

Economic Development, Education, Community & Place Shaping Policy & Scrutiny Committee

Date: Monday 11 June 2018

Portfolio: Cabinet Member for Place Shaping and Public Realm

Title: Policy and Scrutiny Portfolio Overview

**Briefing Author and
Contact Details:** Councillor Richard Beddoe
rbeddoe@westminster.gov.uk
0207 641 5772

1. Cabinet Member Priorities

The City Plan

- 1.1 This comprehensive strategic plan is the key policy document for taking planning decisions in Westminster. It will outline the policies which planning committees will use to guide their decisions. It will also guide neighbourhoods about the strategic policies that any plans they produce must be consistent with. It is therefore vital to determining the future growth and development of our city.
- 1.2 The scope and variety of policies is significant, literally ranging from A (affordable housing policy) to Z (London Zoo). It also looks to future challenges, such as the possibility of greater use of drones in delivery. When completed it will provide a single, up-to-date statement of planning policy, replacing policies that in some cases are over a decade old.
- 1.3 It will be my priority in the coming weeks to familiarise myself with my predecessor's work in this area and shape the final document in way which reflect our city's needs and future. Due to this document's scope and significance it is vital that we get this right, and I will be working to ensure that we do so.
- 1.4 This means that we are looking again at the detailed timeline; further detail will be announced shortly.

Oxford Street

- 1.5 The transformation of Oxford Street is one which must reflect the needs and views of our residents. The consultation on the original proposal provided invaluable data on the views of stakeholders and residents of Oxford Street and the surrounding area.
- 1.6 As the Leader has made clear, retaining the status quo is not an option – but any change must comply with our commitments to people of the Oxford Street area. We have made our position clear on this matter to both Transport for London and the Mayor and will continue to prioritise local people when it comes to any change.

Soho-Specific Planning Policies

- 1.7 One of the things I want the new City Plan to address is ways of shaping the development of Soho to protect and nurture its unique character and functions. We intend to set out in policy a clear vision for the area and for the kind of development the council will support there. It is an area with its own special look and feel and an eco-system of uses and enterprises found nowhere else in London. I am determined that we will use our planning powers to protect these qualities as far as we are able.

2. Service Areas Overview

Place Shaping and Urban Design

- 2.1 The Place Shaping team work with communities and partners, directly and indirectly, to make places better for people that live, visit and work in them. Whilst urban design is a priority, this team also undertakes cross cutting work with Economy, Housing, Highways, Policy and other Council departments, developers, external infrastructure and service providers. The council has six priority Place Shaping areas: West End, Paddington, Harrow Road, Church Street, Queensway and Victoria.

Planning Functions

Development Planning

- 2.2 The Development Planning department deals with all planning applications as well as planning appeals, the enforcement of planning control, conservation and design policy work. In addition, this department is responsible for the production of information publications, maintaining the statutory register of planning applications, responding to land search inquiries and works to trees.
- 2.3 The majority of applications are dealt with by 3 area teams, as follows: North Team (covering W2, W9, W10, W11, NW1, NW6 and NW8), Central Team (covering W1) and South Team (covering SW1, SW3, SW7, WC2 & EC4). The department received approximately 11,300 planning and related applications in the 2017/18 financial year.

- 2.4 In addition to trained planning and design/conservation officers, the directorate also includes specialist trees and highways officers, a planning enforcement team and the Building Control team, which provides expertise on matters relating to the Building Regulations under the direction of the District Surveyor.

Planning Enforcement

- 2.5 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.

Section 106 and Community Infrastructure Levy

- 2.6 My portfolio includes oversight of policies governing the use of section 106 agreements and the Community Infrastructure Levy (CIL). I chair the Cabinet CIL Committee which takes decisions about how we spend CIL income and contributions we have collected from developers for particular kinds of infrastructure using section 106.
- 2.7 Westminster started charging its own CIL from May 2016. It operates by the council issuing a “liability notice” when a development is granted planning permission, which tells developers how much they might have to pay. CIL is actually paid when development commences, at which point we send out a “demand notice” requiring payment. Developers then have 90 days to pay; for larger amounts the council operates a policy for payment by instalment.
- 2.8 Since May 2016 we have collected £20,120,354. Demand notices have been issued for a further £10,174,116 – because of the operation of the instalments policy this will be payable by November 2018.
- 2.9 The Council can spend CIL income on infrastructure to support the development of its area. The Cabinet CIL Committee has met twice and decided on expenditure of just over £10m on a range of projects including the Church Street Green Spine and the fit-out of the Beachcroft House Care Home. It has also agreed a CIL Spending Policy Statement explaining the approach the Council takes to taking these decisions.
- 2.10 The CIL legislation requires that the council sets aside a proportion of what is paid by development in each neighbourhood. This is then spent by the council in agreement with each neighbourhood concerned – it can be used for infrastructure or “anything else that is concerned with addressing the demands development places on an area”. It has taken time for an appreciable amount of this “neighbourhood portion” to be raised and so far no decisions have been taken about how it should be spent. Work is underway to develop an approach to neighbourhood engagement for spending these sums.

