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Report on The Soho Neighbourhood Plan 2019-2040

An Examination undertaken for Westminster City Council with the support of The Soho Neighbourhood Forum, February 2020 submission version of the Plan.

Independent Examiner: Jill Kingaby BSc (Econ) MSc MRTPI

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Intelligent Plans and Examinations (IPE) Ltd, 3 Princes Street, Bath BA1 1HL
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Contents

	Page
Main Findings - Executive Summary	3
1. Introduction and Background	3
• The Soho Neighbourhood Plan 2019–2040	3
• The Independent Examiner	4
• The Scope of the Examination	4
• The Basic Conditions	6
2. Approach to the Examination	6
• Planning Policy Context	6
• Submitted Documents	7
• Site Visit	7
• Written Representations with or without Public Hearing	7
• Modifications	8
3. Procedural Compliance and Human Rights	8
• Qualifying Body and Neighbourhood Plan Area	8
• Plan Period	9
• Neighbourhood Plan Preparation and Consultation	9
• Development and Use of Land and Excluded Development	10
• Human Rights	10
4. Compliance with the Basic Conditions	11
• EU Obligations	11
• Main Issues	11
• General Issues of Compliance	11
• Specific Issues of Compliance	13
- Section 1: Culture and Heritage	14
- Section 2: Commercial Activity	15
- Section 3: Entertainment and Night-Time Economy	17
- Section 4: Housing	18
- Section 5: Sustainable Development and the Environment	20
• Overarching Matters	24
5. Conclusions	24
• Summary	24
• The Referendums and Soho Neighbourhood Area	25
• Overview	25
Appendix 1: Modifications	26
Appendix 2: Statement of Common Ground (February 2021)	Attached Separately

Main Findings - Executive Summary

From my examination of The Soho Neighbourhood Plan (the Plan/SNP) and its supporting documentation, including the representations made, I have concluded that, subject to the policy modifications set out in this report, the Plan meets the Basic Conditions.

I have also concluded that:

- The Plan has been prepared and submitted for examination by a qualifying body – the Soho Neighbourhood Forum;
- The Plan has been prepared for an area properly designated – Soho Neighbourhood Area as shown on Figure 1;
- The Plan specifies the period to which it is to take effect – 2019-40; and
- The policies relate to the development and use of land for a designated neighbourhood area.

I recommend that the Plan, once modified, proceeds to the referendums on the basis that it has met all the relevant legal requirements.

I have considered whether the area for referendums should extend beyond the designated area to which the Plan relates and have concluded that it should not.

1. Introduction and Background

The Soho Neighbourhood Plan 2019-2040

- 1.1 Soho is located within the City of Westminster, and is designated in the London Plan as part of London's Central Activities Zone (CAZ), where business, commerce, leisure, capital city and world city functions are concentrated. Soho includes many CAZ businesses, as well as residential and local business uses. The SNP Area lies east of Regent Street and is bounded by the busy roads of Oxford Street, Charing Cross Road and Shaftesbury Avenue. The SNP, page 12, suggests that some 71,000 jobs were provided by some 6,500 businesses in 2018 in Soho. There is a wide range of business types, including headquarters for the cinema industry in and around Wardour Street, supported by a variety of creative, advertising and media clusters. Carnaby Street, famous in the 1960s and 70s, remains renowned for its diverse fashion industry. Soho also includes theatres, music venues, restaurants/bars and members' clubs, as well as professional, scientific, technical, financial and other businesses. An estimated 1,315 people were employed in new start-up businesses in the West End including Soho in 2018, being the highest number among wards in Westminster. Soho is a focus for small and medium-sized enterprises. It is an area of economic diversity characterised by innovation and ongoing adaptation to modern living.

- 1.2 Soho has a long history of receiving immigrant communities, famously taking in Huguenot refugees in the seventeenth century. Soho's immigrant communities have brought many benefits, including a rich variety of restaurants providing good food. The LGBTQ+ community currently contributes to a diverse local population. Soho was originally a primarily residential area, but is now predominantly "mixed use", with living accommodation mostly privately rented and mainly on the upper floors above commercial uses. Some 85% of the homes in the area are occupied by single or 2 person households. With the strong evening/night-time economy and intensively built-up physical character, as well as Westminster City Council's (WCC) estimate that some 260,000 people visit the West End ward every day for work, shopping or leisure¹, it is perhaps unsurprising that there can be pressure on residential amenity given the high levels of day and night activity. Whilst Soho is a highly accessible location in the centre of London with good underground rail and bus services, it also experiences traffic congestion in many of its narrow streets, and the area has poor air quality. There are also deficits in green and open space across Soho.
- 1.3 The Soho Neighbourhood Forum (SNF/the Forum) was designated on 25 July 2014 as a business Neighbourhood Forum, and the Plan's preparation was led by a Forum Steering Group representing an equal mix of residents and businesses. The Neighbourhood Forum was re-designated for a further five years on 24 September 2019. The SNP has been prepared based on the views of local people, beginning with research into the key issues facing Soho, which were consulted on and endorsed in 2016. The submitted SNP sets out a plan for the period 2019-40, which follows from the consideration of those issues.

The Independent Examiner

- 1.4 As the Plan has now reached the examination stage, I have been appointed as the examiner of the SNP by Westminster City Council (WCC), with the agreement of SNF.
- 1.5 I am a chartered town planner and former government Planning Inspector, with prior experience examining neighbourhood plans. I am an independent examiner, and do not have an interest in any of the land that may be affected by the draft Plan.

The Scope of the Examination

- 1.6 As the independent examiner, I am required to produce this report and recommend either:

¹ This estimate pre-dates the Covid-19 pandemic of 2020.

(a) that the neighbourhood plan is submitted to referendums² without changes; or

(b) that modifications are made and that the modified neighbourhood plan is submitted to referendums; or

(c) that the neighbourhood plan does not proceed to referendums on the basis that it does not meet the necessary legal requirements.

1.7 The scope of the examination is set out in Paragraph 8(1) of Schedule 4B to the Town and Country Planning Act 1990 (as amended)('the 1990 Act'). The examiner must consider:

- Whether the plan meets the Basic Conditions.
- Whether the plan complies with provisions under s.38A and s.38B of the Planning and Compulsory Purchase Act 2004 (as amended) ('the 2004 Act'). These are:
 - it has been prepared and submitted for examination by a qualifying body, for an area that has been properly designated by the local planning authority;
 - it sets out policies in relation to the development and use of land;
 - it specifies the period during which it has effect;
 - it does not include provisions and policies for 'excluded development'; and
 - it is the only neighbourhood plan for the area and does not relate to land outside the designated neighbourhood area.
- Whether the referendums' boundary should be extended beyond the designated area, should the plan proceed to the referendums.
- Such matters as prescribed in the Neighbourhood Planning (General) Regulations 2012 (as amended)('the 2012 Regulations').

1.8 I have considered only matters that fall within Paragraph 8(1) of Schedule 4B to the 1990 Act, with one exception. That is the requirement that the Plan is compatible with the Human Rights Convention.

² In accordance with paragraphs 12(4) and 15 of Schedule 4B to the Town and Country Planning Act 1990 (as amended), the draft Plan relates to a neighbourhood area that has been designated as a business area under section 61H of the 1990 Act. The combined effect of these provisions is that an additional business referendum is required.

