

KNIGHTSBRIDGE NEIGHBOURHOOD FORUM

Councillor Matthew Green
Cabinet Member for Business, Licensing and Planning
Westminster City Council
City Hall
64 Victoria Street
London SW1E 6QP

By email: planningpolicy@westminster.gov.uk

18 January 2021

Dear Matthew

WESTMINSTER CITY PLAN 2019 – 2040, MAIN MODIFICATIONS CONSULTATION

I am writing on behalf of the Knightsbridge Neighbourhood Forum (the “Forum” or “KNF”) in response to Westminster City Council’s (“WCC’s” or “Westminster’s” or the “Council’s”) consultation on the proposed Main Modifications to the draft Westminster City Plan (“WCP”). Thank you for the opportunity to do so.

The Forum generally supports Westminster’s proposed main modifications which respond well to the issues we have raised during the Examination in Public (“EiP”) including the hearings. There are a few exceptions however (e.g. relating to climate change and heritage) and we have a number of suggestions for strengthening the WCP or improving consistency. Where we are suggesting changes to the proposed wording in the WCP Main Modifications, we show new wording underlined (new wording) and deleted wording struck through (~~deleted wording~~). Where possible, we refer below to the relevant Main Modification number.

Key Development Sites (MM49)

1. Appendix 1 (Key Development Sites) in the WCP has been removed and reference to ‘Development Sites’ is only made in respect of the Opportunity Areas (Policies 2-6). No explicit mention is therefore made of the Hyde Park Barracks other than in the housing trajectory. This amendment is supported and it is noted that the intention is to provide further evidence supporting proposed site allocations through the Site Allocations Development Plan Document (DPD) process. The Forum requests that, in taking forward the evidence gathering process in respect of the Hyde Park Barracks, it is involved at the earliest stage and prior to any formal consultation on the DPD. The Forum continues to gather a wealth of contextual evidence on issues relevant to the Hyde Park Barracks which will be important in shaping an effective policy relating to its allocation for redevelopment. This evidence is in addition to the detailed policies relating to the Hyde Park Barracks site and its future potential development as set out in the adopted Knightsbridge Neighbourhood Plan (“KNP”) which forms part of Westminster’s adopted development plan. Separately, as you will be aware, the Certificate of Immunity from listing for the Hyde Park Barracks expires on Tuesday 19 January 2021 i.e. tomorrow.

Policy 1: Westminster's Spatial Strategy (MM04)

2. Policy 1A.8. recognises the need to adapt to and mitigate the effects of climate change which the Forum welcomes and supports. However, this recognition seems linked to the natural environment and public realm in the clause and therefore does not acknowledge that climate change is a much wider issue in respect of planning matters. The Forum considers that Policy 1A would be clearer if this matter had its own sub-clause as follows:

"8. Adapting to and mitigating the effects of climate change in respect of all activities."

Matters relating to securing enhancements to the natural environment and public realm and supporting the delivery of a new North Bank riverfront destination can be addressed (unchanged, as proposed) in a new, separate sub-clause. Please separate these sub-clauses as we suggest.

3. The Regulation 19 version of the WCP had suggested town centre activities anywhere in the Central Activities Zone (CAZ). Reflecting the points made by the Forum and others at the EiP, the Main Modifications to the WCP propose to restrict this to appropriate areas that are commercial or mixed use in character. This amendment is supported and the Forum is grateful for the specific recognition in Section 14 that parts of Knightsbridge are wholly or predominantly residential in character. This does however create an inconsistency between Policies 1 and 15 which can be easily resolved. In order that Clause 1B.1. is consistent with the proposed main modification to Policy 15H in respect of appropriate uses in the CAZ in places such as Knightsbridge, the wording of Policy 1B.1. should be as follows:

"intensification of the CAZ (as appropriate), West End, and our town centre hierarchy..."

Policy 14: Supporting economic growth (MM16)

4. As explained above, the proposed amendment in the Main Modifications to recognise that certain areas of the CAZ are not appropriate for town centre activities is supported. The Forum therefore welcomes the main modification to Clause 14A.1. which recognises that Class E uses should only be supported in the parts of the CAZ with a commercial or mixed-use character. Furthermore, the proposed new paragraph after paragraph 14.6 confirms that 'parts of Knightsbridge' are wholly or predominantly residential in character. This is also supported, as is the clarification that any judgement of residential character can be based on assessments of local character made within neighbourhood plans.

Policy 15: Town centres, high street and the CAZ (MM17)

5. As explained above, the proposed amendment in the Main Modifications to recognise that certain areas of the CAZ are not appropriate for commercial activity is supported. In order to easily resolve a minor inconsistency that has arisen, Clause 15A should reflect the amendment to Policy 15H (now 15G) in respect of appropriate uses in the CAZ in places such as Knightsbridge. The wording of Policy 15A should be as follows:

"The intensification of town centres, high streets and appropriate parts of the CAZ to provide additional floorspace..."

