

## **Statement of Common Ground between Westminster City Council and Fitzrovia West Neighbourhood Forum**

### **Introduction**

This Statement of Common Ground has been prepared jointly between Westminster City Council ('WCC') and Fitzrovia West Neighbourhood Forum ('the Forum'). It has been prepared to assist the Examination of the Fitzrovia West Neighbourhood Plan ('the Plan'), by informing the Examiner of areas of agreement and disagreement between both parties.

### **Background**

As part of the Regulation 16 Public Consultation on the Fitzrovia West Neighbourhood Plan, WCC submitted a comprehensive response to the Plan. WCC considered that most of the Plan meets the Basic Conditions set out in the Town and Country Planning Act 1990 (as amended) and the Neighbourhood Planning (General) Regulations 2012 (as amended). However, concern was raised over some of the policies in the plan and interpretation of some aspects of planning guidance and regulation. The Forum provided a response to WCC's representation on receipt of the Examiners Procedural Matters and Questions Letter (11th September 2020). As part of the procedural matters, the Examiner requested that WCC and the Forum collaborate on a Statement of Common Ground to set out the modifications that are agreed by both parties and the reasoning for areas of disagreement.

### **Proposed modifications**

The Forum have submitted an updated schedule of modifications to Plan, produced in conversation with and following advice from WCC Policy Officers. The proposed modifications are set out as tracked changes in red within the document for ease of review (Table 3). The council considers the majority of these modifications acceptable in principle. However, in order to meet the Basic Conditions, the resolution of a number of outstanding issues would still be required as set out below.

### **Outstanding issues**

There remain a small number of policies and supporting text where the Council have identified outstanding conformity issues with higher tier plans. All outstanding issues where WCC disagrees with the Forum are set out in Table 1 below. They are also highlighted in yellow within the schedule of proposed modifications (Table 3), for ease of read.

Table 1 – Areas of Disagreement

Policy/ Paragraph number	Area of Disagreement
PR2 clause vi	<p>As per WCC’s Regulation 16 comment, this policy clause remains confusing in its form and conflating two fundamentally different things: refuse storage and related facilities on the one hand and community meeting and storage space on the other. WCC do not consider this clause to be necessary as it seeks to deal with issues already sufficiently covered by City Plan policy therefore it should be removed.</p>
B2 clause i	<p>The Forum considers this to be a reasonable local objective even if each case must be judged on its merits and may be applicable in new developments and at pre-application consultations although not always enforceable.</p> <p>Clause i can't be judged on an individual application so WCC do not consider it to be reasonable or implementable. It is also not possible to require a specific use within the E class. This clause should be removed. The objective is however supported and could be maintained within the plan’s objectives section or in the supporting text.</p>
B2 clause vi	<p>The Forum consider this is a local objective which does not conflict with any strategic policy. In this case, planning permission would be required for change of use from retail or commercial premises to a sui generis use.</p> <p>With regards to judging whether a use is a “valued local service”, WCC advise that this is a subjective consideration and not strictly a planning matter. It is also not possible to control the occupier of a unit nor the use itself within the E class. We consider this clause to be unimplementable and recommend removing it. This requirement could also easily be circumvented eg. by an intermediate change to another E class use before changing to these, so we don’t consider the clause would be effective. This policy seems to be concerned with preventing unacceptable amenity impacts from new uses and should be explicit about that if that is the case, however we consider City Plan Policy 17 sufficiently addresses these.</p>
EN1	<p>This policy is still unclear. WCC advise that the two issues of carbon emissions and air quality should be treated separately as these are separate matters and the requirements for the two differ in higher tier plans. The requirement to demonstrate and seek to achieve is confusing and should be either one or the other.</p>
Paragraph 6.10	<p>The Forum consider residential on upper floors might assist in achieving the viability/sustainability of the commercial and particularly retail uses.</p> <p>WCC consider the reference to residential uses at upper floors in the West End International Centre should be removed from Paragraph 6.10 as it is not in conformity with the City Plan and the evidence behind it anecdotal.</p>

### Further recommendations

WCC have prepared a schedule of further changes that are recommended to improve the effectiveness of the plan (Table 2), particularly with regards to Paragraph 16D of the NPPF to ensure the policies in the Plan are clearly written and unambiguous, as pointed out by the Examiner in her letter.

