



City of Westminster

# Committee Agenda

Title:

**Business, Planning and Transport Policy and Scrutiny Committee**

Meeting Date:

**Tuesday 21st March, 2017**

Time:

**7.00 pm**

Venue:

**Rooms 1A, 1B & 1C - 17th Floor, Westminster City Hall, 64 Victoria Street, London, SW1E 6 QP**

Members:

**Councillors:**

Tony Devenish (Chairman)  
Julia Alexander  
Thomas Crockett  
Paul Dimoldenberg

Louise Hyams  
Karen Scarborough  
Cameron Thomson  
Jason Williams



**Members of the public are welcome to attend the meeting and listen to the discussion Part 1 of the Agenda**

**Admission to the public gallery is by ticket, issued from the ground floor reception at City Hall. If you have a disability and require any special assistance please contact the Committee Officer (details listed below) in advance of the meeting.**



**An Induction loop operates to enhance sound for anyone wearing a hearing aid or using a transmitter. If you require any further information, please contact the Committee Officer, Jonathan Deacon, Senior Committee and Governance Officer.**

**Email: [jdeacon@westminster.gov.uk](mailto:jdeacon@westminster.gov.uk) Tel: 020 7641 2783  
Corporate Website: [www.westminster.gov.uk](http://www.westminster.gov.uk)**

**Note for Members:** Members are reminded that Officer contacts are shown at the end of each report and Members are welcome to raise questions in advance of the meeting. With regard to item 2, guidance on declarations of interests is included in the Code of Governance; if Members and Officers have any particular questions they should contact the Head of Committee and Governance Services in advance of the meeting please.

## **AGENDA**

### **PART 1 (IN PUBLIC)**

#### **4. UPDATE FROM CABINET MEMBERS**

- a) **Update from Deputy Leader and Cabinet Member for Business, Culture and Heritage**
- b) **Planning and Public Realm Cabinet Member Update**

(Pages 22 - 31)

(Pages 32 - 41)

#### **5. PLANNING IN WESTMINSTER**

- a) **Main report**

(Pages 42 - 63)

**Charlie Parker**  
**Chief Executive**  
**17 March 2017**



**City of Westminster**

Business, Planning and Transport Policy and Scrutiny  
Committee Briefing

**Date:** Friday 10<sup>th</sup> March 2017

**Briefing of:** Cllr Robert Davis MBE DL, Deputy Leader and Cabinet  
Member for Business, Culture and Heritage

**Please contact:** Daniella Bonfanti ext. 5371  
[dbonfanti@westminster.gov.uk](mailto:dbonfanti@westminster.gov.uk)

## **1. Apprenticeships**

- 1.1 A council-wide apprenticeship & work related learning working group has now met twice. The latest meeting took place on the 20<sup>th</sup> February. Progress will be driven forward by a new co-funded shared Apprenticeship Development Officer post which has now been agreed between Economy and Children's Services.
- 1.2 A collection of local apprentice and trainee case studies of both employers & employees who currently participate in apprenticeships has been produced. This will be disseminated internally and to local businesses, including through the BIDs.
- 1.3 On the 1<sup>st</sup> March a work and careers advisor event for apprenticeships took place at City Hall. Staff from Westminster Adult Education Service (WAES) and the City Council delivered a presentation and workshop on the Apprenticeship Levy and the implications for the City Council, WAES and the wider business community.
- 1.4 The Economy Team and Victoria BID are working on partnership to run a series of science and technology focused activities for local schools as part of British Science Week. The events will be held between the 10<sup>th</sup> and 19<sup>th</sup> of March and four local schools, Quinton Kynaston, Westminster City School, St George's Catholic School and St Augustine's, are sending students to these events.

## **2. Westminster Business Unit**

- 2.1 Westminster Business Unit aims to make it easier for businesses to navigate their way through council services and get the information, advice and guidance they need.
- 2.2 So far in the current financial year, 262 enquiries from businesses have been handled by the Business Unit, with a problem resolution rate of 94%.

## **3. Enterprise Space**

- 3.1 Earlier this month I visited Westminster's enterprise spaces including the Great Western Studios, Hub Paddington, Somerset House and Hub Westminster.
- 3.2 In February I signed the Cabinet Member Report recommending the resourcing of Hub Paddington.
- 3.3 This new enterprise space will provide an additional 16,265 square feet of affordable, flexible, co-working space and business support for 400 entrepreneurs. It is estimated that sixteen thousand people a year will receive training, networking and access to conferences delivered and hosted at the space. There will be a particular focus on disadvantaged residents

## **4. Business Improvement Districts**

- 4.1 I have now met with all the Chief Executives and Chairmen of the BIDS on an individual basis and individual and will meet with them collectively later this week.
- 4.1 Officers have been working with the Heart of London Business Alliance (HOLBA) to finalise arrangements for the renewal ballot, voting will close at 5pm on the 23<sup>rd</sup> March.

4.2 To ensure neutrality, the BID ballot is administered by the City of Westminster Returning Officer and their Electoral Services staff. The results of the ballot will be returned on 24<sup>th</sup> March.

4.3 The Baker Street Quarter Partnership has begun planning for their upcoming BID renewal ballot which will take place in March 2018.

## **5. Broadband**

5.1 The Economy Team applied to the Greater London Authority for European Regional Development Funding to deliver a connection voucher scheme for Westminster. The project will support over 1,000 businesses to get connected to ultrafast broadband connectivity.

5.2 The Greater London Authority has now issued the grant agreement to the council for the £2.8m Connect Westminster scheme. The grant will support 1,000 SMEs to connect to superfast or ultrafast broadband.

5.3 The Grosvenor Estate has decided to deploy its own fibre network on their estate and at neighbouring estates. The network is to be open to other companies and will enable multiple operators to deliver services over the new broadband infrastructure.

5.4 The Council is working to co-ordinate public realm and street works taking place near Grosvenor developments to support this roll out.

## **6 Employment**

6.1 By the end of March 2017 it is projected that the total number of long-term unemployed (LTU) residents supported into jobs in the past year will 400. This would represent an increase of 110% compared with the last financial year when the number of LTU residents supported into employment was 190 residents.

## **7 Website & digital offer**

7.1 The Westminster Employment Service's new digital offer is progressing in tandem with the web presence for the Business Unit. It will go live by the end of March.

7.2 The website will provide one-stop information and support for residents, delivery partners and local business. To ensure the site meets the needs of the respective audiences, a number of focus groups will be convened to feedback on the content over the course of the next month.

7.3 Clients will be able to set up accounts and view their individual action plans, CVs and job applications through the new website.

## **8. Westminster Jobcentre Plus - consultation response**

8.1 Earlier this month a response was submitted to the Department of Work and Pensions (DWP) consultation on proposals to close the Westminster Jobcentre at Chadwick Street.

8.2 In summary, the response recommended that DWP should consider extending the consultation period to facilitate a better understanding of local impact, particularly on the part of those who will find other centres difficult or distant to access.

## **9. Baker Street and Gloucester Place Two Way project**

- 9.1 In 2016 a second round of public consultation took place for the Baker Street and Gloucester Place Two Way project. The consultation sought views on the proposed changes to the initial designs that were originally consulted on in 2015.
- 9.2 Over 500 responses were received on a range of topics including perceived traffic congestion, impact on residential streets, air quality and the proposed cycling facilities.
- 9.3 In October 2016 following the consultation's completion and the feedback gathered on several proposed alterations to the initial design, I along with other responsible Cabinet Members took the decision to proceed with a detailed design and traffic order consultation.
- 9.4 The project will bring significant benefits to the local area, not only in improving traffic flow, but ensuring a safer travelling experience for all. Areas of Westminster which have historically been difficult to traverse will be opened up, creating a more connected and welcoming area for residents, businesses and visitors.
- 9.5 Transport for London has completed their own assessment of the project and confirmed their funding commitment.

## **10. Brook Street and Davies Street Two Way Project**

- 10.1 I am currently working with my fellow Cabinet Members to finalise the Cabinet Member Report to approve this scheme.
- 10.2 The current one-way operation of Brook Street and Davies Street forms part of a network of one-way streets within the West End area. Converting Brook Street and Davies Street into a two-way system will improve accessibility, allow easier traffic movement and provide some shorter journey times.
- 10.3 The aim of the scheme is to make Brook Street and Davies Street a two-way system, through minor changes to kerb lines and road markings at the junctions and crossings.
- 10.4 The scheme will also upgrade the streetscape to provide a safe and secure environment for pedestrians. This includes:
- Wider crossings and improved pedestrian comfort, improved accessibility and safety through installation of upgraded traffic signal controls and countdown,
  - improving street lighting, and

- improvement of the public realm through the use of quality design and a refresh of materials.
- 10.5 The two-way system on Brook Street and Davies Street should be ready for the commencement of the works to Bond Street in May/June 2017.
- 10.6 There have been early and continuing discussions with key stakeholders including Claridges and the Grosvenor Estate who are supportive of the proposals and discussions will continue with them because of their own development proposals in this area.