The Basic Conditions

- 1.9 The 'Basic Conditions' are set out in Paragraph 8(2) of Schedule 4B to the 1990 Act. In order to meet the Basic Conditions, the neighbourhood plan must:
- Have regard to national policies and advice contained in guidance issued by the Secretary of State;
 - Contribute to the achievement of sustainable development;
 - Be in general conformity with the strategic policies of the development plan for the area;
 - Be compatible with and not breach European Union (EU) obligations (under retained EU law)³; and
 - Meet prescribed conditions and comply with prescribed matters.
- 1.10 Regulation 32 of the 2012 Regulations prescribes a further Basic Condition for a neighbourhood plan. This requires that the making of the neighbourhood development plan does not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017.⁴

2. Approach to the Examination

Planning Policy Context

- 2.1 The Development Plan for this part of the City of Westminster, not including documents relating to excluded minerals and waste development, is the London Plan, adopted 2 March 2021, and the Westminster City Plan, adopted in 2016, with some saved policies from the Westminster Unitary Development Plan, 2007.
- 2.2 However, a new Westminster City Plan, 2019-2040, has undergone examination and the Inspectors issued their final report on 19 March 2021. Subject to the recommended main modifications, the City Plan has been found sound. The conclusions of the Inspectors' report mean that WCC will now proceed towards formal adoption of the City Plan (incorporating the main modifications) at the next meeting of Full Council.⁵ Once the City Plan 2019-2040 has been adopted, it will replace all the current policies in Westminster's City Plan (2016) and the saved

³ The existing body of environmental regulation is retained in UK law.

⁴ This revised Basic Condition came into force on 28 December 2018 through the Conservation of Habitats and Species and Planning (Various Amendments) (England and Wales) Regulations 2018.

⁵ See: [City Plan 2019 - 2040 | Westminster City Council](#)

policies in the Westminster Unitary Development Plan (2007). Given the emerging Westminster City Plan is likely to be adopted very shortly, I have had particular regard to the relevant advice in the Government's Planning Practice Guidance⁶ (PPG). References in this report to the 'City Plan' are to the new 2019-2040 Plan and its policies, unless stated otherwise.

- 2.3 The planning policy for England is set out principally in the National Planning Policy Framework (NPPF). The PPG offers guidance on how national policy should be implemented. A revised NPPF was published on 19 February 2019, and all references in this report are to the February 2019 NPPF and its accompanying PPG .

Submitted Documents

- 2.4 I have considered all policy, guidance and other reference documents I consider relevant to the examination, including those submitted which comprise:
- the draft SNP 2019-2040, February 2020;
 - Figure 1 of the Plan, which identifies the area to which the proposed Neighbourhood Development Plan relates;
 - the Consultation Statement, February 2020;
 - the Basic Conditions Statement, February 2020;
 - all the representations that have been made in accordance with the Regulation 16 consultation;
 - the "Strategic Environment Assessment (SEA) Screening Report and Habitats Regulations Assessment Screening Report", February 2020, prepared by WCC;
 - the request for additional clarification sought in my letter of 14 September 2020 and the response dated 2 October 2020 from SNF; and
 - a Statement of Common Ground (SOCG) between WCC and the SNF, produced in February 2021 in response to the request in my letter of 14 September 2020.⁷

Site Visit

- 2.5 I made an unaccompanied site visit to the Neighbourhood Plan Area on 22 September 2020, to familiarise myself with it, and visit relevant sites and areas referenced in the Plan and evidential documents.

Written Representations with or without Public Hearing

- 2.6 This examination has been dealt with by written representations.

⁶ PPG Reference ID 41-009-20190509.

⁷ View the documents at: <https://www.westminster.gov.uk/planning-building-and-environmental-regulations/city-plan-neighbourhood-planning-and-planning-policy/soho-neighbourhood-plan> The February 2021 SOCG also forms Appendix 2 of this report.

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I considered hearing sessions to be unnecessary as the submitted documents, including the responses from the Regulation 16 consultation exercise, provided a clear picture of potential problems with the Plan, and guided my consideration of the arguments for and against the Plan's suitability to proceed to a referendum. I have taken account of the Forum's responses to my letter of 14 September 2020, in which I set out questions concerning compliance with the Basic Conditions. These are the responses on behalf of the Forum, dated 2 October 2020 and the SOCG between WCC and the Forum, setting out agreed possible modifications to the Plan - with two additional appendices - dated 23 February 2021. Those appendices set out issues where WCC identified conformity issues with higher tier plans which, in its view, were still outstanding, and a set of further proposed modifications which WCC considered as necessary to have proper regard to paragraph 16d of the NPPF.⁸

Modifications

- 2.7 I have taken the draft modifications agreed by the Forum and WCC as shown in Appendix 3 of the SOCG document (23 February 2021), signed by both parties, as a starting-point for recommending modifications to the submitted SNP. That Appendix 3 is shown in Appendix 2 (see page 11 onwards) to this report. Where necessary, I have proposed modifications in addition to (or revisions to) those shown in Appendix 3 of the SOCG so that it meets the Basic Conditions and other legal requirements. I have had full regard for all the appendices accompanying the SOCG in compiling the list of recommended examiner proposed modifications (**PMs**), which are set out in Appendix 1 to this report.

3. Procedural Compliance and Human Rights

Qualifying Body and Neighbourhood Plan Area

- 3.1 The SNP has been prepared and submitted for examination by SNF, which is a qualifying body for an area that was designated by the WCC on 17 May 2013. The Neighbourhood Business Forum then followed, being designated on 25 July 2014 and re-designated (following the initial 5 year statutory period) for a further five years on 24 September 2019.
- 3.2 It is the only Neighbourhood Plan for Soho and does not relate to land outside the designated Neighbourhood Plan Area.

⁸ NPPF paragraph 16d: Plans should contain policies that are clearly written and unambiguous, so it is evident how a decision maker should react to development proposals. See also PPG Reference ID: 41-041-20140306.

Plan Period

- 3.3 The Plan specifies in the “Introduction” the period to which it is to take effect, which is from 2019 to 2040.⁹ This should be stated clearly on the front cover of the Plan (**PM1**).

Neighbourhood Plan Preparation and Consultation

- 3.4 When the Soho Neighbourhood Forum was designated as a business Neighbourhood Forum in 2014, its constitution was established with the approval of WCC. Those able to demonstrate that they lived or worked within Soho were entitled to become members of the Forum for free. A Steering Group of 16 members, to guide and represent the Forum, was formed at the inaugural meeting in July 2015. It comprises 8 resident representatives and 8 business representatives, and elections for steering group membership have been held each year at the annual general meetings.
- 3.5 The SNP is designed as a planning policy document for the next 20 years, which will articulate policies with which future development in Soho should comply in order to gain planning permission. The Plan is built on ideas and comments received through a number of consultation exercises carried out since 2015. A Soho Survey took place in 2016, based on three questions regarding issues of importance, and was followed in 2017 by a survey to explore attitudes to a set of aspirations. More than 1,500 responses were received from residents, workers in the area and visitors. The results were used to produce a draft SNP.
- 3.6 The Forum employed Comm Comm UK, a specialist strategic communication agency, to assist with its Regulation 14 consultation exercise. The Forum also had regard for the Killian Pretty Review 2008 and HM Government’s Code of Practice Consultation 2008, in order to follow best practice and undertake meaningful community engagement. Beginning with the Soho Summer Fete on 30 June 2019, the Regulation 14 consultation programme continued for a nine week period until 11 September 2019. A variety of events and activities were held, including lunchtime market stalls in Soho Square, Berwick Street, Rupert Street and Golden Square; in the evening at My Place Berwick Street (summer drinks), and a Q&A event at St Anne’s Church; with a business breakfast meeting at St Barnabas, Greek Street.
- 3.7 A website for the Forum was established in 2014 and has been available for use since establishment of the Steering Group in July 2015. Free telephone and email services have been made available to the local community. Documents have been emailed to statutory consultees,

⁹ The Plan period also aligns with the new City Plan.

community groups and Forum members to encourage community engagement in the consultation exercises. Advertising in the Soho Clarion, and hand delivery of some 4,800 flyers to residents and businesses took place in June 2019 ahead of the Regulation 14 consultation exercise. An additional 2,000 flyers were handed out at events. Soho Radio publicised the Plan on six occasions between May and July 2019. 195 responses were received to the questionnaire for the Regulation 14 exercise, as well as returns from five statutory consultees.

