

Planning Policy
Westminster City
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10th July 2020

Mr M Bennett
Soho Neighbourhood Forum
c/o House of St. Barnabas
1 Greek Street
London W1D 4NQ

Dear Matthew,

Westminster City Council response to the submission draft Soho Neighbourhood Plan (Regulation 16)

Thank you for your formal submission of the draft Soho Neighbourhood Plan and associated documents. Clearly an immense amount of time, effort and hard work has gone into the preparation of a neighbourhood plan that supports the community's ambitions for the Soho Neighbourhood Area, and as such the council supports the submission of the Soho Neighbourhood Plan and commends the work of the Neighbourhood Forum.

The Plan must meet the basic conditions set out in paragraph 8(2) of Schedule 4B to the Town and Country Planning Act 1990 as applied to neighbourhood plans by section 38A of the Planning and Compulsory Purchase Act 2004. This principle is also set out in Paragraph 37 of the National Planning Policy Framework (NPPF).

Whilst most of the Neighbourhood Plan's policies would meet the basic conditions in terms of principle, we believe further amendments are needed to many of them to ensure they are robust, effective and enforceable, thereby complying with national planning policy. This requirement is set out in Paragraph 16 of the NPPF, which states that plans should "contain policies that are clearly written and unambiguous, so it is evident how a decision maker should react to development proposals". Suggested amendments to ensure this is the case for all policies are set out in the Appendix attached to this letter.

Nevertheless, there remain some areas of concern for the council in terms of the principle or requirements of certain policies which do not meet the basic conditions, and would therefore need to be more fundamentally changed, namely:

- **Policy 16: Car Free Residential Developments.** Whilst the council supports the principle of car-free development in Soho, which is in line with the proposed modifications to draft City Plan Policy 28, the boundary of parking permit zones in Westminster do not correspond to the boundaries of neighbourhood areas, this policy would therefore introduce operational problems for the city council in its enforcement (residents outside of the Soho Neighbourhood Area whom have a permit for parking zones with cover Soho would still be able to park there).
- **Policy 17: Residential Space Standards.** This policy is not considered to be in conformity with draft City Plan policies 8 and 11, which control housing size and mix. No evidence has been presented to justify the restriction of the size of new dwellings beyond the 200sqm limit set out in draft City Plan Policy 8. The Nationally Described Space Standards are incorrectly referenced as an appropriate maximum, rather than as a minimum standard to be achieved, as they were designed. The viability impact of this additional restriction on development has not been tested. Furthermore, restricting the bedroom mix of new homes to one- and two-bedrooms only would not be in conformity with draft City Plan Policy 11, which requires adequate provision of family-sized homes across Westminster. The AECOM housing needs assessment carried out to support the Soho Neighbourhood Plan also supports some provision of larger properties, particularly where affordable housing is provided. Application proposals for new homes should therefore be considered in accordance with these strategic aims and reflect identified local need.
- **Policy 23: Delivery Consolidation Points.** The policy seeks to safeguard two public car parks in Soho for potential use for freight consolidation. Whilst the council supports the principle of freight consolidation in Soho, the potential for these two sites to be used in this way if redeveloped needs to be more fully explored with landowners, potential developers and other stakeholders outside of the neighbourhood plan-making process. A more general policy on the principle of identifying sites for freight consolidation within the Soho area based on identified need or demand would be more appropriate.
- **Policy 29: Property Numbering and Wayfinding Signage.** Whilst the council supports improved wayfinding and signage, the control of displaying street numbers is beyond the scope of the planning system. It is controlled by the Building Act 1939. The policy should therefore be redrafted to more generally support improvements to wayfinding and signage rather than focussing on property numbering.
- **Policy 31: Waste and Recycling Facilities in New Developments.** The requirement for major development to provide waste storage space for designated neighbouring businesses outlined in clause B of the policy would fall outside the scope of the grant of planning permission and should therefore be removed. The requirement would not be enforceable because planning permission and any associated obligations are tied to the land, not with the occupier. Encouragement for developers to enter into joint



arrangements with neighbouring businesses could still be referred to in the reasoned justification but it is not an appropriate policy requirement.

We hope you consider our suggestions to be constructive, as the council wishes to continue working positively with the Soho Neighbourhood Forum to ensure the Neighbourhood Plan is robust and enforceable whilst continuing to meet the aspirations of the local community.

