

REPORT ON PRE-APPLICATION PROPOSAL FORUM

Report by: Head of Development Management

Summary

This report summarises the new process for presentation of development proposals to the Planning Committee as part of the pre-application process for large and complex schemes.

It is recommended that the Planning Committee established a Pre-Application Proposal to commence in June 2016.

1.0 DEVELOPMENT MANAGEMENT PRE-APPLICATION ADVICE SERVICE

1.1 The Council's pre-application advice service provides site owners and developers with detailed guidance on planning issues that aims to steer development projects in the right direction and ensure better quality applications are submitted. The practice of pre-application engagement is firmly encouraged in the National Planning Policy Framework (NPPF). The government considers such engagement between a Local Authority and developers as essential part of the development management process that helps secure developments that improve the economic, social and environmental well-being of an area. The NPPF (paragraph 66) says:

"Applicants will be expected to work closely with those directly affected by their proposals to evolve designs that take account of the views of the community. Proposals that can demonstrate this in developing the design of the new development should be looked on more favourably".

1.2 For the largest and most complex proposals it is recommended that pre-application advice be provided through a Planning Performance Agreement (PPA) between the Council and developer to ensure all relevant planning issues are addressed when an application is submitted and to dedicate adequate resources to provide specialist advice and community input. This can help ensure that decisions are made in a timely manner, avoiding delays, and bringing more certainty into the assessment process.

2.0 EXISTING MEMBER INVOLVEMENT IN PRE-APPLICATION ADVICE PROCESS

2.1 Currently in Hounslow there are no publicised arrangements or opportunities for elected Members to engage with developers/ prospective applicants at the pre-application stage for development proposals. Therefore unless an applicant undertakes their own pre-application consultation or exhibition, Members usually first see development proposals only after they have been lodged as planning applications, and so after designs and supporting information are finalised.

2.2 The lack of early Member involvement in the design and evolution of larger scale and/ or complex projects can result in a number of harmful outcomes including:

- Local concerns not being identified at pre-application stage, with these not being adequately dealt with prior to an application be submitted;
- A lack of awareness of, and influence over the key planning issues arising from proposed strategic development proposals in the Borough;
- Issues only being identified by Members at the Planning Committee which could have been dealt with, if they had been made known earlier, in the application submission process. This results in uncertainty for prospective developers and applicants; and
- The lack of opportunity for Members to comment at an early stage of development proposals being formulated is likely to be leading to abortive work for developers, a longer decision-making process than would otherwise be the case, and potentially less satisfactory development outcomes for Members if leading to a refusal that is subsequently approved at appeal.

2.3 Overall, these issues suggest that by Members not having an opportunity to be involved in major and complex schemes at the pre-application stage, it is very difficult for them to always promote or influence good development and achieve the best possible planning outcomes for their communities.

3.0 PRE-APPLICATION PROPOSAL FORUM

3.1 To provide an opportunity for Members of local wards and the Planning Committee to engage with developers at an early stage of the preparation of development proposals, a Pre-Application Proposal Forum has been arranged in consultation with the Chair of the Planning Committee to allow developers to explain their schemes to Members, key stakeholders and the public prior to the submission of an application.

3.2 As part of the planning process developers are encouraged to enter into pre-application discussions at an early stage to allow issues to be identified and resolved prior to the submission of a formal planning application. Member engagement at this stage can add real value to the process. From a developers point of view it can provide useful feedback on key issues of concern to local politicians and local communities. It can therefore help to reduce uncertainty on the acceptability of a proposal and potentially avoid abortive costs. From a Members point of view it can provide an opportunity to understand a developer's proposal, provide strategic and community leadership and raise any issues likely to be of concern at an early stage.

3.3 Members would benefit from receiving information about proposals happening in their area in order to be more effective community representatives. They can also encourage developers to make proposed developments that their community will value and achieve benefits for their community from developments within it.

3.4 Early discussions will help to bring about better understanding of the issues through open exchange of information, discussion and constructive questioning. Members would be able to provide a clear steer on what is likely to be acceptable to the community and can allow problems and opportunities to be identified and addressed as the proposals for the development are put together.

4.0 PROCESS AND PROTOCOL

4.1 The proposed Pre-Application Proposal Forum would be an open meeting where developers present development proposals to Members, allowing schemes to be introduced to the local community representatives at an early stage of the planning

process.

