



City of Westminster

Committee Agenda

Title: **Planning & City Development Committee**

Meeting Date: **Tuesday 27th July, 2021**

Time: **6.30 pm**

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

Members: **Councillors:**

Robert Rigby (Chairman)	Eoghain Murphy
Geoff Barraclough	Selina Short
David Boothroyd	Mark Shearer
Jim Glen	Nafsika Butler-Thalassis
Louise Hyams	Guthrie McKie
Tim Roca	Antonia Cox
James Spencer	Susie Burbridge

Please note, due to room capacity limits this will be a virtual meeting and members of the public and press are welcome to follow the meeting and listen to discussions to Part 1 of the Agenda.

The Agenda contents require no formal decisions to be taken by Members.

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

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

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

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

AGENDA

PART 1 (IN PUBLIC)

1. MEMBERSHIP

To report any changes to the membership

2. DECLARATIONS OF INTEREST

To receive and record declarations of interest.

3. MINUTES

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

(Pages 3 - 10)

4. CITY PLAN AND PLANNING POLICY UPDATE

(Pages 11 - 16)

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

(Pages 17 - 34)

6. REVIEW OF PLANNING APPLICATIONS SUB-COMMITTEE FORMATS

(Pages 35 - 46)

7. ANY OTHER BUSINESS WHICH THE CHAIRMAN CONSIDERS URGENT

(Pages 47 - 48)

8. DATE OF NEXT MEETING

- 25 October 2021

**Stuart Love
Chief Executive
19 July 2021**



CITY OF WESTMINSTER

MINUTES

Planning & City Development Committee

MINUTES OF PROCEEDINGS

Minutes of a meeting of the **Planning & City Development Committee** held on **Thursday 18th March, 2021**, Please note that this will be a virtual meeting.

Members Present: Councillors Robert Rigby (Chairman), Geoff Barraclough, David Boothroyd, Jim Glen, Louise Hyams, Matt Noble, Tim Roca, James Spencer, Eoghain Murphy, Selina Short, Richard Elcho, Mark Shearer, Susie Burbridge and Antonia Cox

Also Present: Councillor Matthew Green

1 MEMBERSHIP

- 1.1 Election of Deputy Chairman
- 1.2 The Chairmen proposed that Councillor Jim Glen be appointed as Deputy Chairman for the duration of the Meeting.

There being no other nominations it was

RESOLVED:

That Councillor Jim Glen be appointed as Deputy Chairmen for the duration of the Meeting

2 DECLARATIONS OF INTEREST

- 2.1 Cllr David Boothroyd declared that he was Head of Research and Psephology for Thorncliffe, whose clients were companies applying for planning permission from various local authorities. No current schemes were in Westminster; if there were he would be precluded from working on them under the company's code of conduct.

3 MINUTES

- 3.1 That the Minutes of the Planning and City Development Committee meeting held on 28 October 2020 be approved.

3.2 Matters Arising from the Minutes

3.2.1 Minutes 3.2.2 Point 5.4 - Site Visits

Members were advised that site visits will be considered on a case-to-case basis and was scheduled to fully resume after 21 June 2021. It was noted that developers of large planning schemes had been able to ensure that site visits could be undertaken safely.

3.2.2 Minutes 3.2.3 Point 5.7 – Hybrid Meetings

Members were advised that Officers were working collaboratively with the IT Service and an external Provider to ensure that Hybrid Meetings can take place and be broadcasted from City Hall. The Sub-Committee were informed that local authorities were still awaiting guidance from Central Governments about Legislative provisions in relation to Hybrid meetings.

3.2.3 Minutes 3.2.4 Point 5.9 / 5.9- Public Comments on Planning Portals.

Members were informed that software which enable public comments to be re-edited on the public access systems and ensures that offensive postings are not published on public portals was to be put in place in the forthcoming weeks. The software will categorise and group offensive comments. The Committee was informed that the software will be used for applications which are considered as being contentious and likely to attract inappropriate postings.

3.2.4 4 Annual Update On Planning Applications and Appeals Performance 2019/20

Members were informed that a small number of Planning Applications determined by the Planning Sub-Committees went against Officer recommendations. These determinations were reported to amount to 5% of Planning Applications.

4 PROPOSED CLASS E TO RESIDENTIAL PERMITTED DEVELOPMENT RIGHTS

4.1 The Committee received a report which provided an overview of the proposed changes to permitted development rights to enable changes of use from Class E uses to residential use without the need for planning permission, which the Government recently consulted on during December 2020 and January 2021. The proposed permitted development right would result in the council having significantly less planning policy levers with which to deliver sustainable economic growth through planned growth of existing commercial clusters. Should the Government not introduce the mitigation measures recommended in the council's consultation response, the principal impacts of the new right are likely to be:

- Large scale commercial floorspace within the CAZ could be lost to residential impacting in the unique contribution the city makes to the local and national economy.
- Uncontrolled increases in residential floorspace in the CAZ at the expense of commercial floorspace, irrespective of whether it is vacant or surplus to current demand, would undermine its unique character and function of the area.
- Uncontrolled loss of retail and complementary town centre uses at ground floor level within our international, major, district and local shopping centres leading to a loss of overall commercial character and function and an erosion of their vitality and viability. Initial analysis suggests most significant impacts could be in local and district centres outside the CAZ where the offset between commercial and residential property values is typically greater.
- Permitted development schemes could be brought forward without the need to provide any affordable housing or infrastructure to support the increased population, unlike schemes granted planning permission.
- The council's efforts to address the climate emergency would be undermined as permitted development schemes, which would not be required to comply with higher energy performance and sustainability standards in the London Plan and City Plan.
- Permitted development schemes would not be required to optimise the use of residential land leading to inefficient development that fails to meet identified housing demand.

4.2 Members noted the following: -

- That there were there had been limited studies to date looking at the size of floor plates and the potential loss of office units under the proposed permitted development rights scheme for Class E. Members noted that the data which was available focused on London and looked at various grades of office accommodation. The Sub-Committee were reminded that the CAZ within Westminster and other areas in London such as Canary Wharf and City of London had large floor plates and were subject to Article 4 Directions and therefore it was difficult at this stage to determine potential loss of commercial units or demand for conversions.
- That prior-approval schemes had a shorter determination period and had a limited range of criteria in relation to suitability. Members noted that applicants would be required to apply for a full planning application if they fail to meet the prior approval criteria and noted that the prior approval requirements were not as expansive compared to the planning regime.
- That the mitigation measures recommended in the council's consultation response include limiting developments up to 10 new units only and restricting the use of floorspace. These recommendations are also favoured by other local planning authorities.
- That Central Governments purpose for the permitted development rights for Class E was to ensure that the High Street is revitalised and to allow

flexibility in the use of units in areas where there are vacant properties. The Committee noted that residential units were of a higher value than commercial units and that there were concerns about this factor in relation to the High Streets. Members commented on the important role that retail units play in the local economy and employment and their contribution to the character of the area.

- That there was current consultation on amendments to the National Planning Policy Framework (NPPF) and that these amendments will likely introduce extra protection in relation to sustainability. Members were concerned that planning reforms may not fully be effective in preserving conservation areas. Members were advised that the Planning White Paper has suggested that all conservation areas would be given 'Protect' zoning status and therefore the existing need for planning permission for most development within conservation areas would continue in future. Similarly listed buildings would continue to be afforded extra protection from development in future under the Government's proposals.
- That developments which require an Environmental Impact Assessment would require planning permission and be considered under the current planning regime.
- Members commented that the Capital generates £63billion a year towards the economy and noted that London was an international city and part of this revenue came from footfalls of tourists. The Committee commented that this factor should be considered and stressed the importance of safeguarding retail units and noted that the Article 4 Direction aims to preserve the unique characteristics of the Central Activity Zone.
- The Committee was informed that Central Government were aware of the unique characteristics of Westminster and had requested that officers liaise with the Ministry of Housing, Communities and Local Government about the Council's representation to the consultations. These include protection of ground floor uses in international centres and upper size limits on potential permitted development.
- The Committee noted that Great Estates and landlords could determine usage of their properties in future should the level of planning control be eroded by the proposed permitted development rights. It would be incumbent on them, rather than the Council, to approve or refuse certain development proposals for changes of use.
- That the proposed Article 4 Direction would cover all uses within under Class E, with the Direction likely to cover the Central Activities Zone.
- That the Committee should hold further discussion on how secondary shopping areas could be maintained as an active street frontage following the introduction of the new permitted development rights.

- Members agreed that a community impact on areas should be considered alongside the environmental impact and noted that residents were dependent on smaller convenient retail units and would be impacted by the proposed permitted developments rights.
- The Committee commented that newly converted residential units should be marketed domestically and not to overseas buyers.

Resolved:

1. Members considered the contents of the report and noted the likely impacts of the proposed changes to permitted development rights to land uses and future development in Westminster should the Government bring forward the changes in the form consulted on, notwithstanding the significant concerns highlighted in the council's consultation response.
2. That the Committee hold further discussion on how secondary shopping areas could be maintained as an active street frontage under the new planning regime.

5 DRAFT EARLY COMMUNITY ENGAGEMENT GUIDANCE

- 5.1 The Committee received a report which provided an overview of the Draft Early Community Engagement Guidance. Over recent years local communities have raised concerns that they are regularly consulted too late in the planning pre-application process by developers, or in some instances not consulted at all. Often the engagement that is undertaken amounts to presentation of a finalised scheme, which is shortly after submitted as a formal application without scope for the community engagement to influence the proposal. In this context, officers have developed a draft Early Community Engagement Guidance Note.
- 5.2 The purpose of the draft guidance is to ensure that developers are aware of the Council's expectation that community engagement is undertaken as early as possible during the planning preapplication phase using methods that maximise meaningful engagement with all parts of the local community.
- 5.3 The draft guidance sets out examples of good practice and provides a template timeframe for engagement to show how community engagement should be scheduled relative to other pre-application engagement with other stakeholders and officers. It also explains the level of information that should be submitted with pre-application requests to officers and with formal planning applications to demonstrate the community engagement that has been undertaken and how the engagement has helped to refine the finalised development proposal.
- 5.4 The guidance seeks to ensure that all engagement is compliant with the Equality Act 2010 and is inclusive, engaging traditionally disengaged groups as well as those who are more frequently engaged in planning matters. Informal consultation on the draft guidance was undertaken between 15

February and 12 March. In addition to the invitation to provide written comments on the draft guidance officers held discussion forums with residents' groups and the Westminster Property Association during w/c 1 March. The following groups were consulted: -

- Amenity Societies
- Neighbourhood Forums
- Other semi-recognised residents groups
- Business Improvement Districts (BIDs)
- Queens Park Community Council
- Westminster Property Association (WPA)

5.5 Members held a discussion and noted the following: -

- That 5 amenity societies, 7 neighbourhood forums, 2 (BIDs) and the WPA had responded to the consultation.
- That Residents Groups, BIDs and the WPA supported the main principles of the draft guidance, i.e. to deliver more meaningful, transparent and inclusive community engagement. There were also recommendations that the guidance should highlight the importance of engaging with alternative groups, such as youth forums and employees and workers.
- Members agreed that developers engaging in separate consultations with alternative groups should be encouraged. The guidance should encourage developers to use appropriate formats for these discussions, such as digital platforms.
- Consultees considered that greater emphasis should be placed on the importance of the 'planning balance' and the accordancy of proposals with adopted planning policies to manage expectations.
- That Neighbourhood Forums responded to consultation to raise concern that their importance as a consultee in the planning process, particularly where they have adopted a Neighbourhood Plan, was not suitably reflected.
- That Community groups would like to see a process introduced to ensure feedback following engagement is more accurately recorded and presented by developers.
- That BIDs welcomed the recognition in the draft guidance of their role as a key planning consultee and that they requested that they be consulted more formally at application stage.
- That the WPA considered that the Guidance should recognise that there are circumstances where early engagement prior to seeking pre-application advice from officers is not feasible.
- That the WPA had recognised the crucial role of meaningful consultations and engagement in successfully managing change in the built environment and

had agreed that the criteria should be as flexible as possible and so that individual site circumstances, and development size can be taken into account.