Table 2 – Further changes recommended by WCC

<b>Policy/Paragraph Number</b>	<b>Further recommended changes</b>
General	Inconsistent policy clause system (suggest Arabic number then small roman number). Not necessary to repeat that policies will apply to the designated area – it's clear that the Neighbourhood Plan should only apply to this area.
PR1 clause 2	This clause entirely repeats City Plan Policy 14 clause 4, therefore it is not required.
PR1 clause 5	This parent clause and sub-clauses are confusing in their present form. All sub clauses need to be reviewed so that the language of the sub-clauses aligns with that of the parent clause.
PR1 clause 5iii	Wording should be fixed as sub-clause III does not seem to cascade from clause 5 (which is intended to deal with "all applications" while sub-clause III is specific to "applications for demolition and replacement". This should be a separate clause rather than a criteria under clause 5.
PR1 clause 5vii	It may be worth combining clause v (amended as per recommendation above) and clause vii as these are related to one another.
PR4 clause 1	As previously advised, we consider the reference to the use class in this clause should be removed as the community uses mentioned at paragraph 5.28 do not all fall under Class F2. The type of uses intended should be referred to in the supported text or in the Glossary.

Table 3 – Schedule of changes to the draft plan proposed by the Fitzrovia West Neighbourhood Forum

Section/ Policy	Proposed amendments
Introduction	<p><i>Paragraph 3.1 on page 10 to read:</i></p> <p>Fitzrovia West is under continuous pressure for development of all kinds both through refurbishment and redevelopment since <del>a significant proportion</del> it lies within the Central Activities Zone (CAZ). <del>The draft London Plan and draft WCC City Plan are proposing that the whole plan area should be so designated.</del> Market conditions.....</p> <p><i>New paragraph 3.5 to read:</i></p> <p>The Covid-19 pandemic of 2020 and subsequent lockdowns have brought about rapid changes in central London and the designated area. Many retail and hospitality uses have been forced to close and some are unlikely to reopen. Numbers of national and international tourists have declined steeply and a high proportion of those who previously commuted into central London have worked from home. There is therefore likely to be a large amount of commercial floorspace which may remain vacant for some time.</p> <p><i>In Strategic Policy Context under each policy delete 'WCC Draft City Plan 2019', add 'WCC City Plan post-examination draft, 2020'. The numbering of strategic policies in the ItP London Plan (2019) will be updated where necessary.</i></p>
Policy PR1	<p><b>Policy PR1 Promoting Regeneration</b></p> <p>1. The redevelopment, refurbishment or extension of existing buildings in the <del>Plan designated</del> area will be <del>supported where applications</del> expected to meet the highest quality design standards, achieve the highest levels of environmental sustainability, and make a positive contribution to the public realm in the light of local conditions and circumstances.</p> <p>2. Developments involving the replacement of office floorspace will generally be resisted except in areas with a majority of residential uses where the reinstatement of a housing use will be permitted. A loss of office floor space to hotel uses will only be supported where there is evidence of vacancy for at least 12 months.</p> <p><del>1</del>3. Development proposals will be supported which preserve or enhance <b>listed buildings and their settings</b>;</p> <p><i>The rest of the policy from former clause 2 on has been reorganised and redrafted and should be replaced with the following clauses 4, 5 and subclauses:</i></p> <p>4. There are many <b>unlisted buildings of merit</b> (as listed in Appendix 1) <b>which add to the character of the area</b>. Applications for the demolition of an unlisted building of merit will be opposed and applications for refurbishment will be supported where, on the basis of a balanced judgment, the loss of <b>such</b> a building in this category is deemed to result in significant harm to the local area. <b>Unless there are exceptional circumstances, a building in this category should be retained, the most appropriate</b></p>

uses (i.e. in accordance with other adopted plan policies) reinstated, and architectural features should be preserved ~~or reinstated~~;