Yours sincerely,

Michael Clarkson

Michael Clarkson MRTPI

Principal Policy Officer

Appendix: Westminster City Council comments on Reg 16 version of the Soho Neighbourhood Plan

Policy Number	Comments and Proposed Changes
General policy drafting	<ol style="list-style-type: none"> 1. Throughout the Plan, use the words “Neighbourhood Area” instead of “Area” for clarity and effectiveness. 2. Throughout the Plan, remove links to Plan objectives from policy wording – these can be referred to in the reasoned justification. 3. Throughout the Plan, there is no need to reference other policies in Westminster’s Development Plan (particularly if they are in the New London Plan or City Plan) as all policies in the Development Plan need to be read as a whole. Specific references to parts of the City Plan or New London Plan policies should be removed as this gives the impression only these parts apply. Policies in the Soho Neighbourhood Plan could also become out-of-date as other parts of the Development Plan are reviewed.
1 Development Proposals in the Soho Conservation Area	<ol style="list-style-type: none"> 4. The policy objectives align with City Plan objectives. 5. Policies 1 – 3 are, however, repetitive and all deal with different elements that make Soho unique in terms of character and heritage. These elements could be brought together in a single policy covering character and heritage. 6. <u>First sentence:</u> <ul style="list-style-type: none"> ○ As drafted, it is unclear if “size” and “scale” are the only elements that contribute to Soho’s character. This could be overcome with the addition of the word “particularly” after reference to the Conservation Area, ensuring all elements relating to character and heritage are given prominence. 7. <u>Second sentence:</u> <ul style="list-style-type: none"> ○ There are other buildings, spaces and elements of townscape detail which contribute to character which could also be acknowledged. ○ Yards are very specific to Soho and it would be helpful to have them mapped, so the policy is more effective. ○ It is unclear what “protected” means and if the policy is trying to ban any type of development in these areas. We suggest the policy is redrafted, so it explains that these spaces should be protected and enhanced for public usage as part of development proposals when they contribute to Soho’s character. We suggest that the principle could be worded as “Where public rear yards, back streets and mews contribute to Soho’s distinctive character and heritage, they should be protected and enhanced as part of development proposals”. This would ensure individual proposals are dealt with on their merits. 8. <u>Reasoned justification:</u> <ul style="list-style-type: none"> ○ It states there are 226 heritage assets in Soho. However, the supporting study which is footnoted notes there are 226 listed buildings in Soho. Heritage assets may include both designated and non-designated

	<p>heritage assets, including the Conservation Area itself. Much of Soho will therefore be a heritage asset of one form or another, and we suggest this is corrected to state 226 listed buildings ‘and many other heritage assets’ can be found throughout the Neighbourhood Area.</p> <ul style="list-style-type: none"> ○ It would be helpful if the text also referenced “Unlisted Buildings of Merit” and explained that Soho is an Area of Archaeological Priority. Other Conservation Areas adjoining Soho could also be identified on the map given the potential for development to impact on their settings. ○ It would be helpful if the text explained how development’s contribution to Soho’s character will be assessed. You could do so by referencing the AECOM study and the Conservation Area Audit.
<p>2 Proposals for Tall Buildings</p>	<p>9. The policy objectives align with City Plan objectives.</p> <p>10. As explained in Comment 1 above, we suggest policies 1 – 3 are brought together in a single policy.</p> <p>11. <u>Policy Title:</u></p> <ul style="list-style-type: none"> ○ We suggest it is changed as the policy is not only about tall buildings but about “Building height”. <p>12. <u>Part A:</u></p> <ul style="list-style-type: none"> ○ It does not cover all the criteria that would need to be fulfilled in assessing a tall building proposal. The policy should be clarified so it is effective. ○ It is unclear what “alteration” means. We suggest this is clarified. Some alterations would not require planning permission and would not be covered by the policy. ○ We welcome the references in parts a-c as they identify particular squares and views that add locally specific angle to the policy. It would be helpful if they were included on the map with strategic views and alongside any local views that the Forum wishes to protect. ○ To align with City Plan wording, we suggest “local buildings or structures of merit” are referenced as “Unlisted Buildings of Merit” in line with the wording in the Conservation Area Audit. <p>13. <u>Part B:</u></p> <ul style="list-style-type: none"> ○ We welcome the support for infill development and intensification as it aligns with City Plan objectives. ○ It is unclear why the threshold has been set at “2 storeys”. The study referenced in Policy 1 identifies that heights in Soho “rarely exceed 4 storeys barring an additional storey within a mansard”. Would this therefore be a more appropriate figure? ○ The wording is very generic and appears to repeat policies one and three. It is unclear what B is adding. <p>14. <u>Reasoned justification:</u></p> <ul style="list-style-type: none"> ○ To better align with City Plan, the text should simply note that Soho has been identified as an area which is not generally suitable for tall buildings. This is true in both adopted and emerging policy and given the LVMF views which cross the area and its densely developed character there is evidence to support this

