

Westminster City Plan 2019-2040 – Examination in Public

Response to Inspector’s Matters, Issues and Questions

MATTER 3: The Spatial Strategy and Spatial Development Priorities

Policy 7

63) Are the criteria in Policy 7 sufficiently clear and effective?

1. Whilst we recognise that amendments have been made over the course of the consultation process, our concerns with regards to the wording of Policy 7 remain - specifically, it’s flexibility and openness to interpretation as to what constitutes “material losses” (in the absence of a definition within the City Plan and across a wide range of technical aspects) and the inevitability that, in practice, an overall balance will have to be struck by the Council when determining planning applications, owing to the Borough’s complex, dense and mixed-use character. This will be particularly apparent within the International Centre.
2. We support the principle of putting measures in place to protect the amenity of the borough, albeit we consider that the current wording of the policy requires further refinement to prevent suitable but inevitably constrained development sites from coming forward.
3. We also encourage a separate policy stance for sites located within the International Centre, given these sites typically deal with more wide-ranging and challenging constraints than elsewhere in the borough.

64) Are they justified?

4. Paragraph 127 Part F of the NPPF (2019) sets out that planning policies and decisions should ensure “a high standard of amenity for existing and future users”. However, it does not include a requirement for development to both protect and enhance (where

appropriate), the amenity of neighbouring occupiers in terms of daylight/sunlight, overshadowing, privacy and overlooking.

5. It should be recognised in draft Policy 7 that enhancement to the existing situation is not always possible within a dense urban environment, particularly highly constrained International Centre contexts. In circumstances where the existing situation benefits from high levels of amenity and will retain good levels of amenity sympathetic to the context, the proposals may not enhance, but will still be acceptable in accordance with relevant guidance.
6. Proposals should therefore be determined on a site-specific basis based on merits and should seek to prevent unacceptable impacts rather than require enhancements. This is in line with the adopted and emerging London Plan which requires decision makers to have regard to a site's context and avoid "unacceptable harm" with regards to relevant amenity policies such as daylight and sunlight, as opposed to "material losses".
7. As such, we would reiterate our previous approach suggested that the wording of Policy 7 should be amended accordingly and reference to 'enhancing' should be removed.

65) Are the proposed modifications necessary for soundness? Are any other modifications necessary?

8. There is concern that the current draft Policy 7 could restrict the potential for appropriate redevelopment sites to come forward in the Borough, which will in turn, hinder the wider aspirations and growth targets of the City Plan. Furthermore, the current drafting requiring developments to both protect and enhance development is contrary to the NPPF, and will likely act as a straitjacket for the future redevelopment of sites. On this basis, the current wording of Policy 7 is therefore not considered sound.