



City of Westminster

# Committee Agenda

Title: **Planning & City Development Committee**

Meeting Date: **Monday 25th October, 2021**

Time: **6.30 pm**

Venue: **Rooms 18.06 & 18.07 18th Floor, 64 Victoria Street, London, SW1E 6QP.**

Members: **Councillors:**

Robert Rigby (Chairman)	Selina Short
Geoff Barraclough	Mark Shearer
David Boothroyd	Nafsika Butler-Thalassis
Jim Glen	Guthrie McKie
Louise Hyams	Antonia Cox
Tim Roca	Susie Burbridge
Eoghain Murphy	Tony Devenish

**Members of the public are welcome to attend the meeting and listen to the discussion Part 1 of the Agenda**

**Committee members will attend the meeting in person at Westminster City Hall. The Committee will be a hybrid Meeting and will be live broadcast via Microsoft Teams.**

**Admission to the public gallery is by a pass, issued from the ground floor reception from 6.00pm. If you have a disability and require any special assistance please contact the Committee Officer (details listed below) in advance of the meeting.**

**If you require any further information, please contact the Committee Officer, Georgina Wills, Committee and Governance Officer.**

**Email: [gwills@westminster.gov.uk](mailto:gwills@westminster.gov.uk); Tel: 07870 548348  
Corporate Website: [www.westminster.gov.uk](http://www.westminster.gov.uk)**

**Note for Members:** Members are reminded that Officer contacts are shown at the end of each report and Members are welcome to raise questions in advance of the meeting. With regard to item 2, guidance on declarations of interests is included in the Code of Governance; if Members and Officers have any particular questions they should contact the Head of Committee and Governance Services in advance of the meeting please.

## **AGENDA**

### **PART 1 (IN PUBLIC)**

**1. MEMBERSHIP**

To report any changes to the membership.

**2. DECLARATIONS OF INTEREST**

To receive and record declarations of interest.

**3. MINUTES**

To sign the minutes of the last meeting as a correct record of proceedings.

**(Pages 3 - 12)**

**4. UPDATE ON TEMPORARY COVID-19 RELATED LEGISLATION & REGULATIONS**

**(Pages 13 - 22)**

**5. UPDATED DRAFT EARLY COMMUNITY ENGAGEMENT GUIDANCE**

**(Pages 23 - 144)**

**6. ARTICLE 4 DIRECTIONS IN WESTMINSTER**

**(Pages 145 - 148)**

**7. UPDATE ON NEIGHBOURHOOD PLANNING IN WESTMINSTER**

**(Pages 149 - 154)**

**8. ANY OTHER BUSINESS WHICH THE CHAIRMAN CONSIDERS URGENT**

**9. DATE OF NEXT MEETING**

TBC

**Stuart Love  
Chief Executive  
15 October 2021**



CITY OF WESTMINSTER

## MINUTES

### Planning & City Development Committee

#### MINUTES OF PROCEEDINGS

Minutes of a meeting of the **Planning & City Development Committee** Committee held on **Tuesday 27th July, 2021**, Please note that this will be a virtual meeting..

**Members Present:** Councillors Robert Rigby (Chairman), Geoff Barraclough, David Boothroyd, Jim Glen, Tim Roca, James Spencer, Eoghain Murphy, Selina Short, Mark Shearer, Nafsika Butler-Thalassis, Guthrie McKie, Antonia Cox and Susie Burbridge

**Also Present:** Councillor Matthew Green

**Apologies for Absence:** Councillor Louise Hyams

#### 1 MEMBERSHIP

1.1 Election of Deputy Chairman

1.2 The Chairmen proposed that Councillor Jim Glen be appointed as Deputy Chairman for the duration of the Meeting.

There being no other nominations it was

#### RESOLVED:

That Councillor Jim Glen be appointed as Deputy Chairmen for the duration of the Meeting.

#### 2 DECLARATIONS OF INTEREST

2.1 There were no declarations of Interest.

#### 3 MINUTES

3.1 That the Minutes of the Planning and City Development Committee meeting held on 18 March 2021 be approved.

#### 3.2 Matters Arising from the Minutes

3.2.1 Minutes 3.2.1 Matter Arising Point 5.4 - Site Visits

Members were advised that site visits were now fully resumed and noted that the Planning (Major Applications) Sub-Committee had recently been on a site visit.

### 3.2.2 Minutes 3.2.3 Matter Arising Point 5.9 / 5.9- Public Comments on Planning Portals.

Members were informed that software which enables public comments on the public access system to be moderated to avoid offensive comments being published on the Council's website was now operational. Officers will identify planning applications which are likely to generate significant numbers of inappropriate comments and on these applications all comments will be moderated prior to publication on the Council's website. Officers advised that the software has not yet been required for moderation prior to publication as no contentious planning applications have been received in recent months.

### 3.3 Minutes 5 Draft Early Community Engagement Guidance

3.3.1 Members were informed that officers were still reviewing options on how community engagement could be supported. These include using existing community consultations systems and employing a 'Planning Champion'. Support for communities responding to consultation may be procured from consultation bodies.

3.3.2 Officers advised that further consultation on the updated Early Community Engagement Guidance would be undertaken later in 2021. The updated guidance would include how communities should be involved in the early in the development emerging development proposals. The Guidance is expected to be launched in autumn 2021.

## 4 CITY PLAN AND PLANNING POLICY UPDATE

4.1 The Committee received a report which provided an update on the adoption of the City Plan and other work being undertaken by the planning policy team. The City Plan was adopted on 21 April 2021 following the conclusion of its Examination in Public and the publication of the Planning Inspectors' Final Report in March confirming the City Plan as legally compliant and 'sound'. The City Plan 2019-2040 replaces the previous 2016 iteration of the City Plan and the 'saved' policies from the council's 2007 Unitary Development Plan (UDP). It will now be used alongside the 2021 London Plan, and any 'made' (adopted) neighbourhood plans when determining planning applications in Westminster. The City Plan represents a significant step forward from the previous policy framework in several policy areas.

- The Spatial Strategy sets out where growth will happen, including within our Opportunity Areas, Housing Renewal Areas and the Central Activities Zone.
- The Housing chapter sets our target of 20,685 new homes to 2040 and includes policies on affordable housing, housing for specific groups, innovative housing and housing quality.

- The Economy chapter sets our target of 63,000 new jobs to 2040 and includes policies on offices, town centres and high streets, the visitor economy, community infrastructure, education and skills, and our Special Policy Areas.
  - The Connections chapter outlines our principles in relation to sustainable transport and contains policies on active travel, parking, freight and servicing, and water transport.
  - The Environment chapter has policies to address air quality, energy, flood risk, waste, green infrastructure and other local impacts such as noise and lighting.
  - The Design and Heritage chapter sets out the principles of sustainable design and has policies addressing heritage and townscape, building height, the public realm and basements
- 4.2 Members were advised that officers were working towards producing a range of other planning policy documents alongside other workstream. The Supplementary Planning Documents (SPDs) provide additional detail and guidance to enable successful implementation of the City Plan’s new policies. Whilst they don’t form part of the council’s statutory Development Plan, SPDs hold significant weight in decision-making and are produced subject to a statutory process including formal consultation. The first SPD to be produced is the Environment SPD, which was consulted on between May and July 2021 and is now being finalised. There are four additional SPDs currently in preparation which are Planning Obligations and Affordable Housing, Public Realm, Design, and Heritage.
- 4.3 Members were informed that following recent changes to permitted development rights made by the government, the council has issued a new Article 4 Direction for public consultation. There will be a 6-week consultation period between 21 July – 1 September and a 12-month period between introduction and effectiveness of the Direction to ensure the council is not subject to compensation claims. The Article 4 Direction will restrict the change of use from commercial to residential uses in the Central Activities Zone (CAZ) without full planning permission.
- 4.4 The Committee was advised that the Planning Policy team continued to support Westminster’s designated Neighbourhood Forums in producing neighbourhood plans for their respective areas. Currently there are two ‘made’ (i.e. adopted) neighbourhood plans in Westminster, which are for Knightsbridge and Mayfair. These plans form part of the council’s statutory development plan. Neighbourhood plans for Fitzrovia West, Soho and Queen’s Park have been progressing through the formal examination stage this year and are now subject to a final referendum before they can be formally ‘made’. The Pimlico Neighbourhood Plan has been formally submitted to the council for consideration and is now subject to public consultation until 23rd August.

4.5 Members were informed that the council monitors the performance of its planning policies through the production of an annual Authority Monitoring Report (AMR). The AMR contains a series of measures to assess the performance of planning policies, and these key performance indicators (KPIs) can be found in the Implementation and Monitoring chapter of the City Plan. With the adoption of the new City Plan, officers are working to produce a new format for the AMR to ensure all the new KPIs are captured and that the document is a useful tool for measuring and analysing the effectiveness of the council's planning policies. A new AMR will be published later this year.

4.6 Members held a discussion and noted the following: -

- Members commented on the difficulties experienced in the hospitality sector with recruiting staff and noted that these industries previously provided low-cost housing to their employees. The Committee made further comments about the correlation between employment and low-cost housing. Officers informed that the Council's new house-building targets were derived from the Greater London Authority (GLA) London Plan and that the Mayor of London was responsible for the strategic provision of new jobs and homes in the Capital. The Committee was informed that the number of jobs within the City of London outnumbered residential dwellings and that it would be difficult for their Sub-Committees to individually match the needs of housing specifically to jobs in the Borough.
- Officers informed the Committee that the London Plan was to be reviewed to ensure that sufficient new housing was being provided in the Capital and that any changes to the Plan would need to be reflected in subsequent iterations of the City Plan. The Council is required to produce an annual report which details how many additional homes have been delivered per year to The Ministry of Housing, Communities and Local Government (MHCLG). The Council is currently required to deliver 985 Homes each year and will need to provide an action plan if this target is not met over a three-year average.
- Officers advised that the arguments for an Article 4 Direction which will restrict the change of use from commercial to residential uses in the Central Activities Zone (CAZ) without full planning permission had been set out and that the Secretary of State had yet to respond to proposals. The Committee was informed that the Council had a unique position, and this was due to the CAZ contributory role to the national economy. The GLA has also produced evidence regarding the unique characteristics of the CAZ and has designated the Area in the London Plan.
- That the current existing and proposed Neighbourhood Plans did not cover all the areas in the Borough, and these included the Royal Parks and several localities in the West End such as Covent Garden, Vincent Square, China Town and Parliamentary Estates. A large part of the residential areas in the Borough had a designated Neighbourhood Area where neighbourhood plans could be pursued. Officers advised that communities within these areas could undertake neighbourhood planning via designation as a Neighbourhood Forum, and that this designation was subject to a formal application process,

with evidence required that those putting forward the application are representative of the area they wish to represent.

- Members agreed that natural drainage and permeable materials usage should be encouraged in developments and noted that these topics were included in the Environmental SPD in relation to 'flood risks'. The Committee commented that these components should also be included in the SPDs for Public Realm and Design and noted the important role they had in the Council's 'Climate Emergency Action Plan'.

The Committee thanked officers for their work on the City Plan and Policy Updates.

**Resolved:**

1. Members noted the contents of the report.
2. Members agreed that natural draining and permeable materials usage be encouraged and be referenced in the Supplementary Planning Documents (SPDs) and also the Council's Emergency Action Plan.

**5 ANNUAL UPDATE ON PLANNING APPLICATIONS AND APPEALS PERFORMANCE - 2020/21**

- 5.1 The Committee received a report which provided an annual update on the performance of the Town Planning Service in terms of the timeliness and quality of its planning application decision making and the success rate of planning appeals. The performance of the department over the period between April 2020 and March 2021 continues to exceed the required performance thresholds set by the MHCLG.
- 5.2 The performance of local planning authorities (LPAs) in determining major and non-major development is assessed by the MHCLG over a 24-month rolling period after every quarter. The assessment of performance is judged by the MHCLG against two separate measures of performance, as set out in 'Improving Planning Performance Criteria for Designation (revised 2020), which are:
  - the speed with which applications are dealt with measured by the proportion of applications that are dealt with within the statutory time or an agreed extended period and:
  - the quality of decisions made by local planning authorities measured by the proportion of decisions on applications that are subsequently overturned at appeal.
  - For major applications the MHCLG sets a threshold of at least 60% of all decisions being made within 13 weeks or within an alternative timeframe agreed with the applicant.

- For non-major development the MHCLG threshold is 70%. The MHCLG measures the quality of decision making by LPAs by monitoring their success rate at appeal.
- For both major and non-major development, the MHCLG sets a threshold of not more than 10% of the total number of decisions made by an LPA being subsequently overturned at appeal.

5.3 Members held discussions and noted the following: -

- That the Council met and exceeded the MHCLG performance threshold for speed of decisions for both Major and Non-Major Applications. The Major Applications exceeded the threshold by 14% and the Non-Major Applicants met the requirements.
- That the timeliness of decision making for Non-Major Applications had dropped by 3.9% since June 2020 and this was due to the Covid-19 Pandemic and vacant posts within the Place Shaping & Town Planning Service. The Committee was advised that measures were being put in place to reverse the trend which included improved data and case monitoring, increased staff focus on improving the speed of decision making, such as utilising 'extensions of times' where appropriate. There is also an ongoing recruitment drive to fill vacant posts.
- Members noted that staffing numbers and the deployment of resources would continue to be monitored. Officers advised that a large proportion of the department's resources are deployed to deal with applications which are not featured in the statistics monitored by the MHCLG, such as Listed Building Consents. Members were informed that the recently introduced new departmental structures would be used to ensure that performance statistics are improved and maintained above thresholds and that a good service is delivered to applicants.
- That only 0.9% of Non-Major Applications Appeals during the 24 Month Period to September 2019 determined in that period were overturned. These statistics are one of the lowest in all the inner London Boroughs. Only 1% of Major Applications were overturned during the same period and similarly this score is also one of the lowest in the above grouping.
- That 73% of appeals during the 2020 -21 were turned down and this was a decrease from 77% in the previous year. This was attributed to the high level of telecom appeals that were made in the previous year and had been dismissed.
- That it was too early to deduce trends following the adoption of the new City Plan. Officers advised that it was anticipated that the number of appeals would increase in the forthcoming year, and this was the usual trend when new developments plan documents such as a City Plan are implemented.

- That 6 advertisement consent applications were appealed and 3 had been granted. Members were informed that this was a small percentage compared to the overall number of advertisement consent applications that were received by the Service.

5.4 Members thanked officers for their ongoing overall good performance in determining planning applications and defending appeals.

**Resolved:**

Members noted the contents of the report and noted the ongoing overall good performance of the Town Planning service in terms of its performance in the determination of planning applications and defending decisions to refuse permission at appeal.

**6 REVIEW OF PLANNING APPLICATIONS SUB-COMMITTEE FORMATS**

- 6.1 The Committee received a report which provided a review of planning committee processes over the last 18 months. Members were reminded that prior to the start of the Coronavirus pandemic the Council had already begun to review and take appropriate steps to enhance and digitise its planning committee format to enhance the accessibility of the meetings and improve the transparency of decision making on high profile and contentious applications. In advance of the pandemic the ability for interested parties to address the planning committees directly had been introduced in February 2019 and the live streaming of committee meetings, with additional functionality to 'catch up' on previous committee meeting recordings, was introduced in February 2020.
- 6.2 In light of the initial coronavirus lockdown period, it was necessary to incorporate 'Covid Secure' measures when hosting public meetings. Consequently, following the coming into force of temporary enabling legislation to allow virtual public meetings on 2 April 2020, the Council switched from the use of the Civico system to use of Microsoft (MS) Teams from 14 April 2020 onwards. Fully virtual meetings using MS Teams commenced on 9 April and public speaking for Ward Councillors was reintroduced at the Sub-Committee meeting on 12 May, with other speakers able to make verbal representations from 26 May onwards.
- 6.3 Following the Government's decision not to extend the temporary legislation that enabled fully virtual committee meetings. From 7 May 2021 the Council moved to a hybrid committee meeting format, which is compliant with the requirements of the Local Government Act 1972 by ensuring that the committee meets in a single location (the City Hall committee rooms) and that the meeting is publicly accessible for those members of the public who wish to attend the meeting in person. Initially hybrid meetings are being held using MS Teams, but the longer-term intension is to transition to use of Civico software once the Civico remote app, which enables the use of the in-office Civico equipment to be used in combination with remote attendees, has been fully tested and demonstrated to be fully functional and compatible with the Council's corporate IT systems

6.4 Members held discussions and noted the following: -

- That Planning Applications Sub-Committee viewing figures were extremely high in April 2020 and this was reported to be due to the unique format of these meetings and the attraction of interests from both the public and the private sectors at the time. The viewing figures have now transitioned to levels which are usually expected for these meetings and again peak when there are either large scale or contentious planning applications.
- That there had been an increase in the number of speakers since the introduction of hybrid Planning Applications Sub-Committees and this was attributed to interested parties having better access to these meetings.
- That the length of virtual and hybrid Planning Applications Sub-Committees had a longer duration in comparison to the physical meetings that were held prior to the Covid-19 Pandemic. Members were informed that the increase in the length of Sub-Committees could be attributed to the higher number of complex planning applications and/or the rise in numbers of speakers.
- That Hybrid Meeting format offers the greatest benefits and fewest limitations for all participants
- Members commented that the layout of Planning Applications Sub-Committee at City Hall should be reviewed, and that Officers should be seated near the Sub-Committee. Members advised that it was preferred for Officers to attend meetings in person rather than join remotely and commented that physical presence of all officers would ensure better interactions.
- Members noted that the CIVICO system will enable the Planning Applications Sub-Committees to revert to their pre-covid layout and were informed that the hybrid meetings format was created to ensure that the meetings were compliant with current legislative provisions. The Committee were informed that there would be a review on the requirement for officers to be physically present at meetings.
- Members welcomed and commented on the importance of them attending meeting physically and noted the benefits for speakers being able to join the Planning Applications Sub-Committees remotely.

**Resolved:**

Members noted the contents of the report and agreed to provide comments to the Chair on their views about the proposed future format for planning sub-committee meetings having regard to their recent experiences of in-person, virtual and hybrid committee formats.

**7 ANY OTHER BUSINESS WHICH THE CHAIRMAN CONSIDERS URGENT**

- 7.1 Members were informed that their training scheduled would be resumed in September and were requested to forward future topics to be included in their programme and Agenda Items for the Committee.
- 7.2 The Chair thanked the Committee and Officers for their contribution towards the Planning Applications Sub-Committees and commented that these bodies were robust and were admired by other Planning Authorities which considered Westminster City Council as an exemplar Council.
- 7.3 The Cabinet Member for Business, Licensing and Planning also thanked the Committee and Officers for their work on the Sub-Committees.

