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# **Report on Knightsbridge Neighbourhood Plan 2017-2037**

**An Examination undertaken for Westminster City Council with the support of the Knightsbridge Forum, on the November 2017 submission version of the Plan.**

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Date of Report: 10 July 2018

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## **Main Findings** - Executive Summary

From my examination of the Knightsbridge Neighbourhood Plan (the Plan/KNP) 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 Knightsbridge Neighbourhood Forum (the Forum/KNF);
- The Plan has been prepared for an area properly designated – the Knightsbridge Neighbourhood Area shown in Figure 1;
- The Plan specifies the period to which it is to take effect – 2017-37; 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 Referendum on the basis that it has met all the relevant legal requirements.

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

## **1. Introduction and Background**

### *Knightsbridge Neighbourhood Plan 2017 - 2037*

- 1.1 The area covered by the Neighbourhood Plan extends from Albert Gate in the east along South Carriage Drive to Queen's Gate, with the Royal Albert Hall and Royal College of Art alongside. The northern part of Exhibition Road flanked by Imperial College London and the Royal College of Music forms part of the Plan area, but the museums (notably Science, Natural History and Victoria and Albert) are located outside the Neighbourhood Plan area. East of Exhibition Road is Prince's Gate, part of a predominantly residential area which extends as far as the junction of Knightsbridge with Brompton Road. Knightsbridge is part of the Central Activities Zone (CAZ), as defined in the London Plan and the City Plan. The area abutting Brompton Road (the A4) and close to Knightsbridge tube station forms part of the Core CAZ, as well as the designated International Shopping Centre, with a range of retail and other business uses. The southern boundary of the Plan area coincides with the boundary separating the Royal Borough of Kensington and Chelsea from the City of Westminster. The northern boundary of the neighbourhood area, which runs parallel to and behind Knightsbridge and Kensington

Road includes parts of the two areas of Metropolitan Open Land (MOL) which are within: (i) Hyde Park; and (ii) Kensington Gardens respectively (as defined in the City Plan) but excludes the Albert Memorial.

- 1.2 The Knightsbridge Association (KA), the amenity society for the area for over 50 years, applied to Westminster City Council (WCC) for Knightsbridge to become a neighbourhood area in October 2013. The KNF was designated in July 2015, and preparatory work on a neighbourhood plan began later that year.

#### *The Independent Examiner*

- 1.3 As the Plan has now reached the examination stage, I have been appointed as the examiner of the KNP by WCC, with the agreement of the Forum.
- 1.4 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*

- 1.5 As the independent examiner I am required to produce this report and recommend either:
- (a) that the neighbourhood plan is submitted to a referendum without changes; or
  - (b) that modifications are made and that the modified neighbourhood plan is submitted to a referendum; or
  - (c) that the neighbourhood plan does not proceed to a referendum on the basis that it does not meet the necessary legal requirements.
- 1.6 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';
  - it is the only neighbourhood plan for the area and does not relate to land outside the designated neighbourhood area;
  - whether the referendum boundary should be extended beyond the designated area, should the Plan proceed to referendum; and
- Such matters as prescribed in the Neighbourhood Planning (General) Regulations 2012 (as amended) ('the 2012 Regulations').

1.7 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.

#### *The Basic Conditions*

1.8 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; and
- Meet prescribed conditions and comply with prescribed matters.

1.9 Regulation 32 of the 2012 Regulations (as amended) prescribes a further Basic Condition for a neighbourhood plan. This requires that it should not be likely to have a significant effect on a European Site (as defined in the Conservation of Habitats and Species Regulations 2017) or a European Offshore Marine Site (as defined in the Conservation of Offshore Marine Habitats and Species Regulations 2017), either alone or in combination with other plans or projects.

## 2. Approach to the Examination

### *Submitted Documents*

- 2.1 I have considered all policy, guidance and other reference documents I consider relevant to the examination, including those submitted which comprise:
- the draft Knightsbridge Neighbourhood Plan 2017-2037, Part 1, November 2017;
  - Figure 1 of the Plan which identifies the area to which the proposed Neighbourhood Plan relates;
  - the Consultation Statement, November 2017;
  - the Basic Conditions Statement, November 2017;
  - all the representations that have been made in accordance with the Regulation 16 consultation;
  - the Strategic Environmental Assessment (SEA) Screening Report Opinion and updated Habitats Regulations Assessment (HRA) Screening Report, both prepared in August 2017 (including Historic England's letter to the Forum dated 6 October 2017);
  - Part Two: Neighbourhood Management Plan, November 2017;
  - Part Three: Knightsbridge Evidence Base, November 2017;
  - a Sustainability Report, November 2017; and
  - a list of evidence to support the Plan.
- 2.2 Following receipt of the Regulation 16 consultation responses, the Forum made comments and proposed modifications to the Plan, in April 2018. These are shown in documents ED04 and ED05, which I have considered in examining the submitted Neighbourhood Plan. I then recommended that the Forum should liaise with WCC and review the objections which had been made by the local planning authority. This led to the submission of a Statement of Common Ground (SOCG) (ED09) between the two parties, and further proposed modifications to the Neighbourhood Plan, (documents ED10, ED11 and ED12), in May 2018. I take account of these documents in my examination of the submitted KNP.

*(All these documents (including my correspondence with WCC and KNF) are to be found on the WCC web site).<sup>1</sup>*

### *Modifications*

- 2.3 Where necessary, I have recommended modifications to the Plan as submitted in this report in order that it meets the Basic Conditions and other legal requirements. The Plan as submitted is titled the Knightsbridge Neighbourhood Plan 2017-2037 Part One: Knightsbridge Neighbourhood Plan November 2017. My modifications comprise those set out in *Appendix 1: Proposed Modifications (PMs)* and those detailed in

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<sup>1</sup> <https://www.westminster.gov.uk/NP-knightsbridge>

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track change format<sup>2</sup> in *Appendix 2: ED10 - Knightsbridge Neighbourhood Plan 2017-37*. Appendixes 1 and 2 to this report should be read in combination to appreciate the precise wording and extent of my recommended modifications.

### *Planning Policy Context*

- 2.4 The Development Plan for Knightsbridge, not including documents relating to excluded minerals and waste development, comprises the London Plan, 2016, Westminster's City Plan, 2016 (WCP), and saved policies from Westminster Unitary Development Plan (UDP), 2010. This is clearly stated in paragraph 0.3 of the submitted Plan, but paragraph 0.24 omits reference to the saved UDP policies. WCC acknowledged in ED09 – SOCG that its website may have caused some confusion over the definition of strategic planning policy. I am satisfied that the saved UDP Policies are part of the development plan and, as WCC pointed out in respect of Policy TRANS16, some will have strategic policy significance for Knightsbridge. Paragraph 0.24 should be modified to clarify that some saved UDP policies are strategic, as highlighted in green in the proposed modifications to the KNF (Appendix 2: ED10). The modification is necessary to satisfy the Basic Conditions.
- 2.5 My attention was drawn to the Mayor of London's draft new London Plan, which was published on 1 December 2017 and consulted on until 2 March 2018. The Mayor also published his London Housing Strategy on 22 May 2018. I have read the response to the draft new London Plan from the Forum, and note that the Mayor anticipates adoption in 2019. However, the KNP was published ahead of the draft new London Plan; examination (including hearings) has yet to take place on it, and this emerging Plan does not currently form part of the development plan. Although the Neighbourhood Plan is not to be tested against the policies of the emerging London Plan, it is expected to be complementary with it in order to minimise conflict<sup>3</sup>. Planning policy for England, for which I have regard, is set out principally in the National Planning Policy Framework (NPPF). The Planning Practice Guidance (PPG) offers guidance on how this policy should be implemented.

### *Site Visit*

- 2.6 I made an unaccompanied site visit to the Neighbourhood Plan Area on Thursday 10 May 2018 to familiarise myself with it, and visit relevant sites and areas referenced in the Plan and evidential documents.

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<sup>2</sup> For the purposes of my proposed modifications, the yellow and green colour coding on the tracked changes does not hold any particular significance.

<sup>3</sup> PPG Reference ID: 41-009-20160211.