**5. All applications** for redevelopment, refurbishment and extension, whether within or outside a Conservation Area, will be expected to meet the following criteria:

I. Additional floorspace, for example additional storeys or mansard roofs, ~~which is deemed to cause harm to heritage assets, will not normally be supported; except where precedents are set in buildings immediately adjacent, except in the area between Oxford Street and Eastcastle Street, and that part of Great Portland Street south of Margaret Street;~~ where it respects the character of the existing and adjoining buildings, avoids adverse visual and amenity impacts and does not obscure important architectural features or adversely affect the uniformity, patterns, rhythms or groupings of buildings that contribute positively to ~~Westminster's distinctive townscape~~ the area's character. Special attention should be paid to guidance in the Conservation Area Audits covering parts of the designated area;

II. Because of the prevalence of mechanical ventilation in the plan area, ~~ventilation shafts, ducting, air-filtration,~~ heating and air-cooling plant should be fully integrated in the fabric of new development and should not directly or indirectly diminish the amenity of adjoining occupants;

III. The demolition and replacement of a building will only be supported where ~~it has little or no architectural or historic significance and refurbishment is not a viable option;~~ the sustainable refurbishment and reuse of the building to be demolished has been fully considered;

IV. All approved housing tenures are provided on site in the development according to Westminster City Council and London Plan policies. Departures from this principle will only be accepted where there are exceptional and unavoidable legal or technical reasons not to do so. ~~In the case of the latter, affordable housing should be located within the designated area.~~ Viability statements should be made public with the planning application;

V. All non-residential development of 500 sq.m. of floorspace or above should achieve BREEAM 'excellent' or equivalent standard. All residential developments of 500 sq.m. or above should achieve 'excellent' in BREEAM domestic refurbishment;

VI. Where a mix of uses are proposed a high priority should be the provision of landscaped open space including children's play space as a planning obligation;

VII. ~~All~~ developments should achieve or exceed prevailing national and local sustainability standards as well as not increasing the heat island effect and keeping energy use and greenhouse gas emissions to an absolute minimum;

	<p>VIII. Applications should aim to limit to a minimum the loss of daylight and sunlight to adjoining occupants, increases in ambient noise levels or other adverse environmental impacts;</p> <p>IX. The scale and massing of adjoining buildings is fully respected. <b>Tall buildings (see Glossary) are unlikely to be supported.</b> They will be carefully assessed in relation to the likely impact on the distinctive character of the area particularly where they may have an adverse impact on the setting of a listed building, views to or from Conservation Areas (within Westminster or the adjoining borough), or impact on a strategic viewing corridor (see Figure 2);</p> <p>X. Special attention should be paid to the use of materials and the design of street frontages and points of access to ensure that these provide visual interest and are in keeping with the area as a whole;</p> <p>XI. <b>The character, layout and appearance of courtyards, passageways and mews should be protected as important contributions to the historic character of the area. Redevelopment should fully respect the scale, use, appearance and materials of the original built form.</b></p>
Policy PR2	<p><b>Policy PR2 Housing Provision</b></p> <p>I. Throughout the Plan area, existing housing provision will be protected from changes of use and new housing development will be encouraged, particularly where it falls within the definition of ‘affordable’ and is owned by a registered provider.</p> <p>II. All new housing should <del>not be single aspect if north-facing,</del> be designed to <b>maximise dual aspect and minimize single aspect housing.</b> It should meet or exceed London Plan <del>floor</del> space standards and <b>as far as practicable</b> should provide access to outdoor space, such as gardens, balconies, green <b>roofs and other forms of green landscaping or other similar provision;</b></p> <p>III. All new housing regardless of tenure should be well designed, built to the same standards and be ‘tenure blind’;</p> <p>IV. New affordable housing created from a conversion or new construction, which is provided by a registered provider, housing association or community-based charitable organisation, will be strongly supported.</p> <p>V. In order to sustain and expand the diversity of the local population, adequate provision should be made for accommodation to meet the needs of all age groups and those with special needs;</p> <p>VI. In all developments refuse storage and related facilities should be <b>provided integrated. In addition, in developments of and if more than 5 10 units are provided, additional community meeting and/or storage space should be considered;</b></p>