- There was recognition that digital forms of engagement had increased participation.
- The Committee noted that the Early Community Engagement Guidance was only a guide and that it was not compulsory for developers to adhere to the advice set out in the document. The Committee agreed that it would be beneficial to developers if they adopt the Guidance, and that this would ensure that schemes are supported by communities. Members were reminded that The National Planning Policy Framework (NPPF) and National Planning Practice Guidance (NPPG) stipulated the extent to which developers are required to engage with the pre-application process.
- The Committee noted that most developers were aware of the benefits of early engagement and that the WPA were of the view that extensive community consultation already occurs on most large and strategic scale development in Westminster, but recognised that there were still scope for improvement.
- Members were advised that engagement during the pre-application stage was informal and that developers were required to take lead when consulting parties and that the Draft Early Community Engagement Guide will provide guidance on how to undertake these consultations. The Planning Service will provide support to developers in relation to engaging with third parties during the application stage.
- Members recommended that a Community Planning Champion should be explored and noted that this individual would act as an 'mediator' between developers and third parties and be an expert on planning statutory requirements and processes. The Committee were informed that there was a 'Community Licensing Champion' and that the individual liaised between parties and helped to negotiate licensing conditions and represented third parties at the Licensing Sub-Committees.
- Members agreed that Committee reports for the Planning Applications Sub-Committees should include a segment which details whether developers had engaged with third parties and when consultations took place. Members commented that the additional segment in the Sub-Committee reports regarding engagements could be used as tool to encourage developers to undertake consultation and will highlight those who fail to do so. The Committee was informed that schemes could not be refused on the basis that developers had failed to consult third parties.
- Members agreed that developers should be encouraged to undertake consultations at the preliminary stage of their schemes and that they liaise with third parties regarding the appearance of new development, its use, and how it will fit in the area. The Committee agreed that developers should

continue to engage with third parties after planning permission has been granted in particular during the construction phase.

- 5.6 Publication of the finalised Early Community Engagement guidance will take place at the later in 2021 following further engagement with interested parties on a revised version of the guidance that addresses the comments made by consultees in response to consultation on the initial version of the draft guidance. Following publication there will be ongoing monitoring of early community engagement by developers. Officers advised that it was envisaged that the measures set out in the guidance are likely to be adopted by the majority of developers in future.
- 5.7 Member thanked Officers for their work on the Draft Early Community Engagement Guidance

Resolved:

1. Members noted the contents of the report and agreed to support the principle of the draft Early Community Engagement Guidance.
2. That Planning Applications Sub-Committees reports include a section which details the engagement that developers have undertaken with third parties prior to submission of a formal application and the dates these consultations took place.

6 ANY OTHER BUSINESS WHICH THE CHAIRMAN CONSIDERS URGENT

- 6.1 The Chair reminded the Committee that they were scheduled to receive training on sustainability, Planning Updates and the City Plan.
- 6.2 The Committee was informed that the Urban Design London had an annual training programme and that members could enrol on their courses. The Training Programme will be circulated to the Sub-Committee.

7 DATE OF NEXT MEETING

- 22 July 2021
- 25 October 2021

The Meeting ended at 8.00 pm

CHAIRMAN: _____

DATE _____



City of Westminster

Planning & City Development Committee

Date: 22nd July 2021

Classification: General Release

Title: City Plan and Planning Policy Update

Report of: Director of Policy and Projects

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

Report Author and Contact Details: Michael Clarkson, City Planning Policy Team Leader (mclarkson@westminster.gov.uk; 07811677027)

1. Executive Summary

1.1 This report provides an update on the adoption of the City Plan and other work being undertaken by the planning policy team.

2. Recommendation

2.1 Members are asked to note the content of this report.

3. City Plan 2019-2040

3.1 The City Plan was adopted on 21 April 2021 following the conclusion of its Examination in Public and the publication of the Planning Inspectors' Final Report in March confirming the City Plan as legally compliant and 'sound'.

3.2 The City Plan 2019-2040 replaces the previous 2016 iteration of the City Plan and the 'saved' policies from the council's 2007 Unitary Development Plan (UDP). It will now be used alongside the 2021 London Plan and any 'made' neighbourhood plans¹ when determining planning applications in Westminster.

3.3 The City Plan represents a significant step forward from the previous policy framework in several policy areas:

3.4 Spatial strategy

3.4.1 The spatial strategy chapter outlines the key parts of the city where the council expects growth will take place, including the Paddington, Victoria and Tottenham

¹ Currently 'made' neighbourhood plans are those of Knightsbridge and Mayfair. These plans apply to applications made within the respective designated neighbourhood areas.

Court Road Opportunity Areas, the West End, and our own developments in Church Street and Ebury Bridge. The chapter also sets out principles of ‘neighbourly’ development to ensure that development positively impacts and enhances its locality.

3.5 Housing

- 3.5.1 The housing policies set the council’s overall target of 20,685 new homes by the end of the plan period in 2040. The policies also raise the percentage of affordable homes to be provided to 35% (from a previous requirement of 30%), with a clear preference for the on-site delivery of affordable housing rather than a financial contribution.
- 3.5.2 The housing policies protect existing housing and will ensure that no new homes are over 200sqm in size (other than in exceptional circumstances), in order to make the best use of Westminster’s scarce land resources.
- 3.5.3 Furthermore, policies support the provision of family-sized homes and specialist forms of accommodation for older people and students. They also support new and innovative types of housing such as Build to Rent and Shared Living, whilst ensuring that sufficient internal and external space is provided for new residents.

3.6 Economy and Employment

- 3.6.1 The policies on the economy and employment ensure stronger protection for our existing office stock than previously, to protect the commercial core of the Central Activities Zone (CAZ). This is supported by commercial floorspace growth to provide 63,000 new jobs by 2040, particularly in the CAZ but also the North West Economic Development Area (NWEDA).
- 3.6.2 Our policies on retail mark a significant departure from previous policy, incorporating the government’s new flexible commercial use class and enabling greater flexibility of commercial uses, whilst protecting the commercial function of the CAZ and our designated retail centres.
- 3.6.3 Our economy and employment policies also control the provision of: arts and cultural uses (including protecting designated Strategic Cultural Areas); food, drink and entertainment uses; community infrastructure; education and skills, and digital infrastructure. There are also specific policies covering the unique areas of Soho, Harley Street, Savile Row, and Mayfair and St. James’s. These areas have been designated to protect the unique clusters of uses found there.

3.7 Connections

- 3.7.1 Our policies on connections go beyond traditional transport policies and encourage walking and cycling as part of active travel options for residents, workers and visitors. They also encourage connectivity and easy interchange between different public transport modes.
- 3.7.2 Our policy on parking provision now aligns with the new London Plan, with on-site parking only to be provided in parts of the city with low levels of access to public transport modes (other than for disabled people). This means most developments will not provide on-site car parking provision.
- 3.7.3 The chapter also contains policies supporting freight and servicing consolidation, electric charging point provision and waterside development along the Thames or our canals and other waterbodies.

3.8 Environment

- 3.8.1 Our environment policies mark a step-change from the previous policy framework by introducing more stringent requirements on air quality, energy and flooding to combat the effects of climate change. Policies also encourage the greening of the city through new and enhanced open spaces, green infrastructure on buildings such as green roofs and walls, and new tree planting.
- 3.8.2 Policies on managing waste and the local environmental impacts caused by development such as light pollution, noise, odour and construction impacts will also raise standards, ensuring sufficient space is dedicated to waste storage and enabling more recycling.

3.9 Design and Heritage

- 3.9.1 Our design policies will ensure that sustainability is embedded in the principles of good design, meeting high environmental performance standards whilst ensuring that new development responds to its local context.
- 3.9.2 Our heritage and townscape policies will protect and enhance Westminster's historic environment including our World Heritage Site, Listed Buildings and Conservation Areas, whilst ensuring new buildings and extensions are sensitively designed.
- 3.9.3 Our policy on building height uses a contextual approach to assess the impact of proposals for taller buildings, setting out some locational principles for those areas of the city where such proposals may come forward in future.
- 3.9.4 Further policies in this chapter encourage an accessible and inclusive yet secure public realm, including controls over public art, statues and advertisements. Our policy controlling the development of basements also ensures they will be sensitively designed and minimises their impacts.

4. Other Planning Policy Work

- 4.1 Following the successful adoption of the City Plan, officers are now working to produce a range of other planning policy documents alongside other workstreams.
- 4.2 Supplementary Planning Documents (SPDs)
 - 4.2.1 Supplementary Planning Documents (SPDs) provide additional detail and guidance to enable successful implementation of the City Plan's new policies. Whilst they don't form part of the council's statutory Development Plan, SPDs hold significant weight in decision-making and are produced subject to a statutory process including formal consultation.
 - 4.2.2 With the new City Plan policies, there is a need to produce a suite of SPDs that will provide guidance on the new policies, whilst consolidating and bringing up to date pre-existing guidance.
 - 4.2.3 In accordance with the council's City for All priorities, officers have been working to produce the Environmental SPD, which was published for consultation from 24th May until 28th June. The Environmental SPD brings together guidance on a range of environmental issues including air quality, green infrastructure, flooding, energy, waste and retrofitting and sustainable design, and also covers local environmental

impacts of development such as light, noise and odour, land contamination and construction impacts.

4.2.4 The consultation also involved stakeholder workshops on each of the main topic areas, alongside receiving written comments. Following the close of the consultation, officers will analyse the findings and consider changes to improve the document. It will then be considered for final adoption in the Autumn. Once adopted, the Environmental SPD will have significant weight in the planning decision-making process.

4.2.5 Other SPDs in production are: Planning Obligations and Affordable Housing; Public Realm, and Design and Heritage.

4.3 Article 4 Direction

4.3.1 Following recent changes to permitted development rights made by the government, the council has issued a new Article 4 Direction for public consultation. The Article 4 Direction will restrict the change of use from commercial to residential uses in the Central Activities Zone (CAZ) without full planning permission.

4.3.2 The council currently has in place an Article 4 Direction preventing the change from offices to residential use in the CAZ without full planning permission, which stays in effect until 1st August 2022. The government has since broadened the scope of permitted development rights to allow all uses in the new “Commercial, Business and Service” use class to benefit from the right to change to residential use without the need for full planning permission.

4.3.3 To ensure the CAZ continues to be protected as central London’s economic core, there is a need for a new Article 4 Direction to balance the competing need for commercial and residential growth and ensure that such proposals are fully considered in line with the council’s development plan policies. The decision to introduce the Article 4 Direction was formally issued on 2nd July 2021 and once formally made, the Direction is subject to a formal six-week consultation that will begin in July. The Article 4 Direction is a ‘non-immediate’ direction and is therefore subject to a 12-month period prior to implementation, which absolves the council of any risk of claims for financial compensation from landowners under the terms of the Town and Country Planning Act 1990. The Direction will therefore come into effect from 1st August 2022, when the previous Direction expires.

4.4 Neighbourhood Planning

4.4.1 The Planning Policy team continues to support Westminster’s designated Neighbourhood Forums in producing neighbourhood plans for their respective areas. Currently there are two ‘made’ (i.e. adopted) neighbourhood plans in Westminster, which are for Knightsbridge and Mayfair. These plans form part of the council’s statutory development plan.

4.4.2 Neighbourhood plans for Fitzrovia West, Soho and Queen’s Park have been progressing through the formal examination stage this year and are now subject to a final referendum before they can be formally ‘made’. As they have been through the formal examination process and have been subject to a final published Examiner’s Report, they do attract some formal weight in individual decision-making in their respective areas.

4.4.3 The Pimlico Neighbourhood Plan has been formally submitted to the council for consideration and is now subject to public consultation until 23rd August. Following this, the council will seek to appoint an independent examiner in consultation with the Neighbourhood Forum, who will then examine the plan later this year.

