



City of Westminster

Committee Agenda

Title: **Business, Planning and Transport Policy and Scrutiny Committee**

Meeting Date: **Monday 8th May, 2017**

Time: **7.00 pm**

Venue: **Rooms 1A, 1B & 1C - 17th Floor, Westminster City Hall, 64 Victoria Street, London, SW1E 6 QP**

Members: **Councillors:**

Tony Devenish (Chairman)	Louise Hyams
Julia Alexander	Karen Scarborough
Thomas Crockett	Cameron Thomson
Paul Dimoldenberg	Jason Williams

Members of the public are welcome to attend the meeting and listen to the discussion Part 1 of the Agenda

Admission to the public gallery is by ticket, issued from the ground floor reception at City Hall. If you have a disability and require any special assistance please contact the Committee Officer (details listed below) in advance of the meeting.



An Induction loop operates to enhance sound for anyone wearing a hearing aid or using a transmitter. If you require any further information, please contact the Committee Officer, Jonathan Deacon, Senior Committee and Governance Officer.

**Email: jdeacon@westminster.gov.uk Tel: 020 7641 2783
Corporate Website: www.westminster.gov.uk**

Note for Members: Members are reminded that Officer contacts are shown at the end of each report and Members are welcome to raise questions in advance of the meeting. With regard to item 2, guidance on declarations of interests is included in the Code of Governance; if Members and Officers have any particular questions they should contact the Head of Committee and Governance Services in advance of the meeting please.

AGENDA

PART 1 (IN PUBLIC)

1. MEMBERSHIP

To note any changes to the membership.

2. DECLARATIONS OF INTEREST

To receive declarations by Members and officers of the existence and nature of any personal or prejudicial interests in matters on this agenda.

3. MINUTES AND MATTERS ARISING

To sign the minutes of the Business, Planning and Transport Policy and Scrutiny Committee meeting held on Tuesday 21 March 2017

(Pages 1 - 10)

4. VERBAL UPDATE ON BAKER STREET TWO WAY PROJECT

Update from Graham King, Head of WEP Place Programme

5. UPDATE FROM CABINET MEMBERS

Written updates from the Deputy Leader / Cabinet Member for Business, Culture and Heritage (to follow), the Cabinet Member for City Highways (to follow) and the Cabinet Member for Planning and Public Realm.

(Pages 11 - 16)

Question And Answer session at the meeting with the Deputy Leader and Cabinet Member for Business, Culture and Heritage, Councillor Robert Davis MBE DL.

6. UPDATE ON WORK PROGRAMME AND ACTION TRACKER

Report of the Director of Policy, Performance and Communications

(Pages 17 - 28)

7. ANY OTHER BUSINESS THE CHAIRMAN CONSIDERS URGENT

8. DATES OF FUTURE MEETINGS

12 June 2017, 13 September 2017, 15 November 2017

**Charlie Parker
Chief Executive
27 April 2017**

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City of Westminster

Minutes

Minutes of a meeting of the **BUSINESS PLANNING AND TRANSPORT COMMITTEE** held at 7:00pm on Tuesday 21 March 2017 in Committee Rooms 1A, 1B and 1C, 17th Floor, City Hall, 64 Victoria Street, SW1

Members of Committee: Councillors Tony Devenish (Chairman), Julia Alexander, Thomas Crockett, Paul Dimoldenberg, Karen Scarborough, Cameron Thomson and Jason Williams.

Also Present: Councillor Daniel Astaire, Cabinet Member for Planning and Public Realm.

1. MEMBERSHIP

1.1 An apology for absence was received from Councillor Louise Hyams.

2. DECLARATIONS OF INTEREST

2.1 There were no declarations of interest.

3. MINUTES AND MATTERS ARISING

3.1 **RESOLVED:** That the minutes of the Environment and Customer Services meeting held on Wednesday 16 November 2016 be signed by the Chairman as a correct record of proceedings.

4. UPDATE FROM CABINET MEMBERS

4.1 The Committee received written updates from the Deputy Leader and Cabinet Member for Business, Culture and Heritage, the Cabinet Member for City Highways and the Cabinet Member for Planning and Public Realm on significant matters within their portfolios.

4.2 The Chairman welcomed Councillor Astaire to the meeting and congratulated him on his recent appointment as the Cabinet Member for Planning and Public Realm.

