



CITY OF WESTMINSTER

MINUTES

Planning & City Development Committee

MINUTES OF PROCEEDINGS

Minutes of a meeting of the **Planning & City Development Committee** held on **Thursday 20th June, 2019**, Rooms 18.01 & 18.03, 18th Floor, 64 Victoria Street, London, SW1E 6QP.

Members Present: Councillors Gotz Mohindra (Chairman), Geoff Barraclough, David Boothroyd, Tony Devenish, Peter Freeman, Murad Gassanly, Jim Glen, Elizabeth Hitchcock, Louise Hyams, Matt Noble, Robert Rigby, Tim Roca and James Spencer

Also Present: Councillor Richard Beddoe (Cabinet Member for Place Shaping and Planning)

1 MEMBERSHIP

1.1 An apology for absence was received from Councillor Eoghain Murphy.

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.

2.2 Councillors raised a question about being members of Neighbourhood Forums and were advised by the Legal Officer that they should refrain from joining these bodies as their membership may lead to a conflict of interest.

3 MINUTES

Resolved:

3.1 That the Minutes of the Planning and City Development Committee meeting held on 17 January 2019 be approved.

4 UPDATE ON THE PLANNING REVIEW

4.1 The Committee received a report from the Executive Director of Growth Planning and Housing and Director of Place Shaping and Town Planning providing an update on the Planning Review Programme of work to deliver improvements to the processes and practices of the planning services to address the findings of the review carried out by the Planning Advisory Service (PAS), which were endorsed by Cabinet on 25 October 2018. Cabinet had approved the direction of travel of the planning service, to make the service more proactive, transparent and focused on the delivery of the Council's City for All vision and other corporate priorities.

4.2 Members held discussions on the key recommendations identified in the PAS Report. These included: -

4.2.1 Public Speaking at Planning Applications Sub-Committees.

- The Committee noted that public speaking had been introduced at Planning Sub-Committees in February 2019 and that a formal review of the procedures would be undertaken six months after its introduction. There had been several requests to speak at Planning Sub-Committee since February 2019 and the need for arbitration to determine who could make verbal representations had not arisen. Nevertheless, it was recognised that the procedures for public speaking needed to be embedded and fully tested. A report which provided a detailed analysis of public speaking at the Planning Sub-Committees will be presented at the next Committee.
- Members commented that the procedures and guidance for making verbal representations at the Planning Sub-Committees were effective. The Committee noted that the Major Sub-Committee had considered a Planning Application for Dolphin Square and highlighted that the application was contentious and had generated a large interest. The Committee was pleased to note that all interested parties were aware of the process for making verbal representations at the Planning Sub-Committee.
- Members noted that there were speaking slots for both Ward Councillors and Amenity Societies. The Committee agreed that speakers should be advised to fully utilise their allocated speaking time and be provided information and encouraged to read the guidance on what topics are considered by the Sub-Committee. This information should be provided prior to the meeting. Members advised that residents were satisfied that they were involved in the planning process and able to verbally address the Planning Sub-Committees.

4.2.2 The Committee noted that live recording and streaming of Planning Applications Sub-Committee meetings was to be introduced as soon as technically possible.