4.5 Authority Monitoring Report

4.5.1 The council monitors the performance of its planning policies through the production of an annual Authority Monitoring Report (AMR). The AMR contains a series of measures to assess the performance of planning policies, and these key performance indicators (KPIs) can be found in the Implementation and Monitoring chapter of the City Plan.

4.5.2 With the adoption of the new City Plan, officers are working to produce a new format for the AMR to ensure all the new KPIs are captured and that the document is a useful tool for measuring and analysing the effectiveness of the council's planning policies. A new AMR will therefore be published later this year.

5. **Financial Implications**

5.1 The implications will be managed within existing resources.

6. **Legal Implications**

6.1 The Director of Law has considered the contents of this report and does not have any additional comments.

7. **Conclusion**

7.1 Members are asked to note the content of this report and the implications that the new City Plan and associated planning policy work will have for planning decision-making in Westminster.

If you have any questions about this report, or wish to inspect one of the background papers, please contact: Michael Clarkson (mclarkson@westminster.gov.uk; 07811677027).

Background Papers:

City Plan 2019-2040

Environmental Supplementary Planning Document – consultation draft, May 2021

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City of Westminster

Planning & City Development Committee

Date: 27 July 2021

Classification: General Release

Title: Annual Update on Planning Applications and Appeals Performance – 2020/21

Report of: Director of Place Shaping and Town Planning

Financial Summary: None.

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

1. Executive Summary

- 1.1 This report presents an annual update on the performance of the Town Planning service in terms of the timeliness and quality of its planning application decision making and the success rate of planning appeals.
- 1.2 The performance of the department over the period between April 2020 and March 2021 continues to exceed the required performance thresholds set by the Ministry of Housing, Communities and Local Government (MHCLG).

2. Recommendation

- 2.1 Members are asked to consider the contents of this report and to note the ongoing overall good performance of the Town Planning service in terms of its performance in the determination of planning applications and defending decisions to refuse permission at appeal.

3. Background

MHCLG Planning Application Speed and Quality Performance Thresholds

- 3.1 The performance of local planning authorities (LPAs) in determining major and non-major development is assessed by the MHCLG over a 24-month rolling period after every quarter. The assessment of performance is judged by the MHCLG against two separate measures of performance, as set out in 'Improving Planning Performance – Criteria for Designation (revised 2020)', which are:
 - the speed with which applications are dealt with measured by the proportion of applications that are dealt with within the statutory time or an agreed extended period; and,
 - the quality of decisions made by local planning authorities measured by the proportion of decisions on applications that are subsequently overturned at appeal.

- 3.2 For major applications the MHCLG sets a threshold of at least 60% of all decisions being made within 13 weeks or within an alternative timeframe agreed with the applicant. For non-major development the MHCLG threshold is 70%.
- 3.3 The MHCLG measures the quality of decision making by LPAs by monitoring their success rate at appeal. For both major and non-major development, the MHCLG sets a threshold of not more than 10% of the total number of decisions made by an LPA being subsequently overturned at appeal.
- 3.4 Where an LPA does not meet or exceed these thresholds, it can be 'designated' by the MHCLG on behalf of the Secretary of State. Where an LPA is designated, it must produce an improvement plan for areas of weakness and applicants may apply directly to the Planning Inspectorate for determination of the category(ies) of applications for which the authority has been designated.

Planning Appeals Process

- 3.3 Following refusal of any planning decision (including listed building and advertisement consents), applicants have the right of appeal to the Secretary of State. This includes appeals made against the non-determination of an application that has passed the statutory time period for determination or against the serving of a formal Notice including a Planning Enforcement Notice, a Listed Building Enforcement Notice and a Discontinuance Notice Enforcement Notice. There is no right of appeal for objectors or other third parties, only the applicant.
- 3.4 An independent Planning Inspector is appointed by the Secretary of State to determine appeals. Appeals can be dismissed and permission refused for all, some or even different reasons to those used by the Council. If an appeal is allowed, planning permission, or a related consent is granted, subject to conditions determined by the Planning Inspector. There are several grounds of appeal against enforcement notices, including grounds whereby an appellant argues that permission/consent should be granted for the unauthorised works attacked by the Notice. These appeals are in effect the same as an appeal against a refusal of planning permission or listed building consent and the policies used to justify the service of the notice are tested.
- 3.5 There are three types of appeal procedure: written representations, informal hearings and public inquiries. Written representations are the most common, usually used for cases where the planning issues are straightforward and there is limited public interest. Informal hearings consist of a structured discussion, led by the Inspector. Public Inquiries are the most formal, with the parties having legal representation and cross examination of the planning and other expert witnesses. Over the past 15 months the use of digital technology by the Planning Inspectorate has become common place to enable the holding of public inquiries and hearing during the pandemic. The use of virtual or hybrid formats for holding inquiries and hearing is set to continue following the easing of Coronavirus restrictions, as they have been found to make appeals attracting significant public interest significantly more accessible for participants.
- 3.6 Appeal decisions are important in monitoring quality of decision-making and testing effectiveness of policy. As referenced in paragraph 3.1 and 3.3, the Secretary of State uses the percentage of decisions overturned on appeal as an indicator of the quality of decisions made by planning authorities.
- 3.7 When an application is refused, the reasons for refusal need to be clear, evidence based and linked to development plan policies, otherwise there is a risk that the decision could be overturned on appeal. The same is true for the various forms of

enforcement notices. If the Council is deemed to have acted unreasonably, there is a risk of an award of costs against the Council irrespective of the appeal decision itself. A costs award can relate to the full or partial cost of the appellant's costs in making the appeal, dependent upon the nature of the unreasonable behaviour and the extent to which this has resulted in the appellant incurring unnecessary costs in making the appeal. Where an appellant has acted unreasonably during the appeal process the Council can also seek a full or partial award of costs.

- 3.8 Appeal decisions are also important as part of the planning history of a site and a material planning consideration when determining any subsequent applications. An appeal decision can indicate how a development could be amended to make it acceptable. Appeal decisions can also be helpful in testing the wording of current policies and indicating where future changes could be made to improve policies or prevent unintended consequences. Planning decisions always involve a careful balancing of the issues. Understanding where Inspectors place weight on different policies, material planning considerations and their interpretation of the National Planning Policy Framework (NPPF) can help to improve future local decision making.

4. Planning Applications Speed and Quality of Decision Making

Speed of Application Decision Making

- 4.1 For the one-year period from April 2020 to March 2021 the City Council met and exceeded the MHCLG performance thresholds for both major and non-major applications. The major applications threshold was exceeded by 14%, whilst the non-major applications threshold was met. Performance for 2020/21 is shown with comparative data for 2019/20 in Tables 1 and 2.

Table 1 – Performance Against MHCLG Thresholds for Major Planning Applications.

Year	Total Decisions	Total under 13 weeks/ PPA's or EoT's within target	% < 13 weeks or within PPA/EoT Target
2020/21	35	26	77%
2019/20	49	36	74%

Table 2 – Performance Against MHCLG Thresholds for Non-Major Planning Applications.

Year	Total Decisions	Total under 13 weeks/ PPA's or EoT's within target	% < 8 weeks or within PPA/EoT Target
2020/21	2534	1771	70%
2019/20	3168	2317	73%

- 4.2 The latest data published by the MHCLG for the rolling 24-month period up to the end of March 2021 (see Tables 3 and 4) shows Westminster's performance for major applications to be 75%, whilst performance for non-major applications is 72%. The latest performance statistics demonstrate that the planning service continues to handle a high volume of applications, whilst also providing timely decision making for the significant majority of applications.
- 4.3 The timeliness of decision making has been impacted over the period since June 2020 by the constraints imposed by the pandemic on assessment of applications. To address

this, senior officers are taking appropriate steps to improve data monitoring within the department to drive greater focus within the planning teams on speed of decision making, albeit it not at the expense of the quality of decision making or customer service.

Table 3 – Comparison of speed of major application decision making with other Inner London Local Planning Authorities for 24-month period to end of March 2021.

Local Authority	Total Major Apps	Decisions in agreed time limit (13 Weeks, PPA, EoT or EIA)	% of Apps that had a PPA, EoT or EIA	% Within 13 Weeks or Agreed Time Limit	% change on previous performance for 24 months to June 2020
Camden	55	48	81.8%	87.3%	-1.6%
City of London	27	24	88.9%	88.9%	+2.4%
Greenwich	68	68	91.2%	100%	0%
Hackney	83	78	86.7%	94.0%	+5.9%
Hammersmith and Fulham	43	42	78.4%	97.7%	+4.1%
Islington	51	49	78.4%	96.1%	-2.9%
Kensington and Chelsea	55	52	76.4%	94.5%	+2.6%
Lambeth	80	78	89.9%	100%	+2.5%
Lewisham	43	42	76.7%	97.7%	-0.3%
Southwark	86	79	81.4%	91.9%	+16.1%
Tower Hamlets	97	74	85.6%	90.7%	+5.9%
Wandsworth	86	83	80.4%	95.7%	-0.8%
Westminster	84	63	85.7%	75.0%	-5.2%
Inner London Average	66	60	-	90.9%	-

Table 4 – Comparison of speed of non-major planning application decision making with other Inner London Local Planning Authorities for 24-month period to end of March 2021.

Local Authority	Total Non-Major Apps	Decisions in agreed time limit (8 Weeks, PPA, EoT or EIA)	% of Apps that had a PPA, EoT or EIA	% Within 8 Weeks or Agreed Time Limit	% change on previous performance for 24 months to June 2020
Camden	2,654	2,297	76.5%	86.5%	-2.0%
City of London	488	448	61.5%	91.8%	-2.4%
Greenwich	2,468	2,366	34.5%	95.9%	+1.0%
Hackney	2,819	2,401	23.1%	85.2%	+1.1%
Hammersmith and Fulham	2,616	2,353	48.2%	89.9%	+0.8%
Islington	2,295	2,113	32.2%	92.1%	+3.7%
Kensington and Chelsea	3,125	2,202	6.1%	70.5%	-7.4%
Lambeth	3,254	3,134	38.1%	96.3%	+3.1%
Lewisham	3,221	3,030	31.0%	94.1%	+1.2%
Southwark	2,788	2,298	25.6%	82.4% (67.4% with missing data penalty)	+0.8% (-14.2 incl. missing data penalty)
Tower Hamlets	1,553	1,366	36.9%	88.0%	-0.8%
Wandsworth	4,587	3,718	20.0%	81.1%	+2.3%

Westminster	5,702	4,088	14.2%	71.7%	-3.9%
Inner London Average	2,890	2447	-	84.7%	-

4.4 Whilst the performance level of other Inner London Boroughs in the determination of non-major applications is apparently higher than Westminster, as previously reported, it should be noted that with the exception of Kensington and Chelsea, Westminster uses Extensions of Time (EoTs) and Planning Performance Agreements (PPAs) in the determination of non-major applications the least of any of the Inner London LPAs. This is because Westminster charges for entering into PPAs and seeks to determine applications within the 8 week statutory timeframes, rather than artificially extending the application time period as a matter of normal practice. Conversely other Inner London LPAs more prevalently use EoTs to extend timeframes for determination and/or do not charge for entering into PPAs for non-major development. Some LPAs also invite amendments to schemes prior to validation in order to provide additional time for consultation and processing of applications following validation. Consequently, whilst they are able to achieve higher proportions of decisions within the MHCLG timeframes, this does not necessarily mean that their decision making is in practice faster than that of officers at Westminster.

4.5 As set out in paragraph 4.3, senior officers are taking appropriate steps to reverse the decline in performance in terms of speed of decision making. Measures introduced include enhancement of performance management data for Team Leaders, closer casework management of planning officers to prioritise the speed of decision making, introduction of a new departmental structure with a dedicated design and sustainability team to make most efficient and flexible use of resources and recruitment to vacant posts within the newly introduced structure.

