



CITY OF WESTMINSTER

MINUTES

Planning & City Development Committee

MINUTES OF PROCEEDINGS

Minutes of a meeting of the **Planning & City Development Committee** Committee held on **Wednesday 28th October, 2020**, Please note that this will be a virtual meeting..

Members Present: Councillors Robert Rigby (Chairman), Geoff Barraclough, David Boothroyd, Jim Glen, Elizabeth Hitchcock, Louise Hyams, Matt Noble, James Spencer, Eoghain Murphy, Selina Short, Richard Elcho, Antonia Cox and Guthrie McKie

Also Present: Councillor Matthew Green

Apologies for Absence: Councillor Tim Roca and Councillor Mark Shearer

1 MEMBERSHIP

1.1 Election of Deputy Chairman

1.2 The Chairmen proposed that Councillor Jim Glen be appointed as Deputy Chairman for the duration of the Meeting.

There being no other nominations it was

RESOLVED:

That Councillor Jim Glen be appointed as Deputy Chairmen for the duration of the Meeting

2 DECLARATIONS OF INTEREST

2.1 Cllr David Boothroyd declared that he was Head of Research and Psephology for Thorncliffe, whose clients were companies applying for planning permission from various local authorities. No current schemes were in Westminster; if there were he would be precluded from working on them under the company's code of conduct.

3 MINUTES

3.1 That the Minutes of the Planning and City Development Committee meeting held on 30 June 2020 be approved.

3.2 Matters Arising from the Minutes

3.2.1 Item 5 Update On the Planning Review

3.2.2 Point 5.4 - Site Visits

Members were advised that physical site visits continued to be carried out and these were only done in exceptional circumstances. There are protocols in place to ensure that site visits are safely conducted. During the Covid-19 Pandemic lockdown the Service has been using various tools to undertake site assessments and these instruments were found to be robust and effective when undertaking such tasks.

3.2.3 Point 5.7 – Hybrid Meetings

The Sub-Committee noted that hybrid meetings were permissible under the current Planning Legislation and these were dependent on three factors which include relevant risk factors/ assessment, the local outbreak control plan and technology. Members were advised that updated legal advice on hybrid meetings had now been provided.

3.2.4 Point 5.9 / 5.9- Public Comments on Planning Portals.

Members were advised that bespoke software was being developed to prevent inappropriate comments from appearing on the Service's electronic public portals. The software would filter comments and be in operation in the forthcoming weeks.

4 ANNUAL UPDATE ON PLANNING APPLICATIONS AND APPEALS PERFORMANCE 2019/20

4.1 The Committee received a report which provided an annual update on the performance of the Place Shaping and Town Planning department in terms of the timeliness and quality of its planning application decision making and the success rate of planning appeals. The performance of the department over the period between April 2019 and March 2020 continues to significantly exceed the required performance thresholds set by the Ministry of Housing, Communities and Local Government (MHCLG).

4.2 The performance of local planning authorities in determining major and non-major development is assessed on a quarterly basis by the MHCLG. For the period from April 2019 to March 2020 the City Council met and exceeded the MHCLG Performance thresholds for both Major and Non-Major applications. The Major applications threshold was exceeded by 13.5%, whilst the Non-Major applications threshold was exceeded by 3.1%. Coupled with similar performance for the preceding 2017/ 2018 financial year, the City Council is

not at risk of designation in respect of the quality and speed of its decision making. The Service continues to handle a high volume of planning applications whilst ensuring that timely decisions are made for the majority of applications.

- 4.3 There have been 14 virtual Planning Applications Sub-Committees since April 2020. The first virtual Sub-Committee were viewed by a wide range of audience which included local authorities, academic institutions, development industries and applicants. Officers advised that the diverse audience indicated that parties wished to view how the Council responded to the current climate and that they wanted to replicate the virtual Committee. The number of viewers of the virtual Sub-Committees have declined in the subsequent months and this was attributed to difficulties in finding the links to the live broadcast on the Council's Web Page. Members were advised that the Council would be reverting to using previous broadcasting platforms in the forthcoming months and this would ensure easier access to the virtual meeting and increase the number of viewers.