- 3.8 I am satisfied that a thorough and wide-ranging consultation exercise was carried out in 2019, to ensure that all residents, businesses and statutory bodies, as well as visitors to the area were able to comment on the draft SNP. I am aware that the draft Plan was amended having regard for the responses received. The Regulation 16 consultation exercise took place from 1 May 2020 to 10 July 2020, and 35 responses were received from local residents, business interests and statutory consultees. I consider that the consultation process has met the legal requirements ie. procedural compliance and has had regard to the advice in the PPG on plan preparation.

Development and Use of Land and Excluded Development

- 3.9 The Plan sets out policies in relation to the development and use of land in accordance with s.38A of the 2004 Act. In addition, chapter 10 (at the back of the Plan) sets out Recommendations and Projects, described as non-statutory but highly recommended actions which are based on views expressed during the various stages of consultation. It is acknowledged that these “are not strictly land use matters” and would need to be addressed by third parties. However, the Forum considers that the recommendations and projects could complement the SNP’s policies and help realise the Plan’s vision and aspirations.
- 3.10 I am satisfied that the status of the matters addressed in chapter 10 is clear¹⁰, and that the Plan’s policies are suitably focussed on the development and use of land. The Plan does not include provisions and policies for ‘excluded development’.

Human Rights

- 3.11 In its response of 2 October 2020 to my preliminary questions, the Forum provided a statement with explanatory material to confirm that the Plan does not breach Human Rights (within the meaning of the Human Rights Act 1998). From my independent assessment, I see no reason to disagree.

¹⁰ See PPG ID: 41-004-20190509.

4. Compliance with the Basic Conditions

EU Obligations

- 4.1 The SNP was screened for Strategic Environmental Assessment (SEA) by WCC, which found that it was unnecessary to undertake SEA. Having read the Strategic Environmental Assessment Screening Report, February 2020, I support this conclusion.
- 4.2 The SNP was further screened for Habitats Regulations Assessment (HRA), which also was not triggered (WCC Screening Report February 2020). WCC concluded that there would be no likely effects on European designated nature sites. Natural England agreed with this conclusion, in its letter dated 13 January 2020 to WCC. From my independent assessment of this matter, I have no reason to disagree.

Main Issues

- 4.3 Having read the submitted SNP, the consultation responses, all other background evidence, and having undertaken the site visit, I have assessed the compliance of the Plan as two main matters. These are:
- General issues of compliance of the Plan, as a whole; and
 - Specific issues of compliance of the individual Plan policies.

General Issues of Compliance

- 4.4 The SNP begins with a concise Executive Summary which explains when the Soho Neighbourhood Area was designated, and the Forum set up. It then states that the Forum Steering Group set out a vision for the Forum, agreed to adopt a "bottom up" approach, and consulted the local community to identify key issues, objectives and aspirations. Detailed work to design policies were built on the foundations of the community's views. Chapter 2 of the Plan states that there are five key sections which set out the policies and their reasoned justifications. These are briefly summarised and cover: Culture and heritage; Commercial activity; Entertainment and the night-time economy; Housing; and Environment. I consider that these are appropriately identified as the key issues for future planning and development in Soho. Chapter 3: Introduction provides additional information about the plan-making process, the Plan period (2019-40), and the content of future chapters.
- 4.5 Chapters 4, 5 and 6 include a brief description of Soho today, with information about the strategic planning context, referring to the London Plan and important strategic designations beginning with the CAZ. A brief history of Soho is given, followed by an overview of its current role for commerce and business, as a residential area, and an area of attraction for visitors for shopping and leisure. WCC suggested that the second

sentence in the “Living in Soho” section was ambiguous, and the Forum agreed to modify the wording in the second sentence, to clarify that the reference is to Soho rather than the wider West End ward. **PM3** would secure clarity and consistency with national planning policy. The vision for Soho, used to guide the SNP, is described in chapter 5 and, in my view, adequately reflects the description of local character and strategic planning context in chapter 4. It relates to the key issues for Soho’s future which have been identified from ongoing local engagement with the community. Eight overarching objectives for the Plan, listed in chapter 6, are put forward to address the key issues and realise local aspirations.

- 4.6 Chapter 7 sets out plan policies for each of the five key sections, with reasoned justification for each, and references to evidential documents which have informed the policies. For example, below Policy 1: Development Proposals in the Soho Conservation Area, a footnote refers to the AECOM Soho Heritage and Character Assessment, August 2018. Overall, I am satisfied that Chapter 7 meets the Basic Conditions for neighbourhood planning, giving readers and users of the Plan a clear and concise set of policies with which developments should comply. I agree with WCC that the reasoned justifications rather than the policies should refer to the links to plan objectives and support the modifications in the SOCG which would achieve this. I shall recommend some other modifications to specific policies and text but consider that the overall coverage of the policies and style of presentation are appropriate and accord with the Basic Conditions for neighbourhood planning.
- 4.7 Chapter 8 consists of a glossary of terms, and chapter 9 sets out some details from the evidence base including those not available online. These chapters should assist readers and users of the Plan and contribute to the achievement of sustainable development. I have already (in paragraph 3.9) referred to the possible non-land use planning initiatives identified through consultation with the local community. The non-statutory recommendations and projects are described at the end of the SNP, in chapter 10. It is essential, in my view, that such schemes are considered separately from the matters which are covered by land-use planning policies, and I make no comment on the appropriateness or otherwise of the schemes. However, I accept that the implementation of some, if not all the projects described in chapter 10 could contribute to realisation of the Plan’s vision. I also note that the Fitzrovia West Neighbourhood Forum expressed its strong support for the recommendations and projects, and I am content with their inclusion in the separate chapter at the end of the Plan.
- 4.8 The SNP includes a number of illustrations and maps which are informative for readers. The boundary of the designated Soho Neighbourhood Area is shown near the beginning of the Plan, in Map 1 on Page 8. The printed version of this map does not show clearly the road names and landmarks within the Neighbourhood Area, and I requested (in my letter to the Forum of 14 September 2020) that these should be shown. The Forum agreed that the map could be enhanced, and I

recommend that this is done, as in **PM2**, so that the designated area is clearly defined. Other maps show the extent of Soho Conservation Area, protected vistas across the area, the prevalence of creative industries, car parks, open space, and employment areas. I recommend that a note is added to Figure 3 to inform readers that it is in general conformity with the London Plan (Policy HC3), as in **PM6**. Also, existing areas of public open space in the Neighbourhood Area, at Soho Square, Golden Square and St Anne's Gardens, should be added to Figures 3 and 6, to give more clarity to readers of Policy 26. **PM6** and **PM15** would secure these modifications and have regard for paragraph 16d of the NPPF. Overall, I conclude that the structure, layout and content of the SNP is appropriately concise, logical, and informative for readers and users. As long as the above proposed modifications are made, the SNP's structure, layout and content will satisfy the Basic Conditions for neighbourhood planning.

