retail Alert Bulletins on unsuitable packaging and marketing.

(xii) If performances or activities are likely to attract children, the number of adults required for the supervision of children.

(xiii) Where play facilities are provided if an adequate risk assessment has been made and appropriate measures taken.

(xiv) The measures to be taken to ensure that those supervising or having significant contact with children have been appropriately vetted to ensure that they pose no risk to children.

(xv) Proposals for the provision or arrangement for safe transport for children.

Reasons for Policy CH1

2.2.19 Westminster is unique in the range of entertainment facilities it has to offer and in its accessibility from all over London, the South East and nationally. The “bright lights” of the West End attract young people from far and near. Young people who are some distance from their homes are particularly vulnerable, especially underage and inexperienced drinkers.

2.2.20 The Licensing Authority will expect applicants to consider the measures necessary to promote the licensing objective of protecting children from harm when on the premises and in the vicinity where it is in the power of the applicant to influence this. These measures may include staff training on how to control the entry of children and young people under 18 and the vetting of staff who will supervise them. Applicants will have to give particular regard to these measures in applications for licences involving:

(i) the sale of alcohol

(ii) children’ s performances

(iii) attractions or performances likely to attract children

2.2.21 It is an offence to sell alcohol to children. In this context, children are defined as individuals under 18. There is a further specific offence of persistently selling alcohol to children if sales to children are made on 2 or more different

occasions within period of 3 consecutive months. The provisions of the Act are that unaccompanied children under 16 should not be on “premises being used exclusively or primarily for the supply of alcohol” (e.g. “alcohol led” premises such as pubs, bars and nightclubs). In addition, it is an offence to allow unaccompanied children under 16 on premises licensed to sell alcohol for consumption on the premises after midnight but before 05:00. The provisions of the previous regime under the Licensing Act 1964 were that children under 14 should not be allowed in a bar area. This provision has been converted into “embedded” conditions attached to premises licences under the current regime.

- 2.2.22 It is recognised that it is increasingly difficult to define a “bar area” as premises trade longer and change in character over the day. Those making applications for “alcohol led” premises that seek to remove the embedded conditions on children in bars should consider in their Operating Schedules whether there will be circumstances when children under 16 should not be on the premises. Considerations could include: the hours they were on the premises and whether they were there for a specific purpose such as partaking of a meal or being entertained by live performances and whether there were any specific aspects of licensable or other activities taking place when children should be excluded, e.g. drink promotions or particular types of performances or competitions.

Conditions

- 2.2.23 Revised Guidance (paragraph 2.21) states that the protection of children from harm includes the protection of children from moral, psychological and physical harm. This includes not only protecting children from the harms associated directly with alcohol consumption but also wider harms such as exposure to strong language and sexual expletives and sexual exploitation.
- 2.2.24 In line with Revised Guidance (paragraph 2.22,) conditions may be attached relating to the access or, where appropriate, the exclusion of children to a premises licence or club premises certificate where there is:

- (i) a history of offences relating to underage drinking
- (ii) a known association with drug taking or dealing
- (iii) a strong element of gambling on the premises
- (iv) entertainment of an adult or sexual nature commonly provided
- (v) films shown with age restricted classification.

2.2.25 In line with Revised Guidance (paragraph 2.26) conditions limiting the access of children may be attached. These could include one or any combination of the following:

- (i) Requirements for adequate procedures to check ages in premises where alcohol is served.
- (ii) Limitations on the hours when children may be present
- (iii) Limitations or the exclusion of children under certain ages when particular specified activities are taking place.
- (iv) Age limitations (below 18).
- (v) Requirements for accompanying adults (including for example, a combination of requirements which provide that children under a particular age must be accompanied by an adult).
- (vi) Limitations on of parts of premises to which children may have access.
- (vii) Full exclusion of people under 18 from the premises when any licensable activities are taking place.

2.2.26 As a Licensing Authority the council will impose conditions on film exhibitions in order to protect children from inappropriate exposure to portrayals of violence or sexual activities, strong language and sexual expletives. These will include:

(i) A requirement to adhere to either the age restricted recommendations of the British Board of Film Classification or to similar classifications imposed by the council. Details of the certifications imposed by the council are available from the council's Licensing Service

(ii) A requirement for the cinema venue operator to submit to the council any film not classified by the British Board of Film Classification which it intends to exhibit 28 days before it is proposed to show it

(iii) In line with the various classifications of films by the British Board of Film Classification, the Licensing Authority will impose conditions necessary to restrict access accordingly and to require any certificates or notices of category to be displayed appropriately.

2.2.27 At premises and performances which are likely to attract a substantial number of children, the Licensing Authority may attach conditions requiring the presence of a sufficient number of adult staff on the premises to ensure the well being of the children during an emergency.

2.3. Hours

Introduction/definitions

- 2.3.1 This policy applies to all types of premises licences and club premises certificates. It should be noted that the Operating Schedules must specify both the hours in which premises are open to customers and the hours when licensable activities are taking place. Under Policy PN1 hours when servicing refuse and recycling collections may take place may also be subject to conditions.
- 2.3.2 In its Revised Guidance (paragraphs 10.13 and 13.44) the Government acknowledges that different licensing approaches may be appropriate for the promotion of the licensing objectives in different areas, and that licensing authorities are best placed to make decisions regarding licensing opening hours as part of the implementation of its licensing policy statement. It is the intention to generally grant licences or variations to licences where the hours when customers are permitted to be on the premises are within the 'core hours' as set out in Policy HRS1. This is not a policy to refuse applications for hours longer than the core hours and consideration will in all cases be given to the individual merits of an application. Where a proposal is made to operate outside these core hours each application will be considered on its merits against the criteria as set out in paragraph (ii) below. The council expects applicants to consider how people using the premises are to depart from the premises and from the area and make reference to it in their operating schedule. As part of applications for premises that intend to operate after midnight, operating schedules should include particular consideration to the limited availability of transport after London Underground services cease. In common with the rest of the city, in the Cumulative Impact Areas variations of hours within the core hours under Policy HRS1 will generally be granted.

Hours - Policy HRS1

(i) Applications for hours within the core hours set out below in this policy will generally be granted, subject to not being contrary to other policies in the Statement of Licensing Policy.

(ii) Applications for hours outside the core hours set out below in this policy will be considered on their merits, subject to other relevant policies and with particular regard to the following:

(a) The demonstration of compliance with relevant criteria in policies CD1, PS1, PN1 associated with the likelihood of the effect of the grant of a licence for later or earlier hours on crime and disorder, public safety and public nuisance.

(b) Whether there is residential accommodation in the proximity of the premises that would be likely to be adversely affected by premises being open or carrying out operations at the hours proposed.

(c) The proposed hours of the licensable activities and when customers will be permitted to remain on the premises.

(d) The proposed hours when any music, including incidental music, will be played.

(e) The hours when customers will be allowed to take food or drink outside the premises or be within open areas which form part of the premises.

(f) The existing hours of licensable activities and the past operation of the premises (if any) and hours of licensable premises in the vicinity.

(g) Whether customers and staff have adequate access to public transport when arriving at and leaving the premises, especially at night.

(h) The capacity of the premises.

(i) The type of use: recognising that premises that sell alcohol, play music for dancing, provide fast food, are more likely to be associated with crime and disorder and public nuisance than restaurants, theatres, cinemas, other performance venues or qualifying clubs.

(j) The Licensing Authority will take into account the active measures proposed for a 'winding down' period including arrangements for people to be collected from the premises to travel home safely.

(k) Conditions on hours may be attached that require that the supply of alcohol for consumption on the premises ceases a suitable period of time before customers are required to leave the premises.

(l) The council acting as the Licensing Authority may reduce hours if, after review, it is necessary to impose conditions specifying shorter hours in order to promote the licensing objectives.

(m) Specific days for non-standard hours should be identified and justified as part of the application to allow responsible authorities and interested parties to evaluate the impact that these licensable activities may have, and to plan accordingly. The consideration of applications for later hours for Bank Holiday Mondays will take into account that later hours are generally granted for preceding Sundays and that the next day is a working day. Non specific days are expected to be covered by Temporary Event Notices or variation applications.

Core hours when customers are permitted to be on the premises

(see Policy HRS1)

- For premises for the supply of alcohol for consumption on the premises:
 - Friday and Saturday: 10:00 to midnight
 - Sundays immediately prior to Bank Holidays: Midday to midnight
 - Other Sundays: Midday to 22:30
 - Monday to Thursday: 10:00 to 23:30
- For premises for the supply of alcohol for consumption off the premises:
 - Monday to Saturday: 08:00 to 23:00
 - Sundays: 10:00 to 22:30
- For premises for the provision of other licensable activities:
 - Friday and Saturday: 09:00 to midnight
 - Sundays immediately prior to Bank Holidays: 09:00 to midnight
 - Other Sundays: 09:00 to 22:30
 - Monday to Thursday: 09:00 to 23.30

Reasons for Policy HRS1

2.3.3 Westminster has the greatest concentration of licensed premises in the United Kingdom; many currently operate late into the night. There is extensive late night opening and a range of closing hours throughout the night. Appendix 13 provides details on the hours of operation of licensed premises across the city. There are over 300 licensed premises in Westminster which operate after midnight. Many of these premises retained these hours through the process of conversion of licences during the transition period and continue to provide a

variety of later operating times. Appendix 12 illustrates the pressures late at night, including the limited capacity of the transport system to serve the extent of late night activity, the extent of crime and disorder and the opportunities for crime, issues of public nuisance, and the need for a “window of opportunity” for the city to be cleaned. In the particular circumstances of Westminster with its already extensive late opening, the council welcomes the inclusion in Revised Guidance (paragraphs 10.13 and 13.44) of the Government’s acknowledgement on the primacy of the licensing authority to make decisions regarding licensed opening hours as part of the implementation of its licensing policy statement, and recognising that licensing authorities are best placed to make such decisions based on their local knowledge and in consultation with other responsible authorities.

The council does not accept that in the circumstances of Westminster the granting of generally longer hours would result in a reduction in crime and disorder and public nuisance. It is prepared generally to grant premises licences for hours that will provide for longer hours at the end of the week but that still enable people to travel home relatively easily by tube, train, bus, and taxi, while retaining opportunities for residents to have an additional respite on Sunday. It expects applicants to consider how people using the premises are to depart from the premises and from the area and make reference to it in their operating schedule. As part of applications for premises that intend to operate after midnight, operating schedules should for instance give particular consideration to the limited availability of transport in the early hours of the morning. Hours later than these core hours will be considered on their merits in relation to other policies in the Statement of Licensing Policy. The council wishes to see a less alcohol led and a more diverse range and variety of entertainment available later at night, and will allow for greater flexibility to those premises that add to a more varied offer of entertainment and cultural activity. The council wishes to encourage a wider range of people to frequent the West End, both so that they can enjoy what it has to offer and because a wider range of age groups can act to curb anti-social behaviour. In doing this

it will further the licensing objectives of prevention of crime and disorder and public nuisance.

- 2.3.4 The consideration of hours of operation will be in the context of the particular circumstances of each application and the licensing objectives of preventing crime and disorder and public nuisance. The hours at which noise may occur and disturbance of residents' rest, relaxation and sleep will be of particular concern. In general, the conditions will be framed to ensure that closing hours on nights when residents have to get up for work the next morning are earlier than when it is less likely that they will have to do so.
- 2.3.5 Activity associated with late night licensed premises may have an impact on the local environment and may cause public nuisance. The effect of noise is greater later at night when ambient noise levels are lower and residents are at home relaxing or wishing to sleep. The Licensing Authority in considering the imposition of conditions will focus on the most sensitive periods. For example, music noise from premises usually occurs from mid-evening until either late evening or early morning, when residents in adjacent properties will want to relax, or sleep. Conditions relating to noise may also prove necessary to address any disturbance anticipated from the activities of customers in the vicinity of the premises (Revised Guidance, paragraphs 2.18 and 20).
- 2.3.6 Applicants should carefully consider the hours that they will wish to operate each licensable activity and when to close their premises for the entry of customers and when to require them to leave. They should consider each licensable activity separately and carefully and reflect this in their Operating Schedules. The Licensing Authority will similarly consider hours for licensable activities and closing times and appropriate conditions. The benefits of "winding down" periods (after the last sales of alcoholic drinks, while food and non alcoholic drinks are still available, when the volume and tempo of music is reduced and the levels of lighting are increased). These are very widely recognised as helping to reduce crime and disorder and public nuisance. Applicants should consider the benefits of stopping serving alcohol before other licensable activities stop and a suitable time before the premises close and customers must leave. In noise sensitive areas operators should

consider stopping playing dance music and to switch to quieter, slower tempo music with a less pronounced beat while other licensable activities continue.

- 2.3.7 The consumption of alcohol on licensed premises is not directly regulated as a licensable activity under the Act but is clearly relevant in assessing whether the premises promote the licensing objectives. Similarly, the time to which customers are permitted to remain on licensed premises, and subsequently leave those premises, is also relevant. Notwithstanding that some licence holders, as a matter of good management, may restrict the sale and consumption of alcohol for a period of time before the end of opening hours as part of a “winding down” strategy described above, the licensing authority will, subject to other conditions and restrictions, impose conditions on a licence to restrict the time at which alcohol may be consumed on the premises and/or require that all customers leave the premises by a certain time where it considers it appropriate to do so to promote the licensing objectives.
- 2.3.8 Applicants are encouraged not to apply for later hours than they will in fact operate; particularly the seeking of 24 hour licences where there is no intention of operating on a 24 hour basis. Responsible authorities will generally be more likely to make objections the later the hour that licensable activities are proposed to take place.
- 2.3.9 Premises where regulated entertainment is provided to a seated audience (e.g. cinemas, theatres and concert venues), provide a diverse range of cultural and entertainment facilities and are attended by a wide range of age groups. They generally have little association with crime and disorder or public nuisance. Because of this, these types of premises will be given the opportunity to operate more flexibly late at night. Any relevant representations received and the availability of transport will be matters for careful consideration.
- 2.3.10 In the past qualifying clubs have had little association with crime and disorder or public nuisance. Through their membership requirements, they exert a degree of control over behaviour in and around their premises. Any relevant

representations received and the availability of transport will also be matters for careful consideration.

- 2.3.11 Transport for London (TfL) have announced that from September 2015 it proposed to operate a Tube service throughout the night on Friday and Saturday evenings, on the Jubilee and Victoria lines and most of the Central, Northern and Piccadilly lines. Underground trains are planned to operate about every 10 minutes and the proposals constitute a significant increase in night time transport provision across greater London. Night bus services are also planned to be improved and extended, both in the centre of the city and at outlying tube stations. TfL have further announced that plans are being drawn up to extend the 24 hour provision of tube services to other underground lines, parts of the London Overground network, and the Docklands Light Railway in the next few years.
- 2.3.12 There is no doubt that this improved transport provision will have a variety of impacts for people living, working and visiting the city, and impact particularly on an already buoyant night time economy. Improved access to and from the city through the night will have the potential for example, both to assist in dispersing people from the busiest areas of the West End to other parts of the city and elsewhere, and also to allow people to travel into the West End from the outskirts or outside the city at later hours throughout the night.
- 2.3.13 It is recognised that there is likely to be an increase in cultural, business, and tourism opportunities at the later hours but also that these activities may bring associated challenges for city residents and public realm service providers. The council recognises that the scale, diversity and concentration of the night time economy, particularly in the West End, is unique and brings cultural and financial benefits to the whole city. The council believes that good management of its vibrant entertainment industry, and of the street environment within which it operates, is essential to the continued success of central London, and in attracting a wide range of people who want to work, visit or live there.

- 2.3.14 Statutory licensing policies are key tools in managing the competing pressures that the successful night time economy brings. They have been developed over many years to balance the benefits and impacts that arise for businesses, residents and visitors. It is essential that these policies are reviewed in the light of the significant changes in transport provision that is proposed but equally essential that the impact on the city that these changes may bring are properly assessed and understood before revisions to policy are implemented.
- 2.3.15 In its recent formal consultation on the review of its licensing policy, the majority of responses supported the council view that only after detailed assessments of how the introduction of the new service provision will impact on the city have been completed, will the council be able to take a view on what revisions, if any, may be appropriate to its licensing policy. In particular the council needs to understand the impact that the new transport provision will have on the already busy West End, and policies relating to this area will not be relaxed solely because of the proposed changes in transport provision. It is however incumbent on the council to continue to keep all its policies under review and we will continue to do so, working with stakeholders to promote the city to its fullest extent, for the benefit of all.

Non-standard hours

- 2.3.16 In order to have conditions that are clear and enforceable the circumstances in which the non-standard hours will apply must be identifiable. This is to give an opportunity for representations to be made in relation to particular events and in order to provide predictability as to when non-standard hours will apply for the benefit of those who may be affected. The inclusion of particular national saints' days will have to be considered in relation to the overall number of events. The particular clientele of premises may be a reason to seek non-standard hours for other national days. There should be no expectation of specific non-standard hours for any particular day. Premises not benefiting from exemptions for New Year's Eve must seek it specifically or use a Temporary Event Notice.

2.4. Cumulative Impact Areas

2.4.1 The council acting as Licensing Authority is applying the special policies relating to cumulative impact as outlined in Revised Guidance (paragraphs 13.20 -13.39) to three limited areas in Westminster. These amount to less than 6% of the total area of the City of Westminster although they contain 36% of the licensed premises within the city including 64% of the night clubs, 35% of the pubs and pub restaurants and 49% of the restaurants and generate over 22% of all the evening and night time economy revenue in Westminster. These areas have been identified as Cumulative Impact Areas because the cumulative effect of the concentration of late night and drink led premises and/or night cafés has led to serious problems of disorder and/or public nuisance affecting residents, visitors and other businesses. The extent of crime and disorder and public nuisance in the Cumulative Impact areas arises from the number of people there late at night; a considerable number of them being intoxicated, especially in the West End Cumulative Impact Area. Public services, including police, health and emergency, transport, environmental services (cleansing and refuse services) are placed under chronic strain by existing levels of activity, as are civic amenities and the quality of residential life. The urban infrastructure cannot sustain any further growth in alcohol sales or in late night-time activity levels without accentuating the risk of a variety of harmful outcomes. The retention of people late at night contributes to the cumulative impact. This arises both from the lack of late night transport and the existence of facilities such as fast food outlets that encourage people to stay on after other licensed premises have closed. Evidence for this is set out in Appendices 12 and 13.

Cumulative Impact Areas

- The West End Cumulative Impact Area
- The Edgware Road Cumulative Impact Area
- The Queensway/Bayswater Cumulative Impact Area

See Appendix 15 for maps of the boundaries of these areas.

2.4.2 In the Cumulative Impact Areas, which have been identified as areas where special policies on cumulative impact apply, the Licensing Authority has policies which indicate refusal of applications for pubs and bars, fast food and drink premises and the provision of facilities for music and dancing other than applications to vary hours within the core hours under Policy HRS 1. This is a less restrictive approach than is suggested in Revised Guidance (paragraph 13.30) which suggests that licensing authorities can adopt a policy of refusing all new licences in areas where special policies on cumulative impact apply, subject to relevant representations being made. However, this effectively is a policy of fixed terminal hours for these limited types of premises; i.e. pubs, bars, music and dance venues, and fast food premises within the Cumulative Impact Areas. A policy of fixed terminal hours is consistent with Revised Guidance (paragraph 13.41). The Licensing Authority considers that it is better to grant variations within core hours to all premises in the Cumulative Impact Areas rather than have a policy to refuse all applications or to have to make exceptions in virtually every case. The Licensing Authority is generally prepared to grant reasonable limited longer hours by way of the core hours for all premises across the city. The problems in the Cumulative Impact Areas are generally later at night than the core hours. Without the provision to grant applications to vary hours within the core hours in the Cumulative Impact Areas customers in the Cumulative Impact Areas would leave the Cumulative Impact Areas around 23:00 in search of the additional hours available outside them. There are a very large number of licensed premises in the West End Cumulative Impact Area and the adverse effects on the licensing objectives consequent of this movement at 23:00 would be serious. The granting of licences for additional pubs and bars, or for uses which include bars, in the Cumulative Impact Areas will not generally be granted to the full extent of the core hours as these would generally add to cumulative impact. Policies CIP1 FFP2 and PB2 and MD2 are intended to be strict, and will only be overridden in genuinely exceptional circumstances. However, the Licensing Authority will not apply these policies inflexibly. It will always consider the individual circumstances of each application; even where an application is made for a

proposal that is apparently contrary to policy (Revised Guidance, paragraph 13.36).

- 2.4.3 It is not possible to give a full list of examples of when the council may treat an application as an exception. However, in considering whether a particular case is exceptional, the Licensing Authority will consider the reasons underlying the Cumulative Impact Area special policies on cumulative impact.
- 2.4.4 The Licensing Authority will not consider a case to be exceptional merely on the grounds that the premises have been or will be operated within the terms of the conditions on the licence, or that are or will be generally well managed because of the reputation or good character of the licence holder or operator. This is expected in the conduct of all licensed premises. Moreover, licences are for premises and can be easily transferred to others who intend to operate within the scope of the licence and its conditions. Neither will the licensing authority consider the case to be exceptional merely because the capacity of the premises, or any proposed increase in capacity is small. The high number of premises in a saturated cumulative impact area means that a small increase in capacity in each premises would lead to a significant increase overall within that area. It has been commonly argued that customers will be drawn from other premises and there will be no increase in people within the area. The experience of the council is that this is not the case. The massive increase in capacities in the past and, the continuing number of further applications and the observable night-time occupancy levels of premises serve to discredit the argument. Each incremental increase in capacity contributes in part to increasing the attraction of the area as a "honey pot" destination for night-life and to the cumulative problems created by such a high concentration of activity in the area.
- 2.4.5 The Licensing Authority's policies, in relation to the Cumulative Impact Areas, are directed at the global and cumulative effects of licences on the area as a whole. Therefore, a case is most unlikely to be considered exceptional unless it is directed at the underlying reason for having the policy. Exceptions to the Cumulative Impact Area policies to refuse certain types of applications must be for genuinely exceptional reasons.

- 2.4.6 Thus any list of circumstances where exceptions may be granted is not definitive. One example might be a proposal to transfer an existing operation from one premises to another, (i) where the size and location of the second premises is likely to cause less detrimental impact and will promote the licensing objectives, and (ii) where the existing operation would otherwise continue as before in the first premises. In order for this to be treated as a consideration justifying an exception to policy, the council will need to be satisfied that the necessary legal mechanisms are in place to ensure that the original premises licence will cease to be operable and cannot be transferred once surrendered. In considering whether there is likely to be less detrimental impact, the Licensing Authority will consider the actual operation of the premises which it is proposed should close, and it will take into account any future proposals which would affect the continued operation of those premises.
- 2.4.7 Another example would be the substitution of existing licensable activity at the premises with licensable activities which would have less impact on the area and would be more likely to further the licensing objectives. Similarly, the reduction in the capacity of a premises or a reduction in hours of operation might be a reason for an exception to policy. The police have found the reduction in capacity to be a proven method of promoting the licensing objectives in relation to the prevention of crime and disorder.
- 2.4.8 Applications for new licences to replace licences which have lapsed because of the failure to submit an interim authority notice in due time in the event of the death or insolvency of a licence holder will be considered by the licensing authority as possible exceptions. Unless there are representations that indicate there have been problems with the previous licence licences may be granted with conditions which replicate the effect of those of the previous licence and with conditions which bring the licence in line with good practice on other licences e.g. on door supervision. This will not apply to licences which have been surrendered or those which can have no practical effect because the premises to which they applied no longer exist, or will not continue to exist in their previous form, e.g. because of planned demolition or redevelopment.

- 2.4.9 The current policy recognises that well managed members clubs, which meet the qualifying criteria in the Act to operate under the authority of a club premises certificate, have little association with crime and disorder and public nuisance, because of their membership controls and the strict criteria which the premises must meet. In particular these “qualifying clubs” are often characterised by long standing membership which is valued by the member and gives a real incentive for the club to promote the licensing objectives in its neighbourhood. New members are often nominated and vetted by existing members and in all cases there is a delay of at least 2 days between the grant of membership and the use of the club by the new member. Membership is usually intended to be long term and often renewable annually, with a significant financial commitment on joining.
- 2.4.10 In contrast, many proprietary clubs may allow members to join on-line with little or no prior contact with the member. Joining fees may be nominal and membership short term. Access to the club may be extended to guests of the management or other categories of person to allow immediate access. Individuals attending premises operating private functions, which could include corporate or personal events, are not necessarily known to the management of the premises, although will be known to the event organiser. Access may also be permitted to guests of invitees or guests of the management. Moreover, persons leaving proprietary clubs and premises operating private functions will sometimes cause public nuisance or be involved in crime, either as perpetrators or victims.
- 2.4.11 The council is therefore of the view that there is a clear distinction in the character and operation between “qualifying clubs” and proprietary clubs and premises which promote private functions, and considers that proprietary clubs and premises which promote private functions are very likely to contribute to cumulative impact in the cumulative impact area and will often not offer sufficient control over their members to promote the licensing objectives.
- 2.4.12 The council therefore considers that in the cumulative impact areas premises which restrict access to general members of the public, such as proprietary

clubs and premises used for private functions, will not be considered to be exceptions to cumulative impact area policies for that reason alone.

- 2.4.13 Proximity to residential accommodation is a general consideration with regard to the prevention of public nuisance. However the absence of residential accommodation in the vicinity of premises in an area of cumulative impact is not a reason for exception. The nature of cumulative impact is that it is cumulative and affects not only the immediate vicinity of the premises, but a wider area; thus the number of people visiting the premises, the nature of licensable activities and the lateness of operations have an impact on an area as a whole, irrespective of whether or not there is residential accommodation in proximity to the premises.
- 2.4.14 Revised Guidance Paragraph 13.38 specifically recognises that applications to vary capacities are directly relevant to special policies of cumulative impact. This accords with the council's view and practice in considering applications to vary premises licences in the Cumulative Impact areas. Revised Guidance paragraph 13.34 continues to recognise that different types of premises have different impacts and it contrasts a large night club or a high capacity public house with a small restaurant or theatre. This continues to give support for policies directed at different types of premises and licensable activities in the Cumulative Impact Areas and treating restaurants differently from pubs and premises with music and dancing.
- 2.4.15 Revised Guidance paragraph 10.24 recognises that capacity conditions can be attached for the promotion of the prevention of crime and disorder and refer to appropriate ratios of tables and chairs based on the capacity and door supervision to control numbers on entry and exclude drunk or disorderly individuals. The council further consider that prescribed capacity and the provision of minimum levels of seating and tables can also promote the licensing objective of the prevention of public nuisance. Customers who have been seated in premises which are not crowded will behave differently; they are less likely to have been talking at high volume and will leave the premises more quietly than the greater number of customers in equivalently sized premises without capacity limits with more vertical drinking.

