



Cabinet Member Report

Decision Maker:	Cabinet Member for Place Shaping and Planning
Date:	22 December 2019
Classification:	General Release
Title:	Belgravia Neighbourhood Forum Re-designation and Chelsea Barracks Neighbourhood Area Application
Wards Affected:	Knightsbridge and Belgravia, Churchill, Warwick
City for All:	This decision contributes to the delivery of a 'City that celebrates its communities' by empowering residents to continue to actively contribute to their community through the development of a neighbourhood plan for their area.
Key Decision:	No
Financial Summary:	Costs of re-designating Belgravia Neighbourhood Forum and determining the Chelsea Barracks Neighbourhood Area application will be met from existing budgets.
Report of:	Director of Policy, Performance and Communication.

1.0 EXECUTIVE SUMMARY

- 1.1 Westminster City Council designated Belgravia Neighbourhood Area on 27th March 2014, and Belgravia Neighbourhood Forum as the responsible body for preparing a Neighbourhood Plan for Belgravia on 10th January 2014. While neighbourhood area designations do not expire, under section 61F of the Town and Country Planning Act 1990 (as amended by the Localism Act 2011), neighbourhood forum designations do expire after 5 years. Belgravia Neighbourhood Forum have therefore applied to be re-designated so they can continue to prepare a neighbourhood plan for the area.
- 1.2 Consultation on the re-designation of Belgravia Neighbourhood Forum has resulted in an application from another community group for a new

Chelsea Barracks Neighbourhood Area. This proposed neighbourhood area seeks to replace the existing Ebury Bridge Neighbourhood Area (where a neighbourhood forum has not been designated) with a larger area that incorporates some land currently within Belgravia Neighbourhood Area – as shown in Appendix 1. A similar application was made and rejected when Belgravia Neighbourhood Area and Ebury Bridge Neighbourhood Area were originally designated in 2014. The boundaries of both of these existing designations are also shown in Appendix 1.

- 1.3 Under section 61G of the Town and Country Planning Act 1990 (as amended) neighbourhood area boundaries cannot overlap, and as the local planning authority the City Council has power to amend neighbourhood area boundaries. Consultation on the application for a new Chelsea Barracks Neighbourhood Area has therefore been carried out in advance of any decision on the re-designation of Belgravia Neighbourhood Forum. This is so the City Council can fully consider if any changes to the Belgravia Neighbourhood Area boundary are necessary alongside any decision to re-designate the Belgravia Neighbourhood Forum.
- 1.4 This report sets out details of the applications received both for the re-designation of Belgravia Neighbourhood Forum, and the designation of a Chelsea Barracks Neighbourhood Area. It summarises feedback received from public consultation on both applications, and makes recommendations of how each application should be determined. Copies of the Belgravia Neighbourhood Forum re-designation application, and Chelsea Barracks Neighbourhood Area application, are provided in Appendix 2 and 3 respectively.

2.0 RECOMMENDATIONS

- 2.1 That the Cabinet Member for Place Shaping and Planning agrees to:
 - a) re-designate the Belgravia Neighbourhood Forum for a further period of 5 years and a formal designation notice is published under delegated authority of the Director of Policy, Performance and Communications;
 - b) maintain the existing boundaries of Belgravia Neighbourhood Area and Ebury Bridge Neighbourhood Area; and
 - b) reject the proposal to designate a new Chelsea Barracks Neighbourhood Area, and a formal decision document is published under delegated authority of the Director of Policy, Performance and Communications.

3.0 REASONS FOR DECISION

Re-designation of Belgravia Neighbourhood Forum

- 3.1 Section 61F (7) of the Town and Country Planning Act 1990 (as inserted into the Act by the Localism Act, Schedule 9) sets out the conditions that a neighbourhood forum must meet, as well as the considerations that a local planning authority must take into account, when determining an application for the designation (or re-designation) of a neighbourhood forum. These legislative aspects are set out in greater detail in Section 7 of this report.
- 3.2 The legislation states that a local planning authority may designate an organisation or body as a neighbourhood forum if the authority is satisfied that a number of conditions (in the table below) have been met. As per the original Belgravia Neighbourhood Forum designation, all of these conditions are met.