	<p>position. References to definitions of tall buildings within Westminster's, emerging policy have changed/have not yet been through examination – we recommend not to include at this stage.</p>
<p>3 Maintaining Local Character</p>	<p>15. The policy objectives align with City Plan objectives.</p> <p>16. As explained in Comment 1 above, we suggest policies 1 – 3 are brought together in a single policy.</p> <p>17. The policy objectives are supported although it is unclear how the Plan will help achieve growth, if development needs to “reflect” building heights and the scale of the building being replaced.</p> <p>18. It is unclear what “innovative design” and “bland and uniform design” mean. We suggest the policy is redrafted to also make clear that while innovative design may be supported, this must reflect and respond to Soho's special character.</p> <p>19. Policy 3 does not provide much detail about the unique characteristics that contribute to Soho's character. The policy could perhaps mention richness, materials and details reflect and respond to Soho's distinctive architecture and mix of building types and styles. The reasoned justification could provide more detail on that distinctive existing architecture.</p> <p>20. <u>Reasoned justification:</u></p> <ul style="list-style-type: none"> ○ It is unclear what the encouragement of colourful facades means. Does this mean painting of facades? Does this relate to new buildings only? If not, this could have the potential to harm heritage assets. We suggest this is clarified.
<p>4 Mixed Use Developments</p>	<p>21. Policy objectives align with City Plan objectives, although it is unclear what the policy adds beyond the New London Plan and draft City Plan.</p> <p>22. Planning policy cannot control occupiers, but land uses. We suggest this is clarified.</p>
<p>5 Shop Fronts and Ground Floor Frontages</p>	<p>23. The policy objectives align with City Plan objectives.</p> <p>24. Policy intent is supported. However, while it is recognised that a variety of types of shopfronts and ground floor treatments contribute to Soho's character, and their protection is supported, it is unclear if within single developments shopfronts should be different? In some circumstances this may not be desirable and in a single building development a degree of consistency is likely to be appropriate/ may be desirable.</p> <p>25. We suggest the policy is redrafted, so it is more positively worded. The policy should try to maintain and protect the diversity of frontages and pattern of smaller, narrow buildings, where this contributes positively to character. We also recommend the policy says “should” instead of “are required”.</p> <p>26. To be more effective, it would also be helpful if the Plan protected some existing historic shopfronts in Soho or if the reasoned justification referenced them.</p> <p>27. We support reference to opportunities to add detail and colour. This, however, could be a more general point about buildings not only about ground floors.</p>

