



CITY OF WESTMINSTER

# MINUTES

## Planning & City Development Committee

### MINUTES OF PROCEEDINGS

Minutes of a meeting of the **Planning & City Development Committee** held on **Wednesday 1st November, 2023**, Rooms 18:01 - 03 18th Floor, Westminster City Hall, 64 Victoria Street, London, SW1E 6QP.

**Members Present:** Councillors Ruth Bush (Chair), Jason Williams (Vice-Chair), Barbara Arzymanow, Nafsika Butler-Thalassis, Md Shamsed Chowdhury, Paul Fisher, Jim Glen, Ryan Jude, Sara Hassan, Robert Rigby, Elizabeth Hitchcock and Louise Hyams

**Also Present:** Councillors Geoff Barraclough and James Small-Edwards

**Apologies for Absence:** Councillors Ed Pitt Ford and Patrick Lilley

#### 1 MEMBERSHIP

- 1.1 That Councillor Patrick Lilley had replaced Councillor Ryan Jude on the Planning Applications Sub-Committee (2) and Councillor Cara Sanquest on the Planning Applications Sub-Committee (3).
- 1.2 Councillor Louise Hyams had replaced Councillor Amanda Langford on the Planning Applications Sub-Committee (3).
- 1.3 There were no further changes to the membership.

#### 2 DECLARATIONS OF INTERESTS

- 2.1 There were no declarations of interest.

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

- 3.1 Agreed that the minutes of the Planning & City Development Committee held on 26 July 2023 were a true record of the proceedings.
- 3.2 Matters arising from the minutes: -

### 3.2.1 Minutes 7.1 Planning and City Development Committee Constitution

- 3.2.1 (i) The Committee were informed that a briefing paper on the Constitution was not yet completed, and the briefing paper will be circulated before the next Committee meeting.

## 4 POLICY UPDATES

4.1 The Committee received a report which provided an update on general policy and looked ahead to the 2025 Full City Plan Review.

4.2 Members held a discussion and noted the following: -

4.2.1 The Committee were advised that all sectors in the West End were interlinked and supported each other. A strong office economy is essential to the function of the Westminster, London and UK economy. The office economy is rapidly changing with less office space required but higher quality of offices needed. The new retrofit policy in the City Plan Partial Review supports the retrofitting of existing buildings including office space for sustainability reasons, and in response to the council's Climate Emergency declaration. Policy wording, which includes requirements for Carbon Assessments, will be published in the New Year.

4.2.2 The Committee noted that the Carbon Assessments could only be accurate when based on the use and longevity of the building. The aim of setting the targets on embodied carbon specifically is to bring a consistency on new buildings to meet specific targets at design stage. It will also allow for applicants to know in advance what will be accepted, while still maintaining some room for judgement. Public benefit tests will continue to allow some flexibility. Many applications that come before the Sub-Committees are not able to be retrofitted to Grade A level offices so demolition may be necessary, as long it meets the tests in the policy. Work is being done to challenge the market to consider the Climate Emergency and carbon costs when upgrading office space.

4.2.3 The Committee were advised that the Levelling Up and Regeneration Act has a range of measures within it including on how affordable housing will be prescribed in the future, approach to neighbourhood plans and national development policies. There is still no detail, and it is expected that more information will be given when the secondary legislation is introduced. The Committee noted that Westminster City Council is unique with high levels of conservation but in the last few years measures that have come through on permitted development have had provisions excluding conservation areas.

4.2.4 The Committee noted that clarity is needed for the industry, members, and residents on retrofit policies including for heritage buildings. The Committee were advised that in the new policy under 'Unlocking and Promoting Retrofitting' wording on Heritage and Townscape concerns will allow the

benefits of unlocking the retrofit to be considered against it and allow officers to make that judgement. Officers advised that they are working with Historic England who are generally supportive of allowing more clarity around how owners of heritage buildings can responsibly retrofit. Bath and North Somerset Council have extensive guidance on heritage retrofitting and other London authorities are also starting to explore retrofitting in heritage buildings, but they do not have as ambitious targets as Westminster City Council.

- 4.2.5 The Committee were advised that the Council will be using the Greater London Authorities (GLA) wording and approach for whole life carbon to make it easier for applicants.
- 4.2.6 The Committee noted that the Environment Supplementary Planning Document (ESPD) work is currently being revised but some additions cannot be included without a change to higher level policy in the City Plan to hang from. The ESPD will therefore need to be updated again once the new Full City Plan Policy is in place. While the government's proposals for implementing Biodiversity Net Gain Plan (BNG) has been delayed to January 2024, it is the council's intention to use the ESPD to indicate such requirements are a minimum in the interests of supporting sustainable growth and responding to the Ecological Emergency.
- 4.2.7 The Committee were advised that the Retrofit Taskforce are involved in drafting and scrutinising the new City Plan Policy and have given their feedback on how to promote retrofitting and how the policy can be developed further for more effectiveness.
- 4.2.8 The Committee were advised that the government have an existing policy on gas boilers in new builds and the new City Plan Policy won't change this drastically. There will be some opportunity to work through the alignment of building control and planning policy position including when they are traditionally controlled better through building control.
- 4.2.9 The Committee noted that the policy team are collating evidence on build costs of applications and how these may be impacted by meeting the embodied carbon budgets. They are working with consultants and advising them to go for the lowest carbon option. They wish to see simple and good adaptations that can reduce body carbon budgets and secure the longevity of the buildings including for climate change adaptations.
- 4.2.10 The Committee were advised that evidence base modelling on whether retrofitting will allow WCC to keep up with office space demand is being undertaken. The Committee noted that the presumption in Planning legislation is in favour of granting an application unless there is a good reason not to.
- 4.2.11 The Committee noted that the GLA London Plan supports going further than WCC's approach when applying whole life carbon. The officers foresee no major compliance issues with the GLA London Plan.

