

MINUTES OF THE SUSTAINABLE DEVELOPMENT SELECT COMMITTEE

Tuesday, 29 November 2016 at 7.00 pm

PRESENT: Councillors Liam Curran (Chair), Suzannah Clarke (Vice-Chair), Amanda De Ryk, James-J Walsh, Mark Ingleby, Pauline Morrison and Paul Upex

APOLOGIES: Councillors Bill Brown and Eva Stamirowski

ALSO PRESENT: Timothy Andrew (Scrutiny Manager), Kevin Chadd (Senior Planning Lawyer), Janet Senior (Executive Director for Resources & Regeneration) and Emma Talbot (Head of Planning)

1. Minutes of the meeting held on 25 October 2016

Resolved: that the minutes of the meeting held on 25 October be agreed as an accurate record.

2. Declarations of interest

- 2.1 Councillor Upex declared a non-prejudicial interest as a member of CAMRA (the campaign for real ale) in relation to item three.
- 2.2 Councillor Curran declared a non-prejudicial interest as a member of CAMRA (the campaign for real ale) in relation to item three.

3. Planning key policies and procedures

- 3.1 Emma Talbot (Head of Planning) introduced the report. The following key points were noted:

- There had been a number of recent changes to planning policy at the national and regional level.
- Officers in Lewisham had started the process of preparing the new overarching Lewisham local plan. The Plan would replace the existing adopted Planning Policy documents – Core Strategy (2011); Site Allocations Local Plan (2013); Development Management Local Plan (2014); and Lewisham Town Centre Local Plan (2014).
- Currently, the proposed timetable for the development of the new local plan was not being met. This was because of the work taking place on other planning documents and the wait for the Governmental guidance on the implementation of the provisions of the Housing and Planning Act. The earliest the new plan would be ready would be in 2018.
- The Housing and Planning Act (2016) could have a significant impact on the planning regime and in particular on housing-led development.
- The Mayor of London was in the process of issuing new guidance on his interpretation of the London Plan (2016).
- It was likely that there would be changes to the provisions in the London Plan relating to affordable housing. The changes would also have an impact on the rules around density of new developments.
- The draft supplementary planning guidance on viability indicated that new developments that committed to delivering 35 per cent affordable housing would not be required to produce a viability assessment.

- The Chancellor's Autumn statement also introduced an element of uncertainty for planning going forward.
- In terms of pubs policy in Lewisham, officers believed that Lewisham's development planning document for pubs had been successful in promoting delivery of new pubs and protecting Lewisham's existing establishments.
- There had been recent planning applications for A4 (drinking establishment) usage and nine pubs were now listed as assets of community value. Adding pubs to the register of community assets removed the permitted rights of owners to change the usage of buildings with pubs in them without applying for planning permission.

3.2 Emma Talbot (Head of Planning) and Janet Senior (Executive Director for Regeneration and Resources) responded to questions from the Committee. The following key points were noted:

- Lewisham's previous plans would be subsumed into the single new local plan.
- Officers would set out the key stages for the development of the Lewisham local plan for councillors. The explanation of the stages would also highlight the points at which councillors could become involved in local consultation and engagement activities. The likely next stage of the development of the Plan would be in summer 2017.
- It was likely there would also be opportunities for councillors to be involved in the consultation on the new London Plan in autumn of 2017.
- Officers would also provide the Committee with information about the key stages for regional planning documents.
- Consultation on the Mayor of London's supplementary planning guidance for viability had just started.
- Planning managers kept a log of issues that arose at planning committees to identify recurring issues and to improve future plan making.
- The only issues that could be considered at planning committees were material planning considerations. Decisions had to be made in accordance with the planning policy framework (including national guidance), the London Plan and the Council's planning policies (unless material planning considerations indicated otherwise).
- The Council was going through a period of substantial and sustained change. Managers recognised that this presented challenges in terms of the capacity of some teams. There was currently a lot of policy work to be carried out and managers were considering the capacity, workload, resourcing and staffing distributions of teams across the Council.
- There was a general shortage of planners in London so recruitment and retention of staff was difficult. The planning department were trying to send out the message that Lewisham was an attractive place to work. The Department had developed a career pathway to ensure that the borough was attractive to planning professionals. Managers also sought to attract planners to join Lewisham who had recently qualified. However, it was recognised that the recruitment of junior staff placed additional pressure on management.
- Despite current challenges, the department consistently met its performance targets – and it had won awards for the quality of its work. The department also had a good level of success at defending appeals.