- 2.4.16 The introduction of measures to reduce the extent of or remove opportunities for vertical drinking can address the underlying reasons for the special policies for cumulative impact. This can be by introducing fixed seating and conditions to provide a minimum number of seats at all times and limiting sales to be by waiter or waitress service only.
- 2.4.17 The council receives applications for a range of premises wishing to sell alcohol which are neither pubs and bars, or restaurants, as defined in the policy. These premises may be cafes, with a significant food offer but without a requirement that alcohol is ancillary to food, delicatessens, with an existing retail and off licence provision, or premises with other retail or service uses which may not involve the provision of food at all. In some cases the proposal will be for a small bar area within the premises but operated separately from other activities within it. In other cases the sale of alcohol will be throughout the premises and integral to other activities.
- 2.4.18 Policy CIP1(ii) states that these premises are subject to other policies, and must demonstrate that they will not add to cumulative impact in the cumulative impact area. Hours policy HRS1(ii) states that applications for hours within the "core hours" set out in the policy will generally be granted, subject to not being contrary to other policies in the Statement of Licensing Policy.
- 2.4.19 Where premises are proposing the sale of alcohol for consumption on the premises there is always a potential that this will lead to an increased number of people consuming alcohol and for a longer period and which will add to existing cumulative impact.
- 2.4.20 The council however recognises that this will not always be the case. The availability of alcohol at lunchtime or in the early evening in premises where alcohol is ancillary to other uses of the premises and not associated with sustained or high alcohol consumption to later hours may not be likely to add to cumulative impact in the cumulative impact area.

- 2.4.21 The council therefore considers that where applications for licenses to sell alcohol for consumption on the premises are made and (i) are appropriately conditioned so that the consumption of alcohol is not, and cannot become, a significant part of the operation of the premises and is regulated to promote responsible drinking; (ii) where the character of the premises is such that its customers are not likely to be involved in sustained or heavy drinking at later hours; and (iii) when the sale of alcohol is not permitted beyond 20.00 hours; then permitting the sale of alcohol for consumption on the premises is unlikely to add to cumulative impact in the cumulative impact area.
- 2.4.22 Examples of appropriate conditions to ensure that alcohol consumption is appropriately regulated may include conditions that (i) only permit the sale of alcohol ancillary to the provision of food, or ancillary to other activities at the premises, or to the operation of the premises as a whole, (ii) require service of alcohol to be only by waiter or waitress to seated persons, and without the provision of a physical bar or facility for self service, (iii) require the licensed area to remain under the management of the premises licence holder with the licence being limited to their personal use (iv) require the consumption of alcohol to be restricted to an area which is an integral part of the premises with access to that area only through the premises and with no direct access to the street.
- 2.4.23 The extension of hours beyond the core hours is of concern as there are greater problems of late night transport and disturbance. Late at night there is less masking background noise and disturbance is greater if people are trying to sleep or are woken up. Hours later than the operation of London Underground services add to the pressure on the limited facilities for transport late at night; a large number of nightclubs that close at 03:00, and police and emergency services resources become tied up as the night progresses in dealing with problems from earlier in the night.
- 2.4.24 The council will consider whether offers to set capacities (maximum numbers of people permitted to be on the premises) for the first time in premises which have not previously had set capacities (generally pubs and bars and restaurants) and whether offers to reduce capacities, actually do effectively

address the underlying reasons for a policy on cumulative impact. There would have to be substantial reductions in relation to the capacity at which premises had actually been operating. Any proposals for later hours which offer reducing the capacity will have to be shown to lead to a reduction in cumulative impact and represent genuine reductions in the actual number of people using the premises at its peak times and late at night and not on days or at times when the premises are less busy. The later the hours sought, the more significant the reduction in capacity would have to be.

Special policy on cumulative impact in Cumulative Impact Areas - Policy CIP1

(i) It is the Licensing Authority' s policy to refuse applications in the Cumulative Impact Areas for: pubs and bars, fast food premises, and premises offering facilities for music and dancing; other than applications to vary hours within the Core Hours under Policy HRS1.

(ii) Applications for other licensable activities in the Cumulative Impact Areas will be subject to other policies, and must demonstrate that they will not add to cumulative impact in the Cumulative Impact Areas.

Reasons for the Cumulative Impact Area Policy CIP1

- 2.4.25 The reasons for the Cumulative Impact Area policies and how the boundaries of the areas were identified are found in Appendix 14. Evidence of the effect of the cumulative impact of licensed premises of various types is found in Appendix 12. The Licensing Authority' s view is that cumulative impact in the

Cumulative Impact Areas arises mainly from the numbers of pubs and bars, music and dance premises and fast food premises. The Licensing Authority wishes to encourage the provision of a range of entertainment where this is suitable and to reduce the extent of dominance of pubs, bars and night clubs in the West End Cumulative Impact Area and of fast food premises in all the Cumulative Impact Areas.

2.4.26 It should be noted that the council employs a range of mechanisms to prevent or limit cumulative impact relating to the problems arising from premises, and their customers behaving badly or unlawfully once away from the premises. See Revised Guidance (paragraph 13.40). The measures currently available to the council are given as examples such as:

- Planning policies
- Westminster Wardens
- Neighbourhood crime reduction service
- Extensive CCTV coverage in the West End;
- Additional portable urinals, and 24-hour street cleansing;
- Orders to give the police powers to stop street drinking and seize alcohol and receptacles
- Use of Dispersal Orders
- Joint operations on illegal minicabs

2.4.27 The police have re-deployed their resources to allocate more officers to the night shifts and are key partners in the CCTV initiatives, in preventing street drinking and confiscating alcohol. They are also involved in joint initiatives with the council in operations on illegal minicabs and in close day to day collaboration through neighbourhood crime reduction teams and with Westminster Wardens.

Reviews in Cumulative Impact Areas

Reviews in areas of special policies relating to cumulative impact - Cumulative Impact Areas - Policy CIP2

In deciding what steps, if any, are necessary to promote the licensing objectives in the determination of a review of a premises licence in a Cumulative Impact Area, that the premises are in an area where special policies of cumulative impact apply and the need to reduce the cumulative impact of licensed premises within the Cumulative Impact Area, will be taken into account.

Reasons for the Cumulative Impact Area Policy CIP2

- 2.4.28 Existing premises licences that have a negative impact on the licensing objectives contribute to cumulative impact and this may be reduced if appropriate steps are taken on reviews of individual licences that are creating particular problems.
- 2.4.29 The Government's Revised Guidance on reviews (Paragraph 11.7) includes a statement that:

"Following the grant or variation of a licence or certificate, a complaint regarding a general (crime and disorder) situation in a town centre, should generally not be regarded as a relevant representation unless it can be positively tied or linked by a causal connection to a particular premises, which would allow for a proper review of its licence or certificate" .

The Government's Revised Guidance 13.37 states:

"Special policies should never be used as a ground for revoking an existing licence or certificate when representations are received about problems with those premises. Where the licensing authority has concerns about the effect of activities at existing premises between midnight and 6am on the promotion of the licensing objectives in a particular area, it may introduce an Early Morning Alcohol Restriction Order (EMRO) if there is sufficient evidence to do so. The "cumulative impact" on the promotion of the licensing objectives of a concentration of multiple licensed premises should only give rise to a relevant representation when an application for the grant or variation of a licence or certificate is being considered. A review must relate specifically to individual premises, and by its nature, "cumulative impact" relates to the effect of a concentration of many premises. Identifying individual premises in the context of a review would inevitably be arbitrary."

- 2.4.30 Taking Revised Guidance into account, and also the continued existence of some serious problems of nuisance in the Cumulative Impact Areas, the Licensing Authority may, in determining reviews of individual premises licences in a Cumulative Impact Area, take into account the fact that the premises are in an area of special policies on cumulative impact, when considering what steps are appropriate to take to promote the licensing objectives. The fact that premises are in an area where special policies on cumulative impact apply cannot of itself be the grounds for revoking a licence on review. However, in deciding what steps it should take to promote the licensing objectives, the Licensing Authority will take into account the effect the premises licence and its operation have on the licensing objectives, within the context of the underlying reasons for the designation of the area as one where special policies on cumulative impact apply.

2.5. Premises Licences – policies by types of use **Restaurants**

Introduction/definitions

- 2.5.1 Policies RNT1 and RNT2 only apply to those premises that are proposed to be used as a restaurant as defined in this section of the policy, and not to fast food premises. The policy distinguishes between restaurants, where dining is the main evening activity for its customers, and fast food premises which at certain hours are likely to attract and provide food for people at the end of an evenings' drinking.
- 2.5.2 Fast food premises provide late night refreshment either by way of take-away food for immediate consumption, or fast food on a counter or self-seating basis. These types of premises are in general more likely than restaurants (as defined in this section) to lead to people remaining on the streets of the Cumulative Impact Areas or returning rapidly to those streets. If no fast food premises were available people would be more inclined to disperse, and in retaining people until a later hour these fast food premises undermine the objective of timely dispersal. Late at night, it is likely that they would be attractive to persons who have been drinking elsewhere. The licensing authority considers that seeking to minimize the number of people on the street late at night, through rapid dispersal, especially those who have been drinking, is fundamental to promoting the licensing objectives of the prevention of crime and disorder, public nuisance, and public safety. The council comes to this view notwithstanding the benefits which may be offered by well run fast food premises in terms of security, staff, CCTV, toilets, and the provision of a safe environment in which to wait until transport is available. These aspects have been considered by the council but are outweighed by the need for more rapid dispersal from the area in order to promote the licensing objectives.

- 2.5.3 For the purposes of this policy a restaurant is therefore defined as premises (i) in which customers are shown to their table, (ii) which provide food in the form of substantial table meals that are prepared on the premises and are served and consumed at the table using non disposable crockery, (iii) which do not provide any take away service of food or drink for immediate consumption, and (iv) where intoxicating liquor shall not be sold, supplied, or consumed on the premises otherwise than to persons who are bona fide taking substantial table meals and provided always that the consumption of intoxicating liquor by such persons is ancillary to taking such meals. The sale and consumption of alcohol prior to such meals may be in a bar area but must also be ancillary to the taking of such meal. Where an application is to be considered under the policies which apply to restaurants, following relevant representations, conditions restricting the premises in accordance with this definition may be attached. These might include: requiring alcohol to be served only by waiter/ waitress service, customers to be only served while seated, and the sale of alcohol only to persons taking a substantial table meal for consumption ancillary to that meal. The council may attach conditions limiting the hours and/or capacity of premises for the sale of alcohol in ancillary restaurant bar areas prior to meals. The council is particularly concerned that restaurant premises in the cumulative impact areas do not, even in part, come to operate as bars and particularly not as “vertical drinking” premises where customers consume alcohol standing throughout the evening. Submission has been made that not every individual in a group may wish to eat, but should not be prevented from accompanying diners and having a drink. The council, however, is not minded to relax conditions for restaurants where alcohol may only be consumed by persons as an ancillary to their substantial table meal. However, it will prioritise its enforcement efforts at preventing a change of character of the premises towards bar use.
- 2.5.4 When making an application for a premises licence the extent of the premises is defined by the applicant. The premises may consist of a building or part of it, a private outdoor space associated with the building, or an area of public highway adjacent to the building.

- 2.5.5 A restaurant for example may seek to use tables and chairs on an area of the adjoining pavement in a similar way to the way it uses rooms inside its restaurant building. To enable licensable activities to be provided both inside the building and on the pavement area the applicant may define the premises as including both the restaurant building and the area of the pavement it intends to use.
- 2.5.6 Whilst the premises licence may authorise the provision of licensable activities it cannot authorise the use of an area of highway for that activity. Permission for the use of the highway is considered separately, and in this example, a tables and chairs licence must also be obtained before the restaurant can operate any activity on the pavement. The tables and chairs licence will define the extent of the area, and the numbers of tables and chairs which may be used on the pavement.
- 2.5.7 The council is concerned that granting a premises licence which includes an area of public highway within a premises is confusing and may mislead by wrongly implying that permission for the use of the highway is being given. That is not to say that permission for the provision of licensable activities on the highway may not be granted where an appropriate tables and chairs licence is or will be in force and the licensing objectives would be promoted, but the council would prefer to permit such licensable activity to be conditioned as an exceptional "off sale" to an area appropriately authorised by a tables and chairs licence. An appropriate condition might state; The consumption of alcohol sold for immediate consumption off the premises shall be limited to any area of the highway immediately adjacent to the premises in respect of which the licence holder is in possession of a separate and current authorisation to place and use tables and chairs in that area.
- 2.5.8 The council's intention therefore is that a premises licence should not generally include any area of public highway intended for use for tables and chairs, notwithstanding that where appropriate licensable activities will be permitted on the highway where the use of tables and chairs is appropriately authorised.

- 2.5.9 New applications or variations for premises licences seeking permission to sell alcohol for consumption on the premises other than in respect of restaurant premises will be considered under other relevant policies in this statement. The operation of premises with a new premises licence granted as a restaurant solely under restaurant policies RNT1 or RNT2 may not include independent use of the bar or entertainment. Bar use and entertainment would have to be specifically sought and considered under policies appropriate to these activities. Policies include PB1 and PB2 on pubs and bars outside and within Cumulative Impact areas, and Policies MD1 and MD2 on music and dancing outside and within Cumulative Impact Areas and other relevant policies. The provision of incidental music “background music” does not require a licence. Applicants should bear in mind paragraph 15.59 of Revised Guidance and “whether, against a background of the other activities already taking place, the addition of music will create the potential to undermine the promotion of one or more of the four licensing objectives of the 2003 Act” .
- 2.5.10 Should a restaurant apply for permission to supply late night refreshment, that is the supply of hot food or hot drink at any time between the hours of 23.00 and 05.00, then, in the event of relevant representations being received, the licensing sub-committee will have regard, amongst other matters, to the desirability of encouraging the rapid dispersal of people from the Cumulative Impact areas, and the times of closing of other premises in the vicinity.
- 2.5.11 The Cumulative Impact Area boundaries are shown on the maps at Appendix 15.

Restaurants outside the Cumulative Impact Areas

- Policy RNT1

Applications will generally be granted and reviews determined, subject to the relevant criteria in Policies CD1, PS1, PN1 and CH1.

Restaurants within the Cumulative Impact Areas

- Policy RNT2

Applications will be granted subject to other policies in this Statement and subject to the relevant criteria in Policies CD1, PS1, PN1 and CH1, provided it can be demonstrated that they will not add to cumulative impact in the Cumulative Impact Areas.

Reasons for Policies RNT1 & RNT2

2.5.12 The wide variety of restaurants is a feature of Westminster and contributes to its status as a world class city. Restaurants of various types attract people over a wide range of ages. Restaurants where there is no music and dancing, where customers are seated and served at tables, may appeal particularly to families or older customers. It is recognised that restaurants, as defined in this section, have little association with crime and disorder.

- 2.5.13 A study of crime reports in licensed premises in Westminster from April 2009 to March 2010, indicated on average that for every 10 restaurants there were just 3 violent incidents in the year. This compares to 8 incidents for every 10 pubs/pub restaurants and 37 for every 10 nightclubs during the year. (see Appendix 12).
- 2.5.14 It is necessary to recognise that activities in restaurants continue after licensable activities have ended for longer than in many other types of premises. This includes customers finishing their meals and paying the bill, and the clearing up in the kitchen and the public parts of the restaurant. There may also be handling and removal of waste and recyclable materials but this can also be done the next day. These activities can give rise to public nuisance. Restaurants with converted "supper hours certificates" can serve alcohol to midnight and to 23:30 on Sundays where ancillary to table meals. New restaurant premises will generally be granted the core hours (for premises that serve alcohol for consumption on the premises) in line with Policy HRS1. These are times when customers are permitted to be on the premises. The granting of later hours for restaurants would depend on the extent to which the service of customers, closing up operations and customers leaving premises would be likely to give rise to public nuisance and crime and disorder. This would take into account the extent of activities, the operation of plant and equipment and the proximity of residential property. If there are representations made, conditions may be imposed that the sale of alcohol in restaurants later than core hours must be as part of the continuing service and consumption of a table meal at the same table. i.e. no retiring to the bar This is in order to ensure that restaurants continue to function as restaurants and not as late-night bars. When considering applications for the sale of alcohol after 01:00 where representations are made on the grounds of prevention of crime and disorder or public nuisance, the council will take into account the increased likelihood of crime and disorder and the greater disturbance from activities late at night.
- 2.5.15 For this reason, the Licensing Authority will generally grant premises licences and variations for restaurants outside the Cumulative Impact Areas subject to

criteria related to the licensing objectives. A stricter approach to restaurants in the Cumulative Impact Areas has been adopted due to the current cumulative impact issues discussed in Appendices 12 and 14.

2.5.16 It is recognised that late night refreshment premises play an important role by providing food and drink for visitors and workers and for some residents late at night. However because of the late hours that they operate, public nuisance can arise from these premises that affects residents and businesses. This is particularly from premises selling hot food or hot drink for consumption off the premises. Therefore, the Licensing Authority will give separate consideration to those late night refreshment premises offering the sale of hot food or drink for consumption off the premises. Where it is proposed to sell hot food and hot drink to standing customers or at fast food premises or for consumption off the premises (take-away), the application will be considered under policies FFP1 and FFP2.

Fast Food Premises

Introduction/definitions

2.5.17 These policies apply to fast food premises, which are defined for the purposes of this policy as premises that provide late night refreshment either by way of take away for immediate consumption, or fast food on a counter or self seating basis. Late night refreshment premises are defined in the Glossary. The Cumulative Impact Area boundaries are shown on the maps at Appendix 15.

Premises supplying fast food outside the Cumulative Impact Areas - Policy FFP1

Applications will only be granted if it can be demonstrated that the proposal meets relevant criteria in Policies CD1, PS1, PN1 and CH1.

Premises supplying fast food inside the Cumulative Impact Areas - Policy FFP2

It is the Licensing Authority' s policy to refuse applications in the Cumulative Impact Areas, other than applications to vary hours within the Core Hours under Policy HRS1.

Reasons for Policies FFP1 & FFP2

2.5.18 Fast food premises which are open after 23.00 can attract large groups of customers, many of whom have been consuming alcohol in pubs, bars, or night clubs sometimes some distance away. The congregation of people

around these premises leads to additional noise and disturbance and further congestion in the area. Although premises which serve cold food and drink are not subject to licensing and may stay open all night, they are not so attractive to people who have been drinking as those providing hot food and drink. The council considers that the addition of hot fast food and hot drink adds to the attractiveness of premises to people who have been drinking and who are more likely to be involved in anti-social behaviour.

2.5.19 The Metropolitan Police have raised concerns about the levels of crime and disorder that happen outside fast food premises late at night due to alcohol fuelled behaviour, and the opportunities for crime afforded by the congregation of people. Studies of 11 major fast food premises in Westminster show that they have a comparatively high association with reports of crimes of violence against the person. The consumption of food outside premises can result in food waste and litter on pavements, to an extent that amounts to a public nuisance. Crowding the pavement and the dropping of litter late at night can make effective street cleaning impossible at that time.

2.5.20 These issues are of particular concern in the Cumulative Impact Areas where there are high concentrations of fast food premises in addition to other licensed premises. On this basis and because the attraction and retention of people by the premises mitigates against their rapid dispersal from the cumulative impact areas, the Licensing Authority considers that the grant of variations or new licences for fast food premises in the Cumulative Impact Areas should be limited to exceptional circumstances. See paragraphs 2.4.3 to 2.4.13 on exceptional circumstances.

Public houses and bars

Introduction/definitions

- 2.5.21 These policies apply to premises being used exclusively or primarily for the supply of alcohol for consumption on those premises. It excludes music and dance premises and other premises as defined in separate policies. The Cumulative Impact Area boundaries are shown on these maps at Appendix 15.

Public houses and bars outside the Cumulative Impact Areas - Policy PB1

Applications will only be granted if it can be demonstrated that the proposal meets the relevant criteria in Policies CD1, PS1, PN1 and CH1.

Public Houses and Bars in the Cumulative Impact Areas - Policy PB2

It is the Licensing Authority' s policy to refuse applications in the Cumulative Impact Areas other than applications to vary hours within the Core Hours under Policy HRS1.

Reasons for Policies PB1 & PB2

- 2.5.22 The wide variety of pubs and bars are part of Westminster' s appeal and its character and they provide for residents and for people working in and visiting the city. They also provide venues for live music which, aside from its cultural benefits and its enjoyment by customers, often has a positive effect on

licensing objectives. However, premises that primarily serve alcohol, with or without the provision of any ancillary playing of music, can give rise to public nuisance for residents and other businesses, particularly where there is a concentration of such premises. This is principally due to noise from the premises and from patrons when they leave. Pubs and bars present opportunities for crime and they can also give rise to disorder.

2.5.23 This is of particular concern in Cumulative Impact Areas where there had been a growth in the number of premises that primarily serve alcohol, resulting in or adding to cumulative impact. On this basis, the Licensing Authority considers that the grant of variations or new licences for pubs and bars in the Cumulative Impact Areas should be limited to exceptional circumstances. See paragraphs 2.4.2-2.4.13 on exceptional circumstances. The provision of a bar within a workplace solely for the use of those working there, and their invited guests, will generally be regarded as an exception to the policy not to grant new bars in the Cumulative Impact Areas. Regard will be had to other policies in this Statement and the hours of operation of the workplace, the hours and extent of the use of the bar and the effect on cumulative impact in the Cumulative Impact Areas. The off sale of alcohol and drinking outside the premises would also be of concern.

Off sales of alcohol

Introduction/definition

2.5.24 This policy applies to premises where the sale of alcohol is exclusively for consumption off the premises, i.e. shops, stores and supermarkets etc.

Off sales of alcohol outside the Cumulative Impact Areas - Policy OS1

Applications will generally be granted and reviews determined subject to the relevant criteria in Policies CD1, PS1, PN1 CH1 and HRS1 and other policies in this Statement

Off sales of alcohol within the Cumulative Impact Areas - Policy OS2

Applications will be granted subject to the relevant criteria in Policies CD1, PS1, PN1 CH1 and HRS1 and other policies in this Statement, provided it is demonstrated that they will not add to cumulative impact in the Cumulative Impact Areas.

Reasons for Policies OS1 & OS2

2.5.25 Paragraph 10.15 of Revised Guidance recommends that shops, stores and supermarkets selling alcohol should generally be permitted to match the hours during which they may sell alcohol with their normal trading hours,

unless there are good reasons, based on the licensing objectives, for restricting those hours. This is in the context of paragraph 10.13 of Revised Guidance which states that licensing authorities are best placed to make decisions about appropriate opening hours in their areas based on local knowledge and in consultation with responsible authorities.

2.5.26 There are problems of street drinking found across the city. While there are some areas with recurring problems of street drinking 'schools', they also crop up in different areas at different times and seasons. Shops selling alcohol can be a focus of antisocial behaviour, disorder and disturbance. These include the day-long consumption of alcohol on the street and in open spaces by groups of drinkers who cause various types of public nuisance and engage in antisocial behaviour. In the Victoria area, for example, new licences for the off sale of alcohol will be considered in the light of the problems of street drinking in that area and may be restricted in their numbers and have conditions imposed on their management and supervision. The sale of alcohol to underage young people which apart from being a criminal offence, gives rise to disorder, public nuisance and concerns over public safety and harm to children. The sale of alcohol to people who consume it on the way to other premises gives rise to problems of drunkenness and disorderly behaviour. The proliferation of premises for the sale of alcohol off the premises is of concern if it leads to consumption of alcohol on the streets or being carried into premises licensed to sell alcohol on the premises. In light of the evidence it has considered, the council is concerned that alcohol loading from off licence sales is a significant problem in the West End and adversely affects the licensing objectives. Whilst it is likely that off licence sales after core hours are likely to add to cumulative impact in the cumulative impact areas it is not however, satisfied that a general presumption against new off licences, or restricting their hours below core hours, is an effective means of promoting the licensing objectives. Core hours are those set out in the policy HRS1 which will generally be granted, subject to not being contrary to other policies in the licensing statement. For off-licences these hours are 08:00 to 23:00 on Monday to Saturday, and 10:00 to 22:30 on Sundays. However, if there is evidence of alcohol loading from a specific off licence premises which is undermining the

licensing objectives, after review, the licence may be revoked, or measures may be imposed which would restrict the hours that the premises can sell alcohol, e.g. so that it shall not be sold after 20:00.

- 2.5.27 Some shops and supermarkets selling alcohol in Westminster's commercial and residential areas have been a focus for anti-social behaviour, disorder and disturbance. This has been caused by street drinkers and underage drinkers who have tried to obtain or have obtained alcohol from such premises. Due to these concerns over crime, disorder and disturbance, the Licensing Authority will not, as a general rule, grant applications for the 24-hour sale of alcohol for consumption off the premises. It will consider seriously any representation made by the police, other responsible authorities, and relevant representations from other persons and will take into account Policy HRS1 in determining applications.
- 2.5.28 The council has introduced a controlled drinking zone across the whole city, by making orders to give police powers to stop street drinking and seize alcohol and receptacles under the powers of the Criminal Justice and Police Act 2001. Originally it introduced such a zone in the south of the city centred on Victoria. It extended this zone northwards in April 2004, acknowledging that the problems were widespread and that the awareness of the boundary of the zone gave rise to drinkers congregating just outside it. Short term Dispersal Zones have also been used in various parts of the city to break up street drinking "schools" and disrupt patterns of street drinking.
- 2.5.29 Where the police or others make representations against the grant of a further licence for off sales, because of their serious concerns over problems of street drinking or late night disorder associated with the off sale of alcohol in the area, the council will give specific consideration to restricting the number, type, and the hours of premises selling alcohol exclusively for consumption off the premises. This is to hinder both underage drinkers, and problematic street drinkers masking their consumption by purchasing from a series of premises and using a number of premises to try to buy alcohol if they are refused in one. The council will want to be assured that the Operating Schedule of premises, and their overall management and training and levels of staffing, are

appropriate to ensure that the licensing objectives are promoted in what may be challenging circumstances. The earliest hours of opening will be of concern. This is because problematic street drinkers, and other people who are seriously addicted to alcohol, may be drawn to shops that sell alcohol earlier in the morning than other premises and create public nuisance. Where there are representations on problems of late night disorder (these are generally the Cumulative Impact Areas) the hours when alcohol may be sold for consumption off the premises may be conditioned to be less than the generally granted core hours.

