

**Report on Queen’s Park**

**Neighbourhood Plan**

**2020-2040**

**An Examination undertaken for Westminster City Council with the support of the Queen’s Park Community Council on the April 2020 submission version of the Plan.**

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| **Main Findings** - Executive Summary  From my examination of the Queen’s Park Neighbourhood Plan (the Plan/ QPNP) 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 – Queen’s Park Community Council;       * The Plan has been prepared for an area properly designated – Queen’s Park Community Council area as shown on Page 42 (Annex 1) of the of the Neighbourhood Plan;       * The Plan specifies the period to which it is to take effect – 2020-2040; 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**

*Queen’s Park Neighbourhood Plan 2020-2040*

1.1 The Queen’s Park Neighbourhood Plan covers the Queen’s Park area, illustrated on Page 42 (Annex 1), which aligns with the electoral ward. Kilburn Lane forms the western and northern boundaries of the area. Fernhead Road and Portnall Road define the eastern boundary. Harrow Road and the Grand Union Canal mark the southern boundary. Queen’s Park occupies the north-western corner of the City of Westminster (WCC) area. Queen’s Park is primarily residential, with a population of over 13,300 residents in 5,100 homes. The Queen’s Park Estate, at the heart of the Neighbourhood Plan Area, was built mostly in the late 1800s, and is a designated conservation area. Two high streets, on Harrow Road and Kilburn Lane, provide a range of shops and community facilities. Queen’s Park Gardens provides green open space, with sport and leisure facilities, close to the centre of the area. The Grand Union Canal is an important local feature, with pockets of commercial activity alongside, albeit most of these and the towpath are situated outside the QPNP area to the south, within the Royal Borough of Kensington and Chelsea.

1.2 Queen’s Park Community Council (QPCC) submitted proposals to prepare a neighbourhood plan to WCC in 2013. The area, based on the electoral ward boundary for Queen’s Park, was designated for neighbourhood planning by WCC on 10 January 2014. A first draft QPNP, addressing issues and concerns raised by local residents, voluntary groups and commercial parties, was shared with WCC in January 2017, and a revised Plan was subject to consultation, in accordance with Regulation 14, between October and December 2017.[[1]](#footnote-1) The submitted QPNP, April 2020, was consulted on, in accordance with the Regulation 16 requirements, between 26 November 2020 and 21 January 2021[[2]](#footnote-2).

*The Independent Examiner*

1.3 As the Plan has now reached the examination stage, I have been appointed as the examiner of the QPNP by WCC, with the agreement of QPCC.

1.4 I am a chartered town planner and former government Planning Inspector, with previous experience examining neighbourhood plans in London and elsewhere. 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’; and
* 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.

* 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 Condition*s

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 (under retained EU law)[[3]](#footnote-3); and
* Meet prescribed conditions and comply with prescribed matters.

1.9 Regulation 32 of the 2012 Regulations prescribes a further Basic Condition for a neighbourhood plan. This requires that the making of the neighbourhood development plan does not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017.[[4]](#footnote-4)

* + 1. **Approach to the Examination**

*Planning Policy Context*

2.1 The Development Plan for this part of WCC, not including documents relating to excluded minerals and waste development, is the Westminster City Plan and the London Plan. When the QPNP was submitted for examination, the Westminster City Plan, 2016, with saved policies from Westminster Unitary Development Plan, 2007, formed the adopted Local Plan. However, a new Westminster City Plan was the subject of an examination beginning in November 2019, and the Inspectors’ report of 19 March 2021 concluded that, with recommended main modifications in place, the City Plan would be sound and compliant with the legal requirements. Formal adoption of the new City Plan, 2019-40, took place on 21 April 2021. I have therefore assessed whether the QPNP is in general conformity with the strategic policies of the Westminster City Plan, 2019-40.

2.2 The London Plan has also been recently revised. Following examination, the Mayor sent the Publication London Plan to the Secretary of State in December 2020. The Secretary of State confirmed, on 29 January 2021, that he was content for the Mayor’s new London Plan to be formally published with no further changes and this took place on 2 March 2021. In examining the QPNP, I have assessed whether it is in general conformity with the strategic policies of the new London Plan.

2.3 The planning policy for England is set out principally in the National Planning Policy Framework (NPPF). The PPG offers guidance on how this policy should be implemented. A revised NPPF was published on 19 February 2019, and all references in this report are to the February 2019 NPPF and its accompanying PPG .