<p>6 Premises for Small Businesses</p>	<p>28. The policy aligns to City Plan objectives in terms of respecting Soho’s scale and character.</p> <p>29. The policy refers to major development, but then refers to commercial or mixed-use. It may need to be more specific to B1 premises. Would a residential or hotel proposal have to meet these requirements? It is currently unclear.</p> <p>30. The policy could be merged with policies 7, 8 and 10, as they all deal with the provision of commercial space.</p>
<p>7 New Office Developments</p>	<p>31. The intent of the policy is supported, although further consideration needs to be given to instances where large businesses have contributed to Soho’s unique character, such as those of the film industry. Their presence in Soho is only made possible by having large floorplate office developments.</p> <p>32. References to “adverse effects” on character and heritage should be removed – this is straying into justification and would not be applicable to all proposals. When referring to character it is unclear whether this concerns the area’s historic association with smaller businesses, or if it is more concerned with townscape impacts. If the latter, heritage policies elsewhere in the Plan are more appropriate to deal with this issue.</p> <p>33. As above, this policy could be merged with policies 6, 8 and 10.</p>
<p>8 Creating Active Ground Floor Uses in New Commercial Developments</p>	<p>34. The intent of the policy is supported, which can be achieved through design and the mix of uses. Controlling the use of internal space is more difficult to control and reference should instead be made to active frontages.</p> <p>35. As above, this policy should be merged with others above to ensure there is no contradiction between supporting an active ground floor use and potentially resisting a large floorplate building.</p>
<p>9 Providing Public Art to Reflect Local Culture and Heritage</p>	<p>36. The policy objectives align with City Plan objectives.</p> <p>37. Adopted and emerging policy do not require public art, only encourage it. We suggest you amend the policy wording accordingly. We suggest you amend the policy wording accordingly.</p> <p>38. Planning policy cannot control who “creates” public art. We suggest the last part of the sentence is removed as it is not a land use issue. As the Plan cannot dictate who creates the art, we suggest this is moved to the reasoned justification as an encouragement.</p>
<p>10 Providing Accommodation for the Creative Industries</p>	<p>39. The policy objectives align with City Plan objectives. We are unsure why this policy has an emphasis on start-ups or what this text adds to the policy. Start-ups could be referenced in the reasoned justification.</p> <p>40. It may be useful to reference Historic England research on the link between the historic environment and creative industries (and refers to Soho) in the reasoned justification (https://historicengland.org.uk/research/heritage-counts/2018-heritage-in-commercial-use/heritage-in-commercial-use/). This may also support the Plan’s argument for resisting large floor plate office buildings, as the more diverse mixed smaller accommodation in Soho and the character of the area has tended to attract certain types of occupiers.</p> <p>41. As above, we believe this policy should be combined with Policies 6, 7 and 8 as they all deal with the provision of commercial floorspace.</p>

<p>11 Private Members Clubs</p>	<p>42. <u>First sentence:</u></p> <ul style="list-style-type: none"> • It is unclear how a decision-maker will assess whether or not a private members' club is a "important facilitator of networking". As drafted, this part of the policy attempts to protect the current user of the building rather than the land use and planning policy cannot control who the operator/occupier is. <p>43. <u>Second sentence:</u></p> <ul style="list-style-type: none"> • We suggest this sentence is deleted. There is no need to make specific reference to other policies in Westminster's Development Plan. The policies in the City Plan could change through the Examination process and this implies that only parts of Policy 17 should be adhered to. <p>44. <u>Reasoned justification:</u></p> <ul style="list-style-type: none"> • The council cannot control how a club's purpose or membership changes over time as these are not planning and land use issues. We suggest this is removed. • There are other assessment criteria that should be in the text of the policy (i.e. 'New clubs will need to demonstrate that their potential adverse impacts such as pedestrian and traffic generation, late night use and anti-social behaviour are adequately mitigated and have a clear Management Plan to prevent nuisance to neighbouring occupiers'). To be effective, we suggest this is moved to the policy wording.
<p>12 Live Music Venues</p>	<p>45. The policy objectives align with City Plan objectives.</p> <p>46. To be effective, we suggest both sentences refer to the venues as "music venues". Venues may offer a mixture of live and non-live music and it would not be practicable to control what type of music is being played. What the policy should do is protect the opportunity for live music to be played.</p> <p>47. Accordingly, we also suggest that the reference to the use class order is removed as the policy would therefore only apply to music and concert halls. Within Soho, there are a number of other uses that also play live music (e.g. bars and) that should also be protected and that do not fall within class D2.</p> <p>48. <u>Second sentence:</u></p> <ul style="list-style-type: none"> ○ We suggest it is redrafted so it says "New music venues will be...". ○ It is unclear what "low impact" means. To be effective, we suggest the sentence is redrafted, so it focuses on the general amenity impacts that will need to be considered. More appropriate wording would be "acceptable impact on the amenity of neighbouring residents and on local environmental quality". The reasoned justification can explain in further detail what exactly will be assessed. ○ The policy does not need to reference policy 34 of the draft City Plan as it will be part of Westminster's Development Plan and will therefore apply. This could be moved to the reasoned justification, which could also explain how this will be secured (e.g. via a Management Plan).
<p>13 Food and Beverage Developments to</p>	<p>49. The policy objectives align with City Plan objectives.</p> <p>50. <u>Policy title:</u></p>

