



Report to Westminster City Council

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PLANNING AND COMPULSORY PURCHASE ACT 2004 SECTION 20

REPORT ON THE EXAMINATION OF THE CITY OF WESTMINSTER CORE STRATEGY SUBMISSION DRAFT DEVELOPMENT PLAN DOCUMENT

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Examination hearings held between 26 July 2010 and 5 August 2010

ABBREVIATIONS USED IN THIS REPORT

CAZ	Central Activities Zone
CIL	Community Infrastructure Levy
CMP	City Management Plan
DPD	Development Plan Document
DRLP	Draft Replacement London Plan
HMO	Houses in Multiple Occupation
LDS	Local Development Scheme
PPS	Planning Policy Statement
RSS	Regional (Spatial) Strategy
SA	Sustainability Appraisal
SCS	Sustainable Community Strategy
SIC	Statement of Community Involvement
UDP	Unitary Development Plan

[CC..] Council Change

[IC..] Inspector Change

Summary

This report concludes that the City of Westminster Core Strategy Development Plan Document provides an appropriate basis for the planning of the Borough over the next 15 years. The Council has sufficient evidence to support the strategy and can show that it has a reasonable chance of being delivered.

A limited number of changes are needed to meet legal and statutory requirements. These can be summarised as follows:

- Changing the sub-section on Waste Infrastructure to achieve general conformity with the London Plan;
- Enhancing Policy CS1 so that it indicates more appropriately the way forward for that part of London's Central Activities Zone which lies in Westminster;
- Updating the figures for new homes and jobs, notably in the Opportunity Areas, so that they better reflect the time horizon of the Core Strategy;
- Setting out more clearly how much new housing from various sources is planned and is to be delivered over the plan period;
- Clarifying the target for new affordable housing;
- Changing the policies relating to heritage, views and design so that they respond to the concerns of English Heritage and are consistent with new national policy for the Historic Environment;
- Amending the section on water infrastructure to demonstrate support for the Thames Tunnel as sought by Thames Water;
- Adding cross-references between policies on developer contributions and transport infrastructure to ensure that the plan is in general conformity with the London Plan regarding Crossrail;
- Making limited changes elsewhere to ensure that the plan is deliverable and effective.

Most of the changes recommended in this report are based on proposals put forward by the Council in response to points raised and suggestions discussed during the public examination. **They do not alter the thrust of the Council's overall strategy.**

Introduction

- a) *This report contains my assessment of the City of Westminster Core Strategy Development Plan Document (DPD) in terms of Section 20(5) of the Planning & Compulsory Purchase Act 2004. It considers whether the DPD is compliant in legal terms and whether it is sound. Paragraphs 4.51-4.52 of Planning Policy Statement (PPS) 12 make clear that to be sound, a DPD should be justified, effective and consistent with national policy.*
- b) *The starting point for the examination is the assumption that the local authority has submitted what it considers to be a sound plan. The basis for my examination is the Submission Draft Core Strategy (March 2010) which is the same as the document published for consultation in September 2009 except for some minor changes.¹*
- c) *I am satisfied that the plan complies with the statutory and procedural requirements for the preparation of development plan documents (DPDs) as described on Page 22 of this report.*
- d) *My report deals with the changes that are needed to make the Core Strategy (hereinafter referred to as the plan) sound and they are identified in bold type. Most of these changes have been proposed by the Council and are presented in Appendix A. The changes that I require are set out in Appendix C. None of these changes should materially alter the substance of the plan and its policies, or undermine the sustainability appraisal and participatory processes undertaken.*
- e) *Some of the changes put forward by the Council are factual updates, corrections of minor errors or other minor amendments in the interests of clarity. As these changes do not relate to soundness they are generally not referred to in this report although I endorse the Council’s view that they improve the plan. These are shown in Appendix B. I am content for the Council to make any additional minor factual updates or corrections to spelling or numbering prior to adoption.*
- f) *All of the changes that the Council has proposed following the submission of the plan have been subject to public consultation and I have taken the consultation responses into account.*
- g) *References in my report to documentary sources are provided in footnotes, using the examination’s supporting documents list.*

Changes needed for Soundness

This section of my report deals with issues of soundness and subsequent recommendations on the basis of:

- those recommended changes which result from discussion and agreement between parties,*
- any other changes which I determine are needed following the examination debate but for which agreement was not reached between parties.*

¹ Submission Draft Consultation Statement Regulation 30(1)(d)&(e) Appendix 12 [CS/CS/06]

Preamble

1. Prior to the opening of the hearing sessions, the Government’s commitment to abolish regional strategies (RSS) was announced and subsequently this element of the development plan was revoked. However, section 24(1)(b) of the Planning and Compulsory Purchase Act 2004 requires the Local Development Documents of London Boroughs to be in general conformity with the Mayor’s Spatial Development Strategy. The Government’s recent statement to the Draft Replacement London Plan (DRLP) Examination in Public drew attention to Planning Policy Statements which indicate that references to RSSs also apply to the Spatial Development Strategy for London. While Government considers that the requirements relating to the London Plan, eg. requiring targets to be set, no longer apply, if the Mayor chooses to propose targets on particular matters, this will be a matter for him and local partners to consider.
2. The Mayor has advised that he supports the removal of highly prescriptive targets, considering there to be better and more inclusive ways of reflecting the particular needs and circumstances of London. Over the next two years or so, he will work with Councils and other stakeholders to build in a more “bottom-up” approach. Now, however, he supports the retention of a number of targets, notably for Londonwide housing provision monitoring, for indicative jobs and homes in Opportunity Areas, and for waste apportionment.
3. In examining the plan for Westminster, I therefore attach significant weight to the relevant targets in the London Plan². The DRLP provides more recent targets and arguably better reflects socio-economic change over the last few years³. However, it is not yet adopted planning policy and accordingly is a material consideration which carries less weight than the adopted Plan.
4. Central Government has introduced a number of changes to Planning Policy Statements and Government Circulars in 2009/10, either around the time the Core Strategy was published or afterwards. While the plan could not have predicted their content with any precision, the new documents are extant pieces of national policy with which the plan should be consistent in order to be sound. I comment on consistency with new policy documents where relevant in this report.

Main Issues

5. Taking account of all the representations, written evidence and the discussions that took place at the examination hearings I have identified eight main issues upon which the soundness of the plan depends, and these are addressed below.

² The London Plan, Spatial Development Strategy for Greater London, Consolidated with Alterations since 2004, Feb 2008 - Mayor of London [CS/REG/08]

³ The London Plan, Spatial Development Strategy for Greater London, Consultation draft replacement plan, Oct 2009 - Mayor of London [CS/REG/29]

Issue 1 – Whether the overall spatial strategy has a sound basis having regard to the Borough’s context and needs, whether it is clearly articulated and whether it plans adequately for the next 15 years

6. Parts I and II of the plan provide a strong introduction setting out its position within the Local Development Framework and outlining the structure of the document. The issues and challenges for the City of Westminster are coherently summarised; the spatial vision and strategic objectives flow logically from them; these Parts are highly readable and well illustrated with tables, figures and a key diagram. At Issues and Options and Preferred Options stages relevant options for future development within the Borough were put forward and assessed, insofar as realistic options for this substantially built up area which contains many heritage assets can be contemplated. In many respects the plan is taking forward policies which have been tried and tested in the Unitary Development Plan (adopted in January 2007). However, the general approach is substantiated by an appropriate evidence base.

7. Parts I and II do not lead to one or more over-arching, strategic policies which set out how the Borough is to be shaped and developed over the plan period. I have considered whether this omission means that the plan is inconsistent with PPS12 regarding the Nature of Core Strategies. The Council contended that a new over-arching policy was unnecessary, and argued that core strategies for other London Boroughs had not included such policies, although my reading of them suggests otherwise. However, the Spatial Strategy with its succinct set of seven strategic objectives, clearly describes the way forward. Thus PPS12 is satisfied and Parts I and II are sound.

8. The Council rightly recognises the unique character of Westminster, its extraordinarily complex local conditions related to the mix of land uses, density of development, pressure of activity and people, and major heritage assets. Many policies that could be seen as detailed development management matters elsewhere are necessarily elevated in Westminster to being of strategic importance.

9. Regarding the time horizon of the plan and PPS12 requirement that this should be at least 15 years, paragraph 1.8 of the plan suggests it goes up to and beyond 2025. However, there is a range of other time periods quoted for housing and economic development. The London Plan and evidential studies have adopted different timescales, but this plan has to be clear how much development is expected to occur, where and when over the next 15 years. The Council proposed some changes which would provide updated information and relate policies to the 15 year time horizon more directly. I endorse those changes and refer to them in detail below.

10. Appendix 1 lists some 29 strategic sites, significantly more than are found in many core strategies. However, these are mostly within the Opportunity Areas, the West End Special Retail Policy Area and North Westminster Economic Development Area. They meet the criteria for the definition of strategic sites in PPS12. They are shown on the submitted Proposals Map, all boundaries having been reviewed and consulted upon as part of plan development. Overall, given the context and local needs, the overall spatial strategy is evidence based, clearly articulated in Parts I and II and just meets the 15 year time horizon.

Issue 2 – Whether the approach to waste infrastructure and waste management is in general conformity with the London Plan

11. Following submission of the plan, the Mayor of London indicated that it was not in general conformity with the London Plan regarding waste. In his statement to the Examination in Public for the DRLP, the Mayor confirmed his commitment to achieve waste self-sufficiency and declared support for the continued inclusion of waste apportionments. The land take of waste facilities required in Westminster to meet the apportionment shown in the adopted London Plan was calculated as being 3 hectares (compared with the 1.1 hectares which existing facilities occupy). The Council carried out a boroughwide site search which culminated in a detailed analysis of the most promising sites⁴. This, however, concluded that none were suitable as a new waste management site as they were either too small, too close to residential properties, not readily available or their use for waste purposes would not be financially viable. The Greater London Authority accepted the study conclusions.

12. Policy CS43 of the plan rightly seeks the minimisation of waste and increased re-use, recycling and composting of waste. It is committed to protecting existing waste management facilities and sites. In addition, the Council pointed to the innovative approach it has taken trialling in-vessel ‘rocket’ composters which process food waste. However, these measures alone will not enable Westminster to achieve the strategic apportionment targets. The Mayor advised that Westminster’s plan should include targets for recycling, composting and recovery of municipal, commercial and industrial and construction and demolition waste. These will affect the range and scale of facilities that need to be provided.

13. Establishing joint working arrangements with other London Boroughs is supported by the Greater London Authority. However, approaches to some eight Boroughs in September 2009 brought no positive response, and further attempts to secure joint working in Summer 2010 were similarly unsuccessful. The Council argued that revised (lower) apportionment figures for waste across London in 2009 should result in some Boroughs having surplus capacity. However, many London Boroughs lack surplus capacity or have competing land requirements, and there is the possibility that the DRLP panel may not accept the plan’s reduced figures.

14. The Council has put forward changes to Policy CS43 and the supporting text to confirm that it will continue to seek joint working arrangements with other London Boroughs in order to ‘pool’ the waste apportionment. I endorse these changes which help to make the Policy effective **[CC25 & 26]**. Policy CS43 refers to a Waste DPD although no such DPD is included in the current Local Development Scheme (LDS). A revised LDS is to be produced in late 2010 which will set out a programme for a Waste DPD as follows: Drafting Spring-Summer 2011, Public Consultation Autumn 2011, with Adoption 2011-12. This would mean commencement once the new regional waste apportionment figures have been adopted, and development of the DPD alongside the revision to Westminster’s Municipal Waste Strategy.