4.3 The Committee put questions to and received responses from Councillor Astaire on a number of matters that were relevant to the Planning and Public Realm portfolio. These included the following topics:

- Should pubs be given special status in order to protect them? Councillor Astaire replied that it was something that could be looked at. He believed there were other greater priorities for the City Plan in the first instance. He was a believer that the market generally corrected itself. There were the instances of The Star pub and The Clifton pub in St John's Wood. He referred also to a recent Evening Standard article which had quoted the British Beer and Pubs Association as being of the view that more assistance was needed in relation to levies and taxes rather than matters being addressed via the planning system.
- Councillor Astaire's Cabinet Member update stated that a consultation document would be issued at the end of March about the right kind of growth to deliver economic and social benefits for people in Westminster. The question was asked how long the consultation process would be and who would be consulted. Barry Smith, Head of City Policy & Strategy, replied that it would be approximately eight weeks in duration. Councillor Astaire added that the consultation document would be distributed to stakeholders including the Westminster Property Association ('WPA') and amenity societies. It would also be available on the Council's website. There would be a launch event in City Hall on Monday 27 March.
- The Cabinet Member was asked what changes he was likely to bring to the planning portfolio. He replied that he was keen to be a critical friend of the development industry and would emphasise that they should discharge their obligations to the community. He was looking to work with developers to ensure that as much affordable housing was built on site as possible and that as much income for affordable housing could be obtained as possible. Councillor Astaire drew the Committee's attention to the fact that he would be responsible for planning policy and would not sit as a Member of the planning committees considering applications. He added that he would not be meeting with public affairs consultants and had produced a Guidance Note on how he and the Chair of the Planning Committee would engage with developers in order to provide transparency.
- The Cabinet Member was asked about building height. Without pre-judging the results of the 'Getting the Right Kind of Growth' consultation he expressed the view that if the Council was going to ask the developer to give more, such as for affordable housing, the Council might also have to potentially offer more and this could mean that buildings on site could be higher or denser.
- How many planning committee decisions had been contrary to the officers' recommendations over the previous two years? How many cases were won on appeal? Councillor Astaire replied that he would provide a written response to the questions.
- Councillor Alexander referred to the concerns that local residents had in Marylebone Road regarding big developments being applied for in a piecemeal fashion. She requested an area plan and gave examples

including the demolition of the NCR building near Marylebone Station that she believed would create a huge logistical problem for the area, the North West House opposite and a development with affordable housing on the corner of Old Marylebone Road. Councillor Astaire stated that he would examine the situation and would look to respond to Councillor Alexander directly.

- Was it the case that permitted development rights could override conservation area considerations in relation to rooftop extensions? The Cabinet Member replied that it was his understanding that permitted development rights did override conservation area considerations provided it was not a listed building. He also made the point that he would like to examine whether the policy towards roof extensions was too restrictive. He wished to examine whether some flexibility could be provided to families regarding developments upwards in order that they had the opportunity to remain in Westminster.
- Councillor Astaire provided clarification that he was keen for developers to build homes on site and have a mixed use borough that works for everyone. If they were not able to do that he wanted to see the developers build further away, if it delivered more homes. The matter would need to be considered on a case by case basis.
- What was the current position regarding the submission of neighbourhood plans and was it the case that the neighbourhood forums have five years to submit their plans? Mr Smith confirmed that the only neighbourhood plan formally submitted for comments was from Knightsbridge Neighbourhood Forum. There had been informal discussions with Mayfair Neighbourhood Forum. Last week Fitzrovia West had issued their plan informally. There had been informal discussions with Queen's Park regarding their plan. Mr Smith also confirmed that the neighbourhood forums had five years to submit their plans. After that they had to re-apply to be a neighbourhood forum.
- Would everything be done to ensure that the Carlton Tavern was re-built as required? John Walker, Director of Planning, provided an update that there were weekly meetings taking place with the owners of the site on the detail of rebuilding the pub and they were actively engaged. He was cautiously optimistic.

4.4 Councillor Scarborough requested that a question was forwarded to Councillor Chalkley who was not in attendance at the meeting. Councillor Chalkley's Cabinet Member Update had informed Members that thirty sites had been chosen to trial a 20mph scheme, encompassing 40 Westminster schools. Councillor Scarborough asked which sites and schools were involved and when the scheme would be implemented. It was agreed that it would be requested that this list, when received, would be circulated to all Committee Members.

4.5 The Chairman stated that it would be appreciated if Councillor Astaire could give Members advanced warning when any prominent policy matters arose in order that the Committee was able to have some input into the process.

4.6 **ACTION:** The following actions arose:

- That a written response is provided to the Committee in relation to the questions ‘how many planning committee decisions had been contrary to the officers’ recommendations over the previous two years? How many cases were won on appeal?’ (Councillor Daniel Astaire, Cabinet Member for Planning and Public Realm and Madeleine Hale, Senior Cabinet Officer).
- That Councillor Astaire contacts Councillor Alexander about developments in the Marylebone Road area (Councillor Daniel Astaire, Cabinet Member for Planning and Public Realm and Madeleine Hale, Senior Cabinet Officer).
- That a response be sought from Councillor Chalkley in respect of Councillor Scarborough’s question on the twenty mph trial scheme (Councillor Danny Chalkley, Cabinet Member for City Highways and Sion Pryse, Cabinet Officer) and the answer circulated to the Committee.

