



City of Westminster

Planning & City Development Committee

Date: 27th April 2023

Classification: General Release

Title: Planning Policy Update

Report of: Director of Policy and Projects

Financial Summary: The resourcing of the Partial Review to the City Plan will be met from existing budgets. No direct financial impacts of the proposed changes to the NPPF have been identified.

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1. Executive Summary

1.1 This report provides an update on the Partial Review to the City Plan and an overview of the council's response to governments recent consultation on changes to the NPPF.

2. Recommendation

2.1 Members are asked to note the content of this report.

3. Update on Partial Review of the City Plan

Introduction

3.1 At the last meeting of Planning and City Development Committee, Members were presented with an outline of the work that had commenced on a partial review of the City Plan. To recap, the scope of the review was outlined as being limited to:

- updates to the policy on affordable housing with a view to increasing the amount of social housing that is delivered and to better meet the high affordable housing challenges the city faces;
- a new policy prioritising retrofitting of existing buildings to ensure future development better responds to the climate emergency, and achieves a better balance between sustainability and growth; and
- the inclusion of 'site allocations' to provide site specific guidance on the development of key sites that make a significant contribution to growth targets and other policy objectives.

3.2 At the time of the last meeting, consultation on the scope of the review was ongoing. This closed in mid-November and this report now provides a summary of the key feedback received.

Consultation Results

- 3.3 In total 47 separate responses were received - a similar amount to that received at the same stage of consultation (Regulation 18) on the existing City Plan. It is likely that we will receive higher levels of responses at future stages when there is some draft policy wording or site allocations to comment on.
- 3.4 Responses came from a wide cross-section of organisations including individual residents, resident groups e.g. neighbourhood forums, statutory consultees, charities/campaign groups, developers/ landowners and businesses/BIDs. Whilst responses were largely supportive of the scope of the review and the council's broad intentions, the following key issues were also raised by a number of parties:

Affordable Housing

- any changes in policy such as change in tenure mix should not undermine development viability;
- any requirements for affordable housing from small sites (i.e. less than 10 units) needs justifying against national policy and in terms of how it would work in practice;
- that current delivery rates need to be improved;
- requests for flexibility to be built into policy to respond to site specific circumstances and;
- that the continued provision of intermediate housing for key workers and those supporting the Westminster economy will remain important.

Retrofit and Refurbishment

- any policy should be 'retrofit first' and not 'retrofit only', so it does not provide a barrier to the redevelopment of structurally poor buildings that cannot be made to meet operational requirements and have limitations on how energy efficient they can be made, or buildings that are underutilised for the location;
- any policy needs to work for both modern and historic developments, and not have negative impacts on Westminster's high-quality townscape and heritage value.

Site Allocations

- the relationship between site allocations and any retrofit first policy needs to be made clear;
- site allocations provide an opportunity to help protect the commercial functions of the CAZ, and support the provision of health and social infrastructure in new developments; and
- any site allocations will need to consider the impacts of any taller buildings they propose on views and open spaces.

Next steps

- 3.5 All of the feedback summarised above provide important points to consider as policy wording, site specific guidance, and supporting evidence base is drafted, which will be documented through a consultation statement that accompanies the Partial Review of the Plan. Further informal engagement with a range of stakeholders will be

carried out this year as policies and guidance are drafted, to attempt to build consensus on proposals in the plan in advance of the next formal stage of consultation on what we intend to submit to the Planning Inspectorate for independent examination (known Regulation 19 consultation).

4. Changes to national policy

Introduction

4.1 In December 2022 the government launched consultation on some specific changes to the wording in the NPPF that they are looking to introduce later this year, alongside some further broad ideas for a more extensive review that will then also be consulted on at a later date, after more detail has been worked up. Much of the more substantial areas of planning reform have therefore been deferred to a later date, with the imminent changes to the NPPF being more light touch and technical in nature. All consultation materials do however raise issues that the council has now formally responded to. A breakdown of key issues, and how we have responded, is therefore provided below.

