

London Assembly Planning Committee – 11 July 2019

Transcript of Agenda Item 8 – Mayoral Planning Decisions Powers – Panel 2

Andrew Boff AM (Chair): First of all, formally, I really should say this before we get going. I would like to ask any of the invited guests, now that you are at the table, if you have any interests to declare that are relevant to the business of this meeting. You could do that while you introduce yourselves. Let us go from the left with Peter Eversden.

Peter Eversden MBE (Chairman, London Forum of Amenity and Civic Societies): My name is Peter Eversden. I am Chairman of the London Forum of Amenity and Civic Societies, established 31 years ago by the Civic Trust to represent community groups across London.

I do have an interest in that I have attended, as a rule 6 party, several inquiries, several of which the Mayor at the time has been involved in, whichever Mayor it was. One of which, we had the Mayor as a supporter of the developer against two local authorities, which was a problem.

My interests today relate a lot to an Opportunity Area known as the Brentford East. We have there the ex-Citroën site as an example which I may use.

Dr Edward Denison (Associate Professor, Architectural History and Theory, University College London): I am Edward Denison. I am here in my capacity as a member of the Mount Pleasant Neighbourhood Forum. I suppose I have an interest insomuch as I was one of four representatives at the public hearing that was here at the Greater London Authority (GLA) in 2014 when I was a member of what was then the Mount Pleasant Association. We have since become a formal neighbourhood forum. I am here as a member of the Mount Pleasant Neighbourhood Forum.

I do work at the Bartlett School of Architecture. I am an Associate Professor. I am an architectural historian. I have no specific expertise in planning nor architecture in London, I should say. I am here strictly as a representative of the community and the organisation of the Mount Pleasant Neighbourhood Forum.

Michael Bach (Chair of the Planning, Environment and Transport Committee, London Forum of Amenity and Civic Societies): I am Michael Bach. I am the Chair of the Planning, Environment and Transport Committee of the London Forum. I should say that we have been involved in this issue of the call-in powers since before the Mayor got them because we opposed them because of the examples in Australia where state ministers of planning got together with their mates in the property industry and called things in to get them through. We were opposed to these powers.

I am here also as a consumer of this process. I am involved in Newcombe House. The Kensington Society, which I chair the Planning Committee of, supported the scheme. That is a bit of a surprise. And the Kensington Forum Hotel, the Kensington Society and my residents' association and personally I was an objector and so I was actively involved and not happy with the outcome.

I submitted a paper beforehand, which you may have seen, and I am happy to answer any questions on that, but basically, I am thinking that the process is not fit for purpose.

Nicholas Boys Smith (Founding Director of Create Streets): My name is Nicholas Boys Smith. I am the Director of Create Streets, which is a social enterprise charity that does research into associations between urban form and good wellbeing outcomes and offers support for housing.

The interest, although it seems rather historic now, that I declare is that together with Dr Denison I was very involved with the Mount Pleasant case. I was not a formal witness, but I felt like a formal witness. I was very close to that. I have followed many of the other cases but do not have, other than very fleetingly, any direct link.

Andrew Boff AM (Chair): Thank you very much. By all means, incidentally, in your answers, if you wish to address some of the questions that we asked the Deputy Mayor [for Planning, Regeneration and Skills], by all means do. We will take that on board as well. Our first set of questions is going to be asked by Assembly Member Gavron.

Nicky Gavron AM (Deputy Chair): Do you have any comments on the type of developments that have been called in by the Mayor?

Peter Eversden MBE (Chairman, London Forum of Amenity and Civic Societies): Yes, what we are seeing is a call-in to increase affordable housing and to do so by ending up with affordable housing of the wrong kind in the wrong place. That is my simple outlook on it.

Nicky Gavron AM (Deputy Chair): What do mean by “the wrong kind”?

Peter Eversden MBE (Chairman, London Forum of Amenity and Civic Societies): The boroughs are refusing developments even when there is 40% affordable housing, as in the case of the ex-Citroën site, because it is completely the wrong kind. It is usually shared equity at massive quantity and low-cost housing almost negligible. The Mayor in calling in these applications, even though it is over his threshold already, achieves more shared equity by increasing the heights of buildings and then the borough is left equally as dissatisfied and so are its communities because it does not have the homes it needs. This is the absolutely essential thing that the Mayor should be trying to achieve: meet the Strategic Housing Market Area Assessment (SHMAA) requirements and meet the London Plan objectives in supplying the homes that are required. He is not doing so.

Nicky Gavron AM (Deputy Chair): If the call-in had resulted in shared ownership being converted into social rent, would you then have been happy?

Peter Eversden MBE (Chairman, London Forum of Amenity and Civic Societies): Yes. If the Mayor applied the money which he has - £4.2 billion - in that direction, we would be very happy. Unfortunately, as you know from the Assembly’s investigation, he is not allowed to do so because the Government has ringfenced that money to shared equity to a degree which is not in line with the Mayor’s requirements, but the Mayor is hampered by that. Therefore, he cannot do what you described. We would be delighted if he could.

Nicky Gavron AM (Deputy Chair): Of his grant, 50% has to go on shared equity and on intermediate housing.

Peter Eversden MBE (Chairman, London Forum of Amenity and Civic Societies): Yes, and the developers are already delivering 30% to 40% shared equity when the SHMAA indicates that only 18% is required in London.

Nicky Gavron AM (Deputy Chair): Also, they could also be delivering something under section 106?

Peter Eversden MBE (Chairman, London Forum of Amenity and Civic Societies): They could, yes.

Nicky Gavron AM (Deputy Chair): It does not have to come out of grant?

Peter Eversden MBE (Chairman, London Forum of Amenity and Civic Societies): No.

Nicky Gavron AM (Deputy Chair): There is a point there. Are there other comments that people want to make on the type of applications that are being called in?

Michael Bach (Chair of the Planning, Environment and Transport Committee, London Forum of Amenity and Civic Societies): Can I have a go and do two and three at the same time? You have unpacked the facts that for two cases, the person or body that asked for it to be called in by the Mayor was DP9, which was the agent for the applicant. However, if you look at some of the other schemes, you would probably find there are some commonalities. There are two schemes from Rockwell, for example, the Charlton scheme and the Kensington Forum scheme. We do not know, whether at quite an early stage in the process, they got any reassurance that if the Council turned it down in Kensington, that the Mayor would call it in.

I should say straight away, as I did at the beginning, that I was unhappy with Newcombe House. It is not everybody's choice, but I was very against the Kensington Forum Hotel, which has two large towers, doubling the volume on the site, surrounded by conservation areas. If you read the report, it is suggested that this is strategic. I cannot really see how the redevelopment of an existing hotel, albeit a large one, that produces 183 extra bedrooms at the end of it, is actually strategic with regard to the 56,000 rooms that are in the forecast to 2041, but of which only 150 rooms are put in terms of Kensington and Chelsea's requirement. In other words, with the 183 compared with the 56,000, it is rather difficult to say, "Goodness me, if this does not happen, it is a strategic disaster for providing things".

My real worry, which relates to your type of application, is that I believe that some of these applications are not strategic, but it is an "Emperor's New Clothes" type of thing. Who is going to be daring enough to say that? That is a real problem if what is being put through --

Nicky Gavron AM (Deputy Chair): It has to be measured against what is sometimes called the protocol but the three policies.

Michael Bach (Chair of the Planning, Environment and Transport Committee, London Forum of Amenity and Civic Societies): Yes, it should be. I don't think it stands up.

Nicky Gavron AM (Deputy Chair): Soundness, strategic, affecting more than one borough?

Michael Bach (Chair of the Planning, Environment and Transport Committee, London Forum of Amenity and Civic Societies): No, it is not. The trouble is that --

Nicky Gavron AM (Deputy Chair): There is one more and I am going to ask you about this in a minute --

Michael Bach (Chair of the Planning, Environment and Transport Committee, London Forum of Amenity and Civic Societies): Yes, the soundness of the policies.

Nicky Gavron AM (Deputy Chair): -- impact on the London Plan.

Michael Bach (Chair of the Planning, Environment and Transport Committee, London Forum of Amenity and Civic Societies): Yes, that is what I was talking about in terms of --

Nicky Gavron AM (Deputy Chair): Did you argue this at the call-in? Were you there? What was the answer?

Michael Bach (Chair of the Planning, Environment and Transport Committee, London Forum of Amenity and Civic Societies): Yes. No answer. Sorry. When we came to the process, it was a very compressed process. There were 21 days to get comments in on the revised proposal for 4 June. Within a week, the officer had to turn it around and, if he could, incorporate what had been learned. That then was the public document that had to be out on 14 June [2019] in order to have a hearing on 21 June [2019].

Nicky Gavron AM (Deputy Chair): Michael, you are going into another area.

Michael Bach (Chair of the Planning, Environment and Transport Committee, London Forum of Amenity and Civic Societies): Sorry.