## **8 DATE OF NEXT MEETING**

- 25 October 2021

The Meeting ended at 20:05hrs

**CHAIRMAN:** \_\_\_\_\_

**DATE** \_\_\_\_\_

This page is intentionally left blank



City of Westminster

## Planning & City Development Committee

**Date: 25 October 2021**

**Classification: General Release**

**Title: Update on Temporary Covid-19 Related Legislation & Regulations**

**Report of: Director of Place Shaping and Town Planning**

**Financial Summary: None.**

**Report Author and Contact Details: Oliver Gibson (ogibson@westminster.gov.uk/  
07971026919)**

### **1. Executive Summary**

- 1.1 This report provides an update on the temporary changes to planning legislation that have been introduced since the beginning of the Coronavirus pandemic in March 2020. Where the temporary legislation or regulations have been extended or replaced by a permanent alternative the report considers the impacts this may have on the operation of the planning service and for future planning decisions in Westminster.

### **2. Recommendation**

- 2.1 Members are asked to consider the contents of this report and to note the ongoing impacts that changes to planning legislation and regulations related to the pandemic has on the planning service and planning decision making.

### **3. Background**

- 3.1 Changes were made by Government through secondary legislation to certain aspects of the planning system in the period following the beginning of the first Coronavirus lockdown in March 2020. Some of these changes were temporary (seeking to assist 'business as usual' activities during the pandemic and the recovery in the immediate aftermath), whilst others were permanent, seeking to support the longer-term recovery, address the decline in traditional high street retailing that began before the pandemic, but was accelerated by it, and promote the delivery of more housing.
- 3.2 Table 1 below summarises the temporary changes to the planning legislation and regulations and provides an update on whether they have lapsed following the expiry of the temporary period or been replaced.

**Table 1 – Summary of Temporary Changes to Planning Legislation and Regulations During the Pandemic**

<b>Temporary Legislation/ Regulations</b>	<b>Date Came into Force</b>	<b>Purpose</b>	<b>Current Position</b>
The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020	2 April 2020	Allowed local authorities to hold virtual planning committee meetings up to 7 May 2021.	Not extended. Fully virtual meetings can no longer be held after 6 May 2021.
Town and Country Planning (Development Management Procedure, Listed Buildings and Environmental Impact Assessment) (England) (Coronavirus) (Amendment) Regulations 2020	14 May 2020	New regulations to support 'business as usual' activities during the pandemic and ensure continuation of timely decision-making. Regulations include measures to relax requirements for site notices, publication of notices in newspaper and physical inspection of documents.	Regulations were extended in December 2020 until 31 December 2021.
The Town and Country Planning (General Permitted Development) (Coronavirus) (England) (Amendment) Order 2020	9 April 2020	Introduced time limited emergency permitted development right until 31 December 2020. Allowed local authorities to carry out development to respond to the spread of coronavirus.	Extended to 31 December 2021 by the Town and Country Planning (General Permitted Development) (England) (Amendment) Regulations 2020 ('Amendment Regs 2020').
The Town and Country Planning (General Permitted Development) (England) (Amendment) Order 2020	24 March 2020	Allowed restaurants and cafes and drinking establishments to provide takeaway food without the need for planning permission for a temporary period of 12 months	Extended to 23 March 2022 by the Amendment Regs 2020.
The Town and Country Planning (Permitted Development and Miscellaneous Amendments) (England) (Coronavirus) Regulations 2020	1 August 2020	Allowed additional 28 days for temporary use of land between 25 June 2020 and 31 December 2020 and allowed local authorities to hold markets at any time until 23 March 2021.	Extended to 31 December 2021 and 23 March 2022 respectively by the Amendment Regs 2020.
The Business and Planning Act 2020	22 July 2020	<u>Pavement Licences</u> Introduced a temporary licensing regime to enable food and drink establishments to apply to place tables and chairs on the highway until 30 September 2021. A pavement licence constitutes deemed planning permission.	Relevant period for pavement licences extended to 30 September 2022 by the Business and Planning Act 2020 (Pavement Licences) (Coronavirus) (Amendment) Regulations 2021.
		<u>Extended Construction Hours</u> For a temporary period until 1 April 2021. Developers must apply to the Council to seek approval for extended construction hours.	Extended until 30 September 2021 by written ministerial statement dated 25 March 2021.
		<u>Extension of Existing Permissions/Consents</u> Extended period for implementation of planning	Expired on 1 May 2021 without extension.

		permissions and listed building consents that expired between 23 March 2020 and 31 December 2020. They were extended until 1 May 2021.	
The Town and Country Planning (General Permitted Development) (England) (Amendment) (Coronavirus) Order 2021	21 April 2021	Enables the provision of moveable structures within the curtilage of pubs and bars, restaurants/cafes and listed historic buildings operating as visitor attractions. The permitted development right is temporary until 1 January 2022.	Not extended to date. Consultation ongoing on whether to convert to a permanent permitted development right.

#### 4. Consideration of Extensions to Temporary Changes

##### Virtual Planning Committee Meetings

- 4.1 The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020 enabled the holding of fully virtual planning committee meetings between 2 April 2020 and 7 May 2021. This legislation was instrumental in enabling public meetings to operate throughout the period impacted by pandemic restrictions and ensured that the determination of large and complex planning applications could continue without significant interruption or delay.
- 4.2 As has been report to this committee previously, the Council was quick to utilise this change in legislation and the first virtual meeting was held on 14 April 2020 with virtual committee meetings continuing until the beginning of May 2021 when the temporary legislation expired.
- 4.3 Despite significant lobbying from across local government and the development industry, the Government declined to extend the temporary legislation. It instead issued a call for evidence in March 2021, to seek views on the use of the temporary arrangements which had provided express provision for local authorities to hold meetings remotely or in a hybrid format during the coronavirus pandemic. To date there has been no further update from the Government on this issue since the end of the call for evidence in June 2021.
- 4.4 In light of the Government's position, the Association of Democratic Services Officers, Lawyers in Local Government and Hertfordshire County Council sought to judicially review the Government's decision not to extend the temporary regulations. They argued that in any event current legislation within the Local Government Act 1972 could be relied upon to permit virtual public meetings. However, in its judgement given on 28 April 2021 the High Court dismissed this argument and agreed with the Government that new primary legislation was required to permit fully virtual meetings.
- 4.5 Following the cessation of the temporary legislation and the High Court judgement, the Council reviewed its planning and other committee meeting procedures in late April/early May 2021 and developed the current hybrid model, which is compliant with the requirements of the Local Government Act 1972 and other permanent legislation, whilst also offering contributors and viewers of the committee greater flexibility to enable their attendance. The hybrid model also affords the benefits of in person meetings, such as clearer discussion and deliberation between committee members and principal officers.

- 4.6 The virtual and hybrid models for holding planning committees have driven up attendances at committee meetings. Typically, these were circa 20-30 prior to the pandemic and this has risen to an average of 71 for fully virtual meetings and 50 for hybrid meetings (note the total for hybrid meetings does not include any attendees viewing the meeting in person). Importantly the improved accessibility to meeting, allied to public speaking and the provision of committee recordings online, has contributed to a significant increase in the transparency and understanding of the planning decision making process. The latest planning committee meeting attendance data is provided in Appendix 1.

*Temporary Arrangements to Support 'Business as Usual' through the Pandemic*

- 4.7 The Town and Country Planning (Development Management Procedure, Listed Buildings and Environmental Impact Assessment) (England) (Coronavirus) (Amendment) Regulations 2020 introduced emergency provisions to relax requirements for site notices, publication of notices in newspaper and physical inspection of documents. This legislation has been extended by Government until 31 December 2021 but has not needed to be used in Westminster. Officers have been able to work flexibly, using new methods of working where necessary throughout the pandemic and the Council's site notice contractor has been able to continue to operate throughout the pandemic. Consequently, whilst the provision of these emergency provisions has been a welcome 'safety net', they have not been required to enable the planning service to operate throughout the pandemic without interruption.

*Temporary Permitted Development in response to the Pandemic*

- 4.8 The Town and Country Planning (General Permitted Development) (Coronavirus) (England) (Amendment) Order 2020 introduced a new temporary permitted development right for emergency development by a local authority or health service body for use where buildings or structures were required to help address an emergency which threatens serious damage to human welfare. This was extended until 31 December 2021. Bodies that utilised this permitted development right are required to notify the Council of their actions as soon as possible after they have used their permitted development rights. To date we have only received one notification for the erection of a structure under this temporary permitted development right at 18 Westmoreland Street in May 2020 (20/03288/APA).

*Temporary Permitted Development for Take Away Food*

- 4.9 Changes to the General Permitted Development Order in March 2020 introduced a temporary permitted development right to allow Class A3 (restaurants and cafes) and Class A4 (drinking establishments) uses to provide takeaway food for 12 months until 23 March 2021. Pubs and restaurants seeking to serve take away food are required to notify the Council. This permitted development right was extended by the Town and Country Planning (General Permitted Development) (England) (Amendment) Regulations 2020 until 23 March 2022.
- 4.10 The Council has only received 3 notifications to date, all of which were received at the beginning of the pandemic. These were at 198 Edgware Road, W2 (20/03701/APA) (which was withdrawn), 10 - 14 Knightsbridge Green, SW1 (20/03616/APA) and 43 Chandos Place, WC2 (20/02992/APA). It is likely that a significant proportion of businesses offering takeaway during the pandemic did so without notifying the Council as required by the temporary changes to the GPDO. It should also be noted that a small proportion of restaurant sales can be derived from a takeaway service without this changing the primary use of the premises. Therefore, many businesses may have

simply expanded this existing capability during the pandemic and subsequently contracted their takeaway offer following the relaxation of restrictions in July 2021.

- 4.11 Enforcement action can be considered should any continuing take away provision that is not ancillary to the lawful primary use of any premises be brought to the Council's attention. However, during the period during which the temporary changes to the GPDO are in force, the Council is taking a more pragmatic approach to enforcement of this issue in view of the ongoing need to support the hospitality industry in its post pandemic recovery.

#### Extended Permitted Development for Temporary Use of Land

- 4.12 The Town and Country Planning (Permitted Development and Miscellaneous Amendments) (England) (Coronavirus) Regulations 2020 expanded permitted development for temporary use of land by a further additional 28 days for temporary use of land between 25 June 2020 and 31 December 2020, in addition to the 28 days already provided for in the permanent parts of the GPDO. It also allowed local authorities to hold markets at any time until 23 March 2021. These regulations were extended by the Town and Country Planning (Permitted Development and Miscellaneous Amendments) (England) (Coronavirus) Regulations 2020 31 December 2021 and 23 March 2022 respectively. The Government is currently consulting until 14 November 2021 on whether the permitted development rights for local authorities to hold markets at any time should be made permanent beyond 23 March 2022.

- 4.13 As the permitted development right relating to the temporary use of land does not require the local planning authority to be notified, the Council does not have data to demonstrate the level of usage of this temporary permitted development right. However, it is reasonable to assume that usage has been limited given opportunities for temporary use of land in Westminster is limited due to the relatively densely developed townscape of the city.

- 4.14 To date the Council has not needed to utilise the temporary permitted development rights allowing local authorities to hold markets at any time to support its existing permanent or seasonal markets.

#### Pavement Licences for Consumption of Food and Drink Outside

- 4.15 Pavement Licences were introduced by the Business and Planning Act from 22 July 2020, initially until 30 September 2021. This has now been extended to 30 September 2022 by the Business and Planning Act 2020 (Pavement Licences) (Coronavirus) (Amendment) Regulations 2021.

- 4.16 The granting of a Pavement Licence (which can only relate to highway land) provides deemed planning permission for the tables and chairs during the temporary period the legislation is in place, thereby reducing the cost and administrative burden on food and drink businesses. Up until 31 March 2021 the Licensing Service had received 1215 applications. Of these applications 930 were granted and a pavement licence issued. (Note that pavement licences were initially granted for a 6-month period and therefore this number does not represent the number of separate premises with a pavement licence).

- 4.17 Whilst the introduction of pavement licences has reduced applications for planning permission for tables and chairs, there remains a significant number of applications annually. The number of tables and chairs planning applications totalled 364 during 2019 (pre-pandemic), 219 in 2020 and 138 to the end of September 2020 (pro rata this

equates to 184 for 2021 as a whole). The relatively significant numbers of planning applications still being made relate to placement of tables and chairs fully or partially on private forecourts and where applicants are keen to retain the planning permission they have traditionally had for tables and chairs in front of their premises, for example as a fall back in the event that extended alfresco dining areas can no longer be facilitated on street, such as has begun to occur in some locations from early October 2021.

- 4.18 Given that the number of temporary alfresco dining schemes are now being reduced, it is expected that there will be gradual increase in tables and chairs planning applications during 2022. The numbers of applications could even exceed 2019 levels, should the Government not decide to introduce a permanent replacement for the pavement licensing process from September 2022, given that the public appetite for alfresco dining appears to have increased as a result of the pandemic.

#### Extension of Construction Working Hours

- 4.19 The Business and Planning Act introduced the opportunity for developers to extend construction working hours to mitigate the impact of 'Covid Secure' measures on the speed of construction work. This measure was extended by ministerial statement until 30 September 2021 and has therefore now expired.
- 4.20 To extend construction working hours developers were required to make an application to the Council setting out the hours proposed and any noise mitigation measures. Given the proximity of neighbouring residents to many construction sites officers took a cautious approach to the determination of extended construction hours applications and required developers to provide full details of what works would be carried out during the extended hours (to enable assessment of their potential noise generation) and what mitigation measures are proposed where appropriate.
- 4.21 During its period of operation the Council only received three applications. These were an application at 60 Grove End Road, NW8 (20/05023/FULL) and two applications at the site at 117-125 Bayswater Road, 2-6 Queensway and 7 Fosbury Mews, W2 (20/05999/FULL). All three applications were refused due to their potential impact on the amenity of neighbouring occupiers. There is no indication that the approach taken has significantly inhibited development in Westminster during the pandemic and developers have been quick to embrace innovative approaches to on site working to maintain development schedules whilst embedding Covid secure working practices.

#### Extensions of Planning Permissions, Outline Permissions and Listed Building Consents

- 4.22 The final temporary amendment to planning legislation made by the Business and Planning Act was the introduction of extensions to planning permissions and listed building consents expiring between 23 March 2020 and 31 December 2020. Whilst permissions and consents expiring after the date the Act came into force (22 July 2020) were automatically extended to 1 May 2021, those expiring between 23 March and the date of the Act required applicants to submit an 'additional environmental approval' application to the Council to demonstrate that the permission or consent would not cause any adverse environmental impact. This element of the Business and Planning Act 2020 has not been extended and has therefore now expired.
- 4.23 During the temporary period during which this provision was in place the Council only received three environmental approval applications relating to two properties: 26 Cavendish Avenue, NW8 (20/06063/FULL & 20/06064/LBC) and 23 Craven Hill, W2 (20/05627/FULL). All three applications were approved.

- 4.24 Based on the number of environmental approval applications relating to permissions and consents expiring between March and July 2020, it is unlikely that a significant number of permissions and/or consents were implemented during the extended implementation period (i.e. up to 1 May 2021), rather than a fresh application for permission/consent being made. However, as applicants are not required to notify the Council of when a permission or consent is being implemented, it is difficult to provide definitive evidence of the extent of impact this provision may have had on application numbers in early 2021. Notwithstanding this, the greater flexibility this temporary provision provided at a time when the construction industry required support through the pandemic outweighs any minor impact it may have had on the Council's planning income at that time.

*Movable Structures in the Curtilage of Pubs, Restaurants and Listed Visitor Attractions*

- 4.25 This was the most recently introduced temporary permitted development right, brought into force in April 2021 to support alfresco dining throughout the remainder of 2021. The current permitted development rights are not limited in terms of the size of the structures installed or the period they are installed for. The current rights expire on 1 January 2022 after which any structures installed under this right would need to be removed.
- 4.26 The Government is currently consulting on whether to make this permitted development right permanent beyond 1 January 2022. In their consultation they recognise that it is unlikely to be appropriate to make this right permanent without introducing controls on the size of the temporary structures and the time period they are erected for. The consultation suggests that structures should be limited to 4 metres in height and a footprint of not more than 50% of the footprint of the existing building on site. The consultation suggests a maximum period of 56 days per calendar year. The consultation ends on 14 November 2021.

**5. Financial Implications**

- 5.1 None.

**6. Legal Implications**

- 6.1 None.

**7. Conclusion**

- 7.1 Despite the apparently low uptake of some of the measures introduced on a temporary basis during the pandemic, the temporary changes to planning legislation and regulations have afforded businesses and the development industry within the city a 'safety net' during the pandemic, allowing them to adapt to the unique circumstances of the pandemic response without undue planning restriction. In this context the provisions afforded by Government are supported, including for the extended periods subsequently introduced. However, it is appropriate that planning control over development reverts to the pre-pandemic position at the end of the current temporary periods, given the gradual return towards pre-pandemic patterns of movement and consumer behaviour that are occurring.
- 7.2 Other temporary changes, to afford appropriate permitted development rights to the council and health care bodies to ensure that the effectiveness of the pandemic response, were also appropriate at that time and have ensured that there is suitable

flexibility for those organising the response to Covid-19 to deliver necessary temporary infrastructure (such as testing centres etc.), albeit, given Westminster's dense and established townscape there has been little use of these additional permitted development rights relative to in other parts of the country.

- 7.3 In terms of the operation of the planning service, the most significant temporary change was the ability for the service to provide virtual planning committee meetings. Whilst this ability has now ceased following the end of the temporary legislation in May, the experience this period has afforded has had a transformational impact on the format of committee meetings and facilitated a smooth transition to the current hybrid meeting format, which can be operated within the scope of pre-existing legislation governing the requirements of public meetings.