- 4.2 To be effective such a forum needs to be effectively chaired with clear rules regarding procedure and protocol.
- 4.3 It is recommended that a Pre-Application Proposal Forum be held monthly, two weeks after each Planning Committee. This would mean up to 12 Forums per year, though it is expected that initially there may be some dates with no proposals for presentation.
- 4.4 The Forum would consist of Members of the Planning Committee, with it also chaired by the Chair of that committee. Local Ward Members and registered amenity societies and community groups likely to be interested in the proposal could also attend. Notice of an impending forum would be given at the preceding Planning Committee and by email to interested parties. Applicants would prepare a brief summary note with information about the proposal with this to be distributed prior to the forum meeting. A planning officer responsible for managing the PPA would also attend to make summary notes of matters discussed for consideration when an application is submitted, however to keep the Forum from being overly formal no official minutes would be taken.
- 4.5 Applicants would be invited to present their proposal, with presentations to be a maximum of 20 minutes to explain their emerging scheme and thoughts behind it. Following a presentation the Chair would invite Members to ask questions. It is important that Members do not indicate what their final view of the scheme will be but they can usefully indicate issues of concern where further information may be required.
- 4.6 Although the Forum would be held in public, it would not be a public meeting where members of the public would lobby in support or opposition to the proposal or where the scheme is negotiated in public. Additionally it would not be possible to ensure that all issues are addressed and identified and the Forum is not intended to take the place of structured pre-application discussions and negotiations. It would also not take the role of the Planning Committee, or delegated officer decisions, which have the regulatory function of determining planning applications after submission.
- 4.7 As noted above the primary purpose of the Forum is to allow developers the opportunity to explain their scheme and for Members to have the opportunity to ask questions. It would enable the developer to shape an application to address community issues.

Pre-determination

- 4.8 It is noted that in the Localism Act 2011 (s25), the government made it clear that the probity rules that ensure that Members behave with the highest standards in relation to their role in planning are not a barrier to them being actively involved in bringing their local knowledge, expertise and understanding of community concerns to bear in the pre-application process.
- 4.9 Members need to note that with regard to pre-application engagement with developers/prospective applicants, they should not express a view that may pre-determine any future, or new position that they may have if they are a Planning Committee Member.
- 4.10 Whilst it is important that a decision taker must not have made up their mind on a proposal such that they have a closed mind to any new information or alternative views

before taking a decision, it is reasonable for a local Member to be predisposed to support or object to a proposal as a result of both the community representative and leadership roles.

- 4.11 The Chair will make it clear that the discussions will not bind the Council to making a particular decision. The Chair will also note that once a planning application is submitted it will be determined by the Planning Committee or where applicable in accordance with the Council's scheme of delegation.
- 4.12 If a Member of the Planning Committee either expresses a view for or against the proposal they may have predetermined the proposal and will not be able to take part in the consideration of the application at the Planning Committee. If a Member has predetermined the application they will be able to make representations to Planning Committee and then will be required to leave the Committee room.
- 4.13 The outcomes of a Forum meeting would be that the developer will have a list of the main points to consider, and an opportunity to address such points before formal submission of a planning application. Members and interested parties from the public will have an awareness of the development proposed and will have had the opportunity to raise concerns at this early stage. Planning officers will have better understanding of the concerns of the developers and the community prior to a formal application being submitted.
- 4.14 To ensure there is a clear understanding of the aims and processes of the Forum it is recommended that these be explained in short Protocol document that should be added to the Council's pre-application web page. The Protocol would provide assurance to Members regarding questions about pre-determination, by highlighting that Member engagement with applicants and being well-briefed on development sites is part of their responsibilities.

5.0 CONCLUSIONS

- 5.1 The proposed Forum would enable Members to be more involved in pre-application discussions for major and strategic development proposals. This is likely to result in the following benefits:
- By being directly involved from the earliest possible pre-planning stages in key developments i.e. major schemes coming forward, Members would be helped to 'champion' their communities and achieve a strategic leadership role;
 - Members who are better informed make better decisions, as they are more able to balance material considerations;
 - There would be more focused discussions on applications once lodged;
 - There would be fewer deferrals at Committee stage, due to potential issues emerging earlier and being addressed; and
 - Members' roles in their communities would be reinforced.
- 5.2 What is the purpose of the Pre-Application Proposal Forum?
- It familiarises Planning Committee and Ward Members, and local interested people and groups of with proposals for major developments in their area before an

application is made;

- It helps developers understand what are likely to be key issues to address when designing a proposal and complements any local consultation which developers carry out before they submit an application;
- It helps ensure more meaningful public involvement on proposed schemes rather than awaiting the formal consultation stage of an application when it is harder to influence changes in the scheme.

5.3 What does the Pre-Application Proposal Forum not do?

- It is not a decision-making meeting. Its purpose is to answer questions and raise issues. If a formal application is made in future the Council will decide the application on its merits following normal planning rules;
- It does not replace the legal duty for the Council to publicise certain types of planning applications that they receive;
- It is not an opportunity for Members or officers to express any opinions on the merits of the proposal;
- It cannot be used for lobbying members of the Planning Committee. This is because members of the Committee have to keep an open mind until a formal decision on an application is made. If they express views about the proposals they may not be able to take part in any future decision; and
- It cannot require the developer to make changes to the proposals as a result of the discussion at the meeting.