*Submitted Documents*

2.4 I have considered all policy, guidance and other reference documents I consider relevant to the examination, including:

* the draft Queen’s Park Neighbourhood Plan 2020-2040, April 2020;
* Map of the Neighbourhood Plan area, QPNP Annex 1: Evidence Base, Page 42, which identifies the area to which the proposed Neighbourhood Plan relates;
* the Consultation Statement, 2014 – 2020, undated;
* the Basic Conditions Statement, undated;
* all the representations that have been made in accordance with the Regulation 16 consultation;
* the Strategic Environmental Assessment (SEA) Screening Report and Habitats Regulations Assessment Screening Report, March 2018;
* On the Street, Your views and ideas about the future of Queen’s Park, QPCC, July 2015;
* Neighbourhood Plan Background Document, Revision A, January 2016;
* Canal Terrace Conservation Area Design Guide April 2020; and
* Responses from QPCC and WCC received on 5 March 2021 and 13 April 2021 to my letter of 22 February 2021 (Ref: 01/JK/QPNP) and QPCC’s response of 20 April 2021 to my further letter of 19 April 2021.

The response of 13 April 2021 included Table 2 - a Statement of Common Ground (SOCG) between QPCC and WCC, with a number of agreed modifications to be made to the submitted Plan. I have taken account of the SOCG, as well as Table 1 – Areas of Disagreement, in undertaking my examination.[[5]](#footnote-5)

*Site Visit*

2.5 I made an unaccompanied site visit to the Neighbourhood Plan Area on 6 May 2021 to familiarise myself with it, and to visit relevant sites and areas referenced in the Plan and evidential documents.

*Written Representations with or without Public Hearing*

2.6 This examination has been dealt with by written representations.

I considered hearing sessions to be unnecessary as my reading of the Plan, all submitted evidence and the consultation responses enabled me to identify the objections to the Plan, and consider arguments for and against the Plan’s suitability to proceed to a referendum.

*Modifications*

2.7 A number of “Proposed Amendments” were put forward in Table 2 of the SOCG which were agreed by QPCC and WCC in April 2021. I have taken the draft modifications agreed by QPCC and WCC as shown in Table 2 as a starting-point for recommending modifications to the submitted QPNP. Where necessary, I have proposed additional modifications (**PMs**) as shown in Appendix 1 to the changes proposed in the SOCG. I confirm that the changes proposed to the submitted QPNP as set out in Table 2 of the SOCG should be made so that the Plan meets the Basic Conditions and other legal requirements (**PM1**), as attached at Appendix 2.

**3. Procedural Compliance and Human Rights**

*Qualifying Body and Neighbourhood Plan Area*

3.1 The QPNP has been prepared and submitted for examination by QPCC, which is a qualifying body for an area that was designated by WCC on 10 January 2014.

3.2 It is the only Neighbourhood Plan for Queen’s Park and does not relate to land outside the designated Neighbourhood Plan Area.

*Plan Period*

3.3 The Plan specifies clearly the period to which it is to take effect, which is from 2020 to 2040.

*Neighbourhood Plan Preparation and Consultation*

3.4 QPCC was the first Community Council to be set up in London, following a campaign and local referendum in 2012. Elections are held every 4 years with the first 12 councillors elected in May 2014, and the second set in May 2018. Councillors are local residents with a wide range of experience and views and are not affiliated with particular political parties. The Consultation Statement describes consultation activities conducted between 2013 (Summer Festival- August 2013) and 2017. QPCC sought to understand the views of local residents, the voluntary sector organisations, Harrow Road retailers and WCC. At the Summer Festival, 134 attendees were asked to name the one thing they wished to change about Queen’s Park, and 69 visitors to the stall were asked to identify their priority issues. In September 2013, 32 in-depth interviews with a cross-section of community members showed that there was much interest in community development and support. At the Summer Festival in August 2014, 103 mainly local people, commented on local issues and suggested possible improvements.

3.5 With funding from the Greater London Authority, a shop was opened in Harrow Road in June-July 2015 to aid the production of a neighbourhood plan. Fifteen events, workshops and meetings took place and over 160 comments were received. A desire to improve Harrow Road and its retail facilities, and conserve Canal Terrace, were two of the main issues arising. In August 2015, interviews with independent shops and businesses in Harrow Road led to the formation of the Harrow Road Retailers Association (148 members) and a small working group. In 2017, WCC gave support for a project to write a Design Guide for Canal Terrace. Other projects were also undertaken as more information about issues of local significance were identified. For example, between 2015 and 2017, consultation with Open Age and The Avenues youth centre led to meetings and works to provide better resources for older people, with funding to enable the youth club to be open for old people during the day in school terms.

