

Community Services, Business and Planning Policy and Scrutiny Committee

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| Title: | Update on the Planning Review Programme |
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| Cabinet Member Portfolio | Cllr Matthew Green, Cabinet Member for Business and Planning |
| Wards Involved: | All |
| Policy Context: | City for All |
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1. Executive Summary

- 1.1 This report provides an overview of the implementation of the Planning Review programme from October 2018 to date. The Planning Review programme comprises a number of projects that in combination deliver improvements to the processes and practices of the planning service to address the recommendations made by Cabinet on 25 October 2018 in light of the PAS report on the function of the planning service, which was undertaken earlier in 2018.
- 1.2 Summary updates on progress on implementing the Planning Review programme have been reported to each of the Policy and Scrutiny Committee meetings held during 2019 as part of the Cabinet Member's updates. The detailed update in this report was intended to be reported to committee meeting schedule for 23 March 2020, which was cancelled due to the introduction of the Coronavirus lockdown. Consequently, some of the content of this report

replicates the report published in advance of the cancelled meeting. However, it has been updated where relevant to include areas of continued progress on the implementation of the Planning Review during subsequent period that has been impacted by COVID-19.

2. Key Matters for the Committee's Consideration

- 2.1 This report is a written update on Planning Review progress to implement the Cabinet recommendations of October 2018 and is for information only.

3. Background

Scope and Purpose of the Planning Review Programme

- 3.1 In response to the findings of the PAS review of the planning service carried out in mid-2018 Cabinet made 10 key recommendations with the aim of making the service more proactive, collaborative and transparent, and better able to contribute effectively to the delivery of the Council's City for All vision and other corporate priorities (see the full October 2018 Cabinet report at Appendix 1).
- 3.2 The recommendations made by Cabinet in October 2018 were:
1. To record, and make available post meeting, coverage of Planning Applications Sub-Committee meetings.
 2. To live stream Planning Applications Sub-Committee meetings.
 3. Introduce public speaking rights at Planning Applications Sub-Committee meetings.
 4. Review digital content on the planning process and planning decisions and improve accessibility to the general public.
 5. Improve the way planning policies and decisions are explained to make them easier to understand.
 6. Support resident and Ward Councillor participation at an earlier stage in the process, for example at pre-application stage of major applications.
 7. Increase delegation and review call in procedures to empower officers to take more delegated decisions.
 8. To restate to officers and Members their responsibilities in terms of the Council's gifts and hospitality policies.
 9. To restate to officers and elected Members involved in the planning process that they must retain a distance from land owners, applicants, agents and community stakeholders other than at formally arranged visits and meetings.
 10. Create a new Place Shaping and Town Planning directorate.
- 3.3 The Planning Review programme comprises a number of separate projects of differing scales and complexity, which in combination will realise the aims and objectives of the 10 Cabinet recommendations. In view of the differing scales of the various projects and the varying degrees of complexity of each project, some

of the service enhancements required to meet the Cabinet recommendations have already been realised, whilst a small number of more complex projects remain in their implementation phase, with delivery scheduled during 2020.

- 3.4 The progress of the programme is set out in the following sections of the report in response to each of the Cabinet recommendations.

Programme Response to Cabinet Recommendations

Recommendations 1 and 2:

To record, and make available post meeting, coverage of Planning Applications Sub-Committee meetings and live stream Planning Applications Sub-Committee meetings.

- 3.5 A project was established in early February 2019 to introduce an online platform to deliver live streaming of Planning Application Sub-Committee meetings and the capability to make the archived recordings available to view at a later date.
- 3.6 In February 2020 the Live Streaming capability was fully implemented with the first live streamed Sub-Committee meeting held on 11 February 2020. The meeting considered the high-profile application for the UK Holocaust Memorial and Learning Centre. The recording of that Sub-Committee meeting and subsequent meetings are available on the Council's website at the following link: <https://streaming.westminster.gov.uk/>. Feedback was overwhelmingly positive in terms of the quality of the recordings and the presentation of the meetings.
- 3.7 Data collected up to 24 February in relation to the first two live streamed Sub-Committee meetings indicates that the recording of the Planning Applications Sub-Committee on 11 February was watched (either live or as a recording) 315 times, whilst the following meeting on 18 February was watched 44 times.
- 3.8 However, following the Covid-19 lockdown on the 17 March, the format of committee meetings was adapted to fully virtual meetings and therefore the use of the existing Civico technology was temporarily suspended with the meeting platform migrating over to Microsoft Teams (see below). The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020 came into effect on Saturday 4 April 2020 and give local authorities the power to hold remote committee meetings until May 2021. The remote Planning Applications Sub-Committees have been held bi-weekly since 14 April 2020.
- 3.9 Significant initial preparation work was undertaken to ensure the successful operation of these committees, with training and IT support made available for officers and Members. Recordings of all meetings are made available online. The adoption of remote committees and change to Microsoft 'Teams' platform has allowed residents and stakeholders to observe meetings and/or recordings of any virtual meeting via the Council website, ensuring openness and transparency is maintained during the impacted period. While numbers of participants vary across and between meetings and the most recent committee

had significantly less observers, overall the initial figures suggest that virtual committee are generally attracting greater numbers of observers (Table 1).

