

## **Draft Mayfair Neighbourhood Plan**

### **Regulation 18 (2) Decision Statement**

#### **1. Summary**

- 1.1 Following an independent examination of the plan, Westminster City Council recommends that the Mayfair Neighbourhood Plan is modified as set out in Table 1 of this statement, and then proceeds to referendum. Two referendums will be held – one for residents, and one for businesses.
- 1.2. The Council agree with the Examiner’s recommendation that the area for both referendums on the Mayfair Neighbourhood Plan (as modified) should be the approved Neighbourhood Area – as shown in Figure 1 of this Decision Statement.
- 1.3 The Decision Statement, Examiner’s Report, and other background documents can be viewed on the Council’s website at <https://www.westminster.gov.uk/NP-mayfair>. Copies of the Decision Statement are also available for inspection at the following locations during normal opening hours:
  - Mayfair Library, 25 South Audley Street, London, W1K 2PB
  - Westminster City Council, 64 Victoria Street, London, SW1E 6QP
- 1.4 If approved at both referendums, the Mayfair Neighbourhood Plan will form part of the statutory development plan and will be used alongside the Westminster City Plan, saved policies from the Westminster UDP, and the London Plan, when determining planning applications within Mayfair Neighbourhood Area. If approved at only one referendum, the council will decide if the plan should be ‘made.’

#### **2. Background**

- 2.1 Mayfair Neighbourhood Area (as shown in Figure 1 of this statement) was designated by the Council on 5<sup>th</sup> April 2013 in accordance with Section 61G of the Town and Country Planning Act 1990. On 10<sup>th</sup> January 2014 Mayfair Neighbourhood Forum were designated as the neighbourhood forum for the area, and subsequently began preparing a Draft Neighbourhood Plan.<sup>1</sup>
- 2.2 The Mayfair Neighbourhood Forum published a draft plan for Regulation 14 pre-submission consultation in June 2017. It was subsequently revised in light of comments received, before submission to the Council in February 2018. Regulation 16 consultation on the plan was then carried out from May 2018 to June 2018.
- 2.3 In July 2018, the Council, in consultation with Mayfair Neighbourhood Forum, appointed Ms Jill Kingaby BSc (Econ) MSc MRTPI as independent examiner of the plan. The purpose of the examination of the plan was to determine if it met the basic

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<sup>1</sup> As neighbourhood forum designations last for a maximum of 5 years, they were subsequently re-designated for a further 5 years in January 2019

conditions required by legislation, other legal requirements, and should proceed to referendum.

- 2.4 The Examiner considered that a public hearing into the plan was not required and the examination was conducted through written representations. The Examiner's report concludes that, subject to making the modifications recommended in her report, the plan meets the basic conditions set out in legislation, and should proceed to local referendums. It also recommended that the area for the referendums should be the Neighbourhood Plan Area.

### **3. Decision**

- 3.1 The Neighbourhood Planning (General) Regulations 2012 requires that the local planning authority outline how it intends to respond to the Examiner's recommendations.
- 3.2 Having considered each of the recommendations made in the Examiner's report, and the reasons for them, the Council has decided to make the modifications to the draft plan set out in Table 1 of this Decision Statement. These changes are considered to be necessary to ensure that the draft plan meets the basic conditions and legal requirements.
- 3.3 The submitted plan was accompanied by a Sustainability Report which incorporated an assessment of equalities, a Strategic Environmental Assessment Screening Report, and a Habitats Regulations Assessment Screening Report. None of the modifications set out in Table 1 are considered to necessitate revisiting any of these assessments.
- 3.4 Westminster City Council agrees:
- A) That the recommendations of the Examiner and the subsequent amendments proposed as set out in Table 1, the Examiner's Report, and the Mayfair Neighbourhood Plan 2018-2038 (as modified), be accepted.
- B) That the Examiner's recommendation that the Mayfair Neighbourhood Plan, as modified, proceed to resident and business referendums on the basis that the plan meets the basic conditions, is compatible with the European Convention on Human Rights, complies with the statutory definition of a neighbourhood development plan, and comprises provisions that can be made by such a document.
- C) That in accordance with the Examiner's recommendation, the referendum area be restricted the neighbourhood area designated by the council on 5<sup>th</sup> April 2013 as the Mayfair Neighbourhood Area.