2.5.30 When requested by the police, the Licensing Authority may impose conditions that there should be no sale of alcoholic beverages over a specified limit of alcohol by volume or of specified quantities (e.g. of beers, lagers and ciders over 5.5% alcoholic content by volume). Other conditions may be imposed directed at reducing problematic street drinking. There will be concerns over irresponsible drink promotions that do not follow best practice, that would appeal to underage drinkers or street drinkers or encourage excessive consumption.

2.5.31 The Licensing Authority will impose, where appropriate to promote the licensing objectives, conditions on the checking of the age of those who appear under 21 or 25 to ensure that alcohol is not sold to those under 18, Licence holders of smaller outlets need to have sufficient day to day control of operations. They can be held responsible for breaches of the licence and ensuring there is adequate staffing and training. The council will continue to use young people for test purchasing of alcohol and CCTV, which has proved its usefulness in prosecutions for unlawful sales of alcohol. The likely consequences of review of licences for underage sales include the imposition of additional conditions such as the attendance of a personal licence holder and, where appropriate, revocation.

2.5.32 In appropriate cases, the hours of selling alcohol for consumption off the premises may be conditioned, to cease the supply of alcohol before the hours of premises in the vicinity supplying alcohol for consumption on the premises.

This is to discourage the consumption of alcohol on the streets after premises in the vicinity selling alcohol for consumption on the premises have closed.

Theatres, cinemas, other performance venues, and qualifying clubs

Introduction/definition

2.5.33 These policies apply to a wide range of premises including:

- theatres, cinemas, concert halls and other performance venues providing regulated entertainment
- qualifying clubs requiring club premises certificates (see Glossary)
- outdoor events involving licensable activities other than providing facilities for music and dancing.

Bars are a normal feature of performances venues but they should be ancillary to the overall use of the premises as a performance venue. The hours of the operation of the bar will usually be those related to the times the premises are open for performances and should not extend later than the hours of performances. Any more general use of these bars in Cumulative Impact Areas will only be granted as an exception to policy which will have to be argued for on grounds that it will not add to cumulative impact in the Cumulative Impact areas and will promote the licensing objectives and the overall aims of the Statement of Licensing Policy of promoting a variety of non alcohol led activities

2.5.34 These policies also apply to any premises requiring a premises licence other than:

- those premises defined as a restaurant or a late night refreshment premises (see policies RNT1 and RNT2)
- those premises defined as fast food premises (see policies FFP1 and FFP2)

- those premises primarily for the sale and consumption of alcohol on the premises(see policies PB1and PB2)
- venues where facilities are included for enabling persons to take part in entertainment (see policies MD1 and MD2)
- casinos and hotels where specific policies apply (see policies HOT1 and CAS1)
- premises selling alcohol for consumption off the premises (see policies OS1 and OS2)
- outdoor areas such as parks and squares where regulated entertainment, particularly if facilities for music and dancing, are provided

2.5.35 The detailed Cumulative Impact Area boundaries are shown on the maps at Appendix 15.

Theatres, cinemas, other performance venues, and qualifying clubs outside the Cumulative Impact Areas - Policy PVC1

Applications will generally be granted and reviews determined, subject to the relevant criteria in Policies CD1, PS1, PN1 and CH1.

Theatres, cinemas, other performance venues, and qualifying clubs in the Cumulative Impact Areas Policy - PVC2

Applications will be granted subject to other policies in this Statement, provided it is demonstrated that they will not add to cumulative impact in the Cumulative Impact Areas.

Reasons for Policies PVC1 & PVC2

- 2.5.36 The council welcomes the vital contribution that theatres, cinemas, concert halls and other performance venues make in providing the diverse cultural and entertainment that attracts people of all ages into Westminster, and maintains its status as a world class city. The council as the Licensing Authority accepts that these types of uses are unlikely to be linked with crime and disorder, and generally have less impact on residents than other licensable activities. The substitution of these types of uses in the Cumulative Impact Areas in place of pubs, bars and alcohol led music and dance venues will be likely to promote the licensing objectives.
- 2.5.37 Westminster contains a number of well-known traditional clubs and other clubs that will be Qualifying Clubs (see Glossary). Through their membership controls, qualifying clubs have little association with crime and disorder and public nuisance.
- 2.5.38 Performance venues will be subject to conditions on public safety related to the staging of special effects, and the exhibition of film is subject to mandatory conditions on the admittance of children.
- 2.5.39 Outdoor spaces where licensable activities take place are defined as “premises” under the Licensing Act 2003. The Royal Parks Agency and its

predecessors have for many years hosted and facilitated a wide range of nationally significant musical and other events. The Mayor has similarly organised events in Trafalgar Square often focussing on the rich cultural and ethnic diversity of London. There have been proposals at Lords Cricket ground for licensable activities. The council itself has a programme of smaller events in its parks with occasional larger events over wider areas. There are other occasional events in squares. The range and diversity of these events may make it desirable to have provisions in the licence for a specific “event plan” to be agreed for each event rather than to rely solely on conditions within the premises license.

2.5.40 Some of these events because of their prominence attract very large crowds. Sound from outdoor events is not enclosed and carries across the city and therefore may cause widespread nuisance. The British climate dictates that most proposals are made in the summer months. The extent and frequency of these events in relation to the areas where the impact is felt will be considered in determining applications for premises licences for outdoor licensable activities, and the imposed conditions will reflect this. When subsequent applications are received for the same, or part of the same, area to be licensed for additional activities or events, the council will take into account the cumulative effect over a period of time of the events which have already taken place or are planned at the open space, under all of the licences which may have authorised events at the open space. Licences for large open spaces are generally restricted in the intensification of their use and the involvement of Safety Advisory Groups for significant events provides a flexible mechanism for consultation.

2.5.41 Under the Licensing Act 2003 the council holds a number of its own premises licences, covering some of the City’s busiest and highest profile areas (including Maida Hill, Piccadilly, Whitehall, Covent Garden, Leicester Square, Soho, Regent Street and Oxford Street). These are known as Area Premises licences.

2.5.42 These licences, held by the council, enable the safe, controlled facilitation of event activities. Specifically, by making use of this framework, event organisers

are enabled to submit their plans to the multi-agency LOSPG (Licensing, Operational and Safety Planning Group) event planning process, under the 'umbrella' of an area licence held by the Council. In this way proper consideration can be given to the whole range of factors that are relevant in deciding whether a given event proposal ought to be permitted, such as traffic and pedestrian congestion, local consultation, the appropriateness of an event to its proposed locale, and the management of litter and waste.

2.5.43 The use of the Area Premises Licences has been largely successful. The Area Premises Licences require a named person of experience and proven competence to be responsible for compliance with the set conditions, co-ordination and planning. The council's Special Events Group therefore holds the Area Premises Licences on behalf of Westminster City Council. There is a general recognition by all concerned that Area Premises Licences have a part to play in the overall licensing system. They can be ideal for small, low impact community event activities that align to defined criteria, removing a bureaucratic/regulatory burden, and have been used as such. They also assist in the facilitation of "last minute" event applications that the City Council wishes to support and they can afford the council a robust level of control over the way event activities are planned and executed on the ground.

2.5.44 When an event proposal entails any form of licensable activity, the most appropriate means of licensing it must be identified by the council at an early stage. An event activity may be licensed by way of its own Premises Licence or, for event activities within the relevant geographic areas, permission can be sought to use one of the Area Premises Licences held by the City Council. The City Council wishes to ensure that local residents and others have the opportunity to have their say in appropriate circumstances regarding licensing decisions that may affect them and this includes the use of Area Premises Licences.

2.5.45 However, an event will only be authorised under an Area Premises Licence held by the council when it is appropriate to do so to promote the licensing objectives, and will not do so where it considers that wider consultation of the application is considered appropriate.

Music and dance premises and similar entertainment

Introduction/definitions

2.5.46 These policies apply to premises where there is the provision of music or dancing or similar entertainment. Generally these venues also serve alcohol. The Cumulative Impact Area boundaries are shown on the maps at Appendix 15.

Provision of music and dancing or similar entertainment or the provision of facilities for music and dancing or similar entertainment outside the Cumulative Impact Areas - Policy MD1

It is the Licensing Authority' s policy that applications will only be granted if the proposal meets the relevant criteria in Policies CD1, PS1, PN1 and CH1.

Provision of music and dancing or similar entertainment or the provision of facilities for music and dancing or similar entertainment

within the Cumulative Impact Areas - Policy MD2

It is the Licensing Authority' s policy to refuse applications in the Cumulative Impact Areas, other than applications to vary hours within the Core Hours, under Policy HRS1.

Reasons for Policies MD1 & MD2

2.5.47 Music and dance venues are an important part of London' s entertainment offer. Night clubs are an inherent part of the social life for many young people in Britain. However the provision of music and dancing, especially with loud amplified music, and the large numbers of people attending venues and congregating outside them, can lead to concerns over public nuisance and in some cases crime and disorder. Night club premises in Westminster had more than 50 reports of violent crime per ten premises in the past year (see addition to Appendix 12). The police' s experience is that some people who visit music and dance venues carry controlled drugs for recreational use or to sell to others. Entertainment by the performance of dance does not generally give rise to these concerns to the same degree, but the playing of music and the noise from the audience can give rise to nuisance. If the dance performance involves nudity or partial nudity Policy NS1 will apply unless the premises is operating under a SEV licence.

2.5.48 There is particular concern in the Cumulative Impact Areas where there has been a growth in the number of entertainment premises and other licensed premises (see Appendices 12 and 14). On this basis the Licensing Authority considers that the grant of variations or new licences for premises offering facilities for music and dancing in the Cumulative Impact Areas should be limited to exceptional circumstances. See paragraphs 2.4.3 to 2.4.13 on exceptional circumstances.

2.5.49 Outside the Cumulative Impact Areas, more scope has been provided for the establishment of new premises licences where they are not in conflict with the licensing objectives.

Conditions

2.5.50 The Licensing Authority will expect the applicant to provide an operating schedule that details the drug policy in operation at the premises. It may require a condition that customers entering the premises are subject to searches by trained door supervisors, together with conditions in line with the recommendations in "Safer Clubbing" .

2.5.51 The Licensing Authority will have regard to measures to prevent crime and disorder, as outlined in Appendices 7 and 9, and in guidelines on crime prevention such as "Safe and Sound"³ and will impose conditions as appropriate.

³ "Safe and Sound" is a guidance leaflet on safety with regard to drugs and weapons published by the Metropolitan Police 2004

Hotels

Introduction/definitions

- 2.5.52 Major hotels in Westminster and some other hotels provide a range of licensed activities including entertainment for hotel residents and others, and provide venues for conferences, celebrations and parties. These are important long established central London activities.
- 2.5.53 The playing of films and non-broadcast TV in hotel bedrooms is regulated entertainment and hotels should include it in applications.

Hotels Policy - HOT1

Subject to the effect on the promotion of the licensing objectives and other relevant policies in this Statement, premises licences for hotels will generally be granted so that:

(a) Alcohol is permitted to be sold at any time to people staying in hotel rooms for consumption on the premises.

(b) The hours of serving alcohol to the general public will be subject to conditions limiting the sale of alcohol after a specified time to those attending pre-booked events held at the hotel.

(c) The exhibition of film, in the form of recordings or non-broadcast television programmes to be viewed in hotel bedrooms, will generally be permitted.

Reasons for policy HOT1

- 2.5.54 Hotels commonly seek extended hours in order to hold events for non-residents which they would have previously done under occasional licences and cannot do so under Temporary Event Notices because of the limits which apply to temporary permitted activities, (see section 2.6 of this policy below).
- 2.5.55 Hotels have, under the previous regime, been able to serve alcohol to residents at any hour although hotel bars are generally closed before 02:00. This provision allowed for room service and minibars in rooms. New hotels generally will want to offer the same provision as existing hotels.
- 2.5.56 Hotels also commonly want to allow bona fide invited guests of residents to be able to buy alcoholic drinks on their own behalf after alcohol sales to members of the general public have ceased. This provision will generally be granted but it may be subject to conditions limiting such sales (e.g. by time or number of guests) if representations are made that these provisions are likely to be, or have been abused, or are likely to lead to adverse effects on the licensing objectives.
- 2.5.57 The extent and location of provision of bar facilities will be taken into account. Hotel bars that are directly or easily reached from the street will be likely to raise similar concerns to pubs and bars. The advertising of the operation of late bars by hotels would give rise to concerns in relation to the licensing objectives. The provision of off sales may be restricted in relation to the hours of operation on the premises and with regard to its effect on the licensing objectives.

Casinos

Introduction/definitions

- 2.5.58 Casinos are licensed for the sale of alcohol and since 2002 are no longer prohibited from serving drinks at gaming areas. However, they must ensure they are provided in a way which does not disturb or threaten the orderly conduct of the gaming. The restrictions on live entertainment in casinos were removed by the Gaming Clubs Licensing Amendment Regulations 2002 (SI No 1910/2002), which came into force on 12 August 2002. They are no longer prohibited from providing entertainment but do so as ancillary to the gaming and as a private place of entertainment. Casinos no longer have to be private clubs since the provisions of the Gambling Act 2005 came into effect on 1 September 2007. The requirement for identity checks at casinos has led many casinos to continue to operate membership schemes. Casinos have sought premises licences for the sale of alcohol and regulated entertainment alongside the licences they need for gaming and gambling. There are, at the time of writing this statement, 20 casinos in Westminster. A number of proposals for additional casinos had been granted by the council as a Planning Authority although the number of casinos in Westminster is now limited by the number presently in existence, as no new licences can be issued under the Gambling Act 2005 until the Secretary of State makes an order to allow the authority to permit casino premises licences.
- 2.5.59 Proposals for new style casinos under the Gambling Act 2005 can only be submitted for 17 sites identified by the Casino Advisory Panel and approved by the Parliament for the initial period of the operation of the Gambling Act 2005. Westminster was not identified and Parliament has not approved any sites.
- 2.5.60 The hours for casino gambling are set by way of default conditions on converted licences to be midday until 06:00 every day of the week. However casinos can seek longer hours by application for a premises licence under the Gambling Act 2005. The provision of regulated entertainment, the sale of

alcohol, and late night refreshment, and hours for these activities, are separately regulated under the Licensing Act 2003.

Casinos Policy - CAS1

The inclusion of regulated entertainment and extension of the hours for the sale of alcohol ancillary to the playing of casino games in casinos will be considered in relation to the likely effect on the licensing objectives.

Reasons for policy CAS1

- 2.5.61 Casinos operating under the Gambling Act 1968 were primarily for the playing of casino table games. The number of Gaming Machines is still limited to 20. People gambling at table games do not tend to drink excessively. The popularity and nature of casino premises may change through the removal of membership requirements. However, it is likely that alcohol consumption will continue to be limited. It is not anticipated that any new style casinos under the Gambling Act 2005 with greater numbers of gaming machines will be seeking licences before the next review of the Statement of Licensing Policy. When representations are made, conditions may be imposed that the provision of licensable activities will only be carried on when casino gambling takes place. This is to prevent casinos changing to alcohol led bars and dance premises if gaming activity is abandoned.
- 2.5.62 Account will be taken of the hours when the premises may be open for gambling. Granting of hours for the sale of alcohol earlier than the core hours, and other times when other premises do not generally sell alcohol, will be considered very carefully in relation to the effect on the licensing objectives.

Combined use premises

Introduction/definition

2.5.63 In this Licensing Policy, the term 'combined use premises' means premises which need a licence under the Licensing Act 2003 and operate in different ways where there is more than one use, and the uses are not dependent on or part of the other uses i.e. ancillary to them. These types of premises have the characteristics of different types of premises at different times and sometimes operate in different ways throughout the day and night and may vary their operation over the days of the week; for example operating as café /bar /nightclub, restaurant / nightclub, public house / restaurant, or bar / performance venue, or conference centre/private party function venue.

Combined use premises - Policy COMB1

(i) Where a premises proposes to operate as a 'combined use premises' applications will be considered on their merits with regard to each of the relevant policies e.g. Policies CD1, PS1, PN1, CH1, CIP1 and HRS1.

(ii) The Licensing Authority will take into account the current and proposed use of the premises when considering what weight is to be given to the relevant uses and policies. It will take into account what is the primary use of the premises, if any, and which licensable activities are proposed outside the core hours (see policy HRS1).

(iii) It will consider any premises which include any pub or bar use or provide facilities for fast food and drink or for music and dancing primarily under the policies specific to those uses e.g. PB1&PB2, FFP1 & FFP2, MD1 & MD2.

Reasons for Policy COMB1

2.5.64 In recent years, there has been a rapid development of new entertainment and leisure concepts including chameleon bars that change over the course of the day, superpubs, gastropubs and multi-attraction entertainment complexes. As a result, the conceptual boundaries between premises such as pubs, restaurants and other entertainment venues are increasingly becoming blurred and difficult to define. This policy has been developed to meet these changing circumstances.

Nudity, striptease and sex related entertainment

Introduction/definition

- 2.5.65 Following the amendment of Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982, (the 1982 Act), by the Policing and Crime Act 2009, the council has resolved that from 1st October 2011 premises providing “relevant entertainment” are required to be licensed as sex establishments under the 1982 Act as “sexual entertainment venues” (SEVs) unless they are exempt under the 1982 Act. Relevant entertainment is (a) any live performance; or (b) any live display of nudity; which is of such a nature that, ignoring financial gain, it must reasonably be assumed to be provided solely or principally for the purpose of sexually stimulating any member of the audience (whether by verbal or other means).
- 2.5.66 The council has separate policies and standard conditions which apply to premises licensed as SEVs, whether or not those premises are also licensed under the Licensing Act 2003. Whilst most venues providing nudity, striptease and sex related entertainment will require to be licensed as a SEV, there are premises and circumstances in which a SEV licence will not be required. This section of the licensing policy will apply in those cases where premises are licensable under the Licensing Act 2003 but not required to be licensed as a sexual entertainment venue. Premises licensable under the Licensing Act 2003 and also required to be licensed as a sexual entertainment venue will be subject to other relevant policies in this licensing statement.
- 2.5.67 The Government’s application forms for Operating Schedules indicates that applicants should specify in their operating schedule anything which may give rise to concern in respect of children. The examples given include whether they propose to have entertainment involving nudity, striptease, or any other activity involving full or partial nudity, e.g. topless waitresses etc, or sex related entertainment such as the showing of films or other recordings with a restricted 18 category (R18). It notes that these examples are not an exclusive list. Revised Guidance at paragraphs 2.21 to 2.30 advises in respect of the

protection of children from moral, psychological and physical harm. The council would expect applicants to state if they intend to have "hostesses" to accompany patrons. Revised Guidance (paragraph 10.17) states that other than in the context of film classification, censorship of the content of regulated entertainment is not a proper function of licensing law, and cannot be properly related to the licensing objectives. The council as the Licensing Authority does not seek to censor the content of regulated entertainment. As Revised Guidance points out (paragraph 10.17), indecency is covered by other legislation. The council in its role as the Licensing Authority seeks to limit the number and location of premises offering sex related entertainment and seeks to regulate the way in which this type of entertainment is conducted in order to prevent crime and disorder, prevent nuisance and to protect children from harm.

Nudity, striptease and sex related entertainment - Policy NS1

(i) Applications involving nudity or striptease or sex related entertainment will only be granted in exceptional circumstances and if the proposal meets the relevant criteria specified in Policies CD1, PS1, PN1, CH1 and HRS1.

(ii) Applications will be subject to appropriate conditions which promote the licensing objectives.

(iii) Applications will not be granted in proximity to:

(a) residential accommodation

(b) schools

(c) places of worship

(d) community facilities or public buildings.

(iv) The Licensing Authority will have regard to the cumulative effect of the number of such premises, and sexual entertainment venues, in proximity to each other and in the vicinity.

Reasons for Policy NS1

2.5.68 Premises providing sex related entertainment are likely to constitute a public nuisance if they are

- in or near residential areas
- in other areas which are not already associated with entertainment
- if they are close to schools, places of worship and community facilities.

Their clientele sometimes arrive and depart in large groups. Premises offering sex related entertainment have a cumulative effect particularly if they are clustered together. This is irrespective of any visual displays that indicate the type of entertainment on offer, which if judged to be indecent can be regulated by Indecent Displays (Control) Act 1981. Many of these premises now required to be licensed as sexual entertainment venues were not previously classified as sex establishments by virtue of them providing regulated entertainment or late night refreshment authorised under the Licensing Act 2003, which specifically exempted them from the legal requirement for a sex establishment licence under the Local Government (Miscellaneous Provisions) Act 1982. From 1st October 2011, following

amendment of this Act by the Policing and Crime Act 2009, the Council has resolved to separately licence sexual entertainment venues.

The council has consulted Visit London, the official visitor organisation for London, on their views on expansion in the number of premises offering sex related entertainment. It has advised that if the balance and mix of uses in areas such as Soho, were to change and become more dominated by sex related entertainment this could deter visitors and have a negative impact overall.

- 2.5.69 There are specific concerns over some aspects of crime and disorder and public nuisance that have associated with some poorly run premises offering this type of entertainment. These arise from lewd acts and disorder on the premises and prostitution, touting and “clipping” around and associated with the premises.
- 2.5.70 This policy, in conjunction with policies in respect of SEVs, has therefore been designed to restrict further growth of this form of entertainment, and to ensure that where it is permitted it promotes the licensing objectives and has sufficient conditions attached to ensure the premises are managed satisfactorily. The council as the Licensing Authority, and the police, are concerned that nudity or partial nudity does not become incidental to the operation of licensed premises such as pubs and bars on either a permanent or occasional basis. The Licensing Authority would expect that any proposals for such entertainment or operation as a “hostess” venue at any time should be identified in the operating schedule. In general the Licensing Authority will not consider that nudity is part of the normal operation of a pub, bar or restaurant and will require that the premises where such entertainment or operation is proposed benefits from an appropriate planning permission or other lawful planning use. The proper regulation of sex related entertainment requires a range of conditions to be imposed and supervised by the Licensing Authority and the specialist units of the police in order to promote the licensing objectives. The specialist resources to do this are limited and such necessary regulation cannot be operated if sex related entertainment is provided on an incidental or casual basis or in a great number of premises.

Conditions

2.5.71 If nudity or partial nudity forms part of the entertainment (e.g. striptease, pole or lap dancing), or is part of the operation of the premises (e.g. topless or fetish bars and clubs), the Licensing Authority will attach conditions to any such premises licence it may grant to promote the licensing objectives. These will include conditions relating to:

- the exclusion of persons under 18 at all times from premises where these activities take place
- the prevention of views into the premises
- prohibiting exterior advertising of the sex related entertainment at the premises
- the leafleting or touting for business.

Conditions will be imposed requiring that all service is to seated customers; prohibiting the participation of customers in performances and maintaining a minimum distance of one metre between performers and customers, and between performers during performance. This is to ensure that it can be easily observed that no touching, or other acts that would constitute disorder, take place. There will also be conditions on the installation and operation of CCTV and retaining recordings of performances and on the employment of supervisors. Licences for premises with “hostesses” will be subject to a range of conditions to ensure that they operate in a way that ensures that all charges are transparent to customers, that the identity of the hostesses are recorded, and that conduct of the “hostesses” with regard to patrons is regulated. The Licensing Authority may attach other conditions as appropriate.

2.5.72 To prevent the proliferation of such premises, applications for premises which provide music, dancing and late night refreshment, that do not specify that there will not be any adult entertainment, services or other entertainment which may give rise to concern in respect of children in the relevant part of the application (currently Box N on page 13 of the application form), will be asked

to accept a "no nudity, no hostesses" condition on any licence granted. The removal of conditions which restrict adult entertainment or nudity in premises is likely to impact on the licensing objectives, and the council considers therefore that in general it is not appropriate to remove such conditions from licences under the "minor variations" procedure of the Licensing Act 2003.

2.6. Temporary event notices

- 2.6.1 The Licensing Act 2003 allows small scale events (for less than 500 people at a time and lasting no longer than 168 hours) which include any licensable activities to be held without the need for a premises licence. However advance notice must be given to the Licensing Authority, the Environmental Health service and the Metropolitan Police in the form of a Temporary Event Notice (TEN) (Revised guidance, paragraphs 7.2 to 7.5). There are two types of TEN, a standard TEN and a late TEN, which are subject to different processes. A standard TEN must be given no later than 10 working days before the proposed event; a late TEN may be given not before 9 but not later than 5 working days before the event.
- 2.6.2 Under the Licensing Act 2003, the number of temporary events notices that a personal licence holder can give is limited to 50 a year. People who are not personal licence holders can only give notice of 5 events in any one year. From 1st January 2016 the number of times premises can be used in one year is limited to 15 over a maximum of 21 days. The maximum duration of any single event authorised by a TEN cannot exceed 168 hours (7 days) and the minimum period between events at the same premises by the same premises user is 24 hours.
- 2.6.3 Although the statutory notice for temporary events notices to the Licensing Authority and the police is 10 working days, the council would prefer that organisers give a minimum one month' s notice of a temporary event. One month' s notice is desirable to check that the limitations set down in the Act are being observed, and to hold a hearing if there are objections from the police or environmental health on grounds relating to any of the licensing objectives, or if they seek the notice to be modified (Revised Guidance, paragraph 7.11). The police and environmental health must make their objection within 3 working days. Breach of notices which are crimes, even those not necessarily prosecuted by the Police, but which would be committed as a consequence of the event taking place, are relevant grounds on which the Police can issue a counter notice. It will facilitate the police' s consideration if

a risk assessment form is completed, and may prevent an objection and thus a delay in the authorisation of a Temporary Event Notice. A delay would occur if a risk assessment form is not completed for any event that increases licensable hours, involves music and dancing, has a capacity for more than fifty people, increases in the capacity of a venue, or changes in the everyday use of the venue. The Police' s risk assessment form is available on the web at www.met.police.uk/events/forms/form_696.pdf

The completion of the police' s debriefing form after the event can assist in the planning and authorisation of future events.

www.met.police.uk/events/forms/form_696a.doc

- 2.6.4 Organisers may choose to notify the Licensing Authority and the Police of multiple events at the same time (Revised Guidance, paragraph 7.22). Organisers of outdoor events are strongly advised to contact the council' s Special Events Team.
- 2.6.5 The council' s Premises Management team may visit a permitted temporary event held under the terms of the Temporary Event Notice and may monitor the event to ensure it is in accordance with it and with other associated legislation (e.g. pollution, health and safety etc) if necessary.
- 2.6.6 The Fire Authority will receive notice of these events from the council and will give fire safety advice on request. They may also carry out visits to events, and take any action necessary under fire safety legislation that they enforce.