Condition	Met?
Established for the express purpose of promoting or improving the social, economic or environmental well-being of an area?	Yes
Membership open to individuals who live or work in the area (or are elected members of the City Council);	Yes
Membership includes a minimum of 21 individuals each of whom lives or works (or is an elected member) in the area?	Yes
The neighbourhood forum has a written constitution?	Yes

- 3.3 The City Council is also required to have regard to whether membership is drawn from different places in the neighbourhood area concerned and from different sections of the community in that area. The application submitted by Belgravia Neighbourhood Forum states that membership stands at over 300 members who live or work in the neighbourhood area. It states membership is drawn widely from the designated area, and the list of members has also been provided by the Forum. Post-code mapping the addresses provided confirms wide membership across the neighbourhood area, as shown in Appendix 4. Notably this includes a significant number of members within the area proposed for inclusion in the application for a new Chelsea Barracks Neighbourhood Area.
- 3.4 In determining the application for re-designation, the City Council is also required to assess whether the *purpose* of the neighbourhood forum reflects (in general terms) the character of the area. The application submitted by Belgravia Neighbourhood Forum states that the Forum was established in response to the Localism Act with the express purpose of promoting and improving the social, economic and environmental wellbeing of Belgravia. It also states that this is being addressed through the production of a neighbourhood plan that addresses matters of importance to residents and workers.

- 3.5 As set out in section 9 of this report, consultation responses on the re-designation of the Belgravia Neighbourhood Forum were largely supportive, albeit a small number of objections were received (some of which were submitted outside of the consultation period).

Chelsea Barracks Neighbourhood Area application

- 3.6 Section 61G of the Town and Country Planning Act 1990 (as inserted into the Act by the Localism Act, and supplemented through the Neighbourhood Planning Act 2017) sets out that:
- applications for neighbourhood areas must be made by an organisation that is or is capable of becoming a neighbourhood forum
 - neighbourhood areas cannot overlap with one another;
 - that in determining any neighbourhood area application, the local planning authority can modify existing designations;
 - that in determining an application, the local planning authority must have regard to the desirability of maintaining the boundaries of existing neighbourhood areas; and
 - that if the application is refused, the local planning authority must give their reasons to the applicant.
- 3.7 Further details of the legislation on neighbourhood area applications is provided in section 7 of this report.
- 3.8 The Chelsea Barracks Neighbourhood Area application refers to the establishment of a minimum 21 representatives from a broad mix of residents, local businesses and other key stakeholders. However, at the time of writing (12 weeks since the Neighbourhood Area application was submitted) no evidence has been provided to support this - despite officers encouraging the applicant to also put forward a Neighbourhood Forum application concurrent with the Neighbourhood Area application to support its case. It is therefore currently unclear if a representative, open and inclusive group exists to take forward neighbourhood planning in the area.
- 3.9 As shown in Appendix 1, the proposed Chelsea Barracks Neighbourhood Area would result in an overlapping of neighbourhood areas with the existing Belgravia Neighbourhood Area. If supported, it would therefore necessitate amendments to the boundary of Belgravia Neighbourhood Area – an area where as set out in paragraph 3.3 above, an established group with an open and inclusive membership already exists to take forward neighbourhood planning matters.
- 3.10 In terms of the desirability of amending neighbourhood area boundaries, regard needs to be had to existing planning designations in the proposed

area, and the progress Belgravia Neighbourhood Forum have made on neighbourhood planning matters. Importantly, all of Belgravia Conservation Area, and all of Pimlico Road Local Centre, fall within the existing Belgravia Neighbourhood Area. The proposed Chelsea Barracks Neighbourhood Area application would result in both designations being split across separate neighbourhood areas, therefore risking inconsistent policy approaches coming forward through separate neighbourhood plans. Furthermore, as set out in section 9 below, protecting the heritage of the area and enhancing Pimlico Road as a retail and community hub, have both been identified by Belgravia Neighbourhood Forum as key priorities that they intend to address in the Belgravia Neighbourhood Plan.