**If you have any questions about this report, or wish to inspect one of the background papers, please contact: Oliver Gibson (ogibson@westminster.gov.uk / 07971026919)**

## **Appendix**

1. Planning Applications Committee Attendance Data 2020-2021.

## **Background Papers**

N/A



This page is intentionally left blank



**City of Westminster**

## Planning & City Development Committee

**Date: 25 October 2021**

**Classification: General Release**

**Title: Updated Draft Early Community Engagement Guidance**

**Report of: Director of Place Shaping and Town Planning**

**Financial Summary: None.**

**Report Author and Contact Details: Oliver Gibson, Strategic Planning Officer  
(ogibson@westminster.gov.uk/ 07971026919)**

### **1 Executive Summary**

- 1.1 The initial version of the draft Early Community Engagement guidance published for consultation in spring 2021 sought to address the concerns expressed by local communities in recent years that they are regularly consulted too late in the planning pre-application process by developers, or in some instances not consulted at all. The draft guidance seeks to address these concerns by guiding developers and applicants so that their pre-application engagement with communities occurs at an earlier stage, is more transparent, inclusive and accessible, and is more responsive to the expectations of local communities.
- 1.2 Consultation on the initial draft version of the guidance was undertaken in February and March 2021 and a wide range of responses were received. These are summarised after paragraph 3.6. Irrespective of their perspective or the substance of their detailed comments on the wording of the guidance, all respondents welcomed the principle of introducing guidance that provides greater clarity regarding the expectations for early community engagement on emerging development proposals.
- 1.3 In the period since the end of the initial consultation period officers have reflected on the comments made and further developed the guidance to address the majority of the concerns expressed by consultees. Where concerns have not been addressed through amendments, this is explained in the matrix provided in the background papers. The principal changes to the initial version of the guidance are set out in Section 4 of this report.
- 1.4 Those who engaged with the Council on the initial version of the guidance were notified of the updated version of the draft guidance at the beginning of October. Any additional comments received in response will be reviewed following the end of the notification period and consideration given as to whether further amendments are required prior to publication of a finalised version of the guidance. It is expected that the finalised guidance will be published by the end of November 2021.

## **2 Recommendation**

- 2.1 Members are invited to discuss and comment on the updates made to the draft guidance following the initial consultation phase undertaken in spring 2021.

## **3 Background**

### Aim and Purpose of Guidance

- 3.1 The Government recognises the importance of community engagement in planning. Paragraphs 39 of the National Planning Policy Framework (NPPF) (2021) states that early engagement has significant potential to improve the efficiency and effectiveness of the planning application system for all parties. Paragraph 40 identifies that local planning authorities (LPAs) have a key role to play in encouraging other parties to take maximum advantage of the pre-application stage. It notes though that LPAs cannot require developers to engage with other parties, including the local community, prior to submitting a planning application, but they may seek to encourage them to do so where they consider this would add value to the planning process and enhance planning outcomes.
- 3.2 Local communities have consistently raised concerns with councillors and officers that they are regularly consulted too late in the planning pre-application process by developers, or in some instances not consulted at all. Engagement that is currently undertaken often amounts to presentation of a finalised scheme that is submitted shortly after as a formal application without scope for the community engagement to positively influence the proposal.
- 3.3 The purpose of the draft guidance is to ensure that developers are aware of the Council's expectation that community engagement is undertaken as early as possible during the planning pre-application phase using methods that maximise meaningful engagement with all parts of the local community. The guidance also puts in place a mechanism to provide officers with enhanced visibility of views of the local community at pre-application stage, allowing officer advice at this stage to take greater account of local views where these are consistent with the development plan.
- 3.4 The advice in the updated draft guidance note builds upon the expectations and requirements set out in Section 8 of the Statement of Community Involvement (2014), which will be updated later in 2021/early 2022.
- 3.5 All local authorities must have a Statement of Community Involvement (SCI) in order that they comply with Section 18 of the Planning and Compulsory Purchase Act 2004 (as amended). However, SCIs typically focus on how the LPA will act when engaging local communities and other stakeholders in the planning process, rather than seeking to guide developers on how to deliver best practice early engagement on their own development proposals. Some London authorities, such as Lambeth, Lewisham and Southwark do go further and provide more detailed advice for engagement advice to developers, but this is done either within their SCI, on their website or as guidance on how to engage with communities across all local authority service areas (i.e. not guidance that is specific to the planning process). No other Inner London LPA currently has dedicated guidance on planning pre-application engagement for developers and applicants.

### Initial Consultation

- 3.6 Consultation on the initial version of the draft guidance was carried out between 15 February and 12 March 2021 with amenity societies, neighbourhood forums, semi-recognised societies, the Queens Park Community Council (QPCC) and the Westminster Property Association (WPA). Separate discussion forums with the local groups and the WPA were also held during March. The initial version of the guidance was also reported to the Planning and City Development Committee on 18 March 2021.
- 3.7 Below is a summary of all the consultation responses received in response to initial consultation. Full copies of all the responses are provided in the background papers.

#### ***Belgravia Neighbourhood Forum***

- Fully support the objectives of this initiative and are in overall support of it but consider there are areas where it does not go far enough.
- Welcome inclusion of neighbourhood forums as bodies that should be consulted by developers.
- Concerned that the asymmetry between the resources available to developers and consultees will remain and suggest measures are recommended in guidance to redress the balance including (i) an independent audit of developer presentations; (ii) an obligation for developers to produce a 'balance sheet' of positives and negatives; and (iii) appointment of a 'community champion' (a professional to represent the communities interests).
- Will remain too easy for developers to ignore community responses. Can guidelines be strengthened to guard against this?
- In Belgravia it is often non-major development that causes most annoyance, disturbance and distress to local residents and therefore guidance should be expanded to cover non-major development.
- Engagement forums will be intensive forms of engagement with limited numbers of participants – how can it be ensured that excessive participants are not included with specific views that dominate the consultation outcome?
- Recommend that more consultation methods are recommended for all development scales in Table 2.
- Impacts on the local community should specifically be addressed in developer presentation materials and information should be provided on how feedback should be acted on by developers.
- Once a Forum has a 'made' Neighbourhood Plan, the Forum needs to have the right to engage with officers to ensure that the policies contained within their plan have been appropriately considered, particularly as the plan will have been endorsed by the community via a referendum.
- Even where the neighbourhood plan is still at draft stage, the community and any advisors they may retain, must have the opportunity for detailed discussions with the relevant council throughout the planning process.

#### ***Belgravia Residents Association***

- Draft proposal for engagement neither seems to be early, nor does it seem to engage the community very much and suggest following amendments.
- Non-major development should be required to be subject to consultation with leaflets/ mail drop and online communication to residents and business in the area. BRA should continue to receive email alerts to proposals.

- 10+ residential unit schemes should be as per non-major development, plus interactive digital engagement.
- 25+ residential units should be as above but also including early engagement forums.

### ***The Belgravia Society***

- Welcome the Council's intention to promote early community engagement and believe there is great benefit in improving the current pre-application engagement process.
- Would like to see improvements to the Council's website to make planning information easier to find and comment on.
- Support the detailed comments made by the Belgravia Neighbourhood Forum.
- Raise concerns over recent consultation on 'Future Victoria', which lack engagement with residents.

### ***Fitzrovia West Neighbourhood Forum***

- Welcome the general principles set out in the guidance of making engagement more effective and meaningful.
- Reporting of outcomes of engagement tends to accentuate the positives.
- Exhibitions and other events tend to be very short and not well advertised.
- Neighbourhood Forums and Amenity Societies should have a bigger role.
- There should be a minimum period for consultation that occurs as early as possible (4-5 days).
- Officers should decide in consultation with the forum/ amenity society which method(s) of engagement should be undertaken by the developer.
- Neighbourhood Forums and Amenity Societies should be engaged prior to other groups.
- Some non-major development (controversial sites, listed buildings, redevelopments in conservation areas) should also be subject to early community engagement.
- Outcome of engagement should be summarised in a report to officers and the forum/ amenity society, plus others submitting written comments for their agreement. The report should also summarise any changes to be made to the plans arising from the consultation and before the full application is submitted.
- Recommendations made on how success of the guidance might be assessed.

### ***Hyde Park Paddington Neighbourhood Forum/ Marble Arch Partnership***

- Usability of the guidance could be improved in terms of web links.
- Section on groups should include a helpful narrative about who does what, and where influence lies/the hierarchy of influence (i.e. who amenity societies, neighbourhood forums and BIDs represent and how they function).
- Table 3 should not say 'and/or ward councillors/community' – both should be consulted.

### ***Knightsbridge Neighbourhood Forum***

- Ask that the guidance is aligned with KNF's 'Best practice guidance on community engagement': <https://www.knightsbridgeforum.org/best-practice-guidance-community-engagement/>

- Please ask applicants to consult the local amenity society and neighbourhood forum before submitting the application.
- Please ensure that applicants understand that 'made' neighbourhood plans are a full part of the development plan.

### ***Mayfair Forum***

- Role of Neighbourhood Forums is understated in the draft guidance, particularly where a neighbourhood plan has been adopted.
- Ask that prior communication with the Form is made a required as a specific engagement event.
- More focus should be included on minor development which can also have impacts and would benefit from community engagement.
- Suggest that all developers of schemes proposing in excess of 100m<sup>2</sup> of new floorspace or a change of use should notify forums that have an adopted plan.

### ***Marylebone Forum***

- Real concern that neighbourhood forums are not fully embedded into the City Council's consideration on this Guidance and also how they are structured within wider community interest groups and representative bodies in the planning process.
- National Planning Guidance favours local neighbourhood plans and their respective forums, so we are keen to see greater weight on this in the emerging guidance.
- Would welcome an opportunity to review the next iteration of the guidance as a group of Westminster Forums.

### ***Notting Hill East Neighbourhood Forum***

- There should be a greater emphasis on neighbourhood forums in this process.
- Agree that the earlier the engagement the better and should be before architectural designs begin.
- Consultation on a site brief rather than a designed scheme is likely to receive a more positive response and allow the community to make more positive suggestions for the development of the site.
- Consider that even small schemes should be subject to early consultations or at least a notice to local community groups. Guidance should apply to all development.
- Collaborative engagement tends to yield the most creative and successful projects.
- Engagement should also include the end user of development or a representative of the end user.
- Suggest use of community notice boards to spread awareness of development proposals.

### ***Pimlico Neighbourhood Forum***

- Forums establish a high-level vision for their area, collect views on what matters most for an area as regards future development, consult on priorities for policy

areas, consult on policy proposals and provide binding policy through their plans.

- In light of these roles and responsibilities neighbourhood forums will be in a special position to respond and input on consultations
- Particular weight should be attributed to the views of neighbourhood forums and stronger emphasis on the role that forums play should be included in the guidance.
- Developers should address how proposals meet neighbourhood plan policies.
- Further work is required in the document to explain how developers should demonstrate compliance with City Plan policy objectives when carrying out engagement

### ***Queens Park Community Council (QPCC)***

- Add 'consultation with parish/community council' to 8.5.

### ***St. Marylebone Society (SMS)***

- Ask for more detail about how early consultation process would work, could this include separate meetings with different parties?
- Note that online methods have been found to increase attendance over the last year.
- Question the value of community consultation after engagement with officers, but note that local communities bring critical local knowledge into pre-application discussions.
- Would welcome more consultation with smaller developers.
- Reporting of the outcomes of consultation should be more accurate.
- Questionnaires forcing a positive response should be avoided.
- Acknowledge that it can be difficult to get significant participation from local communities, particularly where people do not feel specifically affected.

### ***Soho Society (SS)***

- Provided tracked changes to the draft guidance to address the following concerns.
- Initial engagement should occur on the basis of a written concept prior to a developer commissioning an architect or development team to produce a drawn scheme.
- Consultation with immediate neighbours should be prioritised.
- Greater priority should be given in the guidance to engagement on non-major development.
- Table 3 (example timeline) should be simplified and community engagement given greater prominence with table.
- To ensure accuracy and transparency, consulted groups should be asked to agree the minutes or notes taken at engagement events before they are provided in the developer's Early Engagement Strategy or SCI.

### ***The Thorney Island Society (TIS)***

- Welcomes the council's affirmation of the benefits of early community engagement and support the basic principles of the guidance.
- Concerned that the guide promotes good practice but without sanctions for non-compliance.

- Detailed comments made on each section of the guidance in relation to content and structure.
- More focus should be provided on consulting near neighbours and differentiating between statutory and non-statutory consultees.
- Developers should not be able to engage with officers until the first round of community consultation has ended to avoid the implication that officers have already agreed the proposal.
- Developers should agree records of comments at pre-application stage with consultees prior to inclusion in the SCI
- Would like to see early engagement more clearly promoted on smaller, non-major development which is often just as impactful.
- Would like to see pre-application requests made public via the council's Idox online platform (on website).
- It should be made clear that detailed plans should not have been prepared at the time of the initial community engagement.
- Engagement material should show how proposals are compliant with any relevant neighbourhood plan.

### ***Victoria BID (VBID)***

- Support early and meaningful engagement for new development.
- Vicinity when referring to the scope of consultation should be defined.
- BIDs should be more clearly promoted as the voice of businesses.
- A lower threshold than 1,000m<sup>2</sup> should be considered for early community engagement on some types of development.
- Consistency required over how much consultation feedback information is to be provided to different parties.
- The benefits of engaging a professional facilitator should be explained, perhaps with reference to Grosvenor's 'Rebuilding Trust' document.
- List of key information to be included in engagement should be expanded to include flood risk, green infrastructure and biodiversity loss/ gain and details of development costs and returns.
- Detailed comments on the content and structure of the draft document.
- Ask that the Council should be sure it has the resources for officers are able to attend pre-application engagement events.

### ***Westminster Business Improvement Districts (WBID)***

- Welcome sentiments and principles of the draft guidance, particularly the focus on openness and transparency.
- Welcome identification of BIDs as a key early consultee.
- Greater emphasis should be included in the document on the importance of the planning balance and adopted planning policies so as to manage expectations.
- It should be recognised that there are circumstances where early engagement prior to seeking pre-application advice from officers is not feasible.
- Meetings minutes and advice from officers should remain confidential.
- Do not consider that professional facilitators will improve openness or trust as they will be paid for by the applicant. Suggest instead that consultation material should be shared with officers in advance to ensure it is suitably impartial.
- Ask that BIDs are consulted more formally by the Council on planning and licensing applications.
- Document should highlight importance of engaging with alternative groups such as Youth Forums and employees and workers.

- Additional information should be provided on each of the suggested consultees and a link to a GIS map of the areas they cover provided.

### ***Westminster Property Association (WPA)***

- Recognise the crucial role of meaningful consultation and engagement in successfully managing change in the built environment. Note that this was a key theme of the WPA Insight Paper in 2018, 'Building Trust'.
- Believe that extensive community consultation already occurs on most large and strategic scale development in Westminster but recognise there is always scope for improvement.
- Detailed comments made on the content of the draft guidance, but highlight 5 key recommendations:
  - 1 Launch a pilot based on interim guidance before finalising, so that the framework can be tested and refined with feedback from participants
  - 2 Expand the principles of early engagement to all groups, regardless of whether property, business, resident or amenity, which all consult their local communities
  - 3 The criteria should as flexible as possible so individual site circumstances, not just unit size, can be taken into account
  - 4 Any rigid barrier to dialogue with officer's pre-engagement could be detrimental to bringing forward some schemes and could cause delay. The option should remain
  - 5 Facilitators may be useful in some instances, but once again flexibility as to if/when to appoint one is important.

### Principal Issues Raised by Respondents

- 3.8 The initial engagement phase has been extremely valuable and has enabled the approach set out in the initially published guidance to be developed and finessed so that it is better aligned with the expectations of communities, whilst providing sufficient flexibility to allow developers and applicants to design their engagement strategies to meet the needs of each development they bring forward.
- 3.9 Whilst a wide range of views were expressed in response to consultation, many of them focus on the detailed wording and/or content of the guidance. The matrix in the background papers identifies how these detailed points have been addressed in the updated version of the guidance. The following main themes were raised consistently across the consultation responses:
- The role of neighbourhood forums and neighbourhood plans is not sufficiently explained in the guidance and the need for development to accord with neighbourhood plans should be better articulated.
  - The guidance should set community engagement and the outcomes that can be achieved by it within the wider context that development must comply with the development plan.
  - Developers should be encouraged to consult with community groups to establish how they can best be engaged with.
  - The scales of development within the scope of development should be amended to include non-major development. Many respondents noted that non-major development can often have greater impacts on neighbouring communities due to these developments often occurring in more sensitive locations.

- Developers should be encouraged to undertake engagement prior to development of detailed drawings (e.g. using a written concept supported by sketches).
- Concern that the use of professional facilitators to run engagement sessions is not always helpful and has a tendency to obstruct the ability of consultees to discuss development proposals directly with the development team (i.e. potentially reducing their ability to influence scheme development).
- Guidance should avoid placing rigid barriers to discussion between developers and officers and should recognise that on occasion there are legitimate reasons (such as commercial confidentiality) where engagement will not be possible prior to initial discussions with officers.
- Reporting of the outcomes of engagement should be more accurate and balanced.
- There should be more recognition that good engagement continues beyond the submission of an application.

#### **4 Considerations – Principal Amendments to Initial Guidance**

##### Overview

- 4.1 As set out in Section 3, the engagement undertaken on the initial version of the guidance in spring 2021 elicited a wide range of responses that have provided a valuable source of guidance from those regularly involved in the engagement process. This has helped officers to make positive and effective changes to improve the guidance. The principal amendments are set out in the following paragraphs in this section, with cross reference to the location of the amendments in the updated draft version of the guidance, which is provided in the background papers in brackets.

##### Enhanced Guidance Formatting

- 4.2 Several respondents identified that the guidance could be improved by making it more accessible and searchable. This has been achieved by adding a contents page and embedding hyperlinks to improve navigation throughout the document (see page 4 of updated draft guidance).

##### Encouraging Developers to adopt their own Engagement Charter/ Set of Principles

- 4.3 It is recognised that there are examples of early engagement good practice, but often this is inconsistent, even across different development teams acting for the same developer on different sites. To address this and help to drive up standards of engagement consistently, the expectation that developers who frequently undertake development in Westminster should publish their own charter or set of principles for community engagement has been added in Section 1. An exemplar of this approach is the Positive Space charter published by Grosvenor in 2020, which is referenced in the appendices of the guidance (see para 1.4 of the updated guidance).

##### Better Recognition of Role of Neighbourhood Forums and Plans

- 4.4 There was widespread concern in the consultation responses from community groups that the importance of neighbourhood forums and their plans to the planning process was not suitably reflected in the initial version of the draft guidance. It is agreed that this was the case and to address this, the updated guidance has been amended to reflect that neighbourhood plans form part of the development plan for Westminster and to identify that neighbourhood forums, irrespective of whether they have an adopted plan, are local groups that are representative of the prevailing expectations

and concerns relating to development in their area. This is articulated in a number of locations throughout the updated guidance and in the glossary of key groups and definitions that has been added to the appendices (see paras 2.3, 3.4 and 5.5 and Appendix B of the updated guidance).