CONDITIONS, MANAGEMENT AND ENFORCEMENT

3

3.1. Conditions on licences

- 3.1.1 The Licensing Authority will not impose any conditions, other than those consistent with the operating schedule accompanying the application and any mandatory conditions required under the Act unless its discretion has been engaged following the making of relevant representations and it is satisfied as a result of a hearing that it is appropriate to impose conditions to promote one or more of the licensing objectives. (Revised Guidance paragraph 10.8). It will also consider the issues of proportionality highlighted in Revised Guidance at paragraph 10.10. It will only impose such conditions as are appropriate to promote the licensing objectives arising out of the consideration of the representations. Conditions will be focused on matters that are within the control of individual licensees and will centre on the premises and the vicinity of those premises. The primary focus will be on the direct impact of the licensed premises' activities on members of the public living, working or engaged in normal activity in the area concerned (Revised Guidance, paragraph 1.16).
- 3.1.2 When it is considered that the effect on the licensing objectives of the grant of a licence or a variation to a licence will be dependent on the licensable activities not being available to the general public, then conditions should ensure that events are genuinely private and that corporate events are genuinely for members of bona fide organisations. It should recognise that different corporate and private events can have a range of different impacts on the licensing objectives. The policy also recognises that the impact that promoter led events can have on the licensing objectives can vary considerably dependent on the promoter, but in all cases conditions should only be applied where appropriate to promote the licensing objectives and

only be applied to premises hosting private or corporate events when they are proportionate to promote the licensing objectives. Appropriate model conditions have been drafted to assist applicants and responsible authorities.

- 3.1.3 Where existing legislation already places certain statutory responsibilities on an employer or operator of premises as the Licensing Authority will avoid attaching conditions which duplicate other statutory regimes as far as possible. (Revised Guidance paragraph 13.15). However, these general duties will not always adequately cover specific issues that arise on the premises in connection with certain entertainment, and in these cases additional measures in the form of conditions will be required to promote the licensing objectives.
- 3.1.4 Conditions include any limitations or restrictions attached to a licence or certificate, and are essentially the steps the holder of the premises licence or the club premises certificate will be required to take when licensable activities are taking place at the premises in question.
- 3.1.5 The Licensing Authority will not impose conditions which replicate matters that constitute the offences set out in Part 7 of the Licensing Act e.g. unauthorised licensable activities; allowing disorderly conduct; sale of alcohol to any person who is drunk or is underage. (Revised Guidance paragraph 1.16). Nevertheless, the Licensing Authority will take into account any breaches of conditions and offences under the Licensing Act when considering the imposition of conditions in reviews and the variation of licences.
- 3.1.6 When granting variations to licences, the Licensing Authority will apply conditions to replicate the effect of previous undertakings where relevant to the premises and the promotion of the licensing objectives.
- 3.1.7 The council will utilise “works conditions” to the effect that the premises will not be operated until specified works are completed or measures put in place to the satisfaction of the relevant responsible authorities. This is an expedient way of resolving technical matters which cannot be readily determined at hearings.

- 3.1.8 The council may publish and from time to time review a set of “model conditions” which may be used either by the applicant when completing an Operating Schedule or by the council when considering granting an application, to identify conditions which may be appropriate in the individual circumstances of an application. It is important that they should not be applied universally and treated as standard conditions irrespective of circumstances.

3.2. Management and enforcement approach

- 3.2.1. It is essential that licensed premises operate in accordance with the Licensing Act and to ensure the promotion of the licensing objectives. Part of the Licensing Authority’s role is to monitor premises and take appropriate action to ensure that the licensing objectives are promoted.
- 3.2.2. In accordance with Revised Guidance, paragraphs 13.16 and 13.17, the Licensing Authority will work alongside the Metropolitan Police in promoting the licensing objectives. Protocols will be agreed as appropriate between the police and the council on the responsibilities and procedures for joint working and enforcement.
- 3.2.3. The council in its role as the Licensing Authority will also work in partnership with the Fire Authority to promote the licensing objectives. Protocols as appropriate will be agreed between the London Fire & Emergency Planning Authority (LFEPA) and the council on responsibilities and procedures for joint working and enforcement.
- 3.2.4. The council has an established Corporate Enforcement Policy based around consistency, transparency and proportionality which can be viewed on the council’s website at <http://www.westminster.gov.uk>
- The council has also adopted the Enforcement Concordat issued by the Cabinet Office which can also be viewed on the website.
- 3.2.5. Inspection and enforcement under the Licensing Act 2003 will be based on the principles of risk assessment, having a graduated response and targeting

problem premises. Inspections will not be undertaken routinely. Enforcement of the legislation will be objective and transparent.

- 3.2.6. An intelligence led approach will be adopted and information regarding incidents of violent crime, disorder and nuisance in and around licensed premises will be collated to provide a risk assessment basis for inspection and, where appropriate, surveillance.
- 3.2.7. The Licensing Authority will need to be satisfied that premises are being run in accordance with the Licensing Act and any licensing conditions, which may be attached to the premises licence. The frequency of inspections will need to be determined on risk-based criteria, with high-risk operations receiving more attention than premises carrying low public safety/nuisance risks.
- 3.2.8. Premises found to be fully compliant will attract a lower risk rating and those where breaches are detected will attract a higher risk rating.
- 3.2.9. The Licensing Authority will take appropriate enforcement action against those responsible for unlicensed premises/activity. Action will be carried out in accordance with the council's Corporate Enforcement Policy.
- 3.2.10. Any complaints received by the council about unlicensed activity or the way licensed premises may be operating will be dealt with in accordance with the council's Corporate Enforcement Policy and may result in an adjustment to the risk rating, prompting more frequent visits. We will work with businesses in an attempt to resolve issues that are of concern.
- 3.2.11. Increasingly, applications have been made for premises licences at premises where a licence is already in force. Typically the applicant is the landlord of the premises where the licence holder of the licence already operating is their tenant. The landlord in many cases is seeking what they term a "shadow licence" on the same or similar terms to the licence already existing.
- 3.2.12. The Act permits more than one licence to be in effect at any one time at the same premises and it has been established in law that the landlord may apply for a second or subsequent licence.

- 3.2.13. The council remains concerned however that the holding of additional licences has the potential to undermine the sanctions available to it in response to a review application under the Act. This would be the case if action was taken in respect of one of the licences in effect at the premises, but the premises continued to operate under the authority of a second licence which had not been affected by the review proceedings.
- 3.2.14. The council recognises that landlords have powers over their tenants outside of the licensing regime and would expect responsible landlords to exert that control to promote the licensing objectives. Where the landlord is also a licence holder of a premises licence in effect at the premises the council considers that the landlord has further responsibilities in respect of the operation of the premises to promote the licensing objectives..
- 3.2.15. In order to promote the licensing objectives the council will take a holistic view of the licensing circumstances at the premises. When the licensing authority makes an application to review a premises licence to promote the licensing objectives at a premises, it will also consider whether it is appropriate to review all the licences in effect at the premises in order to promote the licensing objectives. Where the applicant for the review is not the licensing authority it will encourage the applicant to also consider whether it is appropriate to review all the licences in effect at the premises, and will consider bringing a review of any other licence in effect at those premises if it considers it appropriate to promote the licensing objectives.
- 3.2.16. To support the council' s approach to multiple licences for the same premises it is the licensing authority 's policy that all licences take effect when granted and continue to have effect in accordance with section 26 of the 2003 Act, and that the imposition of a condition which purports to suspend the effect of a licence would not promote the licensing objectives.

GLOSSARY

4

Adult entertainment

It is not possible to give an exhaustive list of what amounts to entertainment or services of an adult or sexual nature. Applicants and responsible authorities need to apply common sense to this matter. However, such entertainment or services, for example, would generally include topless staff, striptease, lap dancing, table dancing or pole dancing, performances involving significant violence or horrific incidents, feigned or actual sexual acts or fetishism, or entertainment involving strong and offensive language.

Children

There are several definitions of children under the Licensing Act 2003. A child is defined for the purposes of section 145 of the Act as an individual aged under 16. For the purposes of the Act, children are considered to be unaccompanied if they are not in the company of an individual aged 18 or over.⁴ The Act makes it an offence to allow unaccompanied children on premises used exclusively or primarily for the supply of alcohol for consumption on the premises. It is also an offence to allow unaccompanied children under 16 at other premises supplying alcohol for consumption on premises with a premises licence, club premises certificate or temporary event notice between 00:00 and 05:00. Section 146 of the Licensing Act 2003 on sale of alcohol to children makes it clear that the sale of alcohol to any individual

⁴ Section 145 (2) of the Licensing Act 2003 Chapter 17

under 18 is an offence. In Section 20, for the purposes of the exhibition of film, children means persons under 18.

Clipping

Obtaining money through deception by the apparent offer of sexual services or entertainment. This may involve the simple deception of receiving money and sending victims to addresses where no such offer is available, the supply of non-alcoholic drinks at inflated prices and the charging of fees for hostess services when not requested. In some instances, it is associated with luring victims to places where they are robbed.

Combined use premises

Premises that operate as multi-use premises where there is more than one use and the uses are not dependent on, or part of, the other uses, i.e. ancillary to them. Examples include: café/bar/nightclub; restaurant/nightclub; public house/restaurant; bar/performance venue, etc. These types of premises sometimes operate in different ways throughout the day and night and may vary their operation over the days of the week.

Cumulative Impact Areas

Three such areas are designated in this policy where special policies apply: the West End Cumulative Impact Area; the Edgware Road Cumulative Impact Area; and the Queensway/Bayswater Cumulative Impact Area. See Appendices 14 and 15.

Fast food premises

Fast food premises are defined for the purposes of this policy as premises that provide late night refreshment either by way of take away for immediate consumption, or fast food on a counter or self seating basis.

Karaoke

Singing by members of the public to musical backing or accompaniment. Usually involving pre-recorded music and numbers of members of the public singing in series.

Late night refreshment premises

Premises providing late night refreshment at any time between the hours of 23:00 and 05:00. This consists of the supply of hot food or hot drink to members of the public, or a section of the public, on or from any premises, whether for consumption on or off the premises. (Schedule 2, Licensing Act 2003).

Licensable activities

Those activities under the Licensing Act 2003 which require a licence from the Licensing Authority (council) include the following:

- (a) the sale by retail of alcohol
 - (b) the supply of alcohol by or on behalf of a club to, or to the order of, a member of a club
 - (c) the provision of regulated entertainment
 - (d) the provision of late night refreshment.
-

Licensing authority

In the Licensing Act 2003 (clause 3) licensing authorities in London are defined as the Councils of London Boroughs. For the purposes of this statement this is the City of Westminster.

On and Off sales of alcohol

For the purposes of this policy and conditions attached to a licence, an on sale of alcohol is a sale of alcohol intended for consumption on the licensed premises. An off sale occurs where the alcohol supplied is intended for consumption off the licensed premises. This may include the consumption of alcohol on an area of the highway where that area has been appropriately authorised for the use of tables and chairs by the highway and/or planning authorities.

Other Persons

There is no restriction under the Act on who may make a representation in respect of an application, or apply to review a licence. Other Persons are anyone other than responsible authorities.

Personal licences

This is a licence which:

- (a) is granted by a Licensing Authority to an individual in the local authority area where they usually reside and
- (b) authorises that individual to supply alcohol, or authorise the supply of alcohol, in accordance with the premises licence (Part 6, section 111(1), Licensing Act 2003).

The Licensing Act 2003 specifies the tests that may be applied when determining an application for a Personal Licence (Part 6, Section 120). Any individual is only permitted to hold one Personal Licence (Part 6, Section 118 Licensing Act 2003).

Private events

It may be important to determine whether an event is private either because it is relevant to determining whether an entertainment activity is regulated

entertainment and therefore licensable under the Act, or to understand the extent of a condition which restricts access to a premises and which purports to operate to the exclusion of the general public. Events can only be considered bona fide private if persons attending the event have been personally invited or belong to a distinct class of persons so invited and who were directly connected to the organiser of the event. This would include persons working together, or friends and relatives of an individual holding a celebratory event, but would not include persons who registered themselves on a "guest list" or took up some form of membership mainly for the purpose of gaining admission to the event.

Public entertainment licences

In this document these are taken to be licences issued under:

- The London Government Act 1963
 - The Local Government Miscellaneous Provisions Act 1982
 - The Cinemas Act 1985
 - The Theatres Act 1968
-

Qualifying club

These clubs are organisations where members have joined together for particular social, sporting or political purposes and have then combined to buy alcohol in bulk as members of the organisation for supply to the club. There are technically no sales of alcohol by retail at such premises except to guests when guests make a purchase. Such clubs have traditionally not been "licensed" ; they have registered with the magistrates' courts having established that they qualify to be treated exceptionally. The 2003 Act preserves this special treatment and requires the club to "qualify" to be outside the normal premises licence arrangements. The new authority for the supply of alcohol and provision of other licensable activities on qualifying club premises is a club premises certificate and this is issued by the Licensing

Authority. A qualifying club will normally be permitted under the terms of a club premises certificate to sell and supply alcohol to its members and their guests only. In order to be a qualifying club, instant membership is not permitted and members must normally wait at least two days between their application and their admission to the club. Any qualifying club may choose to obtain a premises licence if it decides that it wishes to offer its facilities commercially for use by the general public, including the sale of alcohol to them. Such qualifying clubs should not be confused with proprietary clubs, which are clubs run commercially by individuals, partnerships or businesses for the purposes of profit and which require a premises licence and are not eligible to be qualifying clubs.

Regulated entertainment

Schedule 1 of the Licensing Act 2003 sets out what activities are regarded as the provision of regulated entertainment and when they are licensed and those activities which are not and therefore exempted from the regulated entertainment regime. The descriptions of entertainment activities licensable under the Act are:

- a performance of a play
- an exhibition of a film
- an indoor sporting event
- a boxing or wrestling entertainment (indoors and outdoors)
- a performance of live music
- any playing of recorded music
- a performance of dance
- entertainment of a similar description to that falling within the performance of live music, the playing of recorded music and the performance of dance.

To be licensable, one or more of these activities need to be provided for the purpose of entertaining an audience; has to be held on premises made available for enabling that activity; and must either (i) take place in the presence of a public audience, or (ii) where the activity takes place in private, be the subject of a charge made with a view to profit.

Since the 2003 Act came into force further exemptions have been introduced through the deregulation of entertainment in certain circumstances and where different criteria apply. These are described in Chapter 15 of Revised Guidance.

Relevant representation

A representation on the likely effect of the grant of an application or the operation of an existing licence on the licensing objectives.

Responsible authorities

These include:

- the Chief Officer of Police
- the Fire Authority
- the enforcing authority for health and safety at work
- the Planning Authority
- the local authority responsible for minimising or preventing the risk of pollution or harm to human health
- the recognised body responsible for the protection of children from harm
- the local authority's Director of Public Health
- the Trading Standards Authority

The council has recognised the Area Child Protection Committee to be competent for the protection of children from harm.

See under “vessels” for the additional responsible authorities for vessels.

Restaurant

For the purposes of this policy a restaurant is defined as premises (i) in which customers are shown to their table, (ii) which provide food in the form of substantial table meals that are prepared on the premises and are served and consumed at the table using non disposable crockery, (iii) which do not provide any take away service of food or drink for immediate consumption, and (iv) where intoxicating liquor shall not be sold, supplied, or consumed on the premises otherwise than to persons who are bona fide taking substantial table meals and provided always that the consumption of intoxicating liquor by such persons is ancillary to taking such meals.

Safer clubbing

‘Safer Clubbing’ is guidance published by the Home Office (Drugs Prevention Advisory Service and the London Drug Policy Forum) January 2002. The key issues identified are:

- Prevention of overcrowding
- Air conditioning and ventilation
- Availability of drinking water
- Further measures to combat overheating
- Overall safety.

Security Industry Authority (SIA)

The Security Industry Authority was set up by the Private Security Industry Act 2001. The key role for the SIA involves the managing and issuing of licences

for people working in particular areas of the private security business. Another crucial area for the future is developing an approved contractor scheme. More details are available at

www.the-sia.org.uk

Sex establishments

These are defined in Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982. Licences are required for sex shops, and for sex cinemas, that are not providing regulated entertainment or late night refreshment authorised under the Licensing Act 2003, and for sexual entertainment venues.

Street drinking controlled zone

Under section 13(2) of the Criminal Justice and Police Act 2001 in designated areas, the police have the power to require a person not to drink alcohol there and to surrender any alcohol or containers, including sealed containers. It is only an offence to fail to comply with a Police officer 's requirements.

Variation

A variation is a material change to a premises licence and would include an increase in the capacity of the premises, a change in the hours of operation of the premises, a change to the way the premises is to operate in regard to the Operating Schedule or a request to vary an existing condition attached to the premises licence. Policies relating to variations do not apply to applications to change the name or address of someone named in the licence or an application to vary the licence to specify a new individual as the designated premises supervisor. Where a licence holder wishes to make small variations to their licence which would not adversely impact on the licensing objectives a simplified "minor variation" process will apply. See Revised Guidance paragraph 8.42 to 8.65.

Vessels

A vessel (which includes a ship or a boat or a barge) that is permanently moored or berthed is regarded as a “premises” situated at that place. The Act also applies in relation to a vessel which is not permanently moored or berthed as if it were premises situated at the place where it is usually moored or berthed. The relevant Licensing Authority is the Licensing Authority for the area in which it is usually moored or berthed. An activity is not a licensable activity if it takes place aboard a vessel engaged on an international voyage. The Secretary of State for Transport represented by the Maritime and Coastguard Agency is the lead responsible authority for vessels with regard to public safety, including fire safety, and issues affecting passenger vessels. Merchant Shipping legislation does not, however, apply to permanently moored vessels, for example, restaurant ships moored on the Thames Embankment. In relation to a vessel, but no other premises, responsible authorities also include the navigation authorities that have statutory functions in relation to the waters where the vessel is usually moored or berthed or any waters where it is proposed to be navigated at a time when it is used for licensable activities.

APPENDICES

5

Appendix 1 - Consultation

Consultation was carried out with key stakeholders and interested parties on this policy for a formal period of eight weeks, from 19 March to 15 May 2015, satisfying the requirements of the Licensing Act 2003. Consultation was on the basis of a review document outlining issues and proposals for change. Those consulted included the following:

- the Chief Officer of Police for the area
- the Fire Authority for the area
- other relevant and interested bodies/authorities
- persons/bodies representative of local holders of premises licences
- persons/bodies representative of local holders of club premises certificates
- persons/bodies representative of businesses in its area
- persons/bodies representative of residents in its area.

These included the Westminster Amenity Society Forum, and members of the Westminster Entertainment Forum. The consultation was also publicised through Licensing News to individuals and organisations, and their representatives, who have registered an on-going interest in licensed premises in Westminster, and available to members of the public on the council website.

27 responses to the Review document were received:

- 3 from BIDs or trade associations
- 3 from individual operators
- 3 from local landlords
- 9 from residents' associations

- 5 from individual residents
- 1 from a responsible authority
- 3 from other organisations

Appendix 2. - Applications

1. The council' s Licensing Committee, through its Sub Committees, and the powers delegated to officers as detailed in Appendix 3, is responsible for the determination of applications relating to the following:
 - Premises licences
 - Provisional statements
 - Club premises certificates
 - Temporary event notices
 - Personal licences for the sale or supply of alcohol.

Those activities under the Licensing Act 2003 which require a licence or other authorisation include the following:

- the sale of alcohol by retail
- the supply of alcohol to a member of a club
- the provision of regulated entertainment
- the provision of late night refreshment.

See the Glossary for fuller definitions of licensable activities.

Variation of a licence

2. An application for a variation must be advertised in accordance with regulations and the council will expect applications to be advertised to residents and businesses in the vicinity. Applications must be notified to the "responsible authorities" . These must be accompanied by an "Operating Schedule" setting out what licensable activities the premises will be used for and any other hours when it will be open to customers or members. The Operating Schedule should be prepared after an applicant' s assessment of

the effect of the grant of the licence on the licensing objectives. Applicants are advised to consult the “responsible authorities” when they do this.

3. The council is itself the responsible authority for the prevention of pollution of the environment including noise, and for health and safety (in most cases) and trading standards and is the planning authority. Acting in any of these capacities, it may make representations to the Licensing Committee acting as the Licensing Authority. These can be expected to be made with reference to the Statement of Licensing Policy. These representations may reflect views of the council; acting as the Principal Litter Authority or as the Waste Collection Authority or as the Waste Disposal Authority.
4. Unless “relevant representations” are made by the responsible authorities or “other persons” (including residents and businesses in the vicinity) that are related to the licensing objectives, the application must be granted. The licence will be subject to those conditions that give effect to the Operating Schedule. If the licence includes the sale of alcohol, it must specify the designated premises supervisor and the mandatory conditions on the sale of alcohol. There are also mandatory conditions for film exhibition and on door supervision.
5. If the relevant representations are withdrawn, possibly after mediation and revision of the Operating Schedule, the Licensing Authority must grant the application. If the representations stand but all parties agree that there is no need to hold a hearing, the Licensing Authority can decide the application without holding a hearing but this function cannot be delegated from the Licensing Sub Committee.

Appendix 3. - Committees and delegation decision making chart

MATTER TO BE DEALT WITH	LICENSING COMMITTEE OR SUB COMMITTEE	OFFICERS
Application for personal licence	If a police objection is made	If no objection is made
Application for personal licence with unspent convictions	All cases	
Application to vary designated personal licence holder	If a police objection is made	All other cases
Request to be removed as designated personal licence holder		All cases
Application for premises licence/club premises certificate	If a relevant representation is made	If no relevant representation is made
Application for provisional statement	If a relevant representation is made	If no relevant representation is made
Application to vary premises licence/club premises certificate	If a relevant representation is made	If no relevant representation is made

Application for a minor variation to a licence / certificate		All cases
Application for transfer of premises licence	If a police objection is made	All other cases
Application for Interim Authorities	If a police objection is made	All other cases
Application to review premises licence/club premises certificate	All cases	
MATTER TO BE DEALT WITH LICENSING COMMITTEE OR SUB COMMITTEE OFFICERS		
Decision on whether a ground for review is irrelevant, frivolous, vexatious, etc		All cases
Decision to object when local authority is a consultee and not the lead authority		All cases
Determination of a police representation to a temporary event notice	All cases	

Appendix 4. Reviews of Premises Licences

Working in partnership

1. The promotion of the licensing objectives and achieving common aims relies on a partnership between licence holders, authorised persons, interested parties, the police, fire authority and the council. The council will try to give licence holders early warning of any concerns about problems identified at any licensed premises and identify the need for improvement (Revised Guidance, paragraph 11.10).

Purpose of reviews

2. The review process is integral to the operation of the Licensing Act 2003. The Government's intention is for a light touch regulatory regime with regard to the granting of new licences and variations. Only when there have been representations will the licensing authority have the discretion not to grant licences. If problems arise in connection with a premises licence, it is for the responsible authorities and other persons to apply for a review of the licence. In appropriate circumstances, the Licensing Authority itself may review a licence. Proceedings under the Licensing Act 2003 for reviewing a premises licence are provided as a key protection for the community, where problems associated with crime and disorder, public safety, public nuisance or the protection of children from harm are occurring (Revised Guidance paragraph 11.1).

Initiating reviews

3. At any stage, following the grant of a premises licence, any of the responsible authorities or any other person, such as a resident living in the vicinity of the premises, may apply to the council to review the licence because of a matter arising at the premises in connection with any of the four licensing objectives. The police can take action to close premises for up to 24 hours on grounds of disorder and noise nuisance under the terms of the Licensing Act 2003, and

the powers for the police to apply for an expedited review of a premises licence where the premises selling alcohol are associated with serious crime and disorder. There are powers under Sections 40 and 41 of the Anti Social Behaviour Act 2003 for Environment Health officers to close premises for 24 hours on grounds that noise from licensed premises is causing a public nuisance. The licensing authority can also initiate its own reviews of premises licences, and officers of the council who are specified as responsible authorities under the Act, or elected members of the council, may request reviews (Revised Guidance, paragraph 11.5).

4. In every review case an evidential basis for the allegations made will need to be submitted to the council as the Licensing Authority.
5. When a request for a review is initiated from a person other than a responsible authority, the council is required to first consider whether the representation made is relevant to the licensing objectives, or is vexatious or frivolous. (Revised Guidance paragraph 11.11). In addition, the Secretary of State recommends that more than one review on similar grounds originating from interested parties should not be permitted within a period of 12 months except in exceptional and compelling circumstances or where it arises following a closure order (Revised Guidance, paragraph 11.13).
6. Where the council receives a request for a review in accordance with the closure procedures described in Part 8 of the Act, the council will arrange a hearing in accordance with the regulations set out by the Secretary of State (Revised Guidance, paragraph 11.15).

Powers following determination of review

7. The council, in determining a review, may exercise the range of powers given to them to promote the licensing objectives.
8. Where the licensing authority considers that action under its statutory powers is appropriate, it may take any of the following steps to promote the licensing objectives:

- modify the conditions of the premises licence (which includes adding a new condition or any alteration or omission of an existing condition), for example by reducing the hours of opening or by requiring door supervisors at particular times;
- exclude a licensable activity from the scope of the licence;
- remove the designated premises supervisor;
- suspend the licence for a period not exceeding three months;
- revoke the licence.

(Revised Guidance, paragraphs 11.19)

Other steps that can be taken by the council include:

- taking no action
- issuing an informal warning
- recommending improvements within a particular time
- monitoring by regular inspection and invite to seek a further review if problems persist.