Nicky Gavron AM (Deputy Chair): It is interesting. No, it is OK because what you are questioning is the protocol --

Nicholas Boys Smith (Founding Director of Create Streets): You are going into the next question.

Michael Bach (Chair of the Planning, Environment and Transport Committee, London Forum of Amenity and Civic Societies): Sorry. I will go into the next question. Is this bypassing the democratic process? If agents, developers and their public relations people can persuade behind the scenes the GLA that they should back this scheme, even before it has been to the local authority, that is bypassing. I cannot prove any of that because --

Nicky Gavron AM (Deputy Chair): Jules was very emphatic about that, was he not?

Nicholas Boys Smith (Founding Director of Create Streets): Yes, we all wrote it down because we were so struck by it.

Nicky Gavron AM (Deputy Chair): He was very emphatic that it was not happening.

Michael Bach (Chair of the Planning, Environment and Transport Committee, London Forum of Amenity and Civic Societies): No.

Dr Edward Denison (Associate Professor, Architectural History and Theory, University College London): I have to take absolute exception to that.

Nicky Gavron AM (Deputy Chair): In the protocol, which is the 2016 protocol, it does say that you have 14 days and seven days. You do not have very long to put in your objections. Maybe that is something that --

Michael Bach (Chair of the Planning, Environment and Transport Committee, London Forum of Amenity and Civic Societies): I am not grumbling about the 21 days.

Nicky Gavron AM (Deputy Chair): Maybe we should recommend it is changed.

Michael Bach (Chair of the Planning, Environment and Transport Committee, London Forum of Amenity and Civic Societies): The real problem is that from the receipt of views to the hearing, you have to work backwards. The report has to be public well in advance.

Nicky Gavron AM (Deputy Chair): It is something that is a recommendation.

Michael Bach (Chair of the Planning, Environment and Transport Committee, London Forum of Amenity and Civic Societies): Yes, it needed a longer time period. Most important, even if we had, I don't think the report would not have looked any different because they did not take on board the comments that were made with regard to whether this is strategic or whether it is in line with the London Plan with regard to tall buildings and to the location of the hotel development. The report was basically written before all the comments were in and any difficult comments were probably marginalised. In other words, this was always from day one going to be a report to support the recommendation that they already had.

Nicky Gavron AM (Deputy Chair): How can you prove that? Do you have evidence?

Michael Bach (Chair of the Planning, Environment and Transport Committee, London Forum of Amenity and Civic Societies): Looking backwards, how many have failed? We asked the officers, "How many of the applications that you have dealt with have you ever recommended refusal?" The answer was zero. The point of call-in is not like the Secretary of State's call-in, which is to test the proposal. It actually seems to be to justify the proposal. The outcome is all you need to look at because for the one that was the rogue one, which is the Charlton one, the Mayor was up against a coalition from Greenwich, the Assembly Member, the Member of Parliament (MP), the Council and the community, which was unstoppable.

Peter Eversden MBE (Chairman, London Forum of Amenity and Civic Societies): The real problem to me is that when the Mayor calls something in he does not apply the London Plan or the Local Plan. He considers only the things he wants to take into consideration. In the case of the Chiswick Curve alongside Gunnersbury Cemetery through to the Citroën site, all leading up to the World Heritage Site of Kew Gardens and its universal value, none of that was taken into consideration in either of those mayoral comments. In other words, the Mayor has ignored historic requirements in policy. He has ignored height in Local Plans like the Brentford East Plan. He has failed to take into consideration. Yes, the Citroën site affected more than one borough, but he completely ignored everything that Richmond had said and Richmond were representing Kew Gardens as well as itself.

Nicky Gavron AM (Deputy Chair): Peter, I was going to turn it around. You are saying that there are three policies and one of them is that it can be called in - I find it quite a strange policy - if it has a significant impact on the London Plan. You are giving a perfect example of more than one borough and the soundness. You are saying that the Mayor in his determination ignored the fact that it affected two boroughs - one of the policies for call-in - and ignored the fact that it had a significant impact on the London Plan.

Peter Eversden MBE (Chairman, London Forum of Amenity and Civic Societies): Yes.

Nicky Gavron AM (Deputy Chair): That is interesting. You were arguing the opposite, I thought, Michael.

Michael Bach (Chair of the Planning, Environment and Transport Committee, London Forum of Amenity and Civic Societies): I was actually arguing much the same.

Nicky Gavron AM (Deputy Chair): If you were, do you think there should be a more rigorous definition of what it means to have an impact on the London Plan? Do you think that if that were more rigorously defined, it might be taken more notice of? It is very vague.

Michael Bach (Chair of the Planning, Environment and Transport Committee, London Forum of Amenity and Civic Societies): Yes. It is in legislation. It has been defined in terms of having a significant impact on the delivery of the strategy in the London Plan.

Nicky Gavron AM (Deputy Chair): Do you think that is rigorous enough?

Michael Bach (Chair of the Planning, Environment and Transport Committee, London Forum of Amenity and Civic Societies): If you read it word by word, it should be. Unfortunately, if they take very little notice of the degree of significance or if they massage the arguments to try to cling onto something and find a hook that would allow them to say it, they say it.

With regard to policy, they namecheck policies. In other words, they will say, "Policy CL12", which is tall buildings in Kensington and Chelsea, but what they will not say is that the Council has done exactly what the Mayor, Historic England and the Design Council have suggested; that you look across the whole of your borough and find out whether there are appropriate sites for tall buildings. This site was not. In other words, they have turned it down on a well-based policy. That was not dealt with.

Nicky Gavron AM (Deputy Chair): Yes. Do you think that these are not really strategic and should not be called in? Is that what you are saying?

Michael Bach (Chair of the Planning, Environment and Transport Committee, London Forum of Amenity and Civic Societies): Yes, that is one thing. If they are not strategic, they should not be called in. If they are called in, why is the Mayor applying a slightly different approach to either the local planning authority or the Secretary of State, where you look at the degree to which it is in accord with the development plan policies and then weigh the other things against it. They really did not look at how seriously the conflict was with the plan, even their own plan.

Andrew Boff AM (Chair): Can I just bring Dr Denison in now? You objected to something earlier and I was not sure what it was you objected to. Let us find out what it was you objected to. It was something about what the Deputy Mayor said.

Dr Edward Denison (Associate Professor, Architectural History and Theory, University College London): It was Jules's [Pipe CBE, Deputy Mayor for Planning, Regeneration and Skills] comment about the procedure of the current process. He said that something either needs reviewing, not as an alternative route through the planning process. That was certainly not the case that we experienced at Mount Pleasant. The call-in was applied to get the scheme through planning. There was absolutely no doubt about that in our mind. When you look at DP9's website, on the front page it says, "DP9 has a proven track record for

delivering high-profile planning consents". That is their business and they are extremely well resourced to do so. For us, there was no question about that.

Just coming back to question four because we have deviated a little bit from that, although all the points are very interesting, I have no experience directly of other planning applications that have been called in, although when Mount Pleasant was called in, as a neighbourhood community association we did contact other sites that had. Convoys Wharf was certainly one and I cannot remember others. Pretty much unanimously they all laughed and said, "You are like lambs to the slaughter. There is no doubt what is going to happen to you. You are going to be bulldozed in this process". We knew what we were up against as a community group.

One thing that you as public servants in this institution need to recognise is who you are serving in terms of the communities that are in these sorts of situations, whether it is those communities and those members of the public or whether it is the developers. If DP9 comes to you and asks for such a proposal to be called in, in whose interests are you doing that?

In our case, there was no doubt that it was always in DP9's and their client's interests. We were not allowed any communication with DP9. We were allowed no communication with Royal Mail. We were allowed no communication with the architects. We were given very little time to discuss anything with your planning officials. As a community group, we were literally isolated from that process. When the Mayor came to a site visit, we were told there was absolutely no way we could meet him. It would be against protocol.

That is something you need to review. I appreciate you will be exposing yourself to issues of bias and the like, but there needs to be some way in which the people that you represent are fairly represented in the process, not just for 15 minutes in that planning hearing.

Nicky Gavron AM (Deputy Chair): Is there anyone here from Rockwell or from Greenwich? No. It would be interesting to know what they thought because there were site visits there. I do not know.

Nicholas Boys Smith (Founding Director of Create Streets): If I could have two seconds, I quickly want to pick up on a couple of points. I will be brief.

When I was on the Tube, I reread DP9's letter of application for Mount Pleasant. It is a very well written letter and it argues its case very convincingly. I would put a more benign version of Michael's point. Actually, when you have requirements, as vague - I think that's a reasonable word - as set out in the 2008 order - there are sound planning reasons for intervention, a significant impact on the implementation of the London Plan - and if you were a good planning advisor, you can really do anything you like with that. We cannot really criticise DP9. They are doing their job.

