



CITY OF WESTMINSTER

# MINUTES

## Planning & City Development Committee

### MINUTES OF PROCEEDINGS

Minutes of a meeting of the **Planning & City Development Committee** Committee held on **Tuesday 27th July, 2021**, Please note that this will be a virtual meeting..

**Members Present:** Councillors Robert Rigby (Chairman), Geoff Barraclough, David Boothroyd, Jim Glen, Tim Roca, James Spencer, Eoghain Murphy, Selina Short, Mark Shearer, Nafsika Butler-Thalassis, Guthrie McKie, Antonia Cox and Susie Burbridge

**Also Present:** Councillor Matthew Green

**Apologies for Absence:** Councillor Louise Hyams

#### 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 There were no declarations of Interest.

#### 3 MINUTES

3.1 That the Minutes of the Planning and City Development Committee meeting held on 18 March 2021 be approved.

3.2 Matters Arising from the Minutes

3.2.1 Minutes 3.2.1 Matter Arising Point 5.4 - Site Visits

Members were advised that site visits were now fully resumed and noted that the Planning (Major Applications) Sub-Committee had recently been on a site visit.

### 3.2.2 Minutes 3.2.3 Matter Arising Point 5.9 / 5.9- Public Comments on Planning Portals.

Members were informed that software which enables public comments on the public access system to be moderated to avoid offensive comments being published on the Council's website was now operational. Officers will identify planning applications which are likely to generate significant numbers of inappropriate comments and on these applications all comments will be moderated prior to publication on the Council's website. Officers advised that the software has not yet been required for moderation prior to publication as no contentious planning applications have been received in recent months.

### 3.3 Minutes 5 Draft Early Community Engagement Guidance

3.3.1 Members were informed that officers were still reviewing options on how community engagement could be supported. These include using existing community consultations systems and employing a 'Planning Champion'. Support for communities responding to consultation may be procured from consultation bodies.

3.3.2 Officers advised that further consultation on the updated Early Community Engagement Guidance would be undertaken later in 2021. The updated guidance would include how communities should be involved in the early in the development emerging development proposals. The Guidance is expected to be launched in autumn 2021.

## 4 CITY PLAN AND PLANNING POLICY UPDATE

4.1 The Committee received a report which provided an update on the adoption of the City Plan and other work being undertaken by the planning policy team. The City Plan was adopted on 21 April 2021 following the conclusion of its Examination in Public and the publication of the Planning Inspectors' Final Report in March confirming the City Plan as legally compliant and 'sound'. The City Plan 2019-2040 replaces the previous 2016 iteration of the City Plan and the 'saved' policies from the council's 2007 Unitary Development Plan (UDP). It will now be used alongside the 2021 London Plan, and any 'made' (adopted) neighbourhood plans when determining planning applications in Westminster. The City Plan represents a significant step forward from the previous policy framework in several policy areas.

- The Spatial Strategy sets out where growth will happen, including within our Opportunity Areas, Housing Renewal Areas and the Central Activities Zone.
- The Housing chapter sets our target of 20,685 new homes to 2040 and includes policies on affordable housing, housing for specific groups, innovative housing and housing quality.