15. In conclusion, the failure of the Council to demonstrate in its plan how it will meet its waste apportionment is a serious matter. However, the City of Westminster currently lacks industrial land or other suitable previously developed land which might be brought forward for waste infrastructure and management sites. Given the

⁴ Waste Evidence Base 2009, Westminster City Council [CS/EB/64]

practical difficulties of providing land and the evidence that the Council is actively committed to meeting its obligations, I agree that a pragmatic way forward should be taken. The Council has pointed out that, post-2017, when the construction of Crossrail should be complete, there may be land available in the Paddington area for a waste site. The Council must continue to search for suitable land, and to develop its strategy for recycling, composting and recovery of different waste streams. This should be pursued through a Waste DPD with continuing efforts to achieve joint working arrangements. It is not for me to recommend what goes into the Council’s LDS, but a copy will be sent to the Mayor of London when it is submitted to the Secretary of State for approval. This should provide the necessary safeguard against abandonment of the search for solutions to the waste issue.

Issue 3 – Whether Policies CS1 to CS12 appropriately reflect Westminster’s strategic objective 1 and policies in the London Plan for the Central Activities Zone (CAZ)

Extent of CAZ and sub-divisions within

16. The Mayor is satisfied that the overall boundary of the CAZ for Westminster reflects the indicative boundary in the London Plan. The division into Core and other CAZ, and the identification of predominantly residential areas is not considered to be inconsistent with the London Plan. Locally distinctive areas within the CAZ are listed in paragraph 3.4 of the plan and are then the subject of area-specific policies. The defined areas including the Special Policy Areas in Policy CS2 are justified, and the policy should protect the sometimes unique clusters of activity.

Promoting sustainable growth and change in the CAZ

17. The Government’s overarching objective in Planning Policy Statement 4: Planning for Sustainable Economic Growth (PPS4) is sustainable economic growth, meaning growth that can be sustained and is within environmental limits, that enhances environmental and social welfare and avoids greater extremes in economic cycles. Policies 5G.2 and 5G.3 of the London Plan expect the CAZ to provide a competitive, integrated and varied global business location and recognise that the CAZ is the country’s most important strategic office location.

18. With the exception of Policy CS28, the plan’s policies for the CAZ do not state that economic growth and change will be promoted consistent with enhancing London’s role as a sustainable world class city with international business, retail, cultural and entertainment facilities. There is a change in tenor between Parts I and II of the plan including strategic objective 1 (eg. paragraphs 2.36-39), which are positive about economic development and the policies in Part III which scarcely mention it. This raises two concerns, as to whether the approach is consistent with PPS4 and the London Plan, and whether the plan is stating its policies clearly enough to be effective.

19. On the first point, Policy CS1, promoting equal amounts of residential and commercial development, represents an extension of Unitary Development Plan (UDP) policy. The evidence is that developers remain more willing to promote office development than other types of land use in Westminster. This situation has not been undermined by the mixed use policy, as much new commercial development has taken place. In addition, the supply of residential space has increased significantly enabling housing targets to be met. Hotel uses have increased, contributing to success in the tourism and other business sectors.

20. There is evidence that, because residential development needs to be part of mixed use schemes, there has been a loss of office floorspace within Westminster in recent years, possibly as much as 10% between 2000 and 2007⁵. Paragraph 2.20 of the plan, however, advises that the proportion of office floorspace within the Core CAZ has changed very little in recent years, being 51% in 1990 and 48% in 2008. I have sympathy with the argument that there has been limited analysis of the economy and commerce compared with housing. However, it would be very difficult to quantify the capacity for new commercial floorspace and new job creation in this heavily built up Borough. Due to its position in Central London, it would be equally problematic to predict the level of need or demand.

21. While the City of London consistently delivered more new office space than Westminster in recent years, the latter achieved a more mixed economy. A recent study by Drivers Jonas suggests that this mix could contribute to greater economic stability⁶. A very recent Crane Survey indicated that construction activity related to office development has fallen across Central London but remains reasonably significant in Westminster⁷. The strong residential element gives the Borough extra character and vibrancy which other parts of Central London may lack. It may also make Westminster resilient to change.

22. Policy 5G.3 of the London Plan states that, in appropriate locations in the western CAZ, boroughs and other relevant agencies should work with stakeholders to bring forward office capacity seeking solutions to constraints from extensive heritage designations. These should not compromise the local environment and should include a role for high quality design. Policy 2.11 of the DRLP continues this theme. Clearly, Westminster includes many heritage designations and these policies in the London Plan are relevant.

23. However, the evidence suggests that protecting the historic as well as mixed use environment has been key to the success of Westminster’s economy. The historic environment and image of quality associated with very high rents has attracted occupiers to Mayfair and St James’s [footnote 5]. It has also helped to drive the regeneration of areas such as Paddington and Victoria, as occupiers have looked beyond the West End for value whilst remaining in Central London. Overall, I agree with the Council that the plan’s approach to secure new mixed use development and maintain a balance of land uses in Westminster’s CAZ is unlikely to harm its economy. It is consistent with the broad concept of sustainable economic growth in PPS4.

24. Turning to the second point, however, Policy CS1 is insufficiently positive, and fails to signal a clear way forward for London’s CAZ within Westminster. In order to provide an appropriate context for the development management policy which constitutes Policy CS1, and to reflect national and London Plan policy more closely, I recommend an extension to the policy to confirm that sustainable economic growth is sought **[IC1]**. This is based on changes put forward by participants at the hearings who sought to amend the CAZ Policies.

⁵ The Importance of the Historic Environment to the Office Market in Westminster, 2007 - Drivers Jonas [CS/EB/20]

⁶ Westminster Office Study- Impact of the recession, 2009 – Drivers Jonas [CS/WCC/25]

⁷ ‘Crane Survey’ Central London First quarter 2010- Drivers Jonas, Deloitte [CS/EB/70]

Housing - the priority land use

25. Policy CS1 is shaped by the statement in paragraph 2.40 of the plan that housing is acceptable on all sites within the Borough and is the priority land use for delivery. It was proposed that CS1 should not be applied throughout Westminster and that equal priority should be given to commercial development in the Core CAZ and Opportunity Areas. The requirement for residential development has been relaxed for the eastern end of Oxford Street by Policy CS7, and it was suggested that other areas within the CAZ could be treated similarly. However, the Historic Environment study implied that the principle of mixed use across Westminster is justified, and consultation responses indicate that it has support. In the Opportunity Areas, the London Plan and the DRLP expect significant numbers of homes as well as jobs to be created.

26. I have considered whether small and start-up businesses should be excluded from the requirement to provide residential floorspace, particularly if they are knowledge-based and innovative, perhaps linked to a local University. However, the policy as written provides flexibility where applicants can demonstrate that residential floorspace provision would be inappropriate or impracticable. A shift in Policy CS1 to give equal priority to commercial development would require fresh sustainability appraisal and consultation. However, the effects of the policy should continue to be monitored as indicated in Figure 57 to ensure that promoting residential use widely does not undermine the future economic success of the CAZ.

27. It was argued that references to land swaps and land use credits as alternatives to on-site residential provision might be added to Policy CS1, since these have worked well in the past in particular cases. However, they are referenced in the Reasoned Justification and the policy allows for flexibility. This should enable potentially beneficial schemes where on-site provision may be demonstrably unviable to be considered in a balanced way, and innovative approaches such as swaps/credits to be evaluated. However, the detail of such approaches need not be specified in this policy.

28. The 200sqm threshold for commercial floorspace has been used already in the Core CAZ and named streets in Fitzrovia and Marylebone, and the policy should therefore be deliverable. The 400sqm threshold is untested but I accept the Council’s argument that the site specific character of mixed use development would make viability modelling difficult. The 400sqm threshold would be less onerous than that for commercial floorspace. It too would be flexibly applied and seems reasonable as it would not apply to public providers of education, health or leisure facilities.

Offices and retail

29. Policy CS6 for the Core CAZ describes this as an area where a range of commercial uses will be appropriate. However, it makes no reference to offices and does not positively encourage commercial development. This low-key approach clearly disappoints some parties but I have seen scant evidence that it would deter office development or seriously dampen demand in Westminster. Policy 5G.3 in the London Plan, and emerging Policies 2.10 and 2.11 of the DRLP, would form part of the policy context providing support for any office-led proposal.

30. Policy CS6 directs large scale retail schemes to the primary frontages of Oxford Street, Regent Street and Bond Street but does not state that developments there have to be large scale. The West End Special Retail Policy Area will be maintained

and enhanced as a global shopping destination through Policy CS7, which recognises among other things the need for improvements to transport. Even though new centres elsewhere in London at Westfield and Stratford provide added competition, and the current economic climate is challenging for this sector, I agree with the Council that the policy with its positive approach and defined priorities is appropriate.

31. It was argued that additional A2, A3 and A4 uses should be permitted on the primary shopping frontages. The Council estimates that there are some 84 non-A1 retail uses in Oxford Street alone, of which 36 are A2 uses, which implies that there is no shortage. Notwithstanding the footfall which some banks attract, additional provision could lead to a loss of vitality and viability on these frontages. Oasis Areas of rest as promoted in the plan will offer alternative locations for A3 uses. They complement the approach to the West End Stress Area in Policy CS6 which would not prevent any new development of entertainment uses; instead it seeks a balanced approach to reduce crime, public nuisance and noise. No change is needed.

The North Westminster Economic Development Area and Pimlico

32. The North Westminster area was identified in the London Plan as in need of regeneration, and Policy CS12 puts forward a number of measures which are to be achieved through partnership working. Westminster’s Economic Development Strategy⁸ supports this approach. Although Pimlico contains pockets of deprivation, the area includes more economic activity than North Westminster and a different policy approach is required. In order to secure better connection with development in the Victoria Opportunity Area, the Council proposed an extension to Policy CS10 and the Reasoned Justification which I endorse **[CC11 and CC12]**.

Opportunity Areas

33. The London Plan identified Opportunity Areas, which were considered capable of accommodating substantial new jobs or homes. Policies 2A.5 and 5B.2 expected strategic partners to work with the Mayor to prepare and implement spatial planning frameworks for them. Westminster contains three very different Opportunity Areas at Paddington, Victoria and Tottenham Court Road, all with strategic investment projects. Policies CS3, CS4 and CS5 of the Core Strategy repeat the indicative employment capacity and minimum homes targets for each area for 2001-26 as shown in London Plan Table 5B.1. However, it is now nearly a decade since 2001, the DRLP has put forward changed figures, and new development has taken place.

34. Ongoing construction work is evident at all locations, and up-to-date figures for the Opportunity Areas have been prepared by the Council. These reflect the considerable amount of planning and development undertaken with key partners already, especially at Paddington where some 27,800 jobs and 900 homes have been provided. The benefits of change in the area in addition to provision of more jobs and homes are very significant, ranging from the retention and enhancement of hospital services, to improvements to overhead and underground rail services, to the refurbishment of listed buildings and improvements to the canal. Local partnership working has been described as key to integrating the large scale mixed use developments into the local community. The plans for further new jobs and homes for Paddington are consistent with the DRLP and should be achievable.

⁸ Economic Development Strategy 2008-11, Westminster City Council [CS/WCC/09]

35. At Victoria, ongoing development is also evident. Strategic sites at this major transport interchange are shown in Appendix 1 to the plan. An estimated 2,400 new jobs have been provided since 2001 and the Council considers that ongoing change to the Government estate may provide additional new development opportunities over the plan period. Some 300 new homes are currently either under construction or have planning permission. The DRLP had assumed that Chelsea Barracks, expected to deliver more than 500 new homes, is within the Opportunity Area whereas it is separately located to the south-west. I agree with the Council that the target should be at least 1,000 new homes for the Opportunity Area, and that the planned figures for homes and jobs are attainable.

36. Tottenham Court Road is the smallest of Westminster’s Opportunity Areas and it lies partly within the London Borough of Camden. A scheme to improve the Northern line underground service is currently underway and a new Dean Street Station is planned to provide interchange facilities for Crossrail. The Council contends that the major development sites lie within Camden. Westminster seeks to provide about 60 dwellings and less than half of the new jobs. It refers to good joint working with the Borough of Camden, the Greater London Authority and Transport for London, and none of these bodies objected to Policy CS5.

