



LONDON BOROUGH OF WALTHAM FOREST

Committee/Date:	Audit and Governance 25 th June 2015
Report Title:	Revised Planning Code of Practice
Directorate:	Regeneration and Growth
Contact Details	David Scourfield Acting Assistant Director, Planning
Wards affected:	All
Public Access	Open
Appendices	Appendix 1: Planning Code of Practice (June 2015)

1. SUMMARY

- 1.1. The Planning Code of Conduct has been updated to introduce the possibility of pre-application developer presentations to the planning committee. The Code has also been revised to add reference to new policies and to update the legislation referred to therein.

2. RECOMMENDATION

- 1.1. To adopt the revised Planning Code of Practice at Appendix 1 in order to maintain high standards of probity and ensure transparency in the planning application process.

2. BACKGROUND

- 2.1. The Code was adopted on 18 October 2012 and incorporated changes introduced by the Localism Act 2011 and the National Planning Policy Framework (March 2012).
- 2.2. The Council has long recognised the importance of engaging with applicants and developer teams prior to the submission of formal planning applications. The Development Management Service has successfully offered a pre-application service for a number of years, dealing with a variety of developments, from local residents proposing extensions to residential properties through to large regeneration schemes.
- 2.3. A Development Management Customer Advice Note has been prepared to clarify how this service will be offered and to draw together existing practice under one document.

APPENDIX B

2.4. The Advice Note sets out the four principal services offered at pre-application stage:

- Duty Planner Service (for domestic extensions)
- Correspondence Service (for more complicated domestic proposals and small commercial extensions)
- Meeting Service – for more complex developments
- Development Team Process – for the major regeneration schemes

2.5. The principal and most pressing need for change has been in relation to the way in which major developments and regeneration schemes are presented to members of the planning Committee.

2.6. It is proposed that major schemes (over 100 residential units and/or commercial schemes with over 1000 sq. meters of floorspace) will be presented to members of the Planning Committee (at a meeting of the Planning Committee) during the pre-application process on at least one occasion. The decision to allow a presentation of any pre-application scheme to the Planning Committee will however be at the discretion of officers. The format for these presentations will be:

- A short report prepared by Officers will be tabled as part of the main agenda, setting out the details of the scheme
- The Developer or representatives will deliver a presentation of no more than 15 minutes.
- Members of the Planning Committee will have approximately 15 minutes to question the developer on any aspect of the scheme that needs factual clarification.
- The minutes of the planning committee will note that a presentation was given

3. PROPOSAL

3.1. The Planning Code of Conduct has been altered to reflect this change to the pre-application process. In addition to updating reference to officers and various legislation the Code presents best practice in maintaining probity and transparency for members throughout the process. The changes are relatively minor but are nevertheless considered necessary.

3.2. In particular the Code now advises (at Para 3.9 in relation to pre-application presentations) that 'Members and officers must not

APPENDIX B

express an opinion on the merits of a proposal or involve themselves in any negotiations on the development and can ask factual questions only’.

- 3.3. Alterations to the Planning Committee’s Terms of Reference will be sought so as to introduce the threshold schemes would have to meet in order to be presented to the Planning Committee (as set out in paragraph 2.6 above) and to set out who will have authority to decide what schemes are presented to committee.

4. SUSTAINABLE COMMUNITY STRATEGY PRIORITIES (AND OTHER NATIONAL OR LOCAL POLICIES OR STRATEGIES)

- 4.1 There are not direct implications from this proposal, which will help support the Council’s democratic function and regeneration priorities.

5. CONSULTATION

- 6.1 No specific community consultation is required in relation to this proposal .

6 IMPLICATIONS

6.1 Finance, Value for Money and Risk

6.1.1 There are no specific financial implications in relation to this proposal

6.2 Legal

6.2.1 The Planning Code is a non-statutory document that does not form part of the Council’s Constitution, though some of its elements must be followed. For example, the provisions of the Planning Code relating to decision making (section 2) are mandatory as are the requirements under the Members’ Code of Conduct.

6.2.2. In other areas, the Planning Code reflects good practice. It should therefore be followed, unless there are good reasons not to.

6.2.3 Failure to comply with the Code’s provisions may expose the Council to an award of costs on appeal and/or legal challenge of its decision, and the member(s) involved may face a complaint to the Monitoring Officer that s/he has breached the Code of Conduct.

6.2.4 The Terms of References of the Planning Committee will need to be amended to reflect the proposed threshold for pre-application presentations to committee and to set out who will have authority

to decide what schemes are actually presented to Committee. The details of this alteration will need to be considered by Full Council as the terms of reference form part of the Constitution.

6.3 Equalities and Diversity

6.3.1 No direct implications

6.4 Sustainability (including climate change, health, crime and disorder)

6.4.1 No direct implications identified

6.5 Council Infrastructure (e.g. human resources, accommodation or IT issues)

6.5.1 No direct implications identified