



City of Westminster

# Cabinet Member Report

<b>Meeting or Decision Maker:</b>	Cabinet Member for Planning and Economic Development
<b>Date:</b>	05 June 2024
<b>Classification:</b>	General Release
<b>Title:</b>	Westminster Neighbourhood CIL – Autumn 2023 Project Allocations
<b>Wards Affected:</b>	All
<b>Policy Context:</b>	Fairer Economy
<b>Key Decision:</b>	Yes – significant expenditure, income or savings
<b>Financial Summary:</b>	This report seeks to allocate a total of £178,600 of funding from the Neighbourhood CIL portion to various infrastructure projects
<b>Report of:</b>	Debbie Jackson, Executive Director, Regeneration, Economy and Planning

## 1. Executive Summary

- 1.1. This report provides recommendations on the Autumn 2023 applications for funding from the Neighbourhood Community Infrastructure Levy (NCIL).

### Neighbourhood CIL Funding Proposals (Autumn 2023 Round)

- 1.2. In line with legislation, a portion of the Community Infrastructure Levy (CIL) is apportioned to neighbourhood areas in Westminster. The neighbourhood share constitutes 15% of CIL receipts, capped at £100 per council tax paying dwelling per year, or 25% without a cap in neighbourhood areas with an adopted neighbourhood plan.
- 1.3. The council receives applications for Neighbourhood CIL funds through quarterly rounds, subject to national regulations, local policies, and Westminster's CIL Spending Policy Statement. Consultation with stakeholders, including Neighbourhood Forums, Business Improvement Districts, and ward members, is a prerequisite. The applications undergo thorough assessment by Infrastructure Planning and Delivery officers, with input from relevant council teams and the Infrastructure Working Group and Infrastructure Delivery Board, as well as any relevant external stakeholders.
- 1.4. Outlined below are the Autumn 2023 Neighbourhood CIL funding applications being recommended for approval:
  - 1.4.1. **Denbigh Street Piazza Public Realm Improvements (Pimlico):** Up to £36,000 for initial studies and work including feasibility and design, and subsequent implementation of public realm improvements to central Denbigh Street piazza;
  - 1.4.2. **Southampton Street Public Realm Enhancements Design Feasibility Study (Outside Neighbourhood Areas):** £64,000 to test the feasibility of public realm improvement designs;
  - 1.4.3. **Holcroft Memorial Portraits (Fitzrovia West):** £28,600 for commemorative cast portraits of Thomas and Fanny Holcroft at Holcroft Court; and
  - 1.4.4. **St Anne's Garden Accessibility Scheme (Soho):** £50,000 for the installation of various accessibility measures to St Anne's Gardens.
- 1.5. Outlined below are other applications submitted in the Autumn 2023 Neighbourhood CIL funding round:
  - 1.5.1. **Broadwick Street Power Post (Soho):** £5,000 for installation and powering an electric power post was withdrawn because the project was funded by existing budget;
  - 1.5.2. **Soho Heritage Audit (Soho):** £35,250 for a detailed audit of street heritage in Soho is being deferred to the Winter 2024 round; and

1.5.3. **Abbey Centre Renovation (Multiple Neighbourhoods):** £424,435.43 for refurbishment to the community centre will be decided by full Cabinet because all high-value applications (£250,00 or more) are decided by Cabinet.

## 2. Recommendations

2.1. That the Cabinet Member for Planning and Economic Development approve with conditions the following Neighbourhood CIL bids, details of which are set out in this report:

2.1.1. Denbigh Street Piazza Public Realm Improvement

2.1.2. Southampton Street Public Realm Enhancements Design and Feasibility Study

2.1.3. Holcroft Memorial Portraits

2.1.4. St Anne's Garden Accessibility Scheme

## 3. Reasons for Decision

3.1. To ensure robust and effective expenditure and reporting in line with the Planning Act (2008) and the Community Infrastructure Levy Regulations 2010 (as amended) and in accordance with the council's strategic priorities, the revised CIL Spending Policy Statement (2022), and the council's frameworks for resource allocation and management.

## 4. Background, including Policy Context

Neighbourhood CIL

4.1. The Community Infrastructure Levy (CIL) is a charge that local authorities can legally 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 on 1 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 informs decisions.

4.3. CIL Regulations require apportionment of CIL receipts between:

- i. **the Strategic Portion (70-80%)** – spent by the Council according to its strategic infrastructure priorities.
- ii. **a Neighbourhood Portion of receipts from development in each neighbourhood (15-25%)** – spent by the Council in consultation with the

neighbourhood communities concerned (other than in Queen's Park, where the portion is paid to, and spent by, the Community Council); and

iii. **the CIL Administrative Portion (5%)** – spent by the Council on the administrative costs of CIL collection and administration.

4.4. Neighbourhood CIL is apportioned to the neighbourhood area within which the development took place to provide local 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.

#### Summary of Recommendations

4.5. The purpose of this report is therefore for the Cabinet Member to consider and approve further allocations of funding for projects from the CIL Neighbourhood pots.

