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| LONDON BOROUGH OF CAMDEN | WARDS: Bloomsbury |
| REPORT TITLE: Fitzrovia Neighbourhood Area Application (CENV/2014/13) | |
| REPORT OF: Director of Culture and Environment | |
| FOR SUBMISSION TO: Cabinet Member for Sustainability, Transport and Planning | DATE: 3 rd April 2014 |
| <p>SUMMARY OF REPORT:</p> <p>This report seeks approval of a neighbourhood area in Fitzrovia as now supported by the local community group and refusal of the originally submitted neighbourhood area covering an area in Westminster and Camden.</p> <p>A local community group has submitted an application to both Westminster City Council and Camden Council to set a neighbourhood area for Fitzrovia which crosses the borough boundary. In line with the regulations, the boroughs have consulted the local community on the application. The boroughs have worked together in making a recommendation on this application.</p> <p>The Council's work in neighbourhood planning plays a key role in meeting the following objectives of the Camden Plan:</p> <ul style="list-style-type: none"> • providing democratic and strategic leadership fit for changing times; and • investing in our communities to ensure sustainable neighbourhoods. <p>The Camden Plan seeks to "support neighbourhood plans which harness the energy of the community to shape growth in their areas."</p> <p>Local Government Act 1972 – Access to Information</p> <p>No documents were used in the preparation of this report which are required to be listed.</p> <p>Contact Officer:</p> <p>Jennifer Walsh , Strategic Planning and Implementation Team, Culture and Environment</p> <p>Telephone: 0207 974 3500, Email: Jennifer.walsh@camden.gov.uk</p> | |
| <p>RECOMMENDATION:</p> <p>That the Cabinet Member be asked to:</p> <ul style="list-style-type: none"> (a) refuse the cross borough Fitzrovia Neighbourhood area as submitted and consulted on, as shown in Appendix 1; and (b) approve the Fitzrovia Neighbourhood Area boundary falling wholly within Camden, as now supported by the community group and shown in Appendix 2; | |

Signed: 

Date: 24 March 2014

1. Neighbourhood Planning

- 1.1 Communities can prepare neighbourhood plans to influence the future of their areas. Neighbourhood planning is governed by the Town and Country Planning Act 1990, the Planning and Compulsory Purchase Act 2004 and the Neighbourhood Planning (General) Regulations 2012 having been introduced by the Localism Act 2011 and gives communities the power to prepare a neighbourhood plan. These are statutory planning documents which can establish general planning policies for the development and use of land in a neighbourhood. Neighbourhood Plans must be prepared by the community in the form of designated Neighbourhood Forums, and once prepared, are subject to public consultation, independent examination and a referendum.
- 1.2 In order for a community group to prepare a neighbourhood plan, they must submit an application to the council defining their boundary and details of who is involved with the forum. It is for the community to define the area to be covered by their neighbourhood plan, although the Council has a role in checking that their proposals meet the statutory requirements and has local community support. For this application, the community group have only applied to set their neighbourhood area, and no neighbourhood forum application has been submitted at this stage. The proposed area covers parts of both Camden and Westminster and therefore the application has been submitted to both boroughs and both need to make a formal decision on the application.
- 1.3 The Council's role in providing advice and support to prospective and designated neighbourhood forums contributes towards meeting strategic objectives in the Camden Plan, namely 'Providing democratic and strategic leadership fit for changing times' and 'Investing in our communities to ensure sustainable neighbourhoods'. The Camden Plan seeks to "support neighbourhood plans which harness the energy of the community to shape growth in their areas."
- 1.4 The Council has received a high level of interest in neighbourhood planning from across the borough. As the Fitzrovia Neighbourhood application covers parts of both Westminster and Camden, the boroughs have been working closely together to ensure that we bring the applications to the attention of the community as a whole.
- 1.5 In the City of Westminster, the decision on the joint application and the Fitzrovia West area application is being made by a single Member shortly.

2. Fitzrovia neighbourhood area application

- 2.1 In October 2013, a Fitzrovia community group submitted an application to set a neighbourhood area boundary which covers an area within Bloomsbury ward in Camden and crosses over into Westminster to the west (see appendix 1 for a map of this area). A separate 'Fitzrovia West' application covering only the Westminster part of Fitzrovia was submitted separately to Westminster at the same time. Consultation took place on both of these applications in late 2013. Throughout the consultation process, discussions were held within the

community and ultimately they considered that two neighbourhood areas should proceed, one in Westminster (Fitzrovia West) and one in Camden (Fitzrovia East), rather than a single cross boundary forum as submitted.

