



CITY OF WESTMINSTER

# MINUTES

## Planning & City Development Committee

### MINUTES OF PROCEEDINGS

Minutes of a meeting of the **Planning & City Development Committee** Committee held on **Thursday 27th April, 2023**, Rooms 18.01 & 18.03, 18th Floor, 64 Victoria Street, London.

**Members Present:** Councillors Ruth Bush (Chair), Jason Williams (Vice-Chair), Barbara Arzymanow, Paul Fisher, Jim Glen, Ryan Jude, Ed Pitt Ford, Sara Hassan and Robert Rigby

**Also Present:** Councillor Geoff Barraclough

**Apologies for Absence:** Councillor Md Shamsed Chowdhury, Councillor Amanda Langford, Councillor Cara Sanquest and Councillor Mark Shearer

#### 1 MEMBERSHIP

There were no changes to the membership.

#### 2 DECLARATIONS OF INTERESTS

There were no declarations of interests.

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

3.1 Agreed that the minutes of the Planning & City Development Committee held on 26 October 2022 were a true record, subject to the deletion of sentence in paragraph 3.2.8 in relation to the Paddington Green Police Station beginning '*This was to guard against*' be deleted. That the sentence be amended read '*This was to guard against any actions by Members which could potentially be viewed or amount to pre-determination*'

##### 3.2 Matters Arising from the Minutes

3.2.1 Minutes 3.2 – Minutes 3.2.4 National Policy & Planning Reform Update, 4.4 Affordable Housing and Planning Obligations SPD.

3.2.1i The Committee requested that they be provided updates of when Supplementary Planning Documents were being formulated or in the process

of formally being adopted. Details are provided in the council's published Local Development scheme – a link to this is provided under the planning policy update in section 5 below.

### 3.2.2 Minutes 3.2 – Minutes 4 Planning Application And Appeals Performance Mid-Year Updated 4.3.3

3.2.2(i) The Committee noted that the fees for the Pre-Application Advise Service had been increased and requested that information be provided on what the current rate was, the fee increase and how costings compared to other Local Planning Authorities.

3.2.2(ii) Officers advice that there were differing increases for different fees, and these ranged between 10% and 25%. Residents' fees have been kept as low as possible. The Committee were informed that fees had not been increased for several years prior to 2021 when annual review of fees recommenced, and this was taken into consideration during the review of costs.

### 3.2.3 Minutes 3.2 – Minutes 5 Amendments to Sub-Committee Late Representations Procedures 5.7.6

3.2.3(i) The Committee requested that the Chair's Script be updated to ensure that it explains what late submissions are and the rules regarding their submission. Officers were also requested to provide feedback on how other Local Planning Authorities support their members in reading late representations in particular individuals who have reading needs such as dyslexia or English as a second language.

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

3.2.4(i) The Committee agreed to hold future discussions on what protocols should be adopted for colleagues who make representations on Planning Sub-Committee and whether they should leave the room once they have made their deputations.

## **4 WESTMINSTER DESIGN REVIEW PANEL**

4.1 The Committee received a report which provided an update on the progress in establishing a Design Review Panel for Westminster. The Westminster Design Review Panel (DRP) is being established to provide an expert, independent voice on design which will support internal decision makers to promote exemplary, sustainable design standards and negotiate design improvements. The establishment of a Design Review Panel was a manifesto commitment and responds to both the National Planning Policy Framework and London Plan policy, which strongly recommend that local planning authorities have design review processes in place. The DRP will be in operation from Autumn 2023.

