



CITY OF WESTMINSTER

# MINUTES

## City Plan Sub-Committee

### MINUTES OF PROCEEDINGS

Minutes of a meeting of the **City Plan Sub-Committee** Committee held on **Wednesday 22nd July, 2015**, Rooms 3 & 4 - 17th Floor, City Hall.

**Members Present:** Councillors Peter Freeman (Chairman), Tony Devenish, Jonathan Glanz and David Boothroyd

**Apologies for Absence:** Councillor Andrew Smith

#### 1 MEMBERSHIP

- 1.1 It was noted that Councillor Andrew Smith had replaced Councillor Tim Mitchell.

#### 2 DECLARATIONS OF INTEREST

- 2.1 Councillor Boothroyd declared that he is Head of Research and Psephology for Thorncliffe, whose clients are companies applying for planning permission from various local authorities. He explained that no current clients are in Westminster and if there were he would be precluded from working on them under the company's code of conduct.

#### 3 MINUTES

##### RESOLVED:

That the minutes of the meeting held on 15 April 2015 be signed by the Chairman as a correct record of proceedings.

#### 4 CITY PLAN REVISIONS UPDATE - SPECIAL POLICY AREAS AND ENERGY

- 4.1 The Sub-Committee had before them a report setting out draft proposals for the revision of Special Policy Areas (SPAs). The Chairman then invited initial comments from Members.

- 4.2 Councillor Glanz referred to the East Marylebone SPA and commented on the significantly diminished activity for wholesale showrooms that the SPA sought to protect. He felt that as it would be difficult to continue to let premises for this use in the area that consideration should be given to either reducing the area of the SPA or even removing it altogether. He commented that it may be time for market forces to have their due influence and shape the future of East Marylebone accordingly. In terms of what could replace wholesale showrooms, he suggested that art galleries may be an example of an alternative use as such businesses were looking for additional space as they sought locations north of Oxford Street. Councillor Glanz also sought clarification in respect of loss of office space when the building was originally residential in the Core Central Activity Zone (CAZ) and in one of the Named Streets or Opportunity Areas.
- 4.3 Councillor Boothroyd acknowledged that wholesale showrooms were struggling in the current economic climate, however some businesses continue to survive and also attracted passing trade. He suggested reducing the SPA to an 'H' shape with Great Portland Street and Great Titchfield Street marking the borders. He added that there were also some vacant properties in the north area of the SPA that could be exploited. Councillor Boothroyd enquired if there was any other protection for wholesale showrooms outside the SPA. He suggested that the SPA would encourage landlords to keep rents down and prevent the number of empty shop fronts from increasing and enquired whether there was a trade body for wholesale businesses. He also enquired whether proposals for a 'non-immediate' Article 4 Direction was being pursued.
- 4.4 Councillor Devenish felt that it would be difficult to continue with the East Marylebone SPA in view of the current economic climate and that emphasis should instead be on focusing on usages that could realistically be protected. He also suggested that there be public consultation on what can replace wholesale showrooms. Councillor Devenish added that the overall trend in terms of national legislation was for deregulation. He sought an explanation as to how the Code of Construction Practice costs were calculated. Councillor Devenish also emphasised the importance of engaging with the estates and ensuring that the principles set out in the Leader of the Council's vision for the West End were included in the policy.
- 4.5 The Chairman acknowledged that a number of wholesale showrooms had ceased trading in the East Marylebone SPA because of the challenging economic circumstances. He concurred that there should be public consultation on what could replace wholesale showrooms. He asked whether there was any other scheme that might redress the issues facing wholesale showrooms. The Chairman also sought clarification as to whether local land and property owners had been consulted in respect of the future of East Marylebone SPA and emphasised the need to take a proactive approach.
- 4.6 In reply to the issues raised, Collete Willis (Principal Policy Officer, Spatial Planning) advised that the future of the East Marylebone SPA had been discussed recently by the West End Partnership. She advised Members that when considering the future of the East Marylebone SPA, that they should

take into account any potential impact on other parts of Westminster if it was to be removed. She advised that attempts to provide protection in SPAs was afforded where it was felt a particular use added character to an area. Consideration could also be given to a City wide approach. Collete Willis confirmed that there were no other schemes at present that could help protect wholesale showrooms and that there was no trade body representing these businesses.