Revised Guidance paragraph 11.18 states “However, where responsible authorities like the police or environmental health officers have already issued warnings requiring improvement - either orally or in writing – that have failed as part of their own stepped approach to concerns, licensing authorities should not merely repeat that approach.”

9. Offences under the Licensing Act 2003 include the serving of alcohol to unaccompanied persons under 18. The consumption of alcohol by minors impacts on the health, educational attainment, employment prospects and propensity for crime of young people. The admitting or serving of persons who are intoxicated is also an offence under the Licensing Act 2003; the council will treat representations that these offences have occurred seriously

when they arise in connection with the granting or review of a premises licence. It will also have regard to other criminal activities which may take place in some types of licensed premises, and which will be treated particularly seriously:

- sale or distribution of drugs and the laundering of the proceeds of drug crime
- sale or distribution of stolen or counterfeit goods or weapons
- sale of smuggled tobacco and alcohol
- prostitution, pimping or procuring
- use as a base for criminal activity, particularly gangs
- organisation of racist activity
- unlawful gaming and gambling
- knowingly employing a person who is unlawfully in the UK, or cannot lawfully be employed
- grooming of children by organised groups of paedophiles

(Based upon Revised Guidance, paragraph 11.27)

10. Where reviews arise and the Licensing Authority determines that the crime prevention objective is being undermined through the premises being used to further crimes, it is expected that the revocation of the licence - even in the first instance - will be seriously considered (Revised Guidance, paragraph 11.28). However, revocation also remains an option if other licensing objectives are being undermined.

Appendix 5 Westminster Strategies

The council has prepared a number of strategies that contain visions, aims and objectives to promote, improve, and protect Westminster's status as a world class city centre. The council has had regard to the local strategies, which have been developed for the city's businesses, residents, workers and visitors. These are outlined below. The council intends to secure proper integration with local crime prevention, planning, transport, tourism and cultural strategies by ensuring the Statement of Licensing Policy is consistent with the aims and objectives of these strategies and will continue to participate in partnerships and committees as appropriate (Revised Guidance, paragraph 13.56).

City for All (2015 – 2018)

City for All is a 3 year plan for the council and the whole of the city. It invites each and every one of us to play a part in creating a City for All – a city of Aspiration, Choice, and Heritage. It will enable all of our communities to share in the economic prosperity of our city, will create opportunities for everyone to make responsible choices for themselves, their families and their neighbourhoods, and will protect and enhance Westminster's unique heritage so that every neighbourhood remains a great place to live, work and visit both now and in the future.

Westminster City Plan and Unitary Development Plan

The Westminster City Plan (2013) and Unitary Development Plan (adopted January 2007) contain planning policies which control the location, size and activities of entertainment uses to safeguard residential amenity, local environmental quality and the established character and function of the various parts of the city. These policies will be supported by Supplementary Planning Guidance, currently being developed by the council.

West End Partnership Vision

The West End Partnership was established in 2013 to provide stronger leadership, greater coordination and a more influential voice for the West End. This Partnership draws upon senior public service and private sector leaders including those from the City of Westminster and London Borough of Camden, academic experts and residents' representatives working together for the common good of the area.

Draft Economic Development Strategy

Framework (2015)

The draft framework sets out the approach the council is taking to economic development in the city. It sets out the principles for prioritising projects and identifies strategic themes through which the council vision will be delivered.

Safer Westminster Partnership Plan (2014-2017)

The Safer Westminster Partnership is a statutory partnership established as a consequence of the Crime and Disorder Act 1998. The Partnership, currently led by the Police, has a duty to conduct an audit of crime, disorder, anti-social behaviour and drug misuse in Westminster, to consult widely on the findings and set strategies to tackle the issues identified.

There is currently a three year strategy in place (The Crime and Disorder Reduction Strategy) under which the partnership sets more detailed annual plans. Since the last three year Crime and Disorder Reduction Strategy was agreed there have been significant reductions in street crime, burglary and motor vehicle crime.

Joint Health and Wellbeing Strategy (2013-2016)

The Joint Health and Wellbeing Strategy sets out the priorities and actions which the Health and Wellbeing Board are planning to carry out in the period 2013 to 2016 to improve the health and wellbeing of people living in, working in and visiting Westminster.

Alcohol Strategy

Reducing alcohol related harm by encouraging responsible drinking, protecting individuals and communities from alcohol related criminal behaviour, and improving treatment and support for those affected by problems of alcohol abuse.

Other Strategies

Equality and Diversity Strategy and Action Plan

(including the Primary Care Trust Race, Diversity and Gender Equality Schemes)

Local Implementation Plan (2011)

Programme for a Healthier Westminster (2006)

Draft Municipal Waste Management Strategy for the City of Westminster (2016 to 2031)

Appendix 6. - Other relevant legislation

Planning legislation and building regulations

The planning, building control and licensing regimes will be properly separated to avoid duplication and inefficiency. The planning and licensing regimes involve consideration of different (albeit related) matters. Paragraph 13.57 of Revised Guidance makes it clear that licensing committees are not bound by decisions of the planning committee and vice versa. The grant or variation of a licence by the licensing committee which involves a material alteration to a building would not relieve the applicant of the need to apply for and obtain any relevant planning permission or building regulation approval where appropriate before operating under the terms of the licence or Temporary Event Notice (Revised Guidance, paragraphs 13.57 and 13.58). In Westminster, which is a densely built up area with a variety of uses in close proximity, the council expects all applications for new licences and variations to demonstrate that the proposed activities are lawful planning uses.

Health and Safety at Work Act 1974 and associated legislation

The council is the administrative and enforcement authority for this legislation for almost all premises in the city. Where responsibility for health and safety administration is designated to another body, such as the Health and Safety Executive, the council will work in partnership with that body to promote health and safety improvements.

Human Rights Act 1998

The council has a duty under the European Convention on Human Rights to protect both the rights of a resident to privacy and family life (Article 8) and the rights of a licensee to operate his business without undue interference

(Article 1 of the First Protocol). These policies are intended to reflect the balance to be struck between these interests where they conflict.

Equality Act 2010

Westminster recognises that the Equalities Act places a legal obligation on public authorities to have due regard to the need to eliminate unlawful discrimination, harassment and victimisation; to advance equality of opportunity and to foster good relations between persons who share a protected characteristic and those who do not share it. The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race (including ethnic or national origins, colour or nationality), religion and belief, sex, and sexual orientation.

Crime and Disorder Act 1998 Section 17

This Act requires local authorities and others to consider crime and disorder reduction while exercising all of their duties. It states,

“Without prejudice to any other obligation imposed upon it, it shall be the duty of each authority, to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area.”

Therefore, this Act requires local authorities and others to consider crime and disorder reduction while exercising all of their duties. This reflects the reality that there are crime and/or disorder implications in decisions made across the full range of local authority services. The consideration of the specific licensing objective of the prevention of crime and disorder fulfils the requirement under this Act.

The Anti-social Behaviour, Crime and Policing Act 2014

The Act introduced a wide range of powers available to the Police and local authorities to tackle anti-social behaviour, including incidents of crime, nuisance and disorder, which make people's lives a misery. This Act covers noisy neighbours, vandalism, litter and public drunkenness. It has introduced public spaces protection orders which allows a local authority to designate areas within their Borough where certain anti-social behaviour will be prohibited, including drinking. It also gives the Police or local councils the ability to close premises where nuisance and disorder is taking place. They also allow the Police and local authorities to issue Community Protection Notices (CPN's) for a wide range of anti-social behaviour.

Environmental Protection Act 1990

This covers a wide range of types of pollution including noise pollution.

Fire safety legislation

The London Fire and Emergency Planning Authority (LFEPA) enforce fire safety legislation. This currently includes the Fire Precautions (Workplace) Regulations, the Fire Precautions Act, and the Regulatory Reform (Fire Safety) Order 2005.

Merchant shipping legislation

This applies to vessels that undertake voyages but not to those permanently moored.

Sex Establishment legislation

The Local Government (Miscellaneous Provisions) Act 1982, as amended by the Greater London Council (General Powers) Act 1986, and the Policing and Crime Act 2009.

City of Westminster Act 1999

The City of Westminster Act 1999 is a local Act which regulates street trading in Westminster. Consent for the use of tables and chairs on the highway associated with licensed premises may need authorisation under the 1999 Act. A temporary street trading licence issued under the 1999 Act will define the permitted area to be used, the hours for which the consent is granted, and any limitation on the numbers of tables and chairs or restrictions on other associated equipment.

Appendix 7 – Metropolitan Police crime prevention and effective management checklist

Links to health and safety policy and legislation:

1. Is there a written Health and Safety Policy for the premises?
2. Is there a written Risk Assessment?
3. When was it carried out?

Incident logs – Crime & Disorder incidents to be recorded

Mapping scheme, mark location incidents within premises

1. Is there an incident log in operation?
2. Is the incident log available for inspection?
3. Within your premises, where are your crime hotspots?

Staff training – training to resolve identified risks

1. Are all staff trained to recognise aggressive or suspicious behaviour?
2. Are all staff requested to approach customers about unattended property/clips?
3. On busy nights, are staff employed to warn customers about leaving property unattended?
4. Do door Supervisors attend staff training days?
5. Is there a record of staff training?

6. Do staff sign a training attendance record?
7. Who is responsible for company policy on staff training?

Staffing levels

1. What are your minimum and maximum staffing levels?
2. How are they decided?

Design of premises – implement recommendations of CPO

1. How many points of entry are there?
2. Are the entry points monitored?
3. Is there a Police response alarm?
4. Do staff carry panic buttons?
5. Is there a panic button in cash office?
6. How is capacity monitored?
7. Are the tills positioned, so staff face customers?
8. Is cash stored at the premises?
9. Is there a cloakroom?
10. Does the cloakroom offer free hand luggage storage?
11. Is the cloakroom facility advertised?
12. Can the toilets be monitored easily?
13. Are cupboards & drawers within the toilet kept locked?
14. Are the cisterns boxed in and secure?

15. Are there any flat surfaces?

16. Do toilet cubicle doors have a gap at top and bottom?

Managing the effects on the local environment

1. Ensure glass is not taken outside the premises.

2. Are noise levels within legal limits? (To be set by EHO).

3. Ensure that pedestrians & vehicles are not affected.

4. No rubbish on street.

5. Correct use of CCTV.

6. Are staffing levels adequate to monitor outside drinking?

7. What links do you have with local residents?

8. What steps are taken to minimise disruption when people are leaving?

Commercial policies – i.e. happy hours.

1. The incident log may show the policy is a cause of crime & disorder

Positive victim care – support for witnesses and appropriate complaint procedures

1. Is there a Positive Victim Care Policy?

CCTV

1. Has the venue got CCTV?

2. Do high-resolution cameras cover all entry/exit doors?

3. Does CCTV cover the cash office door?

4. Is there a written operational requirement for the CCTV?
5. Where is the CCTV video recorder stored and is it in a secure place?
6. Which members of staff have access to it?
7. Are the videotapes secured in a secure place?
8. Is there a record of CCTV maintenance?
9. Is there a record of the tape changes?
10. How many tapes do they use?
11. How often are they renewed?
12. Does the CCTV cover external area?
13. Has the CCTV system a dedicated operator?
14. Is the system operated in accordance with Data Protection Act? (Registered with Data Protection Registrar)
15. Is the system registered with Operation Rainbow?

See Appendix 8 for Recommended 'Minimum' requirements
for CCTV systems within Westminster

Access Control

1. Who is responsible for supervising security staff?
2. Is there a written access policy?
3. Is the queue supervised outside the venue?
4. Is the queue supervised at the cloakroom?
5. Is a record kept of door staff working on each day?
6. Are personal details of security staff kept?

Crime prevention

1. Is crime prevention literature displayed?
2. Is there a company policy regarding the display of crime prevention material?
3. Who is in charge of the policy?
4. What crime prevention initiatives are in place?

Outside eating & drinking

1. Does the venue allow outside drinking?
2. Has the venue got a WCC 'tables and chairs' licence?
3. How are customers supervised outside?
4. Is crime prevention literature displayed outside?
5. Have any crime prevention measures been implemented outside?
6. How are risks assessed regarding passing pedestrians and traffic?
7. Are staff trained to supervise those outside?
8. How are numbers of persons outside controlled? (Capacity).
9. Are tables and chairs taken in when not in use to prevent them offering opportunities for being used in crimes and disorder?

Drugs and Weapons

1. Does the premises have a search policy?

2. Are notices prominently displayed explaining the policy?
3. Do security staff patrol inside the premises?
4. Are staff trained in identifying problems within the venue?
5. Are efforts made for close supervision of toilets and poorly lit areas?
6. Are police informed of seizures?
7. Are seizures correctly documented?
8. Has the premises been supplied with self-sealed property bags and plastic weapon containers?
9. Are door staff trained in how to deal with weapons/firearms?
10. Do management/staff keep written notebooks for 'original notes' ?
11. Has the venue provided search arch, provided search wands?
12. Are door staff registered?
13. Does the venue provide local police with details of events involving outside one month notice?
14. Does the premises enter into contractual agreements with outside promoters?
15. Are police contacted before such agreements are signed?

Admission of children

1. Ensure door supervisors are trained and empowered to deal with underage drinking.
2. Put in place robust systems to monitor and control the access of young people.

3. Have a policy statement to deal with underage access which should include reference to the use of approved 'Proof of Age' schemes which include photo identity cards as in the PASS scheme.

4. Display of Policy on checking of age.

Appendix 8 - Recommended 'minimum' requirements for CCTV systems within Westminster.

1. Westminster Police recommend that you read and understand the aide memoire for effective CCTV systems produced by the Association of Chief Police Officers (ACPO). Westminster Police working in partnership with Westminster City Council also recommend that all premises within Westminster adopt the following standards.
2. The system must comply with the Data Protection Act 1998 and be registered with the Data Protection Commissioner's Office Tel No. 01625 545745, or www.dataprotection.gov.uk.

http://www.ico.gov.uk/for_organisations/data_protection/topic_guides/cctv.aspx
3. All recording equipment must be stored in a secure area with access restricted to authorised staff only. The video recorder and tapes must be stored in lockable cabinets. A written record must be made by the person accessing the equipment showing the time, date, printed name and signature. Tapes must be kept for 31 days on a roll around basis.
4. All 'Entry' and 'Exit' points must be monitored (recorded CCTV pictures), by a camera that records every person entering in any light conditions to a minimum standard of 'frontal' Identification. In certain circumstances 'full frontal' recognition may be acceptable (see ACPO guidelines to explain Identification and recognition).
5. Additionally night-clubs / pubs must have dance floors, fire exits and areas where security searches are carried out monitored in all light conditions.
6. Further monitoring will be at the recommendation of the CPO taking into account any identified risks. This may include places such as cash offices, external areas etc.

7. Constant recording is recommended for all cameras. A 'real time' recorder giving an update time of less than one second between camera pictures of the same scene will be required.
8. No split screen or rolling monitors should be on view to the public as this identifies monitored areas.
9. Note – Where it is shown that the identified risks are greatly reduced the CPO may agree alternative requirements in consultation with the Sector Inspector and Westminster Crime Reduction Unit.

Appendix 9. Prevention of crime and disorder

Measures for pubs, bars and music and dance premises

- a) Effective measures to check the age of those possibly under 18.
- b) Ensure door supervisors are trained and empowered to deal with underage drinking.
- c) Put in place robust systems to monitor and control the access of young people.
- d) Have a policy statement to deal with underage access which should include reference to the use of approved 'Proof of Age' schemes that include photo identity cards such as the PASS scheme.
- e) Display of policy on checking of age.
- f) Whether the design and layout of the premises are likely to lead to local overcrowding.
- g) Measures to discourage excessive drinking and drunkenness.
- h) Measures to promote 'sensible drinking' including measures to encourage purchase of soft drinks including pricing of soft drinks to below that of alcoholic drinks.

- i) Regard paid to good practice guides and industry codes; e.g. on packaging and labelling; drink promotions especially discounted promotions such as “happy hours” , “buy one get one free” offers.⁵
- j) Whether drinking vessels are made of toughened glass or plastic and are designed to not have a sharp edge when broken.
- k) Whether the taking of glasses or glass bottles outside of the premises is proposed to be permitted.
- l) Whether licensed door supervisors are to be deployed and their responsibilities for prevention of disorder in the vicinity of the premises.
- m) Whether suitable use of CCTV is proposed inside and outside the premises to provide recordings of a quality to be of use in prosecutions. (See Metropolitan Police’ s minimum requirement.)
- n) Adequate measures to prevent the use and supply of illegal drugs.
- o) Adequate search procedures to prevent the bringing of illegal drugs or weapons onto the premises.
- p) Information displayed for staff and patrons and the training for staff on drug awareness including the spiking of drinks with drugs.
- q) Procedures agreed with the police, for searches, the surrender and seizure of drugs and weapons. The Metropolitan Police have produced a Guidance

⁵ Reference should be made to codes of good practice from responsible authorities and from the industry such as the Portman Group Code of Practice on the naming, packaging and merchandising of alcoholic drinks and the British Beer and Pub Association’ s Guidance on Point of Sale Promotions.

booklet "Safe and Sound- helping you manage the threat posed by drugs and weapons" which has sections on seizure procedure.

r) Participation in a Pubwatch or Clubwatch scheme.

Appendix 10. The City of Westminster Police

Licensing Policy Statement

Westminster Police are committed to reducing the levels of crime and disorder associated with premises undertaking 'Licensable Activities' and to providing active supervision of such premises. We will work in partnership with licensed premises to ensure that they are aware of the principles of good management and abide by them. Where co-operation is not forthcoming, we will enforce compliance with existing legislation by working in partnership with Westminster City Council and other Responsible Authorities. Whilst every application will be considered on its individual merits and there will be no general policy of opposing all new applications or variations, this policy seeks to allow for the fact that the City of Westminster occupies a unique position in terms of its policing challenges.

Premises licensed for the sale and consumption of alcohol create significant demands on resources. This Policy must balance the various competing rights of individuals and businesses whilst allowing police to focus their resources on those areas of greatest need and effectively reduce crime and disorder.

Westminster Police believe that the cumulative impact on levels of crime and disorder generated by licensed premises within the West End Stress Area is significant. Any further increase in the numbers of licensed premises within this area would lead to an increase in overall crime and disorder and should not be countenanced. Therefore, any application relating to premises within the West End Stress Area which is likely to add to the crime and disorder problems which already exists is likely to result in an objection by the police unless exceptional circumstances apply.

All other applications will be opposed only if their granting would lead to an increase in crime and disorder. Premises seeking to ensure that they comply with the objective of preventing crime and disorder should follow the advice contained within the relevant appendix of this Statement of Licensing Policy.

This policy should be read in conjunction with the Statement of Licensing Policy produced by Westminster City Council.

Appendix 11 - Guidance on noise

1. The council regards the control of noise as an essential aspect of good neighbourliness, contributing to the sustainability of residential and commercial communities. The Westminster Noise Strategy outlines Westminster's commitment to adopt noise conscience city management, planning and licensing.

Noise sources

2. Applicants should consider the potential sources of noise and the hours when it may be generated. The Licensing Authority's noise criteria relate to all these sources of noise whether indoors or in the open air, including:
 - (a) music and human voices, both amplified and unamplified
 - (b) other internal activities
 - (c) use of open areas
 - (d) patrons queuing
 - (e) patrons and staff entering and leaving the premises and in its vicinity
 - (f) vehicles arriving, waiting, parking and departing
 - (g) deliveries and collections including refuse and collection of recyclable materials
 - (h) plant, machinery and associated equipment
 - (i) any other factors that could cause noise disturbance.
3. Many licensed activities can cause noise that is heard outside the premises or originates from an open air site and some of these risk generating noise that causes public nuisance. The risk assessment carried out for licence applications for such activities, should take account of the criteria and guidance on noise

set out below which indicates circumstances in which a noise report will be necessary and what it should contain.

4. On the other hand, some licensed activities will generate noise at such low levels that they are unlikely to cause public nuisance. The list of criteria below should be used to determine whether it is likely that a full noise report will be required.

Information on noise

5. All applicants must provide a statement demonstrating how they do or do not comply with the following criteria. A noise report will not usually be required where all the following criteria are met.

(a) There have been no Noise Abatement Notices (Section 80 of the Environmental Protection Act 1990) served in relation to the premises within one year prior to this application.

(b) There have been no noise complaints relating to the premises received by the applicant, the council or the police within one year prior to this application.

(c) There have been no objections to the renewal of a licence in relation to the premises within one year prior to this application.

(d) There are no noise sensitive properties above, below, adjacent, opposite in the proximity of the premises or otherwise likely to be affected.

(e) There is no air conditioning, or other plant and associated equipment.

(f) There is no loudspeaker system.

(g) There are no activities involving performances of music or other sounds, whether live or recorded, or any other 'regulated entertainment' .

(h) No door staff are required as a condition of an existing licence.

(i) Deliveries, collections, servicing; use of vehicles, do not take place between 19.00 and 07.00 hours.

Noise report

6. When the Licensing Authority receives a statement from the applicant demonstrating how they do or do not meet the criteria above, it will determine whether a noise report will be required, which aspects of it will be required, what it should cover, and how it should be prepared.
7. A noise report may contain some or all of the following:
 - (a) An environmental noise impact assessment (required for all noise reports).
 - (b) An acoustic report for premises where there is plant and equipment (e.g. ventilation, air conditioning, lifts, hoists etc).
 - (c) A sound insulation and sound reduction measures assessment (for premises where there is plant and equipment and/or sound systems, or 'regulated entertainment').
 - (d) Planned management measures for control of noise disturbance related to door control, deliveries and collections, waste management, servicing, and any other aspects requiring control of noise. (This will be required in most noise reports and all applications where operating hours include any of the period 19.00-07.00 hours, and/or where door staff are required.)
 - (e) Planned management measures for control of noise disturbance from an open air site or event. (This will be required for open air sites and events.)

Environmental noise impact assessment

8. An Environmental Noise Impact Assessment should provide information, as applicable, including, but not limited to:
 - (a) Existing ambient and background noise climate and a survey of both pedestrian and vehicular numbers in and around the premises.

(b) Assessment of the existing and future noise climate due to the new or increased use of the premises, indicating any increase in predicted noise levels.

(c) Assessment of the existing and predicted number and level of noise events.

(d) An assessment of the acoustic character / quality of the vicinity of the premises and / or the receptor, this may require an assessment of a combination of ambient levels (L_{Aeq}) and other acoustic indicators and descriptors (L_{AFmax} , $L_{Zeq1/3Octave}$, $L_{ZFmax1/3Octave}$, SEL), agreement may be sought with the Council on the assessment approach.

(e) Details of management procedures to reduce the impact of the premises' operation on the locality, including noise from customers and others arriving and departing.

Acoustic report (plant and equipment)

9. An Acoustic Report should provide information for both external and internal plant, and on the prevention of noise breakout from plant, equipment and internal activities. This should cover, as relevant:

(a) Mechanical and electrical plant, machinery and equipment and their locations, with manufacturers specifications: octave or 1/3 octave band analysis of noise for the proposed plant, machinery and equipment.

(b) The location of the most relevant openable window of the most relevant noise sensitive property that may be affected by noise from the proposed licensed use/plant and equipment, with the distance and orientation between these.

(c) The proposed operational hours.

(d) The background noise level assessment ($L_{A90, 15 \text{ min}}$) over the proposed hours of operation, including: the time, date, weather conditions, instrumentation and calibration, noise sampling locations, and a copy of the noise survey data (in accordance with BS 4142 measurement methodology).

Note: The use of 'Mean' background may be appropriate in line with BS4142:2014. However, caution must be taken where there are sudden changes in background levels (for instance, where plant and machinery switches off or activity no longer occurs). A 'mean' background which includes noise before and after a significant change in acoustic environment, may result in higher background level which is not representative of the true background conditions after an activity or plant has stopped. Consideration will be given to this point and although BS4142:2014 suggests a 'mean' background, a 'lowest' background level ($L_{A9015min}$) may be more appropriate.

(e) Calculations for the predicted noise level 1 metre from the window of the most affected noise sensitive property. Note: Theoretical prediction to 1 metre from a window will not require a correction for façade reflection.

(f) A report may need to include a consideration of the existing acoustic character of the location taking into consideration noise events, the type of noise sources, ambient and impulsive noise (L_{Aeq} , L_{AFmax} , SEL) and the possible impact of the proposals / changes on the existing acoustic environment.

(g) Use of acoustic enclosures.

(h) Use of noise attenuators and acoustic screens as required.

(i) Measures to ensure that plant, machinery and equipment is maintained to prevent noise levels from them increasing.

(j) Use of vibration isolators.

Sound insulation and sound reduction assessment.

10. A Sound Insulation and Sound Reduction Assessment should provide information, as applicable, on proposed:

(a) Assessment of the existing sound insulation of the building fabric.

- (b) Operational building layout to prevent noise escape.
 - (c) Sound insulation measures to prevent airborne and structural transmission of noise and vibration to adjacent premises.
 - (d) Attenuation measures to minimise noise breakout, and to prevent noise disturbance to the surrounding area.
 - (e) Use of electronic sound limiters on amplification systems as alternative means of control.
 - (f) Other measures to reduce structural transmission of noise and vibration.
 - (g) Installation of acoustic doors and lobbies.
- (Note: BS 8233:2014 contains useful guidance on commercial design criteria).

Planned management measures for control of noise

11. This is a statement of management measures to be taken to prevent and control noise, covering matters such as:
 - (a) hours of operation
 - (b) location of entry and departure points
 - (c) door control
 - (d) control and prevention of queuing
 - (e) control of amplified and unamplified music and voices
 - (f) steps to be taken to achieve good behaviour outside and within the premises
 - (g) communication with customers (signs, announcements and other means)
 - (h) management of use of outdoor areas

- (i) steps to be taken to ensure customers leave quietly
- (j) advice to customers on departure routes
- (k) stewarded access to taxis and licensed mini-cabs
- (l) arrangements for dedicated taxi or licensed minicabs to collect patrons in a manner so as to minimise any disturbance
- (m) arrangements for staff and patron parking
- (n) limits set on hours for servicing and delivery
- (o) guidance to drivers to limit noise during deliveries
- (p) communications with suppliers and service providers
- (q) providing quiet means for storage and movement of waste and recycling materials.

Planned management measures for control of noise disturbance from an open air event or site.