<p>Protect Existing Residential Amenity</p>	<ul style="list-style-type: none"> ○ We suggest this is renamed to be more general in the lines of “Food and drink uses” <p>51. It is unclear what “A1 cafes” are. Cafes fall within Class A3; however, coffee shops can fall into Class A1.</p> <p>52. Please note this policy would not always apply as some of these changes of use may be “permitted development”. This should be acknowledged in the reasoned justification.</p> <p>53. It is unclear what ‘direct physical proximity’ means. The Plan needs to be clearer in relation to this. If it means “contiguous”, the policy should be amended. The reasoned justification is also unclear as it refers to “above below or immediately adjacent” as well as to “in close proximity”. These expressions are different and could lead to confusion.</p> <p>54. The policy should be clearer. “Adverse impacts” could be changed to “unacceptable amenity impacts”. The reasoned justification could further explain what would be judged as “unacceptable”.</p> <p>55. As drafted, it is unclear what Policy 13 adds beyond the New London Plan and the draft City Plan policies.</p>
<p>14 Provision of Public Toilets</p>	<p>56. The policy objectives align with City Plan objectives.</p> <p>57. As drafted, it is unclear what Policy 14 adds beyond the New London Plan and the draft City Plan policies. However, public toilets may be more necessary in Soho than in other parts of the city because of the importance of the evening night-time economy. If evidence-based, this could support a higher provision of public toilets within the Neighbourhood Area.</p>
<p>15 Provision of Affordable Housing</p>	<p>58. Policy 15 does not need to reference specific policies in the draft City Plan. All policies in the New London Plan and the draft City Plan would apply to any development proposals.</p> <p>59. The policy should clarify that it would apply to off-site provision in the vicinity of the host development where this has been agreed by the council.</p>
<p>16 Car Free Residential Developments</p>	<p>60. Policy 28 in the draft City Plan provides for car free development within Soho and although the council support the principle of what this policy seeks to achieve for Soho, control over residents’ permits is not a planning policy matter. The Soho Neighbourhood Plan therefore cannot control the legal agreements the council enters into regarding parking permits.</p> <p>61. In addition, parking arrangements have operational impacts on different areas. As drafted, Policy 16 will have impacts that will go beyond the Neighbourhood Area boundary and that the Neighbourhood Plan will not be managing. Existing Residential Permit Zones may also not match Neighbourhood Areas boundaries, as is the case with the Soho Neighbourhood Area and Zone G – meaning this policy would be ineffective (new residents outside of the Neighbourhood Area will be able to apply for a parking permit for Zone G will therefore be able to park within the Soho Neighbourhood Area where the boundaries overlap regardless of the Neighbourhood Plan policy).</p>
<p>17 Residential Space Standards</p>	<p>62. The policy objectives are not in accordance with City Plan objectives.</p> <p>63. As drafted, Policy 16 is overly restrictive and the approach to the housing size mix is not in accordance with the approach in the draft City Plan.</p>

	<p>64. It is unclear why the Neighbourhood Plan seeks to ban larger flats in Soho as this is not supported by the evidence accompanying the Plan. The AECOM Housing Needs Assessment states as follows:</p> <ul style="list-style-type: none"> ○ “This should be taken as a strong indication that policy that seeks to influence the size of market homes is not required” (paragraph 232). ○ In relation to affordable housing, “Therefore, to retain the demographic balance in the community, it is appropriate for housing policy in Soho to seek a balance of unit sizes, including three-bedroom dwellings” (paragraph 233). <p>65. The New London Plan and the draft City Plan adopt the Nationally Described Space Standards (NDSS) in Westminster. The NDSS are minimum standards that ensure all new homes in Westminster are adequately sized. Policy 18 is therefore a misinterpretation of the NDSS. These standards are set out to provide minimum space standards for individual housing units based on the number of bedrooms and persons occupying each dwelling and the number of storeys, not maximum sizes.</p> <p>66. As drafted, it is unclear and not correctly evidenced why 138 sqm is considered to be an appropriate upper limit for any new home in Soho. Under this policy, a new one-bedroom flat could be created and be as large as 138 sqm. As stated in the NDSS, the 138sq m threshold is the minimum size for a 6-bedroom, 8-person, 3-storey dwelling, not a maximum limit on the size of an individual housing unit and it should not be used as such.</p> <p>67. As drafted, Policy 17 deals with a strategic issue which is not in conformity with Policies 8, 11 and 13 in the draft City Plan.</p>
<p>18 Maintaining Residential Amenity During Construction Works</p>	<p>68. The policy objective aligns with City Plan objectives.</p> <p>69. The Plan should explain that the council requires developers to adhere to the Code of Construction Practice (CoCP), which is secured by planning condition. Westminster’s CoCP only requires submission of a Construction Management Plan for “Level 1” development, i.e. over 10,000sq m of commercial floorspace or 100 residential units, other than where basements are proposed. Nevertheless, where there are likely cumulative impacts, which are likely to occur in a densely developed area such as Soho, ‘Level 2’ development, i.e. other major development, can be upgraded to “Level 1”. Although the principle of the policy is considered in conformity with the City Plan, it is unclear what it adds beyond City Plan policy. To be effective, the policy should focus more on the overall aim, to avoid adverse impacts, rather than the tool by which to achieve the aim, the Construction Management Plan.</p> <p>70. The policy should refer to “unacceptable impacts” as not all impacts can be avoided or mitigated.</p>
<p>19 Delivery and Servicing Plans for New Development</p>	<p>71. The policy objective aligns with City Plan objectives.</p> <p>72. <u>First sentence:</u></p> <ul style="list-style-type: none"> ○ We suggest the word “reducing” is removed. <p>73. It is unclear how this policy will be enforced and how the Delivery and Servicing Plans will be monitored.</p>

