

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

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Portfolio: Cabinet Member for Place Shaping and Public Realm

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1. The City Plan

- 1.1 Following a public scoping consultation exercise last summer, a new City Plan has been drafted by officers in Policy and Strategy working with colleagues from across the Council. The draft City Plan consultation will be launched in the late autumn and will run for a period of at least six weeks.
- 1.2 The draft City Plan has a renewed vision and strategic objectives to guide development of Westminster into the 2040s. The existing housing policies have been strengthened to increase delivery, particularly of affordable housing, with a strong emphasis on on-site delivery. It also aims to deliver the Council's objective to meet a wide range of housing need through a greater focus on the delivery of 'intermediate' housing. There is also a new 'West End' designation which sets out the strategic direction for growth in this important part of Westminster. The opportunity has been taken to ensure the draft City Plan policies are reflective of how high streets are evolving and allow for a better mix of uses there; as well as encouraging the delivery of more office floorspace to encourage economic growth.
- 1.3 Once the City Plan has been through public consultation, the policies will be further refined, where the consultation responses have demonstrated this is necessary for the plan to be sound. We will then submit the plan to the Secretary of State and begin the formal examination in public (EIP) process. The EIP will take the form of formal hearings chaired by an independent planning inspector and written reports. At the end of the process the Inspector will determine if the plan is sound. Assuming the plan is found to be sound, we hope to adopt the new City Plan late next year or early 2020.

- 1.4 The City Plan is required to be in general conformity with the London Plan, which is itself going through a major revision (see below). The timetable for the London Plan revision is slightly behind the City Plan timetable, this means that an early revision to the City Plan following adoption will likely be necessary to ensure our policies remain up to date and there is no conflict with regional policy.

2. Soho Planning Policies

- 2.1 I have been working with officers in Policy & Strategy to devise, for the first time, a bespoke policy in the draft City Plan to protect Soho's unique character and function. This policy will recognise the important contribution Soho makes to Westminster and the pressures it faces, ensuring our planning policies support its evolution in a way that respects its past and promotes its current functions.

3. Knightsbridge Neighbourhood Plan

- 3.1 Independent examination of the Knightsbridge Neighbourhood Plan has now concluded. We have subsequently published our 'decision statement', setting out that we agree to the examiner's recommendations that a series of modifications to the plan are necessary before it proceeds to referendum. This is the first neighbourhood plan in Westminster to reach this milestone.
- 3.2 The examiner's proposed modifications respond to issues raised through consultation and during the examination. Several of the proposed modifications were agreed between the Council and the neighbourhood forum through the examination process.
- 3.3 Arrangements are now being made for a local referendum to be held on 18 October. If successful, the plan will then form part of the statutory development plan and be used alongside City Plan and London Plan policies in determining planning applications in the Knightsbridge Neighbourhood Area.

4. Mayfair Neighbourhood Plan

- 4.1 The public consultation on the Mayfair Neighbourhood Plan finished at the end of June. In agreement with the neighbourhood forum, the Council has appointed an independent examiner who is currently considering the consultation responses submitted and whether the plan meets the requirements of the neighbourhood planning regulations.

4.2 Officers are working closely with the Mayfair Neighbourhood Forum at the request of the examiner to write a Statement of Common Ground (SOCG). This document will set out the detailed wording of any modifications to the submitted Plan, which are agreed, and explain the reasoning behind points of disagreement. Further, the examiner has requested that the forum consider two issues that English Heritage raised in their consultation response; namely, their proposal for the transformation of Park Lane, and whether a Strategic Environmental Assessment should be undertaken before the plan is adopted.

4.3 On receipt of the SOCG and responses to the questions posed, the examiner will submit a report which contains the recommended modifications to the plan. There will not be a public hearing and the examination process is expected to be completed by the end of the autumn. If the examiner recommends that the plan should proceed a referendum will be held in the neighbourhood area to determine if there is support for the neighbourhood plan. If the outcome of the referendum is positive, the plan will form part of the statutory development plan and will be used alongside the City Plan and London Plan policies in determining planning applications in the Mayfair Neighbourhood Area.

5. Oxford Street

5.1 The Council is currently in the process of meeting all the key stakeholders from the Oxford Street District to help inform the development of the Place Strategy and associated Delivery Plan. As per the agreement at Cabinet in July we are looking to consult on both the Place Strategy and Delivery Plan in November.

6. London Plan

6.1 On 13 August the Mayor of London published a large number of what he has termed “minor suggested changes” to his draft London Plan. These changes seek to respond to a number of points made by those commenting on the draft Plan during the public consultation between December 2017 and March this year – including a number of the comments made by the Council.

6.2 As a result, the timetable for examination and publication of the London Plan has been changed. Instead of this autumn, the Plan will have its examination in public in January-May 2019 with a view to the independent panel conducting it reporting to the Mayor over the summer of 2019. On this basis the new London Plan may be published in the winter of 2019/2020.

7. Strand/Aldwych

- 7.1 This project's aim is to improve the public realm in the Strand/Aldwych area by addressing its air quality and traffic challenges as well as maximising the area's cultural assets. This project has now completed Feasibility Design stage and a concept design is due to be taken to public consultation in autumn 2018, subject to my reviewing and approving the proposal. There has been a great deal of stakeholder engagement in the project to date and general support for the project has been established amongst that group. A six week consultation is planned, feedback from which will be fed into the next design stage starting later this year and running for approximately nine months. Ward councillors were sent a briefing note update in June 2018 and will be kept updated throughout the project by officers.

