



City of Westminster

Committee Agenda

Title: **Planning & City Development Committee**

Meeting Date: **Wednesday 28th October, 2020**

Time: **6.30 pm**

Venue: **Please note that this will be a virtual meeting.**

Members: **Councillors:**

Robert Rigby (Chairman)	James Spencer
Geoff Barraclough	Eoghain Murphy
David Boothroyd	Selina Short
Jim Glen	Richard Elcho
Elizabeth Hitchcock	Mark Shearer
Louise Hyams	Antonia Cox
Matt Noble	Guthrie McKie
Tim Roca	

This will be a virtual meeting and members of the public and press are welcome to follow the meeting and listen to discussion to Part 1 of the Agenda

This meeting will be live streamed and recorded. To access the recording after the meeting please revisit the link.

If you require any further information, please contact the Committee Officer, Georgina Wills, Committee and Governance Officer.

**Email: gwills@westminster.gov.uk; Tel: 07870 548348
Corporate Website: www.westminster.gov.uk**

Note for Members: Members are reminded that Officer contacts are shown at the end of each report and Members are welcome to raise questions in advance of the meeting. With regard to item 2, guidance on declarations of interests is included in the Code of Governance; if Members and Officers have any particular questions they should contact the Head of Committee and Governance Services in advance of the meeting please.

AGENDA

PART 1 (IN PUBLIC)

1. MEMBERSHIP

To report any changes to the membership

2. DECLARATIONS OF INTEREST

To receive and record declarations of interest.

3. MINUTES

To sign the minutes of the last meeting as a correct record of proceedings.

(Pages 3 - 8)

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

(Pages 9 - 30)

5. RECENT CHANGES TO PLANNING LEGISLATION AND REGULATIONS

(Pages 31 - 38)

6. THE PLANNING WHITE PAPER 'PLANNING FOR THE FUTURE'

(Pages 39 - 44)

7. DIGITAL PLANNING OPTIONS

(Pages 45 - 52)

8. ANY OTHER BUSINESS WHICH THE CHAIRMAN CONSIDERS URGENT

9. DATE OF NEXT MEETING

31 March 2021

**Stuart Love
Chief Executive
20 October 2020**



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 30th June, 2020**, Please note that this will be a virtual meeting..

Members Present: Councillors Robert Rigby, Geoff Barraclough, David Boothroyd, Jim Glen, Elizabeth Hitchcock, Louise Hyams, Matt Noble, Tim Roca, James Spencer, Eoghain Murphy, Selina Short, Richard Elcho and Mark Shearer

Also Present: Councillor Matthew Green

1 APPOINTMENT OF CHAIRMAN

- 1.1 The Committee Officer advised the Sub-Committee that the Leader of the Council had nominated Councillor Robert Rigby for the Chairman of the Planning & City Development Committee. The nomination was seconded by Councillor Jim Glen.

There being no other nominations it was

RESOLVED

That Councillor Robert Rigby be appointed as the Chairman for the Planning & City Development Committee.

2 MEMBERSHIP

- 2.1 Election of Deputy Chairman
- 2.2 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

3 DECLARATIONS OF INTEREST

- 3.1 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.

4 MINUTES

- 4.1 That the Minutes of the Planning and City Development Committee meeting held on 7 November 2020 be approved.

5 UPDATE ON THE PLANNING REVIEW

- 5.1 The Committee received a report which provided an update on current work within the Planning Service with a focus on the implementation of the Planning Review Programme and recent changes as a result of the COVID-19 pandemic, in particular the introduction of Remote Planning Committees.
- 5.2 The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020 came into effect on Saturday 4 April 2020 and gave local authorities the power to hold remote committee meetings until May 2021. Remote Planning Sub-Committees have been held bi-weekly since 14 April 2020. Six Planning Sub-Committee meetings have now been successfully held remotely and streamed using Microsoft Teams up to 23rd June. The adoption of remote committees via the Microsoft 'teams' platform has allowed residents and stakeholders to listen-in to meetings and/or recordings of any virtual meeting via the Council website, ensuring openness and transparency is maintained during this period. Members were advised that the Public speaking was temporarily suspended at the first two remote committee meetings to ensure technology was fully tested and to allow guidelines and protocols to be put in place.
- 5.3 The Planning Service has adapted quickly to remote working, ensuring discussions and meetings continue with applicants and stakeholders through video calls with pre-application presentations, internal design reviews and other meetings all held online. While there has been a fall in application numbers, applications are continuing to be received and validated online.
- 5.4 Members were advised that Officers were reviewing processes which would enable physical site visits to resume and that safety measures would need to be in place prior to this occurring. The site managers and applicants would need to agree and cooperate with the proposed safety measures procedures. There are extensive Risk Assessments processes that have been put in place in other areas of the Service, this includes Building Control and Planning Enforcement. The Sub-Committee was advised that current digital tools used for site visits combined with physical visits would help to better demonstrate what sites were to look like and its development impacts. Members were

advised that Officers who were able to access the Borough would undertake site visits.

- 5.5 In response to questions from the Committee, Officers advised that the digital tools used for conducting virtual site visits and assessments could be incorporated in the presentations during the Sub-Committees. This process would ensure that the Members and all parties have an enhanced understanding of the application. The developers of planning schemes would be encouraged to use these digital tools when engaging with third parties about potential developments.
- 5.6 The Committee noted that there would be a continual drive to ensure that the planning decisions process were transparent and understood by all parties. There will be focus on improving public participation and in areas which external parties had poorly scored. This will include obtaining views on how these areas could be improved. Members noted that there would be residual dissatisfaction with the process for some parties following the decision of the Sub-Committee.
- 5.7 Officers advised that hybrid meetings which involved both Members joining virtually and being physically present at Committees were not permissible under the current legislation and that the Local Government Association had lobbied the Government to amend this. Members also commented on their desire to move back to some form of physical planning committee when possible but with the option to incorporate virtual elements. There were discussions regarding registered speakers being able to continue to make remote representations at Sub-Committees post Covid-19 and it was agreed that this would ensure full accessibility and participation.
- 5.8 The Committee was advised that a breakdown of external viewers of the virtual Sub-Committee would be provided at their next Meeting and that these individuals would likely to be Planning Agents, members of Amenity Societies and residents.
- 5.9 Members informed that residents had raised concerns about the public access system for making comments about planning applications. Officers advised that the Planning Service is working with the IT Service on these issues. being monitored. There are alternative ways to make representations and these are used by numerous parties. The Committee was advised that there had been an increase in the use of digital platforms by developers to engage with third parties and that a hybrid system which combines the mentioned and physical meetings was preferred.
- 5.10 Members were advised that there were some concerns with transparency with Planning Applications and noted that it was not uncommon for the Sub-Committee to make decisions which were contrary to Officers recommendations. The Sub-Committee was advised that Ward Councillors were permitted to 'Call In' decisions. Officers reminded the Committee that Applicant's Identities were not usually part of the planning process unless there were exceptional circumstances. These include Applications which have a confidential matter such as security issues. A Member commented that a

different process should be implemented for Applications which were viewed as being 'political sensitive'.

- 5.11 Members were reminded that they were required to adhere to the Code of Conduct and Planning Protocols. The Code of Conduct has recently been updated and the process for 'Call Ins' was retained. Members were advised that they were responsible for determining whether they should make any Declaration of Interests.
- 5.12 Members raised concerns regarding 'abusive and inappropriate' comments posted on portals in relation to controversial Planning Applications and queried if a filtering system could be put in place to monitor these posting and ensure that they are removed before appearing on the Councils digital platform. Officers are working with the IT Service to devise solutions to this issue aimed at preventing inappropriate postings on public access digital platforms.
- 5.13 The Chair commended Members and Officers for their work on the Sub-Committee and for processing Planning Applications during the Covid-19 Pandemic lockdown and requested that this be recorded.

RESOLVED:

1. The Committee noted the changes made to the Planning Sub-Committee process in response to the Planning Review and as a result of the COVID-19 pandemic, including the successful recent introduction of Remote Committees, associated amendments to the public speaking procedure rules, and the ongoing work to enable earlier and more consistent pre-application engagement with local communities and Ward Members, including a greater focus on digital engagement.
2. That a breakdown of external viewers of the virtual Sub-Committee be provided at their next Meeting

6 CITY PLAN 2019 - 2040 UPDATE

- 6.1 The Committee received an update on the draft City Plan following its submission to the Secretary of State in November 2019. This followed an informal consultation, a statutory 'Regulation 19' consultation, and approval by Full Council. Two independent Inspectors have been appointed by the Secretary of State to examine the Plan. Their role is to interrogate the policies and their evidence base to determine if the Plan is 'sound'. A sound plan must be positively prepared to meet the area's needs, evidence based and justified, effective, and consistent with national policy. The timetable for the examination is controlled by the Inspectors and it was envisaged that the Public Hearing will be conducted virtually and take place in Autumn 2020.
- 6.2 Members noted that prior to the Public Hearing, Inspectors will complete an information gathering phase and that it was practice asking local authorities

for further evidence on specific policies in the plan and this was done via the issuing of formal 'Matters, Issues and Questions (MIQs).

6.3 The Key questions noted from each Matter are as follows:-

- **Legal requirements:** How the policies mitigate and adapts to climate change?
- **Duty to co-operate:** Has the council co-operated with neighbouring boroughs on strategic planning matters e.g. transport, waste management
- **Spatial Strategy:** How has the council determined where growth should be directed to (i.e. the Opportunity Areas, Central Activities Zone, Housing Renewal Areas etc)?
- **Housing:** What is the evidence for the proposed housing target of 20,685 units over the 20 years life span of the Plan.
- **Economy & Employment:** Is the restriction on hot food takeaways within 200m of a school appropriate and is the approach to restricting new shisha premises evidence-based and justified?
- **Connections:** Are the parking standards in general conformity with the London Plan?
- **Environment:** Is it clear how carbon-offset payments are to be calculated and has the approach to air quality neutral developments been viability tested?
- **Design and Heritage:** Are tall buildings clearly defined?
- **Infrastructure, Implementation and Monitoring:** How has the need for new infrastructure been taken into account and what is the approach to reviewing the Plan?

6.4 The committee noted that an Environmental Supplementary Planning Document was being produced and would lay out how the Environmental Policies in the draft City Plan would be implemented.

RESOLVED:

That the contents of the report be noted.

7 PLANNING & CITY DEVELOPMENT COMMITTEE

7.1 The Committee considered a report which provided information about the role and remit of the Planning & City Development Committee and their Work Programme and Training Schedule for the Municipal Year. Members were requested to forward topics which they wish to be included in their Work Programme and Training Schedule.

RESOLVED:

1. That the contents of the report be noted.
2. That the Committee forward Topics to be included in their Work Programme and Training Schedule.

The Meeting ended at 7.45 pm

CHAIRMAN: _____

DATE _____



City of Westminster

Planning & City Development Committee

Date: 28 October 2020

Classification: General Release

Title: Annual Update on Planning Applications and Appeals Performance
– 2019/20

Report of: Director of Place Shaping and Town Planning

Financial Summary: None.

Report Author and Contact Details: Oliver Gibson (ogibson@westminster.gov.uk/
07971026919)

1. Executive Summary

- 1.1 This report presents 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.
- 1.2 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).

2. Recommendation

- 2.1 Members are asked to consider the contents of this report and to note 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.

3. Background

MHCLG Planning Application and Appeals Performance Thresholds

- 3.1 The performance of local planning authorities in determining major and non-major development is assessed on a quarterly basis by the MHCLG. The assessment of performance is judged by the MHCLG against two separate measures of performance, 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.

Where an authority does not meet the required performance levels set out in Tables 1 and 2 (below), it can be 'designated' by the MHCLG on behalf of the Secretary of State. Where a local planning authority is designated, applicants may apply directly to the Planning Inspectorate (on behalf of the Secretary of State) for determination of the category of applications (i.e. major, Non-Major or both) for which the authority has been designated.

- 3.2 Local planning authorities are required to submit data showing their performance against the speed and quality measures set by the MHCLG on a quarterly basis and this data is published by the MHCLG.

Tables 1 (top) – MHCLG Major and Non-Major Application Speed of Decision Making Performance Indicator Thresholds and **Table 2 (bottom)** – MHCLG Major and Non-Major Application Qualitative Performance (based on percentage of applications subsequently overturned at appeal)

Measure and type of Application	Threshold and assessment period October 2016 to September 2018	Threshold and assessment period October 2017 to September 2019	Live Table
Speed of major Development (District and County)	60%	60%	District - P151a County - P151b
Speed of non-major Development	70%	70%	P153

Measure and type of Application	Threshold and assessment period April 2016 to March 2018	Threshold and assessment period April 2017 to March 2019	Live Table
Quality of major Development (District and County)	10%	10%	District - P152a County - P152b
Quality of non-major Development	10%	10%	P154

(Table extracted from 'Improving Planning Performance – Criteria for Designation (revised 2018)' – MHCLG.)

Full details of the legislative and regulatory background to the MHCLG performance thresholds and designation process can be found in the MHCLG guidance document 'Improving Planning Performance – Criteria for Designation (revised 2018)', which is attached at Appendix 1.

Planning Appeals Process

- 3.3 Following refusal of any planning decision (including listed building and advertisement consents), applicants have the right of appeal to the Secretary of State. This includes appeals made against the non-determination of an application that has passed the statutory time period for determination or against the serving of a formal Notice including a Planning Enforcement Notice, a Listed Building Enforcement Notice and a Discontinuance Notice Enforcement Notice. There is no right of appeal for objectors or other third parties, only the applicant.