- 4.7 Lisa Fairmaner (Head of Spatial and Environmental Planning) advised that the report took a fresh look at the East Marylebone SPA and sought to ensure there were active frontages. Consideration could also be given as to whether there should be a wider policy for showrooms and whether there should be a more 'hands off' approach and whether other issues needed to be factored in. Lisa Fairmaner advised that with regard to calculating Code of Construction Practice costs, this took into account all that was provided in the service, such as monitoring costs and that it was a cost recovery service. She added that she would circulate the cost calculating table to Members. Lisa Fairmaner also advised Members that the 'non-immediate' Article 4 Direction had been made on 21 July 2015 and would be implemented, subject to it not being called in by the Secretary of State. She advised that loss of office space in respect of the Core CAZ Named Streets and Opportunity Areas could be made as an exception where the building had been originally built as residential and where it was considered that there was still sufficient office space in the area. Lisa Fairmaner added that policy was being amended to reflect the Cabinet Member for the Built Environment's statement on protection of office space.
- 4.8 The Chairman sought Members final views with regard to the future of the East Marylebone SPA. The Committee felt that the Marylebone SPA retention of wholesale showrooms was unsustainable and should therefore be withdrawn. Members also agreed that there be more public consultation, including with local land and property owners and the estates about what alternative uses could be encouraged in the area.

## **5 REVISIONS FOR BASEMENTS AND MIXED USES**

- 5.1 The Chairman introduced this item and acknowledged that basements were a significant issue for many residents in Westminster. He then invited comments from Members.
- 5.2 Councillor Devenish commented that he felt the wording in the policy paper was overly complex and the use of planning language made it more difficult for the public to understand. He suggested that drawings setting out the changes be produced to help make it clearer what these changes were. Councillor Devenish suggested that Communications be approached to help make the language simpler, clearer and to the point. Efforts should also be made to manage residents' expectations as to what the revisions to basements could achieve. Councillor Devenish, in acknowledging that basements were also a significant issue in the neighbouring Royal Borough of Kensington and Chelsea, suggested it may be useful to invite their Chairman

and officers of their Planning Committee to a future City Plan Sub-Committee meeting.

- 5.3 Councillor Glanz referred to the cumulative impact of basement construction on residents, particularly when multiple basement constructions were taking place on the same street at the same time and he suggested that management arrangements in terms of the works could be looked at. He also enquired whether the Royal Borough of Kensington and Chelsea's Code of Construction Practice costs were based on cost recovery.
- 5.4 Councillor Boothroyd stated that the fact that it could take up to three years for a basement development to be completed was a major concern to neighbours, although the Code of Construction Practice did place some control over basement developments. He suggested that the requirement that a detailed structural methodology statement and appropriate certification by a suitably qualified engineer be tightened so that it must be independently assessed by an engineer rather than an applicant appointing their own engineer. Councillor Boothroyd also agreed that drawings could be useful in explaining the basements revisions.
- 5.5 The Chairman referred to the problems generated by there being multiple basement constructions on the same street at the same time and that this could also give rise to issues such as water tables. The Chairman added that there were many cases where basement developments had not proceeded despite planning permission being given over 18 months before, and this could sometimes exacerbate the impact, particularly if when construction finally commenced, other newer permissions were also being built. The Chairman welcomed the future publication of the revised policy on basements which would show proactive steps the Council was making to address this issue. He added that residents were expecting to see the revised basement policy before the end of 2015.
- 5.6 In reply to the issues raised, Lisa Fairmaner acknowledged the need to present a clear message as to what the proposed revised basement policy meant and a press release had been agreed with Communications. She stated that a requirement to appoint an independent engineer in respect of the providing a detailed structural methodology statement and appropriate certification would bring about additional costs. However, it was expected that the detailed structural methodology statement and the Code of Construction Practice would help limit the impact of the development on neighbours. Lisa Fairmaner advised that the Code of Construction Practice was costed and she would clarify if the Royal Borough of Kensington and Chelsea's was based on cost recovery.
- 5.7 Members then discussed the mixed use revisions. Councillor Devenish enquired how the figure of 58,000 new jobs between 2016/17 and 2036/27 had been arrived at in terms of calculating the additional floorspace capacity target for S20 offices and other B1 floorspace. He suggested that the language used to describe protection of offices policy and Payment in Lieu for affordable housing be made clearer and sought further information on the Civic Enterprise Fund, stating that the reasons for having it and what it was for

