



City of Westminster

Planning & City Development Committee

Date: 27 April 2023

Classification: General Release

Title: Amendments to Sub-Committee Late Representations Procedures –
Additional Information

Report of: Director of Town Planning & Building Control

Financial Summary: None.

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1. Executive Summary

1.1 This report is an addendum report providing additional information on previous trends in late representations reported to the Planning Applications Sub-Committee's between January 2022 and March 2023. The purpose of this information is to inform the committee's consideration of whether the planning service should amend current procedures for accepting late representations in advance Sub-Committee meetings by introducing a deadline for their submission in advance of the start of the meeting. This report should be read in conjunction with the report to the previous Planning and City Development Committee on 26 October 2022, which is provided in the background papers.

2. Recommendation

2.1 In light of the additional background information provided on the source and content of recent late representations, the Committee is asked to consider whether they support the preferred option to introduce a deadline for acceptance of late representations at midday on the day prior to the committee meeting.

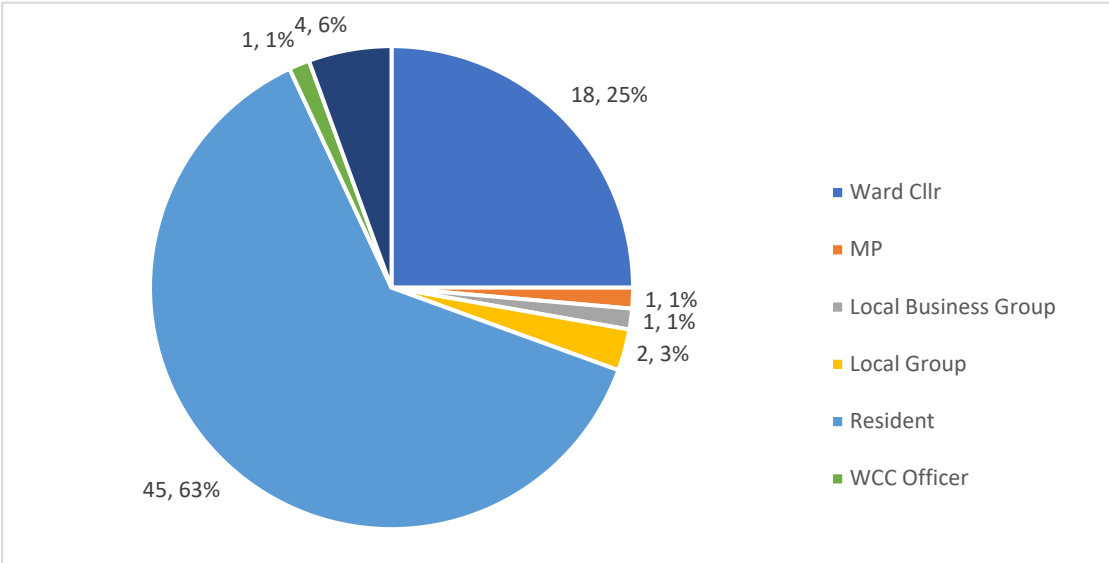
3. Late Representations Trends

3.1 Between January 2022 and March 2023 there were 28 Planning Applications Sub-Committee meetings. Of these, there were late representations tabled by the presenting officer at 27 of these meetings. This equates to an average of 10.5 late representations per committee over the monitored period. Note that this average is increased by particularly high volumes of representations submitted to particular items on the agendas for the Sub-Committee meetings on 8 March 2022 (Travis Perkins, 149 Harrow Road), 22 March 2022 (13-17 Montpelier Street), 28 June 2022 (13-17 Montpelier Street) and 30 December 2022 (Saxon Hall and 150-152 Hamilton Terrace).

3.2 The average length of a late representation is 2.7 pages and therefore Members are currently expected to read and digest an average of 28 pages of late representations in public during each Sub-Committee meeting.