- 3.11 As was the case when Belgravia Neighbourhood Area and Ebury Bridge Neighbourhood Area were originally designated, it is maintained that the permitted plans for the Chelsea Barracks site are of a character and orientation that is in keeping with that of the wider Belgravia Neighbourhood Area. Finally, consultation on the Chelsea Barracks Neighbourhood Area application has generated only one letter of support, and a number of objections, as set out in section 9 of this report.
- 3.12 For all these reasons, the recommendation is that the proposed Chelsea Barracks Neighbourhood Area is rejected, and no changes to the boundaries of the existing Belgravia Neighbourhood Area or Ebury Bridge Neighbourhood Area are considered necessary.

4.0 BACKGROUND, INCLUDING POLICY CONTEXT

- 4.1 The Localism Act 2011 (as amended) and Neighbourhood Planning Regulations 2012 enable communities to undertake neighbourhood planning. In particular this includes the opportunity to develop a statutory neighbourhood plan that will become part of the planning framework for their area, and also establish 'permitted development' rights for certain types of new development ('neighbourhood development order'). The neighbourhood plan is a community-led framework which sets out policies in relation to the development and use of land in the whole or any part of a particular neighbourhood area specified in the plan.
- 4.2 To be able to undertake neighbourhood planning, a local community group has to firstly apply to designate a neighbourhood area; and then secondly apply to be designated as the representative neighbourhood forum. Section 7 of this report sets out the legal considerations for neighbourhood area and neighbourhood forum applications.
- 4.3 Once a neighbourhood forum is in place, they can formally undertake neighbourhood planning, and begin to formally prepare their neighbourhood plan or neighbourhood development order.

- 4.4 Whilst it is up to the community (the ‘neighbourhood forum’) to decide upon the content of the neighbourhood plan, there are a number of principles that a neighbourhood plan should adhere to:
- neighbourhood planning policies should be ‘in general conformity’ with the City Council’s strategic planning policies, currently contained in the Westminster City Plan (2016), saved UDP policies, the London Plan, and have regard to national planning policies;
 - it should contribute to the achievement of ‘sustainable development’;
 - it should address *local*, neighbourhood issues;
 - neighbourhood planning policies should be about the shaping the development of a local area in a *positive* manner, and should not be used to prevent development; and
 - it should not breach, and should be compatible with EU obligations, Human Rights etc.
- 4.5 As any neighbourhood plan will be a statutory planning document there are a number of formal stages that have to be completed in its production. The government is clear that it is the neighbourhood forum that produces the neighbourhood plan (not the local planning authority), following community involvement and information gathering. Once submitted, it is the local planning authority’s responsibility to undertake a statutory period of formal consultation, and to submit the plan for examination by an independent examiner. Following successful completion of the examination, the neighbourhood plan is subject to a referendum whereby all those on the electoral register within the neighbourhood area are eligible to vote. Only after a positive referendum outcome can the plan be ‘made’ i.e. adopted, by the City Council.
- 4.6 In Belgravia Neighbourhood Area, Belgravia Neighbourhood Forum are at the early stages of preparing a draft neighbourhood plan for the area. This has been paused while the City Council’s decision on their re-designation application is outstanding.
- 4.7 In Ebury Bridge Neighbourhood Area, to date no community group have come forward with an application to be designated as a neighbourhood forum.

5.0 CITY FOR ALL

- 5.1 The ability to enable and empower others to take responsibility for themselves and actively contribute to their community is one of the key tenets of the City Council’s ‘City for All’ commitments. In particular, continuing to support neighbourhood planning in Westminster meets the City Council’s aspirations of ‘a city that celebrates its communities’ whereby everybody with a stake in the city can actively contribute to their community.

6.0 FINANCIAL IMPLICATIONS

6.1 The expenditure of re-designating Belgravia Neighbourhood Forum and determining the application for Chelsea Barracks Neighbourhood Area is expected to be immaterial and will be met from existing budgets. Aside from minimal printing costs of making application material publicly available, tasks associated with checking the application and preparing the necessary reports equate to approximately 3-4 days of officer time.

7.0 LEGAL IMPLICATIONS

Neighbourhood Area applications

7.1 Section 61G of the Town and Country Planning Act 1990 (the 'Act'), as amended by the Localism Act 2011 and the Neighbourhood Planning Act 2017, states that the local planning authority may designate a neighbourhood area where:

- it is satisfied that the application has been made by a body that is or is capable of being designated as a neighbourhood forum;
- the proposed area does not include any part of the area of a parish council;
- it has considered the desirability of maintaining the existing boundaries of areas already designated as neighbourhood areas.