Table 1: Observers of Initial Remote/ Virtual Committees

| Sub-Committee Date | No of Applications | No. of Observers |
|--------------------|-------------------------------|------------------|
| 14 April | 9 (plus 2 confidential items) | 247 |
| 28 April | 5 | 150 |
| 12 May | 5 | 142 |
| 26 May | 5 | 123 |
| 9 June | 6 | 8 |

- 3.10 Officers are currently considering the format for planning committee meetings beyond September 2020 and where possible will endeavour to retain innovative approaches that enhance the accessibility and transparency of the meeting. However, it should be noted that at present the continued use of fully remote or hybrid committee meetings beyond May 2021 would require a change to existing planning regulations.

Recommendation 3:

Introduce public speaking rights at Planning Applications Sub-Committee meetings.

- 3.11 Following consultation with stakeholders, and development of new procedures and protocols by officers in late 2018, the Planning and City Development Committee (PCDC) resolved in January 2019 to agree the proposed procedures and protocols to allow for members of the public to make verbal representations at sub-committee meetings. Public speaking was subsequently introduced at the Planning Applications Sub-Committee meeting on 26 February 2019.
- 3.12 A 6-month review of public speaking was undertaken in autumn 2019 and reported to the PCDC on 7 November 2019 (see Appendix 2). The review found that the introduction of public speaking had been overwhelmingly well received by stakeholders and that it had enhanced the degree to which the planning committee meetings were viewed as being open and transparent public forums. The review also found that the initially introduced procedures and protocols governing the public speaking process had been successful, but made some minor recommendations relating to the number of speakers permitted, the use of public speaking rights on deferred applications and the provision of a dedicated public speaking ‘slot’ for Neighbourhood Forums. The findings of the review were supported by the PCDC and public speaking procedures and protocols have subsequently been updated in accordance with the PCDC’s resolution. The effectiveness of the public speaking procedure at sub-committee meetings will continue to be reviewed.
- 3.13 Public speaking was temporarily suspended at the first two remote planning sub-committee meetings following the beginning of the Coronavirus lockdown in March to ensure technology was fully tested and to allow guidelines and protocols to be put in place. Following the introduction of a protocol for remote sub-committee meetings, Ward Councillors were able to address the sub-committees from 12 May with other speakers able to make representations from 26 May onwards.

Recommendation 4:

Review digital content on the planning process and planning decisions and improve accessibility to the general public.

- 3.14 Progression of this aspect of the Planning Review programme is closely linked to improvements being made corporately to the appearance, navigation, accessibility and content of the Council's website. It is expected that improvements to the accessibility and content of the planning sections of the website will be made throughout 2020.
- 3.15 A review of digital content to ensure published documents are relevant and up to date is in the process of being undertaken. This review will substantially reduce the number of out of date and superfluous planning guidance documents published on the website, thereby simplifying the planning application process for applicants.
- 3.16 As noted in paragraph 3.14, the content of the website is currently being examined to promote accessibility across all Council services and this is therefore an ongoing area of work that will continually evolve as new material/guidance becomes available and older content requires archiving. This is therefore an aspect of the service that will need to be continually reviewed going forward as part of 'business as usual' practices within the new PSTP department to ensure that the online content the service provides continues in future to be relevant to current planning processes and policies.
- 3.17 In terms of accessibility, since early 2019, the Council's website has been able to provide residents and other interested parties with e-notifications on planning applications that they have an interested in. The service provides email notifications of all applications within a specified radius of a chosen point within the City. Where residents or other interested parties have opted into this service, this method of consultation is significantly more reliable than traditional paper-based consultation methods (i.e. site notices and neighbour letters) and offers stakeholders quicker and enhanced access to the relevant planning documents. In light of Government signalling in the recent Planning White Paper 'Planning for the Future' that it wants planning consultation to move to digital platforms, it is proposed that this existing service is developed and expanded going forward to enable the Council to move away from traditional paper based consultation methods for planning applications.

Recommendation 5:

Improve the way planning policies and decisions are explained to make them easier to understand.

- 3.18 The draft new City Plan will undergo Examination in Public in September and October 2020. The subsequent introduction of the new City Plan in late 2020/early 2021 for planning decision making purposes will significantly simplify the development plan for Westminster, consolidating all local planning policies into a single document written in less technical and more accessible language, which will be in conformity with the currently emerging draft London Plan and

2019 NPPF. Planning decisions from late 2020 onwards will therefore be simpler for officers explain and will be based on a more consistent and accessible suite of policies, which better reflects the current needs of the City and its communities, ensuring that planning decisions are more consistent with the needs of residents, visitors and businesses.