Specific Issues of Compliance

- 4.9 I consider that the first three chapters of the SNP provide readers and users with a good introduction to the Neighbourhood Plan's process of production, and the focus of this Plan. The SOCG contains a number of agreed modifications to the wording of these introductory chapters, all of which I support. A number of these clarify the text. In addition, reference to new Use Class E is necessary having regard for the Government's recent changes to the Use Classes Order, and the Glossary should refer to the Use Classes Order 1987 (as amended). I consider that these modifications are necessary to contribute to the achievement of sustainable development and to provide the necessary clarity for users of the document.
- 4.10 I support the modifications proposed in the SOCG for chapter 3 - Introduction to the SNP, as these should improve clarity and give an updated description of the strategic policy background. The adopted London Plan should be referenced rather than the "new draft London Plan". WCC commented (in Appendix 2 to the SOCG) that "*Throughout the plan, paragraphs reference policies that will be superseded on adoption of the new Westminster City Plan.*" The Forum responded that it would ensure that all policy references were up-to-date once the new City Plan is adopted. There is some scope afforded for WCC and SNF to make appropriate minor (non-material) modifications post examination as set out in the PPG.¹¹
- 4.11 The SOCG proposes a number of minor wording modifications to the text in chapters 4, 5 and 6, which describe the Soho Neighbourhood Area today, the Vision for Soho and Objectives for the Plan. The modifications include updated references to the City Plan, and clarification that the "neighbourhood area" rather than "the area" in general is being

¹¹ PPG ID: 41-106-20190509. A number of other minor consequential updates to the SNP may also be necessary to reflect any revised references to the now adopted March 2021 version of the London Plan.

addressed. I support all the modifications proposed to chapters 4, 5 and 6, to give clarity and meet the Basic Conditions for neighbourhood planning.

Section 1: Culture and Heritage

- 4.12 The SOCG puts forward modifications to Policy 1, including a change to name it "Heritage and Local Character". The modified policy would be longer and comprise three criteria, resulting in a more direct policy. New text in the reasoned justification put forward in the SOCG and **PM4** would add references to the Conservation Area Audit, state that there are 226 listed buildings, and confirm that Soho is an Area of Archaeological Priority. The existing text following Policy 1 describes the importance of the LGBTQ+ community to Soho and reflects the London Plan. The SOCG and further changes recommended by WCC also indicate that Figure 2 should be modified so that other conservation areas around and contiguous to the Soho Neighbourhood Area are identified. As development proposals for sites on the edge of Soho could have an impact on the settings of these designated conservation areas, I support the modification of Figure 2, as recommended in **PM5** to show the adjoining conservation areas. I support all the proposed modifications which in my view should give additional protection to Soho Conservation Area, and the Neighbourhood Area's distinctive local character, in accordance with national and local strategic planning policy.
- 4.13 WCC commented at the Regulation 16 consultation stage that Policy 2 aligned with the City Plan objectives but put forward a number of suggested changes. Firstly, it argued that the title of the policy should be modified to refer to "building heights" rather than "tall buildings". The SOCG includes a modified title, and revised wording to state where tall buildings will not be permitted. Some respondents to the Regulation 16 exercise queried whether the Plan was sufficiently clear as to what "tall buildings" meant. The SOCG includes a proposed modification to the definition of Tall Buildings contained in the Glossary, in accordance with the City Plan's definition, and deletes the reference to "Substantially Taller Buildings". A reference to "unlisted buildings of merit" is added in the SOCG to Policy 2, in line with the City Plan, and references to a 2 storey threshold, and "alterations" to tall buildings, which could cause uncertainty for development management, have been omitted. The modified policy will ensure that any proposals for additional storeys are considered on a site by site basis.
- 4.14 The proposed modifications to the reasoned justification, beginning with the fact that the City Plan 2019-40 has identified Soho as an area which is not generally suitable for tall buildings, should be made. The further changes recommended by WCC include adding a reference to the Conservation Area Audit so that the meaning of unlisted buildings of merit is explained. I support all the proposed modifications, including **PM4**, as they will result in a neighbourhood plan which has regard for national planning policy on conserving and enhancing the historic environment, and reflect the reasoning and evidence which inform the City Plan.

- 4.15 Although WCC expressed support for the objective of Policy 3: Maintaining local character, it criticised parts of the wording as ambiguous and suggested that the policy should be merged with Policies 1 and 2. I consider that the proposed modifications to Policies 1 and 2, and the revised reasoned justification for Policy 1, referenced above, cover the objectives behind Policy 3 satisfactorily. I support the deletion of Policy 3, as shown in the SOCG, so that the SNP meets the Basic Conditions. Policy 4: Mixed use developments is a very important policy for Soho, as the responses to the Regulation 16 consultation exercise demonstrate. The Neighbourhood Area includes a wide range of land uses, is an intensively developed area, and receives thousands of visitors for commuting and leisure purposes every day and evening. Overall, Soho is not a tranquil residential area, but residents must retain their liveable environment, in my view. At the same time, the appropriate management of mixed uses, however, has to be carried out without damaging the local economy and its ability to flourish in the future. The "Agent of Change" principle, as defined in the London Plan, is very important for Soho. I support the proposed modifications to Policy 4 and the reasoned justification in the SOCG, which respond to the WCC comment that planning policy cannot control occupiers, only land uses. The modifications should be made having regard for national policy.
- 4.16 Policy 5: Shop fronts and ground floor frontages is designed to protect the individual style and character which feature in so many of Soho's shops. WCC argued that the policy should be more positively worded, and the SOCG proposed modifications which include a reference to "facades" rather than "ground floor frontages", and a reference to "major" development which would create a number of new street-facing facades. I support the proposed modifications to Policy 5 and the reasoned justification, which will contribute towards the achievement of sustainable development.

Section 2: Commercial Activity

- 4.17 The SOCG puts forward modifications to Policy 6: Premises for small businesses and the reasoned justification, to clarify expectations of proposals for major commercial development, and states that it is important to maintain the availability of smaller commercial premises for office and other Class E uses within Soho. The reference to developments for "single occupiers" in Policy 7 was criticised, as the planning system regulates land and not the type or number of occupiers within the same land use. However, as explained in the reasoned justification, the unconstrained growth of large floorplates with single occupiers would generate cumulative adverse impacts on the character and heritage of Soho. I support the aim to counter that trend. Proposed modifications in the SOCG to Policy 7: New Office Developments would move the reasoning for the avoidance of large floorplate developments from the policy to the reasoned justification. The supporting text would be

modified to explain the likely harm from increased numbers of large floorplates.