4.7 **RESOLVED:**

That the contents of the Cabinet Member Updates be noted.

5. PLANNING IN WESTMINSTER

5.1 The Committee received a report which provided an overview of the planning system in the Council, outlining the role of planning policy and the development management (planning application) process. The report highlighted key changes and priorities from the Cabinet Member for Planning & Public Realm and described the policy context to these at the local, London-wide and national levels.

5.2 The Committee in considering matters relating to this topic heard from Barry Smith, Head of City Policy & Strategy and John Walker, Director of Planning. The Committee also took into account a written submission from the St John’s Wood Society.

5.3 Mr Smith, in his introduction, made the point that if there were any areas within the report which the Committee wished to look at in more detail in the Work Programme this was an opportunity to flag these up. Mr Smith and Mr Walker emphasised that the report was a brief guide to the planning process. Mr Walker advised that Members were offered bespoke training where the process was explained in more detail. The Chairman recommended that planning officers write to the 2014 intake of Westminster Councillors to inform them of the training available.

- 5.4 The Committee asked a number of questions to Mr Smith and Mr Walker, including the following:
- How did Mr Walker see his department evolving? Mr Walker replied that there was a greater focus and emphasis on use of each site, including scrutinising every application for affordable housing. Affordable housing would still be subject to viability assessments. The aim was that the developers deliver closer to what was recommended by the viability consultant rather than this being a matter for extensive negotiation.
 - Would the meeting notes of developers' pre-application and application engagement with councillors as referred to in the Guidance Note in the agenda papers be available to the Planning Committee when considering the application? Mr Walker replied that he believed that was the intention. It was likely to be included in the background papers.
 - Would it be possible to receive an update every meeting on progress regarding delivering housing, including affordable housing, through the planning process? Mr Smith advised that there was a statutory duty to produce an Authorities Monitoring Report where the Council was required to report on delivery of key policy areas, including data on housing permitted. It would be possible to provide the necessary information to the Committee when the Report was produced. He added that there would be a time lag and the evidence of any changes from the renewed focus on delivering housing was unlikely to be seen until approximately fifteen or eighteen months' time. Ms Dindjer, Policy and Scrutiny Manager, brought to the Committee's attention that Councillor Astaire was due to appear before the Committee twice a year and one option was to include the housing updates in the Cabinet Member Update prior to the Cabinet Member for Planning and Public Realm attending the Committee meeting. It was agreed that the appropriate way in which to provide the requested information would be discussed between Mr Smith, Mr Walker and Councillor Astaire.
 - Mr Walker was asked by Councillor Dimoldenberg about the potential of keeping a record to show from the beginning to the end of the development management (planning application) process (from the applicant's proposed scheme to what was finally developed, including the discussions which took place with officers). He replied that the Council did not have the resources to carry out an audit of the applications as it had done in the past. Officers did not store documents such as drawings. He added that it was possible however to keep one or two such examples of the full extent of the planning applications process for Member training purposes. Councillor Dimoldenberg raised the point that he believed it would be of value speaking to the WPA about financing the maintenance of the record of the planning application process. It was agreed that the WPA would be contacted on this point.
 - Would it be the policy to refuse owners of new properties a residents' parking permit? Mr Smith replied that this would be examined as part of the City Plan review over the next eighteen months to two years.

- Residents had particular concerns about the impact of delivery companies, including the noise they created from motorbikes in residential areas. Could conditions be attached to planning decisions in order to protect residents? Mr Walker replied that there were many instances of restrictive conditions being placed on premises which wished to provide deliveries. The conditions were considered on a case by case basis.
- Mr Walker clarified that officers did send a list of applications which were being considered at future planning committee meetings to councillors. He would ensure that Councillor Scarborough received the list.
- Paragraph 3.29 of the report referred to the Housing White Paper inviting Councils to come forward with plans for additional housing delivery and make deals with government that might include flexibilities including in relation to Housing Revenue Account borrowing caps. The Council supported this concept and were asking for a 'bespoke housing deal'. Mr Smith and Mr Walker were asked what this deal might look like and how would it be different from what other London boroughs were seeking. Mr Smith replied that the Council's response was currently being written up as the deadline for responses is 2 May 2017. This would potentially relate more to Housing Revenue Account borrowing and housing policy changes rather than specific planning policy changes. The Chairman made the point that this would be a more relevant item for the Housing, Finance and Corporate Services Policy and Scrutiny Committee to examine.
- Did the Community Infrastructure Levy '(CIL)' provide a better deal for the Council in terms of receipts than Section 106? Mr Smith replied that it was too early to say as CIL had only been introduced by the Council on 1 May 2016. CIL receipts were being monitored. CIL money was beginning to be received and would be robustly collected by the Council (the Council had significant experience of collecting CIL monies for the Mayor). The Cabinet approved the governance arrangements for taking decisions on how CIL monies would be spent on 20th February 2017. Mr Walker expressed the view that the Council would bring in more money overall from CIL because Section 106 had largely only been applied to large development schemes.

