



City of Westminster

# Cabinet Member Report

<b>Decision Maker:</b>	Cabinet Member for Planning & Economic Development
<b>Date:</b>	02 January 2024
<b>Classification</b>	For General Release
<b>Title:</b>	Westminster Neighbourhood CIL – Summer 2023 Project Allocations
<b>Wards Affected:</b>	All
<b>Key Decision:</b>	Yes - decision is likely to result in significant expenditure or savings
<b>Financial Summary:</b>	<b>This report seeks to allocate a total of £668,005 of funding from the Neighbourhood CIL portion to various infrastructure projects</b>
<b>Report of:</b>	Ezra Wallace, Director of Policy and Projects

## 1.0. Executive Summary

- 1.1 This report provides the Summer 2023 funding proposals related to Neighbourhood Community Infrastructure Levy (CIL) and Carbon Offset Fund within Westminster for approval.

### Neighbourhood CIL Funding Proposals (Summer 2023 Round)

- 1.2 In line with legislation, a portion of the Community Infrastructure Levy (CIL) is allocated to neighbourhood areas in Westminster. The neighbourhood share constitutes 15% of CIL receipts, capped at £100 per council tax paying dwelling, per year, except where there is an adopted neighbourhood plan, where the allocation rises to 25%, without a cap.
- 1.3 The council receives applications for Neighbourhood CIL funds through quarterly rounds, subject to national regulations, local policies, and Westminster's CIL Spending Policy Statement. Consultation with stakeholders, including Neighbourhood Forums, Business Improvement Districts, and ward members, is a prerequisite. The applications undergo thorough assessment by Infrastructure Planning and Delivery officers, with input from various council departments and the Infrastructure Governance Group.
- 1.4 Outlined below are the Summer 2023 Neighbourhood CIL funding applications:
- 1.4.1 **Maida Vale Hanging Baskets:** £6,600 for brackets to support hanging baskets to be hung in streets throughout Maida Hill.
  - 1.4.2 **Paddington Street Gardens Site Investigation:** £35,000 for site investigations to support future play uses on the site.
  - 1.4.3 **Park Lane Transformation Study:** In principle £75,000 for the surveying costs of traffic modelling and design work to support the development of the larger Park Lane Transformation Project.
  - 1.4.4 **Shepherd Market Public Realm Improvement:** £50,000 contribution to the extensive public realm improvements to Shepherd Market and its satellite streets.
  - 1.4.5 **St Mary Bryanston School Playground:** £85,738 for improvements to the playground area of the school including resurfacing, new play equipment and a forest area.
  - 1.4.6 **Adventure Playground Sensory Classroom:** £56,238 for construction and fit out of a 'sensory classroom' at the existing facility in St Johns Wood.
  - 1.4.7 **Replacement Pagoda at Newport Place:** £243,929 contribution for a new traditional Chinese pagoda in the heart of Chinatown.

1.4.8 **All Souls Primary School (Fitzrovia) Playground Drainage:** In principle up to £100,000 for investigation and works to address drainage issues to facilitate subsequent provision of a new playground at the school.

1.4.9 **Soho Kids Xmas Lights:** £15,500 to provide energy to Christmas light installations inspired by designs from local schoolchildren.

1.5 These proposals address community needs, enhance local infrastructure, and contribute to environmental sustainability. They align with Westminster's commitment to responsible development and resource management.