- Most of the department's savings had been produced by increasing income rather than by reducing numbers of staff. Managers were aware that they needed to ensure that the right capacity was in place in the right teams.
- Officers were considering the implications of new legislation, however, the provisions of the Housing and Planning Act had not been set out in detail.
- The Act included proposals to force authorities to speed up planning permissions for 'brownfield' sites and to grant automatic planning permissions in some circumstances, which might have significant resource implications for the borough.
- The Council had to show that it could deliver a five year housing supply. Without a sufficiently developed plan for delivering housing, the Council might lose the ability to decide where housing should be approved in the borough.
- The Council's strategic land assessment showed that sufficient housing could be delivered in the borough up until 2029 but plans for delivery needed to be set out in detail.
- Planning officers were looking at new opportunity sites across the borough, beyond the current regeneration schemes in Deptford, Lewisham and Catford.
- Officers were also looking closely at the implications of the Government's proposals for business rate retention. Businesses and housing developments both provided a source of income for the Council. Business rate income had to be balanced against council tax income.
- Planning officers looked at applications relating to employment land in terms of job density as well as in terms of square meters. Large areas of employment land (such as that used for storage or distribution) might provide very few jobs.
- The Council had a strong policy against the subdivision of large houses into smaller units. However, there had been a number of decisions that had been appealed and won by developers. Officers were continuing to review the outcome and evidence base to provide a robust defence.
- Unfortunately, there were not any applications being put forward for large homes so once large units were lost, they were gone forever.
- There was currently a reprieve for a year on the monitoring of planning appeals. From next year, appeals would be monitored by Government. Authorities that lost many appeals would be forced into special measures.
- There were no proposals for changes to the rules around development on land designated as open space.
- The planning department was considering new methods of communication and the use of new technology. Changes to the Council's IT would allow a greater level of information sharing between officers.
- Officers believed that the pubs policy was working well and there were examples of new developments that included pubs.
- Removing development rights with article four directions for pubs could be problematic because current guidance meant that there had to be a two year period before the direction could come into force, during which time a developer could exercise their rights to change a building with a pub in it to an alternative usage without applying for permission.
- It might be possible to remove permitted rights for new pub developments when granting planning permission to prevent future change of use.

3.3 In the Committee's discussions, the following key points were noted:

- Members were concerned that there were issues of officer capacity in the planning department.

- There was apprehension about the high level of demand for housing in London and the possible pressure that local authorities might face to build on open spaces, such as parks and playing fields.
- The Committee expressed its support for the retention of pubs in the borough.
- The Committee was concerned about reports of a recent assault on an enforcement officer in the planning service. It was reported that the officer had now recovered and returned to work but that as a result of the attack, policies around safety and lone working had been reviewed.
- The Committee recommended that officers introduce a planning condition for recent and future applications for developments with A4 (drinking establishment) usage in order to remove permitted development rights.

Resolved: that the Committee's views be referred to Mayor and Cabinet, as follows:

- 3.4 The Committee recommends that officers review the effectiveness of the Council's policy on the protection of pubs.
- 3.5 The Committee requests a diagram, which sets out all of the current local and regional planning policy documents. It asks that the key opportunities and dates for engagement with Councillors on the development of these plans be included. The Committee intends to actively participate in consultations and engagement activities for all key planning policies and procedures at a local level and, it wants to ensure that local views are represented in regional consultations as those opportunities arise.

4. Planning enforcement

4.1 Emma Talbot (Head of Planning) and Janet Senior (Executive Director for Resources and Regeneration) answered questions from the Committee; the following key points were noted:

- Planning enforcement had not been integrated into the Council's enforcement hub as part of the review of enforcement services across the Council.
- The Council's enforcement activities and the work of the enforcement hub was regularly reviewed. It was recognised that there were some issues with the new hub in terms of the allocation of specialist and generic roles.
- The review of enforcement activities had streamlined the exchange of information between teams inside and outside of the hub, as well as enabling greater levels of joint working.
- An officer had been seconded between teams and joint work had taken place to deliver enforcement action against rogue landlords and brothels.

Councillor Curran temporarily left the room at 20:35 (for approximately five minutes) and Councillor Clarke assumed the Chair.

- There were no proposals to include building control services in the enforcement hub.

4.2 In the Committee's discussions, the following key points were noted:

- The Committee was concerned about the absence of an effective customer relations management system, which it thought might enable members of the public to speak to any Council officer and have their case transferred to the correct service.
- The Committee highlighted the problems that some service users experienced when the concerns they wished to report fell between the planning enforcement, building control and other enforcement services.
- Members reiterated their concerns about the IT system being used by the planning department, which it was felt was unstable and unsuitable for users in the Council and for members of the public (this was also the subject of a referral by the Committee to Mayor and Cabinet in September 2016).
- Officers were asked to ensure any future changes to the building control service would be reviewed by the Committee.

