



Business, Planning and Transport Policy and Scrutiny Committee Briefing

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Portfolio: Cabinet Member for Planning and Public Realm

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

Development Planning

1. Telephone Boxes and advertising

1.1. In February, the Council received applications for 86 additional telephone boxes on our busy streets. It is clear the company behind them only want the phone boxes so they can install advertising which they can do without any further consent from the Council. My officers have refused all the applications but I have no doubt they will be challenged through the planning appeal process. I have written to the Secretary of State for Communities and Local Government as well as the CEO of Ofcom raising the issue and seeking changes in legislation to stop phone boxes from being erected to merely house advertising.

2. Westminster World Heritage Site

2.1. Last month UNESCO sent a delegation to look at the Westminster World Heritage site. Three days were devoted to presentations and visits to all the buildings within and around the site. The inspectors were particularly interested in and concerned over the amount of tall buildings granted across the river at Nine Elms amongst other places. A report will be made available next month before the UNESCO World Heritage committee meet to discuss the future of the World Heritage site.

3. Workload and Recruitment

- 3.1.** In my last report I flagged the number of vacancies in Development Planning whilst the workload remains high. Interviews are currently taking place to fill these posts. As some of our junior planning officers have been promoted to fill the posts, recruitment to fill the junior positions is on-going.

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.
- 1.2.** 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 referendums of businesses and residents for approval. The council has consulted on the proposed designation and the consultation period ended on 20th April 2017.
- 1.3.** A report will be compiled on the response as well as the final decision on designation and will be issued to the committee.
- 1.4.** The Knightsbridge Neighbourhood Forum put their draft neighbourhood plan out for public consultation between 8th December 2016 and 15th 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 have continued 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.
- 1.5.** 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 has taken some time to actually collect appreciable revenue. At time of writing we have sent 150 liability notices in respect of developments granted planning permission which are liable to pay Westminster CIL, for a total amount of £38,676,318.
- 2.3. CIL becomes payable when development commences on site, when we issue a demand notice. To date we have issued 37 demand notices for a total amount of £9,926,249. Of this sum, we have received a total of £2,564,232. Larger developments can opt to pay by instalment, so there is currently an outstanding sum of £7,362,017 that will be payable between now and the end of March 2018.
- 2.4. The Cabinet approved arrangements for governance of CIL - and in particular for decisions about the spending of CIL revenue – at its 20th February meeting. It agreed to the establishment of a Cabinet CIL Committee, which I will chair, 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.
- 2.5. 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.
- 2.6. Alongside the recent Housing White Paper, the Government 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. ~
- 2.7. Going forward, we are 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” Consultation update

- 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 was issued for consultation at the end of last month.
- 3.2. The consultation is wide ranging and growth will be discussed with key stakeholders including Heritage England, the Business Improvement Districts and Westminster amenity societies over the course of the consultation. An

engagement program for younger residents is also being implemented. A second batch of booklets was distributed to our 14 libraries last week.

- 3.3.** To date we have received 121 responses mainly from Westminster residents. The early results show that design excellence is a key consideration regarding tall buildings for 83.2% of the respondents. About 48% agrees with a broad perspective on growth and 88.5% believes that Westminster's distinctive character and heritage should be retained, enhanced and that new development should contribute to a strong identity of place. The results may change and I will report on the final results in due course.
- 3.4.** We will use the comments received to help draw up City Plan and other policies, give it a spatial dimension 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 to help 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 started consultation on draft supplementary planning guidance entitled "Culture and the Night Time Economy". This covers:
- Protection of pubs
 - Sustaining existing venues and providing new creative work and performance spaces and related facilities in areas of defined need
 - Encouraging a wider range of evening and night time activities
 - Extension of the "agent of change" principle (under which new development should seek to manage noise without imposing unreasonable restrictions on established businesses and cultural venues)

- Management of strategic clusters of night-time uses in central London (including Soho/Covent Garden)
- Strategic cultural areas and quarters (including the area around the Royal Albert Hall)
- Planning and licensing
- Transport
- Safety and security
- Environmental services.

5.3. The Mayor has asked for comments by 31 May.

6. Pubs

6.1. The Government has amended the Neighbourhood Planning Bill to include an explicit commitment to make a development order “as soon as reasonably practicable after the coming into force of this section” that would remove any planning permission granted by the General Permitted Development Order “consisting of a use of any building or land in England from a use within Class 4A [pubs and other drinking establishments] to a use of a kind specified in that order”. The only exception would be a change from an A4 use to a mixed A4/restaurant (A3) use. This is intended to allow drinking establishments to extend their food offering without the need for planning permission or the risk of planning enforcement action. Permitted development rights allowing for the demolition of buildings used (or last used) as a pub will also be removed.

6.2. Once these changes are made the current provisions restricting changes of use or demolition of pubs designated as assets of community value will also be lifted, as they will no longer be required.

6.3. This will have the effect of requiring planning applications for most changes of use of pubs. We will examine the regulations eventually brought forward to ensure they actually deliver on the commitments that have been made but on its face, this announcement would substantially remove the requirement to make an Article 4 Direction.

24th April 2017

If you have any queries about this report or wish to inspect any of the background papers please contact Madeleine Hale x 2621 mhale@westminster.gov.uk