	<p>VII. Because <del>of the designated area has</del> high accessibility to public transport, off-street car parking should not be provided <del>in new development</del> except for disabled persons, as set out in higher tier plans;</p> <p><del>VIII. A condition and/or legal agreement should be added to the planning permission to ensure that all newly constructed housing is to be occupied as a 'principal residence';</del></p> <p><del>VIII Affordable housing arising from Section 106 agreements should normally be transferred to a registered provider and rented or sold at below market levels in order to ensure it remains at below market levels in perpetuity;</del> All major developments are expected to provide at least 35% of new homes as affordable housing, rising to 50% for developments on public sector land. All units rented or sold at below market value should remain as such in perpetuity;</p> <p>IX. In designing new housing developments, applicants should demonstrate how they have addressed the guidance in <i>Building for Life 12</i> criteria in order to achieve the highest standards of place-making and enhancing local distinctiveness. (Building for Life Partnership, 2018).</p> <p>X. In order to promote a more inclusive society and sustainable community, gated forms of housing development will not be supported.</p> <p><i>Paragraph 5.21 to be deleted with subsequent paragraphs renumbered.</i></p>
Policy PR3	<p><b>Policy PR3: Tourism, Arts, Culture and Entertainment Uses</b></p> <p>i. The provision of new tourism and entertainment uses, such as hotels, bars and night clubs <del>of 500 sq.m. or more gross floor space</del> will be supported <del>so long as there is no loss of residential floor space or adverse effects on local amenity. They should be if</del> located in <del>that part of</del> the West End Retail and Leisure Special Policy Area (WERLSPA), (that is the northern Oxford Street frontage and the area north to Mortimer Street in the Plan area – (see Figures 2 and Figure 3).</p> <p>ii. The provision of cultural activities, such as museums, libraries, art galleries and related uses will be supported so long as there is no loss of residential <del>or A1 retail</del> uses. These uses are particularly encouraged <del>to locate in the WERLSPA area north of Oxford Street and south of Mortimer Street.</del></p> <p>iii. Planning applications for tourism and entertainment uses <del>including all aspects of the night-time economy</del> should <del>provide a full impact assessment</del> fully respect the <del>amenity of residents and other users</del> in terms of noise, additional traffic generation, servicing arrangements and timing and the location of flues, air extracts and heating/cooling provision.</p> <p>iv. All development should be implemented in accordance with Agent of Change principles (as defined in the Glossary, appendix 6);</p> <p>v. Applications for restaurant, cafe and bar tables and chairs on the pavement will be supported where there is at least two metres or more remaining for pedestrian movement in accordance with WCC Policy. Applications will be considered taking full account of local circumstances such as pedestrian flows and the predominantly narrow pavements in the <del>Plan designated area. 'A' boards should not be placed in</del></p>