Members noted the following: -

- That Extensions of time (EoTs) were not proactively used and that the Service's main priority was to maintain performances for decision making. This was achieved by ensuring that there was good timetabling of applications and that decisions are made within these set timeframes.
- That the Council met the cost of applications that it had been directed to refuse, which were later allowed following appeal. The Committee noted that there was no automatic cost award for allowed appeals and that there was an application process for these awards.
- That the 51 refusals of advertisement consent (Table 8 2019/20 Appeal Performance by Application) that were successfully appealed were predominately associated with telephone boxes.
- That the appeal statistics was an assured established independent method to measure the quality of decision making of the Service. Members noted that the appeal system in practice determined whether decisions could stand up to independent scrutiny.

RESOLVED:

1. Members considered the contents of the report and noted the ongoing good performance of the Place Shaping and Town Planning department in terms of its performance in the determination of planning applications and defending decisions to refuse permission at appeal.
2. That the Committee be provided statistics on the number of planning applications which were recommended for refusal by Officers and were granted by the Sub-Committees.

5 RECENT CHANGES TO PLANNING LEGISLATION AND REGULATIONS

5.1 The Committee received a report which provided an update on the recent changes to planning legislation and regulations and identifies where these may impact upon planning decision making in Westminster.

5.2 There have been a number of changes made to certain aspects of the planning system in recent months. Some of these changes are temporary and seek to assist the recovery from the immediate impacts of the COVID-19 pandemic, both from a public health and economic perspective. Other changes are permanent and seek to address the longer-term impacts of COVID-19, as well as the issues related to the long-term decline in traditional high street retailing and to seek to promote the delivery of more housing. The Ministry of Housing, Communities and Local Government (MHCLG) will be reviewing what temporary measures should be extended and may refer to Planning Authorities on which of these areas were problematic.

5.3 Members held discussion and noted the following: -

- That the new permitted development right for upward extensions on blocks of flats allowed up to 2 storeys to create new flats on existing blocks flats built after 1 July 1948 and before 5 March 2018 without the requirement for planning permissions.
- That the new permitted development rights to demolish and replace blocks of flats allows demolition and redevelopment of detached purpose-built blocks of flats and single detached buildings used as offices or other uses within Class B1 that were constructed before 31 December 1989.
- That these permitted development rights did not apply to conservation areas or listed buildings.
- The permanent changes to the Use Classes Order includes the creation of a new Class E titled 'Commercial, Business and Service' contains a wide range of uses between which changes of use can occur without the need for planning permission. The changes were noted to provide more flexibility and ensure different needs of localities can be taken into consideration. Planning Permission would still be required for associated physical alterations of buildings.
- The Committee was informed there were several town centres and high streets which required support and that the flexibility and broader use of Class E should enable this. The Sub-Committee was advised that there was a trend for 'hyper mixed uses' comprising a range of uses formally within different use classes and the new Class E would support this trend. The existing Article 4 Direction preventing the loss of Class B1 offices to residential in the CAZ had been examined to ensure it remains enforceable in light of the inclusion of offices in Class E. At current time during the transition period that ends on 31 July 2021 there is no

requirement for a new Article 4 Direction. Officers will continue to monitor trends and examine whether the new Class E is having a positive impact on the vitality of our town Centres and high streets.

- The Committee noted that Article 4 Directions can be cancelled by the Secretary of State at any time before or after its confirmation.
- That the Service was mapping the number of properties and areas that may be affected by the changes to permitted development rights. Members noted that there were other factors which would influence whether the new permitted development rights would be utilised and these included the 'consent' of the freeholders of properties that were affected and the associated legal parameters.
- That there were no discernible trends regarding large scale developments at current and it was likely that planning agents were observing the market and liaising with their clients about changes to the planning legislation and regulations and its impact on prospective schemes. Officers advised that any future trends on large scale developments would be reported to the Committee.
- That the new pavement licensing regime was more streamlined and had amalgamated the licensing and the planning application regimes into a single application process for external seating.
- Members noted that some interested parties relied on site notices for notification about proposed planning applications and welcomed that they would continue to be used by the Service.
- That applications for the extension of construction hours for a temporary period was permitted until 1 April 2021.
- That the draft new City Plan had been amended prior to the Examination in Public held earlier in October 2020 to take account of the changes to the Use Classes Order.