37. Even though no proactive spatial planning framework or Area Action Plan is evident, strategic sites are described in the Core Strategy. It is clear that plans for Tottenham Court Road are at a relatively early stage compared with Westminster’s other Opportunity Areas. Much of the development will occur late in the plan period. Crossrail is expected to provide a catalyst for new development after 2017. The future of the substantial Royal Mail site is currently uncertain and the capacity of the area is difficult to assess accurately now. Infrastructure planning has been undertaken jointly for seven Central London Boroughs and for Westminster⁹. Based on this, the Council considers a specific audit of social infrastructure requirements for the Tottenham Court Road area to be unnecessary. While I appreciate the importance of protecting the community and environment of local residents, I have seen no evidence that these would be neglected. Policy CS5 is sound.

38. The revised figures for homes and jobs will give a clear and best possible picture as to what the plan seeks in these three locations over the plan period, in line with the Mayor’s aims for Opportunity Areas. I endorse the Council’s changes to Policies CS3, CS4 and CS5 [**CC5, CC6, CC7, CC8, CC13**].

Other CAZ areas

39. Research and monitoring over a number of years provide the basis for defining the three Stress Areas illustrated in Figure 41 of the plan. The evidence suggests that St James’s should not be included as it is not saturated with entertainment uses. Being contiguous with the West End Stress Area and having problems with individual premises is insufficient for inclusion. I have also considered whether Policy CS31 is robust enough to address noise problems, including within the St James’s area. It provides a suitable over-arching policy. Whether or not St James’s should be designated as a Noise Abatement Zone is not a matter for the Core Strategy.

⁹ Westminster Infrastructure Plan: Technical Assessment 2006-2026, 2009 – URS [CS/EB/67]

40. Policies CS8, CS9 and CS10 relate to parts of the CAZ with substantial residential communities. The Council proposed changes to these policies to clarify the concept of services to support the community which I endorse [CC9,10,11, 37]. With all the above changes to Policies CS1-CS12, I conclude that policies for the CAZ are sound.

Issue 4 – Whether the plan promotes an appropriate level of new housing which is evidence-based, capable of delivery and is flexible

41. The Mayor has indicated that he supports the continuing retention of housing provision monitoring targets. The Council anticipates delivery of 12,434 homes for the period 2010/11 to 2024/25. This would comprise 9,794 conventional new homes, 1,215 vacant homes brought back into use and 1,425 non-self-contained homes. These would more than meet the current (680 dwellings a year) and emerging (770 dwellings a year) targets for the Borough in the London Plan and DRLP. The Council has worked with the Greater London Authority to agree the capacity figures in the London Strategic Housing Land Availability Assessment. The Council’s approach is in general conformity with the Londonwide housing targets. Policy CS14 opens by declaring that it will work to achieve and exceed its Borough housing target. Given that the Mayor intends to review the targets by 2015/16, the policy should be flexible and need not specify the precise number of dwellings.

42. Identified sites capable of accommodating 10 or more units over the next five years would provide about 3,100 units¹⁰. This would not give sufficient specific, deliverable sites for the first five years of the plan. Sites have been specified to deliver some 2,300 units (gross) in the 6-10 year period and this too would fall short of the five year target¹¹. Although Planning Policy Statement 3: Housing (PPS3) indicates that allowances for windfalls should not be made in the first ten years of planning, it is evident that there are genuine local circumstances in Westminster which mean that specific sites cannot always be identified.

43. The figures for specific sites do not include small sites of fewer than 10 dwellings which have historically accounted for as much as 35% of all units. An allowance for small sites based on past experience, as outlined in Appendix 4 of the plan, should be made. The Council has also made a strong case for an allowance for windfalls from larger sites. These could arise from: (i) change of use from B1 to residential, (ii) redevelopment of existing housing sites at a higher density, and (iii) the gains from mixed use policy. I agree with the Council that none of these highly probable sources of housing supply can be exactly predicted and that reliance on windfalls should not compromise delivery in the case of Westminster.

44. Between 1999 and 2008/9, Westminster delivered some 1,160 units a year on average from all sources of supply. Policy CS14 seeks to protect all existing residential uses and land, to achieve ‘optimal’ numbers of units on all development sites and to treat residential as the priority land use. This means that all uses not specifically protected by policy may convert to residential use. The pro-active approach set out in the plan should deliver the planned level of new housing. However, it is not clearly set out in the plan how much new housing development is

¹⁰ The LDF Annual Monitoring Report Dec 2009 – Westminster City Council [CS/LDF/01A]

¹¹ The Rolling Land Supply for Housing (2009) – Westminster City Council [CS/EB/32]

intended, where, when and by what means it will be delivered¹². Figures 12 and 38 illustrate the housing trajectory and projected housing delivery for Westminster but they are not easy to read. The first diagram appears to treat the Borough target as a ceiling rather than a floor, contrary to Government policy. The Council has proposed to substitute new diagrams with additional explanatory text and I endorse these changes as necessary to achieve consistency with PPS3, paragraph 55 [**CC4, CC14, CC15, CC33, CC34, CC35**].

45. As for the distribution or “broad locations” of future housing development, the Council pointed out that everywhere except the Royal Parks, waterways and other open spaces in the Borough is a suitable location for housing. Specific housing targets apply in the three Opportunity Areas, and Part III of the Core Strategy outlines the character and mix of uses of different parts of the Borough. Strategic sites, many of which will accommodate residential development, are also shown in Appendix 1 of the plan. I agree that the Core Strategy goes as far as is practicable given the local character in setting out the broad locations for growth.

46. The plan’s Strategic Objective 4 aims “to increase the supply of *good quality housing* across all parts of the city” (my emphasis). The section on housing explains that changes of use, refurbishment and extensions play a significant role in delivering new homes. Policy CS14 seeks to ‘optimise’ rather than ‘maximise’ housing delivery. This use of language should enable the Council to strike a balance between maximum numbers and a variety of good quality units.

47. The Council seeks to secure accommodation of a sufficient size compatible with healthy living conditions and resist proposals for excessively large dwellings through de-conversion, which has been a growing trend and reduces the number of units overall. Policies CS27: Design and CS28: Health, Safety and Well-Being also support the realisation of Strategic Objective 4. It was suggested that Policy CS14’s aim to resist a reduction in the number of existing units would result in the retention of sub-standard accommodation or prevent the improvement of some listed buildings. However, I accept the Council’s evidence that sub-standard housing in the market sector is rare in the Borough, and note that the reconfiguration or redevelopment of sub-standard affordable housing is permitted by Policy CS14. As long as the above changes are made, I conclude that the plan promotes an appropriate level of new housing and is sound.

Issue 5 - Whether the plan provides appropriately for affordable housing, specialist housing and the accommodation needs of gypsies and travellers

48. Policy CS16 states that the Council will seek to achieve at least 22% of new homes to be affordable up to 2012, and aim to exceed 30% for the remaining plan period. These have to be distinguished from the three year Borough affordable housing target agreed with the Mayor and referenced in the Reasoned Justification. Paragraph 29 of PPS3 expects plan targets to reflect both the supply side of the housing market (likely economic viability of land for housing, risks to delivery and likely levels of available finance) and the demand side (needs of current and future occupiers taking account of the Strategic Housing Market Assessment).

¹² Planning Policy Statement 12, Nature of Core Strategies, paragraph 4.1(3)

49. Regarding demand, there is no dispute that a very high level of need for affordable housing exists in Westminster as paragraph 4.14 of the plan makes clear. On the supply side, the Council’s assessment of past completions (related to changing policy for affordable housing provision) showed that, for the period 1997-2009, just over 22% of new homes were affordable.¹³ Projections based on likely completion of schemes in the five year list of deliverable sites provide support for Policy CS16 to achieve at least 22% affordable housing up to 2012.

50. Concerning the ambition to exceed 30% thereafter, the Council emphasises that this is a strategic target and not for strict application to every individual site. However, PPS3 and paragraph 3.61 of the DRLP indicate that it still needs to be underpinned by evidence of economic viability. An Affordable Housing Viability Study was commissioned in 2009 and despite a publication date of July 2010 was not available until very late in the examination period¹⁴. It is apparent that the target in Policy CS16 was set before the viability study had been completed.

51. However, the Viability Study is comprehensive and convincing, looking at some 16 value areas within Westminster, taking account of changing market circumstances as experienced between 2005 and 2008, and examining the likely impact of seeking between 10% and 50% affordable housing. It concludes that indicative targets for affordable housing ranging from 50% to 30% would be consistent with viability in the various areas. The Consultants caution that alternative use values may crowd out residential development if affordable housing targets are set too high, and this may mean that lower targets should be set. The plan has arguably set a lower target within the 30-50% range.

52. An earlier report entitled Proposed Affordable Housing Threshold: The Impact on Viability was published in November 2009. The modelling exercise concentrated on housing schemes for 5 to 15 units and assumed either 10% or 20% affordable housing provision¹⁵. Therefore, it did not test the viability of seeking in excess of 30% of new homes as affordable on such sites. However, it did suggest that lowering the threshold for affordable housing contributions was feasible and could result in an increase in the total number of affordable units in future. This should contribute to achieving an uplift in the percentage of affordable homes.

53. The Council referred to other factors which suggest that the target to exceed 30% is realistic. These include: discussions with landowners and developers for developable 5-15 year sites; the comparative land values of commercial versus residential development in Central London; the fact that there is strong demand for housing in Westminster as an investment and this has not been seriously affected by the recession; and delivery of the Housing Renewal Strategy on the Council’s housing estates. The forthcoming CMP informed by the recent viability study will set out the proportions of affordable housing sought on specific sites. The Council intends that the CMP should also indicate the mix of affordable housing types and tenures and give details of the approach to seeking developer contributions.

54. With the evidence from the two viability studies, there is sufficient justification for raising the affordable housing target as proposed in Policy CS16. The CMP should

¹³ Core Strategy Affordable Housing Evidence 2009 – Westminster City Council [CS/EB/01]

¹⁴ Affordable Housing Viability Study July 2010 - DTZ

¹⁵ Proposed Affordable Housing Threshold: The Impact on Viability 2009 - DTZ [CS/EB/02]

ensure that the targets can be delivered. The Council put forward a number of post-submission changes to reorganise paragraphs 4.17-4.19 and the Reasoned Justification to Policy CS16, in order to clarify the nature of its “strategic target”. The reorganisation would improve the plan but not go to soundness so that those changes are shown in Appendix B to this report. I endorse the addition of text to paragraph 4.19 to explain how the uplift from 22% to 30% would be achieved. This new text is shown separately as an Inspector Change in Appendix C [IC2].

55. Policy CS16 gives a threshold for affordable housing provision of either 10 or more additional units or over 1,000sqm additional residential floorspace. This seeks to build on the London Plan Policy 3A.11, and DRLP Policy 3.14, which require affordable housing on sites with a **capacity** to provide 10 or more homes. There is evidence that the Westminster market produces some large and exceptionally large homes. The average size of a market unit since 2006 has been over 150sqm, whereas that for an affordable unit was about 70sqm. The average unit was some 129sqm. Table 3.3 of the DRLP gives minimum space standards for dwellings. Making allowance for the fact that these are expressed as essential net internal area rather than gross external floorspace, as used in the Core Strategy¹⁶, it nevertheless seems that 1,000 sqm could reasonably accommodate 10 new homes.

56. The Council’s threshold study concluded that the 10unit/1,000sqm of additional external floorspace threshold could be expected to provide 10% affordable housing across most of the City where land values were no higher than £40m per hectare, and in some cases could deliver 20%. The proposed threshold was found to be reasonable, practical and viable, and therefore it is sound. The UDP introduced a mechanism for stepping up the percentage provision of affordable housing as the site size increased. The Council produced an interim implementation note to demonstrate how policy would be applied between adoption of the Core Strategy and adoption 12 months hence of the CMP. I conclude that the threshold in Policy CS16 is justified and practical, and should assist flexibility and delivery from small sites.