Quality of Application Decision Making

4.6 The latest data published by the MHCLG for non-major application appeals demonstrates that in the 24-month period to the end of September 2019 (latest period published by the MHCLG), the City Council handled 6,670 applications of which 191 resulted in appeals and of this number 61 were allowed. As a percentage of the total number of non-major applications handled in this period this equates to 0.9%. This is well below the 10% threshold for designation and maintains the performance for the previous reporting period to March 2019, which was also 0.9%.

4.7 In addition to overturned decisions, Table 5 includes the number of appeals made per 100 non-major applications. This shows the rate of appeal in Westminster to be the lowest across Inner London LPAs, with the exception of the City of London. This suggests that Westminster decisions are well justified in delegated and committee reports leading to a lower proportion of applications being subject to challenge at appeal.

Table 5 – Comparison of quality of non-major planning application decisions with other Inner London LPAs for 24-month period to the end of September 2019 (latest period published by MHCLG).

Local Authority	Total Non-Major Apps	Total Appeal Decisions	No. of appeals made per 100 apps	Total Decisions Over-turned	Quality of Decisions (% over-turned at appeal)	% change on previous 24-month period to March 2019
Camden	3,099	163	5.3	51	1.6%	+0.1%
City of London	541	3	0.6	1	0.2%	0%
Greenwich	2,995	249	8.3	74	2.5%	0%

Hackney	3,303	194	5.9	75	2.3%	0%
Hammersmith and Fulham	3,279	193	5.9	76	2.3%	-0.1%
Islington	2,566	150	5.8	36	1.4%	-0.2%
Kensington and Chelsea	3,646	144	3.9	57	1.6%	-0.2%
Lambeth	3,737	213	5.7	66	1.8%	-0.2%
Lewisham	3,553	227	6.4	59	1.7%	-0.1%
Southwark	2,900	87	3.0	19	0.7%	-0.1%
Tower Hamlets	1,660	73	4.4	15	0.9%	-0.6%
Wandsworth	5,138	148	2.9	43	0.8%	-0.1%
Westminster	6,670	191	2.9	61	0.9%	0%

Table 6 – Comparison of quality of major planning application decisions with other Inner London LPAs for the 24-month period to the end of September 2019 (latest period published by MHCLG).

Local Authority	Total Major Apps	Total Appeal Decisions	No. of appeals made per 100 apps	Total Decisions Over-turned	Quality of Decisions (% over-turned at appeal)	% change on previous 24-month period to March 2019
Camden	74	2	2.7	0	0.0%	0%
City of London	43	0	0	0	0.0%	0%
Greenwich	80	5	6.3	2	2.4%	+1.0%
Hackney	69	2	2.9	0	0.0%	0%
Hammersmith and Fulham	61	4	6.6	1	1.6%	-1.1%
Islington	69	11	15.9	3	4.3%	+1.6%
Kensington and Chelsea	71	9	12.7	3	4.2%	0%
Lambeth	96	10	10.4	7	7.3%	+1.2%
Lewisham	55	3	5.5	1	1.8%	0%
Southwark	123	5	4.0	3	2.4%	+1.1%
Tower Hamlets	94	7	7.4	4	4.3%	-1.6%
Wandsworth	107	3	2.8	3	2.8%	+0.1%
Westminster	96	5	5.2	1	1.0%	0%

4.7 Westminster’s qualitative performance for determination of major applications compares favourably with other Inner London LPAs, with only Camden, City of London and Hackney performing better in the most recent period. However, all three determine significant fewer major applications than Westminster. When compared with other LPAs that determine circa 100 major applications or more within the relevant period (Lambeth, Southwark, Tower Hamlets and Wandsworth), Westminster’s quality of decision making on major applications continues to be superior, as was the case for the previous reporting period.

5. Planning Appeals Performance

Performance Statistics 2020/21

5.1 The annual performance for planning appeal decisions received during the most recent full year are set out below in Table 7, with previous two years provided for comparison. The success rate for the Council at appeal this year (appeals dismissed) was **73%**. In addition to the MHCLG targets, we set our own target for the percentage of appeal decisions we expect to win at 60%. Although performance is slightly lower than last year, this remains above the target. Table 7 also demonstrates a drop in total number of planning appeals decided relative to the preceding years. This is likely to be in part

due to Planning Inspectorate experiencing a backlog and delays in the appeal process due to the pandemic meaning less decisions were processed. Further the number of appeals received in the previous year was unusually high due to an increase in Telecoms and associated advertisement consent appeals for telephone boxes.

Table 7 – Appeal Performance between 1 April 2020 and 30 March 2021

Year	Total No. of Appeals	No. of Appeals Allowed	No. of Appeals Dismissed	% of Appeals Dismissed	WCC Target for Appeal Success
2020/21	147	40	107	73%	60%
2019/20	433	101	332	77%	60%
2018/19	191	60	131	69%	60%

5.2 Of the appeal decisions received during 2020/21 the majority were decided through written representations. There was one decision received following a public inquiry and four appeal decisions made following informal hearings. This is consistent with previous years.

5.3 In terms of types of appeals, a breakdown of appeals won and lost and the types of applications involved is set out below in Table 8. A full summary of all the appeals allowed during 2020/21 and the reasons that the Planning Inspectorate gave for allowing the appeals is provided in Appendix 1.

Table 8 – 2020/21 Appeal Performance by Application Type.

Type of Application	Appeals Decisions Received				
	Total	Allowed	Dismissed	Part Allowed/ Part Dismissed	Percentage either Dismissed/ Part dismissed
Full Planning	65	20	43	2	45 (69%)
Householder	3	1	2	0	2 (67%)
Approval of Details	0	0	0	0	N/A
Prior Approval	4	4	0	0	0 (0%)
Listed Building Consents	19	5	13	1	14 (74%)
Telecoms	25	0	25	0	25 (100%)
Adverts	6	3	3		3 (50%)
Enforcement	19	5	14	0	14 (74%)
Certificate of Lawfulness	2	1	1	0	1 (50%)
Tables and Chairs	2	1	1	0	1 (50%)
Trees	2	0	2	0	2 (100%)
WCC Total	147	40	104	3	107 (73%)

Appeals following a Committee Decision

5.4 Almost all of the above appeals relate to delegated decisions taken by officers. During the 2020/21 period, there was one appeal decision received which related to an application where the decision to refuse permission was taken by one of the Planning Applications Sub-Committees. In this case the original officer recommendation to grant conditional permission was overturned. This was allowed by the Planning Inspector. There were also two appeals for non-determination which were considered by committee after an appeal had been lodged. In both of these cases committee resolved permission would have been granted had an appeal not already been lodged. The allowed appeal decision is summarised below:

Table 9 – Allowed Appeals resulting from Committee Overturned Decisions

	Reference No./ Site Address	Proposal and Appeal Outcome
1.	20/00226/ADV 18 Mercer Street Sub-Committee Report and Minutes Link Appeal Decision Link	<u>Proposal:</u> Display of public art on the wall measuring 11.40m x 15.17m. <u>Sub-Committee Resolution:</u> The Sub-Committee resolved that the application should be refused on the grounds of harm to “local visual amenity”. <u>Reason to Allow:</u> The Inspector in allowing the appeal concluded that the mural would not have an adverse impact on the setting of nearby listed buildings, in terms of its design concluded that it was an appropriate reflection of the bright and vibrant nature of the area; and also that the sentiment of the mural is one of creativity which further reflects the character of the area. Rather than cause harm the Inspector concluded the mural would enhance the character and appearance of the conservation area. She also concluded that there was no evidence the mural would cause disruption to residents and instead would be sited in an already bustling area. The Inspector also concluded that as no harm was identified that the full 5-year period for display should be allowed.

Awards of Costs

5.5 As set out in paragraph 3.7, costs can be awarded against the Council if it has behaved unreasonably in a way that has resulted in the appellant incurring costs that could otherwise have been avoided.

5.6 During the previous financial year there was only one successful partial awards of costs against the Council. This was made in relation to a delegated decision at Flat 6, 74 Portland Place London W1B 1NR, application reference 19/05699/FULL. The appellant’s claim for costs was partially allowed, on the grounds that the Council made errors of fact in its appeal statement, relating to siting of the proposed balustrades and visibility from longer public views from street level. The Inspector concluded that as the Council provided information during the appeal process that was inaccurate, to which the applicant was forced to respond, that has directly caused the applicant to incur wasted expense. However, the Inspector did not accept the appellant’s claim that the Council objected to the principle of development, but rather the design approach.

5.7 The costs awards allowed by Planning Inspectors against the City Council and in favour of the City Council between 2019 and 2021 are set out in Table 10.

Table 10 – Appeal Costs Awards between 2019 and 2021

Year	Costs Awarded Against the Council	Costs Awarded in Favour of the Council
2019	-	£42,500 (Maiden Lane)
2020	£51,364 (157 Edgware Road, 103 Eastbourne Mews and 1 Berkeley Street)	-
2021	£6,680 (74 Portland Place and 2 Barton Street)	£89,000 (Dolphin Square and 26 Leinster Square)
Total	£58,044	£131,500

Appeals received since the adoption of the City Plan

5.8 Although not within this reporting period, appeal decisions received since the adoption of the City Plan 2019-2040 in April have also been analysed. There have been 29 decisions received since this time. Of these the majority of decisions make reference to the new City Plan, but there have been no significant conflicts identified between policies at this stage.

5.9 A fuller analysis will be made of the impact of the adoption of the City Plan in future reports.

7. Financial Implications

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

8. Legal Implications

8.1 None.

9. Conclusion

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

9.2 As set out in the report, management measures were introduced in Q4 2020/21 and structural changes made in Q1 2021/22 to ensure that the downward trend in the speed of determination of applications (particularly non-major applications) is addressed during the forthcoming quarterly performance so that MHCLG performance indicators continue to be met and exceeded.

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

Background Papers:

1. Allowed Appeal Decisions Summary for 2020/21.

Appendix 1 – Allowed Appeal Decisions Summary for 2020/21

All appeals that were allowed during 2020/21 are set out below.

April 2020 Site: 105 Baker Street Description: Use of the ground floor as a juice bar with ancillary seating and food reheating (Class A1) <u>Reason to Allow:</u> The Planning Inspector considered overall the degree of consumption of food on the premises is an ancillary part of the business and allowed the appeal.
Site: 27 Clifton Hill London NW8 0QE Description: Enforcement Appeal - The installation of metal pegs and wires on the exterior elevations of the property <u>Reason to Allow:</u> The Planning Inspector considered that the effect of the metal pegs and wires to form a trellis system over the entire building to have a neutral impact on the building and the wider Conservation Area and allowed the appeal.
Site: Land At 36 St John's Wood Road And 38-44 Lodge Road Description: Appeal against Non-Determination - Redevelopment of land at 36 St John's Wood Road for an extra care facility, ancillary medical and rehabilitation facilities, landscaping, car and cycle parking, and the redevelopment of 38-44 Lodge Road for a care home and residential units along with landscaping, car and cycle parking. <u>Reason to Allow:</u> The appeal was undertaken on the basis that whilst the development was generally acceptable, there was a disagreement over the description of the development and the nature of the use of the larger site. Planning Applications Sub-committee on 22.10.2019 had resolved had an appeal not been lodged, to be refused, by our due to lack of affordable housing to serve the development. The council considered the use to be residential flats (Class C3), but the applicant considered them to be extra care (Class C2 or some other use but NOT C3). The council also considered that the residential flats (C3) triggered the requirement for affordable housing and whilst it was accepted that the development was not currently viable, it considered that early and late stage viability reviews should be secured in the legal agreement, so that in the event that the development became viable, then a contribution to the City Council's affordable housing fund could be sought. In determining the appeal the Inspector for the SOS, agreed with the Council on these two points and allowed the appeal (granted planning permission), but amending the description of the development to refer to residential units (Class C3) and securing early and late stage viability reviews, in order to secure affordable housing contributions, should the development become viable in the future.
May 2020 Site: 144 Praed Street London W2 1HU Description: Temporary telecoms equipment at roof level comprising 3 x 3 metre high poles, 6 antennas, 1 x 0.3 metre dish, 1 x 0.2 metre dish, 4 cabinets and ancillary development thereto for a temporary period of 12 months <u>Reason to Allow:</u> The Planning Inspector considered the loss of signal level would adversely impact on mobile signal availability and significantly impact upon economic growth, public safety and social well-being within the area and therefore the public benefit outweighed the harm to the designated heritage assets. The temporary 12 month period being sought and lack of physical attachment of the equipment were considered to mitigate the harm.
July 2020 Site: 12 Cardinal Walk London SW1E 5JE Description: Variation of condition 3 of planning permission dated 27 March 2018 for Use of 12 Cardinal Walk as restaurant (Class A3), and associated external alterations including the setting out of external tables and chairs namely, to allow for a delivery and takeaway service with collection on foot, bicycle (including electric bicycles) and motorcycle only. <u>Reason to Allow:</u> The Inspector was not convinced that the addition of a takeaway function to the service provided by these restaurant premises would give rise to any noticeable effect on the noise environment of local residents on that score. Some hot food delivery services are made by bicycle, a relatively quiet and unobtrusive method. Some may be made by scooter or motorcycle. Cardinal

Place is already a precinct with numerous bars and restaurants in the Central Activities Zone where, as policy S1 of the Westminster City Plan November 2016 tells us, a mix of uses consistent with supporting its vitality, function and character will be promoted.