4.2 Changes proposed in the immediate review of the NPPF

Design – while we welcome any increased emphasis of improving design quality, we have objected to immediate proposals to insert additional references in the NPPF to the development of ‘beautiful’ buildings and places. As this is a highly subjective term that has not been properly defined, it is ours (and many others in the industries) view that it cannot therefore be practically applied with any consistency in planning decisions. We have also suggested national policy could do more to better promote and support the retrofitting of heritage buildings to respond to the climate emergency.

Housing targets – Collectively some of the changes now proposed to the NPPF risk inhibiting growth in areas outside of London and have therefore been objected to. These include text that indicates the government’s own standard method of establishing housing need should only be used as a starting point, and that it is acceptable for plans to come forward that do not seek to meet these targets if doing so involves building at densities significantly out of character. There are concerns that this could result in many authorities in rural or suburban areas not seeking to deliver growth, further deepening the housing crisis and placing increased pressure on the densification of urban areas.

Local Plan examinations – While we support a more proportionate approach to local plan examination and evidence, we have objected to the proposed removal of the requirement for plans to be ‘justified.’ Removal of this test could result in poor plan making across the country that proposes limited growth, supported by little evidence, and results in lengthy and costly examinations.

4.3 Changes to be addressed through a later more extensive review of the NPPF

Affordable housing – while we welcome signals that the more substantive review of the NPPF will put higher priority on the future delivery of social rent housing as the main form of future affordable housing, we have sought that amendments go further in supporting all possible routes to the delivery of more affordable housing. This includes ensuring it does not rule out affordable contributions from small sites (i.e. those delivering less than 10 homes as it currently seeks to), and enabling contributions to also be sought from commercial developments, (given Planning

Inspectors rejected our proposals to do so at the last City Plan examination in the absence of anything in the NPPF to support it).

Decision making – We support the government’s recognition that local planning authorities have limited control on housing delivery once planning permission has been granted, and therefore support in principle their aims of assessing applicant’s past behaviour in the decision-making process, subject to the detail of how it would work in practice, which is not clear at this stage.

Plan making – We are broadly supportive of intentions to introduce new ‘National Development Management Policies’ to reduce unnecessary duplication of similar policies across the country, subject to the detail of what issues these cover, the precise wording proposed, and ensuring scope is still provided for locally distinct policies where justified. We have however strongly objected to proposals that a new plan making system would abolish Supplementary Planning Documents (SPDs), given the huge benefits these provide in providing helpful guidance to stakeholders that flesh out City Plan policies, without the need for costly and lengthy independent examinations prior to adoption.

Next steps

- 4.4 Officers will continue to respond to future consultations on planning reform in liaison with the Cabinet Member as they come forward – most notably including any future consultation on new ‘National Development Management Policies’. Members of PCD committee will be kept up to date on any substantial new changes to national policy as they come into force.

5. Financial Implications

- 5.1 The costs associated with the preparation of the City Plan Partial Review, including commissioning of evidence base and public examination are to be met from the existing Policy and Projects planning policy budget. Feedback to the Regulation 18 consultation has not resulted in any pressure to extend the scope of the Plan Review to include a greater number of policies, which would require commissioning of additional evidence base and a longer examination - leading to greater Planning Inspectorate costs.
- 5.2 No financial implications of the government’s proposals for planning reform have been identified beyond the officer time needed to respond to future consultations as further detail emerges.

6. Legal Implications

- 6.1 Legal services have considered the contents of this report and do not have any additional comments.

7. Conclusion

- 7.1 Members are asked to note the content of this report and provide any feedback they may have on the issues raised through the recent consultation on the City Plan Partial Review, which can be considered as policies are drafted. As consultation on changes to the NPPF and wider planning reform has already closed and the council has responded accordingly, any additional observations on these matters can only be considered in the context of informing responses to future consultations.

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

Consultation paper – [reforms to national planning policy](#)

Consultation paper – [draft changes to the NPPF](#)