	<p><del>the two metre strip for pedestrians.</del> Where appropriate, conditions will be applied to control hours of opening and use of external sound systems.</p>						
Policy PR4	<p><b>Policy PR4: Retaining and Expanding Community Facilities</b></p> <ol style="list-style-type: none"> <li>Existing community and leisure uses (<del>for example Use Class F2</del>) will be protected and development proposals which would result in their loss through redevelopment or change of use should <b>as far as possible</b> provide for a similar facility on site or elsewhere in the <del>plan</del> <b>designated</b> area.</li> <li>Development proposals for redundant social infrastructure should provide for its full or partial use as other social infrastructure before consideration of alternatives.</li> <li>Development proposals for new community, health and sports facilities with access arrangements to meet the needs of all user groups and sections of the population will be supported.</li> </ol>						
Section 6	<p><b>Supporting Business Uses and Development</b></p> <table border="1" data-bbox="384 763 1283 1146"> <thead> <tr> <th data-bbox="384 763 807 819">Objective</th> <th data-bbox="807 763 1283 819">Policies</th> </tr> </thead> <tbody> <tr> <td data-bbox="384 819 807 1003">4.4 1. To protect and support provision for all business uses but in particular new and small business spaces and <b>high street uses</b>;</td> <td data-bbox="807 819 1283 1003"><b>Policy B1:</b> Small Business Units</td> </tr> <tr> <td data-bbox="384 1003 807 1146">4.4 2. To enable all businesses to thrive through the efficient and sustainable management of servicing and deliveries;</td> <td data-bbox="807 1003 1283 1146"><b>Policy B2:</b> Street Frontages</td> </tr> </tbody> </table> <p>6.1. The area <b>in the designated area</b> north of Oxford Street <b>and south of</b> Mortimer Street has distinctive and predominantly commercial uses which until recently was typified by the clothing industry. <b>More recently, digital and media companies and art galleries have moved into the area.</b> These uses add to the character, vibrancy and economic performance of the neighbourhood.</p> <p>6.2. The wider Plan area is home to a vibrant mix of small-scale businesses (including shops, galleries, showrooms, cafes and restaurants), as well as many micro-enterprises and start-ups, occupying small premises sometimes in clusters (including media hubs) and sometimes benefiting from temporary uses. The management of small business units by specialist workspace providers will help ensure the success and long-term retention of such spaces.</p> <p>6.3. Information from the Inter-Departmental Business Register (IDBR) indicates that <b>in 2016</b> there are a total of 2056 businesses in the <del>Plan</del> <b>designated</b> area employing a total of 38,740 staff. Of these, 5841 or 15% are part-time jobs. The average number of employees per business is 18.8. By far the largest proportion of companies are defined as business services (56%), followed by ‘other service activities’ (13%), ‘information and communication’ (12%) and ‘wholesale and retail’ (9%). According to <i>Banksearch</i> statistics, 27% of business start-ups in Westminster since 2008 have been in the West End. The West End also generates 34% of Westminster’s GVA.</p>	Objective	Policies	4.4 1. To protect and support provision for all business uses but in particular new and small business spaces and <b>high street uses</b> ;	<b>Policy B1:</b> Small Business Units	4.4 2. To enable all businesses to thrive through the efficient and sustainable management of servicing and deliveries;	<b>Policy B2:</b> Street Frontages
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	<p>6.4. <del>Until the Covid-19 pandemic, there is</del> <del>was</del> growing pressure on small-scale businesses from increased rents and in the two major recent developments in the area (Fitzroy Place and Rathbone Square), much of the new business accommodation is occupied by large scale multinational headquarters. While in many respects the presence of such large operations enhances the area and provides much needed employment, it is important that such use does not displace the <del>current more traditional</del> mix of different types and sizes of businesses, and the range of other uses in the area less able to pay high commercial rents. <del>The amount of vacant commercial space has greatly increased since March 2020 as companies close or consolidate their use of rented floor space.</del></p> <p>6.5. While a neighbourhood plan cannot set business rents, it can promote mixed uses of the type referred to above, can protect and enhance the availability of appropriately sized spaces for small-scale businesses <del>(including shops)</del> and can encourage the provision of temporary uses for start-ups and other enterprises.</p>
Policy B1	<p><b>Policy B1: Small Business Units</b></p> <p>I. Applications for redevelopment of existing buildings which include <del>small</del> business units <del>of less than about 250 sqm. designed for SMEs, start-ups or organisations occupying low-cost units</del> will be supported where the redevelopment involves provision of an equivalent or increased number of such units;</p> <p>II. Applications for development of buildings for <del>B1 commercial use</del> in excess of <del>1,000</del> <del>2,500</del> sqm. gross floor area shall include where possible a range of unit sizes and types suitable for small, <del>start-up</del> and independent businesses <del>including at least one business unit of less than 250 sqm per 1,000 sqm;</del></p> <p>III. Developments containing small business units <del>of up to 250 sqm</del> managed by specialist workspace providers will be supported;</p> <p>IV. Developments of small business spaces at below market rents for social enterprises, charities and start-up businesses secured by planning obligations will be supported.</p> <p><i>Justification</i></p> <p>6.6. The <del>Plan designated</del> area <del>has had</del> a buoyant economy <del>pre-pandemic</del> with a broad mix of large international companies as well as smaller specialist service firms. Local agents confirm that demand for commercial <del>(B1)</del> floorspace is considerable in this area and recent developments have involved the creation of large floor plates for companies such as Facebook and Estée Lauder. One of the primary characteristics of the area is the mix of small businesses operating from historic premises and in many cases providing services to larger companies in the area. This mix refers to both the uses involved and the conjunction of commercial space and other uses, such as residential, retail, sometimes in the same building. Because of pressures for redevelopment, market trends tend to be towards providing rental units with large open floor plans and it is often the small, well established SMEs in older buildings which tend to be displaced. Policy B1 is therefore designed to conserve and promote this traditional mix of uses to ensure that a range of sized units with varying degrees of facilities are available at a range</p>