57. The plan expects affordable housing to be provided on site, in accordance with PPS3, paragraph 29, unless the developer can provide robust justification as to why it should be made off-site. Policy CS16 makes clear that localised concentrations of social housing will not be permitted. The last paragraph of the Reasoned Justification, in accordance with national policy refers to financial contributions in lieu only being acceptable as a last resort. Further detailed description of the mechanisms for delivery in the plan is unnecessary.

58. Policy CS15 protects hostels, houses in multiple occupation (HMOs) and specialist housing. The Council advises that there is significant pressure to release HMOs and hostels, especially as they would be far more valuable if converted to self-contained accommodation in Westminster. The plan’s approach is in general conformity with Policy 3A.16 of the London Plan. Greater flexibility in the policy could disadvantage many people on low incomes, students and young working people. The glossary to the plan confirms that specialist housing includes provision for students. Detailed policies for student housing are to be set out in the forthcoming CMP, and Policy CS15 provides a sufficient guiding policy.

¹⁶ Affordable Housing Evidence 2009 [CS/EB/01] suggests that 15% is a reasonable conversion factor

59. The Council considers that the apportionment of Gypsy and Traveller sites in the DRLP, which was quite different from the London Plan, was based on a flawed methodology and was undeliverable. The Borough has no gypsy and traveller community. A search for appropriate sites to meet the 2 site apportionment for Westminster was carried out in Autumn 2009 and this concluded that there were no vacant sites and identified housing sites are without exception already developed.

60. In August 2010, Government Ministers announced their intention to revoke what they regard as flawed Whitehall Planning Circulars on gypsies and travellers. The Greater London Authority has not suggested that a lack of identified sites or the approach outlined in Policy CS17 of Westminster’s plan poses a risk to general conformity with the London Plan. The Council advised that, if the apportionment remains in the published London Plan, it will approach other London Boroughs in order to secure a joint working arrangement. The Council would face real practical difficulties in providing gypsy and traveller sites in this intensively developed Borough. In view also of the emerging changes to Government policy, amendments to Policy CS17 are not justified.

Issue 6 - Whether Policies 18-23 are sufficiently supportive of business and employment and likely to encourage economic growth and prosperity

61. Policy 3B.2 of the London Plan seeks a significant increment to office stock across London, but Policies CS18 and CS19 of the Westminster plan do not unreservedly welcome new commercial including office development. Within the national or London context, and bearing in mind the impact of the recent recession, this may appear surprising, but for the reasons given in paragraphs 4.24-30 of the plan and discussed in relation to Issue 3 above, I agree that the approach is justified. The evidence suggests that Westminster’s economy is established, diverse and robust, and benefits from the historic character of the built environment as well as the mix of commercial, residential and other land uses. In this locally distinctive context, the plan’s approach is consistent with the promotion of sustainable economic growth as defined in PPS4. The Council changed the wording of Policy CS18 from that in the Publication Draft Core Strategy, so that new commercial uses need not demonstrate their appropriateness; further alteration is not needed.

62. PPS4 defines office development as a main town centre use and Policy CS19 directs it to appropriate locations in Westminster. The need for the second part of Policy CS19 has been queried on the grounds that there is no evidence of market failure. Changes to the Reasoned Justification and cross-reference box for Policy CS19 have been put forward by the Council, to clarify that B1 uses other than offices are intended by the second part of the policy. The policy is not requiring workshops and studios wherever new office development is provided, but the evidence base supports provision of a range of types of B1 space within Westminster^{17 18}. I note that Imperial College, University of London, has argued that there is a shortage of high quality, affordable space to provide ‘incubator’ units and support the growth of the knowledge economy locally. However, I consider the thrust of the policy to be sound and endorse the Council’s changes **[CC17, CC18]**.

¹⁷ A Study of Small Offices in Westminster, 2008 – DTZ [CS/EB/62]

¹⁸ Creative industries, 2007 – GVA Grimley & Burns and Owen Ptn Ltd [CS/EB/15]

63. The introduction to the Business and Employment section includes projections for the working population and jobs, and the Council has put forward changes to paragraph 4.22 as well as 2.36, partly to reflect the 15 year plan horizon. The changes indicate that the working population will increase by some 49,000 over the next 14 or 15 years whereas earlier expectations were for roughly twice as much growth in the period 2007-21. Capacity for 27,000 jobs has already been achieved in the Paddington area, and evidence from the Greater London Authority supports a reduction to reflect the impact of the recent recession¹⁹. I endorse the revised figures as they are up to date and focus on the relevant plan period **[CC2, CC16]**.

64. As there is a policy to protect the Royal Parks (CS11) and as the UDP’s Policy TACE 6 aimed to protect theatres, I have considered whether a separate policy to safeguard theatres is needed in this plan. Theatres in Westminster reportedly contribute £1bn a year to the economy and influence the decision to come to London of over half its overseas’ visitors²⁰. The theatres are critical to Westminster’s vitality and rich cultural heritage and support an estimated 40,000 jobs, but I agree with the Council that there is no need to extend what is already written about Westminster’s strategic cultural areas notably in paragraph 3.28. The Glossary confirms that theatres are arts and cultural uses, and Policies CS6 and CS21 should provide protection and support development to enable the sector to prosper in the future.

65. Higher educational institutions, particularly Imperial College, London University, which has world class academic and research status, are clearly important to the local economy. Imperial College has links to several business sectors and the medical services. The sector must not be constrained. However, Westminster contains very many world class and international or nationally significant functions and organisations. It is not feasible for the plan to mention them all. The proposed changes to paragraphs 2.21 and 2.39 would give greater prominence to the higher education sector and confirm that the Council is suitably supportive of its growth. Accordingly, I endorse them **[CC1 and CC3]**.

66. The plan should not limit hotel development or the expansion of the arts and cultural sector in Knightsbridge as was suggested. Policy CS22 as drafted should ensure that Westminster continues to make a significant contribution to the capital’s economy by accommodating London’s visitors, for leisure and business purposes. It safeguards the existing supply and encourages hotel development in many parts of the Borough so long as hotels would not have a detrimental effect on the living conditions of residents. The policy is justified, delivery-oriented and flexible. The Council considers that hotel use would be acceptable in principle on the Chelsea Barracks site as part of the mix of uses, and proposes a change to Appendix 1 to confirm this view. I endorse the change in the interests of effectiveness **[CC32]**. As long as all the above changes to Policies 18-23 are made, the plan is sufficiently supportive of business and employment.

67. The plan recognises that Westminster, in particular the West End, is the entertainment heart of London, but identifies three Stress Areas where concentrations of entertainment uses bring pressures in terms of public nuisance, noise, crime and risk to safety. Policy CS23, supported by relevant local spatial

¹⁹ Westminster Office Study – Impact of the Recession, 2009 - Drivers Jonas [CS/WCC/25]

²⁰ Theatreland Strategy 2007, Westminster City Council, The Theatres Trust, English Heritage The Society of London Theatre [CS/PSP/21]

policies, takes a restrictive approach expecting all new entertainment uses to demonstrate their appropriateness and be low impact. This is a reasonable approach to protect the amenity of residents, visitors and businesses.

Issue 7 – Whether the policies for heritage, views and design, and the approach to tall buildings, are reasonably flexible; whether policy for sustainable and inclusive design is consistent with national policy

68. Planning Policy Statement 5: Planning for the Historic Environment (PPS5) was published in March 2010 at about the same time as this plan. Paragraph 7 of PPS5 describes the Government’s overarching aim that the historic environment and its heritage assets should be conserved and enjoyed for the quality of life they bring to this and future generations. The definition of heritage assets in PPS5 accepts that they may be designated or undesignated buildings, monuments, places, areas or landscapes. The plan’s definition is broadly similar. Its Policy CS24, Heritage, advises that detailed policies for each type of heritage asset will be set out in the CMP. The Borough contains very many heritage assets (including 11,000 listed buildings and structures and 56 conservation areas), and the Council’s decision not to deal with the detail in the Core Strategy is sound.

69. English Heritage signed a statement of common ground with the Council agreeing changes to state in Policy CS24 that assets will be “conserved” rather than “protected”. I endorse this change as it brings the policy more closely into line with the language of PPS5.

70. The notion that designated and undesignated assets should be given different, proportionate protection in development control or development management, is emphasised in Policy HE9.1 of PPS5. Westminster’s Policy CS24 is not explicit in saying that undesignated assets will be treated differently, and it does imply that all assets will be “protected and enhanced”. This could indicate a raising of the bar above that sought by PPS5, suggesting that all heritage assets including undesignated ones and regardless of their current condition have to be enhanced. Having had regard to the definition of “conservation” (sustain and where appropriate enhance) in PPS5, I recommend a change to the wording so that the policy is consistent with national policy **[IC3]**.

71. That change should introduce a degree of flexibility to accommodate the intelligently managed change which may be necessary sometimes to secure long term maintenance, as referenced in PPS5. The Council agreed with English Heritage changes to paragraph 5.1, Policy CS24 and its cross-reference box to make this section of the plan locally distinctive. In view of the significance, uniqueness and quality of Westminster’s heritage assets as well as the backing of English Heritage, I endorse the changes **[CC19, CC20]**.

72. There is no separate policy on tall buildings in the plan but Policy CS25 states that Westminster is not generally appropriate for them. Policy 4B.9 of the London Plan is more permissive although it accepts that Boroughs may wish to identify areas of specific character and sensitivity to tall buildings. The Council’s evidence underpinning Policy CS25 is now somewhat dated, although it is clear that the views and heritage assets, including Westminster’s World Heritage Site, remain essentially

the same²¹. The 2000 study included a very thorough analysis of the urban fabric, strategic and local views, heritage assets and design criteria. It concluded that there was no overwhelming reason to revise radically Westminster’s restrictive approach to the consideration of high buildings.

73. The plan concedes that limited opportunities for tall buildings may exist in Victoria and a single landmark building would be acceptable in Paddington. The 2000 study suggested that this Opportunity Area could be an appropriate location for taller buildings, but more detailed planning and urban design work for specific sites has since led to a different conclusion. A number of buildings of 8-12 storeys have been permitted along with one 47 storey building in Paddington. The area is being intensively developed with a number of substantial buildings and the massing and overall design look consistent with securing a balance between the efficient use of land and a high quality built environment. Any exceptional proposals for tall buildings would be assessed against the criteria in London Plan Policy 4B.10 or DRLP Policy 7.7. I conclude that there is no need to add a specific tall buildings policy in the Westminster plan, nor to introduce a more relaxed approach.

74. English Heritage has reviewed Policy CS25 and has agreed changes, also to the Reasoned Justification, which aid justification and should help delivery including through the future CMP. I endorse the changes **[CC21 and CC22]**.

75. Policy CS26 is non-specific as to the buildings and uses which it covers, but there is limited evidence that it could lead to unnecessary protection or constraints on new development. The policy encourages new international and nationally important uses, and this should contribute to promoting the vibrancy and high quality of Westminster. Policy CS27 is also a broad policy seeking to achieve exemplary architecture and merging the principles of sustainable and inclusive development with aesthetics. Sustainable design including its viability should be an integral part of good design and not treated as an ‘add-on’. Policy CS27 is consistent with PPS1: Delivering Sustainable Development, and its Supplement, Planning and Climate Change. More detailed policy on specific measures and viability can best be covered in the CMP. The overarching principle that development should minimise the opportunities for crime is conveyed satisfactorily in Policy CS28.

76. I conclude that the policies for heritage, views and design, and the approach to tall buildings will be sound as long as the changes described above are made.

Issue 8 – Whether the plan is delivery focussed and underpinned by good planning for infrastructure including transport facilities

77. Westminster’s delivery strategy is primarily to direct and shape predominantly private sector-led pressure for development in an already intensely developed urban setting. Rather than providing major new infrastructure for large, hitherto undeveloped sites, the Borough relies on managing its existing resources and accommodating growth in the built up area. Though much of this is incremental, the plan still faces a major task to ensure that there will be sufficient capacity to support the level of growth in homes and jobs envisaged over the plan period.