6. In respect of the proposed amendment by WCP to Policy 15 to address the changes to the Use Classes Order which were made during the EiP, the Forum recognises that WCC did the best it

could in very difficult circumstances. The Forum is grateful for these efforts and recognises that the Main Modifications represent the best possible approach to focusing large format comparison retailing in the Knightsbridge International Centre. The Forum therefore supports the proposed main modification to Policy 15C.1.

7. As recognised above, the Forum is grateful for the amendments made in respect of town centre uses in parts of the CAZ which have a commercial or mixed-use character. The proposed amendment to Policy 15H (now 15G) is supported, as is the explicit recognition of the need to have regard to neighbourhood plan policies relating to character. The Forum does consider however that there is a resultant lack of clarity in the supporting text, although this can easily be resolved. Paragraph 15.27 refers to locations in the CAZ where residential amenity needs to be protected but it does not provide a list of locations. By contrast, the proposed new paragraph after paragraph 14.6 does provide such a list. The Forum suggests the following amendment to paragraph 15.27 (4th sentence) to rectify this and ensure clarity:

“...To respect its many functions, and the need to protect residential amenity, policy support is therefore provided for town centre uses within the parts of the CAZ that are of a commercial or mixed-use character including much of Pimlico, parts of Knightsbridge, Mayfair, Belgravia, Marylebone and Fitzrovia. Furthermore, this character and function...”

Policy 17: Food, drink and entertainment (MM19)

8. The Forum is very pleased to see that WCC has clarified and improved Policy 17F on shisha smoking in order to address a complex activity which has some similarities with alcohol drinking in a public house e.g. amenity impacts. The proposed Main Modifications are fully supported by the Forum. The Forum does however consider that some further minor amendments would help to clarify the fact that shisha smoking will be permitted only in exceptional circumstances. The following amendments are suggested to Policy 17F:

“The use of premises and outdoor areas for shisha smoking will only be permitted in exceptional circumstances ~~may be permitted~~ within the town centre hierarchy, provided...”

For consistency, the following additional wording would then be required to the supporting text at the end of paragraph 17.10:

“...public health throughout the city. Proposals for new shisha bars will therefore only be permitted in exceptional circumstances.”

The KNF encourages you to make very clear in the WCP that shisha smoking is strictly prohibited throughout all properties, including external terraces, unless explicitly permitted by Westminster. You might extend this clarification to ensure that no external structures are allowed to create a semi-internal space amenable to shisha smoking.

Policy 33: Air quality (MM32) (MM51) (MM52) (MM55)

9. The KNF supports Westminster’s proposed changes to this policy and welcomes your response to the issues we have raised during the consultations on the WCP and EiP. The Forum also supports Westminster’s proposed definitions of ‘Air quality neutral’, ‘Carbon neutral/Zero carbon’ and ‘Zero emissions’ in the Glossary.

10. Please be aware that the Mayor of London has recently completed his final consultation on a number of Supplementary Planning Guidance (SPG) documents including: Circular Economy Statements; Whole-life Carbon Assessments; and ‘Be Seen’ Energy Monitoring Guidance.

Policy 35: Green infrastructure (MM34)

11. The Forum still has serious concerns about Policy 35 because the Main Modifications have not addressed the points made strongly in its written representations to the Regulation 19 Version of the WCP, in its Matter Statement to the EiP and at the EiP hearings themselves. We therefore wish to reiterate the representations that the Forum made previously and the need for the amendments to policy wording proposed in its EiP Matter Statement.
12. In particular, the Forum is concerned that clauses H and I of Policy 35 concerning trees remain unchanged. The London Environment Strategy 2018 (LES) is clear that London’s urban forest needs careful management and regeneration in order that it can continue to play its crucial role in storing carbon (which helps to tackle climate change), removing pollution from the air, enhancing biodiversity and reducing flood risk. The LES also notes that the Committee on Climate Change has identified the threat from new and emerging pests and diseases affecting plants as a research priority. Given the weight of evidence about the importance of trees to the life of Westminster, the wording as retained in Policy 15H and 15I is weak and fails to adequately reflect the strategic policy imperatives in Policy 1A to adapt to and mitigate the effects of climate change and improve the natural environment. For ease of reference, in its Matter Statement the Forum proposed replacing policy 35I with the following wording:

“The planting of trees to optimise the city’s canopy cover will be encouraged in new developments. Development must take every opportunity to maximise the planting of species-diverse trees that will contribute to a healthy urban forest, with a balanced age structure, that will be resilient to climate change, diseases and pests and provide shade and help to connect habitats.”

13. The Forum also draws to your attention that Westminster’s SPD ‘Trees in the Public Realm’ (2011) is out of date in a number of important respects including:
 - a. the statutory LES sets new priorities for London e.g. in relation to the renewal of the urban forest;
 - b. the world’s seven hottest years on record have all now occurred since 2014 with the 10 warmest all taking place in the last 15 years;
 - c. there have been significant increases in tree diseases and the threat of tree diseases which makes species diversity and resilience even more critical; and
 - d. it fails to set explicit ambitions or targets for short, medium or longer term **increases** in the tree canopy across Westminster.

