



CITY OF WESTMINSTER

MINUTES

Business, Planning and Transport Policy and Scrutiny Committee

MINUTES OF PROCEEDINGS

Minutes of a meeting of the **Business, Planning and Transport Policy and Scrutiny Committee** held on **Tuesday 21st March, 2017**, Rooms 1A, 1B & 1C - 17th Floor, Westminster City Hall, 64 Victoria Street, London, SW1E 6 QP.

Members Present: 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

Apologies for Absence: Councillor Louise Hyams

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 THE CHAIRMAN CONSIDERS URGENT

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.

The Meeting ended at 8.07 pm

CHAIRMAN: _____

DATE _____