## **11. Bond Street Public Realm Improvement Scheme**

- 11.1 I am currently working with my fellow Cabinet Members to finalise the Cabinet Member Report to approve this scheme.
- 11.2 The aim of the scheme is to improve the public realm throughout Bond Street and provide a safe and secure environment for pedestrians. Wider pavements will improve accessibility, while the use of natural materials in a high quality design will emphasise the importance of Bond Street as a destination.
- 11.3 The scheme is crucial to meet the pedestrian demands resulting from the opening of the Elizabeth Line in December 2018. The project programme is therefore set to ensure completion prior to the Elizabeth Line's opening.
- 11.4 In mid-2015 a concept design was identified for Bond Street by the City Council, in conjunction with NVEC and Transport for London.
- 11.5 In June 2016 Cabinet the Feasibility Design and funding arrangements for the project were agreed by Cabinet.
- 11.6 Initial stakeholder engagement took place at 3 exhibitions held during 2016. All events were well attended and there was strong support for the project with the majority of attendees recognising the need for improvements and being in favour of the scheme.
- 11.7 Feedback provided by stakeholders during the initial engagement has resulted in minor amendments being proposed to the Feasibility Design. These are:
- the repositioning of the zebra crossings at the Bond Street and Maddox Street junction; and
  - the provision of a small kerb build out on the northern side of Grosvenor St to improve pedestrian crossing opportunity.

- 11.8 The proposed parking and loading arrangements have been designed to provide greater management of kerbside activity and better pedestrian space through the provision of time-controlled shared loading and parking pads provided on the footways that provide pedestrian space for part of the day.
- 11.9 The Bond Street programme proposes that main works will commence in spring 2017 and will finish in November 2017. However, the works phasing programme, which is currently under development, will ensure that the north section of the Bond Street scheme is phased early to support the opening of the Elizabeth Line.
- 11.10 The next stage will be to produce a detailed schedule of the works phasing along with an outline of the stakeholder engagement activities that will begin prior to the works and carry on during for the works, which will follow in the coming months.

## **12 Hanover Square**

- 12.1 Plans are currently being finalised for Hanover Square post Crossrail and we are currently securing private sector funding.

## **13 Crossrail**

### **Crossrail Line 1 – the Elizabeth Line**

- 13.1 From December 2018, the Elizabeth Line will link Heathrow with Paddington, the West End, the City and Canary Wharf.
- 13.2 Officers have been liaising with Crossrail on the delivery of the public realm works across the route including in the West End, around the Dean Street, Tottenham Court Road station sites and the Bond Street sites at Davies Street and Hanover Square.
- 13.3 In each case attention is being paid to ensure these schemes fit with associated and adjacent projects and the over site developments above the Crossrail station sites. The aim remains to have all works complete by the lines opening. Regular meetings with Crossrail and the respective development partners are taking place in order to coordinate the works in line with the opening of the Elizabeth Line in December 2018.
- 13.4 Great Portland Estates' (GPE), who are developing above the Crossrail station at Bond Street, Hanover Square station commissioned concept designs for wider public realm improvements here in response to the City Council's planning brief. Those public realm proposals now form part of a wider programme of works to improve the overall setting of the station and surrounding square and gardens. Governance of the scheme has now passed from GPE to the Council to take forward and implement the scheme in association with Crossrail's opening in December 2018. Public consultation on the proposed designs will follow later this year.



## **Crossrail Line 2**

- 13.5 Crossrail 2 (CRL2) will serve stations throughout the South East, linking south west and north east London, as well as destinations in to Surrey and Hertfordshire.
- 13.6 Further CRL2 public consultation was originally expected in November but has been postponed. Transport for London (TfL) has confirmed that a business case and funding plan for the scheme will be submitted to the Government in March 2017 before further formal public consultation takes place, the City Council is therefore waiting for the next phase of consultation and expects positive responses on the issues it has already raised in terms of the projects impacts at Victoria and Soho.
- 13.7 Construction dates for CRL2 are currently being reported as being 2023-2033, subject to the bill receiving Royal Assent in 2019.

## **14. City Hall refurbishment**

- 14.1 WCC took possession of the temporary decant space (Portland House, Victoria and 5 Strand, Whitehall) on 31<sup>st</sup> Jan 2017 and fit out works commenced soon after.
- 14.2 Staff and Members based at City Hall will be moving into these two buildings between March and May 2017 and will stay there for the period of the refurbishment. The aim is to return to a new and improved Westminster City Hall between December 2018 and January 2019.
- 14.3 The temporary buildings will include meeting room facilities, as well as space to appropriately accommodate the continued operation of all committee meetings and the work of the Lord Mayoralty.
- 14.4 This refurbishment programme will put the foundations in place to enable us to become a more flexible and dynamic organisation, giving our staff a modern base from which to meet the City Council's future challenges.

## **15 Victoria Area Schemes**

- 15.1 Phase 1 of Land Securities' Nova development to the north of Victoria Station is nearing completion, with the restaurants, shops and offices due to open on the western side of Allington Street from later this year. London Underground's new Northern Ticket Hall is also due to open at the end of the year.
- 15.2 The Victoria Palace Theatre is currently closed for refurbishment works until November 2017.
- 15.3 Discussions are on-going between Council officers, London Underground, Transport for London and Crossrail 2 regarding the future of Terminus Place at the front of Victoria rail station.
- 15.4 Officers are working with the various stakeholders to ensure that all work still to be carried out, including Network Rail improvements to the main station, London Underground upgrades to the District and Circle line and Crossrail Line 2 development work from 2022, are co-ordinated in order to minimise disruption.
- 15.5 Following an officer meeting, TfL are still considering options for public realm improvements at the front of the mainline station, to remove at least some of the buses and create additional pedestrian circulation space.
- 15.6 Network Rail continue to develop their improvements within Victoria Station to ease way-finding and congestion although recent changes in funding mean that some of these may be delayed until after 2020. The works to strengthen the Eccleston and Elizabeth Bridges will commence later this year.

## **16 Special Events and Filming**

- 16.1 The last few months has seen the usual variety of events and filming activity being successfully managed by the team including multiple Christmas light switch on events across the City, including Oxford Street and Regent Street.
- 16.2 Christmas in Leicester Square was completely rebranded and featured the hit West End show La Soiree, hosted in a 1920's spiegel tent, complemented by Santa's Grotto and a Festive Market. Over 1.6m people visited the site, with over 20,000 tickets bought for the grotto – many of which were Westminster residents who benefitted from a 10% discount.
- 16.3 The New Year kicked off with the annual New Year's Day Parade; with Westminster City Council's Mary Poppins inspired float coming first. The events team also managed the celebrations and events for Chinese New Year throughout the city.

16.4 Last month the annual London Winter Run kicked off the mass participation sporting event season in Central London and the BAFTA Awards took place in their new home at the Royal Albert Hall.

16.5 A new temporary theatre will be built at Marble Arch and will stage a production of Cameron Mackintosh's 'Five Guys Named Moe' from April 2017 until December 2017.

## **17 City of Sculpture**

17.1 'Moving Forward' by Jill Berelowitz was installed and unveiled on Park Lane at the end of January. Cast in bronze, Moving Forward combines varying numbers of sleek human forms; each of the figures is cast individually with no two alike.

17.2 Marble Arch is now home to Danse Gwenedour' 'by Bushra Fakhoury which was installed earlier this month March and unveiled on Saturday 11<sup>th</sup> March.

## **18 Green Plaque Scheme**

18.1 There are now 117 green plaques around Westminster to celebrate the life and works of individuals and organisations that have made contributions that have, in many cases, extended well beyond our borders. The most recent unveiling was The Ivy Restaurant at 1-5 West Street, Covent Garden to commemorate the centenary of the establishment.

### **18.2 Upcoming unveilings:**

- William Henry Hudson at 14 Leinster Square in Bayswater. Hudson authored the acclaimed romance novel 'Green Mansions', as well as being an accomplished naturalist and founding member of the Royal Society for the Protection of Birds. Currently scheduled for installation in spring 2017.
- William Somerset Maugham at 2 Wyndham Place. Somerset Maugham was a novelist and playwright and lived at the property from 1919 until 1923. Currently scheduled for installation later in 2017.
- Anthony Powell at 9 Shepherd Street where he lived and worked. Powell was the author of the acclaimed twelve volume work 'A Dance to the Music of Time', as well as working as a celebrated critic and reviewer. Currently scheduled for installation in early 2017.
- Gold Brothers at 43 Carnaby Street to commemorate the site of their Lord John Boutique. The shop was an instant success and is seen as a major reason why Carnaby Street retains its popularity and fashionable reputation today and is also famous for its psychedelic mural. Currently scheduled for installation in early 2017.

