



City of Westminster

Cabinet Report

Decision Maker:	Cabinet
Date:	Monday 27 th March
Classification	For General Release
Title:	Westminster Neighbourhood CIL Applications
Wards Affected:	West End and St James wards
Financial Summary:	This report seeks to allocate a total of £1,091,417 of funding from the Neighbourhood CIL portion to two infrastructure projects (Aldford Street Public Realm Improvements and Temple Roof Artists Garden)
Report of:	Executive Director of Innovation & Change

1.0. Executive Summary

- 1.1. Westminster City Council's (WCC) Community Infrastructure Levy (CIL) is a charge applied to development to help fund strategic and neighbourhood infrastructure that is required to support the development and growth of the City of Westminster. WCC formally adopted its CIL in May 2016, and as of March 2023 a total of £151.949m had been collected; remaining balances are set out in the report.
- 1.2. Neighbourhood CIL is a proportion of CIL apportioned to the local area in which the development took place. The Council has 22 Neighbourhood Areas all that have their own portion of Neighbourhood CIL accrued. Neighbourhood CIL can be used to fund a variety of community infrastructure to support that neighbourhood area cope with population/demographic pressures. The council encourages organisations and individuals to apply for Neighbourhood CIL to deliver projects that benefit the local community of residents and businesses. As of March 2023 a total of £17.964m has been apportioned to Neighbourhood CIL; £11.665m remains available. This report recommends approval of £1.091m of allocations.
- 1.3. Under the governance arrangements agreed by Cabinet in October 2022, most decisions on Neighbourhood CIL are made by the Cabinet Member for Planning and Economic Development, but where the value of a proposed project exceeds £250,000, that decision will be brought to a meeting of Cabinet. The two applications set out in this report both request funding exceeding the £250,000 threshold.
- 1.4. The purpose of this report is for the Cabinet to consider and approve two applications for Neighbourhood CIL.

2.0. Recommendation

- 2.1. The Cabinet is asked to approve the following Neighbourhood CIL bids, details of which are set out in this report:
 - i) Aldford Street Public Realm Improvements
 - ii) Temple Roof Artists Gardens

3.0. Reasons for Decision

- 3.1. To ensure robust and effective expenditure and reporting in line with the Community Infrastructure Levy Regulations 2010 (as amended) and in accordance with the council's strategic priorities, CIL spending policy statement and its framework 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 from 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 inform 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 earmarked for the local area within which the development took place to provide 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 March 2023 a total of £17.964m has been apportioned to Neighbourhood CIL; £11.665m remains available.

5.0. Westminster's CIL: The Neighbourhood Portion

Overview of Neighbourhood CIL

- 5.1. A proportion of CIL is apportioned to the area within which the development took place. There are 21 neighbourhood areas throughout Westminster; primarily commercial areas and the Royal Parks are not included within any neighbourhood area. As set out in legislation the neighbourhood portion is set at 15% of CIL receipts in a neighbourhood area capped at £100 per council tax paying dwelling, per annum. Where a neighbourhood area has an adopted neighbourhood plan, the percentage allocated to the neighbourhood rises to 25% uncapped. Any NCIL collected from a development which was not within a designated neighbourhood area is put into the 'Outside designated neighbourhood area' pot.
- 5.2. The council accepts applications for Neighbourhood CIL funds from organisations and individuals through quarterly application rounds. Applications are assessed with regards to national legislation and regulations, principally Planning Act (2008) and the Community Infrastructure Levy

Regulations 2010 (as amended) and the associated National Planning Practice Guidance, and with regards to local policy, criteria and priorities as established by the Westminster CIL Spending Policy Statement. Ward members, Neighbourhood Forums, and Business Improvement Districts, where they exist, must be consulted on all applications within their area. Applications are processed and reviewed by Infrastructure Planning and Delivery officers, with insight sought from relevant officers across the council and the Infrastructure Governance Group.

- 5.3. Under the governance arrangements agreed by Cabinet in October 2022, most decisions on Neighbourhood CIL are made by the Cabinet Member for Planning and Economic Development, but where the value of a proposed project exceeds £250,000, that decision will be brought to a meeting of Cabinet.

