



**Westminster City Plan 2019-2040 – Examination in Public
Response to Inspector’s Matters, Issues and Questions
Representations on behalf of the Church Commissioners for England
Respondent Number: 66
Matter 5 – Economy and Employment**

Policy 14 – Supporting Economic Growth

4) *Is the approach to the loss of floorspace set out in Parts D and E of the policy justified and effective.*

In order to improve the effectiveness of the policy, the Church Commissioners recommend that Part D of Policy 14 (relating to loss of office floorspace) should explicitly make provision for land use swaps to enable loss of office floorspace from one site to be offset elsewhere, in order to allow land and buildings to be used efficiently, and to encourage re-positioning of assets and enable development to come forward. The Church Commissioners suggest the following wording is added to Part D:

“4. Where a land use swap is proposed where:

1. **The sites are in the vicinity of each other;**
2. **The mixed use character of the immediate area is secured at a fine grain**
3. **There is no net loss of floorspace which is protected by other policies in the plan across the sites taken as a whole**
4. **The uses are appropriate within each area and there is no loss of amenity resulting from the introduction or intensification of a use into an area;**
5. **any residential accommodation is of a higher quality than could have been achieved without the land use swap or package;**
6. **the applications for all sites are submitted at the same time and all elements of the scheme are completed within a time frame agreed by the City Council.**

This policy does not prejudice the application of any other policies in the plan, and requirements for floorspace to be provided must be met in full.

5) *Are the proposed modifications necessary for soundness? Are any other modifications necessary?*

The Church Commissioners support the promotion of office and BI floorspace to provide additional new jobs, however the policy needs to consider the introduction of office floorspace outside of the CAZ, WERLSPA, NWEDA, Housing Renewal Areas, Opportunity Areas and the Town Centre Hierarchy, particularly if there are heritage benefits associated with the re-use of an existing commercial (non-office) building. Consideration of office developments outside of these designated areas would allow for additional job creation within the City and aid in meeting the strategic aims of policy 1A (3).

Policy 15 – Town Centres, High Streets and the CAZ

10) *Is the approach to the protection of A1 uses and the introduction of other users justified and sufficiently flexible?*

The retail sector is facing substantial challenges which have been accelerated and/or exacerbated by the ongoing Covid-19 disruption. The Church Commissioners have previously already raised concerns with the proposed approach to protection of A1 retail throughout the town centre

hierarchy. Over the Plan period, it is inevitable that there will be significant evolution and diversification of town centre functions, in response to the challenges posed by Covid-19.

In addition, the digitalisation of retailing has led to innovation in the retail market. There are now new uses which would be appropriate within town centres but that do not fall squarely within Class A1. As such, more flexibility is required, and it is not realistic to anticipate the conventional Class A1 retail will remain the priority use at ground floor level throughout the town centre hierarchy.

The Church Commissioners remains concerned that protection of Class A1 throughout the hierarchy is unlikely to be effective and will not allow town centres (and businesses that want to locate in them) to be adaptive and responsive.

Within the town centre hierarchy, the proposed policy does not allow for three or more non-A1 uses consecutively in the ground floor frontage within a district or local centre. Part C(3) of this policy should be deleted as this inflexibility is likely to impact upon the viability of town centres to operate, given the benefits a mix of different uses provides.

The Church Commissioners welcomes the flexibility introduced by Modification M/EE/03 which would apply the marketing test only to ground floor A1 retail uses, allowing some flexibility for retail uses at basement and upper floors. The Church Commissioners consider that the requirement to market a ground floor unit for 18 months to demonstrate that there is no reasonable prospect of continued use for A1 purposes will impact on the viability of Town Centres particularly given the challenges arising from COVID 19 and digital retailing.

It is recommended that part D of the policy is re-worded as follows:-

“In addition to clause C above, proposals for the permanent change of use of a ground floor A1 retail unit will be supported by evidence that there is no reasonable prospect of its continued use for A1-retail purposes, as evidenced by appropriate marketing for a period of at least 18 months.”

Additional clarity should be given for part H of the policy, particularly for non-A class uses within the town centre hierarchy, such as gyms and private medical uses which are defined as town centre uses in the NPPF.

Policy 17 – Food, Drink and Entertainment

17) Is the approach to food and drink and entertainment uses justified? How will it be implemented in practice in respect of the issue of over-concentration and how will this be defined?

The Church Commissioners welcome the removal of stress areas from the Local Plan and welcome the removal of the TACE policy thresholds. Replacing these with a more balanced assessment related to the scale and operation of the proposed use in relation to the specific area, with the emphasis upon the applicant to demonstrate that amenity impacts will be addressed, is welcome. The Church Commissioners are however concerned that the proposed policy wording is very subjective, and could lead to inconsistency in decision making, and more clarity is needed in regard to how this policy will be applied in practice.

Policy 18 – Community Infrastructure and Facilities

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

The Church Commissioners welcome the City Council's support for new community infrastructure and facilities, however, it is considered that more clarity is needed in order to understand the City Council's aspirations regarding public realm and infrastructure works, including the CIL spending procedure and CIL application process in the absence of an Infrastructure Delivery Plan.

The Church Commissioners have previously raised concerns with the proposed approach to protection of private gym and medical uses (outside of Harley Street). Over the Plan period, it is inevitable that private gym and medical uses will face significant operating challenges arising from

COVID 19 and unfortunately many businesses may struggle to survive. The Policy as written prevents landowners from re-letting buildings and spaces quickly and the protection of private gyms and medical uses is considered unjustified at in this context.

It is considered that private gyms and medical uses should be excluded from the definition of community facilities within the glossary and at paragraph 18. We recommend the following text is added:

**“Community infrastructure and facilities consist of:
– Health facilities e.g. hospitals, GP surgeries excluding private medical uses.
– Education facilities e.g. schools, nurseries, universities and colleges.
– Sports and leisure facilities e.g. leisure centres, swimming pools, outdoor playing pitches and Multi-Use Games Areas excluding private facilities
– Cultural facilities e.g. theatres, museums and art galleries. – Social facilities e.g. meeting halls, public houses, libraries and places of worship”**

It is again considered that an 18 month minimum marketing period is inflexible and should be assessed on a case by case basis at a decision making level. It is recommended that Policy C(2) is re-worded as follows:-

“~~there is no demand for an alternative social and community use for that facility or floorspace, evidenced by vacancy and appropriate marketing for a period of at least 18 months.~~”

Policy 19 – Education and Skills

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

The policy wording refers to Employment and Skills Plans being required for “major development”, which would involve any development larger than 1,000sqm (through either new development or a change of use), which would be onerous. There is ambiguity around what constitutes a “larger scheme” at part D(2) of the policy, and this should be defined to align with the Code of Construction Practice which requires Level 1 schemes (creating greater than 10,000 sqm of floorspace through new development or change of use) to prepare an Employment And Skills Plan.

The Church Commissioners suggest the following wording is added to Part D(2)

“For larger schemes (creating greater than 10,000 sqm of floorspace through new development or change of use), the submission and implementation of an Employment and Skills Plan.”