- John Gatti on Villiers St to mark the bicentenary of his birth (1817-78), the effective founder of the Ticinese colony in London. He is also the man who introduced the penny ice cream to the UK as well as restaurants and theatres between him and his family. Currently scheduled for installation in July 2017



# Business, Planning and Transport Policy and Scrutiny Committee Briefing

<b>Committee date:</b>	<b>23<sup>rd</sup> March 2017</b>
<b>Author:</b>	<b>Cllr Daniel Astaire</b>
<b>Portfolio:</b>	<b>Cabinet Member for Planning and Public Realm</b>
<b>Please contact:</b>	<b>Madeleine Hale x 2621</b> <a href="mailto:mhale@westminster.gov.uk">mhale@westminster.gov.uk</a>

Please find below an update on key areas of activity from the Planning and Public Realm portfolio since the Committee last met.

### Overview

I am pleased to have been appointed to lead this portfolio and want to thank Cllr Davis for his stewardship of the development planning service over many years.

I am committed to ensuring that through the discharge of the various responsibilities under this portfolio I am able to help deliver a number of the Leader's aspirations set out in City for All 2017/18. In particular I have already started to encourage a renewed focus on delivering housing and, in particular, affordable housing for working people through our planning process. I have set out my expectations in the area to officers working in the development planning and planning policy teams as well as in discussions with the property industry and I am reassured by the responses I have received to date. I will keep the Committee updated in due course with progress on this.

### Development Planning

#### **1. Development Planning Update**

- 1.1.** Last month I introduced a guidance note (Appendix 1) setting out the approach that Chair of the Planning Committee and I will take in engaging with landowners, developers and community groups in relation to development proposals at pre-application and application stages of the

development management process.

- 1.2. I intend to meet parties during the pre-application stage over major schemes to give a policy steer relating to land use, density and height. I will not engage with issues of design, look or feel. The Chairman of the Planning Committee will meet with parties either at a pre-application stage or once an application has been submitted regarding a range of proposals as set out in the note. This does not impact on Ward Councillors who can meet developers and other groups at any time. The guidance has been well received by the development industry.

## **2. Future planning changes**

- 2.1. The Department for Communities and Local Government has announced it will introduce permitted development rights to allow residential properties to extend upwards without planning permission. Details over how this will work will be published after Easter.
- 2.2. The Government also believes too many planning conditions are being imposed by Councils and too much time is being taken to discharge them. New provisions will be introduced over the summer to restrict the use of pre-commencement conditions and prevent local authorities from imposing them without the consent of the applicant.

## **3. Workload**

- 3.1. The workload in Development Planning continues to be high with over 12,000 applications forecast for the financial year. There has also been over 200 enforcement enquiries including many relating to short term lets.

## **Planning Policy**

### **1. Neighbourhood planning**

- 1.1. We have received an application for designation of a neighbourhood forum for the Hyde Park and Paddington Neighbourhood. If designated, the forum will be able to develop a neighbourhood plan. A neighbourhood forum has to consist of a minimum of 21 individuals and be open to those who live and work in the area. Because the area is substantially commercial in nature, the forum will be business-led and any neighbourhood plan will require separate referenda of businesses and residents for approval. Comments on the proposed designation have been invited by 20th April 2017 and the final decision on designation will be taken after that, in light of any views received.
- 1.2. The Knightsbridge Neighbourhood Forum put their draft neighbourhood plan out for public consultation between 8<sup>th</sup> December 2016 and 15<sup>th</sup> February 2017. The council provided comments relating to the extent to which the draft plan was consistent with the strategic policies in the City Plan and made some suggestions about how consistency could be improved; the neighbourhood

forum received comments from more than 45 organisations and are now considering these. We will continue to work with the forum as they develop their proposals. The next step will be for them to submit the final draft to us so we can organise its formal examination.

- 1.3. Mayfair Neighbourhood Forum and the Queen's Park Community Council are also working on neighbourhood plans; officers from the council are working with them to help ensure their proposals meet the legal requirements for such plans and are likely to be effective in delivering the neighbourhoods' objectives.

## **2. Community Infrastructure Levy**

- 2.1. Westminster's Community Infrastructure Levy (CIL) has been in place since May 2016. It operates on the basis that liability arises when planning permission is granted (at which point we issue a "liability notice"), but CIL is actually paid within 90 days of the actual start of development (when we issue a "demand notice". We have a policy for payment by instalments for larger sums owed.
- 2.2. The mechanics of CIL mean it is inevitably taking some time to actually collect appreciable revenue. To date we have issued 133 liability notices for a total of £31,265,607. We have issued 27 demand notices, for a total amount of £9,060,458. We have actually collected £471,398 – because of the instalments policy the balance of £8,589,060 will be paid over the period to mid-March 2018.
- 2.3. The Cabinet approved arrangements for governance of CIL - and in particular for decisions about the spending of CIL revenue – at its February meeting. It agreed to the establishment of a Cabinet CIL Committee, chaired by the Cabinet Member for Planning and Public Realm to provide member oversight of the implementation and collection of CIL and to take decisions on spend proposals – referring these to the Cabinet where appropriate. This Committee will be supported by an officer working group, which will give initial consideration to spend proposals and make recommendations to the Cabinet CIL Committee. One of the first things the working group will do is to draw up a policy statement explaining how CIL will be administered and allocated, including the way we will work with neighbourhoods regarding the portion of CIL that has to be spent in agreement with them.
- 2.4. Alongside the recent Housing White Paper, the Government has published the report of an independent review of CIL by a team chaired by the former Chief Executive of the British Property Federation. The council provided evidence to the review and, as expected, it has resulted in proposals to reform CIL rather than simply abolishing it – suggesting replacement of CIL by a low level Local Infrastructure Tariff, use of section 106 agreements to raise funds for infrastructure on large sites and strategic infrastructure tariffs for combined authorities and, presumably, the Mayor of London. Ministers have said they will announce their final conclusions in the autumn budget; we will be putting forward our views on the future of CIL and, in particular, how the advantages

of certainty and transparency that a tariff-based approach can bring might be extended into areas like affordable housing.

### **3. “Getting the Right Kind of Growth”**

- 3.1.** A consultation document about how we can ensure we deliver the right kind of growth – which works for all residents, workers, visitors and businesses - for Westminster will be issued for consultation at the end of the month. This will explain the pressures for growth in Westminster and ask for comments on the range of ways we can make the best use of sites. Of course these ways should enable and manage growth to deliver the economic and social benefits we need while enhancing the environment, protecting our heritage and helping create a high quality city. In particular it will seek views on getting more out of land by having more intense development, building higher than at present and, where this is appropriate, considering significantly higher buildings.
- 3.2.** We will use the comments received to help draw up City Plan and other policies to be clear about the kind of growth we want to encourage in Westminster and how it will be delivered.

### **4. The Housing White Paper**

- 4.1.** The Government published its white paper on “Fixing Our Broken Housing Market” on 7th February. It sets out a number of proposals relating to both planning and housing policy to increase delivery. In particular it seeks to deal with three major problems:
- Local planning authorities failing to put local plans in place with policies to deliver enough homes to meet growth in households expected in their areas;
  - The pace of actual development being too slow;
  - The structure of the housing market making it harder to increase supply.
- 4.2.** The white paper asks for comments on 38 detailed questions, many of which related to proposed changes to national planning policies. We will be responding, giving detailed comments on the technical changes put forward, but also making the case for changes and flexibilities Government might consider helping the Council deliver the right kind of growth here.

### **5. The London Plan**

- 5.1.** The Mayor of London has started work on preparation of a new London Plan. It is anticipated that a draft will be issued for consultation in November.
- 5.2.** In the meantime, the Mayor has recently consulted on draft supplementary planning guidance on affordable housing and viability. The council commented on the Mayor’s proposals – while we support the Mayor’s ambition to expand and accelerate delivery of affordable housing, we have concern that the approach suggested by the Mayor is highly prescriptive and



focuses too much on matters of process and methodology.

- 5.3.** Some of the proposals – such as review of the levels of affordable housing provided by schemes after planning permission has been granted in the light of changes to values – we will consider in taking forward changes to the City Plan.
- 5.4.** More widely, we consider that a better approach would be to extend the tariff-based approach underlying the CIL to affordable housing – this would not only be more certain and transparent for developers and the council alike, but would remove the need for much of the technical complexity of the approach proposed by the Mayor.

**14<sup>th</sup> March 2017**

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# Pre-application and Application Engagement with Councillors Guidance Note

## Purpose

This note sets out the approach that the Cabinet Member and Chair of the Planning Committee will take in engaging with landowners, developers and community groups in relation to development proposals at pre-application and application stages of the development management process.

## Background

The Localism Act 2011, the Department of Communities and Local Government Guidance "A Plain English guide to the Localism Act" and the LGA's "Probity in Planning for Councillors and Officers" allows and encourages early member engagement on potential planning applications prior to their submission. This is an established part of the development management process.

By the very nature of such meetings not all relevant information may be at hand, nor will formal consultations with interested parties have taken place. Any discussions will not bind the council to making a particular decision and any views expressed are personal and provisional.

As any views conveyed are informal and without prejudice applicants should not rely on them or use them in their supporting documentation when formally making a planning application. Likewise third parties need to ensure they regard any comments made as informal advice only and that they cannot rely on it when making formal representations over applications.