4.6. Applications that are recommended for approval with conditions are considered by officers to be eligible for funding with regards to national legislation and regulations and GLA and WCC policy, but funding should not be released until an outstanding issue is resolved. In such cases the outstanding issue[s] and means to address it is set out in this report.

4.7. Applications recommended for approval means that the project is considered by officers to be eligible and viable with regards to national legislation and regulations and GLA and WCC policy and is ready for implementation.

#### Autumn 2023 Neighbourhood CIL Applications

4.8. This section lists the applications for Neighbourhood CIL funding received in the Autumn 2023 round. For each project, there is a project title, the name of the Neighbourhood Area from which funding would be allocated, and a short description that includes the proposed funding recipient, the amount of NCIL funding sought, a description of the project including any background or notable issues, and an explanation of how the project is required due to new development or to otherwise support the growth of the City.

4.9. **Denbigh Street Piazza Public Realm Improvements (Pimlico):** It is recommended to approve with conditions up to £36,000 sought by the Denbigh Street Residents Association to design, trial the feasibility, and subject to a successful outcome on the above, to deliver public realm improvements in the central piazza in Denbigh Street, at the junction of Denbigh Street and Charlwood Street. Release of the remaining allocation to carry out physical works would be conditional, subject to the successful outcome of feasibility testing and related consultation.

4.10. The proposal is to relocate bins from the central space into new bin stores at the end of the paved area, to facilitate community space in its place, potentially

with added public seating, and other public realm improvements. The proposal is part of a broader ambition that has been set out in Pimlico's Neighbourhood Plan (2022) which designates three junctions along Denbigh Street as 'piazza spaces', with enhanced functions as a public space and reduced street clutter.

- 4.11. Whilst the applicant has been seeking funds to deliver public realm changes at all three of their identified piazza sites along Denbigh Street, their original bid was uncosted, and WCC Highways has concerns about the feasibility of the proposed works and recommended that formalised feasibility work on one piazza site is done initially. The applicant has continued to advocate for funding for all three sites, despite a lack of costs and other unresolved deliverability issues.
- 4.12. If a feasible scheme is designed and public consultation demonstrates local support, NCIL funding will be used to implement the central piazza proposed for the junction of Denbigh Street and Charlwood Street. This initial project will test the concept of creating piazza spaces along Denbigh Street, with a view to informing further works at the remaining two sites at Denbigh Street's junctions at St George's Drive and at Gloucester Street/Belgrave Road.
- 4.13. As such, the £36,000 will be spent on design, feasibility studies, and formal consultation including traffic management order consultation should the bins store require re-use of an existing parking bay, or any other preliminary studies or work necessary to design a deliverable scheme. Remaining funding will be released to support implementation of the project including works and materials in the central piazza site only upon the successful conclusion of this preliminary work as approved by WCC Highways.
- 4.14. The project would support the growth of the Pimlico Neighbourhood Area by helping to deliver one of the ambitions set out in the adopted Neighbourhood Plan.
- 4.15. Accessible public open spaces are one of the five priority infrastructure types identified in the council's local CIL policy.
- 4.16. **Southampton Street Public Realm Enhancements Design and Feasibility Study (Outside Neighbourhood Areas):** It is recommended to approve with conditions £64,000 sought by the Northbank BID (Business Improvement District) to support the further design development and undertake community and business engagement for the public realm enhancements to the southern section of Southampton Street.
- 4.17. The £64,000 is sought to cover the cost of RIBA stage 2 design development. The application originally sought this funding to continue with externally sourced design and consultation work, but WCC Highways officers raised concerns about the lack of feasibility testing of that work. The funding will therefore pay for feasibility checks and related consultation to be carried out in-house, with subsequent designs taken forward by WCC contract teams. This would limit the risk of an unfeasible design being developed, which could not then be implemented. This is particularly important as the design work proposed is

planned to be used as a mechanism to secure external funding to cover the costs of any arising scheme delivery.