7.2 The Act also sets out that:

- in determining an application, the local planning authority may modify existing designations;
- neighbourhood area boundaries must not overlap; and
- if the local planning authority refuse an application, reasons for refusal must be provided to the applicant.

7.3 Regulation 5 of the Neighbourhood Planning (General) Regulations 2012 (as amended) set out requirements for any neighbourhood area application to provide a map of the area to which it relates, a statement of why it is considered suitable for designation, and a statement that the organisation making the application is capable of being designated as a neighbourhood forum. Regulation 6 sets out how requirements for the local planning authority to publicise such applications and invite representations on them, on their website and in any other manner they consider appropriate. It also sets out that the local planning authority should determine an application within 13 weeks of the date the application was first published. Regulation 7 sets out how the local planning authority should publish its decision, including any reasons for refusal where applicable.

- 7.4 It is intended that a formal ‘decision document’ on the proposed Chelsea Barracks Neighbourhood Area application will be published under the delegated authority of the Director of Policy, Performance and Communications, following the Cabinet Member decision. This should be published by no later than 30th January 2020 to meet Neighbourhood Planning Regulations.

Neighbourhood Forum designations

- 7.5 The process for re-designating a neighbourhood forum (necessary once an original designation has expired – as is the case for Belgravia Neighbourhood Forum) is identical to that for the original designation – as set out below.
- 7.6 Section 61F of the Town and Country Planning Act 1990 (the ‘Act’) as amended by the Localism Act 2011 and the Neighbourhood Planning Act 2017, states that a local planning authority may designate an organisation or body as a neighbourhood forum if satisfied that it meets the following conditions:
- it is established for the express purpose of promoting or improving the social, economic or environmental well-being of an area;
 - its membership is open to individuals who live or work in the area (or are elected members of the City Council);
 - its membership includes a minimum of 21 individuals each of whom lives or works in the neighbourhood area concerned;
 - it has a written constitution; and
 - such other conditions as may be prescribed.
- 7.7 The Act also states that in determining whether to designate a neighbourhood forum, the local planning authority must have regard to the desirability of designating an organisation or body which has:
- secured (or taken steps to secure) membership from each of the required categories (i.e. people who live, work or are elected members);
 - membership that is drawn from different places in the neighbourhood area concerned and from different sections of the community in that area; and
 - a purpose that reflects (in general terms) the character of the area.
- 7.8 Regulation 10 of the Neighbourhood Planning (General) Regulations 2012 states that as soon as possible after designating a neighbourhood forum, the City Council must publish the following on our website (and in such other manner considered likely to bring it to the attention of those who live, or work in the neighbourhood area):

- the name of the neighbourhood forum;
 - a copy of the written constitution of the neighbourhood forum;
 - the name of the neighbourhood area to which the designation relates; and
 - contact details for at least one member of the neighbourhood forum.
- 7.9 If deciding to 'refuse' to designate a neighbourhood forum then the City Council has to publish a statement setting out the decision and the reasons for making that decision, as well as details of where and when the refusal statement may be inspected.
- 7.10 It is intended that a formal designation notice will be published under the delegated authority of the Director of Policy, Performance and Communications following the Cabinet Member decision in relation to the Belgravia Neighbourhood Forum.
- 7.11 A neighbourhood forum designation ceases to have effect five years after the date that the designation was made. At this point an organisation or body would be able to reapply for neighbourhood forum status.
- 7.12 A designated neighbourhood forum can also give notice to the City Council that it no longer wishes to be designated as the neighbourhood forum for a neighbourhood area. In this instance the City Council would have to withdraw the formal designation of the neighbourhood forum and must publish a statement setting out the details of the withdrawal (and details of where this statement can be inspected).
- 7.13 In addition, the City Council can also withdraw a neighbourhood forum designation if it is considered that the body is no longer meeting the conditions to which it was designated or any other criteria that the City Council had regard to in making the designation.

