

Report of the Residents' & Environmental Services Policy Overview Committee

2015/16

Mechanisms for Reviewing Major Developments in the Borough and Identifying Lessons to be Learned for the Planning Process



Members of the Committee

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CHAIRMAN'S FOREWORD

The function of Policy Overview Committees is not just to review the policy of the Council, but to help make specific improvements to the Borough. Hillingdon is a prosperous, successful and growing Borough, which brings with it new development and changes to the built environment. It is incumbent on the Council to ensure that what we approve for construction is the best that it can be for residents.

Planning applications are decided in a rigorous, methodical manner, supported by varied evidence and national and local policy. However, this review illustrates the Council desire to improve and identify ways to enhance policy and its results. This review considers major developments for the simple reason that they have the greatest impact on the greatest number of people. Through better understanding of the consequences of decisions made by committees, and also how Members can influence a decision, we can continue to improve planning outcomes.

In this report we recommend Member development measures to give them greater knowledge of planning matters and the tools to make a positive change to an application, to better discharge their duty to represent the interests of residents. Not only that, but the recommendations show an awareness of the need to be constantly learning and improving to deliver the best possible Borough.

I would like to thank the witnesses and Members of the Committee for their contribution to the review and passion for making the Borough a better place.

Councillor Michael White

Chairman of the Residents' & Environmental Services Policy Overview Committee

RECOMMENDATIONS

Following its review, the **Residents' & Environmental Services Policy Overview Committee** has made the following recommendations to Cabinet:

1

That the Council undertakes post development review of planning decisions.

2

That Members of the Major Planning Committee should attend yearly site visits to high profile developments they have approved to understand and learn lessons from decisions made.

3

That there should be a properly established evaluation process that occurs during the site visits.

4

That the costs of a Member site visit should be considered as part of the member development budget.

5

That structured site visits held for Members should include reference to informatives or conditions imposed, and how these have manifested post approval.

6

That the architect/scheme designers from each development which were subject of the site visit be encouraged to contribute to the post development review process.

7

That Ward Councillors should be invited to submit suggested sites to visit or given a list of sites the Committee will visit and asked if they have any feedback to give on particular developments in their Wards, in particular what end users and neighbours have told the Ward Councillors they think of the development in question.

8

That any suggested changes brought about by post development review be fed into the planning process as part of the ongoing updating of planning policies.

BACKGROUND TO THIS REVIEW

The Members of Hillingdon's Central & South, North and Major Applications Planning Committees are responsible for numerous decisions of varying scope across the Borough. Major applications by their nature have a significant impact on the built environment and residents' enjoyment of the Borough. This is primarily through the change in environment that occurs through new development; ranging from impacts on everything from security, drainage, visual appearance, outlook, light, noise, traffic congestion and parking, through to the wider multi-faceted impacts on neighbourhoods and town centres from very large scale redevelopments.

It is certainly the case that considerable effort is given to determining planning applications by planning officers and the Councillors on Hillingdon's Planning Committees. However, less attention is devoted to assessing whether the approved development is successful once built, or actually creates a high quality environment for occupiers, users or neighbours. There is no formal mechanism by which Members of the Planning Committees can assess the results of their decisions, or use existing developments to help inform future decisions.

The review aimed to understand how lessons are currently learned post approval, and whether there were any simple post development processes that could be recommended to Cabinet to analyse the successes and failures of major developments. It also sought to find methods for decision makers to learn lessons for any post development review processes undertaken. The result would be that Members could better understand how plans would translate to reality, and ways to make a substantive difference to an application.

A greater understanding of the consequences of decisions made has obvious benefits to the ongoing planning process, and the potential to make a long-term contribution to a better Borough built environment for residents. Significant officer and Member resource is invested in determining planning applications, and increasing capture of lessons is a logical improvement to services offered by the Borough.

The scope of the review did not include enforcement activities.