Signed



Cllr Richard Beddoe, Cabinet Member for Place Shaping and Planning

Date 11/07/19

**Table 1: Examiner’s recommendations and Westminster City Council response**

Proposed modification number (PM)	Page no./ other reference	Modification	Council response and reason for change
PM1	Page 11, paragraph 1.1.3 (b) and Page 17, section 1.3	Modify as shown in the draft revised MNP.	Modifications agreed through production of a Statement of Common Ground during examination. Necessary to provide more comprehensive information about the current and emerging planning policy context.
PM2	Pages 20 & 21	<p>Policies MPR1 &amp; MPR2</p> <p>Modify MPR1 as shown in the draft revised MNP.</p> <p>In addition:</p> <p>MPR1: Applications for major new development should demonstrate how they contribute to improving, <b>or at least maintaining</b>, the quality ...</p> <p>Policy MR2: If not making ..... through s.106 Agreements <b>obligations</b> to fund the delivery of improved <b>high quality</b> streets and spaces ....</p> <p>2.1.6 Delete criterion (a) and rename (b) to (f) as (a) to (e), after which add a new criterion (f): <b>Transformative rethinking of Park Lane with the dual aim of opening up the eastern side, and significantly enhancing pedestrian and cyclist accessibility to Hyde Park, is a long-term ambition for enhancement of the public realm in Mayfair.</b></p>	Modifications agreed. Incorporates modifications agreed through the production of a Statement of Common Ground during examination. Necessary to ensure policies on transforming Mayfair’s streets are not unduly onerous, use the correct terminology, and are consistent with national policy.
PM3	Page 23	Policy MGS1: Mayfair’s Local Green Spaces	Modifications agreed. Necessary to ensure policies on Mayfair’s green spaces are not unduly onerous, they

		<p><del>MGS1.1</del> Grosvenor Square, Berkeley Square, Hanover Square and Mount Street Gardens are <del>Local</del><b>public</b> <del>Green</del> <del>spaces</del>.</p> <p><del>MGS1.2</del> In <del>Local</del><b>public</b> <del>Green</del> <del>spaces</del>, Local Community Use ....</p> <p><del>MGS2: Mayfair's Green Spaces</del></p> <p><del>MGS2.1</del> Proposals which enhance .....supported.</p> <p><del>MGS2.2</del> Enhancement to the public realm ... supported. Where relevant, developments ... space in question.</p> <p>.... <del>MGS2.3</del> Proposals for development that fronts- ... is achieved.</p> <p>MGS3: Events in Green Spaces</p> <p>Proposals for events ....</p> <p>(a) Demonstrate in advance and ensure that:</p> <p>(i) there is no significant ....</p> <p>(ii) the buildings or ..</p> <p><del>(iii)in the case of an event</del> .....<del>September – May</del>.</p> <p>(iv) the cumulative total .....year.</p> <p><del>(v) the event will be .... the public working or residing in Mayfair.</del></p> <p>(b) Remediate the green ... enhanced.</p> <p><del>(c) In the case of an event...</del> structures.</p> <p>Delete paragraphs 2.2.6 to 2.2.8</p>	<p>accord with national guidance on Local Green Spaces, they conform with strategic policies in Westminster City Plan that support commercial growth in the Core CAZ, and they relate to land use planning matters.</p>
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.PM4	Page 26	<p>MUB: Urban Greening</p> <p>Modify Policies MUB1 – MUB4 as shown in the draft revised MNP.</p>	<p>Modifications agreed. Incorporates modifications agreed through the production of a Statement of Common Ground during examination. Necessary to reduce duplication within the plans green infrastructure policies and to ensure such policies are not overly onerous.</p>
PM5	Pages 29, 30 and 31	<p>Policy MSG2 – modify as shown in the draft revised MNP.</p> <p>Policy MTR: Tyburn Retail Opportunity Frontage - modify as shown in the draft revised MNP.</p>	<p>Modifications agreed. Incorporates modifications agreed through the production of a Statement of Common Ground during examination. Necessary to secure general conformity with strategic policies of Westminster City Plan and to ensure the plan supports sustainable growth.</p>
PM6	Pages 32, 33 and 34	<p>Delete paragraphs 3.3.3 and 3.3.4.</p> <p>Delete heading <b>Enhancing access to Hyde Park</b></p> <p>Policy MPL1: Transforming Park Lane</p> <p><b>Development in Park Lane, West Mayfair .... will contribute towards:</b></p> <p><b>Further work will be supported, to investigate, define and</b></p>	<p>Modifications agreed. Necessary to ensure ambitions for the transformation of Park Lane recognise the need for more feasibility works, consultation, full assessment of environmental impacts, and the scope to which s106 obligations will be able to fund the scale of interventions envisaged.</p>