- 4.2 Members had an in-depth discussion and noted the following: -
- 4.2.1 That DRP Members would be remunerated, and this practice was consistent with panels that are operated by other Local Planning Authorities. The expenses paid would be a small amount and individuals would only receive payments for DRP that they took part in.
  - 4.2.2 That the selection criteria for recruiting Panel Members were published on the Council's website and it was preferred for prospective applicants to have a good knowledge of Westminster. The advertisement for Panel Members had generated a good response from a diverse range of individuals and this was the objective of the recruitment process. The DRP membership is expected to be reviewed every two years.
  - 4.2.3 That DRP members' expertise and knowledge would determine which DRP they are selected to take part in, and this would also be dependent on which planning schemes were due to be considered. Officers responsible for the planning scheme would also liaise with Chairs and Applicants in what expertise was required for proposals and this would be reflected on the membership and to ensure that advice provided is able to enhance schemes. The best practices of DRPs of other local Planning Authorities and the Greater London Authority have been reviewed to ensure that the procedures put in place are suitable and effective.
  - 4.2.4 That DRP members would be required to keep abreast of changes in the planning process and design in their areas of expertise. The Committee noted that the planning system was dynamic and constantly evolving and that DRP would need to accommodate new innovations and any changes to the Planning Legislation or National Policy Framework. Members noted that there were differing views in areas such as sustainability and that the expertise of DRP would ensure that right advice is provided in areas that are constantly developing.
  - 4.2.5 That the DRP would provide technical information only and that Planning Officers would continue to be responsible for drafting recommendations for schemes. The Committee were advised that DRP would have an input into schemes and therefore advice could come under legal review and this would be dependent on the circumstances of each case. Officers advised that most London Local Planning Authorities used DRP, and academic research indicated that they added value to planning regimes and provided in depth expertise on subject matters. The Panel would continue to be monitored to ensure that it continues to meet its objectives and findings would be reported to the Committee.
  - 4.2.6 That costings of administering the DRP had now been formulated and that fees for using the service would meet the cost of the service. Officers advised that the service area would be adequately resourced to ensure that full support is provided to the DRP, and this would continue to be reviewed.
  - 4.2.7 That DRP would operate primarily at the pre-application stage and Design Officers would continue to attend Sub-Committees to provide advice on

design and give views on the suggestions of the DRP. The Committee were advised that Design Officers were in support of DRP and a small number are members of these forums in other Local Planning Authorities. Officers advised Members that there were no indications from other DRPs of conflicts arising in relation to the attribution of weight given to the views of the Design Officers and those of the DRP or known Judicial Reviews regarding this matter.

4.2.8 That Planning Sub-Committees would have a record in their reports on whether schemes have been considered by a DRP. This may be in a format such as a summary in the report of the DRPs recommendations. The Committee was advised that DRP Chairs may also attend and address Sub-Committees and the format in which views of DRP are provided would be tailored to the Committee requirements.

4.2.9 Members were advised that the Design Review Panel was the 'brand name' of the scheme and term was widely used and understood. The Committee agreed that future discussion could be held about what titles should be given to the Panel and the pool of members that make up its membership.

## **RESOLVED**

1. That the selection criteria for Design Review Panel member be circulated to the Committee.
2. That the Committee receive a verbal update about the Design Review Panel at their next meeting
3. That the report be noted,

## **5 PLANNING POLICY UPDATE**

5.1 The Committee received a report which provided an update on the Partial Review of the City Plan and an overview of the council's response to the government's recent consultation on changes to the NPPF.

5.2 Members held a discussion and noted the following: -

5.2.1 That research undertaken by Wessex Economics previously recommended that 56% of affordable housing should be designated intermediate housing and 44% as social housing. The Committee noted the important roles which key workers held and that the positions they held encompassed a wide range of roles and acknowledged that this cohort would also be eligible for social housing. The Partial Review of the City Plan would result in the ratio of intermediate housing and social housing being revisited with the intention to prioritise social housing as had been the case before the adoption of the current City Plan. This would ensure that there is more housing stock which is genuinely affordable and have longer secured tenancies. The Partial Review of affordable housing will undergo consultation and would be supported by a viability study.

