



Business, Planning and Transport Policy and Scrutiny Committee Briefing

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Author: Cllr Daniel Astaire

Portfolio: Cabinet Member for Planning and Public Realm

Please contact: Madeleine Hale x 2621
mhale@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.

Development Planning

1. Telephone Boxes and advertising

All the applications for telephone boxes from Maximus have been refused consent. I have also written to the Secretary of State requesting that the abuse of telephone kiosks for advertising is looked into, particularly the current rights to install advertising without the consent of the council which should be rescinded. Other local authorities have written in support of this position however the matter will not be considered by Government until after the election.

2. Workload and Recruitment

Whilst the workload of Development Planning remains high, there are signs of the market cooling and there are less pre-application meetings regarding major development projects. The matter is being closely monitored as it will affect finances.

3. UNESCO World Heritage Site

The UNESCO World Heritage Site report is due in the next couple of weeks and a raft of recommendations are expected which may touch on future planning policy considerations. Issues such as the World Heritage Management Plan will be handled by the Deputy Leader.

4. Planning Fees

The Government recently consulted on putting up planning fees by 20% from next month (June). Regrettably because of the election, the increase in fees has been temporarily put on hold. A decision over whether the fees will be increased will be taken by the new minister after the election but even if it is to proceed it is unlikely to commence until October.

Planning Policy

5. Neighbourhood planning

A number of neighbourhood forums are pursuing the development of their neighbourhood plans. Early drafts from Mayfair, Fitzrovia West and the Queen's Park Community Council have been received and comments on them have been provided by officers. Comments on policy themes have also been provided to the Marylebone Neighbourhood Forum. A draft plan from the Notting Hill East Neighbourhood Forum is also understood to be imminent.

6. Community Infrastructure Levy (CIL)

- 6.1** Liability to pay the community infrastructure levy is triggered when planning permission is granted for a development. At that stage the council issues a "liability notice", which states how much is payable. CIL is actually paid when development commences, at which point the council issues a "demand notice". The council allows payment of larger sums by instalment, otherwise payment must be made within 90 days.
- 6.2** At time of writing, 179 liability notices have been issued for WCC CIL since charging started on 1 May 2016, for a total amount of **£40,017,687**. We have issued 45 demand notices for a total amount of **£10,743,528**. Of this sum, we have actually received a total of **£3,620,018**; owing to the operation of our instalments policy, the balance of **£7,123,510.53** is payable by the end of March 2018.

7. "Getting the Right Kind of Growth" Consultation update

- 7.1** The formal consultation on the council's "Building Height: Getting the Right Kind of Growth for Westminster" ended on 21 May (although we have allowed some flexibility for late responses).
- 7.2** We received over 800 responses, although over 60% of these were "partial" – questionnaires returned without all the questions answered. A large number of the responses also do not include the details about the respondent, leaving 300 fully completed responses. The questionnaire responses are being analysed externally and a report will be published once the analysis is

completed. In addition, we received 44 letters and emails from organisations and individuals, which are being analysed in-house – headline results from this will be available shortly.

- 7.3** Given the limitations of the responses, we have decided to commission additional market research. This will include face to face interviews in different parts of the City and a London-wide survey. These will supplement the consultation to ensure our policies are based on a robust assessment of stakeholder views on these issues.

8. The Housing White Paper

- 8.1** The council submitted its comments on the Housing White Paper in May. The response strongly endorsed the Government’s objective to accelerate delivery of housing now and into the future, and welcomed many of the ideas and initiatives suggested in the White Paper. In some areas we suggested different ways of achieving the stated objectives, informed particularly by the distinctive characteristics of Westminster’s land and housing markets.

- 8.2** In particular, we endorsed:

- Proposals to ensure the most efficient use is made of land and to support higher density housing in urban locations well-served by public transport – while recognising the variety of demands on space in areas like the Central Activities Zone.
- Facilitating joint work by public bodies to ensure the most efficient use and development of their landholdings – the “One Public Estate” approach. We suggested that national government might do more to encourage bodies like the NHS and Ministry of Defence to work together and with local authorities to optimise returns for all involved (in terms of service delivery as well as financial return), rather than focussing narrowly on their own objectives individually.
- The removal of the mandatory requirement to develop Starter Homes.
- The inclusion in local plans of policies for development of the digital economy.

- 8.3** Although supportive of the Government’s underlying objectives, there were some areas where we expressed reservations or suggested different ways of achieving the same ends:

- The Government suggested that instead there should be a policy expectation that 10% of all homes on individual sites should be affordable home ownership products; we pointed out that there needed to be a degree of flexibility for authorities like Westminster where products of this kind are not effective because even 25% shares are beyond the means of those on average incomes.
- The White Paper proposed setting a housing delivery test for planning authorities based on housing completions against targets set in local plans

should relate to numbers of units given planning permission – the measure that authorities have direct control over.

- We also took the opportunity to renew our case for devolving the setting of planning fees.

8.4 Officers can provide a copy of the full response on request.

9. Pubs

9.1 During passage of the Neighbourhood Planning Act 2017, the Government moved an amendment committing ministers to making a development order “as soon as reasonably practicable after the coming into force of this section” that would remove any planning permission granted by the General Permitted Development Order “consisting of a use of any building or land in England from a use within Class 4A to a use of a kind specified in that order”. Very shortly after the Act was given Royal Assent the Government brought forward the promised regulations, which came into force on 23 May 2017.

9.2 The regulations carry forward the Government’s announced intentions. The only permitted development right that exists is a change from an A4 use to a mixed A4/restaurant (A3) use. This is intended to allow drinking establishments to extend their food offering without the need for planning permission or the risk of planning enforcement action. The changes mean that the previous restrictions on changes of use or demolition of pubs designated as assets of community value are no longer required and have been lifted.

9.3 We have, in the past, considered putting in place a direction to lift permitted development rights for pubs in the light of a number of high profile cases in the city. This change means this would no longer be required as planning applications will be required for virtually all proposals for changes of use affecting pubs. We are considering what policies on pubs should be included in the City Plan to support decision-making.

31st May 2017

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