- 3.4 An independent Planning Inspector is appointed by the Secretary of State to make the decision. Appeals can be dismissed and permission refused for all, some or even different reasons used by the Council. If an appeal is allowed, planning permission, or a related consent is granted, subject to conditions determined by the Planning Inspector. There are several grounds to enforcement appeals including grounds whereby an appellant argues that permission/consent should be granted for the unauthorised works attacked by the Notice. These appeals are in effect the same as an appeal against a refused planning permission or listed building consent and the policies used to justify the service of the Notice are tested.
- 3.5 There are three types of appeal procedure: written representations, informal hearings and public inquiries. Written representations are the most common, usually used for cases where the planning issues are straightforward and there is limited public interest. Informal hearings consist of a structured discussion, led by the Inspector. Public Inquiries are the most formal, with the parties having legal representation and cross examination of the planning and other expert witnesses.
- 3.6 Appeal decisions are important in monitoring quality of decision-making and testing effectiveness of policy. As referenced in paragraph 3.1, the Secretary of State uses the percentage of decisions overturned on appeal as an indicator of the quality of decisions made by planning authorities.
- 3.7 When an application is refused, the reasons for refusal need to be clear, evidence based and linked to Development Plan policies, otherwise there is a risk that the decision could be overturned on appeal. The same is true for the various forms of Enforcement Notices. If the Council is deemed to have acted unreasonably, there is a risk of an award of costs against the Council irrespective of the appeal decision itself. A costs award can relate to the full or partial cost of the appellant's costs in making the appeal, dependent upon the nature of the unreasonable behaviour and the extent to which this has resulted in the appellant incurring unnecessary costs in making the appeal. Where an appellant has acted unreasonably during the appeal process the Council can also seek a full or partial award of costs.
- 3.8 Appeal decisions are also important as part of the planning history of a site and a material planning consideration when determining any subsequent applications. An appeal decision can indicate how a development could be amended to make it acceptable. Appeal decisions can also be helpful in testing the wording of current policies and indicating where future changes could be made to improve policies or prevent unintended consequences, for example in preparing the new City Plan or Supplementary Planning Documents. Planning decisions always involve a careful balancing of the issues. Understanding where Inspectors place weight on different policies, material planning considerations and their interpretation of the National Planning Policy Framework (NPPF) can help to improve local decision making.

4. Planning Applications Speed and Quality of Decision Making

Speed of Application Decision Making

- 4.1 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 27%, whilst the Non-Major applications threshold was exceeded by 9% (see Tables 3 and 4). Coupled with similar performance for the preceding 2017/ 2018 financial year, the City Council is not at risk of designation in respect of the speed of its decision making.

Tables 3 & 4 – Performance Against MHCLG Thresholds for Major and Non-Major Planning Applications for 1 April 2019 to 30 March 2020 period.

Development Type	Total Decisions	Total Less than 13 weeks	Total PPA's/ EoT's within target	% < 13 weeks or within PPA/EoT Target
Majors	49	3	33	73.5%

Development Type	Total Decisions	Total < 8 weeks	Total PPA's/ EoT's within target	% < 8 weeks or within PPA/EoT Target
Non-Majors	3168	1967	350	73.1%

4.2 The latest data published by the MHCLG for the rolling two-year period up to the end of June 2020 (see Table 5) shows Westminster's performance for Major applications to be 80.2%, whilst performance for Non-Major applications is 75.6%. The latest performance statistics demonstrate that the planning service continues to handle a high volume of applications, whilst also providing timely decision making for the significant majority of applications.

Table 5 – Comparison of speed of major and non-major planning application decision making with other Inner London Local Planning Authorities for 24 month period to end of June 2020.

Local Authority	Major Applications				Non-Major Applications			
	Total Major Applications	Major Decisions in agreed time limit (13 Weeks, PPA, EoT or EIA)	% of Non-Major Decisions made under PPA, EoT or EIA	% Within 13 Weeks or Agreed Time Limit	Total Non-Major Applications	Non-Major Decisions in agreed time limit (8 Weeks, PPA, EoT)	% of Non-Major Decisions made in time limit using a PPA or EoT	% Within 8 Weeks or Agreed Time Limit
Camden	54	48	90%	88.9%	2,864	2,534	81%	88.5%
City of London	37	32	91%	86.5%	556	524	56%	94.2%
Greenwich	77	77	86%	100%	2,592	2,460	27%	94.9%
Hackney	61	54	94%	88.5%	3,153	2,652	18%	84.1%
Hammersmith and Fulham	47	44	77%	93.6%	2,845	2,534	42%	89.1%
Islington	59	58	88%	99.0%	2,285	2,019	32%	88.4%
Kensington and Chelsea	62	57	74%	91.9%	3,361	2,617	3%	77.9%
Lambeth	80	78	87%	97.5%	3,317	3,097	37%	93.4%
Lewisham	51	50	82%	98.0%	3,312	3,076	34%	92.9%
Southwark	99	75	76%	75.8%	2,849	2,313	19%	81.2%
Tower Hamlets	88	74	95%	84.1%	1,554	1,380	41%	88.8%
Wandsworth	86	83	82%	96.5%	4,705	3,709	17%	78.8%
Westminster	91	73	95%	80.2%	6,208	4,695	15%	75.6%

4.3 Whilst the performance level of other Inner London Boroughs in the determination of Non-Major applications is apparently higher than Westminster, it should be noted that with the exception of Kensington and Chelsea, Westminster uses Extensions of Time (EoTs) and Planning Performance Agreements (PPAs) in the determination of Non-

Major applications the least of any of the Inner London LPAs. This is because Westminster charges for entering into PPAs and seeks to determine applications within the 8 week statutory timeframes, rather than artificially extending the application time period as a matter of normal practice. Conversely other Inner London LPAs more prevalently use EoTs to extend timeframes for determination and/ or do not charge for entering into PPAs on Non-Major development. Some LPAs also invite amendments to schemes prior to validation in order to provide additional time for consultation and processing of applications following validation. Consequently, whilst they are able to achieve higher proportions of decisions within the MHCLG timeframes, this does not necessarily mean that their decision making is in practice faster than that of officers at Westminster.

Quality of Application Decision Making

- 4.4 The quality of decision making by local planning authorities is measured by the MHCLG in terms of the proportion of decisions that are overturned and allowed at appeal over a rolling 24-month period. The threshold for designation is where 10% or more of a local planning authorities' total number of decisions on applications within a given period are overturned. It should be noted that only certain types of planning application are included in the MHCLG appeal performance statistics.

Table 6 – Comparison of quality of major and non-major planning application decisions with other Inner London Local Planning Authorities for 24 month period to between April 2017 and March 2019 (latest period published by MHCLG).

Local Authority	Major Applications				Non-Major Applications			
	Total Major Apps	Total Major Appeal Decisions	Total Major Decisions Over-turned	Quality of Decisions (% over-turned at appeal)	Total Non-Major Apps	Total Non-Major Appeal Decisions	Total Non-Major Decisions Over-turned	Quality of Decisions (% over-turned at appeal)
Camden	74	2	0	0.0%	3,215	154	48	1.5%
City of London	45	0	0	0.0%	523	1	1	0.2%
Greenwich	74	7	1	1.4%	3,021	269	82	2.5%
Hackney	79	1	0	0.0%	3,290	194	75	2.3%
Hammersmith and Fulham	75	6	2	2.7%	3,666	20	87	2.4%
Islington	73	11	2	2.7%	2,662	158	42	1.6%
Kensington and Chelsea	72	9	3	4.2%	3,848	170	69	1.8%
Lambeth	98	13	6	6.1%	4,010	250	81	2.0%
Lewisham	56	3	1	1.8%	3,258	251	65	1.8%
Southwark	151	5	2	1.3%	3,106	87	24	0.8%
Tower Hamlets	101	9	6	5.9%	1,761	90	26	1.5%
Wandsworth	110	3	3	2.7%	5,388	161	49	0.9%
Westminster	105	5	1	1.0%	6,889	209	62	0.9%

- 4.5 The latest data published by the MHCLG for major application appeals demonstrates that in the two years to March 2019 the City Council handled 105 applications of which 5 resulted in appeals and of this number 1 was allowed (see Table 6). As a percentage of the total number of Major applications handled in this period this equates to 1%. This is well below the 10% threshold for designation and an improvement on the previous reporting period to December 2017 during which 1.9% of major applications had been allowed at appeal.

- 4.6 The latest data published by the MHCLG for non-major application appeals demonstrates that in the two years to March 2019, the City Council handled 6,889 applications of which 209 resulted in appeals and of this number 62 were allowed. As a percentage of the total number of non-major applications handled in this period this equates to 0.9%. This is well below the 10% threshold for designation and an improvement on the previous reporting period to December 2017 during which 1.1% of non-major applications had been allowed at appeal.
- 4.7 Westminster’s qualitative performance for determination of major applications compares favourably with other Inner London LPAs, with only Camden, City of London and Hackney performing better in the most recent period. However, all three determine significant fewer major applications than Westminster. When compared with other LPAs that determine circa 100 major applications or more within the relevant period (Lambeth, Southwark, Tower Hamlets and Wandsworth), Westminster’s quality of decision making on major applications is demonstrated to be superior.
- 4.8 When compared with other Inner London LPAs, it is apparent that the quality of Westminster’s non-major planning decisions is amongst the best in Central London with only the decision making of Wandsworth and Southwark of comparable quality. Whilst the City of London has a lower percentage of overturned decisions at appeal, this is based on a thirteenth of the total number of non-major cases and a single appeal decision. As such, the statistics for the City of London are anomalous in terms of demonstrating qualitative performance of decision making.

5. Planning Appeals Performance

Performance Statistics

- 5.1 The annual performance for planning appeals for the most recent full year are set out below in Table 7. The Council sets its own target of 60% for the percentage of appeal decisions it expects to win. Table 7 demonstrates that there was a significant increase in planning appeals relative to the preceding years. During 2018/19 there were 191 appeal decisions and during 2017/18 there were 206 appeal decisions. However, despite the increase in appeal decisions last year, which was due to an increase in telecoms and associated advertisement consent appeals for telephone boxes, the success rate for the Council has improved to 77%, up from 70% in 2017/18 and 69% in 2018/19.

Table 7 – Appeal Performance between 1 April 2019 and 30 March 2020.

Year	Total No. of Appeals	No. of Appeals Allowed	No. of Appeals Dismissed	% of Appeals Dismissed	WCC Target for Appeal Success
2019/20	433	101	332	77%	60%
2018/19	191	60	131	69%	60%

- 5.2 Of the appeal decisions during 2019/20 almost all appeals were written representations. There were no public inquiries and only 3 appeal decisions made following informal hearings. This compares to 2 public inquiries and 3 informal hearings during 2018/19. There were also a small number of fast track householder appeals (22) where an appeal statement is not required.
- 5.3 In terms of types of appeals, a breakdown of appeals won and lost and the types of applications involved is set out below in Table 8. A full summary of the appeals allowed

during 2019/20 and the reasons that the Planning Inspectorate gave for allowing the appeals is provided in Appendix 2.

Table 8 – 2019/20 Appeal Performance by Application Type.

Type of Application	Appeals Decisions Received			
	Allowed	Dismissed	Part Allowed/ Part Dismissed	Combined Total of appeals either Dismissed/ Part dismissed
Full Planning	17	51	1	52 (75%)
Householder	8	12	2	14 (64%)
Approval of Details	3	0	0	0 (0%)
Prior Approval	0	1	0	1 (100%)
Listed Building Consents	5	20	3	23 (82%)
Telecoms	10	129	0	129 (93%)
Adverts	51	93	1	94 (65%)
Enforcement	4	15	0	15 (79%)
Certificate of Lawfulness	1	2	0	2 (67%)
Tables and Chairs	1	0	0	0 (0%)
Trees	1	2	0	2 (67%)
WCC Total	101	325	7	332 (77%)

Appeals following a Committee Decision to Overturn an Officer Recommendation

- 5.4 The majority of the above appeals relate to delegated decisions taken by officers. During the 2019/20 period, there were 7 appeal decisions received which related to applications where the decision to refuse permission was taken by one of the Planning Applications Sub-Committees (while the appeal decision was issued in this period, the length of the appeals process means the Sub-Committee decision may have been taken in previous financial years). Of these 2 appeals were dismissed and 5 were allowed. Of the 5 allowed appeals, 4 related to decisions where the original officer recommendation to grant conditional permission was overturned. These appeal decisions are summarised below:

Table 9 – Allowed Appeals resulting from Committee Overturned Decisions

	Reference No./ Site Address	Proposal and Appeal Outcome
1.	19/00194/FULL 6 Bark Place, London, W2 4AX Sub-Committee Report and Minutes Link	<u>Proposal</u> : Erection of two dormer windows to rear roof slope. <u>Sub-Committee Resolution</u> : The Sub-Committee resolved that the application should be refused on the grounds of overlooking and the size and design of the two rear dormer windows.

	Appeal Decision Link	Reason to Allow: The Inspector found that the proposed dormers would be of modest size, to the rear of the dwellings and would align with the windows below. As such they would not cause harm to the character and appearance of the conservation area. Given the position of the dormers relative to neighbouring properties and the high existing degree of overlooking between properties the Inspector found that the proposal would not have any significant adverse amenity impacts.
2.	<p>17/04194/FULL Westcourt House, 191 Old Marylebone Road, London, NW1 5DZ</p> <p>Sub-Committee Report and Minutes Link</p> <p>Mayor's Stage 2 Response</p> <p>Appeal Decision Link</p> <p>Costs Award Link</p>	<p>Proposal: Redevelopment of the site to provide hotel (Use Class C1) with ancillary ground floor cafe/ restaurant in 13 storey plus basement and ground floor building.</p> <p>Sub-Committee Resolution: The Sub-Committee No.1 on 26 June 2018 resolved to grant permission, but following Stage 2 referral on 21 September 2018, the Mayor of London directed refusal of the application on 1 October 2018. Referring specifically to the proposed loading, taxi and servicing bay on Old Marylebone Road, the Mayor directed refusal for the following reason:</p> <p><i>"The proposed loading bay and servicing arrangements would unduly impact on highway, cyclist and pedestrian safety; and would result in the unnecessary loss of a healthy street tree, contrary to policies 5.10, 6.3, 6.9, 6.10 and 7.21 of the London Plan (2016) and policies G1, G5, G7, T2, T4 and T7 of the draft London Plan (2017) and paragraphs 108-110, 127 and 130 of the National Planning Policy Framework (2018)".</i></p> <p>The Mayor stated that he would be minded to withdraw this direction if the applicant were to service the application site from Harcourt Street, as per earlier iterations of the proposed development. However, this was found to be unacceptable at earlier Sub-Committee meetings on 24 October 2017 and 17 February 2018. Accordingly, permission was refused in accordance with the Mayor's Stage 2 direction.</p> <p>Reason to Allow: The main issues were the effect of the development and the servicing and taxi arrangements proposed and the impact on highway safety and street trees. The Inspector concluded that the use of Harcourt Street to service the site would not result in harm to traffic or pedestrians nor would it result in the loss of a street tree. Full costs were awarded against the Council as it was deemed to have acted unreasonably by not being able to provide evidence informed by data to substantiate the reasons for refusal that had been given.</p>
3.	<p>18/01434/FULL 77 Ashley Gardens Thirleby Road, London, SW1P 1HG</p> <p>Sub-Committee Report and Minutes Link</p>	<p>Proposal: Installation of an air condenser unit located on the central section of the roof within a roof pocket of the enclosed communal stairwell with associated service runs adjacent to existing pipework on the external face of the internal lightwell.</p> <p>Sub-Committee Resolution: The Sub-Committee heard the proposals for No.77 and No.79 as one item and were not convinced that the air conditioning units, which would need to be operated in 'set back' mode overnight, would operate below the background noise level. The Sub-Committee</p>

	Appeal Decision Link	<p>resolved that permission for both applications be refused (at Nos.77 and 79), on the grounds that the air condenser units would be un-neighbourly and would result in noise and disturbance for the existing residents.</p> <p><u>Reason to Allow:</u> Both appeals were heard at an Informal Hearing held in November 2019. The main issue was the impact of the air conditioning units on the living conditions of neighbouring occupiers. The Inspector found that the air conditioning equipment would operate at a sufficient level below the background noise level so as to accord with ENV6 and ENV7 in the UDP and S29 and S32 in the City Plan. The Inspector accepted a Unilateral Undertaking from the applicant that undertook to only implement one of the permissions for this flat (i.e. either this permission or an earlier one for the same property) so that the cumulative noise impact would not exceed the maximum levels permitted by Policy ENV7.</p>
4.	<p>18/01433/FULL 79 Ashley Gardens, Thirleby Road, London, SW1P 1HG</p> <p>Sub-Committee Report and Minutes Link</p> <p>Appeal Decision Link</p>	<p><u>Proposal:</u> Installation of an air condenser unit located on the central section of the roof within a roof pocket of the enclosed communal stairwell with associated service runs adjacent to existing pipework on the external face of the internal lightwell.</p> <p><u>Sub-Committee Resolution:</u> See item 3.</p> <p><u>Reason to Allow:</u> See item 3.</p>

Awards of Costs

- 5.5 As set out in paragraph 3.7, costs can be awarded against the Council if it has behaved unreasonably in a way that has resulted in the appellant incurring costs that could otherwise have been avoided.
- 5.6 During the previous financial year there was only one successful awards of costs against the Council, which related the decision by the Planning Applications Sub-Committee to refuse permission for the redevelopment of Westcourt House, 191 Old Marylebone Road as a hotel on highway obstruction and tree loss grounds (17/04194/FULL), against the recommendation of officers, as summarised above. In this case the Inspector considered the Council had failed to substantiate the highway obstruction reason for refusal with actual evidence of materially adverse impact on the operation of the highway. The costs award against the City Council is in negotiation with the appellant to agree appropriate costs. As such, the financial implications of this cost award have yet to be identified.

6. Virtual Planning Sub-Committee Meetings

- 6.1 In light of the initial lockdown period caused by the Coronavirus pandemic lockdown and subsequent need to incorporate 'Covid Secure' measures when hosting public meetings, the Council has been operating virtual Planning Applications Sub-Committees using Microsoft (MS) Teams video conferencing software for the last 6 months. Prior to this, between February and March 2020 the planning committee meetings had been live streamed and recorded using Civico software, which is a software platform specifically designed to stream and record conventional office based

local authority public meetings. The 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.

- 6.2 To date there have been 14 virtual Planning Applications Sub-Committees and data demonstrating the levels of public engagement for each committee meeting is provided at Appendix 3. The data shows that the virtual meetings, which were swiftly introduced following the coming in to force of temporary enabling legislation on 2 April 2020, initially attracted significant interest, not only from applicants and other parties interested in specific items on agendas, but also from the development industry at large. A total of 247 viewers watched the first virtual meeting with 129 watching the second meeting and 133 watching the third meeting.
- 6.3 Additional analysis of the viewers from outside the Council for the first three virtual committee meetings indicates that a number of the viewers were from other local authorities and some were from persons attending or working at academic establishments. It is therefore clear that the initial meetings attracted viewers interested in replicating Westminster's virtual planning committees and studying the general response and adaption of the Council to the unique circumstances and constraints of the pandemic lockdown period. These factors combined with a backlog of more complex cases contributed to significantly higher viewer numbers for the first three virtual committee meetings.
- 6.4 Following the third virtual committee meeting on 26 May, the data shows that the number of viewers has transitioned back towards normal expected levels of between 40 to 80 viewers, depending upon the number of items on a given agenda and scale and complexity of the applications under consideration. This viewer level is consistent with the viewer levels experience prior to the switch to virtual planning committees. The data indicates that on average 43% of those viewing the committee meetings are professional representatives of applicants or applicant employees. The remaining 57% comprise other interested parties, such as persons viewing on behalf of amenity societies/ forums and residents.
- 6.5 The proportion of viewers watching the recordings of the committee meetings subsequent to the live streaming of the event is relatively low at present (11% of total viewers on average). This may be a result of the link to the MS Teams virtual meeting recordings being less visible and accessible relative to the Civico system, which hosts all of the recordings made prior to April 2020 on a single easily navigable home screen embedded within the Council's website. Conversely, the MS Teams meeting recordings are only accessible via the link embedded in the committee meeting agenda.
- 6.6 This and other limitations resulting from the use of MS Teams for hosting public meetings will shortly be overcome as Civico have developed a remote app over the last 6 months that will now allow the Council to use the Civico software platform to host virtual meetings. Officers are currently testing the Civico remote access app with the intention that virtual Planning Applications Sub-Committee meetings will be hosted using the Civico software platform by the end of November 2020.

7. Financial Implications

- 7.1 None. A contingency fund is already allocated within the Place Shaping and Town Planning budget to allow for costs awards at appeal and there is no requirement arising from this report for this to be increased.

8. Legal Implications

8.1 None.

9. Conclusion

9.1 Having regard to the significant volume of applications and appeals that are received annually by the City Council, the Place Shaping and Town Planning department has performed well against the MHCLG performance indicators and these demonstrate that the department is providing a good service in terms of both the speed and quality of planning outcomes it delivers to applicants and other stakeholders.

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. Improving Planning Performance – Criteria for Designation (revised 2018) – MHCLG (https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/760040/Improving_planning_performance.pdf)
2. Allowed Appeal Decision Summaries for 2019/20.
3. MS Teams Planning Applications Sub-Committee Data.

Appendix 1 – Improving Planning Performance – Criteria for Designation (revised 2018) – MHCLG (see link)

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/760040/Improving_planning_performance.pdf

Appendix 2 – Allowed Appeal Decisions of Note 2019/20 Summary

All appeals which have been allowed during 2019/20 are set out below.

April 2019

Flat 1 16 Belgrave Gardens London NW8 0RB - 18/06948/FULL (Delegated Decision)

Proposal: Excavation to provide extended basement front room under the front courtyard. Relocation of access stairs in front lightwell down to lower ground floor flat.

Reason to Allow: Inspector found that as a result of the scale of the development, the size of the existing frontage and limited landscaping, and the mixed character of the frontages in the area, alongside the retention of the front boundary wall, the development would preserve the character and appearance of the St John's Wood Conservation Area. He noted the development would not comply wholly with the requirements of Policy CM28.1 in terms of the landscaping and undeveloped margin land, but concluded the above considerations outweigh the conflicts in this instance.

1 Gloucester Mews West London W2 6DY - 18/04329/FULL (Committee Decision – following officer recommendation)

Proposal: Erection of a roof extension to Nos.1-4 Gloucester Mews West to enlarge four existing dwellinghouses.

Reason to Allow: Inspector found that whilst the existing roofline is largely unaltered, the positioning of the extension in proximity to the taller buildings of Chilworth Street and Cleveland Square, the proposed set back and the contemporary contrast, would preserve the character and appearance of the Bayswater Conservation Area and would not harm the setting of nearby Listed Buildings.

31 Hamilton Terrace London NW8 9RG - 18/02753/CLEUD (Delegated Decision)

Proposal: External domestic heating and air conditioning unit at rear first floor rear balcony level.

Reason to Allow: Inspector found that the replacement unit had not resulted in a material change to the external appearance of the building and did not therefore constitute an act of development. Furthermore, given that it occurred more than four years prior to the date of application the certificate should be issued and the appeal was allowed.

May 2019

138 Ebury Street London SW1W 9QQ - 18/08892/FULL (Delegated Decision)

Proposal: Extension at rear lower ground floor, ground floor and first floor levels, to enlarge the two residential flats. Railings and stair at rear ground floor to provide access to lower ground floor patio and Juliet balcony at rear first floor level

Reason to Allow: Inspector found that the rear of the terrace to this part of Ebury Street is of less significant interest and has a varied character and there are limited views towards the rear. As such, unacceptable harm would not be caused to the character and appearance of the host building, the terrace of which it forms part, and the conservation area, the significance of which as a designated heritage asset would not be diminished.

June 2019

Eresby House Rutland Gate London SW7 1BG - 18/05960/FULL (Delegated Decision)

Proposal: Extension of rear dormer at seventh floor level to accommodate new passenger lift.

Reason to Allow: Inspector found that the proposal was a minor alteration at roof level which, although visible in long views, would be viewed in the context of other roof alterations and additions. The width of the dormer window would remain the same and the proposal would be faced in the same materials

as currently exist. As such, the proposal would preserve the character and appearance of the conservation area.

July 2019

6 Bark Place London W2 4AX – 19/00194/FULL (Committee Decision – officer recommendation overturned)

Proposal: Erection of two dormer windows to rear roof slope.

Reason to Allow: Inspector found that the proposed dormers would be of modest size, to the rear of the dwellings and would not cause harm to the character and appearance of the conservation area, nor would they result in a loss of privacy to nearby occupiers.

58 Lancaster Mews London W2 3QG - 18/09257/FULL (Delegated Decision)

Proposal: Variation of condition 1 of planning permission dated 6 June 2018 (RN: 18/01851/FULL) for Demolition of existing mews building behind retained front facade and party walls and reconstruction of mews building over basement, ground, first and second floors, with terrace at rear second floor level. NAMELY, to alter the design of the rear roof level extensions.

Reason to Allow: Inspector found that while the dormer would be larger than the previously approved scheme, and in a relatively modern design, it would be read against the mix of roof types which create the roofscape of Lancaster Mews. As such the character and appearance of the conservation area would be preserved.

67 Wimpole Street London W1G 8AP - 18/03682/FULL (Delegated Decision)

Proposal: Use of basement for office (Class B1) purposes.

Reason to Allow: Inspector found that the majority of the large existing family dwelling house would remain in Class C3 residential use. The basement space that would be lost is ancillary to the main residential living space; this area is dark and not suitable to accommodate habitable rooms. He concluded that the proposal would not result in a detrimental loss of residential accommodation or be harmful to the supply of housing mix in the locality. As such, whilst he found the loss of residential floorspace to be contrary to policy S14 of the Westminster City Plan, he concluded the material considerations in this case justified allowing the appeal.

August 2019

81 Hamilton Terrace London NW8 9QX - 18/09983/FULL (Delegated Decision)

Proposal: Erection of single storey rear extension at ground floor level and replacement of external staircase to rear with staircase.

Reason to Allow: Inspector found that the proposed extension would be subordinate to the existing building, would 'float above the rear garden' and as it would be limited to the rear and not effect the vistas on Hamilton Terrace. As such, it would not harm the character and appearance of the host property or the wider conservation area.

28 Hill Street London W1J 5NW - 18/10171/FULL (Delegated Decision)

Proposal: Installation of two security railings to the front windows of the ground floor.

Reason to Allow: Inspector found that the proposal would be a minor change, that the railings use colour and materials common in the vicinity and as such proposals would have a neutral impact on the character and appearance of the conservation area and the settings of surrounding listed buildings.

23-26 Lancaster Gate London W2 3LP - 18/09861/ADFULL & 18/09866/ADLBC (Delegated Decision)

Proposal: Details of dry riser inlet pursuant to Condition 5(b) of planning permission dated 26 July 2017 (RN: 17/02860/FULL).

Reason to Allow: Inspector found that other similar hotels in the area demonstrate that such features associated with a hotel use can assimilate relatively easily. Proposal found to be a subtle solution that does not result in the loss of, or damage to, historic fabric.

24 Linhope Street London NW1 6HT - 18/09782/FULL (Delegated Decision)

Proposal: Use of flat roof at rear second floor level as a terrace and installation of a timber fence (retrospective application).

Reason to Allow: Inspector found that the terrace is not clearly visible from the public domain and the design and materials used in its construction do not cause harm to the character or appearance of the conservation area, nor does it adversely affect the living conditions of the adjoining occupiers in terms of overlooking and loss of privacy.

26 Montpelier Place London SW7 1HW - 19/01759/FULL (Delegated Decision)

Proposal: Two storey infill extension of lightwell to rear elevation and one storey extension to rear closet wing and replacement of railings to existing roof terrace

Reason to Allow: Inspector found that the proposal would remain subservient to surrounding buildings, and the proposal would not adversely affect the principal rooflines seen locally.

157A Shirland Road London W9 2EP - 18/10075/FULL (Delegated Decision)

Proposal: Creation of roof terrace at rear ground floor level and replacement of rear facing window with a door.

Reason to Allow: Inspector found that given the limited scale of the terrace and likely level of usage the noise generated is unlikely to be significant. Whilst there would be views from the terrace into the rear garden these would be oblique views and unlikely to harm the privacy of neighbouring occupiers.

September 2019

84B Carlton Hill London NW8 0ER - 17/66189/P

Proposal: Enforcement Appeal - Unauthorised doors to rear extension.

Reason to Allow: The City Council maintained that whilst the extension is a modern extension to the 1950's addition, it also spans from, and is read in the context of the historic core of the heritage asset. In this setting, the full width glazed opening attacked by the enforcement notice was considered to compete with the formal rear elevation, which is characterised by its solid form and punched openings, which respond to the internal plan form and hierarchical arrangement characteristic of buildings of this age and architectural style. However, the Inspector disagreed and concluded that the changes to the glazing with wider piers and a wide section of glazing did not make a noticeable difference to the modern nature of the structure as permitted. The Inspector therefore considered that listed building consent could be granted for the installation of fenestration to the north facing elevation of the ground floor rear extension and the enforcement notice was quashed.

84B Carlton Hill London NW8 0ER - 16/61698/P

Proposal: Enforcement Appeal - Removal of internal wall at ground floor level.

Reason to Allow: Inspector concluded that the plan form of this Grade II listed building, where the wall was removed, did not make a material contribution to the significance and architectural and historic interest of the building. The Inspector acknowledged the Council's view that there has been a loss of historic fabric in the way the building was laid out but found the overall impact to be negligible. The Inspector therefore concluded that listed building consent should be granted for the removal of the wall and internal door and the enforcement notice was quashed.

22 Weymouth Street London W1G 7BN - 18/09929/FULL & 18/09930/LBC (Delegated Decision)

Proposal: Installation of four lightwells, associated pavement grilles and evergreen hedgerow at front elevation; reinstatement of a lantern light is over the principal stair, including internal alterations.

Reason to Allow: Inspector found that the installation of four lightwells and associated pavement grilles at front elevation would harm the significance of the listed building and the character and appearance of the Harley Street Conservation Area and therefore dismissed this part of the appeal. However, he

resolved that the other proposals were acceptable and allowed the other elements of the appeal in a split decision.

October 2019

Avery House 1 - 3 Avery Row London W1K 4AJ - 18/08502/FULL (Delegated Decision)

Proposal: Use of first-floor flat roof as a smoking area in association with the basement to second floor restaurant, erection of metal pergola structure, glazed balustrade and the installation of planters.

Reason to Allow: Inspector found that the design of the proposal ensures the host building is still visible and clearly identifiable and its modern lightweight design and landscaping would not be at odds with the prevailing character of this part of the conservation area. The lightweight design would also allow light to penetrate through the development and planting would provide suitable mitigation to the outlook from adjoining windows and concluded that the development would not significantly harm the living conditions of adjoining occupiers.

22 Clifton Hill London NW8 0QG - 19/00782/FULL & 19/00585/LBC (Delegated Decision)

Proposal: Replacement fence to rear garden boundary.

Reason to Allow: Inspector found the fence proposed along the front boundary wall to be harmful to the setting of the listed building and the character and appearance of the St. John's Wood Conservation Area. The appeal was dismissed in respect of this aspect. However, the Inspector made a split decision and allowed the fences to the rear garden boundary walls.

4 Clifton Hill London NW8 0QG - 19/03633/ADFULL (Delegated Decision)

Proposal: Details of the colour of the render pursuant to condition 4 of planning permission dated 9 April 2019 (RN:19/01133)

Reason to Allow: Inspector found that whilst historically stucco would have been painted white, there is now no prevailing colour for properties along Clifton Hill, nor within the surrounding streets and there are several examples of properties in varying colours including a number of Grade II listed buildings. The Inspector therefore allowed the use of pink render.

7 - 14 Coventry Street London W1D 7DH - 19/02647/ADV (Delegated Decision)

Proposal: Display of two internally illuminated suspended lettering signs measuring 0.49m x 3.55m; an internally illuminated fascia sign measuring 0.99m x 0.9m; two non-illuminated flags measuring 2.2m x 1.25m on flagpoles at first floor level; two non-illuminated banners at first to second floor levels, and four externally illuminated columns measuring 2.4m x 0.72m (retrospective).

Reason to Allow: Inspector chose to make a split decision, allowing the circular illuminated fascia sign affixed to the building and the two hanging illuminated fascia signs, which he found did not harm the amenity of the area. However, the Inspector dismissed the appeal in respect of the two flag advertisements, which he concluded failed to preserve or enhance the character or appearance of the conservation area or the setting of the adjacent listed buildings

134 Edgware Road London W2 2DZ - 19/02491/FULL (Delegated Decision)

Proposal: Installation of replacement shopfront and retractable awning.

Reason to Allow: The Inspector concluded the shopfront would have a harmful impact on the appearance of the building and the largely openable nature of the shop front would give rise to noise disturbance to neighbouring residents. As such, he dismissed this part of the appeal. However, he allowed the appeal in respect of the awning, finding that it would not harm the appearance of the building.

47 Kinnerton Street London SW1X 8ED - 19/03360/FULL (Delegated Decision)

Proposal: Retention of fence to rear roof terrace at first floor level.

Reason to Allow: Inspector found that the courtyard was already enclosed and the outlook from the windows facing towards this area was limited, as a result of the close-knit nature of development in the area. Although the new fence increases the height of enclosure on the boundary, it was a less

permeable type of boundary treatment to that which existed previously and therefore does not have an overbearing effect and has not resulted in harm to the living conditions of the adjoining occupiers.

27 Rutland Gate London SW7 1PD - 18/06601/LBC (Delegated Decision)

Proposal: Erection of extensions at rear first, second and third floor levels (Montpelier Walk elevation). Installation of railings and formation of a roof garden to rear second floor flat roof area. Infill of internal light well to ground and first floors levels. Associated internal alterations.

Reason to Allow: The Inspector part allowed the appeal finding that the erection of an extension at rear first floor level (Montpelier Walk elevation), infill of internal light well to ground and first floor levels and associated internal alterations would not harm the significance of the listed building or the character and appearance of the Knightsbridge Conservation Area. The Inspector agreed with Council that the erection of extensions at rear second and third floor levels (Montpelier Walk elevation) and installation of railings and formation of roof garden to rear second floor flat roof area were harmful and the appeal was dismissed in respect of these alterations.

110 Vauxhall Bridge Road London SW1V 2RQ - 17/06307/FULL (Delegated Decision)

Proposal: Erection of rear extension at second and third floor levels and associated external alterations.

Reason to Allow: Inspector found that the extension would not harm the character and appearance of the host building or the conservation area and there would be no loss of significance to any heritage asset.

28 Wilton Place London SW1X 8RL - 18/08467/LBC (Delegated Decision)

Proposal: Replacement of existing dumb waiter with a lift (retrospective).

Reason to Allow: Inspector found that the house has been subject to alterations during the 20th Century and there had been a pre-existing dumb waiter and the same location. Overall it is noted that extent of loss of historic fabric would be limited and the lift is positioned to the rear where rooms of lesser importance are located. On balance the Inspector concluded that the works preserve the special architectural and historic interest of the listed terrace.

28 Wilton Place London SW1X 8RL - 18/03674/LBC (Delegated Decision)

Proposal: Internal alterations for installation of cooling and heating system.

Reason to Allow: Inspector found that the noted that the house has been subject to alterations during the 20th Century and the works appear to use largely existing service runs and routes of previous pipework and most of the radiators replace previous radiators. On balance the Inspector concluded that the works preserve the special architectural and historic interest of the listed terrace.

November 2019

318-324 Edgware Road London W2 1DY - 18/10876/FULL (Delegated Decision)

Proposal: Erection of roof extension to form new fourth floor level and use of new floor level as 2x2 bedroom flats (Class C3).

Reason to Allow: Inspector found that given the inconsistent roofscape of the wider streetscape, the proposal would not look out of character with its neighbouring properties as a result and the roof would be acceptable in terms of form and design.

12 Garway Road London W2 4NH - 19/00995/FULL & 19/01102/LBC (Delegated Decision)

Proposal: Variation of Condition 1 and removal of Condition 5 of planning permission dated 5 February 2019 (RN: 18/08673) which varied condition 1 of planning permission dated 19 June 2018 (RN: 17/01993/FULL) for the level conservatory, enlargement of front lightwell, insertion of rooflight with decorative metal grille over within front lightwell and removal of tree from rear garden to allow the provision of skylight to rear basement in the back garden. (Linked to 18/08813/LBC); NAMELY to substitute the decorative grille with a frosted glass panel.

Reason to Allow: The Inspector found that the new rooflight would have limited prominence, would not involve loss of historic fabric and therefore concluded this would preserve the special interest of the listed building and character and appearance of the conservation area.

Basement and Ground Floor 54 Queensway London W2 3RY - 19/00475/FULL (Delegated Decision)

Proposal: Variation of condition 9 of planning permission dated 19 April 2018 (RN: 18/00574/FULL) which itself varied conditions 3 and 4 of planning permission dated 29 August 2017 (RN: 17/00786/FULL) for the Use of ground floor and basement as hot food take-away (Class A5). NAMELY, to enable our client to utilise a delivery and collections service in association with the approved A5 hot food takeaway.

Reason to Allow: Inspector found that a delivery service could be accommodated within the existing environment of the street, during the same hours as the existing opening times, without giving rise to adverse impacts on neighbouring residents, taking into account the high levels of existing activity within the immediate locality, which include a number of takeaway delivery services and a predominant noise environment of vehicular traffic. The Inspector concluded that the introduction of a delivery service would result in negligible additional impacts so long as its hours of operation are restricted to be in keeping with the existing take-away.

8 South Eaton Place London SW1W 9JA - 19/01518/FULL & 19/01519/LBC (Delegated Decision)

Proposal: Erection of a rear extension to the closet wing between lower ground and third floor level to accommodate passenger lift.

Reason to Allow: Inspector found that the extension would be of limited scale and noted similar closet wing extensions can be found to nearby properties. Consequently, it would preserve the character of the conservation area, that there would be no harm to living conditions of adjoining occupiers but that the new lift would cause some less than substantial harm to the listed building. The Inspector considered the increased accessibility of the property to be an albeit limited public benefit and therefore allowed the appeal despite the identified harm.

December 2019

Westcourt House 191 Old Marylebone Road London NW1 5DZ - 17/04194/FULL (Committee Decision – officer recommendation overturned)

Proposal: Redevelopment of the site to provide hotel (Use Class C1) with ancillary ground floor cafe/restaurant in 13 storey plus basement and ground floor building.

Reason to Allow: This was an appeal relating to a Sub-Committee decision where the Sub-Committee overturned the officer recommendation. The main issues were the effect of the development and the servicing and taxi arrangements proposed and the impact on highway safety and street trees. The Inspector concluded that the use of Harcourt Street to service the site would not result in harm to traffic or pedestrians nor would it result in the loss of a street tree. Full costs were awarded against the Council as it was deemed to have acted unreasonably by not being able to provide clear evidence to substantiate the reasons for refusal.

Fantasia Palace 28 Praed Street W2 1NH - 19/04319/TCH (Delegated Decision)

Proposal: Use of public highway for the placing of four canopies, eight tables, 24 chairs, four planters (in an area measuring 1.2m x 13.2m on the South Wharf Road frontage) and placing of two canopies, three tables, 12 chairs and four planters (in an area measuring 1.2m x 5m on the Praed Street frontage) in connection with existing use.

Reason to Allow: Inspector considered that sufficient clear pavement would be maintained to safely accommodate pedestrian flows and proposals would not be significantly different to others previously approved on this site. The Inspector concluded that timber planters associated with outdoor seating areas are not unusual features outside restaurants, pubs or cafes in shopping areas and would not appear out of place.

Parnell House 25 Wilton Road London SW1V 1EJ - 19/00615/ADV (Delegated Decision)

Display of two internally illuminated high level vertical fascia signs, two internally illuminated projecting box signs and two internally illuminated fascia signs facing onto Vauxhall Bridge Road and Wilton Road.

Reason to Allow: Inspector found that internally illuminated signs of the proposed size and height above ground are not common features within the immediate surroundings, but considered that the signs would be compatible with the design of Parnell House and they would be viewed in the context of a busy commercial area. As such, the signage would not appear unduly dominant or unacceptably add to the amount of street clutter in this particular location, and would preserve the setting of the nearby listed buildings.

January 2020

77 Ashley Gardens Thirleby Road London SW1P 1HG - 18/01434/FULL (Committee Decision – officer recommendation overturned)

Proposal: Installation of an air condenser unit located on the central section of the roof within a roof pocket of the enclosed communal stairwell with associated service runs adjacent to existing pipework on the external face of the internal lightwell.

Reason to Allow: This appeal was heard at an Informal Hearing held in November 2019. The main issue was the impact of the air conditioning units on the living conditions of neighbouring occupiers. The Inspector found that the air conditioning equipment would operate at a sufficient level below the background noise level so as to accord with ENV6 and ENV7 in the UDP and S29 and S32 in the City Plan. The Inspector accepted a Unilateral Undertaking from the applicant that undertook to only implement one of the permissions for this flat (i.e. either this permission or an earlier one for the same property) so that the cumulative noise impact would not exceed the maximum levels permitted by Policy ENV7.

79 Ashley Gardens Thirleby Road London SW1P 1HG - 18/01433/FULL (Committee Decision – officer recommendation overturned)

Proposal: Installation of an air condenser unit located on the central section of the roof within a roof pocket of the enclosed communal stairwell with associated service runs adjacent to existing pipework on the external face of the internal lightwell.

Reason to Allow: This appeal was heard at an Informal Hearing held in November 2019. The main issue was the impact of the air conditioning units on the living conditions of neighbouring occupiers. The Inspector found that the air conditioning equipment would operate at a sufficient level below the background noise level so as to accord with ENV6 and ENV7 in the UDP and S29 and S32 in the City Plan. The Inspector accepted a Unilateral Undertaking from the applicant that undertook to only implement one of the permissions for this flat (i.e. either this permission or an earlier one for the same property) so that the cumulative noise impact would not exceed the maximum levels permitted by Policy ENV7.

93 Warrington Crescent London W9 1EH - 19/02726/FULL & 19/02727/LBC (Delegated Decision)

Proposal: Erection of a roof extension at third floor level to create five additional hotel rooms for the public house.

Reason to Allow: Inspector allowed the appeal after concluding that the proposed extension would be consistent with the development plan, national policy and relevant SPG and would preserve the listed building, along with the character and appearance of the Maida Vale Conservation Area.

February 2020

Hill Road London NW8 9QG - 19/00161/TPO

Proposal: Fell 1 x lime tree (T1).

Reason to Allow: Inspector found that the lime tree had recently been pollarded leaving only the main trunk and consequently it had a truncated and unnatural form. Its removal would therefore have a negligible impact on the street scene and appearance of the conservation area. Conditions were imposed requiring the planting and future maintenance of a replacement tree. The reasons of nuisance and maintenance given by the applicant would not normally justify the removal of a protected

tree. However, Inspector found that its reduced amenity value provided sufficient justification for removal.

350 Kilburn Lane London W9 3EF - 19/01939/FULL (Delegated Decision)

Proposal: Erection of rear extensions at first and second floor levels.

Reason to Allow: Inspector found that the proposal would increase the scale and massing of the existing built form at second floor to the rear of the terrace compared to the previously approved scheme but nonetheless considered the proposal would be subservient to the host property and its appearance would respond to the design of the terrace and the nearby area. The Inspector concluded that the protection of a neighbouring TPO tree could be addressed by planning condition.

80 Queensway London W2 3RL - 17/63809/U

Proposal: Enforcement Appeal - Change from Class A1 retail unit to nail bar/beautician Class A2

Reason to Allow: The appellant has maintained that the change of use occurred during 2016; although the Planning Enforcement Team disputed this assertion. The Inspector found on the balance of probability based on all the evidence before him, that sufficient physical works to facilitate the material change of use as alleged on the notice had occurred prior to the date when the Article 4 direction preventing changes of use from Class A1 to A2 came into force. The Inspector concluded that planning permission was therefore not required for the change of use.

St James's Market London SW1Y 4SB - 19/03740/FULL (Delegated Decision)

Proposal: Erection of 3 antennae, 3 cabinets, 15 remote radio heads and associated works on the roof of the existing building.

Reason to Allow: Inspector found that there would be very few opportunities to view the proposed equipment from the ground level, and the new equipment would be very small in comparison with the size of the building. The inspector identified no harm to the character and appearance of the Haymarket Conservation Area, setting of other designated heritage assets or the protected view and concluded proposals are acceptable.

38 St John's Wood Terrace London NW8 6LS - 18/68029/O

Proposal: Enforcement Appeal - Light fittings at first floor level on front and side elevations.

Reason to Allow: This was one of four enforcement notices served against the premises. The other 3 appeals were dismissed. The Inspector found that the 7 light fittings fixed around both elevations of the building above fascia level were limited size, relatively discreet in appearance and given the size of the building, they do not materially affect the external appearance of the building. The Inspector concluded that they are not development under section 55(2)(a)(ii) of the Town and Country Planning Act 1990 (as amended).

March 2020

106 Denbigh Street London SW1V 2EX - 19/04158/FULL (Delegated Decision)

Proposal: Erection of a two-storey extension to rear closet wing at first and second floor levels.

Reason to Allow: The Inspector found that whilst there are no extensions rising to four storeys within this part of Denbigh Street (nos.90-112), he did not concur that the proposal would be incongruous with the existing rear extensions, as there is existing variation across this portion of the terrace with closet wings of either two or three storeys. The Inspector concluded that also considered that the proposal would have a neutral impact upon the conservation area.

42-44 Grosvenor Gardens London SW1W 0EB - 19/02061/FULL & 19/02062/LBC (Delegated Decision)

Proposal: Use of the second-floor terrace as a breakout space ancillary to the existing B1 office accommodation, and the installation of decking and the erection of a safety fence along the perimeter of the terrace.

Reason to Allow: Inspector found that the proposals would not result in any harm to the listed building, listed terrace or conservation area given the 'back of house' architectural context. Given the presence

of existing fall protection for maintenance access, he considered that the use of contrasting (non-traditional) materials for the new fall protection (Perspex or glass panels) would be appropriate. He acknowledged that the character and use of this roof area would change but considered that the terrace would not harm the proportions or the architectural integrity of the building or terrace. He found that the residential amenity impacts could be addressed through conditions.

144 Marylebone Road London NW1 5PH - 19/09203/ADV (Delegated Decision)

Proposal: Display of one internally illuminated projecting sign measuring 0.5m x 0.5m, one internally illuminated lightbox sign (behind window) measuring 0.1m x 0.35m and an awning.

Reason to Allow: The Inspector found that there were other similar internally illuminated signs in the vicinity of the site. Therefore, he concluded that the signage proposed was not dissimilar to other projecting signage in the vicinity, and that it would be of suitable size, design and illumination and it would not harm the building or the character and appearance of the conservation area.

Other Appeals

BT 'In-Link' and Maximum Networks public telephones and associated advertisements - Multiple Locations

Telecoms RNS: 18/00889/TELCOM, 18/00943/TELCOM, 18/00885/TELCOM, 18/00881/TELCOM, 18/08381/TELCOM, 18/08367/TELCOM, 18/08382/TELCOM, 18/08389/TELCOM, 18/08393/TELCOM, 18/08400/TELCOM.

Advertisement Consent RNS: 18/10636/ADV, 18/06488/ADV, 18/07399/ADV, 18/00701/ADV, 18/07537/ADV, 18/07404/ADV, 18/04613/ADV, 18/06996/ADV, 18/07019/ADV, 18/07396/ADV, 18/07004/ADV, 18/04415/ADV, 18/06489/ADV, 18/06986/ADV, 18/04523/ADV, 18/04403/ADV, 18/06975/ADV, 18/06978/ADV, 18/07458/ADV, 18/07389/ADV, 18/07387/ADV, 18/06998/ADV, 18/07406/ADV, 18/07407/ADV, 18/07457/ADV, 18/07000/ADV, 18/04600/ADV, 18/07603/ADV, 18/06980/ADV, 18/06982/ADV, 18/07452/ADV, 18/07050/ADV, 18/04614/ADV, 18/07416/ADV, 18/07278/ADV, 18/04623/ADV, 18/06971/ADV, 18/07039/ADV, 18/07009/ADV, 18/06969/ADV, 18/10517/ADV, 18/06693/ADV, 18/07535/ADV, 18/07047/ADV, 18/06441/ADV, 18/07274/ADV, 18/06445/ADV, 18/06449/ADV, 18/04395/ADV, 18/10013/ADV.

The prevailing rationale for allowing these appeals was that the Inspectors considered that the telephone boxes/ structures did constitute permitted development and that they would not result in undue proliferation of street clutter or obstruct the highway and the advertisements would not be intrusive and would not cause harm to visual amenity nor would they have a harmful effect on public safety.

Appendix 3 – MS Teams Planning Applications Sub-Committee Data

All Viewers (Live & Recording)	14-Apr	28-Apr	12-May	26-May	09-Jun	23-Jun	07-Jul	21-Jul	04-Aug	18-Aug	01-Sep	15-Sep	29-Sep	13-Oct		
Sub-Committee	No.1	No.2	No.3	Major	No.1	No.2	No.3	Major	No.1	No.2	No.3	Major	No.1	No.2		
No. of Items on Agenda	11	5	5	5	7	6	6	4	6	8	5	4	10	6	Total	Ave.
External	Data Unavailable	115	118	81	41	24	40	53	42	43	32	28	85	42	744	57.2
Of which General Observers (including residents)		57	63	40	21	16	23	26	22	27	29	15	62	24	425	32.7
Of which Professional Agents or Applicants		58	55	41	20	8	17	27	20	16	3	13	23	18	319	24.5
% of Total External that are Prof. Agents or Applicants		50%	47%	51%	49%	33%	43%	51%	48%	37%	9%	46%	27%	43%	43%	
Internal Officers (excl. Committee Staff)		9	14	5	4	2	6	1	1	2	2	2	3	15	66	5.1
Members (excl. Members of the Committee)		5	1	0	1	0	1	0	2	2	0	1	1	1	15	1.2
Total Viewers	247	129	133	86	46	26	47	54	45	47	34	31	89	58	825	

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Viewers Watching Recording (i.e. Not Live)	14-Apr	28-Apr	12-May	26-May	09-Jun	23-Jun	07-Jul	21-Jul	04-Aug	18-Aug	01-Sep	15-Sep	29-Sep	13-Oct	Total	Ave.
External	Data Unavailable	14	14	10	4	1	2	7	11	6	7	2	6	1	85	6.5
Internal		1	1	1	1	0	2	0	1	1	0	0	1	0	9	0.7
% of Total 'Catch Up' Viewers		12%	11%	13%	11%	4%	9%	13%	27%	15%	21%	6%	8%	2%	11%	



City of Westminster

Planning & City Development Committee

Date: 28 October 2020

Classification: General Release

Title: Recent Changes to Planning Legislation and Regulations

Report of: Director of Place Shaping and Town Planning

Financial Summary: None.

Report Author and Contact Details: Oliver Gibson (ogibson@westminster.gov.uk/07971026919)

1. Executive Summary

- 1.1 This report provides an update on recent changes to planning legislation and regulations and identifies where these may impact upon planning decision making in Westminster.

2. Recommendation

- 2.1 Members are asked to consider the contents of this report and to note the likely impacts recent changes to planning legislation and regulations on future planning decision making.

3. Background

- 3.1 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.
- 3.2 The overview below sets changes that have been introduced to date in 2020 to make permanent changes to the planning legislation and regulations.

The Town and Country Planning (Permitted Development and Miscellaneous Amendments) (England) (Coronavirus) Regulations 2020

- Came into force on 1 August 2020 and is a permanent change to the General Permitted Development Order (GPDO).
- Introduces a new permitted development right allows construction of upwards extensions of up to two storeys to create new flats above the topmost residential storey of a block of flats built after 1 July 1948 and before 5 March 2018 without the requirement for planning permissions. This new PD right permits various

related works including reasonably necessary engineering works to construct the additional storeys and the new flats and is subject to many caveats and restrictions.

- Existing permitted development rights that allow delivery of new housing have been amended to require that they must provide adequate natural light in all habitable rooms.

The Town and Country Planning (General Permitted Development) (England) (Amendment) (No. 2) Order 2020

- Came into force on 31 August 2020 and is a permanent change to the GPDO.
- Five new Permitted Development rights are introduced in the Order to achieve the following ability to deliver additional residential floorspace or units
- The new permitted development rights allow erection of up to two new storeys on a detached, semi-detached or terrace house to extend the existing dwellinghouse; up to two new storeys of flats on top of detached buildings in commercial or mixed use, including where there is an element of residential use; construction of new flats on top of terrace buildings (including semi-detached buildings) in commercial or mixed (including residential) use; construction of new flats on top of terrace dwellinghouses (including semi-detached houses); and construction of new flats on top of detached dwellinghouses.
- There is a prior approval regime for each of the new permitted development rights.

The Town and Country Planning (General Permitted Development) (England) (Amendment) (No. 3) Order 2020

- Came into force on 31 August 2020 and is a permanent change to the GPDO.
- Allows demolition of vacant 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, have a footprint of not more than 1,000m² and be not more than 18m in height.
- Criteria are applicable to the footprint and height of the replacement building and there is a prior approval process requiring the developer to apply for approval in respect of a wide range of impacts of the proposed building.

The Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020

- Came into force on 1 September 2020.
- Classes A and D of the Use Classes Order (Retail and Non-Residential Institutions and Assembly and Leisure uses) have been revoked and Class B (Offices and Industrial Uses) has been modified.
- The effects of the modifications are to create a new broad Class E group titled 'Commercial, Business and Service', which contains uses between which changes of use can occur without the need for planning permission (i.e. changes between them are no longer constitute development). The uses contained within the new Class E include, retail shops, financial and professional services (estate agents etc.), offices, medical uses, gyms and other indoor sport uses, creches and nurseries.
- A new Class F.1 has been created titled 'Learning and non-residential institutions' to allow change between education uses, museums, art galleries, libraries, places of worship etc. without the need for planning permission.
- A new Class F.2 'Local Community' has been created to protect certain uses, such as isolated small shops (where they are less than 280m² and more than 1km from the nearest shop selling essential goods). Class F.2 also includes halls or meeting places for local communities, outdoor sport and recreation facilities

and indoor or outdoor swimming pools and skating rinks. Changes between the Class F.2 uses would not require planning permission.

- 3.3 The overview below sets changes that have been introduced to date in 2020 to make temporary changes to the planning legislation and regulations, all of which currently expire at various dates in 2021.

The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020

- Came into force on 2 April 2020 and allows local authorities to hold virtual planning committee meetings up to 7 May 2021.

Town and Country Planning (Development Management Procedure, Listed Buildings and Environmental Impact Assessment) (England) (Coronavirus) (Amendment) Regulations 2020

- Came into force on 14 May 2020.
- New regulations to support timely decision-making and avoid delays to development as a result of the effects of the coronavirus pandemic, while maintaining public participation in the decision-making process. Regulations include measures to relax requirements for site notices, publication of notices in newspaper and physical inspection of documents.

The Town and Country Planning (General Permitted Development) (Coronavirus) (England) (Amendment) Order 2020

- Introduces a time limited emergency permitted development right that came into force on 9 April 2020 and lasts until 31 December 2020.
- Allows local authorities to carry out development, both for works and change of use of facilities, required to respond to the spread of coronavirus.

The Town and Country Planning (General Permitted Development) (England) (Amendment) Order 2020

- Came into force on 24 March 2020.
- Allows restaurants and cafes and drinking establishments to provide takeaway food without the need for planning permission for a temporary period of 12 months (ending on 23 March 2021).

The Town and Country Planning (Permitted Development and Miscellaneous Amendments) (England) (Coronavirus) Regulations 2020

- Came into force on 1 August 2020.
- Allows local authorities to hold markets at any time between 25 June 2020 and 31 December 2020.

The Business and Planning Act 2020

- Came into effect on 22 Jul 2020 and introduces (i) a temporary licencing process; (ii) allows for extension of construction hours; (iii) extension of planning permissions that expired during the period of 2020 impacted by COVID-19.
- (i) 'Pavement Licences' have been introduced as a temporary licencing regime to enable food and drink establishments to apply to place tables and chairs on the highway adjacent to their premises.
- Pavement Licences are a temporary regime up until 30 September 2021
- The Act sets out that the Pavement Licence constitutes deemed planning permission for anything done by the licence-holder pursuant to the licence and therefore planning permission is not required in addition to a Pavement Licence.

- (ii) Allows extension of construction hours for a temporary period until 1 April 2021.
- Developers must apply to the Council to seek approval for extended construction hours and developer should provide information to explain what works are to be carried out in the extended hours to aid the LPAs assessment.
- (iii) Allows extensions of time for implementation of planning permissions and listed building consents that expire between 23 March 2020 and 31 December 2020. The permissions and listed building consents are extended until 1 May 2021.

4. Consideration of Permanent Changes

Upward Extensions Permitted Development

- 4.1 The Council has yet to receive any applications for upward extensions of existing buildings pursuant to the new permitted development rights that have been introduced by the Town and Country Planning (Permitted Development and Miscellaneous Amendments) (England) (Coronavirus) Regulations 2020 and the Town and Country Planning (General Permitted Development) (England) (Amendment) (No. 2) Order 2020.
- 4.2 As these new permitted development rights are limited to buildings outside conservation areas that are not listed, on buildings built post 1948 they are only likely to be used in isolated cases in Westminster given the extent of the city covered by conservation areas (78%) and as much of the building stock pre-dates 1948.
- 4.3 In those cases where these permitted development rights are applicable, there are prior approval processes which will enable the City Council to assess certain aspects of schemes, such as their appearance and amenity impact.

Demolition and Replacement of Vacant Buildings Permitted Development

- 4.4 The new permitted development introduced under the Town and Country Planning (General Permitted Development) (England) (Amendment) (No. 3) Order 2020 to allow demolition of certain detached vacant buildings is only applicable outside conservation areas. Furthermore, for buildings to benefit from this permitted development they must be vacant, detached and to have formally been in residential or Class B1 office use. Consequently, despite this permitted development being applicable to all unlisted buildings built before 31 December 1989, it is unlikely to be widely utilised in Westminster. Additionally, it should be noted that the permitted development right is subject to a prior approval process that would allow the Council to assess most of the key assessments made as part of a planning application.

Amendments to the Use Classes Order – New Classes E, F.1 and F.2

- 4.5 The amendments to the Use Classes Order ('UCO') are the most significant and wide-reaching amendments introduced to the planning system during 2020. They have a fundamental impact on the extent to which the Council as Local Planning Authority can manage different uses, particularly within designated centres and within the Central Activities Zone (CAZ). Many changes of use, which formally required planning permission are now no longer development and can therefore occur without the need for planning permission.
- 4.6 As changes of use between uses within the same Use Class do not constitute 'development' as defined in the Town and Country Planning Act 1990 (as amended)

(‘the TCPA’), new Article 4 Directions cannot be introduced to regain control of changes between uses within the new broad Use Classes. Article 4 Directions can only be issued by local planning authorities to require that planning permission is required for development, including changes of use between different use classes, that would otherwise be permitted development by virtue of the GPDO 2015. They cannot be used to control works or changes of use that fall outside of the definition of ‘development’ in the TCPA.

- 4.7 The Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020 includes a 12-month transitional arrangements that allows existing Article 4 Directions, such as that preventing change of use between offices and residential uses within the CAZ, to be maintained during that period. However, the wording of this Article 4 Direction is likely to require amendment and updating for it to remain effective beyond the transitional period.
- 4.8 In light of these changes it has been necessary to introduce a wide range of amendments to the draft new City Plan shortly before the Examination in Public held between 28 September and 16 October 2020. Most notably it has been necessary to modify Policy 10, to introduce a tariff-based approach to securing affordable housing from commercial development in the CAZ following the introduction of Class E, which has subsumed office use into a wider group of commercial uses. The amendments made can be found at the following link: <https://www.westminster.gov.uk/cityplan2040>.
- 4.9 In terms of application of adopted development plan policies, the changes to the Use Classes Order present a number of challenges. For example, within designated shopping frontages, even where they are designated as Stress Areas, changes of use from retail use to a restaurant, café, estate agent, office or gym now no longer requires permission. This is likely to have consequential impacts on the health and vitality of our designated frontages (leading to a loss of independent and specialist shops) and the degree to which it is possible to protect neighbouring residents from noise and other disturbance from commercial uses (note there will be less opportunity to use planning conditions to control amenity impacts). Mechanical plant and other equipment required by restaurants and cafes will continue to require planning permission; however, there is likely to be an increase in such premises operating without appropriate ventilation equipment, placing greater pressure on Environmental Health officers to resolve via other legislation. There is also a risk of increased dead frontage within our designated centres.
- 4.10 There are also likely to be impacts on the international centres, although these are likely to differ from those felt by district and local centres. International centres are typically reliant on the clustering of similar retail offers and there is a risk that these clusters could be undermined, resulting in their decline over the longer term with resultant adverse impact on investment.
- 4.11 There may also be positive benefits from the relaxation of the UCO in terms of job creation and increased income from business rates. It is also likely to support growth in smaller offices in more peripheral areas of local centres and within NWEDA, which in turn could help to support the longer-term health and vitality of some designated centres through increased and more diverse footfall.
- 4.12 The new broad Class E enables developers and businesses to introduce hybrid uses comprising a mix of the different uses that fall within the same use class (e.g. a use that is part shop, part café and part gym, with no one use being the primary use). This could be another benefit of the recent changes and could be beneficial in terms of reinvigorating some shopping frontages, by enabling businesses to respond quickly to

market demand, have a unique retail offer and survive in the face of competition from on-line retailing. However, it should be noted that even prior to the changes in the UCO the City Council has taken a positive and pragmatic approach to such uses where they are likely to have a positive impact on the health and vitality of designated centres. An example of this is the recent planning permission for the use of 49 St. John's Wood High Street by 'By Maggies' as a family members hub, which was granted at the Planning Applications Sub-Committee on 7 July 2020. The family members club use is a mixed use comprising a retail unit, café, cookery school and kitchen at ground floor level, co-working space and nursery at first floor level and a family members club and playrooms at second floor level.

- 4.13 Shisha smoking place uses continue to be a Sui Generis use falling outside of a particular use class following the amendments and therefore the Council can continue to use planning control as one of its tools to implement its 'Reducing the Harm of Shisha' strategy (2017), which aims to reduce the adverse impacts of these uses on residential amenity and health.

Amendments to Existing Permitted Development to Improve Housing Quality

- 4.14 The amendments made to the GPDO to require habitable rooms in new residential units permitted via the prior approval process to have access to natural light are welcome and ensure improvement in the prevailing quality of accommodation delivered via this mechanism.
- 4.15 In early October 2020 the Secretary of State also indicated that further a statutory instrument will be introduced later in 2020 to require that housing delivered via the prior approval process to adhere to the same minimum standards that are required of planning application schemes. Currently prior approval schemes are not subject to this minimum standard and therefore the Secretary of State's announcement of this forthcoming amendment is a welcome step in ensuring that housing delivered via permitted development rights is of commensurate quality to that granted planning permission.

5. Consideration of Temporary Changes

- 5.1 The measures introduced on a temporary basis by Government are more limited in scope than the permanent measures considered earlier. They seek to enable local authorities to function virtually and provide mechanisms for mitigating some of the impacts of COVID-19

Enabling Virtual Committee Meetings and Other COVID-19 Emergency Measures

- 5.2 The enabling of virtual meetings from 2 April 2020 has enabled the Council to continue to make planning decisions at Sub-Committee meetings on more complex and controversial applications, despite the impacts of COVID-19. The Council was quick to utilise this change in legislation and the first virtual meeting was held on 14 April 2020. Whilst initially meetings did not include public speaking, this was reintroduced from 26 May 2020 onwards. Since April, sub-committees have been held on a bi-weekly basis. Performance data relating to the virtual meetings is provided in the Planning Performance report also on this committee agenda.
- 5.3 In collaboration with Committee and Governance Services, officers are currently exploring options for moving from the Microsoft Teams platform to the CIVICO platform that was in use prior to lockdown. Moving back to CIVICO will enable the holding of hybrid rather than fully virtual, meetings in future when COVID-19 restrictions ease.

The CIVICO system also provides more accessible access to live streaming and recordings when compared to Microsoft Teams.

- 5.4 Other emergency provisions to relax requirements for site notices, publication of notices in newspaper and physical inspection of documents have not needed to be used in Westminster and officers have been able to work flexibly, using new methods of working where necessary to continue to provide the planning service without interruption.

Temporary Permitted Development for Take Away Food

- 5.5 Changes to the GPDO in March 2020 introduced a temporary permitted development right to allow Class A3 (restaurants and cafes) and Class A4 (drinking establishments) uses to provide takeaway food for 12 months until 23 March 2021. Pubs and restaurants seeking to serve take away food are required to notify the Council. To date we have received 3 notifications to date. These were at 198 Edgware Road, W2 (20/03701/APA), which was withdrawn, and at 10 - 14 Knightsbridge Green, SW1 (20/03616/APA) and 43 Chandos Place, WC2 (20/02992/APA).

Pavement Licences for Consumption of Food and Drink Outside

- 5.6 Pavement Licences were introduced by the Business and Planning Act from 22 Jul 2020 until 30 September 2021. The granting of a Pavement Licence provides deemed planning permission for the tables and chairs during this temporary period, thereby reducing the cost and administrative burden on food and drink businesses during this period. Up until 1 October the Licensing Service had received 348 applications and issued 210 Pavement Licences.

Extension of Construction Working Hours

- 5.7 The Business and Planning Act also introduced the opportunity for developers to extend construction working hours to mitigate the impact of 'Covid Secure' measures on the speed of construction work. To extend construction working hours the developer must make an application to the Council setting out the hours proposed, and any noise mitigation measures proposed. Given the proximity of neighbouring residents to many construction sites officers are taking a cautious approach to approval of extended construction hours and have required that the developer provides full details of what works will be carried out in the extended hours (to enable assessment of their potential noise generation) and what mitigation measures are proposed where appropriate.
- 5.8 To date the Council has received two applications. These were at 60 Grove End Road, NW8 (20/05023/FULL) and site at 117-125 Bayswater Road, 2-6 Queensway and 7 Fosbury Mews, W2 (20/05999/FULL). Both applications were refused due to their potential impact on the amenity of neighbouring occupiers.

Extensions of Planning Permissions, Outline Permissions and Listed Building Consents

- 5.9 The final temporary amendment to planning legislation made by the Business and Planning Act was the introduction of extensions to planning permissions and listed building consents expiring between 23 March 2020 and 31 December 2020. Whilst permissions and consents expiring after the date the Act came into force (22 July 2020) are automatically extended, those expiring between 23 March and the date of the Act require applicants to submit an 'additional environmental approval' application to the Council to demonstrate that the permission or consent would not cause any adverse environmental impact. To date the Council has received 2 additional environmental

approval applications relating to a single property at 26 Cavendish Avenue, NW8, both of which were approved (20/06063/FULL & 20/06064/LBC).

- 5.10 This temporary measure is welcomed as it will assist in reducing the immediate impact of COVID-19 on the development industry, particularly in respect of smaller schemes. However, this measure is likely to contribute to the overall COVID-19 impact on planning income up until 1 May 2021. Officers will monitor the impact of this measure going forward in combination with wider monitoring of the impact of COVID-19 on planning application numbers and income.

6. Financial Implications

- 6.1 None.

7. Legal Implications

- 7.1 None.

8. Conclusion

- 8.1 The temporary changes to planning legislation and regulations have supported the response of the planning service to the impact of the COVID-19 on business within the City, particularly the hospitality and development sectors.
- 8.2 The permanent changes to planning legislation and regulations to introduce new permitted development rights are likely to have a relatively limited impact in Westminster due to the criteria that must be met for these new permitted development rights to be utilised.
- 8.3 The most significant permanent change comprises the amendments to the Use Classes Order. These amendments have implications in terms of the degree to which planning control can be used in future to manage our designated centres and other commercial centres and other Council services, such as Licensing and Environmental Health are likely to be relied upon to a greater degree to control and mitigate the impact of changes of use that formally required planning permission.
- 8.4 To ensure that the planning policy framework for Westminster remains effective in future where planning control over changes of use remains, the draft new City Plan has been amended prior to the Examination in Public held earlier in October 2020.

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:

N/A



City of Westminster

Planning & City Development Committee

Date: 28 October 2020

Classification: General Release

Title: The Planning White Paper 'Planning for the Future'

Report of: Director of Place Shaping and Town Planning

Financial Summary: None.

Report Author and Contact Details: Oliver Gibson (ogibson@westminster.gov.uk/07971026919)

1. Executive Summary

- 1.1 This report provides an overview of the proposals set out by Government in the Planning White Paper 'Planning for the Future'¹ and identifies those aspects that would have the most significant impact on planning in Westminster, should they come forward in the form currently proposed.
- 1.2 The Planning White Paper was published in August 2020 and sets out the Government's proposals for reform of the planning process in England. The proposals are wide ranging and amendment or reform of almost all areas of the current planning regime in England are proposed. The primary aims are to support increased housing delivery, speed up the plan making and decision-making processes, and promote 'beautiful' design through planning. The Government's aim is to undertake their reforms to the planning system in England by the end of the current parliament (2024).
- 1.3 The White Paper is a consultation document and poses a significant number of questions on the proposals for planning reform that it promotes. The consultation period runs until the 29 October 2020. A working group of officers from all relevant directorates and departments has been established to co-ordinate a consultation response on behalf of the City Council. As part of the formulation of the Council's consultation response officers have engaged with residents' groups to ensure that their key issues, both in terms of area of support and concern, are represented in the Council's response. Should the Council's finalised response to the White Paper be available prior to the committee meeting, this will be circulated to all committee members.

¹ Planning For the Future – White Paper August 2020

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/907647/MHCLG-Planning-Consultation.pdf

2. Recommendation

- 2.1 Members are asked to consider the contents of this report and to note the possible impacts of the Planning White Paper proposals on future planning plan making and decision making in Westminster.

3. Background

Introduction

- 3.1 The proposals in the White Paper are grouped under three 'pillars', Pillar One: Planning for development, Pillar Two: Planning for beautiful and sustainable places, and Pillar Three: Planning for infrastructure and connected places.
- 3.2 The following paragraphs provide a summary of the policies set out within each section of the Planning White Paper.

Pillar One: Planning for Development

- 3.3 The following policies are proposed in Pillar One:
1. Introduction of the zoning of land into *Growth*, *Renewal* and *Protect* areas within Local Plans.
 2. Development management policies to be established at national level
 3. Local Plans to be subject to a single statutory 'sustainable development' test, replacing the tests of soundness.
 4. Standard method to establish housing requirement figures for each local authority.
 5. *Growth* areas to be given automatic planning permission ('Permission in Principle') for the principle of development.
 6. Decision-making to be faster and more certain, with firm deadlines and greater use of digital technology.
 7. Local plans to be more visual and map-based, standardised, based on a template.
 8. Statutory timescales for key stages of the plan-making process.
 9. Neighbourhood plans to be retained.
 10. Stronger emphasis on encouraging build-out through planning.

Pillar Two: Planning for Beautiful and Sustainable Places

- 3.4 The following policies are proposed in Pillar Two:
11. Introduction of local design guidance and design codes that are to be prepared with community involvement. These are to be more binding on decisions about development and must be demonstrated to have had local community input if they are to be afforded weight in the planning process.
 12. A national body will be set up to support the delivery of provably locally popular design codes. Each local authority should have a chief officer for design and placemaking.
 13. Amend the strategic objectives of Homes England to give greater emphasis to delivering beautiful places.
 14. Introduce a 'fast track for beauty' by changing national policy and legislation. This is to be delivered in three ways:
 - Update the NPPF to make clear schemes which comply with local design guides and codes have a positive advantage and greater certainty about their prospects of swift approval.

- In Growth areas masterplans and site-specific codes are to be agreed as a condition of the permission in principle which is granted through the plan. Local authorities will need to prepare these alongside local plans or subsequently.
 - Amendments to widen and change the nature of permitted development, so that it utilises 'pattern books' to enables delivery of 'popular and replicable' forms of development more easily and quickly.
15. Amend the NPPF to enhance the role of the planning system in mitigating and adapting to climate change.
 16. Amend the framework for assessing environmental impacts to speed up the process whilst maintaining protection for important habitats and species.
 17. Review the planning framework for listed buildings and conservation areas to ensure their significance is conserved whilst allowing sympathetic change to support continued use and to address climate change.
 18. Improvement the energy efficiency standards for buildings required by Building Regulations to complement planning reforms and help deliver the national commitment to net-zero by 2050.

Pillar Three: Planning for Infrastructure and Connected Places.

3.5 The following policies are proposed in Pillar Three:

19. Community Infrastructure Levy (CIL) to be reformed and charged as a fixed proportion of the development value above a threshold, with a mandatory nationally set rate or rates and the current system of planning obligations abolished. Replacement for CIL to be known as the Infrastructure Levy.
20. The scope of the Infrastructure Levy could be extended to capture changes of use through permitted development rights
21. The reformed Infrastructure Levy should include the delivery of affordable housing provision, rather than these being captured via a separate process (Section 106) as at present.
22. More freedom could be given to local authorities over how they spend the Infrastructure Levy.

4. Considerations

Overview

- 4.1 In advance of the finalisation of the Council's formal response to consultation on the Planning White Paper, the areas where the Council wishes to support, question and object to the Government's proposals have yet to be confirmed. Therefore, the commentary below provides a high-level overview of the principal proposals and objectives of the White Paper.
- 4.2 It should be noted that the proposals set out in the White Paper are outlined at a high level and further detail will be required from Government in future to be able to identify what their full impact will be in Westminster. It is expected that further detail will be provided by Government on the aspects of the White Paper that it intends to take forward to implementation in the 12-18 months following the end of the consultation period at the end of October 2020.

Pillar One: Planning for Development

- 4.3 In Pillar One the White Paper argues that local plans are currently too complex and take too long to produce, and that the current decision-making process is too unpredictable for applicants and developers. To tackle these concerns the White Paper proposes the introduction of zoning of land into Growth, Renewal and Protect areas within Local Plans, with local plans reduced in size by national setting of development management policies within a revised NPPF.
- 4.4 The White Paper proposes that local plans would focus on allocating land within the three zones, with most development management policies set nationally. Most of Westminster would likely fall into the Protect category, due to its conservation area status. A new shorter statutory timescale for adopting local plans is set out. It is proposed to introduce a nationally set housing requirement for each local authority area, which the land allocations within each local plan will be required to satisfy. Associated consultation by Government on the current planning system sets out a reformed standard method for assessing local housing need. However, this fails to adequately take into account land supply and heritage constraints, resulting in an undeliverable increase of 4,254 homes in Westminster's annual housing need target. This equates to a 484% increase against the emerging London Plan annual target for new residential units. As such, if the emerging replacement standard method is not reconsidered to appropriately take account of land supply and heritage constraints then the future national setting of housing provision targets would be a significant concern for Westminster.
- 4.5 Within Growth areas automatic permission for the principle of development would be given, with the expectation that development on these sites would be built out in accordance with Design Codes to provide more certainty. The decision-making process in Renewal and Protect areas is less clear but appears closer to the current system; albeit with increased use of permitted development rights in Renewal areas.
- 4.6 The White Paper aims to make the decision-making process for applications faster and more certain, with firmer deadlines (including penalties for LPAs where deadlines are missed) and greater use of digital technology. Planning application fees are to continue to be nationally set, but provision of additional resourcing is suggested. This is balanced by reference to greater controls on pre-application and planning performance agreement fees. There is no reference to additional responsibility for the development industry to deliver increased housing delivery.
- 4.7 Neighbourhood plans are to be retained, but there is limited detail in the White Paper as to their future scope and purpose. Diminishing the role of neighbourhood plans would be regrettable as many communities in Westminster have engaged in the current process as an opportunity to help shape their own neighbourhoods.

Pillar Two: Planning for Beautiful and Sustainable Places

- 4.8 Pillar Two focuses on amendments to the planning process to better enable the creation of 'beautiful' places that will stand the test of time, protect and enhance the environment, and support efforts to combat climate change.
- 4.9 The White Paper proposes the introduction of local design guidance and design codes that are prepared with community involvement, which will be used to give developers and applicants more certainty of planning outcomes where a scheme is in compliance with a design code. Allied to this approach, a 'fast track for beauty' is proposed by changing national policy and legislation. This is to be introduced by changes to the NPPF, use of design codes for sites in Growth Areas and introduction

of 'pattern books' of 'popular and replicable' forms of development for permitted development schemes in Renewal areas.

- 4.10 The White Paper also undertakes to amend the NPPF to enhance the role of the planning system in mitigating and adapting to climate change and make complimentary changes to Building Regulations to improve energy efficiency standards for buildings to help deliver the national commitment to net-zero by 2050.
- 4.11 Further proposals are also set out in Pillar Two for future amendments to the framework for assessing environmental impacts (aimed at speeding up this process) and to the framework for conserving the significance of listed buildings and conservation areas to seek to better enable sympathetic change that supports continued use of heritage assets and to address climate change.

Pillar Three: Planning for Infrastructure and Connected Places

- 4.12 Pillar Three sets out to address the government's concerns with current processes for securing planning obligations, which are viewed as uncertain and opaque, overly reliant on viability assessment and also cause uncertainty for communities about the level of affordable housing and infrastructure that development will bring. The White Paper concludes that the current system results in additional cost, delay and inconsistency and this can act as a barrier to entry to the market particularly for small and medium scale developers.
- 4.13 The White Paper sets out to ensure that developer contributions are in future more responsive to local needs, and a fairer contribution is sought from developers for local communities, so that the right infrastructure and affordable housing is delivered. The aims are for the system to be more transparent, so it is clear to existing and new residents what new infrastructure will accompany development, consistent and simplified, to remove unnecessary delay.
- 4.14 To achieve this reform of CIL (to be known as the Infrastructure Levy) is proposed. It is proposed that the Infrastructure Levy would be charged as a fixed proportion of the development value above a threshold, with a mandatory nationally set rate or area-based rates. The current S106 system for negotiation of planning obligations would be abolished. The scope of the new Infrastructure Levy would be extended to capture changes of use through permitted development rights, which currently do not attract CIL.
- 4.15 The aspiration is that the reformed Infrastructure Levy would deliver affordable housing provision via a new methodology where the amount of discount given to a Registered Provider for each affordable home would be funded from the Infrastructure Levy contribution of each site. The White Paper also sets out that more freedom could be given to local authorities over how they spend the new Infrastructure Levy, including its potential use to fund the Council's planning functions.

5. Financial Implications

- 5.1 As the Planning White Paper is a consultation document seeking comments from all stakeholders on the Government's proposals for the future of the planning system in England it does not currently pose financial implications, as the aspects to be taken forward to implementation, and the detailed form they may take, have yet to be established. As Government makes progress with their proposals and moves toward

implementation of changes to the planning system, officers will report on these emerging changes and their likely financial implications.

6. Legal Implications

6.1 None.

7. Conclusion

7.1 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.

7.2 As noted in paragraph 1.3, the Council's formal consultation response, setting out in detail the Council's position on the proposals in the White Paper, will be circulated to members if it has been finalised by the date of the committee meeting.

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:

None.



City of Westminster

Planning & City Development Committee

Date: 28 October 2020

Classification: General Release

Title: Digital Planning Options

Report of: Director of Place Shaping and Town Planning

Financial Summary: None.

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07971026919)**

1. Executive Summary

1.1 The digital planning technology ('plan tech') 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.

1.2 In Pillar One, Proposal 6 of the White Paper Government sets out a raft of potential digital enhancements to the planning process, of which the key points are summarised below:

- Greater digitalisation of the application process to make it easier for applicants, especially those proposing smaller developments, to have certainty when they apply and engage with local planning authorities.
- Validation of applications should be integrated with the submission of the application so that the right information is provided at the start of the process.
- A new, more modular, software landscape to encourage digital innovation and provide access to underlying data should be introduced to help automate routine processes.
- Government undertakes to work with tech companies and local planning authorities to modernise the software used for case-managing a planning application.
- Introduce shorter and more standardised applications, where the amount of information required is reduced and made machine-readable.
- Planning registers should be data-rich so that planning application information can be easily found and monitored at a national scale, and new digital services can be built to help people use this data in innovative ways.
- Data sets that underpin the planning system, including planning decisions and developer contributions, should be standardised and made digitally accessible.

- A standard digital template for planning notices should be created so that planning application information can be more effectively communicated and understood by local communities and used by new digital services.
- 1.3 The projects identified in this report pre-date the Planning White Paper. However, they all aim to deliver against one or more of the digital enhancements to the planning process set out in the preceding paragraph. In light of the White Paper's focus on digital planning, this report provides an overview of the emerging plan-tech and considers whether there are opportunities for these innovations to be adopted in future by Place Shaping and Town Planning to streamline the planning decision making process and enhance the customer experience for applicants, objectors and other stakeholders.
- 1.4 In view of officers being at an early exploratory stage of identifying which digital technology may be of benefit to the Council's planning service, a timeframe for implementation has yet to be adopted.

2. Recommendation

- 2.1 Members are asked to consider the contents of this report and to note the possible planning technology that could be adopted in future following further exploration and evaluation by officers.

3. Background

- 3.1 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.
- 3.2 Officers recognised though that there is a continuous need for change and innovation. In this context since 2015, there have been a number of enhancements to the planning service. Automatic updates for applicants were introduced in 2018 to improve applicants understanding of the status of their planning application and reduce call volumes to officers and the call centre. Since January 2019 those signing up to a 'My Westminster' account have the ability to choose to be consulted by email on all applications within a certain radius or property within the City, ensuring that they are always informed of a development that may affect a property or place they have an interest in. This digital consultation is provided in addition to traditional methods of application notification (i.e. site notices and letters to neighbouring properties).
- 3.3 Most recently the Civico software platform was introduced in early 2020 in collaboration with Committee and Governance Services to allow the live streaming of planning committee meetings. This has improved customer access to this content and provided greater transparency of the planning application process, particularly at the decision-making stage.
- 3.4 As set out in paragraph 1.1 there has been a rapid expansion in recent years in plan-tech, particularly from smaller innovators who have recently entered the digital planning market and this has been supported by the GLA as part of their agenda to promote a

'smarter city'¹ and through funding from Government via the Local Digital Fund and the Connected Places Catapult. The GLA now holds an annual 'Plan Tech' week to help foster innovation in the sector and enhance collaboration.

- 3.5 Therefore it is appropriate now to consider whether the emerging technology could provide opportunities for further enhancement of the planning service in Westminster, particularly where this could improve the efficiency of the service in areas that have been traditionally hard to streamline (e.g. validation) and improve the accessibility and usability of the planning service for customers (e.g. how we display planning data and provide basic planning advice to customers).

4. Considerations

Promotion of Digital Innovation - Local Digital Fund & Connected Places Catapult

- 4.1 The MHCLG regularly provides funding via their Local Digital Collaboration Unit to enable local authorities that, like Westminster, are signed up to the Local Digital Declaration to research ideas for new digital technology that can then be developed into implementable digital applications. This funding is open to all functions within local government but has been used on a number of occasions over the first five funding rounds since the launch of the Local Digital Fund in 2018, to fund projects related to planning and the public realm.
- 4.2 Innovate UK (part of UK Research and Innovation) operates a network of 'Catapults', which look to make long-term investment in the UK's economic capability. The Connected Places Catapult engages with academic networks, diverse small and medium enterprises, business and government departments to foster new markets, boost demand for innovation and increase the supply of proven products and services across transport, cities, towns and villages. The Catapult has been involved in a number of projects related to planning and the public realm.

'Plan X'

- 4.3 Plan X² is described as a platform for creating and publishing digital planning services. It aims to make planning more straight forward for everyone involved in the process. It has been developed by LB Southwark, LB Lambeth, Wycombe District Council and the Connected Places Catapult.
- 4.4 The application provides a single point of access for planning enquiries to a council's website with the aim of ensuring that applicants can 'self-triage' their project to establish whether their proposal requires planning permission. It also seeks to identify issues with proposals in advance of making an application. Plan X is programmed to take into account the General Permitted Development Order (GPDO) and can be locally controlled and edited to account for each local authorities' policies. The beta version of the application is used by the LB Southwark.
- 4.5 The tool has potential to assist with simpler planning enquiries, particularly householder type development where the constraints to be taken into account are fewer and less complex. It appears unlikely to be capable of providing advice on more complex and large-scale developments or in more complex locations, such as within the Central Activities Zone. The application is reliant on the accuracy of the user inputted data and

¹ Smarter London Together (2018) - https://www.london.gov.uk/sites/default/files/smarter_london_together_v1.66_-_published.pdf

² Plan X: <https://beta.planx.uk/southwark>

this could result in the application providing incorrect information on the need or otherwise for planning permission.

'Planning Back Office'

- 4.6 This is an LB Southwark project, with technical support from partner Unboxed, which has received funding from the Local Digital Fund. Coventry City Council, LB Crydon, the GLA and LB Hackney are also partner local authorities. It aims to streamline the back-office functions of planning departments by targeting issues such as high volumes of incomplete or invalid applications, poor and non-responsive user interfaces, poor data quality and data accessibility, lack of digital systems integration with associated increased administration activity and reliance on external software providers and their chosen product development 'roadmaps'.
- 4.7 The project aims to create a user-centred back office planning system that makes planning data and records easily accessible, increases efficiency across the planning application process and fits the needs of its users (planning officers). To date the project has been progressed to an 'alpha' testing phase.
- 4.8 The alpha version of the application seeks to provide a back-office tool that is more focused on planning officers, drawing key information from submission documents and integrating the application documents with other back-office reporting and admin platforms, rather than using a separate document management system. The aspiration is to also identify all policies relevant to each site and to provide officers with tools that assist with assessments of some application types such as certificates of lawfulness. However, given the relatively early stage of development, it is difficult to assess the benefit of this system relative to conventional software such as Uniform, which has benefits in terms of being operated within the Council across multiple departments and functions.

'Submit my Planning Application'

- 4.9 The 'Submit My Planning Application' (SMPA) application has been developed by LB Hackney in partnership with private sector partners Snook (now Northgate) and Hactar. LB Hackney have also collaborated with LB Camden and LB Southwark in later phases of the project. The project has also received funding and support from the Local Digital Fund and the Connected Places Catapult.
- 4.10 The aim of the project was to either build a new digital planning service to meet the real needs of the planning authorities, businesses and residents. The application that has been developed to a beta stage allows the submission of householder planning applications via the application without the need for applicants to use the Planning Portal. The application aims to provide better information to applicants than other submission portals to guide their submission and minimise the proportion of applications that are invalid. It also captures data at the point of application that is currently lost in pdf documents submitted in support of applications.
- 4.11 Following extensive development since 2017, the beta version of the SMPA application is now in use on the LB Hackney website³.

³ 'Submit My Planning Application' Beta Version: <https://planningapplication.hackney.gov.uk/>

'PlanBot' – Artificial Intelligence Chatbot

- 4.12 The use of 'chatbots' is common across many commercial websites, particularly in the retail sector. The LB Redbridge has worked with Agile Datum (data science specialists) to develop an artificial intelligence enabled chatbot for planning applications (known as 'Planbot') built on a Microsoft Azure platform. The aim of the project was to assist in freeing up the council planning team from general enquiries and to cut turnaround times for planning validation services from 3 weeks to 24 hours.
- 4.13 The Planbot was launched in March 2020 and LB Redbridge report that the Planbot has already reduced costs and improved enquiry response times, whilst enabling planning staff to focus on more complex applications. The Planbot has also been used to support those without specialist planning knowledge, such as call centre staff, enabling them to respond to enquiries accurately without the need for input from planning officers.
- 4.14 It is understood that it is intended that the tool will continue to be developed to provide further assistance to customers during the validation phase of planning applications and to cover other work areas, such as building control.
- 4.15 Officers have held preliminary discussions with LB Redbridge in October 2020 to better understand the potential benefits of using a planning focused chatbot in the context of Westminster's planning service, which operates with significantly less delay than was the case in LB Redbridge prior to the introduction of their chatbot functionality.

'London Development Database' & 'London Infrastructure Mapping Application 3.0'

- 4.16 The London Development Database (LDD) is a collaborative project between the Mayor and the London boroughs, which monitors planning permissions, starts and completions across London. The database has been running since 2004.
- 4.17 In 2018 the GLA launched a project, funded by the Mayor and MHCLG, to automate the LDD to streamline how planning application data travels from applicants, through London's 35 local planning authorities (LPAs) to the GLA. The aim of the automation initiative is to address challenges LPAs face when it comes to monitoring planning performance and data. The objective is to create a 'live hub' of planning and development information, accessible to all Londoners by reforming the information collected when applications are initially submitted. To achieve this the GLA is seeking amendment of the standard planning application forms to ensure the forms contain the data that needs to be captured, rather than this being provided in unreadable pdfs supporting the applications. By capturing all relevant data in this way will enable seamlessly transfer into each LPAs back-office systems, where planners can verify it before it is passed on to the GLA for collation and provision to the public via the GLA website. The project will help to reduce the officer time required for monitoring and improve the quality of data that is obtained.
- 4.18 The London Infrastructure Mapping Application⁴ is an interactive tool developed by the GLA since 2015, which is designed to visualise data in order to support improved coordination of infrastructure planning and delivery throughout London. The tool enables better understanding of the pipeline of development, potential impacts on demographics and population growth and enables co-ordination of infrastructure delivery for new development. The data is sourced from the Mayor of London and

⁴ London Infrastructure Mapping Application 3.0: <https://maps.london.gov.uk/ima/>

affiliated agencies (including London boroughs), Central Government, utilities providers and market research providers.

'Viability Assessment Checker' & 'Viability Comparison Tool'

- 4.19 This project aims to improve the accessibility of viability assessments to members of the public and overcome barriers that viability assessments can put up for small developers. The project is led by LB Southwark, who initially worked with Future Gov to ascertain whether a digitally driven approach to viability assessments could benefit local authority planners, viability consultants and developers.
- 4.20 Following initial scoping work LB Southwark have worked with the GLA, LB Tower Hamlets and the Connected Places Catapult during 2019 to develop alpha phase prototype applications. Two digital concepts were prototyped. Firstly the 'Viability Assessment Checker', which is an open tool that provides developers early, high-level indications of expected ranges of planning obligations from the council, allowing them to adjust and test out figures before submitting. A second 'Explore and Compare' tool was also developed that supports the council to better understand viability assessments by allowing the exploration and comparison of similar sites, along with high level analysis, enabling more informed discussions with developers.
- 4.21 Viability assessments are by their nature complex and difficult to replicate, particularly on sites in complex established urban environments such as in Westminster. The desire to improve accessibility and transparency of these assessments is fully supported. However, digital automation of assessments raises the risk that one or more of the variables within a viability assessment would be misrepresented leading to a diminution in the quantum of planning obligations that would be secured from proposed development.
- 4.22 Following the judgement in R (Holborn Studios) v London Borough of Hackney (No.2) (2020), LPAs are now required to publish viability reports and therefore this project would not significantly enhance the transparency of development viability. There would also be limited financial saving as the Council currently procures independent specialist viability advice at the applicant's expense where viability matters are raised. The Viability Comparison Tool is therefore likely to be of greater use to most LPAs as it could assist officers by providing high level viability information at pre-application stage, prior to the appointment of an independent viability consultant.

5. Financial Implications

- 5.1 None.

6. Legal Implications

- 6.1 None.

7. Conclusion

- 7.1 The Committee are asked to note the range of digital planning applications and tools that are currently being developed. Officers are currently analysing those applications or tools that have the greatest potential to deliver service improvements and efficiencies in the context of the Council's existing planning service.

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:

N/A

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