3.6 In February 2017, QPCC consulted the 1,728 households within the conservation area about acceptable alterations to buildings. Only 34 households responded, and all but one of them were owner-occupiers. Monthly meetings of QPCC councillors have led to the identification of issues of local concern, some of which are relevant to the Neighbourhood Plan. Loss of community assets and the need for more social or affordable housing have been noted. The draft QPNP, sent to WCC in January 2017, reflected the issues and concerns raised by local people. The Regulation 14 exercise at the end of 2017 consisted of consultation with Queen’s Park residents, statutory bodies and WCC. For residents and stakeholders, a very short version of the Plan was hand-delivered to all households, and a longer summary was placed on the QPCC website with printed copies available in four locations across Queen’s Park. The full version was available on the website, and on request. Three open meetings were arranged for residents in November and early December 2017.

3.7 The Consultation Statement reports that WCC and four statutory bodies responded to the Regulation 14 consultation exercise, but there was “little formal response from residents”. The Regulation 16 exercise (26 November 2020 – 21 January 2021) produced responses from WCC, Knightsbridge Neighbourhood Forum, Thames Water, Natural England, Port of London Authority, Sport England, and only one other person. I requested more information about the Regulation 16 consultation exercise in my letter to QPCC and WCC of 22 February 2021. QPCC responded on 5 March 2021 with additional information about the consultation process, which I have taken into account. In spite of the lack of responses from residents and local stakeholders at both the main stages of plan consultation, I have seen no evidence that the consultation process suffers from any shortcomings in relation to meeting the legal requirements or having regard to the advice in the PPG on plan preparation. Neither WCC nor the other statutory bodies who participated in the Regulation 16 exercise have made complaints about the consultation process. It is clear to me that a range of techniques to inform and engage with local people was adopted.

3.8 The Consultation Statement observes that Queen’s Park is one of the most deprived wards in Westminster. Fewer than a quarter of its households were home owners in 2011, according to the Census. The area’s profile, it is suggested in the Consultation Statement, meant that residents have tended not to respond to formal public consultations. I accept this argument and am satisfied that QPCC has worked hard to identify the issues and concerns of the local community, to provide a range of opportunities for comment and engagement, and address the local issues/concerns in the Plan. I conclude that the legal requirements for public consultation have been met and the advice in the PPG on plan preparation and engagement has been sufficiently taken into account.

*Development and Use of Land*

3.9 The Plan sets out policies in relation to the development and use of land in accordance with s.38A of the 2004 Act.

*Excluded Development*

3.10 The Plan does not include provisions and policies for ‘excluded development’.

*Human Rights*

3.11 QPCC states, in the Basic Conditions Statement, that the Plan does not breach Human Rights (within the meaning of the Human Rights Act 1998). WCC has not disputed this claim, and from my independent assessment I see no reason to disagree.

**4. Compliance with the Basic Conditions**

*EU Obligations*

4.1 The Basic Conditions Statement advises that the Neighbourhood Plan was screened for Strategic Environmental Assessment (SEA) by WCC, which found that it was unnecessary to undertake SEA. Having read QPCC’s “Strategic Environmental Assessment Screening Report and Habitats Regulations Assessment Screening Report March 2018”, I support this conclusion.

4.2 The QPNP was further screened for Habitats Regulations Assessment (HRA) as described in the March 2018 report. This concluded that there would be no likely significant effects in respect of European sites, and that further HRA would not be required. Natural England concurred with the outcomes of both the SEA and HRA as the QPNP would not have negative impacts on any Natura 2000 sites, or biodiversity more broadly. After reading the screening report, I have no reason to disagree.

*Main Issues*

4.3 I have approached the assessment of compliance with the Basic Conditions of the QPNP as two main matters:

* General issues of compliance of the Plan, as a whole; and
* Specific issues of compliance of the Plan policies.

*General Issues of Compliance*

4.4 The QPNP is a very succinct neighbourhood plan, and this should be helpful for readers and users. QPCC’s vision is set out at the start of the Introduction. This seeks the best possible facilities and services for residents; an excellent natural environment; best design and a low-carbon future. The Plan aims to safeguard and build on local heritage assets; foster a strong sense of community; value diversity and enable all to live and work together. Having visited Queen’s Park and having read the evidential base for the QPNP, I consider that overall this vision is appropriate for the area.