## **2.0. Recommendations**

2.1. The Cabinet Member for Planning and Economic Development is asked to approve the following Neighbourhood CIL bids, details of which are set out in this report:

- I. Maida Vale Hanging Baskets
- II. Paddington Street Gardens Site Investigation
- III. Shepherd Market Public Realm Improvement
- IV. St Mary Bryanston School Playground
- V. Adventure Playground Sensory Classroom
- VI. Replacement Pagoda at Newport Place
- VII. Soho Kids Xmas Lights

2.2. The Cabinet Member for Planning and Economic Development is asked to approve the following Neighbourhood CIL bids subject to certain conditions being met, details of which are set out in this report:

- I. Park Lane Transformation Study
- II. All Souls Primary School (Fitzrovia) Playground Drainage

## **3.0. Reasons for Decision**

3.1. To ensure robust and effective expenditure and reporting in line with the Planning Act (2008) and the Community Infrastructure Levy Regulations 2010 (as amended) and in accordance with the council's strategic priorities, the revised CIL Spending Policy Statement (2022), and the council's frameworks for resource allocation and management.

## **4.0. Background**

### Neighbourhood CIL

4.1. The Community Infrastructure Levy (CIL) is a charge that local authorities can impose on new development to help raise funds to deliver infrastructure that is required to support the development and growth of their area. WCC's became effective on 1 May 2016 and applies to liable developments that were granted

planning permission on or after this date. CIL is payable when works to implement the development commence.

- 4.2. All CIL funding decisions are taken with regard to national legislation and regulations. Local policy and priorities, as set out in the Westminster CIL Spending Policy Statement (October 2022), also informs decisions.
- 4.3. CIL Regulations require apportionment of CIL receipts between:
  - **the Strategic Portion (70-80%)** – spent by the Council according to its strategic infrastructure priorities.
  - **a Neighbourhood Portion of receipts from development in each neighbourhood (15-25%)** – spent by the Council in agreement with the neighbourhood communities concerned (other than in Queen’s Park, where the portion is paid to, and spent by, the Community Council); and
  - **the CIL Administrative Portion (5%)** – spent by the Council on the administrative costs of CIL collection and administration.
- 4.4. Neighbourhood CIL is spent within the local area within which the development took place, to provide local infrastructure. Neighbourhood CIL is collected and held by the council and spent by the council in consultation with the local community. The council accepts applications to provide Neighbourhood CIL to deliver projects.
- 4.5. As of 15 November 2023, a total of £18.315m of collected CIL has been apportioned to Neighbourhood CIL; £10.206m remains available. The total NCIL apportioned to each Neighbourhood Area is set out in Appendix 1.

## **5.0. Summary of recommendations**

- 5.1. The purpose of this report is therefore for the Member to consider and approve further allocations of funding for projects from the CIL Neighbourhood pots and the Carbon Offset Fund.
- 5.2. Applications that are recommended for conditional approval means that the proposal is considered by officers to be eligible for funding with regards to national legislation and regulations and GLA and WCC policy, but funding should not be released until an outstanding issue is resolved or a condition has been complied with. Where conditional approval is recommended, the outstanding issue[s] and means to address it is set out in this report. Applications recommended for **approval** means that the project is considered by officers to be eligible and viable with regards to national legislation and regulations and GLA and WCC policy and is ready for implementation.

### Summer 2023 Neighbourhood CIL Applications

- 5.3. Applicants are required to engage with local stakeholders, including Neighbourhood Forums (where one exists), Business Improvement Districts (where one exists), and local ward councillors. Consultees have either

expressed supportive or no views on the applications, except where otherwise noted.