## *Written Representations with or without Public Hearing*

- 2.7 This examination has been dealt with by written representations. I have taken account of the willingness of some interested parties, expressed in Regulation 16 consultation responses, to attend and speak at hearing sessions. In particular, the Defence Infrastructure Organisation requested an opportunity for oral submissions to be made so that it might expand on the points made in its Regulation 16 representation. However, I considered hearing sessions to be unnecessary as the consultation responses, followed by the SOCG between the Forum and WCC (see documents ED09-12), clearly articulated the objections to the Plan, and presented arguments for and against the Plan's suitability to proceed to a referendum.

### **3. Procedural Compliance and Human Rights**

#### *Qualifying Body and Neighbourhood Plan Area*

- 3.1 An application to WCC for Knightsbridge to become a neighbourhood area was accepted, and the Knightsbridge Neighbourhood Area was designated on 27 March 2014. The KNP has been prepared and submitted for examination by the KNF, which was designated as a qualifying body on 21 July 2015 by WCC for the area shown on Figure 1 of the KNP.
- 3.2 It is the only neighbourhood plan for Knightsbridge, but the Royal Borough of Kensington and Chelsea (RBKC) and other parties raised concerns that its policies could be read as applicable to a wider area, including parts of the Knightsbridge International Shopping Centre, which are outside the KNF's and WCC's control. Modifications were proposed to Policy KBR18 A, to clarify that it only applies to the KNP area. Paragraph 6.5 explains how the Strategic Cultural Area based on Exhibition Road is only partly within the KNP area, and the Forum proposed additional text in paragraph 6.7 to reinforce this fact. I support the proposed modifications which are included in Appendix 2: ED10 and, providing these are made, I am satisfied that the KNP does not relate to land outside the designated neighbourhood area, and will not have a substantial, direct and demonstrable impact beyond the neighbourhood area<sup>4</sup>.

#### *Plan Period*

- 3.3 The Plan specifies clearly the period to which it is to take effect, which is from 2017 to 2037.

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<sup>4</sup> See also the sections of this report dealing with *Issue 2* and *The Referendum and its Area*.



## *Neighbourhood Plan Preparation and Consultation*

- 3.4 The KNF was designated in July 2015, with a constitution requiring at least half its board and the Chair to be local residents. Recognising the range of land uses and diversity of interests in Knightsbridge, the Forum devised an engagement strategy to encourage residents, businesses, students, visitors and others to take part in developing the Plan. This had six stages, as described in the Consultation Statement, November 2017, beginning with early discussions with key stakeholder groups through a series of meetings and workshops to inform the development of a draft set of vision, values and issues. The first workshops were held in December 2015 with the Forum directors and the KA, followed by two drop-in days in February 2016 to encourage input from the wider community. Another drop-in exhibition was held at the Goethe-Institut in July 2016.
- 3.5 An initial draft Plan was completed on 7 September 2016 and stakeholders, including WCC, KA, Transport for London and the RBKC, were invited to give feedback. Meetings were held with various groups including the cultural institutions and residents' groups in RBKC, and a preliminary healthcheck was undertaken<sup>5</sup>. Regular meetings were held with WCC officers and councillors throughout the planning process. Consultation on the pre-submission Plan, in compliance with Regulation 14, took place between December 2016 and early February 2017 alongside a campaign to publicise the Plan. An editorial in the KA annual report, an exhibition enabling stakeholders to talk to Forum members, look at copies of the Plan and provide feedback, an address to the Knightsbridge Business Group members and correspondence encouraging them to comment, as well as social media activity, were used to increase engagement. All statutory consultees, in accordance with the Regulations, were notified of the draft Plan.
- 3.6 In total, there were just over 50 responses at the Regulation 14 consultation stage offering comments on the Plan, representing a wide range of statutory consultees, local residents, businesses and other organisations. This feedback was used to shape the final version of the Plan along with the results of a second independent healthcheck<sup>6</sup>. The KNP dated November 2017, which is the subject of the present examination, was consulted on under Regulation 16 between December 2017 and February 2018. Some 99 responses were received from a range of stakeholders and interests. I am satisfied that a transparent, fair and inclusive consultation process has been followed for this Plan, that has had regard to advice in the PPG on plan preparation and is procedurally compliant in accordance with the legal requirements.

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<sup>5</sup> See Appendix B of the Consultation Statement.

<sup>6</sup> See Appendix F of the Consultation Statement.

## *Development and Use of Land, Excluded Development*

- 3.7 The Plan sets out policies in relation to the development and use of land in accordance with s.38A of the 2004 Act. The Plan does not include provisions and policies for 'excluded development'. However, the submitted Plan is described as "Part 1" of three documents. Part 2 "Neighbourhood Management Plan" covers wider community aspirations and actions to secure outcomes which go beyond measures relating to land-use and land development. Part 3 "Knightsbridge Evidence Base" gives additional information to explain the Part 1 policies.
- 3.8 To ensure that the Plan accords with s.38A of the 2004 Act, and does not include provisions and policies for 'excluded development', the reference to Part 1 on the front cover of the submitted KNP, to the header on each page, text in the summary, paragraph 0.4, and to sections 1 and 2 within that document should be removed, and the Glossary amended with reference to Knightsbridge Evidence Base and Knightsbridge Management Plan. Modifications are duly shown in Appendix 2: ED10, which should be made to meet the legal requirements and having regard for national planning policy. I note that there were consultation responses which made comments on and sought modifications to the Part 2 and Part 3 documents. However, it is neither my role to examine evidence documents which support the Plan against the Basic Conditions nor recommend modifications to such documents. Therefore, I shall not comment specifically on either of those documents or recommend modifications to them.

## *Human Rights*

- 3.9 The Basic Conditions Statement, paragraph 5.5, states that the Plan does not breach and is not otherwise incompatible with the European Convention on Human Rights. WCC's representations on the Plan do not allege that Human Rights would be breached, and from my independent assessment, I see no reason to disagree.

## **4. Compliance with the Basic Conditions**

### *EU Obligations*

- 4.1 The Plan was screened for SEA by the KNF, (Report dated 18 August 2017) which found that it was unnecessary to undertake SEA. Having regard for Sites of European importance for species protection, including European offshore marine sites, it was concluded that further assessments under the Habitat Directive or Regulations were not required. This view was supported by Natural England. An updated HRA Screening Report was prepared in August 2017 as the WCC had advised that any future

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HRA Screening Option should include consideration of the Thames Estuary and Marshes Special Protection Area (SPA), and the Lee Valley SPA and RAMSAR. This report also concluded that a full HRA would not be needed, and the Regulation 16 response from Natural England, dated 12 January 2018, does not dissent from that view. An HRA Screening Opinion was sought from WCC in May 2017, following inputs to the draft Plan dated 27 April 2017 from Natural England. WCC, in its letter of 22 September 2017, confirmed that the draft Plan was not likely to have significant effects on European protected species. Having read the SEA and HRA Screening reports, I support this conclusion.

### *Main Issues*

- 4.2 My assessment of compliance with the Basic Conditions of the KNP is based on consideration of a number of general issues of compliance of the Plan followed by an assessment of particular Plan policies which relate to those general issues. My assessment was undertaken after reading the submitted KNP, the background written evidence, the Regulation 16 consultation responses, the Forum's comments on those responses and the subsequent SOCG between WCC and the KNF, as well as on information from my site visit.

### *General Issues of Compliance*

- 4.3 The main issues regarding general compliance are as follows:
- Issue 1: Whether the KNP supports the strategic development needs of the area in a sufficiently positive way;
  - Issue 2: Whether the KNP would have any adverse effects on areas beyond its boundaries, in particular in the Royal Borough of Kensington and Chelsea, and whether the KNP achieves an appropriate balance between addressing the needs of local residents, the Strategic Cultural Area, the International Shopping Centre and other business interests;
  - Issue 3: Whether the approach to conserving and enhancing the historic environment and natural environment meets the Basic Conditions; and
  - Issue 4: Whether the policies for transport and infrastructure, including the management of construction activity, meet the Basic Conditions.

### *Issue 1 – Supporting strategic development needs*

- 4.4 WCC argued that the KNP does not support the strategic development needs set out in the WCP, promotes less growth and overall is likely to impede sustainable development. In particular, WCC considers that the KNP promotes insufficient development on the Hyde Park Barracks site which was identified as a strategic site in the Westminster's City Plan. Appendix 2: ED10 proposes changes to paragraph 3.25 to state that all forms of housing will be needed and encouraged in Knightsbridge. I

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support this modification which should be made to meet the Basic Conditions.