Site: Basement Flat 203 Kilburn Park Road London NW6 5LG

Description: Erection of single storey rear extension at lower ground floor.

Reason to Allow: The inspector concluded that the extension would not harm the character and appearance of the building and issues of light pollution and loss of privacy could be overcome by conditions requiring the pitched roof not to be formed of clear glass, and for blackout blinds to be installed to the roof and drawn shut when lights are turned on within the extension during hours of darkness.

August 2020

Site: 53B Clifton Hill London NW8 0QE

Description: Enforcement Appeal - Unauthorised works to create rear dormer roof extension

Reason to Allow: The Inspector allowed the appeal subject to four conditions including a condition requiring detailed drawings to be submitted showing how they would set back the extension by 250mm (in essence exactly what the notice was seeking to achieve).

Sites: 45 Elgin Avenue London W9 3QP, 47 Elgin Avenue London W9 3PP, 53 Elgin Avenue London W9 3PP, 55 Elgin Avenue London W9 3PP

Description: Prior approval under Schedule 2, Part 3, Class M of the Town and Country Planning (General Permitted Development) Order 2015 for change of Use from Class A1 (shops) to Use Class C3 (Residential), associated external alterations.

Reason to Allow: The inspector considered it unlikely that any local resident would be able to meet their day-to-day shopping needs from the retail services to be found in these locations. The four designated shopping centres have a greater scale and choice of retail services and are located nearby; I also note that there are bus stops in the immediate area of the site, including one directly outside the appeal parade. The presence of these four designated shopping centres nearby means that the loss of this now vacant shop unit, or the other three units in the parade that are subject to the aforementioned appeals, would not significantly affect the provision of retail services in this part of Westminster. Furthermore, the absence of a formal designation for the Elgin Avenue / Chippenham Road intersection; the vacancy levels and limited range of retail services to be found there; and the presence of the four designated shopping centres nearby, means that in my view, this would not be a key shopping area as referenced in the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended (the GPDO)3

Site: 11 Hill Road London NW8 9QE

Description: Enforcement Appeal - Demolition of boundary wall in Conservation Area to Listed Building without consent

Reason to Allow: The Inspector considered that the significance of the demolished wall, and consequently the wider site, was being compromised by those historical and unsympathetic repairs. The inspector concluded that as rebuilt, the wall once again presents a uniformity of style that generally reflects how it might originally have appeared at the time of construction whilst retaining the references to the changes that must have taken place to its design over the years. Therefore, the Inspector determined that the appearance of the wall has undergone some improvement, through the use of a uniform brick bond and the rectification of the structural defects and its appearance could be further enhanced, through the imposition of the suggested conditions requiring soot washing, to tone down the brightness of the new work, and the reinstatement of the missing coursing. He therefore granted conditional listed building consent and allowed the appeal.

September 2020

Site: 42 Albemarle Street London W1S 4JH

Description: Display of menu board on railings and a flag pole and flag (Split decision)

Reason to Allow: The Inspector noted that Albemarle Street shares many of the local characteristics present in Old and New Bond Street, and whilst flags in Albemarle Street are not as dominant as those in Old and New Bond Street, they are an integral part of the existing street scene and therefore form part of the character and appearance of the area. Given these circumstances he considered that this was an instance where flexibility of the relevant policy was appropriate. He concluded that given the local characteristics of this busy commercial area, the single flag on a flag pole would not cause harm to the amenity of the area and would preserve the

character and appearance of this part of the conservation area, where flags are a characteristic feature.

Site: 9 Green Street London W1K 6RF

Description: Replacement of windows in front basement lightwell and installation of external security bars

Reason to Allow: The Inspector noted that the basement windows of neighbouring properties have external security bars and observed many others in the area. The proposal would introduce similar bars at the appeal site, and although visible from the street, in the Inspector's opinion they would not be a prominent feature in the street scene, given their low position at pavement level and location behind street railings. concluded that the proposal does not have a significant adverse effect on the character and appearance of the host property and the Mayfair Conservation Area and complies with the Council's policies.

Site: Flat 6 74 Portland Place London W1B 1NR

Description: Alterations to provide new lantern enclosure and glass balustrades associated with the use of roof as a terrace (Flat 6).

Reason to Allow: The Inspector considered that the proposed enclosure would not be generally visible either, and where it was visible it would be subsumed into the surrounding built forms. Similarly, the proposed balustrade is of the same height as the existing railing, and is mostly sited further from the roof edge, again amongst the existing roof structures. Although partially visible from some private views, in particular from 55 Portland Place, but the substantial set back of the obscured glazing would not interfere with the building's frontage and the upper section of the lantern enclosure would be seen against a backcloth of chimneys, lift housings and similar structures. Given these findings on visibility, the proposal's contemporary design would not impact on the completed composition presented by the building, but the Inspector did think that use of appropriate and non-reflective materials is necessary to ensure the proposal is visually recessive and he imposed a condition.

October 2020

Site: 3 Ormond Yard London SW1Y 6JT

Description: Erection of extension at rear third floor level

Reason to Allow: The Inspector states that the character and the appearance of the CA would be preserved, And the architectural and historic character of the building of merit would not be harmed. There would be no conflict with WCP policies S25 and S28 and UDP policies DES9 which aims to preserve or enhance the character or appearance of conservation areas and policies DES1, DES5 and DES6 which seek high quality design and which control the location and design of extensions indicating that permission may be granted for roof structures which are in sympathy with the building's character, storey heights and general elevational proportions.

Site: Development Site At 1 To 3 Berkeley Street, Dover Yard And 70 To 73 Piccadilly London

Description: Display of three non-illuminated commercial advertisements on the scaffolding shroud, featuring a full size image of the existing facade, measuring 20m x 17.5m, 40m x 17.5m and 18.5m x 17.5m for a temporary period between 1 June 2020 and 1 June 2022.

Reason to Allow: The proposal was for a large commercial shroud advertisement, on a full size image of the existing building, at high level on Piccadilly. The inspector agreed that the adverts would be dominant in views. However he considered that the proposal would enliven the site and would be in keeping with the commercial character of the area. He did not consider that the settings of listed buildings would be harmed. This decision is contrary to the overwhelming majority of appeal decisions with respect to shroud adverts.

Site: Eresby House Rutland Gate London SW7 1BG

Description: Installation of a new service riser encasement from ground to seventh floor of existing north east and south west elevation of Eresby House.

Reason to Allow: The inspectorate considered that despite the house's designation in the Pimlico CAA as being one unsuitable for roof extensions, in this instance given that mansards are found on properties elsewhere in the immediate vicinity the extension would be appreciated within the broader context of this part of conservation area and therefore would not cause it harm.

Site: 54 Sussex Street London SW1V 4RG

Description: Erection of a mansard roof extension.

Reason to Allow: The Inspector noted that although the proposal would introduce a mansard roof into a short terrace that currently has an uninterrupted roof form, that they were satisfied that the roof alteration would complement rather than detract from the surrounding character and appearance of the conservation area and that there was no harm, further justified by the presence of mansards within the wider conservation area that he considered to characterise the CA. To the rear, although an untraditional form with a more sheer rear elevation was proposed, as it was set back from the main rear elevation and set behind a parapet, the Inspector considered that this would not be harmful to the building form and so would be acceptable.

Site: 18 Warwick Square Mews London SW1V 2EL

Description: Infill of front porch and installation of security door, windows and canopy (retrospective application).

Reason to Allow: The main issue of the appeal was the visual impact of the aluminium framed security door, glazing and canopy on the appearance of this traditional mews building and the character and appearance of this part of the Pimlico Conservation Area. The proposed development had already been undertaken and permission was sought retrospectively. The Inspector considered that the door, glazing and canopy were all unobtrusive features which were unnoticeable from most of the Mews given the flush arrangement of the glazing and the presence of vegetation (in pots). The Inspector also acknowledged a building immediately opposite the appeal site which has installed aluminium framed glazing without the benefit of planning permission. Despite this nearby example being unauthorised, the Inspector considered that glazing such as that installed at no. 18 was acceptable.

November 2020

Site: New Arch House 57B Catherine Place London SW1E 6DY

Description: Alterations to the dormer and fenestration on the rear facade of the existing mansard roof at the fourth-floor level; addition of a new glass balustrade on the fourth floor and renewal of roof-light on the ground floor rear to replace existing.

Reason to Allow: The Inspector felt that the mansard roof would still sit below the height of the gable parapets and the use of materials to match the existing roof rather than the lower floors would soften the impact of the alterations. Overall, they accepted that the modern interventions would alter the appearance of the building, but did not consider that they would have a significantly detrimental impact on the character and appearance of the building.

Site: 72 Chester Square London SW1W 9DU

Description: Erection of new mews building in Ebury Mews East; alterations to the rear of main house, including infill within the existing courtyard; extension to rear closet wing at second and third floor levels; extension to roof; single storey basement excavation to create plant room; new entrance portico and internal alterations including decorative details, in connection with enlargement of 72 Chester Square

Reason to Allow: The inspector concluded that due to the existence of a variety of rear extensions within the terrace the extension to the rear would not be harmful to the Belgravia Conservation Area. It

would also be broadly consistent with the 21st Century extension at no. 73. They acknowledged that some additional historic masonry would be lost at third floor level by virtue of the proposal, however, the evidence before them illustrated that the internal and external fabric has previously been altered. As such they did not feel that the alteration harm the special interest of the building (as a grade II listed Building).

Site: 7-9 Kilburn High Road London NW6 5SD

Description: Use of two areas of the public highway for the placing of 8 tables and 32 chairs, 16 planters with screens, each area measuring 3.8m x 4.6m in connection with the existing ground floor use

Reason to Allow: The Inspector did not agree with the City Council's view that the external area had taken on a fully enclosed appearance adding a significant sense of excess bulk and massing to the front of

the building, resembling that of an extension and that the 22 planters and screens had resulted in excessive visual clutter in the street scene and on the footway.

