



DEVELOPMENT COMMITTEE

1 April 2019

Report of the Corporate Director of Place

Classification: Unrestricted

Title **Draft Protocol for Pre-Application Committee Engagement**

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1. PURPOSE OF THE REPORT

- 1.1 The purpose of this report is to seek the view of members of the Development and Strategic Development Committee on a draft protocol for early stage pre-application presentations by developers, as part of a programme to support greater member engagement in the development process.
- 1.2 The Committees are asked to note the contents of the report and provide any comments on the draft protocol to the Divisional Director of Planning and Building Control.

2. BACKGROUND

- 2.1 Early engagement in the planning process is encouraged and supported by the **National Planning Policy Framework (NPPF)**:

Early engagement has significant potential to improve the efficiency and effectiveness of the planning application system for all parties. Good quality pre-application discussion enables better coordination between public and private resources and improved outcomes for the community. (para. 39)

The more issues that can be resolved at pre-application stage, including the need to deliver improvements in infrastructure and affordable housing, the greater the benefits. (para. 41)

- 2.2 Early elected member engagement in the planning process is encouraged and supported by the **National Planning Practice Guidance (NPPG)** which says:
- 2.3 *Democratically elected members are strongly encouraged to participate at the pre-application stage, where it is appropriate and beneficial for them to do so. [Section 25 of the Localism Act 2011](#) confirms that elected members do not have a 'closed mind' just because they have historically indicated a view on a matter relevant to the proposal.*
- 2.4 Enabling a developer to present to and seek the views of elected members who will be involved in future decision making, at an early stage in the design and development process can contribute to ensuring that new development is responsive to local interests, issues or concerns.
- 2.5 Early stakeholder engagement including local community and elected members, is a key component of the Council's replacement **Statement of Community Involvement (SCI)**, which has been subject to its own consultation process and is due to be considered by Cabinet in April.
- 2.6 A number of London council's (Hackney, Croydon, Haringey and Camden) have introduced a protocol for committee member engagement at the pre-application stage.

2.7 This report sets out a draft protocol to support developer engagement with Tower Hamlets Development and Strategic Development Committees at pre-application stage.

3. DRAFT PROTOCOL FOR COMMITTEE MEMBER ENGAGEMENT

When should pre-application engagement take place?

- 3.1 The Development and Strategic Development Committees have an important role in discharging the Council's statutory duties as a local planning authority. The Committees are asked to make decisions on large scale, complex and sometimes controversial development proposals.
- 3.2 Traditionally, committee members may not be aware of the detail of applications that they are due to determine until they are briefed or receive a formal report at the end of the assessment process. This results in a potential disconnect between the pre-application process promoted by the Council (in line with national policy) and the formal decision making process. This is not conducive to effective decision making, especially where this requires the Committee to carefully balance planning issues, consider the weight to be given to different policies and take into account the views of the local community.
- 3.3 This draft protocol seeks to ensure that initial engagement with committee members takes place at the pre-application stage, to optimise the opportunities for issues raised to be responded to by the developer through the design process. When this is not possible, engagement should take place early in the formal application period.
- 3.4 This protocol will not be a formal planning document, but will act as a delivery mechanism to implement the policies in the NPPF and objectives in the Council's updated SCI.
- 3.5 Briefing the Development and Strategic Development Committees (the planning committees) at an early stage and providing subsequent progress updates should help developers to submit planning applications that are more likely to be supported and reduce the risk of committees overturning officer recommendations. This will contribute to greater certainty and transparency for all parties in the planning process and reduce the impact on time and resources when development proposals have to be amended and new applications submitted or refusals defended at appeal.

Developer presentations

- 3.6 Tower Hamlets proposes to engage the planning committees in the pre-application process by arranging a briefing including a developer presentation in accordance with procedures set out in this Protocol. No formal decisions will be taken at such meetings and any subsequent planning applications will be the subject of a report to a future meeting of the appropriate Committee.
- 3.7 The purpose of the pre-application presentations are:
- to enable Members to provide feedback that supports the delivery of high quality, sustainable development through the pre-application process;
 - to ensure members are appraised of major and strategic development which may have significant effects on a local area or community or may be of borough wide significance;
 - to enable members to understand the extent to which proposed development would comply with relevant Development Plan policies;

- for members to suggest how proposals could evolve to address key planning issues or other considerations, such as local circumstances;
- to ensure issues are identified early in the application process and improve the quality of applications;
- to make committee consideration of subsequent applications more informed and effective;
- to foster a collaborative working approach that avoids potential delays at later stages;

What sort of development would be covered by the protocol?

