



CITY OF WESTMINSTER

# MINUTES

## Planning & City Development Committee

### MINUTES OF PROCEEDINGS

Minutes of a meeting of the **Planning & City Development Committee** Committee held on **Monday 25th October, 2021**, Rooms 18.06 & 18.07 18th Floor, 64 Victoria Street, London, SW1E 6QP.

**Members Present:** Councillors Robert Rigby (Chairman), Geoff Barraclough, David Boothroyd, Jim Glen, Louise Hyams, Selina Short and Mark Shearer

**Apologies for Absence:** Councillor Tim Roca, Councillor Eoghain Murphy, Councillor Guthrie McKie, Councillor Antonia Cox and Councillor Susie Burbridge

#### 1 MEMBERSHIP

1.1 There were no changes to the Membership.

#### 2 DECLARATIONS OF INTEREST

2.1 There were no declarations of Interest.

#### 3 MINUTES

3.1 That the Minutes of the Planning and City Development Committee meeting held on 27 July 2021 be approved.

#### 3.2 Matters Arising from the Minutes

3.2.1 Minutes. 3.3.1 Minutes 5 Draft Early Community Engagement Guidance

Members were informed that Planning Aid for London had been approached to explore how they might be able to act as a 'Community Champion' support residents, Amenity Societies, and Neighbourhood Forums during the planning consultation process. The role they would perform would be to ensure that these interested parties engage effectively and positively to consultation at pre-application and application stage. There are various models being considered, and this is to ensure that adequate support is provided that is proportionate to different scales of development and that is appropriate to meet the needs of all parties. Planning Aid for London currently provides free

support for people in London who cannot afford professional support to assist them in interacting with the town planning and development processes. The 'Community Champion' role being explored with them would be separate and in addition to their existing charitable work. The provision of a 'Community Champion' would be funded by external parties.

### 3.2.2 Minutes 4.2 City Plan and Planning Policy Update

Members were advised that the Planning Policy Team were reviewing Supplementary Planning Documents (SPDs) which had now become redundant under the new framework for determining planning applications. There are over 20 SPDs that are no longer 'fit for purpose' and officers are working to ensure that the new SPDs would fill any gaps and meet the requirements of the New City Plan. A Cabinet Member Report is to be submitted to the Cabinet Member to set out the intended action to be taken to withdraw and, where appropriate, replace outdated SPDs. The Environmental Supplemental Planning Documents has been out for consultation and is being finalised. Officers advised that usage of permeable materials would be included in the Environment Supplementary Planning Document

### 3.2.3 Minutes 6.3 Review of Planning Applications Sub-Committee Formats / Civico

Members were informed that it was proposed for all hybrid meetings to be broadcasted via CIVICO and that there was ongoing testing to ensure that the Software is fully functional and compatible with the Council's corporate IT systems. Members were advised that Microsoft (MS) Teams would continue to be used to broadcast meetings during the interim.

## **4 UPDATE ON TEMPORARY COVID-19 RELATED LEGISLATION & REGULATIONS**

4.1 The Committee received a report which provided an update on the temporary changes to planning legislation that have been introduced since the beginning of the Coronavirus pandemic in March 2020. Where the temporary legislation or regulations have been extended or replaced by a permanent alternative the report considers the impacts this may have on the operation of the planning service and for future planning decisions in Westminster.

4.2 Members were informed that changes were made by Government through secondary legislation to certain aspects of the planning system in the period following the beginning of the first Coronavirus lockdown in March 2020. Some of these changes were temporary (seeking to assist 'business as usual' activities during the pandemic and the recovery in the immediate aftermath), whilst others were permanent, seeking to support the longer-term recovery, address the decline in traditional high street retailing that began before the pandemic, but was accelerated by it, and promote the delivery of more housing.

