

## Draft Fitzrovia West Neighbourhood Plan

### Regulation 18 (2) Decision Statement

#### 1. Summary

- 1.1 Following an independent examination of the plan, Westminster City Council recommends that the Fitzrovia West Neighbourhood Plan is modified as set out in Table 1 of this statement, and then proceeds to referendum.
- 1.2 The Council agree with the Examiner's recommendation that the referendum area for the Fitzrovia West Neighbourhood Plan (as modified) should be the approved Neighbourhood Area which is set out in Figure 1 of this Decision Statement for convenience.
- 1.3 The Examiner's Report, and other background documents can be viewed on the Council's website at <https://www.westminster.gov.uk/planning-building-and-environmental-regulations/city-plan-neighbourhood-planning-and-planning-policy/fitzrovia-west-neighbourhood-plan/examination-documents>.
- 1.4 If approved at referendums, the Fitzrovia West 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 Fitzrovia West Neighbourhood Area.

#### 2. Background

- 2.1 Fitzrovia West Neighbourhood Area (as shown in Figure 1 of this statement) was designated by the Council on 28<sup>th</sup> March 2014 in accordance with Section 61G of the Town and Country Planning Act 1990. On 5<sup>th</sup> February 2015 Fitzrovia West Neighbourhood Forum were designated as the neighbourhood forum for the area, and subsequently began preparing a Draft Neighbourhood Plan.
- 2.2 The Fitzrovia West Neighbourhood Forum published a draft plan for Regulation 14 pre-submission consultation in July 2019. It was subsequently revised in light of comments received, before submission to the Council in February 2020. Regulation 16 consultation on the plan was then carried out from May to August 2020.
- 2.3 In August 2020, the Council, in consultation with Fitzrovia West 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 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 a 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 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 to modify the plan as set out in Table 1 and in the Examiner's Report be accepted.
  - B) That the Examiner's recommendation that the Fitzrovia West Neighbourhood Plan, as modified, proceed to 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 the Neighbourhood Area as designated by the Council on 28<sup>th</sup> March 2014.
  - D) That if the results of the two referendums are in support of the approval of the plan, the council proceeds to formally making the plan.

Signed

Cllr Matthew Green, Cabinet Member for Business, Licensing and Planning

Date

**Table 1: Examiner’s recommended changes to the plan**

Proposed modification number (PM)	Page no./ other reference	Modification
PM1	Front Cover  Page 7	FITZROVIA WEST NEIGHBOURHOOD PLAN  2020 to 2035 <b>40</b>  Paragraph 1.2  Last line - ...change over the Plan period 2020 to 2035 <b>40</b> .
PM2	Page 10	Modify paragraph 3.1 as in the SOCG.
PM3	Pages 10/11	Add a new paragraph 3.5 as written in the SOCG.
PM4	Pages 17/18  Page 58	Policy PR1: Promoting Regeneration  Modify as written in the SOCG, and add the following:  5. VII Developments should achieve .....not increasing the heat island effect, <b>or worsening air quality</b> and keeping energy use .....  Appendix 6: Glossary  Delete ‘Tall Buildings’ definition and replace with the wording in the SOCG.
PM5	Pages 20/21 & 24	Policy PR2: Housing Provision  Modify as written in the SOCG but exclude clause VI (as highlighted in yellow).  Delete paragraph 5.21 from the ‘Justification’ text.
PM6	Pages 24/25 & 27	Policy PR3: Tourism, Arts, Culture and Entertainment Uses  Modify as written in the SOCG.  Modify paragraph 5.26:  Residents are particularly ... through a legal agreement, where appropriate. <b>Development proposals should have regard to their effect on pedestrian flows, and avoid the need for ‘A’ boards where narrow pavements prevail.</b> Local community functions ....
PM7	Pages 27/28	Policy PR4: Retaining and Expanding Community Facilities  Modify as written in the SOCG.
PM8	Pages 29/30	6 Supporting Business Uses and Development