- 2.2 Within Camden, the proposed Fitzrovia neighbourhood area includes the north area of New Oxford Street and the western side of Gower Street, Store Street and South Crescent (including the buildings on the South side of Store Street and South Crescent), Morwell Street, Bedford Avenue, Adeline Place, Great Russell Street and Bainbridge Street. Please refer to Appendix 2 for the revised area as now supported by the community group.
- 2.3 While the area does have a considerable business element, it is considered that the proposed area is predominantly residential and therefore, the Council does not consider that it should be designated as a business area in this instance.
- 2.4 Although no neighbourhood forum application has been yet submitted for this area, the Council feels that the community group is capable of becoming a designated neighbourhood forum for the submitted neighbourhood area.

3. Consultation on the application

- 3.1 The Council has a duty to consult the local community on the neighbourhood planning applications we receive. As this was a joint application, officers in Westminster and Camden coordinated the consultation process and the submitted area application consultation took place from 31st October – 13th December 2013.
- 3.2 To meet the statutory requirements within Camden, a newspaper advertisement was placed in the Camden New Journal and site notices were erected across the proposed neighbourhood area. An email was also sent out to our planning policy contact database which includes people and organisations within the area and in the wider borough, as well as Councillors.
- 3.3 Camden received 35 responses (23 letters of support, 6 comments and 4 letters of objection) with the large majority supportive of the Fitzrovia Neighbourhood Area, 14 responses specifically supported the Fitzrovia East designation. Westminster received a similar number in relation to the cross borough application, although they also received 92 responses in relation to the Fitzrovia West application.
- 3.4 Among the letters of support, nine were from residents associations or community groups representing the views of their members. Such support was received from:
 - Gordon Mansions Residents Association;
 - Fitzrovia Community Centre;
 - Friends of Open Spaces, Fitzrovia;
 - Fitzroy Square Neighbourhood Association;
 - Chenies Street Chambers Leaseholders Association;
 - Maxclif House and Thirteen Tottenham Street Residents Association;

- Richardson's Mews Residents Group;
- 25 Greese Street TRA; and;
- The Charlotte Street Association.

Many of these groups noted that they also supported the Fitzrovia East (wholly in Camden proposal) as well. The Fitzrovia Neighbourhood Association commented that they are not supporting this or any other neighbourhood application in or around the Fitzrovia area as they want to remain neutral and not get involved with neighbourhood planning for the time being.

- 3.5 Four letters of objection were submitted to Camden during the consultation period. Bedford Estate and UCL both object to the proposal due to the eastern boundary and concern was raised as to where the boundary between Fitzrovia and Bloomsbury lies. The Bedford Estate stated that the boundaries proposed cuts the Estate Portfolio in half. In addition to objecting to the proposed boundary, UCL raised concerns about the relationship between any future Neighbourhood Plan that may come forward, and the Fitzrovia Area Action Plan (FAAP). They consider that the two documents should be complementary and not contain conflicting policies. They raised concerns about the hierarchy of the plans (an adopted neighbourhood Plan has the same weight in deciding planning applications as any of the Council's own development plan documents). The neighbourhood planning regulations state that a neighbourhood plan must be in general conformity with the strategic policies in the development plans for the area. Any forum coming forward wanting to write a plan should take all planning policies for the area into account.
- 3.6 The Bloomsbury Association also submitted an objection to the application. They indicated that they are currently looking into setting a Bloomsbury neighbourhood area and forum and would like to designate a boundary which runs up the middle of Tottenham Court Road, then eastwards along the middle of the carriageway along Store Street and northwards along Gower Street. The submitted proposed Fitzrovia boundary runs along the rear of the building line along these streets as the Fitzrovia community group did not want to split the streets between neighbourhood areas.
- 3.7 Under the Localism Act 2011, while neighbourhood areas cannot overlap, modifications to designated neighbourhood areas can be made. If a subsequent Bloomsbury application were to be submitted, the Fitzrovia neighbourhood area boundary could be amended with some streets being moved into the Bloomsbury neighbourhood area, provided the subsequent application attracted compelling local support and was deemed suitable and appropriate.
- 3.8 Having reviewed the consultation responses in support of the area application concerning these streets and considered the issues raised, it is considered that the proposed boundary is consistent with the relevant regulations and that the eastern boundary as submitted is appropriate. The Council considers that it incorporating both sides of Tottenham Court Road (a designated Central London Frontage) and Store Street (a designated Neighbourhood

Centre) in a single neighbourhood area rather than splitting them between forum areas is a sound approach on planning grounds. In addition, during the consultation process we have received support from a number of residents groups who live within the streets to the east of Tottenham Court Road; no objections to the application were received from residents groups or individuals living in this area. Therefore, officers recommend approving the proposed Fitzrovia East area that falls wholly within Camden, in line with the wishes of the Fitzrovia community group that submitted the application. For the Council's decision to be in line with the neighbourhood planning regulations the originally submitted cross boundary area application therefore needs to be refused and the Fitzrovia East area, wholly in Camden, as shown in Appendix 2, designated.