**RESOLVED**

That Members considered the contents of the report and noted the progress of the Partial City Plan Review.

## **5 PLANNING APPLICATIONS AND APPEALS PERFORMANCE MID-YEAR UPDATE - 2023/24**

5.1 The Committee received a report which provided a mid-year update on the performance of the Town Planning service in terms of the timeliness and quality of its planning application decision making and the success rate of planning appeals for the first two quarters of 2023/24. Performance against all measures continues to exceed the Department for Levelling Up, Homes and Communities (DLUHC) and relevant internal performance indicators.

5.2 Members held a discussion and noted the following: -

5.2.1 The Committee were informed that there had been a trend for advertisement consent appeals to be allowed, particularly for larger temporary advertisements and digital adverts, and this results from a divergence in how Inspectors are assessing these proposals relative to officers. A Public Realm Supplementary Planning Document (SPD) is currently being drafted as part of the Local Development Scheme and this could include guidance on appropriate locations for digital advertising. More focused and detailed design guidance will also be explored with the policy team and could be programmed for next year.

5.2.2 Members were informed that determined appeals were spread across a range of different application types and individual appeals are determined by different Inspectors appointed on behalf of the Secretary of State by the Planning Inspectorate. Like applications, appeals must be determined in accordance with the development plan and therefore appeals that may not have been permitted in 2018 may be allowed under the 2021 City Plan, or vice versa.

5.2.3 The Committee noted that two appeals relating to sustainability improvements to a listed building were overturned at appeal. The Committee requested that officers take note of being more permissive of non-permanent interventions in listed buildings.

5.2.4 The Committee noted that the volumes of applications for the first two quarters of 2023/24 were consistent with the same period in 2022/23, with the exception of major applications which have been dropping since before the period impacted by the pandemic. Major applications are defined by government and therefore the data for major applications can be compared with other London Boroughs.

5.2.5 The Committee were informed that the report highlighted those applications that were appealed following a decision at Committee, but did not include those that were granted under delegated authority. A full list of appeal decisions, including those following delegated decisions, is provided in the appendices to the report.

- 5.2.6 The Committee noted that Tottenham Court Road Language School was overturned and allowed at appeal due to the introduction of new marketing evidence to the Inspector that was not submitted at application stage. The Committee asked that the Costs Decision that was refused by the Inspector be circulated so that the Committee could understand why the Inspector did not consider the appellants behaviour in this case to be unreasonable.
- 5.2.7 Members requested that future training is arranged that includes current or former Planning Inspectors that are able to provide guidance to the Committee on appeal processes and Inspector decision making.

## **RESOLVED**

That Members considered the contents of the report and noted the on-track performance of the planning service.

## **6 DESIGN REVIEW PANEL UPDATE**

- 6.1 The Committee received a verbal update regarding the first Westminster Design Review Panel (DRP). The Committee were advised that the first DRP meeting had been held in October and that the meeting considered two significant sites, which cannot be named at this stage as they remain at confidential pre-application stage. The DRP panel received positive feedback from both officers and the pre-applicants, who recognised the value added by the panel's outside expertise. Officers will continue to monitor the performance of the DRP and measure the benefits it delivers in terms of scheme design.
- 6.2 The Committee were advised that the next Design Review Panel would be held at the end of November. When an application that has been considered by the DRP comes before a Sub-Committee the committee report will set out what the applicant has amended following the meeting to address the panel's recommendations. It will be unlikely that schemes that have been reviewed by the DRP will not be determined at a Sub-Committee meeting due to their scale and significance.
- 6.3 The Committee were advised of the process for the Design Review Panel. The Panel is made up of around 30 experts in a range of built environment and related fields. The panels will be bespoke for each DRP meeting and panel members will be selected so that the expertise on the panel correlates with the issues that an application or pre-application scheme raises. The Panel spend the morning visiting the sites and in the afternoon the applicant presents the application to the Panel and the Panel scrutinise the plans and ask questions. The Chair sums up the discussion and a written advice summary is provided to advise the applicant on the panel's recommendations.

## **RESOLVED**

That the verbal update be noted.

Officers will organise observation opportunities for Members of the Committee to observe the Design Review Panel.

**7 ANY OTHER BUSINESS WHICH THE CHAIR CONSIDERS URGENT**

7.1 The Committee were advised that Officers were working on updating the process and deadline for late representations for Planning Applications Sub-Committees. The intention is for the change to be in place by the end of the year (2023).

7.2 That Members wish to be involved at an early stage in the Full City Plan Review and would be open to in person meetings and receiving the draft wording for it. Members are to give further consideration of how they wish to be involved in this future workstream.

7.3 The Chair advised that she would like to involve Westminster’s young people more in the planning process particularly if an application is near a school. She also wishes to invite schools, including Westminster School and St Marylebone’s CE School, to planning workshops at City Hall.

7.4 Councillor Hyams requested an update on M&S Oxford Street Branch. An update was sent to members since the last committee, and this would be distributed to Councillor Hyams.

**8 DATE OF THE NEXT MEETING**

27<sup>th</sup> March 2024.

The Meeting ended at 8.08 pm

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

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