

## TOWER HAMLETS

### PROTOCOL FOR PRE-APPLICATION BRIEFINGS AND PRESENTATIONS TO THE DEVELOPMENT AND STRATEGIC DEVELOPMENT COMMITTEES

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#### 1. BACKGROUND

1.1 It is common for pre application discussions take place before a planning application is submitted, particularly if the development is of a large scale, would be complex or is likely to attract significant public interest. The Council offers a pre-application planning advice service aimed at anyone who is considering making a planning application or wishes to carry out development in Tower Hamlets.

1.2 Early engagement in the planning process is encouraged and supported by the **National Planning Policy Framework (NPPF)** (2019):

*“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)*

1.3 Early elected member engagement in the planning process is also encouraged and supported by the **National Planning Practice Guidance (NPPG)** which says:

*“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.”*

1.4 Planning applications for larger scale major development or proposals which generate significant public interest are decided by the Council’s Development Committee and Strategic Development Committee (the Committees) in accordance with their published terms of reference.

1.5 A briefing or presentation to the committee at an early stage in the design process (before an application is submitted) can help to shape proposals so that they are more likely to comply with development plan policies and be more responsive to local interests, issues or concerns. Briefings and presentations can assist in the Committees being aware of significant development proposals that are evolving and support informed decision making on future planning applications.

1.6 The Council’s **Statement of Community Involvement (SCI)**, adopted by the Mayor in Cabinet in April 2019 highlights the importance of good quality pre-application engagement.

- 1.7 A number of London Council's (e.g. Hackney, Croydon, Haringey and Camden) have introduced a protocol for planning committee member engagement at the pre-application stage. The updated terms of reference for the Committees includes: *"To consider any application or other planning matter referred to the Committee by the Corporate Director, Place including pre-application presentations (subject to the agreed protocol)"*.
- 1.8 The protocol and procedures were presented in draft form to the Strategic Development Committee on 28 March and Development Committee on 1 April 2019. Comments received from Committee members have been incorporated.
- 1.9 The protocol and procedures to support pre-application engagement with the Committees is set out below.

## **2. PROTOCOL FOR COMMITTEE MEMBER ENGAGEMENT**

### **What sort of development is covered by the protocol?**

- 2.1 The Committees make decisions on applications referred to them under the terms of reference outlined in the Council's Constitution (2019), relating to scale, significance and extent of public interest.
- 2.2 It is unlikely that the Committees will be able to accommodate briefings or presentations on all proposals that may be determined by them in the future. Within this context, the following criteria provide a guide for the types of development that may be suitable for pre-application presentations:
  - development that meets or exceeds the criteria for referral to the Mayor of London;
  - development on sites allocated in the Council's Local Plan;
  - development that would contribute to the Council's regeneration programmes, including the Council's own development;
  - significant infrastructure development by the Council's strategic partners, such as health authorities, infrastructure providers or higher education institutions;
  - Other significant developments as identified by the Chair or members of the appropriate committee.
- 2.3 To help manage the impact on the committee agendas and time available the Divisional Director for Planning and Building Control (or their nominee) will work with the Chair of the relevant Committee to decide whether a particular proposal would benefit from a briefing or presentation.

### **When should pre-application engagement take place?**

- 2.4 Officer briefings and developer presentations should take 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.
- 2.5 Pre-application discussions are discretionary and there is no set rule as to the point in the process when a briefing or presentation should take place. Timing will vary depending on the nature of the proposed development, complexity of the planning issues and level of

public interest. As a general guide a presentation to the relevant Committee is likely to be beneficial when:

- At least one pre-application meeting has been held with officers, so that a briefing on the planning issues can be prepared;
- A presentation to the Council's Conservation and Design Advisory Panel (CADAP) has taken place (if appropriate), so that their views can be reported;
- Pre-application community engagement has taken place so that the views of local residents and other interested parties can be shared.

### **Developer presentations**

2.6 This protocol allows for a developer presentation to the Committees as part of the briefing process. 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.

2.7 The purpose of the pre-application presentations are:

- to ensure committee are aware of significant development proposals prior to an application being submitted and formally considered by them;
- to make the Committee consideration of planning applications more informed and effective;
- To allow the Committees and developers to understand which development plan polices will be relevant to the proposals. ;
- to ensure issues are identified early in the application process and improve the quality of applications;
- To foster a collaborative working approach that avoids potential delays (e.g. fewer deferred applications or office recommendations that cannot be supported).

## **3. PROCEDURES FOR PRE-APPLICATION BRIEFINGS AND PRESENTATIONS**

3.1 Briefings and presentations will be scheduled as part of the public agenda for the relevant Committee, normally under the existing heading "Other planning matters". A short report summarising the development proposals, the progress made and the issues identified at the pre-application stage will be prepared by officers. The report will not contain an assessment or commentary on the planning merits of the proposal.

3.2 The meeting will be open to members of the public and will be chaired by the Chair (or Vice Chair in their absence). The Developer will supply all presentation materials including any models or digital material, to be agreed in advance with planning officers.

3.3 The Development Procedure Rules, including public speaking, which apply to the determination of planning applications, will not apply to pre-application briefings or presentations as the Committee will not be making a formal decision. However the Planning Code of Conduct will still apply.

3.4 Ward councillors will be invited to attend the meeting and will be notified in writing (usually e-mail) at least 7 days in advance. Ward Councillors will have the opportunity to register to

speak at the meeting to articulate their views and any local issues that the Committee should be aware of.

3.5 The procedure for briefings and presentations will be as follows:

- 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 architects, planning agents or other representative will present the proposals for up to 15 minutes.
- Ward Members who have registered to speak will have the opportunity to give their views for up to 3 minutes each.
- Members of the Committee will be able to ask questions to the developer and officers and highlight any planning issues (development plan policies or material considerations) that they would expect to be taken into account by the developer prior to an application being submitted.
- The lead officer will summarise the comments raised and provide a note of the meeting.

3.6 Whilst Committee 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.

3.7 Ward members who are also members of the Committee that will determine a future application and who register to speak and express a view on the proposed development will be disqualified from determining a future planning application.

3.8 Officers may provide subsequent interim briefings to update the Committee as the pre-application process progresses, or following the submission of an application. A site visit may be arranged so that members can familiarise themselves with the site and surroundings before receiving the pre-application presentation.

#### **4. IMPLEMENTATION AND MONITORING**

4.1 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.

4.2 The operation of the protocol will be monitored in terms ensuring it is operating effectively for members, developer and officers. The effect 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.