	<p>of rent levels. This will ensure that growth objectives in higher tier plans can be achieved but through the provision of a substantial proportion of smaller units.</p> <p>6.7. Local letting agents report a growing demand for micro, small and start-up business units in the area. These fall mainly into the IT, media, creative and design sectors. Most clients in this category are looking for 1,000 to 1,500 sq ft. (92-139 sqm.) at varying cost and with basic services provided for two to three years. Policy B1 is designed to encourage the provision of small units (for example, in the region of 250 sqm. (2,690 sq.ft)) to allow for flexibility and to enable the Council’s wider strategic objectives to be achieved. Agents also report continuing demand for larger units in excess of 276 sqm. (3,000 sq.ft.). <b>Several companies provide fully serviced desk space for micro-companies and sole practitioners; Fora plc has three such buildings in Berners Street and Eastcastle Street advertised as ‘flexible workspace’.</b></p> <p>6.8. The <b>Plan designated</b> area contains a number of groups of small <b>retail commercial</b> units which provide a range of goods and services to residents and local businesses. These are made up of a frontage of retail outlets <b>(A1)</b>, local services <b>(A2)</b> and cafes and restaurants <b>(A3)</b>. This mix is typical of the area and provides an attractive feature of local streets, particularly when external seating is possible. <b>Many of these uses fall into Use Class E.</b></p>
Policy B2	<p><i>Replace existing policy ‘B2: Retail and Related Uses’ with following wording:</i></p> <p><b>Policy B2: Street Frontages</b></p> <p>Retail, commercial, business, hospitality and other service uses are included in Use Class E. Applications involving uses falling into Use Classes E, F1 and F2 will be supported where they meet the following criteria:</p> <p><b>I. Provide a range of outlets which meet a variety of local and other needs;</b></p> <p>II. Provide attractive and vibrant street frontages and window displays particularly at street level;</p> <p>III. Maintain and enhance a high standard of design reflecting local character and location particularly in relation to heritage assets, such as shop fronts;</p> <p>IV. Facilitate the movement of pedestrians by conforming with all City Council guidance and regulations on design, lighting, advertising and tables and chairs on pavements;</p> <p>V. Where ground floor units are vacant, temporary, pop-up uses will be supported so long as they do not create adverse environmental impacts;</p> <p><b>VI. Applications involving the conversion of existing retail premises to sui generis uses such as bars and hot food takeaways will not be supported where the retail premises provide a valued local service.</b></p> <p><i>Justification</i></p>