		<p><i>deliver the optimum scheme for future works to reduce traffic levels and improve the public realm on Park Lane, and to enhance access from Mayfair to Hyde Park for pedestrians and cyclists. Further studies should involve engagement with WCC and other stakeholders and research into potential funding sources. Future works will contribute towards:</i></p> <ul style="list-style-type: none"> <li>(a) Further analysis and modelling ...</li> <li>(b) The drawing up and submission of formal proposals for approval <b>which will be acceptable to WCC, the GLA and TfL, as well as other bodies including Historic England and the Royal Parks.</b></li> <li>(c) <b>Ensuring that the requirements for environmental impact assessment, habitats regulations assessment and flood risk assessment are satisfied.</b></li> <li>(d) <del>(e)</del> If and when .....</li> </ul> <p><del>MPL2</del> <b>MPL1.2:</b> Park Lane's Crossings</p> <p><del>MPL2:</del> Development in the vicinity .... directly related to the development (subject to the priority of MPL1) for any development.....cycle crossings.</p>	
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		<p><del>MPL3</del> <b>MPL1.3:</b> Park Lane’s ..... highway concerns.</p> <p>3.3.10 <b>To date</b> There are three potential solutions have been developed. <b>These potential solutions and details of work undertaken so far are included in Appendix 3 Public Realm Strategy.</b> (a) Solution 1 stands in its own right ..... (b) Solution 2 involves the tunnelling.... (c) Solution 3 involves the lowering ...with Solution 3.</p> <p><del>3.3.11 ...3.3.12 .... 3.3.13 ....</del> publicly available funding is directed to it.</p> <p><i>Reasoned Justification</i></p> <p>3.3.14 Transformational change ....Whilst the funding priority is therefore for MPL1, sSubject to the availability of funds, ....</p> <p>Appendix 3 – section 4. Ways to achieve our objectives - Add text from Page 33 on Transforming Park Lane as follows:</p> <p><b>Transforming Park Lane</b></p> <p><b>The following three solutions to transform Park Lane have been considered as follows:</b></p> <p>(from paragraph 3.3.10)</p> <ul style="list-style-type: none"> <li>(a) Solution 1 stands ....</li> <li>(b) Solution 2 involves the tunnelling....</li> <li>(c) Solution 3 involves the lowering... together with Solution 3.</li> </ul> <p>3.3.11 Some of these ...</p> <p>3.3.12 <del>With the ability the Forum has ...transformational result.</del> <b>The potential for</b></p>	
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		<p><b>funding, including from s.106 obligations and CIL, will be researched to enable delivery of the project.</b></p> <p>3.3.13 Through high-level....greater challenges to their delivery and implementation. <b>The impact of works on Mayfair's significant heritage assets including archaeological priority areas requires additional research.</b> Further detailed work .... directed to it. <b>Strategic Environmental Assessment of any preferred solution(s) will be necessary to satisfy the Environmental Assessment of Plans and Programmes Regulations 2004.</b></p>	
PM7	Page 38 to 42	<p>Policy MR1: Retail encouragement and direction</p> <p>MR1.3 The amalgamation.... will <del>not be permitted</del> <b>be resisted where possible.</b></p> <p>Footnote 65, referenced in paragraph 4.1.24 should be modified to read:</p> <p>CM34.1 in WCC Booklet 7 "<del>social and community uses</del>", <b>Draft CP policy 171.</b></p> <p>4.1.27 Delete last sentence, as in the draft revised MNP.</p>	<p>Modifications agreed. Necessary to recognise the extent to which amalgamation of retail units can be controlled through planning policy. Also incorporates modifications agreed through the production of a Statement of Common Ground during examination</p>
PM8	Pages 43 & 51	<p>Delete Policy MSC2 and paragraph 4.4.11.</p> <p>Add Policy MR7: Public houses, and text of 4.1.38, as shown in the draft revised MNP.</p>	<p>Modifications agreed. Incorporates modifications agreed through the production of a Statement of Common Ground during examination. Necessary to reflect the land use classification of public houses.</p>
PM9	Page 48	<p>Policy MRU4: Construction Management</p> <p>MRU4 To be supported, ...in Mayfair <b>of a scale and type</b> that</p>	<p>Modifications agreed. Necessary to clarify policy requirements on construction management and ensure they can be effectively implemented.</p>