4.5 The Knightsbridge Neighbourhood Forum pointed out that WCC had declared a “Climate Emergency” in September 2019 and had followed through its commitment to achieve net zero carbon emissions by 2040, in the new City Plan. It was suggested that objective 3 of the QPNP should be modified to seek “the achievement of net zero carbon emissions” rather than “a low carbon agenda”. In response to my preliminary questions on the Plan, QPCC stated its support for having the same target as WCC. I therefore propose to modify the Vision and objective 3 of the QPNP, as in **PM2**, to state that the Plan aims to achieve net zero carbon emissions. With this modification in place, the vision and objectives will have regard to national planning policy, be in general conformity with strategic local policy, and should contribute to the achievement of sustainable development.

4.6 The Plan’s Introduction addresses: Why Queen’s Park needs a neighbourhood plan, and How the Neighbourhood Plan fits into the planning system. The Local planning context, with a set of maps to show the location of Queen’s Park in Westminster, follows. The Policy objectives, described on Pages 14 and 15, follow logically from the vision, and lead to the identification of six policy headings. I consider that all these sections with PM2 in place, as well as the Acknowledgement to other organisations who have assisted with plan-making, provide an appropriate start to the QPNP and meet the Basic Conditions.

4.7 However, the Introduction should include a clear map which shows the extent of the QPNP area, with appropriate names of roads and landmarks. The map on Page 42 in Annex 1, with the supporting text on Page 43, fulfils this role, and should be moved to the Introduction as in **PM3**, to provide clarity at an early stage for readers and users of the Plan. The QPNP also requires some updating so that it refers to the recently adopted Westminster City Plan and new London Plan, as well as the climate emergency measures pledged by QPCC in February 2020. The SOCG puts forward modifications to paragraphs 1.4, Page 8 (London box), 1.13, 1.14, 1.16, 1.18, Maps 1.1 and 1.3, which I support as they would secure the necessary updates. The SOCG also includes modification to the Policy headings on Pages 14 and 15, to name the relevant policies for each objective. I consider that this additional information should be made for general conformity with strategic planning policies and for the achievement of sustainable development.

4.8 Section 2 of the Plan, starting on Page 17, covers the Plan’s policies. Policy 1: Amenities seeks to limit the loss of community facilities. I consider that the policy wording should be modified as proposed in the SOCG, because demonstrating that “the community use is no longer required” could be problematic, and result in conflict with Policy 17 of the City Plan: Community infrastructure and facilities. Adding a reference in paragraph 2.4 to paragraph 17.1 of the Westminster City Plan, as proposed in the SOCG, should ensure general conformity with that Plan and assist with the implementation of Policy 1. In addition, to provide more information as to the amenities which exist within Queen’s Park, a cross-reference to maps and evidence data in Annex 1 should be included in the policy’s supporting text. **PM4** to modify paragraph 2.4 should be made, to contribute to the achievement of sustainable development. Government changes to the Use Classes Order, with the introduction of Class E in September 2020, are likely to affect the extent to which existing local amenities can be protected. The SOCG recognises this update through modifications to paragraph 2.4 and the footnote.[[6]](#footnote-6) Also, the references to the Westminster City Plan and the London Plan following Policy 1 in the submitted Plan require updating. The modifications put forward in the SOCG to Policy 1 and its justification should be made having regard for national planning policy and for general conformity with the strategic policies for WCC and London.

4.9 Policies 2, 3, 4, 6, 7, 8, 9 and 10 also include links to relevant strategic policies, which require modification now that the new London Plan and City Plan have been adopted. Modifications to the links, as shown in the SOCG, should be made to secure general conformity with these Plans.

4.10 Section 3 of the QPNP: Development Projects describes five potential groups of projects which QPCC will pursue and for which it will seek funding. I agree that these projects should be distinguished from the planning policies in the Plan, but consider that the first sentence on Page 34 stating “This section is not part of the statutory Neighbourhood Plan...” could be misleading. I propose that **PM9** is made to clarify that the projects are separate from the planning policies in section 2, but are supported by QPCC as it considers that their delivery would help achieve the vision and objectives of the QPNP. PM9 should be made having regard for national planning policy.

4.11 WCC questioned at Regulation 16 consultation stage whether Policy 5: Queen’s Park Gardens Hut was in general conformity with the City Plan. It contended that it would sit more comfortably in the Projects section of the Plan. As the policy concerns details of the future use of the existing building and yard rather than major new development, I support this approach. The SOCG proposes that the policy be deleted and the content of the section moved to “Projects”. I agree that the section should be added as Project 2.10. Also, I agree that paragraph 2.16 and the outdated “Links to strategic policies” should be deleted, as proposed in the SOCG.