#### Wider Recognition of Groups to be Engaged

- 4.5 The range of groups that developers will be expected to engage with (see para 3.4 of the updated guidance) has been updated to better reflect those groups and individuals present within most local communities. A notable omission in the initial draft was the lack of reference to the need to engage with young people or groups representing young people to ensure the engagement undertaken is inclusive. This has been addressed in the updated version of the draft guidance.

#### Encourage Community Groups to Engage with Officers

- 4.6 Several responses from community groups expressed a desire for greater access to officers to express their opinions regarding development proposals that have been showcased to them by developers. The updated guidance recognises that stronger links and sharing of respective positions between community groups and officers would help to better align officer advice with community expectations of development in future. To facilitate this community groups and individuals are encouraged in the updated guidance to provide their comments on emerging proposals to officers at pre-application stage (see para 3.5 in the updated guidance).

#### 4.7 Scale of Development in Scope Broadened

- 4.8 A significant number of responses, from community groups and the development industry, identified that it is not only major scale development that can have an adverse impact on local communities, either during the construction phase or following completion. Given the nature of the developed townscape that already exists across much of Westminster, it is often non-major development., proposed in close proximity to existing residents and businesses, which can be most impactful.
- 4.9 To address this, the scope of development to which the updated guidance relates has been broadened to include impactful non-major development. To ensure the engagement requirements for smaller forms of development are proportionate, the engagement expectations set out in Table 2 have also been recalibrated (see also para 5.4 of the updated guidance). These changes ensure that the engagement expectations of developers more closely mirror the forms of development that can impact significantly on local communities without overburdening developers of these schemes, such that they won't bring them forward.

#### Community Champion

- 4.10 A number of consultees and Members express the view that they would like to see the introduction of a suitably qualified person to support communities to respond to early engagement, particularly on more complex and large-scale development. The model of the 'Community Champion' within the licensing process in Westminster is often sighted as an example, although it must be recognised that the licensing process operates within a different regulatory regime and therefore the method for funding and

operating a Community Champion within the planning process cannot directly replicate the licensing model.

- 4.11 The approach proposed set out in the updated guidance is that developers of large-scale development proposals (as defined in Table 2) should fund the provision of an appropriately qualified Community Champion to support communities in making representations in response to engagement. The funding set aside by the developer to enable local community groups or individuals to appoint their own Community Champion should be proportionate to the scale of the development proposed and the length and complexity of the engagement process proposed (see para 5.8 and Table 2 of the updated guidance).

#### Delayed Engagement only in Exceptional Circumstances

- 4.12 The Westminster Property Association expressed concern that failing to undertake community engagement prior to seeking pre-application advice from officers should not preclude the pre-application advice service being offered to developers. The wording of the guidance has been amended to make clear that this was not the intention but that instances where engagement has not occurred prior to seeking advice from officers should only occur in the most exceptional circumstances (e.g. where there are significant issues of commercial confidentiality that specifically preclude community engagement prior to the establishment of basic policy principles with officers).
- 4.13 Further wording has been added to note that the advice provided by officers, where there has been little or no substantive community engagement by the end of the officer pre-application discussions, will be more limited and is likely to be caveated subject to the outcome of later community engagement (see paras 6.1 and 6.2 of the updated guidance).

#### Corroboration of Records of Engagement

- 4.14 Many of those consulted who are regularly engaged with on development proposals shared the concern that their views and comments are frequently misrepresented in subsequent developer documentation, such as statements of community involvement. To seek to address this concern and ensure reporting of community expectations is more accurate, the updated guidance recommends that developers should avoid overly prescriptive questionnaires or other closed question-based formats that limit the scope for comment and ensure that the minutes or other records of engagement are agreed with community groups and individuals to ensure accuracy and improve transparency (see paras 5.6 and 6.3 of the updated guidance).

#### Apply Guidance Principles to All Engagement

- 4.15 It was identified in the consultation responses that good community engagement often continues beyond the pre-application stage and into the application and beyond. This may be the case, for example, where material issues are left to be resolved via a planning condition. In such circumstances the principles of good community engagement, as set out in the guidance, should also be applied to engagement that occurs at these later stages (see para 7.3 of the updated guidance).

#### Monitoring

- 4.16 An additional section (new Section 8) has been added to identify that the guidance will be monitored to assess its effectiveness in improving early community engagement. Initial monitoring will focus on operation of a number of pilot schemes in the first year

following publication and analysis of the outcome of the pilots to establish what improvements could be made to the guidance.

### Case Studies

- 4.17 Three recent examples of good pre-application engagement practice have been added to the appendices to provide 'real world' examples of schemes where developers have engaged with communities prior to entering into substantive discussions with officers at pre-application stage. The case studies set out the methodologies utilised across three differing development types and provide developer/applicant analysis of the benefits that the early engagement delivered in each case (see Appendix A of the updated guidance).

### Next Steps

- 4.18 Those who engaged with the Council on the initial version of the guidance were notified of the updated version of the draft guidance at the beginning of October. Any additional comments received in response to this notification will be reviewed following the end of the notification period and consideration given as to whether further amendments are required. Subject to the completion of further amendments, it is expected that the finalised guidance will be published by the end of November 2021 following the outline timetable below:

- Notify those individuals and groups that responded to the initial consultation that the updated draft guidance has been published for comment (2 weeks).
- Report updated draft guidance to the Planning and City Development Committee on 25 October 2021.
- Review responses to re-consultation and PCD Committee minutes (1 weeks).
- Undertake final review and edit of draft document, finalise formatting and Cabinet Member approval of finalised version (3 weeks).
- Launch of finalised guidance (mid/late November).
- Run a pilot studies using the finalised guidance (9-10 months)
- Review guidance in light of pilot scheme findings (Autumn 2022).

## **5 Financial Implications**

- 5.1 None. Any financial implications can be accommodated within existing budgets.

## **6 Legal Implications**

- 6.1 None.

## **7 Conclusion**

- 7.1 The updated draft guidance has been amended to take on board the majority of the views expressed during the initial consultation phase, and this has helped to develop and improve the early engagement process set out in the guidance and the scope of development to which the guidance relates. These main amendments, allied to the other principal amendments discussed in Section 4 of this report, have resulted in a more robust guidance document that has greater consistency with community

expectations, whilst affording sufficient flexibility for developers to tailor their engagement strategies to the requirements of particular development sites.

- 7.2 The Committee is asked to support the principle of the draft guidance and is invited to comment on its updated version of the guidance, drawing on Members own experiences of participation in community engagement.

**If you have any questions about this report, or wish to inspect one of the background papers, please contact: Oliver Gibson (ogibson@westminster.gov.uk / 07971026919)**

**Background Papers:**

1. Consultation Responses & Resultant Amendments Matrix.
2. Updated Draft Early Community Engagement Guidance Note – September 2021.
3. Full copies of all responses to initial consultation carried out in February and March 2021.

This page is intentionally left blank

# Consultation Responses & Resultant Amendments Matrix

**Consultees Key:**

BNF	Belgravia Neighbourhood Forum
BRA	Belgravia Residents Association
BS	The Belgravia Society
FWNF	Fitzrovia West Neighbourhood Forum
HPPNF	Hyde Park Paddington Neighbourhood Forum
KNF	Knightsbridge Neighbourhood Forum
MBF	Marylebone Forum
MF	Mayfair Forum

NHENF	Notting Hill East Neighbourhood Forum
PNF	Pimlico Neighbourhood Forum
QPCC	Queens Park Community Council
SMS	St. Marylebone Society
SS	Soho Society
TIS	The Thorney Island Society
VBID	Victoria Business Improvement District
WBID	Westminster Business Improvement District
WPA	Westminster Property Association

**Amendments Key:**

	Amendment made to guidance to address consultees whole comment.
	Amendment made to guidance to address part of a consultees comment.
	No amendments made. Justification provided for no amendments.

Page 37

Guidance Section	Respondent	Comment	Officer Response/ Amendment
Contents	HPPNF	Usability of the guidance could be improved in terms of web links.	Weblinks have been added to a newly introduced contents page.
<b>Section 1 – Introduction &amp; Purpose</b>			
(1)	KNF	Guidance should be aligned with KNF’s ‘Best practice guidance on community engagement’.	Guidance is broadly aligned and shares the same principles of early and inclusive engagement. It is necessarily different as this document seeks to encourage engagement across communities and a single community area. KNF link included in appendix.
(1)	WPA	Launch a pilot based on interim guidance before finalising, so that the framework can be tested and refined with feedback from participants.	A pilot will be run on the basis of the updated draft version of the guidance.
(1)	WPA	Extensive community consultation already occurs on most large and strategic scale development in Westminster but recognise there is always scope for improvement.	Text in para 1.2 amended to read more positively and acknowledge presence of existing good practice.
(1)	WPA	Expand the principles of early engagement to all groups, regardless of whether property, business, resident or amenity, which all consult their local communities.	Additional text added to para 1.3 to identify that consultees should reciprocation the principles of good engagement.
(1)	VBID	Developers should also sets out and share their engagement principles (e.g. Grosvenor and its plain English gold standard for public consultation).	Additional text added to para 1.4 to encourage developers to develop and publish their own standards.

<b>Section 2 – What is Early Community Engagement</b>			
(2)	MBF	Neighbourhood forums are not fully embedded into the City Council's consideration on this guidance and also how they are structured within wider community interest groups and representative bodies in the planning process. National planning guidance favours local neighbourhood plans and their respective forums, so we are keen to see greater weight on this in the emerging guidance.	Reference to neighbourhood plans being part of the development plan has been added in para 2.3 and more info on the role of neighbourhood forums has been added in Section 3 (Who to Consult).
(2)	KNF	Please ensure that applicants understand that 'made' neighbourhood plans are a full part of the development plan.	Reference to neighbourhood plans being part of the development plan has been added in para 2.3.
<b>Section 3 – Who to Consult</b>			
(3)	TIS	We hear reports from residents that they were unaware of proposals affecting neighbouring properties until they received formal notices of submitted planning applications. We believe that those living adjacent or close to a site should be treated as a separate bulleted category.	Wording has been added to the list of consultees (para 3.4) to ensure developers take particular care to consult immediate neighbours.
(3)	TIS	The listing of recommended groups should distinguish statutory and non-statutory consultees.	Purpose of the guidance is not to promote or exclude consultees based on whether they are statutory or non-statutory consultees. Therefore, no changes to wording are proposed, but footnote has been added providing a link to the NPPG list of statutory consultees.
(3)	TIS	The text of Footnote 3 should make clear that it includes residents' associations.	The link and text in Footnote 3 has been updated accordingly and moved to the Appendix C.
(3)	TIS	The 2018 list of Amenity Societies linked in Footnote 3 should be brought up to date and kept up to date in real time on the Council's website.	List of Amenity Societies to be updated separately from the draft guidance.
(3)	TIS	The text should make clear that neighbourhood forums should be consulted, whether neighbourhood plans have been made or not.	Text added to list in para 3.4 to make clear that neighbourhood forums should be consulted irrespective of neighbourhood plan status.
(3)	TIS	Developers should not engage closely with Council officers until the first stage of community consultation has been completed. A common mishap in the current process is the tendency of developers to state or imply that proposals have already been cleared in principle by officers. We feel that some developers use engagement with council officers to short-cut the need to understand local planning policies and the local planning climate.	Guidance makes clear that expectation is for community engagement to shift forward to prior to officer involvement or, at latest, to a stage commensurate with officer pre-application discussions. Therefore, no amendments made.

(3)	TIS	Developers should prepare a short outline proposal in plain English before commencing any consultation meetings, so that all consultees start from the same level of knowledge. It's not uncommon to hear claims that proposals have already been supported by other consultees.	Additional text added in Section 5 (para 5.5) to identify the need for consultation on the basis of a site brief rather than designed scheme where possible.
(3)	TIS	Developers should prepare records of meetings with consultee and should submit them to the consultees for approval before preparing a Statement of Community Involvement.	Additional text added in Section 6 to para 6.3 to identify that consultees should be asked to corroborate outcomes of consultation.
(3)	NHENF	There should be a greater emphasis on neighbourhood forums in this process.	Text added to list in para 3.4 to make clear that neighbourhood forums should be consulted irrespective of neighbourhood plan status. A glossary of different community groups has been added in Appendix C and is signposted by additional text in para 3.4.
(3)	NHENF	Engagement should also include the end user of development or a representative of the end user.	End users will be consulted through well executed early community engagement as the community will often be the users of facilities/ services within the proposed buildings and may occupy future residential accommodation. It is difficult to establish a meaningful approach using representatives of as yet unidentified future occupiers.
(3)	WPA	Suggest, in some cases, other uses of space or facilities, as well as residential communities and those groups listed in on Page 2, should also be consulted. This could include workers, visitors, students or other groups potentially affected by proposals.	Additional text in para 3.3 to include the need to consult of non-residential neighbours in areas of mixed or commercial character.
(3)	WPA	Suggest the reference to "disability positive" is expanded as we are unclear as to whether this is a specific standard. It would be helpful to provide specific examples of how developers can make their engagements disability positive, perhaps with case studies of how this has been done well for existing developments. The council could also point guidance from an independent disability charity or association if appropriate.	Removed reference to 'disability positive' from guidance at para 3.3, as is not a specified standard. Reference to guidance on consultation published by Disability Rights UK has been included in Appendix C.
(3)	HPPNF	Section on groups should include a helpful narrative about who does what, and where influence lies/the hierarchy of influence (i.e. who amenity societies, neighbourhood forums and BIDs represent and how they function).	A glossary of different community groups has been added in Appendix C and is signposted by additional text in para 3.4.
(3)	PNF	Particular weight should be attributed to the views of neighbourhood forums and stronger emphasis on the role that forums play should be included in the guidance.	The role of neighbourhood forums, including their role in policy formulation and strategic planning for their area, is now set out in the glossary added in Appendix C.

(3)	WBID	Document should highlight importance of engaging with alternative groups such as Youth Forums and employees and workers.	Youth forums and groups added to the list of consultees at para 3.4. First bullet point in para 3.4 already includes workers and businesses.
(3)	WBID	Additional information should be provided on each of the suggested consultees and a link to a GIS map of the areas they cover provided.	A glossary of different community groups has been added in Appendix C and is signposted by additional text in para 3.4. Glossary includes link to map of the BID areas.
(3)	WPA	There is a complex array of geographically defined groups across the City, reflecting its complex geography. The provision of up-to-date, and perhaps interactive maps, providing contact details of groups such as Business Improvement Districts ('BIDs'), Neighbourhood Forums and Amenity Societies would be a useful tool to assist with pre-application engagement.	Glossary at Appendix C includes links to maps of amenity societies and BID areas.
(3)	KNF	Please ask applicants to consult the local amenity society and neighbourhood forum before submitting the application.	Additional text added in para 3.4 to cross reference to Section 5 and the example timetable.
(3)	SS	Consultation with immediate neighbours should be prioritised.	Additional text to support this contention in the first bullet of para 3.4.
(3)	VBID	Vicinity when referring to the scope of consultation should be defined.	The scope of consultation is dependent on a wide range of site and development variables that cannot be generically defined for all sites within the guidance. Additional text has been added at Footnote 2 to explain this and to direct developers to contact officers where they are unsure about the scope of consultation.
(3)	WPA	To assist developers and communities to provide meaningful engagement strategies, some guidance on the consultation 'catchment' used or recommended by the City Council for consultation on developments could also be included in the document, including the geographical scope of formal statutory consultation that will be undertaken by the City Council once an application is submitted.	The scope of consultation is dependent on a wide range of site and development variables that cannot be generically defined for all sites within the guidance. Additional text has been added at Footnote 2 to explain this and to direct developers to contact officers where they are unsure about the scope of consultation.
(3)	FWNF	Neighbourhood Forums and Amenity Societies should have a bigger role. Neighbourhood Forums and Amenity Societies should be engaged prior to other groups.	Whilst it is agreed that amenity societies and neighbourhood forums should play a key role in community engagement, it is not agreed that they should necessarily be consulted first in every instance. Their role has though been better explained in the glossary added at Appendix C.
(3)	MF	Role of Neighbourhood Forums is understated in the draft guidance, particularly where a neighbourhood plan has been adopted.	The role of neighbourhood forums, including their role in policy formulation and strategic planning for their area, is now set out in the glossary added in Appendix C.

