



Business, Planning and Transport Policy and Scrutiny Committee Briefing

Committee date:	8 February 2018
Author:	Cllr Daniel Astaire
Portfolio:	Cabinet Member for Planning and Public Realm
Please contact:	Charlie Hawken x2621 chawken@westminster.gov.uk

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

1. Development Planning

Telephone Boxes and advertising

Lobbying of the Government has continued, with local authorities from across the country showing support. New World Payphones/Clear Channel recently came forward with a proposal to remove all 193 modern design kiosks (which are roughly 20 years old) and install 45 new kiosks with integral LED advertising screens in locations currently occupied by NWP kiosks. Their existing 31 traditional K6 boxes will be retained and refurbished.

A legal agreement was proposed to ensure all 193 are removed and the K6 boxes maintained. This agreement will state:

1. Within 12 months of the date of the consent, NWP will remove 193 existing Kiosks and replace them with 45 upgraded NWP Kiosks at locations approved by the planning committee.
2. Within 12 months of the consent date refurbish 31 existing K6 design kiosks in accordance with the refurbishment schedule set out in a schedule.
3. NWP will maintain the new NWP Kiosks to a reasonable standard in accordance with the maintenance schedule, including the cleaning of each kiosk at a minimum frequency of once a week.

4. NWP will fund the planting of 45 roadside trees in the City of Westminster, in locations identified by the City Council.

The benefit of the proposed scheme is the removal of all the modern kiosks, however, this had to be weighed against the harm to amenity caused by the advertising panels of the new kiosks. There is also no guarantee that other companies will not apply for prior approval to put their kiosks on those locations where New World have removed their kiosks and the applications were refused consent. Unfortunately, the Planning Inspectorate consider the kiosks and advertising acceptable and granted consent on appeal.

Following a survey of kiosks around Oxford Street and a sample in other locations planning contravention notices were served last year. The responses have been received and are currently being analysed to establish whether a case can be made to enforce against redundant or infrequently-used kiosks.

2. Workload and Recruitment

- 2.1 The number of applications received has dropped over the last month, and this is expected to last until the summer of 2018. It is not unusual for application numbers to drop prior to the local elections in May. There are still a high number of vacancies in development planning and a recruitment process is in place to fill some of these positions.
- 2.2 Following the recent departure of Tony Fenton in Building Control, Julian Tanton has been appointed as his successor.

3. Planning Fees

The Government has delivered the 20% increase in planning fees, which comes into effect this month. It is proposed to use the increase in income to off-set savings that need to be delivered in development planning for the financial year 2018/19.

4. Planning Policy

Neighbourhood planning

On 22nd November 2017 the Knightsbridge Neighbourhood Forum formally submitted the draft Knightsbridge Neighbourhood Plan to the Council for publication and examination. This is the first Neighbourhood Plan in Westminster to have reached this stage in the formal process.

At this stage, the Council's role is to check that the neighbourhood forum has submitted all the required documentation - we are not at this stage required to consider whether the draft plan actually meets the basic conditions set out in regulations that neighbourhood plans have to meet. Officers have concluded that the plan has been properly submitted. Under the regulations the Council has to publish the plan for a minimum 6-week consultation period. We will also liaise with the Neighbourhood Forum to appoint an independent Examiner to conduct the independent examination of the Plan that is the next stage in the process.

The Council will itself be commenting on the draft Plan and ensuring that its views are presented to the independent examiner. If the examiner considers that all statutory requirements have been met, a referendum with local residents will then need to be held before the Council can formally adopt the Plan. Once adopted, the Plan forms part of the statutory development plan and should be used (alongside the Council's own planning policies and the Mayor's London Plan), in determining planning applications in the Knightsbridge Neighbourhood Area.

The consultation is taking place from 20th December 2017 to 14th February 2018 – two weeks longer than the statutory requirement for 6 weeks, to account for the festive period. The draft Plan is available on the Council's website, with hard copies available for inspection at the Council's Offices at 5 The Strand, at Victoria Library, and at Mayfair Library.

Office to residential change of use: Article 4 Direction

The Council will shortly start consultation on a Direction under Article 4 of the General Permitted Development Order that will require developers proposing the change of use of a building from offices to residential in the Westminster Central Activities Zone (CAZ) to make full planning applications. This is to take account of the Government decision to make a temporary permitted development right allowing these changes of use without the need for full planning permission - originally proposed to end in 2016 – permanent. At the same time the Government is withdrawing an exemption covering the CAZ, meaning that boroughs in central London wanting to be able to use the planning system to manage these changes of use must make their own Article 4 Directions.