This is getting a little bit into the next question, but the case I would make would be - I have deliberately brought with me my copies of the London Plan and the Transport Strategy - that there are lots of things that are very clearly cutting across London and which this place and the Mayor exists to help happen. They are to do with infrastructure and transport and, you could argue, things that cut across two boroughs, but there needs to be a clearer definition of what it is that allows the call-in. Some things are going to be quite consequential. You could argue that some smaller things are much more consequential than just providing a lot of housing in one place. A Cycle Superhighway, arguably, is of more consequence than 400 homes in terms of its impact on London as an entity.

There is what is wrong and, as I understand the statute - and again, I printed it out and read it on the Tube - it would be quite easy to remake this. It does not require a primary statute. It is a secondary statute, as I understand it. That could be quite easily redrafted and I think it should be because that goes to the heart of what is going wrong here.

Peter Eversden MBE (Chairman, London Forum of Amenity and Civic Societies): You had a hint from Jules Pipe as to how the policy tests are being amended slightly in terms of what we would have expected. He said that often the borough has not achieved the affordable housing it could and the GLA could achieve more. What we do not understand is, since the GLA deploys John Wachter's [Viability Team Leader, GLA] Viability Team to help all the boroughs achieve the best viability outcome, why that does not happen before you get to this stage. What is happening afterwards is that the GLA is using that as a reason for deviation from the London Plan when it is not and when the offer is already above the London Plan level, but the Mayor thinks he could get more with the money available to him. That dialogue should happen before you get to the call-in and the people should be deployed from the GLA to help the borough achieve that outcome.

Dr Edward Denison (Associate Professor, Architectural History and Theory, University College London): In the case of Mount Pleasant, it was the affordable housing that was one of many reasons why DP9 and the Royal Mail Group felt that it was taking so long to get through both councils because both councils had 50% targets and DP9 and the Royal Mail Group were offering initially 11%. It went up to 23% but upon call-in it went back down to 11% so that the Mayor could then champion his success of bringing it back up to 23%, which was still less than half of what both councils were arguing for. In Mount Pleasant's case, it was certainly nothing to do with affordable housing.

Peter Eversden MBE (Chairman, London Forum of Amenity and Civic Societies): The problem sometimes starts with the Mayor's process of responding to applications in the first place before call-in.

I attended the Chiswick Curve public inquiry, as did Historic England and the World Heritage Site, the Botanic Gardens [at Kew], all represented by barristers, because the Mayor's support for that case was deplorable. He said there would be absolutely no adverse effect whatsoever. It was because of the simulated views that were used in that case, as you may remember, that we raised that issue in the Examination-in-Public (EiP) of the new London Plan. These views were taken with wide-angle lenses that made it look as though the developments would have no impact whatsoever. The GLA team swallowed that and they wrote a report that said that a development that would harm the World Heritage Site and would harm grade-one listed buildings - the cemetery with the Katyn Memorial and Gunnersbury Park - would have no effect because they looked at the photographs and said it would not.

The rule 6 parties, Historic England and others, demonstrated absolutely the effect it would have. They produced the right kind of representations and the inspector said he would take them away to consider them, but the Secretary of State has not reported. He said he would report in March [2019]. He has not on that Chiswick Curve site because, we believe, he is holding it together with the one that he has just called in, which is the Citroën site. We feel that the Secretary of State is trying to apply cumulative effect considerations, historic considerations and other things that the GLA is not, which we would welcome if it turns out that way.

Nicky Gavron AM (Deputy Chair): Can I ask a last general question on this bit? Do you think there is a role for call-in by the Mayor?

Nicholas Boys Smith (Founding Director of Create Streets): If we are going to have regional government, it is reasonable to assume that that is something that must be conceivable. Michael is going to

disagree, but I would in principal concede that it is an appropriate thing to exist. I would question - I am going to repeat myself slightly - whether we have the criteria quite right because it seems to me that the point is that it is legitimately London-wide. I do not think that is quite happening at the moment because the definition is so loose that, essentially, it has become a way in which large sites happen in the face of community resistance or local borough resistance. That is not a sufficiently refined definition of regional government, it seems to me. If regional government is doing its job, it will not just be making things happen - no more than it would be just turning things down but it is essentially just making things happen - but should be making it better, surely. I would be defending this or defending the regional call-in powers if we were looking at a list of, say, 15 or 20 or whatever it is and a third had been approved, perhaps in the teeth of a bit of local opposition because that was just to be the right thing, a third had been turned down and a third had been improved or altered in some substantial way because the Mayor and his team were able to come in and say, "This is being done to suit Islington but is not taking account of the effect on Camden", or whatever it might be. If we could get to that, it is a very justifiable thing, but it is not at that stage yet.

Nicky Gavron AM (Deputy Chair): Originally, in the first eight years, we did not have the power of call-in. We just had the power, which of course the Mayor still has, of direct refusal. Does anyone else think there is a role for call-in?

Peter Eversden MBE (Chairman, London Forum of Amenity and Civic Societies): Yes, I do.

Michael Bach (Chair of the Planning, Environment and Transport Committee, London Forum of Amenity and Civic Societies): I would agree. This is the latest edition of *Planning* [Magazine].

Nicholas Boys Smith (Founding Director of Create Streets): We all have it. We are all reading it assiduously.

Michael Bach (Chair of the Planning, Environment and Transport Committee, London Forum of Amenity and Civic Societies): Good. It shows you that if this was the Mayor's ones, they would all be dark blue. That means they have been allowed. The light blue ones were dismissed. That means that when the Secretary of State does a call-in, you get some allowed and some refused. When you look at the results of mayoral call-ins, it is a one-way street. In other words, as soon as a call-in is announced, you might just as well give up. We knew that in January [2019] for the Kensington Forum and it was quite predictable that that was going to be the result in June. We could have saved ourselves a lot of time, but we had to fight.

Dr Edward Denison (Associate Professor, Architectural History and Theory, University College London): At Mount Pleasant, it was exactly the same thing with the amount of resources and pressure you are putting on communities to fight something that is ultimately pointless. I would say that the call-in process in principle maybe is a nice idea but in practice clearly does not work. As Michael has said about the number of call-ins, you just need to look at the track record. It does not hold up to what Jules [Pipe] has said.

Nicky Gavron AM (Deputy Chair): What would make it work?

Dr Edward Denison (Associate Professor, Architectural History and Theory, University College London): In my view, you have to trust the local authorities and the way that they assess and review these applications. If the process was, as Nicholas has described, much more even in historical terms in the way that you assess them within this administration, then that would be all right, but it is not. It clearly is not working properly if you are accepting everything that comes through this building.

Peter Eversden MBE (Chairman, London Forum of Amenity and Civic Societies): The Mayor is not challenging the reasons for which the local authority refused it. He is taking cases which have been refused on London Plan policies. He is then increasing height and bulk, which makes it even more a deviation from policy. That just seems crazy to me.

Dr Edward Denison (Associate Professor, Architectural History and Theory, University College London): At Mount Pleasant, it is cross-borough, as you know, and both rejected the application. How can two boroughs come to that conclusion, through all the rigorous process that you expect a London borough to undertake, and then for it to be passed so swiftly by the GLA? It does not make sense if you are going to apply planning policy rigorously.

Michael Bach (Chair of the Planning, Environment and Transport Committee, London Forum of Amenity and Civic Societies): There is a difference between the way these cases are assessed compared with where the Secretary of State does it on one hand or the local planning authority does it on the other hand, following the line in the legislation to determine applications according to the development plan, unless other material considerations indicate otherwise. I don't think that the way the Mayor assessed it was not whether it conforms with policies and then looking at the impact. It just completely disregards the policies; his own and the local ones.

Dr Edward Denison (Associate Professor, Architectural History and Theory, University College London): Hear, hear.

Nicky Gavron AM (Deputy Chair): Chair, I do not know if other Members want to come in on this. Is there a last point from anyone?

Michael Bach (Chair of the Planning, Environment and Transport Committee, London Forum of Amenity and Civic Societies): It needs redesigning.

Nicky Gavron AM (Deputy Chair): The call-in process?

Dr Edward Denison (Associate Professor, Architectural History and Theory, University College London): Absolutely, it does, yes.

Navin Shah AM: Yes. I have a couple of questions. I always raise the term 'community engagement' at the centre of everything, particularly with planning applications. This is something in the normal planning process that, in my view, does not quite happen in the way effectively it should be done. When it comes to a call-in process, it leaves you with bigger questions marks about community engagement. Edward, in your comment you talked about the bias and Nicholas mentioned community resistance to the applications, which are generally controversial, particularly at that level when they are called in.

I have two questions. The first one is to what extent do you think the local community has sufficient knowledge of or access to mayoral negotiations with the developers and amendments to applications that have been called in?