(3)	VBID	BIDs should be more clearly promoted as the voice of businesses.	The glossary added in Appendix C makes the role of BIDs and how they function clearer.
(3)	BNF	Once a Forum has a 'made' Neighbourhood Plan, the Forum needs to have the right to engage with officers to ensure that the policies contained within their plan have been appropriately considered, particularly as the plan will have been endorsed by the community via a referendum. Even where the neighbourhood plan is still at draft stage, the community and any advisors they may retain, must have the opportunity for detailed discussions with the relevant council throughout the planning process.	Additional text added in new para 3.5 to welcome feedback from consultees of developer led early engagement. Officers welcome the opportunity to receive unfiltered community views.
(3)	QPCC	Add 'consultation with parish/community council' to 8.5.	Not clear from the response where the amendment is recommended. Reference to QPCC is included in Section 3 list of groups to be consulted.
<b>Section 4 – Engagement Methods</b>			
(4)	TIS	There is considerable scope for using existing digital technology to enhance consultation. For example, the idox platform currently used by the Council could be modified to allow anyone who is tracking a particular building, street or postcode to be notified as soon as a developer notifies the Council of an interest to develop (i.e. well before making a pre-app). Likewise, any person who has commented on a previous planning application affecting the same property should be automatically notified.	Publishing pre-application advice on the Council's website would discourage developers from seeking the Council's advice and result in a less collaborative approach. It is also unclear through what process developers could be required to provide details of their proposals prior to them engaging in pre-application discussions. For these reasons this suggestion is not supported.
(4)	TIS	Applications to name or rename public spaces should be recorded using the existing (but unused) facility on the idox platform. Naming and renaming applications should always be regarded as major applications because of their enduring impact on the area.	Street naming and numbering applications are not planning applications and different consultation requirements exist stemming from other legislation. SNN apps are therefore outside of the scope of this planning guidance.
(4)	TIS	In the case of householder development, there is an even simpler method of engagement than Method 1, i.e. a courtesy email, letter, phone call or neighbourly chat to notify those living adjacent or close to a site.	Agreed, additional text regarding more informal pre-application engagement for householders added in paras 5.2 and 5.3.
(4)	TIS	Close involvement of council officers at an early stage is not recommended in relation to Ward Councillor meetings (Method 3).	The involvement of officers in discussions between developers and Ward Councillors is optional on the part of Ward Councillors given the views they express are their own and not that of the Council. No changes recommended.
(4)	FWNF	Officers should decide in consultation with the forum/amenity society which method(s) of engagement should be undertaken by the developer.	Given pre-application engagement is discretionary the developer must determine the engagement method having regard to the guidance and not officers. Additional text added in para 4.3 to

			advise developers to seek advice from consultees on what methods would best enable them to engage.
(4)	MF	Ask that prior communication with the Forum is made a required as a specific engagement event.	It is not reasonable to require prior visibility of proposals by forums or other consultees given pre-application engagement is discretionary. However, additional text has been added in para 4.3 to encourage developers to discuss with groups which form of engagement would best enable them to engage.
(4)	FWNF	Exhibitions and other events tend to be very short and not well advertised.  There should be a minimum period for consultation that occurs as early as possible (4-5 days).	The existing wording in Method 4 identifies the need for appropriate notice of events. Existing text in para 4.5 encourages developers to ensure at least 2 weeks' notice is provided and that events are accessible.
(4)	WPA	The benefits of undertaking small meetings with a variety of individuals or groups, whether in person or online, should be included in the Draft Guidance and added to the list at the end of Section 4. Such forums can be a highly successful forum for engagement with a range of actors. This can include local amenity groups, conservation groups, Residents Associations, or individual consultees. Individual meetings can achieve focused feedback on specific topics or issues and can ensure the views of less well-represented groups are heard (unlike in larger forums). They can also be arranged more easily and practically and allow more people to be involved, at times and in formats that best suit them, rather than requiring them to participate in a set-piece workshop or public meeting.	Additional text added to end of this para 4.6 to recognise that smaller meetings, in addition to the methods specifically identified in the guidance, are permissible and may contribute to the success of the engagement programme.
(4)		BNF - Engagement forums will be intensive forms of engagement with limited numbers of participants – how can it be ensured that excessive participants are not included with specific views that dominate the consultation outcome?	Additional text added at end of Method 6 to recognise that smaller follow up session with specific groups can be of use to ensure all views are heard.
<b>Section 5 – How to Consult</b>			
(5)	TIS	A clearer and more consistent approach should be taken throughout the document with regard to classification of the scales of development. Recommend the use of only four scales of development, as per the pre-application fees schedule (Householder, all other non-major development, major development and large-scale major development).	The scales of development have been recalibrated in response to this and other comments raising similar issues. Table 2 sets out the different scales of development, which have been reduced to 5 including householder and non-major development.

(5)	TIS	The listing of key information for major development should make clear that detailed plans should not be prepared at this stage as they create the impression that significant professional fees have already been incurred and that there is little inclination to consider amendments as a result of community engagement.	Additional text added in para 5.5 to identify that where possible consultation should occur prior to formation of detailed plans.
(5)	TIS	If the proposal involves the whole or partial demolition of an existing building, the community engagement material must include a statement explaining (a) why it is not possible to retrofit the current building, and (b) how it is proposed to minimise and/or fully offset the embodied carbon cost of constructing the new building, as well as the ongoing carbon footprint of the new building.	Whilst it is agreed that this carbon efficiency information should be shared with consultees (where it will be required at application stage by adopted policy), it is beyond the scope of the guidance to prescribe that this level of detail must be included in all instances.
(5)	TIS	The engagement material should include a statement that the proposal, as defined in outline, is compliant with the relevant neighbourhood plan (if any).	Additional text added to the first bullet point below para 5.5 to require assessment of proposals against neighbourhood plan policies as well as those in the City Plan.
(5)	WPA	Suggest that Table 2 (Engagement Expectations) and Table 3 (Example Process) are reworded to be clear that they are indicative/provide examples of potential consultation routes, but are not intended to be definitive or prescriptive so that consultation arrangements can be tailored to the circumstances of individual sites, achieve the objectives of comprehensive engagement that the guidance sets.	Additional text added to para 5.4 to add flexibility and acknowledge that utilising all methods recommended in Table 2 may not always be achievable and that there may also be instances where the Table 2 recommendations should be exceeded.
(5)	WPA	It will not be practical, in all cases, to show alternative options for the development of the site. Anything shown needs to be commercially and practicably deliverable and not give rise to potential misunderstandings on the extent of change possible.	Additional text added to seventh bullet point below para 5.5 to note that alternatives options for development should only be included in engagement material where they are commercially and practically deliverable.
(5)	WPA	Unclear what category change of use proposals should be considered under for the purposes of interpreting the engagement requirements set out Table 2 (Engagement Expectations).	Change of use proposals have been added to Table 2 as their own category to avoid confusion.
(5)	WPA	This section of the Guidance also recommends the use of Vu City as a modelling tool in engagement. The Guidance should clarify that there are a range of such visualisation tools available and the most appropriate tool or tools for the specific proposal should be used. For example, other programmes or visualisations such as CGIs may better demonstrate the changes and finished nature of a development than Vu City.	Specific reference to use of Vu City has been removed from the main body of the guidance, although the encouragement to use 3D modelling techniques to support engagement remains. Details of the 3D modelling specification preferred by the Council (Vu City) have been moved to Appendix D.

(5)	MF	More focus should be included on minor development which can also have impacts and would benefit from community engagement. Suggest that all developers of schemes proposing in excess of 100m2 of new floorspace or a change of use should notify forums that have an adopted plan.	Agreed that non-major development should be included, but consider the thresholds proposed to be too low/likely to be overly onerous on development with relatively limited impact. Additional text added throughout Section 5 and in footnotes to Table 2 to bring all impactful non-major development within the scope of the guidance.
(5)	TIS	In an area as intensely developed as Central Westminster, it is important to encourage engagement in even small developments because of their potential impact on the appearance and setting of the local neighbourhood, especially on heritage assets.	Agreed. Householder and non-major pre-application engagement expectations are now included in Section 5 for impactful forms of development (paras 5.2 and 5.3 and Table 2).
(5)	NHENF	Consider that even small schemes should be subject to early consultations or at least a notice to local community groups. Guidance should apply to all development.	Agreed. Householder and non-major pre-application engagement expectations are now included in Section 5 for impactful forms of development (paras 5.2 and 5.3 and Table 2).
(5)	VBID	A lower threshold than 1,000m2 should be considered for early community engagement on some types of development.	Agreed. Householder and non-major pre-application engagement expectations are now included in Section 5 for impactful forms of development (paras 5.2 and 5.3 and Table 2).
(5)	VBID	Example of non-major development in Section 5 could be broadened to include examples of office environments and the public realm (only extensions and alterations to houses are mentioned currently) and the council might also wish to set out what the benefits are of engaging with the community on non-major development and the potential dis-benefits of not doing so in the same section.	The examples are specifically included for householder engagement given this is only encouraged and as the methodologies set out earlier in the guidance are likely to be unduly onerous for this scale of development. The benefits of engagement are addressed in Section 2 and these are applicable to all scales of development.
(5)	SS	Request that paragraph referring to engagement on non-major development is moved to a more prominent location within the guidance, perhaps within Section 2.	Disagree that the paragraph should be moved to Section 2 (What is Early Community Engagement) but agree that it should be more prominent within Section 5. Text has therefore been moved to para 5.2.
(5)	SMS	Ask for more detail about how early consultation process would work, could this include separate meetings with different parties?	Flexibility to allow for separate meetings with different parties/groups in addition to the core methodologies set out in Section 4 has been introduced with additional text added to para 4.6.
(5)	BNF	Non-major development should be included as it often causes most annoyance, disturbance and distress.	Agreed. Householder and non-major pre-application engagement expectations are now included in Section 5 for impactful forms of development (paras 5.2 and 5.3 and Table 2).
(5)	BRA	Draft proposal for engagement neither seems to be early, nor does it seem to engage the community very much and suggest following amendments: (1) Non-major development should be required to be subject to consultation with leaflets/ mail drop and	Householder and non-major pre-application engagement expectations are now included in Section 5 for impactful forms of development (paras 5.2 and 5.3 and Table 2). BRA will continue to receive email notifications of formal applications. The

		online communication to residents and business in the area. BRA should continue to receive email alerts to proposals. (2) 10+ residential unit schemes should be as per non-major development, plus interactive digital engagement. (3) 25+ residential units should be as above but also including early engagement forums.	development scale thresholds have been recalibrated to simplify the requirements for majors, albeit the thresholds chosen differ from those recommended by BRA.
(5)	FWNF	Some non-major development (controversial sites, listed buildings, redevelopments in conservation areas) should also be subject to early community engagement.	Agreed. Householder and non-major pre-application engagement expectations are now included in Section 5 for impactful forms of development (paras 5.2 and 5.3 and Table 2).
(5)	SS	Greater priority should be given in the guidance to engagement on non-major development.	Agreed. Householder and non-major pre-application engagement expectations are now included in Section 5 for impactful forms of development (paras 5.2 and 5.3 and Table 2).
(5)	WPA	Note that development of greater potential impact can often be smaller in scale with regard to the floorspace created/the number of units proposed. Example of a small change of use in close proximity to residential neighbours given to evidence this. It is therefore suggested that the guidance should, instead, set the principles that must guide the engagement process, and then provide examples of 'tools', such as media, techniques and pathways, which could be selected and adapted to the context, nature and scale of development, including the likely level of disruption to neighbours. This could be assisted by providing illustrative example developments, setting out the various types of engagement which could be considered proportionate and suitable, to show the reasoning applicants should apply.	The thresholds within Table 2 have been adapted to reflect and acknowledge that it is often non-major development that is more impactful on local communities. Additional text added to para 5.4 to note the need for flexibility in terms of the range of engagement techniques that are utilised. Case Studies have been added in Appendix A to showcase how some of the engagement methodologies have been undertaken.
(5)	BNF	More consultation methods should be recommended for all development scales.	More detail on the form the different methods can take has been included in Section 4. Requiring more engagement methods would be over prescriptive and fail to allow sufficient flexibility.
(5)	BNF	Suggest independent review of developer presentations, obligation to produce a balance sheet of positives and negatives and appointment of a community champion.	Independent review of presentations would be unduly onerous given digressionary nature of pre-application engagement. The requirement for developers to appropriately fund a Community Champion to represent communities on large scale developments has been added to Table 2 and in new para 5.8.
(5)	PNF	Developers should address how proposals meet neighbourhood plan policies. Further work is required in the document to explain how developers should demonstrate compliance with City Plan policy objectives when carrying out engagement.	Additional text has been added to the first bullet point at 5.5 to reference the need to address compliance with Neighbourhood Plans. The purpose of the guidance is to provide a framework to facilitate earlier, more transparent and responsive developer engagement. Inclusion of detailed guidance on how to

			demonstrate compliance would be overly prescriptive and would not be able to account for site specific circumstances.
(5)	SMS	Questionnaires forcing a positive response should be avoided.	Additional text has been added at para 5.6 to advise that prescriptive feedback formats should be avoided.
(5)	TIS	Engagement material should show how proposals are compliant with any relevant neighbourhood plan.	Additional text has been added to the first bullet point at 5.5 to reference the need to address compliance with Neighbourhood Plans.
(5)	VBID	List of key information to be included in engagement should be expanded to include flood risk, green infrastructure and biodiversity loss/gain and details of development costs and returns.	It is unlikely that these technical considerations will have been fully scoped and resolved at the earliest stage of scheme development so it would be unreasonable to make this an expected element of the engagement information in all cases.
(5)	BNF	Impacts on the local community should specifically be addressed in developer presentation materials and information should be provided on how feedback should be acted on by developers.	Additional text has been added to the third bullet point at 5.5 to reference the need to address the impact on the local community. How the feedback is acted on by developers is dealt with in Section 6.
(5)	WBID	Do not consider that professional facilitators will improve openness or trust as they will be paid for by the applicant. Suggest instead that consultation material should be shared with officers in advance to ensure it is suitably impartial.	The role of professional facilitators in the engagement process has been amended in response to concerns raised regarding their usefulness. Whilst their use is still recommended, particularly in engagement formats that are looking to scope community principles for a development, greater flexibility has been added regarding when they might be utilised (see updated text in Section 4 and para 5.7). Disagree that officer should review consultation material. This would undermine their impartial role within the planning process.
(5)	WPA	Facilitators may be useful in some instances, but once again flexibility as to if/when to appoint one is important.	The role of professional facilitators in the engagement process has been amended in response to concerns raised regarding their usefulness. Whilst their use is still recommended, particularly in engagement formats that are looking to scope community principles for a development, greater flexibility has been added regarding when they might be utilised (see updated text in Section 4 and para 5.7).
(5)	VBID	The benefits of engaging a professional facilitator should be explained, perhaps with reference to Grosvenor's 'Rebuilding Trust' document.	The role of professional facilitators in the engagement process has been amended in response to concerns raised regarding their usefulness. Whilst their use is still recommended, particularly in engagement formats that are looking to scope community principles for a development, greater flexibility has been added regarding when they might be utilised (see updated text in Section 4 and para 5.7).

(5)	WPA	<p>The Association queries the need for ‘facilitators’ in most cases. This will add unnecessarily to the timescales and complexity involved in undertaking community engagement. Communications consultants, planners and others have a clear track record of undertaking meaningful, inclusive consultation in a variety of formats without the need to bring an additional third party into project teams. In most cases, we consider this to be unnecessary. Ultimately, the facilitator would be paid, provided and prepared by the developer in any case and so would not be entirely separate from the wider consultant team.</p>	<p>The role of professional facilitators in the engagement process has been amended in response to concerns raised regarding their usefulness. Whilst their use is still recommended, particularly in engagement formats that are looking to scope community principles for a development, greater flexibility has been added regarding when they might be utilised (see updated text in Section 4 and para 5.7).</p>
<b>Section 6 – When to Consult</b>			
(6)	TIS	<p>This section is confusing in that it covers three separate topics: (a) community engagement prior to the submission of a request for pre-application advice, (b) the request itself, and (c) Cabinet-level presentations following the submission of the pre-application advice request and the EES.</p>	<p>The perceived complexity is noted but it is important that the timing of early community engagement is explained in the context of other pre-application processes for engaging officers and lead members.</p>
(6)	TIS	<p>In the first bullet point under para 6.3, early community engagement should have been substantially completed in advance of seeking formal pre-application advice from officers.</p>	<p>It is recognised that this will not always be possible, but additional text has been added to this bullet point to make clear that this is the preferred approach.</p>
(6)	WPA	<p>An Early Engagement Strategy (‘EES’) should not automatically be required before entering into pre-application discussions in all cases. The flow chart (Table 3) should be amended. This is a serious concern. Pre-application requests should not be invalidated, or otherwise rejected, where an EES is not provided. This would be likely to lead to further delays and complexity in submitting requests. It would, of course, be open to officers to recommend strongly that early engagement is undertaken.</p> <p>The suggested approach requiring the production of an EES at the very early pre-application stage, setting out the scope and timetable for community engagement, is inflexible and could unnecessarily delay, or further complicate, seeking meaningful engagement with officers on other, technical, matters.</p> <p>There will be some cases where engaging with the community first, before planning and other officers at the City Council, is</p>	<p>The intention in the original draft was not to require an EES prior to officer pre-application discussions could commence, however, it must be recognised that pushing community engagement to an earlier point in the pre-application process is a fundamental pillar of the guidance. Wording has been amended throughout Section 6 to make clear that there is an expectation for details of engagement to be provided at pre-app advice stage, but that this is not an absolute requirement.</p>

		<p>appropriate and beneficial. The recognition that this is acceptable is welcome.</p> <p>Conversely, there will be many proposals whose nature and complexity mean they are driven by technical matters, on which it is appropriate to seek officer advice in advance of consultation. This could include, for example, heritage constraints, complex land use issues, highway matters, or similar. Community consultation can be improved by holding such discussions in the light of feedback on what may be technically feasible.</p> <p>We recognise that, on larger or more complex sites, it will be appropriate to discuss, and agree, consultation and engagement arrangements with officers, and to seek their advice.</p>	
(6)	WPA	<p>Developers and occupiers will also, frequently, be under obligations to respect commercial confidentiality, constraining earlier, wider, discussions. This can often be to ensure staff whose jobs could be affected by a proposed relocation are properly made aware of proposals in advance of wider publication, but this should not prevent some engagement with the City Council.</p> <p>Publishing pre-application responses or feedback from the City Council in the public domain as a matter of course would, therefore, cause concern and is likely to impact negatively on the effectiveness of the pre-application process, which is productive and highly valued.</p>	Additional text has been added in para 6.1 to recognise that there will be examples where commercial confidentiality may prevent earlier community engagement.
(6)	WPA	The potential order of engagement set out in the Draft Guidance should also be considered. In some instances it is suggested, as an example, that engagement with Ward Councillors would occur before any pre-application discussion has taken place with Planning Officers. Given that the starting point for development should be the Development Plan, and the fact there may be various technical considerations to be discussed with the City Council first, it is suggested this should be reconsidered.	Specific references to when engagement with Ward Councillors has been removed from Table 3 to improve flexibility.
(6)	WPA	The Guidance Note should also clarify that, as set out in planning Regulations, engagement is not expected in relation to, for example, development under Permitted Development Rights or	Additional text in para 5.4 and updated format of Table 4 make clear that the guidance is applicable to development requiring planning permission.

		applications for Certificates of lawful use or development. These are examples of some of the processes which are removed from the 'usual' application process by the relevant planning regulations.	
(6)	TIS	Developers should not be able to engage with officers until the first round of community consultation has ended to avoid the implication that officers have already agreed the proposal.	Such a rigid approach would risk delaying development and may dissuade developers from consulting with officers at pre-application stage. The guidance will push the majority of community engagement to an earlier point in the scheme development process and this should address the current situation of where communities are given the impression that officers have 'pre-agreed' the principles of development.
(6)	TIS	It should be made clear that detailed plans should not have been prepared at the time of the initial community engagement.	This has been dealt with in the Section 5 where details of what should be included in the consultation papers is set out in para 5.5. The guidance now recommends that a written proposal is preferable to detailed plans as a basis for initial discussion.
	NHENF	The earlier the engagement the better and should be before architectural designs begin. Consultation on a site brief rather than a designed scheme is likely to receive a more positive response.	This is now recommended in Section 5 in the first bullet point under para 5.5.
(6)	SMS	Question the value of community consultation after engagement with officers but note that local communities bring critical local knowledge into pre-application discussions.	Agreed, the thrust of the guidance is to deliver community engagement earlier, typically prior to engagement with officers.
(6)	SS	Initial engagement should occur on the basis of a written concept prior to a developer commissioning an architect or development team to produce a drawn scheme.	This is now recommended in Section 5 in the first bullet point under para 5.5.
(6)	SS	The following sentence suggested prior to 'Table 3': "It is recommended that the first stage of engagement is communication in written form (possibly aided by illustrative sketches) to those in the vicinity describing the vision, aims and objectives of the development and makes clear that the applicant welcomes discussion of the proposals as they are worked up. It is often the underlying principles of applications which create debate. If these can be resolved at the initial stages, the details of subsequent design may well be more easily agreed Table 3 sets out a good practice timetable for community engagement during the scheme development process."	Extracts of this wording have been used in the additional text added to para 5.5.