12. This is a statement of management measures to be taken to prevent and control noise from open air events and sites, covering matters such as:
- (a) hours of operation
 - (b) location of entry and departure points #
 - d) control of queuing
 - (e) management of amplified and unamplified music and voices, details of noise monitoring positions, data collection, availability and ability to view data
 - (f) steps to be taken to achieve good behaviour outside and within the open air site

- (g) communication with patrons or members of the public (signs, announcements and other means)
- (h) management of use of covered and outdoor areas
- (i) steps to be taken to ensure customers leave quietly
- (j) advice to customers on departure routes
- (k) stewarded access to taxis and licensed mini-cabs #
- (m) arrangements for staff and patron parking
- (n) limits set on hours for servicing, delivery and any other on site traffic movements
- (o) guidance to drivers to limit noise during deliveries
- (p) communications with suppliers and service providers
- (q) providing quiet means for storage and movement of waste and recycling materials.

Noise criteria

13. Licensed premises and activities will be required to meet the noise criteria in Policy PN1. Noise reports should show how these criteria will be met. Plant noise breakout and structural transmission
14. Applicants should demonstrate that the licensed activities from indoor premises, and open areas associated with them, can be carried out so that plant noise, airborne noise breakout, and noise and vibration transmitted through structures, will meet the criteria for indoor premises below.
15. Applicants should demonstrate that the licensed activities from open air premises can be carried out so that plant noise, airborne noise, and noise and vibration transmitted through structures will meet the criteria for open air premises at paragraph 19 below.

Indoor premises plant and equipment

16. Premises should be capable of being operated at all times of year without doors or windows being opened for ventilation. Air handling and air conditioning plant and systems must be designed and located so that noise emitted meets the criteria in Paragraph 17 below. The council will require the applicant to ensure maintenance of building plant and machinery so that the above standards will be met at all times.

Indoor premises plant & machinery and internal activities

17. The criteria relating to:
- (a) plant, machinery and associated equipment, internally or externally installed
 - (b) ventilation
 - (c) music and human voices, both amplified and unamplified and to
 - (d) other internal activities are noise emitted will achieve the following standards in relation to the existing external noise levels at the nearest noise sensitive properties⁶, at the quietest time during which any of these activities occur:

⁶ Noise sensitive properties include: all residential property; schools; hospitals; hotels; hostels; concert halls; theatres; broadcasting and recording studios.

At the nearest façade of the nearest noise sensitive property, the noise generated from the property to be licensed (the LAeq5 min) should not exceed 10 dB below the minimum external background noise during the operating period. The background noise level should be expressed in terms of the lowest LA90, 15 min.; and; where noise from the property to be licensed will contain tones or will be intermittent sufficient to attract attention:

At the nearest façade of the nearest noise sensitive property, the noise generated within each octave band level (LA eq 5 min) should not exceed 5 dB below the minimum external background noise level expressed in any of the individual octave band levels. The background noise level should be expressed as the lowest LA90, 15 min for each of the octave bands during the operating period.

Indoor premises structural transmission of noise and vibration

18. Applicants should ensure that as far as is reasonably practicable, licensable activities will be conducted and the facilities for licensed activities will be designed and operated, so as to prevent the transmission of audible noise or perceptible vibration through the fabric of the building or structure to adjoining properties. In the case of licensable activities involving the playing of music or the operation of kitchens, or the running of plant after 23.00 hours applicants may be required to demonstrate this.

Open air premises plant & machinery and other activities

19. The criteria relating to:
 - (a) plant, machinery and associated equipment, internally or externally installed
 - (c) music and human voices, both amplified and unamplified

(d) other activities.

Criteria:

Account will be taken of:

- (i) the type/s of events planned
- (ii) the number of events that take place each year
- (iii) the numbers of participants and people attending each event
- (iv) the times of day and duration of events
- (v) the days/dates of the events
- (vi) conformity to The Noise Council's 'Code of Practice on Environmental Noise Control at Concerts', guidelines and recommended noise control procedures
- (vii) conformity to standards set by the council in relation to the existing external noise levels at the nearest noise sensitive properties.⁷

The council has previously set standards in agreement with event organizers for lower noise levels than in Code of Practice on Environmental Noise Control at Concerts: published by the Noise Council.

⁷ Noise sensitive properties include: all residential property; schools; hospitals; hotels; hostels; concert halls; theatres; broadcasting and recording studios.

People arriving, departing and in the vicinity

20. Applicants should demonstrate that appropriate measures will be taken to limit noise from patrons and staff entering and leaving the premises, and vehicles arriving, departing and in the vicinity to prevent avoidable noise disturbance to noise sensitive properties. The kinds of measures that may be used include:
- (a) Installation of an acoustic lobby with inner and outer acoustic doors, designed to prevent both sets of doors being opened at the same time, together with management arrangements to ensure this.
 - (b) Signs and verbal advice to patrons to encourage them to limit noise as they wait outside and as they leave the premises.
 - (c) Guidance to patrons on routes to take as they depart, to cause least disturbance.
 - (d) Guidance to staff on their responsibilities to minimise noise from patrons as they arrive at and depart from the premises.
 - (e) Guidance to staff to minimise noise from any activities outside and in the vicinity of the premises.
 - (f) Arrangements for the calling of taxis, minicabs, cars or limousines from within the premises and for the collection of patrons by arrangement.
 - (g) Arrangements with dedicated taxi, minicab, car or limousine companies to collect patrons in an agreed manner so as to minimise disturbance.

Deliveries, collections and servicing

21. The criteria relating to deliveries, collections and servicing are that the applicant must demonstrate appropriate measures that will be taken to limit noise from these sources and that these will prevent avoidable noise disturbance to noise sensitive properties. Such measures may include:

(a) Ensuring that deliveries, collections and operational servicing are carried out between 07.00 and 19.00 hours, except where access at other times is unavoidable and specific procedures are in place to limit disturbance.

(b) Guidance to drivers to switch off engine during deliveries, collections and servicing, and to minimise other noise caused by their activities.

Appendix 12. Supporting data and evidence

The importance of entertainment and licensed activities

1. The entertainment industry in Westminster is part of the appeal of London as a vibrant city. It attracts tourists and visitors from across the UK and from overseas. It is a major contributor to Westminster's economy and a major growth sector. The Evening and Night-time economy (ENTE) in Westminster is the largest concentration of its kind in the UK. It is significantly bigger than the combined ENTEs of Edinburgh, Birmingham and Manchester and its diversity and degree of concentration of entertainment in the West End are unique.
2. ENTE activities equate to 23% of all employment in Westminster and 13% of all sales revenue. In 2013 the economic output of the ENTE in Westminster was £7.7 billion, with some 220,000 people employed in nearly 11,000 businesses. The number of Drinks, Entertainment and Food led businesses which make up the "core" ENTE grew by 24% between 2003 and 2013, with sales revenues increasing by 28% to £2.7 billion.
3. ENTE activity is not distributed evenly across Westminster but highly concentrated, especially in the West End Cumulative Impact Area. Geographically, the West End Cumulative Impact Area comprises just 4.5% of the total land area of Westminster yet it contains nearly 20% of all ENTE activity and over 10% of all Westminster economic activity.
4. Significant concentrations of ENTE activity are also found in the Edgware Road Cumulative Impact Area, 0.4% of the area of Westminster and 1.8% of its ENTE activity, and the Queensway/Bayswater Cumulative Impact Area, which consists of 0.6% of Westminster's land area and contributes 2.0% of its ENTE activity.
5. The good management of licensed premises and of the street environment in which they operate is essential to the success of London, to ensure that it both

has a successful entertainment industry and is a place where a wide range of people want to live and to visit.

Growth in licensed premises in Westminster

6. In the nineties and the early years of this decade, the numbers, capacity and hours of operation of premises licensed for the sale of alcohol or for entertainment or as night cafés increased very rapidly, particularly in the West End.
7. The total number of liquor licences in Westminster increased by nearly 400 (16%) from 1991 to 2002 rising to 2927. The number of licences for pubs and bars (full on licences) increased more rapidly by 43% to 1468 with 538 additional licences being granted between 1991 and 2002.⁸
8. The number of public entertainment licences (see Glossary) in Westminster increased nearly two and a half times from under 150 in 1992 to over 370 in 2002.⁹ In 2002, these premises with entertainment licences could accommodate 179,295 people; three times the number they could hold in 1992. The vast majority of premises with public entertainment licences for music and dancing also held Special Hours Certificates on their Liquor Licences which permitted them to serve alcohol while the entertainment is in progress up to 03:00 a.m. in those parts of the West End bounded by Mortimer, Cavendish and Wigmore Streets, Seymour Place, Park Lane and the Strand, and 02:00 in the remainder of the city.

⁸ Magistrates Courts Authority 2002

⁹ WCC Licensing Service Public Entertainment database

9. The number of public entertainment licences in the West End more than doubled from 85 in 1992 to 184 in 2002; with 121 of these premises closing at 03:00 or later.¹⁰ In 2002, premises in the West End Cumulative Impact Area with entertainment licences could accommodate 80,690 people.
10. The number of licensed night cafés in Westminster nearly doubled from 80 in 1992 to 155 in 2002¹¹ as did the number in the West End from 48 in 1992 to 88 in 2002. They have the capacity to hold 7,000 customers.¹² In the Edgware Road Cumulative Impact Area the number of licensed night cafés more than doubled from 11 in 1992 to 28 in 2002 having the capacity to hold approximately 1,400 customers. In Queensway, they increased from 2 in 1992 to 7 in 2002 with a capacity for 400 customers. Many premises with night café licences only operate a takeaway service late at night; the number of people they serve is many times greater than the numbers they can hold under the terms of their licence.
11. The Licensing Act 2003, which came fully into operation in November 2005, has changed the whole basis of licensing so that there are no longer separate public entertainment, late night refreshment and liquor licensing regimes. Licensable activities that were authorised by these previous regimes are now authorised under the Licensing Act 2003. The Licensing Act 2003 removed the need to hold a licence to provide cold food and drink after 23:00 (midnight for take-away food and drink) but it created a requirement for the provision of hot food and drink in premises which had been previously able to provide it

¹⁰ Town Centres Ltd, 2001. West End Entertainment Impact Study. (pg. 39)

¹¹ WCC Licensing Service: Night Cafés database

¹² Town Centres Ltd. 2001 West End Entertainment Impact Study

under a liquor licence. As a result of these changes data in licences granted under the Licensing Act 2003 are not directly comparable with data on licences granted under the previous regimes.

12. The number premises licences held in November 2007 was 2960. By the end of 2010 the total number of licensed premises in Westminster had increased to 3149, an increase of 6.4% in 3 years, but has since stabilised with 3134 licensed premises in October 2015.
13. Westminster's 45 theatres have a combined capacity to hold over 41,000 people. Over three-quarters of all central London theatres are in Westminster amounting to over a third of all the theatres in London. There has been an increase of 18% in the number of theatres from 2010 to 2015.
14. There are 16 cinemas operating in Westminster with some 60 screens. There are 12 cinemas in the West End Cumulative Impact Area, one in each of the other Cumulative Impact Areas and two outside the Cumulative Impact Areas. There has been relatively little overall change in the overall number of cinemas in Westminster since 2010.
15. There are 20 premises with casino licences operating in Westminster (one operates as poker rooms). One casino licence has been granted by the Licensing Justices since 2004. Five further applications have been refused licences by the licensing magistrates since 2004 despite the premises having been granted planning permission for casino use by the council.

Current pressures and impacts

16. The growth of the entertainment industry brings positive benefits to Westminster but there are associated pressures and impacts related to public nuisance, public safety and crime and disorder. Many of the streets in Soho have night time pedestrian flows of over 40,000 people a night, with flows of 7,000 an hour recorded in a night time activity survey. Leicester Square, Shaftesbury Avenue, and Soho have substantially higher pedestrian flows at night than in the daytime. Edgware Road, Jermyn Street, Queensway, and

Piccadilly¹³ have night time pedestrian flows comparable to their daytime flows.

17. 10 of the 31 Tube stations in Westminster are in or immediately adjacent to the designated cumulative impact areas but account for 51% of all persons exiting the tube network onto Westminster's streets. The number of people recorded as coming into the West End by underground train between 19.00 and 01:00 is over 74,000; with over 209,000 people leaving the West End during this time, over twice the number leaving between 10.00 and 16.00.
18. A witness statement of Chief Inspector Scott¹⁴ states that he is "Aware that between 250,000 and 500,000 revellers frequently attend venues within Mayfair and Soho on Thursday Friday and Saturday Nights." He states that from his experience that "This Station (West End Central) regularly runs out of officers to attend emergency calls between the hours of 1 am and 4 am due to the demand generated by intoxicated people leaving premises with extended liquor licences."

The capacity of the transport system to serve late night activity

19. Customers from the whole of London and much of the South East come into the West End attracted by the many specialised, large, and high quality venues that operate late into the night. The underground and rail networks carry in over a million people a day who come to work, shop or to visit Westminster

¹³ City of Westminster, 2002 Daytime and Night Time Pedestrian Flowcount Surveys (PMRS)

¹⁴ Witness statement of Chief Inspector David Scott November 2007

for other reasons.¹⁵ These rail services easily carry in those coming to enjoy a night out but they do not operate late enough to carry them all home again. The last trains on London Underground currently leave the centre of Westminster between 00:25 and 00:35.¹⁶ The last suburban and mainline trains generally leave at a similar time.

20. London benefits from one of the largest networks of buses anywhere in the world. A number of routes run for 24 hours, and many locations, including town centres and the West End, are served by buses throughout the night. In 2003/04 there were 27 million night bus passenger trips, an increase of 82 per cent on 2000/01. The density of routes and the frequency of service are greatly reduced by the time it reaches the outer suburbs. Although greatly improved in recent years, the night bus service is still unable to cope with the numbers of people that leave premises after 00:30. There are some 330 premises in Westminster capable of holding 156,000 people that close after the underground stops running.¹⁷ In response to proposals to extend the running of the underground network the Council is committed to assessing the impact of new arrangements when reviewing policy, as set out in paragraph 2.3.11 of this policy.
21. Westminster has somewhat different problems to that identified in Revised Guidance found in many towns where taxi ranks become the focus of friction. Despite recent increases in the night tariff, taxis are reluctant to take fares late

¹⁵ Annual Business Inquiry, 2005

¹⁶ TfL first and last latest tube timetabled for Bakerloo, Piccadilly, Victoria, Northern and Central lines

¹⁷ WCC Licensing Service Public Entertainment database

at night. The number of taxis and licensed minicabs, which are able and willing to take late night revellers home, is inadequate to meet demand. Unlicensed and otherwise illegal minicabs are joined by rickshaws/pedi-cabs, which come into the narrow streets in the heart of the West End to seek and pick up passengers. This is accompanied by widespread illegal touting. They frequently clog up the streets leading to the sounding of horns, making it difficult for the police and other emergency service vehicles to get through.

22. The extent of these problems is unique to central London because of the numbers of people and the distances involved. This precludes the possibility of walking home for most people. Crowds disperse slowly with people staying on to visit night cafés or pick up takeaway food before they find minicabs and catch night buses. Some people remain on the streets until the London Underground starts running between 05.30 and 06.00 from Monday to Saturday and 07.00 to 07:30 on Sundays.¹⁸
23. The witness statement of David Scott states that “There are in my view more people on the streets of the area that I am responsible for after 1 am than can be carried safely catered for by the supporting transport infrastructure. This is mainly due to the tube network closing down between midnight and 1am.”

Crime and disorder

24. The council has a duty to do all that it reasonably can to prevent crime and disorder in the area, under section 17 of the Crime and Disorder Act 1998. It has paid special attention to this duty in formulating its Statement of Licensing Policy. The reduction of crime and disorder have been priorities in previous

¹⁸ Transport for London first and last latest tube timetables for Bakerloo, Piccadilly, Victoria, Northern and Central lines

years .The fear of crime created by disorder including drunkenness is as damaging to public confidence and the quality of life as crime itself.

25. The council' s Crime and Disorder Reduction Strategy 2014 - 2017 aims to reduce crime, disorder, nuisance and the fear of crime to make Westminster a safer place to live in, work in and visit. The council has initiated schemes to assist in reducing crime and disorder including the installation of CCTV cameras across the West End and the introduction of Westminster Wardens in Leicester Square, Covent Garden, and elsewhere. Joint working with the Metropolitan Police is on-going including the funding of radio links from some pubs and clubs to the Police. The Westminster Crime and Disorder Strategy, produced by the Crime and Disorder Partnership is a three-year strategy running to from 2014 to 2017 for reducing crime and disorder, safeguarding communities, and reducing the fear of crime and improving the quality of life in the city.
26. The Police in Westminster are fully committed to minimising crime and disorder which results from the use of alcohol and often tarnishes the late night entertainment industry. As a responsible authority the Metropolitan Police have been consulted in the drawing up of this Policy Statement and are committed to upholding its principles.
27. It is widely acknowledged and recognised by the Home Office that there are strong links between the consumption of alcohol and crime. Nationally, alcohol is a factor in 30% of city centre arrests¹⁹ and this proportion is rising. However, the number of convictions and cautions for drunkenness are now at only 70% of their 1991 levels and those for the selling of alcohol to under

¹⁹ Alcohol Harm Reduction Project Interim Analytical report Simmons et al (2003)

18' s and those for the purchasing of alcohol by under 18' s, are at 25% and 10% of their 1991 levels. This is more to do with policing resources and priorities as any actual reduction in these offences.²⁰ Alcohol also causes an increase in anti-social behaviour, with some 43% of violent incidents being under the influence of alcohol misuse.²¹

28. The analytic study preceding the Government' s Alcohol Harm Reduction Strategy recognises that the likelihood of aggression and violence is heavily influenced by both the characteristics of licensed premises and their surrounding environment. The factors on the premises identified affecting incidence of violence include

- the skill, experience, attitude and management
- a young clientele especially if allowed to drink to intoxication
- the layout and design of premises, if leading to crowding and queuing
- unpleasant, poorly ventilated premises
- a lack of seating
- playing loud music

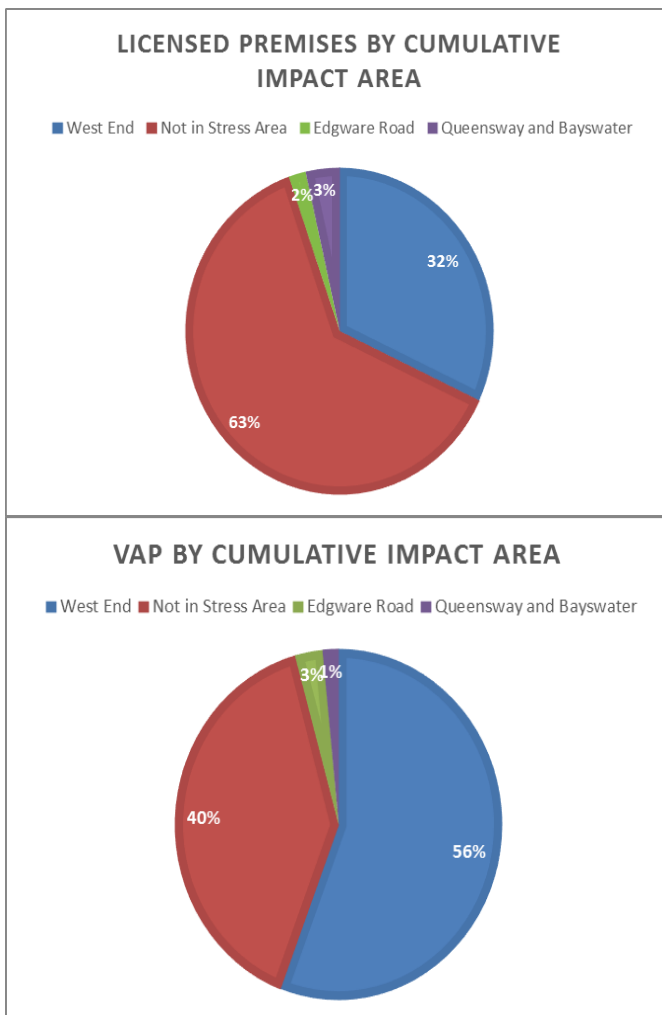
29. The factors in the surrounding environment include competition for scarce resources such as transport. This is exacerbated in areas where there is a high

²⁰ Alcohol Harm Reduction Project Interim Analytical report Lan Ho et al (2002)

²¹ Crime in England and Wales 2005/6 Home Office Bulletin quoted in Safer Sensible Social: the next steps in the national alcohol strategy

density of venues, if there is a lack of public transport and if venues all close at the same time.

30. Data relating to reports of incidence of violent crime in licensed premises has been collected for each of the last 3 financial years which run from April to March. Comparison between incidents related to premises in different locations and at different times illustrates some of the impacts of the ENTE and the influence that the policy may have in conjunction with other factors. A comparison of numbers of licensed premises in each of the Cumulative Impact Areas and the related “violence against the person” (VAP) incidents shows that premises in the Cumulative Impact Areas to have a higher rate of incidents associated with them.



31. The data has also been analysed based on the location of incidents, and whether the incident occurred during the time periods 4pm to 8pm, 8pm to midnight, or between midnight and 4am. Midnight is the latest time that pubs

are generally open under the core hours policy and the next four hours is the key time for the operation of the night-time economy. Comparative tables below show the data both for the whole of Westminster and for the area of the city within the West End Cumulative Impact Area.

32. These analyses for the periods in question show that across the whole of the city there are a significantly higher number of incidents in the 4 hours after midnight compared to the 4 hours prior to midnight. There has been an increase in incidents in all time periods, but a more significant increase in incidents before midnight. In the West End Cumulative Impact Area incidents have also increased, albeit from a low base, at all times, but the increase is significantly less after midnight. The council believes that the consistent application of the cumulative impact area special policies has contributed to the smaller increase in incidents between midnight and 4am in the West End Cumulative Impact Area.

Violent Crimes Reports in Licensed Premises – All Westminster

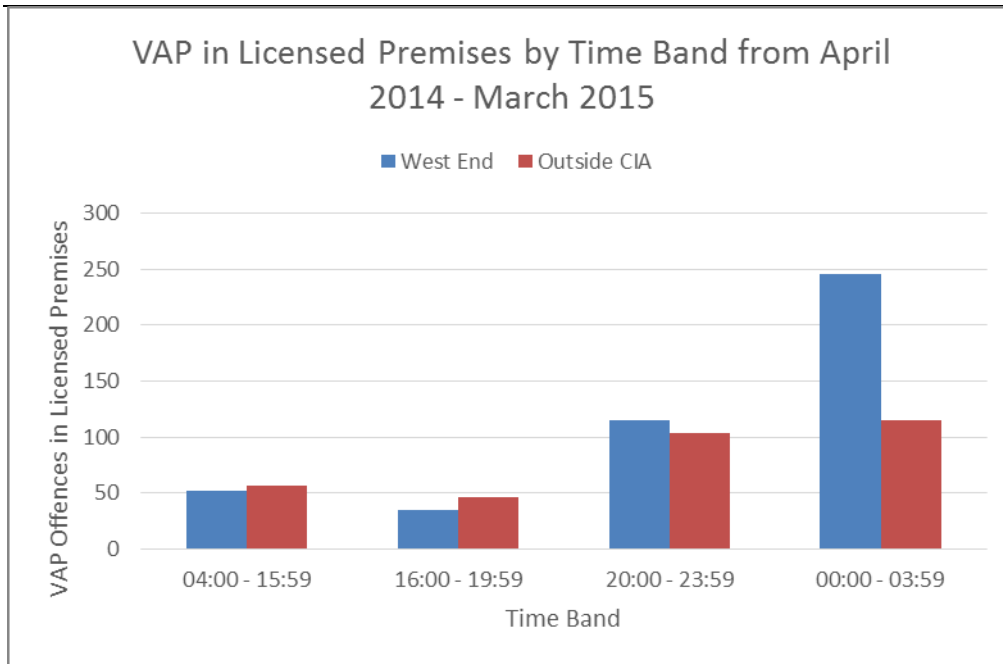
	Violent Crimes Reports in Licensed Premises		
All Westminster	Evening	Night	Late Night
VAP (all violence)	4pm to 8pm	8pm to midnight	Midnight to 4am
2012 / 2013	70	168	334
2013 / 2014	79	175	289
2014 / 2015	91	227	369

Change 2012 / 2013 to 2014 / 2015	+30.0%	+35.1%	+10.5%
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Violent Crimes Reports in Licensed Premises – Within West End Cumulative Impact Area

	Violent Crimes Reports in Licensed Premises		
Within West End Cumulative Impact Area	Evening	Night	Late Night
VAP (all violence)	4pm to 8pm	8pm to midnight	Midnight to 4am
2012 / 2013	25	94	232
2013 / 2014	22	104	198
2014 / 2015	35	115	246
Change 2007 / 2008 to 2009 / 2010	+40.0%	+22.3%	+6.0%

33. A comparison of the number of reported VAP incidents in the West End Cumulative Impact Area and the area outside the cumulative impact areas over time illustrates how the number of incidents is concentrated in the West End. Taking into account that the West End Cumulative Impact Area makes up only 4.5% of the area of Westminster the concentration of incidents of VAP is stark, and especially so after midnight.