- 4.5 The strategic objectives described in the WCP include “4. *To increase the supply of good quality housing to meet Westminster’s housing target ....*”. Westminster’s housing target for 2015-2025 is set out in the London Plan as 1,068 new homes per year, equating to 21,360 units 2016/17 to 2036/37. Paragraph 4.8 of the WCP states that there is a lack of large sites in the Borough meaning that housing development is usually small scale and involves changes of use and refurbishments and extensions of existing buildings. “Proposals sites” are listed in Appendix 1 of the City Plan, which includes an area of 1.15 hectares at Hyde Park Barracks. The Appendix notes “*Change of use from barracks to residential, including full on-site provision of affordable housing and the full range of housing sizes*”. The site is described as having a capacity for over 100 units in the Knightsbridge Evidence Base Part 3 document (paragraph 3.16).
- 4.6 Policy KBR14 of the KNP supports development of the Hyde Park Barracks strategic housing site, but subject to a number of criteria which WCC and others, including the Defence Infrastructure Organisation, consider to be too restrictive. The SOCG (ED09) indicates that WCC considers the policy to be too strict over possible increases in building height and footprint. Some increase in building heights would be different to proposals for tall buildings, and potential design solutions could be found if informed by a thorough assessment of site surroundings, in the Council’s view.
- 4.7 As in the City of Westminster as a whole, there is a lack of potential sites for new housing development in Knightsbridge. Most of the NP area is already intensively developed and included in one of three conservation areas with their own distinctive and historic character, where I accept that the introduction of appropriate new development could be problematic. In addition, at the northern boundary, part of the Knightsbridge Neighbourhood Area is itself included within MOL. Section 3 of the KNP describes the protection afforded to the MOL, including WCP Policy S11, which addresses settings, views and tranquillity; heritage is also a significant factor for protecting the MOL from built development.
- 4.8 Hyde Park Barracks includes built development from the late 1960s, with the high Peninsular Tower which is visible from many vantage points in and out of the KNP area. The Peninsular Tower is arguably dissimilar in form and height from buildings in the vicinity. The KNP refers in a number of places to Land Use Consultants’ (LUC) Report on the MOL within the Knightsbridge Neighbourhood Area: Local Character and Views, April 2016. The summary of this report describes Hyde Park Barracks as “*a notable example of brutalist architecture. If considered against the London Plan Policy 7.4 (see paragraph 3.26) and current standards and good practice guidelines for design and place-making, however, the*

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*present configuration and scale and massing of buildings on the site neither relate obviously to the context of the historic parks to the north nor respond sympathetically to the character of the Knightsbridge and Knightsbridge Green Conservation Areas to the south....”*

- 4.9 The Barracks are very near to substantial modern commercial development on the One Hyde Park site. Paragraph 1.16 of the KNP states that 100 Knightsbridge, also known as One Hyde Park, is frequently cited by the community as a modern development not in keeping with the character of the area. I understand the community’s concern that further new development should not conform with that at One Hyde Park, or it would be viewed in a negative manner by the local community. I also agree with the LUC Report’s comments on the present configuration, scale and massing of buildings on the Barracks site. However, I consider that these factors should not rule out the provision of much-needed new housing development on the one sizeable site in Knightsbridge, which has excellent connectivity by tube and other transport modes to the rest of London. A new housing scheme on the Barracks site must respect the character and appearance of the wider surrounding area including the setting of Hyde Park and Kensington Gardens to the north. Policy in the KNP, notably Objective 1 and Policy KBR1, should ensure that new development reflects high quality design, but should not prevent its provision.
- 4.10 Hyde Park Barracks is due north of the area described in the document submitted as Part 3: Knightsbridge Evidence Base, paragraph 1.5, as the eastern part of Knightsbridge Character Area 1. This is an area of residential terraces and garden squares where building heights are generally lower in height than in the western part of the KNP area, notably Area 2: Albertopolis; its small plots and narrow streets give a sense of intimacy and character which should not be compromised. I note that the Barracks are, however, separated from Character Area 1 by the wide and busy A315 - Knightsbridge.
- 4.11 WCC has concerns that Policy KBR5: View north along Montpelier Street and Policy KBR7: Tall buildings, both have potential to impose constraints on redeveloping the Barracks site. The statement that Knightsbridge is not an appropriate location for tall buildings forms the opening to Policy KBR7, and this is in general conformity with the WCP, paragraph 5.6. Both Policies KBR5 and KBR7 seek to protect the views up Montpelier Street from intrusive or insensitive development. Page 16 of the Part 3: Knightsbridge Evidence Base document shows that these views include the existing Peninsular Tower, and it is highly likely that substantial development at Hyde Park Barracks would appear, if not intrude, in the view. The Evidence Base document explains that the view north along Montpelier Street was not included in the Conservation Area Audits, undertaken by WCC in 2009.

- 4.12 Having regard for the proposed new Appendix C and the Map of Views submitted by the Forum (Documents ED11 & ED12, May 2018), these state that they were informed by the LUC Report (April 2016) which scrutinised local character and views. However, the LUC Report assessed 10 not 11 views, omitting the view north along Montpelier Street. Paragraph 4.15 and the table below it provides a summary of the ten locations and reasons for their selection. Trevor Square is chosen as “a representative view of the Hyde Park Barracks from the small residential streets to the south of the study area. The viewpoint also reveals the skyline as seen from Knightsbridge (featuring the Peninsular Tower).” This is evidence that views from the residential area including Montpelier Street, much of which lies within Knightsbridge Conservation Area, were considered in the assessment.
- 4.13 I accept that Montpelier Street includes attractive buildings of different character and that these can be seen in views, often alongside some of the trees in Montpelier Square. Although not referenced in Policy KBR5, the Peninsular Tower is clearly visible in the background. New development at Hyde Park Barracks could also feature against the skyline at the far end of that street. However, any new development would be at a distance from the street itself, which would diminish its impact. Montpelier Street is a relatively busy and wide road, with many taxis parked between Cheval Place and Brompton Road occupying views at its southern end. As WCC observed, existing design and conservation policies already provide protection for the streetscape. I am not satisfied that the views north along Montpelier Street are so special that they should be protected by Policy KBR5.
- 4.14 Regarding Policy KBR7: Tall Buildings, Historic England argued that the KNP should not be encouraging tall buildings, as this could lead to impacts on the historic environment around Knightsbridge and beyond. I consider that the wording of criteria A and B in the submitted Plan, with a footnote referring to paragraph 132 - 135 of the NPPF, should provide appropriate protection for heritage assets and be in general conformity with the WCP’s Policy S26. I consider the proposed modification to B, highlighted in green in Appendix 2: ED10, to be unnecessary. The Defence Infrastructure Organisation observed that Policy 7.7 of the London Plan supports tall and large buildings to the CAZ, Opportunity Areas, areas of intensification or town centres with good access to public transport.
- 4.15 Whilst the Barracks site may meet some of these criteria, it is also alongside the green and open space of Hyde Park. In any event, Policy KBR7 allows for exceptions, where there is full compliance with the tests in the NPPF relating to conservation and enhancement of the historic environment. As WCC observed, the harm to or loss of heritage assets balanced against public benefit (as referenced in paragraph 133 of the



NPPF) will need to be assessed on a case by case basis. With modification which includes removing references to views north along Montpelier Street, Policy KBR7 should not be unduly restrictive if sustainable new development which justifies a departure from the policy on tall buildings is proposed.

