

25 June 2020

Submitted by the Knightsbridge Neighbourhood Forum (respondent ref. no. 51)

WESTMINSTER CITY PLAN EXAMINATION – MATTER STATEMENT 5

Matter 5 – Economy and Employment

Policy 15

- 9) *Is the approach to new main town centre uses justified and consistent with national policy, including in relation to the sequential test and retail impact assessment?*
- 10) *Is the approach to the protection of A1 uses and the introduction of other uses justified and sufficiently flexible?*
- 11) *Is the approach in general conformity with the London Plan?*
- 12) *Are the proposed modifications necessary for soundness? Are any other modifications necessary?*

Why Reg 19 City Plan (with minor mods) is not sound	What change to plan wording is required for soundness	Evidence
<p>Policy 15 does not distinguish sufficiently between the International Centres and other Town Centres in order to properly protect what gives the International Centres their iconic status. Specifically, it fails to protect the class A1 uses which have always been critical to the recognition of the International Centres – particularly Knightsbridge – as prime destinations for high end shopping.</p>	<p>Amend clause 15C(3) to read: <i>“3a. not result in two or more non-A1 uses consecutively in the ground floor frontage of an International Centre and the A1 total floorspace in the International Centre falling below 40% of the total floorspace in the International Centre or three or more non-A1 uses consecutively in the ground floor frontage of a CAZ Retail Cluster, Major, District or Local Centre.</i> <i>3b. in the ground floor frontage of a CAZ Retail Cluster, Major, District or Local Centre, not result in three</i></p>	<p>Knightsbridge International Centre is losing A1 retail across a wide range of unit sizes. Its flagship stores are under threat, the most recent example being an application (subsequently withdrawn) for the use of the former Burberry store as a restaurant (appl. ref. 19/09936). The Council’s Town Centre Health Check 2017 (EV_E_007) identified that just 48% of floorspace in Knightsbridge International Centre was in class A1 use. Given that in 2008 this figure was 68%, the decrease represents a long term trend. Despite this, the Council’s Commercial Growth Topic Paper (EV_E_001) identifies a need for more A1 retail floorspace in the International Centres.</p> <p>Without amendment to protect their A1 uses more fully, Policy 15 will be ineffective in distinguishing properly between International Centres and all other Town Centres, despite saying at paragraph 15.14 that the International Centres, “...provide London’s prime retail destinations and offer <u>unparalleled specialist and comparison retail of regional and national importance that draws in international visitors</u>” (our emphasis). Applying the proposed policy approach in Policy 15C(3) to a situation today in Knightsbridge where 48% of floorspace is in A1 use will, at best, retain the current mix</p>

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	<p><i>or more non-A1 uses consecutively.</i>”</p>	<p>rather than protect retail units and floorspace so that other high-end retailers have the opportunity to locate in Knightsbridge should they choose to. As stated at paragraph 15.16 of the Plan, “Where provided, non-A1 uses will normally be subsidiary to primary A1 uses, and will enhance and sustain, rather than dilute the centre’s comparison shopping role.” Yet the policy as proposed allows for such non-A1 uses to account for half of the units in an International Centre, which would not represent a subsidiary role. In this regard therefore, the policy as currently worded will be ineffective. The Forum proposes that Policy 15C(3) can address this by adding into the clause the need to ensure that at least 40% of ground floor units along a frontage are in A1 use.</p>
<p>Policy 15B is not effective because it fails to recognise and seek to preserve the elements which make the International Centres distinct from other retail centres. It enables the erosion of the A1 retail offer in Knightsbridge by permitting subsidiary uses in its large format stores when there is already a large range and choice of cafés, restaurants and take-aways in the International Centre.</p>	<p><i>Amend Clause 15B to read: “A1 retail will remain the priority use at ground floor throughout the town centre hierarchy, and at first floor level within centres characterised by large format, multi-level stores. <u>It may be supported by subsidiary standalone units and uses within larger stores that increase customer dwell time and enhance town centre vitality and viability. The use of upper floors for residential use is supported in principle across all parts of the town centre hierarchy except the International Centres. Subsidiary uses in the International Centres will only be permitted on the upper floors of large format, multi-level stores where they are needed to retain the ongoing viability of the store.</u>”</i></p>	<p>This issue is particularly important given the growing number of units in retail centres where there are multiple uses and it is unclear what the primary use is. For example, many A1 comparison retail units have café/food takeaway areas which account for a significant proportion of their floorspace yet are still classified as shops. Without clear and appropriate limits on the proportion of floorspace in units that is not primarily A1 use, then the result will be that most units in a centre are either food and drink outlets or class A1 units with a significant proportion of their space taken up providing café facilities serving food and drink.</p>