- The Economy chapter sets our target of 63,000 new jobs to 2040 and includes policies on offices, town centres and high streets, the visitor economy, community infrastructure, education and skills, and our Special Policy Areas.
  - The Connections chapter outlines our principles in relation to sustainable transport and contains policies on active travel, parking, freight and servicing, and water transport.
  - The Environment chapter has policies to address air quality, energy, flood risk, waste, green infrastructure and other local impacts such as noise and lighting.
  - The Design and Heritage chapter sets out the principles of sustainable design and has policies addressing heritage and townscape, building height, the public realm and basements
- 4.2 Members were advised that officers were working towards producing a range of other planning policy documents alongside other workstream. The Supplementary Planning Documents (SPDs) provide additional detail and guidance to enable successful implementation of the City Plan's new policies. Whilst they don't form part of the council's statutory Development Plan, SPDs hold significant weight in decision-making and are produced subject to a statutory process including formal consultation. The first SPD to be produced is the Environment SPD, which was consulted on between May and July 2021 and is now being finalised. There are four additional SPDs currently in preparation which are Planning Obligations and Affordable Housing, Public Realm, Design, and Heritage.
- 4.3 Members were informed that following recent changes to permitted development rights made by the government, the council has issued a new Article 4 Direction for public consultation. There will be a 6-week consultation period between 21 July – 1 September and a 12-month period between introduction and effectiveness of the Direction to ensure the council is not subject to compensation claims. The Article 4 Direction will restrict the change of use from commercial to residential uses in the Central Activities Zone (CAZ) without full planning permission.
- 4.4 The Committee was advised that the Planning Policy team continued to support Westminster's designated Neighbourhood Forums in producing neighbourhood plans for their respective areas. Currently there are two 'made' (i.e. adopted) neighbourhood plans in Westminster, which are for Knightsbridge and Mayfair. These plans form part of the council's statutory development plan. Neighbourhood plans for Fitzrovia West, Soho and Queen's Park have been progressing through the formal examination stage this year and are now subject to a final referendum before they can be formally 'made'. The Pimlico Neighbourhood Plan has been formally submitted to the council for consideration and is now subject to public consultation until 23rd August.

4.5 Members were informed that the council monitors the performance of its planning policies through the production of an annual Authority Monitoring Report (AMR). The AMR contains a series of measures to assess the performance of planning policies, and these key performance indicators (KPIs) can be found in the Implementation and Monitoring chapter of the City Plan. With the adoption of the new City Plan, officers are working to produce a new format for the AMR to ensure all the new KPIs are captured and that the document is a useful tool for measuring and analysing the effectiveness of the council's planning policies. A new AMR will be published later this year.

4.6 Members held a discussion and noted the following: -

- Members commented on the difficulties experienced in the hospitality sector with recruiting staff and noted that these industries previously provided low-cost housing to their employees. The Committee made further comments about the correlation between employment and low-cost housing. Officers informed that the Council's new house-building targets were derived from the Greater London Authority (GLA) London Plan and that the Mayor of London was responsible for the strategic provision of new jobs and homes in the Capital. The Committee was informed that the number of jobs within the City of London outnumbered residential dwellings and that it would be difficult for their Sub-Committees to individually match the needs of housing specifically to jobs in the Borough.
- Officers informed the Committee that the London Plan was to be reviewed to ensure that sufficient new housing was being provided in the Capital and that any changes to the Plan would need to be reflected in subsequent iterations of the City Plan. The Council is required to produce an annual report which details how many additional homes have been delivered per year to The Ministry of Housing, Communities and Local Government (MHCLG). The Council is currently required to deliver 985 Homes each year and will need to provide an action plan if this target is not met over a three-year average.
- Officers advised that the arguments for an Article 4 Direction which will restrict the change of use from commercial to residential uses in the Central Activities Zone (CAZ) without full planning permission had been set out and that the Secretary of State had yet to respond to proposals. The Committee was informed that the Council had a unique position, and this was due to the CAZ contributory role to the national economy. The GLA has also produced evidence regarding the unique characteristics of the CAZ and has designated the Area in the London Plan.
- That the current existing and proposed Neighbourhood Plans did not cover all the areas in the Borough, and these included the Royal Parks and several localities in the West End such as Covent Garden, Vincent Square, China Town and Parliamentary Estates. A large part of the residential areas in the Borough had a designated Neighbourhood Area where neighbourhood plans could be pursued. Officers advised that communities within these areas could undertake neighbourhood planning via designation as a Neighbourhood Forum, and that this designation was subject to a formal application process,

with evidence required that those putting forward the application are representative of the area they wish to represent.

- Members agreed that natural drainage and permeable materials usage should be encouraged in developments and noted that these topics were included in the Environmental SPD in relation to 'flood risks'. The Committee commented that these components should also be included in the SPDs for Public Realm and Design and noted the important role they had in the Council's 'Climate Emergency Action Plan'.