should be explained. Councillor Devenish suggested that providing further details of densification, including comparisons with other London boroughs, would be useful.

- 5.8 Councillor Glanz stated that there were often sound reasons why some mixed uses should not share the same building or access point and that this needed to be taken into account in drafting the mixed uses revisions. He sought officers' views on whether Payment in Lieu provided the appropriate affordable housing payments.
- 5.9 In reply to the issues raised, Lisa Fairmaner stated that the additional floorspace capacity target for new jobs was based on Greater London Authority projections and the Council's West End booklet. The figures would be used to help balance delivery of housing targets and also so the Council could identify when it could allow office space losses. The floorspace targets were designed to provide capacity for the projected additional jobs. Lisa Fairmaner advised that the current methodology for calculating Payment in Lieu affordable housing costs undervalued the cost of housing provision, however the methodology for calculations of these payments was being reconsidered. She informed the Sub-Committee that the London Borough of Wandsworth's methodology, which was cost neutral regardless of whether affordable housing was provided on or off site, was under consideration. The London Borough of Richmond had also recently adopted a similar approach. Lisa Fairmaner advised that the Civic Enterprise Fund came under the Cabinet Member for Housing, Regeneration, Business and Economic Development and it funded schemes such as Soho Creates. The Civic Enterprise Fund was also part of the Economic Development Strategy that was currently being revised. Members heard that the Tall Buildings Study could potentially identify opportunities for densification.
- 5.10 Councillor Boothroyd commented that not only tall buildings provided densification, but other well designed buildings could also provide a high number of units. He felt that the calculation of total floorspace capacity targets was simplistic as floor space per job will change and a more accurate estimation could be achieved through constant monitoring. He expressed concern about the relaxation of mixed use policy and he questioned whether excluding retail, hotel and private gyms was the way forward.
- 5.11 The Chairman enquired whether realistically the housing targets could be met and when would any new housing targets be agreed, adding that an early agreement was desirable.
- 5.12 In reply, Louise Fairmaner advised that around 95% of the housing target would be met based on past delivery, and that this included a range of housing including student housing. The housing target was contained within the London Plan. The revised housing targets would be fast tracked, however there would be an early review of these and this would go through the appropriate policy frameworks, looking at not just additional housing but also delivery of affordable housing. Louise Fairmaner added that the London Plan was susceptible to changes and it was quite probable that a revised housing target would be set. The Sub-Committee heard that rolling revisions to targets

may become more frequent in the future. Louise Fairmaner confirmed that the London Plan targets also required the agreement of the Council.

- 5.13 Members noted that the consultations on basement revisions and mixed use revisions would end on 7 September 2015. It was agreed that there be updates on basement revisions and mixed use revisions at the next meeting, subject to consultation with the Cabinet Member for the Built Environment and the Cabinet Member for Housing, Regeneration, Business and Economic Development. Members also requested that the Payment in Lieu affordable housing payments methodologies for the London Boroughs of Wandsworth and Richmond be circulated.

The Meeting ended at 7.45 pm

**CHAIRMAN:** \_\_\_\_\_

**DATE** \_\_\_\_\_