

## Housing and Planning Scrutiny Select Committee

15 July 2025

### Part 1 - Public

### Recommendation to Council



|                     |                                                                     |
|---------------------|---------------------------------------------------------------------|
| Cabinet Member      | Cllr Mike Taylor, Cabinet Member for Planning                       |
| Responsible Officer | Eleanor Hoyle, Director of Planning, Housing & Environmental Health |
| Report Author       | Hannah Parker, Development Manager                                  |

## Proposal for Monthly Member Briefing Sessions on Pre-application Development Proposals

### 1 Summary and Purpose of Report

- 1.1 This paper sets out a proposal to establish regular, officer-chaired briefing sessions for Members, to provide early visibility of major development proposals progressing through the pre-application process. The aim is to enhance Member engagement, while maintaining the confidentiality and integrity of the planning process. The cost of presentation to Members for each scheme accepted will be £1000 for initial presentation and £500 for each follow-up presentation.

### 2 Corporate Strategy Priority Area

- 2.1 Efficient services for all our residents, maintaining an effective council.

### 3 Recommendations

- 3.1 Members are asked to endorse the proposed approach to Council, indicating their support for the establishment of monthly briefing sessions and the introduction of the proposed fees, which will supplement the existing pre-application services.

### 4 Introduction and Background

- 4.1 This proposal has been developed following discussions with the Cabinet Member for Planning, who has highlighted the need for improved Member engagement and oversight at the pre-application stage of the planning process. At present, opportunities for Members to view and influence emerging development proposals are more limited, and ward focused, often occurring only once an application has been formally submitted, at which point the scope for meaningful change is significantly reduced.

4.2 In response, this paper proposes the introduction of regular Member briefing sessions for schemes that are undergoing pre-application discussions. The intention is to provide Planning Committee Members with earlier visibility of major proposals and create a structured forum in which informal feedback can be offered before a planning application is finalised.

4.3 This new category is intended solely for major and strategic development proposals. To be eligible for participation, a scheme must fall within one of the qualifying categories outlined below and must either be currently undergoing, or has recently completed, one of the Council's formal pre-application services.

**4.4 Major application qualifying criteria and fee**

- ten to 99 new residential units
- creation or change of use is between 1,000 square metres and 9,999 square metres
- proposals for residential units where floorspace exceeds 9,999 square metres will fall within the large or strategic development type
- £2,973

The fee covers:

- preliminary site visit by case officer
- internal meeting by case officer with internal services
- initial briefing by case officer to key members (where the case officer considers it necessary and proportionate to do so in liaison with those members)
- virtual meeting between developer and council teams (60 mins)
- written response (format to be agreed by the parties)

**4.5 Strategic development qualifying criteria and fee**

- creation of 100 or more new residential units
- creation or change of use of 10,000 square metres or more floorspace
- £3,850

The fee covers:

- preliminary site visit by case officer
- internal meeting by case officer with internal services
- Initial briefing by case officer to key members (where the case officer considers it necessary and proportionate to do so in liaison with those members)
- virtual meeting between developer and council teams (120 mins)
- written response (format to be agreed by the parties)

4.6 As outlined above, the Council already provides for Member engagement as part of its existing pre-application processes. The intention of this proposal is not to replace the current approach but to supplement and enhance it. Annex 1 provides

further detail and illustration of the proposed new offer. Specifically, the proposal seeks to formalise a structured approach to Member engagement by introducing a new category of regular early engagement sessions with Planning Committee Members.

- 4.7 This new category will create a forum for Members of the Planning Committee who can be briefed on, and offer informal feedback regarding, emerging development proposals. A key prerequisite for participation in these sessions is that the scheme must be the subject of a current or recently completed pre-application process with the Council, ensuring that proposals are at a stage where Member input can meaningfully influence design evolution.
- 4.8 Written feedback will not be provided from these sessions meaning that officer led pre applications will not be held up if developers are also utilising this service concurrently.
- 4.9 Furthermore, developers will have the option to request a follow-up session, subject to the applicable fee. This is advised to be at a discounted rate (1/2 price). This would provide an opportunity to present a revised scheme and demonstrate how earlier Member feedback has been taken into account in the design development process.
- 4.10 Depending on the success of the engagement a subsequent Member Engagement session could happen at the planning application stage. However, this would be subject to a further report to HPSSC.
- 4.11 The proposed approach ensures that the Area Planning Committee can engage with significant schemes from the outset. This early-stage involvement allows Members to raise key planning issues, highlight local sensitivities, and may influence the direction of development while changes can still be readily accommodated. It is anticipated that this will lead to improved outcomes for both applicants and the wider community.
- 4.12 The proposed fee has also been benchmarked against practices adopted by other local authorities across Kent and London but is also based on average cost recovery for offering the service. It is noted that a number of Kent authorities do not currently offer formal Member engagement sessions in this proposed form as part of their pre-application service. Where Member involvement does occur, it is typically facilitated through Planning Performance Agreements (PPAs), and the associated costs are often incorporated within those broader agreements rather than listed as separate standalone charges.
- 4.13 Based on this benchmarking exercise and the discretionary charging powers available to local authorities under the Local Government Act 2003, it is considered that a charge of £1,000 per session is reasonable, proportionate, and compliant with relevant legislation. A fee of £500 would be charged for

subsequent presentations to Committee, allowing developers the opportunity to demonstrate how their scheme has progressed.