8. CIL Committee

- 8.1 The Community Infrastructure Levy (CIL) is a charge that planning authorities can impose on new development involving increases in floorspace to help pay for the infrastructure needed to support growth. The Council has been collecting its own Community Infrastructure Levy since 1 May 2016. It also collects the Mayor of London's CIL, which is used to help pay for the Elizabeth Line.
- 8.2 CIL liability is triggered when planning permission is granted, at which point the Council issues a "liability notice". Payment is actually made when development commences, at which point a "demand notice" is issued. The Council operates an instalments policy for larger payments; otherwise CIL must be paid within 90 days.
- 8.3 As of 3 September 2018 a total of 243 liability notices have been issued for payment of WCC CIL since 1 May 2016 to a total value of £108.879m. Demand notices for a total of £43.527m have been issued. Of this amount a total of £23.703m has been paid. As a result of the instalments policy there is therefore currently an outstanding sum of £19,824m payable by the end of June 2019.
- 8.4 Decisions on spending CIL are taken by a Cabinet Committee, which I chair and is also attended by Councillors David Harvey and Tim Mitchell. To date decisions have been taken to spend £13.914 million.
- 8.5 The most recent meeting of the Cabinet CIL Committee took place on 25 July when decisions were taken to fund 19 projects to a total of £4.952 million. These included funding electric vehicle charging infrastructure, the resurfacing of Shaftesbury Avenue, improvements to the St George's Drive/Warwick Way

junction, upgrading lighting in parks and gardens, supporting the Marylebone Low Emissions Neighbourhood project and schemes at two schools.

- 8.6 Following this meeting I have also been working with officers to progress those infrastructure proposals suggested to the committee by ward councillors. I have since approved a further Cabinet Member Report allocating £0.288m of CIL money to allow these projects to progress in a timely manner. The report also outlines where ward member proposals have been able to progress without recourse to CIL funding.
- 8.7 Under the CIL legislation a portion of the CIL paid by development in each neighbourhood has to be set aside for spending on infrastructure or other things addressing the demands of growth in agreement with the neighbourhood concerned. I am continuing to work with officers on the governance arrangements for the 'neighbourhood portion' of CIL. This represents approximately 15% of the total amount of CIL collected from development in each designated neighbourhood area. None of the decisions on spending have been on the neighbourhood portion to date and the Council will work with the designated Neighbourhood Forums and other community organisations to allocate this funding to local priorities in future.

9. Unauthorised Telephone Boxes and Advertising

- 9.1 In the last few years, the Council has received a large number of applications for prior approval for new telephone kiosks with advertising. The Council's primary concern is that these applications for new kiosks are being made for the revenue that can be obtained from the display of advertisements on the kiosks themselves rather than for their primary purpose, which should be to enable the public to make telephone calls.
- 9.2 Between the 1 January 2016 and the beginning of August 2018 (two and a half years), the City Council received approximately 350 applications for new telephone kiosks to be placed in Westminster. Almost all of the proposed kiosks would include advertising. For those proposed to be located outside of designated conservation areas, advertisement consent would not be required but for those located within conservation areas, express advertisement consent would be required from the City Council as Local Planning Authority. Almost every refusal which has been the subject of an appeal, has been allowed by the Planning Inspectorate which demonstrates the difficulty we face in preventing the proliferation of these telephone boxes on our streets.
- 9.3 Notwithstanding the influx of applications for additional kiosks, there are a large number of existing boxes in Westminster that are in very poor condition. Many do not have working handsets and are not being maintained. It would

seem many are only in situ for the advertising opportunity. Following legal advice on what could be done to potentially seek removal of the redundant kiosks, pioneering survey work was undertaken by the Planning Enforcement Team on a number of kiosks spread throughout the borough as well as a small geographic area comprising Oxford Street, and any kiosks immediately visible on any of the side streets off Oxford Street.

- 9.4 The kiosks were monitored for a period of approximately six months with repeated visits and at the end of the monitoring period, Counsel advised that Planning Contravention Notices (PCNs) should be served on the owners of each telephone kiosk that had been the subject of the monitoring exercise. Following correspondence with the owners of the kiosks, it was determined that formal enforcement action would be justified in relation to eight particular kiosks where the telephones had rarely been used and in some instances not at all for the six months prior to the service of the PCNs. The owners of those particular kiosks subsequently agreed to remove seven of the kiosks, claiming that the final kiosk had been serviced and was in use.
- 9.5 Whilst this ground-breaking action did result in removal of seven telephone kiosks, it was time and resource intensive taking the best part of 12 months to achieve and could have taken longer had the owners not agreed voluntarily to remove the kiosks. Now that the pilot action has run its course, options for other pro-active enforcement action in other geographical parts of Westminster is being looked at.

10. Planning Advisory Service Review

- 10.1 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. 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. Both myself and the Chair of Planning, Cllr Mohindra, have now been interviewed by the Planning Advisory Service as part of this process.