Mr Smith stated that officers could potentially report back to the Committee from autumn 2017 after CIL had been in place for over a year and it could then be seen what impact it was having. Officers would also be able to provide some feedback on the CIL review (the Government had recently published a report of an independent review of CIL which had proposed its replacement by a 'local infrastructure tariff' and the Government had said they would respond to this in the autumn budget). Mr Smith added that officers would be undertaking work to lobby the Government and provide some input on the Council's experience of CIL to date.

5.5 **ACTION:** The following actions arose:

- That planning officers write to the 2014 intake of Westminster Councillors to inform them of the planning training available (John Walker, Director of Planning).
- That Councillor Astaire, Mr Smith and Mr Walker be requested to consider how often and in what format an update on progress regarding delivering housing, including affordable housing, through the planning process is provided to the Committee (also Madeleine Hale, Senior Cabinet Officer).
- The WPA to be consulted as to whether it might be willing to consider contributing financially towards the Council maintaining a record of the development management (planning application) process (John Walker, Director of Planning).
- That it be checked that the Ward Councillors including Councillor Scarborough receive a list of applications which are due to be considered at future planning committee meetings (John Walker, Director of Planning).

5.6 **RESOLVED:**

1. That the Committee note current planning developments and the planning process at WCC.
2. That the priorities of the Cabinet Member for Planning and Public Realm be noted; and,
3. That changes to the external environment that will impact on WCC be noted.

6. **PRESS RELEASES**

- 6.1 The Committee decided not to produce a press release in relation to the items on the agenda.

7. **UPDATE ON THE WORK PROGRAMME**

- 7.1 Members of the Committee were requested in the report to suggest any items of interest to add to the Work Programme. Members recommended the following items:
 - Business Rates – this was currently scheduled for the next meeting in May. The Chairman requested that in order to make the item viable expert witnesses would need to be available such as Sir Peter Rogers, Chairman, New West End Company.
 - Placeshaping – potentially the next meeting in May.

- Baker Street Two Way and 20 miles per hour trial areas – potentially June 2017.
- Broadband – potentially September 2017.
- Night Tube – potentially September 2017 (one year after the Night Tube commenced).
- Pedestrianisation of Oxford Street – potentially September 2017.
- Crossrail 2 – potentially November 2017 or February 2018.
- Cycling Strategy – including an update on progress of the Cycling Superhighways.
- Topics within the City Plan to be considered at the pre-consultation stage.
- Support for the forums undertaking Neighbourhood Planning – potentially during February / April 2018.
- Street Markets (Cabinet Member for Business, Culture and Heritage portfolio).
- The service provided to customers by the utilities such as Thames Water / UK Power Networks – potentially February 2018.

7.2 Muge Dindjer, Policy and Scrutiny Manager, advised Members of the Committee that they have the option to establish task groups and that there is a small scrutiny research budget should the Committee wish to commission some external work. She would be consulting the Cabinet Members on other potential topics for the Work Programme and would provide a more detailed Work Programme for the next meeting of the Committee in May.

7.3 The Chairman recommended to his Committee colleagues that they contact Ms Dindjer if they have any further items for inclusion in the Work Programme. It was agreed that Ms Dindjer would consult Councillor Astaire and the relevant officers as to the potential for a task group on parties which make representations in respect of planning applications being able to address the planning committees. 'Assets of community value' and in particular the policies towards pubs was also proposed as a potential task group.

7.4 **ACTION:** The following actions arose:

- Councillor Chalkley and the relevant officers to be consulted as to whether it was appropriate timing to consider Baker Street Two Way and 20 miles per hour trial areas at the 7 June meeting (Muge Dindjer, Policy and Scrutiny Manager, Councillor Danny Chalkley, Cabinet Member for City Highways and Sion Pryse, Cabinet Officer).