²¹ City of Westminster High Buildings Study, 2000 - EDAW et al [CS/EB/17]

78. Westminster’s Infrastructure Plan gives comprehensive coverage of the level of provision available and future requirements for hard, transport and social infrastructure over the next 15-20 years. It explains the difficulties of working with infrastructure providers whose central planning and funding cycles do not take a long term view²². It highlights a widespread lack of information and strategy, but succeeds in identifying critical priority and significant infrastructure items.

79. The Council recognises that ongoing engagement with infrastructure providers and monitoring are critical. The commitment to partnership working is clear in Part VI of the plan and Appendix 3. Annual monitoring for the LDF is established and the plan addresses monitoring in the section entitled Risk and Review. Key infrastructure priorities are covered in Policies CS33-44 and specific requirements given in policies for the Opportunity Areas. The plan is suitably delivery focussed.

Planning Obligations and Community Infrastructure Levy

80. Funding for most infrastructure will depend upon specialist providers but some funding will be needed from developers. Policy CS32 should make this possible. It complies with Circular 5/2005, Planning Obligations, and refers to the Community Infrastructure Levy (CIL). Following the introduction of Regulations in March 2010, Westminster has not yet decided whether it will adopt CIL charging. Policy CS32 is flexibly worded in line with this position.

81. Policy CS32 is highly strategic. This means that it should not become outdated too soon, but also that it does not deal with particular aspects of infrastructure. However, a Planning Obligations SPD is currently being prepared which will provide detailed guidance on the application of Policy CS32 and policies in the forthcoming CMP. In the circumstances, this approach is reasonable. The Council put forward some changes to the wording of the policy and the Reasoned Justification which I endorse as necessary to ensure the plan’s effectiveness [**CC23 and CC24**].

Social and Community Infrastructure

82. Policy CS33 protects all social and community floorspace and outlines the circumstances where a loss of floorspace would be acceptable. Given the high land and property values in Westminster, social and community use providers will struggle to find suitable floorspace. It seems entirely appropriate to investigate whether an alternative social and community use could be accommodated on any site which becomes vacant, before it is placed on the open market. The principle behind the policy is in general conformity with London Plan Policy 3A.18, which seeks to ensure that appropriate facilities are provided within easy reach of the population, that the net loss of facilities is resisted and increased provision sought.

83. Policy CS33 which does not refer to ‘no net loss’ may be more stringent in practice than Policy 3A.18. However, it fits the local circumstances as Westminster is expected to accommodate a substantial increase in homes and working population. The plan’s glossary provides definitions of social and community facilities and local service providers, to aid effective application of the policy. The Council proposed a change to the definitions to add clarity which I endorse [**CC37**].

²² Westminster Infrastructure Plan: Technical assessment 2006-2026, 2009 – URS Corp Ltd [CS/EB/67]

Water Infrastructure

84. Thames Water seeks to implement the nationally important Thames Tideway Tunnels comprising the Lee Tunnel and the Thames Tunnel, to convey storm sewage which currently flows into the river to the treatment works at Beckton. The Thames Tunnel is likely to pass under Westminster and has support in the London Plan and the DRLP. Thames Water signed a statement of common ground with the Council supporting changes to the plan to add a new Policy CS45 entitled Thames Tunnel, and to amend all references to the “Thames Tideway Tunnel project”. I endorse these changes which confirm the Council’s support for the scheme and bring the plan into line with national and London Plan policy [**CC27-31 and CC36**].

85. The introduction to Policy CS36 explains the extent of the Blue Ribbon Network, of rivers, canals and lakes. The policy strikes an appropriate balance between safeguarding biodiversity, enhancing the resources of heritage, landscape and views and sustainable transport networks, and accommodating new development.

Energy infrastructure

86. Policies should be consistent not only with the Climate Change Supplement to PPS1 and PPS22: Renewable Energy, but also with the Climate Change Act 2008 which introduced a statutory target of reducing carbon emissions by 80% below 1990 levels by 2050, with an interim target of 34% by 2020. The Council advised that there is a need for a step change in Westminster, that de-centralised energy networks are appropriate there and that an increasing number of schemes are achieving renewable energy provision. Highly sustainable buildings are securing high rental values in the Borough.

87. Policies CS27, CS38 and CS39 of the plan are intended to fit the Mayor’s lean-clean-green energy hierarchy. The “at least 20%” reduction target in Policy CS39 is in general conformity with Policy 4A.7 of the London Plan and paragraph 5.43 of the DRLP. It is designed to apply to a development’s residual requirement after the application of energy-efficient design and efficient energy supply through the decentralised network. Though the target is reportedly difficult to achieve, both Policies CS38 and CS39 include a degree of flexibility, making allowance for problems related to viability and practicality. There is agreement that the largest developments can be expected to achieve at least 20% reduction in carbon dioxide emissions. The definition of ‘major development’ to which the policy applies, however, could be key.

88. The plan’s glossary refers to Major development (large scale) and Major development (small scale), but the Council intends that both categories would be subject to the energy infrastructure policies. The viability of achieving the 20% target in the smallest eligible schemes within the context of Westminster’s historic environment and the mixed use policy would benefit from full investigation. While Policy CS39 is not so prescriptive as to be unsound, further work on viability could usefully inform its detailed application in the future CMP.

Transport

89. Transport is described in the Infrastructure Plan as “absolutely fundamental” to supporting growth over the lifetime of the plan. Concerning Crossrail, the Mayor’s letter of 31 March 2010 stated that the plan would be in general conformity with the London Plan subject to an amendment to include a cross-reference between Policies CS32 and CS42. Given the importance of developer contributions to the delivery of

Crossrail which is referenced in recent relevant Government publications²³, it is necessary to make this cross-reference and I recommend accordingly **[IC4]**.

90. Policy CS42 gives positive support to improvements to transport infrastructure and itemises the major projects which will be pursued over the lifetime of the plan. All transport modes including cycling, the public realm and servicing are covered. Especially if the link to Policy CS32 is made, there is no need for a new separate policy on transport-related planning obligations. The Transport section of the plan does not have to set out the requirements for transport assessments and travel plans. London Plan Policy 3C.2 requires developments with significant transport implications to produce these, with reference to the Transport for London guidance. The Core Strategy need not repeat national and Londonwide planning policy.

91. The Cross River Transit scheme is no longer included in the Transport for London Business Plan to 2017/18, though it has been the subject of cross-boundary working between relevant London Boroughs. It is referenced in the London Plan but not in the DRLP. The Council pointed out that Crossrail was announced in 1989 and the funding package only agreed in 2007. The Crossrail 2 project is without confirmed funding but is mentioned in the plan. Since there is no evidence that retaining the scheme as a longer term project would cause harm to other projects or priorities in the area, I do not recommend that it is deleted.

92. The London Plan’s Policy 4C.7 provides protection for existing facilities for river and water-based transport. Policies CS36 and CS40 support the development of water-based transport. Policy CS41 would not hinder the use of rivers and canals for servicing and deliveries, although the Council’s evidence suggests that there are limited opportunities for promoting this use. With the changes described above, I am satisfied that the plan reflects good planning for infrastructure including transport and is sound.

²³ Community Infrastructure Levy – An overview, and New Policy for Planning Obligations, both March 2010 – DCLG

LEGAL REQUIREMENTS	
Local Development Scheme (LDS)	The Core Strategy has been prepared in accordance with the latest approved LDS January 2009 which sets out an expected adoption date of October-December 2010. This is achievable and the Core Strategy is generally compliant with the LDS. However the LDS is somewhat dated and fails to include an intended Waste DPD. See paragraphs 11-15 of the report.
Statement of Community Involvement (SCI) and relevant regulations	The SCI was adopted in 2006 and consultation has been compliant with the requirements therein at every stage of plan preparation.
Sustainability Appraisal (SA)	SA has been carried out, and is satisfactory.
Appropriate Assessment	The requirements for Appropriate Assessment under the Habitats Regulations have been met and reported on in the SA.
National Policy	The Core Strategy complies with national policy except where indicated and changes are recommended.
The London Plan	The Mayor of London has confirmed the Core Strategy’s general conformity with the London Plan in all matters except waste. See paragraphs 11-15.
Sustainable Community Strategy (SCS)	Satisfactory regard has been paid to the SCS; the Core Strategy has been agreed by the local Westminster City Partnership and is seen as the spatial expression of its Westminster City Plan.
2004 Act and Regulations (as amended)	The Core Strategy complies with the Act and the Regulations.

Overall Conclusion and Recommendation

93. I conclude that with the changes proposed by the Council, set out in Appendix A, and the changes that I require, set out in Appendix C, the City of Westminster Core Strategy Submission Draft DPD satisfies the requirements of s20(5) of the 2004 Act and meets the criteria for soundness in PPS12. Therefore I recommend that the plan be changed accordingly. For the avoidance of doubt, I endorse the Council’s proposed minor changes, set out in Appendix B.

Jill Kingaby

INSPECTOR

Appendix A Council Proposed Changes

The changes below were proposed by the Council, mostly at the end of the hearings. They are endorsed by the Inspector and needed to make the plan sound.

New text is shown as underlined, and existing text which should be deleted is shown with strikethrough.

No	Page	Part	Section	Amendment	Reference
CC 1	12	Part II Westminster's Issues and Challenges – Accommodating strategic land uses within a unique Central London mix	Paragraph 2.21	Westminster is a nationally and internationally important location for offices, retail, media and creative industries, arts and culture, <u>higher education institutions</u> , 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.	Examination in Public Day Two Matter 4 - Response to Imperial College London
CC 2	19	Part II Westminster's Spatial Strategy – Employment and the Economy	Paragraph 2.36	Westminster will <u>is projected to</u> accommodate growth in employment of about 90,000 49,000 people between 2010 2007 and 2024 2021 <i>[insert footnote]</i> . <u>This provision will include including up to 23,200 5,000</u> new jobs in Paddington Opportunity Area, 8,000 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.	Council's Statement Issue 1.3 subsequently adjusted to take account of: - Changes 5-8 below - Amend to meet Core Strategy time period - Use revised figures published in November 2009.
CC 3	20	Part II Westminster's Spatial Strategy – Employment and the Economy	Paragraph 2.39	Westminster will continue to play a definitive role in London's tourism, arts, <u>educational</u> , service and entertainment sectors. Perceptions of Westminster (and often by extension, of London) will be enhanced by a continued focus on the enhancement of heritage assets and views, improved public realm, open spaces and the pedestrian environment, and the provision of a high quality and safe visitor experience.	Examination in Public Day Two Matter 4 - Response to Imperial College London
CC 4	20	Part II Westminster's Spatial Strategy - Housing	Figure 12	<i>Delete</i>	Examination in Public Day Two Matter 4 - Improve illustrative material relating to housing - Amend timescale to 2010/11 – 2024/25