- 4.14 Members should also be aware that these sessions carry staffing implications. Participation in these sessions will require planning officers to step away from their core responsibilities, particularly the processing of planning applications.
- 4.15 While the sessions offer clear benefits in terms of early engagement and improved outcomes, it is important to balance this with the potential impact on day-to-day service delivery.

## 5 **Proposal** - Proposed Structure and Operation

- 5.1 **Frequency and Timing-** It is proposed that a 1.5-hour session be held monthly. The scheduling of this regular slot will be agreed with Committee Services. Although not every session may be required, having a regular fixture will provide flexibility and support early programming.
- 5.2 **Number of Schemes-** Each session will allow for the presentation of up to two schemes. Each scheme will be allocated a 45-minute slot, comprising a developer presentation followed by Member questions and informal discussion.
- 5.3 **Format and Delivery-** Sessions will be delivered via Microsoft Teams to maximise accessibility and support wider Member committee attendance. Given that developers will be charged a fee to participate in these sessions, it is essential that sessions are well-attended to ensure value and impact. Sessions will be advertised to the Area committee which the development falls within. However, there is scope for all Members to be invited so they have strategic oversight of the developments within the borough. Members are asked to consider whether the invitation should be sent to all members or just those members who sit on the relevant Area Planning Committee.
- 5.4 **Chairing and Officer Role-** The sessions will be chaired by a lead officer who will introduce each scheme with a brief overview and clarify the purpose of the session, namely that it is a non-decision-making, confidential forum for early engagement. Members will be reminded that this is not a committee debate, and that information shared during the session should not be disclosed to members of the public at this stage. Members will also be reminded that they should keep an open mind throughout the session and that this is not where the decision will be made.
- 5.5 **Developer Role** -The developer will lead the substantive part of the session, providing an electronic presentation of no more than 20 minutes. This will be followed by up to 25 minutes for Members to ask questions and provide informal comments. This feedback may help shape the evolution of the scheme prior to any formal submission.

- 5.6 **Policy and Procedural Context-** These sessions are intended to supplement, rather than replace, existing consultation requirements as set out in the Council's Statement of Community Involvement and Pre-application offer. Developers will be expected to carry out public engagement in accordance with those requirements.
- 5.7 **Pre-Application Requirement-** Only schemes that have formally entered the pre-application process will be considered for presentation at these sessions. This ensures that any proposals brought forward are sufficiently advanced to benefit from meaningful Member engagement. Multi Member engagement submissions will be encouraged to show evolution of designs.
- 5.8 **Member Attendance-** Officers will work closely with the Leader, Cabinet Member for Planning and Democratic Services to promote attendance and ensure that Members are aware of the importance of these sessions. As this is a charged service it is important that all Members across the Council attend the relevant briefings. Their contribution is essential to the success and value of the process which is shape proposals are the early stages before submission of an application.
- 6 Other Options**
- 6.1 Not endorse the decision and to keep Member engagement the same as currently stands.
- 7 Financial and Value for Money Considerations**
- 7.1 This is a new charge which will sit along the pre-application charging schedule which is already reviewed yearly to ensure the Council continues to effectively recover costs.
- 8 Risk Assessment**
- 8.1 This new charge will be monitored with the annual Review of Fees and Charges for Discretionary Planning Services. This already ensures that robust monitoring is carried out on a yearly basis to ensure that our protocols are up to date and reflect best practice and that the charging schedule reflects the costs of delivering the service and is based on up-to-date evidence.
- 8.2 A key risk to highlight is Member attendance. The effectiveness of these sessions relies heavily on the majority of the committee being present. Low attendance could undermine the value of the service, potentially leading developers to request refunds or reconsider using the service in the future.
- 9 Legal Implications**
- 9.1 The Local Government Act 2003 provides the power for local authorities to charge for discretionary services (as defined in the Local Government Act 1999).

Discretionary services are those services that an authority has the power but not a duty to provide. An authority may charge where the person who receives the service has agreed to its provision. The power to charge under this provision does not apply where the power to provide the service in question already benefits from a charging power or is subject to an express prohibition from charging.

- 9.2 The Local Government Act 2003 places a duty on authorities to ensure that, taken one year with another, the income from charges for each kind of discretionary service does not exceed the costs of provision. An authority may set charges as it thinks fit, and may charge only certain people for a service or charge different people different amounts.
- 9.3 Local authorities are required to have regard for any guidance that may be issued by the Secretary of State in terms of carrying out their functions under the 2003 Act. Section 93(7) of the Act provides that certain prohibitions in other legislation preventing authorities from raising money are specifically dis-applied in relation to the exercise of the charging power.
- 9.4 Local Planning Authorities therefore have powers to recover the costs of preapplication advice in recognition of the time officers have to spend researching information in order to provide answers to prospective developers or applicants.

## **10 Consultation and Communications**

- 10.1 The new fee will be published on-line on the Council's website. The uptake will be developer driven so no lead in time would be required.

## **11 Implementation**

- 11.1 If adopted officers will work with Democratic services to find suitable dates which will be diarised in advance to Members Calendar. Relevant Members will be invited to attend meeting once meeting addenda have been set.

## **12 Cross Cutting Issues**

### **12.1 Climate Change and Biodiversity**

- 12.1.1 Limited or low impact on emissions and environment.

- 12.1.2 Climate change advice has not been sought in the preparation of the options and recommendations in this report.

### **12.2 Equalities and Diversity**

- 12.2.1 The decisions recommended through this paper have a remote or low relevance to the substance of the Equality Act. There is no perceived impact on end users.

- None

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| Background papers: | N/A                                   |
| Annex              | Annex 1 – Pre-application advice fees |