



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** \_\_\_\_\_