- 5.2.2 That the social housing waiting list was lengthy and that a large proportion of Westminster residents would not be eligible for these tenancies. Members noted that if the current tenure split is reversed the proposals for affordable housing would ensure that 6 out of 10 affordable homes would be designated for social rents and that 4 out of 10 would be for immediate rent and be at the lower end of the rent spectrum. It was not intended that Shared Ownership would form part of the intermediate provision.
- 5.2.3 That changes in ratio for affordable housing would not result in more dense developments and that policies such as retrofit would guard against this. The Paddington Green Police Station development had 50% affordable housing as it was situated on land owned by MOPAC 10% of this affordable housing provision would be offsite and outside Westminster on land similarly owned
- 5.2.4 In terms of proposed reforms to the NPPF being proposed by government, Members noted that the Government's proposed reforms to the NPPF included proposals to increase fees in relation to retrospective planning applications. To penalties, It was already possible to levy certain penalties, including those there were instruments in the planning regime which enabled penalties to be levied at applicants. These included developers and Individuals being required to pay penalties following investigations by the Enforcement Team. Where unapproved operations of buildings had resulted in profits, these operations were commonly penalised under the proceeds of crime legislation.
- 5.3 Members welcomed that the council intends to continue working on Supplementary Planning Documents (SPDs) and noted that the Local Development Scheme was available on the Council's webpage which detailed the timetabling of policy productions, and these including indicative timetables of SPDs formulations. The Committee were informed that publications of these information was a statutory requirement.

## **RESOLVED**

1. That the webpage link for the Local Development Scheme be circulated to the Committee within the meeting minutes – see <https://www.westminster.gov.uk/media/document/westminster-local-development-scheme->.
2. That the contents of the report be noted

## **6 ADDENDUM REPORT ON AMENDMENTS TO SUB-COMMITTEE LATE REPRESENTATIONS PROCEDURES**

- 6.1 The Committee received an addendum report which provided additional information on previous trends in late representations reported to the Planning Applications Sub-Committees between January 2022 and March

2023. The committee was requested to consider whether the planning service should amend current procedures for accepting late representations in advance of Sub-Committee meetings by introducing a deadline for their submission in advance of the start of the meeting. The deadline options for consideration were:

- Option 1 – Deadline at 12.00 on the day of the committee meeting.
- Option 2 – Deadline at 12.00 on the working day prior to the committee meeting.
- Option 3 – Deadline at 12.00 two working days prior to the committee meeting (to align with current public speaking deadline).

6.2 Members held a discussion and noted the following: -

6.2.1 That between January 2022 and March 2023 there were 28 Planning Applications Sub-Committees' and late representations were tabled at all but from one. There were 296 representations at an average of 10.5 representations per committee. The average length of representation is 2.7 A4 pages.

6.2.2 That Chairs would be required to take a flexible approach to accepting late representations during the first 3 months following introduction of a deadline. This flexibility includes instances where information submitted did not include new material considerations.

6.2.3 That during Bank Holiday periods the submission deadlines for late representations would be moved forward a day and which was the same as put in place for the public speaker's online registration form.

6.3 The Committee agreed the following: -

6.3.1 Chairs should be given discretions on whether representations received after the deadlines should be considered and be able to determine whether submissions do amount to a 'new material consideration'. This should be done in consultation with both the presiding officer and legal officer. Members noted that there could be differing views amongst officers and Chairs on what constitutes new material considerations and agreed that the Chair should have the ultimate decision on whether these representations should be accepted. The Committee noted that Chairs already had discretions on whether late speakers can make deputations at their Sub-Committees.

6.3.2 That, while there should be some flexibility in accepting the Reds and to note there should be a strong presumption that unless they included new material considerations, they would be rejected.

6.3.3 That officers should continue to be permitted to table amending memoranda at the Sub-Committee, but that they should be encouraged to adhere to the new deadline where possible.

- 6.3.4 Chair's script be updated to include information about late representations are, those which had been received by the Sub-Committee and their contents. The Committee noted that late submissions often contained duplications of information previously circulated to the Sub-Committee.
- 6.4 After further discussion, Members discussed the various options presented by officers in relation to accepting late representations and unanimously agreed that Option 2 was preferred. That the deadline for submitting late representations will now be set at 12.00noon on the working day prior to the committee meeting.
- 6.5 The Committee thanked Officers for their report.

## **RESOLVED**

1. That the deadline for late representations should be set at 12.00 on the working day prior to the committee meeting and during Bank Holiday periods the submissions deadline be moved forward a day.
2. That Members receive late representations by email by close of business on the day prior to the Committee meeting.
3. That the introduction of a deadline for late submissions be implemented in late summer/autumn 2023 and be fully publicised on the Council's website. and It must also be publicised amongst interested parties such as amenity societies, neighbourhood forums and ward Councillors.

