



Business, Planning and Transport Policy and Scrutiny Committee Briefing

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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.

Overview

I am pleased to have been appointed to lead this portfolio and want to thank Cllr Davis for his stewardship of the development planning service over many years.

I am committed to ensuring that through the discharge of the various responsibilities under this portfolio I am able to help deliver a number of the Leader's aspirations set out in City for All 2017/18. In particular I have already started to encourage a renewed focus on delivering housing and, in particular, affordable housing for working people through our planning process. I have set out my expectations in the area to officers working in the development planning and planning policy teams as well as in discussions with the property industry and I am reassured by the responses I have received to date. I will keep the Committee updated in due course with progress on this.

Development Planning

1. Development Planning Update

- 1.1.** Last month I introduced a guidance note (Appendix 1) setting out the approach that Chair of the Planning Committee and I will take in engaging with landowners, developers and community groups in relation to development proposals at pre-application and application stages of the

development management process.

- 1.2. I intend to meet parties during the pre-application stage over major schemes to give a policy steer relating to land use, density and height. I will not engage with issues of design, look or feel. The Chairman of the Planning Committee will meet with parties either at a pre-application stage or once an application has been submitted regarding a range of proposals as set out in the note. This does not impact on Ward Councillors who can meet developers and other groups at any time. The guidance has been well received by the development industry.

2. Future planning changes

- 2.1. The Department for Communities and Local Government has announced it will introduce permitted development rights to allow residential properties to extend upwards without planning permission. Details over how this will work will be published after Easter.
- 2.2. The Government also believes too many planning conditions are being imposed by Councils and too much time is being taken to discharge them. New provisions will be introduced over the summer to restrict the use of pre-commencement conditions and prevent local authorities from imposing them without the consent of the applicant.

3. Workload

- 3.1. The workload in Development Planning continues to be high with over 12,000 applications forecast for the financial year. There has also been over 200 enforcement enquiries including many relating to short term lets.

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. 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 referenda of businesses and residents for approval. Comments on the proposed designation have been invited by 20th April 2017 and the final decision on designation will be taken after that, in light of any views received.
- 1.2. 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 will continue 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.

- 1.3. 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 is inevitably taking some time to actually collect appreciable revenue. To date we have issued 133 liability notices for a total of £31,265,607. We have issued 27 demand notices, for a total amount of £9,060,458. We have actually collected £471,398 – because of the instalments policy the balance of £8,589,060 will be paid over the period to mid-March 2018.
- 2.3. The Cabinet approved arrangements for governance of CIL - and in particular for decisions about the spending of CIL revenue – at its February meeting. It agreed to the establishment of a Cabinet CIL Committee, chaired by the Cabinet Member for Planning and Public Realm 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. 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.
- 2.4. Alongside the recent Housing White Paper, the Government has 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. Ministers have said they will announce their final conclusions in the autumn budget; we will be 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”

- 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 will be issued for consultation at the end of the month. This will explain the pressures for growth in Westminster and ask for comments on the range of ways we can make the best use of sites. Of course these ways should enable and manage growth to deliver the economic and social benefits we need while enhancing the environment, protecting our heritage and helping create a high quality city. In particular it will seek views on getting more out of land by having more intense development, building higher than at present and, where this is appropriate, considering significantly higher buildings.
- 3.2.** We will use the comments received to help draw up City Plan and other policies 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 helping 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 consulted on draft supplementary planning guidance on affordable housing and viability. The council commented on the Mayor’s proposals – while we support the Mayor’s ambition to expand and accelerate delivery of affordable housing, we have concern that the approach suggested by the Mayor is highly prescriptive and

focuses too much on matters of process and methodology.

- 5.3.** Some of the proposals – such as review of the levels of affordable housing provided by schemes after planning permission has been granted in the light of changes to values – we will consider in taking forward changes to the City Plan.
- 5.4.** More widely, we consider that a better approach would be to extend the tariff-based approach underlying the CIL to affordable housing – this would not only be more certain and transparent for developers and the council alike, but would remove the need for much of the technical complexity of the approach proposed by the Mayor.

14th March 2017