Structure

The information, evidence and findings of this review are set out under the following headings:

1. Current Situation
2. Matters learned from witness sessions
 - Assessing the current systems
 - Site tours
 - External review of major developments
3. Conclusions

CURRENT SITUATION

Decisions relating to Major applications are made by the Major Planning Applications Committee. Applications considered 'major' are those that involve:

- the creation of 10 or more residential units
- residential development on a site of 0.5 hectares or more
- non-residential development on a site of at least 1 hectare
- non-residential development that creates more than 1000 square metres of new gross floorspace
- the creation of a change of use of 1000 square metres or more of gross floor space (not including housing)
- Council owned development sites / applications where the Council is the applicant
- The Head of Planning, in consultation with the appropriate Cabinet Member, may refer applications which by virtue of the level of public interest or by virtue of the economic / regeneration benefits of the proposals are felt to warrant consideration at the Major Applications Committee

Decisions are informed by officer reports and presentations, petitioners or applicants addressing the committee, discussion in committee and, on occasion, site visits. There are also numerous mechanisms by which Members of the Committee can influence an approved development, through informatives or conditions imposed. There is however, no feedback loop to inform Members how the information they received and conditions imposed contributed to making the best decision for the Borough.

The review mechanisms currently used by Hillingdon Council are limited, and there is no framework in place which permits Members to undertake a critical evaluation of a development. Certain Council activities do elicit valuable information, but only partially address planning matters or are too infrequent to make a consistent contribution.

The Local Plan to an extent provides a mechanism whereby officer and public feedback regarding development is given, however, much of the feedback on planning issues of importance stems from views on development already undertaken. The Local Plan is also developed over many years preventing it from being used as a tool for assessment, and it does not represent a targeted qualitative review of whether the Borough's planning decisions are resulting in high quality development.

The Planning Department undertakes occasional customer feedback exercises targeted at applicants and agents. However, this tends to result in customers focussing on whether they liked the service given by a particular officer or the merits or otherwise of phone calls going through a customer contact centre. The feedback given does not tend to provide meaningful responses on the quality of developments arising from the planning process, nor the impact of Councillor input.

Lastly, there is individual site specific feedback from residents or Resident Associations on developments which are being built. This is almost entirely focussed on potential breaches of planning control, rather than constructive feedback on schemes once built.

The Residents' & Environmental Services Policy Overview Committee therefore identified a learning and policy gap between decision-making, and the consequence of these decisions which this review will address.

Matters Learned From Witness Sessions

ASSESSING THE CURRENT SYSTEMS

The first witness session confirmed that there is currently no post development review process in place which enables lessons to be learnt from planning decisions either by officers or Councillors.

The current system of decision making means that all high profile or major development decisions are effectively made by Councillors who sit on the 3 planning committees. Officers make recommendations, but it is ultimately the decision of Members of the Committee to decide if a proposal is suitable within national and Council policy. As a result, any post development review process agreed by Cabinet must heavily involve members of the Planning Committees as well as officers.

1

That the Council undertakes post development review of planning decisions.

In order to maximise the benefit of post development review, it was concluded that Members and officers must work in tandem. With Members reliant on information provided by officers, it is important that any review allows lessons to be shared to both parties.

The Committee noted the distinction between post development review as a tool for learning and improving decision, and enforcement actions for breaches of planning control.

A common policy other Councils have put in place is to organise site visits for Councillors accompanied by officers to understand what constituted a successful development, and how they could contribute to bringing this about, similar to a defunct exercise in the Borough.

SITE TOURS

Previously, Councillors attended tours of the Borough to visit different sites and developments approved by the Committee. However, there was limited rigour applied to the process, which was essentially Councillors visiting a list of sites and sharing their views with officers. There was then, very limited attention given to the process of the decision, any information shared or the impact of any conditions imposed on a development.

However, the Committee was convinced of the merits of site visits, and that properly structured they retain the potential to inform future decision making.

2

That Members of the Major Planning Committee should attend yearly site visits to high profile developments they have approved to understand and learn lessons from decisions made.

The Committee felt that any site visits should include an invitation to the Cabinet Member for Planning, Transportation and Recycling, and, where appropriate, the Chairman of the Licensing Committee should be invited to attend to visit those premises which required licensing (i.e hotels, restaurants, bars, casinos etc).