- 4.3 Pre-application Community and Member Engagement
 - 4.3.1 Members were advised that the development of the pre-application and community and member engagement scheme were still in the preliminary stages and that consideration was being made on how all interested parties were to be involved. These included ensuring that the process adopted was equitable and encouraged consensus. There were also discussions about the guidelines and the importance of these procedures clearly setting out the purpose of this scheme and ensuring that the process was easily understood. The Sub-Committee were advised that officers had reviewed models in other Local Authorities and these exercises had been productive and informative.
 - 4.3.2 Members noted that the Pre-application Community and Member Engagement scheme would increase the interaction between officers and councillors. The Sub-Committee was advised that there were various models being considered which would enable interested parties to engage with Members. The Cabinet Member and the Chair were to be consulted about the proposed models.
- 4.4 Achieving Closer Alignment and Developing Relations with other Services and Directorates.
 - 4.4.1 Member's noted that the PAS report encouraged closer alignment between development management officers and other departments and teams and raised questions on how other Service Areas such as Housing, Public Protection and Licensing fitted under these proposals. The Committee was advised that there was already collaborative working between departments, and this was to continue. This was also necessary to ensure that the objectives of the Westminster City Plan were met.
- 4.5 Enhancing Transparency and Maintaining Probity
 - 4.5.1 Members were informed that the 'Guidance for Members Making Planning Decisions' document had been updated to reflect changes in the Town and County Planning Legislation, Regulations, Council Policies and Procedures. The Guidance also included a segment on 'Good Practise In Planning', advice for 'Site Visits' and also the Nolan Principles.
 - 4.5.2 Members noted that the Guidance included a section on 'Bias and Predetermination' and commented on the difficulties in demonstrating that 'they had followed a consistently fair approach between all parties when considering a case'. The Committee agreed that the above concerns would be negated if it was demonstrated that a 'fair process' was followed when considering the planning applications and in the verbal exchanges between parties during the sub-committees. The Committee recommended that a section on 'do's and don'ts at Planning Sub-Committees should be included in the Guide.
 - 4.5.3 Members held a short discussion on pre-determination and pre-disposition and noted that the former was undesirable. The Committee noted that a separate training session on the Code of Conduct would be arranged for the Planning Sub-Committee Members.

- 4.5.4 The Legal Officer advised that all gifts and hospitalities needed to be declared and that timelines did not apply in these areas. Members agreed that a segment should be included in the Guidance about the requirements to declare gifts and hospitalities which had been received both prior and after decisions of planning sub-committees.
- 4.5.5 The Draft Guidance for Members Making Planning Decisions' would be considered at the Standards Committee. The recommendations of the Standard's Committee would be incorporated into the final document. The Sub-Committee was advised that the Guidance was fit for purpose and would ensure that the objectives of the Planning Review were met.
- 4.6 Recruitment and Retention:
- 4.6.1 Members noted that officers' roles would be enhanced following the proposed changes under the new Delegated Authority scheme and raised questions on whether junior officers would be affected under the revised scheme. Officers confirmed that the junior officer's roles would be altered, and that senior staff would provide support. Members noted that there would be a working cultural shift and acknowledged the importance of ensuring that the appropriate officers were placed in suitable areas under the Delegated Authority scheme before the new work structure became embedded.
- 4.7 Members commended Officers for the introduction and implementation of public speaking at planning sub-committees and for ensuring that Members engagement with interested parties were undertaken in a transparent way. The Committee agreed that the above mentioned encouraged better decision-making at planning applications.

Resolved:

1. That the contents of the report and the ongoing work to implement measures to address the findings of the PAS report as part of the wider Planning Review programme be noted.
2. That the draft Guidance for Members – Making Planning Decisions subject to the incorporation of views and advice of the Standards Committee at their meeting on 11th July 2019 be approved, and agreed to delegate publication of the final version to the Director of Place Shaping and Town Planning, following consultation with the Director of Law and Chair of the Planning and City Development Committee.

5 PLANNING APPEALS 2018-2019

- 5.1 The Committee received a report from the Director of Place Shaping and Town Planning providing a background to the appeals process and a summary of appeal decisions in Westminster made by the Planning Inspectorate (on behalf of the Secretary of State) for the last financial year from 1 April 2018 to 1 April 2019. The report was prepared to provide an overview of the appeals process and performance and to consider whether

any conclusion could be drawn on how future appeals performance could be improved, particularly in terms of reducing the risk of costs being awarded against the council.