The Inspector considered the furniture to be of an acceptable design and appearance and noted that the area was not of such high environmental quality as to be deserving of

special protection, and that the external seating area, including planters and screens, did not impact adversely on the street scene. Additionally, he did not consider that the fears on crime and anti-social behaviour were entirely justified and in allowing the appeal granted a 2 year temporary permission

Site: West One Shopping Centre 381 Oxford Street

Description: Enforcement Appeal - Moving LED advertisements above ground floor level

Reason to Allow: The Inspector concluded that the continued use of the site for the display of advertisements would not cause substantial injury to amenity. In the context of a busy shopping street and in the particular context of the shopfront within which it sits, the Inspector was not persuaded that the digital display screen advertisement subject to the Discontinuance Notice caused substantial injury to amenity. The Inspector considered the harm to the heritage assets (Conservation Areas and the impact on the setting of a listed building) but determined that the neither the character nor the appearance of this conservation areas nor the setting of the listed building were harmed by the digital display screen advertisement subject to the Discontinuance Notice.

Site: 96 Queensway London W2 3RR

Description: Enforcement Appeal - New shop front with folding doors

Reason to Allow: The Inspector concluded that the character of the conservation area as a whole derives in part from a lively mix of uses, particularly at ground floor and that it was a, vibrant place. In that sense, the Inspector concluded that it was entirely consistent with the character of the wider conservation area to have an openable shopfront.

December 2020

Site: 43 Blenheim Terrace London NW8 0EJ

Description: Erection of a single storey rear extension at the lower ground floor.

Reason to Allow: The Inspector considered that the extension would increase the depth of the additions at basement level but this would not result in the original rear elevation being any more cluttered and obscured than it is at present. The fact that the extension would be cumulatively deeper than most other rear extensions to the rear of the terrace would not cause harm. As the closet wing is a later addition, its being 'enveloped' by the extension is not harmful. Overall the development would preserve the listed building and the character and appearance of the St John's Wood Conservation Area and accord with the relevant policies in the City Plan and UDP.

Site: Flat 1 Basement And Ground Floor 98 Ebury Street London SW1W 9QD

Description: Rear extensions at basement and ground floor level with associated alterations to front and rear fenestration in connection with the ground and basement flat at 98 Ebury Street.

Reason to Allow: The inspector noted little overall consistency of the Ground Floor extensions and closet wing within the terrace; the historic rear elevation will remain exposed due to the modest massing of the Ground Floor element, size of lightwell and glazed walls; minor loss of existing fabric but the character of the closet wing will remain discernible; The French doors with Juliet balcony at Ground floor level are not a historically typical location for a feature of this type but existing windows opening is not original and inconsistent with other openings in rear elevation – benefits of modifying openings outweigh the harm. adverse effects on the plan form would be outweighed by the benefit of removing the partitions from the back room; notwithstanding the loss of historic fabric, the original plan form would be more appreciable overall. The existing tree (covered by the TPO) appears uncomfortably oversized. Construction of the extension and related works to the tree would not have an unacceptable effect upon its health, wellbeing or appearance, or its contribution to the Conservation Area.

Site: 54 Ledbury Road London W11 2AJ

Description: First floor rear terrace

Reason to Allow: The Inspector did not find that the effect on the quality of life of occupiers of No 1 of further reduction in light to or outlook from the window, would be significant.

The Inspector also noted that while the window at No. 1 may previously have served a bedroom, they saw at their visit that the window to No 1 currently serves an en-suite bathroom instead. They also observed it to be frosted and was advised by a neighbouring occupier that it is non-opening. The Inspector concluded that the appeal development does not result in unacceptable harm to the living conditions of the occupiers of 1 Wellington Close by reason of loss of light or enclosure, and accordingly there is no conflict with Policy S29 of the Westminster City Plan 2016 or Policy ENV 13 of the Unitary Development Plan 2007.

Site: 18 Mercer Street London WC2H 9QE

Description: Display of public art on the wall measuring 11.40m x 15.17m.

Reason to Allow: The application sought advertisement consent to display a painted mural artwork on a blank flank wall and forecourt area, facing onto Mercer Street, within the Covent Garden Conservation Area. Consent was sought for a temporary period of display of 5 years. The application was reported to committee with a recommendation to grant consent for a 2 year period. However, Members disagreed with the recommendation and refused consent on grounds that the proposal was harmful to "local visual amenity". The Inspector in allowing the appeal concluded that the mural would not have an adverse impact on the setting of nearby listed buildings, in terms of its design concluded that it was an appropriate reflection of the bright and vibrant nature of the area; and also that the sentiment of the mural is one of creativity which further reflects the character of the area. Rather than cause harm the Inspector concluded the mural would enhance the character and appearance of the conservation area. She also concluded that there was no evidence the mural would cause disruption to residents and instead would be sited in an already bustling area. The Inspector also concluded that as no harm was identified that the full 5 year period for display should be allowed.

January 2020

Site: 68 Sutherland Avenue London W9 2QS

Description: Installation of replacement bin store to front yard.

Reason to Allow: The application was refused under delegated powers due to the breadth of the bin/cycle store when presented to the road, which was considered to be contrary to the established character of this part of the conservation area. The Inspector however considered that the character of the road was not consistent and that the store proposed would therefore not harm the character or appearance of the conservation area.

Site: 77 Dean Street London W1D 3SH

Description: Installation of replacement plant and associated acoustic screening on the flat roof at rear first floor level, installation of new shopfront and internal alterations at lower ground and ground floor levels.

Reason to Allow: The Inspector noted that the shopfront is not an original feature of the building design and is actually quite modern. Replacement of the shopfront would not therefore lead to any direct loss of historic fabric, integrity, interest or significance to either the listed building or the Conservation Area. The proposed shopfront would feature much of the same key traditional elements as the existing, with subtle changes in detail and composition. In the Inspector's opinion, the proposal would collectively improve the overall cohesion and quality of the design. It would thus provide a better visual and architectural accompaniment to the floors above than the existing shopfront.

March 2020

Site: 87 Ashmill Street London NW1 6RA

Description: Installation of Juliet balcony and change window to door at rear first floor level.

Reason to Allow: The Inspector concluded the proposed development would not have an overall harmful effect upon the living conditions of the occupiers of Nos 13 – 17 Shroton Street and Nos 85, 88 and 91 Ashmill Street with particular reference to privacy and overlooking nor would it be unacceptable in design terms

Site: 77 Chester Row London SW1W 8JL

Description: Erection of a single storey ground floor rear extension.

Reason to Allow: The Inspector considered that No. 77 Chester Row makes a neutral contribution to the Belgravia Conservation Area. The decision further notes that the extension would be modest and subservient on a similar alignment as the closet wing and would not increase the built footprint and as such would not have a harmful effect of in respect of its bulk, scale, or over-development of

the site. The Inspector did not consider that the extension would have a harmful impact on the amenities of the adjoining properties Nos. 75 and 79 as it would be only a limited amount higher than the party wall with No 75 and the existing extension which separates it from No 79 along its depth. Given the distance from the nearest windows, the highly limited visibility, height and depth, screening from the existing projection and the orientation of the properties, there would be no harmful effect in respect of a loss of outlook, daylight to internal rooms or the garden or related concerns in respect of health and safety. The rooflight would be of an angle and a sufficient distance from No 79 so as not to have any significant effect in respect of light pollution. In light of the above, the inspector allowed the appeal.

Site: 2 Godson Yard London NW6 5FE

Description: Continued use of part of flat roof at rear raised ground level of property as a roof terrace, installation of obscure glazing and retention of timber decking and doorway onto the terrace

Site: Basement And Ground Floor Seaford House 105 Marylebone High Street London W1U 4RS

Description: Installation of service hatch within the pavement.

Reason to Allow: The Inspector concluded that the development would not have a harmful effect upon pedestrian movement, convenience, or safety, and therefore would not create a disruption to the use of the pedestrian pavement. He also considered that the hatch would not degrade the public realm and therefore would preserve the character and appearance of the Harley Street Conservation Area.

Site: 18 Queen Anne's Gate London SW1H 9AA

Description: internal alterations to add fabric wall lining to reception and front room at ground floor level and reception at first floor level.

Reason to Allow: The inspector did not consider the new wall upholstery would harm the special interest of the building and considered these were appropriate noting the relative grandeur of scale and location, being prestigiously situated in Westminster, close to St James's Palace and parliament, with views over St James's Park." And that "fabric wall hangings were used in 'grander' Georgian properties." and on the fact that "The proposed wall decor would be reversible."

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City of Westminster

Planning & City Development Committee

Date: 27 July 2021

Classification: General Release

Title: Review of Planning Applications Sub-Committee Formats

Report of: Director of Place Shaping and Town Planning

Financial Summary: None.

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

1. Executive Summary

- 1.1 This report provides a review of planning committee processes over the last 18 months and sets out the proposed future format for planning committee meetings.

2. Recommendation

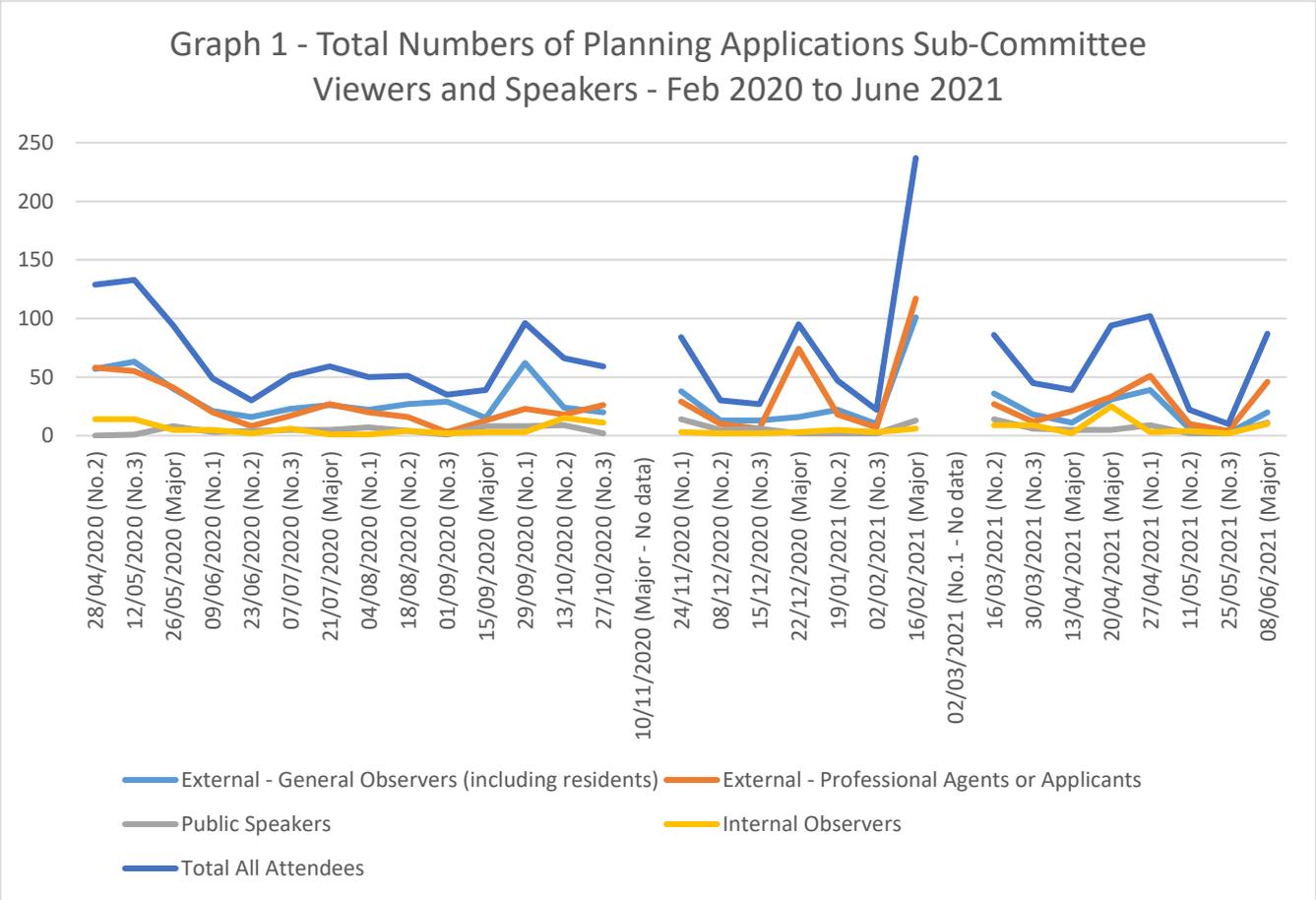
- 2.1 Members are asked to consider the contents of this report and are invited to comment on the proposed future format for planning committee meetings having regard to their recent experiences of in-person, virtual and hybrid committee formats.