- 4.16 Based on my assessment of the general issue, supporting strategic development needs, I consider that a number of modifications are needed to policies and text in the KNP, to satisfy the Basic Conditions. For the reasons given above, I agree with WCC that Policy KBR5: Views North along Montpelier Street, and paragraphs 1.13 and 3.28 should be deleted, as set out in Appendix 2: ED10. My conclusion is that the proposed (new) Appendix C (ED12) with the map of Views (ED11) should not be added to the KNP. Sub-objective 1.4, ahead of Policy KBR6, should not be modified. These measures are necessary to contribute to the achievement of sustainable development and for general conformity with the WCP. Policy KBR7: Tall Buildings, should be modified to refer to the addition of floors to existing tall buildings, to remove paragraph C and delete references to views north along Montpelier Street. Paragraph 1.19 should also be modified to secure general conformity with London Plan Policies 7.7 and 7.8 on tall buildings. The Basic Conditions will be met if the modifications set out in Appendix 2: ED10 (other than those to criteria KBR7B as referred to in paragraph 4.14 above) are made.
- 4.17 Policy KBR13: Metropolitan Open Land aims to protect and enhance its character and function. Modification to the wording is proposed in Appendix 2: ED10 to clarify that the MOL in the Knightsbridge Neighbourhood Area is not an appropriate location for new tall buildings. I consider that it is helpful to remind readers that this part of the MOL forms a setting to adjacent Conservation Areas and Royal Parks. Its expectations in paragraph D. including permeability for pedestrians and cyclists and support for the next generation of trees, should contribute to the achievement of sustainable development, in my opinion. I support modification to the wording of Policy KBR13 as proposed in Appendix 2: ED10, and am satisfied that it will then meet the Basic Conditions.
- 4.18 Objective 3 of the KNP is described as "Protect and enhance Hyde Park and Kensington Gardens MOL including the Hyde Park Barracks Land". I consider that this should be amended to state "Protect and enhance ... Gardens MOL and enable development of the Hyde Park Barracks as a strategic housing site". This modification (**PM1**) should be made so that the Objective is in general conformity with the WCP. Policy KBR14: The Hyde Park Barracks Land should be modified as follows:
- B. should allow for retention of the barracks use but remove the reference to reverting to parkland;
  - C. remove the references to land use Class 2 and 3;

- D. a. change “reflect” to “respect” and remove the last 2 sentences regarding the height, massing and footprint of new development (highlighted in green in Appendix 2: ED10);
- remove the footnote 11;
- retain the last sentence in paragraph 3.18 (highlighted green in Appendix 2: ED10) and remove “and tranquillity” from 3.21; and
- amend paragraph 3.25 to emphasise that all forms of housing including elderly persons’ accommodation will be encouraged.

- 4.19 These modifications, included in ED10 and highlighted in green as well as yellow<sup>7</sup>, are required for conformity with the WCP which identifies Hyde Park Barracks as a strategic housing site, and in order to have regard for the NPPF and the presumption in favour of sustainable development. I have considered the proposal from some parties that the site should be allocated for multi-use development, but this would not be in general conformity with the WCP, and the site is well located, in my opinion, for access to existing commercial uses and facilities in Knightsbridge. Appendix 2: ED10 also includes modified wording to paragraph 3.16, Planning brief (for Hyde Park Barracks), which should be made to ensure that the process is not too onerous for prospective developers but does encourage community engagement. The modification ensures that regard is had for national planning policy on decision-taking (paragraph 186 onwards of NPPF).
- 4.20 I have also considered whether Policy KBR21: Office Uses is too restrictive of change of use from office use to residential, in view of the Boroughwide need for new homes. Although Policy S20 of the WCP focuses on restricting the loss of office floorspace to residential uses in Opportunity Areas and the Core CAZ, its overall objective is to boost the availability of office space and resist losses. I consider that the thrust of Policy KBR21 complies with the WCP, but will return to its wording under Issue 2 below. In addition, I consider that Policy KBR25: Reconfiguration of existing residential buildings should help to increase housing supply and mix in Knightsbridge and should be retained. Paragraphs 5.6 and 5.7 should be modified to refer to the potential effects on listed buildings and the drainage system, as shown in Appendix 2: ED10. This should help users of the Plan to achieve sustainable development.
- 4.21 Appendix G identifies 6 levels of development from Level 1 major (200+ dwellings or a site over 4 hectares, etc) to Level 4 minor (between 1 and 4 dwellings etc), Level 5 for other development including change of use and Level 6 other (eg. involving trees). References are made in a number of policies in the KNP to major or minor development in accordance with the definitions in Appendix G. However, WCC pointed out that there are well-defined thresholds for major development set nationally and in the

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<sup>7</sup> See footnote 2.



London and Westminster City plans. I agree that new definitions in this Plan could be confusing and make the implementation of development unduly onerous. Appendix G should be deleted and its usage in the KNP modified. Appendix 2: ED10 includes modifications to Policies KBR3, KBR17, KBR24, KBR28, KBR31, KBR32, KBR34, KBR35, KBR36, KBR38, KBR39; KBR40, KBR41, KBR42, to replace the levels of development references with 'major' or 'medium' development, which I support to meet the Basic Conditions. Providing all the above modifications are made, I conclude on Issue 1 that the KNP will support the strategic development needs of the area in a sufficiently positive way and satisfy the Basic Conditions for neighbourhood planning.

*Issue 2 - Adverse effects beyond the KNP boundary; and balancing the needs of local residents, the Strategic Cultural Area, the International Shopping Centre and other business interests*

4.22 A number of residents' associations were critical of sections 5 and 6 of the KNP. These seek to protect and enhance existing residential amenity and mix, and enable the world-class cultural and educational institutions to thrive as centres of learning and innovation. It was alleged that the KNP's description of the "Strategic Cultural Area" (SCA) is not accurate and fails to take account of the large number of homes and residents, as well as the cultural institutions in the west of the area. It was pointed out that there is a variety of building styles and property uses across the area. Concern was also expressed that some institutions highlighted in the Plan are outside Knightsbridge where the KNP has no influence. These inaccuracies have led to policies and proposals which favour the needs and wishes of educational and cultural institutions, it is suggested, and could have detrimental effects on other parties, notably local residents.

4.23 As paragraph 6.1 of the KNP explains, the existing cultural, educational uses at the western end of the Plan area are the primary elements which define its special character. The Royal Albert Hall and Imperial College London, the two largest institutions there, are nationally and internationally renowned in their particular fields, and occupy large sites. The Royal Albert Hall has a very prominent and distinctive building form. It is appropriate, in my opinion, for the KNP to draw attention to the presence of this concentrated group of institutions and their wider role. Policy S1 of the WCP encourages development which promotes Westminster's World City functions, promoting a mix of uses within the CAZ. Policy S9: Knightsbridge states that new forms of arts, culture, educational uses and appropriate town centre uses should be directed to the SCA. I am satisfied that the general approach in the KNP to the SCA in section 6 is in general conformity with the WCP.

4.24 The SCA extends down Exhibition Road past the Victoria and Albert Museum, and includes other museums, towards South Kensington tube

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station. Exhibition Road, which is at the heart of the SCA, crosses into the Royal Borough of Kensington and Chelsea beyond the boundary of the KNP area. In addition, the Albert Memorial is located north of Kensington Gore in Hyde Park, and lies outside the Plan area. Paragraph 6.02 of the KNP explains appropriately the extent of the SCA, and Figure 6 illustrates the area on a map. It is emphasised that policies referring to the SCA in the Plan only relate to that part of it within its boundaries. The Natural History Museum submitted comments at Regulation 16 stage on the KNP, appreciating the efforts made to consult organisations, residents and people working in the area adjacent to the neighbourhood area throughout the development of the KNP. In my opinion, the KNP does not seek to set policy or control development for areas beyond its boundaries.

- 4.25 The Forum proposed modifications to Policy KBR1 which would overcome residents' objections that not all the buildings in Character Area 2, for example, were "*in red brick or terracotta, on large plots and of a large scale*". I support the modifications to Policy KBR1 and paragraph 1.3, as proposed in Appendix 2: ED10, to clarify this point. I also agree that Policy KBR24 should be altered having regard for the NPPF, to confirm that housing need as calculated in WCC's Strategic Housing Market Assessment and Housing Market Analysis would form the basis for new housing provision. I appreciate the difficulty which students at Imperial College London and the Royal Schools of Art and Music may face in finding affordable housing which is accessible to this prestigious and expensive part of London, as well as key workers at the Royal Albert Hall, Royal Geographical Society and other nationally important institutions. Nevertheless, Policy KBR24 and the supporting text should be modified, as in Appendix 2: ED10, to avoid the inference that these groups would receive special treatment for housing provision, and in order to secure general conformity with the WCP, Policy S15, and London Plan, Policy 3.8.
- 4.26 I consider that Policy KBR26: Existing and new development within the SCA is in general conformity with Policy S1, as well as S9 and S27 of the WCP, which support the conservation and enhancement of cultural, educational and research uses. Local residents expressed concern that some new development could have an adverse effect on the quality of life of local residents who are within or close to the SCA. However, any proposals for development would be assessed against Policy S29: Health, Safety and Wellbeing in the WCP, which will resist proposals that would result in the unacceptable material loss of residential amenity; and which states that development should aim to improve the residential environment.
- 4.27 It is, in my view, unnecessary for the KNP to repeat the WCP policy and Policy KBR26 should not be modified. The RBKC welcomed the KNP's policies intended to ensure a balance between the needs of cultural institutions in the SCA and the amenities of residents. However, it sought

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clarity that the policies should address the amenity of residents adjoining as well as within the Neighbourhood Area. The Forum proposed an additional sentence to paragraph 6.7 which would achieve this, and I support the modification as included in Appendix 2: ED10, which ensures that the Plan will contribute to the achievement of sustainable development, and have regard for the NPPF (paragraph 7).