- 5.2 During the financial year between 1 April 2018 and 31 March 2019, 191 appeal decisions were received from the Planning Inspectorate. Of these figures, the Council decisions were upheld in full or in part for 69% of these cases. Our key performance indicator had a target to win 60% of all appeals. Members welcomed that most of the Council's planning decisions were upheld and noted that statistics indicated that the quality of decision-making was very good.
- 5.3 The Committee were reminded they were currently working within the current Westminster City Plan framework and that a new Plan was currently being finalised. The statistics were based on the current framework. Officers advised that more appeals may be generated in the transitional period during the implementation of the new Plan.
- 5.4 The Committee noted that the minutes of a Planning Sub-committee were referred to in one of the Appeals and were advised that these documents needed to be robust. Officers advised that the contents of minutes would be reviewed if required.
- 5.5 The Legal Officer informed Members that reasons for refusing planning applications needed to be clear and fully stated. The Committee agreed that applications which were refused by Officers and the Sub-Committee that were granted on Appeal should be detailed in future Reports.
- 5.6 The Committee was advised that the Council could incur costs if it was deemed by Planning Inspectors that the Planning Sub-Committee had acted in an unreasonable manner. The Committee requested that the Appeals during the previous two years that were upheld and had a cost implication be included in the Annual Report.

Resolved:

1. That the contents and conclusion of the report be noted.
2. That the Sub-Committee be provided an Annual Report on Planning Applications Appeals.
3. That the Annual Report on Planning Application Appeals included a summary on the Appeals that were upheld.
4. That the Chair of the relevant Planning Applications Sub-Committee, Chair of the Planning And City Development Committee and Ward Councillors be notified when an Appeal of a Planning Applications had been upheld.

6 ANNUAL UPDATE ON PLANNING APPLICATION PERFORMANCE

- 6.1 The Committee received a report from the Director of Place Shaping and Town Planning providing an annual update on the performance of the Place Shaping and Town Planning Department in terms of the timeliness and quality of its decision making in respect to Planning Applications.
- 6.2 For the period from April 2018 to March 2019 the City Council met and exceeded the MHCLG performance thresholds for both Major and Non-Major applications. The Major Applications threshold was exceeded by 27%, whilst the Non-Major applications threshold was exceeded by 9%. Coupled with similar performance for the preceding 2017/ 2018 financial year, the City Council was not at risk of designation in respect of the speed of its decision making.
- 6.3 The Committee welcomed the statistics and strong performance of the Planning Services. It was requested that statistics be provided on how Westminster City Council compared to other London Boroughs in terms of timeliness and quality of decision making in respect to Planning Applications

Resolved:

1. That the contents of the report and the ongoing good performance of the Place Shaping and Town Planning department in terms of its performance in the determination of planning applications be noted.
2. That future Reports on the Annual Update on Planning Applications Performance include information on how Westminster City Council compared with other London Local Authorities in relation to timeliness and quality of decision making in respect to Planning Applications.

7 WESTMINSTER'S CITY PLAN REGULATION 19

- 7.1 The Committee received a verbal update from Councillor Richard Beddoe on Regulation 19 version of the City Plan. Members were advised that the formal consultation had started and would continue for six weeks. Members were also provided with an outline of the timetable for consultation and adoption of the City Plan. There were three key areas in the City Plan and this included more homes, height policy and Green City.
- 7.2 Members held a brief discussion about the City Plan and queried whether there would be an opportunity for the New Plan to be discussed and scrutinised by all Councillors in a formal setting. The Sub-Committee was advised that there had been extensive consultation with the new City Plan and that all relevant legislations had been adhered to.
- 7.3 Members requested that a briefing note be circulated to the Committee about the formal process for consultation and adopting the City Plan.

7.4 The Chair thanked Councillor Richard Beddoe for his presentation and attendance to the Meeting.

Resolved:

That a Briefing Note on the decision-making process for formal adoption of the regulation 19 City Plan Consultation be circulated to the Planning & City Development Committee.

8 ANY OTHER BUSINESS WHICH THE CHAIRMAN CONSIDERS URGENT

8.1 The Committee were informed that it was to receive refresher training every six months and this would be scheduled before their meeting. Members noted that the training sessions would cover areas such as 'making good planning decisions and commented that amenities related themes such as light loss and noise nuisance should be included. The Committee noted that the mentioned areas were topical at Planning Sub-Committee and training on these areas should be prioritised.

The Meeting ended at 7.55 pm

CHAIRMAN: _____

DATE _____