RESOLVED:

1. Members considered the contents of the report and noted the likely impacts recent changes to planning legislation and regulations on future planning decisions.
2. That Officers provide feedback on the effects of permitted development rights and an analysis of the trends which have emerged following changes to the Use Classes Order during the next 12-month period.

6 THE PLANNING WHITE PAPER 'PLANNING FOR THE FUTURE'

- 6.1 The Committee received a report which provided an overview of the proposals set out by Government in the Planning White Paper 'Planning for the Future' and identifies those aspects that would have the most significant impact on planning in Westminster, should they come forward in the form currently proposed.
- 6.2 The Planning White Paper proposes significant change to the current planning system in England. The aims of the White Paper, to increase housing delivery, speed up and streamline both the plan-making and decision-making processes and better promote 'beautiful' design are supported. However, the lack of detail in the White Paper leaves significant questions about how these aspirations are to be achieved and in many instances further detail will be required following consultation on the White Paper to fully understand the impact that the proposals will have on the management of development and the delivery of good growth in Westminster in the future.
- 6.3 Members held discussion and noted the following: -
- That the three main pillars of the White Paper were Planning for Development, Planning for Beautiful and Sustainability and Planning for infrastructure and Connected Places.
 - That local design guidance and design codes would be prepared with community involvement and would shift the debate around design, characteristics and desirability of developments from being considered at the planning application stage to the planning policy setting stage. The White Paper does not provide any definition about 'localities' or how areas would be grouped for the purpose of delivering design codes. The Committee noted that this was of high importance as the built environment of the City has a rich variety of buildings of significant design quality and historic interest and it was preferred for design codes to be flexible and allow local input.
 - That there was uncertainty on whether there will be any Growth Areas in the City. At present there is no information on how the Growth, Renewal and Protect Areas would be defined. The Committee noted that further clarification on these three Areas would be given after the consultation ends and that it was probable that some part of the City might be deemed to be 'Growth Areas'.
 - That the Council's Innovation and Change Service had submitted a response to the consultation regarding the Government's proposed changes to the standard method for assessing local housing need. The Committee noted that there were concerns about the proposed methodology and this was due to the process largely focusing on the maximisation of housing stock, with insufficient regard to the physical, economic and other constraints that can serve to limit housing supply..

- The Planning Service had liaised with Innovation and Change Service regarding responses to the consultation and that local amenity societies and other interested parties had been liaised with to ascertain views about proposed changes and their likely effects on local communities.
- That it was not anticipated that the number of appeals would increase when parts of the Planning White Paper becomes legislation. The Committee noted that the White Paper indicated that there would be regimes within Growth and Renewal areas which may remove the need for full planning applications, with greater consideration of appropriate development in these areas being undertaken at local plan stage or through further expansion of permitted development rights.
- There was a strong indication that conservation areas would continue to be protected and that development in these areas would continue to be assessed under the existing planning regime.
- That development schemes involving the reconversions of office units back into residential units would be largely led by market trends and demands. The Committee noted that there was existing policy which aimed to protect office units and that there had been a considerable reduction in the number of these units. There has been an increase in the demand for smaller local offices in residential areas outside the capital.

RESOLVED:

1. Members considered the contents of the report and noted the possible impacts of the Planning White Paper proposals on future planning plan making and decision making in Westminster.
2. That the members of the Committee be provided with a copy of the Council's response to the Planning White Paper 'Planning for the Future'.
3. That the Committee comments on the proposals listed in the Planning White Paper 'Planning for the Future' be included in the Council's response to the consultation.

