



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 15th April, 2015**, Rooms 3 & 4, 17th Floor, Westminster City Hall.

Members Present: Councillors Peter Freeman, Tony Devenish, Jonthan Glanz, Tim Mitchell and David Boothroyd

Also Present: Lisa Fairmaner (Head of Spatial & Environmental Planning), Nina Miles (Principal Policy Officer) and Joe McBride (Committee & Governance Officer)

1 MEMBERSHIP

No change.

2 DECLARATIONS OF INTEREST

Councillor Boothroyd declared that he is Head of Research and Psephology at Thorncliffe and has meetings with residents and developers throughout Westminster in that capacity.

Councillor Devenish declared that he works in the development and construction industry but that his work is conducted outside Westminster.

3 TERMS OF REFERENCE

The terms of reference were approved.

4 BASEMENTS REVISION

4.1 The Chairman welcomed Members to the first meeting of the City Plan Sub-Committee and thanked officers for their work in preparing the report. He invited Members to raise any issues they may have with the 'Basements Revision' item of the report.

4.2 Cllr Boothroyd raised the point that the revisions allow for basements to be constructed one floor below the original floor level. He asked for clarification in regard to buildings that already contained a basement. Nina Miles (Principal Policy Officer) replied that the policy would permit another basement in such cases because existing basements will likely be within the existing footprint of

the building and will not encroach on the garden.

- 4.3 Cllr Boothroyd also noted that K&C ruled out basements in all listed buildings and asked if our policy would seek to follow suit. Nina Miles responded that the restrictions imposed by Kensington and Chelsea (K&C) stem largely from the fact that their properties comprise mainly of larger terraced houses. After consultation with the Council's Design and Conservation, a similar approach in Westminster was not considered appropriate because of the more varied typology of buildings located in the borough.
- 4.4 Cllr Devenish noted the prevalence of basements in his ward. He highlighted the need to manage the expectations of what the Council can actually do to prevent basement excavation in the absence of genuine localism. Cllr Devenish agreed that a distinction should be made between listed and unlisted buildings and would like to see the following three things from the Council's new policy:
1. A limit on 'garden grabbing' applications
 2. Greater examination of the footprint of the property
 3. Greater emphasis on Construction Management Plans to manage expectations
- 4.5 Cllr Devenish also felt that it would be useful to invite external parties (landowners, developers, K&C and residents' associations) to meetings of the Sub-Committee in future. Cllrs Glanz and Mitchell agreed that while it would be useful to canvass widely it would be unwise to delay proceedings too much by inviting a host of external stakeholders. Lisa Fairmaner (Head of Environmental and Spatial Planning) confirmed that the Council has received hundreds of written responses to the consultation that could be made available to Members before the next meeting.
- 4.6 Cllr Glanz sought clarification that the term "extension under the highway" applied to pavement *and* roadway. Nina Miles confirmed that this would be possible in certain circumstances. Cllr Glanz stated that this could provide an opportunity to improve ducting in certain locations. A further opportunity noted by Cllr Glanz was the creation or improvement of ground source heating. Nina Miles agreed that this was highly relevant and reference has been made to this in the Council's Renewable Energy Policy.
- 4.7 Cllr Tim Mitchell noted the potential advantages of having off-street car parking and planting equipment in basements. He recognised the nuisance caused by construction but thought that the Committee should recognise the long-term benefits from having larger basements in certain circumstances. Cllr Devenish agreed with this point and sought clarification on whether the single story extension policy would apply to commercial and business properties. Nina Miles confirmed that the policy will apply only to existing residential buildings or those originally built for residential purposes. It will not apply to new builds, redevelopments or those designed for commercial purposes.
- 4.8 Lisa Fairmaner highlighted the on-going building works in the West End and Soho as an example of an area where the construction of basements is

having an adverse effect on business. This had led officers to question whether it is appropriate to restrict the policy solely to residential buildings.

- 4.9 Cllr Tim Mitchell felt the issue of what constitutes 'proximate' is difficult to define. He highlighted the example of a property in Victoria Street affected by noise and vibration transfer up to 100 metres away from the building works. Cllr Peter Freeman agreed with this point and felt that more consideration needs to be given to the subterranean elements of a planning application before consent is agreed. Cllr Freeman highlighted examples of gardens in neighbouring properties being flooded in his ward. Nina Miles accepted that this is an area for further consideration in the proposed policy. She explained that an independent structural methodology has been suggested to require examination of both the site-specific ground conditions and the cumulative impact of work that may already have taken place in the area. Cllr Freeman stressed the need for this type of independent verification to be included in the final policy so to provide residents with assurance that due diligence has been completed before work begins on a property.
- 4.10 Cllr Tony Devenish felt that it would be a good idea for the Council's Communications team to examine K&C's basement policy and explain this in non-technical language for the benefit of Westminster residents and Members. Lisa Fairmaner agreed that this would be beneficial and also suggested that a workshop with relevant stakeholders would be appropriate when the policy has been refined. The Chairman and other Members supported this idea.