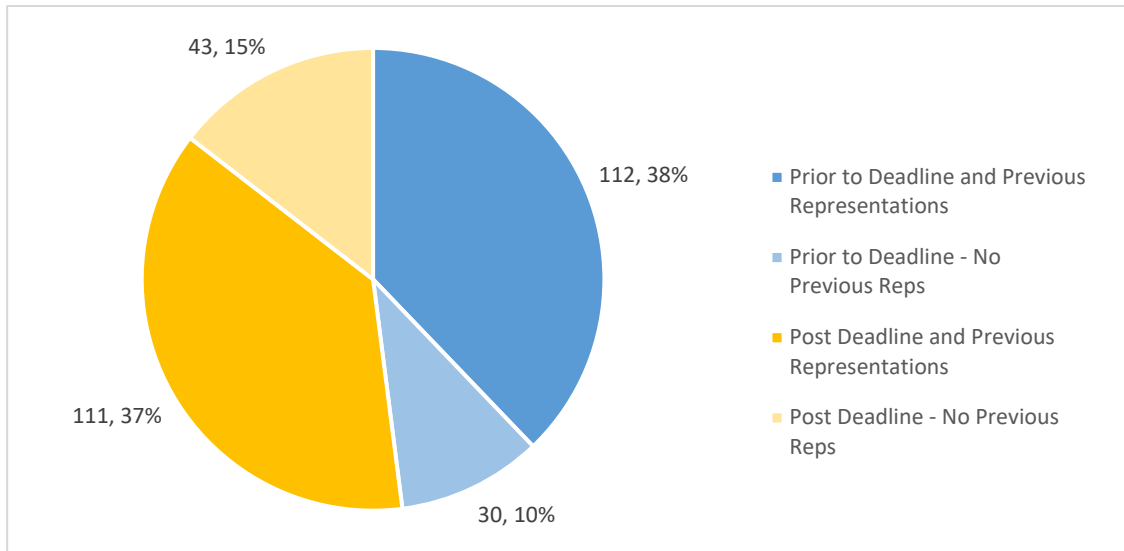
3.3 Of the late representations received, 75% had previously made comments on an application in response to the Council’s initial notification or were from the applicant or one of their professional representatives. Only 25% of late representations were from persons who had not previously corresponded with the Council in relation to an application. Figure 1 provides a breakdown of the respondent types for those who had not responded to consultation until the late representation stage. Of the 72 representations received from new respondents, 44 were received as part of the large influxes of late representations that were received in relation to the applications identified in paragraph 3.1.

Figure 1 – Source of late representations where correspondent has not previously responded to consultation during the application.



3.4 Analysis of the date on which the late representations were received shows that 48% of current late representations were submitted to the Council sufficiently early to be circulated to Members after midday on the day prior to the committee meeting (Option 2 in the October 2022 PCD report in the background papers). Only 43 of the 152 late representations received after midday on the day prior to the committee meeting (14.6% of the total number of late representations) were from interested parties that had not previously corresponded with the Council and of these none raised new material planning considerations that had not previously been considered in the committee report.

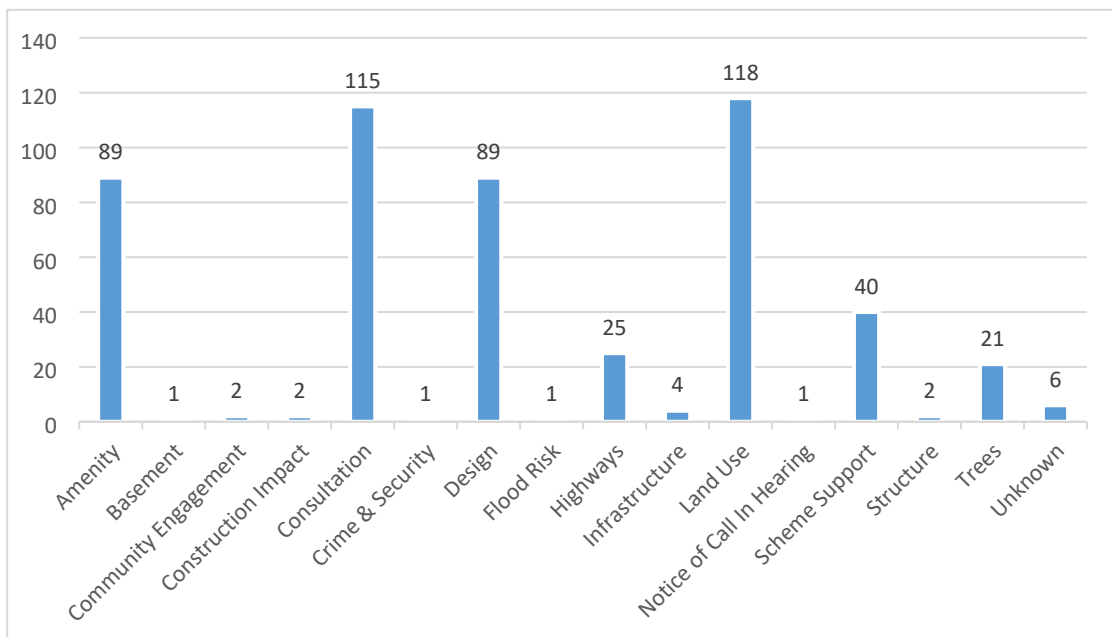
Figure 2 – Timing of late representations relative to proposed midday deadline on day prior to the committee meeting.



3.5 Only one late representation has been identified as introducing a new material consideration that was not known about prior to the correspondence being shared with the committee. This was correspondence from the GLA and applicant that was reported to the Planning Applications Sub-Committee on 20 September 2022 in relation to the scheme for redevelopment of 217-221 Harrow Road. The representations set out an amended affordable housing offer which had emerged following the publication of the committee report.

