

Maida Hill Neighbourhood Forum

Planning Policy Team
Westminster City Council
17th Floor, City Hall
64 Victoria Street
London
SW1E 6QP

Date: 4 November 2024

Dear Sir/Madam

Re: Maida Hill Neighbourhood Plan – Regulation 16 Consultation Response

Thank you for your formal submission of the draft Maida Hill Neighbourhood Plan and associated documents. Clearly an immense amount of time, effort and hard work has gone into the preparation of a neighbourhood plan that supports the community's ambitions for the Maida Hill Neighbourhood Area, and as such the Council supports the submission of the Maida Hill Neighbourhood Plan and commends the work of the Neighbourhood Forum.

The plan must meet the 'Basic Conditions' as set out in section 8(2) of Schedule 4B to the Town and Country Planning Act 1990 as applied to neighbourhood plans by section 38A of the Planning and Compulsory Purchase Act 2004. This principle is also set out in Paragraph 37 of the National Planning Policy Framework (NPPF). The key elements of the basic conditions are:

- That it is appropriate to adopt the plan in light of national policies and guidance;
- That the plan contributes to the achievement of sustainable development;
- That the plan is in general conformity with the strategic policies in the Council's Development Plan (being the City Plan 2019-2040 and London Plan 2021); and
- The making of the plan does not breach, and is otherwise compatible with, EU obligations (this largely relates to a process of environmental screening which has been completed).

Whilst most of the plan's policies would meet the basic conditions in terms of principle, we believe further amendments are needed to some areas to ensure they are robust, effective and enforceable, thereby complying with national planning policy. This requirement is set out in Paragraph 16(D) of the NPPF, which states that plans should "contain policies that are clearly written and unambiguous, so it is evident how a decision maker should react to development proposals". There are also limited areas of the plan that we consider to require further refinement in order to meet the basic conditions, particularly in terms of being in conformity with higher level planning policy and contributing to the achievement of sustainable development. Detailed comments and suggested amendments in relation to the above are set out in the table contained as Appendix A attached to this letter.

We hope you consider our suggestions to be constructive and we now look forward to supporting the Maida Hill Neighbourhood Forum through the next stages of the examination process and towards getting the plan to a position whereby it is ready to become 'made'.

Yours sincerely,

Sarah Little



City of Westminster

Principal Policy Officer (Planning)
Westminster City Council



Section	Comment
General comments:	
A general typographical error with SPG which should be SPD. Additionally, the word sport is used rather than sport and physical activity throughout the document, as physical activity is more inclusive and makes being active more accessible. As an example, facilities may not just be for sports it could also be for physical activity like yoga.	
4. Vision and Objectives	
4.1	Reference the accompanying Consultation Statement which provides further detail on feedback received from the community during the various engagement activities.
5.15	Westminster City Council's Planning Obligations and Affordable Housing SPD and supporting Affordable Workspace Informal Planning Guidance Note are now adopted and published as such on our website here: New Supplementary Planning Documents (SPD) Westminster City Council . Therefore, please remove references to these documents as being in draft.
5. Community	
Policy MHC1: Social and community facilities	3c) Question the use of 'immediate context', which could be taken as a quite narrow definition, and in planning assessments we would generally take a wider scope of the townscape. Immediate context could imply matching an immediately adjoining unattractive building, rather than following the surrounding traditional townscape. We would suggest that 'surrounding context' may be more appropriate.
6. Town centres	
Policy MHLN1: Land uses in town centres	We cannot control what happens within Class E due to permitted development right and therefore, limitations to how this policy can be implemented.
Policy MHLN3: Shopfront design and conversion	<p>1e) This appears to allow for external security shutters, but elsewhere they are much stricter, on the verge of saying that they should not be allowed. Allowing external shutters is contrary to our long standing approach (see WCC's Shopfronts, Blinds and Signs SPG), which requires only internal shutters. In addition, paragraph 40.14 of the adopted City Plan states more generally that "The design of new doors, windows or shopfronts should be carefully considered to relate sensitively to the existing building and adjoining townscape" which we would interpret to include security shutters as part of shopfronts. Therefore, we would be strongly of the view that this much more relaxed approach (at least as set out in the policy above) is not in line with our normal policies and practice.</p> <p>2b) The design advice here appears to suggest, or could be interpreted as suggesting, that the windows on the ground floor should be consistent with those to the upper floors. That is the manner considered as a very poor design approach in the Create Streets document (https://www.createstreets.com/employees/permitting-beauty/) which deals with commercial to residential conversion. This could lead to ground floor windows matching the proportions of those above in an otherwise bricked off ground floor. See an extract from that document below. We suggest reconsidering wording in this section to more carefully secure attractive ground floors to residential conversion schemes.</p>