CC 5	31	Part III Paddington Opportunity Area	Paragraph 3.9	The Paddington Opportunity Area is Westminster's most significant opportunity for large-scale regeneration. This area, designated in 1988 and focused around Paddington Station and the canal, has seen considerable development which has redefined the area. <u>Since 2001, the capacity for over 27,000 jobs had been built</u> By 2008, over £2 billion had been invested in the area, 35 new companies had located into the area, 8,000 new jobs had been created and more than 900 homes completed. As a major brownfield redevelopment area, the mix of uses has been secured subject to a planning framework, with a focus on its emerging importance within London as an office location.	Examination in Public Day Four Matter 3 - Update targets/figures for Opportunity Areas
CC 6	32	Part III Paddington Opportunity Area	Policy CS3	At least 3,000 <u>1,000</u> new homes and development capacity for 23,200 <u>5,000</u> new jobs will be provided within the Paddington Opportunity Area between 2001 and 2026 <u>2010/11 and 2024/25</u> by provision of a range and mix of uses across the Opportunity Area including...	Examination in Public Day Four Matter 3 - Update targets/figures for Opportunity Areas - Amend timescale to 2010/11 – 2024/25
CC 7	35	Part III Victoria Opportunity Area	Policy CS4	At least 1,000 new homes and development capacity for 8,000 <u>4,000</u> new jobs will be provided within the Victoria Opportunity Area between 2001 and 2026 <u>2010/11 and 2024/25</u> , together with the following...	Examination in Public Day Four Matter 3 - Update targets/figures for Opportunity Areas - Amend timescale to 2010/11 – 2024/25
CC 8	38	Part III Tottenham Court Road Opportunity Area	Policy CS5	At least 4,000 <u>600</u> new homes and development capacity for 5,000 new jobs will be provided within the Tottenham Court Road Opportunity Area (including within the London Borough of Camden) between 2001 and 2026 <u>2010/11 and 2024/25</u> , together with the following priorities...	Examination in Public Day Four Matter 3 - Update targets/figures for Opportunity Areas - Amend timescale to 2010/11 – 2024/25
CC 9	48	Part III Marylebone and Fitzrovia	Policy CS8	... Outside these locations, new commercial uses will not generally be appropriate unless they provide services to support the <u>local residential community in that part of the Central Activities Zone</u> .	Letter from Rosemarie MacQueen to the Inspector 15 th July 2010
CC 10	50	Part III Knightsbridge	Policy CS9	... Outside these locations, new commercial uses will not generally be appropriate unless they provide services to support the <u>local residential community in that part of the Central Activities Zone</u> .	Letter from Rosemarie MacQueen to the Inspector 15 th July 2010

CC 11	52	Part III Pimlico	Policy CS10	<p>... Outside these locations, new commercial uses will not generally be appropriate unless they provide services to support the <u>local residential community in that part of the Central Activities Zone</u>.</p> <p><u>The council will encourage and support a partnership approach to tackling deprivation, and will work closely with its partners locally including the Victoria Business Improvement District, SW1st, area renewal partnerships, local communities and the private sector.</u></p>	Letter from Rosemarie MacQueen to the Inspector 15 th July 2010 and Council's Statement Issue 2.19
CC 12	52	Part III Pimlico	Policy CS10 Reasoned Justification	<p>... <u>A partnership approach will help tackle deprivation and inequalities, particularly in relation to the development within the Victoria Opportunity Area.</u></p>	Council's Statement Issue 2.19
CC 13	65	Part V Housing Provision	Paragraph 4.4	<p>... Paddington Opportunity Area <u>is expected to deliver at least 1,000 new homes over the plan period 2010/11 – 2024/25, Victoria Opportunity Area at least 1,000 new homes.</u> Tottenham Court Road Opportunity Area <u>is expected to deliver at least 600 new homes</u>, but the majority of this area lies within the London Borough of 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.</p> <p>... has a London Plan target of at least 2,000 new homes. Many 900 of these have been delivered and 1,200 new homes are expected to be delivered between 2010 and 2019. Victoria Opportunity Area has a London Plan target of 1,000 new homes, and nearly 500 about 440 new homes are expected to be delivered between 2010 and 2019.</p>	Council's Statement Issue 4A.6 subsequently updated to reflect Changes 5-8 above.
CC 14	69	Part V Optimising Housing Delivery	Figure 38	<i>Delete and replace with Westminster's Housing Trajectory (see below).</i>	Examination in Public Day Two Matter 4 - Improve illustrative material relating to housing - Amend timescale to 2010/11 – 2024/25

CC 15	69	Part V Optimising Housing Delivery	Policy CS14 Reasoned Justification	<p>...</p> <p>The graph above shows that Westminster will be able to meet and in some cases exceed the London Plan target of 680 units p.a. target up to 2014 2010/11, and the anticipated increased target of 770 units p.a. after that between 2014 and 2019 there may be some difficulty in meeting a 680 p.a. target, and beyond this it is even less certain. However, the housing delivery graph does not include provision of non self contained accommodation or an allowance for vacant homes brought back into use. The SHLAA set an annual allowance of 95 non self contained homes and 81 vacant homes p.a. Because of this, the council is confident in being able to achieve the target, taking all sources of housing into account.</p> <p>This graph is based on the 15yr Land Supply Assessment 2009/10 – 2023/24 included in the Annual Monitoring Report 2007/8, plus an allowance for windfall sites of 10 or more units and an allowance for sites yielding 1-9 units. <u>It also includes sources of non-conventional housing: bringing vacant homes back into use and non-self contained housing.</u> 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:</p> <p>...</p> <p>Land should be used efficiently to maximise the number of units on sites taking into account other policies and objectives. <u>Land and buildings should be used efficiently, and larger development sites should optimise the number of units in schemes, taking into account other policies and objectives.</u> Housing densities should reflect the densities set out in the London Plan. The City Management Plan will address housing densities to be applied to development sites in different parts of the city.</p> <p>...</p>	<p>Examination in Public Day Two Matter 4</p> <ul style="list-style-type: none"> - Subsequent changes resulting from new Figure 38 which incorporates non-conventional housing and the draft Replacement London Plan target from 2011/12 - Clarify how the reference to “optimising” housing delivery will be applied
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CC 16	79	Part V Business and Employment	Paragraph 4.22	The working population of Westminster is expected <u>projected</u> to grow by about 400,000 <u>49,000</u> people between 2010 <u>2007</u> and 2024 <u>2021</u> , to about 666,000 <u>677,000</u> . There is significant development for new jobs to be created within the Opportunity Areas. By 2026, <u>There will be capacity for a further 23,200 5,000</u> new jobs within Paddington (<u>capacity for over 27,000 jobs has already been created</u>), 8,000 <u>4,000</u> 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 <u>Core Central Activities Zone and</u> North Westminster Economic Development Area, particularly Church Street, Edgware Road and Harrow Road.	Council's Statement Issue 1.3 subsequently adjusted to take account of: - Changes 5-8 above - Amend to meet Core Strategy time period - Use revised figures published in November 2009.
CC 17	81	Part V Offices and Business Floorspace	Policy CS19 Reasoned Justification	New offices are encouraged within these locations to retain 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. <u>In addition to offices, A a range of other B1 business 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.</u>	Examination in Public Day Five Matter 5 - Clarify that the reference to other B1 floorspace such as workshops and studios is not about offices, but is about other B1 Floorspace (as noted in the title of the policy)
CC 18	81	Part V Offices and Business Floorspace	Policy CS19 Cross Reference box	Cross-reference to Policies CS1 Mixed Use in the Central Activities Zone; CS3 Paddington Opportunity Area; CS6 Core Central Activities Zone; CS12 North Westminster Economic Development Area; CS18 Commercial Development.	Examination in Public Day Five Matter 5 - Clarify that the reference to other B1 floorspace such as workshops and studios is not about offices, but is about other B1 Floorspace (as noted in the title of the policy)

CC 19	91	Part V Heritage	Policy CS24	<p><u>Recognising Westminster's wider historic environment, its extensive heritage assets will be protected conserved and enhanced, including its listed buildings, conservation areas, Westminster's the World Heritage Site, its historic parks including five Royal Parks, squares, gardens and other open spaces, their settings, and its archaeological heritage. Historic and other important buildings should be upgraded sensitively, to improve their environmental performance and make them easily accessible.</u></p>	Statement of Common Ground with English Heritage
CC 20	91	Part V Heritage	Policy CS24 Reasoned Justification	<p>The intrinsic value of Westminster's high quality <u>and significant</u> historic environment is one of its greatest assets. To compete effectively with other major, world-class cities the built environment must be respected and refurbished sensitively as appropriate. Any change should not detract from the existing qualities of the environment, which makes the city such an attractive and valued location for residents, businesses and visitors.</p> <p>Detailed policies for each type of heritage asset will be set out in the City Management Plan. Area-based characteristics and detailed measures required to protect and enhance heritage assets have been set out in Conservation Area Audit Supplementary Planning Documents and the Westminster World Heritage Site Management Plan.</p>	Statement of Common Ground with English Heritage
CC 21	93	Part V Heritage - Views	Policy CS25	<p>The strategic views will be protected from inappropriate development, including any breaches of the viewing corridors. Similarly, local views, including those of metropolitan significance, will be protected from intrusive or insensitive development. Where important views are adversely affected by large scale development in other boroughs, the council will raise formal objections. and therefore Westminster is not generally appropriate for tall buildings.</p>	Statement of Common Ground with English Heritage

CC 22	93	Part V Heritage - Views	Policy CS25 Reasoned Justification	<p>Views of buildings and landscapes are an essential part of Westminster's unique heritage. They can be seriously damaged by insensitive development in the foreground or background.</p> <p><u>Westminster is very sensitive to impacts from tall buildings within the borough or in adjacent boroughs by virtue of the disproportionate impact they can have on important views, the skyline and to Westminster's heritage assets. Tall buildings in Westminster or in adjacent boroughs can pose a particularly serious threat to important views.</u></p> <p><u>Tall buildings are also addressed specifically in relation to Westminster's Opportunity Areas: Paddington Opportunity Area paragraph 3.14 and Policy CS3; Victoria Opportunity Area paragraph 3.19 and Policy CS4; Tottenham Court Road Opportunity Area paragraph 3.23. Detailed policy criteria for tall buildings will be included in the City Management Plan.</u></p>	Statement of Common Ground with English Heritage
CC 23	108	Part V Infrastructure and Development Impacts	Policy CS32	<p>When negotiating planning obligations, the council will require mitigation of the <u>directly related</u> impacts of development; ensure the development complies with policy requirements within the development plan; and, if appropriate, seek contributions for supporting infrastructure.</p> <p>Development will be supported by upgrades to existing infrastructure and the provision of new infrastructure where necessary to enable it to be sustainable. Working with its partners, the council will identify this infrastructure, its costs and any shortfalls in funding and will ensure this infrastructure is:</p> <ul style="list-style-type: none"> • Phased and delivered in a timely manner to support growth; and • Funded, where necessary, through planning obligations or the Community Infrastructure Levy, <u>where this complies with relevant legislation.</u> <p>Planning obligations and any Community Infrastructure Levy contributions will be sought at a level that ensures the overall delivery of appropriate development is not compromised.</p>	Examination in Public Day Six Matters 7 & 8 - Discussions with Westminster Property Association

CC 24	108	Part V Infrastructure and Development Impacts	Policy CS32 Reasoned Justification	<p>Planning obligations, used in line with <u>relevant legislation and current</u> government guidance, can play an important role in managing direct site specific and local impacts of a development and ensuring that the Core Strategy and other development plan policies are achieved. Planning obligations, or if introduced CIL, also have a role in contributing to the provision of supporting infrastructure.</p> <p>Cumulatively almost all development puts additional pressure on infrastructure and should contribute to addressing that impact. While some infrastructure can be directly provided by, and directly serve a specific development, in many cases it will be necessary to pool funding from several developments.</p>	Examination in Public Day Six Matters 7 & 8 - Discussions with Westminster Property Association
CC 25	131	Part V Waste Infrastructure	Paragraph 5.81	<p>5.81 Although Westminster contains no Strategic Industrial Locations, detailed analysis of potential waste locations has been undertaken, using criteria set out in national and regional guidance. This illustrates that any potential sites are currently unsuitable due to a combination of proximity to residential uses, no access to rail and water sustainable modes of transport, sites that have been allocated to deliver housing, or significantly, are within the area safeguarded for the delivery of Crossrail. Despite this, the council is committed to tackling its waste apportionment through:</p> <ul style="list-style-type: none"> • Designating and protecting existing waste sites, including waste cleansing depots and micro-recycling centres; • Rolling out a programme of in-vessel composters which is projected to meet the municipal waste apportionment target; • Identifying new sites in line with locational criteria during the lifetime of the plan period; and • Requiring new development to provide new waste management facilities; <u>and</u> • <u>joint working with other London boroughs to 'pool' waste apportionment.</u> 	Examination in Public Day One Matter 9 - Reference to joint working arrangements to secure remaining waste apportionment

