

## City of London Corporation Committee Report

<b>Committee(s):</b> Planning and Transportation Committee	<b>Dated:</b> 21/01/25
<b>Subject:</b> Modernising Planning Committees – Government Consultation	<b>Public report:</b> For Information
<b>This proposal:</b> <ul style="list-style-type: none"> <li>• <b>provides statutory duties</b></li> </ul>	This report relates to the statutory planning function
<b>Does this proposal require extra revenue and/or capital spending?</b>	No
<b>If so, how much?</b>	
<b>What is the source of Funding?</b>	
<b>Has this Funding Source been agreed with the Chamberlain’s Department?</b>	
<b>Report of:</b>	Katie Stewart – Executive Director, Environment
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### Summary

On the 9<sup>th</sup> December 2024 the Government published a planning reform working paper titled modernising planning committees. The paper includes initial ideas and shows the Government’s direction of travel: they are thinking of introducing a national scheme of delegation and ‘strategic development committees’ to supplement standard planning committees.

Officers have drafted a response to the working paper (see appendix 1), and this committee report provides a brief discussion. It is proposed that the consultation response reflects the successful operation of the City Corporation’s Planning Application Sub-Committee against the performance criteria set out by the Government, and the unique nature of development in the City, and suggests ways in which the reforms could be altered to allow the City Corporation’s committee to continue to function effectively.

## Recommendation

Members of the Planning and Transportation Committee are asked to consider and provide comments on the consultation response at Appendix 1.

Members of the Policy and Resources Committee are asked to:

- consider the comments of the Planning and Transportation Committee
- approve the consultation response at Appendix 1.

## Main Report

### Background

1. On the 9<sup>th</sup> December the Government published a working paper on 'modernising planning committees.' The general direction of travel indicated in this paper is that the Government would like to streamline the committee process by clarifying the types of applications that should be decided by committee, and by introducing 'strategic development committees' that would specialise in the largest, 'strategic' applications that require long term engagement by the LPA and elected members.
2. Any changes would require secondary legislation following the passage of the Planning and Infrastructure Bill, which is due to be introduced to Parliament early this year, and would be fully consulted on in the normal way. The working paper invites views on the Government's initial ideas.
3. The Government is considering a national scheme of delegation to ensure that the number and type of applications that are determined by committee is consistent across LPAs. The Government also wants the national scheme of delegation to empower professional planners to make more decisions, especially on applications that are in compliance with the development plan when read as a whole, or on post-permission matters where the principle of development was accepted in an outline application.
4. This is in the context of some planning committees refusing development on allocated sites, or reserved matters applications on large masterplan sites, against officer advice, only for this to be overturned at appeal and costs awarded against the Local Planning Authority.
5. Alongside a national scheme of delegation, the working paper introduces the idea of 'strategic development committees'. The Government envisages these to be smaller committees of three to five members but acknowledges that where these are already in operation, they often have seven to nine members.
6. All development that is classed as 'strategic' would be considered by the strategic development committee.

## **Current Position**

7. The Planning Applications Sub-Committee (PASC) currently decides applications that are not delegated to officers. The membership of the PASC is the same as the full Planning and Transportation Committee.
8. The current scheme of delegation states that all applications are delegated to officers subject to the 'decision being in accordance with policy, not being of broad interest and there being no more than 9 planning objections.'
9. The Government is clearly targeting LPA's that have a record of refusing development on weak, spurious or illegitimate planning grounds, especially where the site has been allocated in the local plan or is subject to an outline consent, contrary to officer recommendations. This is not the case for the City Corporation; since December 2022, 32 applications<sup>1</sup> have been decided by the Planning Applications Sub-Committee. Of these, officers have recommended 31 for approval and one for refusal.

## **Proposals**

10. On the two major ideas in the working paper – a national scheme of delegation, and strategic development committees – a discussion is below. For the full consultation response please refer to Appendix 1.

### *National Scheme of Delegation*

11. The working paper offers three options for how a national scheme of delegation could work:
  - All applications that comply with the development plan are delegated to officers (option 1)
  - All applications are delegated by default, except for departures from the development plan that are recommended for approval, and for applications by the LPA itself (option 2)
  - All applications are delegated by default, with a prescriptive list of exemptions (eg major residential development not on an allocated site, development that is subject to an Environmental Impact Assessment, development proposals that have received a specified number of objections, etc) (option 3)
12. The City Corporation's current scheme of delegation is similar to option three, although the exemptions are different to the Government's suggestions. Most applications are delegated by default, with only those that do not comply with the development plan or being of 'broad interest' sent to committee.