- 3.8 The Council makes decisions on around 3,000 applications (all types) each year. The majority of these decisions are made by senior planning officers, using delegated powers. The planning committees make decisions on applications referred to them under the terms of reference, relating to scale, significance and extent of public interest.
- 3.9 The protocol is drawn from the terms of reference and recommends that the following types of development may be suitable for pre-application presentations:
- large-scale developments of more than 50 dwellings, or 5,000 sq. m of commercial or other floorspace;
 - development that includes buildings exceeding 30 metres in height;
 - development including significant social, community, health or education facilities;
 - development on sites allocated in the Council's Local Plan;
 - development that would be critical to the delivery of the Council's regeneration programmes, including Council development;
 - significant development by the Council's strategic partners, such as health authorities, infrastructure providers or higher education institutions;
 - Other significant developments requested by the Chair of the appropriate committee.
- 3.10 To help manage the impact on the committee agendas and time available to members, the Divisional Director for Planning and Building Control (or their nominee) will exercise their judgement on whether a particular pre-application case would meet the above criteria and would be appropriate for a presentation.

Frequency and timings of meetings

- 3.11 Pre-application presentations will form part of the public agenda for the planning committees and will normally take prior to the consideration of items for decision. The Development Committee meets on a four weekly frequency. The Strategic Development Committee meets on a six weekly frequency.

Format of presentations

- 3.12 The meeting will be chaired by the Chair of the relevant committee who will ask Members attending to disclose any relevant interests. The Developer will supply all presentation materials including any models or digital material, to be agreed in advance with officers and these will be displayed in the meeting room.

- 3.13 Public speaking will not be allowed at this stage, however ward members will be invited to address the committee and represent the views of their local communities. Up to two ward councillors will be able to register to speak, for up to three minutes each.
- 3.14 The following running order is proposed:
- Officers to introduce the proposal, update on the progress of pre-application discussions and set out the main planning issues that have been identified.
 - The Developer and their planning agents or architects will be invited to make a presentation of up to 15 minutes. The presentation should include reference to any community engagement that has taken place and the responses received.
 - Up to two ward Members will have the opportunity to give their views for a maximum of three minutes each.
 - Members of the Committee will be able to ask questions to the Developer and officers and raise key issues for future consideration in the pre-application process.
 - The Chair will provide a brief summary of the comments raised.
- 3.15 A short note of the meeting summarising committee and ward member comments will be made and circulated to the developer and committee members. The note will form background information to reports for decisions on a subsequent application. The meeting will be recorded in the usual way and minutes published on the Council's website.
- 3.16 Developers will be invited to present where the proposals meet the above criteria and at least one pre-application meeting has taken place with officers and the scheme has been reviewed by the Council's Conservation and Design Panel, if appropriate.
- 3.17 Officers may provide subsequent interim briefings to update the Committee as the pre-application process progresses, or following the submission of an application. For certain development proposals a site visit may be arranged so that members can familiarise themselves with the site and surroundings before receiving the pre-application presentation.
- 3.18 In circumstances where an application has been submitted, but it has not been possible to arrange a pre-application presentation, an officer briefing and site visit may be arranged. The developer will not normally be invited to present, to avoid the risk of unintended or perceived lobbying of the committee.
- 3.19 Whilst members are encouraged to participate fully, to provide comments or raise questions, they should ensure that they are not seen to pre-determine or close their mind to any such proposal, to avoid being precluded from participating in determining a future planning application.

Implementation and monitoring

- 3.20 The protocol will be implemented at the earliest opportunity following the receipt of comments from Strategic Development Committee on 28 March and Development Committee on 1 April 2019. The protocol will be introduced under the current provisions of the committee terms of reference which allow the Corporate Director to report any other matters to the Committee that she or he considers appropriate. A future review of the Council's constitution will allow for a formal incorporation of the protocol into the terms of reference.

3.21 The operation of the protocol will be monitored in terms of to ensure it is operating effectively for members, developer and officers. The impact of the protocol on planning outcomes, including greater certainty in decision making and reduction in the number of overturned recommendations and appeals will be monitored over time.

4. RECOMMENDATION

4.1 That the Development Committee considers the report and provides any comments on the draft protocol to the Divisional Director of Planning and Building Control.