

Pre-application Engagement with the Cabinet Member for Place-Shaping and Planning and the Chairman of Planning

Guidance Note for Developers

Purpose

This note sets out the approach that the Cabinet Member for Place-Shaping and the Chairman 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 Chairman 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.

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 Director of 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

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 the Chairman 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 Chairman 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 Chairman of Planning should come at an appropriate time in the process of developing proposals. This should ideally 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.

How to request a meeting

Requests for meetings are to be made through the Cabinet Secretariat and Member Services team by emailing developermeetings@westminster.gov.uk.

The Cabinet Secretariat and Member Services team will liaise with the planning department to determine if a meeting is appropriate; 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/she holds and may request attendance at any meeting of the Planning Committee Chairman.

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 these requests (i.e. accepted or rejected, meeting organised with the Cabinet Member or Chairman) is to be maintained by the Cabinet Secretariat and Member Services Team for a period of up to four years.

The Place-Shaping and Planning Team will produce fortnightly reports on meetings which have taken place and a summary of the advice given.

The planning officer present will record any advice given.

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 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. 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. Notes of the meeting will be disclosable under the Freedom of Information 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>

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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 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.