	<p>6.9. Although there has been a decline in local shops, those remaining provide a valuable range of services to residents and local businesses and should therefore be protected. The need to protect small shops, and where possible the provision of new ones, is a priority repeatedly stressed by residents and shop tenants as an exemplar of local distinctiveness. Vacant units have largely been filled by <del>A2</del> services, <del>A3</del> cafes and restaurants, <del>and A5 hot food takeaways</del>, all off which provide a large number of skilled and semi-skilled jobs <del>and now fall into the same Use Class E. The Plan will seek to resist the loss of existing retail uses to sui generis uses such as bars and hot food takeaways.</del></p> <p>6.10. <del>The draft City Plan has designated four CAZ retail clusters as set out in policy B2 above.</del> Oxford Street <del>falls</del> lies within the West End International Centre (WEIC) and while retail is the preferred use at ground floor level, a wider mix of uses <del>in Use Class E, F1 and F2 as well as sui generis uses</del> should be considered where retail floor <del>space contracts or closes becomes surplus to requirements.</del> <del>As air quality improves and traffic is restrained, there may be scope for new residential and non-retail commercial uses particularly in the upper floors of the WEIC.</del></p>
Policy GS1	<i>Include open spaces listed in GS1 in Figure 8</i>
Policy GS2	<p><b>Policy GS2: Creating New Green and Open Spaces</b></p> <p>1. All new major development should incorporate <del>an</del> appropriate and well-designed new open or green space <del>where possible</del>. Appropriate provision should include living roofs, living walls and ecologically sensitive landscaping.</p> <p>2. Where <del>major</del> development is proposed, a landscape plan should be submitted identifying the provision of trees and ecologically sensitive landscaping <del>and promoting biodiversity</del> wherever appropriate. This shall:</p> <ul style="list-style-type: none"> <li>I. ensure adequate space is provided in new developments both above and below ground for tree planting and greening where appropriate, and seek infrastructure changes as part of new developments to allow for future tree planting, such as seeking diversion of below ground services or creating wider pavements by the use of pavement build outs;</li> <li>II. include living and green roofs, gardens, the planting of additional trees, sustainable urban drainage systems and rain gardens, green walls and soft landscaping wherever they are structurally viable and will have no adverse impacts on heritage assets. Evidence of proposed maintenance arrangements should be submitted, particularly with sensitive landscaping such as green roofs and green walls;</li> <li>III. <del>incorporate where appropriate measures to promote biodiversity, such as swift bricks and bat boxes.</del></li> </ul> <p>3. In order to create further public amenity space and improve the public realm, the conversion of existing streets as set out in Figure 8 below shall be actively supported. Streets selected for this policy shall:</p> <ul style="list-style-type: none"> <li>I. Provide for pedestrian, cycling or shared use, landscaping and play streets;</li> </ul>