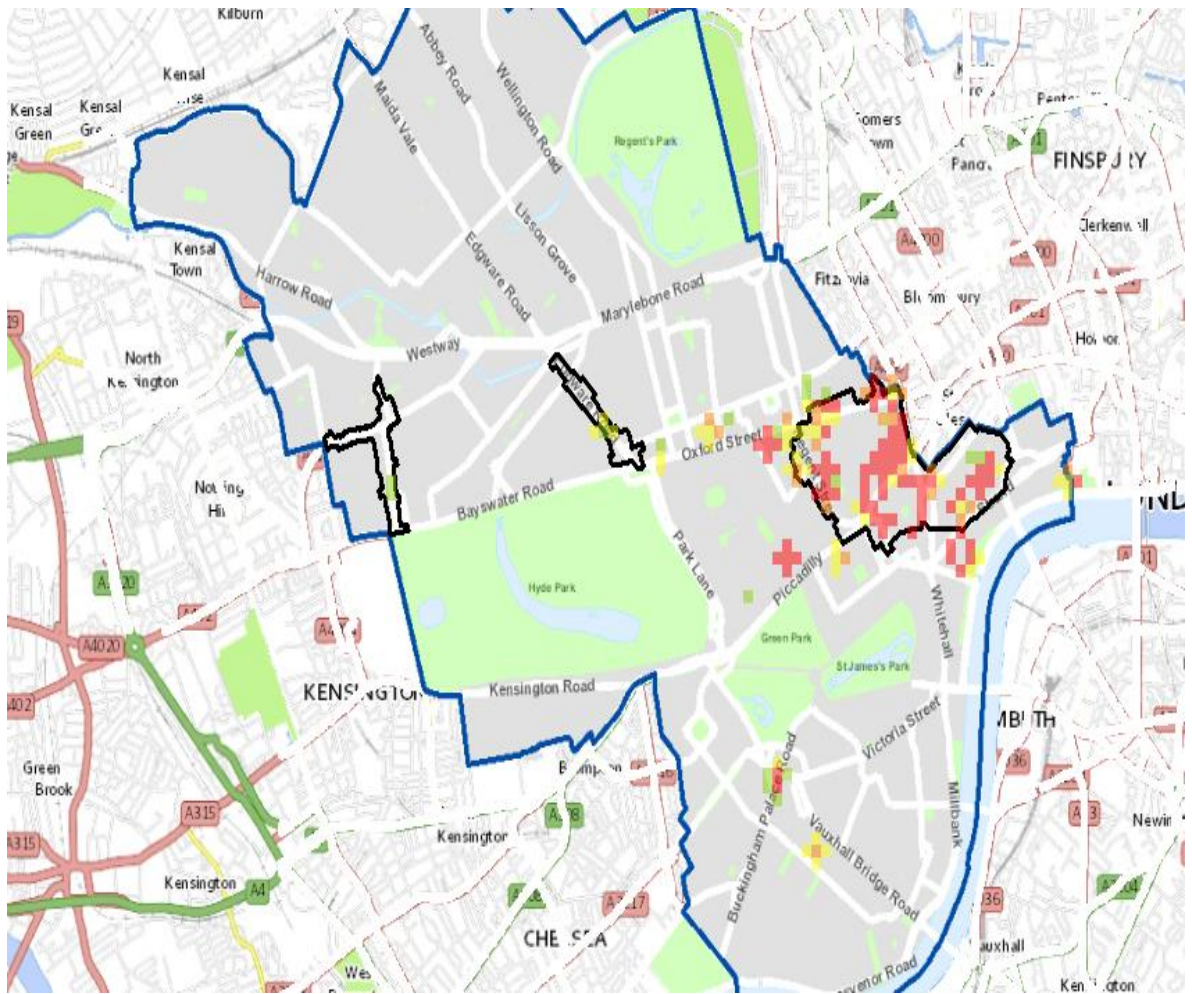


Alcohol and crime

34. The following map shows the distribution of 'Violence Against the Person' offences in licensed premises during the year April 2014 to March 2015. The map shows high concentrations of offences recorded in and around the West End Stress Area. This demonstrates a consistent distribution pattern since the introduction of the Licensing Act 2003.

Concentrations of crime reports of violence against the person (VAP)

VAP in Licensed Premises April 2014 to March 2015



35. Police statistics often give an incomplete picture of the level of disturbances occurring late at night. This has been highlighted in the statement provided by Chief Inspector Scott: "It is clear to me that there are many instances of antisocial behaviour go unreported. This is because of the acceptance that the police are unlikely to respond quickly enough to catch the people responsible. There is also concern amongst residents that police response times to their 999 calls do not meet their expectations. This is frequently due to officers dealing with incidents at or in relation to licensed premises."
36. Another instance of under-recording is that figures for arrests per hour in the early hours of the morning often show a decline in the number of arrests as the night wears on. This often does not reflect any lessening of offences being committed, but rather the lower number of police officers still on the street because other police officers are at the police station dealing with those arrested earlier in the night.

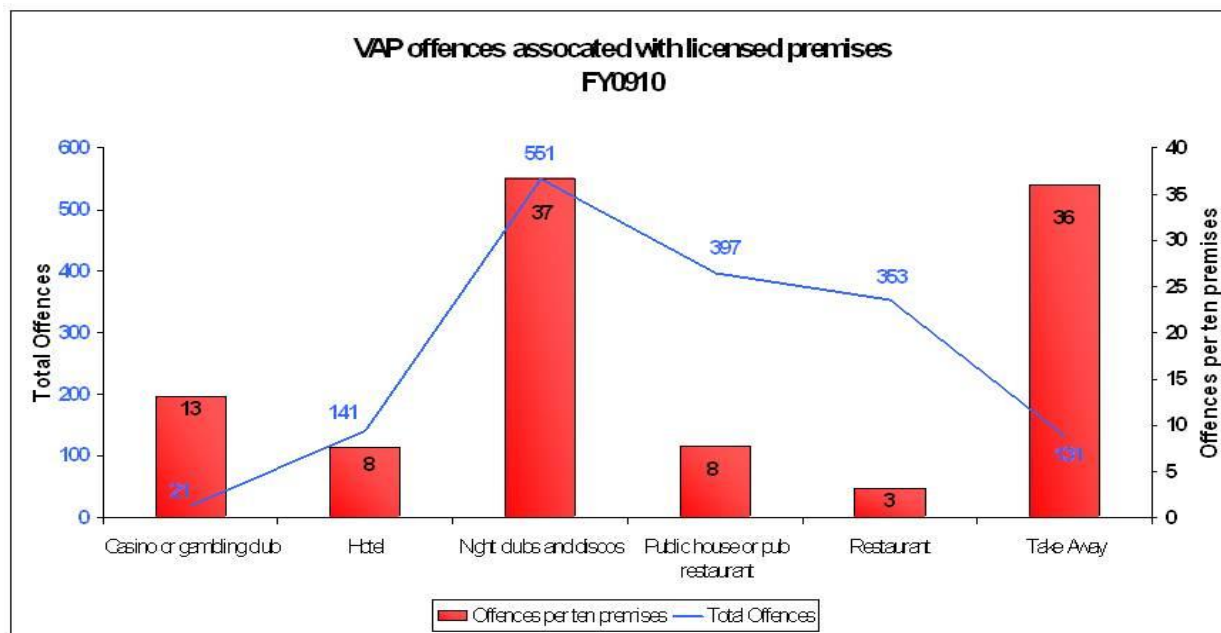
Opportunities for crime

37. Crowds of people on the streets late at night can create a sense of anonymity and people can believe that they can indulge in anti-social behaviour without the risk of effective sanctions being applied. The crowds also provide opportunities for crime and cover for drug dealers, pickpockets and street robbers.

Violent crimes by types of premises

38. A study of crime reports in licensed premises in Westminster from April 2009 to March 2010 indicates that for every 10 restaurants there were 3 violent incidents in the year. This compares to 8 for every 10 pub/restaurants and 37 for every 10 nightclubs.

Violence by premises type April 2009 - March 2010



Public nuisance

39. The British Crime Survey for the year ending December 2014 shows that 19% of respondents thought that alcohol related disorder was a problem compared to 20% in 2003. The predominant late night noise complaint in the central part of the city is commercial noise. Elsewhere in the city, it is domestic noise. People can be disturbed by noise coming directly from commercial premises at late hours, (noise breakout) the handling of refuse and recyclable materials and the direct effects of customers arriving at and especially leaving premises, this is often aggravated by the behaviour of minicab drivers who often block the streets giving rise to the sounding of car horns.
40. Analysis of noise complaints to the council associated with licensed premises illustrates a significantly higher proportion of complaint in each of the cumulative impact areas compared to other areas of Westminster.
41. The overall noise levels in the West End Cumulative Impact Area are high with night time noise at an average (background) level of 45 decibels, which is a level liable to induce some disturbance of sleep without any additional noise incidents. The cumulative impact of background night time noise generated by

people enjoying the facilities of the West End is such that it can amount to a public nuisance even without the addition noise that arises from bad behaviour or disorder.

42. Noise disturbance is added to by the noise of the public services attempting to deal with crime and disorder on the streets. Traffic and people clog-up the roads in the West End Cumulative Impact Area and emergency vehicles making their way through the congested streets add to the noise. The need to collect the litter and to clean and wash down the streets adds to the degree of disturbance as these operations have to be carried out after 03:00 as this is the time when the streets are starting to clear and refuse and sweeping vehicles can get through.
43. Street urination is a nuisance associated with licensed premises. The concentration of numbers of late night premises in the West End has been a major reason for the council introducing temporary night time street urinals. Since 2004 there have been regularly deployed each weekend and it is estimated that they together are used about 5,500 times over the weekend and thus help reduce the incidence of street urination.

Observed levels of nuisance and crime and disorder

44. A night time activity study of observed behaviour was conducted by Pedestrian Market Research Services for one night in July 2002 between 23:00 and 04:00.²² Observations were undertaken for seven minutes in the hour on a

²² City of Westminster, 2002 Daytime and Night Time Pedestrian Flowcount Surveys (PMRS)

single night. Some incidents would take place at times when there were no observations being made. The total number of incidents was therefore likely to be substantially greater than those recorded. Observations were made at several points in each of the areas.

- Soho had the highest observed levels of anti-social behaviour due to the presence of large numbers of drunken people with high levels of audible music and queues outside premises. Noise from mini-cab and pedi-cab touts was noted throughout most of the night.
- In Chinatown audible noise in the area was high throughout the night, mainly from buskers and people shouting/screaming in the streets.
- In Leicester Square levels of anti-social behaviour increased between 02.00 and 04.00 with evidence of mini cab touts, drunkenness and rowdy and aggressive behaviour with significant disturbances throughout the night with high noise levels, drug dealing and pick pocketing. There was a menacing, aggressive atmosphere.
- In the Covent Garden Piazza, before midnight, noise levels were generally high and there were incidences of anti-social behaviour including people screaming and urinating in the side streets.
- Other areas in the West End Cumulative Impact Area, nearly all the areas had some evidence of begging, urination, vomiting, mini-cab touting, busking, and shouting and screaming. There were some small pockets of increased levels of anti-social behaviour noted in these areas, mainly due to people leaving bars and clubs late at night.
- Queensway/Westbourne Grove had a relatively threatening atmosphere throughout the night, with a heavy police presence

between 22.00 and 23.00. Incidents of anti-social behaviour throughout the night included shouting, singing, and fighting. Police were called to incidents. Noise levels were generally high, with traffic as the dominant source of noise, but music from several venues, alarms, and sirens also caused significant disturbance.

- Along Edgware Road, there were several incidences of anti-social behaviour early on in the night, with the area considered to have a threatening atmosphere. The area close to Church Street provided evidence of underage drinking and groups of youths acting in a hostile manner.

43 A Westminster Evening and Night-time Economy Behaviour Audit 2015, which involved 400 hours of evening and night-time observations in the West End Cumulative Impact Area and 2 control areas outside of it, confirms the impact that cumulative impact has in the West End. The study found that cumulative impact areas such as the West End are almost invariably a 'victim of their own success' in that the crime and disorder levels relate directly to the outstanding success of particular locations as local leisure economies. The numbers of visitors attracted and the subsequent amount of human activity has an almost inevitable effect of increasing the numbers of crimes recorded. These crimes occur often alongside the more desirable aspects of social behaviour, with most visitors enjoying their nights out.

44 In comparing the evening to the night time the study found that drunkenness and the actions, behaviour and sounds associated with it had higher average incidences per hour and increased in prevalence throughout the 10-hour recording period in comparison with other anti-social behaviour (ASB) activities. Urination in a public place also increased in the post-midnight period. Street drinking was predominately an evening and late-evening activity, reducing after midnight.

- 45 “Drunkenness Sound” and “Drunkenness Action” categories recorded as pro-social were noted, with less degree of temporal divergence, across the 10-hour period than those recorded as anti-social. Levels of anti-social drunkenness were generally much lower in the evening than at night, with two isolated exceptions linked to unseasonably hot weekend weather and the events calendar. Levels of prevalence for pro-social drunkenness reduced with the lateness of the hour. Similarly the conviviality of groups of visitors was, on average, high in the evening period. This reduced steeply as the hours then progressed.
- 46 The study notes that the high levels of drunkenness recorded in the late-night period, combined with the relatively early-hour desistance from street drinking suggest that, although alcohol-preloading will undoubtedly contribute to levels of ASB, there is a strong correlation between anti-social drunkenness and the later closing hours of on-licensed premises. Our survey indicates that anti-social activities related to public drunkenness continue to rise for several hours beyond midnight in locations throughout the West End Cumulative Impact Area.
- 47 The study however found that this is not true of the control areas, which are outside of the cumulative impact areas.
- 48 The study further stated that there is a general professional consensus that efforts by crime reduction partnerships to monitor and prevent alcohol-related violence in the ENTE should focus, not on causality (attempting to distinguish between cases which were, or which were not, due to the intoxication of the offender or the victim, although it is known that consumption is almost certainly a contributory factor), and should instead focus on the location and timing of offences.
- 49 In relation to the West End, the report concluded that “in the light of these considerations and of the Guidance accompanying the Licensing Act 2003 with regard to the establishment of Cumulative Impact Areas,

we believe our research to indicate that Westminster's 'West End Cumulative Impact Area' policy retains a strong evidence base" .

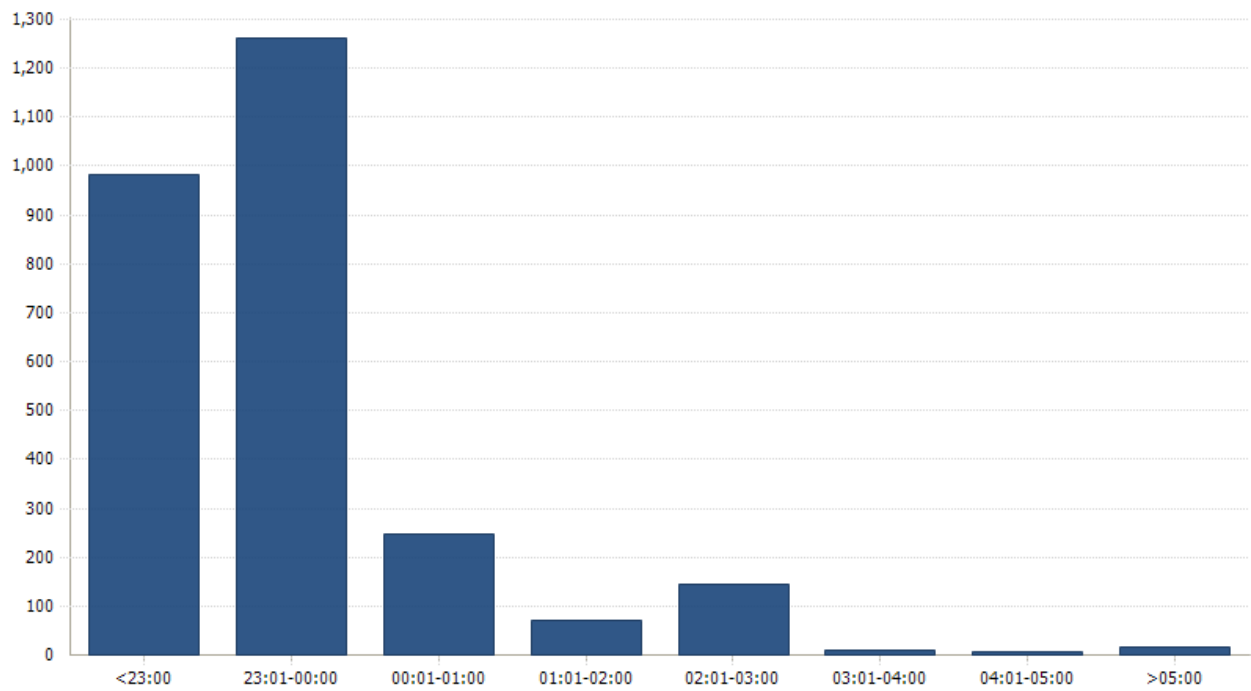
Appendix 13. Hours of operation of Licensed Premises

Closing hours

1. Westminster has a very large number of premises that sell alcohol later than 23:00, which is past the generally permitted hour for pubs and bars under the Licensing Act 1964. In 2003, there were 337 premises open after midnight. Under the operation of the Licensing Act 2003, and application of the council's "core hours" policy which generally permitted premises to sell alcohol until midnight on Friday and Saturday nights, this number had increased to 477 by 2015.
2. Premises licenses commonly permit different licensable activities to different terminal hours, and, for each licensable activity, different hours on different days of the week. To illustrate how licensable activity in premises is distributed over time the graph below sets out the latest hours authorised for the sale of alcohol on Friday night into Saturday morning. It is only by 04:00 that these numbers are significantly reduced with 38 premises still open.

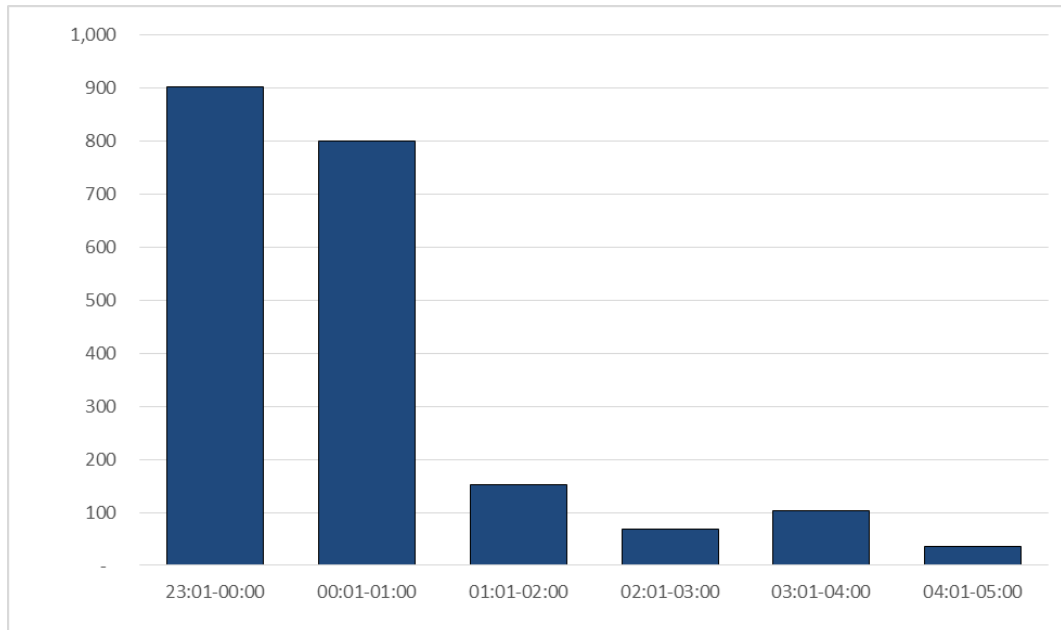
Premises Licences in Westminster

Latest authorised hours for the sale of alcohol on Friday night/Saturday morning



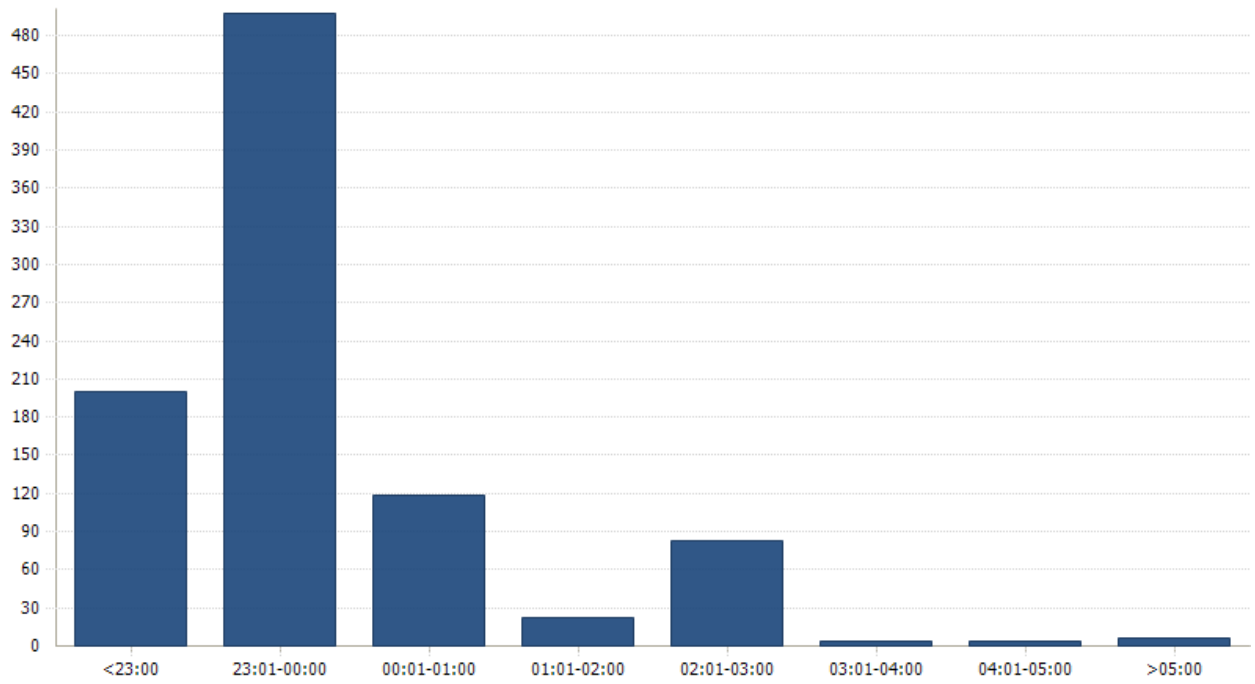
3. Similarly, a temporal analysis of premises licensed for the provision of late night refreshment illustrates the extent of licensable activity in the ENTE.

Latest authorised hours for the provision of late night refreshment on Friday night/Saturday morning

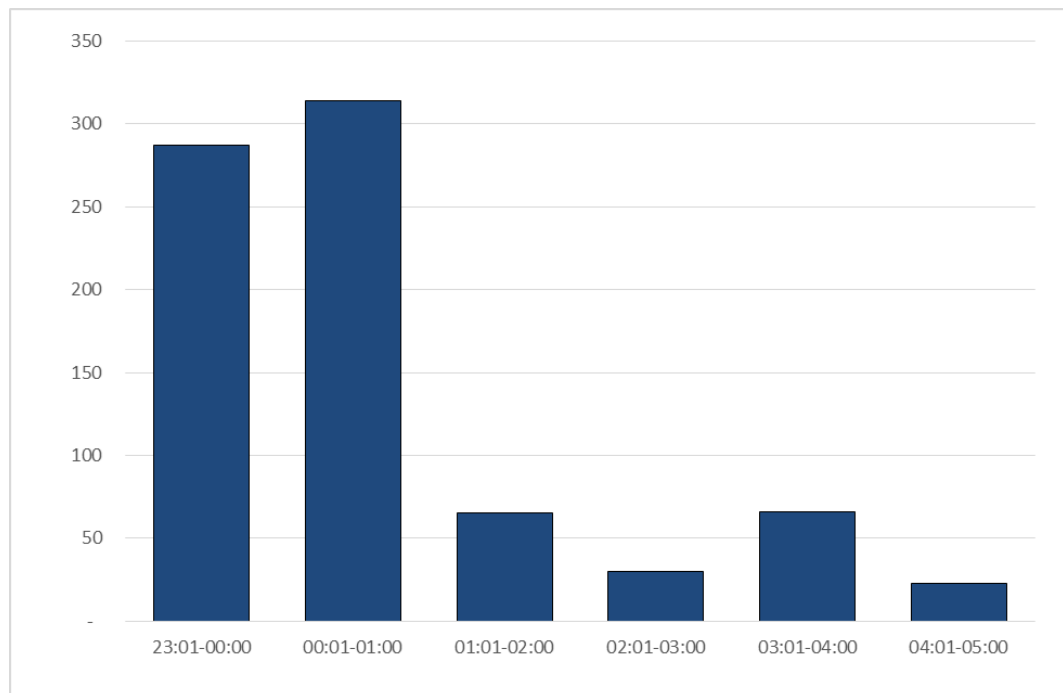


4. The extent of late night licensable activity is not equally distributed as the graphs below, showing activities in the West End Cumulative Impact Area, illustrate.

Latest authorised hours for the sale of alcohol on Friday night/Saturday morning in the West End Cumulative Impact Area:



Latest authorised hours for the provision of late night refreshment on Friday night/Saturday morning in the West End Cumulative Impact Area:



Appendix 14. Cumulative Impact Areas

- 1 The cumulative impact of licensed premises on the promotion of the licensing objectives is a proper matter for a licensing authority to consider in developing its licensing policy statement. (Revised Guidance, paragraph 13.20).
- 2 In parts of Westminster the growth, type and density of licensed premises is such that it causes problems of nuisance and disorder not only in the immediate vicinity of these premises but also some distance away. In Revised Guidance, 'cumulative impact' is defined as the potential impact on the promotion of the licensing objectives of a significant number of licensed premises concentrated in one area. Cumulative Impact Policies (CIP) may relate to premises licensed to carry on any licensable activity, including the sale of alcohol on or off the premises, and the provision of late night refreshment. This includes late night fast food outlets which are not licensed to sell alcohol.
- 3 In some areas, where the number, type, or density of premises selling alcohol or providing late night refreshment is high or exceptional, serious problems of nuisance and disorder may be arising or have begun to arise outside or some distance from those premises. (Revised Guidance, paragraph 13.21).
- 4 Revised Guidance paragraph 13.29 sets out the steps to be followed when considering whether to adopt a special policy within the Licensing policy these include:
 - Identify concern about crime and disorder; public safety; public nuisance; or protection of children from harm.
 - Consider whether there is good evidence that crime and disorder or nuisance are occurring, or whether there are activities which pose a threat to public safety or the protection of children from harm.