3. Background

- 3.1 Prior to the start of the Coronavirus pandemic the Council had already begun to review and take appropriate steps to enhance and digitise its planning committee format to enhance the accessibility of the meetings and improve the transparency of decision making on high profile and contentious applications. In advance of the pandemic the ability for interested parties to address the planning committees directly had been introduced in February 2019 and the live streaming of committee meetings, with additional functionality to 'catch up' on previous committee meeting recordings, was introduced in February 2020.
- 3.2 The live streaming introduced in February 2020 utilised a system provided by Civico, which has been specifically developed for the purpose of hosting live public meetings, particularly in circumstances where the committee is located within a single committee chamber. To deliver a high-quality recording of a public meeting the Civico system has bespoke functionality, including provision of multiple cameras within the committee room which it automatically switches between to record speakers, the ability to automatically identify speakers on screen, the capability to link the recordings to the published agenda, back office controls for the committee clerk specifically designed for public meetings, the ability to display presentation material alongside images of the committee and/ or officers during the committee meeting and a user friendly portal for connecting to live recordings and searching for previous recordings.

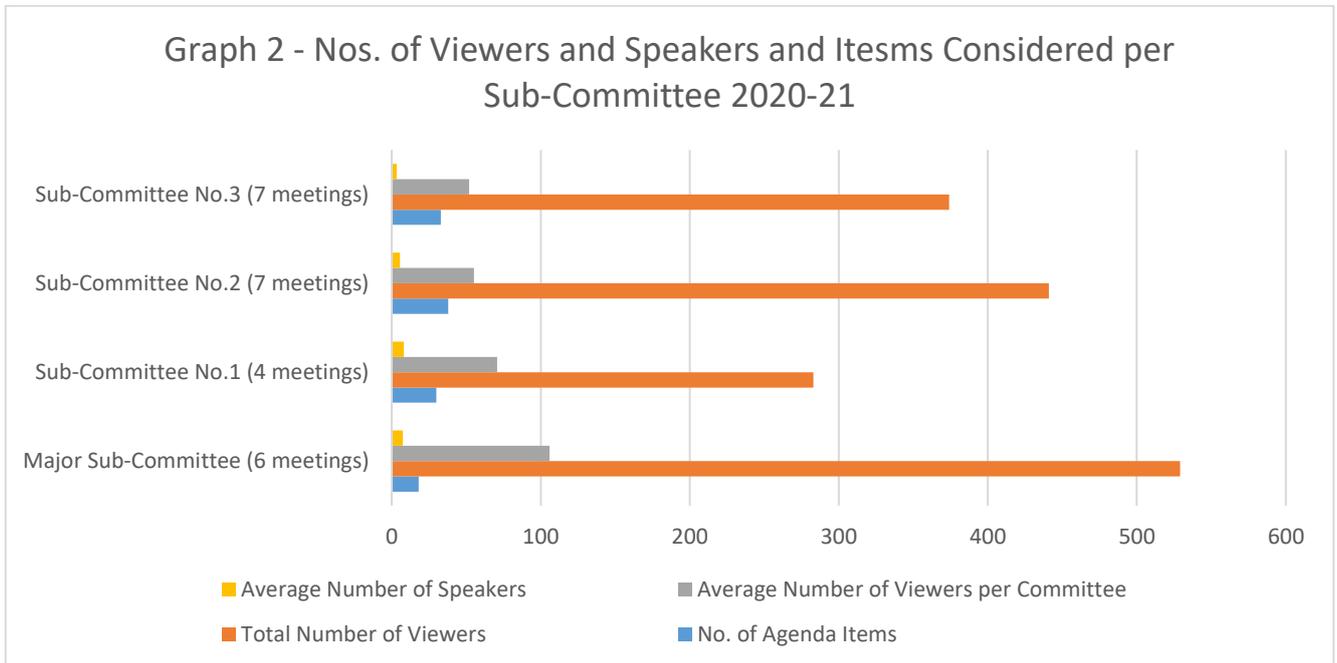
3.3 In light of the initial coronavirus lockdown period it was necessary to incorporate 'Covid Secure' measures when hosting public meetings. Consequently, following the coming into force of temporary enabling legislation to allow virtual public meetings on 2 April 2020, the Council switched from the use of the Civico system to use of Microsoft (MS) Teams from 14 April 2020 onwards. The switch in platform was necessary as the Civico system is designed to capture committee meetings where the committee is located in a single location, rather than all participants being remotely located. Fully virtual meetings using MS Teams commenced on 9 April and public speaking for Ward Councillors was reintroduced at the Sub-Committee meeting on 12 May, with other speakers able to make verbal representations from 26 May onwards.

3.4 An initial review of the use of MS Teams to host planning committee meetings was reported to the Planning and City Development Committee on 20 October 2020. The initial review identified that initially virtual committee meetings attracted high viewing figures, with the uniqueness of their format attracting interest from planning professionals from across the public and private sector. Following this initial peak viewer numbers were identified as transitioning back towards more typical viewer numbers, as was experienced prior to the switch from Civico to MS Teams, and this trend has continued in the data now available for the full year from April 2020 to March 2021 (see Appendix 1 and Graph 1). Whilst no data is available for viewer numbers prior to the introduction of live streaming of planning committee meetings in February 2020, anecdotally it is evident that viewer numbers are higher than prior to the advent of live streaming, when it was not infrequent for committees to meet in front of little or no audience.



3.5 The underlying trend for virtual committee meetings held using MS Teams was for an average of 30 to 50 viewers/external participants, with occasional spikes caused by

more high profile or contentious applications being reported to committee (e.g., the spike on 16 February 2021 relates to Grosvenor’s Cundy Street redevelopment scheme). Consequently, the full year average was for 66 viewers/external participants per committee meeting. The number of viewers per Sub-Committee is shown in Appendix 2 and Graph 2 along with the number of items each committee considered.



(Note: Graph 2 omits 3 Sub-Committee meetings. There were 6 Sub-Committee No.1 meetings and 7 Major Sub-Committee meetings during 2020-21, but data for 14 April 2020, 10 November 2020 and 2 March 2021 is unavailable).

3.6 Data has also been collected on the numbers of public speakers that have made representations to the Planning Applications Sub-Committees (see Appendix 3). This indicates that virtual (and latterly hybrid) committee meetings have led to an increase in persons making verbal representations, most likely due to the increased accessibility of committee meetings. Prior to the move to virtual committees in April 2020 an average of 5.68 people addressed each committee meeting, whereas during the period of virtual and hybrid committee meetings since (up to 8 June 2021) this has risen to an average of 5.97 people. During both periods the average number of items on each agenda remained 4.86. The data also shows that the length of virtual/hybrid committee meetings has been longer (on average they last 2.48 hours) compared to physical meetings held before the pandemic (which were 1.87 hours long on average). However, this is likely to be in part be related to the increased number of public speakers and the complexity of a number of the major applications heard during this period, as well as delays to the fluidity of meetings caused by the use of virtual technology.

3.7 Following the Government’s decision not to extend the temporary legislation that enabled fully virtual committee meetings (The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020), and an unsuccessful legal challenge by Hertfordshire County Council and others, which sought to argue that virtual public meetings were in fact permissible under the original legislation (the Local Government Act 1972), fully virtual planning committees could no longer be held after 7 May 2021.

3.8 From 7 May 2021 the Council moved to a hybrid committee meeting format, which is compliant with the requirements of the Local Government Act 1972 by ensuring that the committee meets in a single location (the City Hall committee rooms) and that the meeting is publicly accessible for those members of the public who wish to attend the meeting in person. However, the retention of remote access via the live stream, and for public speakers and presenting officers, enables the number of non-core participants and observers in the room to be minimised enabling the meeting to remain compliant with the ongoing need to observe social distancing and maintain Covid secure measures within City Hall. The first hybrid Planning Applications Sub-Committee was held on 1 May 2021 and there have been 6 hybrid committee meetings to date.

3.9 Initially hybrid meetings have been held using MS Teams, but the longer-term intention is to transition to use of Civico software once the Civico remote app, which enables the use of the in-office Civico equipment to be used in combination with remote attendees, has been fully tested and demonstrated to be fully functional and compatible with the Council's corporate IT systems.

4. Benefits of In-Person, Virtual and Hybrid Committee Meeting Formats

In-Person Sub-Committee Meetings

4.1 Whilst use of virtual and hybrid meeting formats over the last 15 months has demonstrated the limitations of traditional in-person committee meetings in terms of reach, transparency of decision making, and flexibility for participants and viewers. The same period has also highlighted a number of benefits to holding planning committees as an in-person meeting, which are summarised below along with the main limitations:

Benefits

- The committee is more easily visible to those attending the meeting in the public gallery.
- Interactions between members of the committee and/or with officers are more intuitive.
- More intuitive interaction typically contributes to quicker committee meetings.

Limitations

- Limited reach to less engaged individuals and groups.
- Limited accessibility for interested parties that have responsibilities that preclude travel to City Hall in the evening.
- Less transparency/ public understanding of the reasons for making planning decisions.
- Greater time and travel commitments for Members, officers and public speakers participating in the meeting.
- Increased costs associated with holding committee meetings.

Virtual Sub-Committee Meetings

4.2 Virtual committee meetings were utilised during the first 13 months of the pandemic as a matter of necessity to ensure the continued determination of complex and major planning applications that fall outside of the scope of the schedule of delegation of planning powers to officers. Their use has demonstrated several benefits to further increases in digitisation of the committee meeting process, as well as highlighting areas where a degree of in-person attendance may have a positive impact both for those participating and for remote viewers. These are summarised below:

Benefits

- Greater reach and accessibility of committee meetings, encouraging viewers with a more casual interest in particular applications to view proceedings.
- Increased participation by public speakers.
- Greater transparency of decision making.
- More limited time commitments required from participants (Members, officers and public speakers).
- Reduced costs associated with holding the meeting.

Limitations

- Interactions between members of the committee and/ or with officers are less intuitive and potentially harder for viewers to follow.
- Models and other physical items that may aid decision making cannot be presented to the committee.
- Reliant on participants and viewers having suitable technology to access the meeting.

Hybrid Sub-Committee Meetings

4.3 Initial feedback following the introduction of hybrid meetings is that they have the potential to deliver a range of benefits to participants and viewers that were previously split across either in-person or virtual meetings. The main benefits and limitations are summarised below:

Benefits

- Retain the greater reach and accessibility of virtual committee meetings, encouraging viewers with a more casual interest in particular applications to view proceedings.
- Increased participation by public speakers.
- Retains greater transparency of decision making observed during virtual meetings.
- Provides the option to attend the meeting in person for those without appropriate technology/ who are more comfortable avoiding the use of technology.
- Interactions between members of the committee and/ or with officers are more intuitive.
- More intuitive interaction typically contributes to quicker committee meetings.
- Retains more limited time commitments for some officers and public speakers (where they choose to make their representations remotely).
- Reduced costs associated with holding the meeting.

Limitations

- No significant cost saving relative to the cost of holding a traditional in-person meeting.

5. Future Committee Meeting Format

5.1 Whilst the Government chose not to extend the temporary legislation that enabled fully virtual committee meetings, it did not contend during the unsuccessful legal challenge by Hertfordshire County Council and others that the existing legislation precluded hybrid committee meetings. Indeed, prior to the unsuccessful legal challenge, in March 2021 the Government launched a call for evidence seeking views on the use of the temporary arrangements that provided express provision for local authorities to hold meetings remotely or in a hybrid format during the coronavirus pandemic.