- 4.18. Officers are not expecting further NCIL bids to be submitted to cover the costs of any arising scheme delivery. The fundraising exercise will be carried out externally by the Northbank BID.
- 4.19. The scheme will support the growth of pedestrians in the area facilitated by other council-led schemes, including Strand Aldwych.
- 4.20. The funding will only be released on the condition that WCC Highways and any other team as deemed necessary be included in this next stage of the project, and that any consultation required will be funded from this NCIL allocation.
- 4.21. **Holcroft Memorial Portraits (Fitzrovia West):** It is recommended to approve with conditions £28,600 sought by a local resident to commission the creation of two brass commemorative portraits to Thomas and Fanny Holcroft.
- 4.22. The portraits are to commemorate the life and work of Thomas and Fanny Holcroft, after which Holcroft Court is named. Thomas Holcroft was a prominent anti-slavery campaigner and his daughter Fanny Holcroft an active suffragette.
- 4.23. The portraits would be hung at either side of the entrance to the building. The commissioned artist is from Somerset.
- 4.24. 37 residents signed a petition supporting the project. The council as the property freeholder has agreed to the installation.
- 4.25. The installation would require advertising consent and planning consent. It would also have maintenance needs which would require a small cost which would be charged to leaseholders.
- 4.26. This public art will improve the public realm and provide an amenity in an area which is seeing more intensive use resulting from nearby developments.
- 4.27. The recommendation is to approve the application on the conditions that the advertising consent is secured, planning permission is secured, and agreement is reached on the maintenance fee which would be charged to leaseholders.
- 4.28. **St Anne's Garden Accessibility Scheme (Soho):** It is recommended to approve with conditions £50,000 sought by St Anne's Church to support installation of a stair lift to take wheelchairs from street level to the grassed level of the garden, and a small ramp incorporated into the steps to provide access between the grassed level and the upper terrace/seating area.
- 4.29. The total project cost is £138,000. The applicant is seeking the remaining £88,000 from external funders.
- 4.30. The park is managed and maintained by WCC.
- 4.31. St Anne's Gardens is identified under 'Policy 26 – Improving Public Spaces' in the Soho Neighbourhood Plan as an area in which green space enhancements

are supported. It is one of just three green spaces within Soho, so improving its accessibility will offer greater provision for residents and visitors and alleviate pressure on other spaces.

- 4.32. Improving accessibility to public open spaces is one of the priority project types for CIL funding identified in the council's local CIL policy. There is a growing demand for public open space in Soho, in part from its growing daytime office and nighttime economy offers.
- 4.33. The recommendation is to approve the application on the condition that the remaining funding is secured.

## **5. Financial Implications**

- 5.1. As of 23 May 2024, a total of £19,510,727 of total CIL collected has been apportioned to Neighbourhood CIL since the Council's CIL charging schedule first came into effect on 1 May 2016; £10,838,369 remains available, after all allocations and spend. This balance has been carried over each year since the inception of Westminster CIL in May of 2016. The total NCIL collected, spent/allocated, and remaining by each Neighbourhood Area Pot is set out in Appendix 1.
- 5.2. This report seeks to allocate a total of £178,600 of NCIL funding to applications submitted in the Autumn 2023 round (the recommended NCIL allocation and remaining balance by Neighbourhood Area is set out in Appendix 2). This report has been submitted simultaneously with a report recommending a total of £716,734 of allocations to applications submitted in the Winter 2024 round. If recommendations in both reports are agreed, the remaining NCIL available after these allocations are agreed would be £9,943,035.

## **6. Legal and Governance Implications**

- 6.1. 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.
- 6.2. Legal Services has reviewed this report, and the proposed Project Allocations, and is satisfied that the measures proposed comply with the relevant legislation and guidance set out above.

## **7. Climate Impact**

- 7.1. The climate impact of projects to be allocated funding has been assessed individually.

## **8. Equalities Implications**

- 8.1. 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.
- 8.2. 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.
- 8.3. 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.
- 8.4. 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.
- 8.5. 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.

## **9. Consultation**

- 9.1. 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.



**If you have any queries about this Report or wish to inspect any  
of the Background Papers, please contact:**  
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## **APPENDICES**

Appendix 1: NCIL collected, allocated/spent, and available (balance remaining) by Neighbourhood Area as of 23 May 2024

Appendix 2: Recommended CIL allocations by neighbourhood area

Appendix 3: Map of recommended CIL allocations

## **BACKGROUND PAPERS**

1. 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.
2. Westminster CIL Spending Policy Statement.
3. Equalities Impact Assessment Screening documents for Neighbourhood CIL applications recommended for approval and approval with conditions.

For completion by the **Cabinet Member for Planning and Economic Development**

### **Declaration of Interest**

I have no interest to declare in respect of this report

Signed:

Date: 05 June 2024

NAME: Councillor Geoff Barraclough

State nature of interest if any:

*(N.B: If you have an interest, you should seek advice as to whether it is appropriate to make a decision in relation to this matter)*

For the reasons set out above, I agree the recommendation(s) in the report entitled **Westminster Neighbourhood CIL – Autumn 2023 Project Allocations** and reject any alternative options which are referred to but not recommended.

Signed: \_\_\_\_\_

Cabinet Member for Planning and Economic Development

Date: 05 June 2024

If you have any additional comment which you would want actioned in connection with your decision you should discuss this with the report author and then set out your comment below before the report and this pro-forma is returned to the Secretariat for processing.

Additional comment:

If you do not wish to approve the recommendations, or wish to make an alternative decision, it is important that you consult the report author, the Monitoring Officer and Section 151 Officer (or their representatives) so that (1) you can be made aware of any further relevant considerations that you should take into account before making the decision and (2) your reasons for the decision can be properly identified and recorded, as required by law.

Note to Cabinet Member: Your decision will now be published and copied to the Members of the relevant Policy & Scrutiny Committee. If the decision falls within the criteria for call-in, it will not be implemented until five working days have elapsed from publication to allow the Policy and Scrutiny Committee to decide whether it wishes to call the matter in.