The problem identified with previous site visits undertaken by Members and officers was a lack of structure, and limited reference back to the application and decision. Without a systematic approach that ensures certain prerequisite information is garnered from a site visit, there is limited scope for learning, and therefore limited use to future decision making. In parallel to this, without consideration of the decision itself, and the content of discussion during the meeting, the value of a site visit is diminished.

As a result, the Committee recommended:

3

That there should be a properly established evaluation process that occurs during the site visits.

The structured content of site visits can be determined by officers on a case-by-case basis in consultation with Members. However, suggested topics include:

- Reference to the officer report and Member discussion and factors considered in the decision, as captured in minutes
- Changes that occurred to the development post committee
- Examples of the impact of conditions imposed or informatives, especially those applied following discussions in Committee, and whether the planning conditions were fit for purpose
- Reference to associated issues that an application may have had an impact on, for example pressure placed by new development on existing on-street parking. This may also include concerns of residents considered unfounded by officers
- Evaluation of the building by end users

The benefit of such a process is the clear link between decision and result, and feedback to Members about how they were informed, considered and made their decision. Though the use of design awards was discussed as a potential mechanism of post development review, the link between the awards and encouraging understanding of flaws in decision making was doubtful. It was the view of the Head of Planning that such measures only include the very best schemes, not contributing to improvements for poor developments, and are expensive and not cost effective.

In contrast, the measure to introduce a structured site tour, with close attention to evaluation of the decision, makes use of existing resources and expertise. The additional

cost incurred through organised and delivering a site tour is comparatively small, and could fall within the budget for member development, if agreed by cabinet.

4

That the costs of a Member site visit should be considered as part of the member development budget.

The Committee also discussed how the Council has undertaken post development surveys of new development. Unfortunately, these provide limited valuable data as local residents focus on a topical issue related to the Council (e.g. How often refuse is collected) rather than answer questions in the way a survey intends. Given the shortcomings of this method, the Committee determined that site visits represented potentially the most effective method, both in learning and cost.

This review has identified simple mechanisms by which learning about development can be undertaken. Though more complex methodologies were identified, these are potentially much more costly than re-establishing a programme of site visits and ensuring that the visit is accompanied by a structured evaluation of the application and decision. There is therefore insufficient justification for design awards which have questionable learning potential. Instead, site visits can be accommodated within the member development budget, and have the potential to fulfill the stated aims of the review.

EXTERNAL REVIEW OF MAJOR DEVELOPMENTS

As part of the review, the Committee consulted Dale Venn and Jane Venn of Dale Venn Architects Ltd, and Satish Vekaria, Design Manager in Major Construction Projects at the London Borough of Hillingdon.

Witnesses noted the key role that conditions and informatives played in the realisation of a development. Planning conditions are an important and much debated part of the planning process; hence it is important to consider whether the right planning conditions were imposed. Specifically, the Committee considered the extent to which planning conditions were flexible, and achieved their stated aims. Given their significant influence, Members should be clear on the link between conditions and informatives and the ultimate outcome of the development.

5

That structured site visits held for Members should include reference to informatives or conditions imposed, and how these have manifested post approval.

This recommendation sits neatly within the suggestion of a structured site visit, allowing members to consider a completed development with reference to conditions imposed.

The evidence presented to the Committee also considered measures for external contribution for post development review, in order to ensure that different stakeholders

had the opportunity to contribute to ongoing improvement to the planning process. Furthermore, it is rarely the case that what is approved is precisely what is built, as building projects evolve to reflect client requirements and the need to meet Building Control, budgetary and other important requirements. There is therefore a need for a wider consultation of how a building project has developed, and the Committee recommended:

6

That the architect/scheme designers from each development which were subject of the site visit be encouraged to contribute to the post development review process.

In short, the views of the end user are important to gauging the success or otherwise of a building, and good planning is not just about whether the scheme complied with Council planning policies. The above recommendation takes into account changes during construction, and also the extent to which a development achieved the intended function successfully. It is however, important to note that the recommendation does not seek to encourage or alter current enforcement practices, and that post development review is a learning tool for officers and Members.