- 4.28 WCC pointed out that criterion A in Policy KBR27 was a management rather than a neighbourhood plan policy issue. The nature of pop-up and temporary events, mentioned in B, could not be controlled through the planning process. Wording changes have been proposed in Appendix 2: ED10, which I support having regard for national planning policy. I support the added reference to "installations of sculpture and public art", in paragraph 6.10, (also included in Appendix 2: ED10) which explains what is envisaged in the way of temporary or pop-up events, and should contribute towards sustainable development. I note that 6.10 emphasises the need to minimise any adverse impacts on the amenity of local residents, businesses and institutions, which I support. I see no obstacle in the KNP to cross-Borough working between WCC and the RBKC to achieve harmony along Exhibition Road between strategic cultural institutions and local residents.
- 4.29 Section 4 of the KNP is based on the objective to promote a sense of community, and recognises that residential, commercial and institutional interests exist in close proximity to each other and have different aims, especially with London's evolution as a 24 hour city. Policy KBR15: Neighbourhood Stress Area seeks to designate such an area on the Policies Map, along Brompton Road at the eastern end of the KNP area. Paragraphs 4.4 to 4.8 explain that commercial businesses in the form of cafes, bars, coffee shops, restaurants and clubs are clustered notably at the eastern end of Knightsbridge creating an area of high activity from 8am to midnight. This causes disturbance and nuisance for many local residents, as referred to in the Regulation 16 responses. I agree that the KNP should seek to address this problem and I support the thrust of Policy KBR15.
- 4.30 However, WCC criticised the Neighbourhood Stress Area referenced in Policy KBR15, and argued that it is not in general conformity with the WCP. Paragraphs 4.37 to 4.39, Policy S24 and Figure 4.1 of the WCP refer to stress areas in Westminster across the Borough, which have been identified as a result of assessing incidents of violence against the person. The three areas in Figure 4.1 show where public nuisance, noise, crime and lack of safety are highest in Westminster, and considered to have reached saturation levels. In these areas, new entertainment uses will be restricted. Knightsbridge does not feature in any of the three areas, and I agree with WCC that the term "Neighbourhood Stress Area" should be modified to secure general conformity with the WCP. Modifications as in

Appendix 2: ED10 should be made to paragraph 0.17, Policy KBR15 and paragraph 4.8 accordingly, so that the Plan excludes the phrase Neighbourhood Stress Area but directs commercial development away from the main residential areas, and prevents harmful effects on residential amenity. The term "Neighbourhood Stress Area" should also be deleted from the Policies Maps and Glossary for consistency.

- 4.31 The International Shopping Centre, like the SCA, straddles the boundary between Kensington and Chelsea and Westminster. Harrods, which is within Kensington and Chelsea, is mentioned in paragraph 4.4 of the KNP. Modifications have been put forward to Policy KBR16: Night-time and early morning uses in or adjacent to residential areas, which would clarify that such uses should be directed to the International Shopping Centre, and should demonstrate that there would be no significant adverse effects on noise-sensitive uses, including those that adjoin the Knightsbridge Neighbourhood Area. I support the modifications put forward to KBR16 in Appendix 2: ED10, which would secure general conformity with Policies S6 and S24 of the WCP, and contribute to the achievement of sustainable development.
- 4.32 Security measures to deter criminal and anti-social behaviour are essential for the Knightsbridge area, as explained briefly in paragraph 4.11. I support Policy KBR17, with the modified wording as shown in Appendix 2: ED10 including moving the last sentence in KBR17A to the end of paragraph 4.11. With this modification, the policy should contribute to the promotion of social wellbeing, an important aspect of sustainable development, as explained in the NPPF, paragraph 7. Modification is also proposed, and supported in the SOCG, to Policy KBR18, to clarify that development proposals within the International Shopping Centre in the Neighbourhood Area should seek to enhance the Centre's reputation and standing. The modification would also remove the reference to meeting "*the needs of internationally recognised retailers selling fashion or luxury brands*". The planning system can only deal with the uses of land and not the quality of the occupier, so that this modification is needed having regard for national planning policy. The revised wording also makes clear that the policy does not seek to control development beyond its boundaries, and the modification to Policy KBR18, in Appendix 2: ED10, should be made.
- 4.33 Policies KBR19 and KBR20 seek to resist the change of use of public houses and encourage the provision of community and leisure uses. Policy KBR21 supports development proposals to retain or create Class B1 office uses outside residential areas. It is contended by the Westminster Property Association that this takes a more restrictive approach to the conversion to other uses such as retail, hotel or institutional uses, than Policy S20 of the WCP. Policy KBR21 focuses on the change from office use to residential. However, paragraphs 4.20 onwards describe local

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circumstances in Knightsbridge which justify the Plan's approach, in my view. WCC has not alleged that Policy KBR21 fails to comply with its City Plan, only that (i) the reference to Article 4 Directions should be amended, having regard for the purpose of Article 4 in the General Permitted Development Order, and (ii) that better guidance should be given to demonstrate that an existing office use is unviable. Appendix 2: ED10 puts forward modifications to Policy KBR21 and adds a new paragraph 4.22, which I support having regard for national policy.

- 4.34 I support Policies KBR19, 20 and 21, with modification to KBR21, as important to promoting a sense of community and strong local economy, whilst providing a range of facilities and services for local residents. As long as the above modifications are made, I conclude that policies in the KNP should not have significant adverse effects on areas beyond its boundaries, in particular the adjoining strategic cultural institutions and residential areas in the Royal Borough of Kensington and Chelsea. In addition, the KNP will achieve an appropriate balance between addressing the needs of local residents, the Strategic Cultural Area, the International Shopping Centre and other business interests.

*Issue 3 - Conserving and enhancing the historic environment and natural environment*

- 4.35 As stated in paragraph 0.35 of the KNP, Knightsbridge's built heritage makes it a special and popular place which needs to be protected whilst recognising that innovation and creativity are also key characteristics of the SCA and retail district. Objective 1 in the Plan is to enhance the special character of Knightsbridge including its architecture, heritage, townscape and trees etc. As paragraph 1.3 of the KNP explains, much of the area is included in four Conservation Areas – Royal Parks, Knightsbridge, Knightsbridge Green and Albert Gate. The City of Westminster's Conservation Area Audit & Management Proposals (2009) (Supplementary Planning Document) defined character areas within the conservation areas, which are described in the Knightsbridge Evidence Base Document, accompanying the KNP. I consider that the KNP has taken full account of the special architectural or historic interest of its conservation areas, and the area of MOL within its northern boundary. The Plan should ensure that these areas are preserved or enhanced, having regard for planning law and section 12 of the NPPF. From my site visit, it seemed to me that the small areas which are not within the conservation areas are nevertheless part of their settings, so that any new development there should have regard for the impact on character, appearance, and views in and out of the designated areas.

- 4.36 Policies KBR1 to KBR7 follow from Objective 1 beginning with Policy KBR1: Character, design and materials. This policy was criticised because it could be read to mean that any development within the character areas

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would have to use the building materials described. On my site visit, I saw that there is in reality a variety of materials and building styles across each of the areas. The policy should be amended to ensure that development proposals are assessed to give high quality, sustainable and inclusive design appropriate to each of the Character Areas, but are not too prescriptive over building materials. Appendix 2: ED10 proposed modification to paragraph b. in KBR1 and 1.3 of the text, which I support as necessary for sustainable development and having regard for NPPF, section 7. The modifications should be made.