Figure 65: Positive example of a corner shop conversion, elsewhere in London



Figure 66: Poor example of a corner shop conversion, elsewhere in London

7. Design and Quality

Policy MHD1:
Character and
development

3a) The locations suggested as infill development on the image included is contrary to the scale/massing/layout of development in the area, as the gaps between separate terraces are particularly important to the character of the area. We would also consider that the issue of potential loss of greening and trees by building out into gardens in this manner should be noted/commented on, as these infill extensions would likely impact the area in that manner.

Policy MHD2: Roof terraces and extensions	City Plan Policy 40 (E) (2) states that ‘Roof extensions will be supported in principle where they do not impact adversely on heritage assets and should where part of a terrace with an existing roof line unimpaired by roof extensions, take a coordinated approach, adding roof extensions of consistent and appropriate design to each property across the terrace’. We note that Policy MHD2 in the Neighbourhood Plan does not make references to mansard roof extensions however, to reiterate that paragraph 40.11 in the City Plan does state that these type of extensions will usually be inappropriate where the terrace within which it sits contains few or none, unless applications are submitted for extension on each building and implemented at one time.
Policy MHD4: Locally Significant Buildings	<p>Would suggest amending the terminology of “Locally Significant Buildings” to normally accepted and commonly used planning terminology such as “locally listed” or “non-designated heritage assets” etc.</p> <p><i>‘Mews Houses, 1-3B, 5-5B, 7-7B Shirland Mews’</i> are modern buildings. This may not necessarily preclude them from being considered, but they are not ‘heritage’ buildings in any meaningful sense, and in addition are very close in design to those opposite within the mews, which are not noted by the Neighbourhood Plan as being of interest.</p> <p><i>‘1 Hormead Road’</i> is a building which exactly matches the considerable number of other buildings in the street. We would question its inclusion to the apparent exclusion of all others matching in external appearance.</p> <p><i>‘486 Harrow Road’</i> appears one section of a longer terrace of uniform properties, and would question its inclusion to the exclusion of the other matching ones.</p>
Policy MHD5: Building heights	<p>1) <i>“The height of buildings in Maida Hill shall:”</i> – It is not clear whether this means new buildings or including extensions to existing buildings.</p> <p>3) This could lead to unfortunate design consequences where there are existing short buildings, as it appears to suggest that the height could – potentially at least – go up to five storeys but with all additional storeys to a set back location. This would be appropriate if one storey was being added to that set back location above the shoulder height, though may lead to wholly inappropriate impacts if more than one storey was included to a set back location (double mansard? Two sheer storeys set back from the main front elevation line?). We would suggest a catch-all terms of ‘The overall composition of the building should remain in character with the existing building and surrounding area’ or some similar statement to prevent unfortunate and unintended design approaches (This is presuming that the policy includes additions to existing buildings).</p>
Policy MHD6: Safer places by design	2c) Similarly new street lighting should not be positioned in areas which will conflict with existing trees.
8. Public Realm	
8.14	<p>Trees in the ground have greater benefits than planters and occupy less space at ground level.</p> <p>New street trees should be planted in accordance with WCC own guidelines following the principles of right tree in the right place, and thereafter maintained in the same way as street trees elsewhere in WCC, according to specific requirements, with the aim of maximising canopy cover and associated benefits whilst undertaking appropriate maintenance.</p>