- 4.18 Policy 20 of the new City Plan 2019-2040 supports a range of development uses in the Soho Special Policy Area, beginning with small and medium enterprise workspace, particularly in the creative sector. Supporting text in paragraph 20.2 of the City Plan states that Soho has a distinctive scale of uses, typically smaller than elsewhere in the West End. Also, as most of the Neighbourhood Area is within the designated Soho Conservation Area, I consider that the conditional approach to developments with large floorplates is justified and in line with strategic planning policy.
- 4.19 WCC and Shaftesbury PLC argued that the reasoned justification for Policy 7 should describe "large floorplate office development" better. The Forum proposed some additional text, but this would not provide any specific size of floorplate. However, I note that the approach to large floorplate office developments is not wholly restrictive, and that the modified supporting text would include a reference to the film industry, arguably present in Soho because it is able to occupy large floorplate office space. In my view, the absence of specific size data should enable a flexible approach to decision-taking, enabling office developments of various types and sizes to be established and develop in Soho, without adverse effects on character and heritage. The modifications set out in the SOCG and **PM7** should be made, to better inform prospective developers about large floorplates and give consistency with paragraph 16d of the NPPF, and to align with the City Plan.
- 4.20 Modifications in the SOCG are also put forward to Policy 8: Creating Active Ground Floor Uses in New Commercial Developments, partly to change the title of the policy so that it refers to "frontages" rather than "ground floor uses". I support all the proposed modifications in the SOCG and **PMs 7 & 8** to Policies 6, 7 and 8 and their reasoned justifications, so that they will contribute to the achievement of sustainable development in Soho.
- 4.21 WCC pointed out that Policy 9: Providing Public Art to Reflect Local Culture and Heritage cannot require public art or determine who creates it. The modifications put forward in the SOCG and in **PM9** retain the thrust of the policy, but should be made, so that regard is had for national planning policy. The SOCG also proposes modifications to Policy 10: Providing Accommodation for the Creative Industries, removing the references to "Accommodation" and to "lettable space" and adding a reference to the new use Class E. A modification to clarify the key to Figure 4 which illustrates the location of creative industries across the Soho Neighbourhood Area is also proposed in the further changes Appendix of the SOCG, and in **PM10**. I consider that the proposed modifications to the policy, its reasoned justification and map have regard for national policy and should all be made.

- 4.22 Regarding Policy 11: Private Members Clubs, I agree with WCC that a planning decision-maker could find it difficult to assess whether or not a club was an “important facilitator of networking”. The policy would be strengthened if it supported new clubs able to show that they will add vitality to Soho and will effectively mitigate any adverse effects. I support the modified version of the policy and the supporting text, as set out in the SOCG, so that Policy 11 will contribute to sustainable development.

Section 3: Entertainment and Night-Time Economy

- 4.23 In light of the current circumstances surrounding Covid-19, respondents to the Regulation 16 exercise argued that it is now even more essential to the ongoing success of the West End, to have a positive policy regime for this sector of the economy. In the evening and night-time, Soho’s distinctive atmosphere and choice of restaurants, cafes, bars and clubs, with nearby theatres, are a well-established and popular destination for visitors. The growth of office and employment space, and the protection and growth of the night-time economy are fundamental to Soho’s character and economic wellbeing, and they are inter-dependent, it is argued. My attention was drawn to the Mayor’s Culture and Night-time Economy Supplementary Planning Guidance (SPG) 2017, which states that London lost 103 nightclubs since 2007, and many pubs and bars have closed since 2001. The SPG seeks to promote the night-time economy across London, and specifically in Soho.
- 4.24 The SNP’s Policy 12: Live Music Venues seeks the protection of existing venues and offers conditional support for the provision of new ones. I consider that it is consistent with the Mayor’s SPG which cautions that a sensitive approach is needed to expand the sector, especially near to residential areas. The SOCG proposes modifications to the policy to clarify that new live music venues should not have an unacceptable impact on residential amenity. I have taken account of the comments that residents in Soho should be aware of the diverse range of land uses and activities which prevail and should be tolerant towards the night-time economy. Nevertheless, the National Planning Policy Framework seeks “to promote healthy and safe communities”, “ensure safe and healthy living conditions”, and “achieve well-designed places”. National policy does not support the premise that new live music events should ignore or harm the amenity of existing residents, in my view, and I therefore shall not propose that the safeguards in Policy 12 be relaxed.
- 4.25 As the Forum advised¹², Policy 12 omits any spatial references and will not seek to push live music venues to the edge of the Neighbourhood Area. The Forum confirmed that all proposals for music venues will be considered on a case-by-case basis. The “Agent of Change” principle, set out in Policy D13 of the London Plan, provides support for existing cultural uses, and is mentioned in the reasoned justification of the SNP. Although

¹² Soho Neighbourhood Forum - Letter to SNP Examiner – Response to Regulation 16 Examiner Questions 2 October 2020

the difference between late-night activity and evening activity is not defined, I am satisfied that readers of the SNP will be aware of pub closure times and other licensing arrangements which should provide some indication as to the evening/night-time distinction. The SOCG proposes modification to the reasoned justification to Policy 12 to remove references to Use Class D2. Recent changes to the Use Classes Order place cinemas, concert halls, bingo halls and dance halls in the sui generis category, and I support the proposed modification, having regard for national policy. Policy 12 and the reasoned justification should be modified as in the SOCG to satisfy the Basic Conditions.

- 4.26 I fully support the SOCG proposal to change the title of Policy 13, from "*Beverage Developments to Protect Existing Residential Amenity*" to "*Food and Drink Uses*". The use class references should be modified as in the SOCG, and potential adverse effects on residential amenity described more precisely. These modifications are necessary having regard for national planning policy and for the achievement of sustainable development. A number of consultation 16 respondents criticised the wording in the reasoned justification for Policy 13, describing it as pejorative and disparaging of the late-night economy. In its response of 2 October 2020 to my enquiry, the Forum expressed its support for a modification to the text. I have taken account of the suggested modification and used it as a starting-point for revised wording, as in **PM11**. The SOCG puts forward other modifications to the reasoned justification to explain more fully the potential adverse impacts on residential amenity and add a reference to recent evidence from WCC's cumulative impact assessment, dated March 2020. These modifications are necessary to ensure that sustainable development is achieved, which balances growth and evolution of the food and drink economy in Soho with good standards of residential amenity.
- 4.27 WCC questioned whether Policy 14: Provision of Public Toilets added anything beyond the London Plan and City Plan policies. However, in the light of the numbers of visitors to Soho, and because of the importance of its evening and night-time economy, I appreciate the benefit which additional facilities and coverage of the topic in the Neighbourhood Plan could bring. The SOCG includes modifications to the policy and text, in particular to refer to the London Plan as was sought by the Mayor of London, and to inform that 1,304 licensed premises were present in the West End Cumulative Impact Area in March 2020. I support the proposed modifications, with the minor relocation of the reference to the London Plan as in **PM12**, as collectively they should contribute to sustainable development.

Section 4: Housing

- 4.28 Policy 15 concerns the provision of affordable housing, and the reasoned justification refers to the AECOM Housing Needs Assessment 2018, which found that 284 dwellings would be needed in the Soho Neighbourhood Area, in the period 2018-37. The SOCG includes proposed modifications

to move references to the City Plan from the policy to the reasoned justification, and to clarify the expected location of off-site provision of affordable housing. The modifications should be made so that the policy aligns with affordable housing policy in the City Plan. I am satisfied that the definition of affordable housing included in the SNP Glossary is in general conformity with Policy H6 of the London Plan.