4.12 At the beginning of Annex 1: Neighbourhood Plan Evidence Base, it is stated that this does not form part of the statutory Neighbourhood Plan. Nevertheless, its inclusion, along with Annex 2: Retail and Queen’s Park High Street, at the end of the document, provide helpful background information which has been used to shape and prepare the QPNP. I support this statement and make no comment on the details of background evidence within these annexes. Providing all the modifications described above are made, I conclude that in general terms, the QPNP is clearly structured and presented, and meets the Basic Conditions for neighbourhood planning.

*Specific Issues of Compliance of the Plan’s Policies*

4.13 As WCC observed, the summary of character areas in paragraph 1.3 conflicts with those defined in Policy 6. I agree that the modifications included in the SOCG should be made so that the Canal Terrace is named as a distinctive character area, and a reference to “Edwardian” terraced housing (as built 1901-10) is added. In addition, modification should be made to paragraph 1.3, as in **PM2**, to state that five, not four, character areas have been identified. The SOCG also proposes modifications to paragraph 1.4 to delete the reference to an unspecified “consultation document”, and to paragraph 1.5, to describe more directly the opportunity for consultation with local people which neighbourhood planning brings. Modifications to paragraphs 1.7 and 1.9 put forward in the SOCG provide less narrative about the new Moberley sports centre, which is outside the QPNP area, and give updated and more positive information on planned improvements to Harrow Road. I support these modifications to provide an up-to-date and clear account as to “Why Queen’s Park needs a neighbourhood plan”, and to contribute to the achievement of sustainable development.

4.14 The SOCG includes modifications to paragraphs 1.20 and 1.21, which refer to the Community Infrastructure Levy (CIL) schedule adopted by WCC. The modifications clarify the role of QPCC in respect of CIL funding and should be made so that regard is had for national planning policy. Also, I consider that the maps on Pages 10 and 11 should be modified as described in the SOCG so that they are in general conformity with the City Plan.

4.15 Policy 2: Queen’s Park Hall aims to support its use as a community hall, and the justification text observes that this is a Grade II listed building. Although it was designated as an Asset of Community Value in 2016, WCC pointed out that this designation falls under separate legislation and cannot be controlled through planning policy. The SOCG includes modified wording for Policy 2 which I support, as it should ensure that regard is had for national planning policy.

4.16 Paragraph 2.8 states that there are few green spaces within the Queen’s Park area. Apart from Queen’s Park Gardens and Harrow Road Open Space, north of the Grand Union Canal, I saw at my site visit that communal open space is in short supply. I appreciate the importance of domestic gardens in providing areas for leisure use or children’s play, as well as privacy/separation from neighbours, and places for biodiversity, in this predominantly residential area. Paragraph 2.10 states that the local community wishes to encourage more greening and living street projects. Nevertheless, WCC argued that Policy 3: Residential gardens is too onerous and does not have regard for national planning policy, as permitted development rights give residents powers to extend their properties and build in gardens. QPCC proposed to modify the policy so as to resist development which would result in the significant loss of residential gardens. This was welcomed by WCC, but perceived to be insufficient, as case officers would face difficult decisions balancing the rights of occupiers to extend their properties with negative impacts in terms of matters such as local character and biodiversity.

4.17 In the Westminster City Plan, Policy 34: Green Infrastructure seeks to protect community open spaces and encourage more greening. A significant part of the QPNP area is designated as a conservation area, where City Plan Policy 39: Westminster’s heritage should provide some protection to existing gardens. Policy 40: Townscape and architecture refers to alterations and extensions and requires sensitive design in new development. The above City Plan policies should protect Queen’s Park against significant loss of its residential gardens. However, I recognise the particular importance of private garden space to local wellbeing and the environment of Queen’s Park, and propose to retain Policy 3, with the modified wording put forward in **PM5**. Case officers commonly have to weigh up the positive and negative impacts of development proposals. The modified wording should assist them in their role and ensure that Policy 3 contributes to the achievement of sustainable development. In addition, the cross-reference to the evidence base in paragraph 2.8 should be modified to refer to Annex 1, pages 66-71, rather than Appendix A, for accuracy and to assist readers.