(6)	WBID	It should be recognised that there are circumstances where early engagement prior to seeking pre-application advice from officers is not feasible.	Additional text added to para 6.2 to make clear there may be exceptions, but that the quality and detail of advice from officers may be affected where no community engagement has occurred.
(6)	WPA	Any rigid barrier to dialogue with officer's pre-engagement could be detrimental to bringing forward some schemes and could cause delay. The option should remain.	Additional text added to para 6.2 to make clear there may be exceptions, but that the quality and detail of advice from officers may be affected where no community engagement has occurred.
(6)	SS	Table 3 (example timeline) should be simplified and community engagement given greater prominence with table. Suggest putting Community Engagement in the centre and Council on the right as currently it still reads visually as if community engagement comes last. It may also make the arrow flow timeline work better. The need for the differing shapes of the boxes is not clear and can confuse.	Table 3 has been reformatted and amended to address the majority of these observations and make the table and the example timeline it provides simpler and easier to understand.
(6)	HPPNF	Table 3 should not say 'and/or ward councillors/community' – both should be consulted.	Relevant part of Table 3 amended to 'follow up community engagement' which covers both.
(6)	VBID	The activity outlined at section 6, that "Feedback from early community engagement should be shared with officers during the pre-application advice process, either as part of the submitted Early Engagement Strategy (EES) where community engagement has already commenced or as a subsequent addendum to the EES where community engagement is scheduled to take place concurrently with pre-application discussions with officers." is only partly captured within Table 3. Presently it does include the step for EES addendum activity or for community engagement to take place concurrently with pre application discussions with officers.	Table 3 provides an exemplar timeline, so does not promote the undertaking of community engagement later in the process, albeit it is accepted in the text of the guidance that it may occur later in some instances. The title of Table 3 has been amended to make it clearer that it is intended to be an exemplar and not a format to be followed rigidly in all instances. Processes where an EES is submitted after the beginning of the pre-application discussions with officers are adequately described in the text of the guidance.
(6)	VBID	Table 3 is presented as being an "example timeline" though no timings are given. The council might consider including the length of time an applicant or developer can expect to receive feedback from officers.	The timeframe for responses on pre-application requests to officers are prescribed separately in the Council's Pre-Application Charging Schedule so do not need to be duplicated in the guidance. Timings for each stage of the process will vary based on scale and complexity of the development and developer resources, so can't be specified in Table 3.
(6)	VBID	The expected content of the EES set out in bulleted form over pages 10 and 11 is essentially about the applicant or developer reporting to the council how its activities have met or will meet the Community Engagement Protocol. Outside of Table 3 the	The reference to a 'protocol' in Table 3 is intended to be a reference to the Early Engagement Guidance and not another protocol document. The wording in Table 3 has been corrected accordingly.

		Protocol is never mentioned, yet it seems to underpin all community engagement activity.	
(6)	FWNF	Reporting of outcomes of engagement tends to accentuate the positives. Outcome of engagement should be summarised in a report to officers and the forum/amenity society, plus others submitting written comments for their agreement. The report should also summarise any changes to be made to the plans arising from the consultation and before the full application is submitted.	Additional text added to the final bullet point in para 6.3 to note that minutes recording consultee comments should be agreed by consultees. Specifying the format of feedback would fail to afford sufficient flexibility, given the amount of feedback will differ depending on the complexity of the proposal and the level of detail in consultee comments.
(6)	SMS	Reporting of the outcomes of consultation should be more accurate.	Additional text added to the final bullet point in para 6.3 to note that minutes recording consultee comments should be agreed by consultees.
(6)	SS	To ensure accuracy and transparency, consulted groups should be asked to agree the minutes or notes taken at engagement events before they are provided in the developer's Early Engagement Strategy or SCI.	Additional text added to the final bullet point in para 6.3 to note that minutes recording consultee comments should be agreed by consultees.
(6)	TIS	Developers should agree records of comments at pre-application stage with consultees prior to inclusion in the SCI.	Additional text added to the final bullet point in para 6.3 to note that minutes recording consultee comments should be agreed by consultees.
(6)	VBID	Consistency required over how much consultation feedback information is to be provided to different parties.	Amount of feedback will differ depending on the complexity of the proposal and the level of detail in consultee comments so further specification of what to include in the feedback cannot be included in the guidance. Pilot studies will assist in establishing whether additional guidance is needed on this issue as part of a future update of the document.
<b>Section 7 – What is Expected at Application Stage</b>			
(7)	TIS	Completed Validation Checklists should be published on the planning website.	Validation checklists are published on the Council's website and updated versions are currently being consulted on. Link to Validation Checklists added to footnote on page 18.
(7)	TIS	Concerned that the guide promotes good practice but without sanctions for non-compliance.	Pre-application engagement is a non-statutory activity for developers and therefore we cannot go further and include sanctions for non-compliance. The key to compliance with the guidance is explaining and showcasing to developers the benefits of undertaking earlier and more engaging consultation. Case studies have been added in Appendix A to help to demonstrate the value of early engagement.

(7)	WBID	Greater emphasis should be included in the document on the importance of the planning balance and adopted planning policies so as to manage expectations.	Additional text added to the final bullet point under para 7.1 to reference the need to balance meeting the needs of the local community with the requirement to comply with development plan policies.
(7)	BNF	Will remain too easy for developers to ignore community responses. Can guidelines be strengthened to guard against this?	Pre-application engagement is a non-statutory activity for developers and therefore we cannot go further and include sanctions for non-compliance. The key to compliance with the guidance is explaining and showcasing to developers the benefits of undertaking earlier and more engaging consultation. Case studies have been added in Appendix A to help to demonstrate the value of early engagement. Note also there is a reputational risk for developers where additional content on engagement is to be included in committee reports in future.
(7)	VBID	There is a difference in the extent of feedback to be provided to officers and councillors. For example, the council expects to receive from applicants and developers “a full schedule of the comments/feedback provided by those consulted during each round of engagement” within the Statement of Community Involvement at application stage (p12) whereas only a “summary of feedback” is expected in the community engagement material (p8). It is not clear whether Ward councillors, as part of engagement Method 2, can also be expected to receive a full schedule “of concerns relayed by their local residents” to the developer of their plans or if this is also a summary, so too for the feedback that is to be shared with officers by developers prior to meetings with the Cabinet Member for Business, Licensing and Planning or the Chairman of Planning (p11). We would submit that the extent of feedback shared throughout the application process should be consistent so that discussions are anchored to the same information. Were the council to retain the production of summaries, details of the methodology used to create summaries from feedback should be provided as part of the application process.	The level of detail required at different stages differs as schemes, and likewise the extent of comment on them, will evolve and expand as they progress towards the formal requirements of the planning application stage. Therefore, the differing requirements are not considered to be inconsistent but are instead proportionate to the level of scheme development that will have occurred.
(7)	SS	Suggest following additional sentence at the end of the final bullet under para 7.1: ‘Best practice would be for consulted groups to sign off that the comments/feedback in the SCI represent a fair summary of the points made’.	Additional text added to the final bullet point in para 6.3 to note that minutes recording consultee comments should be agreed by consultees.

(7)	TIS	While the draft paper covers the period from the earliest stage of scheme development to the submission of an application for pre-application advice, good community engagement continues through to the conclusion of the process of determining the submitted application. Engagement may continue even further where material issues are left to be resolved by planning condition. The current consultation should therefore be extended to cover the entire process of community involvement from beginning to end. We would be happy to make comments on the overall process, based on our long involvement in local planning cases.	Agreed. Additional text has been added in new para 7.3 to encourage the use of the principles set out in the guidance to post submission and post permission consultation.
<b>Section 8 – GDPR / Freedom of Information</b>			
(8)	TIS	Given that there is a legal duty under the Freedom of Information Act to disclose any pre-application documentation, public faith in the planning system would be enhanced if all pre-application advice submissions were published on the website (redacted as necessary to protect commercially sensitive information). We are aware of at least one planning authority that publishes such submissions and officer responses.	The council provides pre-application advice on a confidential basis to developers to ensure maximum engagement between developers and the LPA. The Council considers pre-application advice letters to be commercially sensitive and are precluded from release under the FOI Act on this basis. Publishing all pre-application submissions would reduce the amount of developer engagement with officers and consequently risk reducing the extent of development plan compliance in schemes at application stage. The main pillar of the guidance is to shift the mindset of developers to encourage them to share development proposals with communities at an earlier stage such that communities should be aware of emerging development proposals at the same time or earlier than officers.

DRAFT

# **EARLY COMMUNITY ENGAGEMENT IN WESTMINSTER**

**Guidance Note for Applicants and  
Developers**

Updated Draft – October 2021



Date: 14 October 2021  
Status: Draft Informal Guidance (Updated Draft – October 2021)  
Document ID No. 002 V2  
E-mail: [planningconsultation@westminster.gov.uk](mailto:planningconsultation@westminster.gov.uk)  
Tel: 020 7641 6000

DRAFT

**This page is intentionally blank.**

DRAFT

## Contents

Chapter	Title	Page
1	Introduction and Purpose	5
2	What is Early Community Engagement & What are the Benefits?	5
3	Who to Consult – Inclusive Engagement	6
4	Engagement Methods – Making it Open, Accessible & Meaningful	8
5	How to Consult – Types of Engagement, Content & Techniques	12
6	When to Consult – Early & Responsive Engagement	15
7	What is Expected at Application Stage – Promoting Transparency	18
8	Monitoring	19
9	GDPR / Freedom of Information	19

## Tables and Diagrams

Table	Title	Page
1	Types and Methods of Engagement	8
2	Early Community Engagement expectations for developers	13
3	Exemplar Early Community Engagement Process & Example Timetable	16

## Appendices

Appendix	Title	Page
A	Case Studies <ul style="list-style-type: none"> <li>• Grosvenor Square Gardens</li> <li>• Southside, 105 Victoria Street</li> <li>• Westminster Infill Development Programme</li> </ul>	20
B	Glossary of Key Terms and Groups	25
C	Useful Publications	27
D	3D Modelling Specification	28
E	Planning Area Team Contact Details	29

# 1. Introduction and Purpose

- 1.1 The council strongly supports the view expressed by Government in the National Planning Policy Framework (July 2021) (paras 39 and 40) that early engagement has significant potential to improve the efficiency and effectiveness of the planning application system for all parties. Best practice pre-application engagement with the local community at its heart, enables better coordination between public and private resources and improves outcomes for communities and developers by delivering high quality, sustainable development. In essence, it leads to better development, which contributes to better places.
- 1.2 There are widespread examples of good practice early community engagement in Westminster, and a number of these are identified in the case studies included in Appendix A. However, the timing and quality of early engagement can be inconsistent. This guidance sets out our expectations for how applicants and developers can improve community engagement and engage with local communities at the earliest stage of scheme development. It also explains the information applicants should provide to demonstrate the engagement they have undertaken and how it has positively influenced the evolution of their proposals.
- 1.3 The advice in this guidance builds upon the expectations and requirements set out in Section 8 of our Statement of Community Involvement (2014)<sup>1</sup> and explains how public engagement on emerging development proposals should be undertaken by developers following the **principles of good engagement**, namely that it is **early, open, transparent, inclusive, responsive and accessible**. Where engagement has been undertaken in accordance with these principles, it is expected that they will be reciprocated by those that have been engaged.
- 1.4 In addition to following this guidance, developers who frequently undertake development in Westminster are encouraged to develop and publish their own charter or set of principles for community engagement that sets out their pledges for meaningful, practical and popular influence over significant development proposals that they may bring forward in the future. The publications set out in Appendix C are likely to be of assistance when developing an engagement charter or set of principles.

## 2. What is Early Community Engagement & What are the Benefits?

- 2.1 Early community engagement is the process of engaging with residents, councillors and other local stakeholders at the earliest possible stage in the scheme development process, providing the opportunity for the engagement to be multi-phased, enabling an informed 'conversation' with communities rather than notifying them of an already defined proposal. It provides communities with a meaningful role in shaping their places and allows developers to benefit from the insight that communities can provide through their unique local knowledge, test and refine

---

<sup>1</sup> Statement of Community Involvement in Planning (2014) (note the SCI will be updated in 2021/22): [www.westminster.gov.uk/media/document/core-008---statement-of-community-involvement-in-planning](http://www.westminster.gov.uk/media/document/core-008---statement-of-community-involvement-in-planning)

ideas at an early stage and gather support for the general principles of their development proposal. Well executed community engagement following best practice makes the planning process a more positive experience for all participants.

- 2.2 The planning system is often viewed as a complex and highly technical process; it can be confusing, and people can feel that their views are not considered sufficiently when engagement is poorly executed or timed, leading to a breakdown in trust between all parties. Effective well thought out early engagement can reduce conflict, allow communities to have their say at a stage where their views can genuinely influence design decisions and consequently result in better development that is more responsive to local need and resilient to future changes in local behaviour and demand.
- 2.3 Early engagement can also help communities understand the developers' perspective. As the planning process is a quasi-judicial function, planning decisions must be made in accordance with the overall development plan, including its regional, local and, where applicable, neighbourhood plan components, unless material considerations indicate otherwise. Consequently, situations may arise where proposed development may not fully align with local views but is compliant with the development plan. Early community engagement therefore offers a vital opportunity for developers to explain their vision and aims to local communities and demonstrate how they propose to realise these having regard to the development plan and site specific physical and economic constraints. By sharing their vision with local communities in an open, transparent and collaborative way, developers can utilise early engagement to reduce the number and severity of objections raised at formal application stage. This can assist the council to make more timely decisions, and this in turn can help applicants by reducing unnecessary delay and cost.
- 2.4 When done well, early community engagement improves trust and relationships between developers and local communities, building greater overall support for development and a greater appreciation of the positive benefits that can be delivered for existing local communities by well-designed development.

### 3. Who to Consult – Inclusive Engagement

- 3.1 It is important to engage with as many members of communities affected by proposals, from as diverse a cross section of those communities, as possible. All community engagement must be compliant with the Equality Act 2010 and uphold the values of equality, diversity and inclusion.
- 3.2 Westminster has many long-standing, active community groups and amenity societies who are regularly involved in consultations or community engagement and have made a significant positive contribution to planning in Westminster over many years. However, you should ensure that your engagement reaches all groups within communities, including minority groups and those that are more often disengaged, as well as these more established community groups.
- 3.3 In areas of mixed or more commercial character your engagement should also include non-residential nearby occupiers and groups that represent local commercial or other non-residential interests (e.g. Business Improvement Districts, schools, universities, medical uses etc.). In all cases

you should ensure that your engagement strategy is inclusive of disabled people and avoids barriers to their participation (see further guidance in Appendix C).

3.4 We recommend that as a minimum the groups identified below are included when undertaking early community engagement. Their respective roles in the planning process and how and who they typically represent are explained in more detail in Appendix C. You should also seek advice from local community groups and planning officers who may be able to assist you in identifying additional community stakeholders and help you to understand their particular interests and needs, and how best to engage with them. The expected timing of engagement with these groups is set out in Section 5. Recommended groups for inclusion in early community engagement include:

- local communities including residents, workers and businesses in the vicinity<sup>2</sup> of the development site, having particular regard to how traditionally ‘rarely heard from’ groups can be engaged (note that care should be taken to ensure that all immediate neighbours have been included in your engagement);
- recognised amenity societies;
- neighbourhood forums (note they should be consulted irrespective of whether they have an adopted Neighbourhood Plan for their area or not)<sup>3</sup>;
- existing community, residents and tenants’ groups,
- Ward Councillors;
- community councils (Queens Park Community Council – where applicable);
- Business Improvement Districts (BIDs);
- youth forums and groups;
- local faith groups;
- special interest groups (e.g. ‘friends of’ groups, conservation groups etc.) and semi-recognised amenity societies.

In addition to early community engagement, you should also engage with officers using the council’s Pre-Application Advice Service<sup>4</sup> and consult other relevant statutory<sup>5</sup> and non-statutory consultees.

3.5 The Council welcomes feedback from all those who have been engaged at an early stage as this enables officers to have a fuller understanding of the community view of emerging development

<sup>2</sup> ‘Vicinity’ should be determined having regard to the scale and impact of the proposed development and should not be arbitrarily defined by a set distance from the proposed development. You should seek advice from officers where you are unsure whether your scope of consultation is appropriate to the scale and form of the proposed development.

<sup>4</sup> Pre-Application Advice Service: <https://www.westminster.gov.uk/planning-building-and-environmental-regulations/planning-applications/request-pre-application-planning-advice>

<sup>5</sup> NPPG table of statutory consultees at planning application stage: [www.gov.uk/guidance/consultation-and-pre-decision-matters#Statutory-consultees-on-applications](http://www.gov.uk/guidance/consultation-and-pre-decision-matters#Statutory-consultees-on-applications)

when discussing proposed development with developers at pre-application stage. Community stakeholders, such as amenity societies or neighbourhood forums, who wish to provide their views on early engagement to the Council should provide them to the Council via the contact details provided in Appendix E.

## 4. Engagement Methods – Making it Open, Accessible & Meaningful

- 4.1 Early community engagement can take many forms, ranging from awareness raising, for example leaflets, posters, online content/a website, to consultation using questionnaires, interactive social media, public meetings or group discussions and more collaborative and participatory approaches such as design workshops and forums.
- 4.2 Over recent years digital consultation technology and platforms have advanced significantly, and this is reflected by the Government’s call for greater use of digital technology to aid planning consultation, in the 2020 Planning White Paper<sup>6</sup>. Consultation undertaken on the council’s own development proposals demonstrates that digital consultation methods and platforms reach a wider range of people within communities, often from those groups that are disengaged when using more traditional non-digital consultation methods. Typically, a blended approach mixing digital and non-digital methods will ensure engagement reaches the broadest range of participants from across the local community.