- 4.29 Policy 16: Car Free Residential Developments takes forward the aims of Policy 28 in the City Plan and is designed to address the severe problem of poor air quality from vehicular traffic in Soho. With the area's excellent public transport services, as well as good accessibility on foot or by bicycle, the case for car-free development in Soho is very strong. The SOCG proposes modifications to relocate the reference to parking permits from the policy to the reasoned justification, as permit policy is not a land use planning matter. The reference to car club membership would also be removed from the reasoned justification. Transport for London commented that it did not support car clubs in the Central Activities' Zone, and I note that parking space for car clubs is already addressed in the City Plan's Policy 28. Policy 16 of the SNP and the reasoned justification should be modified as in the SOCG so that it is in general conformity with the London Plan, to better align with the City Plan, and for the achievement of sustainable development.
- 4.30 The AECOM Housing Needs Assessment for Soho showed that most households in the Neighbourhood Area comprise 1 or 2 persons, and the need for smaller 1 and 2 bedroom dwellings is expected to persist in the future. Policy 17: Residential Space Standards in the SNP seeks to meet this need, and requires all units not to exceed 138 sqm, describing this as the highest minimum standard in the Nationally Described Space Standards. WCC, however, perceived the policy as over-restrictive and the housing mix not in accordance with the draft City Plan. It pointed out that AECOM had recommended a balance of unit sizes including 3-bedroom dwellings, and that the Nationally Described Space Standards are set to define minimum space standards, not maximum ones. The SOCG proposed modifications to Policy 17 and the reasoned justification to retain the emphasis on providing 1 and 2 bed units in Soho and making the most efficient use of land, but also to align with the space standards set out in the City Plan.
- 4.31 The modified reasoned justification would include a reference to the London Plan which seeks to resist new dwellings with over-sized floor areas. I support the modifications proposed in the SOCG to be in general conformity with the London Plan, and to recognise the emerging policy in the City Plan. I consider it unnecessary to make the further changes to clause B of Policy 17 as proposed by WCC in Appendix 2 to the SOCG but support the proposed modifications to the reasoned justification to clarify the standards required. **PM13** and the modifications in the SOCG should be made so that regard is had for national and local planning policy.

- 4.32 Maintaining residential amenity and avoiding traffic congestion during construction works is a significant task in Soho, where buildings of diverse use are in close proximity to each other. WCC requires adherence to its Code of Construction Practice and expects Level 1 developments (over 10,000 sqm commercial floorspace or 100+ residential units), as well as some Level 2 developments, to submit a Construction Management Plan. I have considered whether Policy 18: Maintaining Residential Amenity During Construction Works adds much to existing policy in the City Plan. However, in view of the importance of the topic for Soho's residents and the area's economic development, I support retention of the policy. I have had regard for WCC's concerns with Policy 18 and the reasoned justification, as set out in Appendix 1 – Areas of Disagreement to the SOCG. However, I am satisfied that the modifications proposed in the SOCG to the policy and its reasoned justification, as shown in my Appendix 2, will add appropriate references to the Council's Code of Construction Practice and Construction Management Plans, as well as to the significance of cumulative impacts and benefits of consultation with local people. The modifications are necessary for alignment with the City Plan objectives and for the achievement of sustainable development. The more detailed modifications proposed in Appendix 1 – Areas of Disagreement to the SOCG need not be made.
- 4.33 Transport for London expressed support for Policy 19. The SOCG includes proposed modifications to the policy to clarify the aim of securing design for new development which would minimise deliveries and servicing. References to Construction Management Plans and WCC's Code of Construction Practice should be removed from the reasoned justification, in my view, as they relate more appropriately to Policy 18. WCC queried the third paragraph of the reasoned justification regarding Deliveries and Servicing Plans and the costs of monitoring such plans. I consider that the modified wording in the SOCG, which makes the provision of funding by a developer merely a Forum recommendation, is not too prescriptive, and should enable the matter to be addressed via S106 obligations where appropriate. The modification put forward in Appendix 1 – Areas of Disagreement to the SOCG need not be made. As long as the modifications proposed in the SOCG (my Appendix 2) are made, I consider that Policy 19 and its reasoned justification should contribute to the achievement of sustainable development.

Section 5: Sustainable Development and the Environment

- 4.34 The direction and intent of Policies 20: Improving air quality, 21: Reducing energy and 22: Refurbishing and retrofitting of existing buildings received support from Clean Air in London (CAL). The SOCG includes proposed modifications, to refer to progress towards a net zero carbon economy over the plan period in the introduction to section 5, and to incorporate the wording changes to Policy 20 which were suggested by CAL. The SOCG also puts forward modifications to the reasoned justification to Policy 20, to emphasise the need to protect the health of those living, working and visiting Soho by measures to improve air quality both during

construction and once a development is in use. I support the proposed modification to Policy 20 and its supporting text for the achievement of sustainable development. I am satisfied that the footnotes on Page 44 of the SNP direct readers to Greater London Authority planning guidance and practice notes.

- 4.35 The modifications proposed to Policy 21 and its reasoned justification include the references to “minimize and conserve heat and energy use”, and to “urban heat island effects” as recommended by CAL. In addition, the references to doorless entrances and external heating are moved to the reasoned justification, and solutions including behavioural change by everyone is mentioned. I consider that the modifications set out in the SOCG should be made to reinforce the policy and to contribute to the achievement of sustainable development.
- 4.36 Modifications put forward in the SOCG for Policy 22 begin with reference to the WCC climate emergency declaration for carbon neutrality by 2040. The proposed modifications clarify that sustainable refurbishment and retrofitting will be required in respect of: A major developments, B measures to any existing buildings which require planning permission, and C adaptations to heritage buildings. CBRE advised that a broad range of issues would need to be considered before a decision was taken as to whether refurbishment or redevelopment would be the appropriate way forward. Also, WCC cautioned that the final paragraph of the reasoned justification to Policy 22 could be too onerous for developers. It expects them to consider all retrofitting options, some of which might not require planning permission. The Forum put forward alternative wording to this paragraph in its Appendix 1 – Areas of Disagreement, which I support, as I recognise that the main issues and outcomes are likely to vary significantly from site to site.
- 4.37 A Soho resident commented that the SNP omits dealing with an important feature of many Soho buildings, ie. lightwells. In the resident’s opinion, any development which seeks to build above street level on lightwells, whether at the front or rear of existing buildings, should be prohibited. However, a modified Policy 22 will require sensitive retrofitting of existing buildings and the safeguarding of heritage assets. Policies 1, 3 and 4 will also require careful scrutiny of the design and layout of new development proposals, which should include any adverse impacts on stairwells. I am satisfied that **PM14** relating to the final paragraph of the reasoned justification along with the modifications proposed in the SOCG (shown in my Appendix 2) to Policy 22 and its reasoned justification would strengthen its effectiveness and should contribute to sustainable development in Soho.
- 4.38 Policy 23: Delivery Consolidation Points refers to existing car parks at Brewer Street and Poland Street, and encourages their future adaptation (wholly or in part) as micro-consolidation centres. The reasoned justification explains how delivery and servicing are major causes of traffic congestion in Soho, and contributors to air pollution. The two named car

parks are the only places in the Neighbourhood Area with potential to operate as last mile delivery centres and freight consolidation locations, it is contended. I note that Q-Park, which operates the car park at Poland Street, objects to the policy and points out that the site has capacity for high density development which could contribute to additional residential and commercial uses in an area of high transport accessibility. Q-Park would like the SNP to make specific reference to this potential.