CC 26	132	Part V Waste Infrastructure	Policy CS43	<p>The council will require the minimisation of waste, the increase in the re-use, recycling and composting of waste, and the reduction in the amount of waste disposed at landfill in order to meet the waste reduction targets set out in the London Plan.</p> <p>In order to ensure sufficient opportunities for the provision of waste management facilities in appropriate locations, in accordance with the London Plan waste apportionment, the council will:</p> <p>...</p> <ul style="list-style-type: none"> • The council will <u>Secure any new waste sites identified during the lifetime of the plan, other than street cleansing depots, micro-recycling centres and in-vessel composters, within a Waste Development Plan Document.</u> • <u>Work in partnership with the objective of securing joint working arrangements with other London Boroughs in order to pool waste apportionment, and set out these arrangements within a Waste Development Plan Document.</u> 	Examination in Public Day One Matter 9 - Reference to joint working arrangements to secure remaining waste apportionment
CC 27	133	Part V Flood and Other Water-Related Infrastructure	Heading	Flood and Other Water-Related Infrastructure	Statement of Common Ground with Thames Water
CC 28	133	Part V Flood and Other Water-Related Infrastructure	Before paragraph 5.83	<i>Insert heading:</i> Thames Tunnel	Statement of Common Ground with Thames Water
CC 29	134	Part V Flood and Other Water-Related Infrastructure	Paragraph 5.85	<p>Thames Water is developing plans for a Thames Tunnel, a scheme to reduce and limit pollution from the sewerage system for the whole of London, in order to comply with EU Urban Waste Water Directive (1991). The Thames Tideway Tunnel project, if approved, is due to commence in 2012, after the Olympics, and be completed by 2020.</p> <p>The council supports necessary infrastructure of this nature, subject to their detail and assessment of impacts.</p>	Statement of Common Ground with Thames Water
CC 30	134	Part V Flood and Other Water-Related Infrastructure	Policy CS44 and Reasoned Justification	<i>Move policy to after paragraph 5.82</i>	Statement of Common Ground with Thames Water

CC 31	134	Part V Flood and Other Water-Related Infrastructure	After paragraph 8.85	<p><i>Insert new policy:</i> Policy CS45 Thames Tunnel The council will work with Thames Water to support the timely implementation of the Thames Tunnel project, including the connection of the combined sewer overflows in the City.</p> <p>Reasoned Justification The Thames Tunnel project will help to reduce and limit pollution necessary to comply with the EU Urban Waste Water Treatment Directive (1991).</p>	Statement of Common Ground with Thames Water
CC 32	148	Appendix 1 Strategic Sites within Flood Zone 3	Site 25 Chelsea Barracks – Preferred Uses	Residential, community and local services <u>including shops</u> and green open space for play. <u>Hotel use is likely to be acceptable in principal as part of the mix of uses.</u>	Examination in Public Day Three Matter 2 and Day Five Matter 5 - Accommodating local shops and hotel use on the Chelsea Barracks site

CC 33	159	Appendix 4 Housing Delivery	Insert at start	<p><u>HOUSING DELIVERY</u></p> <p><u>The table below sets out the projected delivery of housing for the 15 year period 2010/11 - 2024/25. The council anticipates a net increase in conventional housing of 9,794, and a further 2,640 from non-conventional sources.</u></p> <p><u>The number of dwellings delivered from identified sites reduces over the 15 year period. This reflects the diminishing number of available sites in the city and also the lack of certainty about which sites may come forward in latter periods. The allowance for dwellings from sites delivering < 10 units (200 pa up to 2015/16 and then 150 p.a. until 2024/5) reduces due to the expected decrease in the number of sites available in the latter part of the plan period. The allowance for windfall sites of 10+ units increases progressively throughout the period. This reflects the fact that at the time of writing the council cannot identify the majority of sites that will come forward in the last 5 years of the time period, as outlined above. Sources of non-conventional housing are projected to remain relatively consistent and the allowance accords with the London Strategic Housing and Land Availability Assessment 2009. However, it is noted that delivery of non-self contained units is, in reality, very 'lumpy'.</u></p> <p><u>These are the raw figures shown in Figure X Westminster's Housing Trajectory.</u></p> <p><u>[Insert new table]</u></p> <p><u>Figure 58 Projected Housing Supply from all sources 2010/11 – 2024/25</u></p>	<p>Examination in Public Day Two Matter 4 Amend timescale to 2010/11 – 2024/25</p> <ul style="list-style-type: none"> - Improve illustrative material relating to housing - Provide more information about the sources of housing
CC 34	159	Appendix 4 Housing Delivery		<p><u>WINDFALL DEVELOPMENTS</u></p> <p>...</p> <p><u>[Delete Housing Delivery figure]</u></p> <p>...</p> <p><u>[Delete Housing Trajectory Figure]</u></p>	<p>Examination in Public Day Two Matter 4</p> <ul style="list-style-type: none"> - Improve illustrative material relating to housing

CC 35	161	Appendix 4 Housing Delivery	Insert at end	<p><u>MEETING LONDON PLAN TARGETS</u></p> <p><u>The targets set out in the London Plan are both an annual target, and an overall target for a set time period. They are updated over time, through changes to the London Plan itself. This makes 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.</u></p> <p><u>The housing trajectory set out at Figure X assumes an annual target of 680 for the year 2010/11, and a target of 770 for every year after that. It applies these targets cumulatively over the 15 year time period of the Core Strategy. However, the London Plan targets are actually as follows:</u></p> <p><u>1999-2003 No London Plan target</u></p> <p><u>2004-2006/07 970p.a. 1997-2016 or 2,910 for the three year period</u></p> <p><u>2007/08-2010/11 680p.a. 2007/08-2016/17 or 2,720 for the four year period</u></p> <p><u>2011-12 – tbc 770p.a. 2011/12-2021/22 proposed target subject to Examination in Public and subject to an early alteration</u></p> <p><u>The figure below shows past and projected performance against these targets. It also rolls out the target of 770 p.a. beyond the 2021/22 time period of the London Plan to cover the entire Core Strategy 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. However, when the new 770 p.a. target is introduced in 2011/12, this is not expected to be met in that year (528 homes are projected),but a surplus is built up in subsequent years to come.</u></p>	<p>Examination in Public Day 2 Matter 4</p> <ul style="list-style-type: none"> - Provide more information about the sources of housing - Improve illustrative material relating to housing, including delivery against the London Plan
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				<p><u>Overall, the figure demonstrates that Westminster has always met its London Plan target, and is confident of doing so in the future.</u></p> <p><u><i>[Insert new graph]</i></u></p> <p><u>Figure 59 Housing Delivery Against London Plan Targets 1999-2024/25</u></p>	
CC 36	170	Glossary	Flood-related infrastructure	Includes infrastructure to defend against and manage flooding from a number of sources including tidal and fluvial flooding and surface water flooding, such as the Embankment Wall and Thames Tideway Tunnel.	Statement of Common Ground with Thames Water
CC 37	179	Glossary	Social and community facilities (public)	These facilities are available to, and serve the needs of local communities and others, <u>provided by a local service provider or</u> and are often funded in some way by a grant or investment from a government department or public body or the voluntary sector...	Letter from Rosemarie MacQueen to the Inspector 15 th July 2010

New graphic for Change CC14

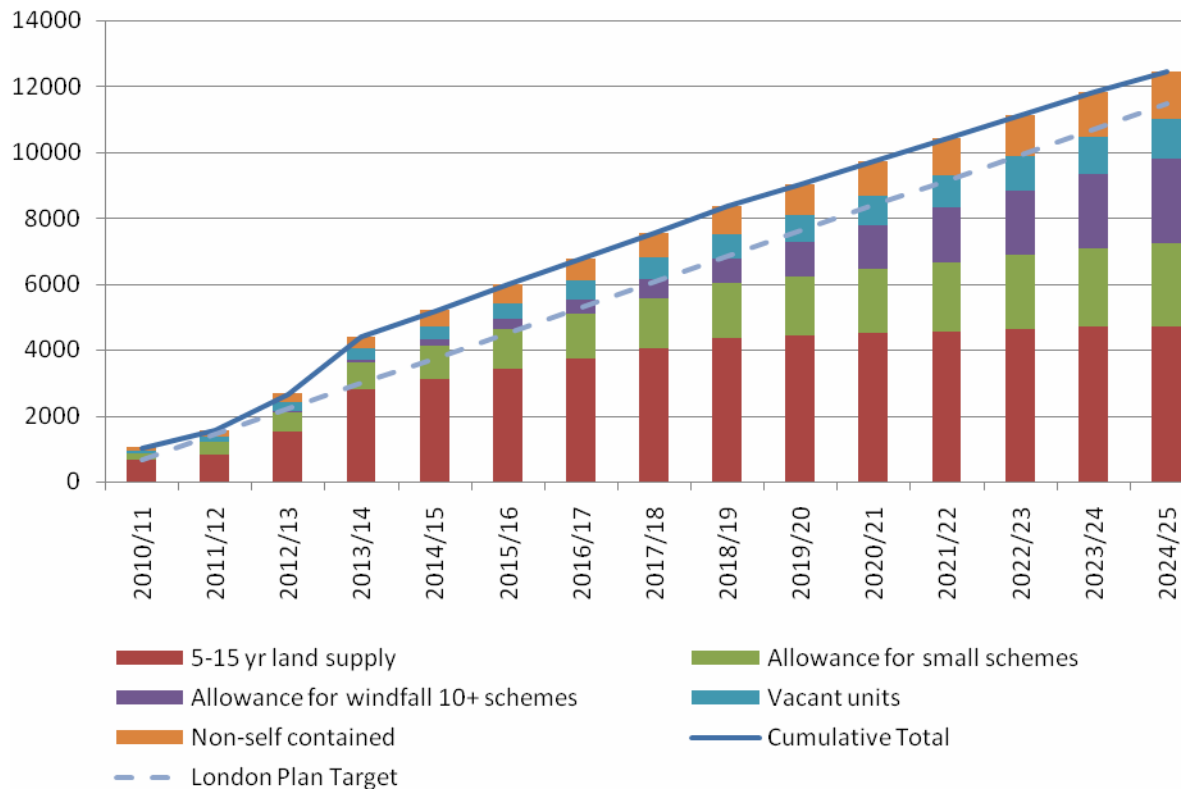


FIGURE 38 WESTMINSTER'S HOUSING TRAJECTORY ~~PROJECTED HOUSING DELIVERY~~

New table for Change CC33

	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	2010/11	656	200	0	856	81	95	1,032
2	2011/12	152	200	0	352	81	95	1,560
3	2012/13	693	200	50	943	81	95	2,679
4	2013/14	1303	200	50	1553	81	95	4,408
5	2014/15	312	200	100	612	81	95	5,196
6	2015/16	312	200	100	612	81	95	5,984
7	2016/17	312	150	150	612	81	95	6,772
8	2017/18	312	150	150	612	81	95	7,560
9	2018/19	312	150	150	612	81	95	8,348
10	2019/20	66	150	300	516	81	95	9,040
11	2020/21	66	150	300	516	81	95	9,732
12	2021/22	66	150	300	516	81	95	10,424
13	2022/23	66	150	300	516	81	95	11,116
14	2023/24	66	150	300	516	81	95	11,808
15	2024/25	0	150	300	450	81	95	12,434
	TOTAL	4,694	2,550	2,550	9,794	1,215	1,425	

FIGURE 58 PROJECTED HOUSING SUPPLY FROM ALL SOURCES 2010/11 – 2024/25

New graphic for Change CC35

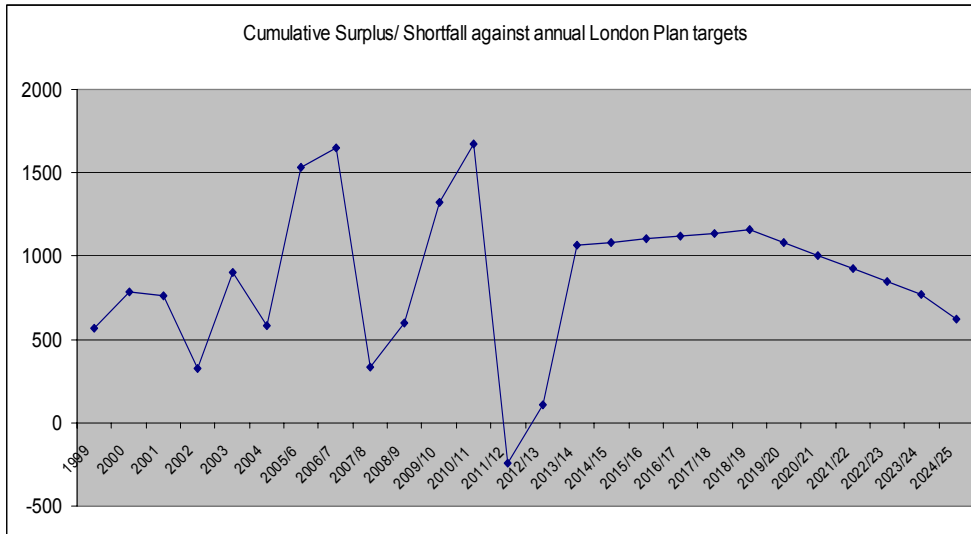


FIGURE 59 HOUSING DELIVERY AGAINST LONDON PLAN TARGETS 1999 – 2024/25

Appendix B Schedule of Minor Changes

These changes have been put forward by the Council as minor amendments, updates and corrections. They do not affect the soundness of the plan and can be made.