- 4.37 WCC criticised Policies KBR2: Commercial frontages, signage and lighting and KBR3: Boundary railings and walls, alleging that they largely duplicate the Council's requirements in Supplementary Planning Guidance (SPG) on design and the saved UDP Policy DES7. WCC also pointed out that the placement and maintenance of street furniture is usually outside the control of planning. On Policy KBR4: Public Realm and Heritage Features, the Council advised that many proposals could constitute permitted development. York Stone paving could be costly and its use, as referenced in paragraph 1.12, has not been viability tested. A number of modifications to these three policies and their supporting text have been put forward in the modified version of the KNP (Appendix 2: ED10) to address the Council's concerns. I support the proposed modifications to KBR2, KBR3, KBR4 and paragraphs 1.9-1.12, to ensure that the requirements for development are not too onerous, having regard for national planning policy, and to secure general conformity with saved UDP Policy for Westminster and the SPG.
- 4.38 I have already recommended that Policy KBR5 be deleted and Policy KBR7 be modified. Regarding Policy KBR6, I agree with WCC that it would assist readers if the local buildings and structure of merit were shown on the Policies Map, and the cross-reference to the Evidence Base Document in paragraph 1.15 was corrected. Appendix 2: ED10 shows how the text and Policies Inset Maps should be modified to achieve this, which I support to contribute to the achievement of sustainable development. The Policies Map and Inset Maps should also be modified to remove references to the view north along Montpelier Street (**PM7**).
- 4.39 Objective 2 in the KNP is to improve the public realm and enhance and restore heritage features, which I support as important to preserving or enhancing the character and appearance of the Knightsbridge area. Policy KBR8 is assessed under the fourth issue. Policy KBR9: Advertising seeks to limit the impact of particularly large or free-standing digital advertisements on the character of the area and on pedestrian amenity. Although the policy overlaps with saved Policy DES8 of the UDP, given the sensitivity of Knightsbridge, I consider that Policy KBR9 should be retained to alert local users of the Plan to the potential harm from some advertisements. I support the modifications in Appendix 2: ED10,



proposed to refer to “consent” rather than “planning permission”, to refer to established WCC policy in the conformity reference and paragraph 2.6 and to remove the reference to an Article 4 Direction in paragraph 2.7, having regard for national policy.

- 4.40 Policy KBR10 encourages new development for balconies and roof areas as does paragraph 2.10, and I am satisfied that well-designed proposals will be achievable. However, Policy KBR10: Roofscapes and balconies, should be modified as proposed in Appendix 2: ED10, to remove the reference to noise nuisance and refer to heritage assets or their setting, to secure general conformity with WCC’s development plan policies. Policy KBR11 aims to facilitate urban greening which is in general conformity with Policy 5.10 of the London Plan, supporting urban greening such as new planting in the public realm and multifunctional green infrastructure to help counter climate change. Though criterion C, which includes demonstrating resistance to disease, pest and climate change, may be ambitious, I consider that the policy is acceptable as it encourages rather than insists that development proposals conform. The modification proposed in Appendix 2: ED10 would add references to guidance from the Trees Design Action Group and Forestry Commission in paragraph 2.12 which should be made to help the achievement of sustainable development.
- 4.41 Paragraphs 76 to 78 of the NPPF enable local communities through local and neighbourhood plans to identify for special protection green areas of particular importance to them. Six private garden squares have been identified as such in Policy KBR12 and on the Policies Map. The Evidence Base Document provides justification for their selection against the national policy criteria and I confirm the designation of these six areas as Local Green Space. From my site visit and having regard for the NPPF, I am satisfied that Policy KBR12 with the modifications, shown in Appendix 2: ED10 to criterion B and paragraph 2.16, would meet the Basic Conditions. Similarly, I consider that Policy KBR13: Metropolitan Open Land is in general conformity with policies in the London Plan, WCP and saved UDP policy, and should be kept, subject to the modifications already referenced under Issue 1.
- 4.42 Policy KBR38 encourages development to maintain and enhance the natural environment and should be applied to all, not just major, development. With deletion of the last line, as shown in Appendix 2: ED10, the policy should be retained to satisfy the Basic Conditions.
- 4.43 Policy KBR39: Trees, aims to maximise the environmental benefits of trees. The Forum advised that the risks from climate change, pests and disease have been authoritatively evidenced by the Royal Parks. I accept that existing trees in the Royal Parks, in gardens, streets and squares across the Neighbourhood Area make a positive contribution to

Knightsbridge's character and attractiveness. WCC recognises London Planes as a defining local feature but points out that plane wilt is not present in the UK, and that there is existing protective legislation should it occur. What is currently only a speculative threat should not lead to a move away from London Planes. WCC raised concerns over criteria B-F that they cover matters of procedure rather than policy, are beyond the scope of neighbourhood planning and address matters controlled through the highway authority in the case of criterion F. Appendix 2: ED10 shows that a number of modifications to the policy and paragraphs 10.23 & 10.24 have been agreed. Regarding the second sentence of criterion A, I consider that this should be modified to read. *"It should be regenerated with healthy and diverse species with a balanced age structure that respects character and heritage to maximise ...."*. Providing this modification, **PM5**, and those shown in Appendix 2: ED10 are made, Policy KBR39 and its supporting text in 10.22-10.24 will have regard for national planning policy and contribute to the achievement of sustainable development.

- 4.44 In my opinion, Appendix E to the Plan concerning Tree Management Plans is too onerous and should be deleted, as proposed in Appendix 2: ED10, because it could impede sustainable development. Providing all the modifications described above under Issue 3 are made, I conclude that the KNP sets out an appropriate approach to conserving and enhancing the historic environment and natural environment of the area, and meets the Basic Conditions.

*Issue 4 - Transport and infrastructure, including the management of construction activity*

- 4.45 Sections 7 and 8 of the KNP are based on objectives to enable travel and personal mobility, and to encourage superb public transport. Encouraging "Active travel" ie walking and cycling, is entirely appropriate in Central London, giving health benefits and assisting with reductions in the air pollution from motor traffic. Policy S41 of the WCP: Pedestrian movement and sustainable travel, aims, among other measures, to reduce reliance on private motor vehicles. The Strategic Approach in the London Plan, Chapter 6, includes: to encourage patterns and nodes of development that reduce the need to travel, especially by car, and to improve capacity and accessibility for public transport, walking and cycling. Policy 6.4 of the London Plan: Enhancing transport connectivity, promotes effective transport policy to support the sustainable development of the London City Region. Policies 6.9 and 6.10 of the London Plan seek to bring about increases in cycling and walking. Overall, I am satisfied that the KNP is in general conformity with the principles underlying these strategic policies for transport, and its transport policy supports sustainable development.



- 4.46 It is important that the classification of roads used in the KNP complies with that used by WCC, and Transport for London. The KNP refers to "Main roads" and "Local roads" in a number of its policies and on the Policies Map. Imperial College London also criticised the Policies Map for showing Imperial College Road as a Local Road rather than a private road. Thus, the KNP is not in general conformity with the hierarchy set out in Saved Westminster UDP Policy TRANS16: The road hierarchy. This distinguishes the Transport for London Network; London distributor roads; Local distributor roads; and Local roads. Appendix 2: ED10 includes modifications to Policies KBR8, KBR14, KBR15, KBR16, KBR21& KBR29, to paragraphs 2.4, 2.5, 3.31, 4.9, 4.28, 7.2, 7.17 and to the Policies Map, which I support to achieve general conformity with Policy TRANS16 and have regard for the NPPF (11<sup>th</sup> bullet paragraph 17).
- 4.47 Policy KBR8 seeks to facilitate improvements to pedestrian movement with new development. Appendix 2: ED10 puts forward modifications to remove reference to Main Roads and Local Roads, and to correct the description of the status of specific roads in the KNP area, in paragraph 2.4. WCC suggested that the policy might be deleted, but additional text to paragraph 2.5 is proposed in Appendix 2: ED10, to explain how Policy KBR8 might be implemented. I support these modifications as they should contribute to the achievement of sustainable development, giving clarity to potential developers. The Friends of Hyde Park & Kensington Gardens drew attention to the busy road, and pavements with high kerbs, which limit pedestrian movement between the Royal Albert Hall and Albert Memorial (outside the KNP area). I am satisfied that Policy KBR27, with modifications as put forward in Appendix 2: ED10, deals satisfactorily with this point and has regard for the need to protect heritage assets.
- 4.48 Policy KBR28: Enabling active travel, includes criterion D. to resist development that would be harmful to existing active travel infrastructure. WCC objected that the criterion was negatively phrased and overly onerous. Having regard for NPPF, paragraph 173, I consider that the policy should be modified. Appendix 2: ED10 includes proposed amendment to criterion D, but further modification is required in my view, as set out in **PM3** to meet the Basic Conditions. WCC suggested that Policies KBR28 and KBR29 might be integrated, with some omissions from Policy KBR29. However, Appendix 2: ED10 suggests agreement with the Forum on change to criterion D, and the Forum proposed changes to F and G as well as paragraph 7.8, which I support so that planning matters and not highway management matters are included in the policy. Policies KBR28 and KBR29 with paragraph 7.8 should be modified as shown in Appendix 2: ED10 and **PM3**, having regard for national planning policy.
- 4.49 WCC objected to Policy KBR30 because it related to the procedure and content of transport assessments rather than the criteria for determining planning applications. WCC contended that it went beyond the scope of a