		<p>will require the introduction of <b>be likely to generate significant</b> construction traffic <b>movements</b> within Mayfair should demonstrate .... In addition, the assessment must comply with the <b>Council's Code of Construction Code of Practice</b> ....</p>	
PM10	Pages 50 & 51	<p>4.4.5 Modify as shown in the draft revised MNP</p> <p>4.4.8 These include churches, notable Grade 1 listed buildings such as <del>the Royal Academy and Apsley House, the Curzon Cinema, Saint George's Primary School (currently the only school in the area), the Mayfair Library, the Royal Institution, and the Handel Museum.</del></p>	<p>Modifications agreed. Necessary to reflect emerging policy and accurately reflect listing status of buildings within the neighbourhood area. Also incorporates modifications agreed through the production of a Statement of Common Ground during examination.</p>
PM11	Page 54	<p>MSD: Servicing and Deliveries</p> <p>MSD1 All new retail <del>development</del> <b>and</b> commercial development <b>of a significant scale</b> and large-scale residential ....</p> <p>MSD2 All new development <b>of a significant scale</b> is required ...</p>	<p>Modifications agreed. Necessary to ensure policy on servicing and deliveries does not place overly onerous requirements on small schemes.</p>
PM12	Page 56	<p>Policy MD2 Applications for <b>Proposals for new development</b> in Mayfair <b>should have regard for the following</b> will be approved ....  <del>submission</del></p> <ul style="list-style-type: none"> <li>• Where the application ... Mayfair's <del>internationally significant</del> character and heritage..... <del>the Character Area as designated by this Plan,</del> and the setting of listed buildings in the vicinity.</li> </ul>	<p>Modifications agreed. Necessary to conform with Westminster policy on Conservation Areas.</p>