- 5.4. This section lists the applications for Neighbourhood CIL funding received in the Summer 2023 round. For each project, there is a project title, the name of the Neighbourhood Area from which funding would be allocated, and a short description that includes the proposed funding recipient, the amount of NCIL funding sought, a description of the project including any background or notable issues, and an explanation of how the project is required due to new development or to otherwise support the growth of the City.
- 5.5. **Maida Vale Hanging Baskets Brackets (Outside Designated Neighbourhood Areas):** It is recommended to approve £6,600.00 sought by WCC to fund the purchase and installation of brackets for hanging baskets in Maida Vale. This is to be allocated from the Outside Neighbourhood Areas NCIL portion.
- 5.6. Ward funding has been agreed to fund the installation and necessary maintenance including planting and watering of hanging baskets in streets throughout Maida Vale. However, the brackets from which the baskets will be hung need to be installed on a number of lamp columns.
- 5.7. The funding would support the purchase of these brackets and their installation. Brackets will be installed on columns in Shirland Road, Lanhill Road, Grittleton Road, Chippenham Road and Elgin Avenue.
- 5.8. The project will support growth because the hanging baskets are designed to increase the attractiveness of the area and encourage more visitors and existing visitors to linger, which in turn will stimulate further economic and social activity.
- 5.9. **Paddington Street Gardens Site Investigation (Marylebone):** It is recommended to approve £35,000.00 sought by the Harley Street Business Improvement District to fund ground investigations necessary to demonstrate the potential future uses onsite. This is to be allocated from the Marylebone NCIL portion.
- 5.10. Paddington Street Gardens comprise primarily a dormant burial ground with the entire site being consecrated. The land comes under the jurisdiction of both the Diocese Faculty and planning control (including Conservation Area restrictions) of Westminster City Council. It is an extremely popular and well-used public space by local residents, community groups, school pupils, business workers, and more generally, tourists and visitors.
- 5.11. Local stakeholders, including the council, the diocese, and business and community groups (including the Harley Street BID and the Marylebone Neighbourhood Forum) have an ambition to introduce play facilities within the larger, southern part of the gardens as well as potentially widening the offer for additional age groups and needs. Given the historic use of the site, ground

investigations are necessary to confirm that a playground can be built without disturbing any burial sites.

- 5.12. The project is needed to address the impact of growth in the area including the need for additional play facilities.
- 5.13. The enhancement of public open spaces is identified as a priority for CIL spending in WCC's local CIL policy.
- 5.14. **Park Lane Transformation Study (Mayfair):** It is recommended to conditionally approve £75,000 sought by the Mayfair Neighbourhood Forum to fund studies to inform proposals for Park Lane. This is to be allocated from the Mayfair NCIL portion.
- 5.15. Although there are widespread ambitions for future interventions, there are no agreed plans for Park Lane. This study is a traffic modelling assessment to test the feasibility of reinstating 2-way traffic on the west-side of Park Lane and pedestrianizing the east side for the redesign of the area around Park Lane and improved accessibility to Hyde Park.
- 5.16. It is important to note that there is not currently an agreed scheme. Park Lane is controlled by Transport for London (TfL). TfL has welcomed the opportunity for a feasibility study to assess options for the area but has not committed to implementing any future proposals.
- 5.17. Provision of Neighbourhood CIL funding does in no way obligate WCC to provide any future funding for the study or implementation of any schemes related to the Park Lane Transformation project.
- 5.18. The Park Lane Transformation project is further necessitated by the recent and planned developments, such as hotels, along Park Lane and in the local area.
- 5.19. It is recommended that this funding is conditional on agreement of the scope of the study by the WCC Public Realm team.
- 5.20. **Shepherd Market Public Realm Improvements (Mayfair):** It is recommended to approve £50,000 in funding sought by the Mayfair Neighbourhood Forum to contribute to the extensive public realm improvements, which includes the pedestrianisation of Shepherd Market and implementation of place-making design to its satellite streets. This is to be allocated from the Mayfair NCIL portion.
- 5.21. The Shepherd Market Public Realm Improvements is an approved public realm scheme in the heart of Mayfair. It includes pedestrianisation of the main square, greening, public art, and improved paving design with a consideration to the character and place of the area throughout the design. The scheme has a Cabinet Member decision to progress the detailed design and implementation of the scheme.

