



The Planning Inspectorate

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# Report to City of Westminster Council

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an Inspector appointed by the Secretary of State for Communities and Local Government

Date 31 August 2016

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Planning and Compulsory Purchase Act 2004

(as amended)

Section 20

## Report on the Examination of the Special Policy Areas and Policies Map Revision to Westminster's City Plan

The Plan was submitted for examination on 11 May 2016

No hearings were held and the examination proceeded by written representations

File Ref: PINS/X5990/429/8

## Abbreviations used in this report

AA	Appropriate Assessment
City Plan	Westminster's City Plan: Strategic Policies (2013)
HRA	Habitats Regulations Assessment
NPPF	National Planning Policy Framework
SA	Sustainability Appraisal
SCI	Statement of Community Involvement
SPA	Special Policy Area
SR	Special Policy Areas and Policies Map Revision to Westminster's City Plan

## **Non-Technical Summary**

This report concludes that the City of Westminster Special Policy Areas and Policies Map Revision to Westminster's City Plan provides an appropriate basis for the planning of the Borough.

## Introduction

1. This report contains my assessment of the City of Westminster Special Policy Areas and Policies Map Revision to Westminster's City Plan (SR)<sup>1</sup> in terms of Section 20(5) of the Planning & Compulsory Purchase Act 2004 (as amended). It considers first whether the preparation of the SR has complied with the duty to co-operate. It then considers whether the Plan is sound and whether it is compliant with the legal requirements. The National Planning Policy Framework (paragraph 182) (NPPF) makes it clear that in order to be sound, a Local Plan should be positively prepared, justified, effective and consistent with national policy.
2. The starting point for the examination is the assumption that the local planning authority has submitted what it considers to be a sound plan. The SR submitted in May 2016 is the basis for my examination. It is the same document as was published for consultation in December 2015.
3. The right to participate in a hearing extends only to those who submitted representations within the relevant timescales and propose changes to the SR in order to make it sound and legally compliant. As I received no requests, I conducted the examination through written representations.
4. The SR proposes limited revisions to Westminster's City Plan: Strategic Policies (2013) (City Plan). It introduces detailed policies for existing SPAs covering Harley Street, Portland Place, Savile Row and St James's, designates a new SPA and detailed policy for Mayfair and deletes the East Marylebone SPA. In addition the Council proposes changes to a number of other sections within the City Plan including the monitoring framework, appendices, glossary and references.

## Policies Map

5. The Council must maintain an adopted policies map which illustrates geographically the application of the policies in the adopted development plan. When submitting a local plan for examination, the Council is required to provide a submission policies map showing the changes to the adopted policies map that would result from the proposals in the submitted SR.
6. The SR details changes to the policies map alongside other proposed revisions. These are also set out within the Schedule of Changes to the Policies Map document<sup>2</sup> and on the Submission Draft Policies Map April 2016<sup>3</sup>.

## Assessment of Duty to Co-operate

7. Section 20(5)(c) of the 2004 Act requires that I consider whether the Council complied with any duty imposed on it by section 33A in respect of the preparation of the SR.

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<sup>1</sup> Document SPM/SD/2A

<sup>2</sup> Document SPM/SD/2Fi

<sup>3</sup> Document SPM/SD/2Fii

8. As set out in Section 6 of the Consultation Statement<sup>4</sup>, the SR details revisions to Special Policy Areas (SPAs) that are considered by the Council to be strategic matters in contributing to the City of Westminster's sustainable and diverse economy and enhancing London's global reputation for business. It is clear that the Council has a number of established and working relationships with statutory bodies, organisations and stakeholders, as set out within the City Plan and additional evidence.
9. The Council has provided details about the ways in which it has engaged with relevant bodies prescribed in Regulation 4 of the Town and Country Planning (Local Plans) (England) Regulations 2012. These include Historic England, the Mayor of London and neighbouring London Boroughs. I note that the Council is also part of cross Borough partnerships including Central London Forward which is an economic development and strategic partnership of London Boroughs and the West End Partnership which brings together specific key public and private stakeholders.
10. No adverse comments have been made by any organisations in respect of the duty to co-operate. Overall therefore I am satisfied that, where necessary, the Council has engaged constructively, actively and on an on-going basis in the preparation of the SR and that the duty to co-operate has therefore been met.

## Assessment of Soundness

### Main Issues

11. Taking account of all the representations, and the written evidence, I have identified two main issues relating to the SPAs upon which the soundness of the SR depends. I find that the Council's changes to other sections of the City Plan for reasons of clarity are appropriate.