Peter Eversden MBE (Chairman, London Forum of Amenity and Civic Societies): That depends on the borough. It varies tremendously. I mean, if a borough wishes to be totally helpful and make sure that everyone in the community - in the neighbouring boroughs as well, because sometimes they are affected - is fully all kept aware of what is happening, then that would be a good process, but we do not believe that

happens. Also, when the communities write their response to the Mayor's stage one and stage two reports and tell him that some of the things he is looking for are impossible, such as the Mayor said the borough will negotiate section 106 to make Gunnersbury Station accessible, Gunnersbury Station is locked in the base of a building called BSI. There is no way that that station can be made more accessible than it is. It was not only accessibility, it was the number of ticket gates, so that people are now queueing outside that station for 20 minutes before they are allowed in to get on a train. Things that the Mayor indicates are possible, they write in and say, "No, it is not", and it is not taken into account.

Also, it is not just depending on the local authority keeping people informed, it is people's ability to be engaged. We work with the Just Space network and others because our people looking at civic societies know the planning process, but that is only a tiny fraction of communities and communities do not understand it. They need to be helped, they need to be fully informed and given the opportunity to know what is going on.

Navin Shah AM: Yes, there is a gap at that level in terms of the capacity of communities to understand and engage properly with planning applications, but where I would challenge on this, I agree with your earlier comment that councils should be left pretty much at the call-in process to make the community aware of the changes in application and what they should be doing. Why should the Mayor and his team not be responsible, because they are in charge of the call-in process? As it is, planning authorities are really struggling in terms of their own resources. They can barely manage a statutory consultation, so do you not think that the GLA team and the Mayor's team, when they are calling in those substantial, significant applications that the onus should be as much on them as --

Peter Eversden MBE (Chairman, London Forum of Amenity and Civic Societies): I would agree, they should. Jules Pipe said it was and he said that he looks at all the people who wrote in about an application, then he makes sure they are informed. There could be things that are happening that change the application which will be of interest to other people. It is when some of these changes happen that it is not just the original objectors that need to be told, it is other interested parties. That can be achieved through the local authority if it is done properly.

Navin Shah AM: I am not denying that for one moment. Normally the objectors, for example, are people who responded who are on record, but it is much wider engagement which adds to the ones who were not probably even aware of this major project. Yes, it should include everyone.

Dr Edward Denison (Associate Professor, Architectural History and Theory, University College London): For me it is a question of power. That is why I asked you to ask yourselves who you are serving, whether it is the developer or the communities, because for us, we had absolutely no - or practically no - correspondence at all with the GLA once it called it in. That door seemed firmly shut, but we as a community were absolutely adamant that we were not in opposition to this development, we were absolutely pro-development. In some ways confused the Mayor at the time. He was expecting us to be oppositional and his narrative was always that we were until he realised that we absolutely were not. With funding from the GLA, we put forward, as you probably know, an alternative proposal for that site that was higher density and had more affordable housing.

As a community, we were desperate to engage. We wanted discussions with the landowner, the Royal Mail Group at the time. We wanted discussions with DP9 and we wanted to have an open forum, just simply for that process to be transparent. We were doing everything we could that we thought was right in terms of the democratic process, but it is when that process is taken away from you at a local level, and as Peter said about the local councils, we had experience of both councils. One, in the case of Camden, was much more open and

much more supportive than Islington was. That is just the way it was, but as a community group, trying to be in the middle of all of that and being sort of pulled in every direction, yet being sort of locked out of any discussions we were trying to have, was incredibly frustrating when you think you have something to add, whether it is a proposal in the form of the Community Right to Build that we put forward or simply giving our own expert knowledge from a community level towards the developers to try to improve the development that they were putting forward.

Andrew Boff AM (Chair): You were saying the alternative was supported or paid for by who?

Dr Edward Denison (Associate Professor, Architectural History and Theory, University College London): The GLA, yes, through the Community Right to Build process.

Andrew Boff AM (Chair): Do you feel that - I remember the application and so I am coming with my view - proposing that alternative was, on reflection, a good use of your time or do you think it was given the consideration that it needed?

Dr Edward Denison (Associate Professor, Architectural History and Theory, University College London): I do. Again, it came down in the end to the local authorities and they were in balance in their support for that, as they are with regards to neighbourhood forums and the Localism Act, for example. It varies from borough to borough. But as a community group trying to put forward a better alternative, it was absolutely the right thing to do and I would stand by that. It was a very useful exercise. It was very welcomed at a time where people felt that as a community we had come together, we had created a neighbourhood forum, which is no small task in its own right. To bring together the ideas the community thought were valid on that particular site and to improve that site, that is --

Andrew Boff AM (Chair): Once that plan had been developed, you submitted that to the local authority, is that correct?

Dr Edward Denison (Associate Professor, Architectural History and Theory, University College London): It was the Planning Inspectorate, but that was rejected in the end on the grounds of car parking, because the Mayor had approved - despite the fact that both boroughs have zero car parking in new developments - 200 car parking sites on that site. We did not want any car parking on our Community Right to Build site and that is where the planning inspector failed our application.

Andrew Boff AM (Chair): Once that plan reached the Mayor of the time, do you think that that alternative was given consideration? Did he take that into account, do you think?

Dr Edward Denison (Associate Professor, Architectural History and Theory, University College London): I do not think he was interested in any alternative or any community voice in any way from the outset. In fact, I should go on to say that at the public hearing, we happen to know that he wanted to finish that hearing early because he was flying to Italy with what happened to be a C-list celebrity who is in our neighbourhood. We knew that he was leaving for Italy at that time.

Nicholas Boys Smith (Founding Director of Create Streets): I did not know that. Who was that?

Dr Edward Denison (Associate Professor, Architectural History and Theory, University College London): I cannot say if this is being live cast, but --

Andrew Boff AM (Chair): It is. It is too late now.

Dr Edward Denison (Associate Professor, Architectural History and Theory, University College London): It was a rather hasty ending to that meeting. That is the sort of contempt that I felt that the community were held in at the time.

Michael Bach (Chair of the Planning, Environment and Transport Committee, London Forum of Amenity and Civic Societies): Can I give you a quick answer to the question? The community does not know anything about the negotiations that are going on until they are revealed in a new application. Now, the developer - this is an experience with a Kensington Forum Hotel - did do an exhibition at the time that his application was being amended and, yes, we saw it at that stage. But the community has no access to the process of negotiation that is going on between the Mayor and the applicant, and whether that is going on before the first application or after the application had been refused, we do not know. That took place without any engagement.

What I should say about the GLA, we gate-crashed the officers and had several meetings, including a walkabout to try and inform them better about the context, but the thing was already set with the positive recommendation, so I am not sure that we actually made much impact.

Peter Eversden MBE (Chairman, London Forum of Amenity and Civic Societies): Community groups have said to me, "If the Mayor had not intervened, we fully supported the grounds for refusal of the local authority and the developer would probably have lost on appeal and had to come with a scheme that we wanted, which would have conformed to the local plan and the London Plan", but the Mayor not only approved the rejected scheme, he made it worse.

Nicholas Boys Smith (Founding Director of Create Streets): It is worth adding that, as I recall - and correct me if I have got my details wrong here - that the proposal on the Mount Pleasant site did not comply with the SPG for the site or with the two borough plans.

Dr Edward Denison (Associate Professor, Architectural History and Theory, University College London): That is correct, the SPG, yes.

Nicholas Boys Smith (Founding Director of Create Streets): Yes, you can argue the London Plan should trump the Local Plan, but the boroughs were going through the right process and holding it to their plans.

Can I just add two very quick things to your earlier question? I will say one thing in defence of the Mayor - that should be done - which is, by definition, these are big and complicated sites. They are legitimately going to be difficult things for residents and neighbours to get their heads around and so there is a legitimate complexity to them but, as technology gets better, the experience in terms of going through one of these pages with 25 documents on it, all at sort of 75 megabytes, just trying to take your way through, even as a professional, is very difficult. When something comes up to this level, with all the resources of London available to this office, the expectation should be higher in terms of information, the visuality and the capacity to process that information to the wider public. As I understand, digital technology in producing it is improving. One recommendation might be that when things are called in, you are expecting the Mayor to make the information about that scheme, about its pros, about its cons, and to allow people to understand it readily and quickly, far better and far more speedily available than it is at the moment, because the current ability to process the data is very low. That would be something the Mayor could legitimately and easily do.

Navin Shah AM: Yes. You have kind of pre-empted my second question, which is great. No, I am grateful for that because it is about how can the process, the protocol, be amended to make it more transparent, more accountable as well? In my view, not only do communities not have much of an idea about what constitutes strategic projects, let alone stage one, stage two, stage three, what the hell they are.

Dr Edward Denison (Associate Professor, Architectural History and Theory, University College London): Yes, absolutely.

Navin Shah AM: Now, certainly to me therefore that process is flawed. At a community level, it needs amendments. The question is what can the Mayor do, leaving aside legislation and what legally they are required to do or not, but how can that process, the protocol, be improved so that there is some level of buy-in and understanding of what happens at call-in stage?