		<ul style="list-style-type: none"> <li>• Where the application is not required .....same points. <b>All proposals should consider their impact on the character and appearance of Mayfair and/or Regent Street Conservation Areas, and on nearby listed buildings and their settings.</b></li> </ul> <p>5.1.2 <b>WCC's Conservation Area Directory explains that the townscape of Mayfair derives from its gradual, rather piecemeal development and the renewal of many of its buildings over a long period of time, resulting in a generally formal street pattern containing an informal mixture of building types. The rich and varied architecture covers many periods and styles. There are almost 700 listed buildings in the Mayfair Conservation Area, of which 44 are listed Grade 2* and 14 are listed Grade 1. The eastern edge of the Mayfair Neighbourhood Area lies outside Mayfair Conservation Area, but is included within the Regent Street Conservation Area.</b> Mayfair's heritage is one of the most prestigious ....</p> <p>5.1.3 An approach ... where the Conservation Area <del>is</del> <b>would be preserved or</b> enhanced. Design must reflect the varying characters <b>areas</b> found within Mayfair ...</p> <p>5.1.4 Whilst this might ... through independent verification.</p>	
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PM13	Pages 58 to 61	<p>Policy MES1: Air Quality</p> <p>Modify the policy and supporting text in paragraphs 5.2.6 to 5.2.9 as shown in the draft revised MNP.</p> <p>Policy MES3: Climate Change Adaptation</p> <p>Modify the policy and supporting text in paragraphs 5.2.15 to 5.2.18 as shown in the draft revised MNP.</p> <p>Policy MES4: Materials</p> <p>Modify the policy and supporting text in paragraphs 5.2.19 to 5.2.23 as shown in the draft revised MNP.</p> <p>Policy MES5: Carbon</p> <p>Modify the policy and supporting text in paragraphs 5.2.24 to 5.2.26 as shown in the draft revised MNP.</p>	<p>Modifications agreed. Incorporates modifications agreed through the production of a Statement of Common Ground during examination. Necessary to ensure policies on environment and sustainability secure sustainable development and conform with City Plan and London Plan policies.</p>
PM14	Pages 64 & 65	<p>6.1 CIL &amp; s.106</p> <p>Modify the heading above 6.1.1 and the references in 6.1.2, 6.1.4, 6.1.5, 6.1.7 and 6.2.1 so that they state <u>s.106 obligations</u> and not s.106 agreements.</p> <p>6.1.8 In respect of the 25% ... WCC must spend in <b>order to address the demands that development places on</b> <del>in</del> Mayfair, the allocation ....</p> <p>6.1.9 and 6.1.11 and 6.2.4 – Modify as shown in the draft revised MNP.</p>	<p>Modifications agreed. Necessary to ensure plan uses correct terminology and conforms with national policy and CIL Regulations on use of planning obligations and CIL. Also incorporates modifications agreed through the production of a Statement of Common Ground during examination.</p>
PM15	Page 66	<p>7.0 Neighbourhood Management</p> <p>Modify as shown in the red and green text in the draft revised MNP.</p>	<p>Modifications agreed. Incorporates modifications agreed through the production of a Statement of Common Ground during examination. Necessary to guide</p>

			future projects that can contribute to sustainable development.
PM16	Pages 67 & 68	<p>Section 9.0 Next Steps</p> <p>Delete 9.1 as shown in the draft revised MNP.</p> <p>9.2 If and when the <del>Inspector</del> <b>Examiner</b> ..</p> <p>Modify Appendix 2 as shown in the draft revised MNP.</p>	<p>Modifications agreed. Incorporates modifications agreed through the production of a Statement of Common Ground during examination. Necessary to ensure plan is up to date and uses correct terminology.</p>
PM17	Pages 74 & 75	<p>Expand Appendix 4 to explain that all Mayfair has Conservation Area status and many buildings and structures have protection as listed buildings. A reference should be added to WCC's Conservation Area Directory No 11: Mayfair and any additional up-to-date documents pertaining to the Conservation Area and Mayfair's listed buildings.</p> <p>Either a new map or an expanded version of the Conservation Area map on Page 16 of the MNP should illustrate the area's principal heritage features and listed buildings.</p>	<p>Modifications agreed. Necessary to ensure plan adequately reflect Mayfair's heritage assets.</p>

Figure 1: Mayfair Neighbourhood Area