The Committee thanked officers for their work on the City Plan and Policy Updates.

**Resolved:**

1. Members noted the contents of the report.
2. Members agreed that natural draining and permeable materials usage be encouraged and be referenced in the Supplementary Planning Documents (SPDs) and also the Council's Emergency Action Plan.

**5 ANNUAL UPDATE ON PLANNING APPLICATIONS AND APPEALS PERFORMANCE - 2020/21**

- 5.1 The Committee received a report which provided an annual update on the performance of the Town Planning Service 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 2020 and March 2021 continues to exceed the required performance thresholds set by the MHCLG.
- 5.2 The performance of local planning authorities (LPAs) in determining major and non-major development is assessed by the MHCLG over a 24-month rolling period after every quarter. The assessment of performance is judged by the MHCLG against two separate measures of performance, as set out in 'Improving Planning Performance Criteria for Designation (revised 2020), which are:
  - the speed with which applications are dealt with measured by the proportion of applications that are dealt with within the statutory time or an agreed extended period and:
  - the quality of decisions made by local planning authorities measured by the proportion of decisions on applications that are subsequently overturned at appeal.
  - For major applications the MHCLG sets a threshold of at least 60% of all decisions being made within 13 weeks or within an alternative timeframe agreed with the applicant.

- For non-major development the MHCLG threshold is 70%. The MHCLG measures the quality of decision making by LPAs by monitoring their success rate at appeal.
- For both major and non-major development, the MHCLG sets a threshold of not more than 10% of the total number of decisions made by an LPA being subsequently overturned at appeal.

### 5.3 Members held discussions and noted the following: -

- That the Council met and exceeded the MHCLG performance threshold for speed of decisions for both Major and Non-Major Applications. The Major Applications exceeded the threshold by 14% and the Non-Major Applicants met the requirements.
- That the timeliness of decision making for Non-Major Applications had dropped by 3.9% since June 2020 and this was due to the Covid-19 Pandemic and vacant posts within the Place Shaping & Town Planning Service. The Committee was advised that measures were being put in place to reverse the trend which included improved data and case monitoring, increased staff focus on improving the speed of decision making, such as utilising 'extensions of times' where appropriate. There is also an ongoing recruitment drive to fill vacant posts.
- Members noted that staffing numbers and the deployment of resources would continue to be monitored. Officers advised that a large proportion of the department's resources are deployed to deal with applications which are not featured in the statistics monitored by the MHCLG, such as Listed Building Consents. Members were informed that the recently introduced new departmental structures would be used to ensure that performance statistics are improved and maintained above thresholds and that a good service is delivered to applicants.
- That only 0.9% of Non-Major Applications Appeals during the 24 Month Period to September 2019 determined in that period were overturned. These statistics are one of the lowest in all the inner London Boroughs. Only 1% of Major Applications were overturned during the same period and similarly this score is also one of the lowest in the above grouping.
- That 73% of appeals during the 2020 -21 were turned down and this was a decrease from 77% in the previous year. This was attributed to the high level of telecom appeals that were made in the previous year and had been dismissed.
- That it was too early to deduce trends following the adoption of the new City Plan. Officers advised that it was anticipated that the number of appeals would increase in the forthcoming year, and this was the usual trend when new developments plan documents such as a City Plan are implemented.

- That 6 advertisement consent applications were appealed and 3 had been granted. Members were informed that this was a small percentage compared to the overall number of advertisement consent applications that were received by the Service.

5.4 Members thanked officers for their ongoing overall good performance in determining planning applications and defending appeals.

**Resolved:**

Members noted the contents of the report and noted the ongoing overall good performance of the Town Planning service in terms of its performance in the determination of planning applications and defending decisions to refuse permission at appeal.