**Table 1: Types and Methods of Engagement.**

Engagement Type	Engagement Methods
Informative Engagement	Leaflets and traditional media
	Development website/council’s website/ social media (where informative with no interaction)
Consultative Engagement	Interactive digital engagement/social media (where interaction is included)/ online questionnaires
	Public exhibitions/ meetings
	Meeting(s) with Ward Members & other statutory/ non-statutory consultees
Collaborative Engagement	Engagement forums/ workshops

- 4.3 For major development you should use some or all of these techniques depending on scale of development (see Table 2), and you should include a mix of techniques to ensure your

<sup>6</sup> Government Planning White Paper ‘Planning for the Future’ (August 2020): [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/907647/MHCLG-Planning-Consultation.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/907647/MHCLG-Planning-Consultation.pdf)

engagement is inclusive and reaches different audiences and communities within the vicinity of the development site. However, it is important to tailor the engagement approach taken on a case-by-case basis to ensure the barriers to participation that may exist in different communities are overcome. It will often be beneficial to contact community groups in advance of formal engagement to establish which formats/engagement methods they consider would best enable them to engage with the development proposal. Note that some groups have their own guidance for pre-application engagement.

- 4.4 When planning early community engagement, you should identify any potential barriers to engagement and design your engagement strategy to minimise them where possible. There are groups in all communities who are more difficult to engage with. Potential barriers to their involvement include: (i) the capacity and ability of different stakeholders (e.g. visible and non-visible disability, childcare/caring commitments or employment commitments); (ii) being members of typically 'rarely heard from' groups such as young people, older people, minority groups or socially excluded groups; (iii) those with limited computer literacy and/or access to technology; and (iv) those with more limited literacy and/or numeracy or a dominance of oral culture. Ensuring that an engagement strategy is inclusive and accessible to the widest range of community members contributes to its value and legitimacy.
- 4.5 A minimum of 2 weeks' notice of engagement events should be given. For all forms of participatory engagement, you should ensure that multiple sessions are scheduled at different times during the day to maximise participation. For engagement events held at a venue in the vicinity of a development site you must ensure the chosen venue is fully accessible and inclusive. You should consider whether the use of non-traditional venues would assist in reaching disengaged groups. Venues that can provide appropriate audio or visual aids should be prioritised.
- 4.6 It is recommended that the types and methods of engagement included in Table 1 are designed in accordance with the example methodologies outlined below. However, it should be noted that this does not preclude developers from pursuing a more bespoke approach where this would respond to the particular needs of the local community and would lead to enhanced engagement outcomes. For example, in addition to the core methods described below developers may also wish to undertake smaller meetings with a variety of individuals or groups, which can deliver more focused feedback on specific topics or issues and can ensure the views of less well-represented groups are heard.

#### **Method 1: Leaflets/ Use of Traditional Media & Development Information Website**

Written and/or email correspondence, newsletters, leaflets and/or a website setting out the key aspects of a proposed development (see Section 5 for expected content) and advising where further information can be obtained and, for larger developments, where comments can be made (i.e. by reference to an informative website/public exhibition/engagement event etc.).

#### **Method 2: Interactive Digital Engagement**

Use of an interactive website and/or digital engagement/social media platforms to provide detailed information on the proposed development and key objectives for the site, and provision

of the opportunity to comment (i.e. by use of online questionnaires, surveys, comments portal or similar). Method 2 may incorporate the use of new technologies/interactive features and 3D modelling. It may also include digital online forums and exhibitions.

Where targeted online consultation is utilised, the parameters for consultation (i.e. the geographic and demographic profile of those targeted etc.) should be arrived at with the aim of ensuring the consultation is inclusive of all communities within the vicinity of the development site and for the purpose of transparency and openness, these parameters should be specified in the Early Engagement Strategy submitted at pre-application stage and the SCI submitted at application stage.

### **Method 3: Meeting(s) with Ward Councillors**

Meeting with a Ward Councillor(s) specifically arranged for the purpose of discussing the development proposal and setting out any concerns relayed by their local residents. Developers should notify officers where a meeting has been arranged with a Ward Councillor(s). Ward Councillors may invite officers to attend the meeting\*. The use of new technologies and 3D modelling should be used for these meetings, where appropriate, to help articulate the development proposals.

*\*Note that officers are not required to attend as the views expressed by Ward Councillors are their own and are not representative of the council as Local Planning Authority.*

### **Method 4: Public Exhibition/ Consultation Event/ Drop In Session**

A public event held be at a venue in the immediate vicinity of the development site where visual displays of the proposed development are provided, with the opportunity for the public to comment on the proposed development. Such events should be appropriately publicised in advance (including use of Method 1).

Digital alternatives to 'in person' events should also be considered and may help to reach a wider range of persons from the local community. A digital format could take the form of a webinar, which enables the presentation of the same material as could be presented in a physical space and also enables comments to be made via a question and answer session, and via follow up email, online/social media or phone correspondence.

You may wish to appoint a professional facilitator<sup>7</sup> to compile consultation materials, organise the format for collecting consultee's views and lead engagement with the public at the event. Officers should be invited to the event in an observational capacity. All feedback should be provided to officers following the event to inform their advice in response to pre-application advice requests.

<sup>7</sup> 'Professional Facilitator' means a person or persons appointed by the developer outside of their retained development team (i.e. appointed specifically to manage and host engagement events and not retained for the purpose of handling on-going development proposal communications), who has relevant professional experience in advising on consultation content and facilitating community engagement on development proposals.

**Method 5: Workshops**

Workshops are a more collaborative approach to engagement than public exhibitions and consultation events. Workshops typically provide attendees with greater scope to offer their opinions on the form and function of a proposed development.

Workshops can be held at a venue in the immediate vicinity of the development site or online and publicised in advance. They are likely to be more effective when held during the earliest stages of scheme development and are typically more productive when limited to a specified number of attendees that represent a cross section of all parts of the local community. Consideration should be given to the use of professional facilitators to prepare workshop materials, set discussion topics and questions and lead the workshop session. Officers should be invited to workshops in an observational capacity.

You may wish to consider livestreaming or making recordings of workshops available online for those unable to attend (i.e. where attendee numbers may have been limited to maintain the effectiveness of the session) and provide alternative online method of submitting feedback to broaden the reach of these events.

**Method 6: Engagement Forums**

Engagement Forums (EFs) are more structured interactive events attended by local community stakeholders, to which Ward Councillors may also be invited. EFs would normally be appropriate when developing schemes of more strategic scale and the thresholds set out in Table 2 reflect this. EFs should be organised by a developer's professional team, or on their behalf by a professional facilitator, and held at an appropriate venue in the vicinity of the development site. EFs should typically last 2 to 2.5 hours and comprise a concise introduction of the site and key facts regarding the proposed development.

Officers should be invited to EFs. Note that their involvement will be as impartial observers and they will not provide comment on the acceptability of the proposal to the developer or other attendees. Officers may provide an overview of the policy context for the site being discussed.

The session should conclude with a forum discussion and a question and answer session between the developer and attendees. You should ensure that the developer presentation is limited to not more than 30 minutes to ensure sufficient time for open and unconstrained discussion between participants. The developer should take minutes of the EF and these should be shared with and agreed with attendees, including the attending officer. Alternatively, a recording of the EF may be made and shared where appropriate consent has been received from all attendees. The attending officer will use the record of the EF discussions to inform subsequent written pre-application advice.

Like workshop events, EFs may also be undertaken in a remote format, particularly in circumstances where in-person events are not possible or practical. You may wish to consider livestreaming or making recordings of EFs available online for those unable to attend and provide alternative online method of submitting feedback to broaden the reach of these events.

It may often be beneficial to hold smaller subsequent engagement sessions with specific groups or sections of the community to ensure the views of all participants are fully captured.

- 4.7 Should a local or national emergency be declared that prevents the carrying out of face-to-face engagement, such as the Coronavirus pandemic, digital and online versions of these engagement methods should be utilised rather than reducing or ceasing community engagement during the affected period.

## 5. How to Consult – Types of Engagement, Content & Techniques

- 5.1 For major development, the council's Statement of Community Involvement in Planning sets the expectation that all applicants/developers will engage with the local community prior to making a formal application. For larger proposals, which are likely to have a significant impact on the environment or on the local community and/or generate a high level of significant local interest, it is especially important to undertake early consultation on a wider scale.
- 5.2 Where non-major development would have a significant impact, early engagement is encouraged. The engagement undertaken should be proportionate to the scale and impact of the proposed development. For all scales of development, it is important to consider how you would want to be treated if a development was proposed near you.
- 5.3 Early engagement is also encouraged for householder development. Householders carrying out development (such as extensions and alterations to houses), are encouraged to consult those living adjacent or very close to the site at an early stage. The type of engagement recommended may include, but should not necessarily be limited to, written notice of the proposals and/or offering a meeting with neighbours to enable them to comment on your proposals prior to submission of a formal application.
- 5.4 Table 2 sets out the early community engagement expectations for different scales of development that require planning permission. It is recognised that there will be limited instances where carrying out all of the recommended engagement may not be appropriate or achievable. Where the proposed development would have more significant impacts than would typically be expected from development of a similar scale, developers are encouraged to exceed these expectations in Table 2 where this would enhance the value of the community engagement.

**Table 2: Early Community Engagement expectations for developers.**

Method/Action	Householder Development	Non-Major Development (less than 1,000m2 add. floorspace or 10 new residential units)	Changes of Use (all proposals where no additional floorspace proposed)	Major Development (1,000-9,999m2 add. floorspace or 10-49 new residential units)	Large-Scale Major Development (10,000m2 or more add. floorspace or 50 or more residential units)
<b>Expected Developer Engagement Format(s)</b>					
	<b>Method 1:</b> Leaflets/ online communication.	Encouraged	✓**	✓***	✓
	<b>Method 2:</b> Interactive Digital Engagement		✓**	✓***	✓
	<b>Method 3:</b> Meet Ward Councillor(s)****			✓***	✓
	<b>Method 4 or 5:</b> Public Exhibition/ Workshop			✓	✓
	<b>Method 6:</b> Early Engagement Forum				✓
	Community Champion				✓
<b>Expected Collaboration with Officers</b>					
	Submit Early Engagement Strategy with Pre-App			✓	✓
	Share Consultation Responses/ Data			✓	✓
	Invite case officer to engagement event(s)				✓

\* GIA Floorspace refers to additional floorspace in the case of proposals for extensions and all floorspace for new buildings (including new build schemes behind a retained façade).

\*\* Method 1 & 2 engagement expected for non-major development where the development itself or the scale of construction work would have a significant impact on neighbouring occupiers.

\*\*\* Method 1, 2 & 3 engagement expected for changes of use not creating new floorspace where the proposal may have a significant impact on residential amenity (e.g. proposals for new pubs or bars or other larger restaurant or entertainment uses).

\*\*\*\* Meetings are subject to the agreement of the Ward Councillor<sup>8</sup>. Note Ward Councillors are not obliged to meet to discuss all development proposals and meetings are at therefore at the discretion of individual Ward Councillors.

5.5 To maximise the benefit of engagement, where possible initial engagement should be undertaken on the basis of a written concept, vision and set of objectives for the proposed development, supported by illustrative sketches where necessary. It is recognised though that there will be circumstances when early community engagement on more developed schemes is appropriate.

<sup>8</sup> List of ward councillors: <https://committees.westminster.gov.uk/mgMemberIndex.aspx?bcr=1>

When carrying out all methods of engagement for major development, a minimum level of key information regarding the proposed development should be included in the community engagement material:

- the vision for the proposed development and how this contributes to achieving the relevant policy objectives in the City Plan and the neighbourhood plan (where relevant);
- site layout and details of the use, function and form of proposed development (interactive and/ or 3D modelling should be used wherever possible – see Appendix D);
- identified positive and adverse impacts of the development, including the impact on the amenity of neighbouring occupiers, the impact on the local highway network, and its contribution to tackling the climate emergency<sup>9</sup> and improving the sustainability of the city's building stock;
- the S106 and other public benefits to be offered (where applicable);
- the value of any CIL contribution (where applicable);
- an outline timeline for delivery of the proposed development and how any foreseeable significant construction impacts could be mitigated;
- alternative options for development of the site (at initial engagement sessions, where alternative proposals are commercially and practicably deliverable);
- summary of feedback from earlier consultation, amendments to earlier scheme iterations and rationale for amendments (at follow up engagement sessions);
- details of how feedback can be given during and following the engagement event.

5.6 When collecting feedback from those that have been engaged overly prescriptive questionnaires or other closed question-based formats that limit the scope for comment should be avoided.

5.7 As identified in the engagement methodologies earlier in Section 4, professional facilitators may be appointed to assist with undertaking engagement. The use of professional facilitators, who are outside of the retained development team, can help to ensure that the presentation material, engagement format, questions to participants are more balanced and impartial and ensure engagement is less adversarial. Professional facilitators are likely to be of greatest value when consulting at the earliest stage on conceptual development proposals.

5.8 When engaging on large-scale major development and/or when developing a charter or set of principles for community engagement, developers should consider funding an independent appropriately qualified planning professional<sup>10</sup> to act as a community champion, representing the views of the local community. Community champions can help communities to identify their primary views and concerns, ensure their views are clearly articulated and assist with negotiation where areas of concern can be resolved. Community champions should be selected and appointed by the community they are to represent, and funding allocated by developers should

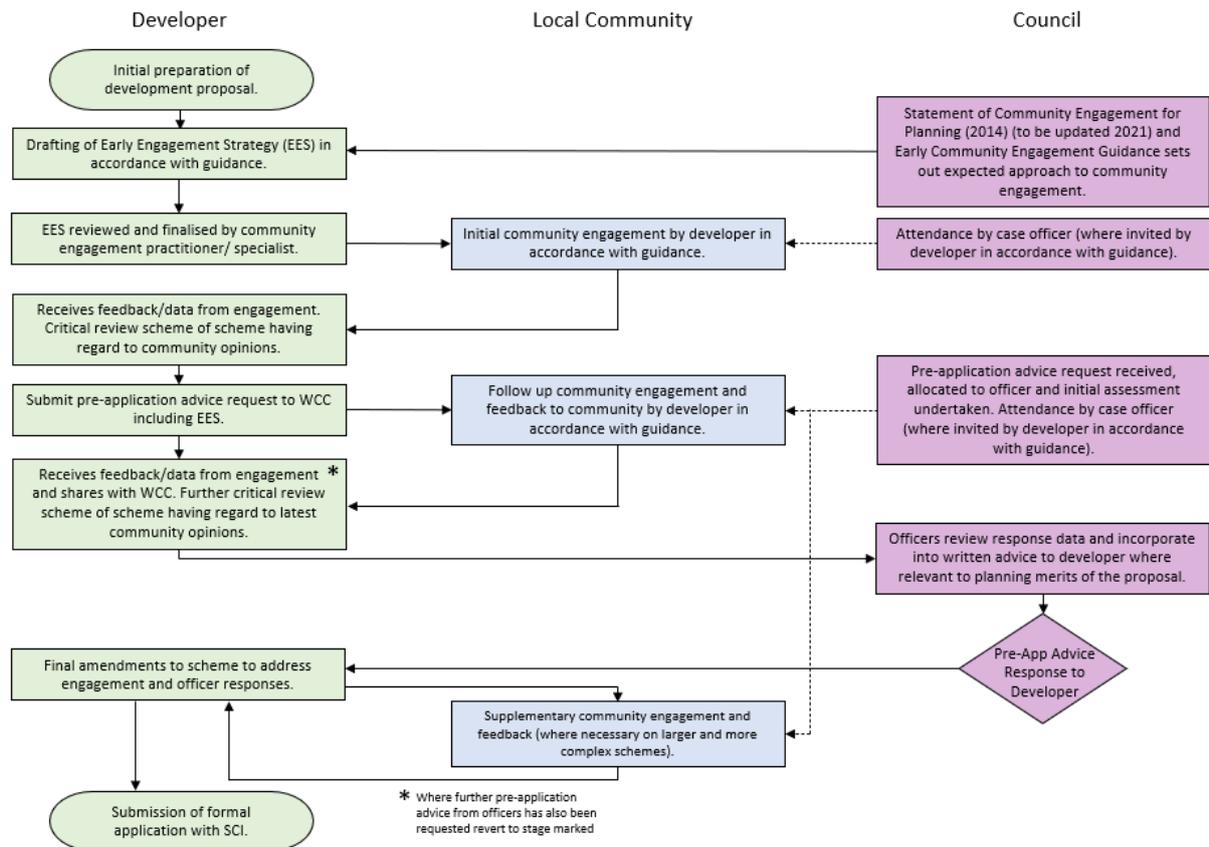
<sup>9</sup> Westminster's Climate Emergency declaration: [www.westminster.gov.uk/climate-emergency](http://www.westminster.gov.uk/climate-emergency)

<sup>10</sup> An appropriately qualified planning professional should be a member of the Royal Town Planning Institute.

be proportionate to the scale of the development and associated engagement exercise to which the community is being asked to respond.

## 6. When to Consult – Early & Responsive Engagement

- 6.1 Community engagement should begin at the very earliest stage of scheme development. Table 3 sets out a good practice timetable for community engagement during the scheme development process. Following this timetable will ensure that the early engagement undertaken informs the design of the scheme and enables pre-application discussions and subsequent advice from officers to be better informed by the views and expectations of the local community. We expect that initial community engagement will be carried out prior to seeking pre-application advice from officers, especially on larger schemes and those where more than two phases of community engagement are planned, unless there are exceptional site-specific circumstances to justify otherwise. Where exceptional circumstances arise that preclude the timetable in Table 3 being followed, you must still ensure that community engagement occurs at a point in the scheme development process where changes can be made in response to feedback received from the community.
- 6.2 The scope and timetable for the proposed community engagement activities should be captured in an 'Early Engagement Strategy' (EES). The EES should be submitted along with other documents when making a pre-application advice request to the council. Feedback from early community engagement should be shared with officers during the pre-application advice process, either as part of the submitted EES or as a subsequent addendum to the EES where community engagement is scheduled to take place concurrently with pre-application discussions with officers. Officers may include reference to relevant comments and views expressed by the local community in their written pre-application advice where these are consistent the policy requirements of the development plan. Note that seeking advice from officers without first undertaking early community engagement is not precluded. However, where community engagement has not occurred first, the advice you receive from officers may be more limited and is likely to be caveated subject to the outcome of later community engagement.