- 4.39 The SOCG includes proposed modifications to Policy 23 and the reasoned justification, which retain support for the use of all or parts of the car parks at Brewer Street and Poland Street for freight micro-consolidation and/or last mile delivery centres. I consider that this policy demonstrates an innovative and positive approach towards traffic reduction and better air quality for Soho, whilst maintaining good delivery services for businesses and logistics. Policy 28 of the City Plan supports the redevelopment of car parks for alternative uses, but in my view, it is unnecessary for the SNP to promote either or both of the existing car parks for future redevelopment. Policy 23 does not prohibit other development options but expresses a preference for better freight logistics on parts or all of these sites. The proposed modifications in the SOCG to the reasoned justification provide updated information on the London Plan's Policy SD4. Policy 23 should be modified accordingly, so that it is in general conformity with the new London Plan, aligns with the City Plan and contributes to sustainable development.
- 4.40 Policies 24, 25 and 26 relate to green infrastructure, and I consider that they have regard for national planning policy to conserve and enhance the natural environment. The thrust of these policies is in general conformity with the London Plan's Policy G1: Green infrastructure, and accords with the London Environment Strategy, 2018. The proposed modifications in the SOCG to Policy 24 and its supporting text reflect the concerns raised by local residents, and confirm that new pocket parks and rooftop gardens should be considered for the benefit of residents and visitors, as well as employees. Also, potential adverse impacts on residential amenity should be addressed by a robust management plan. I consider that the SOCG modifications should be made for the achievement of sustainable development.
- 4.41 Policy 25: Sustainable Green Infrastructure on Buildings should be modified as proposed in the SOCG to remove "on Buildings" from the title as the policy relates to the curtilages of buildings as well. The SOCG also proposes adding "where feasible" to the policy and a reference to the Mayor of London's Urban Greening Advice. I agree that the proposed modifications should be made for the achievement of sustainable development. Policy 26: Improving Public Open Space, and Figure 6, highlight Ramillies Street/Place and Dufour's Place. The SOCG proposes making reference to additional measures of public art and cultural elements which could be adopted, to improve public open spaces. Modification of the reasoned justification would state that Soho's three existing public open spaces could also be further improved. I support the

modifications including **PM15** which would add existing public open spaces to the map, as they should strengthen Policy 26 and contribute to the achievement of sustainable development.

- 4.42 Policies 27 and 28 concerning pedestrian movement are very important for the Soho Neighbourhood Area, as confirmed at my site visit. The supporting text explains that pedestrian numbers, which are already high, may increase in future as the London Plan and City Plan prioritise pedestrian movements over cars, and as the Elizabeth Line and potentially Crossrail 2 open. Respondents to the Regulation 16 exercise argued that, if the Forum wishes to encourage the food and beverage industry in Soho, it should actively support measures for more outdoor seating. In the immediate future, due to Covid-19, outdoor facilities will be greatly in demand. The policy, it is argued, should be modified so that it is less restrictive towards future growth of the hospitality sector.
- 4.43 The SOCG put forward modifications to clarify that the Policy 27 relates to pedestrian movement “in the public realm”, and to refer to tables and chairs on the pavement only in a new criterion G. The reasoned justification would include new text to better explain the need to balance an increase in tables and chairs on the highway with pedestrian activity. I consider that the modified policy and text should enable those determining planning applications for new development, which includes hospitality outlets, to reach reasonable decisions based on site specific characteristics. The modifications should be made for the achievement of sustainable development.
- 4.44 The SOCG also proposes to delete Policy 29: Property numbering and wayfinding signage, but include a new criterion in Policy 27, to encourage clear street numbering for new premises. Street numbering is not generally a planning policy matter, but the proposed modifications would alert those promoting new developments to the desirability of clear signs. I consider that all the modifications proposed to Policies 27 and 29, and the reasoned justifications, should be made to contribute to the achievement of sustainable development. Policy 28: Securing new pedestrian routes supports “carefully considered” new pedestrian access and, in my opinion, the reasoned justification adequately explains what is intended. It satisfies the Basic Conditions and should be retained with the minor wording changes shown in the SOCG.
- 4.45 WCC queried whether Policy 30: Cycle parking simply repeated policies in the London Plan and City Plan. However, the Westminster Cycling Campaign welcomed the policy, pointing out that there is currently a shortage of cycle parking spaces in the streets of Soho. Policy 30 is focussed on on-street cycle parking and the reasoned justification, as proposed for modification in the SOCG, advises that strategic planning policies expect cycle parking space for new developments to be provided within the development sites (ie. off-street). I appreciate that, as a major employment location in an intensively developed area, and with many visitors for shopping and leisure, Soho is likely to require additional cycle

parking on-street and outside existing premises, including for hire bikes. I support the proposed modification to Policy 30 in the SOCG, to remove the reference to potential funding sources and emphasise that cycle parking must not impede pedestrian access. Then, Policy 30 will be in general conformity with the London Plan, align with the City Plan and meet the Basic Conditions.

- 4.46 Policy 31: Waste and Recycling Facilities in New Development was the subject of a number of objections at the Regulation 16 consultation stage, including objections from WCC. Clause B was widely perceived to be too onerous, unreasonably expecting new developments to rectify the inadequacy of existing waste storage arrangements. It was argued that it is unclear how this clause would be applied and operated as well as enforced, what was intended by “small commercial units”, and why a 100 metre threshold was proposed. The SOCG put forward modification to clause B to state that major commercial development designed to be shared by a number of occupiers should provide a single facility for waste and segregated recycling storage for use by all occupiers. A new clause C would encourage, but not require, major commercial development to provide extra waste and recycling storage in suitable locations for use by neighbouring small units. I support these proposed modifications for the achievement of sustainable development.
- 4.47 Thames Water stated that it would welcome text in the SNP encouraging developers to engage with them ahead of submitting applications for new development, to ensure that necessary water and wastewater infrastructure can be provided. It proposed that Policy 31 should be expanded to help ensure that fats, oils and grease from food establishments are not disposed into the sewer network. I consider that the reasoned justification for Policy 31 should be expanded to include additional information to alert developers to these considerations. **PM16** should be made for the achievement of sustainable development. As long as Policy 31 and the reasoned justification are modified as in the SOCG and **PM16**, I am satisfied that the Basic Conditions will be met.

Overarching Matters

- 4.48 Finally, I recommend **PM17** to capture all the proposed changes shown in Appendix 3 of the SOCG (in Appendix 2 to this report) and discussed above, subject to the recommended additions and revisions shown in **PMs 1-16**. I conclude that all the policies, reasoned justification text and illustrative maps will satisfy the Basic Conditions for neighbourhood planning, as long as the proposed modifications included in Appendix 1 to this report are made.

5. Conclusions

Summary

- 5.1 The SNP has been duly prepared in compliance with the procedural requirements. My examination has investigated whether the Plan meets the Basic Conditions and other legal requirements for neighbourhood plans. I have had regard for all the responses made following consultation on the Neighbourhood Plan, the responses to my questions made in October 2020 and February 2021, as well as the evidence documents submitted with the SNP.
- 5.2 I have made recommendations to modify a number of policies, text and illustrations to ensure the Plan meets the Basic Conditions and other legal requirements. I recommend that the Plan, once modified, proceeds to the referendums.

The Referendums and their Area

- 5.3 I have considered whether or not the area for the referendums should be extended beyond the designated area to which the Plan relates. I consider that the Soho Neighbourhood Plan, as modified, has no policy or proposals which would have a significant impact beyond the designated Neighbourhood Plan boundary, requiring the referendums to extend to areas beyond the Plan boundary. I recommend that the boundary for the purposes of any future referendums on the Plan should be the boundary of the designated Neighbourhood Plan Area.

