



CITY OF WESTMINSTER

# MINUTES

## Planning & City Development Committee

### MINUTES OF PROCEEDINGS

Minutes of a meeting of the **Planning & City Development Committee** held on **Wednesday 26th July, 2023**, Rooms 18:01 - 03 18th Floor, Westminster City Hall, 64 Victoria Street, London, SW1E 6QP.

**Members Present:** Councillors Ruth Bush (Chair), Jason Williams (Vice-Chair), Barbara Arzymanow, Nafsika Butler-Thalassis, Md Shamsed Chowdhury, Paul Fisher, Jim Glen, Ed Pitt Ford, Robert Rigby, Cara Sanquest and Elizabeth Hitchcock

**Also Present:** Councillors Geoff Barraclough and James Small-Edwards

**Apologies for Absence:** Councillor Amanda Langford

#### 1 MEMBERSHIP

- 1.1 That Councillor Elizabeth Hitchcock had replaced Councillor Jim Glen on the Planning Applications Sub-Committee (1). Councillor Jim Glen had replaced Councillor Mark Shearer on the Planning Major Applications Sub-Committee.
- 1.2 There were no further changes to the membership.
- 1.3 The Chair thanked Councillor Mark Shearer for his work and contribution towards the Planning Major Applications Sub-Committee.

#### 2 DECLARATIONS OF INTERESTS

- 2.1 There were no declarations of interest.

#### 3 MINUTES AND MATTERS ARISING FROM THE MINUTES

- 3.1 Agreed that the minutes of the Planning & City Development Committee held on 27 April 2023 were a true record of the proceedings.
- 3.2 Matters arising from the Minutes.
  - 3.2.1 Minutes 3.2 – Minutes 3.2.2 Minutes 4 Planning Application And Appeals Performance Mid-Year Updated 4.3.3.
    - 3.2.1(i) The Committee were reminded that the Pre-Application fees costings had been circulated to Members and included information regarding previous charges and the increases to fees during the past two-year period.

3.2.2 Minutes 3.2 – Minutes 3.2.3 Minutes 5 Amendments to Sub-Committee Late Representations Procedure 5.7.6

3.2.2(i) The Committee were informed that Members Services ensured that support is provided to Councillors with additional needs or any other impairments and that all reasonable adjustments are made to enable individuals to perform their roles effectively. Members were advised that Members Services should be contacted about support that is available and that an email had been circulated to the Committee on how to request for assistance.

3.2.3 Minutes 3.2 – 8.1.9 National Planning Consultations Update.

3.2.3(i) Members were advised that the consultations response regarding short term lets had been circulated to the Committee.

*3.2.3(ii) Members were informed that no response had been received from the Secretary of State regarding the letter sent by the Cabinet Member for Planning and Economic Development on 5 July 23.*

3.2.4 Minutes 3.2 – Minutes 3.2.4 Minutes 7.1 – Any Other Business Which the Chair Considers Urgent.

3.2.4(i) Members requested that the Secretary of State letter regarding the M&S Marble Arch Branch, 472 Oxford Street, be circulated to the Committee. Members agreed that the letter gave a good insight regarding how decisions by their Sub-Committees are perceived by the Independent Planning Inspectors and Central Government.

3.2.4(ii) The Committee agreed that future discussions be held on what protocols should be adopted for making deputations at their Sub-Committees and this be included as an Agenda Item at their next Meeting. Members noted that at current they were required to leave the Sub-Committee after making their deputations and this was to prevent any covert influence from occurring.

#### **4 ANNUAL UPDATE ON PLANNING APPLICATIONS PERFORMANCE - 2022/23**

4.1 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. The performance of the department over the period between April 2022 and March 2023 continues to exceed the required performance thresholds set by the Department for Levelling Up, Homes and Communities (DLUHC).

4.2 Members held a discussion and noted the following: -

4.2.1 The Committee noted that the Borough had twice the number of minor planning applications in comparison to other London Planning Authorities (LPAs). Officers advised that some planning applications were duplicated, and this was due to them also requiring listed building consent and reminded members that a large area of the Central Activity Zone was based

within the Westminster and this geographical area generated a high number of planning applications. The Committee were informed that a large proportion of these applications were commercially based.

4.2.2 Members noted that the number of major planning applications had fallen in comparison to previous years and were informed that this was attributed to several factors which included current cost of funding, viability of build cost for large schemes and uncertainty around the market. The Committee were informed that the type and scale of major applications vary significantly across different London LPAs and therefore it is difficult to make direct comparisons between the Boroughs.

4.2.3 Members requested that future charts which compares the speed of major application decision making with other Inner London Local Planning Authorities be over a period of 12 months rather than 24 months.