- 5.22. The Neighbourhood CIL funding would pay for the purchase, planting, and early-years maintenance of five trees and green spaces. The original NCIL request was for £40,000, however this was increased for contingency to ensure the greening would be completed.
- 5.23. The full project's projected cost for the first phase is £2.9m, with £1.1m invested from Westminster Capital Investments, £1.72m from Motcomb Estates investment, and £80,535 secured from section 106 commitments.
- 5.24. The funding will support a project which in part is intended to mitigate the impact of the two hotel developments at the bottom of the street.
- 5.25. **St Mary Bryanston School Playground (Marylebone):** It is recommended to approve £85,738 sought by St Mary Bryanston to support improvements to the playground at the school. This is to be allocated from the Marylebone NCIL portion.
- 5.26. The school's current play area is not fit for purpose. The project includes resurfacing with 'softpore' which will be safer for children to play on, additional play equipment, seating and planting areas, and a forest area. The redesigned space will also provide increased bike and scooter parking.
- 5.27. The project will benefit the broader community in addition to the school pupils. Meeting space is rented to several local children's groups such as Scouts, who would have access to the improved playspace.
- 5.28. The Neighbourhood CIL funding would be supplemented by match funding to provide the total cost of the project of £106,000. The school has secured £20,000 from the ward budget and the SMBS Parent Teacher Association has raised approximately £10,000 through fundraising efforts.
- 5.29. The increased bike and scooter parking is intended to encourage active travel. Projects which support active travel are identified as a priority for CIL funding by WCC's local CIL policy.
- 5.30. The playground improvements would support the school's work on increasing the physical activity of pupils before, during and after school through having newly defined and attractive areas for pupils. The provision of increased bicycle and scooter parking would also encourage more physical activity. Improving the playground will also help support the school's long-term future and therefore provide the educational infrastructure that the city needs to support expected long-term growth. Furthermore, the current deficit in open spaces is predicted to get worse due to future development, leaving children with fewer opportunities to play outdoors.
- 5.31. **Adventure Play Hub: Sensory Classroom (St John's Wood):** It is recommended to approve the £56,238 sought by the Young Westminster Foundation on behalf of the Westminster Play Hub to fund the creation of a new sensory classroom at the facility. This is to be allocated from the St John's Wood NCIL portion.

- 5.32. The funding would cover the entire cost of the construction and fitting of a 'sensory classroom' by converting an existing shed at the Westminster Play Hub's existing facility in St John's Wood Terrace. The sensory classroom would provide children with SEND from disadvantaged backgrounds a safe space to 'achieve their fullest potential'.
- 5.33. This project would help to address the lack of local provision of this type of facility. SEND education provision is the only growing need at the primary level in Westminster; whilst this is not a school's provision, the project would provide an important resource for those with SEND. Additionally, the project would help to address the growing rates of childhood obesity by increasing the attractiveness of the Westminster Play Hub.
- 5.34. **Replacement Pagoda at Newport Place (Outside Designated Neighbourhood Areas):** It is recommended to approve the £243,929 requested by the London Chinese Community Association to contribute to the construction of a traditional Chinese pagoda in the heart of Chinatown. This is to be allocated from the Outside Neighbourhood Areas portion.
- 5.35. Plans for public realm improvements at Newport Place featuring a traditional Chinese pagoda to replace the non-traditional one has been developed since 2007. In 2016, the previous pagoda was removed to make way for delivery of the Newport Place Public Realm improvement scheme. The public realm works were completed in 2018, Planning permission was granted for the replacement pagoda in February 2020, and the shoes for the replacement pagoda were installed in May 2023. Funding is required to build the replacement pagoda in traditional Chinese style with materials designed and built in China.
- 5.36. The Pagoda has a planning permission (19/08730/FULL) already in place and is a priority for London's Chinese community.
- 5.37. The Neighbourhood CIL request would be matched funded with a £160,000 contribution from Shaftesbury Capital, who are also providing project management support.
- 5.38. The project is intended to support the growth of central London by catalysing tourism in the wake of the Covid-19 shut-downs and in the face of the continued cost of living crisis, as a free attractor.
- 5.39. **All Souls Primary School Outdoor Playspace (Fitzrovia West):** It is recommended to conditionally approve up to £100,000 of funding to All Souls Primary School to address drainage issues in their playground area. This is to be allocated from the Fitzrovia West NCIL portion.
- 5.40. All Souls has ambitions to improve the design and equipment of its playground, which is currently not fit for purpose. However, playground improvements cannot take place until an identified drainage issue is resolved.