Dr Edward Denison (Associate Professor, Architectural History and Theory, University College London): If I can just add something, I totally support what Nicholas has just said in that regard. For us as a neighbourhood, we created a community group, which we called an association, and we became a neighbourhood forum. The resources to do that, we did not have those resources, they do not exist. If you are going to call something in and impose enormous pressures on communities to respond to that, you have to give them the resources and support them in whatever way. That might be financial resources, it might be setting up meetings, hiring facilities, just bringing someone along to even explain the vocabulary of the type of planning, all of the sort of planning --

Navin Shah AM: That is where I had a problem with Jules's [Pipe CBE] comment, that let the boroughs wait, eight boroughs and we have got that capacity.

Dr Edward Denison (Associate Professor, Architectural History and Theory, University College London): But you have taken it out of the hands of the boroughs at that stage.

Navin Shah AM: Then we are. Yes, but then you are taking it in one instance, the first thing you said about, "We are taking it out your hands", and then you are saying, "But then it is incumbent on you to do the consultation". It does not make sense.

Dr Edward Denison (Associate Professor, Architectural History and Theory, University College London): But that should be a fairly easy thing for you to implement. If you are going to take that decision to call the thing in, you have to take responsibility to fully inform and support the informing of communities in what they are about to engage with.

Nicholas Boys Smith (Founding Director of Create Streets): One of the wider themes - I have been doing some work on planning across the country recently - that has emerged nationwide, and I have no reason to believe it is not true in London, is that there is a growing sense that the planning system is not working and that it is facilitating developers and processes are being sort of parachuted in. There is a sense that people are the recipients of it, it is being done at them. There are lots of counter examples and so one must not be too broad-brush, but if we have got regional Government in London, London is unique in having that, and by definition it is going to have a bit of parachuting in. If it is going to do anything, it is not going to be hyper-local. That goes with the territory. If you are going to call things in, you can make a case for that, but if you are going to, you need to at the very least be allowing community engagement to continue to the same quality.

I would urge that you should aspire to be doing rather more. You have got some economies of scale. By definition these are all going to be big and complicated sites. Local boroughs deal with a smaller proportion and that is all you deal with, so having a process of working with these big, well-funded developers to help them provide the information, to make available visual information, key data, in an easy-to-gurgitate - if that is the right word - fashion would be a legitimate quid pro quo for what at the moment is a one-way street for the developer. I do not think that is an unreasonable ask. It would not answer all the other quite legitimate challenges, but it would at least rebalance the process a little bit.

Peter Eversden MBE (Chairman, London Forum of Amenity and Civic Societies): We have to make communities aware of the stage one and stage two reports before call-in because those are significant. They can imply a potential call-in; they can contain things which are factually incorrect, as Historic England had to point to ten incorrect statements in one of the Mayor's reports. The communities then should know about that, because they should say to their borough, "How are you going to deal with that? How is that going to be put to the planning committee in your case officer's report? Do you think the Mayor's stage one and stage two reports were correct?" Some of our more, should I say, educated groups, we have retired town planners, we have someone who was the Development Director at Hammersmith and Fulham in our community groups. They know all this process. They have a look at the stage one and stage two reports and they will write in and say, "That is wrong", but they are ignored.

Michael Bach (Chair of the Planning, Environment and Transport Committee, London Forum of Amenity and Civic Societies): The real Catch-22 is that although in some of the documentation it talks about potential strategic importance, by the time you have got to make a decision to call in, you have already judged that it is, and as a result, looking at the track record of two mayors, it is almost 100% saying it is allowed. We could all just go home. You might just as well have been directing people to allow it.

Dr Edward Denison (Associate Professor, Architectural History and Theory, University College London): Peter raises a good point also. We had to fill in a survey before we came in today about diversity and inclusion. You have got to understand that if a community is to organise itself to respond to something like a call-in, even if it is at a local level, it will attract a certain type of individual, maybe a retired expert or people who have the time. It will exclude a lot of individuals who cannot attend meetings in the evening because they are looking after elderly or young members of the family. There are so many pressures that communities simply cannot bear in dealing with the types of issues that you are dealing with every day, which the likes of DP9, that is their bread and butter, they do it all the time. As Nicholas said, it is a one-way street entirely, so there has to be a system whereby you support the communities, so they are fairly represented. It is not just about representation, but they must be fairly represented, that you reach every corner of each community. That is a huge challenge, but it is a challenge that you bring upon yourselves by having this policy.

Nicholas Boys Smith (Founding Director of Create Streets): Michael very naughtily exaggerated just now. It is not 100%. I just did the maths: it is 96.4%, so Michael was exaggerating the chance of getting change through.

Michael Bach (Chair of the Planning, Environment and Transport Committee, London Forum of Amenity and Civic Societies): You have changed the outlook completely.

Peter Eversden MBE (Chairman, London Forum of Amenity and Civic Societies): The Committee should be very interested in what I am interested in. It is what will the Secretary of State say to two

interventions by the Mayor in West London? If he says the process that the Mayor applied was wrong, the conclusions that the Mayor came to were wrong, that would be quite significant because --

Michael Bach (Chair of the Planning, Environment and Transport Committee, London Forum of Amenity and Civic Societies): But those are appeals, are they not?

Peter Eversden MBE (Chairman, London Forum of Amenity and Civic Societies): They were refused by the local authority and they were approved by the Mayor. They were then called in and we are awaiting to see what the outcome would be. That could be quite a test because --

Michael Bach (Chair of the Planning, Environment and Transport Committee, London Forum of Amenity and Civic Societies): We have a ridiculous situation where we have got competitive call-in. No sooner has the Mayor decided one thing, then the Secretary of State is calling it in. Newcombe House is an example. That would have happened on Kensington Forum [Hotel] as well, except that the Mayor signed everything off that afternoon, including all the section 106 agreements, before anybody could do anything.

Andrew Boff AM (Chair): As I understand it, with the clear intent of avoiding a call-in by the Secretary of State.

Michael Bach (Chair of the Planning, Environment and Transport Committee, London Forum of Amenity and Civic Societies): Yes.

Andrew Boff AM (Chair): I kind of had an answer to this already. The Mayor has some very tight protocols for site visits. Do you think the Mayor's protocols for conducting site visits ahead of representation meetings or even representation meetings themselves, need reviewing in any way? Dr Denison.

Dr Edward Denison (Associate Professor, Architectural History and Theory, University College London): Yes, there are.

Andrew Boff AM (Chair): I can guess your answer because you were complaining earlier about not having any access to the Mayor.

Dr Edward Denison (Associate Professor, Architectural History and Theory, University College London): That is right. We did appeal to the GLA when we knew that this site visit would be taking place and we were told very firmly that we must not in any way attend that, we must not be present at that, there is no way in which he will meet us or have any sort of communication with us at that site visit or at any time after or before. I appreciate that having some sort of communication with the local community does potentially expose you to accusations of bias from a developer, but it is necessary to have that sort of conversation with the community, whether it is at a site visit or at other hearings. It seems only fair since DP9, in our case, has access to you, has access to your institution. Why should the community not also have that sort of access if it is all recorded?

When we were fighting this, we made the case that it was all about transparency. If everything is out in the open, then there can be no accusations of bias or skulduggery. They should be reviewed and particularly at the representation hearings as well, 15 minutes for a community, but that is literally the only time we had to speak to anyone or make our voice heard.

Andrew Boff AM (Chair): That is in the committee meeting itself?

Dr Edward Denison (Associate Professor, Architectural History and Theory, University College London): In the committee meeting for 15 minutes. Of course, there is not just one person who is going to speak at that hearing, so we had to share that 15 minutes very strategically between different members of the community.

Andrew Boff AM (Chair): That committee meeting is of course a committee of one, is it?

Dr Edward Denison (Associate Professor, Architectural History and Theory, University College London): Yes, that is right.

Peter Eversden MBE (Chairman, London Forum of Amenity and Civic Societies): With regard to the site visits, I would like the Mayor to conduct himself in the same way as an inspector. An inspector at an inquiry will say, "What do you think I should visit? Why do you think I should visit it? Give me all your reasons". The community, the local authority, they all contribute to that and then you are making sure that the right places are visited. I mentioned Gunnersbury Station. I do not know if the GLA people went to it. We were told they did not. The fact it is locked in the base of a building physically and could not have the changes the GLA were hoping for would have come out. I would like to influence what it is that the GLA does in their visits for reasons that we would normally define to an inspector and then he can judge whether --

Andrew Boff AM (Chair): How do other people feel? That sounds a very sensible suggestion, that the Mayor should --

Nicholas Boys Smith (Founding Director of Create Streets): I strongly concur, but there is a broader debate, if I may, just perhaps to give a little bit of philosophical background. In the organisation I run, we do co-design with community groups day in day out, almost. The process for me is that as a non-local coming in, the process of walking around a site, not just within the red line, but walking to and from the street over there or looking at it from over there and doing that with a range of different people, who will not always agree and have different perspectives and different priorities, I was going to say it is incredibly informative. To be honest, it is actually an essential part of responding properly to a site; any decent designer does it. If you do not, you should. But coming in, in essentially a quasi-judicial role to make that trade-off, you cannot spend days and days doing it, we appreciate that, but at the very least being informed, ideally perhaps doing half an hour with one side and half an hour with the other or whatever it might be seems to me a very reasonable thing to ask. If the Mayor was doing hundreds of these, clearly that would be unreasonable. He is not. He has to do a couple a year.