- Councillor Chalkley and the relevant officers to be consulted on the appropriate timing regarding an update on the Cycling Superhighways (Muge Dindjer, Policy and Scrutiny Manager, Councillor Danny Chalkley, Cabinet Member for City Highways and Sion Pryse, Cabinet Officer).
- Councillor Astaire and the relevant officers to be consulted as to the potential for a task group on parties which make representations in respect of planning applications being able to address the planning committees (Muge Dindjer, Policy and Scrutiny Manager, Councillor Daniel Astaire, Cabinet Member for Planning and Public Realm, Madeleine Hale, Senior Cabinet Officer and John Walker, Director of Planning).
- Councillor Astaire, the relevant officers and Councillor Crockett to be consulted on the potential for a task group on assets of community value / pubs (Muge Dindjer, Policy and Scrutiny Manager, Councillor Daniel Astaire, Cabinet Member for Planning and Public Realm, Madeleine Hale, Senior Cabinet Officer and Barry Smith, Head of City Policy & Strategy).
- The Committee requested a document setting out the respective stages that the Neighbourhood Forums are at (Muge Dindjer, Policy and Scrutiny Manager, Councillor Daniel Astaire, Cabinet Member for Planning and Public Realm and Madeleine Hale, Senior Cabinet Officer).
- Councillor Glanz and the relevant officers to be consulted on progress on broadband (Muge Dindjer, Policy and Scrutiny Manager and Councillor Jonathan Glanz).
- That expert witnesses are invited to attend the May meeting in order to address the Committee on business rates (Muge Dindjer, Policy and Scrutiny Manager).

7.5 **RESOLVED:** That (i) the potential unallocated items be noted; and

That (ii) an updated Work Programme, taking into account the Committee's proposed items, be provided for the next meeting of the Committee in May.

8. ANY OTHER BUSINESS

8.1 There was no additional business for the Committee to consider.

9. DATES OF FUTURE MEETINGS

9.1 The dates of future meetings are 8 May 2017, 7 June 2017, 13 September 2017 and 15 November 2017.

10. CLOSE OF MEETING

10.1 The meeting ended at 8.07p.m.

Chairman: _____ Date: _____



Business, Planning and Transport Policy and Scrutiny Committee Briefing

Committee date: 8th May 2017

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

1.1. In February, the Council received applications for 86 additional telephone boxes on our busy streets. It is clear the company behind them only want the phone boxes so they can install advertising which they can do without any further consent from the Council. My officers have refused all the applications but I have no doubt they will be challenged through the planning appeal process. I have written to the Secretary of State for Communities and Local Government as well as the CEO of Ofcom raising the issue and seeking changes in legislation to stop phone boxes from being erected to merely house advertising.

2. Westminster World Heritage Site

2.1. Last month UNESCO sent a delegation to look at the Westminster World Heritage site. Three days were devoted to presentations and visits to all the buildings within and around the site. The inspectors were particularly interested in and concerned over the amount of tall buildings granted across the river at Nine Elms amongst other places. A report will be made available next month before the UNESCO World Heritage committee meet to discuss the future of the World Heritage site.

3. Workload and Recruitment

- 3.1.** In my last report I flagged the number of vacancies in Development Planning whilst the workload remains high. Interviews are currently taking place to fill these posts. As some of our junior planning officers have been promoted to fill the posts, recruitment to fill the junior positions is on-going.

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.
- 1.2.** 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 referendums of businesses and residents for approval. The council has consulted on the proposed designation and the consultation period ended on 20th April 2017.
- 1.3.** A report will be compiled on the response as well as the final decision on designation and will be issued to the committee.
- 1.4.** 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 have continued 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.
- 1.5.** 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 has taken some time to actually collect appreciable revenue. At time of writing we have sent 150 liability notices in respect of developments granted planning permission which are liable to pay Westminster CIL, for a total amount of £38,676,318.
- 2.3. CIL becomes payable when development commences on site, when we issue a demand notice. To date we have issued 37 demand notices for a total amount of £9,926,249. Of this sum, we have received a total of £2,564,232. Larger developments can opt to pay by instalment, so there is currently an outstanding sum of £7,362,017 that will be payable between now and the end of March 2018.
- 2.4. The Cabinet approved arrangements for governance of CIL - and in particular for decisions about the spending of CIL revenue – at its 20th February meeting. It agreed to the establishment of a Cabinet CIL Committee, which I will chair, 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.
- 2.5. 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.
- 2.6. Alongside the recent Housing White Paper, the Government 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. ~
- 2.7. Going forward, we are 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” Consultation update

- 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 was issued for consultation at the end of last month.
- 3.2. The consultation is wide ranging and growth will be discussed with key stakeholders including Heritage England, the Business Improvement Districts and Westminster amenity societies over the course of the consultation. An

engagement program for younger residents is also being implemented. A second batch of booklets was distributed to our 14 libraries last week.

- 3.3.** To date we have received 121 responses mainly from Westminster residents. The early results show that design excellence is a key consideration regarding tall buildings for 83.2% of the respondents. About 48% agrees with a broad perspective on growth and 88.5% believes that Westminster's distinctive character and heritage should be retained, enhanced and that new development should contribute to a strong identity of place. The results may change and I will report on the final results in due course.
- 3.4.** We will use the comments received to help draw up City Plan and other policies, give it a spatial dimension 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 to help 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 started consultation on draft supplementary planning guidance entitled "Culture and the Night Time Economy". This covers:
- Protection of pubs
 - Sustaining existing venues and providing new creative work and performance spaces and related facilities in areas of defined need
 - Encouraging a wider range of evening and night time activities
 - Extension of the "agent of change" principle (under which new development should seek to manage noise without imposing unreasonable restrictions on established businesses and cultural venues)

- Management of strategic clusters of night-time uses in central London (including Soho/Covent Garden)
- Strategic cultural areas and quarters (including the area around the Royal Albert Hall)
- Planning and licensing
- Transport
- Safety and security
- Environmental services.