	<p>II. Identify opportunities to apply principles of ‘healthy streets’ (Mayor/TfL, 2017 - footnote);</p> <p>III. Encourage the use of visually attractive paving, landscaping and street furniture;</p> <p>IV. Rationalise, remove, and where necessary, relocate residents’ parking provision.</p> <p>Temporary or meanwhile uses which provide additional landscaping or play space will be supported.</p> <p><i>Paragraph 7.6: Replace ‘as set out in Figure 5 below’ with ‘as set out in Figure 8 above’.</i></p> <p><i>Existing open spaces at Fitzroy Place, Rathbone Square, Cleveland Street, Send of Great Titchfield Street to be added to Figure 8.</i></p>
<p>Policy EN1</p>	<p><b>Policy EN1: Promoting Improved Environmental Sustainability and Air Quality</b></p> <p><del>All applications should demonstrate and make a positive contribution towards improving ambient air quality and reducing emissions of greenhouse gases and the urban heat island effect. Passive ventilation should be prioritised where it supports these requirements.</del></p> <p>All applications for major developments including substantial refurbishments should demonstrate and seek to achieve net zero emissions as soon as practical and make a positive contribution towards improving ambient air quality and reducing emissions of harmful gases. This will also assist in the reduction in the urban heat island effect. Passive ventilation should be prioritised where it supports these requirements.</p> <p><i>Move Figure 9 nearer to paragraph 8.6 and refer to the Figure in 8.6</i></p>
<p>Policy EN2</p>	<p><b>Policy EN2: Renewable Energy</b></p> <p><i>Replace existing policy with following wording:</i></p> <p>All new development, including substantial refurbishments, should demonstrate that all practical measures have been included to minimise the use of non-renewable energy and maximise the use of low carbon energy sources to minimise the impact on climate change. Such development should:</p> <p>I. demonstrate that it has taken all reasonable steps to minimise energy use and maximise energy efficiency;</p> <p>II. demonstrate that systems have been designed to operate at optimum efficiency e.g. low return water temperatures;</p>

	<p>III. facilitate the reduced use of unregulated energy on-site where technically feasible and commercially viable;</p> <p>IV. maximise the proportion of renewable energy generated on-site consistent with local amenity and without causing harm to heritage assets.</p>
Policy T1	<p><i>Amend paragraph 9.5 as follows:</i></p> <p>9.5 The locally determined concept of the super-grid reflects the local built form of the designated area. Consultation with both residents and businesses supports the principle that through traffic should be restricted to major highways, <del>(i.e. Oxford Street, Regent Street, Marylebone Road and Tottenham Court Road)</del> while residents and businesses are able to access smaller side streets where residents' parking is available and where access is needed for taxis, emergency services and deliveries. A strategic assessment of traffic movement in the area is a priority and a Low Traffic Neighbourhood will be assessed as a means to reduce through traffic, promote walking and cycling and improve air quality.</p>
Policy T2	<p><b>Policy T2: Improving the distribution and delivery of goods to local businesses</b></p> <p>Development proposals will be supported which include measures designed to rationalise the delivery of goods in the area, including individual parcels to private addresses. It supports the provision of distribution hubs whereby deliveries can be amalgamated and sent to companies in single loads using electric vehicles. In particular developments will be encouraged which:</p> <ul style="list-style-type: none"> <li>I. Reduce traffic flows and congestion through the area and which limit pressures on on-street parking;</li> <li>II. Support the provision of distribution hubs for goods particularly for users located on Oxford Street and other main highways without rear servicing;</li> <li>III. Support the increased <del>use of electric vehicles and</del> provision of electric charge points;</li> <li>IV. Support sustainable means of goods distribution including use of electric vehicles, cargo bicycles and walking.</li> </ul>
Appendix 6 Glossary	<p><i>Delete 'Tall Buildings' definition, replace with:</i></p> <p><b>Tall Buildings</b> Tall buildings are defined as buildings of twice the prevailing context height or higher or those which will result in a significant change to the skyline. Context height is the typical or prevailing height within an area, with high and tall buildings considered as an exception to the context rather than defining the context itself. <i>(WCC City Plan post-examination draft, 2020)</i></p> <p><i>Add 'Zero Emissions' definition:</i></p> <p><b>Zero Emissions</b> Activity that causes no release of air pollutants and carbon dioxide or other greenhouse gases. <i>(WCC City Plan post-examination draft, 2020)</i></p>

	The Climate Change Act 2008 (amended 2019) set a target for reducing greenhouse gas emissions to net zero by 2050.
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Signed on behalf of Westminster City Council		
Date	Signature	Date
Kimberley West City and Planning Policy Team Leader, Westminster City Council		18.12.20

Signed on behalf of Fitzrovia West Neighbourhood Forum		
Date	Signature	Date
Nicholas Bailey Fitzrovia West Neighbourhood Forum Secretary		17.12.20