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## **FOREWORD**

Planning in Westminster is all about ‘balance’ – the balance between sustaining a residential population of almost 250,000 people and the demands of the UK’s largest employment centre – the home to 550,000 jobs and 47,000 businesses. Planning in Westminster takes place in the heart of one of the world’s great capital cities within a unique historic and townscape heritage that is subject to unrelenting development pressure.

The Westminster Unitary Development Plan (UDP) sets out our planning policies for developing land, improving transport and protecting the environment for the next 10-15 years. Our UDP is robust and sets out a clear and well-established planning framework for the development of Westminster. Importantly, it is also in general conformity with national planning policy and the London Plan. The planning strategy of the UDP is guided by the following six planning aims:

- 1 Enhancing the attraction of central London
- 2 Fostering economic vitality and diversity
- 3 Building sustainable communities
- 4 Integrating land use and transport policies and reducing the environmental impact of transport
- 5 Ensuring a high quality environment
- 6 Working towards a more sustainable city

I would like to thank all those organisations and individuals for their commitment and involvement in preparing this UDP over the last 9 years. Although it has been a long and often challenging journey I believe that together we have produced a plan that reflects local community aspirations as well as addressing London’s multiple roles and enhances London’s world class city status. Our policies are flexible, consistent and transparent to the community, businesses, property owners and land developers, and have been designed to deal with complex issues in a balanced, integrated and sustainable way. We will continue to work with central Government, the Mayor, the major landowners and residents to help deliver the UDP’s aims and objectives.

Although we have just adopted the UDP, new planning legislation requires us to produce a Local Development Framework (LDF) to eventually replace it. We will save and operate the policies in the UDP for at least 3 years from its adoption. The LDF will also build on and incorporate much of this UDP’s planning strategy but will need to address the key challenges of the next 15-20 years of the effects of climate change, the projected growth in London’s population and jobs, greater economic globalisation, a changing work-life balance and sustaining diverse but cohesive communities.

Councillor Robert Davis,  
DL, Cabinet Member for Planning, January 2007



# INTRODUCTION

## What is a Unitary Development Plan?

- 1.1 Our Unitary Development Plan (UDP) sets out our planning policies for developing land, improving transport and protecting the environment for the next 10-15 years. It also describes some of the more significant development proposals likely to take place during that time. What do we need a UDP for?
- 1.2 The UDP:
  - a) advises people on the types of development likely to get planning permission
  - b) gives guidelines for us when we decide on planning applications
  - c) is the basis on which we defend our planning decisions at public inquiries.
- 1.3 The Plan does not commit the City Council to spending public money. It stresses the need to make sure that private-sector development schemes achieve our aims. We will work in partnership with the Government, residents, voluntary groups and businesses to improve the environment and life in Westminster.

## Is it a legal document?

- 1.4 The Town and Country Planning Act 1990 (the 1990 Act) sets the legal background for the UDP. Our UDP must reflect the Government's current national guidance and planning guidance for London. If it does not, the Government can tell us to change it.
- 1.5 The planning system is 'plan-led'. Section 54A of the 1990 Act requires the City Council to determine planning applications in accordance with the Development Plan (the Unitary Development Plan in Westminster) and any other material considerations. That means that we should decide applications for planning permission according to the policies set out in the Plan unless material considerations indicate otherwise. It is important to weigh each case against the policies in the Plan and other relevant factors. Sometimes, a particular proposal may not meet the normal policy considerations in the Plan, but might be considered acceptable as an exception to the policy.
- 1.6 The Plan contains a Written Statement and a Proposals Map. The Written Statement has two parts. Part 1 sets out our overall strategic planning aims for Westminster, providing the strategic framework for the more detailed policies in Part 2. Part 1 refers to the national, regional and strategic policies that set the background for planning in Westminster. All Part 1 and Part 2 policies take into account the London Plan published by

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the Mayor of London in February 2004. These policies are the basis on which we determine planning applications. Part 2 of the Plan also contains the schedules of planned or proposed major development sites and opportunity sites, which are vacant or under-used.

- 1.7 The Proposals Map illustrates and supplements the Written Statement. It shows the boundaries of areas covered by policies in the UDP, such as conservation areas, areas of Metropolitan Open Land, shopping centres, special policy areas, the road hierarchy and rail safeguarding lines. The Proposals Map also identifies major development sites. The written statement, however, always takes precedence over the Proposals Map.