5.3. The Mayor has asked for comments by 31 May.

6. Pubs

6.1. The Government has amended the Neighbourhood Planning Bill to include an explicit commitment to make 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 [pubs and other drinking establishments] to a use of a kind specified in that order”. The only exception would be 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. Permitted development rights allowing for the demolition of buildings used (or last used) as a pub will also be removed.

6.2. Once these changes are made the current provisions restricting changes of use or demolition of pubs designated as assets of community value will also be lifted, as they will no longer be required.

6.3. This will have the effect of requiring planning applications for most changes of use of pubs. We will examine the regulations eventually brought forward to ensure they actually deliver on the commitments that have been made but on its face, this announcement would substantially remove the requirement to make an Article 4 Direction.

24th April 2017

If you have any queries about this report or wish to inspect any of the background papers please contact Madeleine Hale x 2621 mhale@westminster.gov.uk

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Business, Planning and Transport Policy and Scrutiny Committee

Date:	Monday 8 th May 2017
Classification:	General Release
Title:	Update on work programme and Action Tracker
Report of:	Julia Corkey-Director of Policy, Performance and Communications
Cabinet Member Portfolio	Deputy Leader / Cabinet Member for Business, Culture and Heritage Cabinet Member for City Highways Cabinet Member for Planning and Public Realm
Wards Involved:	All
Policy Context:	Building Homes and Celebrating neighbourhoods World Class Westminster Smart Council
Report Author and Contact Details:	Muge Dindjer x2636 mdindjer@westminster.gov.uk

1. Executive Summary

This report provides a draft work programme for the Committee for the new municipal year. It incorporates the suggestions made by members at the last committee. The Chairman has expressed a wish to have single item meetings, some prioritisation would be necessary to achieve this. The report also reminds Members of the portfolios they are scrutinising and provides some good practice for prioritising items should the committee wish to stick to single item agendas.

An update on the Action Tracker is also provided.

2. Key Matters for the Committee's Consideration

Committee is asked:

1. Review the draft list of suggested items

2. Use the suggested prioritisation criteria to discuss and agree a work programme for 2017/2018.
3. Note the action tracker.

**If you have any queries about this Report or wish to inspect any of the
Background Papers please contact Muge Dindjer x2636**

mdindjer@westminster.gov.uk

3. Scope and remit of the committee

3.1 Under Section 21 of the Local Government Act 2000 local authorities are required to appoint at least one committee to provide overview and scrutiny. In Westminster there are four committees which are termed Policy and Scrutiny committees, recognising their contribution to pro-active policy and strategy development as well as reviews of existing services and policies. Scrutiny acts as a 'critical friend' to Council departments and Cabinet Members.

3.2 The Business, Planning and Transport Policy and Scrutiny Committee scrutinises the portfolios of; the Deputy Leader and Cabinet Member for Business, Culture and Heritage, the Cabinet Member for Planning and Public Realm and the Cabinet Member for City Highways. Their respective portfolios are described below.

3.3 Deputy Leader and Cabinet Member for Business, Culture & Heritage – Cllr Robert Davis MBE DL

Deputy Leader

Mayoralty; Special Projects (e.g. key WEP Projects, Oxford Street, Hanover Square, etc.); Harrow Road; City Hall; Chair of Oxford Street Steering Group; Responsibility for City Urban Design Strategy.

Business, Culture & Heritage

Placeshaping; BIDs; Business Support; SMEs; Economic Development; Adult Education; Skills; Employment; Training/Apprenticeships; City Promotion, Events & Filming; Theatres; West End Live; Arts; Tourism; Public Art; Markets.

Cabinet Member for Planning & Public Realm – Cllr Daniel Astaire

Planning Policy & City Plan; London Plan; Building Control; Street Naming; DOFs; CPOs; London Local Authorities Act 2007; Trees & Tree Policy; Grants Relating to Planning; Public Realm Public Works including Street Furniture & Street Improvements; PPA oversight; CIL; Neighbourhood Area Action Plans.

Cabinet Member for City Highways – Cllr Danny Chalkley.