4.18 The QPNP Policy 4: Allotments is intended to safeguard existing community garden projects at Harrington Court and Leeve House and encourage new development of these facilities. WCC commented that the policy required some clarification as to where exactly any allotments were located, and what circumstances would constitute ‘harm’. The SOCG contains a modified policy, addressing Community Food Growing rather than Allotments. The justification in paragraphs 2.13 and 2.14 would also be modified to explain exactly where the existing facilities are situated and to describe potential harm. I support the modified Policy 4 as shown in the SOCG, as this should contribute to sustainable development.

4.19 Policy 6: Design addresses heritage, design quality and sustainability, all of which are important issues for Queen’s Park and its community. The conflict between paragraph 1.3 and Policy 6 over the definition of character areas has already been discussed (see paragraph 4.13). Uncertainty as to the definition of character areas and their evidence bases continues in paragraphs 2.21 to 2.24. The reference to the intention to produce Planning Information Guides for the named character areas in Policy 6, in my opinion, requires modification so that developers are given greater clarity as to what would or would not be acceptable in different parts of the QPCC area. The SOCG puts forward modifications to move the description of the character areas from Policy 6 to paragraph 2.21. That paragraph would then describe the character areas more fully and refer to the three Design/Planning Information Guides which have already been prepared. I support these modifications which should contribute to the achievement of sustainable development.

4.20 The SOCG also proposes modifications to Policy 6, and paragraphs 2.20 and 2.25, to refer to the climate emergency, and express support for retrofitting in line with the Passivhaus Standard for the achievement of net zero carbon emission. These modifications should be made for general conformity with the City Plan and to contribute to the achievement of sustainable development. Thames Water noted that there were unlikely to be many major new development schemes in Queen’s Park in the future as the area is already intensively developed. However, it requested the inclusion of text in the QPNP, encouraging developers to engage with them ahead of submitting a planning application. I consider that such text should be added to the section addressing design and sustainability, as set out in **PM6.**

4.21 Policy 7: Improving cycling infrastructure addresses development proposals “where appropriate”. I agree with WCC that the wording of the policy needs to be more focused and that the concerns ie. road safety, air quality, and facilities for cyclists mean that the policy should be re-named as “Improving the cycling environment”. I support the modifications proposed in the SOCG which also clarify that the policy would apply to major development and give links to the current relevant policies in the London Plan and City Plan. With these modifications in place, the Basic Conditions will be met.

4.22 I appreciate that Policy 8: Safeguarding pedestrian access in Harrow Road aims to promote sustainable development by giving all pedestrians, including those with disabilities, a safe walking environment. It also aims to give pedestrians good accessibility to all the retail outlets in the district centre. The SOCG includes modified policy wording which would, in my view, strengthen the aim for an accessible and sustainable pedestrian environment, as well as update the references to strategic policies in the London Plan and WCC. I support the modifications in the SOCG, as they should contribute to the achievement of sustainable development.

4.23 Policy 9: Commercial development seeks to maintain and improve retail and commercial uses in Queen’s Park’s district and local centres. The thrust of the policy is in general conformity with Policy 5 of the City Plan, Spatial Development Priorities: North West Economic Development Area (NWEDA). City Plan Policy 5 highlights the importance of the Harrow Road District Centre to the relatively deprived part of Westminster, defined as the NWEDA, and encourages more economic activity, with protection for small and medium enterprises. I support the modifications put forward in the SOCG to QPNP Policy 9: Commercial Development to correct[[7]](#footnote-7) the reference to Kilburn Lane and refer to active frontages in the supporting text.

4.24 However, I consider that the policy should be further modified, so that its role as a planning policy, for development which would provide new or enhanced retail and commercial uses, is expressed more clearly.[[8]](#footnote-8) Paragraph 2.39 refers to the change of use of retail/commercial premises to residential use. The Government is seeking to enable more commercial, business and service premises to be changed to residential use without the need for planning permission, in order to boost the housing supply and make best use of brownfield land.[[9]](#footnote-9) Clearly, this could potentially hold back the creation of more active frontages in Canal Terrace and elsewhere.

4.25 I note that WCC, in its response to the Regulation 16 consultation exercise, expressed support for QPCC’s aspirations for Canal Terrace, as the terrace has potential for more commercial uses to serve the local community, and for more activity to create improvements to the environment around the canal. Nevertheless, I consider that the Plan, at paragraph 2.9, should mention that new permitted development rights come into effect on 1 August 2021 which will enable the change of use from the new Class E (Commercial, Business and Service) to residential use (Class C3). **PM7** should be made in addition to the modifications in the SOCG to Policy 9 and the justification, so that regard is had for national planning policy.