The proposed Direction is a “non immediate” one. That means that once it is formally “made” it will be subject to six weeks’ formal consultation. Subject to any comments made, it can be formally confirmed twelve months after it is made. It is intended that the Direction will come into force on 1st May 2019, so it is in place before the current exemption ends at the end of that month.

Once in place, the Direction will mean that the Council can continue to use its planning powers to decide when it is appropriate to protect offices in the CAZ. This is important given that since 2010/11 Westminster has lost over 300,000 square metres of office floorspace to residential use. This loss has had a significant effect on the availability of office space in key markets, resulting in less choice for occupiers and upward pressure on rents. As this will simply continue an already existing exemption it is unlikely to have a significant impact on housing delivery.

5. Community Infrastructure Levy (CIL)

Westminster CIL

It will be recalled that CIL works with liability arising at the point that planning permission is granted (when a “liability notice” is issued) and is paid when work starts (when a “demand notice” is issued). Larger schemes can pay CIL by instalment.

Since charging started on 1 May 2016, the Council has issued a total of 187 liability notices for payment of WCC CIL for a total value of **£79,944,058**. Demand notices have been issued for payment of **£19,985,448**. Of this total of **£12,212,077** has been paid and there is therefore currently an outstanding sum of **£5,192,737.97** payable by the end of March 2018 and another sum of **£2,699,595.60** payable by October 2018.

The Cabinet CIL Committee met for the first time on 2nd November 2017. This decided on expenditure of £7,444,077 for a number of projects:

- Hanover Square public realm
- Church Street Green Spine
- Queensway
- Strutton Ground
- Beachcroft House sensory garden
- Play facilities
- Parks landscaping and infrastructure improvements
- Berkeley Square infrastructure improvements
- Hall Park Estate CCTV

Mayoral CIL

The Mayor of London is proposing a new Mayoral Community Infrastructure Levy to replace the charges that have been in place since April 2012. For Westminster this involves an increase from £50 per square metre of net increased floorspace for all uses to £80 psm for residential uses and commercial uses outside the CAZ and within the CAZ to £185 psm for offices, £165 psm for shops and £140 psm for hotels.

The regulations governing how CIL is set currently require two rounds of consultation. The City Council commented during the first round in June 2017 raising concerns about the size of the increases being proposed and the quality of the viability evidence and infrastructure planning brought forward to justify it. The second round of consultation was launched in December 2018; as a result of the representations we made an area around Paddington was removed from the CAZ zone in which the higher commercial rates are proposed.

The deadline for comments on this round is 4th February and officers are preparing a response for my approval so we can submit this by the deadline. While the change to the charging zone boundary is welcome, it is likely we will maintain our previous comments on the evidence base being used to justify the proposal and will reserve our right to be heard at the public examination of the proposals, expected to be held this autumn. The Mayor hopes to be able to start levying the new charges from April 2019.

6. London Plan

In December 2017 the Mayor of London published his draft replacement London Plan for public consultation. The draft is considerably longer and more detailed than the current London Plan and it deals with matters of planning process and procedure far more than its predecessors.

The draft Plan is based on promoting “good growth” which builds strong and inclusive communities, makes the best use of land, creates a healthy city, delivers the homes Londoners need, grows a good economy and increases efficiency and resilience – an approach that sits well with the Council’s promotion of “the right kind of growth”. It also gives welcome support for many of the approaches being taken by the City Council in revising its City Plan, such as widening the current West End Retail Special Policy Area to cover leisure uses as well as retail; the balance between uses in the CAZ; our approach to designation of special policy areas to protect specialist uses like tailoring in

Savile Row; our policy on basement development; and the emphasis on making the most efficient use of space. Our concerns are likely to centre on the degree of prescription on matters that go beyond the scope of the Mayor's spatial development strategy set out in legislation – matters of strategic importance to Greater London.

Officers are currently considering the Mayor's proposals and preparing a formal response for my approval. This will be submitted to the Mayor to meet his consultation deadline of 2 March 2018.

After this round of consultation the next step will be an examination in public, currently expected to be held this autumn. This is led by an independent panel, which will report to the Mayor suggesting changes to the draft Plan. Once the Mayor has decided whether or not to accept these he will submit the proposed Plan to the Secretary of State who has a six-week period in which to consider whether to direct any changes. Assuming he does not, the draft Plan is laid before the London Assembly which has 21 days to decide whether to reject it in its entirety. Assuming this does not happen the Mayor can then formally publish his Plan.

If you have any queries about this report or wish to inspect any of the background papers please contact Charlie Hawken x2621 chawken@westminster.gov.uk