Open Agenda

Overview & Scrutiny Committee

Monday 31 March 2014
7.00 pm
160 Tooley Street, London SE1 2QH

Membership

Councillor Catherine Bowman (Chair)
Councillor Gavin Edwards (Vice-Chair)
Councillor Neil Coyle
Councillor Toby Eckersley
Councillor Dan Garfield
Councillor David Hubber
Councillor Lorraine Lauder MBE
Councillor Rebecca Lury
Councillor Paul Noblet
Councillor The Right Revd Emmanuel Oyewole
Councillor Geoffrey Thornton

Reserves

Councillor Kevin Ahern
Councillor James Barber
Councillor Chris Brown
Councillor Nick Dolezal
Councillor Tim McNally
Councillor David Noakes
Councillor Lisa Rajan
Councillor Lewis Robinson
Councillor Martin Seaton
Councillor Michael Situ
Councillor Cleo Soanes

Education representatives

Reverend Nicholas Elder
Lynette Murphy-O'Dwyer, Archdiocese of Southwark
Abdul Raheem Musa, Parent Governor Representative

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Contact

Peter Roberts on 020 7525 4350 or email: peter.roberts@southwark.gov.uk

Members of the committee are summoned to attend this meeting
Eleanor Kelly
Chief Executive
Date: 21 March 2014

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Overview & Scrutiny Committee

Monday 31 March 2014
7.00 pm
160 Tooley Street, London SE1 2QH

Order of Business

Item No.	Title	Page No.
	PART A - OPEN BUSINESS	
1.	**APOLOGIES**	
2.	**NOTIFICATION OF ANY ITEMS OF BUSINESS WHICH THE CHAIR DEEMS URGENT** In special circumstances, an item of business may be added to an agenda within five clear working days of the meeting.	
3.	**DISCLOSURE OF INTERESTS AND DISPENSATIONS** Members to declare any interests and dispensations in respect of any item of business to be considered at this meeting.	
4.	**MINUTES** To approve as a correct record the Minutes of the open section of the meeting held on 18 February 2014.	1 - 4
5.	**REPRESENTATION FROM MEMBER OF THE PUBLIC – MR M BARNARD**	
6.	**CABINET MEMBER INTERVIEW: COUNCILLOR PETER JOHN, LEADER** Themes: - Cabinet performance management - Housing strategy - Jobs and growth - Strategic partnerships	

Question:

Will the Leader abide by the awaited decision of the First Tier Tribunal on the Council/Lend Lease appeal against the Information Commissioner on the Elephant & Castle viability assessment?

7. DEPUTY CABINET MEMBER INTERVIEW: COUNCILLOR THE RIGHT REVEREND EMMANUEL OYEWOLE, FAITH COMMUNITIES

Themes:

- Improving the council's links with faith groups in the borough
- Improving access for faith and minority communities to the Council
- Black History Month

DISCUSSION OF ANY OTHER OPEN ITEMS AS NOTIFIED AT THE START OF THE MEETING.

PART B - CLOSED BUSINESS

DISCUSSION OF ANY CLOSED ITEMS AS NOTIFIED AT THE START OF THE MEETING AND ACCEPTED BY THE CHAIR AS URGENT.

Date: 21 March 2014

Agenda Item 4 Open Agenda

OVERVIEW & SCRUTINY COMMITTEE

MINUTES of the Overview & Scrutiny Committee held on Tuesday 18 February 2014 at 7.00 pm at 160 Tooley Street, London SE1 2QH

PRESENT:	Councillor Catherine Bowman (Chair) Councillor Gavin Edwards (Vice-Chair) Councillor Chris Brown Councillor Neil Coyle Councillor Dan Garfield Councillor David Hubber Councillor Rebecca Lury Councillor David Noakes Councillor The Right Revd Emmanuel Oyewole Councillor Geoffrey Thornton
ALSO PRESENT:	Mr Tony Linforth-Hall, Chair, and representatives of the Albert Association
OTHER MEMBERS PRESENT:	Councillor Fiona Colley, Cabinet Member, Regeneration & Corporate Strategy
OFFICER SUPPORT:	Simon Bevan, Director of Planning Shelley Burke, Head of Overview & Scrutiny Norman Coombe, Legal Services Juliet Seymour, Planning Policy Manager Julie Timbrell, Scrutiny Project Officer

1. APOLOGIES

1.1 Apologies for absence were received from Councillors Toby Eckersley, Lorraine Lauder and Paul Noblet. Councillors Chris Brown and David Noakes attended as reserves for Councillors Lauder and Noblet respectively.

2. NOTIFICATION OF ANY ITEMS OF BUSINESS WHICH THE CHAIR DEEMS URGENT

2.1 There were no additional items.

3. DISCLOSURE OF INTERESTS AND DISPENSATIONS

3.1 There were no disclosures of interests or dispensations.

4. CALL-IN: BLACKFRIARS ROAD SUPPLEMENTARY PLANNING DOCUMENT (CABINET 28 JANUARY 2014)

4.1 Councillor Fiona Colley, cabinet member for regeneration and corporate strategy, addressed the reasons put forward for the call-in. She emphasised in reference to the first point that the Supplementary Planning Document (SPD) provided guidance but did not introduce a new policy. Advice had been sought from planning officers and the monitoring officer to ensure that this was the case. Simon Bevan, Director of Planning, confirmed this. The SPD was a material consideration when considering planning applications rather than a policy. The legal representative added that the Core Strategy and other plans were decided at a higher level.