- 3.19 Allied to the simplification of the development plan, work will commence later in 2020 on a review of the scope and content of delegated and sub-committee planning reports. The aim of this work will be to examine whether these documents can be revised to make them more accessible and simpler for members of the public and other stakeholders to understand.

Recommendation 6:

Support resident and Ward Councillor participation at an earlier stage in the process, for example at pre-application stage of major applications.

- 3.20 An 'Early Engagement' project has been set up as part of the wider programme to develop a process through which this recommendation can be delivered, so that early engagement with Ward Members and local communities on planning proposals is enhanced leading to better planning outcomes for local communities. The Planning Review programme team are currently developing a range of community consultation options that developers of larger major schemes will be expected to undertake at the earliest possible point in the pre-application process. The form of consultation that will be expected on major schemes of varying scales will be set out in a new protocol for pre-application discussions on major schemes. The community engagement options are likely to include various forms of face to face engagement (forum events, public exhibitions etc.), as well as use of digital consultation platforms. Consideration is also being given to the impact early public engagement may have on developers seeking advice from the Council on their emerging schemes.
- 3.21 The programme team recognise that early engagement with Ward Councillors and local communities has the potential to help to alleviate the problems typically encountered with current developer led pre-application engagement system, which often results in misrepresentation of views expressed by local stakeholders, and often occurs at the very end of the pre-application process at a stage when developers are not inclined to amend the scheme prior to the submission of a formal planning application. It would also enable officers to better understand local stakeholder concerns and aspirations and enable them to incorporate them in to pre-application advice provided to pre-applicants.
- 3.22 The delivery of a new framework for early community engagement has been delayed by the impact on COVID-19, which has required resources that were being used to progress this project to be used to ensure 'business as usual' processes were maintained during the affected period. As a result, a detailed timescale for implementation has yet to be confirmed, but it is expected that a new early community engagement process will be introduced in 2021.

Recommendation 7:

Increase delegation and review call in procedures to empower officers to take more delegated decisions.

- 3.23 Following publication of the PAS Review and creation of the Place Shaping and Town Planning (PSTP) department (see also Recommendation 10), there has been a notable cultural shift in the reporting of applications to the Planning Applications Sub-Committees (PASCs). Whereas previously there was a risk averse approach by officers to resolution of minor applications with a small number of objections under delegated powers, now greater ownership of such issues is being taken by officers.
- 3.24 Building upon this cultural shift since the formation of the PSTP department, a project has been set up to identify how existing delegated powers for officers can be extended to more junior officers to empower them to determine many of the simpler applications currently determined by Area Team Leaders, thereby aiding their professional development and enhancing their professional capabilities. This change will also serve to reduce the 'bottle neck' at the end of the application process for applications determined under delegated powers. Officers are currently considering the changes to processes and procedures that are required to enable this change to current working practices to occur, whilst ensuring that planning decisions made under delegated powers continue to be consistent and robust.
- 3.25 Due to the impact of COVID-19 on working practices since March 2020 and the consequential inability to host in person group training activities, the extension of delegated powers to junior officers has been delayed. Consequently, it is expected that these changes to how powers delegated to officers are exercised will be introduced in 2021, following a return to more normal day to day operational arrangements with the Town Planning teams.
- 3.26 Whilst the impact of COVID-19 has necessitated in a pause to the extension of delegated powers for determining applications to more junior officers, it has required the planning teams to innovate in other ways to ensure they can continue to operate efficiently and make high volumes of planning decisions even when working remotely. Since March 2020 the process of making delegated decisions, which was formally partially paper based, has become a fully digital end to end process. This has allowed all officers involved in the delegated decision-making process (admin officers, case offices and Team Leaders) to work more flexibly and is an important first step towards enabling delegated decision making by more junior officers in future. This digital process will therefore be retained even when the service returns to predominantly office-based working/ with less reliance on remote working.

Recommendations 8 and 9:

To restate to officers and Members their responsibilities in terms of the Council's gifts and hospitality policies, and to restate to officers and elected Members involved in the planning process that they must retain a distance from land owners, applicants, agents and community stakeholders other than at formally arranged visits and meetings.