Winter 2023 Neighbourhood CIL Applications: Background

- 5.4. 11 verified applications for Neighbourhood CIL funding were received by the deadline for the Winter 2023 application round.
- 5.5. Nine of the applications were decided by the Cabinet Member for Planning and Economic Development. Of these, eight applications were approved or approved in principle, totalling £661,244:

- i) St Marylebone CE Bridge School Mini-bus
- ii) Fitzrovia Community Centre Improvements
- iii) St Marylebone Parish Church Public Realm Improvements
- iv) Paddington Arts Development: Design and Preliminary Works
- v) St Augustine's Sports Hall Flooring
- vi) National Portrait Gallery Orange Street Improvements
- vii) Hyde Park Paddington Neighbourhood Plan
- viii) Victoria Neighbourhood Plan

The final application was deferred to allow outstanding issues to be addressed.

- 5.6. Two of the applications requested funding exceeding £250,000. Under the governance arrangements, these applications are to be decided by the Cabinet. Summaries and recommendations are set out below.

Winter 2023 Neighbourhood CIL Applications: Recommendations

- 5.7. Applications that are recommended for **approval "in principle"** means that the proposal is eligible for Neighbourhood CIL Funding and is considered viable, however further engagement with council's departments is needed prior to allocation of funds. An in-principal allocation does not mean the project is being refused for Neighbourhood funding, but rather that outstanding issues must be addressed prior to the formal allocation of funds. Applications recommended for **approval** means that the project is considered viable by officers and is ready for implementation

- 5.8. **Aldford Street Public Realm Improvements (Mayfair):** The Cabinet is recommended to approve in principle £579,417 to WCC requested by the Mayfair Neighbourhood Forum (MNF) to deliver their public realm aspirations in Aldford Street.
- 5.9. The funding would support a significantly improved public realm along Aldford Street with a new raised carriageway junction, new “Pocket Park” garden with planting and trees, additional street planting, new permeable sustainable urban drainage to mitigate flooding, new permanent outdoor seating, and renewably powered additional lighting. The works also includes necessary utilities relocation. The Pocket Park and improvements along the street aim to transform the space into a fitting arrival for Mayfair with its important gateway to and from Hyde Park. The scheme is phase 1 of the MNF’s 18 phase ‘Green Route’, a one-mile green corridor that will join Hyde Park from Park Lane to Regent Street via Aldford Street and Conduit Street, aiming to bring nature into the streets of Mayfair, promote health, wellbeing and inclusivity whilst mitigating climate change and revitalising the Georgian city plan for the future. The project has already been allocated NCIL (£119,200, NCIL/024) to appraise, develop and consult on concept designs, and a further allocation (£338,000, NCIL/042) to support design and implementation.
- 5.10. The funding request is based on a high-level estimate and the final cost is likely to be lower. Officers will produce more exact cost estimates as the scheme progresses through design stages, and further cost reduction mechanisms will be explored. Cost savings have already been identified, including replacing granite with York stone and designing the raised table with asphalt instead of granite. In addition, the current high-level estimate includes a 30% (£133,712) buffer for risk and contingency. If the final cost is lower than the NCIL allocation, the remaining funds will be returned to the Mayfair Neighbourhood CIL pot balance.
- 5.11. Funding will be conditioned on agreement of a management plan to ensure that the improvements, including the planting, is maintained to a high standard without additional cost to the council. The funding request includes maintenance for 36 months, but a longer-term solution must identified. A long-term maintenance plan must be agreed by Highways officers before NCIL funding will be released.
- 5.12. Local CIL policy identifies ‘accessible and inclusive public spaces’ as one of the top five priorities for CIL funding. The new garden would create a new and inclusive public space within a busy part of the City.
- 5.13. The project relates directly to development and more broadly supports the growth of the City. Aldford Street is experiencing hotel development, including a consented scheme fronting Aldford Street at 14 Park Street (22/04330/FULL) and a pending application for the building at Aldford Street’s junction with Park Lane (22/05437/FULL). These developments are expected to increase pressure on the adjacent public realm and the proposed project addresses that pressure. The project supports growth in a broader sense as

well. The project would directly deliver some objectives of the adopted Mayfair Neighbourhood Plan, which guides local growth to achieve the community's vision for their area. These types of public realm projects better facilitate pedestrian movement; for example monitoring of the Baker Street and Bond Street public realm schemes found footfall increases of 84% and 24%, respectively.