Roads & Highway Maintenance; Transportation Commissioning; Small Transportation Budget; Highway Capital Projects; Relations with TfL; Road Safety; RTA Duties; Network Management Duties; Relations with Utilities & Providers; Transportation Policy; Parking Policy & Enforcement; Parking CCTV; Safe Streets; Cycling Strategy; Pedestrian Strategy; School Crossing Patrols

4. Developing the work programme

- 4.1 The process for developing the work programme starts in February/March time. It is suggested that Scrutiny should focus on what is important to the City, on how it can support success towards our existing commitments and also to focus on opportunities for improvement where services are not meeting stated objectives or performance indicators.
- 4.2 The Policy and Scrutiny Committee has the option to establish task groups and single member enquiries where the subject merits a more in depth study entailing the need for research and detailed examination.
- 4.3 A long list of potential items has been developed based on Member preference (Appendix 1) for the committee’s consideration.
- 4.4 There is a soft cap of two items per meeting in order to allow the committee to give appropriate consideration to the items on the agenda. However the Chairman has expressed a wish for single item committees. For those issues where the committee would like to do a more in-depth review, tasks groups or single member studies can be established. One of these can be resourced at any one time.
- 4.5 Given the number of items on the long-list is greater than the time available for the committee to consider them, the following criteria¹ are suggested to assist the committee with prioritising items for the work plan.

Public Interest:	The concerns of local people should influence the issues chosen for scrutiny (City for All annual resident survey)
Ability to change:	Priority should be given to issues that the committee can realistically influence.
Performance:	Priority should be given to the areas in which the Council or other agencies are not performing well.
Extent:	Priority should be given to issues that are relevant to all or large parts of the City
Replication:	Work programmes should take account of what else is happening in the areas being considered to avoid duplication or wasted effort.

¹Taken from the 2011 Centre for Public Scrutiny report ‘A Cunning Plan?’



4.6 In addition to the criteria above the committee may also wish to consider the following questions when assessing the overall work programme:

- Is the work programme **balanced**? Is the planned work evenly spread over the municipal year and are the topics balanced in terms of the scope of the Committee's remit and the three portfolios being scrutinised?
- Is the work programme too **onerous**? It is important to hold some capacity in reserve for any urgent issues that might arise.

5. **2017/2018 Meeting Dates**

12th June 2017- N.B. this date has been amended to take account of the general election.

13th September 2017

15th November 2017

8th February 2018

12th April 2018

APPENDICES: Appendix 1-Draft Work Programme
Appendix 2- Action Tracker



Business, Planning and Transport Policy and Scrutiny Committee

Work Programme 2017/18 ROUND SIX (8 MAY 2017)		
Agenda Item	Reasons & objective for item	Represented by:
Cabinet Member Q&A	To hold to account and review the activity of the Cabinet Member.	<ul style="list-style-type: none"> Councillor Robert Davis MBE DL Deputy Leader and Cabinet Member for Business, Culture and Heritage
Baker Street two way system	Officer Update	<ul style="list-style-type: none"> Graham King

Work Programme 2017/18 ROUND ONE 12 JUNE 2017		
Agenda Item	Reasons & objective for item	Represented by:
Cabinet Member Q&A	To hold to account and review the activity of the Cabinet Member.	<ul style="list-style-type: none"> Councillor Danny Chalkley- Cabinet Member for City Highways- tbc
Place Shaping	A report outlining current work programme for the Committee	<ul style="list-style-type: none"> Sarah Tanburn Ed Watson

Business rates	An examination of the impact of revaluation on Westminster Businesses.	<ul style="list-style-type: none"> • Martin Hinckley
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Work Programme 2017/18 ROUND TWO (13 SEPTEMBER 2017)		
Agenda Item	Reasons & objective for item	Represented by:
Cabinet Member Q&A	To hold to account and review the activity of the Cabinet Member.	
Building Height: Getting the right growth for Westminster	To review the results of the consultation and consider policy proposals. This item could include a site visit.	Barry Smith Head of City Strategy and Policy
Broadband update	To receive an update since the last appearance at Committee in February 2016	David Wilkins Councillor Glanz as witness
Work Programme		

Work Programme 2017/18 ROUND THREE (15 NOVEMBER 2017)		
Agenda Item	Reasons & objective for item	Represented by:
Cabinet Member Q&A	To hold to account and review the activity of the Cabinet Member.	Robert Davis?