8.29	The council has recently published a <u>Strategic Flood Risk Assessment</u> which identifies existing surface water flood risk areas. This is more updated than the City Councils Environmental SPD. It also identifies updated Surface Water Management Zones as a successor to surface water flood risk hotspots, which is relevant for planning/site-specific flood risk assessments. Also, changes to the Flood and Water Management Act 2010 (referencing WCC becoming a SuDS Approval Body) is yet to come into effect. This will likely come into effect next year, but this is not 100% confirmed.
Policy MHP3: Sustainable drainage systems (SuDS)	1e) SuDS features must not harm existing trees or constrain future tree root growth.
9. Sustainable access	
Policy MHS2: Mobility hubs	There appears no clear definition on what “mobility hubs” means, and suggest to avoid inappropriate structures in prominent front-of-building locations, or on streets, we would need definition on what they mean, to allow for a fuller understanding of the implications. This should also be included in as a definition in the glossary.
10. Environment	
Policy MHE1: Re-use and retrofit of buildings	<p>The policy makes reference to the Low Energy Transformation Initiative (LETI). The council caution the use of the targets included within the LETI Climate Emergency Retrofit Guide, as there have been a number of changes across the industry since this guide was first published in 2021. For example, the pilot version of the UK Net Zero Carbon Building Standard (UKNZCBS) was released in September 2024. Whilst this is currently in a pilot version, it is possible that once adopted in 2025 that this Standard could supersede some elements included the LETI guidance. Similarly, an update to the RICS Whole Life Carbon Assessment for the Built Environment Standard effective from July 2024 may also have some implications to the implementation of the LETI guidance. While the policy at point 2 does state that ‘<i>any subsequent document or set of standards that superseded this</i>’ could be used, the council consider it to be clearer and better for applicants if the wording was amended to instead be:</p> <p><i>2. Strong support will be given to residential schemes that involve the retrofitting of existing buildings. in line with targets set out in the LETI Climate Emergency Retrofit Guide (or any subsequent document or set of standards that supersedes this).</i></p> <p>The existing Westminster Validation Requirements (March 2024) state that a Sustainable Design Statement is required for ‘<i>all applications which create new floorspace and/or where extensive works to retrofit/improve the environmental performance of a building are proposed</i>’.</p> <p>The Validation Checklist provides further details stating that ‘<i>any proposal involving demolition of a building should include a [Sustainable Design] statement setting out why it is not possible to retain and improve the existing building in line with Policy 38, cross referencing the whole life cycle carbon analysis where required.</i>’</p> <p>Point 3 of the policy requires that ‘<i>any scheme involving the demolition or redevelopment of an existing building, as opposed to retrofitting that building, will need to be fully justified through submission of a Sustainable Design Statement.</i>’ It is considered that this is duplicating the requirements already set via adopted City Plan Policy 38.</p>

