

## INDEPENDENT EXAMINATION OF THE MAYFAIR NEIGHBOURHOOD PLAN

EXAMINER: JILL KINGABY BSc (Econ) MSc MRTPI

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Cc: Sean Walsh  
Westminster City Council

Examination Ref: 02/JK/MNP

By email

20 March 2019

Dear Mr Henderson

### **Mayfair Neighbourhood Plan: Examiner's response to the Mayfair Forum letter, 14<sup>th</sup> February 2019**

Thank you for your letter of 14<sup>th</sup> February 2019, with the accompanying Statement of Common Ground (SoCG), signed on behalf of Westminster City Council (WCC) and the Mayfair Neighbourhood Forum. I have read the submitted information including the modified draft of the Mayfair Neighbourhood Plan, and am most grateful to the Forum and WCC for undertaking additional work in response to my preliminary questions. After reading the new material, I carried out a site visit in Mayfair on 7<sup>th</sup> March.

Regarding two main outstanding areas of disagreement outlined in the letter of 14<sup>th</sup> February 2019, I have reached the position set out below. Before concluding my report and the examination, I am willing to consider any final comments which the Forum wishes to make on these two main issues. If there are any factors which I have overlooked or misunderstood, please advise me accordingly and I will review my assessment.

#### **Green Spaces**

Section 2.2 of the modified draft Neighbourhood Plan explains that "*Mayfair contains several green spaces of great importance to the area and the city as a whole*" .... Policy MGS1 describes Grosvenor Square, Berkeley Square, Hanover Square and Mount Street Gardens as Local Green Spaces. Local Green Space (LGS) designation is described in the National Planning Policy Framework (2012 version), paragraphs 75 – 77. Local communities through local and neighbourhood plans should be able to identify for special protection green areas of particular importance to them. Local policy for managing development within a LGS should be consistent with policy for Green Belts. Designation should satisfy a number of criteria, but "*will not be appropriate for most green areas or open space*".

Policy MGS3 of the Neighbourhood Plan concerns events in green spaces, seeking to control their incidence and ensure that there are no significant adverse effects on local amenity where they take place. The Forum points out that local residents in Mayfair would like to have very few commercial events in the Squares; local businesses would like to see a limited number of events that would be complementary to their businesses. I have read the planning permission granted in May 2016 for the erection of 19 marquees in Berkeley Square to host commercial events for a temporary period in June 2017 and for unspecified dates in 2018 to 2021. I note that a significant part of Berkeley Square would be occupied by marquees and related structures, and that other events would also take place in the Square at separate times of the year. I recognise the concern of the Forum that some of the planned events would not be directly related to local businesses.

I consider that Policy MGS1 would have a significant effect on the ability of the named squares and open space to host future commercial events, because the policies applicable to Green Belts would be applied. Westminster's City Plan, adopted in November 2017, seeks *"to protect and enhance Westminster's open spaces... and to manage these spaces to ensure areas of relative tranquillity in a city with a daytime population increased every day by over one million workers and visitors."* (Strategic objective 7). However, in addition, Mayfair is included in London's Core Central Activities Zone (CAZ) and Westminster's Policy S1: Mixed Uses in the CAZ encourages commercial development. The supporting text states that the Council *"wishes to accommodate the various economic functions that contribute to London's world class city status ... balance between residential and commercial uses must be managed to ensure that the core strategic commercial function can continue to thrive ...."* In my opinion, LGS designations of the named squares could restrain commercial activity and would not be in general conformity with Policy S1 of Westminster City's Plan. Also, Policy MGS3 should be modified so that reference to "Local Community Use" is omitted so that the policy is appropriate for the Core CAZ.

The Government's Planning Practice Guidance on Local Green Space Designation (Ref ID: 37-005 to 022-20140306) cautions against designating LGSs where land is already protected by other designations. The London Squares Preservation Act 1931 should preserve the squares in Mayfair as permanent open space. Three conservation areas (Mayfair, Regent Street and Royal Parks) also offer protection to established open spaces against undesirable changes. Having regard for national planning policy, I consider that Policy MGS1 should refer to Mayfair's "public green spaces" rather than LGS, and I propose to modify the Neighbourhood Plan accordingly.

### **Park Lane**

Section 3.3 of the Neighbourhood Plan describes a series of challenges presented by the road structure in the Park Lane area. It was apparent at my site visit that poor public realm, a poor pedestrian and cycling environment, severance - with very poor connections between intensively developed Mayfair and the spacious green area of Hyde Park, heavy traffic flows with associated noise and air pollution, characterise the area. Policy MPL1: Transforming Park Lane seeks section 106 (s106) contributions from future development to fund further analysis and modelling for change to the transport network and pursuit of one of three Solutions described, or variants to them.

In its Regulation 16 response to the submitted Neighbourhood Plan, WCC stated that it supported finding ways to improve access between Mayfair and Hyde Park and the quality of the public realm in and around Park Lane. However, it had major reservations around Policy MPL1. I share the concerns raised by WCC as follows:

- There are currently no plans at London or Westminster level to support the options described in the Neighbourhood Plan. Policy S43 of Westminster City's Local Plan identifies strategic transport projects, but does not envisage works to Park Lane. Park Lane is an important road within London, accommodating much through traffic which comprises private cars, commercial vehicles, buses or coaches and taxis. All three options for improvement could have significant implications for both other neighbourhood plan areas and other Boroughs. As such, the potential schemes relating to Park Lane amount, in my view, to a strategic project and the Neighbourhood Plan is not therefore in general conformity with strategic development plan Policy S43.
- Policy MPL1 states that development in Park Lane and nearby will contribute via s106 agreements towards funding transformational change to Park Lane. However, I am not satisfied that the legal requirements and rules governing the use of s106 obligations, as set out in CIL Regulations 122 and 123, would be met by the policy.

Although your letter of 14<sup>th</sup> February 2019 refers to “TfL’s comments in relation to the policies in the formal consultation responses”, I am unaware of any received at the Regulation 16 consultation stage. However, I note that Transport for London commented on the draft Neighbourhood Plan on 1<sup>st</sup> August 2017. It stated then that it had not yet undertaken any feasibility work to assess the impact of major changes on Park Lane. The schemes envisaged could cost significantly more than the total income generated by neighbourhood CIL over the stated Plan period. Park Lane forms a vital link in the scheduled express coach and tour bus networks, and has a role in the provision of interchange between regional and airport express services. Transport for London questioned the proposal to shut down the southbound carriageway rather than the northbound one. It queried whether Park Lane’s role in providing accessible mass transport (by bus) to and from all corners of the capital had been taken into account. These factors cause me concern that Policy MPL1 may not contribute to the promotion of sustainable development within the wider London context.

WCC suggested having a single policy for Park Lane focused on changes likely to be deliverable within the timescale of the Neighbourhood Plan, with a paragraph setting out the Forum’s aspirations for more radical change. I would support that approach and propose to modify the Plan along those lines.

#### Other matters

This note is focussed on the two main issues of disagreement between the Forum and WCC. Clearly, my examination report will address all the topics and policies covered in the Neighbourhood Plan.

I would be grateful if any final comments could be provided within **two weeks** of receipt of this letter.

In the interests of transparency, I ask that a copy of this letter and any responses to my questions are placed on the Forum and Local Authority websites.

Thank you in advance for your assistance.

Your sincerely

*Jill Kingaby*

Examiner