Peter Eversden MBE (Chairman, London Forum of Amenity and Civic Societies): We would ask that the Mayor's team went and stood where each of the photographs is supposedly taken from that show that the development will be totally insignificant.

Michael Bach (Chair of the Planning, Environment and Transport Committee, London Forum of Amenity and Civic Societies): We have done. We had a walkabout with the officers. The officers refused to respond to the issue that wide-angled photographs distort what you actually see, if you are familiar with photography. A 24-millimetre lens gives you a wide view, but it pushes things away.

Nicholas Boys Smith (Founding Director of Create Streets): Yes, I remember they sold my flat and they doubled the size of it.

Michael Bach (Chair of the Planning, Environment and Transport Committee, London Forum of Amenity and Civic Societies): I went to the same spot and took a 50-millimetre lens, which is roughly what the eye sees, and it is so radically different. Now, we took them around that, and to give them their due, they probably took the Mayor around a similar route, but they would not tell us when the Mayor was going to come. One of our Members bumped into them, this entourage, and they were extremely embarrassed, because the rules say, "Do not take any locals with you".

Nicky Gavron AM (Deputy Chair): Sorry, can I just interrupt for a minute? The protocol does not say that, the protocol says that the community and the applicants and stakeholders should be there, but they can only speak, they are not there to lobby. This is the Mayor's protocol.

Michael Bach (Chair of the Planning, Environment and Transport Committee, London Forum of Amenity and Civic Societies): No, but that applies to everybody.

Nicky Gavron AM (Deputy Chair): Can I just finish? They can only speak if the Mayor asks them to speak. Greenwich, for whatever reason, is unable to be here, but the one application that was turned down, the Mayor did a site visit and they were there. I would like to have known whether he asked questions or not and how far he went and talked to the industries and all the different stakeholders. But that is in the protocol.

One more thing, while I have got the floor for a moment. I want to know, when it is a Government inspector on behalf of a Secretary of State call-in, is it different from then what the Mayor's protocol says?

Nicholas Boys Smith (Founding Director of Create Streets): It was Peter who touched on it a bit. I am happy to defer to Peter, but my understanding is that it is. Certainly, in my limited experience with the inspector it is very different and very much more clearly is judicial in its role and he takes advice from all parties.

Nicky Gavron AM (Deputy Chair): Maybe we should be following that here. Maybe we should recommend, because we are going to make recommendations --

Michael Bach (Chair of the Planning, Environment and Transport Committee, London Forum of Amenity and Civic Societies): You should compare it. I did print it out - but I cannot find it - the regulations that you have produced. It is quite explicit about not inviting members of the community.

Dr Edward Denison (Associate Professor, Architectural History and Theory, University College London): I would like to just concur with that in regards to Mount Pleasant. I do not have the email here, but we were told categorically from your planning officer that we were not allowed to be part of that.

Nicky Gavron AM (Deputy Chair): OK, but the Mayor's protocol says the opposite, our Mayor's protocol.

Dr Edward Denison (Associate Professor, Architectural History and Theory, University College London): But your planning officers did not concur with that. They absolutely did not.

Nicholas Boys Smith (Founding Director of Create Streets): I did not know that. As I have already --

Nicky Gavron AM (Deputy Chair): It is a 2016 protocol.

Michael Bach (Chair of the Planning, Environment and Transport Committee, London Forum of Amenity and Civic Societies): Yes, that is what I was looking at, but I cannot --

Dr Edward Denison (Associate Professor, Architectural History and Theory, University College London): But the site visit to Mount Pleasant in 2014, is that --

Nicky Gavron AM (Deputy Chair): That is because it was pre-that year, and a lot was learned from Mount Pleasant. Obviously not enough.

Michael Bach (Chair of the Planning, Environment and Transport Committee, London Forum of Amenity and Civic Societies): Here we are. Shall I just tell you?

Dr Edward Denison (Associate Professor, Architectural History and Theory, University College London): All is not lost.

Michael Bach (Chair of the Planning, Environment and Transport Committee, London Forum of Amenity and Civic Societies): These are the procedures for complying, representation and site visits. It says ... maybe it was not in this one, it was the other one, most of it is fine.

Nicky Gavron AM (Deputy Chair): It does say community groups could be there.

Andrew Boff AM (Chair): Even then, that being said, whatever the outcome, Mr Eversden, you are saying that the Mayor should look for more comments from those community groups who may be there as a result, so should be more proactive.

Michael Bach (Chair of the Planning, Environment and Transport Committee, London Forum of Amenity and Civic Societies): It says very clearly, "Objectors/supporters will not normally be invited to attend a site visit". You cannot get much clearer than that.

Nicholas Boys Smith (Founding Director of Create Streets): But there is some scope for --

Michael Bach (Chair of the Planning, Environment and Transport Committee, London Forum of Amenity and Civic Societies): This is called, "The procedure for representation hearings at the GLA", and I printed it off.

Nicky Gavron AM (Deputy Chair): What date is that?

Michael Bach (Chair of the Planning, Environment and Transport Committee, London Forum of Amenity and Civic Societies): It is your latest one. It was the one that was referred to us by Mr [Paul] Watling [Scrutiny Manager, GLA] as something we might read and so I did.

Nicholas Boys Smith (Founding Director of Create Streets): That is a good witness. That is the sort of witness you like.

Andrew Boff AM (Chair): Absolutely.

Nicky Gavron AM (Deputy Chair): I just had one read to me which said --

Michael Bach (Chair of the Planning, Environment and Transport Committee, London Forum of Amenity and Civic Societies): I am only telling you what they say, and I am telling you the experience, that we were definitely not invited, and they were embarrassed when somebody just happened to bump into them. But it strikes me that that opportunity does not exist for communities.

Peter Eversden MBE (Chairman, London Forum of Amenity and Civic Societies): I do not even know if there is a list of what the Mayor intends to go and visit.

Michael Bach (Chair of the Planning, Environment and Transport Committee, London Forum of Amenity and Civic Societies): No.

Peter Eversden MBE (Chairman, London Forum of Amenity and Civic Societies): Because he may not actually visit the ones that you would like him to. He may not even have visited the ones that were on the list because he did not have time.

Nicholas Boys Smith (Founding Director of Create Streets): This is important: understanding of place and understanding the consequences of an intervention do require you to physically go there. So far - and this may change in time - virtual reality has not replicated that.

Michael Bach (Chair of the Planning, Environment and Transport Committee, London Forum of Amenity and Civic Societies): It will never.

Nicholas Boys Smith (Founding Director of Create Streets): Who knows? It is not imminent. You need to know where to be and where to look and you need to understand where people go. You could read that, and you can understand the site, the desire lines and all that stuff, but there is no substitute for physically going there. If you are driven around two or three carefully selected sites, you are going to form a different opinion to if you visit there with people who live there and use the site.

Dr Edward Denison (Associate Professor, Architectural History and Theory, University College London): I would also suggest that you go at different times as well. A site visit is insufficient. You need to go there perhaps, depending on the site itself, at the weekends, rush hour.

Michael Bach (Chair of the Planning, Environment and Transport Committee, London Forum of Amenity and Civic Societies): You only get the Mayor once.

Dr Edward Denison (Associate Professor, Architectural History and Theory, University College London): Yes, it is probably pushing my luck.

Michael Bach (Chair of the Planning, Environment and Transport Committee, London Forum of Amenity and Civic Societies): Sorry, I missed out one sentence. It was on the next page, "Any request for objectors or supporters to attend will be considered by the Mayor and attendance will be at the discretion of the Mayor". If you do not know when it is going to happen, you do not have a chance.

Dr Edward Denison (Associate Professor, Architectural History and Theory, University College London): It is not advertised, is it?

Michael Bach (Chair of the Planning, Environment and Transport Committee, London Forum of Amenity and Civic Societies): It is not advertised.

Andrew Boff AM (Chair): There are certain protocols that are adopted when local authorities do site visits, of councillors on planning applications as well. It is years since I sat on a local authority planning committee, but I remember at the time we were not allowed to be subjected to overt lobbying by one side or another. There is a nod from a councillor in the audience, who is saying that is pretty much what the procedure is now. We are not talking about being particularly different from the general protocol that is adopted for determining planning applications.