	<p>Furthermore, the wording is not clear on what constitutes demolition (i.e. is it any demolition, or just where there is the total demolition of an existing building), what is considered to be ‘redevelopment’ and if there are varying degrees of retrofitting (for example deep retrofit or refurbishment) which are relevant to this policy.</p> <p>The council are currently proposing a Retrofit First policy in the City Plan Partial Review. Following the Regulation 19 consultation, wording amendments have been proposed to the policy with the intention being that substantial demolition is justified.</p> <p>On this basis, it is recommended that wording in point 3 is amended to instead focus on supporting retrofitting, rather than requiring additional justification given overlaps with existing and proposed City Plan policies, and Validation Requirements.</p> <p>Given that point 1 of the policy already makes this principle clear, it is therefore recommended that point 3 is removed.</p>
<p>Maida Hill Design Guidance and Codes</p>	
<p>SP02 Cycle Parking</p>	<p><i>“– Where possible in Maida Hill bicycle hangers should be implemented in line with WCC policy; – Where this is not possible, cycle parking could be accessed from the front of the building either in a specially constructed enclosure (Fig. 50)”</i></p> <p>Whilst we are generally supportive of WCC cycle hangers to the pavement in the area, we would not consider acceptable the installation of the cycle storage requirements of a private development in a position to the front of the building, either in the front forecourt or to the street. Bike storage for anything other than WCC bike hangers should be contained within the development, and not set to the front of the building. We suggest reconsidering the wording for this section to separate out a consideration of WCC cycle hangers and any other cycle storage.</p>
<p>SP03 Safeguard Trees, Landscaping and Views</p>	<p>Much of the text in this section is about tree planting in the public realm, which perhaps is not the right focus, and the proposals should perhaps focus on trees in relation to development.</p> <p><i>“Encourage tree planting and greening within new developments”</i> - This section addresses adequate protection of existing trees as a well as new tree planting, so the title should reflect this.</p> <p><i>“They also maximise the social and economic value of the public realm by creating an attractive environment that they want to be in as well as providing relief from rain and sunlight.”</i> – This sentence requires editing as does not read very well.</p> <p><i>“If development proposals include the removal of mature trees, it is expected that new landscaping include replacement tree planting.”</i> – include “to optimise canopy cover”.</p> <p><i>“Regulations, standards, and guidelines relevant to the planting and maintenance of trees are listed below:”</i> - The DG is focused on tree planting but should also reference protection of existing trees on development sites, and so reference to BS5837:2012 trees in relation to construction - recommendations might be appropriate.</p>

	<p>Suggest moving section on “Pocket Parks” to end of design code.</p> <p><i>“Westminster City Council and/or any new developers are encouraged to explore opportunities for public realm design interventions/environmental enhancements with a strong focus on biodiversity and inclusive design (1).”</i> – Suggest amending to “As part of the development process, opportunities should be sought for new tree planting and improvements to the public realm, with a strong focus etc.”</p> <p><i>“Opportunities for planting in areas should be explored, particularly residential areas, and increase plant diversity, if necessary with more drought tolerant species and introduce environmentally sustainable management practices;”</i> - Suggest remove 'more drought tolerant species and replace with to reference to climate change. i.e. increase plant species diversity and select species with resilience to climate change.</p> <p><i>“Westminster City Council and new developers could explore the quality and attractiveness of existing and new squares/open spaces within developments by ensuring that they are well designed with proper maintenance in place to provide tranquil, clean and safe spaces (see figure 55);”</i> - This should be replaced with general points about maximizing greening opportunities in new developments. The phrasing 'Westminster City Council and new developers' indicates a collaboration, whereas it seems that the intention is to direct the advice both to Westminster Council and to new developers.</p> <p><i>“and window cill displays rather than in the street with watering from the premises and creeper on undistinguished blind walls”</i> – Should include reference to sustainable water use.</p> <p>Image at 53 does not particularly represent good examples of green boundary treatments.</p>
BF03 – Roof extensions	<p>The image below appears to contradict both the Neighbourhood Plan suggested policies regarding roof extensions integrating closely into the design of the building, and also our own WCC policies which say the same and also that mansards are the strongly anticipated form of roof extension in most circumstances. We would consider that this image should be omitted from the document.</p>

CASE STUDY - ROOF EXTENSION WITH TERRACES

The images on this page show a positive example of how a roof terrace has been developed elsewhere in London, within a sensitive Conservation Area setting.

The work included the renovation of a 1930s infill house, previously seen as the ugly duckling on a street which otherwise typifies the leafy suburban nature of the Dartmouth Park Conservation Area. It shows how roof terraces and other forms of renovation can provide greater amenity space for residents while enhancing the character of the area and adding greenery to the urban environment.



Figure 75: 32 Laurier Road - extra floor added to facilitate family living. Richard Keep Architects (photo credit: Ben Blossom).



Figure 76: 32 Laurier Road - 2 roof terraces with planting make a positive contribution to the streetscape. Richard Keep Architects (photo credit: Ben Blossom).



extension with roof terraces
enhancing the character of the street. Richard Keep Architects (photo credit: Ben Blossom).