There will inevitably be some amendments to plans as developments evolve, and how these are handled affects the final development. Witnesses emphasised the benefits of clear and positive communication channels between the developer and the Council throughout the planning process, and the contribution that this makes to a better quality development.

In parallel, contribution from the end user is key to establishing if a development can be considered a success. Debate within the Policy Overview Committee with external speakers made it clear that Ward Councillors have considerable knowledge in this regard, or an understanding of groups in their ward that are most affected. As a result, the committee recommended:

7

That Ward Councillors should be invited to submit suggested sites to visit or given a list of sites the Committee will visit and asked if they have any feedback to give on particular developments in their Wards, in particular what end users and neighbours have told the Ward Councillors they think of the development in question.

The benefits of Ward Councillor input to the post development review process are obvious in that they have great understanding and knowledge of the local area. However, this also extends to a privileged position within local networks of end users and residents. It is thought that this recommendation would help to provide an additional layer of insight and quality control to the suggested process of site visits.

To this end, Ward Councillors should be notified in advance of the itinerary being set for planned site visits in order to make suggestions for sites which merit a visit and scrutiny from the Committee. This links closely to the second part of the recommendation to create a close link to the end user, as the witness sessions suggested that Ward Councillors ordinarily have significant knowledge to the better and worse development within their ward.

The original programme of site visits appears to have been curtailed as it did not make a positive benefit to the decision process. However, the results of this review suggest that the direction of information was too heavily from Members to Officers, and insufficiently considered the decision-making process.

However, this does reinforce the need to for a cyclical process, whereby the results of site visits contribute directly to how decisions are taken, and these decisions are subsequently reviewed. It is for this reason that the committee recommended:

8

That any suggested changes brought about by post development review be fed into the planning process as part of the ongoing updating of planning policies.

This recommendation ensures that learning during the site visits reaches the point where it is most valuable - before a development is approved. Ensuring that the process is updated on an ongoing basis allows Members and officers to respond to and modify the above recommendations depending on how successful they are, potentially assisting this review to make a more long term contribution to better planning in Hillingdon.

CONCLUSIONS

As a consequence of this review, there is a greater knowledge of how lessons are currently learned in the Borough following approval of an application. The work of the Residents' and Environmental Services Policy Committee and invited witnesses has elicited several simple and flexible post development processes to evaluate major developments for consideration by Cabinet. The result of these recommendations is likely to be a better understanding from Members of how the information supplied to them in order to make a decision manifests once built, and how they can more effectively use their influence.

The recommendations set out in this report contribute to addressing a learning gap within planning policy for the Council. The manner in which this achieved is multifaceted, and represents the diverse experience of the witnesses who addressed the committee. The recommendations have the potential to achieve the goals of the review as set out in the background to this review, in an economical and efficient manner with a clear contribution. An additional benefit of the key recommendations proposed is that they remain simple to modify and adapt as priorities and learning needs of Members and officers change.

The background to this review noted the intricate way in which consequences of planning decisions contribute to life in the Borough. The recommendations outlined in this review acknowledge the requirement to be flexible both in what learning can be taken from a particular development, and considering a plurality of views of a development. Ensuring that both Members and officers can learn the resulting lessons equally and in tandem is a key strength of these recommendations.

Though no significant issues were identified in the process of determining major planning applications, the recommendations of this review are presented to Cabinet as proportionate, cost effective and potentially highly beneficial to Members, officers and residents.

TERMS OF REFERENCE

As agreed by the Committee:

1. To understand how lessons are currently learned post approval from processing planning applications;
2. To look at suggested models of best practice (such as the Building for Life Standard) that stem from Governmental or professional bodies and to seek advice from local experts in the fields of planning or architecture.
3. To consider, and recommend to Cabinet any improvements to, the Council's present approach.

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WITNESSES

Witness sessions for the review were held on 12 November 2015 and 16 January 2016 in which the Committee heard from the following expert witnesses:

Session 1

- James Rodger – Head of Planning and Enforcement, London Borough of Hillingdon

Session 2

- Dale Venn – Dale Venn Architects Ltd
- Jane Venn – Dale Venn Architects Ltd
- Satish Vekaria – Design Manager, Major Construction Projects, London Borough of Hillingdon

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