3.6 Whilst the identification of new material considerations in late representations is rare, it is recognised that the ability for interested parties to submit further comments, particularly where these comment on the content of the officer’s report and recommended conditions, is important and a function of the current process that is valued by those making representations. The preferred option would retain this ability to hold the content of the committee report to account whilst avoiding the need for Members to read and scrutinise the representations for the first time during the committee meeting. Figure 3 below provides a summary of the topic areas that representations between January 2022 and March 2023 have focused on.

Figure 3 – Topic areas addressed by late representations (Jan 2022 – Mar 2023)



4. Recommended Late Representations Procedure

4.1 As set out in the report the Planning and City Development Committee in October 2022, officers have identified the following options for introducing a deadline for late representations:

Option 1 – Deadline at 12.00 on the day of the committee meeting

- Would continue to leave limited time for officers to assess and circulate late representations to Members.
- Members would continue to have limited time to read and consider representations prior to the committee meeting, particularly where Members have other commitments immediately prior to the committee meeting.

Option 2 – Deadline at 12.00 on the working day prior to the committee meeting

- Would allow time for assessment of late representations and circulation to members by email.
- Members would receive representations by email by close of business on the day prior to the committee meeting allowing Members the opportunity to read and consider all representations prior to the committee meeting.
- Those persons wishing to make verbal representations that may have missed the deadline for this or have not been allocated a speaking slot on the preceding working day still have the option to make final/additional representations in writing instead.

Option 3 – Deadline at 12.00 two working days prior to the committee meeting (to align with current public speaking deadline)

- Would allow for time for assessment of late representations and circulation to members by email and hard copy.
- Members would have representations by email prior to the weekend prior to the committee meeting allowing Members to read all representations together prior to the committee meeting.
- Those wishing to make verbal representations that may have missed the deadline or have not been allocated a speaking slot would no longer have the ‘fall back’ option to make final/additional representations in writing. This may lead to more requests for acceptance of late representations on an exceptional basis after the deadline.

4.3 It is recommended that Option 2 is pursued. This approach strikes an appropriate balance between enabling Members to read and consider late representations prior to the committee meeting and ensuring that the rights of interested parties to make representations and respond to the content of the committee report are not compromised. As identified through the analysis of late representations in Section 3, genuinely new material considerations that were not covered in the committee report rarely arise. In the very limited instances where new material considerations come to light immediately prior to the committee meeting the introduction of a deadline for late representations will not prevent these representations being brought to the Sub-Committee’s attention provided (a) the Chair has the power to accept late representations after the deadline where there are genuinely new material considerations (see paragraph 4.5 of the October 2022 PCD report) and (b) where the new deadline is clearly communicated in all planning committee related correspondence and on the relevant pages on the Council’s website.

4.4 Crucially, the preferred option also affords those persons who have missed the deadline to verbally address the Sub-Committee or where a person has not been

allocated a public speaking slot (i.e. where these limited slots are oversubscribed) the opportunity to make additional/final representations in writing.

- 4.5 It will be necessary to retain the ability for officers to table late changes to the original recommendation set out in the officer's report, either to respond to the content of additional representations or to correct discrepancies where these occasionally arise. However, alongside the recommended introduction of a deadline for late representations, officers will review the processes involved in finalising the officer recommendation to put in place measures that reduce the frequency of recommendation changes being tabled in future.

5. Financial Implications

- 5.1 None.

6. Legal Implications

- 6.1 Subject to the provisions set out in Section 4 of the October 2022 PCD report, to ensure those unable to make verbal representations have the option to make additional/final written representations and to enable the chair to exercise discretion in exceptional circumstances, the proposals would not prejudice those who wish to comment on planning applications that are reported to the Planning Applications Sub-Committees.
- 6.2 The introduction of the new deadline for late representations will be clearly identified in all relevant correspondence and on the Council's website to ensure all interested parties are aware of its introduction.

7. Conclusion

- 7.1 In light of the additional information set out in this report, it is recommended that Option 2, which would introduce a deadline for late representations at 12.00 the day prior to the Sub-Committee meeting is pursued. This would strike an appropriate balance between enabling the Sub-Committees to fully consider all representations received, whilst maintaining the opportunity for interested parties to make late representations in response to the committee report and other new material planning considerations that may occasionally arise following the publication of the committee report.

If you have any questions about this report, or wish to inspect one of the background papers, please contact: Oliver Gibson (ogibson@westminster.gov.uk / 07971026919)

Background Papers:

1. Planning and City Development Committee report titled 'Amendments to Sub-Committee Late Representations Procedures' dated 26 October 2022.