- 5.41. The funding would support investigations and subsequent works to address the drainage issue.
- 5.42. The Neighbourhood CIL application had originally been for the drainage works and the redesign and equipment installation of a new playground. Given the need for the drainage works prior to any playground improvements, it is recommended that funding support the drainage works. The school is encouraged to return with a subsequent application for playground improvements when the drainage issue is resolved.
- 5.43. It is recommended that the final amount of funding is conditional on the outcome of the investigations and the quoted quotes for works, up to £100,000.
- 5.44. The project is necessary to address the need for playspace at this school. Fixing the drainage issue will allow for subsequent improvements to the playground, which will help to address the growing problem of childhood obesity by encouraging more physical activity. Improving the playground will also help support the school's long-term future and therefore provide the educational infrastructure that the city needs to support expected long-term growth. Furthermore, the current deficit in open spaces is predicted to get worse due to future development, leaving children with fewer opportunities to play outdoors.
- 5.45. **Soho Kids Xmas Lights (Soho):** It is recommended to approve the £15,500 for works to facilitate the provision of the Kids Xmas Lights in Soho. This is to be allocated from the Soho NCIL portion.
- 5.46. The annual installation of Christmas lights with designs inspired by submissions from local schoolchildren has returned to Soho. This year, the lights were installed on more lamp columns than previously. Some of these columns did not have access to the electricity required to power the lights, due to other existing attachments such as CCTV and Police cameras, and Wi-fi devices.
- 5.47. The funding will be to provide power sockets to the lights which were installed on columns without a power source, contractor costs to inspect, install and maintain the festive lights, and periodic structural assessments for the additional weight of the festive lights. Neighbourhood CIL will be transferred to WCC Highways team to reimburse costs related to structural and electrical tests, the installation of the sockets, and the energy usage over the course of the installation.
- 5.48. The project is intended to support the growth of central London by catalysing tourism in the wake of the Covid-19 shut-downs and in the face of the continued cost of living crisis, as a free attractor.

## 6.0. Financial Implications

- 6.1. As of 15 November 2023, a total of £18.315m of collected CIL has been apportioned to Neighbourhood CIL; £10.206m remains available. This report recommends approving a further £0.658m of Neighbourhood CIL allocations, which would bring the balance to £9.548m.
- 6.2. Pooled section 106 (s106) contributions for city-wide purposes have largely been replaced by CIL. Nevertheless, there are residual amounts collected under historic s106 agreements that remain available to spend provided they align with the provisions of the individual legal agreements concerned.

## **7.0. Legal Implications**

- 7.1. The legislation governing the development, adoption, and administration of a Community Infrastructure Levy (CIL) is contained within the Planning Act (2008) and the Community Infrastructure Levy Regulations 2010 (as amended). The associated government National Planning Policy Guidance is also important in guiding this process. There are other areas of law which should be considered when assessing certain developments for CIL liability and determining the appropriate sum due. These include matters relating to social housing, procurement, charitable institutions, and state aid.
- 7.2. Legal Services (Isaac Carter) has reviewed this report, and the proposed Project Allocations, and is satisfied that the measures proposed comply with the relevant legislation and guidance set out in paragraph 7.1 above.
- 7.3. The Cabinet Member Terms of Reference delegate the powers of this decision to the Cabinet Member. In accordance with Paragraph 33.12 of the Council's Access to Information Procedure, this proposed key decision was entered in the Forward Plan on 14 December 2022 and the necessary 28 clear days' notice has been given. A period of five clear days - the call-in period – must elapse before the decision is enacted. If the decision is called-in during this period, it cannot be enacted until the call-in has been considered and resolved.