4.3 Members held a discussion and noted the following: -

- The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020 enabled local authorities to hold virtual planning committee meetings up to 7 May 2021. The provision was used by the Council from April 2020 onwards to ensure continuity of decision making on large and high-profile applications. The provision ended after the 6 May 2021 and there was a seamless transition to hybrid committees from May 2021. Virtual and hybrid meetings have resulted in growth in the number of people observing and taking part in committee meetings.
- The Committee noted that Members were required to be physically present at hybrid meetings to make legal binding decisions and agreed that this should be reviewed. Members commented on the benefits of attending meetings in person and being able to join them remotely.
- Members agreed that it was preferred for Officers to attend the Hybrid Planning Applications Sub-Committee in person when contentious Applications were to be considered by the Sub-Committees.
- That a considerable percentage of speakers at the Hybrid Planning Applications Sub-Committees preferred to attend these meetings in person at City Hall instead of joining them remotely.
- The Town and Country Planning (General Permitted Development) (England) (Amendment) Order 2020 allowed restaurants and cafes and drinking establishments to provide takeaway food without the need for planning permission for a temporary period of 12 months. The provision has been extended to March 2022. Members commented that a considerable number of premises may have been using this provision without notifying the Council and agreed that this area should be closely monitored, and that mechanisms should be put in place to ensure that premises revert to their previous use after March 2022. The Committee noted that several Members had undertaken casework regarding public nuisances from premises that had introduced or expanded their takeaway offer during the pandemic.
- The Town and Country Planning (Development Management Procedure, Listed Buildings and Environmental Impact Assessment) (England) (Coronavirus) (Amendment) Regulations 2020 provided new regulations to support 'business as usual' activities and ensure continuation of timely decision-making. Regulations include measures to relax requirements for site notices, publication of notices in newspaper and physical inspection of documents. The Council has not had to use these relaxed requirements for site or press notices. New processes were developed to support BAU in other areas of the planning service, such as enabling customers to view scanned planning history records remotely, rather than in the office. Members were advised that the new digital service had been widely received by various parties and that there had been no requests to reintroduce the option for planning records to be inspected physical. Nevertheless, Officers advised that the public and developers/planning agents would still be able to physical

inspect documents and be provided support in this area as and when pandemic restrictions allow.

- The Business and Planning Act 2020 had introduced numerous temporary provisions which included, Pavement Licences, Extended Construction Hours and Extension of Existing Permissions/Consents. There have been over 1215 Pavement Licence applications up to 31 March 2021. Of these 930 were granted. Pavement licences have been extended to 30 September 2022 by the Business and Planning Act 2020 (Pavement Licences) (Coronavirus) (Amendment) Regulations 2021.
- Members noted that there have been three applications made under the Extended Construction Hours provisions and welcomed that all had been refused. The applications were refused on the grounds that amenities of neighbouring properties could be potentially impacted.
- Members noted that the new provision for 'Moveable Structures' was primarily designed to support the hospitality sector following the Covid-19 pandemic and agreed that some control should be retained regarding these applications and their usage. Members requested that this should be reported in the consultation response. Members raised concerns about potential nuisances to neighbouring properties from 'Moveable Structures' and noted that a large majority of the Borough was densely populated and agreed that this should be considered as a factor regarding these temporary structures.
- The Committee agreed that despite the apparently low uptake of some of the measures introduced, they have afforded businesses and the development industry within the city a 'safety net' during the pandemic, allowing them to adapt to the unique circumstances of the pandemic response without undue planning restriction. The transition back towards the levels of planning control experienced prior to the pandemic in 2022, at the end of the current extension periods, is appropriate. The Committee also agreed that the temporary changes made by Government were welcome and enabled the Council to put in place amended practices to limit the impact of the pandemic on planning decision making. They noted that this experience has enabled the Council to move more seamlessly since May 2021 to the current hybrid committee format.

#### **RESOLVED:**

1. Members noted the contents of the report and the ongoing impacts that changes to planning legislation and regulations related to the pandemic has on the planning service and planning decision making.
2. That Officers incorporate the Committee's comments regarding 'Moveable Structures' in their response to the governments consultations in that some control should be retained with granting permissions and agreeing usage for these temporary structures and their possible impact of public nuisance to neighbouring properties.