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<sup>1</sup> Listed building consents that accompany a full application have been discounted

13. Since the current committee structure is thought to work well and this is close to option three, this will be fed back to the Government in the City Corporation's response.
14. It is noted that two of the three options presented rely on the concept of 'compliance with the development plan', and the Government identifies a potential hybrid system where the first stage is whether an application complies with the development plan.
15. At paragraph 13 of the working paper the Government notes that a 'judgement on compliance with the development plan may be complex and need some careful consideration, particularly where an application may not fully meet a specific policy'. Given the emphasis on an officer judgement on accordance with the development plan, clear guidance and processes should be produced by the Government if this framework is taken forward.
16. This would also have a specific impact in the City as it receives several high profile and nationally important applications per year, that often are judged to be in accordance with the development plan. In some of the Government's scenarios these would automatically be approved by officers despite their significance potentially warranting a committee decision.
17. With regards to objections, it is noted that the Government's working paper takes a negative view of having a threshold of objections that would trigger a decision by committee. The Government sees any threshold as an incentive to organised local opposition to meet whatever threshold is set. While the City Corporation usually does not frequently encounter large and organised opposition groups, the removal of this trigger should be carefully considered in light of the additional pressure placed on a judgement of compliance with the development plan. An objection threshold is one potential way to assess the significance of a proposal, even if officers judge it to comply with the development plan.

#### *Strategic Development Committees*

18. The Government is seeking views on requiring LPAs to establish smaller, dedicated committees to focus only on strategic development. These would operate in addition to the main planning committee, although any national scheme of delegation would not apply. Every application that is classed as 'strategic' would be sent to the strategic development committee.
19. The use of strategic development committees may be suitable for some local authorities that are bringing forward a New Town, major urban extension or London Plan Opportunity Area.
20. However, the PASC already operates in a quasi-strategic manner. Only the very largest applications normally go to sub-committee.

21. Therefore, for strategic development committees to be effective the threshold for a 'strategic' application must be carefully set, and given the differential scales and types of development in different places, it should not be set nationally. The criteria for referral to the Mayor of London is a good precedent as it contains specific thresholds for the City of London, distinct from central London and the rest of London<sup>2</sup>. The City of London specific thresholds are:
- floorspace of more than 100,000 sqm
  - height of more than 150 metres
22. It is also noted by officers that the City Corporation does not process the type of applications the working paper suggests a strategic development committee is designed to decide. Due to the relatively small size of all development plots, the City Corporation rarely receives outline applications, and all development is usually brought forward as a single phase, often as a single building. Therefore, the long term strategic oversight that is needed for a new town, urban extension or masterplan does not occur in the City.
23. The City's unique circumstances mean that a strategic development committee is unlikely to have any benefits, especially since the current PASC already works efficiently. In fact, if the threshold is set poorly it may result in a higher volume of applications going to committee, with all of these being decided by the strategic committee. This would protract the decision making process, delay development, and have the opposite effect to the Government's intentions.
24. Consequently, officers are of the opinion that a strategic development committee should not be mandatory if the LPA can demonstrate the effectiveness of its standard planning committee. If the Government proceeds with mandatory strategic development committees, the City of London should have its own threshold for a 'strategic' application, in line with the referral criteria to the Mayor of London. Alternatively, areas subject to a Spatial Development Strategy should be exempt, given that this already provides a layer of strategic insight, with the Mayor of London having the power to call in applications for determination.

#### *Mandatory training*

25. The working paper also seeks views on the introduction of nationwide, mandatory training for planning committee members.
26. The City Corporation provides both in-house and Planning Advisory Service training to planning committee members, and so supports the principle of training for members.

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<sup>2</sup> [The Town and Country Planning \(Mayor of London\) Order 2008](#)

27. A consistent, nationwide scheme of training is supported by the City Corporation, provided this reflects local circumstances and governance arrangements.

### **Corporate & Strategic Implications**

Strategic implications – The planning committee makes decisions on high profile applications that have economic, social and environmental impacts. Its work cuts across several corporate plan objectives including Dynamic Economic Growth, Leading Sustainable Environment and Vibrant Thriving Destination.

Financial implications – none

Resource implications – none

Legal implications – none

Risk implications – none

Equalities implications – none

Climate implications – none

Security implications – none

### **Conclusion**

28. The Government has published a working paper that indicates a direction of travel for planning committees. The Government would like to introduce a national scheme of delegation, small 'strategic development committees', and mandatory training for committee members.

29. The City Corporation believes its planning committee works well, with 94% of decisions being taken in line with officer recommendations.

30. Therefore, while these reforms would likely improve decision making at many committees, they should be carefully applied to ensure that well-functioning committees are not disrupted.

31. It is noted that due to the unique nature of the City, some of the ideas proposed would result in additional applications being decided at committee, the opposite of the Government's intentions. Several additional ideas have been suggested that would ensure any reforms work well in the City context. These are:

- Exempting planning committees that are demonstrably effective and make sound decisions in line with planning policy and law
- To ensure a national scheme of delegation includes some 'safety valves' that cause an application to go to committee even if officers identify compliance with the development plan
- Using the GLA referral criteria to define 'strategic development' in London

- Exempting LPAs from setting up a strategic development committee if they are subject to a Spatial Development Strategy (such as the London Plan).

## **Appendices**

Appendix 1 – Modernising Planning Committees: Consultation Response

Appendix 2 – Planning Reform Working Paper: Modernising Planning Committees

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