- If such problems are occurring, identify whether these problems are being caused by the customers of licensed premises, or that the risk of cumulative impact is imminent.
 - Identity the boundaries of the area where problems are occurring.
 - Consult with those specified by section 5(3) of the 2003 Act and subject to the outcome of that consultation, include and publish details of special policy in the licensing policy statement.
- 5 Having had regard to Revised Guidance and the existing situation in Westminster and to representations made by the Police and residents, the council considered it appropriate to propose special policies on cumulative impact which aim to limit growth of licensed premises in certain areas. These are three defined areas of the City referred to as the 'West End Cumulative Impact Area' , the 'Edgware Road Cumulative Impact Area' and the 'Queensway/Bayswater Cumulative Impact Area' .
- 6 The geographical pattern of violent crimes late at night has altered little over the past three years. While the West End Cumulative Impact Area successfully encapsulates the areas of the highest concentrations of these types of crimes at these hours, they do not include them all. The area around Charing Cross station and south of it showed high levels of crime reports. There was on this basis a case for examining proposals that this area be included in an extension to the West End Cumulative Impact Area. There are other areas where lower levels of concentrations of reports of violent crime persist. This is not to suggest that any level of violent crime is inherently acceptable. These areas are along the western stretch of Oxford Street, along Piccadilly, and around the Embankment Temple area and around Victoria Station.
- 7 The nature of these crime reports was considered in discussion with the police. The conclusion was that the level of crime in surrounding areas was generally lower than in the Cumulative Impact Area and was in many cases attributable to individual premises. It was considered that the existing problems in these

areas should be addressed by interventions from the police and other responsible authorities that are directed to problem premises to ensure their compliance with licensing conditions, the adoption of crime prevention and nuisance reduction initiatives and their recognition that if necessary responsible authorities will call for reviews of individual premises licences. The inclusion of these areas in the Cumulative Impact Area is not considered appropriate at this time but the council is committed to keep them under on-going review.

- 8 Further studies and advice were commissioned from a consultant who has considerable experience of conditions in various parts of Westminster from the collection of evidence in relation to appeals. He also has a wide knowledge of the night time economy and its relationship to crime and disorder. The conclusion of his study of areas of Mayfair and St James' s where there had been particular concerns expressed by residents was that the "...Problems of environmental stress encountered were qualitatively and quantitatively different from those I would expect to find in the WESA and Edgware Road Stress area. Isolated pockets of 'stress' were encountered in each area. These could be clearly identified as relating to particular premises" .²³
- 9 The conclusions from this data and from experience, taking into account the fact that the role of the licensing authority is limited to the promotion of the licensing objectives, recognising the effect that existing policies have had to date and that where necessary problems arising from individual premises can be dealt with by enforcement action, taking into account the role of other plans and policies (particularly planning policy), and finally having regard to

²³ St James' s Street South Molton Street- visit and analysis by Dr Philip Hadfield June 2007

the policies with respect to specific types of premises, particularly restaurants, it was determined that there should be no change to the existing Cumulative Impact Area boundaries. It was also determined that the Cumulative Impact Areas should not be extended to include the areas referred to above and that it is not necessary to introduce special geographically based policies to protect any specific areas outside the existing Cumulative Impact Areas.

- 10 As part of the review of this policy in 2015 the council has however committed to consider whether alternative measures, such as those described in paragraph 13.41 of Revised Guidance should be applied any area of the city, and has initiated consultation in that regard.

Size of the Cumulative Impact Areas

- 11 The Cumulative Impact Areas cover the following areas:

CUMULATIVE IMPACT AREAS	AREA (HECTARES)	PERCENTAGE OF CITY
West End Cumulative Impact Area	98.2	4.5%
Edgware Road Cumulative Impact Area	9.9	0.4%
Queensway/Bayswater Cumulative Impact Area	13.0	0.6%
Total Cumulative Impact Areas	121.1	5.5%
Total area City of Westminster	2,202.0	100.0%

- 12 The Cumulative Impact Areas in total therefore only account for 5.5% of the City' s total area of 2,202 ha.

Residential properties

	RESIDENTIAL PROPERTIES 2002	PERCENTAGE OF CITY
West End Cumulative Impact Area	4098	3.4%
Edgware Road Cumulative Impact Area	1300	1.1%
Queensway/Bayswater Cumulative Impact Area	2003	1.7%
Total Cumulative Impact Areas	7401	6.2%
Total area City of Westminster	119,000	100.0%

Numbers of licensed premises in the Cumulative Impact Areas

	Number of licensed premises	Percentage of total licences
West End Cumulative Impact Area	1005	32.1%
Edgware Road Cumulative Impact Area	56	1.8%

Queensway/Bayswater Cumulative Impact Area	111	3.5%
Total Cumulative Impact Areas	1172	37.4%
Total area City of Westminster	3134	100.0%

Data source: WCC Evaluation and Performance team October 2015

History/background to Cumulative Impact Areas

- 13 The Cumulative Impact Areas and the policies developed for both licensing and planning purposes have been evolved over a long period, as is detailed below. The policies using the Cumulative Impact Areas for licensing and planning purposes are now well established. The main steps in evolution are explained below.

Consideration of Guidance

- 14 The council decided to adopt special policies which identify areas of cumulative impact, which had been established through previous and current licensing and planning policies. Regardless of the fact that the council had established these areas of cumulative impact in its licensing policy before the Licensing Act 2003, it considered the steps now identified in Revised Guidance, paragraph 13.29.

Characteristics of Cumulative Impact Areas

In defining the Cumulative Impact Areas the principal causes of 'cumulative impact' were considered by the council to include the following aspects which are described below together with the licensing objective with which they are most closely associated:

(a) High levels of noise and vibration from premises and noise and disturbance from the very large numbers of people on the street on most nights during the week even when relatively well behaved (Public Nuisance).

(b) High levels of bad behaviour in public places, particularly at night though not exclusively so, can be characterised as anti-social, dangerous or criminal, much of it is associated with excessive drinking of alcohol, or drug-taking (Public Nuisance and Crime and Disorder).

(c) Numbers of pedestrians on footways which in places are insufficient to accommodate them safely and the spilling of crowds onto the roadway (Public Safety and Public Nuisance).

(d) High volumes of litter generated by fast food outlets and nightclub flyers which is a public nuisance and creates an atmosphere of disorder which is unwelcoming.

(e) The fouling of doorways, alleyways and streets, which in addition to being antisocial, has consequences for public safety and health (Public Safety and Public Nuisance).

(f) Considerable difficulty in providing, to an appropriate standard, street cleaning, refuse collection and servicing of commercial and residential premises (Public Nuisance).

(g) Traffic congestion late at night caused by the dropping-off and picking up of people visiting entertainment uses (Public Nuisance).

(h) The perceptions of residents, workers and visitors that conditions in parts of the areas concerned threaten their personal safety (Public Safety).

The development of Cumulative Impact Areas as special policies as referred to in Revised Guidance paragraph 13.24 to 13.39

1. The City's 1982 District Plan included Policies²⁴ intended to balance the particular case for entertainment and similar uses against residential amenity, the character of an area, and its functioning.
2. In 1993 and 1994²⁵ parts of Soho and the Edgware Road were designated as Stress Areas where priority was to be given to enforcement action in relation to breaches of planning and licensing controls.
3. The planning policy framework of the adopted Unitary Development Plan²⁶ was intended to prevent entertainment uses which would involve loss of local shops and services; increased traffic congestion; loss of residential amenity, or injury to the character of an area. It also intended to limit the development of entertainment uses in Covent Garden that were not on a designated 'entertainment route'. By the early 1990s, there were already concerns from residents' groups that the policies were insufficient to protect residential amenity.

²⁴ City of Westminster, 1982 District Plan, Policies 7.37 and 7.45

²⁵ City of Westminster Reports to Committee

²⁶ City of Westminster 1997 Unitary Development Plan. Policy THE8

4. The Report "A Good Night Out" was published in 1998 by the Central Westminster Police Community Consultative Group,²⁷ dealing with the consequences of the large increase in the numbers of licensed premises in Soho and Covent Garden. This drew attention to a wide range of matters including anti-social behaviour, noise and vibration, street refuse, street fouling, and air quality. The report made recommendations to the council about actions it should take to deal with these problems. Businesses in Edgware Road petitioned the council in 1999 expressing similar concerns about declining conditions in that area. The council received a petition, also in 1999, signed by over 600 local residents expressing concern about the decline in the amenity of the centre of the city arising from the increasing numbers of entertainment uses.

5. In response to these various concerns the council published a report in 1999 sent to some 800 individuals and organisations and held a seminar to which some 150 were invited seeking views on the policy options open to the authority in regulating entertainment uses in the city. The options included designating 'quiet enclaves' in parts of the West End; identifying 'entertainment routes where such uses should be concentrated; identifying 'saturation' areas where additional entertainment capacity would be strictly controlled; greater use of conditions limiting usage of entertainment premises.

6. In the early part of 1999, the council carried out informal consultation on the Unitary Development Plan. This covered many of the issues referred to in (4) above.

²⁷ Central Westminster Community Consultative Committee 1998 'A Good Night Out'

7. Two Soho residents' groups published a report²⁸ in 2000 about licensing reform, drawing further attention to the extent of noise nuisance; street fouling; threats to public safety; anti-social, dangerous and criminal behaviour in the street; and changes to the character of the parts of Central London, which had led to a major deterioration in amenity conditions in the area.

8. Relevant council committees considered the outcomes of the 'Good Night Out' consultation and the replacement UDP consultation on several occasions in the first half of 2000. Arising from these meetings the council agreed new interim development control policies for Planning and a new Licensing Policy.²⁹ The policies agreed included Stress Areas covering areas where 'saturation' with entertainment uses/ licences had been reached.

9. The publication in October 2001 of a consultant's report³⁰ commissioned by the council, and advising on recent structural changes which had taken place in the entertainment industry locally, reviewing policy and practice in other large cities, and advising on likely future trends in Westminster.

10. At its meeting in October 2001, the council's Cabinet reconsidered the Stress Areas for planning purposes. The Stress Area boundaries were modified in the form of extensions and reductions in size better reflecting up to date local circumstances. These boundaries were then modified for Licensing purposes on 21 January 2002.

²⁸ Soho Society and Meard and Dean Street Residents Association 2000
'Nessun Dorma'

²⁹ City of Westminster 2000 Entertainment and Night Café Licensing Policy
Guidelines

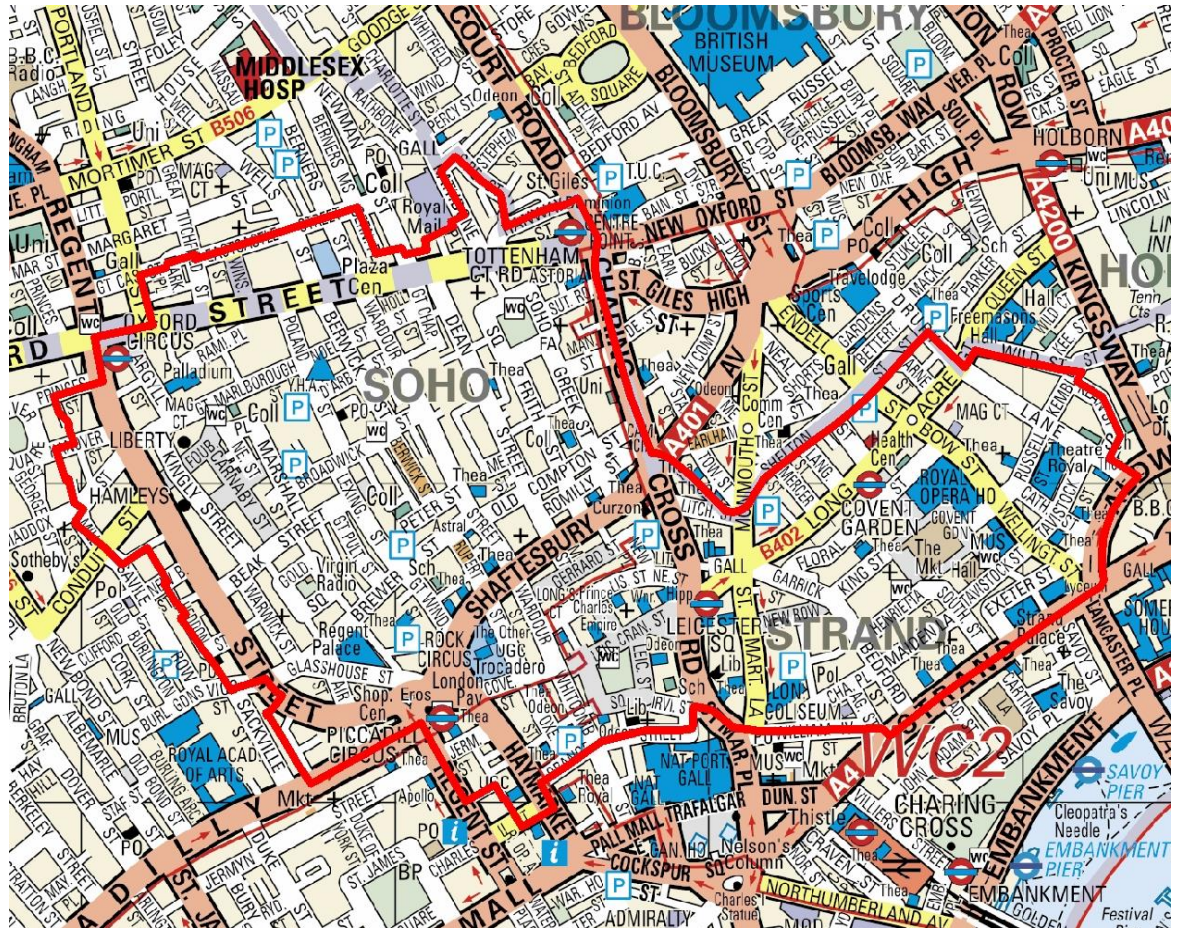
³⁰ Town Centres Ltd, 2001 'West End Entertainment Impact Study'

11. The inspector at the Unitary Development Plan local plan inquiry agreed that there was a clear and present problem of disorder in the Stress Areas and that unrestricted growth of entertainment uses in them is a threat to the tourist, artistic and cultural standing of London because of fear caused by disorder. He recommended the development of criteria based policies to take into account the characteristics of premises. He did not recommend any changes to the Stress Area boundaries.

12. Since the adoption of the statutory statement of licensing policy under the Licensing Act 2003 the council continues to monitor factors relating to cumulative impact, both as part of its operational intelligence and policy review purposes.

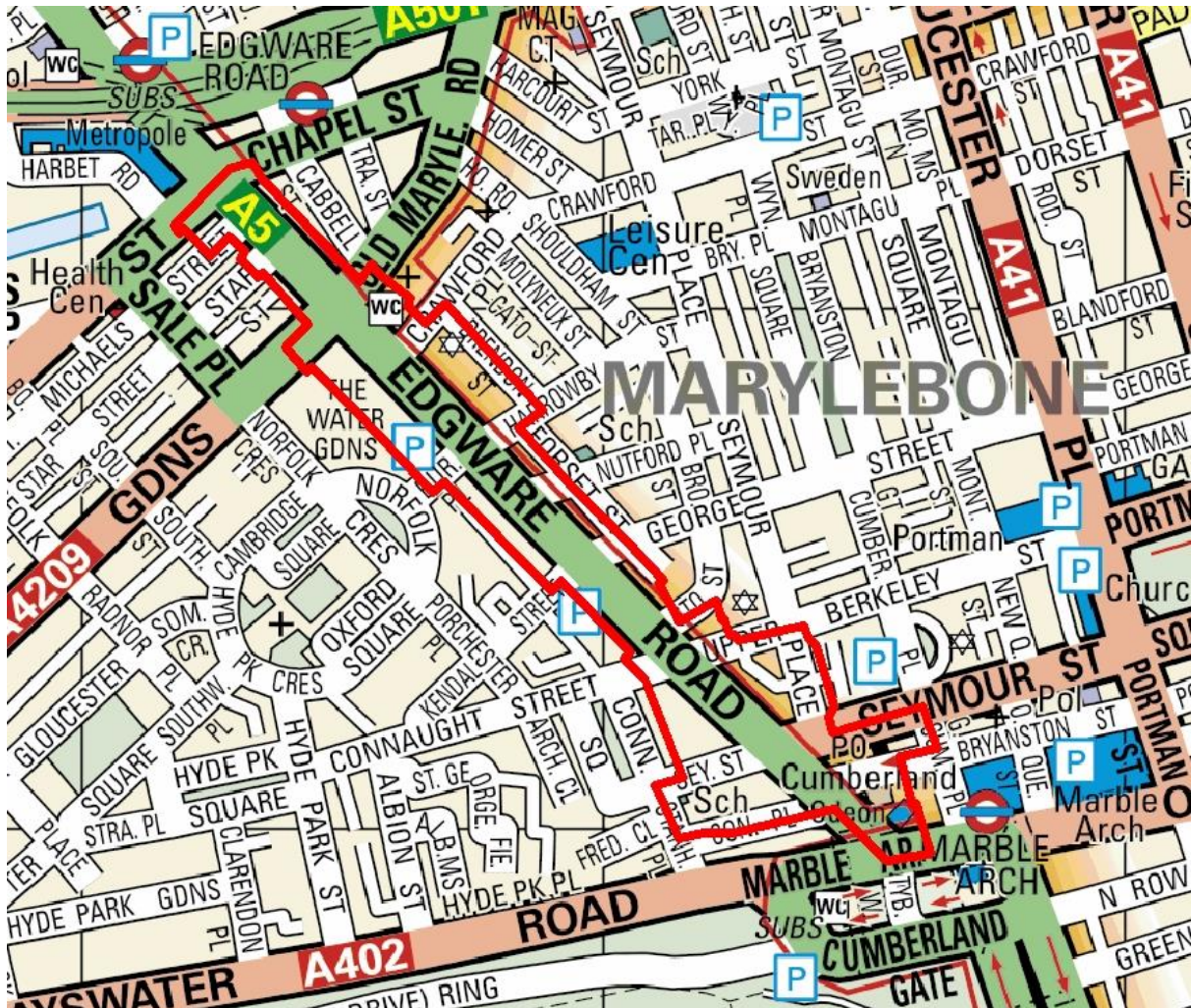
Appendix 15 - Cumulative Impact Area Maps

West End



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Edgware Road



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Queensway/Bayswater



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Contacts

Information on the various aspects of the licensing process and policy can be obtained from the following bodies:

Team

Address: 64 Victoria Street, London, SW1E 6QP

Telephone: 020 7641 1721/3179

Fax: 020 7641 2436

Information on licensing:

Licensing Process Team
Westminster City Council
Address: 64 Victoria Street,
London, SW1E 6QP
Licensing Helpline:
Telephone: 020 7641 8549

Information on environmental health, safety and noise:

Premises Management
Westminster City Council
Environmental Health
Consultation Team
Address: 64 Victoria Street,
London, SW1E 6QP
Telephone: 020 7641 3161
Fax: 020 7641 3436

Information on licensing enforcement and crime prevention:

Westminster Police
Westminster Police Licensing

Information on crime and disorder reduction:

Crime and Disorder Reduction Partnership

Westminster City Council

Crime & Disorder Reduction

Team Address: 64 Victoria Street, London, SW1E 6QP

Telephone: 020 7641 1038/2103

Fax: 020 7641 1221

Email: communitysafety@westminster.gov.uk

Information on licensing regarding children and families:

Social and Community

Services- Children and Families

Westminster City Council

Head of Commissioning -

Child Protection & Quality

Address: 4 Frampton Street, London NW8 8LF

Telephone: 020 7641 7668

Fax: 020 7641 7672

Information on planning applications:

Development Planning

Services Westminster City Council

Address: 64 Victoria Street, London, SW1E 6QP

Central Area Team (W1 addresses):

Telephone: 0207 641 2514/2927

Fax: 0207 641 3158

South Area Team (SW1, SW7, WC2, EC4 addresses):

Telephone: 020 7641 2977/2681

Fax: 020 7641 2339

North Area Team (W2, W9, W10, W11, NW1, NW8 addresses):

Telephone: 020 7641 2924/2017

Fax: 020 7641 2338

Planning Enforcement Team (all post-codes):

Telephone: 020 7641 8956

Information on Special Events:

Special Events Team

Westminster City Council

64 Victoria Street, London SW1E 6QP

Telephone: 020 7641 2390

Fax: 020 7641 2640

Email: speciale@westminster.gov.uk

Information on fire safety and licensing requirements:

London Fire & Emergency Planning Authority

Address: 156 Harrow Road, London, W2

6NL

Telephone: 020 7587 2300

Email: info@london-fire.gov.uk

Further information about the Licensing Act 2003 and Guidance issued under section 182 of the Act can be obtained from the Home Office at:

Home Office

Direct Communications Unit

2 Marsham Street

London SW1P 4DF

General Enquiries:

Telephone 020 7035 4848

Email:

public.enquiries@homeoffice.gsi.gov.uk

Note: This contacts list was correct at the time of printing and may change over a period of time.

www.westminster.gov.uk/licensing

Notes:

For pagination purposes

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City of Westminster

General Purposes Committee

Meeting:	General Purposes Committee
Date:	4 November 2015
Classification:	For General Release
Title:	Constitutional Issues: Policy and Scrutiny Committees
Wards Affected:	Not Applicable
Financial Summary:	There are no financial implications
Report of:	Mick Steward, Head of Committee and Governance Services Tel: 020 7641 3134; Email: msteward@westminster.gov.uk

1. Executive Summary

- 1.1 The Leader of the Council, on Thursday 15 October 2015, announced a re-shuffle of her Cabinet, details of which have been circulated to all Members in the Weekly Information Bulletin.
- 1.2 The changes require some minor alterations to the Terms of Reference and names of the existing Policy and Scrutiny Committees. As the Committees are all programmed to meet in the final cycle of the current municipal year the minor changes to the Terms of Reference and names of the Policy and Scrutiny Committees are submitted for approval. These changes do not impact on the proportionality of Committee places which will be reported for review to the Annual Council meeting in May.

2. Recommendations

- 2.1 That the Council be recommended to approve the changes to the Terms of Reference of the Policy and Scrutiny Committees set out in Appendix A.
- 2.2 That the Council be recommended to approve the changes to the Policy and Scrutiny Committees names as set out below:
Westminster Scrutiny Commission (unchanged)

Children, Sports and Leisure
Environment and Customer Services
Housing, Finance and Corporate Services (unchanged)
Adults, Health and Community Protection (unchanged)

3. Background Information

- 3.1 Following the Cabinet re-shuffle announced by the Leader of the Council on Thursday 15 October 2015 some minor changes to the names and the Terms of References of Policy and Scrutiny Committees is required.
- 3.2 The revised Terms of Reference as set out in Appendix A. These set out the revised reporting lines for Cabinet Members. As a result of these more suitable names for the existing Policy and Scrutiny Committees are suggested. These are set out in recommendation 2.2 above.

4. Legal Implications

- 4.1 There are no legal implications arising from the contents of this report. The Council is required to have at least one Committee appointed to carry out the Policy and Scrutiny functions. No review of the proportionality of seats on Committee is triggered by these changes. The next review, unless otherwise triggered, will be reported to the Annual Council meeting on 18 May 2016.

5. Financial Implications: None.

6. Other Implications: None.

**If you have any queries about this Report or wish to inspect any of the Background Papers please contact: Mick Steward: 7641 3134
Email: msteward@westminster.gov.uk**

BACKGROUND PAPERS

- None.

ENVIRONMENT AND CUSTOMER SERVICES POLICY AND SCRUTINY COMMITTEE

CONSTITUTION

8 Members of the Council (6 Majority Party Members and 2 Minority Party Members).

TERMS OF REFERENCE

- (a) To carry out the Policy and Scrutiny functions, as set out in Article 6 of the Constitution in respect of matters relating to all those duties within the terms of reference of the Cabinet Members for Built Environment; City Management, Customer Services and Sustainability and Parking.
- (b) To carry out the Policy and Scrutiny function in respect of matters within the remit of the Council's non-executive Committees and Sub-Committees, which are within the broad remit of the Committee, in accordance with paragraph 13 (a) of the Policy and Scrutiny procedure rules.
- (c) Matters within the broad remit of the Cabinet Members referred to in (a) above which are the responsibility of external agencies.
- (d) Any other matter allocated by the Westminster Scrutiny Commission (WSC).
- (e) To have the power to establish ad hoc or Standing Sub-Committees as Task Groups to carry out the scrutiny of functions within these terms of reference.
- (f) To scrutinise the duties of the Lead Members which fall within the remit of the Committee or as otherwise allocated by the Westminster Scrutiny Commission.
- (g) To scrutinise any Tri-borough proposals which impact on service areas that fall within the Committee's terms of reference
- (h) To oversee any issues relating to Performance that fall within the Committee's terms of reference.
- (i) To have the power to scrutinise those partner organisations whose services fall within the Committee's terms of reference.
- (j) To consider any Councillor Calls for Action referred by a Ward Member to the Committee.

CHILDREN, SPORTS AND LEISURE POLICY AND SCRUTINY COMMITTEE

CONSTITUTION

8 Members of the Council (6 Majority Party Members and 2 Minority Party Members, but shall not include a Member of the Cabinet.

4 co-opted Members with voting rights ie one co-opted representative each from the Church of England and Roman Catholic Diocesan Education Boards and two Parent Governor Representatives. 2 co-opted Members without voting rights, ie 2 Headteachers of Westminster maintained schools.

NB: The voting rights of the co-opted only extend to matters relating to Education.

TERMS OF REFERENCE

- (a) To carry out the Policy and Scrutiny functions, as set out in Article 6 of the Constitution, in respect of matters relating to all those duties within the terms of reference of the Cabinet Member for Children and Young People and the Cabinet Member for Sport and Leisure.
- (b) To carry out the Policy and Scrutiny function in respect of matters within the remit of the Council's non-executive Committees and Sub-Committees, which are within the broad remit of the Committee, in accordance with paragraph 13 (a) of the Policy and Scrutiny procedure rules.
- (c) Matters, within the broad remit of the Cabinet Members referred to in (a) above which are the responsibility of external agencies.
- (d) Any other matter allocated by the Westminster Scrutiny Commission.
- (e) To have the power to establish ad hoc or Standing Sub-Committees as Task Groups to carry out the Scrutiny of functions within these terms of reference.
- (f) To scrutinise the duties of the Lead Members which fall within the remit of the Committee or as otherwise allocated by the Westminster Scrutiny Commission.
- (g) To scrutinise any Tri-borough proposals which impact on service areas that fall within the Committee's terms of reference
- (h) To oversee any issues relating to Performance that fall within the Committee's terms of reference.
- (i) To have the power to scrutinise those partner organisations that are relevant to the remit of the Committee.
- (j) To consider any Councillor Calls for Action referred by a Ward Member to the Committee.