Westminster’s SPD ‘Trees in the public realm’ needs to be updated urgently.

14. We understand that the highly regarded Trees and Design Action Group will be expressing similar concerns in its response to this consultation.
15. Together the above matters raise doubts about the soundness of the WCP’s current Policy 35 (H) and (I). The Forum requests therefore that Westminster make the changes we are proposing or that the Planning Inspectors consider requiring them in their final report.

Policy 36: Flood risk (MM35)

16. The Forum still has concerns about Policy 36 because the Main Modifications have not addressed the point made in its Matter Statement to the EiP. We therefore wish to reiterate the representations that the Forum made previously and the amendments to policy wording proposed in its EiP Matter Statement in respect of Sustainable Drainage Systems (SuDS). This simple addition to Policy 36I (now 36J) will ensure that the policy adequately reflects the strategic policy imperative in Policy 1A to adapt to and mitigate the effects of climate change by ensuring that development builds in resilience measures where possible. For ease of reference, the addition wording that the Forum proposed in its Matter Statement is as follows:

“New development must incorporate Sustainable Drainage Systems (SuDS) to alleviate and manage surface water flood risk. Development should aim to achieve greenfield run-off rates and demonstrate how all opportunities to minimise site run-off have been taken. Where possible, it should incorporate mitigation and resilience measures for possible increases in seasonal watercourse levels as a result of climate change.”

Policy 37: Energy (MM36)

17. The Forum welcomes the proposed main modification to Policy 37B to make clear that major development should be net zero carbon. This reflects the representations made by the Forum to the EiP and is supported. Moreover, paragraph 37.1 has made clear that net zero includes operational emissions (heat, light, hot water, ventilation) which is also supported.
18. Please be aware that the Mayor of London has recently completed his final consultation on a number of Supplementary Planning Guidance (SPG) documents including: Circular Economy Statements; Whole-life Carbon Assessments; and ‘Be Seen’ Energy Monitoring Guidance.

Policy 39: Design principles (MM38)

19. Given that Policy 1A recognises the need to adapt to and mitigate the effects of climate change, the Forum considers that Policy 39 needs to be amended for consistency with this vital strategic policy requirement. As per the wording amendment suggested in its EiP Matter Statement, the Forum proposes the following change to Policy 39D:

“Development will enable the extended lifetime of buildings and spaces and ~~respond to the likely risks and consequences of~~ mitigate and adapt to climate change by incorporating principles of sustainable design, including:...”

Policy 40: Westminster’s heritage (MM39)

20. The proposed modifications to Policy 40B.2. reflect the need for heritage assets to adapt to and mitigate the impacts of climate change. This recognises an important issue raised by the Forum in its representations and is supported.
21. The Forum wishes to ensure that the Character Areas identified within WCC Conservation Area Audits are afforded the same weight in decision-making on planning applications as has historically been the case in the Westminster Unitary Development Plan (UDP) saved policies, which will be superseded when the WCP is adopted. UDP Saved Policy DES9D (Conservation Areas) explicitly recognises Conservation Area Audits as being of relevance when considering matters relating to

infill development, alterations and extensions (including at roof level), townscape management and conservation areas generally. The WCP only makes reference to Conservation Area Audits in the supporting text to Policy 40 as providing ‘additional guidance’. Given that Knightsbridge Neighbourhood Plan Policy KBR1 (Character, Design and Materials) addresses local character based on the Character Areas identified in the relevant local Conservation Area Audits, the Forum considers that these Audits should be afforded the same weight as previously, given their direct inclusion in KNP policy. Explicit confirmation and reassurance on this matter is sought on the assumption that the existing Audits will remain adopted guidance and therefore a material consideration in decision making, regardless of the deletion of the saved UDP policies.

Policy 41: Townscape and architecture (MM40)

22. The Forum remains puzzled and concerned about Westminster “*requiring extensions across the whole terrace group to be implemented at one time and this may be secured by legal agreement*” (Roof extensions, paragraph 41.11). This seems unreasonable and impractical when some such extensions may be appropriate to match ‘the other side of the street’ or similar terraces, on a case by case basis.

Policy 42: Building height (MM41)

23. The Forum considers that the proposed modifications to Policy 42 and its supporting text provide clarity on the issue of building height. Along with the addition of a definition of ‘context height’ in the glossary, the proposed modifications are supported.

The Forum thanks you and your colleagues for responding positively to our representations as the draft WCP has progressed. Please finish the job by responding similarly to our outstanding concerns.

We look forward to the early adoption of the new Westminster City Plan.

Yours sincerely

Simon Birkett
Chair
Knightsbridge Neighbourhood Forum