	<p>74. We suggest the policy is redrafted to be more positive. The policy should set out what it is trying to achieve rather than setting out the impacts the policy is trying to avoid. This should be explained in more depth in the reasoned justification.</p> <p>75. As drafted, it is unclear what Policy 19 adds beyond the New London Plan and the draft City Plan policies.</p>
<p>20 Improving Air Quality</p>	<p>76. The policy objective aligns with City Plan objectives.</p> <p>77. It is unclear when this policy will apply as “design proposals” is too vague, it should state “development proposals”.</p> <p>78. We suggest the policy is redrafted to be more general and focus on the goal (improve air quality), rather than on the measures. Examples of measures that may be appropriate should be explained in the reasoned justification, rather than in the policy wording. The order of the measures listed should be reversed, with green infrastructure last in the list. As drafted, it reads as if green infrastructure had more precedence over Delivery and Servicing Plans and Energy Generation (despite greening sometimes making pollutant concentrations worse in some configurations). The reasoned justification could also consider other elements such as Active Travel.</p> <p>79. <u>Reasoned justification:</u></p> <ul style="list-style-type: none"> • There is a slight disconnect between the policy and its reasoned justification which discusses more construction rather than end-use. This should be clarified. <p>80. As drafted, it is unclear what Policy 20 adds beyond the New London Plan and draft City Plan policies.</p>
<p>21 Reducing Energy</p>	<p>81. The policy objective aligns with City Plan objectives.</p> <p>82. It is however unclear what “doorless entrances” are. While recessed entrances are generally resisted, a set-back entrance door could in some cases be part of the character of the building and it would not be appropriate for it to be entirely closed off by a door. Accessibility also needs to be maintained and door closers on retail units may not allow this. If the policy aim is to resist openable shopfronts, this should be clarified. It should be noted that ‘sealed’ units may bring requirements for energy intensive air conditioning.</p> <p>83. We suggest the policy is redrafted, so it is more general and about measures to reduce waste and heat and emissions, particularly to shops and cafés and supporting text explains further the particular Soho issues. We recommend the policy does not list examples of measures; this can be explained in the reasoned justification.</p> <p>84. As drafted, it is unclear what Policy 21 adds beyond the New London Plan and draft City Plan policies.</p>
<p>22 Refurbishment and Retrofitting of Existing Buildings</p>	<p>85. The policy objective aligns with City Plan objectives. However, as drafted, Policy 22’s wording is not considered to be in accordance with the National Planning Policy Framework (NPPF).</p> <p>86. <u>First sentence:</u></p> <ul style="list-style-type: none"> ○ As drafted, it is unduly restrictive and does not promote sustainable development in accordance with the NPPF (see paragraph 16). By definition, major development is not refurbishment or retrofitting. <p>87. <u>Second sentence:</u></p>