neighbourhood plan, as set out in the NPPF paragraph 183. In response, the Forum pointed out that Knightsbridge is a congested neighbourhood and its policy seeks to avoid exacerbating the negative traffic impacts of development on the environment, health and the economy. Paragraphs 32, 34 and 36 of the NPPF are cited in support of Policy KBR30. Appendix 2: ED10 shows that revised wording of the policy has been agreed by the parties, which I support in the interests of sustainable development.

- 4.50 I support the modifications included in Appendix 2: ED10 to criteria A and B in Policy KBR31 and the Glossary to avoid additional on-street parking stress and to define "Motor vehicle-free" in the Glossary. The modifications should be made for general conformity with the London Plan and saved UDP policies. Policy KBR32 addresses a relatively new subject – Electric vehicle infrastructure. WCC proposed a number of amendments to comply with development plan requirements and to have regard for the NPPF. I support all the modifications to Policy KBR32 and paragraphs 7.16 to 7.18 which are shown in Appendix 2: ED10 so that the policy should contribute to the achievement of sustainable development. I also consider that the modification to Policy KBR33 to refer to public transport rather than mass transit systems, which are beyond the scope of neighbourhood planning, is necessary having regard for national policy. The modifications in Appendix 2: ED10 to Policy KBR33 and paragraph 8.2 should be made.
- 4.51 Modifications shown in Appendix 2: ED10 to Policy KBR14: The Hyde Park Barracks land, support car-free development in line with Policy KBR31, and should address concerns raised by Transport for London. Paragraph 3.31 should be modified to clarify the expectations for construction vehicles and other vehicles at the Hyde Park Barracks site without being unduly onerous, so as to contribute to sustainable development. The modification proposed in Appendix 2: ED10 should be made. All the modifications in Appendix 2: ED10 to criteria F, G and H concerning transport should be made to secure sustainable development and general conformity with strategic policies in the development plan. Westminster Cycling Campaign expressed some disappointment that the Plan's policies were not more ambitious in reducing Londoners' dependence on the car. However, the KNP must be in general conformity with the development plan and have due regard for national policy. I note that Appendix D lists walking and cycling priorities and projects, demonstrating real concern for these sustainable forms of travel. I support Appendix D's contribution to sustainable development, subject to modifications to D2.0a to refer to "East-West Superhighway CS3", as in Appendix 2: ED10.
- 4.52 Turning to other infrastructure policies, Paragraph 4.23 of the KNP refers to the growing phenomenon of short-term lets and Airbnb and the increasing numbers of people living in Knightsbridge for a short time. A consequence of this is seen to be poor practice in managing and disposing

of waste. Policy KBR22 sets out measures for development proposals to provide appropriately for non-recyclable and recyclable waste, and minimise the impact on the character of the local area and pedestrian amenity. I appreciate the problems which can result from cafes, restaurants etc. with poor waste facilities and negligent practices. However, criterion C of Policy KBR22 could be perceived as seeking to control business management procedures, and straying from planning matters. It is unnecessary as the other criteria should secure good design of buildings for handling waste. Policy KBR22 should be modified as shown in Appendix 2: ED10.

4.53 Policy KBR23 addresses the matter of construction activity, which can be disturbing and upsetting for neighbours in the intensively developed neighbourhood of Knightsbridge. However, WCC argued that the policy could be onerous for smallscale developments eg. for a single dwelling or for alterations to existing buildings. I consider that the detail in criterion B could impose unreasonable requirements on such schemes, and note that WCC has an up-to-date Code of Construction Practice 2016 document applicable to all new build residential projects of 10+ dwellings or 1,000 sqm +, as well as to all basement projects. WCC has considerable experience dealing with basement extensions throughout the Borough. In these circumstances, I consider that Policy KBR23 should be simplified with modification to criterion A, the deletion of B and C, and modified wording in paragraphs 4.28 and 4.29, as shown in Appendix 2: ED10. In addition, reference should be made in 4.29 to the Council's Code of Construction Practice, as in **PM2**. Appendices C and F of the KNP should be deleted as shown in Appendix 2: ED10. All these modifications are necessary for general conformity with the WCP and to contribute to the achievement of sustainable development.

4.54 Section 9 of the KNP addresses utilities and communications infrastructure and section 10 concerns sustainable city living. A range of issues from utility infrastructure to air quality, renewable energy and water supply are covered. I appreciate that all these items have to be properly assessed and provided in order to achieve sustainable and high quality development, and to prevent harmful effects on existing buildings and occupiers. The KNP proposed that Policy KBR34 could usefully encourage developers to integrate utility requirements into design from the outset to avoid retrofitting which, experience shows, can lead to street works and closures. Appendix 2: ED10 shows modification to criterion C of Policy KBR34 to emphasise this, with a modification to paragraph 9.2 to point out that the provision of utilities is outside WCC's direct control. These modifications should be made to secure sustainable development.

4.55 I fully understand the concern of the Forum and many people who commented at the Regulation 16 stage on the need for healthy air in Knightsbridge, and for the implementation of effective measures to

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improve air quality. However, as WCC observed, this is not an issue that the neighbourhood can deal with on its own. WCC pointed out that criterion C of Policy KBR35 seeks to impose additional requirements on developers which could be onerous and could make small developments unviable. Appendix 2: ED10 shows a series of proposed modifications to clarify that major development should demonstrate through an air quality assessment and proposed mitigation measures, if necessary, that it would be less polluting than existing development, and meet the World Health Organisation's standards for indoor air quality.

- 4.56 I support these modifications to KBR35, but consider that the first sentence in C should be modified to achieve general conformity with London Plan Policy 7.14B(c). Policy 7.14: Improving air quality, states that development should be at least 'air quality' neutral, rather than less polluting. Appendix 2: ED10 proposed modifications include the deletion of much of C, D & E and changes to F, with which I agree, having regard for the NPPF definition of sustainable development (with its three dimensions). However, the first sentence in criterion C should also be modified to read: *All development must aim to be at least 'air quality neutral' and not to cause or contribute to worsening air quality.* I recommend **PM4** to achieve general conformity with the London Plan and having regard for the NPPF, paragraph 173.
- 4.57 Paragraphs 10.1 to 10.9 provide supporting text for Policy KBR35 and I agree with the modifications to 10.6 and 10.7 put forward in Appendix 2: ED10 to provide more information as to how the policy would be applied. These modifications should be made to help achieve sustainable development. However, there is disagreement between the WCC and the Forum over the content of paragraph 10.8 and the legal accuracy of the Institute of Air Quality Management guidance for assessing air quality. WCC observed that both the City Council and the Mayor are working on new policy approaches to apply air quality standards that will be deliverable and effective. I recommend that the last 2 sentences of paragraph 10.8 are deleted, so that general conformity with the strategic policies of the development plan is not compromised. **PM4** should be applied accordingly.
- 4.58 Policies KBR36: Renewable energy and KBR37: Retrofitting historic buildings for energy efficiency, are designed to minimise energy use and take advantage of renewable energy resources. WCC cautioned that Policy KBR36 should not undermine development viability, aim to control the operation of buildings after construction, restrict the use of generators or impose how national standards are interpreted. Appendix 2: ED10 includes modifications to the policy, and paragraphs 10.12 & 10.13, which should be made, having regard for national planning policy and the achievement of sustainable development. Appendix 2: ED10 also includes a modification to criterion B.a. in Policy KBR37, to ensure that

inappropriate double glazing in listed buildings is not promoted. This should be made having regard for national planning policy.