## Types of pre-application development members will meet on

The City Council has a pre-application service where applicants can receive formal advice from the Director of Planning prior to making an application. More information on this service and the relevant charges can be found at:

**[westminster.gov.uk/request-planning-pre-application-advice](http://westminster.gov.uk/request-planning-pre-application-advice)**

Whilst applicants are expected to rely on the advice received from officers, it is acknowledged there are occasions where an informal political steer may need to be sought, before investing significant amounts of money to make a formal planning application. Therefore the Cabinet Member for Planning and the Chairman of the Planning Committee may hold meetings on the categories of potential applications listed in Appendix A providing they are accompanied with a planning officer. Only in exceptional circumstances will the Cabinet Member or Chairman of the Planning Committee hold meetings with developers for any other types of development. Appendix A also gives details of who, in the first instance, should be met.

## Who holds the meeting?

Requests for meetings are to be made through Madeleine Hale (MH) in Cabinet Support, contactable on [mhale@westminster.gov.uk](mailto:mhale@westminster.gov.uk)

MH is to liaise with the planning department to determine which category the application falls into and, accordingly, who should meet the applicant in the first instance. The Cabinet Member may invite the Planning Committee Chairman to any meeting he holds and may request attendance at any meeting of the Planning Committee Chairman.

Cabinet Member meetings will deal only with issues of policy concern, including significant deviation from published policy, s.106, Affordable Housing Contribution, viability, maximisation of site use and building height.

The Cabinet Member will meet parties during the pre-application stage, only thereafter any policy steer given is to be adopted and progressed by the Chairman of Planning and/or officers, as appropriate. On matters outside of the scope of the Cabinet Member's engagement, the Chairman of the Planning Committee may meet with parties either at a pre-application stage or once an application has been submitted. Save for issues which arise relating to land use, density and height, the Cabinet Member will not engage with issues of design, look or feel.

Issued 6th February 2017

If the Chairman of Planning considers that an application raises significant issues of policy (or deviation therefrom) and that the Cabinet Member is to be informed, officers are to do so forthwith.

Both members have the discretion to invite any other members or, once an application has been made, whether the meeting should take place with any of the other planning committee chairmen.

Fortnightly reports on any such meetings and upcoming meetings are to be provided to the Planning Committee Chairman, the Cabinet Member and the Leader of the Council.

The member will record the advice he has given to a developer or third party and keep a record. Once an application is submitted any advice provided by the relevant member will be given to the Director of Planning so it can be included in the committee report.

There can be no meetings with any members once the recommendation of the Director of Planning is known because this will be a lobbying meeting.

## The process

Meetings shall not take place with or on behalf of prospective applicants unless they have completed the requisite form (see Appendix B). This confirms their interest in the site, their willingness to enter into a Planning Performance Agreement, and the names of officers currently engaged on the project.

Requests should not be accepted until the Director of Planning has reviewed each request to confirm that officers are already engaged on the project through the Council's pre application system. The meeting cannot be used as a means of bypassing the Director's proper assessment of the proposal. This will also give sufficient notice to prepare a briefing note for the relevant member and arrange for an officer to attend the meeting. The Director will only very rarely advise against having a meeting. This may occur, for example, if there is an ongoing legal challenge or clear prospect of one which could be prejudiced by such a meeting.

The above guidance will also apply as appropriate to third parties such as adjacent businesses, residents or amenity groups. The form will not be required but full background details will be required to enable a briefing to be provided by officers. No meetings will take place with developers who have indicated they will not enter into a Planning Performance Agreement.

If a member conveys any support for, or objection to, the proposals, they must make it clear that the determining committee must make its decision without pre determination. Notes of the meeting will be disclosable under the FOI Act and care must be taken to ensure that the integrity and impartiality of the committee are protected.

## Appendix A – Types of Development the Cabinet Member and Chairman of the Planning Committee may hold meetings

<p><b>A</b> GLA referable development which comprise:</p> <p>Development which comprises or includes the provision of more than 150 houses, flats, or houses and flats.</p> <p>Development with a total floorspace of more than 20,000 square metres.</p> <p>Development which comprises or includes the erection of a new building that is more than 25 metres high and is adjacent to the River Thames or a building that is more than 30 metres high anywhere else.</p> <p>Development on metropolitan open land with a floorspace of more than 1,000 square metres or material change in the use of such a building.</p> <p>Development for a use, other than residential use, which includes the provision of more than 200 car parking spaces in connection with that use.</p>	<p><i>Cabinet Member</i></p> <p><i>Cabinet Member</i></p> <p><i>Cabinet Member and Chairman of Planning Committee jointly</i></p> <p><i>Chairman of Planning Committee</i></p> <p><i>Chairman of Planning Committee</i></p>
<p><b>B</b> Major development which marks a significant departure from Council policy.</p>	<p><i>Cabinet Member</i></p>
<p><b>C</b> Development that may involve or impact significantly on an Embassy or any other diplomatic use.</p>	<p><i>Chairman of Planning Committee</i></p>
<p><b>D</b> Development that may have a significant impact on an historic asset.</p> <p>Examples would include the loss or substantial demolition of a Grade 1 or 2* listed building or moving/loss of a statue.</p>	<p><i>Cabinet Member and Chairman of Planning Committee jointly</i></p>
<p><b>E</b> Development that, in the opinion of the Director of Planning, may not maximise a site in an opportunity area.</p>	<p><i>Cabinet Member</i></p>

## Appendix B – Request Form for meetings with a Councillor

# Councillor meeting request Form

Date:

Questions	Responses
<b>What is the full address of the site?</b>	
<b>Have you paid pre-application meeting fees?</b>	
<b>Which proposed development is the meeting in connection with?</b> <i>Please provide a description.</i>	
<b>Does the Application meet Member Criteria for a meeting?</b>	
<b>Which Criteria of Appendix A does it meet and why?</b>	
<b>Can you provide confirmation that the project team has had a pre-application meeting with the relevant area team(s) at Westminster City Council?</b> <i>Please include details of who you met and when.</i>	
<b>Does the developer intend to enter into a paid PPA on submission of the application?</b>	
<b>Why is a meeting with the Cabinet Member / Chairman of Planning Committee necessary?</b>	

**Officer Assessment of Relevant Councillor:** Cabinet Member / Chairman of Planning Committee

**Reason:**

Save if it appears to officers that the applicant will be seeking to negotiate down by over 25% its AHF contribution in which case the Cabinet Member is to engage as well.

Issued 6th February 2017



## Business, Planning and Transport Policy and Scrutiny Committee

<b>Date:</b>	Tuesday 21 <sup>st</sup> March 2017
<b>Classification:</b>	General Release
<b>Title:</b>	Planning in Westminster
<b>Report of:</b>	Barry Smith, Head of City Policy & Strategy, Policy, Performance & Communications and John Walker, Director of Planning in Growth, Planning and Housing
<b>Cabinet Member Portfolio</b>	Cabinet Member for Planning and Public Realm: Councillor Daniel Astaire
<b>Wards Involved:</b>	All
<b>Policy Context:</b>	World Class Westminster
<b>Report Author and Contact Details:</b>	Muge Dindjer, Scrutiny Manager, Policy, Performance & Communications, 020 7641 2636 <a href="mailto:mdindjer@westminster.gov.uk">mdindjer@westminster.gov.uk</a>

### 1. Executive Summary

- 1.1 This paper gives an overview of the planning system in Westminster City Council (WCC), outlining the role of planning policy and the development management (planning application) process. It highlights key changes and priorities from the new Cabinet Member for Planning & Public Realm and describes the policy context to these at the local, London-wide and national levels. The planning process (both policy and development management) is an effective tool for delivering the aspirations of the Council as set out in City for All Year 3 – particularly in relation to housing delivery, support for jobs and economic development as well as civic leadership and community participation.

### 2. Key Matters for the Committee's Consideration

The Committee is asked to:

- I. Note current planning policy developments and the planning process at WCC;
- II. Note the priorities of the new Cabinet Member;
- III. Note changes to the external environment that will impact on WCC, and;

- IV. Identify any areas that the Committee wishes to focus on throughout the year ahead which can be built into the work programme.