	<ul style="list-style-type: none"> ○ The use of words such as “normally” weaken the policy and create confusion. It is unclear when they will be supported or not. <p>88. <u>Third sentence:</u></p> <ul style="list-style-type: none"> ○ In relation to heritage assets, the reference to significant harm does not comply with national guidance in the NPPF as some tests relate to substantial and less than substantial harm and designated and non-designated heritage assets. As drafted, the policy is likely to cause confusion. The NPPG makes clear that harm should in the first place be <i>avoided</i> and where harm is caused this must be justified. The starting point of Policy 22 should therefore be avoiding harm and where retrofitting is proposed to heritage assets a bespoke approach should be taken which protects heritage assets in line with statutory duties. There is guidance on how this bespoke approach can be approved in Soho building types (see the guide Research on Improving Historic Soho’s environmental performance). The reasoned justification should refer to this and other council and Historic England guidance on retrofitting heritage assets which is available (see https://www.westminster.gov.uk/retrofitting-historic-buildings). ○ It is however unclear how a decision-maker will determine whether appropriate assessment of retrofitting has been undertaken. <p>89. As drafted, Policy 22 is not in accordance with the NPPF (see paragraph 16) as it is not contributing towards “sustainable development”. Moreover, it is unclear what Policy 22 adds beyond the New London Plan and draft City Plan policies.</p>
<p>23 Delivery Consolidation Points</p>	<p>90. The policy objectives align with City Plan objectives. However, as drafted, Policy 23 it is not considered to be effective and in accordance with the National Planning Policy Framework (NPPF).</p> <p>91. It is not reasonable to ask developers to consider the use of the site as a micro-consolidation centre when considering “any development” of the site.</p> <p>92. Although the policy is not allocating these sites as micro-consolidation centres, it should be noted that the policy is too restrictive in terms of uses. For example, if a scheme for affordable housing came forward for these car parks, the developer would still need to go through the assessment for the use of the site as micro-consolidation centre. But as the policy is not binding on them delivering that use, if the site was found to be suitable, there would still be no requirement for them to use the site for that purpose. Accordingly, the policy is not effective in securing its goal.</p> <p>93. A Neighbourhood Plan can only specify what is the preferred use of a site with further compelling evidence and engagement with landowners and other stakeholders. The policy would need to be amended so it is clear if proposals for other uses such as residential or commercial use would be refused in favour of a micro-consolidation centre, and based on what evidence. However, we suggest the policy is redrafted and that it identifies the car</p>

	<p>parks as sites with potential for redevelopment, or a more general policy on freight consolidation opportunities in Soho is drafted.</p> <p>94. As drafted, Policy 23 could be read as a ban on certain uses which would be contrary to draft City Plan Policies. Policy 23 is also not in accordance with the NPPF (see paragraph 16) as it is not contributing towards sustainable development.</p>
24 New Pocket Parks	<p>95. The policy objectives align with City Plan objectives.</p> <p>96. If the aim of the policy is to only deal with roof top gardens, we suggest the term “Pocket Park” is not used as it creates confusion. Instead, we suggest the policy is redrafted to encourage parks across Soho, including at ground level, especially within the Areas of Open Space Deficiency.</p> <p>97. As drafted, it is unclear if “new green pocket parks” are only supported as part of commercial buildings. To be effective, this needs to be clarified.</p> <p>98. It is also unclear what “employees and others” means.</p> <p>99. The policy should be redrafted to ensure that parks are not encouraged over residential amenity.</p>
25 Sustainable Green Infrastructure on Buildings	<p>100. The policy objectives align with City Plan objectives.</p> <p>101. It is unclear what “the highest feasible level” means and how this will be measured. As drafted, it implies that greening should come at the expense of other benefits which is unreasonable.</p> <p>102. We suggest the policy is redrafted to be more general and focus on the goal (increase the greening of buildings and other areas), rather than on the measures. Examples of measures that may be appropriate should be explained in the reasoned justification, rather than in the policy wording. The reasoned justification could also consider other elements such as biodiversity benefits or Sustainable Drainage Systems.</p> <p>103. The second part of the sentence strays into justification and is not needed. As drafted, the policy implies that the measures listed always improve air quality and well-being and this may not be always the case (linked to comments on Policy 20 above).</p> <p>104. <u>Policy title:</u></p> <ul style="list-style-type: none"> ○ The policy also covers the “curtilage” of buildings. The title should therefore be changed as the policy is not only about “buildings”. <p>105. As drafted, it is unclear what Policy 25 adds beyond the New London Plan and draft City Plan policies.</p>
26 Improving Public Open Space	<p>106. The policy objectives align with City Plan objectives. The Soho-specific angle is welcomed.</p> <p>107. <u>First sentence:</u></p> <ul style="list-style-type: none"> ○ Figure 6 could be expanded to include other existing public spaces within Soho that could benefit from improvements. ○ The use of words like “could be suitable” weakens the goal of the policy. We suggest it is redrafted to be more positive.