- 3.9 Regardless of particular boundaries, the Council expects forums and communities to work together to plan for areas and issues of common interest. The Fitzrovia community group has indicated a commitment to engage constructively with groups immediately outside and within their boundary.

4. Conclusion

- 4.1 Officers from both Westminster City Council and Camden have assessed the application for Fitzrovia Neighbourhood Area against the statutory requirements and have had regard to the responses received as part of the consultation. It is considered that the application satisfactorily meets all of the statutory requirements (please see to Appendix 3).
- 4.2 It is recommended that the application to designate the Fitzrovia Neighbourhood Area covering both areas of Westminster and Camden is refused and an area which follows the borough boundary and is wholly within Camden is approved.

5. COMMENTS OF THE DIRECTOR OF FINANCE

- 5.1 Although there have been several applications in different areas of the borough, the full cost implications of these cannot yet be fully assessed as no Neighbourhood Forum in the borough has completed the full process. The costs of each are dependent on a number of factors, such as the size of the neighbourhood area, the content of the plan and so on. There is therefore an element of uncertainty with respect to the financial impact of the current application upon the council. It should be noted that there is no financial impact specific to the decision being recommended here, that is to approve one application and reject the other.
- 5.2 To date the primary costs to the council associated with the Fitzrovia application have been officer support time, and consultation costs of £1,200. The Department for Communities and Local Government has allocated grant funding to reimburse local authorities for such expenditure, up to a maximum of £30,000 per designated neighbourhood area. For this part of the application, Camden will receive £5,000 grant funding. In addition to officer

time, this funding will cover the cost of the independent examination of the neighbourhood plan and the cost of the referendum.

- 5.3 A risk that will need to be monitored by officers is that the cost of these activities could exceed the maximum grant available, although this is not currently anticipated. Should this happen, this will be contained within existing budgets allocated to the Placeshaping division in Culture & Environment. No additional council resources have been approved to support expenditure relating to neighbourhood forums and plans. The need to contain expenditure within the amount of the grant available is noted by the service and every effort will be made to do so.
- 5.4 It is noted that the creation of neighbourhood plans could have a wider financial impact on the council, for example if a CIP project were planned within an approved neighbourhood area. The viability, scale and ability of the project to generate resources for the wider CIP programme could be impacted by the neighbourhood plan. Neighbourhood plans may also impact on decisions relating to the allocation of s106 and any future Community Infrastructure Levy (CIL) resources in the borough. The impact of a Fitzrovia neighbourhood plan will be clearer once the project is fully complete.

6 COMMENTS OF THE BOROUGH SOLICITOR

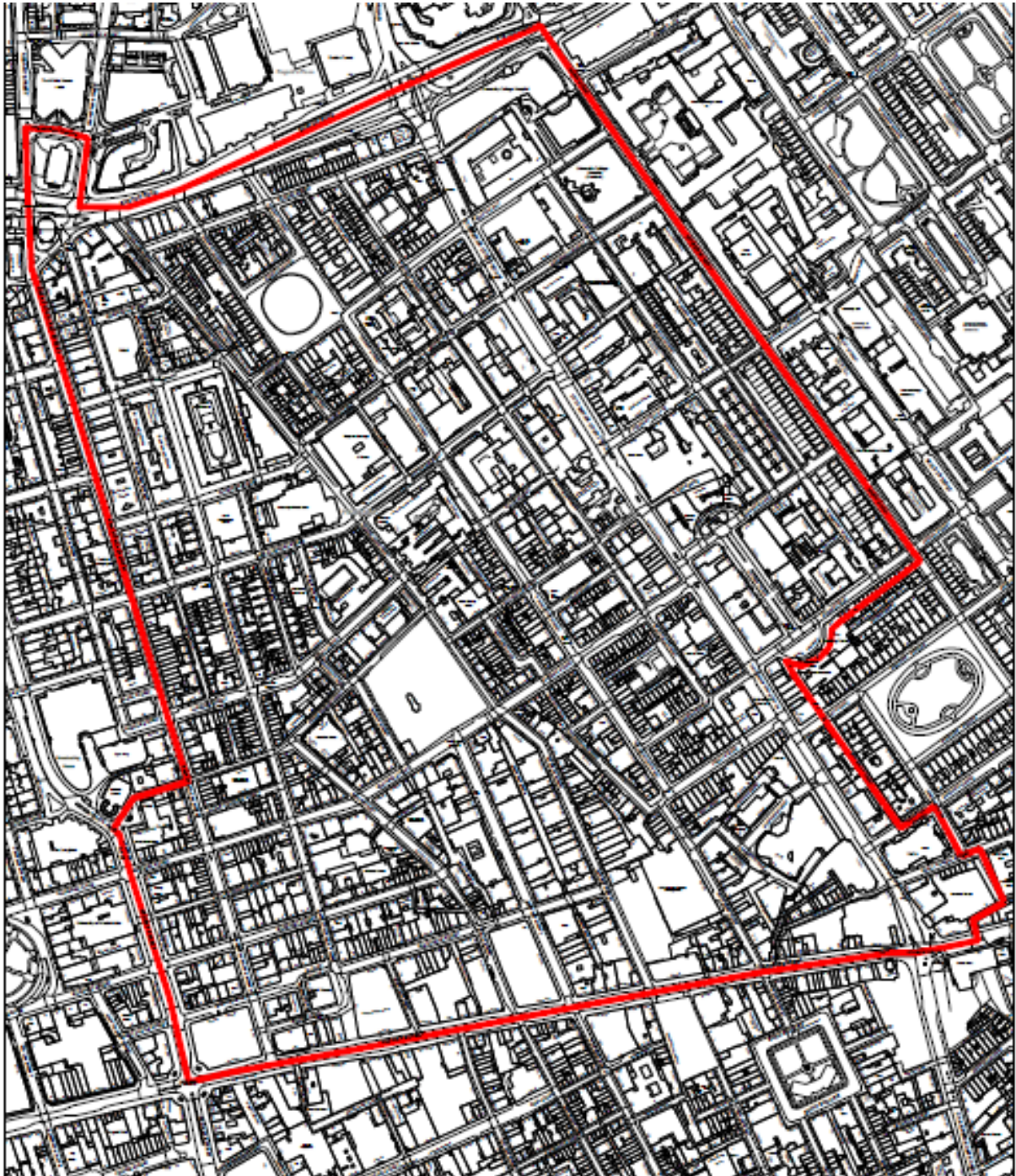
- 6.1 *Primary planning legislation*
Town and Country Planning Act 1990, sections 61E – 61O (inserted by Localism Act 2011)
Planning and Compulsory Purchase Act 2004
Secondary planning legislation
Neighbourhood Planning (General) Regulations 2012