- 3.27 Officers were reminded in late 2018, and continue to be regularly reminded, that it is their responsibility to record gifts and hospitality, even where it is not accepted, and more rigorous recording of gifts and hospitality is now in place within the service. The relationship of officers with land owners, applicants, agents and community stakeholders has also been recalibrated to ensure that there is an appropriate distance at all times between officers and these stakeholders in the planning process.
- 3.28 The responsibilities for Members involved in the planning process have been reinforced through the revised and updated 'Guidance for Members Making Planning Decisions' document. The guidance document significantly enhances advice regarding the acceptance of gifts and hospitality and recommends that members be mindful, not only of whether the acceptance of gifts or hospitality is lawful, but also whether acceptance may give rise to an adverse perception, either fairly or unfairly.
- 3.29 The updated Members guidance document was reported to the Standards Committee on 11 July 2019. The final version, incorporating the recommendations of the Standards Committee, has subsequently been agreed by the Cabinet Member for Place Shaping and Planning and endorsed by the PCDC on 7 November 2019. The updated guidance is provided at Appendix 3.

Recommendation 10:

Create a new Place Shaping and Town Planning directorate.

- 3.30 Following the Cabinet decision in October 2018 and the appointment of a new Director of Place Shaping and Town Planning in late 2018, a new Place Shaping and Town Planning department was created combining work of the former Place Shaping and Development Planning functions. Allied to the creation of the new directorate, Highways Planning and Trees officers moved to City Highways within the City Management and Communities directorate to ensure that the advice they provide on planning applications is more closely aligned with the Council's Highways function.
- 3.31 The combining of the Place Shaping function with Town Planning has enabled planning decisions to become more strategically aligned with the Council's place shaping projects and also enabled officers within Place Shaping to understand more clearly the potential opportunities and constraints of emerging development proposals. In combination the two functions are more dynamic in response to emerging development proposals and capable of being more proactive in meeting the needs of new development and existing communities that are impacted by development.
- 3.32 The shared goals and behaviours of the new department have been captured in a new departmental Vision and Core Values, which was developed collaboratively with officers from across the new service area.
- 3.33 Following the formation of the new department, the fees for all non-statutory planning services were reviewed to ensure the Town Planning teams moves

closer to full cost recovery where possible. Pre-application and Planning Performance Agreement (PPA) fees were increased by 15% in January 2020 under the existing fees structure. Further enhancements of the pre-application service, to diversify the services offered and provide additional customer choice, with associated amendments to pre-application fees are under development and may be introduced in future. However, work on these service enhancements have been paused during the initial period impacted by COVID-19.

- 3.34 Formal consultation on the proposed restructure of the Place Shaping and Town Planning Department commenced on 29 January 2020 and lasted for 38 calendar days. Officers and Trade Unions were briefed on the proposals and all officers, directly affected or not, were invited to feedback on the proposals. The consultation report was also supported by an Equality Impact Assessment which was updated during the consultation period.
- 3.35 Due to the impact of Covid-19 and the subsequent Government shut down of services, staff were informed on the 23 March 2020 that the Chief Executive had agreed to put the service review on hold.

Programme Future and Completion of Delivery

- 3.36 The Planning Review Programme has been operational for 23 months, during which time it has delivered significant service enhancements in response to the majority of the Cabinet recommendations from October 2018. It has also overseen a significant shift in culture within the new PSTP department resulting in greater ownership of decision making and resolution of complex planning issues, with reduced need for committee referral. Throughout this period the new department has also become more collaborative and better aligned to corporate objectives through closer working with officers from other departments and directorates.
- 3.37 In light of these achievements, consideration is now being given to the future of the Planning Review Programme with conclusion of the programme at the end of Q2 2020 being considered so that the remaining projects within the programme can be taken forward and delivered more simply and efficiently by officers within PSTP, given that strategic decisions on what options to pursue will have already been taken.
- 3.38 Where projects within the programme remain active or have been delayed due to the impact of COVID-19, these are either entering their delivery phase pursuant to an identified preferred option or are aligned to other corporate programmes/ projects. The early engagement and delegated authority projects are both closely related to the day to day internal processes undertaken by officers within the department and as such, the detailed roll out and implementation of these projects can be more effectively undertaken as individual projects led by the management team within the Town Planning function.

- 3.39 As noted earlier in this report, the enhancements to the accessibility and content of the website are linked to other corporate programmes/ projects relating to the functionality of the website and as such works to improve the planning section of the website can be taken forward as part of these wider corporate initiatives without the need to continue to operate a specific project as part of the Planning Review programme.
- 3.40 The programme is therefore coming to a close and regular reporting will not now continue unless the Committee decides otherwise.

If you have any queries about this report or wish to inspect any of the Background Papers, please contact Oliver Gibson 07971026919
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APPENDICES:

1. Chief Executive's report to Cabinet dated 25 October 2018, including minutes and appended PAS Report.
2. Report to the Planning and City Development Committee dated 7 November 2019 and minutes (containing six-month review of Public Speaking).
3. Updated "Guidance for Members Making Planning Decisions" dated 30 October 2019.

BACKGROUND PAPERS

N/A