3. Service Updates

Development Planning

Changes to Planning Committees following the May 2018 local elections

- 3.1 Following the recent elections, one of the weekly Planning Sub-Committees formerly made up of four Members has been replaced by the Planning (Major Applications) Sub-Committee, which will be made up of seven Members. Other possible changes to Planning Committee procedures, including the opportunity for interested parties to make verbal representations to Committee, are currently being explored.

GDPR (General Data Protection Regulations)

- 3.2 The new GDPR which came into effect on 25 May make it incumbent on the City Council to consider the implications of holding and using an individual's personal data in any way, including when making decisions on planning applications. Until recently the planning process has been rooted in transparency with all submissions and responses to planning applications being made available for anyone to view. However since the introduction of the GDPR the City Council is seeking legal advice on what steps we need to take to properly obtain an individual's consent for holding and using their personal data. Whilst we await this advice and allow the correct procedures to be put in place, we have taken the precautionary approach of withholding some information from public view, including representations made on planning applications.

Recruitment

- 3.3 There are vacancies in Development Planning with recruitment remaining problematic. We are currently shortlisting for six Planning Officers (two in each of area teams) with interviews to take place in mid-June and later this month we will advertise for two Senior Planning Officer posts.

Pre-commencement conditions

- 3.4 New regulations requiring local planning authorities to get the written agreement of applicants to the use of pre-commencement conditions will come into effect on 1 October. Currently there is no requirement for applicants to agree to conditions attached to a planning permission. Under the new requirements, the local planning authority is required to give the applicant a period of 10 days to provide a substantive response to the wording of any pre-commencement conditions considered necessary.
- 3.5 Statutory consultees often require specific pre-commencement conditions due to technical details and investigations which are often too costly and involved to be carried out at planning application stage. Examples include digging archaeological trial pits for investigation, foundation/piling details in relation to underground infrastructure (eg London Underground/Crossrail/sewerage); and compliance with our Code of Construction Practice, particularly in relation to

basement excavation. Conditions have a such as this serve a proper planning purpose and the consultees often require particular wording and timing due to the technical issues involved. There is concern that the serving of a notice will build in time delays to processing applications and add an extra layer of administration. There is also the issue of when a statutory consultee asks for a perfectly reasonable pre-commencement condition at a late stage in the process – going through the notice procedure is likely to mean that we may not meet statutory deadlines for determination of the application or we would be forced to refuse the application to ensure the statutory deadlines are met.

Additional day for consultation to allow for bank holidays

- 3.6 Should a bank holiday fall within a standard 21 day neighbour notification period for planning applications, regulations coming into effect on 1 June 2018 require local planning authorities to add one additional day onto the consultation period for each bank holiday that falls within the period. The first bank holiday where consultation periods will be affected will be 27 August 2018. Our software provider is likely to install an update in June for the consultation period to be extended automatically during this time, but we will have a contingency plan in place should this fail to happen.

Amenity Societies Review

- 3.7 A review of the status of amenity societies and arrangements for consulting them on planning applications has recently taken place. A full list of recognised, semi recognised and other groups as agreed by the Cabinet Member for Environment Sports and Community is published on the City Council's website.

Building Control and the Hackett Review following the Grenfell fire

- 3.8 The recent review of the Building Regulations published on 17 May following the Grenfell fire will have implications for the City Council. We are awaiting clarification from Government as to how they intend to respond to the recommendations outlined in the review however this may involve a new authority named the Joint Competent Authority (consisting of Local Authority Building Standards (the new name for Local Authority Building Control), the FRA (Fire and Rescue Authority) and the HSE (Health and Safety Executive)) which will be responsible for checking planning stage fire strategies, etc., overseeing the site build process and the entire life of the building – presumably by yearly inspections. The service, if implemented, is to be “cost neutral” i.e. paid for by the owner/developer. Approved Inspectors (AI's) will still have a function during the construction phase as will the existing Local Authority Building Control team however Dame Judith Hackett has placed the overarching authority with the Local Authority working with the FRA and the HSE.

Review of the Development Planning Process

- 3.9 The Planning Advisory Service and Local Government Association have been asked to look at all aspects of the decision-making process in planning to ensure it is an independent and impartial process. The first stage of the review has taken place, with two further stages to follow. It is not currently known when this review will be completed but any recommendations to improve the service will be reported in due course. The Council's own internal Audit team completed its review of planning in March with only minor recommendations.