8.0 STAFFING IMPLICATIONS

- 8.1 There are implications on staff resources in respect of carrying out the City Council's duty to support neighbourhood planning, in terms of managing the neighbourhood area and forum application processes, but also providing support to the prospective neighbourhood forums in the development of their neighbourhood plans. In addition, the City Council will be obliged to carry out the legal compliance assessment of any neighbourhood plans produced, support the examination (by independent examiner), and undertake the referendum.
- 8.2 The City Council's obligation to support is intensified compared to other local authorities by the large number of neighbourhood areas and forums within Westminster. There are currently six officers supporting the delivery of neighbourhood planning in Westminster.

9.0 CONSULTATION

Belgravia Neighbourhood Forum re-designation

- 9.1 As required by the legislation, the Belgravia Neighbourhood Forum application for re-designation was formally published on the City Council's website for a six-week period between 12th August and 23rd September 2019. Notices were also made at Victoria library, and emails sent to ward councillors, and relevant contacts from the City Council's 'Planning Consultation Database'.
- 9.2 35 letters of support for the re-designation were received during the consultation period - from residents, ward councillors for Knightsbridge and Belgravia and Churchill Wards, one major landowner (Grosvenor), and Knightsbridge Neighbourhood Forum. Two letters of objection were also received – one after the consultation period had ended.
- 9.3 The objection received outside the consultation period was from Belgravia Resident's Association. This objection centres on the absence of Belgravia Resident's Association committee members from the Belgravia Neighbourhood Forum steering group. This, it is claimed, means the neighbourhood forum is not fully representative of the area, and should therefore be disbanded and a new forum created. However, as set out in the Articles of Association supporting the application, the steering group comprises of 4 resident directors, 4 business directors, and 4 other directors that can comprise of residents, businesses or community institutions. Furthermore, it should be noted that despite not forming part of the steering group, members of Belgravia Resident's Association can still influence any neighbourhood plan through membership to the neighbourhood forum. They will also have a final say on any plan once it reaches referendum stage. It should also be noted that in subsequently also objecting to the Chelsea Barracks Neighbourhood Area application, the Belgravia Resident's Association have indicated a preference for the retention of the existing boundary for the neighbourhood area.
- 9.4 The objection received within the consultation period was from the group that have also put forward the proposal for a new Chelsea Barracks Neighbourhood Area. In their objection, they refer to the disturbance to local residents that recent construction works in the area have caused, the need to give such residents a voice, and the perceived dominance of the role of major landowners within Belgravia Neighbourhood Forum. Given that the Belgravia Neighbourhood Forum re-designation application has demonstrated open and inclusive membership, and an opportunity already exists for a new neighbourhood forum to come forward in designated Ebury Bridge Neighbourhood Area, these objections are not considered substantial enough grounds to reject the application to renew Belgravia Neighbourhood Forum.

Chelsea Barracks Neighbourhood Area application

9.5 Consultation on the application for Chelsea Barracks Neighbourhood Area was carried out between 31st October 2019 and 12th December 2019 in accordance with the requirements of neighbourhood planning regulations. Consultation on this proposal resulted in only one letter of support, which noted that residents in the proposed area are currently left unrepresented and are being adversely affected by surrounding developments. Objections were received from Grosvenor, Knightsbridge and Belgravia ward councillors, Belgravia Neighbourhood Forum, Pimlico Road Traders Association, Belgravia Society, Belgravia Residents Association, and St Barnabus Church. Grounds for objections include that:

- proposals would divide a key commercial street (Pimlico Road) and Belgravia Conservation Area across neighbourhood areas potentially leading to inconsistent policy approaches;
- the proposed area includes areas of a very different nature to one another;
- it is disputed that the Chelsea Barracks site does not form part of Belgravia;
- proposed reasons in the application for creating a neighbourhood forum are matters for a local amenity society rather than neighbourhood forum – and two amenity societies are already registered in the area;
- a neighbourhood plan is already being prepared for the existing Belgravia Area and widespread consultation has already taken place to inform priorities for this; which include preserving heritage across the neighbourhood area, and supporting hubs of retail and community activity such as those at Pimlico Road;
- applicants have not consulted with Belgravia Society on their proposals;
- the reasons for refusal of the original application for this neighbourhood area remain valid.