Resolved: that the Committee's views be referred to Mayor and Cabinet, as follows:

4.3 The Committee recommends that further work be carried out to develop a customer relations management system for the Council's enforcement activities. The Committee is concerned that there is not a clear and collaborative approach, between teams dealing with enforcement activities at the Council, for dealing with reports of activities from residents that may require enforcement action. The Committee believes that a single, universally accessible management system for officers would help to manage the flow of information and complaints as well as improving the reputation of the Council in dealing with residents' concerns.

4.4 The Committee believes that further clarity should be provided to residents for those cases in which building control and planning activities overlap. In particular, the Committee recommends that any letters issued to residents by either service include guidance about contacting the Council's other enforcement teams.

5. Planning - use of S106 and CIL

5.1 Emma Talbot (Head of Planning) and Janet Senior (Executive Director of Resources and Regeneration) responded to questions from the Committee. The following key points were noted:

- Improvements had been made to the decision making process for the distribution of section 106 and CIL (community infrastructure levy) monies. The intention was to align the process with the Council's capital programme priorities.
- Work was also taking place with neighbourhood groups on the development of their neighbourhood plans. Local assemblies would also be asked for their input, in the interests of transparency and openness.
- There would always be a need to make difficult decisions about spending but the current proposal, to create a single, annual process for the agreement of capital and S106/CIL funds for the following year would ensure the involvement of members and improve transparency with community.

- It was intended that there would be more detail in the budget report about capital funding, which would make the Council's plans for allocation of CIL funding more up-front and transparent.
- There were representatives from different directorates on the regeneration board. However, Mayor and Cabinet took the ultimate decision on major spending proposals. There was delegated authority to the Head of Planning to allocate smaller amounts of funding.
- There were legal tests applied to section 106 funding to ensure it was fair and related to the development providing the funding. CIL funding was not ring-fenced in the same way. There were less restrictions.
- There was a commitment from the planning department to ensure that the Council spent all of the pots of money collected and to move projects along that were not meeting their principal aims.
- Some London Boroughs defined their whole area as a 'local area' for the purposes of distributing CIL funding. In Lewisham, the allocation of spending was proposed to be localised to wards. However, the new system of allocating funding would allow for some joined up allocation of spending between wards, where there was agreement by stakeholders.

5.2 In the Committee's discussions, the following key points were noted:

- The Committee was concerned that neighbourhood forums might not be representative of their local populations. Members asked whether a pro-forma constitution could be provided to groups planning to establish neighbourhood forums in order to ensure that they included councillors in their membership.
- There were also concerns about whether local CIL spend should be decided by ward assemblies. The Committee indicated that it would review the issue again in future.
- There was concern about the sustainability of neighbourhood forums. Members noted the large sums of CIL funding that would be allocated to these groups. The Committee asked whether there were mechanisms in place to return funding to the Council in the case that a neighbourhood forum failed.
- The Committee asked whether a process could be put in place to distribute funding from areas with high levels of funding to those with less.
- The Committee wanted to better understand the decision making process in relation to the allocation of funding. It was not clear whether funding decisions were for the Executive or full Council or whether they were delegated to officers or to Strategic Planning.

Resolved: that the Committee's views be referred to Mayor and Cabinet, as follows:

5.3 The Committee is concerned about the sustainability of neighbourhood forums. It is also concerned that neighbourhood forums might not be representative of their local populations.

5.4 The Committee recommends that the Council produce guidance for groups establishing neighbourhood forums, to encourage the inclusion of local councillors in their membership.

5.5 The Committee also recommends that conditions be placed on funding allocated to neighbourhood forums to ensure that, should a forum fail, any funding it has been allocated will be returned to the Council for reallocation.

6. Planning - annual monitoring report

Resolved: that the report be noted.

7. Information item: annual parking report

Resolved: that the information item be noted.

8. Select Committee work programme

8.1 Timothy Andrew (Scrutiny Manager) introduced the report. The Committee agreed the following changes to the work programme:

- An update on the animal welfare charter would be added to the agenda of the Committee's January meeting, in order to consider the content before a decision is taken by Mayor and Cabinet.
- The item on sustainable energy; the update on the modern roads review and the update on the high streets review would all be moved to the Committee's meeting in March.

Resolved: that the changes to the agenda for the meeting on 24 January be agreed.

9. Items to be referred to Mayor and Cabinet

9.1 The Committee resolved to advise Mayor and Cabinet of the following:

- The Committee commends the new Head of Planning. The Committee places on record its thanks for the work officers undertake to engage with elected members.

Resolved: that the Committee's views under items three, four and five be referred to Mayor and Cabinet.

The meeting ended at 9.30 pm

Chair:

Date:
