



City of Westminster

# Committee Agenda

Title: **Community Services, Business and Planning Policy and Scrutiny Committee**

Meeting Date: **Monday 23rd March, 2020**

Time: **6.30 pm**

Venue: **Rooms 18.01 – 18.03, Westminster City Hall  
64 Victoria Street Westminster London SW1E 6SA**

Members: **Councillors:**

Karen Scarborough (Chairman)	Eoghain Murphy
Richard Elcho	Geoff Barraclough
Christabel Flight	Andrea Mann
Lindsey Hall	Hamza Taouzzale

**Members of the public are welcome to attend the meeting and listen to the discussion Part 1 of the Agenda**

**Admission to the public gallery is by ticket, issued from the ground floor reception. If you have a disability and require any special assistance, please contact the Committee Officer (details listed below) in advance of the meeting.**



**An Induction loop operates to enhance sound for anyone wearing a hearing aid or using a transmitter. If you require any further information, please contact the Committee Officer, Artemis Kassi, Senior Committee and Governance Officer**

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**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 elect a chairman for the Committee.

**2. DECLARATIONS OF INTEREST**

To receive declarations by Members and Officers of the existence and nature of any personal or prejudicial interests in matters on this agenda.

**3. CABINET MEMBER FOR COMMUNITY SERVICES AND DIGITAL - TO FOLLOW**

Councillor Paul Swaddle (Cabinet Member for Community Services and Digital) to provide a written update to the Committee on current and forthcoming issues in his portfolio.

**4. CABINET MEMBER FOR BUSINESS AND PLANNING**

Councillor Matthew Green (Cabinet Member for Business and Planning) to outline his portfolio and provide an update to the Committee on current and forthcoming issues.

**(Pages 5 - 18)**

**5. UPDATE ON THE PLANNING REVIEW PROGRAMME**

To review the implementation of the Planning Review programme from October 2018 to date.

**(Pages 19 - 92)**

**6. VICTORIA PLACE PLAN**

To review progress and emerging work related to the Victoria Place Plan.

**(Pages 93 - 98)**

**7. WORK PROGRAMME REPORT**

To consider the Committee's work programme for the remainder of this municipal year and for 2020 – 2021.

**(Pages 99 - 102)**

**8. ANY OTHER BUSINESS**

To review any other business which the Chairman considers urgent.

**Stuart Love**  
**Chief Executive**

**23 March 2020**

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## Community Services, Business and Planning Policy Scrutiny Committee

<b>Date:</b>	<b>Monday, 23 March 2020</b>
<b>Portfolio:</b>	<b>Place Shaping and Planning</b>
<b>The Report Of:</b>	<b>Councillor Matthew Green, Cabinet Member for Place Shaping and Planning</b>
<b>Report Author and Contact Details:</b>	<b>Chloe Baker, Cabinet Officer <a href="mailto:cbaker@westminster.gov.uk">cbaker@westminster.gov.uk</a></b>

### **1 City Plan**

#### **City Plan 2019 – 2040 Examination In Public**

- 1.1** Following submission to the Secretary of State in November 2019, the City Plan is currently undergoing examination in public by two independent Planning Inspectors. The timetable for the examination is now controlled by the inspectors – they have indicated the public hearings are expected to take place in late spring/early summer.
- 1.2** Before the hearings start, the inspectors go through an information gathering phase and it is normal practice to ask the local authority for further evidence on specific policies in the plan. The Inspectors have most recently requested further detailed information regarding Westminster’s housing supply, Supplementary Planning Documents and clarification on the general conformity of the City Plan with the London Plan.
- 1.3** Assuming the Plan is found to be sound by the Inspectors, we will then be able to adopt the new City Plan and start implementing it.

#### **Planning Review**

- 1.4** A full report providing a detailed update on the Planning Review Programme is included on the agenda for this Committee meeting.

#### **Community Infrastructure Levy (CIL)**

- 1.5** As of 29<sup>th</sup> January 2020, the Council has collected £72.445m of CIL since the Charging Schedule came into effect in May 2016. This represents a further £5.294m collected since the last report to the previous committee.

- 1.6 The Cabinet CIL Committee has previously agreed funding allocations of £42.567m for infrastructure projects: £41.836m from the Council's 'strategic' CIL portion, and £0.731m from the CIL neighbourhood portion. The Committee met on 21<sup>st</sup> January 2020 and allocated a further £7.856m from the Council's strategic CIL portion to fourteen projects. The Committee will meet on 6th April 2020 to decide on the next round of allocations.

## **2 Place Shaping**

### **Strand Aldwych Project**

- 2.1 Work has been progressing on developing the designs through Royal Institute of British Architects (RIBA) Stage 3. This design stage is due to complete at the end of March 2020. The project team are preparing for a programme of public engagement after Easter followed by the statutory consultations for planning and traffic management. Work has begun on developing a Management Model for the space, which started with stakeholder workshops in November 2019. Additionally, the Business Plan for the project is being refreshed

### **Paddington Place Plan - North Paddington Permeability Strategy**

- 2.2 An initial scoping document has been completed by the Council's Place Shaping team for North Paddington, which will set the direction of travel for the emerging North Paddington Permeability Strategy (NPPS). A tender has now gone out to form a consulting team to develop the NPPS between February and June 2020. This design stage will establish a strategy for the area, along with a programme of feasible projects to be taken forward.
- 2.3 Place Shaping Officers are currently setting up the process, governance and engagement strategy for the wider Paddington Place Plan. The Place Plan will be fully scoped in 2020 following the outcomes of the Paddington Area Transport Study. A dedicated Paddington Place Plan website will also be launched.
- 2.4 As one of the City's primary opportunity areas, the Place Plan will tie together the existing development, planning policy and key development sites outlined in the emerging City Plan (2019 – 2040), through a holistic vision for Paddington. Following this, the plan will propose a series of strategies and design proposals that will deliver immediate and longer-term change, reflecting and responding to the area's remaining challenges and opportunities.

### **Harrow Road Place Plan**

- 2.5 The Harrow Road District Centre is recognised by the Council as a priority area for change and improvement. The Place Shaping team are continuing with various streams of work to bring forward projects identified alongside local residents and stakeholders as part of the Harrow Road Place Plan that will deliver immediate and longer-term improvement.

- 2.6** The Council has reached round two of the Greater London Authority's Good Growth Fund, requesting £2.3 million of match funding. The application was submitted in early February and provides a suitable opportunity to draw together multiple projects relating to key areas of priority within the Place Plan.
- 2.7** WCC are currently developing a holistic strategy for Maida Hill Market focusing on a range of short, medium- and long-term projects. Projects that offer immediate impact will be prioritised and delivered in the next year. It is anticipated the focus will be two-fold, providing infrastructural support to the market and opening-up an underperforming space linked to a neighbouring school. This has the potential to deliver a new shared civic space, supporting disadvantaged groups and providing a resource such as food growing that has links with the market, assists public health ambitions and presents educational and cultural opportunities.

### **Victoria Place Plan**

- 2.8** In order to effectively plan for opportunities within the Victoria Opportunity Area, the Place Shaping Team are in the processes of bringing forward a Place Plan for Victoria.
- 2.9** As part of this work, the Council is working alongside the 'Victoria Partnership' consisting of Victoria BID, Network Rail, the GLA, TfL, landowners and the local community to develop a new concept masterplan for the area immediately around Victoria Station. This piece of work is known as 'Future Victoria' and an architect-led team has been commissioned to help develop the masterplan which will look at the area, ensure that current missed opportunities are reviewed, and sets a framework that guides development for the benefit of all.
- 2.10** The projects key aims are:
- To make the station and interchange easier to use.
  - Improve the quality of the streets and spaces around Victoria Station. Set out a framework which guides good growth so that it brings benefits to the area.
  - Enhance perceptions of Victoria, making it a place that you want to go to.
- 2.11** Two public workshops were held on the 15<sup>th</sup> of January and 5<sup>th</sup> of March to. These will be followed by a Public Workshop in April 2020. The purpose of these workshops is to ensure local people have an opportunity to input meaningfully into the project and emerging ideas at key stages. A public exhibition will be held in late May to present the concept masterplan and seek final thoughts and comments for integration.
- 2.12** As part of the wider Place Plan, the Place Shaping team are also working with Ward Councillors and community groups to develop other important projects that have been identified in the local area. These include Victoria Street Piazza, Kings Scholars Passage, the public realm around Victoria Street and improvements to the green spaces around Tachbrook Estate and Lillington and Longmore Community Centre which is in urgent need of attention.

## **Thames Riverfront Place Plan**

- 2.13** The Thames Riverfront Place Plan focuses on five kilometres of the City of Westminster Thames Riverfront, aiming to enhance the natural environment and public realm to deliver a unique and world-renowned destination.
- 2.14** Place Shaping team has been establishing the scope for the project following the direction set out by the emerging City Plan. A capital bid was submitted towards the development of the strategy in 2020 and seeding quick wins emerging from the strategy over the following two years.
- 2.15** This project seeks to:
- Reconnect the City of Westminster to the Thames Riverfront;
  - Make the Thames Path more inviting for different users: local community, regular users and visitors;
  - Reflect the inner boroughs' culture and assets while creating a legible, accessible and attractive public realm;
  - Value views, landmarks and heritage by activating cultural and commercial character of the area;
  - Address climate emergency, promote sustainable travel patterns and better air quality, health and wellbeing;
  - Benefit from and enhance the potential of current plans and projects in development.
- 2.16** Whilst the team is developing the vision and strategy for the overall Place Plan and defining its governance, it is also formulating ways to engage with stakeholders and shape the long-term vision for the area.
- 2.17** To start engagement, the 'Empowering platforms: reimagining the Thames Riverfront' design competition was launched in partnership with Northbank BID as part of the London Festival of Architecture 2020. It is expected that the winning proposal will reimagine a more inclusive, accessible and stimulating way of experiencing the river and the riverside and deliver a 3-month summer intervention on strategic locations of the Thames Path.

## **3 Neighbourhood Plans**

### **FitzWest Neighbourhood Plan**

- 3.1** The FitzWest Neighbourhood Plan is the third neighbourhood plan (after Knightsbridge and Mayfair both of which have been made by the Council) to be formally submitted for formal examination. The Plan will now be subject to scrutiny by an independent examiner. If found to be sound, the Plan will be put to a referendum, with the local community deciding if the Plan should be made and become part of Westminster's Development Plan.

## **Other Neighbourhood Plans**

- 3.2** Two other Neighbourhood Plans have recently been formally consulted on by neighbourhood forums: Pimlico and Soho. The Council has provided comments on these draft Neighbourhood Plans and awaits formal submission when the Neighbourhood Forums are ready to do so.
- 3.3** The Council also continues to support neighbourhood forums in their applications to be re-designated, as under neighbourhood planning legislation, designations expire after five years. Most recently, Belgravia and Fitzrovia West Neighbourhood Forums have been re-designated, and consultation is underway on the re-designation of St James's Neighbourhood Forum.

## **4 Public Realm**

- 4.1** Over 30 public realm schemes are being delivered on the ground at any one time, with further work being continually undertaken on design and development of new schemes. Work is progressing on a number of Local Safety Schemes, developer schemes, Community Infrastructure Levy (CIL) funded schemes and the Local Implementation Plans (LIP) programme of work.
- 4.2** The major public realm schemes are progressing on time and on budget.
- 4.3** Of the larger public realm schemes, the initial phases of Queensway have been completed. Phases 3 – 6 are now on site and due for completion over the next year.
- 4.4** Works have started at Christchurch Gardens and completion is due later this year. Work on Berkeley Square commenced in July 2018 and is nearing completion.
- 4.5** Work on improvements to Hanover Square were begun but had to stop due to the adjoining Crossrail site not completing on time. Work is set to recommence in the summer this year.
- 4.6** Baker Street Two Way was completed last year. Post-monitoring will be undertaken in October this year and the report is due shortly. The scheme has been shortlisted for the London Transport Awards.
- 4.7** The Strutton Ground scheme has been completed with an opening event late last year. The street is already looking transformed and provides easier access for all due to the new flush surface.

## 5 Business

### Business Westminster Website

5.1 In February, there were 30,640 total page views of the Business Westminster site. Of these, 24,062 were unique page views (first time visitors to the site). Web statistics cover the reporting period up to Sunday, 23<sup>rd</sup> February. This period saw a 6% increase in traffic. Connectivity continues to be the most visited, with 7,780-page views, accounting for 25% of traffic.

### Connect Westminster

5.2 The Connect Westminster voucher scheme continues to support small businesses with grants worth up to £2,000 to upgrade to superfast broadband. Scheme performance to date is as follows:

Approved applications	994
Vouchers issued	819
Funding allocated	£1,875,122.99
Average voucher value	£1,886.44
Registered suppliers of broadband	151
Upload speed uplift (Avg.)	10,319%
Download speed uplift (Avg.)	2,324%

### National Voucher Scheme

5.3 The National Voucher Scheme, run by Broadband Delivery UK, continues to deliver. Westminster receives the highest number of vouchers in London. The scheme operates the same model as Connect Westminster, (with a variance of voucher value of up to £2,500). Scheme performance in Westminster is as follows:

Connected	641 (£1,351,646)
In the pipeline	405 (£661,739)
Business connections	705
Residential connections	341

### Westminster Enterprise Space Network Programme (WESN)

5.4 Whilst continuing to concentrate on steady growth in membership take-up to the Network, efforts are also focussed on facilitating high-quality and meaningful business support and positive community impact.

- 5.5** The Business Unit & WES have expanded the “drop-in surgeries” offer to enterprise spaces as part of the enhanced business support offer. Drop-in surgeries will take place at PopHub Leicester Square & Huckletree Soho throughout the year.

### **GLA Accreditation Scheme**

- 5.6** The delivery of the Mayor’s Workspace Accreditation Scheme pilot is now underway. The Business Unit and other participating London Councils will meet with the GLA’s Economic Development team to understand how local authorities can better support the workspace provider community.
- 5.7** The Business Unit is pleased that Westminster is the only “cluster area” to be allocated three workspace operators to participate in the pilot. The normal maximum is two. The workspace operators are: Huckletree Soho, Somerset House Studios and PopHub Leicester Square. All three are Council sponsored workspaces. The pilot will run from February to June.

### **Crowdfunding**

- 5.8** The Business & Enterprise Team has successfully facilitated the inception of the Council’s first ever crowdfunding initiative. Crowdfund Westminster will be delivered by the Church Street Regeneration Scheme as a pilot phase for one year. The launch will take place on Thursday 26<sup>th</sup> March in conjunction with the launch of Vibrant Communities. Residents can put forward community schemes that they would like to try to attract crowd fund investment to. We will monitor and report back regularly on this innovation.

### **Enterprise Space**

- 5.9** The contract for the refurbishment of 470 Harrow Road into the Rebel Business School is now out to tender. A contractor will be selected later this month, with work due to start in April and completion expected in September. A cohort of 20 local residents will receive support and training to develop their businesses from late September. A graduate from the school recently took ownership of a pop-up retail space in Church Street to sell their fashion garments.

### **External Funding Update**

- 5.10** Funding of £500k has been awarded by the GLA Skills for Londoners Innovation Fund. The project is being led by WAES, with the proposal being to support an integrated community learning approach to crime prevention and integration within Church Street. The project will deliver a resilience and prevention programme to residents within Church Street and will include support to the families of those participating.
- 5.11** GLA Small Project’s and Equipment Fund. A funding decision is due by 9th March for £75,500 to support digital inclusion in Westminster. Led by WAES, the proposal is to enhance digital capability, improve teaching and learning tools and learner outcomes through the creation of a multimedia graphics suite and

the upgrading of existing facilities to ensure the service has access to industry standard, specialist equipment.

- 5.12** GLA European Social Fund (ESF) Careers Cluster. Business and Enterprise officers continue to meet with RBKC counterparts to scope a bi-borough “careers cluster” funded via the GLA through ESF. An initial meeting was held with a group of schools’ career leads, governors and internal departments to gauge interest and generate ideas and suggestions in relation to programme design. It is anticipated that the bid criteria will be released in March.

## **Youth Engagement**

- 5.13** STEAM Week 2020. Delivery of this year’s programme of activity began on Monday, 9th March. Over the course of the week 28 events will be held across Westminster, with participation from nine secondary schools, six primaries, two local youth clubs, WAES, and a number of young people supported by the Children who are Looked After team. A sustainable sculpture competition will see submissions from Westminster primary schools displayed in Westminster Reference Library from the 9th-13th March. At the end of the week, a celebration party to thank schools and partners will be held at City Hall, with Cllr Green attending.
- 5.14** The Young Entrepreneurs Market Competition took place on Thursday, 20th February at Church Street Market. Five teams of students from Harris Westminster Sixth Form participated in the initiative during half term. Despite torrential rain and wind, the students remained positive and proactive throughout the day.
- 5.15** The competition criteria covered three areas: sales, customer feedback via QR survey codes and adherence to the brief. The students made sales of £627. The winning team received their sales in the form of vouchers, the remaining £500 will be donated to a charity of their choice.
- 5.16** The Business & Enterprise team will evaluate the initiative with a view to repeating it with other schools or groups of young people.

## **6 Street Markets**

- 6.1** The Markets team has partnered with the sustainable packaging company, Elements, to offer discounted bio-degradable packaging to our traders. This is one aspect of our broader goal to eliminate all single-use plastic from our markets and reduce CO2 emissions by 2022. Elements’ packaging is currently being trialled at Strutton Ground Market. If the packaging is popular with traders, we plan to roll it out to all our markets later this year.
- 6.2** A CIL proposal has recently been submitted for £250,000 to redevelop Tachbrook Street Markets disused toilets into a community kitchen space, and a new trader toilet. If the bid is successful, the funding will cover all aspects of the development which, once complete, will be a financially self-sufficient asset.

- 6.3** After the success of last year's event, the markets team will again be partnering with the National Market Trader Federation (NMTF) to deliver the Young Traders Market regional final. This will take place on Westminster Cathedral Piazza on 29<sup>th</sup> July 2020. Initial meetings with the NMTF are taking place to discuss the logistics of this event.
- 6.4** Several enhancements are taking place in Church Street to improve the operation of the market and create a pleasant environment in which trading can take place seamlessly. Asphalt infill work has now taken place on the road of the market. This will enable the pitch markers to be accurately painted on street. Pitches are being standardised to 3m x 3m to improve the market's visual appearance and will be clearly marked and numbered so traders can easily identify their own pitch.
- 6.5** A new traffic management order has been implemented at Church Street. This extends the existing traffic restriction from Salisbury Street to Penfold Street and from Penfold Street to Edgware Road and is intended to make these both traffic-free zones on Monday to Thursday. The start time of the parking restrictions has also been amended from 6.30 am to 6.30 pm to assist traders with their set up. New parking signage has been erected in Venables Yard due to conflict between cars and traders.
- 6.6** The collaboration between the Business & Enterprise team, Harris Westminster Sixth Form College and Westminster Markets Team took place on Thursday 20th February 2020. Please see the details above (5.14).
- 6.7** The Tachbrook Street Market consultation has now closed. The consultation gathered opinions on a new layout for the Market in line with the electricity upgrade. The layout has been amended following discussions with London Fire Brigade. This will now go to Licensing Committee for a decision.
- 6.8** Further discussions have taken place with Berwick and Rupert Street traders regarding the storage unit. A full analysis of the number of fridges, crates and cupboards in use has been collated. A technical drawing has been circulated to traders to look at how to best organise the unit. Clear outs of the unit have been ongoing this week and a new roller shutter is due to be fitted in the next two weeks. The work will take place within a 6-month timeframe and during this time traders will not be charged for storage.
- 6.9** A planning application has been submitted to have on-street banners in Tachbrook Street Market to display market branding. The aim is to improve the visibility of the market. If this trial is a success, we will be working with the other markets to have approved branding displayed on each market square.
- 6.10** Following branding workshops with traders, Westco has produced final concept brands for each market that link to the overall Westminster Markets branding. These have been shared with the Cabinet Member and will be shared with ward members shortly.

- 6.11** The dedicated Tachbrook Market Newsletter is proving popular amongst traders. The newsletter also informs traders on how Westminster is delivering the new Westminster Street Markets Strategy.
- 6.12** New European Regional Development Fund (ERDF) funding will see the deployment of WIFI networks on all our street markets. In what will be the first fully digitised street markets in London, the initiative will be accompanied by a programme of digital skills training for traders and local businesses.
- 6.13** The Markets team are currently updating all the information on our websites to provide current and accurate information about each market. We are re-designing each of the site maps to encourage more traders to join our markets and make it easier for traders to look for vacant pitches when applying.

## **7 Employer Relations**

### **Sector Specific Social Recruitment**

- 7.1** Council vacancies and suppliers: The Business and Enterprise team is working with Continental Landscapes to recruit for nine new roles. The team have negotiated for all of these opportunities to be ring fenced to Westminster residents. Other work with Council suppliers includes a forthcoming recruitment event with Veolia, an exemplary supplier in terms of their efforts to support local homeless people into employment opportunities. Two London Living Wage apprenticeship roles at G Network have also recently been filled by residents.
- 7.2** Within the Council, our partnership with the Registrars team continues to deliver opportunities for residents. Their most recent commitment includes work trials for care leavers and young people at risk of offending. Two young people have secured paid opportunities at Marylebone Town Hall in the past month. The team is also working with housing colleagues to support the recruitment of nine new customer service roles.
- 7.3** Hospitality & Visitor Economy. In the past month the Business and Enterprise team has trained over 100 local residents for roles, delivering training for residents alongside our employer partners. One of the sessions was with the Hyatt Hotel Group which aimed to help hiring managers learn more about working with young people not in education, employment or training
- 7.4** Horticulture & Green Jobs. Working in partnership with Groundwork London the team are working to deliver a two-year horticultural employment project to support unemployed Westminster residents gain skills, qualifications and London Living Wage roles. The 'Green Team' which is made up of residents has now been at work for approximately three months and the work sites have included improving housing estates, roadside open spaces and parks. A total of 13 Westminster residents have completed the training programme and a further 11 are currently in training.
- 7.5** 'Makers' is a Council led project way to support harder to reach young people into sustainable employment and careers through making and selling luxury

chocolates. Ten young people started on 12<sup>th</sup> February and all of the 'Makers' have been referred from the Leaving Care Team, Gangs Unit or Youth Offending Team. Three weeks into the project, attendance is at 98% and our Makers are busy preparing for pop up trading opportunities at Mintel HQ (21<sup>st</sup> March) and Covent Garden Market (26<sup>th</sup> March).

## **Social Value and Responsible Business**

**7.6** The team is currently working to develop Responsible Business Action plans for Oxford Street West (Murphy Group) and Lisson Grove refit (ISG) and with the MCC for the Lords cricket ground redevelopment.

**7.7** Recent sponsorship from suppliers and developers includes:

- s106: Year-to-date, the team has secured commitments of £1.4M to support the sustainability of the Westminster Employment Service.
- £7,000 from Capita to support the Makers project (see above)
- The Crown Estate, Marston Holdings & Lowe Build are sponsoring a pop-up exhibition for residents with learning disabilities on the 5-7<sup>th</sup> May to be held at the Crown Estates' Babmaes Street venue. The exhibition will focus on breaking down the barriers and misconceptions of people with learning disabilities and will feature photography pieces created by Community Access Westminster clients and also a physical display of accessibility items as well as an interactive experience.

**7.8** Council Employee Volunteering & Impact. There have been two language café sessions this year, the first was attended by the Lord Mayor and concluded with a tour of the Lord Mayors Parlour and the second one was employment focussed and included volunteers from our employment coaching team who made five referrals. The learners from WAES have given fantastic feedback to these events and the College has nominated the language café for an award from the Festival of Learning.

## **8 The Employment Gap in London**

**8.1** A summary of key data from [The Employment Gap in London](#) published by London Councils in Feb 2020 is as follows:

**8.2** Key findings for London as a whole:

- Young people from a disadvantaged background in London are not getting the support they need to succeed in the capital's thriving jobs market
- 25% of London's young people are low-qualified;
- London has the lowest take up of apprenticeships of any region

### **Key findings for Westminster**

**8.3** In comparison, the findings for Westminster are incredibly positive. The statistics are testament to the work of the Employment and Apprenticeship Teams within the Council, and the Council's business partnerships and

schemes, all of which have contributed to the borough having impressively low NEET statistics.

**8.4** Key highlights include;

**8.5** NEET/Employment Gap:

- In Westminster, whilst levels of disadvantage are high, the NEET rate for this group is the lowest in the Central London Forward area – lower, in fact, than for their better-off peers.
- This means that Westminster has a negative Employment Gap of -2% – unique among local authority areas
- Disadvantaged young people are therefore uniquely underrepresented among NEET young people in Westminster.

**8.6** Apprenticeships:

- Westminster has the highest proportion of apprenticeship starts by disadvantaged people than anywhere else in London, at 59%.

**8.7** Higher Education:

- Access to higher education is also high; among the highest in the Central London Forward area on most measures and number one on overall access rate for young people with top GCSEs.
- These are also among the highest levels of access to university in London

**8.8** These impressive statistics have resulted from a concerted effort by both the Council and Business Community to support careers for young people who are NEET.

**8.9** There are significant economic opportunities in Westminster, but young people are still not able to take full advantage. The higher NEET rate for non-disadvantaged young people is a concern as is the decreasing number of apprenticeships taken up by young people aged 16-24. Gaps in CEaIG provision across schools particularly in relation to Labour Market Information reveals a disconnect between career aspiration and opportunity

**8.10** The report highlights huge variations across London in how well young people do at school, transition between school and work or further/higher education, and how their chances of success in employment are affected by family background. Arising from the disparity evident across London the report recommends a local, granular approach to tackle the challenges faced by disadvantage

## **9 Westminster Adult Education Service**

### **National Recognition of Achievement**

- 9.1** WAES' Chair of Governors, Carolyn Keen, was awarded an MBE for 'Services to Adult Education and the Community'. The recognition celebrates Carolyn's voluntary work and her contribution to furthering the adult education agenda.
- 9.2** HOLEX Policy Director, Sue Pember, was also recognised for her work in adult education. She has worked relentlessly on behalf of the sector and the adult learner. She is seen as a sector leader in adult and further education and gives her time freely to mentor and support service and college leaders.
- 9.3** WAES has joined the most outstanding individuals and institutions that the FE sector has to offer in the shortlist for the 2020 Tes FE Awards. WAES has been shortlisted for the Adult and Community Learning Provider of the Year Award. The winners will be revealed at a gala awards evening at the Grosvenor House Hotel, Park Lane, London on Friday 20 March 2020.
- 9.4** WAES are eagerly looking forward to the Tes FE Awards ceremony on 20<sup>th</sup> March 2020. At the end of last year, we joined the most outstanding individuals and institutions that the FE sector has to offer in the shortlist for the 2020 Tes FE Awards.
- 9.5** WAES was shortlisted for the Adult and Community Learning Provider of the Year Award. Tes FE editor Stephen Exley said: 'Excellent practice exists right across the further education sector and those shortlisted for the Tes FE Awards are the cream of the crop. Our judges were extremely impressed with the calibre of entries. To be shortlisted is an extraordinary achievement.'

### **WAES and WCC Apprenticeships**

- 9.6** WAES started its first Libraries, Information and Archives Apprenticeships Level 4 Standard in September 2019. There are four Westminster City Council apprentices on the programme. This is a truly collaborative apprenticeship with some of the skills and knowledge instruction being led by an industry expert at WAES and in-house development being provided by the link Westminster City Council manager.
- 9.7** In January 2020, three apprentices started from the Westminster Employment Service on the Customer Service Specialist Standard. They will be on programme for 18 months. This apprenticeship includes specialism and in-depth knowledge of the Service and the customers it serves.

### **WAES industry Skills-Based Training Fitness Instructing**

- 9.8** WAES engaged in an offsite employment-focused programme at Level 3 delivered at Moberly Sports Centre in 2018/19. 19 learners started and were engaged in an 8-week intense programme which saw 90% achieve the

qualification. The course is continuing in 2019/20 with a new cohort of 13 learners who started in January and a further course planned for May 2020.

### **Growth-Funding Opportunities**

- 9.9** A key driver for the WAES 2019-22 Strategy is to grow the business by seeking and securing additional sources of funding, which will enable us to expand our activities with Westminster and other London residents.
- 9.10** WAES is bidding for a GLA funding opportunity for up to £30k. There is now an opportunity to submit a bid to run an ESOL Plus Arts programme, which was submitted by mid-January for delivery in October 2020. This project will focus on London and residents' heritage as a means to support the development of English.
- 9.11** WAES secured European Social Fund money to start a new project with a training provider Rinova and adult and community learning provider Wandsworth Adult Education Service. This project is due to start in February. The project is valued at £400k over three years. This value may increase following further planning. This project is to upskill individuals to enable them to access the hospitality sector by delivering skill-based programmes, ESOL support, and English and maths delivery.

### **ESOL for Integration Fund**

- 9.12** WAES will be applying for the Ministry of Housing, Communities & Local Government's ESOL for Integration Fund. The total fund is worth £6,500,000 and aims to support up to 25 local authorities with funding to deliver Pre-Entry ESOL to the local community, focusing on supporting residents to integrate into British society and improve their connection to the local area. Suitable partners for this project are currently being assessed.
- 9.13** The application for the ESOL for Integration Fund closes on 9th April 2020, with successful applicants being notified in May 2020. It is expected that, if successful, delivery for this project will commence in either June or July 2020, with delivery concluding on 31st March 2021.



City of Westminster

## Cabinet Report

<b>Meeting or Decision Maker:</b>	<b>Cabinet</b>
<b>Date:</b>	<b>25<sup>th</sup> October 2018</b>
<b>Classification:</b>	<b>General Release</b>
<b>Title:</b>	<b>Planning Review – Final Report</b>
<b>Wards Affected:</b>	<b>All</b>
<b>City for All Summary</b>	<b>An open and transparent Council with services accessible and relevant to everyone. Ensuring development in the City works best for those living here.</b>
<b>Key Decision:</b>	<b>Cabinet</b>
<b>Financial Summary:</b>	<b>The reduction of one Director post will result in savings that will be reflected in the 2018/19 outturn.</b>  <b>Any further financial impacts will be delivered within budget and reflected in the 2018/19 outturn.</b>
<b>Report of:</b>	<b>Stuart Love – Chief Executive</b>  <b>Barbara Brownlee – Executive Director, Growth Planning and Housing</b>

### **1. Executive Summary**

- 1.1. This report sets out ambitious and wide ranging changes to the Council's Place-Shaping and Planning functions, which will result in a more open, transparent and proactive approach to planning in the city, underpinned by a service and an officer culture focused on delivering the Council's City for All vision. It will therefore also place residents at the heart of the planning process.

- 1.2. Along with the current review of the City Plan and a renewed commitment from the leadership of the Council to ensure that all of its residents benefit from development, the recommendations set out in this report provide a significant opportunity for the planning service to evolve, placing itself in the strongest position possible to deliver both the City Plan and Westminster's wider corporate objectives. It will also lead to best practice and regain and maintain trust in an important public and regulatory service.
- 1.3. This follows a review of the Council's approach to planning initiated by the Leader of the Council and Cabinet at the start of 2018. The review specifically considered the effectiveness of Westminster's Development Planning service, the role of hospitality, the delivery of corporate objectives and outcomes, and the planning committee system and decision-making process.
- 1.4. This review was supported by the Planning Advisory Service (PAS), which is part of the Local Government Association (LGA).

## **2. Recommendations**

- 2.1. To endorse the findings and recommendations of the report submitted by the Planning Advisory Service (PAS) and to take the following steps to:
  - a) Improve the openness and transparency of the planning system:
    - We will record Planning Sub-Committee meetings and make the coverage available post-meeting;
    - We will live stream Planning Sub-Committee meetings once an appropriate technological solution has been identified and sourced;
  - b) Make it easier for residents to engage with the planning system:
    - We will introduce "public speaking rights" at Planning Sub-Committee meetings;
    - We will review all our digital content on the planning process and planning decisions, particularly that included on the council's website to improve accessibility for the general public;
    - We will improve the way we explain planning policies and decisions to make them easier to understand.
- 2.2. To support resident and ward Councillor participation at an earlier stage of the process, for example in the pre-application stage of major applications, we will adopt a new approach to communicating and engaging their views in proposals.

- 2.3. To direct the Chief Executive, in consultation with the Cabinet Member for Place-Shaping and Planning, to recommend to the Planning and City Development Committee to increase delegation and review the call-in procedures, empowering officers to take more delegated decisions, in consultation with ward Members as appropriate without the need for escalation to Sub-Committee, thereby speeding up the process. The details of the revised delegation and call in procedures be reviewed and recommended for decision at the next Planning and City Development Committee.
- 2.4. To direct the Executive Director of Growth Planning and Housing and the Executive Director of Policy Performance and Communications to submit a joint report to the next Planning and City Development Committee setting out the detailed proposals for the introduction of public speaking rights. A target date for the introduction of public speaking rights is set for 1 December 2018.
- 2.5. To direct the Chief Executive to restate to both officers and members their responsibilities in terms of the Council's gifts and hospitality policies. This will include emphasising the importance of exercising sound judgement in dealing with all offers of gifts and hospitality. To note that in terms of the planning service, this will build on the guidance issued in February 2017 regarding Councillor meetings with developers on particular schemes.

Council officers and elected members involved in the planning process must retain a distance from land owners, applicants, agents and community stakeholders, other than at formally arranged visits and recorded meetings linked directly and specifically to the consideration of planning applications, pre applications, or the development of the local plan.

- 2.6. To create a new Place-Shaping and Planning directorate which reflects the ambitious agenda set by the Leader and Cabinet to deliver a City for All, and for the new service to deliver the direction of travel which will be set out in the emerging City Plan.

### **3. Reason for Decision**

- 3.1. The Leader and Cabinet have set an ambitious agenda to change how the Council operates in a number of areas, including, but not limited to planning.
- 3.2. The direction of travel is to shift away from a largely reactive and development management focused planning service towards a proactive and strategic approach, guided by the Council's vision and priorities. This will require cultural change throughout the whole system.
- 3.3. It will also mean that, should they wish to, residents and others will have the ability to take a clearer and more proactive role in the planning and decision making process related to development in their area. This includes Neighbourhood Forums, Amenity Societies and the general public.

- 3.4. Work is ongoing to finalise the City Plan (the Council's Statutory Local Plan) for public consultation in November 2018. The revised City Plan will be streamlined and place much greater emphasis on positive considerations about the type of development that is appropriate in Westminster. The service which implements this policy framework must therefore also be governed by the same principles.
- 3.5. These recommendations are supported by the findings of the PAS report.

#### **4. Background**

- 4.1. Following the election of a new Leader of the Council and Cabinet in January 2017, a number of changes have been implemented regarding the management of the planning system in Westminster.
- 4.2. In February 2017, new guidance was introduced governing how the Cabinet Member for Place-Shaping and Planning and the Chairman of Planning should engage with planning applicants before and after submission of applications. This guidance set out that such meetings must take place with a Planning Officer present and a record of the meeting and any advice given must be made. The guidance also sets out that once an application is submitted any advice provided by the relevant member will be given to the Director of Planning for inclusion in the committee report.
- 4.3. In early 2018, the Leader of the Council instructed the Chief Executive to undertake a review of the planning system as a whole, learning the lessons from a year of operating the new guidance and with a view to ensuring a modern, open transparent planning service.
- 4.4. In May 2018, PAS were instructed to review the operation of Westminster's Development Management (DM) service. PAS was asked to consider the effectiveness of the service, the role hospitality plays, the delivery of corporate objectives and outcomes, and the Planning Committee System and Decision Making.
- 4.5. PAS reported to the Chief Executive and the Executive Director of Growth, Planning and Housing in September 2018 and this report is the Council's response to that process.
- 4.6. A copy of the final PAS report is attached (Appendix 1) and the key findings are summarised below.

#### **5. Key findings**

##### **5.1. A culture change in planning in Westminster**

- 5.1.1. The PAS review notes that:

*"The Leadership of Westminster has an excellent opportunity to change the narrative about planning and with it the philosophy and role of planning. Westminster does not have to go out and seek development and this could have contributed to the balance at Westminster being tilted more towards reacting to and regulating development"*

*than proactively managing and delivering a vision. The 'City for All' strategy and emerging local plan should be the driving forces that communicate to the community and developers a clear vision for Westminster, how it wants to develop and its priorities. Planning should be placed at the front and centre of how that vision is achieved."*

- 5.1.2. In order to seize this opportunity, it is necessary to implement both structural and cultural changes in how the planning function operates.
- 5.1.3. The Council's current planning service is operating from a purely development control perspective in determining applications and not embracing the wider Town Planning role, which provides for, and requires a much greater degree of creativity and proactivity in assessing applications.
- 5.1.4. The Council has a reputation for delivering innovative and high quality services and both officers and Councillors are keen to ensure that the organisation does not 'rest on its laurels' and continues to change and to innovate.
- 5.1.5. For the planning service this includes finding the right balance between its role as a regulator and the transparent promotor of development that will deliver the key outcomes for all of Westminster's communities. Planning policy and its implementation should be the spatial interpretation of the Council's vision, objectives and priorities both for city management and planning.
- 5.1.6. The review encourages the planning service to explore and develop innovative approaches to city centre management and this should include learning from other UK local planning authorities and global centres.
- 5.1.7. The review recommends that Development Management, planning policy, delivery and regeneration be more closely aligned. The planning function has become development control-led and a largely reactive rather than proactive service which is at the heart of delivering the Council's City for All vision.
- 5.1.8. The planning service should provide leadership in terms of the growth and development of the city and therefore it is recommended that the Council create and appoint a strategic place shaping and planning lead to ensure corporate leadership in all key service areas and a joined up approach to this agenda. This would align with the Cabinet Member portfolio created following the 2018 local elections.
- 5.1.9. The Chief Executive, the Executive Director for Growth, Planning and Housing and the Director of Policy, Performance and Communications have been reviewing the structure of the planning function as part of the review process. It is proposed to delete the post of Director of Planning and the post of Director of Place Shaping & WEP (West End Partnership) and to create a new post of Director of Place Shaping and Planning. This new post will have overall responsibility for the council's Development Management function, including development control and policy implementation. The new post will report to the Executive Director for Growth, Planning and Housing with a dotted line to the Chief Executive.

## 5.2. **Planning Decision Making, including the role of Planning Sub-Committees**

- 5.2.1. There is a need to overhaul the planning decision making process to ensure that decisions are made at the right level with regard to the seniority of officers empowered to take decisions as well as the role of Planning Sub-Committees and in the right way with regard to the engagement of the local community in the process.
- 5.2.2. The review found that current planning application assessment and sign-off procedures are rigorous in Westminster's current planning service, but restricted to senior officers.
- 5.2.3. This is understandable in a high profile borough, where legal challenges to process and decisions are more common than in the rest of the country. Notwithstanding this rigour (which often drives consistency and high standards), strong leaders with forthright views on high standards of design and development need to find ways to pass skills down the chain of command to enable more good decisions to be made, more quickly and efficiently.
- 5.2.4. Passing decision-making to frontline officers will also require officers to work closely with ward Councillors and residents to resolve issues as far as practical in the local area and align decision making wherever possible between the views of officers and those of elected Members who have a democratic leadership responsibility for their locality.
- 5.2.5. Joint working between the local community, planning officers and Members at an early stage can ensure that better outcomes are achieved. Even when issues cannot be resolved locally and matters are taken to a Planning Sub-Committee, good communication provides a way of improving understanding of the issues from different perspectives right at the start of the process and will help improve and clarify decisions taken.
- 5.2.6. Delegation and call-in procedures are too loosely defined and this results in cases appearing on committee agendas that the review team felt could have been dealt with elsewhere e.g. a policy interpretation for the discharge of a condition; a case that had no objections and was recommended for approval; issues and questions on one of the Council's own major regeneration schemes which really should have been dealt with rather than progress to committee for a resolution. There were also several other cases including a mansard roof development and basement developments that could have been resolved outside of committee with some flexibility, creativity and little less risk-averse application of policy.
- 5.2.7. The time of Planning Sub-Committees should be reserved for major schemes involving substantial impact on the city as a whole or those schemes with a strategic importance for the city.

- 5.2.8. As such a review is required of the delegation and call in procedures to ensure that officers are empowered to take decisions on a wider variety of applications and at a more junior level. This will create capacity, a more consistent and efficient service for customers, support career development, increase staff confidence and autonomy, and encourage more aligned local decision-making. This would also have the associated benefit of identifying potential efficiency gains and cost savings.
- 5.2.9. This will also free up time for Planning Sub-Committees to consider a smaller number of strategically important applications in greater depth, including the opportunity for “public speaking rights”, thereby making the process more open and engaging for the public
- 5.2.10 The Executive Director of Growth, Planning and Housing and the Executive Director of Policy, Performance and Communications will support the Planning and City Development Committee to develop detailed proposals for the delivery of public speaking rights and other operational arrangements for planning decision making (including staff delegation and committees).
- 5.2.11 This will include consideration of the process for determining who can speak at Sub-Committee meetings, how much time is allocated for speakers, support for the public to make effective representations, the management of meetings by the Chairman, the layout of the room, timings of meetings e.g. day vs. night time and training requirements for Members sitting on Planning Sub-Committees.

### **5.3 Gifts and Hospitality**

- 5.3.1 The review recommends that Councillors and officers only attend formally arranged visits and recorded meetings linked directly and specifically to the consideration of planning applications, pre applications or the development of policy. Attendance at hospitality events is not required to deliver a good and professional service.
- 5.3.2 As noted above, new guidance was introduced in February 2017 which governs meetings held by the Cabinet Member for Place-Shaping and Planning and the Chairman of Planning with planning applicants. This guidance clearly sets out the type of meetings that are appropriate, that officers must be present and take a record of the meeting, including details of any advice provided which in turn must be presented as part of the planning application papers. This guidance was designed to maintain the integrity and the perception of integrity in the planning service, particularly with regard to hospitality.
- 5.3.3 The review found no impropriety or failure to follow guidelines and protocols regarding hospitality. However, the practice of accepting hospitality from planning applicants was found to be excessive and unnecessary. It has become ‘normalised’ in contrast to the practice of most planning services across the country.

- 5.3.4 The review found that the Council fundamentally needs to re-think its stance on hospitality and make sure that all guidance for staff and members is consistent and up to date.
- 5.3.5 Good practice would be for staff and Councillors to retain a distance from land owners, applicants, agents and community stakeholders other than through formally arranged visits and recorded meetings linked directly and specifically to the consideration of planning applications, pre-applications or the development of the local plan. This provides independence and serves to maintain trust in what is a public and regulatory service.
- 5.3.6 Accordingly, it is recommended that the Chief Executive restate to both officers and members their responsibilities in terms of the Council's gifts and hospitality policies. This will include emphasising the importance of exercising sound judgement in dealing with all offers of gifts and hospitality. To note that in terms of the planning service, this will build on the guidance issued in February 2017 regarding Councillor meetings with developers on particular schemes.
- 5.3.7 Senior officers will be expected, and should be able to discuss and provide guidance to more junior members of staff on what is and isn't considered acceptable.
- 5.3.8 Furthermore, all guidance regarding meetings with planning applicants should be revised in line with the wider recommendations of this report.

## **6. Engagement**

- 6.1 As the changes proposed in this report will require a significant culture change for staff and those externally who use the planning system, in order to take the findings of this review forward, further work is required to understand how to best implement detailed new procedures and guidance in practice.
- 6.2 Accordingly, and because the Council is not best placed to determine exactly how the system should work, views will be sought from all those with a stake in the planning system in Westminster, most notably residents via Neighbourhood Forums, Amenity Societies and Residents' Associations as well as the development industry itself. Views will be gathered via an informal engagement exercise to understand the best way to implement the principles set out in this report, most notably with regard to public speaking rights and delegated decision making.

## **7. Financial Implications**

- 7.1 The reduction of one Director post will result in savings that will be reflected in the 2018/19 outturn. Any further financial impacts will be delivered within budget and reflected in the 2018/19 outturn.

## **8. Legal Implications**

- 8.1 The Town and Country Planning Act 1990 provides the local planning authority with a strategic role within the planning system with a statutory responsibility for management of delivery of planning services within its designated area including Development Control and Planning Policy making functions.
- 8.2 Planning legislation and related government guidance requires that the above services are provided in a professional and effective manner, and in particular that the decision making process is robust and transparent.
- 8.3 The Director of Law has considered the proposals set out in this report and is satisfied that they will assist the local planning authority in effectively discharging its statutory duties as set out above.

## **9. Staffing Implications**

- 9.1 The Executive Director of Growth, Planning and Housing and the Director of People Services will undertake any necessary consultation and ring fencing arrangements and ensure an Appointments Sub-Committee is convened to make the necessary member level appointments.

**If you have any queries about this Report or wish to inspect any of the Background Papers please contact:**

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### **BACKGROUND PAPERS:**

**Appendix 1 - Planning Advisory Service Report - Development Management Decision Making and Committee Review (September 2018)**

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City of Westminster

# Development Management Decision Making & Committee Review

## **City of Westminster Council**

*19<sup>th</sup> September 2018*

Feedback Report

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## 1. Executive Summary

### Review Purpose

- 1.1 The leadership of City of Westminster Council (Westminster) invited the Planning Advisory Service (PAS) to review the operation of Westminster's Development Management (DM) service. PAS has been asked to consider the effectiveness of the service, the role hospitality plays, the delivery of corporate objectives and outcomes, and the Planning Committee System and Decision Making.
- 1.2 The PAS review is part of Westminster's ongoing response to its former lead planning councillor being under scrutiny regarding the subject of hospitality from customers and stakeholders and his role in the planning process.

### Hospitality

- 1.3 Westminster has a professional and operationally effective DM service, and the review found no impropriety or failure to follow guidelines and protocols regarding hospitality.
- 1.4 However, the practice of accepting hospitality from planning applicants, landowners and community groups seems to the review team to be significant and unnecessary. It has become 'normalised' in contrast to the practice of most regulatory planning services.
- 1.5 Good planning practice would be for staff and councillors to retain a distance from land owners, applicants, agents and community stakeholders other than at formally arranged visits and recorded meetings linked directly and specifically to the consideration of planning applications, pre applications, or the development of the local plan. This provides professional and service independence, and serves to maintain trust in a public and regulatory service.
- 1.6 In the context of our recommendations, the review team would like Westminster's Development Management service to be clear on what actions have been taken and what changes have been made to its procedures, protocols and codes of conduct regarding offers of hospitality extended to officers and councillors.

### A Development Management Service for the Heart of a Global City

- 1.7 Westminster is a place of national significance; its place as a world city, royal borough and the seat of parliament, makes for a complex operating environment. Westminster is a place people want to visit and developers want to build in. The council has enjoyed a very good reputation for delivering innovative and high quality services and both staff and councillors are keen to ensure that the organisation doesn't 'rest on its laurels' and continues to look for ways to change, adapt and innovate.
- 1.8 For the planning service this includes finding the right balance between its role as a regulator, and the transparent promoter of development that will deliver the key outcomes for all of Westminster's communities.

- 1.9** The review team met very experienced, professional, creative and talented people across the Directorate including the Development Management service. The review saw a professionally competent DM service, with robust procedures checks and balances, a strong culture of reducing risk and promoting good design, and useful procedures to deal with 'simple' high volume case work. The review team spoke to professional and technical staff who valued the supportive leadership of Development Management, and felt the service provided a strong pre application process that helped reduce risk in decision making.
- 1.10** The review team would encourage the Development Management service to explore and develop innovative approaches to city centre management. Westminster's special position as the retail, cultural and governmental centre of one of the world's most significant global cities should be further capitalised on. This should include city management learning from other global centres, or perhaps taking a leading role in an aspect of "global city management". Learning about modern approaches of Development Management can also be found in many other UK Local Planning Authorities.

### **Staff Delegation and Development**

- 1.11** Planning application assessment and sign-off procedures are rigorous in Westminster's Development Management service, but restricted to senior officers. This is understandable in a high profile Borough, where legal challenges to process and decisions are more common than in the rest of the country. Notwithstanding this rigour (which often drives consistency and high standards), PAS would advise the service to explore more delegation of decision making to support staff development, succession planning and opportunities for efficiency gains and cost savings. A 'command and control' approach is often established to reduce errors and omissions but can sometimes have the opposite effect, or offers no real benefit because checking and sign-off is 'someone else's job' and removes the responsibility from the frontline case officer. Strong leaders with forthright views on high standards of design and development, need to find ways to pass skills down the chain of command to enable more good decisions to be made, faster and efficiently.
- 1.12** The review team were told about "scheme and design review meetings" chaired by leadership team members. This is a good example of developing standards. In other planning authorities this "triage" process happens at all levels, supporting both strong decisions making and high levels of resource efficiency. Passing decision making to frontline officers could also encourage officers to work closely with ward members and align decision making wherever possible between the views of officers and those of elected members who have a democratic leadership responsibility for their locality.

### **Aligning Development Management, Policy and Regeneration**

- 1.13** Internal partners in other service departments describe the Development Management service as helpful, providing good policy guidance and specialist advice e.g. on urban design and one senior officer said it was one of the best planning services they had experienced.
- 1.14** Notwithstanding this, most senior officers the review team spoke to from across all built environment and regeneration services, said the planning service should be better aligned in order to deliver corporate projects and ambitions. And, there could be better alignment of corporate priorities, policy and decision making.

- 1.15** The review team saw a Development Management Service that is badged as a Planning Service. The current Director’s role is limited to being the Head of Development Management. Development Management is only part of the role of Town Planning.
- 1.16** In Westminster Development Management is not structurally linked to Planning Policy and was perceived by most of the people we spoke to in the organisation to be removed from the objectives and priorities of the Council, serving its own ‘Planning Interests’. The Review team cannot evidence these claims but recognise that Development Management services in general need to work with this tension and to find a critical and difficult balance between both the regulatory function of “development control” – including treating all applicants equally - and the “development management” role of supporting and delivering the objectives and vision of both the Local Plan and Corporate Plan.
- 1.17** This tension is normal in LPAs and illustrates that Development Management and its sister services are struggling with the right issues. The review team felt, however, that Development Management took a somewhat traditional approach to delivering a unique agenda. In order to help resolve some of the planning tensions picked up by the review team, Westminster may like to consider reviewing matters based on the following principles:
- The role of Town Planning should be at the heart of the organisation;
  - Planning Policy needs to be the spatial interpretation of the Council’s vision, objectives and priorities – both planning and city management;
  - Planning Policy and Development Management, should actively plan for delivery against these objectives and be a proactive tool for achievement;
  - When this alignment works well, regulatory planning can act as a catalyst and facilitator for growth and change with development management, managing that change, mediating and enabling. In this way a balance can be found to deliver both the needs of a diverse residential community and the requirements of a progressive modern global city.
- 1.18** To achieve these principles, Westminster could examine a number of options; finding ways of achieving closer collaboration between existing services/Directorates; a more fundamental re-organising of the service; or the appointment of a strategic planning lead role to work at the leadership team level. Whichever route is taken, the critical ingredient of success is that the cultural leadership in all key services must be committed to joined-up, closer corporate working and delivery.

#### **Planning Decision Making – committees**

- 1.19** The review team found planning committees to be well chaired and overall there is a good quality of debate among the committee and presenting officers. However, the review team would question whether in their present form, they make best use of committee resources or represent an open and engaging experience for the public.
- 1.20** Reviewing the delegation and call-in procedures, empowering officers and councillors to resolve issues at a local level, and engaging committee members much earlier (including at pre-application) on significant major development proposals would all help to ensure that committee resources are focused on the right type/level of application. The knock-on effect

would be the freeing up of committee time which could smooth the way for the introduction of the commitment to “public speaking rights” thereby making the process more open and engaging for the public. The Peer Review Team also endorse Westminster’s own pledge for public speaking at planning committee, this has become common across many councils and removes a lot of frustration about engagement in this part of the process.

- 1.21** In the absence of any evidence found by the review team we would like Westminster’s Development Management service to be clear on what actions have been taken to date to establish speaking rights at planning committees. The review team would expect this to be led from within the Development Management service.

**Opportunity for change**

- 1.22** Westminster is currently reviewing its City Development Plan and there is an obvious and renewed commitment from the leadership of Westminster to making sure that all of its residents benefit from development through the Leader’s ‘City for All’ programme.
- 1.23** This represents a significant opportunity, alongside the findings of this review, for the planning service to positively challenge itself to be in the strongest position possible to deliver the City Plan objectives, and Westminster’s wider corporate objectives.

## 2. Key Recommendations

This section summarises the key recommendations. The full and more detailed findings can be found under each theme heading later in the report.

**2.1 Development Management, Planning Policy, Delivery and Regeneration need to be more closely aligned.** To achieve this “alignment” the Council could examine closer collaboration between existing services/Directorates; a service re organisation or the appointment of a strategic planning role, (with or without portfolio) to work at the leadership team level. The critical ingredient of success, whichever route is taken, is that the cultural leadership in all key services must be committed to joined-up, corporate planning and delivery. This would also help to “de risk” complicated corporate projects.

**2.2 The DM service should publicly promote and deliver ‘distance’ between the regulatory service and applicants, agents, formal community organisations and the public.** Attendance at hospitality events is not needed to deliver a good and professional service. The PAS team recommend that councillors and planning service officers only attend formally arranged visits and recorded meetings linked directly and specifically to the consideration of planning applications, pre applications, or the development of policy. The absence of familiarity drives trust in regulatory services.

**2.3 Committee practices and procedures need to be reviewed to focus resources on the right types of development and creating a platform for a more open and engaging experience for the public.** Planning committee is the shop window for planning decisions and place shaping. A review should include:

- Revising call-in powers and the scheme of delegation to ensure committee is focused on the discussion of significant schemes;
- Presentation of pre application schemes to committee and possibly formal pre application public meetings in advance of committee;
- Public design panel hearings;
- Public reviews of appeal results and more reports on place shaping.

This could facilitate the introduction of measures to broaden the opportunities for public engagement with planning committees including the Leader’s pledge on introducing “public speaking rights”.

**2.4 Delegate decision making among a greater number of staff.** This will create capacity, a more consistent and efficient service for customers, support career development, increase staff confidence and autonomy and encourage more aligned local decision making. This would also have the associated benefit of identifying potential efficiency gains and cost savings.

**2.5 The service needs to review the roles of its highways planning team and the corporate Highways function.** The highways planning team are embedded within the Development Management service. The review team are of the opinion that the highways planning team and

corporate highways function would benefit from more closely aligned agendas and understanding of each other's objectives and priorities. One option to achieve this could be to give highways planning officers a clear responsibility to both Development Management and Corporate highways, and making it the clear responsibility of this team to align the interests of both services. This issue is certainly not unique to Westminster and PAS can help link Westminster to other councils who have managed a solution to this situation.

**2.6 Continue to use all available measures to address recruitment and retention issues.** The review team was told that despite Westminster's reputation and draw for young and talented planners, recruitment and retention is difficult. The review team recommends utilising all existing measures to the full and also developing a range of initiatives to support the growth of succession planning. This could include a strong graduate programme and reviewing pay scale and progression rules.

**2.7 Review communications on Planning Performance Agreements (PPAs).** The Review team heard that customers aren't clear what benefit they get from planning performance agreements (PPAs). This ranged from those not able to differentiate it from the pre-application advice, to those that 'just see it as part of getting a development through'. There is an opportunity for Westminster to articulate and be clear about the value/service customers can expect (e.g. levels of dedicated officer time/the right level of engagement across the council with highways/housing/regeneration/legal, earlier engagement with key councillors etc.).

### 3 Background and scope of the review

- 3.1 Westminster council's planning service is currently under the spotlight following an investigation into concerns about hospitality. The Chief Executive of Westminster Council has used this as an opportunity to invite the Planning Advisory Service (PAS) carry out a short focused review of its Development Management processes and committee system.
- 3.2 The PAS review is carried out by fellow local government planning professionals, not consultants, inspectors or lawyers.
- 3.3 The review focused on 4 key areas as they relate to the Development Management service:
- 3.3.1 Theme 1: Effectiveness of the service**
  - 3.3.2 Theme 2: The role hospitality plays**
  - 3.3.3 Theme 3: Delivering corporate objectives and outcomes**
  - 3.3.4 Theme 4: The Planning Committee System and Decision**
- 3.4 It is important to stress that this review is not an inspection; it is improvement focussed and designed to complement and add value to a council's own performance and improvement plans. The review is not designed to provide an in-depth or technical assessment but for the peer team to use their experience and knowledge to reflect on the information presented to them by people they met, things they saw and material that they read.
- 3.5 This report is a summary of the peer team's findings. By its nature, the review represents a snapshot in time. We appreciate that some of the feedback in this report may be about things that Westminster is already addressing and progressing.
- 3.6 As commissioner of the review, the PAS review team has presented a verbal summary of this report and recommendations to the Chief Executive of Westminster. PAS would, at the instruction of the Chief Executive, welcome the opportunity to present this draft report to other audiences within/outside the council and involve them in any final recommendations.
- 3.7 The PAS review team would like to thank councillors, staff, people who use services, and partners for their open and constructive responses during the review process. All information collected was on a non-attributable basis. The team was made to feel very welcome and would especially like to mention the invaluable assistance and excellent onsite support to the team in planning and undertaking this review.

## 4 Planning Advisory Service (PAS)

**4.1** PAS is a Local Government Association (LGA) programme which is funded primarily by a grant from the Ministry of Housing Communities and Local Government (MHCLG).

**4.2** It is our principal mission to ensure that local planning authorities (LPAs) are continuously improving in their execution and delivery of planning services.

**4.3** To achieve this, the PAS work programme focuses on:

- a) Helping local government officers and councillors to stay effective and up to date by guiding them on the implementation of the latest reforms to planning.
- b) Promoting a 'sector-led' improvement programme that encourages and facilitates local authorities to help each other through peer support and the sharing of best practice.
- c) Providing consultancy and peer support, designing and delivering training and learning events, and publishing a range of resources online.
- d) Facilitating organisational change, improvement and capacity building programmes - promoting, sharing and helping implement the very latest and best ways of delivering the planning service.

**4.4** PAS also delivers some of its services on a commercial basis including change and improvement programmes for individual and groups of planning authorities in England, Scotland, Wales and Northern Ireland. PAS' commercial work includes traditional planning peer challenges and more focused pieces of review work of the type carried out at City of Westminster council.

## 5 The review team

4.1 The peer team is made up of serving council officers, and a PAS review manager:

- **Phil Mason**, Director of Planning & Sustainable Development, Cornwall Council
- **Marc Dorfman**, PAS Associate and Special Planning Advisor South Somerset District Council
- **Martin Hutchings**, Review Manager, Planning Advisory Service

## 6

### Theme 1: An Effective and professional Development Management Service

- 6.1** The review team found a professional, and operationally effective Development Management service. There are strong, established relationships with developers who report positively about working with Westminster, find its planners to be professional and committed and feel that the development agendas on both sides are understood.
- 6.2** The review team spoke to professional and technical Development Management staff who valued the supportive leadership of the service, and felt the service provided a strong pre application process that helped reduce risk in decision making.
- 6.3** Staff in Westminster’s Development Management team are committed to their work and good customer service. At all levels staff have a strong performance ethos and a strong commitment to delivering policy compliant Development Management decisions in a pressurised environment.
- 6.4** Performance is currently very good against national indicators and there some good processes in place for dealing with high volume - low complexity schemes. Statutory targets for major planning applications are currently being well met by the service for all of the Government’s main performance targets.
- 6.5** The pre-application offer is clear and its purpose is clearly understood by officers to be the provision of better-designed and more policy compliant schemes for formal assessment. Developers report that the pre-application process works well and that they find the process collaborative and that it adds value.
- 6.6** There are good processes in place to ensure wherever possible that officer continuity is achieved after pre-application is completed and the application is submitted. Pre-application meeting notes are filed and linked to subsequent planning applications, and some cases develop into programmed Planning Performance Agreements.
- 6.7** Planning Application assessment and case sign-off procedures are rigorous. There is strong direction from senior staff in how decisions are made. This is understandable for certain types of application (Westminster operates in a high profile environment, where risk can be high and legal challenges common). Experimenting with more delegation may further support career development and help to combat the general view that “Westminster trains planners and then they leave because there are few development opportunities”. In addition high levels of checking is costly – so experimentation with more staff delegation could be valuable.
- 6.8** Customers also feel that the service would benefit from a more devolved decision-making powers – some expressed a concern that some of the early strategic discussions that take place on schemes with senior management do not always filter down to those processing the application which can result in inconsistencies or delays when issues thought to have been resolved have to be referred back to senior management.

- 6.9** There is a delicate balance to be found – strategic control usually means service consistency, but more delegation down through the hierarchy would spread responsibility and ability. This in turn would promote succession candidates. Devolving responsibility would support better remuneration through the ranks and allow flexibility and change at management levels.
- 6.10** Councillor involvement in pre application discussions is not routinely offered but can be requested by the customer under a strict protocol. There isn't a formal system of presenting significant pre applications to Committee. This can result in councillor involvement coming late or in an un-coordinated way into the process meaning that key local knowledge/intelligence is not considered early enough and can result in the council appearing inconsistent / not joined up, or lead to deferrals at committee as witnessed by the review team. A more routine/formalised approach to involving councillors early on all major and strategic developments would be beneficial.
- 6.11** Some customers aren't clear what benefit they get from planning performance agreements (PPAs). This ranged from those not able to differentiate it from the pre-application advice, to those that 'just see it as part of getting a development through'. There is no evidence that PPAs are ineffective, but perhaps there is an opportunity for Westminster to articulate the value/service customers can expect (e.g. levels of dedicated officer time/the right level of engagement across the council with highways/housing/regeneration/legal, earlier engagement with key councillors etc.).

## 7 Theme 2: Hospitality

- 7.1** The review team found no evidence of impropriety or failure to follow guidelines and protocols regarding hospitality. However, the practice of accepting hospitality from planning applicants, landowners and community groups seems to the review team to be significant and unnecessary. It has become 'normalised' in contrast to the practice of most regulatory planning services.
- 7.2** While the leadership of the service has no need (technically), to defend the service's reputation during a period of speculation about impropriety, it does need to make sure that it has done enough to strongly address the perception of inappropriate hospitality. The PAS team feel that more may need to be done in this respect; the service should consider whether it has gone far enough in addressing public concerns, and whether it should make a more formal and public response regarding the action it has taken and the procedures that it has reviewed or changed.
- 7.3** The professional view of the PAS review team is that such meetings do not need to be attended by representatives of the planning service who are acting in an objective regulatory capacity. Attendance is not needed to deliver a good and professional service.
- 7.4** Good planning practice would be to retain a distance from land owners, applicants, agents and community stakeholders other than at formerly arranged visits and at recorded meetings linked to the consideration of planning applications, pre applications, or the development of the local plan. This provides professional and service independence, and serves to maintain trust in a public and regulatory service.
- 7.5** The council needs to fundamentally re-think its stance on hospitality and then make sure that all guidance for staff and members is consistent and up to date. A cultural shift is required that goes beyond advising what is and isn't acceptable and places more emphasis on questioning up front what value accepting offers of hospitality or attending events will add to the decision making processes. This will allow staff and councillors to remain confidently objective and transparent as they seek to deliver the best outcomes from development for all residents of Westminster.

## 8 Theme 3: Committees

- 8.1** The review team attended one area committee and one strategic development committee. Both were very well chaired; agenda items and time were well managed and overall there was a good quality of debate among the committee and officers. The committee process is also excellently supported by the committee services officers.
- 8.2** Planning officers at committee are calm, informed, polite and professional and do a good job of presenting balanced, policy-based assessments and recommendations, and responding competently to questions.
- 8.3** The number of members of the Committees is appropriate for effective debate and decision making.
- 8.4** Due to the layout and arrangement of the current committee room, the attendees and general public at committee felt isolated from the committee members. Large individual screens blocked the ability to see the committee members and there is a lack of basic guidance and information makes the committee process difficult to understand as an attendee.
- 8.5** Most of the committee members are clearly experienced and this adds to the value of their role as the decision makers. However, at times 'reminiscences' about other cases, previous experiences, questions about matters that were not linked to planning and repetition of points already made, did not add to the quality of the debate and slowed down the decision making process. The debate should focus on the case in hand and questions/points arising from the reports/officers presentation.
- 8.6** The process for voting should be revised so that each committee member's opinion is heard and then the vote taken. At the moment committee members summarise their views and then declare the way they will vote one-by-one.
- 8.7** Delegation and call-in procedures are too loosely defined and this results in cases appearing on committee agendas that the review team felt could have been dealt with elsewhere e.g. a policy interpretation for the discharge of a condition; a case that had no objections and was recommended for approval; issues and questions on one of the council's own major regeneration schemes that really should have been dealt with before getting this far to committee. There were also several other cases including a mansard roof development and basement developments that could have been resolved outside of committee with some flexibility, creativity and little less risk-averse application of policy. This is deflecting the committee from being able to concentrate efforts on the important strategic decisions for Westminster.
- 8.8** It is right that there is a process that allows items that are of legitimate concern to councillors, communities and officers to be assessed by committee. However, it is the opinion of the review team that the current committee structure and delegation procedures potentially discourage local issue-solving, encourage a risk-averse approach and can result in policy being applied too narrowly to control rather than facilitate development. Tightening up the delegation and call-in procedures could also be supported by the introduction of more devolved powers to solve issues

at a local level and by involving committee at the earliest stage possible in the development process e.g. pre-application presentations to committee on major applications.

**8.9** Planning committees are the 'shop window' for councils and are one of the key ways that residents can have their voices heard. It is the review team's opinion that too many gaps and disconnections in the process are preventing it from being as effective as it could be in terms of engagement and being representative. The relative ease with which councillors can call-in applications does give the outward appearance of the process being 'resident-focused' but only goes so far in terms of public engagement as there are presently no public speaking rights.

**8.10** The review team endorses the introduction of public speaking rights, an election pledge by the Leader, and is unclear how much progress has been made towards delivering it. The review team would like to have seen more evidence of the service exploring 'how to' introduce public speaking rights.

**8.11** Westminster would be mistaken however were it to introduce public speaking rights alone without the other changes recommended above in terms of introducing processes for more local problem solving and earlier engagement of committee members on major development. The only 'legitimate' concern that the review team picked up regarding the introduction of public speaking at committee was one of the time it would add to meetings. Tightening up the delegation and call-in procedures to reduce the numbers of items on committee alone would free up enough time to address these concerns.

## 9 Theme 4: Delivering Corporate Outcomes & Strategic Management

- 9.1** Internal partners in other service departments describe the Development Management service as helpful, providing good policy guidance and specialist advice e.g. on urban design, and the service was described by one senior officer as one of the best they had ever experienced.
- 9.2** Notwithstanding this, most senior officers the review team spoke to, from across all built environment and regeneration services, (Development Management, planning policy, housing, regeneration and highways), said the planning service should be better aligned in order to deliver corporate projects and ambitions. And, there could be better alignment of corporate priorities, policy and decision making.
- 9.3** The review team saw a Development Management Service that is badged as a Planning Service. The current Director's role is limited to being the Head of Development Management. Development Management is only part of the role of Town Planning. In Westminster it is not structurally linked to Planning Policy and was perceived by most of the people we spoke to in the organisation to be removed from the objectives and priorities of the Council.
- 9.4** The review team believe that the role of Town Planning should be at the heart of the organisation. Planning Policy should be the spatial interpretation of the Council's vision, objectives and priorities. The emerging City Plan must, therefore, be closely aligned to expressing the vision and objectives of Westminster, it must promote and actively plan for delivery against these objectives and be a proactive tool for achievement. When this alignment works well, regulatory planning can act as a catalyst and facilitator for growth and change with development management, managing that change, mediating and enabling.
- 9.5** To achieve this alignment the Council could examine closer collaboration between existing services/Directorates; a service re organisation or the appointment of a strategic planning role, (with or without portfolio) to work at the leadership team level. The critical ingredient of success, which ever route is taken, is that the cultural leadership in all key services must be committed to joined-up, corporate planning and delivery.
- 9.6** The Leadership of Westminster has an excellent opportunity to change the narrative about planning and with it the philosophy and role of planning. Westminster does not have to go out and seek development and this could have contributed to the balance at Westminster being tilted more towards reacting to and regulating development than proactively managing and delivering a vision. The 'City for All' strategy and emerging local plan should be the driving forces that communicate to the community and developers a clear vision for Westminster, how it wants to develop and its priorities. Planning should be placed at the front and centre of how that vision is achieved.
- 9.7** Westminster is home to around a quarter of a million residents, and has a careful balance to achieve in terms of delivering the world class schemes it attracts and the relationship/influence that has on what it is able to deliver in terms of public amenity and affordable housing.
- 9.8** The planning service must continue to extend its community engagement expertise to ensure that it is reaching all sections of the community. The planning service has very strong links with the main resident and amenity groups across Westminster and it must examine these

relationships and be confident that the views of established and well-organised community groups are balanced by understanding the views of all residents and an understanding of all resident's needs, particularly the needs of those people who are often not heard.

## 10 Implementation, next steps and further support

10.1 To be discussed with Westminster.

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We are grateful for the support of everyone that contributed to this review.



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## **Planning and City Development Committee: 7 November**

### **Item 4: Update on the Planning Review**

The Committee received a report from the Director of Place Shaping and Town Planning providing an update on the Planning Review programme of work to deliver improvements to the processes and practices of the planning service to address the findings of the review carried out by the Planning Advisory Service (PAS), which informed the recommendations that made to Cabinet on 25 October 2018, and which the Cabinet resolved to endorse. The progress on the implementation of the Planning Review programme was previously reported to the Planning and City Development Committee on 20 June 2019. These included: -

- Review of Public Speaking at Planning Applications Sub-Committees

Members welcomed the findings following the review of public speaking at the Planning Applications Sub-Committees and noted that the feedback provided were largely positive and that speakers understood the procedures and process. The Sub-Committee was advised that a visible clock which enable speakers to gauge the time remaining to speak was to be introduced. Members were informed that the speaking procedure rules would be amended to allow previous speakers to be given priority to address the Sub-Committees on Applications that had previously been deferred.

Members agreed that all the Sub-Committees should have two speaking slots for both Objectors and Supporters. This is to ensure that interested persons are given the full allocated time to address the Sub-Committee and reduce occurrences where a single 'speakers' slot was shared between two or more speakers. Members noted that speakers who supported an Application addressed the Sub-Committee first and commented whether this should be amended to allow objectors to be the first speaker.

- Live Streaming at Sub-Committees

The live streaming of the Planning Applications Sub-Committees will start in February 2020. The requisite equipment for streaming meetings has been installed in the Committee's Rooms at 64 Victoria Street. Members commented that the live streaming of meeting may affect the number of requests to make verbal representation at the Sub-Committees and requested that this be reviewed and reported back at the next Committee.

- Pre-Application Community And Ward Member Engagement

Members noted that the Pre-Application Community And Ward Member Engagement schemes was still in the preliminary stages and urged that the process is made informal. The Sub-Committee noted that the forums would be multi-disciplinary and would comprise of residents, officers and councillors. These bodies would also provide better opportunities for lobbying and ensure that all Ward Councillors are involved in the early stages of the planning applications and allow interested parties to influence decisions. The Forum will provide a mechanism which enable developers to test the viability of their application before entering the formal planning

statutory process.

The proposed scheme would encourage early engagement from planning developers and help to formalise this process. Members commented that at the Sub-Committee they had been disclosures that developers had not engaged with interested parties. The Committee noted that developers may wish to engage with stakeholders independently and that a 'hybrid system' would be in operation.

**Resolved:**

1. That the recommendations of the 6-month review of public speaking and the ongoing work on Planning Review programme to implement measures pursuant to the recommendations endorsed by Cabinet in 2018 to make the planning service more proactive, transparent and focused on the delivery of shared strategic and corporate objectives be agreed.
2. That Public speaking be permitted on all previously deferred applications with previous speakers who have addressed the Sub-Committee on the same application be given priority, prior to speaking slots being offered to new speakers.
3. That Neighbourhood Forums be included with Amenity Societies as bodies that may receive a separate public speaking 'slot' on each item.
4. That a timer visibly displaying the remaining time for public speakers be provided to assist those addressing the Sub-Committee.
5. That there be two speaking slots for both Objectors and Supporters on all Planning Applications Sub-Committees.
6. That the amendments to the Speakers Protocol be implemented from January 2020.



**City of Westminster**

## **Planning & City Development Committee**

**Date: 7 November 2019**

**Classification: General Release**

**Title: Update on the Planning Review**

**Report of: Director of Place Shaping and Town Planning**

**Financial Summary: The implications will be managed within existing resources.**

**Report Author and Contact Details: Oliver Gibson (ogibson@westminster.gov.uk/ 020 7641 2680)**

### **1. Executive Summary**

- 1.1 This report presents an update on the Planning Review programme of work to deliver improvements to the processes and practices of the planning service to address the findings of the review carried out by the Planning Advisory Service (PAS), which informed the recommendations that made to Cabinet on 25 October 2018, and which the Cabinet resolved to endorse. Progress on the implementation of the Planning Review programme was previously reported to the Planning and City Development Committee on 20 June 2019 (see Appendix 4).
- 1.2 This report provides a 6-month review of public speaking at Planning Applications Sub-Committees, advises on the imminent introduction of live streaming of Sub-Committee meetings and sets out the options currently being explored to facilitate early pre-application community and Member engagement.
- 1.3 The introduction of public speaking at Planning Applications Sub-Committees has been a success that has significantly enhanced the transparency and accessibility of the Sub-Committee process for planning application decision making. The review of the initial 8-month period of public speaking identifies an overwhelmingly positive overall satisfaction with the process from those speaking at Sub-Committee meetings with only isolated concerns expressed. Recommendations to make limited amendments to the current Planning Applications Sub-Committee Procedure Rules (January 2019), to enhance the overall operation of the public speaking process, are made in Section 4.
- 1.4 Live streaming of Sub-Committee meetings is to be introduced to further enhance the accessibility and transparency of planning decision making i. The equipment to facilitate live streaming of Planning Sub-Committee meetings, which will also be used for other public meetings in due course, was installed in early September 2019. The Council has procured the 'CIVICO' system, which provides a single online platform for the end to end process of recording, editing and web hosting the recorded content. The

system is now undergoing a period of testing prior to the commencement of live streaming.

- 1.5 To facilitate the involvement of residents and Ward Councillors at an earlier stage in the planning process, options are currently being explored to introduce an Early Engagement Forum (EEF), which would be facilitated and chaired by officers and would allow developers to present their schemes to local stakeholders and Ward Councillors in an independent setting, where all parties involved in the planning process would be engaged simultaneously. The forums would occur at the very earliest stage in the pre-application process. This would enhance pre-application community engagement on large and strategic scale schemes, which is currently wholly reliant on developer led pre-application engagement, which can misrepresent the views of local stakeholders and lack genuine engagement with communities.

## **2. Recommendation**

- 2.1 Members are asked to agree the recommendations of the 6-month review of public speaking and note the ongoing work on Planning Review programme to implement measures pursuant to the recommendations endorsed by Cabinet in 2018 to make the planning service more proactive, transparent and focused on the delivery of shared strategic and corporate objectives.

## **3. Background**

- 3.1 The Planning Review programme comprises a programme of work to deliver improvements to the processes and practices of the planning service to address the findings of the review carried out by the Planning Advisory Service (PAS), which informed the recommendations that made by the Chief Executive to Cabinet on 25 October 2018, which the Cabinet resolved to endorse. The recommended changes to the planning service are designed to make the planning service more proactive, transparent and focused on the delivery of the Council's City for All vision and other corporate priorities. The recommendations include measures to make it easier for residents to engage with the planning process in Westminster.
- 3.2 In summary the recommendations endorsed by Cabinet in October 2018 that the Planning Review Programme is seeking to respond to and implement positive change in light of were:
1. To record, and make available post meeting, coverage of Planning Applications Sub-Committee meetings.
  2. To live stream Planning Applications Sub-Committee meetings.
  3. Introduce public speaking rights at Planning Applications Sub-Committee meetings.
  4. Review digital content on the planning process and planning decisions and improve accessibility to the general public.
  5. Improve the way planning policies and decisions are explained to make them easier to understand.
  6. Support resident and Ward Councillor participation at an earlier stage in the process, for example at pre-application stage of major applications.
  7. Increase delegation and review call in procedures to empower officers to take more delegated decisions.
  8. To restate to officers and Members their responsibilities in terms of the Council's gifts and hospitality policies.

9. To restate to officers and elected Members involved in the planning process that they must retain a distance from land owners, applicants, agents and community stakeholders other than at formally arranged visits and meetings.
  10. Create a new Place Shaping and Town Planning directorate.
- 3.3 This report provides a 6-month review of public speaking at Planning Applications Sub-Committees (3 above), advises on the imminent introduction of live streaming of Sub-Committee meetings (1 and 2 above) and sets out the options currently being explored to facilitate pre-application community and Member engagement (6 above).
- 3.4 In terms of the other recommendations endorsed by Cabinet, a new Place Shaping and Town Planning directorate was created in late 2018 (point 10) and the responsibility of officers and Members to retain distant from participants in the planning process and refrain from hospitality has been reiterated (points 8 and 9), with the expectations set by gifts and hospitality policy set out more clearly in an updated 'Guidance for Members Making Planning Decisions' document, which was agreed by the Standards Committee in July 2019 (see also a separate report on this updated guidance on this agenda). Work on points 4 and 5 above, to review online planning content and consider how planning policies and decisions are explained is ongoing. It should be noted that the introduction of the draft new City Plan in 2020 will simplify the development plan for Westminster, consolidating all local planning policies into a single document written less technical and more accessible language. Work to examine options to widen delegated powers among officers is ongoing pursuant to point 7.

#### **4. Considerations**

##### **Review of Public Speaking at Planning Applications Sub-Committees**

- 4.1 In January the Committee resolved to agree the proposed procedures and protocols to allow for members of the public to make verbal representations at the Sub-Committee meetings. Public speaking was subsequently introduced at the Planning Applications Sub-Committee on 26 February 2019. The agreed procedures require speakers to register in advance on the Council's website if they wish to speak and the number of speakers for and against is limited at each committee meeting with each speaker limited to no more than 3 minutes (see 'Planning Applications Sub-Committee Procedure Rules (January 2019)' in Appendix 1). It was agreed at the Planning and City Development Committee in January 2019 that a 6-month review of public speaking would be undertaken, which would include recommendations for improvements to the process for public speaking at Planning Applications Sub-Committee meetings. The following paragraphs set out the 6-month review of public speaking.
- 4.2 Table 1 below set out the usage of public speaking by supporters, objectors and other interested parties since the introduction of the right to speak in February 2019. The data in Table 1 covers the period up to and including the Planning (Major) Applications Sub-Committee on 24 September 2019. In that period 26 Sub-Committee meetings have been held.

**Table 1 – Numbers of Public Speakers between 25 February and 24 September 2019.**

	No. of Applications on Agendas	No. of Applications with Registered Speakers	No. of Speakers Supporting	No. of Speakers Objecting	No. of Amenity Societies	No. of Ward Councillors	Total No. of Speakers
Totals	130	105	80	46	7	13	128
Average	5.00	4.04	3.08	1.77	0.27	0.50	4.92

- 4.3 Table 1 demonstrates that the opportunity to address Planning Applications Sub-Committees has been widely embraced by both supporters and objectors alike, affirming that introducing public speaking, which has afforded greater and transparency to the planning decision making process, was a positive one. There is typically at least one speaker for each application included on a Sub-Committee agenda.
- 4.4 All those registering to speak have been asked to provide feedback on their experience of the registration process and of speaking at the Sub-Committee meeting itself. To date 19 responses have been received. 89% of respondents agreed or strongly agreed that registering to speak at the Planning Applications Sub-Committee was easy to do. Shortly after the introduction of public speaking it was identified that it was possible for those wishing to address the Sub-Committee could inadvertently register to address the Sub-Committee on the wrong date. This issue was resolved by amendment of the information included in the online form and there have been no similar issues with the registration process since. The results of the survey indicate that those engaging in public speaking have overwhelmingly found the registration process to be easy to engage with. As such, no further amendment of the registration process is recommended.
- 4.5 The most common issue arising prior to Sub-Committee meeting is complaints arising where individuals have not taken action to register themselves in time despite the advice provided in letters/ emails sent out advising of the impending Sub-Committee meeting (all public speakers must register by midday on the Friday prior to the Sub-Committee meeting). The procedures do though already allow for the Chairman to exercise discretion where an individual is late registering. This discretion has been used in limited circumstances to date, where the delay in registering has been demonstrated to be for legitimate reasons. It is recommended that this continues to be used only in the most exceptional circumstances to ensure the fair and equitable administration of the Sub-Committee meetings. Accordingly, no amendments are recommended to the time by which they must be registered.
- 4.6 To date there has not been a need for a ballot to decide upon the speakers for a particular item. Typically, residents and other objectors organise themselves into representative groups when opposing developments and this has ensured that where there have been high volumes of objection to a scheme, there have always been less than the maximum permitted number of speakers. Given this aspect of the public speaking procedures has yet to be utilised, it is recommended that it is kept under review at the present time. However, it is clear that for the vast majority of development proposals coming before the Sub-Committees, the current maximum quantum of speakers is set at an appropriate number. However, it is recommended that the Planning Applications Sub-Committee Procedure Rules are amended to afford the Chairman discretion in rare cases where the development before the Sub-Committee is of such strategic importance and of exceptionally high public interest value that a higher number of public speakers would be appropriate to maintain the fairness of access to the Sub-Committee meeting for objectors and supporters alike. No concerns

have been expressed regarding the order of public speakers and it is recommended that the current order of public speakers is therefore maintained.

- 4.7 The current procedures allow recognised or semi recognised amenity societies their own speaking ‘slot’ on each item. In practice this right is rarely used with only 7 persons addressing Sub-Committees on behalf of an amenity society since 26 February, during which time 130 applications have been considered. However, it is recommended that this right to speak in a separate ‘slot’ to other objectors or supporters is extended to registered Neighbourhood Forums, which often represent significant numbers of residents and businesses in the areas of the City that they cover.
- 4.8 The survey data collected from public speakers (see Table 2) demonstrates that to date public speakers have overwhelmingly found the Sub-Committees to be highly competent, clear and transparent decision making panels. 90% respondents agreed or strongly agreed that they had been made to feel welcome by the Sub-Committee. The same significant majority agreed or strongly agreed that they were satisfied with the quality of the Sub-Committee chairman. 74% of respondents agreed or strongly agreed that they felt their views had been taken seriously, whilst 79% of respondents agreed or strongly agreed that the Sub-Committee process was clear and transparent. The lowest approval rating was in answer to whether public speakers felt that they had been part of the decision making process, to which 63% agreed or strongly agreed. Measures such as affording speakers (supporters, objectors, Ward Councillors and others) more time to speak or allowing speakers to be questioned could be considered in order that they may feel more engaged as part of the decision making process. However, such measures would need to be balanced against the need to avoid Sub-Committee meetings becoming overly long or allowing disproportionate weight being attributed to speakers that have been given longer to address the Sub-Committee. Having regard to these considerations it is recommended that the length of time given to public speakers and the format within which they speak (i.e. without questions being asked of them) should remain as set out in the current procedure rules.

**Table 2 – Public Speakers views on the Planning Applications Sub-Committees.**

	Strongly Agree	Agree	Neither Agree or Disagree	Disagree	Strongly Disagree	Response Total
I felt welcome at the planning committee meeting	42.1% (8)	47.4% (9)	0.0% (0)	5.3% (1)	5.3% (1)	19
I felt satisfied with the quality of the Chair	42.1% (8)	47.4% (9)	5.3% (1)	0.0% (0)	5.3% (1)	19
I felt that my views were taken seriously	26.3% (5)	47.4% (9)	15.8% (3)	5.3% (1)	5.3% (1)	19
I felt part of the decision making process	21.1% (4)	42.1% (8)	21.1% (4)	5.3% (1)	10.5% (2)	19
The planning committee process was clear and transparent	26.3% (5)	52.6% (10)	10.5% (2)	5.3% (1)	5.3% (1)	19

- 4.9 The survey of public speakers includes the opportunity for respondents to provide additional comments. 12 of the 19 respondents provided comments, many of which relate to the specific circumstance of the application on which they were speaking. However, of the 12 respondents four commented that a visible clock or timer should be provided to enable speakers to gauge the time remaining for them to speak. Currently only a 30 second verbal warning is provided by the Committee Clerk. Given the consistency of this feedback across the survey responses it is recommended that a visible timer is introduced to assist public speakers.

- 4.10 Paragraph 1.2 of the current procedure rules specifies that *'In the case of items which have previously been deferred by the Planning Applications Sub-Committee and where no new evidence is to be tabled, speakers will not be allowed to make further representations at Committee'*. The current procedure is intended to avoid duplication of presentations to the Sub-Committee. However, there are circumstances that fall outside of the scope of the current wording where it may be reasonable, to ensure the decision making process is fully open and transparent, to allow supporters, objectors and other interested parties to speak again at the subsequent Sub-Committee meeting. For example, this could be the case where applications are deferred for a Sub-Committee site visit or when an application is reported back to a Sub-Committee meeting after an unusually long period of time since the original deferral. In such circumstances, whilst no new evidence or material considerations will necessarily have been presented, it would be advantageous to the Sub-Committee, in terms of its understanding of the views of supporters and objectors, to hear their views again. It is therefore recommended that paragraph 1.2 of the procedure rules are amended to allow public speaking on applications that have previously been deferred, with previous speakers given priority in such circumstances before speaking slots are offered to new speakers.
- 4.11 In summary, the procedure rules agreed at Planning and City Development Committee in January 2019 have operated efficiently and the evidence from the survey of public speakers demonstrates that the overwhelming majority of respondents found public speaking a positive experience, which enhanced their view of planning application decision making in Westminster and contributed to their perception that it is an open and transparent process. Despite this, the 6-month review identifies a small number of minor amendments to the procedure rules which would further enhance the overall public speaking process. These recommendations are:
1. The Chairman should be given discretion in exceptional circumstances to allow a greater number of speakers to speak in relation to applications which are both of strategic importance and exceptionally high public interest value.
  2. Public speaking should be permitted on all previously deferred applications with previous speakers who have addressed the Sub-Committee on the same application given priority, prior to speaking slots being offered to new speakers.
  3. Neighbourhood Forums should be included with Amenity Societies as bodies that may receive a separate public speaking 'slot' on each item.
  4. A timer visibly displaying the remaining time for public speakers should be provided to assist those addressing the Sub-Committee.

### **Live Streaming of Sub-Committee Meetings**

- 4.12 To further enhance the accessibility and transparency of the planning decision making process, live streaming of Sub-Committee meetings will be introduced. The equipment to facilitate live streaming was identified through market analysis and a procurement process as part of the Planning Review programme. The system provided by 'CIVICO' has been selected as it provides the most suitable functionality enabling the delivery of live streaming of Planning Applications Sub-Committee meetings, as well the streaming of other public Council meetings in future. CIVICO provide the same live streaming functionality to a significant number of other Council's, including Birmingham City

Council and the London Borough of Croydon. The CIVICO system provides a single online platform for the end to end process of recording, editing and web hosting the recorded content. The video will be provided via the Council's website via a webpage hosted by CIVICO but branded so that it appears as a seamless extension of the Council's existing website. The webpage on which the live stream and previous recordings will be available will include links to all relevant Sub-Committee agenda papers, reports and minutes.

- 4.13 The system has now been procured and the visual and audio equipment required to facilitate live streaming of Planning Sub-Committee meetings was installed in Rooms 1, 2 and 3 on the 18<sup>th</sup> Floor of 64 Victoria Street in early September 2019. Six cameras have been installed in the committee room, along with new microphones that are compatible with the live streaming technology.
- 4.14 The system is now undergoing a period of testing, with Planning Applications Sub-Committees being recorded, but not live streamed, from 3 September onwards to allow the room set up and camera positioning to be optimised, whilst also allowing Members and officers to become familiar with the technology and additional roles and responsibilities they have during the meeting.
- 4.15 The test recordings were reviewed at the Customer Digital Standards Board on 9 September. The board recognised the impressive underlying performance and functionality of the technology but made recommendations that the appearance of the committee room be improved with branding material being placed within the image frame so that it is recognisably a Westminster meeting. Adjustments to the layout of the room have been made to respond to the Board's recommendations and a large banner will be introduced behind the committee panel to alleviate views of windows and clutter in the background and introduce Westminster branding.
- 4.16 Legal Services are currently finalising a guidance note and protocol that will restate the basis on which there is an existing expectation for officers, Members and third parties participating in public meetings to appear in any recordings being made. In this context, it should be noted that currently Planning Applications Sub-Committee meetings can be, and are regularly, filmed by persons in the public gallery. Any person present already has the right to record proceeding in this way under the Openness of Local Government Bodies Regulations 2014. The protocol being developed by Legal Services will include steps to be taken should Sub-Committee recordings be misused or misrepresented by third parties, particularly through online use on social media, so that the safety and/ or reputation of officers, Members or third parties is not harmed. The CIVICO system will allow users to share clips of Sub-Committee meetings on social media; however, this functionality ensures that the video continues to be hosted by the Council's live streaming provider (CIVICO) and therefore this content could be removed across all social media platforms should it be misused or misrepresented by a particular third party. This functionality ensures the Council will have ultimate control over the use of the video content it publishes.
- 4.17 Testing of the system is ongoing with live streaming to commence during the first quarter of 2020.. This will enable officers to become fully proficient at managing the additional back office processes that are required to manage the recording equipment before, during and after the Sub-Committee meetings. This lead in period will also ensure that measures to enhance the appearance of the committee room and finalise a protocol for persons appearing on the live stream will be in place prior to the 'go live' date. The recordings of Planning Applications Sub-Committee meetings made during the testing phase may be published on the website following the 'go live' date to provide full public access to those meetings that have been recorded.

## **Pre-application Community and Ward Member Engagement**

- 4.18 The Planning Review programme team are in the final stages of options analysis looking at the ways in which earlier engagement with local community stakeholders and Ward Members can be achieved. The preferred operating model is to introduce an Early Engagement Forum (EEF). An EEF would be arranged at the very earliest stage of the pre-application process, typically following first receipt of a major or strategic scale pre-application request of appropriate scale. Officers would advise the pre-applicant of the requirement to undertake this procedure to ensure local community and Ward Councillor engagement and the cost of running the EEF would be obtained from the pre-applicant via an additional fee that will be included in an updated pre-application fees schedule.
- 4.19 An EEF would comprise a forum event facilitated and chaired by officers and would allow developers to present their schemes to local stakeholders and Ward Councillors in an independent setting. The feedback from local stakeholders and Ward Councillors and the questions asked of the developer would be minuted by the officer chairing the meeting and displayed on the City Council's website. Additionally, the written feedback of officers to the developer would include a section discussing the views expressed during the EEF. By ensuring the forums occur at the very earliest stage in the pre-application process it would help to alleviate the problems typically encountered with current developer led pre-application engagement, which can often result in misrepresentation of views expressed by local stakeholders, and which often occurs at the very end of the pre-application process at a stage when developers are not inclined to amend the scheme prior to the submission of a formal planning application. Holding EEFs at the earliest stage of the pre-application process will also enable officers to better understand local stakeholder concerns and aspirations and enable them to incorporate these into their own written advice where they amount to material planning considerations.
- 4.20 Schemes suitable for the use of an EEF would need to be limited to larger major or strategic developments due to the resource implications they would entail. Work is ongoing to establish suitable thresholds for referring applications to an EEF using pre-application data from previous years, with the aspiration to provide this service for up to circa 18-20 applications per year. It is likely though that the threshold that is chosen would need to be caveated to allow officer discretion to refer other major developments to an EEF where they are either known to be of significant local interest or are otherwise sites that have a high profile (e.g. sports stadia, transport interchanges, community buildings/ facilities etc.).
- 4.21 The prospective invitees to EEFs are still to be finalised; however, local residents in the immediate vicinity of the site and Ward Councillors would be invited. A representative of the local amenity society and/ or forum would also be invited. Where a site is adjacent to a ward boundary Ward Councillors from the adjoining ward would be included.
- 4.22 Currently pre-application discussions between developers and the City Council are confidential and pre-application engagement beyond discussions with officers are limited to discussion of schemes of strategic scale with the Cabinet Member and the Chairman of Planning. The intention would be to maintain this format for strategic member engagement and supplement it with the EEF procedure to introduce greater transparency and balance within the pre-application process in accordance with the October 2018 Cabinet recommendation.

- 4.23 The introduction of EEFs will necessitate a change in approach to community engagement for many developers, moving to a more genuinely collaborative and engaged approach to scheme development at pre-application stage. However, national policy in the NPPF supports this approach and notes that: *“Early engagement has significant potential to improve the efficiency and effectiveness of the planning application system for all parties. Good quality pre-application discussion enables better coordination between public and private resources and improved outcomes for the community”* (paragraph 39). Examples of where similar early engagement procedures have been introduced, such as the LB Camden, LB Haringey and Epping Forest DC, indicate that developers of large major and strategic scale schemes are willing to engage with the suggested approach and understand the benefits that an EEF process can deliver in terms of understanding and addressing local concerns and aspirations at the earliest stage of scheme development so that delays can be avoided later in the planning application process. A detailed guidance note on EEFs will be provided on the Council’s website when EEFs are introduced so that developers are aware of both the process to be followed and the benefits that can be achieved for all parties.
- 4.24 The recommended EEF approach to facilitating early engagement with local communities and Ward Members will be reported to the Cabinet Member for Place Shaping and Planning for approval before officers proceed with the implementation phase of EEFs. Assuming Cabinet Member approval, EEFs are expected to be introduced by April 2020.

## **5. Financial Implications**

- 5.1 The implications will be managed within existing resources.

## **6. Legal Implications**

- 6.1 None.

## **7. Conclusion**

- 7.1 Feedback on the initial period of public speaking at the Planning Applications Sub-Committees demonstrates that the implementation of this enhancement of the Sub-Committee process has been successful. Only minor recommendations are made to finesse the originally agreed public speaking protocol, as set out in paragraph 4.11 and the Committee is asked to support these recommendations.
- 7.2 Work on Planning Review programme to implement measures pursuant to the recommendations endorsed by Cabinet in 2018 continue to be ongoing, but work has now been completed or is at an advanced stage on the majority of work streams that comprise the overall programme. The Committee is asked to note the progress that has been made to date on the Planning Review programme to enhance the planning service so that it may become more proactive, transparent and focused on the delivery of shared strategic and corporate objectives.

**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 / 020 7641 2680).**

### **Background Papers:**

1. Planning Applications Sub-Committee Procedure Rules dated January 2019 ([https://www.westminster.gov.uk/sites/default/files/planning\\_applications\\_sub\\_committee\\_procedure\\_rules.pdf](https://www.westminster.gov.uk/sites/default/files/planning_applications_sub_committee_procedure_rules.pdf)),
2. Report to the Planning and City Development Committee dated 17 January 2019 (<https://committees.westminster.gov.uk/documents/s30523/PCD%20Committee%2017%20January%202019.pdf>).
3. Minutes of Planning and City Development Committee dated 17 January 2019 (<https://committees.westminster.gov.uk/documents/s32912/Minutes%20-%2017%20January%202019.pdf>).
4. Report to the Planning and City Development Committee dated 20 June 2019 (<https://committees.westminster.gov.uk/ieListDocuments.aspx?CId=368&MId=4989&Ver=4>)



## **INTRODUCTION**

These guidelines have been produced to help Members of the Planning Applications Committees to make robust and consistent planning decisions. They are supplemented by Member training programmes for both induction of new Members of Planning Committees to ongoing guidance for incumbent Members on a topic basis.

These guidelines do not seek to be comprehensive. Much more information on town planning material considerations and procedural matters can be found in our published guidance leaflets, together with advice from central government on the National Planning Policy Framework, Planning Practice Guidance and the Localism Act. However, if you have any queries or concerns, please discuss them with officers. Contact names and numbers are given at the end of this document. Appendix 1 provides some broad information upon some of the issues that may arise at Committee such as what is permitted development and the use classes order.

The Town Planning Service deals with all planning applications, planning appeals against our decisions, the enforcement of planning control, conservation and design work, the production of information publications, maintenance of the statutory register of planning applications, responses to land search inquiries and general planning inquiries. The service also deals with works to trees and Tree Preservation Order matters.

Planning applications must be decided in the context of published planning policies. The City Council's policies are prepared by City Policy and Strategy, which is part of Policy Performance and Communications Service. The law requires planning decisions to be made in accordance with the policies 'unless material considerations indicate otherwise'.

We attach great importance to consulting the public and local amenity societies and taking their comments into account. However, the way we work, and the way you take decisions, is governed by strict rules about what can and cannot be considered. Importantly, our work is also affected by the need to meet targets for the number of decisions we make within the time periods required by Government.

These are:

- 16 weeks for cases that need an 'Environmental Impact Statement';
- 13 weeks for major cases; and
- 8 weeks for the rest.

The priority we must give to meeting these targets limits the extent of our negotiation with developers once they have submitted their application. However, we encourage developers to enter pre-application discussions.

Any comments you have on these guidelines would be appreciated and will be taken on board when they are next updated

Deidra Armsby

(JA Finalised Version)

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## 1. GOOD PRACTICE IN PLANNING

In dealing with planning matters, it is of utmost importance that you become familiar with and adhere to the requirements of the Members' Code of Conduct. Any failure by you to comply with the ethical standards expected of you may result in a complaint and investigation for the breach of the Code and in certain circumstances, result in you being required to step down or may otherwise have serious ramifications for the reputation of the Council as a whole.

You must not only approach decisions with impartiality but must also have the appearance of impartiality. You must be free of bias and not be pre-determined although legitimate predisposition is lawful. Not complying with these requirements may provide grounds on which applicants may challenge affected decisions. Public confidence in the way in which decision-making is conducted is of considerable importance.

### The Code of Conduct

You should also be aware of and adhere to the following general principles, which are applicable to all public office holders:

- (i) Selflessness (acting in the public interest and not for any financial gain or similar benefit for themselves, friends or family);
- (ii) Integrity (not placing oneself under any actual *or perceived* financial or other obligation to outside individuals or organisations that may seek to influence their decisions);
- (iii) Objectivity (selecting public appointments, awarding contracts or recommending individuals for benefits or rewards should be based upon merit);
- (iv) Accountability (being accountable for decisions and actions to the public and submitting themselves to whatever scrutiny is appropriate to their office);
- (v) Openness (acting in a manner that is as open as possible about the decisions and actions they take, providing the reasons for their decisions and restricting information only where the wider public interest clearly demands it);
- (vi) Honesty (being under a duty to declare any private interests relating to their public duties and to take steps to resolve any conflicts arising in a way that protects the public interest);
- (vi) Leadership (promoting and supporting these principles by leadership and example).

These considerations and general principles must be borne in mind, even when actively engaging in development proposals as enabled by the Localism Act 2011. It should be noted that the Localism Act 2011 expressly provides that a member will not be taken to have had (or appeared to have had) a closed mind just because they had previously done anything that directly or indirectly indicated the member's view on a matter which was relevant to a decision. However, this does not detract from the general importance of approaching decisions with an open mind. You should remember that your overriding duty is to the whole community. You should not favour or appear to favour any person, group, company or locality. You should make planning decisions openly, impartially, with sound judgement and for justifiable reasons.

## **Conduct and Interests**

This Guidance is complementary to the Council's Members' Code of Conduct. Members should apply both the Council's general Members' Code of Conduct and this Guidance in dealing with planning issues.

All Members are always bound by the Council's Members' Code of Conduct ('the Code') and are acting in their official capacity. It will therefore apply regardless of what capacity a Member approaches a planning matter. If a Member has an interest (as defined by the Code) in any matter the existence and nature of the interest must be disclosed at any relevant meeting at the beginning of the meeting.

Where a Member is in any doubt about whether they have an interest and whether it needs declaring they are advised to always seek the advice of the Director of Law or other relevant officers and to disclose all material facts if possible at least 2 days prior to the committee meeting to allow sufficient time for relevant information to be gathered and considered. The responsibility to declare and the decision as to whether an interest should be disclosed and whether to withdraw from the meeting because of any declared interest rests with the Member.

Where a Member has a relevant interest either pecuniary or non-pecuniary the nature of which means the public would consider that the Member could not be objective about the matter they should:

- ask another ward Member to represent ward or local views on such a matter;
- make sure s/he does not get involved in the processing of the application by using their position as a Member to obtain personal access to officers or papers;
- not lobby other Members including via the circulation of letters or emails or by raising the matter in political group or similar meetings;
- not in any way take part in the decision-making.

## **Pecuniary interests**

Members are referred to the Code for definitions of interests but importantly if the Member has a pecuniary interest they may not participate in making the decision either formally or informally behind the scenes. The Member should also avoid giving any appearance of participation as it is important to maintain public confidence in the impartiality of Members in decision-making. Taking part whilst having a pecuniary interest is a criminal offence.

## **Non-pecuniary interests**

Any interest that does not amount to a pecuniary interest, but which would have a significant impact upon a Member's judgement should be declared by the Member at a meeting where that interest is relevant. Whether such an interest should be declared is a matter for the Member's own judgement having full regard to the facts. A planning application on a site near to the Member's home is an example of a non-pecuniary interest.

There are very likely to be interests which do not amount to a pecuniary interest but where the public expectation would be for the Member to not participate. This includes where an application is within a Member's own ward. In such circumstances, to ensure that the the

highest levels of probity and transparency are maintained, the Member should consider standing down for that item, particularly where they have had any engagement with, or received representations from the applicant, their representatives or objectors/ supporters or their representatives, either during or prior to the application,. It falls to the Member in each case to make their individual judgment as to whether their participation is appropriate or not given the nature of the interest. Members are encouraged to declare an interest in a matter for reasons of good practice and transparency for the purposes of being as open as possible with the declaration having no impact on the Member's participation.

### **Bias and predetermination**

Members have a legal duty to avoid bias or the appearance of bias. Bias is the tendency to favour one side of an issue because of an irrelevant factor such as a close relationship with a party to the matter. Members also need to avoid predetermination in other words having a closed mind in a case. They should ensure they do not do or say anything which indicates that they have made their mind up on an application or policy matter before it comes before the Committee for example by stating in advance how they will vote. A Member voting on a planning matter must maintain an open and impartial approach and have regard to all material considerations and all the evidence before coming to their definitive conclusion.

The Localism Act 2011 sets out what a court can take into account in considering whether bias and pre-determination has occurred. Section 25 of the 2011 Act provides that a decision-maker is not to be taken to have had or appeared to have had a closed mind when making the decision just because they had previously done anything that directly or indirectly indicated what view they took or might take in relation to a matter. The aim is that Members act and are seen to act impartially and honestly by approaching each planning decision fairly between the parties and with an open mind. If a Member wishes to take a stance in relation to a development or feels that it will be difficult to demonstrate that they have followed a consistently fair approach between all parties in a case, they should not be part of the decision-making process on the application. In such an instance they can choose to act as a ward Member on that matter. Irrespective of whether a Member has a pecuniary interest in a planning matter they must not be involved in the decision-making if this would render such a decision liable to challenge in the courts on the grounds of bias or predetermination.

### **Gifts and Hospitality**

Accepting gifts and hospitality in your capacity as Member is not unlawful. However, as a Member of Planning Application Committees, you must exercise extreme caution, given how it might be perceived by the public. The best advice is to avoid accepting gifts and hospitality at any time during the planning process including after a decision is made but understandably refusal might be awkward at times. As a minimum you must be scrupulous in declaring gifts and hospitality, as well as all disclosable pecuniary and non-pecuniary interests and if necessary, excuse yourself from planning committee or retire from consideration of a matter to avoid a conflict of interest. Even where gifts and hospitality may be lawfully accepted, Members remain responsible for considering the propriety of doing so and declaring any such gifts and hospitality to avoid speculation and negative perception.

The obligations in the City Council's Code of Conduct are placed on Members individually. You must consider whether your actions could lead to a perception, whether fairly or unfairly that may damage your reputation and/or that of the Council. You should always be aware of whether your conduct promotes and supports high standards of conduct through leadership and by example.

In considering these matters, you should have regard to the value of any benefit received, the number or frequency of such benefits and the connection between the benefits received and planning decisions that you will be involved in making. In some circumstances, actions that are neither unlawful nor breach the Code of Conduct will be inappropriate from the point of view of the Council's reputation.

In accepting any gift, benefit or hospitality Members should consider the following principles to guide them, as suggested by the Committee in Standards in Public Life and adopted in the Members' Code of Conduct:

- *"Purpose" – acceptance should be in the interests of Council departments and should further Council objectives*
- *"Proportionality" – hospitality should not be over-frequent or over-generous. Accepting hospitality frequently from the same organisation/ individual may lead to an impression that the organisation/ individual is gaining influence. Similarly, hospitality should not seem lavish or disproportionate to the nature of the relationship with the provider*
- *"Avoidance of conflict of interest" Members should consider the provider's relationship with the Council, whether it is bidding for work or grants or being investigated or criticised, and whether it is appropriate to accept an offer from a taxpayer-funded organisation"*

Under the Bribery Act 2010 it amounts to an offence to offer financial or other advantage to another person or to accept such an advantage if the receipt or anticipation of receipt of such an advantage would result in, be intended to result in, amount to, or be done in return for the improper performance of a public function. In this case, the public function to be properly performed is the lawful determination of planning applications.

If for any reason you are unclear about what is expected of you, you are advised to seek advice from in the first instance the Director of Place Shaping and Town Planning **before** taking action or accepting gifts or hospitality.

## **Site Inspections**

The Committee may resolve to make a site inspection before reaching a decision. In such cases these are fact finding exercises and not opportunities for applicants and objectors to lobby the members. You should refrain from giving views to either party. If you choose to make your own site visit prior to the committee meeting you should do so alone and should rely on street views only. If you meet an objector or the applicant on site, by accident or design, you should not sit on the determining committee. To do so would be to invite criticism that you have offered one party an unfair advantage.

## **Decisions contrary to Officers' Recommendation**

Planning decisions must be made in accordance with the 'development plan' unless material considerations indicate otherwise. Decisions must be capable of being substantiated so, in the interests of openness and clarity, the reasons for a planning decision contrary to the officers' recommendation should be discussed and clearly agreed and included in the minutes of the Committee meeting.

## **Development proposals submitted by, or which may have an impact on Councillors, their families and their close associates**

It is important that applications submitted by Councillors and their close associates or which relate to sites affecting them/their close associates are processed without the suspicion of impropriety or favouritism. There is a box on the planning application forms which must be completed.

The following advice is provided to assist Members in this situation:

You should declare a pecuniary and non-pecuniary interest where under the Members' Code of Conduct your interest is such that a conflict of interest arises because of family links, business associations, social contacts, membership of clubs or similar associations, land ownership, tenancies and sponsorship. In these circumstances you must declare the nature of your interest and ensure that it is written into the minutes of the meeting and must leave the room without speaking or voting on the item. Where your interest under the Code is non-pecuniary subject to the guidance given at section above, you must declare it for the purposes of ensuring that it is entered the minutes of the meeting but may remain and take part in both speaking and voting on the item.

Where you have applied or are aware that your immediate family members/other close associates have applied, you should advise the Director of Place Shaping and Town Planning or relevant Team Leader.

Proposals submitted by you or your close associates will be presented to Committee for determination and will not be dealt with under delegated powers.

If you have an interest whether pecuniary or otherwise in an application you should ensure that you do not try to use your position to seek to influence the officers' recommendation or Committee Members' decision in determining it, by avoiding direct negotiations with officers and lobbying of other Members and officers. Please see refer to the Good Practice in Planning. In the interests of probity, if you have business or other interests that may bring you into regular contact with the City Council's planning system you should consider whether it is appropriate for you to sit on the Committee.

If you ever have any concerns on issues relating to probity or declaration of interest, you should contact the Director of Law, who will be able to advise you.

## **2. COMMITTEE STRUCTURE**

## **The Planning Applications Committees**

There are three Committees on Tuesdays at 6.30 p.m. on the 18<sup>th</sup> Floor City Hall. There is a Major Applications Committee which comprises of seven members in total (5 from the majority party and 2 from the minority party). Two Sub-Committee's operate which are comprised of four members (Members of the majority party and 1 Member from the minority party, there is therefore a total of 15 Members (3 of whom act as Chairman) who sit on the Committees on a rota basis.

The Committees consider planning and related applications which have generated public interest or concern or are of a major, controversial or sensitive nature or which, if approved, would set a significant precedent. Most of the applications are dealt with by officers under delegated powers. The Committee also decide on whether to confirm Tree Preservation Orders (TPOs) and give guidance to officers and the Cabinet Member on emerging planning policy documents, including Planning Briefs/ Supplementary Planning Documents. In addition, Committee has the power to approve highway works and stopping up orders required in connection with planning applications.

### **Decisions delegated to specified officers**

The Council receives about 200 applications a week and it would be impractical to report them all to the Committees for determination. So, many minor and non-controversial applications are decided by specified senior officers acting under delegated powers and currently deal with 97% of applications by delegated powers.

Members are sent a weekly list of planning applications received, and if you have any questions please contact the relevant team leader or the case officer. If you do decide to request that an application is reported to the Committee for determination rather than being dealt with under delegated powers, you will be expected to set out your reasons and you must attend the committee meeting in person to speak either for or against. If you cannot attend the meeting, you must send a substitute.

In addition, each week we notify you of the more significant applications which we intend to decide under delegated powers. These are known as 'DIRM' cases (Delegated Items Referred to Members). These applications are also shown to the Chairman before each Committee meeting and need his/her agreement before we make the decision. If you have any queries on any DIRM case, please contact the relevant Team Leader.

## **3. COMMITTEE PROCEDURES**

### **The Director's Reports**

The agenda contains separate reports for all the applications that are to be considered. Each report starts with a table of information, a recommendation, a map and photo(s), several relevant drawings, a short summary and a list of consultees and their responses. It then describes the development proposals, details the relevant planning issues and policies and provides a justification for the officers' recommendation. Usually the recommendation is to either grant or refuse permission and is the professional advice of the Town Planning service. At the end of each report, the draft decision letter(s) sets out the conditions or reasons for refusal.

The use of concise reports with clearly justified recommendations has been identified as good practice in various investigations into local government procedures. It assists the debate on development proposals to proceed in a structured and disciplined manner. Importantly it provides evidence that the decision was made in a thorough, proper and considered way.

Any report that asks the Committee to decide whether to confirm a Tree Preservation Order (TPO) is written by the Head of Legal Services. This is because the original decision to make the TPO will normally have been made by the Director under delegated powers; the report to Committee asks Members to balance the reasons for the making of the order against the concerns of objectors to the Order. The Committee, therefore, has a quasi-judicial role in these cases. A tree officer will be present, but only to answer technical questions, not to justify the making of the Order.

Committee may also consider applications to fell TPO trees because they may be causing structural damage and there is a claim for compensation. Such cases are confidential as they raise financial implications for the Council.

The agenda papers are usually sent to you on the Wednesday preceding the Tuesday Committee. In addition to your agenda you will also receive a bundle of background papers (green front cover) which contain copies of the representations that have been received on the agenda items.

Chairs of the Committee are advised of the numbers of people who have applied to speak at Committee by the Committee Officer normally on Friday afternoon once the deadline to register has closed.

Late representations (blue front cover) will be sent to you in the Members' Dispatch the Thursday before the meeting (these include any representations received after the committee report was written). Very late representations (red front cover) will be presented at the committee meeting by the presenting officer.

### **Officers attending Committee**

The **presenting officer** gives a short presentation which describes the proposal, summarises the representations received, describes the impact of the development on neighbours and explains the relevant planning policies and the reason for the recommendation.

We use several monitor screens to show drawings, photographs etc to the members of the Committee, with the images also being relayed to several large flat screens in the public gallery.

The **design officer** at committee gives specialist urban design, architectural and conservation advice and answers your questions on these issues.

The **presiding officer** is present to assist you with more difficult questions and give advice on strategic and corporate policy issues. This will be one of the Area Team Leaders.

A **Legal officer** will be in attendance to ensure legal issues can be fully addressed.

Whenever there is a need for the availability of further expertise relevant officers (for example environmental Health officers, highways engineers) will attend to ensure that Members have a full range of advice and guidance to make robust decisions.

**Public Speaking at Committee**

We notify all those people who make representations including the agent that an application is going to Committee .If they wish to register to speak , this must be done on line [www.westminster.gov.uk/planning-committee](http://www.westminster.gov.uk/planning-committee) and they must register by 12 noon on the Friday before the Committee .

The Committee section will email the Chairman/Committee Members and the presiding officer the names of people who have registered to speak on Friday afternoon and whether speaking in support or against.

It has been agreed that each individual speaker attending the Committees will have 3 minutes to speak.

Speakers at Major Applications Committee are capped at 2 for and 2 against. Sub-Committee it is 1 speaker for and 1 against. If there are more speakers than slots more than one speaker they are asked to either nominate a person to speak on their behalf, or the slots will be divided.

Ward Councillors and the local amenity society if they wish to speak at Committee must also register on line by Noon on Friday.

Late representations to speak after the deadline will not normally be permitted.

Speakers are invited after the officer’s presentation to sit at the desk and address the Committee. On our website is a list of the material planning considerations Committee can consider and those which cannot.

<b>Order of Business</b>
<b>i) Planning Officers presentation of the case</b>
<b>ii) Applicant/agent or other supporters</b>
<b>iii) Objectors</b>
<b>iv) Amenity Society (Recognised or Semi Recognised)</b>
<b>v) Ward Councillor(s) and/or MP(s)</b>
<b>vi) Council Officers response to verbal representations (if required)</b>
<b>vii) Member discussion (including questions to officers for clarification)</b>
<b>viii) Member vote</b>

**Making a Decision**

The order of items on the agenda will have been arranged by officers, usually with the more major or contentious items at the start. However, the Chairman will decide the order in which the cases will be considered, and it depends on whether people have registered to speak

It is usual for items where there are Ward Councillors present to be taken first, followed by items for which there are members of the public present. The presentation, therefore, is not always in agenda order. Overall, the agenda usually comprises between 3 and 8 items.

You may agree or overturn the recommendation or may include additional conditions or agree the recommendation subject to a legal agreement if justified in planning terms. A decision on an item may also be deferred if you wish to visit the site, or consider that further consultations should be undertaken, additional information or clarity is required, or you wish officers to seek modifications to the scheme. Deferred decisions are generally brought back to same Committee for the decision.

Draft decision letters are sent out with your Committee papers. Proposals to grant permission or listed building consent normally include several conditions attached, and these can cover design issues such as the submission of samples of materials and design details, controlling future uses, and limiting hours of building work. An informative is added to decision letters granting planning permission and listed building consent, which summarises the reasons for approval. Decision letters which refuse planning permission/listed building consent must include reason(s) why the development is not acceptable.

### **Overturning a Recommendation**

Sometimes you may not reach the same conclusions as officers and decide not to accept the recommendation, In making their recommendation, the case has been fully assessed by the professional planning officers and pursuant to Council's policies. Decisions are subject to legal challenge and therefore care is required to ensure that such decisions are defensible at appeal or Judicial Review and there is the additional risk of a costs award against the Council where a decision is found to be unreasonable. Planning decisions are often difficult, they require the balancing of conflicting factors and judgement on the weight to be attached to different elements of the consideration. The Presiding Officer is there to assist you and you can ask their professional judgement.

However, where you decide contrary to the officers' recommendation, or impose additional conditions or reasons for refusal, you **must give sound and clear-cut planning reasons** for your decision. You do not have to agree the detailed wording for the extra condition or reason for refusal. This can be brought back for ratification later if necessary but is usually entrusted to senior officers to deal with under their delegated powers. However, you must make clear the **planning reasons** that have led to your decision. It is therefore essential that the grounds for the decision are given and minuted at the Committee meeting, particularly where the recommendation is overturned.

Failure to do this would make it very difficult for the Council to defend its decision on appeal. It is also likely to lead to **a claim for costs being made against the Council**. (See section 8) and raises reputational issues for the Council.

Members will be asked to vote in respect of the final recommendation by a show of hands. The Committee Chairman does have the casting vote. The vote is recorded in the committee minutes.



York Watergate, WC2

#### **4. OTHER TYPES OF APPLICATIONS**

In addition to planning applications, the following types of applications are submitted under the Planning Acts.

##### **Listed Building Consent**

There is an enhanced procedure for proposals involving Listed buildings. Consent is required for most works (both internal and external) to a listed building. These applications may be submitted on their own where the works are purely internal, or in conjunction with planning applications when both internal and external work is proposed. Most applications relating to Grade II listed buildings (the lowest grade) can be decided by the Council without formal clearance from Historic England, as with planning applications. However, for applications involving demolition, and all applications affecting Grade I and Grade II\* buildings, the City Council cannot issue a listed building consent until formally authorised to do so by Historic England. Committee Members are therefore not the sole decision makers in these cases.

The main issues to be considered when dealing with listed building consent applications are the likely effects of the proposal on the architectural or historic qualities of the building.

Section 16(2) of the Planning (Listed Buildings and Conservation Area) Act states:

“In considering whether to grant listed building consent for any works the local planning authority or the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.”

In certain circumstances a further layer of decision making occurs as approval is required from the Secretary of State for the total demolition of a listed building and for any listed building application where the City Council itself is the applicant.

The Planning (Listed Buildings and Conservation Area) Act also gives guidance for situations where the Council is considering a *planning* application affecting a listed building. Section 66(1) states:

"In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses."

### **Advertisement consent**

Separate regulations cover the procedures and relevant considerations for advertisements, which include shop signs, blinds (with writing on) and estate agents' boards. Most small scale, low level, non-illuminated signs do not require consent from the City Council. Material considerations in the determination of Consent are specifically limited to **public safety or amenity**.

With respect to estate agents' boards, the City Council has several specially designated areas ('Regulation 7 Areas') where no signs advertising residential properties are allowed, and where we will only permit signs on commercial properties when the detailed design accords with an agreed code and for a limited six-month period.

### **Planning Enforcement**

Local planning authorities provide planning enforcement services which are a vital part of the planning process. By identifying and tackling cases of unauthorised development, the enforcement process ensures fairness, stops unacceptable development and gives communities confidence in the system. The Localism Act 2011 gave new powers to local planning authorities by extending the time available to them to investigate cases where unauthorised development has been deliberately concealed.

Although effective planning enforcement is fundamental to the integrity of the system, responses to breaches of planning control should always be proportionate. Where work has been undertaken without the necessary permission, there is scope to apply retrospectively for planning permission, and we do request that applicants apply to regularise the situation.

These powers do not condone development being undertaken without the correct permissions, but they do enable local authorities to use their planning enforcement powers proportionately.

Because of an enforcement investigation, a retrospective application is made. In determining such applications at committee members must ensure that the same process of ensuring a robust and consistent decision is made. The fact that unauthorised works have taken place does not change the range of material considerations that determine the decision. The

application must be determined on its planning merits and its retrospective status is NOT in itself a material consideration.

## **5. MAKING PLANNING DECISIONS**

Planning applications are determined in accordance with the statutory development plan, unless material considerations indicate otherwise. The planning system is plan led which means that compliance with planning policy is paramount. For Westminster the statutory development plan consists of Westminster's City Plan 2016, the Unitary Development Plan, the London Plan and any neighbourhood plans. The scope of what can constitute a material consideration is very wide, so long as they relate to land use in the public interest, so that the protection of purely private interests such as the impact of a development on the value of a neighbouring property or loss of private rights to light are not material considerations. It is for the decision maker to decide what weight is to be given to the material considerations in each case.

### **National Planning Policy Framework (NPPF)**

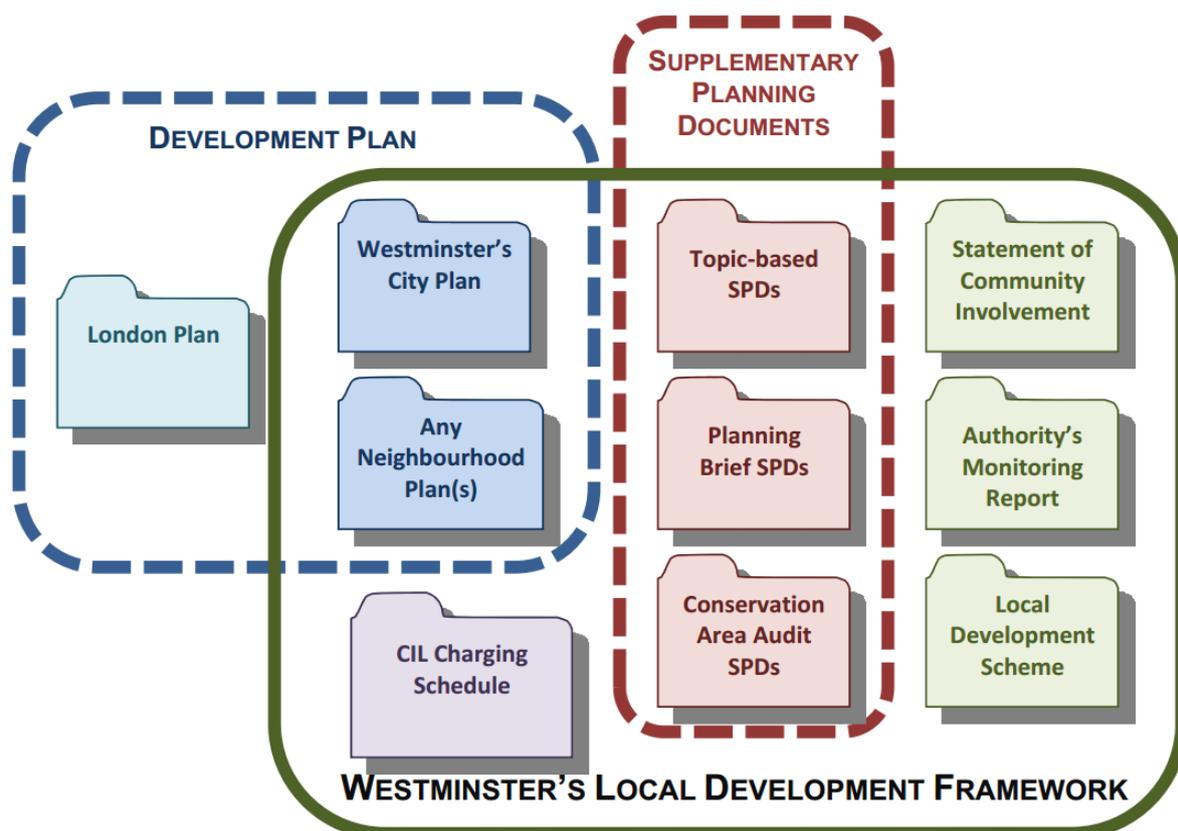
In July 2018, the Government published an updated version of the National Planning Policy Framework (NPPF). This sets out national planning policies for England. It makes clear that the purpose of planning is to help achieve sustainable development, covering economic, social and environmental aspects. It covers both plan-making and the taking of planning decisions. The policies in it must be considered in preparing Local Plans and neighbourhood plans and it is a 'material consideration' in deciding planning applications. However, it does not dictate how local and neighbourhood plans should be written or planning outcomes but is rather a framework for their preparation – we must have regard to what it says but can depart from it where there are sound reasons for doing so.

The recently revised NPPF is a shorter document, and again it is strongly focused in favour of sustainable development and the delivery of more housing.

The NPPF is backed by detailed national guidance on topics brought together in National Planning Practice Guidance. This, for example, deals with the specific requirements around securing affordable housing and administration of the Community Infrastructure Levy.

### **Westminster's Planning Framework**

The diagram below shows the documents which make up Westminster's Local planning policy – each element is explained in more detail below.



## The London Plan

In London the Mayor remains responsible for producing a strategic plan for the capital, in the form of his “spatial development strategy” - commonly known as the London Plan. The London Plan provides London boroughs with an overarching framework for their local plans, helping them to tackle strategic as well as local issues effectively. Local Plans in London need to be in line with (in ‘general conformity’ with) the London Plan, which also guide decisions on planning applications by London borough councils and the Mayor as it forms part of the statutory development plan. Policies in the London Plan are therefore a material consideration in the determination of planning applications. The current London Plan was adopted in 2016.

There have been several major changes to the London Plan following the election of the new Mayor. Consultation of the draft London Plan finished in March 2018 and the examination in public opened in January 2019 and is likely to report in Autumn 2019. It is a material consideration in the determination of planning applications and can be given some weight due to its submission to the Secretary of State for examination in January 2019. The Mayor has produced several supplementary planning documents and of relevance to Westminster are:

Culture & the Night-time Economy Nov 2017  
Affordable Housing & Viability August 2017

## Major Applications Referred to the Mayor

Several major planning applications are referable to the Mayor (developments over 30 m in height, over 150 residential units or on Metropolitan Open Land). The initial consultation

which is undertaken when the application is received is known as Stage 1 referral and is referenced in Committee reports. Following the Committee Council resolution, the application is referred to the Mayor known as Stage 2. The Mayor has 14 days to produce his Stage 2 report and can either be content for the Council to issue approval, or he can direct refusal or call in the application to be determined by the GLA. The mayor does exercise this power.

## **Westminster's Local Plan**

Local Plans are the key documents through which local planning authorities can set out a vision and framework for the future development of the area, engaging with their communities in doing so. Local Plans address needs and opportunities in relation to issues such as housing, the local economy, community facilities and infrastructure. They should safeguard the environment, enable adaptation to climate change and help secure high quality accessible design. The Local Plan provides a degree of certainty for communities, businesses and investors, and a framework for guiding decisions on individual planning applications.

Producing the Local Plan is a shared endeavour – led by the Council but in collaboration with local communities, developers, landowners and other interested parties.

Westminster's local plan is the City Plan which was adopted in November 2016. In conjunction with the City Plan saved Unitary Development Plan (UDP) policies (adopted 2007) are also used to determine planning applications. The saved UDP policies are increasingly outdated and must be replaced by up-to-date detailed development management policies – if not there is the risk that they will be given less weight by inspectors at appeal or by the Mayor and ministers in taking planning decisions affecting Westminster.

## **Draft City Plan**

The City Council is currently working on a review of its City Plan. Informal consultation on the first draft of the City plan 2019-2040 took place between 12.11.2018 and 21.12.2018. Following this informal consultation, any representations received are being considered and the draft plan will be revised in advance of formal consultation under Regulation 19 of the Town and Country Planning Act (Local Planning) (England) Regulations 2012. Given the very early stage in the consultation process, the policies in the emerging draft City Plan are given limited weight now. It is anticipated that the Regulation 19 version of the new City Plan will be issued in June 2019.

## **Neighbourhood Plans**

Neighbourhood planning gives communities direct power to develop a shared vision for their neighbourhood and shape the development and growth of their local area. Communities can prepare plans with legal weight as part of the statutory development plan and can grant planning permission for the development they wish to see through a 'neighbourhood development order'.

In Westminster there are 20 designated Neighbourhood Areas, The Knightsbridge Neighbourhood Plan has been recently adopted (December 2018) and is a material consideration in determining planning applications in Knightsbridge Neighbourhood Area. You will see reference to Neighbourhood Plans in the committee reports.

## **Supplementary Planning Documents**

Supplementary Planning Documents (SPDs) expand on adopted planning policy to provide more detailed information that can be contained in the policies themselves. They give guidance to the public, applicants and developers when making planning applications. In some cases they may set out how policies apply to a particular site.

SPDs do not have the same status as the policies within the Development Plan but have been subject to public consultation and are taken into account as material considerations in dealing with planning applications. They have to be consistent with adopted local plan policies and cannot be used to make new policy.

Westminster has adopted a number of SPDs which are either topic based (e.g. basement development, design matters, statues and monuments etc), conservation area audits or planning briefs. 28 of Westminster's 40 adopted supplementary documents (some are called supplementary planning guidance, or SPGs) were published prior to the adoption of the Unitary Development Plan in 2007 and could therefore be challenged for their relevance. A review of the SPD's will be carried out this year. However, they can be referred to in Committee reports.

## **Statement of Community Involvement**

The Statement of Community Involvement (SCI) sets out how the council will involve the community in the planning process. It sets out the principles for consultation on planning policy documents and for development. For the purposes of Committee reports, consultation procedures and obligations are carried out on Planning proposals in line with legislation and any additional requirements from the SCI.

## **Material Planning Considerations**

This section examines what you should, and should not, consider when deciding planning applications.

In addition to the development plan, it is very important that any other 'material considerations' are considered. The case law on what is or is not 'material' under the planning acts is complex, and officers will give guidance on these matters in reports and at Committee.

Nevertheless, there are some issues (prevention of loss of residential accommodation, protection of historic buildings) where the Secretary of State and the Courts recognise that there should always be a strong presumption in favour of the policy as they are clearly interests of importance. Below are some notes on some of the matters that may arise:

## **National Planning Policy and Guidance.**

The Government's planning policies for England are set out in the revised National Planning Policy Framework (NPPF). The NPPF essentially introduced a presumption in favour of sustainable development and makes it clear that the Government expects planning applications to be granted unless there are very good reasons to the contrary. It provides a framework within which local people and their councils can produce their own

local and neighbourhood plans, which reflect the needs and priorities of their local communities.

### **Third Party Interest.**

Planning is concerned with protecting the public interest, and not with the protection of the private interests of one person against the activities of another. For example, the effect of a proposed development on a neighbouring property in terms of the light it receives as a result, or the privacy of the occupiers, is a valid planning consideration but judged on the basis of fact and degree as it relates to the quality of the community's living environment. However, the financial implications for the neighbour in terms of the value of their property or the effect of any competition on their business, are not valid planning considerations.

### **Moral Considerations.**

It is not acceptable in law to refuse permission for a use on the basis of a moral objection. Permission could, however, be refused should the use be contrary to a planning policy that aims to protect the character and function of an area. Thus, a betting shop or a sex shop cannot be refused purely claiming it is not considered to be a desirable use, nor claiming there are already several others nearby. However, if a proposed betting office would displace a use that serves a useful local function or would lead to an imbalance in the range of shops and services that is detrimental to the character of the area, then refusal could possibly be sustained because they are embedded in the policy framework

Note that uses which may provoke objections on moral grounds e.g. sex shops, also require licences from the Licensing Sub-Committee where wider issues may be considered.

### **Financial Considerations**

This is most likely to arise when applicants propose to offer less affordable housing than our policy sets out to achieve. Our usual practice is to commission an independent viability appraisal. Recommendations to committee will be based on the outcome of this independent study. If you wish to see the full viability reports, please contact the presiding/presenting officer prior to the committee meeting.

The City Council requires that applicant's viability assessment should be prepared on the basis that it will be made publicly available other than in exceptional circumstances. A redacted version is submitted and uploaded on our website.

Financial considerations are gaining in prominence as the NPPF urges a positive approach to economic growth and the Mayor is also carrying out a second viability assessment on Stage 2 referrals and introducing post viability reviews on major schemes. There is a fine balance to be reached in respect of applications which raise viability issues.

### **Personal Considerations.**

The identity of a developer or occupier is not usually a material consideration as planning permission relates to the property and normally continues whoever owns or occupies that property. Personal circumstances are sometimes put forward in support of planning applications, where it is argued that serious personal hardship will result if permission is

refused.

In the case of change of a use, it may be appropriate to take considerations of severe personal hardship or very special circumstances into account. A change of use can be a temporary arrangement and permission, in exceptional circumstances, can be given specifically to an individual, or for a specified time, to expire when that person no longer requires the property for that purpose. In the case of personal permissions, when the named person leaves the property, it has a 'nil' use (i.e. any future use requires the benefit of planning permission). Temporary and personal permissions should be used with care as it is often difficult to 'recover' the original use or argue that continued use (or use by another person) would be harmful.

These considerations will be fully explained in Committee reports.

### **Consistency of Decisions**

The Committee must be consistent in the decisions it takes on similar cases in similar circumstances. Planning authorities must behave equitably between applicants and must be seen to do so. Personal circumstances would need to be very exceptional to justify treating similar applications differently.

Inconsistent decisions can lead, at the very least, to an appeal being upheld, or the award of costs against the local authority for acting unreasonably. (More advice on costs at appeal is given later in this guidance note). In extreme cases, the decision may be quashed in the Courts or be revoked by the Secretary of State, with the payment of compensation to the applicant.

Any previous relevant planning decisions made in respect of the site or on nearby similar properties should be considered, as should relevant appeal decisions.

### **A Summary of Dos and Don'ts**

It is important to remember that the Committees are meetings held in public. There will be an audience with applicants and objectors present to listen to the discussion of their application, and notes may be taken of the proceedings. The applicant, their agents, local amenity societies, residents and Ward Councillors can now register to speak at the committee meetings. The meeting is also recorded. The Committee meetings will be live streamed shortly, and therefore it is important that meetings are conducted in a professional manner. Well conducted planning Committees provide confidence to residents and applicants to invest in the borough as they are symbolic of robust decision making.

The substance of the discussion could be relevant in an appeal against the decision or a legal challenge. Issues discussed may also be referred to the Local Government Ombudsman if there is a charge of maladministration. In extreme cases, there could also be claims of wilful misconduct by Members. If upheld, such charges can lead to personal surcharge and disbarment from public office.

Here are the key dos and don'ts:

**DO HAVE REGARD TO:**

- **The Development Plan (i.e. the City Plan /UDP and Regulation 19 version of City Plan 2019 and existing and emerging London Plan and adopted neighbourhood Plans.**
- **Central Government guidance**
- **Other material considerations set out in the report.**
- **Relevant comments made by residents and other consultees- where they raise legitimate planning grounds/ degree of harm**
- **Consistency of decisions**
- **Giving clear planning reasons for overturning an officer's recommendation**
- **Giving clear reasons for an application's deferral and thereafter its decision-making route**
- **Declaring any interests, you may have that could affect your impartiality**

**DO NOT HAVE REGARD TO:**

- **Matters raised in representations that are not pertinent to planning such as loss of property values or covered by other legislation**
- **Whether the application is retrospective**
- **Other uses that would be preferred\*\***
- **Matters covered by other legislation such as licensing (although there will be overlaps)**
- **Moral considerations**
- **The identity of the applicant (in most cases)**
- **Private interests such as party wall matters, disputes between owners, (unless coinciding with the public interest)**

\*\* Other uses you would prefer to see are not material considerations. You must judge the submitted application on its own planning merits.

**IN CONSIDERING APPLICATIONS WHERE A DECISION WAS PREVIOUSLY DEFERRED BY COMMITTEE, DO HAVE REGARD TO:**

- **Only those matters for which the application was deferred – generally it will not be appropriate to re-open matters that were previously considered and agreed by an earlier committee**

- **New representations received, particularly those that relate to the matters for which the application was deferred**
- **Any new matters raised as a direct result of a revised proposal**



St James's Park, SW1

## 6. CONDITIONS IMPOSED ON PLANNING PERMISSIONS

Local authorities have the power to impose such conditions as they think fit on planning permissions to make otherwise unacceptable development acceptable. Such conditions must, however, comply with the requirements of the National Planning Policy Framework and the associated advice on the use of planning conditions in the Government's Planning Practice Guidance. Planning conditions should only be imposed where they are:

**Necessary** – would the development be unacceptable without the condition?

**Relevant to planning** – the condition must relate to planning objectives and be within the scope of the permission to which it is attached. It should not be used to control matters which can be regulated under other legislation.

**Relevant to the development to be permitted** – the condition should directly relate to the development that is the subject of the permission. It is not, for example, acceptable to use the opportunity of a planning permission to obtain some improvement which is not necessitated by the proposed development.

**Enforceable** – a condition should not be imposed if it cannot be enforced by the local authority: e.g. where it would be impossible to detect a contravention or remedy any breach of condition, or where it concerns matters over which the applicant has no control).

**Precise** – the condition should be clearly worded so the developer is in no doubt as to what must be done to comply with it. Qualitative terms such as 'tidy' or 'nuisance' require interpretation.

**Reasonable in all other respects** – a condition should not be so restrictive that it nullifies the benefit of the planning permission or places unjustifiable/disproportionate burdens on the applicant: e.g. one that imposes unrealistic opening hours. Conditions that require liability for works such as maintenance would also be unreasonable.

It must always be remembered that applicants can appeal to the Secretary of State against the imposition of any condition, so care should be taken that conditions meet all the above tests.

The City Council uses many standard conditions and informatives and if you require any further information please contact the Team Leader.

You may also see reference to a condition (known as a 'Grampian Condition') that prevents any works commencing until appropriate arrangements are in place to secure the agreed planning benefits from a Section 106 Agreement. To comply with the requirements of the condition, the applicant will usually have to complete a Section 106 agreement to discharge this condition prior to starting works on site.

From 1 October 2018, any Pre-Commencement Condition now needs the applicants' written agreement and they are given 10 days' notice. If an applicant fails to agree to a pre-commencement condition, we can refuse planning permission. You will see reference to these pre-commencement conditions in the Committee reports

## **7. PLANNING OBLIGATIONS (SECTION 106 AGREEMENTS)**

### **Introduction**

A planning obligation can involve a legal agreement between the Council and the applicant (and others) or can be offered by the applicant unilaterally. It secures some additional works or other benefits **that are required to make a development proposal acceptable** and which, cannot be secured by a planning condition. They may **prescribe** the nature of the development, **compensate** for loss or damage created by the development; or **mitigate** a development's impact.

The legal mechanism for achieving planning obligations is set out in Section 106 of the Town and Country Planning Act 1990.

Where planning permission is granted for development that includes planning obligations, permission is granted subject to a 'Section 106 legal agreement', which ensures that the obligation is provided. Planning permission is therefore not issued in these cases until that Section 106 has been completed. An obligation is a charge on the land and is enforceable on successors in title to the land.

Advice on the use of planning obligations is provided in the National Planning Policy Framework and in the planning obligations section of the Government's Planning Practice Guidance. The advice makes it clear that the circumstances where obligations will be sought should form part of the development plan. Planning obligations should only be used where it is not possible to address unacceptable impacts of the proposed development by imposing conditions. Planning obligations should only be sought where they are:

1. **Necessary** to make the proposed development acceptable in planning terms.
2. **Directly related** to the proposed development.
3. **Fairly and reasonably related in terms of scale and kind** to the proposed development;

So, for example, under test 3 it would be reasonable that a developer be required to pay for the upgrading of infrastructure that serves the development, but the payment should be related to the degree to which the development would benefit from the upgrading.

The obligations offered may be considered insufficient, and therefore the application may be considered unacceptable on legitimate planning grounds – its failure to satisfy policy requirements, or to appropriately mitigate its impact. However, the NPPF requires that account should be taken of market conditions and that planning obligations should be sufficiently flexible to prevent planned development being stalled.

**The offer of planning obligations cannot make an unacceptable development proposal acceptable.** The form and extent of the obligation is assessed as part of the development proposal. Occasionally, obligations are offered that go beyond what is strictly necessary or directly related to the development proposal. In these circumstances the obligation can, so long as it has some relationship to the development proposed, be accepted. However, it should not be given weight when assessing the merits of the development proposal.

It follows, based on the published advice, that planning obligations should not be viewed as a general opportunity to gain some benefit unrelated to the development in return for a grant of planning permission.

The Council will be updating its Supplementary Planning Document on planning obligations in the light of the new draft City Plan and central government advice in the new NPPF. It is most important for the integrity of the planning system and robust decision making that all obligations secured are dealt with in an open and impartial manner.

### **Acceptable Planning Obligations**

These are examples of items normally accepted as planning obligations:

- (i) The environmental improvement of an area or building outside the development site.
- (ii) The dedication of land or facilities for public recreation, cultural or social use, e.g. areas of public open space, sports facilities or community uses.
- (iii) The provision of light industrial floorspace to be safeguarded in perpetuity for this use, and not to change to office use. (Both uses are normally in the B1 Use Class).
- (iv) The restoration of a listed building or one contributing to a conservation area, over and above the normal maintenance works expected from any property owner.
- (v) The provision of affordable housing.
- (vi) employment training/contribution.

By the time an application comes before Committee, negotiations will have been undertaken to secure the most appropriate development, and, where appropriate, benefits which are related to the development. The weight to be given to these aspects will be addressed in the report. The report will describe the type of obligation offered, and whether it is considered to satisfy the relevant planning policies.

If you are not satisfied with obligations negotiated by officers you may wish to instruct us to negotiate for more, or different, benefits. **However, it is essential that all negotiation for obligations have regard to Government advice and Development Plan policies.** The applicant has the right to appeal against non-determination and, as with appeals against refusal of planning permission, the City Council is at risk of an award of costs if it has acted unreasonably (see Section 8). The City Council should also be seen to be taking a consistent approach to the application of its policies. If either Members or officers are considered to have acted unlawfully or improperly, then there is the risk of an Ombudsman investigation resulting in costs against the City Council and/or individual Members. In exceptional cases aggrieved third parties could seek a judicial review to have the Council's decision quashed.

**Here are the key dos and don'ts.**

<b>DO:</b>
<ul style="list-style-type: none"><li>• <b>Ensure that the obligation is clearly related to the development</b></li><li>• <b>Ensure that the scale of the obligation reflects the scale of the development (it is unreasonable to expect wide scale environmental benefits in relation to a minor scheme)</b></li><li>• <b>Ensure that correspondence relating to the obligation is clear in terms of what is on offer and is available for public scrutiny</b></li><li>• <b>Ensure that the obligation is linked to an agreed programme of works for which there is a commitment to implement (e.g. the obligation should not be in the form of a financial contribution unspecified in purpose)</b></li></ul>

<b>DO NOT:</b>
<ul style="list-style-type: none"><li>• <b>Deal with obligations in a way that is not easily accessible to public scrutiny</b></li><li>• <b>Accept an offer of a contribution of money to the Council for unspecified works</b></li><li>• <b>Approve an unacceptable scheme purely to achieve the obligations on offer</b></li><li>• <b>Insist upon obligations when a scheme is clearly acceptable without them - in such circumstances the benefits can be requested but not insisted upon</b></li></ul>



Portland Mews, Soho W1

## 8. APPEALS AND AWARDS OF COSTS

An applicant can lodge an appeal to the Secretary of State against the Council's decision to refuse planning permission or to impose conditions on a planning permission. The Council has a good record of defending the Council's decisions and overall more than 69% of appeals are dismissed.

In any appeal, an appellant may make a claim for costs against the Council. Costs may be awarded where a party has behaved unreasonably, and this behaviour has directly caused another party to incur unnecessary or wasted expense in the appeal process. Unreasonable behaviour can be related either to the appeal process or the issues arising from the merits of the appeal and can include unreasonable refusal of planning permission, unjustified imposition of planning conditions, unreasonable issue of an enforcement notice or in relation to how the application or enforcement case was handled. A full or partial costs award may be made.

The Council may also seek costs from appellants if they have acted unreasonably and caused the Council unnecessary expense. For example, the Council may seek costs if an appellant pursues an appeal where it was clear that there was no chance of success. Costs may also be claimed if an appellant pulls out of an appeal at a late stage, where the Council has incurred significant expense in preparatory work.

In addition, an award of costs may be made by an Inspector or the Secretary of State on their own initiative if they consider that one party has behaved unreasonably resulting in unnecessary expense and another party has not made an application for costs against that party.

Advice on appeals and award of costs is available in the Appeals section of the Government's Planning Practice Guidance.

## 9. LIST OF CONTACTS

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## **Appendix 1- Background to Planning**

### **Development**

Planning permission is needed for “development”. Development is defined in the Planning Acts as: 'the carrying out of building, engineering, mining or other operations in, on, over or under land, or the making of any material change in the use of any buildings or other land.' Thus 'development' can take the form of either physical works to a building or land, or a change of use of the building or land.

While this definition may seem relatively straightforward there are areas of uncertainty and the legislation gives further guidance. In particular, it makes clear that only works that affect the external appearance of a building require planning permission. Also, it allows people to use their homes for any purpose connected with its residential use. For example, this allows people to work from their homes without obtaining planning permission, but certain restrictions apply. The residential unit must not be divided into more than one unit and the main residential purpose and character of the dwelling must be maintained. Until 2014 demolition in a conservation area required conservation area consent, but this has been abolished, and demolition is dealt with by the planning permission.

If someone is unsure whether their proposal constitutes development, they can apply to the Council for a formal determination. This is known as a Certificate of Lawfulness.

To simplify the process further, the law allows a whole range of minor development to take place without the need for planning permission. These exemptions from planning control are set out in the General Permitted Development Order 1995, which sets out categories of 'permitted development', and the Use Classes Order 1987. Both orders have been amended on several occasions since they were originally published.

### **Permitted Development**

Some types of development may already be permitted nationally, and for these there is no need to apply for planning permission. Permitted development rights are, however, typically subject to conditions and limitations that control development impacts. If development proposed does not meet with the conditions and limitations of permitted development, then it is necessary to apply to the local planning authority for planning permission. We cannot apply the Council's adopted planning policies in dealing with certificates of lawfulness, it is a straight forward assessment is the scheme lawful or not.

Several new permitted development rights have been introduced in recent years to boost housing supply and enable appropriate development to take place more quickly. The Government introduced in May 2013 a number of prior approvals, these include larger householder extensions affording greater freedom for homeowners to improve and extend their properties without the need to apply for full planning permission (subject to appropriate engagement with neighbours). The Government also introduced the prior approval regime which covers a variety of different changes of use for example change of use of offices to residential use, shops/restaurants to residential use, and temporary changes of use for a 2 year period.

The Government in the Chancellors Budget speech announced further changes to prior approval regime. An update of the most recent changes which came into force at the end of May 2019 have been circulated to Members. These changes made the larger householder extensions permanent, extending temporary changes of use from 2 to 3 years and now

includes some Class D1 uses and removing the permitted development rights for telephone boxes.

There is growing opposition to the prior approval rights which allow offices to be converted into flats, as such schemes do not have to provide affordable housing, standard of accommodation and anti-social behaviour. Westminster has an Article 4 that covers offices inside CAZ which removes these permitted development rights.

### Article 4 Directions

An Article 4 Direction is a direction under Article 4 of the General Permitted Development Order which enables the local planning authority to withdraw specified permitted development rights across a defined area. This would bring these types of development within the control of the planning process. There are several Article 4 Directions in place in Westminster – for example to limit basement development, prevent the change of use of shops (A1 Use Class) to financial and professional services (A2 Use Class) in the Core Central Activities Zone, prevent changes of use from offices to residential in CAZ and minor alterations in certain conservation areas/streets such as the Queen’s Park Estate.

### Use Classes

The Use Class Order defines several groups of uses that are sufficiently similar in terms of their impact on the local environment that a change of use within a class, although it may be significant, does not need planning permission. The major Use Classes which are commonly found in Westminster are:

<b>A1</b>	SHOPS	<i>Chemist, grocer, bakers, butcher, hairdresser, ticket/travel agency, off licence, cold food take-away (e.g. a sandwich shop), post office.</i>
<b>A2</b>	FINANCIAL AND PROFESSIONAL SERVICES	<i>Bank, building society, estate agent, betting shop.</i>
<b>A3</b>	RESTAURANTS AND CAFÉS	<i>Businesses where the primary purpose is sale of food and drink for consumption on the premises.</i>
<b>A4</b>	DRINKING ESTABLISHMENTS	<i>Pubs, bars, wine bars.</i>
<b>A5</b>	HOT FOOD TAKEAWAYS	<i>Businesses where the primary purpose is sale of hot food for consumption off the premises.</i>
<b>B1</b>	BUSINESS	<i>Office, light industrial, hi-tech studio.</i>
<b>B2</b>	GENERAL INDUSTRIAL	<i>General industrial processes</i>
<b>B8</b>	STORAGE & DISTRIBUTION	<i>Warehousing or other storage, premises where goods are stored prior to distribution.</i>
<b>C1</b>	HOTELS	<i>Hotels, boarding houses but not hostels.</i>
<b>C2</b>	RESIDENTIAL INSTITUTIONS	<i>Nursing home, residential school, hospital.</i>
<b>C3</b>	DWELLING HOUSES	<i>Flats, houses, or 6 people living together as a single household (including a household where care is provided for residents).</i>
<b>D1</b>	NON-RESIDENTIAL INSTITUTIONS	<i>Medical/health centre, crèche, day nursery, school, museum, library, exhibition hall, public worship</i>

<b>D2</b>	<b>ASSEMBLY AND LEISURE</b>	<i>Cinema, concert hall, bingo hall, dance hall, swimming bath, gymnasium.</i>
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There are also certain uses that are specifically excluded from any use class, such as casinos, night clubs, hostels, theatres, amusement arcades, petrol stations and car showrooms. These are known as **sui generis** uses. Wholesale showrooms (such as the clothing showrooms in East Marylebone) are also treated as *sui generis* uses.

As already mentioned the Permitted Development Order allows some changes of use without the need for planning permission. For *sui generis* uses, there are no permitted development rights.

Many activities do not fall neatly into a Use Class. For example, there is a 'grey area' between a Class A1 sandwich bar and a Class A3 café. To fall within Class A1, the sandwich bar must sell primarily cold food for consumption off the premises. However, a limited proportion of hot food sales, or a few tables and chairs on the premises would not necessarily take the use outside the retail Use Class. There are no hard and fast rules determining where to draw the line deciding whether a use is either A1 or A3 or indeed a mixed use falling into neither class. Many other catering activities will be a mix of Classes A3, A4 and A5. Each proposal of this kind needs careful assessment, considering whether one activity is very dominant, with other activities being 'ancillary', or whether the use is a mixed one falling outside any use class.

Thus, it is not always possible to control a change of use that may be viewed as undesirable. For example, the change of a local food shop or a post office to a coffee shop (as all uses fall within Class A1).

### **Certificates of Lawful Development**

There are three types of Certificates of Lawful Development. The first refers to development that has already been carried out without planning permission. A Certificate of Lawfulness of Existing Development must be granted when, by the length of time the development has existed, it has become lawful. That is, the planning merits cannot be considered. In the case of building works or residential uses, the development becomes lawful after four years. For all other uses, the time is ten years

In certain circumstances, it may not be clear whether planning permission is required for a development. The Certificate of Lawfulness of Proposed Development enables an applicant to seek a formal view on the need for making a planning application. The certificate would be granted where the development proposed does not require planning permission. Again, there is no assessment of the merit of the development proposed: the procedure is restricted to assessing only whether permission is required.

There is also a certificate of lawfulness which relates to very minor works to listed buildings which will not affect the character of the listed building as a building of special architectural and historic interest and therefore does not require consent and not liable to any enforcement action.

### **Works to Trees**

Consent is required for any works to trees covered by a Tree Preservation Order (TPO). In conservation areas, 6 weeks' notice must be given to a local authority before works to

trees are undertaken, thus giving the City Council the opportunity to consider making a TPO.

**Neighbourhood Plans**

There is significant flexibility in what neighbourhood plans can include – they can involve, for example, just a few policies on design or retail uses or they can be comprehensive plans incorporating a diverse range of policies and site allocations for housing or other development. But they must relate to land use and must be consistent with strategic policies in the local plan.

All neighbourhood plans, and orders are subject to an independent examination and a vote by the local community in a referendum. Only a neighbourhood plan or order that have been found to fit appropriately with local strategic and national policies and complying with the detailed legal conditions in the Localism Act 2011 and supporting regulations may be put to a referendum. Neighbourhoods with a substantial number of businesses (as many of ours do) are designated as “business areas”; here plans are subject to referendum among businesses as well as residents.

When a neighbourhood plan has passed examination, achieved successful local support through referendum and is then formally ‘made’ by the Local Planning Authority, it will form part of the statutory ‘development plan’ which is used by the local planning authority in deciding planning applications. This status, the community-led nature of neighbourhood planning and extra funding that the community has a degree of influence over through the community infrastructure levy (see below) are real incentives for communities to get involved.

**Community Infrastructure Levy**

The Community Infrastructure Levy (CIL) is a charge on development to help fund infrastructure which the council, local community and neighbourhoods require to help accommodate new growth from development.

The CIL charge is based on the size, location and type of development (although there are exemptions granted for certain categories of development). Westminster’s CIL Charging Schedule is shown below; rates are per square metre for developments where there is an increase of new build floorspace of 100 sq.m or more:

Use	Area		
	Prime	Core	Fringe
Residential (including all residential ‘C’ use classes)	£550	£400	£200
Commercial (offices; hotels, nightclubs and casinos; retail (all ‘A’ use classes and sui generis retail)	£200	£150	£50
All other uses	Nil		

The Council has a detailed governance arrangement to determine how monies collected under CIL will be spent. Under the CIL Regulations there are requirements to divide CIL revenue into “portions”:

Portion	Percentage of receipts	Process
City CIL Strategic Portion	70 - 80%	Spend decided by Council according to its strategic infrastructure priorities. Spend can be anywhere within Westminster - or outside – providing the infrastructure funded is required to support development in Westminster.
Neighbourhood Portion	Currently 15% of CIL collected in respect of development in each neighbourhood capped at £100 per council tax dwelling. This increases to 25% (uncapped) in places <b>where a neighbourhood plan is in place.</b>	<u>Queen's Park:</u> neighbourhood portion passed to the Community Council who spend it.  <u>Elsewhere:</u> funding <b>retained by the Council</b> and spent by it <b>in agreement</b> with the neighbourhood communities in which development paying a CIL has taken place.
CIL Administrative Expenses Portion	5% of CIL collected	Spend applied to costs of administrative expenses for collection and enforcement in line with legal restrictions on the use of this funding. (NB 4% of the Mayoral CIL collected by the council can also be retained for this purpose).

The Mayor's Community Infrastructure Levy was introduced in 2012 to help finance the Elizabeth line (formerly Crossrail) and is a charge of £80 per square metre on qualifying development in Westminster. Medical, education and affordable housing floorspace is exempt from the Mayoral CIL, all other net floorspace is liable.

Liability to pay CIL arises when planning permission is granted – at which point the council issues a "liability notice" (for this reason the final amount payable is not formally worked out until after permission is granted; we have a CIL Calculator on the council website to help developers work out how much they are likely to have to pay). It is paid within 90 days of development commencing, when a "demand notice" is issued.

The amount of money raised by CIL per year will fluctuate depending on the development cycle/economic conditions, and it is paid on commencement, and not on the grant of permission.

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# Community Services, Business and Planning Policy and Scrutiny Committee

<b>Date:</b>	Monday 23 <sup>rd</sup> March 2020
<b>Classification:</b>	General Release
<b>Title:</b>	Victoria Place Plan
<b>Report of:</b>	Deirdra Armsby, Director of Place Shaping and Town Planning
<b>Cabinet Member Portfolio</b>	Councillor Matthew Green, Cabinet Member for Business and Planning
<b>Wards Involved:</b>	Warwick, Tachbrook, Churchill, Vincent Square and St James's
<b>Policy Context:</b>	Bringing forward objectives linked to the Westminster City Plan
<b>Report Author and Contact Details:</b>	<b>Adam Summerfield</b> <a href="mailto:asummerfield@westminster.gov.uk">asummerfield@westminster.gov.uk</a>

## 1. Executive Summary

- 1.1 The purpose of this report is to provide information on progress and emerging work related to the Victoria Place Plan and to note the appointment of Allies and Morrison who are leading a multi-disciplinary team to develop a new concept masterplan for the area immediately around Victoria Station. This piece of work is known as Future Victoria.

### **3. Victoria Context**

- 3.1 Victoria faces unique pressures and challenges given its enviable position as a busy transport interchange, key economic centre, place of tourism and leisure, and home to a growing residential population.
- 3.2 The last ten years has seen a major increase in mixed-use development and investment in the transport network, but there is still significant room for growth. The new London Plan has identified Victoria Station, the airspace above its tracks and approaches, and nearby sites to have significant potential for mixed-use intensification. In addition, Victoria Station itself needs renovation and investment, presenting the opportunity to create a 21st century service and bring forward improvements of a quality that align with recent works seen at other London Stations such as Kings Cross and London Bridge.
- 3.3 WCC have identified Victoria as an Opportunity Area in its revised City Plan that will deliver the following priorities between 2019 and 2040:
- At least 1,000 new homes and 4,000 new jobs
  - Improved integration between public transport modes
  - Safeguarding of CR2 sites and consideration for the future of Victoria Coach Station
  - Public realm and environmental improvements to enhance the areas capacity, legibility and permeability, particularly for pedestrians and cyclists
  - Enhanced walking routes to Pimlico, Belgravia and nearby visitor attractions
  - Additional and enhanced social and community facilities

### **4. The Victoria Place Plan**

- 4.1 The Victoria Place Plan is a strategic document being developed by WCC's Place Shaping team to describe the issues and priorities in the area and provide a consolidated and wide-reaching vision for Victoria over the next 20 years.
- 4.2 The Place Plan is non-statutory and a 'live' or evolving strategy that will help to realise the area's optimal potential. It will help deliver on the priorities of Westminster's City Plan whilst acting as an evidence base for future planning policy changes or development that is needed to help facilitate this.
- 4.3 The Place Plan takes a holistic and wide-reaching view of the area, considering not only key areas such as the spaces in and around Victoria Station area, but also considering Victoria's connectivity to neighbouring destinations such as Buckingham Palace, the future of Victoria Street and the area's relationship with its adjacent neighbourhoods including Pimlico, Belgravia and Vincent Square. It is a framework that will being help manage conversations such as the potential arrival of Crossrail 2 and help maximise the value outside work and efforts by key stakeholders such as a recent Public Realm study commissioned by the Victoria Business Improvement District.
- 4.4 There are currently two key areas of focus that the remainder of this report will focus on:

- 1) The 'Future Victoria' project
- 2) Victoria Place Plan quick-win projects

## **5. Future Victoria**

- 5.1 In October 2019, the Victoria Partnership, formed of Westminster City Council, Victoria Business Improvement District, Network Rail, the Greater London Authority, Transport for London and landowners, appointed Allies and Morrison to lead a multi-disciplinary team tasked with delivering the 'Future Victoria' project - formerly known as the Victoria Stations Environs Strategy.
- 5.2 Alongside Allies and Morrison, the consultant team includes Weston Williamson and Partners, Mott Macdonald, Snapdragon and Avison Young. This provides us with the diverse range of specialisms needed to deliver this project including relevant expertise in master planning and urban design, transport and movement, engineering, economic impact and viability, sustainability and community and stakeholder engagement amongst others.
- 5.3 The core objective of this commission is to develop a concept level masterplan that ensures the challenges linked to the station area are considered as a whole, that current missed opportunities are reviewed with refreshed eyes, and a framework can be agreed that guides development for the benefit of all. The projects key aims are:
  - Make the station and interchange easier to use
  - Improve the quality of the streets and spaces around Victoria Station
  - Set out a framework which guides good growth so that it brings benefits to the area
  - Enhance perceptions of Victoria, making it a place that you want to go to
- 5.4 This commission is expected to provide a step-change in current understanding, setting out the physical and spatial design principles, an overarching framework for transport and movement and viability alongside deliverability considerations which will be essential to understanding any potential development context.
- 5.5 It is expected the consultant team will demonstrate how new homes, jobs, commercial, social and leisure facilities can be provided across the various property assets held by the Victoria Partnership whilst considering critical aspects such as the areas heritage value. They will also need to show how the various transport modes that converge on Victoria can form part of a transformative, integrated and fully accessible interchange that is able to accommodate the possible delivery of future routes such as Crossrail 2 or improvements to station infrastructure that can facilitate more efficient and sustainable services.
- 5.6 The consultant team are expected to articulate the symbiotic relationship between viability and density whilst considering the multitude of other elements (transport, social infrastructure, affordable housing, engineering or economic development etc) that are integral to a successful place. It is also critical that the support of the residential, business and political community alongside other

key stakeholders is secured.

- 5.7 The strategy is expected to be completed in July 2020. Proposals arising from this work will be supported by a delivery plan, setting out what needs to be done, by who, how and when. Whilst This is expected to align with the timescales of Westminster City Council's new City Plan, providing a 20-year timescale, it is expected that the delivery plan will set out short, medium and longer-term opportunities within this period.

## **6. Future Victoria – Public Engagement**

- 6.1 Public Engagement is central to the successful delivery of this project and the consultant team have experienced engagement professionals working alongside them to develop and deliver robust public engagement. This will allow those who work, live, and visit the area to have their views and ideas considered at key stages in the process; giving them an opportunity to input meaningfully into the project and emerging ideas.
- 6.2 The first Public Engagement Workshop will be held on Wednesday 15th January 2020 between 6pm – 8pm at St Peter's Church, Eaton Square. WCC have been working to ensure the widest possible audience is aware of this and can register to attend. The broad engagement programme for 2020 has been summarised below.
- 6.3 **Workshop 1 Wednesday 15th January 2020** - The engagement event is at a very early stage when we will ask the community to have their say on aspirations and opportunities for the area.
- 6.4 **Workshop 2 February 2020** - Workshop two looks to ask those being engaged how physical spaces in the urban realm should be addressed. We will be exploring the physical links in the area and where important routes and connections are. We will have identified a number of constraints and opportunities and will be seeking views on them. We will be looking for ideas for how the future of Victoria looks, particularly in terms of the mix of uses in the area. We would also like to hear ideas of what the drivers of change could be and for those engaged to begin to envisage a sense of place.
- 6.5 **Workshop 3 April 2020** - The third workshop will outline the approach to development and where potential development sites are. We will set out suggestions of balances of different users, potential scale and massing, and potential improvements to the public realm, open space and community facilities. We will look to set out and seek views on the trade-offs and choices in terms of what benefits development can bring. In that we can begin to understand the priorities of those who use and experience the area.
- 6.6 **Exhibition Late May 2020** - We will present our findings and our concept masterplan and seek final thoughts and comments for integration. While this is

the final stage in this project, this is only one phase of the development of the Place Plan, so discussions and conversations on the area are far from over.

## **7. Future Victoria - Governance Arrangements**

- 7.1 The Place Shaping Team have worked with the Project Management Office to put in place a governance process to ensure effective management of the project across the council and the 'Victoria Partnership'. At a strategic level, Cllr Matthew Green represents WCC's interests on the Future Victoria Steering Group.
- 7.2 This group will provide high-level strategic guidance and decision making and is chaired by Sir Peter Hendy, Chairman of Network Rail. The group is scheduled to meet three times during the duration of the project.
- 7.3 Discussions will be informed by the above-mentioned engagement events and briefings from a Strategic Working Group made up of senior representatives from the Victoria Partnership whose remit is to exercise oversight and management of the programme, agreeing project deliverables while ensuring alignment with strategies and priorities.
- 7.4 A Client Team Group made up of members from across the Victoria Partnership will be responsible for effective day to day liaison, review and running of the project. We are confident this model will ensure alignment with the commercial and operational requirements of key stakeholders and provide all Council Members, officers, local residents and stakeholders with a platform for continuous engagement.

## **8. Victoria Place Plan – Quick-wins**

- 8.1 As part of the wider Place Plan, the Place Shaping team are also working with Ward Councillors, Neighbourhood Forums and community groups to develop other important projects that have been identified in the local area. These include Victoria Street Piazza, Kings Scholars Passage, the public realm around Victoria Street and the key retail areas in Pimlico and improvements to the green spaces around Tachbrook Estate and Lillington and Longmore Community Centre. A Capital Programme Submission Request was submitted for 2020/21 to help develop these projects.
- 8.2 A Victoria Place Plan website will soon be developed to provide a central reference point for local people and stakeholders on all of the above.

**If you have any queries about this Report or wish to inspect any of the Background Papers, please contact Adam Summerfield**  
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## Community Services, Business and Planning Policy & Scrutiny Committee

<b>Date:</b>	23 March 2020
<b>Classification:</b>	General Release
<b>Title:</b>	<b>2019/2020 Work Programme</b>
<b>Report of:</b>	Director of Policy, Performance & Communications
<b>Cabinet Member Portfolio</b>	Cabinet Member for Community Services and Digital Cabinet Member for Business and Planning
<b>Wards Involved:</b>	All
<b>Policy Context:</b>	All
<b>Report Author and Contact Details:</b>	<b>Lizzie Barrett</b> <a href="mailto:ebarrett@westminster.gov.uk">ebarrett@westminster.gov.uk</a>

### 1. Executive Summary

1. This report presents the suggested work programme for 2019/2020 and also provides suggestions for 2020/2021.

### 2. Key Matters for the Committee's Consideration

- 2.1 The Committee is asked to:

- review and approve the draft list of suggested work programme items (Appendix 1) and prioritise where required; and
- finalise items for the meeting in April 2020.

### 3. Changes to the work programme following the last meeting

- 3.1 The Committee is asked to note the Work Programme (Appendix 1). Officers are conducting a topic selection campaign for the Work Programme for 2020/2021 which will include discussions with directorates.

- 3.2 The Committee is asked to review the Work Programme with a view to making suggestions and finalising the topics for the April 2020 meeting and the coming municipal year.
- 3.3 When reviewing the Work Programme, the Committee may wish to deal with some topics as substantive agenda items at a subsequent meeting in the next work programme or to receive a briefing.

**If you have any queries about this Report or wish to inspect any of the  
Background Papers, please contact Lizzie Barrett**

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**APPENDICES:**

**Appendix 1- Suggested Work Programme**

## **WORK PROGRAMME**

### **Community Services, Business and Planning Policy and Scrutiny Committee 2019/2020**

<b>ROUND FIVE 23 March 2020</b>		
<b>Agenda Item</b>	<b>Reasons &amp; objective for item</b>	<b>Represented by</b>
Cabinet Member Q&A	To receive an update and provide “critical friend” challenge	Councillor Matthew Green Cabinet Member for Business and Planning
Planning review	To review implementation of recommendations of the Planning Review	Deirdra Armsby Oliver Gibson
Victoria Place Plan	To receive an update on this programme	Ruchi Chakravarty

<b>ROUND SIX 29 APRIL 2020</b>		
<b>Agenda Item</b>	<b>Reasons &amp; objective for item</b>	<b>Represented by</b>
Cabinet Member Q&A	To receive an update and provide “critical friend” challenge	Councillor Paul Swaddle Cabinet Member for Community and Digital Services
Contact centres	To receive an update on performance	
Voluntary and community sector	To review the Council’s approach	