Changes to Permitted Development Rights

- 3.10 The Government has announced it is looking to extend permitted development rights, in particular the right to extend residential property upwards. A formal consultation document is due out early in the summer. In the meantime the Government has extended some existing temporary permitted development rights. The existing temporary right to change the use of a building from a storage or distribution centre to a dwellinghouse has been extended by a year to 10th June 2019. The temporary arrangement which makes broadband cabinets permitted development in protected areas such as conservation areas until 30th May 2018 has been made a permanent change.

Draft Revised National Planning Policy Framework (NPPF)

- 3.11 The Government consulted on the draft revised NPPF in March 2018 with a consultation process which ended in early May 2018. The review is mainly focused on housing, particularly on ways to improve delivery to reach the 300,000 homes per year target, and how to increase affordable housing provision. It also seeks to strengthen the role of plan-making in the planning process and a shift towards focusing viability assessments at the plan-making stage rather than the decision-making stage, but with the local plan setting out where further (publically available) viability assessments might be required at planning application stage. The City Council has responded to the consultation and we are awaiting the outcome of the consultation.

Place Shaping

Oxford Street

- 3.12 During stakeholder engagement, including the formal consultation, it became clear that there were concerns regarding the proposal. These concerns including those relating to accessibility, traffic displacement, congestion and cycling. We are continuing to review the consultation responses and engage with both Transport for London and the Mayor to find a resolution which would address residents and stakeholder concerns while improving Oxford Street's air quality and economic success.

Strand/Aldwych

- 3.13 Plans for the improvement of the public realm around Aldwych are being explored, which will, if implemented, create two-way traffic around Aldwych and pedestrianised space along the Strand. Stakeholders have attended design workshops and received the results of initial traffic studies. Project development is ongoing and will eventually require my formal approval via a Cabinet Member Report as well as a formal public consultation.

Paddington Opportunity Area

- 3.14 The Placeshaping Team are engaging with key stakeholders, including British Land and the Paddington BID, to scope out a project to improve the streets and public spaces in the Paddington Opportunity Area. Officers are also exploring how best to use these changes not only to enhance the opportunity area but its neighbouring areas, including Church Street.

Marylebone Flyover

- 3.15 Problems with this junction ranging from traffic and air quality issues to anti-social behaviour in the subway have been apparent for a number of years. The renewed focus on the surrounding areas of Church Street and the Paddington Opportunity Area have necessitated a review of this junction to see if opportunities, such as the enhancement of pedestrian and green spaces, can be capitalised upon. The Placeshaping Team have developed an initial strategy for improvement and are in discussion with key stakeholders to understand feasibility and develop a timeline for delivery of the project.

Harrow Road

- 3.16 The Harrow Road Manual for Delivery will describe the vision for the area held by local residents and stakeholders and give details of practical projects which can deliver the change residents' want in their area. This is the product of engagement with local stakeholders and will inform elements of the city plan. The Placeshaping Team are exploring the possibility of incorporating the manual for delivery into a new web-based platform that will increase the civic ownership of projects.

Queensway

- 3.17 Public realm design proposals have been developed through the WCC Highways Term Contract to improve Queensway's public realm. The proposals focus on providing a more pedestrian friendly environment by widening the footways, narrowing the carriageway, and removing much of the on-street parking.

Church Street

- 3.18 Designs for phase 1 of the Green Spine through Church Street (from Bell Street to the new Luton Street development) are well developed and have received planning permission. The scheme is funded through a S106 agreement from the Luton Street development. Landscape consultant's BDP have developed the design, which is now being taken forward through the Highways term contract to delivery. Subject to approval, it is hoped that works can be on site early in 2019.

Victoria Place Plan

- 3.19 Officers are developing ideas for a new 'Victoria Place Plan' which will articulate a vision for Victoria and describe the various projects in which the Place Shaping team are currently involved. If fully developed this will connect with the City Plan and outline who the priorities of the city plan will be delivered in Victoria. Again, the development of this will involve consultation with both local residents and stakeholders.

Christchurch Gardens

- 3.20 These gardens are underused and currently attract anti-social behaviour. Officers, working with Victoria BID, are developing design improvements to these gardens. A consultation will be undertaken and both planning permission and my approval will be sought before work can proceed.

Victoria Transport Interchange

- 3.21 Network Rail are considering options for the redevelopment of Victoria Mainline Station to enhance station capacity and bring it up to modern standards. Place Shaping officers will be working with Network Rail and others to ensure that the station, proposed new Crossrail Line 2 Station adjacent it, and other major infrastructure investments in this area are coordinated and provide an enhanced pedestrian environment and opportunities for local residents and businesses.