### **Issue 1 – Whether the revisions to existing Policy S2 Special Policy Areas (SPAs) are justified, effective and consistent with national policy**

12. Policy S2 of the existing City Plan relates to the protection and promotion of specialist uses in the defined SPAs. The SPAs are recognised for their special local distinctiveness particularly in relation to their unique land use clusters. Furthermore the protection of clusters of specialist uses is supported by the London Plan (2016).
13. A new SPA for Mayfair has been proposed by the Council, in response to the development pressure on the specialist uses in the area. The niche art and antiques trades form an historic feature of the area, particularly around Cork Street, Bond Street and the Burlington Arcade. Whilst the extent of the boundary of the SPA has been queried it appears to be a tightly defined area which includes those streets where clusters of the specialist uses exist and is therefore appropriate.
14. The evidence details that the area is under threat from the redevelopment of several galleries for other uses such as retail, including fashion retailers. As such the inclusion of this new SPA will ensure that the existing clusters of art

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<sup>4</sup> Document SPA004

galleries, antiques traders and niche retail are protected and continue to contribute to the character and function of the area. This will enhance the area's international status as a centre for the art trade and support business and the City's economy. In addition I note that there is significant support for the proposal from some existing businesses within the locality.

15. For these reasons I consider that the designation of the Mayfair SPA within Policy S2 is justified, effective and consistent with national policy.
16. The deletion of the East Marylebone SPA is proposed by the Council as a result of the considerable decline in the number of wholesale showrooms within its boundary. The evidence provided details the decline that has occurred over the years. I note that some of the businesses have relocated elsewhere to more appropriate areas. The number of vacancies within the area has also modestly increased.
17. Whilst smaller clusters of wholesale showrooms still remain, the area does not appear to hold the same appeal for accommodating this type of industry as it once did. I note that the size of the SPA boundary was reduced in 2010 and that a further reduction was proposed by the Council in 2014. It is clear from the evidence before me that this business sector is no longer thriving to the extent that it once was within the SPA, despite the existing policy objective.
18. The Council contends that the numbers of wholesale showrooms that remain are now not strategic and that the area overall lacks the international importance of the other SPAs. It appears clear to me that due to the changes in use that have occurred within the SPA, its designation is no longer achieving its original purpose. As such the restrictive policy is unnecessary. Releasing the area from the constraints of Policy S2 will allow it to thrive through encouraging other acceptable and economically viable uses, alongside the remaining wholesale showrooms.
19. On this basis I consider the Council's deletion of the East Marylebone SPA from Policy S2 to be a pragmatic approach that is justified by the evidence.
20. Whilst Policy S2 refers to the SPAs, the actual boundaries of the areas are defined on the policies map. I consider that these boundaries are appropriate. Looking at the plan overall, users will appreciate that the SPA boundaries will be shown on the policies map. However I note that the Council intends a minor modification to the introduction to help make that clear.

### *Conclusion*

21. I therefore conclude that the revisions to Policy S2 as set out above are consistent with national policy, are justified and will be effective.

### **Issue 2 – Whether the new SPA policies CM2.1, CM2.2, CM2.3, CM2.4 and CM2.5 set out a positively prepared strategy for the defined areas that is justified, effective and consistent with national policy**

#### *General*

22. The addition of detailed policies for each of the SPAs is proposed by the Council to enable the objectives of Policy S2 to be achieved. Due to ongoing

competition and demand for other uses within these areas, the Council aims to protect their unique character and functions for the benefit of the economy and the City's international reputation.

*Policy CM2.1: Harley Street SPA*

23. The objective of Policy CM2.1 is to support and enhance the SPA's role as an international centre of medical excellence, to be complemented primarily by residential use. Evidence shows that both prior to and since the adoption of the SPA in 2011 there has been a significant increase in the amount of medical floorspace within the area<sup>5</sup>. Policy CM2.1 therefore seeks to build on this success by providing detailed criteria that introduces a presumption against the loss of these existing facilities, whilst also encouraging more medical provision, including related complementary services.
24. The policy provides an element of flexibility by including criteria by which the loss of facilities can be assessed for their appropriateness or where land swaps may be deemed to be acceptable. The provision of residential development, specifically for patients' families, supports the objectives of the SPA designation. It also recognises the national and international importance of the services available.
25. For the above reasons I consider that Policy CM2.1 is justified and will be effective in achieving the desired objective.

*Policy CM2.2: Portland Street SPA*

26. This policy seeks to support the existing character and function of the area by encouraging the continued use of the large historic buildings by prestigious institutional organisations. Whilst it has been suggested that educational use should also be permitted within the SPA, this would not complement the existing predominant use and objective of the policy. It would ultimately lead to a change in the character of the area and therefore is not appropriate. I therefore consider that Policy CM2.2 is justified and will be effective.