		Modify Objective 4.4.1 and paragraphs 6.1 to 6.5 as written in the SOCG.
PM9	Page 30	Policy B1: Small Business Units Modify as written in the SOCG.
PM10	Pages 31/32	Policy B2: <del>Retail and Related Uses</del> <b>Street Frontages</b> Modify as written in the SOCG excluding clauses I and VI (highlighted in yellow). Paragraphs 6.10 and 6.11 modify as written in the SOCG as paragraphs 6.9 & 6.10, but delete the final sentence, shown highlighted in yellow, beginning “As air quality improves ....”. In addition, add 2 new sentences to the end of 6.11: The Oxford Street District Place Strategy and Delivery Plan was published by Westminster City Council in February 2019. It aims to improve and enhance Oxford Street from Marble Arch to Tottenham Court Road as a place to live and work, whilst securing its position as a leading retail destination within London. Appendix 5 – Key Sources (cited and consulted) insert: City of Westminster, Oxford District Place Strategy and Delivery Plan February 2019.
PM11	Pages 35-38	Policy GS1: Protecting and Enhancing Existing Green and Open Space 1. Development ..... 2. The following areas, <b>shown on Figure 8</b> , although not officially .... <ul style="list-style-type: none"> <li>Triangle at NW corner ... <del>(see Figure 3)</del> ....</li> </ul> Figure 8: Proposed Public Realm Priority Projects Add the four areas named in Policy GS1 clause 2 to the map.
PM12	Page 36	Policy GS2: Creating New Green and Open Spaces Modify as written in the SOCG. Add reference to Strategic Policy Context: WCC Trees and the Public Realm SPD (2011). Modify paragraph 7.6 as in the SOCG.
PM13	Page 41	Paragraph 8.2

		<p>Re-write the paragraph as follows:</p> <p>Oxides of nitrogen (NOx) and particulate matter (PM) are two major contributors to air pollution which stem from road traffic, domestic and commercial activities. Figure 9 illustrates the sources of these two major pollutants (NOx and PM10) in Greater London in 2013. The London Atmospheric Emissions Inventory (LAEI) estimated that the major sources of emissions of nitrogen dioxide (NO<sub>2</sub>) in the City of Westminster in 2013 were road transport at 57.9%, and domestic and commercial gas at 32.2%. For fine particulate matter (PM<sub>2.5</sub>), the figures were 65.0% from road transport, 11.5% from domestic and commercial gas and 10.0% from non-road mobile machinery. NO<sub>2</sub> contributes to morbidity and mortality along with fine particles (PM<sub>2.5</sub>). Public Health England estimates that 6.7% of deaths in the City of Westminster in 2015 were attributable to human made PM<sub>2.5</sub>.</p>
PM14	<p>Page 43</p> <p>Page 58</p>	<p>Policy EN1: Promoting Improved Environmental Sustainability and Air Quality</p> <p>Modify as written in the SOCG (and as highlighted in yellow).</p> <p>Add 'Zero Emissions' definition to the Glossary, as in the SOCG</p>
PM15	Page 43	<p>Policy EN2: Renewable Energy</p> <p>Modify as written in the SOCG.</p>
PM16	Page 48	<p>Strategic Policy Context (following Policies T1 &amp; T2):</p> <p>Add references to Publication London Plan (December 2020): T2 (Healthy streets), T5 (Cycling), T6.1 (Residential parking), T6.2 (Office parking), T7 (Deliveries, servicing and construction), 10.2.8 Vision Zero.</p> <p>Paragraph 9.4</p> <p>Add a new sentence to the end of the paragraph: It will also support the Mayor of London's Vision Zero aim to eliminate all deaths and serious injuries on the road network by 2041.</p> <p>Paragraph 9.5</p> <p>Modify as written in the SOCG.</p>
PM17	Pages 47/48	<p>Policy T2: Improving the distribution and delivery of goods to local businesses</p> <p>Modify as written in the SOCG.</p>

Figure 1: Fitzrovia West Neighbourhood Area