10.0 EQUALITIES IMPLICATIONS

10.1 Under the Equalities Act 2010 the City Council has a “public sector equality duty”. This means that in taking decisions and carrying out its functions it must have due regard to the need to eliminate discrimination, harassment, victimisation and any other conduct prohibited by the 2010 Act;

- to advance equality of opportunity between persons who share a relevant protected characteristic (age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation) and those who do not share it; and to
- foster good relations between persons who share a relevant protected characteristic and those who do not share it.

- 10.2 The City Council is also required to have due regard to the need to take steps to take account of disabled persons' disabilities even where that involves more favourable treatment; to promote more positive attitudes toward disabled persons; and to encourage participation by disabled persons in public life. The 2010 Act states that "having due regard" to the need to promote equality of opportunity involves in particular having regard to:
- the need to remove or minimise disadvantages suffered by persons sharing a protected characteristic;
 - take steps to meet the needs of persons sharing a protected characteristic that are connected with it;
 - take steps to meet the needs of persons who share a protected characteristic that are different from those who do not; and
 - encourage persons with a protected characteristic to participate in public life or any other activity in which participation by such persons is disproportionately low.
- 10.3 The courts have held that "due regard" in this context requires an analysis of the issue under consideration with the specific requirements set out above in mind. It does not require that considerations raised in the analysis should be decisive; it is for the decision-maker to decide what weight should be given to the equalities implications of the decision.
- 10.4 The equalities impacts of re-designating the Belgravia Neighbourhood Forum have been considered and it is concluded that there are none.
- 10.5 It is also concluded that the rejection of the Chelsea Barracks Neighbourhood Area does not have any equalities impacts, as residents within the proposed area are able without prejudice to influence neighbourhood plans in their area either through joining Belgravia Neighbourhood Forum, or if a new forum is proposed to take forward neighbourhood planning in Ebury Bridge Neighbourhood Area. Furthermore, if they live in the Belgravia Neighbourhood Area, they will also have an opportunity to vote on the Belgravia Neighbourhood Plan once it reaches referendum.

11.0 BUSINESS PLAN IMPLICATIONS

- 11.1 None.

12.0 IMPACT ON THE ENVIRONMENT

- 12.1 None.

13.0 HEALTH, WELLBEING IMPACT ASSESSMENT INCLUDING HEALTH AND SAFETY IMPLICATIONS

- 13.1 None.

If you have any queries about this Report or wish to inspect any of the Background Papers please contact: Sean Walsh at swalsh2@westminster.gov.uk

APPENDICES

Appendix 1 – Map of existing Belgravia Neighbourhood Area and Ebury Bridge Neighbourhood Area, and proposed Chelsea Barracks Neighbourhood Area

Appendix 2 - Belgravia Neighbourhood Forum application for re-designation

Appendix 3 - Chelsea Barracks Neighbourhood Area application

Appendix 4 – Map of Belgravia Neighbourhood Forum Members

BACKGROUND PAPERS

None

Cabinet Member for Place Shaping and Planning

Declaration of Interest

I have <no interest to declare / to declare an interest> in respect of this report

Signed: _____ Date: _____

NAME: _____

State nature of interest if any

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(N.B: If you have an interest you should seek advice as to whether it is appropriate to make a decision in relation to this matter)

For the reasons set out above, I agree the recommendation(s) in the report entitled **Belgravia Neighbourhood Forum Re-designation and Chelsea Barracks Neighbourhood Area Application** and reject any alternative options which are referred to but not recommended.

Signed

Cabinet Member for Place Shaping and Planning

Date

If you have any additional comment which you would want actioned in connection with your decision you should discuss this with the report author and then set out your comment below before the report and this pro-forma is returned to the Secretariat for processing.

Additional comment:

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If you do not wish to approve the recommendations, or wish to make an alternative decision, it is important that you consult the report author, the Director of Law, Strategic Director Finance and Performance and, if there are resources implications, the Strategic Director of Resources (or their representatives) so that (1) you can be made aware of any further relevant considerations that you should take into account before making the decision and (2) your reasons for the decision can be properly identified and recorded, as required by law.

Note to Cabinet Member: Your decision will now be published and copied to the Members of the relevant Policy & Scrutiny Committee. If the decision falls within the criteria for call-in, it will not be implemented until five working days have elapsed from publication to allow the Policy and Scrutiny Committee to decide whether it wishes to call the matter in.