## **7 EARLY COMMUNITY ENGAGEMENT GUIDANCE UPDATE**

- 7.1 The Committee received a report which provided an update on the Early Engagement Community Guidance. The council launched its Early Community Engagement Guidance in February 2022, in response to' address the concerns expressed by local communities. The guidance sets expectations for engagement carried out by applicants and developers and provides a framework to support them so that their pre-application engagement with communities occurs at an earlier stage, is more transparent, inclusive, and accessible, and is more responsive to the expectations of local communities.
- 7.2 During the discussion, the following points were made: -
- 7.2.1 That the online profile of the Early Community Engagement Guidance was to be reviewed. Members requested that they be provided an update once this has been completed and agreed that the website should be easy to navigate and search functions be simple to operate.
- 7.2.2 That early community engagement is not compulsory and urged that the

benefits of pre-application engagement with communities should be promoted. It led to better designed development and was normally cost effective. The Committee agreed that well, designed schemes fared better in the planning process and that these successes should encourage applicants and developers to use similar pathways. Members noted that there were current views that developers should be 'co creating' and 'co designing' with residents and users.

7.2.3 Members agreed that consultations with community groups must include a wide range of its members, and this to ensure that a diverse response is received. The consultations should aim to include all the community groups in the city. Members noted that a template for the Early Engagement Community Strategy would be beneficial and that it's use, and effectiveness be reviewed at a later stage.

7.2.4 That the benefits of the Early Community Engagement Guidance should be fully promoted and that it should be explicitly communicated that developers and applicants should consult with a diverse and wide range of groups in addition to the well-known forums such as the Amenity Societies and Neighbourhood Forums. The Committee agreed that there should be various options provided on how interested parties can conduct their public consultations and that a disclaimer should also be included which informs that models recommended were for guidance only. Members agreed that public consultations were the responsibility of applicants and developers.

7.2.5 Members were advised that that development and enhancement of the Early Community Engagement Guidance were part of established work streams and within the remit of existing officers. The Committee noted that the one-year review of the guidance was part of the 'services' work programme. Officers advised that actioning the recommendations arising from the review was not an onerous task, and the costs were spread across various other projects. The recommendations following review have also fed into other annual reforms and including the introduction of a pre-application service for developer engagement plans. Members were advised that case officers would become more involved in the earlier stages of the pre-application process.

7.2.6 The Committee agreed that cost implications of developing and reviewing the Early Community Engagement Guidance should be monitored.

## **RESOLVED**

1. The Committee agreed the following recommendations: -

(a) Work with the Communities Team to obtain feedback from community groups on their experience of developer engagement over the last 12 months to identify whether there have been any changes or improvements in developer engagement activity that have not been reported to officers at pre-application stage.

(b) Introduce a new pre-application advice service to provide applicants and



developers with guidance on their Early Community Engagement Strategy and identify a designated point of contact within the service to encourage developers to engage with the Council to develop their Early Community Engagement Strategies ahead of paid pre-application advice with officers on the planning merits of their scheme.

(c) Require pre-applicants for major development to provide details of their preapplication community engagement as a mandatory part of the pre-application request submission form.

(d) Amend the guidance to make the expected requirements at pre-application stage clearer, including provision of a template Early Community Engagement Strategy.

(e) Review website to improve the online profile of Early Community Engagement guidance.

(f) Write to the WPA, planning agents and other relevant bodies and organisations to relaunch the updated guidance and related practices and

(g) Continue to work with applicants and developers to develop a set of enhanced case studies for future inclusion in the guidance, so that practical application of the principle of the guidance is more clearly articulated.

2. That the Committee be provided feedback following the review of the online profile of the Early Community Engagement Guidance and that the website be easy to navigate and search functions be simple to operate.
3. That the template for the Early Engagement Strategy be reviewed at a later stage and this should include its usage and effectiveness.
4. That the benefits of the Early Community Engagement Guidance continue to be fully promoted and it be communicated that it leads to better designed development schemes, is cost effective and enables developers to consult with a diverse and wide range of groups in addition to amenity societies and neighbourhood forums.
5. That various options be provided on how interested parties can conduct public consultations and that a disclaimer be included which informs that models recommended are for guidance only.
6. That interested parties be encouraged to ensure consultations with community groups include a wide range of its members in order to obtain a diverse view.
7. That the cost of developing and reviewing the Early Community Engagement Guidance Scheme be monitored.