### **3. Background**

#### **Planning Policy Context**

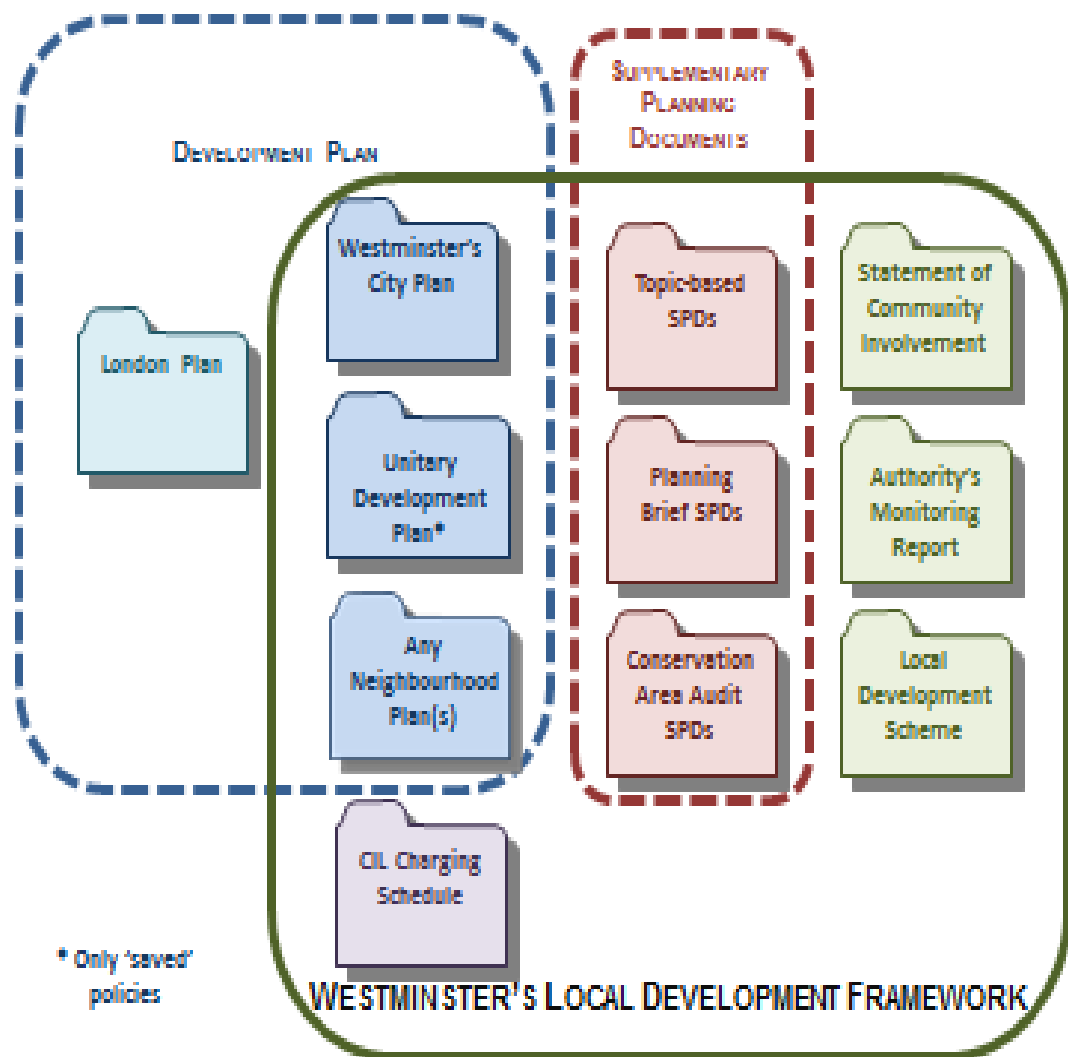
- 3.1 Planning aims to ensure that the right development happens in the right place at the right time, benefitting communities and the economy and delivering sustainable development (which includes looking at economic, environmental and social aspects together). Within this, what “right” growth means in each case is defined in local and London wide plans and national policy.
- 3.2 Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. It is for the decision maker to decide what weight is to be given to the material considerations in each case. In Westminster the development plan comprises:
- Westminster’s City Plan, November 2016 (which for the most part sets out high level strategic policies);
  - “Saved” policies from Westminster’s 2007 Unitary Development Plan (these tend to be more detailed policies dealing with how individual applications are dealt with);
  - The Mayor’s London Plan, and;
  - In the future any adopted neighbourhood plans within WCC
- 3.3 Westminster’s planning policies must also take into account the government’s National Planning Policy Framework (NPPF), National Planning Practice Guidance (NPPG) and the Localism Act.

#### **How the planning system works in Westminster**

##### Westminster’s Planning Framework

- 3.4 The diagram below shows the documents which make up Westminster’s local planning development policy framework.





### The planning application process

- 3.5 Planning applications must be decided in the context of published planning policies; the City Council's policies are prepared within Policy and Strategy, part of Policy, Performance and Communications, who are also responsible for Article 4 Directions, neighbourhood planning, the Community Infrastructure Levy (CIL), s106 monitoring and collection (see below) and responding to national and regional consultations and GLA/Mayoral strategies. Development Planning, within Growth, Planning & Housing, deals with all planning applications as well as planning appeals, the enforcement of planning control, the production of information publications, maintaining the statutory register of planning applications, responding to land search inquiries and works to trees.
- 3.6 Planning permission is needed for "development". Development is defined in the Planning Acts as: 'the carrying out of building, engineering, mining or other

operations in, on, over or under land, or the making of any material change in the use of any buildings or other land.' Thus 'development' can take the form of either physical works to a building or land, or a change of use of the building or land.

Development which does not require planning permission:

- 3.7 To simplify the process the law allows a whole range of minor development to take place without the need for planning permission. These exemptions from planning control are set out in the General Permitted Development Order 1995, which sets out categories of 'permitted development', and the Use Classes Order 1987. Both Orders have been amended on several occasions since they were originally published.
- 3.8 A number of new 'permitted development' rights have been introduced in recent years in order to boost housing supply and enable appropriate development to take place more quickly. This includes changes introduced since May 2013 significantly affording greater freedom for homeowners to improve and extend their properties without the need to apply for full planning permission (subject to appropriate engagement with neighbours), rights for the change of use of offices to residential use (although much of Westminster is exempt from this provision due to the priority of offices within the Central Activities Zone) and greater flexibility for changes of use within commercial properties. The majority of these 'permitted development' rights involve an application for 'prior approval' submitted to the Council, where certain criteria must be assessed.

Other types of applications

- 3.9 In addition to planning applications, the following types of applications are submitted under the Planning Acts; often they are submitted in association with planning applications:
- Listed building consent is required for most works (both internal and external) to a listed building. These applications may be submitted on their own where the works are purely internal, or in conjunction with planning applications when both internal and external work is proposed.
  - Separate regulations cover the procedures and relevant considerations for advertisements, which include shop signs, blinds (with writing on) and estate agents' boards. Most small scale, low level, non-illuminated signs do not require consent from the City Council. Consent may only be refused on the grounds of public safety or amenity.
  - There are two types of Certificates of Lawful Development.
    - (a) The first refers to development that has already been carried out without planning permission. A Certificate of Lawfulness of Existing Development must be granted when, by virtue of the length of time the development has existed, it has become lawful. That is, the planning merits cannot be taken into account. In the case of building works or

residential uses, the development becomes lawful after four years. For all other uses, the time period is ten years.

- (b) In certain circumstances, it may not be clear whether planning permission is required for a development. The Certificate of Lawfulness of Proposed Development enables an applicant to seek a formal view on the need for making a planning application. The certificate would be granted where the development proposed does not require planning permission. Again, there is no assessment of the merit of the development proposed: the procedure is restricted to assessing only whether permission is required.
- Consent is required for any works to trees covered by a Tree Preservation Order (TPO). In conservation areas, six weeks' notice must be given to a local authority before works to trees are undertaken, thus giving the City Council the opportunity to consider making a TPO.

#### Conditions attached to planning permissions

- 3.10 Local authorities have the power to impose such conditions as they think fit on planning permissions in order to make otherwise unacceptable development acceptable. Such conditions must, however, comply with the requirements of Paragraph 206 of the NPPF and the associated advice on the use of planning conditions in the NPPG. Planning conditions should only be imposed where they are necessary, relevant, enforceable, precise, and reasonable.

#### Legal agreements and planning obligations

- 3.11 A planning obligation can involve a legal agreement between the Council and the applicant (and others), or can be offered by the applicant unilaterally. It secures some additional works or other benefits that are required in order to make a development proposal acceptable and which, for one reason or another, cannot be secured by a planning condition. They may prescribe the nature of the development, compensate for loss or damage created by the development; or mitigate a development's impact. The legal mechanism for achieving planning obligations is set out in Section 106 of the Town and Country Planning Act 1990. Planning obligations should only be sought where they are:
1. **Necessary** to make the proposed development acceptable in planning terms.
  2. **Directly related** to the proposed development.
  3. **Fairly and reasonably related in terms of scale and kind** to the proposed development;

#### Appeals

- 3.12 An applicant can lodge an appeal to the Secretary of State against the Council's decision to refuse planning permission or to impose conditions on a planning permission. Appeals may be dealt with by written representations, informal hearing or public inquiry. In any appeal, an appellant may make a

claim for costs against the Council. The City Council may also seek costs from appellants if they have acted unreasonably, and caused the City Council unnecessary expense. Costs may be awarded where a party has behaved unreasonably and this behaviour has directly caused another party to incur unnecessary or wasted expense in the appeal process. A full or partial costs award may be made.

### Planning Enforcement

- 3.13 Local planning authorities provide planning enforcement services which are a vital part of the planning process. By identifying and tackling cases of unauthorised development, the enforcement process ensures fairness, stops unacceptable development and gives communities confidence in the system. Although effective planning enforcement is fundamental to the integrity of the system, responses to breaches of planning control should always be proportionate. Where work has been undertaken without the necessary permission, there is scope to apply retrospectively for planning permission. Stages in the planning process are shown at Appendix 1.