**6 REVIEW OF PLANNING APPLICATIONS SUB-COMMITTEE FORMATS**

- 6.1 The Committee received a report which provided a review of planning committee processes over the last 18 months. Members were reminded that prior to the start of the Coronavirus pandemic the Council had already begun to review and take appropriate steps to enhance and digitise its planning committee format to enhance the accessibility of the meetings and improve the transparency of decision making on high profile and contentious applications. In advance of the pandemic the ability for interested parties to address the planning committees directly had been introduced in February 2019 and the live streaming of committee meetings, with additional functionality to 'catch up' on previous committee meeting recordings, was introduced in February 2020.
- 6.2 In light of the initial coronavirus lockdown period, it was necessary to incorporate 'Covid Secure' measures when hosting public meetings. Consequently, following the coming into force of temporary enabling legislation to allow virtual public meetings on 2 April 2020, the Council switched from the use of the Civico system to use of Microsoft (MS) Teams from 14 April 2020 onwards. Fully virtual meetings using MS Teams commenced on 9 April and public speaking for Ward Councillors was reintroduced at the Sub-Committee meeting on 12 May, with other speakers able to make verbal representations from 26 May onwards.
- 6.3 Following the Government's decision not to extend the temporary legislation that enabled fully virtual committee meetings. From 7 May 2021 the Council moved to a hybrid committee meeting format, which is compliant with the requirements of the Local Government Act 1972 by ensuring that the committee meets in a single location (the City Hall committee rooms) and that the meeting is publicly accessible for those members of the public who wish to attend the meeting in person. Initially hybrid meetings are being held using MS Teams, but the longer-term intension is to transition to use of Civico software once the Civico remote app, which enables the use of the in-office Civico equipment to be used in combination with remote attendees, has been fully tested and demonstrated to be fully functional and compatible with the Council's corporate IT systems

6.4 Members held discussions and noted the following: -

- That Planning Applications Sub-Committee viewing figures were extremely high in April 2020 and this was reported to be due to the unique format of these meetings and the attraction of interests from both the public and the private sectors at the time. The viewing figures have now transitioned to levels which are usually expected for these meetings and again peak when there are either large scale or contentious planning applications.
- That there had been an increase in the number of speakers since the introduction of hybrid Planning Applications Sub-Committees and this was attributed to interested parties having better access to these meetings.
- That the length of virtual and hybrid Planning Applications Sub-Committees had a longer duration in comparison to the physical meetings that were held prior to the Covid-19 Pandemic. Members were informed that the increase in the length of Sub-Committees could be attributed to the higher number of complex planning applications and/or the rise in numbers of speakers.
- That Hybrid Meeting format offers the greatest benefits and fewest limitations for all participants
- Members commented that the layout of Planning Applications Sub-Committee at City Hall should be reviewed, and that Officers should be seated near the Sub-Committee. Members advised that it was preferred for Officers to attend meetings in person rather than join remotely and commented that physical presence of all officers would ensure better interactions.
- Members noted that the CIVICO system will enable the Planning Applications Sub-Committees to revert to their pre-covid layout and were informed that the hybrid meetings format was created to ensure that the meetings were compliant with current legislative provisions. The Committee were informed that there would be a review on the requirement for officers to be physically present at meetings.
- Members welcomed and commented on the importance of them attending meeting physically and noted the benefits for speakers being able to join the Planning Applications Sub-Committees remotely.

**Resolved:**

Members noted the contents of the report and agreed to provide comments to the Chair on their views about the proposed future format for planning sub-committee meetings having regard to their recent experiences of in-person, virtual and hybrid committee formats.

**7 ANY OTHER BUSINESS WHICH THE CHAIRMAN CONSIDERS URGENT**



- 7.1 Members were informed that their training scheduled would be resumed in September and were requested to forward future topics to be included in their programme and Agenda Items for the Committee.
- 7.2 The Chair thanked the Committee and Officers for their contribution towards the Planning Applications Sub-Committees and commented that these bodies were robust and were admired by other Planning Authorities which considered Westminster City Council as an exemplar Council.
- 7.3 The Cabinet Member for Business, Licensing and Planning also thanked the Committee and Officers for their work on the Sub-Committees.

**8 DATE OF NEXT MEETING**

- 25 October 2021

The Meeting ended at 20:05hrs

**CHAIRMAN:** \_\_\_\_\_

**DATE** \_\_\_\_\_