4.2. Members thanked residents for attending the meeting and asked the cabinet member how much weight had been given to residents' views. Councillor Colley assured the committee that weight had been given to their views. At the same time the council had to take into account other stakeholders and the duty to provide housing and amenities. On occasions a tall building could provide a better solution. The Director of Planning agreed that a tall building could provide greater density of housing, additional employment and more areas within which people could circulate. The council was satisfied that a tall building could bring benefits in some areas. The specific issues would be looked at in detail when an application was submitted.

4.3 Members asked whether the SPD would have to give way to the London Plan. Officers explained that the objective was to find a balance, including taking account of the protected vista. The GLA's comments on the SPD were positive.

4.4 Some members were concerned that the SPD had been developed in response to the requirements of developers, rather than local people. Councillor Colley acknowledged that developers had put forward proposals. The council's aim was that these come forward in a co-ordinated way and this was one of the drivers for the development of the SPD. Officers outlined developments that were in the pipeline, including Sampson House and Ludgate House.

4.5 Members asked abut the extent of involvement of English Heritage. The Director of Planning emphasised that developers take their responsibilities seriously and often consult English Heritage. In this case, English Heritage made comments about the possible height of buildings and was concerned about the SPD being prescriptive. In contrast, the council felt that the SPD was being helpful. The Director of Planning also confirmed the extent of consultation with local residents. This included letters and notices and extending the time for consultation. Prospective developers were encouraged to consult locally.

4.6 A member was concerned that the SPD had been launched outside the borough. Councillor Coley stressed that it had been a unique opportunity, inspiring a great deal of interest, and that lots of residents had attended. Some members took the view that the launch had been for the benefit of developers rather than local people and that residents had been excluded from some development meetings.

4.7 At the request of members, Juliet Seymour, Planning Policy Manager, outlined the key changes to the SPD. The Director of Planning clarified how planning policy evolved in respect of tall buildings and the relationship to the London Plan. He noted that if developers were refused planning permission locally they could appeal to the Mayor of London, who would likely grant permission if a development accorded with the London Plan. The legal representative added that inconsistencies between plans were always bound to occur as the documents came in at different times.

4.8 Local residents addressed the committee. In their view the SPD was intended to facilitate developers, rather than the community, and noted a specific developer's application to build a seventy metre tall building. A letter from the developers to residents had stated that the recently updated SPD was underpinning its application and counsel's opinion was that this was a material consideration. As a result of their concerns, the residents had sought legal advice on town and country planning. The counsel's advice had been that the SPD did constitute policy and that there would be grounds for judicial review. The deputation felt that the council needed to take account of the concerns of local people as a primary interest.

4.9 The deputation stated that the Core Strategy made clear where tall buildings were allowed and where they were not. In their view, until the Core Strategy changed and no matter what the London Plan said, the SPD could not revise this policy. This view had been backed up by their legal advice.

4.10 Members of the deputation added that the area in question was already one of dense development. While they were not against sympathetic development they commented that a number of people in sheltered housing were already living in constant shade. A member of the committee responded that the council should be sticking up for local residents rather than appearing to second-guess the Mayor of London. Another member commented that the current mayor always backed the aspirations of developers.

4.11 Members asked whether the council had been given sight of the deputation's legal advice. The deputation indicated that chair of the committee had been written to but the advice had not been submitted to the council. The deputation wanted to

give the committee an opportunity to resolve the issue, hoping that the council would give more weight to the views of residents. The meeting adjourned in order for the chair to circulate an email she had received from the Albert Association together with a letter the association had received from Barratt London in relation to their site on Blackfriars Road.

4.12 A resident from Quadrant House asked the council to support and preserve thriving local communities rather than to bulldoze them. Investors were currently buying up property in central London and leaving it empty. Local people were being forced to leave their homes. He spoke of the need for balanced mixed cities that were thriving places for different types of business and local people. The chair acknowledged the difficulties involved in balancing the international flow of capital and its impact on communities. Another resident stressed the need for introducing well thought out community space and enhancements into an area rather than seeking to cram in more and taller buildings. The lack of light and of green space had a direct impact on health.

4.13 The chair thanked the deputation for attending the meeting. The following motion was moved by Councillor Geoffrey Thornton and seconded by Councillor David Noakes:

"Overview & Scrutiny Committee notes the concerns of local residents, community groups and public bodies concerning the proposed Blackfriars Road Supplementary Planning Document (SPD).

Overview & Scrutiny Committee further notes:

1. Strategic Policy 12 of Southwark's Core Strategy which identifies the Northern end only of Blackfriars Road as a location that could accommodate tall buildings; and

2. The legal advice received from the Director of Legal Services that an SPD must conform to the priorities set out in the Core Strategy.

Overview & Scrutiny Committee believes that as currently drafted the SPD may be seeking to introduce new policy by signalling that "a tall building of a height of up to seventy metres could provide a focal point at the Southern end of Blackfriars Road.

Overview & Scrutiny Committee therefore calls on the Cabinet to remove any reference to a building of up to seventy meters at the Southern end of Blackfriars Road and to consider a further period of consultation to allow time for the needs and wishes of the existing community to be reflected in the final document."

4.14 The motion was put to the vote and declared to be lost. Councillors Cathy Bowman, David Hubber, David Noakes and Geoffrey Thornton asked that their votes in favour of the motion be recorded.

4.15 The chair confirmed that as a result it had been agreed that the decision would not be referred back to the cabinet for reconsideration.

OVERVIEW & SCRUTINY COMMITTEE **MUNICIPAL YEAR 2013-14**

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Dated: November 2013