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<p>The supporting text to Policy 15 does not effectively identify the role of the Knightsbridge International Centre as distinct from a Major, District or Local Centre. This follows through into Policy 15 which is not effective in protecting the International Centre in its A1 retail role.</p>	<p>Add a new paragraph immediately after paragraph 15.17 to read: <u>“Key principles for development in the Knightsbridge International Centre are contained in the Knightsbridge Neighbourhood Plan. Its specific policies reflect the KIC’s unique characteristics which make it a world-class shopping destination and for which general town centre policies are not appropriate. It is important that, in order to maintain and enhance its status, that Knightsbridge’s world-class retailers are retained and not lost to comprehensive or mixed development which could result in fewer comparison retailers offering commoditised goods and brands.”</u></p>	<p>Maintaining the iconic status of the Knightsbridge International Centre is fundamental to people wanting to visit its shops, many of which are not found on a typical high street. If it is treated like a ‘normal’ Major, District or Local Centre then the whole rationale for identifying an International Centre is lost along with its role. Given the likely significant impact of COVID-19 on the retail sector, it is even more important that the most key elements of the retail offer are protected and given the opportunity to establish their bricks-and-mortar presence in the post-COVID-19 world. Paragraph 15.17 provides the context for addressing issues in the main shopping street (Oxford Street) of the other International Centre, the West End. It is considered that Policy 15 would be effective if similar context was provided for the Knightsbridge International Centre.</p> <p>In its representations to the Regulation 19 Plan consultation, the Forum proposed wording which it said could form part either of Policy 15 or its reasoned justification. It is considered that this wording would be more appropriately part of the reasoned justification. For clarity it is re-presented in the Forum’s suggested changes here, along with the proposed location within the text.</p>
<p>Policy 15 is not effective because the blanket approach to town centre uses across the CAZ in Clause H fails to properly reflect the sequential approach as described in and required by the NPPF. This is exacerbated by the test requiring development proposals to only have to demonstrate that they do not have ‘significant harm’ on the amenity of local residents.</p>	<p>Amend clause 15H to read: <u>“Town centre uses outside the designated town centre hierarchy in the CAZ will also only be supported in principle throughout the CAZ, where they demonstrate do not cause significant harm to that there are no suitable sites within local town centres and no adverse impact individually or cumulatively on local character or residential amenity. In order to minimise the impact of the large number of</u></p>	<p>The rationale and justification for the designation of the Central Activities Zone (CAZ) is provided by the London Plan. The ‘Intend to Publish’ version of the draft London Plan says at paragraph 2.4.5 that development plans should set out an appropriate balance between the various CAZ strategic functions, having regard to local circumstances. Policy SD4 (The Central Activities Zone (CAZ)) then requires that:</p> <ul style="list-style-type: none"> - The vitality, viability, adaptation and diversification of the international shopping and leisure destinations of the West End and Knightsbridge should be supported (Clause F). - The quality and character of predominantly residential neighbourhoods, where more local uses predominate, should be conserved and enhanced (Clause K). - Development Plans should develop locally sensitive policies to meet the requirements of the London Plan (Clause N).

