

Pre-application and Application Engagement with Councillors Guidance Note

Purpose

This note sets out the approach that the Cabinet Member and Chair of the Planning Committee will take in engaging with landowners, developers and community groups in relation to development proposals at pre-application and application stages of the development management process.

Background

The Localism Act 2011, the Department of Communities and Local Government Guidance "A Plain English guide to the Localism Act" and the LGA's "Probity in Planning for Councillors and Officers" allows and encourages early member engagement on potential planning applications prior to their submission. This is an established part of the development management process.

By the very nature of such meetings not all relevant information may be at hand, nor will formal consultations with interested parties have taken place. Any discussions will not bind the council to making a particular decision and any views expressed are personal and provisional.

As any views conveyed are informal and without prejudice applicants should not rely on them or use them in their supporting documentation when formally making a planning application. Likewise third parties need to ensure they regard any comments made as informal advice only and that they cannot rely on it when making formal representations over applications.

Types of pre-application development members will meet on

The City Council has a pre-application service where applicants can receive formal advice from the Director of Planning prior to making an application. More information on this service and the relevant charges can be found at:

westminster.gov.uk/request-planning-pre-application-advice

Whilst applicants are expected to rely on the advice received from officers, it is acknowledged there are occasions where an informal political steer may need to be sought, before investing significant amounts of money to make a formal planning application. Therefore the Cabinet Member for Planning and the Chairman of the Planning Committee may hold meetings on the categories of potential applications listed in Appendix A providing they are accompanied with a planning officer. Only in exceptional circumstances will the Cabinet Member or Chairman of the Planning Committee hold meetings with developers for any other types of development. Appendix A also gives details of who, in the first instance, should be met.

Who holds the meeting?

Requests for meetings are to be made through Madeleine Hale (MH) in Cabinet Support, contactable on mhale@westminster.gov.uk

MH is to liaise with the planning department to determine which category the application falls into and, accordingly, who should meet the applicant in the first instance. The Cabinet Member may invite the Planning Committee Chairman to any meeting he holds and may request attendance at any meeting of the Planning Committee Chairman.

Cabinet Member meetings will deal only with issues of policy concern, including significant deviation from published policy, s.106, Affordable Housing Contribution, viability, maximisation of site use and building height.

The Cabinet Member will meet parties during the pre-application stage, only thereafter any policy steer given is to be adopted and progressed by the Chairman of Planning and/or officers, as appropriate. On matters outside of the scope of the Cabinet Member's engagement, the Chairman of the Planning Committee may meet with parties either at a pre-application stage or once an application has been submitted. Save for issues which arise relating to land use, density and height, the Cabinet Member will not engage with issues of design, look or feel.

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If the Chairman of Planning considers that an application raises significant issues of policy (or deviation therefrom) and that the Cabinet Member is to be informed, officers are to do so forthwith.

Both members have the discretion to invite any other members or, once an application has been made, whether the meeting should take place with any of the other planning committee chairmen.

Fortnightly reports on any such meetings and upcoming meetings are to be provided to the Planning Committee Chairman, the Cabinet Member and the Leader of the Council.

The member will record the advice he has given to a developer or third party and keep a record. Once an application is submitted any advice provided by the relevant member will be given to the Director of Planning so it can be included in the committee report.

There can be no meetings with any members once the recommendation of the Director of Planning is known because this will be a lobbying meeting.

The process

Meetings shall not take place with or on behalf of prospective applicants unless they have completed the requisite form (see Appendix B). This confirms their interest in the site, their willingness to enter into a Planning Performance Agreement, and the names of officers currently engaged on the project.

Requests should not be accepted until the Director of Planning has reviewed each request to confirm that officers are already engaged on the project through the Council's pre application system. The meeting cannot be used as a means of bypassing the Director's proper assessment of the proposal. This will also give sufficient notice to prepare a briefing note for the relevant member and arrange for an officer to attend the meeting. The Director will only very rarely advise against having a meeting. This may occur, for example, if there is an ongoing legal challenge or clear prospect of one which could be prejudiced by such a meeting.

The above guidance will also apply as appropriate to third parties such as adjacent businesses, residents or amenity groups. The form will not be required but full background details will be required to enable a briefing to be provided by officers. No meetings will take place with developers who have indicated they will not enter into a Planning Performance Agreement.

If a member conveys any support for, or objection to, the proposals, they must make it clear that the determining committee must make its decision without pre determination. Notes of the meeting will be disclosable under the FOI Act and care must be taken to ensure that the integrity and impartiality of the committee are protected.

Appendix A – Types of Development the Cabinet Member and Chairman of the Planning Committee may hold meetings

<p>A GLA referable development which comprise:</p> <p>Development which comprises or includes the provision of more than 150 houses, flats, or houses and flats.</p> <p>Development with a total floorspace of more than 20,000 square metres.</p> <p>Development which comprises or includes the erection of a new building that is more than 25 metres high and is adjacent to the River Thames or a building that is more than 30 metres high anywhere else.</p> <p>Development on metropolitan open land with a floorspace of more than 1,000 square metres or material change in the use of such a building.</p> <p>Development for a use, other than residential use, which includes the provision of more than 200 car parking spaces in connection with that use.</p>	<p><i>Cabinet Member</i></p> <p><i>Cabinet Member</i></p> <p><i>Cabinet Member and Chairman of Planning Committee jointly</i></p> <p><i>Chairman of Planning Committee</i></p> <p><i>Chairman of Planning Committee</i></p>
<p>B Major development which marks a significant departure from Council policy.</p>	<p><i>Cabinet Member</i></p>
<p>C Development that may involve or impact significantly on an Embassy or any other diplomatic use.</p>	<p><i>Chairman of Planning Committee</i></p>
<p>D Development that may have a significant impact on an historic asset.</p> <p>Examples would include the loss or substantial demolition of a Grade 1 or 2* listed building or moving/loss of a statue.</p>	<p><i>Cabinet Member and Chairman of Planning Committee jointly</i></p>
<p>E Development that, in the opinion of the Director of Planning, may not maximise a site in an opportunity area.</p>	<p><i>Cabinet Member</i></p>

Appendix B – Request Form for meetings with a Councillor

Councillor meeting request Form

Date:

Questions	Responses
What is the full address of the site?	
Have you paid pre-application meeting fees?	
Which proposed development is the meeting in connection with? <i>Please provide a description.</i>	
Does the Application meet Member Criteria for a meeting?	
Which Criteria of Appendix A does it meet and why?	
Can you provide confirmation that the project team has had a pre-application meeting with the relevant area team(s) at Westminster City Council? <i>Please include details of who you met and when.</i>	
Does the developer intend to enter into a paid PPA on submission of the application?	
Why is a meeting with the Cabinet Member / Chairman of Planning Committee necessary?	

Officer Assessment of Relevant Councillor: Cabinet Member / Chairman of Planning Committee

Reason:

Save if it appears to officers that the applicant will be seeking to negotiate down by over 25% its AHF contribution in which case the Cabinet Member is to engage as well.

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