- 4.59 WCC queried how “minimum” would be determined in Policy KBR40(A) and stated that procedural matters rather than policy for determining planning applications were covered in criterion B. The Forum put forward modifications, shown in Appendix 2: ED10, so that the policy would expect development to “minimise water consumption”. Criterion B “encourages” rather than insists on a sustainable drainage plan for “major” development which should not be too onerous, in my view, especially as part of the KNP area falls within a ground source protection zone. The modifications to Policy KBR40 shown in Appendix 2: ED10 should be made to contribute towards the achievement of sustainable development.
- 4.60 Policy KBR41: Healthy people is an ambitious policy intended to address noise, waste and land contamination, and heat in urban areas from climate change. WCC has criticised it for including procedural matters, addressing matters of communal lighting which cannot be controlled through planning and, in respect of criterion D, being overly onerous. Appendix 2: ED10 puts forward modifications to Policy KBR41 and the supporting text which help to address WCC’s concerns and should be made to meet the Basic Conditions. In addition, I recommend that expectations of “communal” lighting are softened in criterion C having regard for national policy, and the reference to “Neighbourhood Stress Area” is deleted from paragraph 10.30, as in **PM6**.
- 4.61 Policy KBR42: Sustainable development and involving people sets out important principles for good neighbourhood planning. However, the NPPF already describes the meaning and significance for planning of sustainable development, and duplication is unnecessary. Therefore, Policy KBR42 and the supporting text should be deleted, as set out in Appendix 2: ED10. Appendix 2: ED10 also includes proposed modification to paragraphs 11.1 and 11.2 to explain more accurately the preferences for spending the neighbourhood portion of Community Infrastructure Levy funds in Knightsbridge. I support these modifications for consistency with national policy. Providing the above modifications are made, I conclude that the policies for transport and infrastructure, including the management of construction activity, meet the Basic Conditions.

#### *Other issues*

- 4.62 Appendix B includes the 17 Sustainable Development Goals from the United Nations’ Agenda for Sustainable Development (2030 Agenda). As some consultees remarked, it is very rare for these to be highlighted in neighbourhood plans. However, they are the basis for sustainable development as strongly supported in the NPPF, and I applaud the Forum for including them in the KNP. Appendix 2: ED10 includes several

modifications to the Appendices, notably to the Glossary. It also includes a small number of modifications to correct typographical or grammatical errors<sup>8</sup>, such as in paragraphs 0.35 and 10.15. Appendix 2: ED10 puts forward changes to the Contents and List of Policies at the front of the KNP to reflect proposed modifications, and I agree that these modifications should be made to give consistency in the Plan. I support all the proposed modifications to ensure consistency within the KNP and meet the Basic Conditions.

- 4.63 Following a fact check, the Forum observed that the third paragraph of the Summary to the submitted KNP could be misleading and imply, incorrectly, that a referendum had already taken place. I agree that the text should be modified to meet the Basic Conditions, as shown in PM7

## 5. Conclusions

### *Summary*

- 5.1 The KNP 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 Plan, the subsequent response from the Forum and SOCG, and the evidence documents submitted with the Plan.
- 5.2 I have made recommendations to modify a number of policies and text to ensure the Plan meets the Basic Conditions and other legal requirements. I recommend that the Plan, once modified, proceeds to referendum.

### *The Referendum and its Area*

- 5.3 I have considered whether or not the referendum area should be extended beyond the designated area to which the Plan relates. Knightsbridge is a distinctive area of London, but it is difficult to define discrete boundaries as it is partly within and partly outside the Strategic Cultural Area and International Shopping Centre. In addition, Knightsbridge is on the boundary of the City of Westminster adjacent to Kensington and Chelsea. However, having considered the matter carefully, I am satisfied that the KNP as modified has no policy or proposals significant enough to have an impact beyond the designated Neighbourhood Plan boundary, requiring the referendum to extend to areas beyond the plan boundary<sup>9</sup>. I recommend that the boundary for the purposes of any future referendum on the Plan should be the boundary of the designated Neighbourhood Plan area.

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<sup>8</sup> See Paragraph 10(3)(e) of Schedule 4B to the 1990 Act.

<sup>9</sup> See PPG Reference ID: 41-059-20140306



## Overview

- 5.4 I appreciate the considerable effort that has been made by the Forum and local community to produce the KNP. Work has been underway since 2013, when application was made to WCC for the neighbourhood area to be formed. The Forum has had to take account of the many and varied interests of its local community, which includes nationally and internationally renowned institutions and features, as well as well-established residential areas. Situated in the heart of London, much of Knightsbridge is intensively developed, with a daytime population enhanced significantly by workers, commuters, tourists and other visitors. As a result, the planning issues with which the Forum has had to engage are highly complicated. I recognise that the KNP is based on much local research and assessment as well as consultation with stakeholders. This has been undertaken to ensure that Plan policies will help to secure a sustainable future for the area meeting, and balancing, the needs of all community groups having regard for likely directions of change.
- 5.5 With nearly 100 responses to the Regulation 16 consultation exercise, it is clear that there is considerable local interest from key institutions and businesses, as well as statutory consultees and residents, in the KNP. These responses show a significant amount of support for the Plan. They have also, however, triggered a further round of work for the Forum in assessing the objections and concerns raised at a relatively late stage in the plan-making process over particular policies and text. I applaud the Forum for its willingness to respond to the Regulation 16 comments comprehensively, and being prepared to reconsider the content of the submitted Plan in order to assist consideration of my proposed modifications. I am grateful to the Forum and WCC for agreeing to hold fresh talks in April and produce the SOCG.

*Jill Kingaby*

Examiner

## Appendix 1: Proposed Modifications

These modifications are additional to those detailed in the subsequent Appendix, **Appendix 2: ED10 - Knightsbridge Neighbourhood Plan 2017-37**.

Examiner modification number (EM)	Page no./ other reference	Modification
PM1	Page 32 paragraph 3.1	Objective 3.0 – Protect and enhance ...Gardens MOL including <b>and enable development of</b> the Hyde Park Barracks Land <b>as a strategic housing site</b> .
PM2	Page 48 paragraph 4.29	Second sentence: In addition to Westminster City Council's standards and procedure regarding construction activity and community engagement, <b>in particular as set out in the Council's Code of Construction Practice, July 2016</b> , outside of the neighbourhood plan ....
PM3	Page 56	Policy KBR28: Enabling Active Travel  D. <b>Where practicable and viable</b> , Development will be resisted where it would: <b>proposals for development should be designed so as not to:</b> ....
PM4	Pages 65 to 68	Policy KBR35: Healthy Air  C. All development should be less polluting than existing development that it will replace <b>must aim to be at least 'air quality neutral' and not cause or contribute to worsening air quality</b> . On major development ....  10.8 Delete the second half of this paragraph: "A legal opinion by ... is considered 'significant' ".
PM5	Page 72	Policy KBR39: Trees  A. The tree population... urban forests and. <b>It should be</b> regenerated with healthy and diverse species with a balanced age structure <b>that respects</b>



		existing <b>character and heritage</b> to maximise its <b>landscape and amenity</b> benefits ....
PM6	Pages 75 to 77	<p>Policy KBR41: Healthy People</p> <p>C. <del>Proposals should be designed</del>  <b>Developers are encouraged to ensure that</b> communal internal or external lighting, where .....</p> <p>10.30 It is particularly important .... in the <del>Neighbourhood Stress Area</del> <b>areas referenced in</b> (Policy KBR15):  <b>Mitigating the impact of commercial development.</b></p>
PM7	Pages 79 to 81	<p>Policies Map and Inset Maps</p> <p>Remove View north along Montpelier Street from maps and their keys.</p> <p>Last sentence of the third paragraph should be modified to read:</p> <p>The Plan was then subject to a further public consultation; <b>and</b> a planning examination; <b>and before</b> a referendum of residents ....</p>

## **Appendix 2: ED10 - Knightsbridge Neighbourhood Plan 2017-37**

See accompanying PDF format document.