## **Key Planning Policy Developments within Westminster**

### City Plan Review

- 3.14 Local Plans are the key documents through which local planning authorities can set out a vision and framework for the future development of the area, engaging with their communities in doing so. They also address needs and opportunities in relation to housing, the local economy, community facilities and infrastructure, etc.
- 3.15 Westminster's local Plan currently comprises two documents. The first is the Westminster City Plan which was adopted with updated policies in November 2016. This currently sets out strategic policies more detailed ones setting out the specific requirements for the determination of planning applications are contained in "saved" policies in the Unitary Development Plan (UDP) (adopted 2007). Policies in both documents are, therefore, used to determine planning applications.
- 3.16 Revisions to the City Plan must go through a process set out in national legislation. The Government sets national policy about what local plans should deal with and the evidence base that should be used in the NPPF, with more detailed guidance in the NPPG. The stages in the preparation or revision of a local plan are detailed at Appendix 2.
- 3.17 The City Plan will be undergoing a complete re-write during 2017-2018 to incorporate new development management policies to replace the remaining saved UDP policies, creating a single up to date local plan which fully reflects the council's strategic policies on achieving the right kind of growth for Westminster and will include the most recent information about demographic, economic, environmental and social trends. The opportunity will be taken to try

to make the policies more user-friendly, simplifying/streamlining them where possible.

### Neighbourhood Plans

- 3.18 Neighbourhood planning gives communities direct power to develop a shared vision for their neighbourhood and shape the development and growth of their local area. Neighbourhoods can prepare plans which have legal weight as part of the statutory development plan. They can also grant planning permission for the development they wish to see through making a 'neighbourhood development order'. More information on neighbourhood planning in Westminster is set out in Appendix 3.
- 3.19 The relationship between this Scrutiny Committee and the new City Planning & Development Committee will need to be clarified as the City Plan is reviewed. Both Committees have a role in scrutiny and clarity over roles and responsibility will need to be agreed to avoid duplication of officer resource. The Constitution and Terms of Reference is shown at Appendix 5.

### **The priorities of the new Cabinet Member for Planning & Public Realm**

3.20 As set out at Full Council on 1<sup>st</sup> March 2017, these include:

- New forms of engagement with the industry (see Appendix 7);
  - Building more affordable housing and mixed communities through reviewing our policies, using s106 agreements to support the building of more affordable homes and lobbying for a tariff based approach for affordable housing – rather than an emphasis on viability;
  - The City Plan- consulting on what good growth and building height mean for Westminster and ensuring the benefits of this prosperity are evenly spread;
  - Considering whether we are too restrictive on roof extensions (for example, should owners be allowed to extend upwards), and;
  - A 'can do' approach to planning to preserve our position as a multi-cultural, generational city which capitalises on economic benefits.
- 3.21 This Committee may want to consider their potential contribution to policy development in these areas as part of its future work programme. In particular Committee may want to consider:
- The City Plan revisions and the consultation on good growth and building height prior to the end of the consultation period to inform the Cabinet Member's views/decision
  - Planning's role in delivering more affordable housing.

### Community Infrastructure Levy (CIL)

- 3.22 The Community Infrastructure Levy (CIL) is a charge on development to help fund infrastructure which the council, local community and neighbourhoods require to help accommodate new growth from development. Westminster's CIL Charging Schedule (the legal document that formally allows the council to

charge CIL and sets out the rates charged) is shown at Appendix 4; rates are per square metre for developments where there is an increase of new build floor space of 100sqm or more.

- 3.23 On 20<sup>th</sup> February 2017 the Cabinet approved detailed governance arrangements for taking decisions on how CIL monies will be spent. These follow the requirements of the CIL Regulations (more information on the requirements are given in Appendix 4 to this report), including how decisions will be taken on the portion of CIL revenue required to be spent in agreement with neighbourhoods. Westminster's CIL is projected to raise average revenue of around £17.5m per annum across the development cycle. The City Council is able to retain 5% of its own CIL receipts and 4% from the Mayoral CIL receipts it collects for administration, monitoring, collection and reporting purposes. The CIL governance procedures agreed by Cabinet include:
- a) The Leader appointing a Cabinet CIL Committee, to be chaired by the Cabinet Member for Planning and Public Realm and with a membership to be appointed by the Leader which will provide member oversight of implementation and collection of CIL, take decisions on spend proposals submitted by an officer working group (or to refer decisions to Cabinet as appropriate)
  - b) Establishing an officer working group which will be chaired by the Head of City Policy and Strategy and comprise representatives of all the council's directorates) to oversee administration and governance of the CIL, to give initial consideration to proposals for spending CIL revenue and to make recommendations to the Cabinet CIL Committee.
  - c) The working group will draw up a policy statement on the administration and allocation of CIL (including the portion that has to be spent in agreement with neighbourhoods)
- 3.24 Liability to pay CIL arises when planning permission is granted – at which point the council issues a “liability notice”. It is actually paid within 90 days of development commencing when a “demand notice” is issued (the council has a policy for payment of larger amounts by instalment). Charging started in May 2016 and because of the inevitable lag between planning permission being granted and development starting, actual collection of CIL has started slowly. At the time of writing this report the council has issued 101 liability notices for a total amount of £23,298,273 and 18 demand notices for a total amount of £7,283,030. Of this sum, a total of £451,598 has been paid and there is, therefore, currently an outstanding sum of £6,831,432 payable by mid-March 2018.
- 3.25 The Government has recently published the report of an independent review of the CIL carried out by a group chaired by the former Chief Executive of the British Property Federation. This suggests replacement of CIL by a lower, simpler “local infrastructure tariff”. Ministers have stated that they will announce their decision on this in the autumn budget; the council will be taking steps to ensure it makes its views on CIL known to Government. Developments around the CIL, including changes in national policy and

progress locally might be something that the Committee wants to consider later in 2017/18.

## **Changes to the External Environment**

### The London Plan Review

- 3.26 In London the Mayor remains responsible for producing a strategic plan for the capital, in the form of his “spatial development strategy” - commonly known as the London Plan. The London Plan provides London boroughs with an overarching framework for their local plans, helping them to tackle strategic as well as local issues effectively. Local Plans in London need to be in ‘general conformity’ with the London Plan, which also guide decisions on planning applications by London borough councils and the Mayor as it forms part of the statutory development plan. Policies in the London Plan are, therefore, a material consideration in the determination of planning applications in Westminster.
- 3.27 The London Plan is undergoing a full re-write. Work on this has picked up pace following Sadiq Khan’s election as Mayor last year. A first draft for consultation is expected to be published in November 2017, with an Examination in Public in summer 2018 and publication of the new plan in autumn 2019.

### The Housing White Paper: Fixing our Broken Housing Market (February 2017)

- 3.28 The White Paper sets out a large number of proposals covering all stages of housing delivery to:
- plan for the right homes in the right places
  - build homes faster
  - diversify the housing market; and
  - help people now
- 3.29 Measures which are to be welcomed and which have a potential impact on planning include:
- An invitation to councils to come forward with plans for additional housing delivery and make deals with government that might include flexibilities around things such as Housing Revenue Account borrowing caps – WCC have supported this and asked for a ‘bespoke housing deal’
  - A 20% increase in planning application fees from July 2017, where the local planning authority commits to increasing resources for planning
  - Greater commitment to ensuring that infrastructure planning by utilities is better coordinated with local plans.
- 3.30 A detailed response to these is being prepared in discussion with the Cabinet Members for Planning and Public Realm and Housing.

- 3.31 The Government's Designation Regime for Local Planning Authorities has been updated to include an assessment of the Council's performance (i.e. the proportion of applications determined within the statutory timeframes set by Government) for non-major applications in addition to major applications, as of January 2017. The Government have decided not to designate Westminster as 'underperforming' for this year given the exceptional circumstances affecting performance during the two year assessment period (2014-2016), namely the transformation of the Development Planning department involving a move to digital application processing. However, the Government targets for major and non-major developments have increased for the current year and as such it is essential to focus on performance in order to ensure that the Council avoids future designation.
- 3.32 Building Our Industrial Strategy Green Paper was launched on 23<sup>rd</sup> January 2017. The paper sets out that 'a modern industrial strategy' must amongst other things; make the UK one of the most competitive places in the world to start or grow a business. The Green Paper sets out the 10 pillars of the government's approach, those most appropriate to this committee are shown below:
- Developing skills
  - Supporting businesses to start and grow
  - Encouraging trade and inward investment policy
  - Cultivating world-leading sectors
  - Driving growth across the whole country
  - Creating the right institutions to bring together sectors and places
- 3.33 As we seek new and expanded markets, post-Brexit, global market share will be all important. It is only in London that we see such a concentration of world leading companies whose response to Brexit will raise issues for both our planning policy development and for our development management process.