5 SPECIAL POLICY AREA (SPA) REVISION

- 5.1 Cllr Tim Mitchell felt that there should be an overarching scene-setting section at the start of each SPA policy essentially setting out the character, function and key purpose of the SPA. Cllr Glanz advised that the Council should be wary of trying to dictate market forces in SPAs and highlighted the natural ebb and flow of markets such in Dover Street and Harley Street.
- 5.2 Cllr Jonathan Glanz used the example of the Harley Street SPA and how it has historically been a mixed area with doctors and medical professionals often living above their offices. Cllr Glanz emphasised how the market has allowed for expansion to neighbouring streets such as Welbeck Street, Wimpole Street and Wigmore Street.
- 5.3 Cllr Tony Devenish felt that it was appropriate to allow market forces to determine themselves with minimal interference from the Council. Cllr Peter Freeman agreed with this and expressed his view that markets should determine their own forces with the provision that there are effective governance procedures in place to prevent any potential mismanagement.
- 5.4 Cllr Boothroyd expressed his support for vacancy periods as set out in the report because there are no more effective methods available of preserving an area for a certain type of business. Cllr Boothroyd also felt that an

overarching scene-setting section at the start of each SPA policy would be helpful in this regard.

6 MIXED USE REVISION

- 6.1 Cllr Tim Mitchell said that the re-designation of office space for residential use has been particularly prevalent in his ward. He asked for further clarification on the definitions of CAZ and Core CAZ vis-à-vis the Mayoral CAZ. Lisa Fairmaner explained that Core CAZ was the original area considered by officers and the wider CAZ is equivalent to the Mayoral CAZ incorporating areas of lesser commercial value. Cllr Mitchell suggested a method for testing the loss of office space wherever it is situated but to apply more stringent criteria within the Core CAZ.
- 6.2 Cllr Tony Devenish felt that while it was commendable to try and protect office space throughout the CAZ, it was more appropriate to protect larger office spaces in the Core CAZ and in certain areas where office space is at a premium. Cllr Freeman again highlighted the issue of market forces and used the example of Savile Row where retailers would like to see more office space due to the lack of vibrancy in the area.
- 6.3 Cllr David Boothroyd was encouraged to take a longer term approach to this issue and urged caution when changing policy on the assumption that residential property will continue to be more valuable than office space.
- 6.4 Lisa Fairmaner responded by stating that one of the main aims of this area of the new policy was to redescribe the national and international importance of the business agglomeration and the benefits that this brings. Concerns over the loss of density of workers has been affected by the interposition of flats amongst offices. The policy will seek to restore balance where possible. Lisa added that the proportion of office space within the Core CAZ has changed by 3% in 30 years, from 48 – 50% of the total floor space, and is only in the last four years that this figure has started to decrease significantly.
- 6.5 Cllr Jonathan Glanz felt that in terms of office space it should be remembered that there are subtle variations to the term that can have a large impact on the makeup of a certain area. He felt that smaller spaces for start-ups, SMEs and the professional firms, such as architects and solicitors, that tend to knit together the gap between small and large office spaces, is being neglected in the development of new larger open-planned offices.
- 6.6 Cllr Tim Mitchell supported the point made by Cllr Glanz and mentioned the West End Partnership's recent report that focused on improving the evening and night time economy. The report showed in macro-economic terms the benefit that came to the city from the evening and, to a lesser extent, the night-time economy.

- 6.7 Cllr Mitchell also highlighted that, in licensing terms, the Council has designated certain parts of the city as 'stress-areas' so that more stringent licensing regulations are applicable to businesses operating in those areas. In areas outside the 'stress areas', it is common for the Council to ensure that new premises are required to adhere to stricter licencing terms than existing business to avoid having a contributing negatively to cumulative impact in the area. Cllr Mitchell felt that a similar approach could be adopted in planning terms in the new policy.
- 6.8 Cllr Peter Freeman alluded to the fact that the London Underground will be running on a 24-hour basis in the very near future. He predicted that this will have a huge impact on the dynamic of London's night-time economy and that any policies involving the evening and night-time economy should take this into account. Cllr David Boothroyd agreed with the points raised providing that they are balanced with the needs of residents. Lisa Fairmaner highlighted late night openings of museums and art galleries as examples of efforts to change the demographic of the evening economy.
- 6.9 Lisa Fairmaner concluded by drawing on the comments made by Members regarding the natural ebb and flow of markets. The proposed policy will be designed in a way that allows it to operate successfully in variable market conditions. Planning Committee Members would be considering applications on a site-by-site basis and could prioritise residential or office space as they see appropriate when considered in light of the status quo of a specific application or area.
- 6.10 Cllr Tony Devenish accepted the points made above and advised that decisions need to be taken in consideration with the policies of central government and the Mayor of London who are increasingly seeking greater deregulation. Again, management of expectations is important when drafting our polices.

7 VACANT BUILDING CREDIT REVISION

- 7.1 Lisa Fairmaner stated that officers intended to wait until the outcome of the election to progress this area further. The Council is currently taking legal advice on how to progress this area and will report to Members when the situation has been made clearer.

8 A.O.B

- 8.1 Cllr Tony Devenish asked if there was to be a meeting in July. Joe McBride confirmed that there was a meeting scheduled for July 22nd.

8.2 It was agreed that this meeting would be discussed in June to see if it was worth going ahead with in light of Members' availability over the summer.

The Meeting ended at 8.15 pm

CHAIRMAN: _____

DATE _____