

Pre-application Engagement with the Cabinet Member for Planning and Economic Development and the Chair of Planning

Guidance Note for Developers

Purpose

This note sets out the approach that the Cabinet Member for Planning and Economic Development and the Chair of the Planning Committee will take in engaging with landowners and developers in relation to development proposals at pre-application stage of the development management process. Meetings should only take place with the Cabinet Member or Chair after an application has been submitted in exceptional circumstances and with the approval of the Chief Executive.

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 on a subsequent formal application.

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.

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 Place-Shaping and Planning Service 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

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Whilst applicants are expected to rely on the advice received from officers, it is acknowledged that 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 Economic Development and the Chair of the Planning Committee may hold meetings on the categories of potential applications (listed in Appendix A) providing they are accompanied by a planning officer. Only in exceptional circumstances will the Cabinet Member or Chair hold meetings with developers for any other types of development and this will be subject to the approval of the Chief Executive. Appendix A also gives details of who, in the first instance, should be met.

Meetings with the Cabinet Member and Chair of Planning should come at an appropriate time in the process of developing proposals. This should always be after a substantial amount of pre-application discussions with officers, but also while there remains sufficient time for the scheme to be amended before an application is made.

Developers should also demonstrate at the time of making their request that they have undertaken initial engagement with the local community and representative local community groups. They should ensure that their presentation to the Cabinet Member and/ or Chair indicates how views expressed by the local community have been taken into account in the development of the proposal.

How to request a meeting

Requests for meetings are to be made through the Governance and Councillor Liaison team by emailing developermeetings@westminster.gov.uk.

The Governance and Councillor Liaison team will liaise with the Place Shaping and Town Planning Service to determine if the proposed development falls within one of the categories of development specified in Appendix A. Note that meetings will only be held with the Cabinet Member or Chair of Planning if the proposed development falls within one of these categories.

The Cabinet Member may invite the Planning Committee Chair to any meeting he/she holds and may request attendance at any meeting held with the Planning Committee Chair.

The Cabinet Member 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.

Both members have the discretion to invite any other members or any of the other planning committee chairmen.

A summary of all requests received and the outcome of that request (i.e. accepted or rejected, meeting organised with the Cabinet Member or Chair) is to be maintained by the Governance and Councillor Liaison Team for a period of up to four years.

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, the names of officers currently engaged on the project, and details of community engagement that has taken place in advance of the meeting request.

Requests will not be accepted until the Place-Shaping and Planning Service 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 proper assessment of the proposal by officers. This will also give sufficient notice to prepare a briefing note for the relevant member and arrange for an officer to attend the meeting. 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.

The planning officer present will record any advice given. The record of the meeting will be retained and published in the background papers of the report to the Planning Applications Sub-Committee, in the event that a formal planning application is subsequently made.

The record 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.

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

<p>A. Development which comprises or includes the provision of more than 150 houses, flats, or houses and flats.</p>	<p><i>Cabinet Member</i></p>
<p>B. Development with a total floorspace of more than 20,000 square metres.</p>	<p><i>Cabinet Member</i></p>
<p>C. 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><i>Cabinet Member and Chair of Planning Committee jointly</i></p>
<p>D. 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><i>Chair of Planning Committee</i></p>
<p>E. Development that fails to achieve the minimum requirements of the Council's energy performance and sustainability policies as a result of achieving full compliance with other strategic objectives in the City Plan (e.g. provision of a policy compliant quantum of on-site affordable housing).</p>	<p><i>Cabinet Member</i></p>
<p>F. Major development which marks a significant departure from Council policy.</p>	<p><i>Cabinet Member</i></p>
<p>G. Development that may involve or impact significantly on an Embassy or any other diplomatic use.</p>	<p><i>Chair of Planning Committee</i></p>
<p>H. Development that may have a significant impact on an historic asset. 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>Chair of Planning Committee</i></p>
<p>I. Development that, in the opinion of the Director of Place Shaping and Town Planning, may not maximise a site in an opportunity area.</p>	<p><i>Cabinet Member</i></p>

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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 criteria for a meeting?	
Which of the criteria in Appendix A above (A-I) does it meet and why?	
Please 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>	
Please provide details of initial engagement with the local community and local groups representative of the local community. <i>Please include details of who you have consulted with 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/ Chair of Planning Committee necessary?	

For internal use only:

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

Reason:

Member selected should accord with Appendix A, save for 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.