**If you have any queries about this Report or wish to inspect any of the  
Background Papers please contact Muge Dindjer x2636  
[mdindjer@westminster.gov.uk](mailto:mdindjer@westminster.gov.uk)**

#### **APPENDICES:**

- Appendix 1 - Stages in the Planning Process
- Appendix 2- Stages in the preparation or revision of the City Plan
- Appendix 3 – Neighbourhood planning in Westminster
- Appendix 4- CIL charging schedule and Portions
- Appendix 5- City Planning and Development Committee
- Appendix 6- List of Planning contacts
- Appendix 7-WCC Planning Guidance



**STAGES IN THE PLANNING APPLICATION PROCESS:**

1. Pre application advice	<ul style="list-style-type: none"> <li>• Optional advice with planning officers which is charged for.</li> </ul>
2. Submit planning application	<ul style="list-style-type: none"> <li>• A fee is payable for most applications; fee levels are set by national government.</li> </ul>
3. Notification and consultation with community and statutory consultees	<ul style="list-style-type: none"> <li>• Statutory consultation for not less than 21 days.</li> <li>• Specific publicity requirements depend on the application.</li> </ul>
4. Determination of application	<ul style="list-style-type: none"> <li>• Planning application determined in accordance with the development plan unless material considerations indicate otherwise.</li> <li>• Local planning authority has 8 weeks to make a decision on minor applications, 13 weeks for major applications and 16 weeks for applications involving an Environmental Impact Assessment.</li> </ul>
5. Decision	<ul style="list-style-type: none"> <li>• Planning officers usually determine applications for smaller developments under delegated decision-taking powers.</li> <li>• Larger and more controversial developments are usually determined by planning committee.</li> </ul>
6. Option to appeal decision	<ul style="list-style-type: none"> <li>• Applicant has a right to appeal to the Secretary of State, via the Planning Inspectorate, if the local planning authority refuses to give planning permission, grants it subject to unacceptable conditions or does not come to a decision within the specified statutory period for determining the application.</li> <li>• Planning appeals can also be 'recovered' by the Secretary of State.</li> </ul>
7. Consideration by the Mayor	<ul style="list-style-type: none"> <li>• The Mayor is consulted on all planning applications that are of potential strategic importance to London. These are commonly known as 'referable' applications.</li> <li>• An application is referable to the Mayor if it meets the criteria set out in the Mayor of London Order (2008). The criteria includes:             <ul style="list-style-type: none"> <li>○ development of 150 residential units or more</li> <li>○ development over 30 metres in height (outside the City of London)</li> <li>○ development on Green Belt or Metropolitan Open Land of over 1,000sqm</li> <li>○ development affecting strategic views</li> <li>○ major infrastructure</li> </ul> </li> </ul>

	<ul style="list-style-type: none"> <li>• Once an application has been submitted, the Mayor has six weeks to provide comments on the application, assessing whether it complies with the London Plan policies. This consultation stage is commonly known as “Stage 1”.</li> <li>• The application is then considered by the local planning authority at its planning committee, where it decides whether to grant or refuse permission.</li> <li>• Following its consideration, the local planning authority is then required to refer the application to the Mayor for his final decision, known as a Stage 2 referral. The Mayor has 14 days to make a decision to allow the local planning authority decision to stand, to direct refusal, or to take over the application, thus becoming the local planning authority. The Mayor can direct a borough to refuse permission if a development would prejudice implementation of the London plan, or otherwise be contrary to good strategic planning.</li> </ul>
<p>Where planning permission is granted, the applicant usually has three years to begin implementation of the permission.</p>	

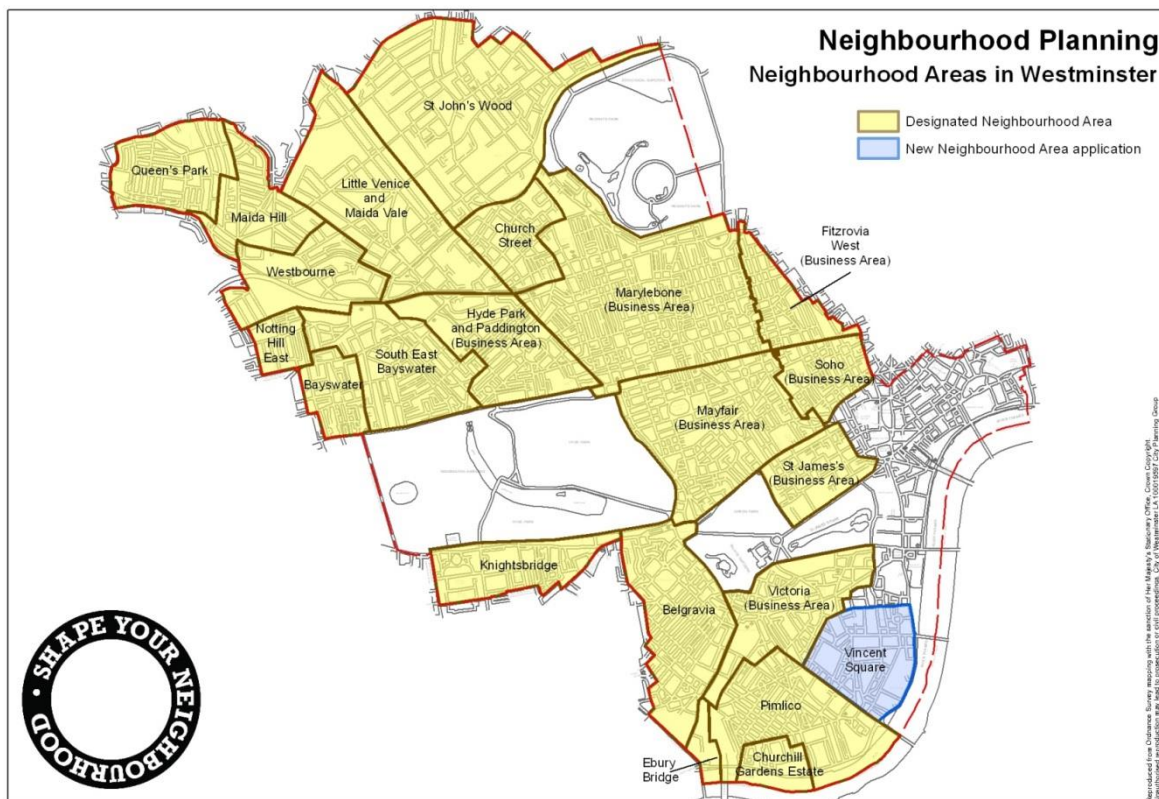
**STAGES IN THE PREPARATION OR REVISION OF A LOCAL PLAN:**

<p>1. Initial evidence gathering and consultation</p>	<ul style="list-style-type: none"> <li>• Formulate initial aims and objectives.</li> <li>• Begin evidence gathering.</li> <li>• Notify relevant consultation bodies and those carrying on business in the area and invite them to make representations.</li> <li>• Discussions with the Mayor and neighbouring boroughs (there is a statutory duty to cooperate with other authorities on strategic planning issues of cross-boundary importance).</li> </ul>
<p>2. Publication</p>	<ul style="list-style-type: none"> <li>• Local plan is formally published for a minimum of six weeks for representations to be made.</li> </ul>
<p>3. Submission and examination</p>	<ul style="list-style-type: none"> <li>• Local Plan, representations and other required documents are submitted to the Planning Inspectorate. Inspectorate arrange for the Local Plan to be scrutinised through an examination by an independent inspector.</li> </ul>
<p>4. Found sound</p>	<ul style="list-style-type: none"> <li>• Inspector writes a report setting out whether the Local Plan is sound and satisfies legal requirements.</li> <li>• If the Local Plan is not sound, the local planning authority can ask the inspector to recommend modifications to make it sound.</li> </ul>
<p>5. Adoption</p>	<ul style="list-style-type: none"> <li>• If the inspector recommends that the Local Plan may be adopted, the local planning authority may formally adopt it (usually by a vote in full Council).</li> <li>• Once adopted, it is part of the development plan for the local area.</li> </ul>

**STAGES IN THE PREPARATION OR REVISION OF A LOCAL NEIGHBOURHOOD PLAN:**

In Westminster there are 20 designated Neighbourhood Areas, and one Neighbourhood Area which is awaiting formal designation, shown on the map below. Neighbourhood areas can then decide to establish forums that can go on to draw up neighbourhood plans – 15 of Westminster’s neighbourhoods have designated forums (an application for designation of a forum for Hyde Park and Paddington is currently under consideration).

Knightsbridge and Mayfair Neighbourhood Forums are the most advanced in production of their Neighbourhood Plans, with the former having conducted a formal round of public consultation before formal submission. Queen’s Park Community Council is also preparing a plan. Other Forums are making a start on the production of a plan.