- 5.14. There is extensive local support for the scheme. The Mayfair Neighbourhood Forum is the listed applicant. Local ward councillors were consulted; Cllrs Paul Fisher and Patrick Lilley emailed to note their general support for greening measures such as those proposed. The public garden in particular has strong public support: five organisations signed a letter in September 2021 (Mayfair Residents Association, Grosvenor & Mayfair Residents Association, Grosvenor, Astrea, and New West End Company); and over 90% of respondents to an autumn 2021 Mayfair communications exercise were supportive. The scheme in general has been subject to extensive public consultation, including a programme of ten events and activities such as workshops, talks, and public drop-ins, held in September 2021.
- 5.15. The MNF support a higher-cost scheme (£970,191) which would include structural changes to the TfL-owned staircase within the underpass to create an improved access leading into the space and framing the view of Grosvenor Chapel. WCC officers have recommended that the staircase not be included in the scheme because the benefits are not sufficient to justify the additional expense. The visual and public realm benefits are limited, and the ambition to create a 'transition space' will already be achieved by the new Pocket Park, rendering changes to the staircase redundant. The proposed works would also provide no accessibility benefits because the stairs would remain accessible and there are no proposed improvements to the accompanying ramp. Finally, the stairs are a TfL-owned asset but TfL have not agreed to contribute to the project. Councillor Paul Dimoldenberg, Cabinet Member for City Management and Air Quality, agreed with the officer recommendation.
- 5.16. **Temple Roof Artists Gardens (Outside of Designated Neighbourhood Areas):** Cabinet is recommended to approve the CoLab's application for £512,000 for a three year project to continue the Artists Garden on the roof of Temple Tube station.
- 5.17. The project has turned 1400sqm of the hidden and neglected roof terrace above the station into a place for the public to experience a free large-scale installation. The initial installation was British-Ugandan artist Lakwena's technicolour vision of 'Paradise'. The funding would support the continuation of the project for three years with three annual installations and an accompanying programmes of exhibitions, residencies and workshops open to the public for free.
- 5.18. The project costs £428,625 over three years. If the scheme does not find alternative funding, it would require additional funding for de-installation and other clean up work, which would bring the total to £512,000. Sustainability elements of the scheme, including solar panels and rainwater collection, have

been approved in principle for £37,970 Carbon Offset funding, subject to approval of the main NCIL funding application.

- 5.19. Local CIL policy identifies 'accessible and inclusive public spaces' as one of the top five priorities for CIL funding. The project transforms a previously underused public space into an inviting public space, providing a place for personal reflection and socialisation with views of the Thames and London's skylines.
- 5.20. The project supports the growth of the City by encouraging people to return to central London following the pandemic. The initial installation created an uplifting outdoor environment drawing in families and the local community of workers, students, and other visitors, giving them a reason to visit the Northbank and stimulate the local economy. The project also helps to deliver growth objectives for the local area; for example, the scheme is included in Northbank BID's proposed Riverfront Strategy.
- 5.21. The applicant has demonstrated significant public support for the scheme. All three local St James Ward councillors are actively supportive. Northbank BID is also supportive. Letters of support have been written by cultural organisations based or active in the area, including Somerset House, the Courtauld Institute of Art, Two Temple Place, and St Mary le Strand Church.

6.0. Financial Implications

- 6.1. To date, the council has collected £17.964m in Neighbourhood CIL. £6.299m has been allocated, leaving a balance of £11.665m. This report recommends approving a further £1.091m of Neighbourhood CIL allocations, which would bring the balance to £10.574m.

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.

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, as well as Cabinet Members where necessary. Stakeholder and community support is described for each application.

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, with the exception of applications to fund Neighbourhood Plan consultants because Neighbourhood Plans have been subject to national EQIAs. 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 Infrastructure Planning & Delivery Officer

E-mail: ACsicsek@westminster.gov.uk

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

Report to Cabinet Member for Planning and Economic Development on Winter 2023 Neighbourhood CIL and Carbon Offset applications recommendations

Westminster CIL Spending Policy Statement

Equalities Impact Assessment Screening documents for Neighbourhood CIL applications