4.2.4 The Committee were informed that several London LPAs used tools such as Extensions of Times (EOTs) and PPAs more routinely to assist them in managing the determination of planning applications and reduce their planning applications backlog. These tools aid LPAs in meeting targets in relation to the speed of decision making, but do not deliver a decision prior to the initially set statutory decision date. Officers advised the Committee that current figures regarding the speed of decision making in comparison to other London LPAs were not of concern and that there was a continual drive to improve the Town Planning Service performance. Members noted that making direct comparisons with other London LPAs was difficult as each Borough was unique, and the complexity of their planning applications differed. The number of objections received regarding individual applications were also unique in addition to the number of amendments which are made to these schemes. These factors all have a bearing on the speed of decision making and could elongate the process.

4.2.5 Members requested that future statistics regarding timeliness of decision making include the mean and the range on how long it takes to process planning applications and reasons be given on why they were delayed.

## **RESOLVED**

1. That the contents of the report be noted and the ongoing overall good performance of the Town Planning service in terms of its determination of planning applications in a timely manner and the quality of decision making.
2. That statistics regarding the speed of decision-making for major applications and how they compare to other Inner London Local Planning Authorities be covered over a period of 12 months.
3. That the mean and range be disclosed in future statistics in relation to the timeliness of decision making and reasons be provided on why planning applications were delayed.

## **5 UPDATE ON APPEALS PERFORMANCE AND TRENDS 2022/23**

- 5.1 The Committee received a report which provided an overview of the appeals process and an update on planning appeals received during the last financial year, including an overview of success rate of planning appeals and analysis of any notable and allowed appeals and trends.
- 5.2 Members held a discussion and noted the following: -
- 5.2.1 Members agreed that future statistics regarding appeal performances over a certain period should also include figures of the previous year. The Committee agreed that this would aid in assessing the performance of the Service Area and identifying any trends.
- 5.2.2 The Committee agreed that a guidance on advertisement consent applications should be devised and commented that the guide would be helpful to both Planning Inspectors and Members. Members commented that the Westminster has unique characteristics, and this should be communicated to Inspectors.
- 5.2.3 Members noted that any refusals of planning applications made at their Sub-Committees must be based on strong planning grounds and that advice and guidance should be sought from the Presiding Officer when making these decisions. The Committee noted that a total of three appeals were allowed which related to decisions made at their Sub-Committee and acknowledged that this was a good indicator that the majority of decisions made by these bodies were robust.
- 5.2.4 The Committee noted that the Planning Inspectors decisions regarding appeals should be read and that these case studies were instructive on how Inspectors interpret the development plan policies. Members commented that this information would also be useful to officers.
- 5.2.5 Officers advised that the majority of appeals failed, and these included decisions made by planning committees and under delegated authority. This is a universal trend across all LPAs. Members were informed that decisions made by the Planning Inspectorate could be at odds with their interpretation of the development plan policies and this could either be resolved by amending policy or it be acknowledged that certain appeal decisions can be anomalous and an outlier to the prevailing interpretation of a particular policy. Officers commented that increase costs would be incurred in areas of conflict.
- 5.2.6 Members noted that the grounds of refusal on planning applications which was determined by the Planning (Major) Applications Sub-Committee had been withdrawn during the subsequent Public Inquiry and were advised that such an occurrence was not unique. Officers informed that these actions normally take place when the reasons for a decision to refuse permission are deconstructed during the cross examination of witnesses by appellants legal representatives at appeal. The Committee noted this but commented on the importance of the sovereignty of the Planning Committees.
- 5.2.7 Members thanked Officers for the report.

**RESOLVED**

1. That the contents of the report be noted and the overall good performance of the Town Planning service in defending decisions to refuse permission at appeal.
2. That future statistics regarding appeal performances over a set period also include the figures of the previous year.
3. That the Committee receive a briefing paper detailing how decisions for reasons of refusals for planning applications made at the Planning Sub-Committees could be withdrawn during subsequent appeals, particularly where the appeal is held by way of a Public Inquiry, and how this affects the sovereignty of the Sub-Committee.

## **6 DESIGN REVIEW PANEL**

6.1 The Committee received a verbal update regarding the recent creation of the Westminster Design Review Panel (DRP). Members were advised that the Chairs of the DRP were interviewed and appointed on 23 May and were involved in the selection process alongside officers in the recruitment of panel members. There are 31 DRP members in total and over 250 applications were received for the Panel. The DRP's first virtual introductory meeting was attended by the majority of panel members and an induction event was scheduled to take place in September. The Committee was advised that they could also attend the induction event. The first Panel is scheduled to take place during the Autumn.