## CIL Charging Schedule

Use	Area		
	Prime	Core	Fringe
Residential (including all residential 'C' use classes)	£550	£400	£200
Commercial (offices; hotels, nightclubs and casinos; retail (all 'A' use classes and sui generis retail)	£200	£150	£50
All other uses	Nil		

## CIL Portions and receipts

Portion	Percentage of receipts	Process
City CIL Strategic Portion	70 - 80%	<b>Spend decided by Council according to its strategic infrastructure priorities. Spend can be anywhere within Westminster - or outside – providing the infrastructure funded is required to support development in Westminster.</b>
Neighbourhood Portion	Currently 15% of CIL collected in respect of development in each neighbourhood capped at £100 per council tax dwelling. This increases to 25% (uncapped) in places <b>where a <u>neighbourhood plan is in place.</u></b>	<u>Queen's Park:</u> neighbourhood portion passed to the Community Council who spend it.  <u>Elsewhere:</u> funding <b>retained by the Council</b> and spent by it <b>in agreement</b> with the neighbourhood communities in which development paying a CIL has taken place.
CIL Administrative Expenses Portion	5% of CIL collected	Spend applied to costs of administrative expenses for collection and enforcement in line with legal restrictions on the use of this funding. (NB 4% of the Mayoral CIL collected by the council can also be retained for this purpose).

**City Planning and Development Committee**

**Constitution**

16 members of the Council (12 Majority party members and 4 Minority party members). Such members to be members of the Planning Applications Committees (No's 1 to 4).

**Terms of Reference**

1. To consider proposed local plan policies (and supplementary planning documents) at appropriate stages of the statutory process for their preparation and adoption and make recommendations to the relevant Cabinet Member.
2. To have oversight of the practices and procedures of the Planning Applications Committees (but not to consider individual planning applications) making recommendations where necessary to officers, Planning Applications Committees and/or the Cabinet Member for Planning and Public Realm.
3. To consider and recommend a training programme for members of the Planning Applications Committees.

**LIST OF PLANNING CONTACTS**

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## Appendix 7



# Pre-application and Application Engagement with Councillors Guidance Note

## Purpose

This note sets out the approach that the Cabinet Member and Chair of the Planning Committee will take in engaging with landowners, developers and community groups in relation to development proposals at pre-application and application stages of the development management process.

## Background

The Localism Act 2011, the Department of Communities and Local Government Guidance "A Plain English guide to the Localism Act" and the LGA's "Probity in Planning for Councillors and Officers" allows and encourages early member engagement on potential planning applications prior to their submission. This is an established part of the development management process.

By the very nature of such meetings not all relevant information may be at hand, nor will formal consultations with interested parties have taken place. Any discussions will not bind the council to making a particular decision and any views expressed are personal and provisional.

As any views conveyed are informal and without prejudice applicants should not rely on them or use them in their supporting documentation when formally making a planning application. Likewise third parties need to ensure they regard any comments made as informal advice only and that they cannot rely on it when making formal representations over applications.

## Types of pre-application development members will meet on

The City Council has a pre-application service where applicants can receive formal advice from the Director of Planning prior to making an application. More information on this service and the relevant charges can be found at:

**[westminster.gov.uk/request-planning-pre-application-advice](http://westminster.gov.uk/request-planning-pre-application-advice)**

Whilst applicants are expected to rely on the advice received from officers, it is acknowledged there are occasions where an informal political steer may need to be sought, before investing significant amounts of money to make a formal planning application. Therefore the Cabinet Member for Planning and the Chairman of the Planning Committee may hold meetings on the categories of potential applications listed in Appendix A providing they are accompanied with a planning officer. Only in exceptional circumstances will the Cabinet Member or Chairman of the Planning Committee hold meetings with developers for any other types of development. Appendix A also gives details of who, in the first instance, should be met.

## Who holds the meeting?

Requests for meetings are to be made through Madeleine Hale (MH) in Cabinet Support, contactable on [mhale@westminster.gov.uk](mailto:mhale@westminster.gov.uk)

MH is to liaise with the planning department to determine which category the application falls into and, accordingly, who should meet the applicant in the first instance. The Cabinet Member may invite the Planning Committee Chairman to any meeting he holds and may request attendance at any meeting of the Planning Committee Chairman.

Cabinet Member meetings will deal only with issues of policy concern, including significant deviation from published policy, s.106, Affordable Housing Contribution, viability, maximisation of site use and building height.

The Cabinet Member will meet parties during the pre-application stage, only thereafter any policy steer given is to be adopted and progressed by the Chairman of Planning and/or officers, as appropriate. On matters outside of the scope of the Cabinet Member's engagement, the Chairman of the Planning Committee may meet with parties either at a pre-application stage or once an application has been submitted. Save for issues which arise relating to land use, density and height, the Cabinet Member will not engage with issues of design, look or feel.

Issued 6th February 2017

If the Chairman of Planning considers that an application raises significant issues of policy (or deviation therefrom) and that the Cabinet Member is to be informed, officers are to do so forthwith.

Both members have the discretion to invite any other members or, once an application has been made, whether the meeting should take place with any of the other planning committee chairmen.

Fortnightly reports on any such meetings and upcoming meetings are to be provided to the Planning Committee Chairman, the Cabinet Member and the Leader of the Council.

The member will record the advice he has given to a developer or third party and keep a record. Once an application is submitted any advice provided by the relevant member will be given to the Director of Planning so it can be included in the committee report.

There can be no meetings with any members once the recommendation of the Director of Planning is known because this will be a lobbying meeting.

## The process

Meetings shall not take place with or on behalf of prospective applicants unless they have completed the requisite form (see Appendix B). This confirms their interest in the site, their willingness to enter into a Planning Performance Agreement, and the names of officers currently engaged on the project.

Requests should not be accepted until the Director of Planning has reviewed each request to confirm that officers are already engaged on the project through the Council's pre application system. The meeting cannot be used as a means of bypassing the Director's proper assessment of the proposal. This will also give sufficient notice to prepare a briefing note for the relevant member and arrange for an officer to attend the meeting. The Director will only very rarely advise against having a meeting. This may occur, for example, if there is an ongoing legal challenge or clear prospect of one which could be prejudiced by such a meeting.

The above guidance will also apply as appropriate to third parties such as adjacent businesses, residents or amenity groups. The form will not be required but full background details will be required to enable a briefing to be provided by officers. No meetings will take place with developers who have indicated they will not enter into a Planning Performance Agreement.

If a member conveys any support for, or objection to, the proposals, they must make it clear that the determining committee must make its decision without pre determination. Notes of the meeting will be disclosable under the FOI Act and care must be taken to ensure that the integrity and impartiality of the committee are protected.

## Appendix A – Types of Development the Cabinet Member and Chairman of the Planning Committee may hold meetings

<p><b>A</b> GLA referable development which comprise:</p> <p>Development which comprises or includes the provision of more than 150 houses, flats, or houses and flats.</p> <p>Development with a total floorspace of more than 20,000 square metres.</p> <p>Development which comprises or includes the erection of a new building that is more than 25 metres high and is adjacent to the River Thames or a building that is more than 30 metres high anywhere else.</p> <p>Development on metropolitan open land with a floorspace of more than 1,000 square metres or material change in the use of such a building.</p> <p>Development for a use, other than residential use, which includes the provision of more than 200 car parking spaces in connection with that use.</p>	<p><i>Cabinet Member</i></p> <p><i>Cabinet Member</i></p> <p><i>Cabinet Member and Chairman of Planning Committee jointly</i></p> <p><i>Chairman of Planning Committee</i></p> <p><i>Chairman of Planning Committee</i></p>
<p><b>B</b> Major development which marks a significant departure from Council policy.</p>	<p><i>Cabinet Member</i></p>
<p><b>C</b> Development that may involve or impact significantly on an Embassy or any other diplomatic use.</p>	<p><i>Chairman of Planning Committee</i></p>
<p><b>D</b> Development that may have a significant impact on an historic asset.</p> <p>Examples would include the loss or substantial demolition of a Grade 1 or 2* listed building or moving/loss of a statue.</p>	<p><i>Cabinet Member and Chairman of Planning Committee jointly</i></p>
<p><b>E</b> Development that, in the opinion of the Director of Planning, may not maximise a site in an opportunity area.</p>	<p><i>Cabinet Member</i></p>

## Appendix B – Request Form for meetings with a Councillor

### Councillor meeting request Form

Date:

Questions	Responses
<b>What is the full address of the site?</b>	
<b>Have you paid pre-application meeting fees?</b>	
<b>Which proposed development is the meeting in connection with?</b> <i>Please provide a description.</i>	
<b>Does the Application meet Member Criteria for a meeting?</b>	
<b>Which Criteria of Appendix A does it meet and why?</b>	
<b>Can you provide confirmation that the project team has had a pre-application meeting with the relevant area team(s) at Westminster City Council?</b> <i>Please include details of who you met and when.</i>	
<b>Does the developer intend to enter into a paid PPA on submission of the application?</b>	
<b>Why is a meeting with the Cabinet Member / Chairman of Planning Committee necessary?</b>	

**Officer Assessment of Relevant Councillor:** Cabinet Member / Chairman of Planning Committee

**Reason:**

Save if it appears to officers that the applicant will be seeking to negotiate down by over 25% its AHF contribution in which case the Cabinet Member is to engage as well.

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