No	Page	Part	Section	Amendment	Reference
MC1	4	Part I How to use this document	New Paragraph 1.14	1.14 <u>Many of the policies within the Core Strategy refer to where the council considers or is satisfied that something is the case. However, in circumstances where the council is not the final decision-maker, this reference to the council is intended to apply to any decision-maker e.g. a Planning Inspector or the Secretary of State. This applies to Policies CS1, CS2, CS4, CS5, CS6, CS7, CS8, CS12, CS13, CS14, CS16, CS20, CS33, CS38, CS39, CS41 and CS43.</u>	Examination in Public Day Six Matters 7 & 8 - Clarify that the matter lies within the judgement of the council, or whoever else may be the decision-maker for a specific planning application.
MC2	19	Part II Westminster's Spatial Strategy – Employment and the Economy	Paragraph 2.36 Footnote	GLAEconomics Working Paper 38, Table 5	Update reference to most recent projections
MC3	34	Part III Victoria Opportunity Area	Figure 18	<i>Proposals site 9 needs to be extended to include Kingsgate House, as set out in Appendix 1 Site 9.</i>	Mapping error
MC4	62	Part III Queensway and Westbourne Grove	Figure 35	<i>The key labels the shopping centre as a "District Centre". This should be changed to "Major Centre".</i>	Letter from Rosemarie MacQueen to the Inspector 15 th July 2010
MC5	145	Appendix 1	Site 6 Victoria	4.76 4.53	Council's Statement Issue

		Strategic Sites within Victoria Opportunity Area	Railway Station – Area (ha)		3.5
MC6	145	Appendix 1 Strategic Sites for Victoria Opportunity Area	Site 9 Kingsgate House, Westminster City Hall, Selbourne House – Area (ha)	<u>0.97</u> 0-5	Examination in Public Day Three Matter 2
MC7	184	References	New	Employment projections for London by sector and trend-based projections by borough (Working Paper 38) (2009) GLA Economics. Published by the Greater London Authority.	See Changes 3 and 4 above.
MC8	N/A	Proposals Map	Proposals Site 9	<i>Proposals site 9 needs to be extended to include Kingsgate House, as set out in Appendix 1 Site 9.</i>	Mapping error
MC9	73	Part V Affordable Housing	Paragraph 4.17	<i>Move existing text to Policy CS16 Reasoned Justification and replace with the 1st paragraph of 4.19 as follows:</i> The council has agreed a borough affordable housing target with the Mayor of London of 925 units for the three year period 2009/10 – 2011/2012. Future annual delivery targets for affordable housing will also be agreed with the Mayor. These numerical affordable housing targets will be delivered through a range of mechanisms, and new affordable housing delivered through the planning process will be a major contributor.	Examination in Public Day Two Matter 4 - Clarify that the Core Strategy target is a strategic target within the Reasoned Justification for Policy CS16
MC10	73	Part V Affordable Housing	Paragraph 4.18	<i>Move to Policy CS16 Reasoned Justification</i>	Examination in Public Day Two Matter 4 Clarify that the Core Strategy target is a strategic target within the Reasoned Justification for Policy CS16

MC11	73	Part V Affordable Housing	Paragraph 4.19	<p><i>Move the 1st paragraph to paragraph 4.17 and the remaining text to Policy CS16 Reasoned Justification with the exception of the following text which is deleted:</i></p> <p>...</p> <p>by:</p> <p>...</p> <p>The new policy approach to increasing the amounts of affordable housing delivered in the city and the reasons and justifications for the approach are set out below.</p>	<p>Examination in Public Day Two Matter 4</p> <p>- Clarify that the Core Strategy target is a strategic target within the Reasoned Justification for Policy CS16</p>
MC12	75	Part V Affordable Housing	Policy CS16 Reasoned Justification	<p>Westminster's housing capacity figures show that Westminster cannot meet its affordable housing need of 5,600 additional affordable homes per annum. However, this policy will help the council to achieve the current and future borough targets and maximise its contribution towards the Mayor's target of providing 50,000 affordable homes in London between 2008 and 2011. In these 3 years, 598 new affordable homes are expected to be delivered (based on the Local Area Agreement target), equating to nearly 200 new affordable homes per annum.</p> <p>[Moved from paragraph 4.18] The Council wishes to increase the amount of affordable homes delivered in the city and make an appropriate contribution to meeting wider regional housing needs and has therefore monitored and analysed the impact of the previous UDP affordable housing policy in order to inform the development of this policy and overcome any constraints to provision. These constraint factors and the need to facilitate</p>	<p>Examination in Public Day Two Matter 4</p> <p>- Clarify that the Core Strategy target is a strategic target within the Reasoned Justification for Policy CS16</p>

			<p>rather than constrain housing delivery through overly onerous policy requirements have been taken into account in determining the threshold and calculation method for the affordable housing policy. <i>[Moved from paragraph 4.17]</i> Between 2001 and 2007/8, 22% of new homes completed in Westminster were affordable. This is substantially below the London-wide strategic target of 50% set out in the London Plan and reflects the lack of RSL led schemes and the predominance of small schemes below the affordable housing threshold in Westminster. Taking into account all the criteria in London Plan Policy 3A.9 it would not be realistic for Westminster to have a 50% target. The 5 year list of deliverable sites over 10 units <i>[insert footnote below]</i> indicates that 30% of these new homes <u>on the list</u> will be affordable, but <u>However</u>, if an allowance for sites of less than 10 units is included (historically about 93% of sites are less than 10 units, yielding about 25% of total units) this reduces the affordable housing proportion to about 22.5% in <u>over</u> the next 5 years.</p> <p><i>[Moved from paragraph 4.19]</i> In addition to meeting borough affordable housing targets, the council will seek to increase the proportion of housing delivered as affordable units between [as before].</p> <p><i>[Original Reasoned Justification text]</i> Beyond 2012, the council is confident that these policies, together with the council's Community Build</p>	
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			<p>Programme, will yield an increase in affordable provision to 30% of overall housing delivery. The council will review the impact of these policies in order to sustain and increase this proportion when the Community Build Programme ends.</p> <p>[Original Reasoned Justification text] Residential planning applications in Westminster are characterised by a predominance of large market units. The average size of a residential unit given permission between 2005/6 and 2007/8 was about 129 sqm, with market units averaging approximately 140 sqm, compared to an average of 70 sqm for affordable housing. This means that it is not generally appropriate to use a unit calculation for either the threshold at which affordable housing will be required, or the calculation of the proportion of affordable housing to be provided. Instead, a floorspace calculation for both the threshold and the proportion required will be a fairer method and should increase the proportion and number of affordable homes delivered in the city.</p> <p>[Moved from paragraph 4.18] The introduction of a floorspace threshold in addition to the unit threshold is one such mechanism. It will bring more schemes into the requirement range by effectively lowering the previous 10 unit threshold applicable in Westminster, to a threshold reflecting sites' capacity to provide 10 units, whilst leaving the choice open to developers to provide larger units if they so wish. A 1,000 sqm threshold has been tested in the Westminster Affordable Housing Viability Study and is considered to be viable. The Study also</p>	
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				<p>assessed the viability of the floorspace approach to calculating the proportion of affordable housing required on different types of residential schemes. These proportions will be set out in the City Management Plan.</p> <p><i>[Original Reasoned Justification text for the remaining paragraphs]</i></p> <p>...</p>	
MC13	75	Part V Affordable Housing	Policy CS16 Reasoned Justification Footnote	<i>[Moved from paragraph 4.19]</i> <u>As</u> set out in the Annual Monitoring Report 2007/08	Examination in Public Day Two Matter 4 - Clarify that the Core Strategy target is a strategic target within the Reasoned Justification for Policy CS16

Appendix C – Changes Required by the Inspector

The Inspector recommends the following changes to make the Core Strategy sound.

New text is shown as underlined, and existing text which should be deleted is shown with strikethrough. In the case of IC3, the change is additional to that proposed by the Council which I endorse and show in Appendix A [CC19].

No	Page	Part	Section/Policy	Change
IC1	28	Part III: Local Spatial Policies	Policy CS1 Mixed use in the Central Activities Zone <i>Insert a new sentence at the beginning of the policy</i>	Policy CS1 Mixed use in the Central Activities Zone The council will encourage development which promotes <u>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.</u> Where proposals increase the amount of commercial floorspace <i>[as before].</i>
IC2	73 and 74	Part IV: City- Wide Spatial Policies	Paragraph 4.19	4.19 The council has agreed a borough affordable housing target affordable housing delivered through the planning process will be a major contributor. In addition to meeting borough affordable housing targets, <u>after this period</u> , the council will seek to increase the proportion of housing delivered as affordable units between 2012/ <u>13</u> and 2024/ <u>25</u> to exceed 30%. <u>This is a strategic target for the proportion of all housing to be provided as affordable housing. It is not a specific target to be applied to individual development sites, and represents affordable housing from all sources including the council’s own developments. The increased target (from the currently achieved 22% of all housing up to 30%) is based on</u> <ul style="list-style-type: none"> <u>evidence that the 22% was achievable within the context of the Unitary Development Plan policy framework and that</u>

				<p><u>housing in central London has a strong demand as an investment and residential land values compare favourably with the commercial market;</u></p> <ul style="list-style-type: none"> • <u>evidence from the 5-15 year housing delivery schedules and discussions with developers and other stakeholders indicate a pipeline of development sites which will achieve affordable housing;</u> • the introduction of a 1,000 sqm threshold..... <i>[as before]</i>.
IC3	91	Part V: Creating Places	Policy CS24 Heritage	<p>Policy CS24 Heritage Recognising Westminster's wider historic environment, its extensive heritage assets will be conserved and enhanced , including its listed buildings, <i>[as before in CC19 of Appendix A]</i>.</p>
IC4	129	Part V: Creating Places	Cross-reference Box below Policy CS42 and its Reasoned Justification	<p>Cross-reference to Policies CS1 Mixed Use in the Central Activities Zone; CS3 Paddington Opportunity Area; CS4 Victoria Opportunity Area; CS5 Tottenham Court Road Opportunity Area; CS7 West End Special Retail Policy Area; CS11 Royal Parks; CS27 Design; <u>CS32 Planning Obligations and Delivering Infrastructure</u>; CS34 Open Space; CS36 Blue Ribbon Network.</p>