#### **5 UPDATED DRAFT EARLY COMMUNITY ENGAGEMENT GUIDANCE**

- 5.1 The Committee received a report which provided an update on the Draft Early Community Engagement Guidance. The initial version of the draft Early Community Engagement guidance was published for consultation in spring 2021 and reported to the PCD Committee in March 2021. All respondents welcomed the principle of introducing guidance that provides greater clarity regarding the expectations for early community engagement on emerging development proposals. Those who engaged with the Council on the initial version of the guidance were notified of the updated version of the draft guidance at the beginning of October and additional comments were sought by 5 November. The intention is to publish the finalised guidance by the end of November 2021 following review of comments in response to the second consultation period.
- 5.2 The first engagement phase enabled the approach set out in the initially published guidance to be developed and finessed so that it is better aligned with the expectations of communities, whilst providing sufficient flexibility to allow developers and applicants to design their engagement strategies to meet the needs of each development they bring forward. There were several themes which arose from the consultation these include: -
- The role of neighbourhood forums should be better explained and the need for development to accord with neighbourhood plans should be better articulated.
  - The need to deliver development that complies with the development plan should be more clearly explained.
  - Developers should speak to community groups in advance to establish how they can best be engaged with.
  - The scales of development within the scope of the guidance should be expanded to include non-major development. Many respondents noted that non-major development can often have greater impacts on neighbouring communities.
- 5.3 Following initial consultation amendments were made to the Guidance. These include an expectation that developers who frequently undertake development in Westminster should adopt their own engagement charter and/or set of principles, better recognition of the role of Neighbourhood Forums and Plans, systems to encourage community groups to engage with officers, the introduction of the concept of a 'Community Champion' and extension of the scope of the guidance to include impactful non-major development. Case studies have also been added to provide worked examples.
- 5.4 Members held a discussion and noted the following: -
- That a number of pilot studies would start in 2022 and would operate over the first year following publication of the guidance. The case studies will be used to test the principles and processes set out in the guidance. There has been a

positive response from the planning and development community about the proposed guidance. Members were advised that consultation on the guidance had already successfully promoted the benefits of early engagement in the planning pre-application process within the developer community.

- That the Early Community Engagement Guidance would not be a compulsory document, but instead offered detailed advice on how to deliver best practice engagement. Members noted that not all interested parties would adhere to the guidance, but that the engagement that developers have undertaken would be set out in greater detail in committee reports in future.
- The Committee agreed that where the developer team engages meaningfully with interested parties earlier in the pre-application process, this typically delivers better planning outcomes at application stage. Early consultation enables better, more informed decisions to be made.
- That the community engagement process would also be used by officers to gain greater insight into the views of interested parties and to obtain local expertise on proposed developments and this would aid their roles when negotiating with potential developers at pre-application stage.
- The Committee welcomed that local Ward Councillors would be included as part of the consultation process and noted that they already act as community champions.
- That an updated list of Amenity Society and Neighbourhood Forums would be provided, and these contact lists were reviewed periodically. Officers advised that data from other Council Services were drawn upon and measures put in place to ensure that they capture all interested parties. Members noted that there had been an increase in the digitalisation of the planning application process and that data from these databases were utilised.
- Members requested that officers circulate the list of Amenity Society and Neighbourhood Forums to the Committee.
- Members agreed that developers should use hybrid meetings when consulting with interested parties, where appropriate, and commented that this would improve participations and be a more cost-effective way of engaging with many groups.
- Members welcomed the Community Champion concept and their future role in assisting the local communities with their response to pre-application engagement. The Committee noted that the Community Champion expertise could also be used during consultations on proposed Council owned scheme developments.
- Members agreed that the Draft Early Community Engagement Guidance should also include good practises for smaller planning applications and should encourage agents and applicants to engage with their neighbours and interested parties prior to starting their applications.

- The Committee agreed that the Draft Early Community Engagement Guidance should include examples of good community engagement for different sized developments such as domestic applications and large developments. Members also agreed that applicants and planning developers should be encouraged to engage with interested parties throughout the construction phases.

5.5 Members welcomed the Draft Early Community Engagement Guidance and thanked Officers for their work. The Committee agreed that there should be a launch event for the guidance.

**RESOLVED:**

1. Members noted the updates made to the Draft Early Community Engagement Guidance following the initial consultation phase undertaken in spring 2021.
2. That Officers circulate the list of Amenity Society and Neighbourhood Forums to the Committee and that Members provide feedback on its contents.
3. That a launch event be arranged for the Early Community Engagement Guidance.

**6 ARTICLE 4 DIRECTIONS IN WESTMINSTER**

6.1 The Committee received a report which provided an overview of recent changes to permitted development rights (PDR) and the council's Article 4 Directions restricting certain permitted development rights.