Community Infrastructure Levy	Review of the first year's operation	Barry Smith Andrew Barry-Pursell
The Pedestrianisation of Oxford Street	To inform committee of the plans	Graham King
Work Programme		

**Work Programme 2017/18
ROUND FOUR (8 FEBRUARY 2018)**

Agenda Item	Reasons & objective for item	Represented by:
Cabinet Member Q&A	To hold to account and review the activity of the Cabinet Member.	
London's Local Plans- are they supporting Neighbourhood Planning		Barry Smith
The service provided to customers by the utilities	To include Thames Water and UK Power Networks	Graham King

Crossrail 2		Graham King
Work Programme		

**Work Programme 2017/18
ROUND FOUR (12 APRIL 2018)**

Agenda Item	Reasons & objective for item	Represented by:
Cabinet Member Q&A	To hold to account and review the activity of the Cabinet Member.	
Evaluation of 20mph zones		Kevin Goad
Work Programme		

UNALLOCATED ITEMS		
Agenda Item	Reasons & objective for item	Represented by:
PLANNING'S ROLE IN DELIVERING MORE AFFORDABLE HOUSING		
THE APPRENTICESHIP LEVY?		
Cycling Strategy	Update on delivery to include progress of the Cycling Superhighways	Stuart Love
Street Markets		Stuart Love/ Ed Watson
Westminster Employment Service	Update on new service now it has been launched	Tom Harding

Other items that the Committee may be interested in from parliamentary committees, City for All priorities or performance risks include:

- The Digital Economy Inquiry which was published in July 2016 and to which the government has not yet responded
- Establishing world class connectivity through the UK/CMS- published in July 2016 with no government response to date
- The Gig and Sharing Economy Charter- City for All priority- does scrutiny want to contribute to/scrutinise its development?
- Budgetary pressures in development planning identified in the performance report- a decrease in pre application advice requests and external competition.

These could be achieved by way of integrating into existing items, requesting a briefing note or taking as separate items to examine implications for Westminster.

TASK GROUP
<p>The impact of the night tube one year after operation-September 2017? This issue covers this committees portfolio but also that of Adults, Health and Public protection re Noise, ASB etc. A one off joint task group meeting is suggested in September/October 2017 with the item being led by Colin Mann of TfL who has agreed in principle to attend a meeting.</p> <p>Potential task group on ACV's/Pubs- the government has decided to remove permitted development rights form pubs so the article 4 debate will become obsolete.</p> <p>Potential task group on public having speaking rights at planning committees – Cllrs Astaire & Beddoe are being consulted.</p>

Action Tracker March 2017		
Agenda Item	Reasons & objective for item	Follow Up
Item 4- Cabinet member Update	That a written response is provided to the Committee in relation to the questions 'how many planning committee decisions had been contrary to the officers' recommendations over the previous two years? How many cases were won on appeal?'	Completed Response sent to Committee on 27.4.17
	That Councillor Astaire contacts Councillor Alexander about developments in the Marylebone Road area (Councillor Daniel Astaire, Cabinet Member for Planning and Public Realm and Madeleine Hale, Senior Cabinet Officer).	Requested
	That a response be sought from Councillor Chalkley in respect of Councillor Scarborough's question on the twenty mph trial scheme (Councillor Danny Chalkley, Cabinet Member for City Highways and Sion Pryse, Cabinet Officer) and the answer circulated to the Committee.	These will go live in May 2017 and run for 6 months. Suggested that committee be updated via the cabinet member report in the Autumn and the evaluation will be in Q4. Map of schools/zones distributed to committee.
Item 5- Planning Report	That planning officers write to the 2014 intake of Westminster Councilors to inform them of the planning training available	Completed
	That Councillor Astaire, Mr. Smith and Mr. Walker be requested to consider how often and in what format an update on progress regarding delivering housing, including affordable housing, through the planning process is provided to the Committee.	Requested

	The WPA to be consulted as to whether it might be willing to consider contributing financially towards the Council maintaining a record of the development management (planning application) process.	To be flagged at the next liaison meeting on 28.6.17
	That Councillor Scarborough is included in the list of councillors to receive a list of applications which were being considered at future planning committee meetings	Completed
Item 7- Work Programme	Councillor Chalkley and the relevant officers to be consulted as to whether it was appropriate timing to consider Baker Street Two Way and 20 miles per hour trial areas at the 7 June meeting	Baker Street two way system coming to May meeting. Officers are drafting a briefing note now on 20mph trial areas but evaluation of schemes won't be ready until Feb 2018 as not yet commenced and will run for 6 months.
	Councillor Chalkley and the relevant officers to be consulted on the appropriate timing regarding an update on the Cycling Superhighways	Requested
	Councillor Astaire and the relevant officers to be consulted as to the potential for a task group on parties which make representations in respect of planning applications being able to address the planning committees	Requested
	Councillor Astaire, the relevant officers and Councillor Crockett to be consulted on the potential for a task group on assets of community value / pubs.	Officers have responded to say no longer appropriate - Government have announced they will remove permitted

		development rights for pubs.
	The Committee requested a document setting out the respective stages that the Neighbourhood Forums are at	Completed sent to Committee on 27.4.17
	Councillor Glanz and the relevant officers to be consulted on progress on broadband.	Councillor Glanz has agreed to be a witness for the meeting considering this item in September
	That expert witnesses are invited to attend the May meeting in order to address the Committee on business rates.	Sir Peter Rogers has agreed to attend June meeting and this item has been moved to June.