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	<p><i>visitors to the International Centres and the Strategic Cultural Areas within the CAZ, there will be a general presumption against town centre uses in neighbouring areas that are predominantly residential.”</i></p>	<p>Policy 15H of the Plan allows any town centre use anywhere throughout the CAZ in Westminster – including outside the retail centres – subject to the test of ‘significant harm’ to local character or residential amenity. In practice, a test of ‘significant harm’ sets a very low bar for demonstrating that uses such as retail, restaurants and health centres will not have a detrimental effect on residential amenity. Whilst an individual town centre use major not have a significant impact, when such non-residential uses start to cluster in a residential area, the cumulative impact becomes more significant. The policy takes no account of this and therefore does not adequately reflect the requirement of draft London Plan Policy SD4K to conserve and enhance the quality and character of predominantly residential neighbourhoods, where more local uses predominate.’</p> <p>Moreover, the blanket approach to CAZ activities in Policy 15H does not differentiate the strategic functions of the CAZ, nor does it establish any form of local sensitivity. Both are requirements of the draft London Plan. Paragraph 2.4.4 of the draft London Plan identifies the strategic functions of the CAZ. Most of these relate to main town centre uses as defined by the NPPF and as considered in Policy 15H of the Plan. Whilst Policy SD5C of the draft London Plan says that offices and other CAZ strategic functions are to be given greater weight relative to new residential development, clause C2 identifies that the exception to this is in ‘wholly residential streets or predominantly residential neighbourhoods’. Clause D then explains that these residential areas should be identified, presumably on the Policies Map. The Plan and Policy 15H does not recognise this distinction in such residential areas, nor does it identify them on the Policies Map. In Knightsbridge, it is considered that the majority of the Knightsbridge Neighbourhood Area outside the International Centre and the Strategic Cultural Area is a predominantly residential neighbourhood consisting largely of wholly residential streets.</p> <p>Previous adopted versions of the City Plan recognised the diversity of areas within the CAZ, such as Knightsbridge, Pimlico, Marylebone and Fitzrovia. These areas have historically been recognised as containing significant residential communities, within which new commercial uses have been directed to recognised town centres as stated above. Previously only the Core CAZ was presumed to be generally acceptable in</p>

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		<p>principal for new retail uses (not <u>all</u> town centre uses), while also being subject to other detailed policies on residential amenity, and in relation to entertainment uses.</p> <p>It is considered that this variety of character across the CAZ should continue to be recognised, particularly in residential parts of the CAZ such as Knightsbridge, and that, if anything, the town centre-first approach to new retail and town centre uses will become more important as part of the recovery from the COVID-19 crisis, given the likelihood of retail demand falling and vacancies rising.</p> <p>Paragraph 85 of the NPPF states that planning policies should support the role that town centres play and should take a positive approach to their growth. In this regard, the requirement to apply the sequential test to uses proposed outside the identified centres is fundamental. Policy 15H does not properly reflect the need to apply the sequential test and suggests that main town centre uses are supported in principle anywhere in the CAZ, whether in a defined Town Centre or otherwise. This is contrary to national policy and therefore Policy 15H, as currently worded, is unsound.</p>

Policy 17

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?

21) Are any modifications necessary for soundness?

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<p>Policy 17A is not effective because it does not define what ‘over-concentration’ means in terms of food and drink and entertainment uses. The test of harm to residential amenity of vitality and character is difficult to apply and fails to reflect that an over-concentration of food and drink and entertainment uses could also harm the diversity and function of the retail centre itself.</p>	<p>Amend Clause 17A to read: <i>“Proposals for food and drink and entertainment uses will be of a type and size appropriate to their location. The over-concentration of those uses will be <u>further prevented where this could harms residential amenity, or the vitality and character of the local area or the diversity that defines role and function of the retail centre...</u>”</i></p>	<p>The ‘Intend to Publish’ version of the draft London Plan (Policy SD4F) promotes the diversification of destinations such as the Knightsbridge International Centre yet Policy 17A, as currently worded, would be likely to result in a narrowing of the type of retail offer available as this would dilute the offer of the large format retail stores which are one of its features.</p>