6.2 The national planning practice guidance defines permitted development rights as 'a national grant of planning permission which allow certain building works and changes of use to be carried out without having to make a planning application. These are often highly specific and limited to a few issues. PDR mean that full planning permission is not required, instead relies on a slimmed-down "prior approval" process, with a more limited range of considerations – e.g. flood risk, transport impacts, land contamination, etc. Expansion of PDR in 2021 incorporates changes to the Use Classes Order in 2020 – numerous different commercial uses subsumed into overarching "commercial, business and service use" or "Class E". Class E incorporates a much wider range of uses including offices, shops, cafes and restaurants, indoor sports facilities, medical services and nurseries. Permitted development rights are subject to conditions and limitations to control impacts and to protect local amenity.

6.3 Members held a discussion and noted the following: -

- Members welcomed that High Streets would be protected, and that their offerings would be expanded.

- Members were informed that Article 4 did not provide any provisions regarding vacant buildings and that compulsory purchase orders could only be used to deal with longstanding empty properties where the site is untidy and caused nuisances. Officers advised that a Council Investment Service was to be introduced and part of their remit would be finding premises for potential investors, and this would include vacant buildings. Members agreed that the Economy Team should liaise with Ward Councillors about long-standing vacant properties.
- Members were advised that there were no current data on the number of retail units which had converted to financial and professional services units. The Committee were reminded that these uses were within Class E and that developers were not required to notify of these changes. Officers advised that other data sources such as Business Rates would be reviewed to monitor these changes

## **RESOLVED:**

Members noted the contents of the report

## **7 UPDATE ON NEIGHBOURHOOD PLANNING IN WESTMINSTER**

- 7.1 The Committee received a report which provided overview of recent neighbourhood planning activity in Westminster. Westminster has the most designated neighbourhood areas of any London Borough (21), the highest number of designated neighbourhood forums (15) and London's only Community Council (Queen's Park), which has neighbourhood planning powers.
- 7.2 Neighbourhood planning was established via the 2011 Localism Act and allows local communities to devise local planning policies that then form part of the statutory development plan for that area. These are subject to public consultation and scrutiny via an independent examination process to determine whether the plan meets the 'Basic Conditions' (which include conformity with City Plan and London Plan policies) and other legislative requirements. Neighbourhood plans are then subject to local referendum as a final step ensuring support from their local community to adopt the plan. The council has a duty to support neighbourhood planning and officers offer advice and guidance to neighbourhood forums as well as undertaking the statutory processes involved in plan-making.
- 7.3 Members held discussion and noted that Neighbourhood Plans
- Give communities direct powers to shape the development and growth of their area
  - Can influence where new homes, offices, shops, etc. are built
  - Can influence design of new development



- Should support the delivery of strategic policies set out in the City Plan and London Plan and should shape and direct development that is outside of those strategic policies
- Should contain policies for the development and use of land
- Once adopted, neighbourhood plans become part of the council's statutory development plan. This means they have equal weight with the City Plan and London Plan in decision-making.
- On adoption, the percentage of Community Infrastructure Levy (CIL) allocated to the neighbourhood from new developments increases to 25% (from 15%).

7.4 Members held further discussion and noted the following: -

- Members noted that there were several Neighbourhood Forums who were at different stages with preparing their Plan and requested for a timeframe to be provided about when these would be formally adopted.
- Members welcomed that officers support were provided to Forums and agreed that the Planning Policy Team should be pro-active about promoting the service that are available to Forums in relation to Neighbourhood Plans.
- That Neighbourhood Plans life span should ideally reflect the City Plan and London Plan. Members were advised that Neighbourhood Plans could be reviewed periodically and would be affected by any changes to the National Planning Policy. There is provision which enable minor modifications to be made to Plans without the need to undergo a full examination or a referendum.

Members thanked Officers for their work.

#### **RESOLVED:**

- 1 Members noted the contents of the report
- 2 That a timeframe be provided of when new Neighbourhood Forums Plans are to be adopted.

#### **8 ANY OTHER BUSINESS WHICH THE CHAIRMAN CONSIDERS URGENT**

- 8.1 Members were requested to forward Agenda Items for future Committee.
- 8.2 Members agreed that a report on Enforcement should be brought to their next Committee and should include information about performance and the adoption of a Local Enforcement Plan.
- 8.3 That Members be provided a report which provided further update about Planning Reforms and their adoptions at their next Meeting.

8.4 Members noted that they received an annual update regarding planning appeals and that the weekly list which details appeals would be updated.

8.5 The Committee noted that a training programme would need to be devised for new Members following the Local Elections in May 2022.

**9 DATE OF NEXT MEETING**

- 30 March 2022

The Meeting ended at 8.00 pm

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

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