4.26 Policy 10 concerns residential development, and the supporting text refers to the constraints on new housing development imposed by the built up nature of the area. It states that the Plan focuses on the small number of potential opportunities for additional residential developments; an objective is to protect the existing social rented housing stock. The SOCG proposes to modify Policy 10 and the supporting text so that the policy, firstly, addresses proposals for redevelopment, infill and intensification of residential uses, and secondly, offers support for proposals for narrow-boats which are permanently moored on the Grand Union Canal. I support these modifications as they clarify the Plan’s priorities for new housing development, and secure general conformity with the London and City Plans.

4.27 Proposed modifications in the SOCG to paragraph 2.40 clarify the reasons why redevelopment, infill and intensification will be important mechanisms for securing new housing development in Queen’s Park. Paragraphs 2.42 and 2.43 would also be modified to emphasise that a range of homes to meet different needs should be met, and to inform readers that discussions about moorings have taken place with the Canal and Rivers Trust. The SOCG includes a revised map of New Residential Opportunities, with updated information on infill sites at Queen’s Park Court. I support all the proposed modifications to Policy 10 and Pages 30-31, which are needed for general conformity with strategic housing policies in the London Plan and City Plan, and to contribute to the achievement of sustainable development.

4.28 The first sentence of paragraph 2.42 sets out the main objective for new housing provision in Queen’s Park but contains a typing error which has not been corrected in the SOCG. I consider that this is an important sentence, explaining the Plan’s objective for new housing. Therefore, I propose corrective wording, as shown in **PM8**, so that regard is had for national planning policy.

4.29 The SOCG includes proposed modifications to section 3 Projects of the QPNP. As the projects go beyond land use planning, I have not examined their content and detail in terms of the Basic Conditions for neighbourhood planning. However, I have read the modifications proposed in the SOCG to section 3 and see no reason for them not to be made to the submitted Plan. As long as the above modifications are made, I conclude that the specific policies of the QPNP satisfy the Basic Conditions for neighbourhood planning.

**5. Conclusions**

*Summary*

5.1 The QPNP 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 Neighbourhood Plan, and the evidence documents submitted with it.

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. The QPNP, as modified, has no policy or proposals which I consider significant enough to have an impact beyond the designated Neighbourhood Plan boundary, requiring the referendum to extend to areas beyond the Plan boundary. 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.

*Overview*

5.4 QPCC was established in May 2014 and has worked diligently since then to develop the Neighbourhood Plan. QPCC’s work has included (i) data collection including surveys to understand the built environment, transport, civic amenities and the local economy; (ii) community engagement and a series of events to appreciate and discuss people’s views about Queen’s Park; and (iii) work on plan preparation to develop a vision and objectives, with subsequent policies, and potential projects to deliver the Plan. I appreciate that Queen’s Park is an intensively developed part of London with a large and diverse resident population. I applaud QPCC for producing a Plan which aims to build on a strong sense of community, and deliver a place in the future where all people will be able to live and work together, making the most of the area’s assets.