## **8 NATIONAL PLANNING CONSULTATIONS UPDATE**

8 The Committee received a report which provided an update on recent and ongoing consultations by the Department for Levelling Up, Housing and Communities (DLUHC) on changes to planning fees and performance monitoring, permitted development rights, future changes to the current CIL and S106 regimes and the replacement of Environmental Impact Assessments with Environmental Outcome Reports.

8.1 During discussion, the following points were made: -

8.1.1 Members welcomed the prospective increase in the fees for late applications and noted that this would act as a deterrent. They supported the incentives in place for retrofit developments. Members were reminded that applications fees were set nationally and that the Councils' discretionary fees were consistent with other comparable London Local Planning Authorities. The Committee agreed that fees should be linked to inflation.

8.1.2 The Committee noted that the Council's consultation response had suggested additional fees be included for listed building consent and commented that this could discourage applicants from making suitable alterations to premises. Members noted that this area was currently non-funded and commented that Central Government should absorb the cost of these applications as the preservation of these historic buildings contributed to the country's heritage.

8.1.3 Officers advised that Extension of Times (EOTs) were good tools which provided opportunities for the prescribed timetabling periods for planning decision to be extended where necessary. The Committee noted that these increases in times allowed for revisions in applications to be made instead of them being refused and this was beneficial and welcomed by applicants. Officers advised that the set planning decision timetable could be unrealistic and result in permissions being refused. The Committee noted that delayed planning decisions had a financial implication for smaller developments and that the Service was in communication with the development industry about the implications of time delays. These included detailing how additional planning conditions could have an impact on the commercial development. Officers commented that the planning regime had become more complex and volume of the documentation had increased, making assessment of many applications within the statutory timeframes more challenging.

8.1.4 Members noted that it was preferred for there to be some control over the usage of permitted development rights in conservation areas such as the installation of solar equipment on the front façade of buildings. Officers advised that these installations did not outweigh the harm which they would have on these locations. Members commented that the streetscape of the conservation areas would be adversely affected by their presence and this view was likely to be shared by residents. The Committee advised that changes to financial incentives for these schemes were now limited and requested that future feedback be provided on their take up. Members were informed that central government was seeking to increase the amount of solar roof equipment.

- 8.1.5 Members noted the importance of climate emergency and commented that temporary permission for solar roof equipment's should be considered as these would contribute to reaching environmental goals. The Committee noted that solar panels should be the last course of action when remediating buildings and focus should be on conserving energy rather than generating and this included building insulation. Members commented that the use of solar panels should also not be deterred.
- 8.1.6 That Neighbourhood Forums would continue to be consulted around the use of the community infrastructure levy.
- 8.1.7 That the 'right to acquire' would continue to operate in accordance with the Local Planning Authority Development Plan and this would guide the amount of affordable housing stock that was required.
- 8.1.8 Officers informed that there were limited controls on when CIL payments are received and under the Central Governments Infrastructure Levy proposals these sums may be received later then currently prescribed.
- 8.1.9 Members commented that there was widespread misuse of short term letting of residential properties in the city and that this was detrimental to residents and the neighbourhoods. They agreed that restrictions in this usage should be fully supported. Officers advised that there were current consultations being undertaken with Licensing Services, resident and community groups regarding short term lets.

## **RESOLVED**

Members noted the contents of the report, including the possible implications which they may have for planning decision making in Westminster.

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

- 9.1 The Chair informed that the Planning & City Development Committee was currently being reviewed and requested that Members provide their views on what they considered the role of the Committee to be.
- 9.2 The Chair thanked Officers for their input with arranging and delivering 'Meet the Planners Event' and thanked colleagues for attending. The Committee noted that the event was viewed as being helpful and informed that similar activities could be arranged in the future if requested.
- 9.3 The Committee were informed that the next training session would focus on Biodiversity and these requirements were soon to become statutory.
- 9.4 Members were reminded that a briefing session by the Westminster Property Association had been requested and were asked to provide availability

**10 DATE OF NEXT MEETING**

Wednesday 26 July 2023

The Meeting ended at 9.15 pm

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

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