Overview

- 5.4 The Soho Neighbourhood Forum, and its Steering Group, have been developing the Neighbourhood Plan over a considerable time period, following Forum designation in July 2014. It is apparent to me that a large amount of work has been put into preparing the submitted Plan, and to ensuring that it reflects the perspectives and ambitions of a very wide range of stakeholder interests. Soho is an internationally and nationally famous area of London with a unique heritage and character. Whilst it is essential to preserve that, the economy is evolving and Soho's businesses have new and changing requirements. Climate change, modern lifestyles, and adaptation in the immediate future to the Covid-19 pandemic require innovation in the economy. At the same time, Soho's resident community requires acceptable living conditions, with privacy, space and protection from noise disturbance and air pollution. The Forum Steering Committee has faced a difficult task to produce policies which will meet the aspirations of all its stakeholders without causing adverse effects on Soho's future as a special place, and doing so in an evolving strategic policy context in relation to both the London Plan and the City Plan. However, my congratulations go to the Forum, for taking a balanced and well-reasoned approach, in producing this Soho Neighbourhood Plan. In my view, it should assist Westminster City Council with its development management tasks and contribute to Soho's future success and wellbeing.

Jill Kingaby

Examiner

Appendix 1: Modifications

Note: PM17 below specifically recommends the changes shown in Appendix 3 of the February 2021 published version of the SOCG¹³ (shown in Appendix 2 to this report, page 11 onwards) are all made to the draft SNP, subject to the additions and revisions set out in PMs 1-16.

Proposed modification number (PM)	Page no. (or other reference) from submitted SNP	Modification (Policies numbered as in the submitted SNP)
PM1	Front Cover	Insert the Plan period prominently on the front cover: 2019-2040
PM2	Page 8	Figure 1: Map of Soho Neighbourhood Area designated area Enhance the map so that street names and key landmarks eg. Soho Square can be readily identified.
PM3	Page 13	Living in Soho Although originally builtLiving accommodation in Soho , much of it built ...
PM4	Pages 17-20	Policy 1: Development Proposals in the Soho Conservation Area <u>Reasoned justification</u> Soho is known globally In addition, there are many unlisted buildings of merit as can be found in the Soho Conservation Area Audit and Soho is an Area of Archaeological Priority. Policy 2: Proposals for increased building height <u>Reasoned justification</u>

¹³ View at: <https://www.westminster.gov.uk/media/document/soho-neighbourhood-plan---statement-of-common-ground-between-westminster-city-council-and-the-soho-neighbourhood-forum>

		<p>Links to Neighbourhood Plan Objectives</p> <p>Listed buildings and unlisted buildings of merit, as can be found in the Soho Conservation Area Audit.</p>
PM5	Page 19	<p>Figure 2: Map of Soho Conservation Area</p> <p>Add the names and location of other Conservation Areas which are contiguous with the Soho Neighbourhood Area.</p>
PM6	Page 21	<p>Figure 3: Protected views across Soho</p> <p>Add existing public open spaces at Soho Square, Golden Square and St Anne's Gardens to the map.</p> <p>Add a note to the bottom of the map to state:</p> <p>Source: GLA London Plan, London Views Management Strategy. Locations 2A.1, 2B.1 and 4A.1 are shown.</p>
PM7	Pages 26, 27	<p>Policy 7: New Office Developments</p> <p><u>Reasoned justification</u></p> <p>Penultimate paragraph, and penultimate sentence:</p> <p>It makes clear that large floorplate developments, which are out of scale with the prevailing context, character and plot widths, which tend to be occupied</p>
PM8	Page 28	<p>Policy 8: Creating Active Ground Floor Uses in New Commercial Developments</p> <p><u>Reasoned justification</u></p> <p>This policy requires...wasted or underused space in the Soho Neighbourhood Area. The AECOM</p>

PM9	Page 29	<p>Policy 9: Providing Public Art to Reflect Local Culture and Heritage</p> <p><u>Reasoned justification</u></p> <p>This policy seeks Where development is required to provide provides public art or does so as a condition of planning permission</p>
PM10	Page 31	<p>Figure 4: Map of PUBLICA Creative Industries</p> <p>Modify the key to the map to read: Soho Neighbourhood A area.</p>
PM11	Page 34	<p>Policy 13: Food and Beverage Developments to Protect Residential Amenity</p> <p><u>Reasoned justification</u></p> <p>Soho's evening economy Whilst there are a number of well-run late-nightunregulated approach to the late-night economy will further could damageand crime. While There is no clear cut-off point when the evening economy ceases ,the nature of the late-night economyit can be more problematic. and the night-time economy begins. However, a consequence of heightened night-time activity, albeit unintentional on the part of operators, has been incidents of crime, anti-social behaviour, noise, waste and physical damage to Soho's built environment. These consequences can be problematic for police and other agenciesworkers to contend with because of the noiseaccompany it.</p>
PM12	Page 35	<p>Policy 14: Provision of Public Toilets</p> <p><u>Reasoned justification</u></p> <p>Re-order sentences as follows:</p>

		Westminster City Council's Licensing Policy Statement indicates the concentration of night-time ... in March 2020. The London Plan has a specific policy in relation to the provision of public toilets.
PM13	Pages 38, 39	<p>Policy 17: Residential Space Standards</p> <p><u>Reasoned justification</u></p> <p>The City Plan 2019-40 the city subject to a maximum space standard of 200sqm with 25% of the new homes provided as family homes with between 3 and 5 bedrooms. However, there is no local area differentiation to reflect location, urban fabric or character.</p> <p>Within the Soho neighbourhood area, space is at a premium ... provide housing homes and particularly smaller homes. The cost and scarcity of land for housing underline the need for land to be used effectively.</p> <p>In support of this approach, the Publication London Plan states in Policy D6 paragraph 3.6.2 that "Boroughs are...". The Forum....even the largest homes.</p> <p>An independent Housing Needs...</p>
PM14	Page 45	<p>Policy 22: Refurbishment and Retrofitting of Existing Buildings</p> <p><u>Reasoned justification</u></p> <p>Delete the last paragraph and replace it with:</p> <p>In order to help innovation in construction practice towards achieving further carbon reductions as part of developments, major development proposals are encouraged to show how the</p>

		proposals have considered the potential of retrofitting and to make clear where they have been able to retrofit or reuse materials and to indicate the constraints (if any) they experience in adopting further such measures.
PM15	Page 52	Figure 6: Map showing existing areas of Public Open Space, and Ramillies Place and Dufour's Place Add existing public open spaces at Soho Square, Golden Square and St Anne's Gardens to the map. Delineate in a different way from Ramillies Place and Dufour's Place, which should be described as areas suitable for enhancement as areas of public open space.
PM16	Page 58	After the first sentence, add new text as follows: To ensure that necessary water and wastewater infrastructure is provided in major new developments, developers are encouraged to discuss proposals with Thames Water, ahead of submitting a planning application. Before the final paragraph, add: Where new development includes commercial hot food premises, kitchens should be fitted with a grease separator complying with BS EN 1825-:2004, and designed in accordance with BS EN 1825-2:2002 or other effective means of grease removal, to comply with Building Regulations part H, paragraph 2.21.
PM17	Whole Plan	The changes shown in Appendix 3 to the SOCG (page 11 onwards of Appendix 2 to this report) are recommended, subject to the additions

		and revisions set out in PMs 1-16 above.
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Appendix 2: Statement of Common Ground (February 2021) is attached separately.