Nicholas Boys Smith (Founding Director of Create Streets): Again, this gets to quite a fundamental question, which is: is the Mayor's role here more equivalent to a planning authority, which is what the Deputy Mayor was asserting or implying, or is it more similar to a planning inspection from the Secretary of State? The truth is it is equidistant perhaps, so where is it appropriate to be following the protocol of local council or where is it appropriate and more likely the Planning Inspectorate? There is probably not one easy answer to that, but at the moment it feels uncomfortable, like you are perhaps the worst of both bits, because you are just saying yes to everything.

Andrew Boff AM (Chair): We have quite a few --

Nicky Gavron AM (Deputy Chair): That is a really good point that has been made that we should look at.

Michael Bach (Chair of the Planning, Environment and Transport Committee, London Forum of Amenity and Civic Societies): There is one thing you have not covered yet.

Nicky Gavron AM (Deputy Chair): We should look at those two because it is not quite like a local authority, is it, because it has already been through a local authority, the application?

Michael Bach (Chair of the Planning, Environment and Transport Committee, London Forum of Amenity and Civic Societies): The representation hearing you have not dealt with yet.

Andrew Boff AM (Chair): Yes.

Michael Bach (Chair of the Planning, Environment and Transport Committee, London Forum of Amenity and Civic Societies): Which is your last question.

Andrew Boff AM (Chair): Yes, indeed.

Michael Bach (Chair of the Planning, Environment and Transport Committee, London Forum of Amenity and Civic Societies): What we found, it took some time to establish. They would not just say, "Yes, you have got 15 minutes" and what we also found was there was no flexibility on the timing, so somebody was still in full flight and they were cut off.

Andrew Boff AM (Chair): Again, I do not think that is dissimilar from a planning meeting.

Michael Bach (Chair of the Planning, Environment and Transport Committee, London Forum of Amenity and Civic Societies): When there is 15 minutes, some people take more or less. Then there is the question of the Mayor's questions. They should be able to be answered by people other than the person who he has asked it to, because very often they may not be in a position to answer the question. If the aim is to secure information, he should allow other people to answer it.

There is another problem and that is the Mayor tends to use questions for point-scoring rather than a genuine desire to get information. It politicises the process to a degree, you do not feel very comfortable as a witness. He is the decision-maker, not the advocate for the scheme, but he is behaving a bit like a Queen's Counsel, interrogating witnesses rather than just --

Nicky Gavron AM (Deputy Chair): He is a lawyer.

Michael Bach (Chair of the Planning, Environment and Transport Committee, London Forum of Amenity and Civic Societies): Sorry? I know what his profession is. There is a question, that people should be able to answer the questions. For instance, one of our members was asked, "Do you know how many car parking spaces there are in the proposed hotel development?" because she was talking about air pollution. Actually, it was a rubbish question because it is not the amount of car parking spaces, it is actually how are these people going to arrive? Most of them, instead of coming in coaches as they do now, are going to arrive in individual vehicles and they are going to drop them off, so the car parking spaces are totally irrelevant. But you could have answered that question to him, but he only wanted to hear from somebody who he wanted to knock down because she did not know the answer. At the moment it seems a bit commercial in the way he is conducting it. I know that is personal to his style, but it is a problem at the receiving end; I am talking as a consumer.

Andrew Boff AM (Chair): Why do you think that is? Is that just the personality of the Mayor or is it the highly charged --

Michael Bach (Chair of the Planning, Environment and Transport Committee, London Forum of Amenity and Civic Societies): I do not have anything else to compare it with. I did not witness Boris Johnson [MP, former Mayor of London] doing it, so I cannot tell you he did it differently. He probably did, or rather it was more likely [Sir] Ed Lister [former Deputy Mayor of Policy and Planning] who did it, so I cannot compare. Otherwise I have to say that the hearing process was pretty good. You cannot fault it in terms of giving enough time for objectors and proponents of the scheme, supporters of the scheme. In some ways it is even better than at the local authority, where people probably squeezed out ten minutes from them and they were only given six to begin with. We had 15 from the start with the Mayor and that was good. The same with Newcombe House. I feel that the structure is right.

The real problem is the very tight timetable between the completion of the officer's report and the event, which allows people to tailor what they are going to say, but I suppose I should say it would not have mattered what we said. That is the sad thing.

Peter Eversden MBE (Chairman, London Forum of Amenity and Civic Societies): It is sad, because at the hearing or before the hearing there is no proof or statement from the Mayor that the decision of the borough was wrong. These are things refused by boroughs all over London on the basis of their plan, the London Plan and the National Planning Policy Framework. He does not say, "They were wrong in this respect, that respect or the other respect, therefore I will approve. I will overrule them". He does not go into that detail at all. We are learning nothing from this process. The local authorities were learning nothing. We do not know what to do with another one because he is just taking a refusal and not commenting on it. He is saying, "I am going to approve it because I have got a little bit more affordable housing, even though it has gone up two floors, which was the reason for it being refused in the first place". We want to see the London Plan and the local plan applied. The boroughs are doing it and the Mayor is not.

Dr Edward Denison (Associate Professor, Architectural History and Theory, University College London): I felt that certainly our experience of the hearing was it was largely pointless. It was the conclusion really to six months of inevitable process that was entirely prejudiced against the community and pro the developer. For us, it was just a formality and you could see the Mayor had absolutely no interest in interrogating any of the actual plan before him. It was a show.

Michael Bach (Chair of the Planning, Environment and Transport Committee, London Forum of Amenity and Civic Societies): It is totally different, as I said before, between what the local authority does and what the Secretary of State does, which is to follow the legal requirement, to assess it in accord with the plan.

Andrew Boff AM (Chair): You are saying it is much more subjective?

Michael Bach (Chair of the Planning, Environment and Transport Committee, London Forum of Amenity and Civic Societies): Sorry, they are setting out to prove that it is strategic or that they were right to call it in, but they do not actually assess the performance of the scheme in terms of is it the right place according to the development plan, that being both the local plan and the London Plan. When you raised it with them, it was not recorded in the report and you might just as well have not said it on the day, because nobody took any notice.

Peter Eversden MBE (Chairman, London Forum of Amenity and Civic Societies): It just seems that the context and character considerations and the cumulative effect of adjacent large developments are not taken account.

Andrew Boff AM (Chair): We have heard quite a lot about what is wrong with the process from your experiences. It has been extremely useful, may I say. What would a better process look like? There is consensus that there probably needs to be something like a call-in. Is that fair to say, that there should be that power in reserve?

Dr Edward Denison (Associate Professor, Architectural History and Theory, University College London): I am not 100% certain on that, but --

Andrew Boff AM (Chair): You are not? I am sorry, I did not want --

Peter Eversden MBE (Chairman, London Forum of Amenity and Civic Societies): But it is a defensible power. You can make a case for it. You can make a legitimate case for it.

Andrew Boff AM (Chair): How should that look? For example - I am just running this by you - would it be better if, rather than being made by a committee of one that suffered the called-in application, to be made by a committee of say the London Assembly or the Planning Committee? Is that something that might encourage more engagement with the community? Is that something that would be more positive or is there some other way in which this process can be used?

Nicholas Boys Smith (Founding Director of Create Streets): Before you go on, there is a legitimate question of who does it. It is very strange. I remember when we started it, our first process, and I had not previously appreciated that it was just the Mayor, you know, as a human being, who was the Planning Committee. One goes through - I will not say 'charade' because that is a bit unfair - the procedure of a committee and a committee-style process, which is what you are going through, because it seems to be based

largely on the local authority process as opposed to the Planning Inspectorate or the Secretary of State, when it is just that one person who is doing it. Is the proxy, as I say, borough or semi-judicial? There is a fundamental question there. It can go one way or the other, but it is sitting rather ungainfully in the middle at the moment, with a foot in both camps.

I am going to repeat myself a little bit here: the second one is the definition of what is strategic and what is city-wide - that is perhaps a better way of putting it, actually - seems to me to be fundamentally flawed. There is no accusation in how I put this: very reasonable and legitimate defence of just big stuff as being strategic. I do not think it has been possible really to fault DP9.

Andrew Boff AM (Chair): But would you say there should be a redefinition or --

Nicholas Boys Smith (Founding Director of Create Streets): Yes.

Peter Eversden MBE (Chairman, London Forum of Amenity and Civic Societies): Yes.

Andrew Boff AM (Chair): You are saying there should be, but say that is the case and you only then get strategic applications - Bishopsgate I would have thought is probably strategic on that basis - are you therefore content? Is that your only objection and are you therefore content with the process that would come after that?

Nicholas Boys Smith (Founding Director of Create Streets): As it currently stands, I do not think it is fully functional, because it is acting as a borough committee, but nevertheless always seems to say yes. It is clearly not working.