7 DIGITAL PLANNING OPTIONS

- 7.1 The Committee received a report which provided an overview of the digital planning technology ('plan tech') sector. The sector has expanded rapidly in recent years through greater understanding of the potential for technology to enhance the planning process and due to the availability of new sources of funding, such as the Government's Local Digital Fund. It is in this context that the Government's White Paper 'Planning for the Future' provides significant support for greater use of digital technology in planning.
- 7.2 The Town Planning service has been operating as a wholly digital, paperless, service since November 2015 using the Uniform software platform and IDOX document management system. Over the last five years the paperless model

adopted in 2015 has been steadily refined using knowledge built up through day to day operation of the service. Consequently, it is now an effective platform on which to operate the service. Indeed, the paperless operating model, in tandem with use of more recent digital networking tools such as Microsoft Teams, has enabled the day to day operation of the Town Planning service to continue largely uninterrupted by the impact of the COVID-19 during 2020

7.3 The Committee were informed that the MHCLG Digital Fund provided funding rounds for digital projects via their local Digital Collaborative Unit to enable local authorities that are signed up to the Local Digital Declaration to research ideas for new digital technology that can be developed into implementation digital applications. The new emerging digital Technology have included: -

- Plan X. The Application provides a single point of access for planning enquires to a Council's website and allows applicants to upload images and be provided information on whether projects requires planning permission.
- Planning Back Office. The software creates a back-office system which enables for planning data and records to be easily accessible.
- Submit my Planning Application. The software enables household planning applications to be submitted via the Application without the need for applicants to use the Planning Portal.
- Planbot – Planning Advice Chatbox. The Application fields general planning enquires using artificial intelligence and enables officers without specialist planning knowledge to respond to planning queries.
- A London Development Database & London Infrastructure Mapping Application. The database will create an automated back office process for obtaining planning information data from applicants via the London Boroughs. All data will be captured at the point of submission of the application.
- Viability Assessment Checker & Viability Comparison Tool. The application would improve the accessibility of viability assessment for members of the public and remove barriers that viability assessments can place for small developers.

7.4 The Committee was advised that a majority of the new digital tools were still being BETA tested by the local authorities which had developed them and were not generally market ready. The Planbot - Planning Advice Chatbox was reported to be in use by LB Redbridge. The Service has been held initial fact finding discussions with officers from LB Redbridge to better understand the potential benefits of this software.

7.5 The Committee agreed that digital tools which can assist the Sub-Committee in visualising proposed development should be explored and noted that these

images would need to be verified. Officers advised that a digital tool titled Vu.City was used by officers to view proposals from various angles. The Committee was informed that large scale developers were encouraged to submit data and that this information was inputted into the Vu.City model. Members were advised that computer generated images may give misconceptions about the bulk, scale and height of building and that developers would provide data which focused on the positive aspects of their proposals. The Committee agreed that further discussions on whether Vu.City or other similar 3D modelling software could be used as part of the officer's presentation for large scale developments at Sub-Committees should be held and whether their decisions could be based on the 3D views that the programme generates.

- 7.6 The Committee commented on the importance of new technology packages being compatible with existing programmes used by the Service and noted that officers are currently analysing applications or tools that have the greatest potential to deliver service improvements and efficiencies in the context of the Council's existing planning service. As officers are at an early exploratory stage of identifying which digital technology may be of benefit to the Council's planning service, a timeframe for implementation of preferred technology has yet to be adopted.

RESOLVED:

Members considered the contents of the report and noted the possible planning technology that could be adopted in future following further exploration and evaluation by officers.

8 ANY OTHER BUSINESS WHICH THE CHAIRMAN CONSIDERS URGENT

- 8.1 Members were reminded that a training session on Sustainability would be taking place in January 2021 and requested to forward topics for future sessions.

9 DATE OF NEXT MEETING

- 31 March 2021

The Meeting ended at 8.20 pm

CHAIRMAN: _____ **DATE** _____