	<ul style="list-style-type: none"> ○ We suggest this policy is redrafted to welcome other potential improvements beyond greening and seating like public art and cultural elements. <p>108. <u>Second sentence:</u></p> <ul style="list-style-type: none"> ○ We suggest the second sentence is removed as it is restrictive and other funding sources could be used to support the policy goals. References to CIL could be made in the reasoned justification.
27 Pedestrian Movement in Development Proposals	<p>109. The policy objectives align with City Plan objectives.</p> <p>110. As drafted, the first sentence suggests “pedestrian movement” is a land use and it is not. We suggest this part of the sentence is redrafted.</p> <p>111. As drafted, it is unclear if the policy is banning the provision of tables and chairs. If it is seeking to, this is too restrictive.</p> <p>112. A number of bullet points deal with issues that are not strictly related to “pedestrian movement” but to wider public realm and design.</p> <p>113. As drafted, it is unclear what Policy 27 adds beyond the New London Plan and draft City Plan policies.</p>
28 Securing New Pedestrian Routes	<p>114. The policy objectives align with City Plan objectives.</p> <p>115. It is unclear what “carefully considered” means. This should be removed.</p> <p>116. It is unclear why the policy only restricts this policy to “previously private and inaccessible land”. It should be clarified when the policy will apply.</p> <p>117. The use of words such as “normally” weaken the policy. We suggest it is removed.</p> <p>118. To be effective, it should be clarified what “adverse impacts” the policy refers to and on whom. If it is on residential amenity, it should be clearly stated.</p>
29 Property Numbering and Wayfinding Signage	<p>119. The policy objectives align with City Plan objectives.</p> <p>120. We suggest this policy is redrafted to promote legibility and wayfinding rather than focusing on street numbering which cannot be necessarily required through planning policy. This could be moved together with Policy 28 instead of being a standalone policy.</p>
30 Cycle Parking	<p>121. The policy objectives align with City Plan objectives.</p> <p>122. It is unclear what the policy adds beyond the City Plan and London Plan policies. Moreover, the policy could be contradictory to City Plan Policy 26 as off-street cycle parking should be considered first as part of development. It should be clarified that the policy relates to on-street cycle parking only, and that this should not be at the expense of on-site provision. This could be done through the reasoned justification.</p> <p>123. Cycle parking is a strategic issue. If the policy does not add anything Soho-specific and beyond City Plan and London Plan policies, we suggest this policy is removed to avoid confusion.</p>

<p>31 Waste and Recycling Facilities in New Development</p>	<p>124. The policy objectives align with City Plan objectives.</p> <p>125. <u>Clause A:</u></p> <ul style="list-style-type: none"> ○ It is unclear if Clause A applies to any type of development and what “commercial occupiers” are. If it only affects commercial uses or major development schemes, it should be clarified. <p>126. <u>Clause B:</u></p> <ul style="list-style-type: none"> ○ Policy should not reference other policies in Westminster’s Development Plan. ○ Developers cannot be expected to provide extra space to rectify pre-existing waste storage problems outside the development site. It is also unclear how Policy 31 will be enforced and how the Plan will require building managers to share its waste storage with neighbouring buildings. There are other building and operational considerations such as access that the policy does not mention. ○ Moreover, it is unclear what “extra waste and recycling storage capacity” means and where the evidence supporting a radius of 100 metres is. It is also unclear what “small commercial units” are and how they will be designated. ○ The conditions stated in Clause B cannot be secured through a planning permission. As drafted, Policy 31 B deals with issues that cannot be controlled by planning policy and therefore by Neighbourhood Plan and should be removed. <p>127. <u>Clause C:</u></p> <ul style="list-style-type: none"> ○ This issue is already covered with by the New London Plan and Policy 38 in the draft City Plan.
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