6.0 RECOMMENDATION

6.1 That the Planning Committee establishes a Pre-Application Proposal Forum to enable developers to present pre-application development proposals to Members, in accordance with the Pre-Application Proposal Forum Protocol given at Appendix 1 to this report, with the exact terms and processes to be finalised by the Head of Development Management in consultation with the Chair of the Planning Committee. The Forum would commence in June 2016.

7.0 EQUALITIES DUTIES IMPLICATIONS.

7.1 The Council has to give due regard to its Equalities Duties and in particular with respect to its duties arising pursuant to the Equality Act 2010, section 149. Following a relevance test, which is available at:

http://www.hounslow.gov.uk/index/council_and_democracy/equality/eias/environment_eias.htm

It is considered that there will be no specific implications with regard to the council's duty in respect of equalities duties and that if approving or refusing this proposal the Council will be acting in compliance with its duties.

Background Papers:

None.

This report is relevant to all wards

APPENDIX 1: HOUNSLOW PRE-APPLICATION PROPOSAL FORUM – PROTOCOL

Purpose

This Protocol provides a framework within which prospective developers may present their emerging development proposals to Members of the Council on a 'without prejudice' basis, prior to making a formal application for planning permission to the Council.

Guiding Principles

The Council encourages pre-application discussions with developers who are preparing proposals for major and development proposals. As part of the pre-application process, as managed through a Planning Performance Agreement (PPA) between a developer and the Council, the Forum provides an opportunity for developers to present proposed schemes to Members to explain the proposal and consider community feedback prior to making an application. This will enable Members to represent their community and keep them informed about development proposals in their area.

It provides the opportunity for open exploration of the issues in a relatively informal atmosphere and perhaps to identify problems that could be resolved in advance of the formal submission of an application. Whilst developers are encouraged to use this opportunity, where appropriate, it is not mandatory.

This Protocol aims to ensure an open and transparent process by clearly outlining how the Forum will take place ensuring there is a consistent approach and setting out actions and behaviours to be adhered to by all parties. The overall objective is for subsequent planning application to be based on a better understanding of the key issues, for Members and planning officers to be better informed when taking decisions and to make it easier to determine major planning applications.

Proposals

Complex and major development proposals (more than 10 dwellings or 1,000sqm of floor space) or those with significant environmental effects and subject to a Planning Performance Agreement are considered suitable for the Forum. Presentation of proposals to the Forum shall be subject to the discretion of the Chair of the Planning Committee in consultation with the Head of Development Management.

Forum Schedule and Notice

Pre-Application Proposal Forums shall be scheduled to be one evening a month, 2 weeks after each Planning Committee (or as otherwise arranged by the Head of Development Management with agreement of the Chair of the Planning Committee). Notice of a forthcoming presentation shall be given at the preceding Planning Committee. All Planning Committee Members, Ward Members and registered amenity and community groups affected by the proposal shall be given notice of the Forum presentation by email from the Council's PPA Planning Officer at least 7 days prior to the Forum date.

There may be up to two developer presentations per meeting. A presentation shall be for no more than 20 minutes. Developers shall provide a briefing note of no more than six A4 pages to explain details of the proposed development (with this to be submitted electronically (maximum of file size of 5MB) to the Council's PPA Planning Officer at least 10 days before the Forum date).

Forum Conduct

The Chair will introduce the proposal, explain who will speak and the rules that the meeting will follow.

The Chair shall clearly note the Members should not express a view that may pre-determine any future, or new position that they may have if they are a Planning Committee Member. The Chair shall also note that the discussions will not bind the Council to making a particular decision and that once a planning application is submitted notice will be given in accordance with statutory requirements and the Council's procedures and that it will be determined by the Planning Committee or where applicable in accordance with the Council's scheme of delegation.

Members will have received a short briefing paper from the Planning Officer in advance of the meeting.

The order of the presentation will be:

- An introduction from the developer explaining the proposal and its aims (maximum of 20 minutes).
- Councillors will then have the opportunity to ask questions and clarify issues that might have arisen.
- The developer can respond to questions and comments.
- The Chair may wish to outline a consensus of the important issues – this may help the developer decide how they wish to proceed.

Forum Outcome

A summary of key issues raised will be recorded in a brief by the Planning Officer. This note may be considered in subsequent formal pre-application advice and a planning report should an application be made.

The summary note shall be emailed to all Members and groups attending the meeting and retained on the Council's pre-application file.