Designating a neighbourhood area
- 6.2 On receiving an application for the designation of a neighbourhood area the Council must be satisfied that the application contains the information listed in Reg 5 namely:
- A map identifying the area
 - Statement explaining why it is considered an appropriate neighbourhood area
 - Statement that the organisation making the application is a “relevant body”.
- 6.3 If the application satisfies Reg 5, the Council must publicise the application for area designation and invite representations for a period of not less than 6 weeks. The information to be publicised is:
- A copy of the area application
 - Details of how to make representations
 - Details of the deadline for representations (Reg 6)
- 6.4 The Council must, in determining the application, consider the following:

- how desirable it is to designate the whole of the parish area as a neighbourhood area, and
 - how desirable it is to maintain the existing boundaries of areas already designated as neighbourhood areas (as areas designated as neighbourhood areas must not overlap), as well as
 - whether the area should be designated as a business area (under Section 61G and H of the TCPA 1990)
- 6.5 If the area application is approved, the decision must be publicised and the following details provided:
- the name of the neighbourhood area
 - a map identifying the area
 - the name of the neighbourhood forum who applied for the designation (Reg 7)
- 6.6 If the application is refused it the publication must include:
- the decision and statement of reasons (called a decision document)
 - the details of where and when the decision document can be inspected) (Reg 7).
- 6.7 If a validly-made application is made and the application is refused because the Council considers that some or all of the area is not appropriate to be designated as a neighbourhood area, the Council must exercise its power of designation so as to secure some or all of the area forms part of one or more areas either already designated (or to be designated) as neighbourhood areas (Section 61G(5) of the TCPA 1990).
- 6.8 In addition to the above, the Borough Solicitor's comments are included within the text of this Report.

REPORT ENDS

Appendix 1 – Submitted proposed Area



Appendix 2 – Revised Proposed Area



Appendix 3 - Neighbourhood Area Designation Checklist - Fitzrovia

| Requirement | Included | Comments |
|---|----------|--|
| A map which identifies the area to which the area application relates | Y | Yes – a map showing an area within Westminster City Council and Camden has been submitted. |
| A statement explaining why the area is considered appropriate | Y | Within the area application it states that the boundaries were discussed and drafted through community discussions. |
| A statement that states that the relevant body means one which is capable of being designated as a neighbourhood forum | Y | Within the application a list of members has been submitted. It includes a statement that the Fitzrovia Forum Steering Committee/ community group is capable of being designated as a Neighbourhood Forum. |
| The LA must have regard to the desirability of maintaining the existing boundaries of areas already designated as neighbourhood areas | Y | There are no areas already designated within the vicinity in Camden. As this is a cross borough application, the areas within Westminster have been taken into account. |
| The LA must consider whether they should designate the area concerned as a business area. | Y | Whilst the area does have a large business element to the proposed area, it is considered that there is a large residential community and therefore, the Council does not consider that it should be designated as a business area in this instance. |