*Jill Kingaby*

Examiner

**Appendix 1: Modifications**

|  |  |  |
| --- | --- | --- |
| **Proposed modification number (PM)** | **Page no./ other reference** | **Modification** |
| PM1 | Whole Plan | Modify the submitted QPNP in accordance with the changes proposed in Table 2 of the SOCG (Appendix 2 to this report) incorporating any further amendments in PMs 2–9 below. |
| PM2 | Page 6  Page 7  Page 14 | Queen’s Park Community Council Vision  A Queen’s Park that we are proud of .....  a community that works towards making this ~~a low carbon area~~ ***an area with net zero carbon emissions.*** .....  Why Queen’s Park needs a neighbourhood plan  1.3 It is divided into ~~four~~ ***five*** character areas .....  Policy objectives  3. Respect and safeguard our neighbourhood’s heritage and character ....  (3rd bullet point)   * Support upgrades to the building fabric .... and ~~a low carbon agenda~~ ***the achievement of net zero carbon emissions*** whilst ..... |
| PM3 | Page 10 | Local planning context  Move the Neighbourhood Plan area map and supporting text, currently shown in Annex 1, Pages 42 and 43, to section 1. Introduction of the Plan.  Modify the third sentence on Page 43 to read:  The area is enclosed by Kilburn Lane to the north and west, .....Fernhead Road and Portnall Road to the ~~west~~ ***east.*** .... |
| PM4 | Page 18 | 2.4 A number of community facilities have been identified in the original research on Queen’s Park that provide key benefits to the local community. ***Annex 1 provides information on the location of amenities (Pages 50-51), amenity and social infrastructure (Pages 64-67) and local shops (Pages 82-83).[[10]](#footnote-10)*** |
| PM5 | Page 20 | Paragraph 2.8  There are few green spaces within the QPCC Neighbourhood Plan area. The evidence base (see ~~Appendix A~~ ***Annex 1, pages 66 – 71***) notes that .....  Policy 3 *Residential gardens*  Development which ***requires planning permission and would*** result~~s~~ in the ***significant*** loss of private residential garden~~s~~ ***space*** will not be permitted.  Development ***in the curtilage of a residential property which requires planning permission*** should ~~preserve significant green space~~ retain ***some outdoor garden space for use by occupiers where possible***, ***should*** ensure sustainable drainage, and maintain or enhance ~~the~~ biodiversity. ~~of the space.~~ |
| PM6 | Page 25 | After paragraph 2.26, add:  ***Developers are encouraged to engage with stakeholders including Thames Water ahead of the submission of applications to discuss the infrastructure requirements for development, to help ensure that development is aligned with any necessary infrastructure upgrades required.*** |
| PM7 | Page 29 | Policy 9 *Commercial development*  Proposals ~~will be supported~~ for developments ~~that maintain or improve~~ ***for new or enhanced*** retail and commercial uses within ....***will be supported.***  Development proposals for Canal .....  Justification  2.39 This policy supports ....A number of shop fronts have now been used ...remain as residential houses. ***New permitted development rights come into effect on 1 August 2021 which will enable the change of use from the new Class E (Commercial, Business and Service) to residential use (Class C3).***  ***However,*** protecting and supporting additional active frontages and uses ~~is therefore~~ ***in Queen’s Park’s key retail and commercial centres*** ***currently*** ***remains*** a key point of concern. |
| PM8 | Page 30 | Objectives  2.42 Continue developing ....new homes that ~~are wand~~ ***meet local housing need, and*** the existing housing stock is protected and enhanced*.* |
| PM9 | Page 34 | Queen’s Park Neighbourhood Plan Development Projects  ~~This section is not part of the statutory neighbourhood plan but indicates how the neighbourhood plan can be delivered.~~  ***This section of the Queen’s Park Neighbourhood Plan does not include planning policies which will be taken into account when planning applications are determined. However, following from the Plan’s vision, objectives and policies, and from evidence of ongoing physical and economic change in the area, this section describes projects with potential to help deliver the Neighbourhood Plan’s vision and objectives.*** |

1. Regulation 14 and Regulation 16 of the Neighbourhood Plan (General) Regulations 2012 (as amended). [↑](#footnote-ref-1)
2. The Queen’s Park Community Council Neighbourhood Plan 2020-2040, which is the subject of this examination, has a date on the front cover of April 2020. It is referred to as the submitted QPNP, April 2020, although the Plan was not actually submitted for examination until November 2020. [↑](#footnote-ref-2)
3. The existing body of environmental regulation is retained in UK law. [↑](#footnote-ref-3)
4. This revised Basic Condition came into force on 28 December 2018 through the Conservation of Habitats and Species and Planning (Various Amendments) (England and Wales) Regulations 2018. [↑](#footnote-ref-4)
5. View at: <https://www.westminster.gov.uk/planning-building-and-environmental-regulations/planning-policy/queens-park-neighbourhood-plan/examination-documents>

   The April 2021 SOCG also forms Appendix 2 of this report. [↑](#footnote-ref-5)
6. The Town and Country Planning Act (Use Classes) (Amendment) (England) Regulations 2020 includes new Class E (commercial, business and service uses), which incorporates the former A1, A2, A3, B1, and parts of D2 uses. [↑](#footnote-ref-6)
7. Modifications for the purpose of correcting errors is provided for in Paragraph 10(3)(e) of Schedule 4B to the 1990 Act. [↑](#footnote-ref-7)
8. See NPPF paragraphs 15 and 16 and PPG Reference ID: 41-041-20140306. [↑](#footnote-ref-8)
9. UK Government – Consultation outcome – Supporting housing delivery and public sector infrastructure – 31 March 2021. [↑](#footnote-ref-9)
10. The incorporation of the PMs into the draft Plan will change the existing page numbers and internal cross references such as these will need to be updated accordingly. [↑](#footnote-ref-10)