Michael Bach (Chair of the Planning, Environment and Transport Committee, London Forum of Amenity and Civic Societies): The problem is if call-in assumes 96% --

Nicholas Boys Smith (Founding Director of Create Streets): Point four, I think. Ninety-six point four.

Michael Bach (Chair of the Planning, Environment and Transport Committee, London Forum of Amenity and Civic Societies): But it was designed to be 100%, then you do not have any confidence in the process being one of assessing the potential strategic impact. It has already been decided and that then trumps any other things that people object to. If you compare it again with the Secretary of State's one, that is done through a public inquiry. That is a very heavy-handed way of doing things, but some things get refused and some things get allowed. In the mayoral system, forget the aberration, it is 100% one way and the decision is made --

Andrew Boff AM (Chair): Should somebody else be making the decision apart from the Mayor?

Michael Bach (Chair of the Planning, Environment and Transport Committee, London Forum of Amenity and Civic Societies): You mean like hand it over to the Secretary of State?

Dr Edward Denison (Associate Professor, Architectural History and Theory, University College London): A committee, you mean?

Michael Bach (Chair of the Planning, Environment and Transport Committee, London Forum of Amenity and Civic Societies): But would it be any different?

Nicholas Boys Smith (Founding Director of Create Streets): Yes, it would.

Andrew Boff AM (Chair): It would be different. What I am asking, because what seems to be the problem here - and please tell me if I am misunderstood - is that there seems to be an implication that because the Mayor is the person that is calling them in, the Mayor has a particular outcome in mind.

Nicholas Boys Smith (Founding Director of Create Streets): The Mayor is the Executive. That is not a criticism, it is just a fact.

Andrew Boff AM (Chair): Yes.

Nicholas Boys Smith (Founding Director of Create Streets): A planning committee of a local council - and I am not a local councillor, never have been, so happy to be corrected - as I understand it, it represents both the Executive and the Opposition and Cabinet Back-Bench Members, so it is a more complicated process. As I understand it, running a borough-style process for someone - no criticism - who has to be, by nature of his day job, very close to the Executive seems to me is fundamentally misconceived. I do not think I necessarily would make a case for the full Secretary of State-style process, because I am not a fan of big and unnecessary Government for the sake of it, but either run a borough-style committee with a more borough-style committee --

Navin Shah AM: That is what we are talking about.

Nicholas Boys Smith (Founding Director of Create Streets): -- or I guess if it is going to be one human being, yes, then we probably do need to make it a bit more judicially correct procedure, an example such as the one Peter was making, and I am sure there are others.

Peter Eversden MBE (Chairman, London Forum of Amenity and Civic Societies): The Mayor is acting rather like a planning inspector and the Secretary of State combined, because he is holding a hearing and he is drawing conclusions. He is then referring that to himself and approving whatever the conclusions were. If there was more involvement, if there was a kind of rule 6 party opportunity, if it was a hearing spread over three or four days, as some appeal hearings are, then you would have representation from all parties and it would include any consideration of changes that the Mayor had negotiated with the developer in terms of conformity with the planning policies at all three levels and at the neighbourhood level as well, if required. That is not happening. The opportunity is not there.

You asked if it should be referred to somebody else. I would like to see more than he as the panel if he is going to make the decisions, because other people on the panel could influence that decision by arguing against the conclusions he appeared to be drawing.

Dr Edward Denison (Associate Professor, Architectural History and Theory, University College London): There seems to be a fundamental flaw in the system where one person makes that decision. In our case, they knew full well that by going to that one person, given his inclination, he was going to approve it. If it were a panel or a committee or a wider group or body, then that decision by someone who wants it to be called in, whether it is the client or the representative, would not be so easy. It is important that it does not land on one person's shoulders. It is open to abuse, that system.

Michael Bach (Chair of the Planning, Environment and Transport Committee, London Forum of Amenity and Civic Societies): I do not mind that it is one person making the decision. The problem is that the structure. It is called in because it is allegedly strategic and the officer's report is designed to confirm that. That is why they never advocate refusal.

Nicholas Boys Smith (Founding Director of Create Streets): It could go either way. If it is one person, it needs to be a more judicial process. If it is going to remain the current process, it probably should be more committee-style decision-making. You are making a very reasonable case to go either way, but we are stuck, rather unhappily, in the middle at the moment.

Navin Shah AM: Correct me if I am wrong on this, but is it not that we do not know what the officer recommendations are and whether the Mayor is going by the officer recommendations or against officer recommendations?

Nicholas Boys Smith (Founding Director of Create Streets): They are public, are they not?

Peter Eversden MBE (Chairman, London Forum of Amenity and Civic Societies): They are public. They are all for approval. Those officers --

Nicholas Boys Smith (Founding Director of Create Streets): That one is 100%.

Peter Eversden MBE (Chairman, London Forum of Amenity and Civic Societies): Yes, those officer's reports do not indicate why the borough is wrong in its decision. They seem to be saying that, "We find no problem against planning policies with this proposal before us".

Nicholas Boys Smith (Founding Director of Create Streets): Sorry, this is going beyond the remit of your question, but I am going to say it anyway - and Nicky [Gavron AM] has heard me say this before, so I apologise - that does open up again an importantly linked wider point, which is when you have a London Plan that is that thick, you can actually find inside this document really the evidence to make almost any conclusion you want. I speak as someone who has lobbied several bits into this and know full well there are other bits on other pages that flatly contradict the bits I got in. No criticism again for people who do that, but you can use this to say almost anything and that is what happened.

Dr Edward Denison (Associate Professor, Architectural History and Theory, University College London): But that is the nature of planning, and it is important to be flexible in that regard, but what we have found - and I am sure it is the case in every call-in - is that you would expect the rigour of the officials here to be at least, if not greater than, that which happened in the local authorities. In our case there were two local authorities dealing with the same site. As I said, I do not necessarily approve of call-ins, but I can foresee a situation where maybe a community did not have trust in what the local authority was doing and was perhaps relieved that it went to the GLA, where it would be assessed with a more rigorous process. Clearly you would hope so; it is the higher authority. In our case, it could not have been more opposite than that. There was absolutely no rigour at all in the way that the officials here assessed that application. I pity them, because if you go into that profession you want to do the best job you can, but they were clearly rubber-stamping something which I would have thought probably stepped over the ethics of their --

Navin Shah AM: But the question I would like to raise is that at the decision-making level, should the borough be brought back into play say from their planning justifications from their appraisal?

Michael Bach (Chair of the Planning, Environment and Transport Committee, London Forum of Amenity and Civic Societies): They get five minutes.

Navin Shah AM: Are they brought in to give their view?

Michael Bach (Chair of the Planning, Environment and Transport Committee, London Forum of Amenity and Civic Societies): They give evidence, but five minutes for a major application is rather difficult, but if you are looking for concluding remarks here, I actually think that the track record and the impact on communities is really damaging communities' confidence in the planning system.

Dr Edward Denison (Associate Professor, Architectural History and Theory, University College London): Absolutely.

Peter Eversden MBE (Chairman, London Forum of Amenity and Civic Societies): Absolutely. It is building upon the feeling that, "What is the point in getting involved in preparing a local plan?" We say to our members, "Contribute to the local plan. If it contains all the site allocations you want to be defined in terms of what will happen on them, you would not need neighbourhood planning underneath, because it would be fully comprehensive" and they say, "What is the point when the borough makes a decision and the Mayor overrules it? It is a decision that we approve of, absolutely, because it was based on planning policy".

Dr Edward Denison (Associate Professor, Architectural History and Theory, University College London): Hear, hear.

Peter Eversden MBE (Chairman, London Forum of Amenity and Civic Societies): One question: are you going to ask local authorities who have been overruled what they feel about it and whether they learnt anything from it?

Andrew Boff AM (Chair): We are now.

Nicky Gavron AM (Deputy Chair): I just want to put something right, because I said it earlier. We have checked up now on what I was saying and the protocol for site visits that I was citing was a local authority one, not the Mayor's one. The Mayor's one actually allows for the applicants to be there, but not for the community.

Dr Edward Denison (Associate Professor, Architectural History and Theory, University College London): That sounds right.

Nicky Gavron AM (Deputy Chair): However, this Mayor, Sadiq Khan, has allowed communities sometimes to be at site visits, but what we need, obviously I do not know --

Michael Bach (Chair of the Planning, Environment and Transport Committee, London Forum of Amenity and Civic Societies): The officers did not inform us that we could apply, and they did not tell us when it was going to be. People might have liked to be there. Maybe they just think --

Nicky Gavron AM (Deputy Chair): Yes, but it is not in the protocol anyway, so they did not have to. That is a 2016 protocol and so whatever happens, we need to look at that again.

Michael Bach (Chair of the Planning, Environment and Transport Committee, London Forum of Amenity and Civic Societies): They just do not think we are housetrained.

Andrew Boff AM (Chair): I did not know you were either, but still. May I thank our guests for all your contributions?