### How to use the Unitary Development Plan

- 1.8 Each topic chapter contains an Introduction. This will vary in length depending on the need to set out how Westminster's policies conform with national and regional guidance. Detailed references to planning circulars and legislation have also been kept to a minimum. Policies are set out in the following way:
- a) **aim**: what we want to do
  - b) **policy**: how we are going to do it
  - c) **policy application**: any tests or special circumstances we may apply
  - d) **reasons**: why we are doing it.
- 1.9 Policies are set out in bold, lower case letters, and can be identified by the initial letters of the chapter and the policy number (e.g. Environment policy five is ENV 5 ; Tourism, Arts, Culture and Entertainment policy four is TACE 4, etc.). Policies have been worded, where possible, to set out their requirements clearly. In writing policies in this way we have tried not to use phrases like "subject to other policies in the Plan" and words like "normally". In particular, we have avoided using the word "normally" to avoid any confusion as to the operation of Section 54A of the 1990 Act which, in its own terms, embraces other material considerations.
- 1.10 To set out clearly our intentions when determining planning applications, the policies in Part 2 of the UDP fall into four groups, all of which provide guidance for those with an interest in development in Westminster. Whilst you may wish to read individual chapters, you should remember that all relevant policies in the Plan will be applied, as appropriate, to all applications. It is in your interest, therefore, to consider the whole UDP if you intend to apply for planning permission.

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### 1 'Prescriptive' policies

- 1.11 'Prescriptive' policies clearly state whether planning permission will or will not be granted for a proposal. The reader is presented at the outset with the conditions and criteria that should be met if planning permission is to be granted. All conditions and criteria should be met, unless the policy application section says otherwise. These policies fall into two groups: those that are phrased positively, for example, "planning permission will only be granted" and those that are phrased restrictively, for example, "planning permission will not be granted".

### 2 'Requirement' policies

- 1.12 'Requirement' policies set out where the City Council will require certain developments or improvements to developments e.g. a range of housing sizes and the provision of some social and community facilities. They will be used as a reason for refusal in circumstances where appropriate development or any other necessary provision is not forthcoming. An example of such a policy is one that contains the words "will require".

### 3 'Encouraging' policies

- 1.13 'Encouraging' policies set out what the City Council would like to see resulting from development in the City. These policies will be used mostly in addition to other policies. Examples of such policies are those that contain the words "will seek" or "will support".

### 4 'Commitment' policies

- 1.14 'Commitment' policies either commit the City Council to an action or explain a position that the Council will take in specific circumstances. Examples of such policies are ones that contain the words "will monitor" or "will impose".
- 1.15 These policy terms should not be considered in isolation from the context of the policy and no policy should be considered in isolation from other policies in the UDP and the Plan's overall aims and objectives. Users should consider the wording of the policy as a whole, rather than isolated key words or phrases.
- 1.16 A number of issues are important to nearly all forms of development and we will always examine these when determining applications for planning permission or listed building consent. Examples include:
- a) protecting residential amenity (policies STRA 16 and ENV 13)
  - b) encouraging good design, sympathetic to its surroundings (policies STRA 27 and DES 1)
  - c) promoting an accessible, safe, environment (policies STRA 18, STRA 26 and DES 1)
  - d) providing for the efficient servicing of, and deliveries to and from properties within Westminster (policies STRA 24 and TRANS 20).

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### The new plan-making system

- 1.17 The Planning and Compulsory Purchase Act 2004 received the Royal Assent in May 2004. This includes provisions setting out the framework for a new development plan system, and transitional arrangements allowing plans prepared under the old system, such as this plan, to be brought into operation. These new arrangements started to come into operation on 28 September 2004.
- 1.18 Under the new system, the Unitary Development Plan will be replaced by a 'folder' of local development documents called the Local Development Framework. These documents will be prepared over a number of years and will gradually replace the UDP policies and supplementary planning guidance.
- 1.19 There will be two main types of local development document:
- (a) Development Plan Documents, which will become part of the statutory development plan and be subject to independent examination. They will replace UDP policies. All DPDs must be in general conformity with the London Plan. When adopted, the DPDs and the London Plan, taken together, will comprise the statutory development plan for Westminster's area
  - (b) Supplementary Plan Documents, which expand upon policies set out in a Development Plan Document or provide additional detail. These will replace supplementary planning guidance. They will be approved by the City Council following public consultation.
- 1.20 The Council is required to produce a Local Development Scheme listing the documents which it will produce and a timetable for producing them. The scheme provides for the preparation of a Statement of Community Involvement, which will set out the methods which the City Council will use to secure the involvement of people and organisations in the preparation of the new documents. The City Council published its first scheme in May 2005.
- 1.21 To guide authorities in the operation of the new planning system, the Government has started to issue new statements of national planning policy. After most of this plan had been finalised, the Government started to issue new Planning Policy Statements setting out new national policies and withdrawing earlier guidance. This plan does not make detailed reference to these new policies. However, the City Council believes that the policies in this plan are broadly consistent with the new national approach.



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- 1.22 Most of this plan was prepared prior to the Government's latest amendments to the Use Classes Order 1987, which came into force on 21 April 2005 with further amendments in April 2006. This plan generally, therefore, does not make detailed reference to these amendments with the exception of the entertainment policies (see TACE 8 to 10) which were devised in anticipation of the Use Classes Order amendments.

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