## **8.0. Consultation**

- 8.1. Local policy requires local ward councillors, neighbourhood forums, and business improvement districts, where they exist, be given the opportunity to comment on all proposals within their area. All applications in this report have been subject to Ward Member and community engagement. Any concerns raised during consultation is reflected in this report.

## **9.0. Equalities**

- 9.1. Under the Equalities Act 2010 the council has a “public sector equality duty”. This means that in taking decisions and carrying out its functions it must have due regard to the need to eliminate discrimination, harassment, victimisation and any other conduct prohibited by the 2010 Act; to advance equality of opportunity between persons who share a relevant protected characteristic (age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation)

and those who do not share it; and to foster good relations between persons who share a relevant protected characteristic and those who do not share it.

- 9.2. The council is also required to have due regard to the need to take steps to take account of disabled persons' disabilities even where that involves more favourable treatment; to promote more positive attitudes toward disabled persons; and to encourage participation by disabled persons in public life.
- 9.3. The 2010 Act states that "having due regard" to the need to promote equality of opportunity involves in particular having regard to: the need to remove or minimise disadvantages suffered by persons sharing a protected characteristic; take steps to meet the needs of persons sharing a protected characteristic that are connected with it; take steps to meet the needs of persons who share a protected characteristic that are different from those who do not; and encourage persons with a protected characteristic to participate in public life or any other activity in which participation by such persons is disproportionately low.
- 9.4. The courts have held that "due regard" in this context requires an analysis of the issue under consideration with the specific requirements set out above in mind. It does not require that considerations raised in the analysis should be decisive; it is for the decision-maker to decide what weight should be given to the equality's implications of the decision.
- 9.5. All decisions on spending CIL will themselves be subject to assessment to ensure the 2010 Act duties are complied with. Equality Impact Assessment Screenings are undertaken for every Neighbourhood CIL application. The council will review its CIL charging schedule on a biennial basis.

**If you have any queries about this Report or wish to inspect any of the Background Papers, please contact:**

Alex Csicsek, Principal Policy Officer  
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## **BACKGROUND PAPERS**

- Report to Cabinet dated 17 October 2022 on Priorities for the Community Infrastructure Levy (CIL) and update to the CIL Spending Policy Statement and governance arrangements.
- Westminster CIL Spending Policy Statement.
- Equalities Impact Assessment Screening documents for Neighbourhood CIL applications recommended for approval.

For completion by the **Cabinet Member for Planning and Economic Development**

**Declaration of Interest**

I have no interest to declare in respect of this report

Signed:  Date: 20 December 2023

NAME: **Councillor Geoff Barraclough**

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State nature of interest if any:

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*(N.B: If you have an interest, you should seek advice as to whether it is appropriate to make a decision in relation to this matter)*

For the reasons set out above, I agree the recommendation(s) in the report entitled  
  
Westminster Neighbourhood CIL – Summer 2023 Project Allocations  
and reject any alternative options which are referred to but not recommended.

Signed: 

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Cabinet Member for Planning and Economic Development

Date: 20 December 2023

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If you have any additional comment which you would want actioned in connection with your decision you should discuss this with the report author and then set out your comment below before the report and this pro-forma is returned to the Secretariat for processing.

Additional comment:

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If you do not wish to approve the recommendations, or wish to make an alternative decision, it is important that you consult the report author, the Monitoring Officer and Section 151 Officer (or their representatives) so that (1) you can be made aware of any further relevant considerations that you should take into account before making the decision and (2) your reasons for the decision can be properly identified and recorded, as required by law.

Note to Cabinet Member: Your decision will now be published and copied to the Members of the relevant Policy & Scrutiny Committee. If the decision falls within the criteria for call-in, it will not be implemented until five working days have elapsed from publication to allow the Policy and Scrutiny Committee to decide whether it wishes to call the matter in.