*Policy CM2.3: Savile Row SPA*

27. Policy CM2.3 seeks to protect the existing character and function of the SPA as an international centre for bespoke tailoring. Within the policy, new A1 retail development is permitted subject to several criteria being met. One of these states that each retail unit must be no larger than 300 sqm gross.
28. As set out in the Council's response to my issues and questions, this threshold has been used to reflect the characteristic small size and scale of the vast majority of units within the SPA. The Council considers that larger units detract from the historic use and character of the area and therefore should not be encouraged. Based on the evidence available, this approach is reasonable and will ensure that new proposals will be of a scale that will appear in keeping with the character of the SPA. I do not consider that it will unduly restrict appropriate retail development.

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<sup>5</sup> Document SPM/WCC/03

29. The policy also encourages retail use that is unique, bespoke, limited edition or one of a kind and complementary to the character and function of the SPA. It also states that residential development is not generally appropriate within the SPA and I note that there is currently very limited residential development within its boundaries. Further residential use would not assist the policy in achieving its intended purpose. It would introduce a use that predominantly is inactive during the day and would detract from the SPA's existing character. The SPA is a relatively small and tightly defined area and restricting residential development within its boundary will not have a significant impact on housing provision within the City. In any event the protection of the specialist uses within the SPA is of sufficient importance, historically and economically, that this approach is justified.
30. I therefore consider that Policy CM2.3 is justified by the evidence and will be effective in achieving the policy objective.

*Policy CM2.4: St James's SPA*

31. This policy seeks to protect the unique historic character and function of St James's SPA as a centre of aristocracy and prestige, including its private members' clubs, art galleries and niche luxury and specialist retail uses. The policy encourages retail use to be unique, one of a kind, bespoke, limited edition or antique. Whilst it has been suggested that these preferred categories are too restrictive, they would reflect the types of retail that have historically been part of the SPA. In addition these categories would cover a wide range of A1 retail uses. As such I do not consider that it would be overly restrictive within the boundary of the SPA.
32. As regards the seeking of the re-provision of gallery space I consider that the wording of the policy is suitably flexible to alleviate any concerns that this would be a strict requirement. Instead the policy would allow this to be considered on a case by case basis and is not unduly prescriptive.
33. Overall therefore I consider the policy would be effective in protecting the existing character of the SPA and based on the evidence would be justified.

*Policy CM2.5: Mayfair SPA*

34. The policy objective is to support and enhance the area's international reputation as a centre for the art trade by protecting existing art galleries and antique traders, complemented by niche retail use.
35. Whilst residential development within the SPA is not discouraged, the policy states that it should be subordinate to other uses, such as offices, which would be more complementary to the existing specialist uses. This approach allows an element of development flexibility within the SPA which appears appropriate and reflects the more mixed character of the area, but would not compromise the policy objective.
36. In addition the policy encourages new retail uses in keeping with local character similar to Savile Row and St James's SPAs. Again I do not consider that this would be inappropriate for the area as it would reflect the existing historic retail character. As stated previously I do not consider that the policy would be overly restrictive in this regard. The policy is therefore justified and



will be effective in securing the long term future of the specialist uses within the SPA.

37. In regards to monitoring the effectiveness of these policies, the existing framework set out in the City Plan is adequate and no further indicators are required.

*Conclusion*

38. I therefore conclude that these detailed policies will assist in the Council's objective of protecting and enhancing specialist uses within the SPAs and will set a positively prepared strategy that is justified, effective and consistent with national policy.

## Assessment of Legal Compliance

39. My examination of the compliance of the SR with the legal requirements is summarised in the table below. I conclude that the SR meets them all.

LEGAL REQUIREMENTS	
Local Development Scheme (LDS)	The SR has been prepared in accordance with the Council's LDS of March 2015 <sup>6</sup> .
Statement of Community Involvement (SCI) and relevant regulations	The SCI was adopted in June 2014 <sup>7</sup> . Consultation on the SR has complied with its requirements.
Sustainability Appraisal (SA)	SA <sup>8</sup> has been carried out and is adequate.
Habitats Regulations Assessment (HRA)	The Appropriate Assessment Screening Report (undated) <sup>9</sup> sets out why AA is not necessary. Natural England raises no objection to this.
National Policy	The SR complies with national policy.
2004 Act (as amended) and 2012 Regulations.	The SR complies with the Act and the Regulations.

## Overall Conclusion and Recommendation

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

*Y Wright*

Inspector

<sup>6</sup> Document SPM/WCC/01

<sup>7</sup> Document SPM/SD/2D

<sup>8</sup> Document SPM/SD/2E

<sup>9</sup> Document SPM/SD/03