5.2 It is clear from the Government's call for evidence that they are considering the potential introduction of more flexible arrangements for the permanent use of digital technology to enable hybrid and fully virtual public meetings. However, as the Council has demonstrated since early May 2021, it is possible to deliver a hybrid format planning

committee meeting within the current legislative framework. Nevertheless, legislation that is up to date and drafted cognisant of the capabilities of modern digital technology in the field of hosting public meetings would be welcome. For example, compliance with the Local Government Act 1972 currently requires all of committee members to be located within the same physical space; whereas it may be preferable in future for members of the committee to have the option on occasion to participate remotely.

- 5.3 Having regard to the experience gained over the last 15 months, as summarised in Section 3, and the benefits and limitations of the three committee meeting formats set out in Section 4, it is clear that hybrid committee meetings offer the greatest benefits with the fewest limitations for Members, officers, public speakers and those in the public gallery alike. Therefore, officers recommend that a hybrid format for planning committee meetings is adopted as the default committee meeting format beyond the end of the pandemic and associated social distancing restrictions.
- 5.4 As noted in paragraph 3.8, currently hybrid committee meetings are operated using MS Teams. Whilst Teams is an assured platform for business meetings and other less formalised meeting types, it lacks the bespoke functionality offered by the Civico system that the Council has already procured (see paragraph 3.2). Therefore, it is recommended that upon successful completion of testing of the remote access app and integration with corporate IT systems, hybrid planning committees are carried out using this software platform.
- 5.5 Use of Civico, rather than MS Teams, will have the following principal benefits in terms of hybrid committee meetings:
- Enhance the appearance of the Committee to remote viewers (currently it is a single fixed long-range image with limited ability to zoom in on the current speaker).
 - Ability for officer presentations to be shown on screen concurrently with an image of the Committee Member of officer who is speaking.
 - Provide enhanced and more intuitive access live streams and previous recordings (which is likely to increase viewer numbers – both live and ‘catch up’).
 - Enhanced ability to link the committee recording with committee reports and minutes for each item.
 - Enhanced meeting control functionality for the Committee Clerk.

6. Financial Implications

- 6.1 None.

7. Legal Implications

- 7.1 None. Subject to ensuring that any future changes to the format of planning committee meetings remain compliant with the Local Government Act 1972 or any future replacement legislation.

8. Conclusion

- 8.1 Having regard to the experience of traditional in-person committee meetings prior to early 2020 and subsequent experience gained from holding virtual and hybrid committee meetings during the pandemic, it is clear that the greatest future benefits in terms of accessibility, transparency and understanding of planning decision making are secured by the operation of a hybrid planning committee format in future, which builds on the early success of the format current in operation using MS Teams.

- 8.2 Maintaining a hybrid format with the ability for viewers and participants to join the meeting remotely also has significant benefits in enhancing the diversity of participants in the planning process by reducing traditional barriers to participation from many groups, such as caring or work commitments, inability to travel to a specific venue, concerns about addressing the committee in person etc.
- 8.3 The ability for remote access to committee meetings as part of a hybrid format also enhances the ability for the Council to ensure that appropriately skilled officers are present at meetings to support decision making and also enhances the Council's role as an employer by ensuring that attendance at committee meetings results in a more limited requirement for officers to work and travel outside of normal office hours.

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

Background Papers:

1. Planning Applications Sub-Committee Attendance Data (All Committees) April 2020 to June 2021.
2. Planning Applications Sub-Committee Attendance Data (Individual Committees) 2020-21.
3. Planning Applications Sub-Committee Public Speakers Data (2019-2021).

Appendix 2 - Planning Applications Sub-Committee Attendance Data (Individual Committees) 2020-21

Major Planning Applications Sub-Committee

MAJOR COMMS - All Viewers (Live & Recording)	26-May	21-Jul	15-Sep	10-Nov	22-Dec	16-Feb			
Sub-Committee	M	M	M	M	M	M			
No. of Items on Agenda	5	4	4	4	2	3	Total	Average	%
External - General Observers (including residents)	40	26	15	Not	16	101	198	39.6	37.4%
External - Public Speakers	7	5	8		2	10	32	6.4	6.0%
External - Professional Agents or Applicants	41	27	13	Avail.	74	117	272	54.4	51.4%
Internal - Officers (excl. Committee Staff)	5	1	2		1	4	13	0.5	2.5%
Internal - Members as Speakers	1	0	0		0	4	5	1.0	0.9%
Internal - Members (excl. Members of the Committee)	0	0	1		2	6	9	0.4	1.7%
Total All Viewers	94	59	39		95	242	529	105.8	100.0%
Catch Up' Viewers (i.e. Not Live)	26-May	21-Jul	15-Sep	10-Nov	22-Dec	16-Feb	Total	Average	%
External	10	7	2	Data	6	15	40	8.0	97.6%
Internal	1	0	0	Not	0	0	1	0.0	2.4%
Total No. 'Catch Up Viewers'	11	7	2	Avail.	6	15	41	2.0	100.0%
Catch Up' Viewers as % of Total Audience	12%	12%	5%		6%	6%	7.8%	-	-

Planning Applications Sub-Committee No.1

COMM NO.1 - All Viewers (Live & Recording)	14-Apr	09-Jun	04-Aug	29-Sep	24-Nov	02-Mar			
Sub-Committee	1	1	1	1	1	1			
No. of Items on Agenda	11	7	6	10	7	5	Total	Average	%
External - General Observers (including residents)	Not	21	22	62	38	Not	143	35.8	50.5%
External - Public Speakers		3	5	7	13		28	7.0	9.9%
External - Professional Agents or Applicants	Avail.	20	20	23	29	Avail.	92	23.0	32.5%
Internal - Officers (excl. Committee Staff)		4	1	3	2		10	2.5	3.5%
Internal - Members as Speakers		0	2	1	1		4	1.0	1.4%
Internal - Members (excl. Members of the Committee)		1	2	1	2		6	1.5	2.1%
Total All Viewers		49	52	97	85		283	70.8	100.0%
Catch Up' Viewers (i.e. Not Live)	14-Apr	09-Jun	04-Aug	29-Sep	24-Nov	02-Mar	Total	Average	%
External	Data	4	11	6	6	Data	27	6.8	84.4%
Internal	Not	1	1	1	2	Not	5	1.3	15.6%
Total No. 'Catch Up Viewers'	Avail.	5	12	7	8	Avail.	32	8.0	100.0%
Catch Up' Viewers as % of Total Audience		10%	23%	7%	9%		11.3%	-	-

Planning Applications Sub-Committee No.2

	28-Apr	23-Jun	18-Aug	13-Oct	08-Dec	19-Jan	16-Mar			
COMM NO.2 - All Viewers (Live & Recording)										
Sub-Committee	2	2	2	2	2	2	2			
No. of Items on Agenda	5	6	8	6	4	3	6	Total	Average	%
External - General Observers (including residents)	57	16	27	24	13	22	36	195	27.9	44.2%
External - Public Speakers	0	4	4	8	4	2	10	32	4.6	7.3%
External - Professional Agents or Applicants	58	8	16	18	10	18	27	155	22.1	35.1%
Internal - Officers (excl. Committee Staff)	9	2	2	15	1	4	8	41	5.9	9.3%
Internal - Members as Speakers	0	0	0	1	1	0	4	6	0.9	1.4%
Internal - Members (excl. Members of the Committee)	5	0	2	1	2	1	1	12	1.7	2.7%
Total All Viewers	129	30	51	67	31	47	86	441	63.0	100.0%
Catch Up' Viewers (i.e. Not Live)										
External	14	1	6	1	4	6	21	32	5.3	86.5%
Internal	1	0	1	0	0	3	0	5	0.8	13.5%
Total No. 'Catch Up Viewers'	15	1	7	1	4	9	21	37	6.2	100.0%
Catch Up' Viewers as % of Total Audience	12%	3%	14%	1%	13%	19%	24%	8.4%	-	-

Planning Applications Sub-Committee No.3

	12-May	07-Jul	01-Sep	27-Oct	15-Dec	02-Feb	30-Mar			
COMM NO.3 - All Viewers (Live & Recording)										
Sub-Committee	3	3	3	3	3	3	3			
No. of Items on Agenda	5	6	5	6	3	2	6	Total	Average	%
External - General Observers (including residents)	63	23	29	20	13	10	18	176	25.1	47.1%
External - Public Speakers	0	4	1	2	6	2	6	21	3.0	5.6%
External - Professional Agents or Applicants	55	17	3	26	6	7	12	126	18.0	33.7%
Internal - Officers (excl. Committee Staff)	14	6	2	9	2	2	7	42	6.0	11.2%
Internal - Members as Speakers	1	1	0	0	0	0	0	2	0.3	0.5%
Internal - Members (excl. Members of the Committee)	1	1	0	2	0	1	2	7	1.0	1.9%
Total All Viewers	134	52	35	59	27	22	45	374	53.4	100.0%
Catch Up' Viewers (i.e. Not Live)										
External	14	2	7	6	1	5	8	43	6.1	79.6%
Internal	1	2	0	4	1	1	2	11	1.6	20.4%
Total No. 'Catch Up Viewers'	15	4	7	10	2	6	10	54	7.7	100.0%
Catch Up' Viewers as % of Total Audience	11%	8%	20%	17%	7%	27%	22%	14.4%	-	-

Appendix 3 – Planning Applications Sub-Committee Public Speakers Data - February 2019 to June 2021)

Half Year Period	Committee Format	No. of Comms Meetings	Total Apps on Agenda	Ave. Apps on Agenda	Ave. Length of Meeting (Hrs)	Agents/ Resident Speakers in Support	Ave. Agents/ Resident Speakers in Support	Agent/ Resident Speakers Against	Ave Agents/ Resident Speakers in Against	Am Soc/ Neigh Forum/ BID	Ave. Am Soc/ Neigh Forum/ BID	Members	Ave. Members	Total Speakers in Period	Ave. Speakers per Comms
26 Feb to 30 June 2019	Physical	17	105	6.18	1.64	34	2	14	0.82	2	0.12	12	0.71	62	3.65
1 July to 31 Dec 2019	Physical	17	96	5.65	2.27	69	4.06	30	1.76	8	0.45	11	0.65	92	5.41
1 Jan to 30 June 2020	Physical & Virtual	16	80	5.00	2.06	41	2.56	22	1.38	12	0.75	11	0.69	79	4.94
1 July to 31 Dec 2020	Virtual	14	74	5.29	2.61	47	3.36	25	1.79	4	0.29	8	0.57	84	6.00
1 Jan to 30 June 2021	Virtual & Hybrid	12	44	3.67	2.35	32	2.67	20	1.67	7	0.58	15	1.25	74	6.17

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City of Westminster

Planning & City Development Committee

Date: 27 July 2021

Classification: General Release

Title: Summary of Member Training during 2021

Report of: Director of Place Shaping and Town Planning

Financial Summary: None.

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

Training Summary

To date during 2021 the Members of the Planning Applications Sub-Committees have undertaken the following training:

Date	Topic	Session Lead(s)
26 January 2021	Sustainability (cancelled due to officer unavailability)	Amanda Coulson, North Area Team Leader
23 March 2021	Sustainability	Amanda Coulson, North Area Team Leader
19 May 2021	Update on new City Plan 2019-2040 policies	Michael Clarkson, City Planning Policy Team Leader
	Planning Legislation Update	Amanda Coulson, North Area Team Leader
24 June 2021	Update on draft Environmental SPD	Michael Clarkson and Amanda Coulson

The following future Member training is planned for later in 2021:

Date	Topic	Session Lead(s)
24 September 2021	Update on Planning legislation changes since 1 August 2021	Amanda Coulson, North Area Team Leader
	Other Topics TBC	TBC

If you have any questions about this summary, please contact: Oliver Gibson (ogibson@westminster.gov.uk / 07971026919)

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