6.2 The Committee noted that the DRP membership had attracted attention from the press, and it had been commented that its make up comprised of highly experienced professionals and talented individuals from the planning industry. The Committee were advised that the calibre of members was extremely high and included individuals from a wide background which included, age, skills, and experience. Members commented on the importance that members of the Panel are locally based and them possessing a good knowledge of the Borough. Officers advised that members of the Panel had good experience of Westminster and some were involved in local community groups. The Committee were reminded that the Borough had a rich plethora of Amenity Societies and Neighbourhood Forums and these bodies ensured that local needs were represented. The Committee were informed that work would continue to ensure that communities are able to share their design expertise. The Panel's webpage will be launched after the biographies of its members have been finalised.

6.3 Members were advised that the recommendations of the Panel would be included in reports of their Sub-Committees. At current there is no defined timeline when this would occur as this would be dependent on when a planning application is considered by the DRP and then brought to a Sub-Committee for determination. Officers advised that the DRPs would have a positive impact on the planning decision process and that the Committee would be kept abreast of any updates in particular what applications are directed to the Panel. This could be referrals from Officers or direct request made by applicants planning agents. Members were informed that the DRP is a self-funding initiative and that developers / applicants would be required to pay a fee for the service. This is the usual practise in place at other LPAs who have DRPs. The fee structures for the DRP are published on the Councils website.

- 6.4 Officers advised that a review of the DRP would take place and commented that the Panel's work needed to be embedded first. The Committee was advised that an independent assessment of the Panel would be undertaken and that its usage by the planning community would also be used as an indicator regarding its effectiveness.
- 6.5 The website also contains information regarding the Terms of Reference, purpose and how the Panel operates. The website can be viewed [here](#).
- 6.6 Members were advised that they could attend the DRP as an observer and this would provide an opportunity to understand how the Panel operates. Officers commented that observing the DRP would give Members more insight and a better understanding of its functions and this would be more beneficial than being presented a committee report. Members commented on the importance that the DRPs is adequately resourced and noted that the back-office infrastructure would ensure this.
- 6.7 The Committee thanked the Deputy Cabinet Member for Planning and Economic Development and Officers for their contribution and work towards the setting up of the Design Review Panel

## **RESOLVED**

That the Westminster City Councils Design Review Panel's Terms of Reference be circulated to the Committee.

## **7 PLANNING & CITY DEVELOPMENT COMMITTEE CONSTITUTION**

- 7.1 The Committee received a verbal update regarding their Constitution. Members was advised that the role of the Planning & City Development Committee was currently being reviewed on whether it should continue to meet in its current format. Officers advised that a briefing paper which details various options regarding possible formats was being drafted and would also include a review of the Terms of Reference of both the P&CD and its Sub-Committees. The briefing paper would be circulated to Members and would provide the basis for discussions regarding the proposed options. Officers advised that the P&CD Committee was the parent body of the Sub-Committees, and this was not reflected in the Terms of Reference, and this would also be addressed in the paper.

## **8 SUMMARY OF MEMBER TRAINING DURING 2023**

- 8.1 The Committee received a report which outlined all the training which members of the Planning Applications Sub-Committees had undertaken to date in 2023 and training topics which was to be covered later in the year. Members noted that training on the appeals process and advertisement consent applications would take place in October. Officers commented that there was uncertainty on how Central Government wanted to secure Biodiversity Net Gain and that training would be arranged once the subject matter had been confirmed. The Committee requested that their induction with members of the DRP be included in the training scheduled. Members were reminded that they could forward request for training on topics of their choice.

## **RESOLVED**

That the Planning & City Development Committee induction with members of the Design Review Panel be included in the Training Scheduled.

### **9 ANY OTHER BUSINESS WHICH THE CHAIR CONSIDERS URGENT**

- 9.1 The Chair thanked the Committee for their attendance at the meeting with the Westminster Property Association (WPA). The Committee was informed that the meeting with the Association was useful and provided a good opportunity to obtain the viewpoints of its members and their concerns. The next meeting with the WPA is scheduled to take place in the Spring of 2024. The Committee noted that individual Members received invitations from developers and were reminded to forward enquires from these cohorts to Officers and be mindful of lobbying.
- 9.2 The Chair commented on the Secretary of State decision regarding the M&S Oxford Street Branch planning appeal and highlighted the role of which heritage and sustainability featured in the decision-making. The Committee requested that Officers provide an executive summary of the Secretary of State Letter and Report and that the document sets out the key points.

### **10 DATE OF NEXT MEETING**

Wednesday 1 November

The Meeting ended at 8.00 pm

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

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