**Table 3: Exemplar Early Community Engagement Process & Example Timetable**

6.3 Where required as part of a pre-application advice request, an EES should set out the following information demonstrating how early community engagement has/will be undertaken:

- **What engagement has already been undertaken?** Early community engagement should start well in advance of seeking pre-application advice and should be substantially complete in most instances. Therefore, you should include details of all early community engagement that has already been undertaken prior to the submission of the pre-application advice request, including community feedback from this engagement. All comments received should be included within an appendix to the EES.
- **Who will you engage with?** You should demonstrate the scope of community engagement proposed by including a list of community groups and other statutory and non-statutory consultees that have/ are to be consulted and provide a statement or methodology setting out how the engagement will encompass the principles of good engagement (see Section 1).
- **How will they be engaged?** Confirmation of which methods will be used with reference to Table 2. The EES should specify how many phases of consultation are proposed and how feedback on earlier engagement is to be provided to stakeholders.
- **How will you ensure engagement is constructive, accessible and inclusive?** Where possible media/presentation content for the initial round of engagement should be provided in an appendix. For traditional and digital methods of consultative engagement,

the questions to be asked of consultees should be provided and a rationale for the proposed approach provided. For digital/social media consultation, where particular demographics or geographic areas are to be targeted, these should be set out and a rationale for the proposed approach given.

- **When will you carry out engagement?** A schedule for initial and follow-up engagement should be provided (note it is recognised that the date of follow up consultation may be subject to change).
- **How will you capture, record and share feedback?** Provide a methodology for how comments and feedback will be captured and recorded and confirm the format and timeframe for sharing the feedback with officers and community stakeholders. To ensure accuracy and transparency consultees should be asked to agree the minutes or notes taken at engagement events before their comments are included in an EES or SCI. You should also confirm that the comments and any associated personal data has/ will be captured with appropriate consents (where necessary).

- 6.4 Where community engagement is carried out prior to seeking pre-application advice from officers (as recommended in Table 3), and this guidance recommends attendance at the engagement event by officers, you should contact the relevant planning area team (see contact details in Appendix E).
- 6.5 Further views should be sought on the evolving proposals from all those who respond to initial engagement before a planning application is submitted, so that amendments that have been made can be communicated to the community. This approach helps to build trust and enhance transparency in the planning process and enables the community to see that their input has resulted in tangible public benefits. Conversely where changes to a scheme cannot reasonably be made, further engagement enables developers to set out why this cannot be achieved in advance of formal consultation at application stage. For larger scale major development, it is likely that more than two phases of community engagement will be appropriate to secure the best outcomes.
- 6.6 In addition to the steps set out in Table 3, developers of larger scale major development may also wish to present their emerging proposals to the Cabinet Member for Business, Licensing and Planning and/ or the Chairman of Planning (as appropriate) where the development is of a scale or complexity described in Appendix A of the 'Pre-application Engagement with the Cabinet Member for Business and Planning and the Chairman of Planning – Guidance Note'<sup>11</sup>. In addition to falling within one of the categories in Appendix A, developers must also demonstrate that they have already made a pre-application advice submission to the council and provide evidence of initial community engagement (i.e. by the submission of an EES with their pre-application advice request). Feedback from the community engagement should be shared with officers in advance of a meeting with the Cabinet Member or the Chairman of Planning.

<sup>11</sup> Pre-application Engagement with the Cabinet Member for Business and Planning and the Chairman of Planning – Guidance Note: [www.westminster.gov.uk/media/document/cab-memberandcop-meetings-guidance-notedec2020-finalpdf](http://www.westminster.gov.uk/media/document/cab-memberandcop-meetings-guidance-notedec2020-finalpdf)

## 7. What is Expected at Application Stage – Promoting Transparency

7.1 Where an applicant has undertaken community engagement prior to making a planning application, a Statement of Community Involvement (SCI) must be submitted with a formal planning application in accordance with our Validation Checklist<sup>12</sup> requirements. The SCI should build on the content provided in the EES at pre-application stage. It must set out the type of community engagement undertaken and the success of these methods, along with details of the views expressed and the changes made by the applicant in response. Where no changes have been made, the SCI should explain why not. You will need to consider how you can demonstrate measurable community representation and support for the proposal. The SCI should follow the outline format set out below:

- Identify the scope of community engagement expected by this guidance note and explain how this has been achieved.
- Details of the engagement methods that have been utilised to meet the expected scope of engagement (Table 2) and provision of data to demonstrate the reach and inclusivity achieved using the chosen methods of engagement.
- Provision of a schedule/timeline of when the engagement was undertaken relative to other milestones such as engagement with officers and/or councillors and application submission.
- Provision of a full schedule of the comments/feedback provided by those consulted during each round of engagement and how the scheme has been amended to address these, having regard to the need to accord with development plan policies. Where no amendments were made, the decision not to amend the scheme should be similarly justified/a rationale given.

7.2 Where an application is reported to a Planning Applications Sub-Committee for determination the submitted SCI will be used to inform a section of the report outlining the engagement that the applicant has undertaken with the local community and how this engagement has contributed to the finalised design of the proposed development.

7.3 It is important to note that good community engagement continues beyond the point of submission of a formal planning application. Continued engagement during the course of a planning application may be appropriate where this complements the council's own formal consultation processes. Engagement often continues post permission being granted, for example, where details of a particular aspect of a development are reserved by a planning condition or

---

<sup>12</sup> Validation Checklists: [www.westminster.gov.uk/planning-building-and-environmental-regulations/planning-applications/making-planning-application/validation-requirements](http://www.westminster.gov.uk/planning-building-and-environmental-regulations/planning-applications/making-planning-application/validation-requirements)

where impactful construction works are required to implement a permission<sup>13</sup>. You should ensure that the principles set out in this guidance are also applied to engagement undertaken at any stage during the application and post permission stages of the planning process.

## 8. Monitoring

- 8.1 This guidance will be subject to ongoing monitoring to assess its effectiveness in delivering development that is more responsive to the expectations of the communities in which new development is located.
- 8.2 Following initial publication of the guidance, the Council will invite developers to nominate schemes to take part in a programme of case studies, which will assess the effectiveness and success of the engagement framework set out in the guidance. Insight and findings from the pilot studies will inform an initial annual review of the guidance.
- 8.3 Subsequent annual review of the guidance will assess the outcomes of development permitted during the preceding 12 months, having regard to the extent to which development has evolved in response to engagement to deliver the expectations expressed by communities.

## 9. GDPR / Freedom of Information

- 9.1 The City Council may be under a legal duty to disclose any pre-application documentation or correspondence if it receives a Freedom of Information request. In light of this, if you consider that any information disclosed as part of the pre-application process is commercially sensitive you must confirm this to the City Council in writing. However, please note that the City Council can only withhold information if it falls within one of the statutory exemptions and, whilst it will take your representations into account, it is ultimately the City Council's decision as to whether information should be withheld.
- 9.2 The City Council operates in full compliance with GDPR and will not disclose any personal information to third parties. Further information, including the Planning Privacy Notice, is provided on the council's website at the following link: [www.westminster.gov.uk/data-protection](http://www.westminster.gov.uk/data-protection).

---

<sup>13</sup> Further guidance on engagement during construction works is provided in our Code of Construction Practice: [www.westminster.gov.uk/code-construction-practice](http://www.westminster.gov.uk/code-construction-practice).

## Appendix A – Case Studies

### Case Study A – Grosvenor Square Gardens

Developer: Grosvenor Britain & Ireland

Architect/Agent: Tonkin Liu

Engagement Lead: Grosvenor Britain & Ireland

Current Status: Pre-application engagement ongoing

#### Early Engagement on Changes to a Public Open Space

Grosvenor are currently exploring proposals to transform Grosvenor Square Gardens, so that it becomes a space that works harder in future for nature and the wellbeing of its users. Their aim is to achieve this by developing their proposals collaboratively via an exemplar community engagement programme that reaches both local, London wide and specialist interest audiences. The programme follows the principles set out in Grosvenor's recently launched Community Charter called 'Positive Space', which are 'listen first', 'open up', 'make it easier' and 'be accountable'.

The initial phase of Grosvenor's engagement approach sought to understand the community priorities for Grosvenor Square. These then formed criteria which the design proposals could be tested against and held accountable to.

Initial community engagement was undertaken prior to engagement with officers during the period impacted by the pandemic. Consequently, engagement was focused on online activities for larger-scale audiences, with socially distanced physical activities for small groups only occurring when guidance allowed for them.

To ensure the engagement was inclusive, local input was sought on the programme's activities by sharing the engagement plan and stakeholder mapping with community stakeholders. This enabled a range of activities to be devised to engage local communities as well as those from across London. To date, the engagement programme has included:

- **1:1s with key stakeholders** using a conversation framework to enable feedback and identify key priorities at an early stage.
- **Virtual workshops** comprising 'Big Topic Talks' with expert speakers to expand on the themes at the heart of the re-design and 'Local Conversations' for more in-depth conversations with the design team.
- **Printed workshop packs** were provided to people in advance and to people who wanted to participate by phone only.
- **Outdoor exhibitions** ran for extended periods of time so the proposals could be viewed in context.
- **Drop-ins** were programmed as part of outdoor exhibitions to still ensure there was opportunity for people to be guided through the proposals and ask questions.
- **Audio tours** were developed for anyone visiting outside of the drop-ins.
- **Discovery packs** were developed for local children and young people to explore their local environment and collect ideas for what they would change or improve.

- **Walks and talks hosted by experts** from the Design team provided an opportunity for more in-depth conversations on specialist topics.
- **Youth workshops** ran online with the Westminster Youth Council to create 'mini-zines', which included a 'manifesto' for what priorities young people want to see.
- **Family workshops** were held as part of the Urban Tree Festival for young families to share experiences of their green spaces and collage their dream space.
- **Play workshops** explored models, den building and platform building with local children and created an opportunity to engage in conversations about natural play in the proposals.
- **Digital surveys** were developed to share and collect feedback in an accessible and engaging way.
- **Dedicated project website and digital and social media** were used to help to reach communities, share the proposals digitally and encourage them to participate.
- **Design pilot projects** helped bring to life and test aspects of the proposals.
- **Visualisation technology** such as slider visuals and 360 views were created and the audience encouraged to access these in situ by placing QR codes at relevant points around the site.

The engagement programme has been successful in reaching local and London-wide audiences and providing the framework through which the design team can develop an in-depth understanding of their priorities for the re-design ahead of developing detailed proposals.

The initial phases of engagement generated 7,261 pieces of feedback from 2,516 individuals, more than 17,000 visits to the project website and 1,013 subscribers to the mailing list, and 3,379 followers across social media accounts.

Grosvenor believe that the approach adopted for this project has demonstrated the significant value of high-quality early community engagement. Their five key pieces of learning from this project are:

- That **publishing and sharing a list of organisations** that you aim to work with and your engagement plan helps ensure any gaps are easily spotted and maximises your chances of actually engaging local people.
- Online can work for both large and small-scale events but there will always be key audiences you miss. **Do not underestimate the power of printed material** to support activities.
- **Physical installations and exhibitions** in public spaces accessible for extended periods of time help reach passers-by and people who might not otherwise engage.
- It's important to **make space for different lengths of conversations** and tailor material accordingly. For example, the digital survey needed to be short and simple for people to engage with via mobile and tablets, but some people might prefer to give more in-depth detailed feedback so create the space for that too.
- **Be prepared to try things, learn from them and adapt** the method going forward.

## Case Study B – Southside, 105 Victoria Street

Developer: Welput

Architect/Agent: KPF/DP9

Engagement Lead: Kanda Consulting

Current Status: Resolution to approve in April 2021, subject to S106 completion

### Early Community Engagement in a Mixed Commercial and Residential Area

A vision document was initially produced, prior to preparation of a design brief, which outlined the rich history of the site and how the site had sat at the hub of the local community. It also identified the current issues with the site, why the design and structure prevented refurbishment, and emerging ideas of potential future uses to understand local sentiment. The finalised vision was used to inform and underpin early engagement activities, including:

- **Extensive local polling** of more than 500 properties to understand the perceptions of occupants of the site, what it currently lacks and what would draw local people to it in future.
- An **early engagement forum workshop** attended by over 20 local residents and community representatives.
- A lunchtime **pop-up consultation event** in the reception of Westminster City Hall with further sessions held in the neighbouring Curzon cinema.
- Smaller **one-to-one discussions** with ward councillors and representatives of the Thorney Island Society, Cathedral Area Residents Group, Victoria Business Improvement District and the Westminster Society.
- **Dialogue with local institutions**, including the Westminster City School and Greycoat Hospital School as potentially important daytime users of 105 Victoria Street.

The initial consultation and dialogue with the local community was then used to inform the emerging land use proposals for the site and influence the design brief for the architectural team.

Following development of an architectural concept three further phases of consultation with the local community were undertaken alongside pre-application discussions with the Council to test and refine the proposals. The engagement included feedback to explain the rationale for the design approach that was pursued.

Later phases of engagement were impacted by the pandemic, so engagement during this period focused on digital formats with further awareness raising using targeted social media channels. Physical exhibition packs were also made available with freepost feedback forms to ensure the consultation remained inclusive for those with barriers to digital engagement.

The developer team in this example concluded that undertaking community engagement at the earliest stage helped the design team ensure that the finalised scheme is better designed to meet the current and future needs of residents, workers and visitors in this part of the of the city. The design team was able to make the following amendments in response to community expectations:

- **Local-needs retail** provided at ground floor around a modern day ‘village square’ in a space which can evolve and host events into the evening.

- A new **'Activities Zone'** at lower ground floor which will host community events, school activities and exhibitions free of charge.
- Extensive cycle-parking, including a new **local cycle parking hub** for local residents and workers.
- **Greening and planting** wherever possible on and around the perimeter of the building, with an urban farm at upper levels.
- **Active frontages** wherever possible to design out anti-social behaviour.
- **'Flexibility first'** in the design with an all-electric, future-proofed building that achieves the **highest standards of sustainability**.
- An improvement to the surrounding **pedestrian environment** with new crossings and **servicing arrangements**, so servicing vehicles would no longer enter the Cathedral Area Conservation Area.
- A design, scale and use of materials which has evolved through consultation and seeks to respond to the **eclectic local character** of the area.
- Flexible office space at upper levels which can evolve to meet the needs of current and future occupiers.

## Case Study C – Westminster Infill Development Programme

Developer: Westminster City Council

Architect/Agent: Various

Engagement Lead: London Communications Agency

Current Status: Permission granted for redevelopment of various sites

### Early Community Engagement as part of a Multi-Site Development Programme

To meet growing housing need across the city, the Council established an Infill Development Programme. The programme looks to utilise vacant and redundant spaces and buildings throughout the city of varying sizes by redeveloping them to deliver new affordable homes using a variety of new build and conversion methods. Sites in the programme have included redundant garages at Helmsdale House, Melrose and Keith House, Ordnance Mews and Blomfield Mews, as well as the redevelopment of a community centre at 300 Harrow Road.

The Council's Development Planning Team worked with London Communications Agency (LCA) to first develop a public consultation strategy for the infill sites in the initial phase of the programme, creating a tailored approach for each. The consultation strategy mapped out the key stakeholders, including local groups, for each site, to be consulted prior to substantive engagement with planning officers.

For each site consultation letters were sent to key local stakeholders and residents in a distribution area around the sites as well as garage licensees where relevant. Housing managers also worked with LCA to spread the word via other means, such as by displaying posters in lift areas, to ensure everyone knew about the public meetings.

Public exhibition events, where information on the emerging proposals was displayed and members of the project team were available to answer questions, were held. As well as speaking to the team, visitors were encouraged to complete a comments card with their feedback. All information was also available on the Council's website including other ways to give feedback, such as by email or freephone.

Ward councillors were also engaged and given on tours of the sites. Multiple phases of engagement were undertaken for each site with care taken to provide feedback to participants of earlier rounds of engagement.

For the larger 300 Harrow Road scheme a design workshop was organised with local residents and the team worked with the Warwick Community Nursery to ensure parents were aware of the plans and the decant options for the nursery.

Feedback from the public exhibition events made a significant difference to the redevelopment schemes within the programme, with designs altered in response to consultee comments, and also help to shape the overall scope of the programme as a whole, as in some cases sites were not taken forward for redevelopment following adverse feedback from consultees.

For each site all comments made were collated and included in a detailed Statement of Community Involvement submitted with each planning application.

## Appendix B – Glossary of Key Terms and Groups

**Recognised Amenity Societies** - In Westminster, amenity societies are statutory consultees on planning applications within their area. Further information on the 18 amenity societies in Westminster is provided by the Westminster Amenity Societies Forum (WASF): <http://westminsteramenitysocietiesforum.org/> and at the following link: [www.westminster.gov.uk/sites/default/files/list\\_of\\_amenity\\_societies\\_in\\_westminster2018.pdf](http://www.westminster.gov.uk/sites/default/files/list_of_amenity_societies_in_westminster2018.pdf). A map of recognised amenity societies is provided at the following link: [www.arcgis.com/apps/webappviewer/index.html?id=327dce58286d45e2bd87aac879bfa0d6](http://www.arcgis.com/apps/webappviewer/index.html?id=327dce58286d45e2bd87aac879bfa0d6).

**Neighbourhood Forums** – Neighbourhood Forums are designated by the Council under s61F of the Town and Country Planning Act 1990 (as amended). Designations must be renewed every 5 years. A designated Neighbourhood Forum is empowered by local planning authority to establish a high-level vision for their area, collect views on what matters most for an area as regards future development, consult on priorities for policy areas, consult on policy proposals and produce a Neighbourhood Plan which, when adopted, forms part of the development plan for Westminster alongside the City Plan 2019-2040 and the London Plan (March 2021). Further details of the Neighbourhood Forums can be found at the following link: <https://www.westminster.gov.uk/planning-building-and-environmental-regulations/planning-policy/neighbourhood-forums>. A map of the neighbourhood forums in Westminster is provided at the following link: [www.arcgis.com/apps/webappviewer/index.html?id=327dce58286d45e2bd87aac879bfa0d6](http://www.arcgis.com/apps/webappviewer/index.html?id=327dce58286d45e2bd87aac879bfa0d6).

**Community, Residents and Tenants' Groups** – These groups are typically established by smaller groups of residents, perhaps within a single building or estate, often to respond to specific concerns residents have or to assist with the management of their building or estate. Whilst they are not statutory consultees, nor do they have the governance requirement or plan making capabilities of Neighbourhood Forums or Community Councils, they are nonetheless important consultees where a development may impact a building or estate that they have an interest in.

**Ward Councillors** – Ward Councillors represents public interests as well as individuals living in the ward in which they have been elected. There are three Councillors for each of the City's 20 wards. A full list of ward councillors in Westminster is provided at the following link: <https://committees.westminster.gov.uk/mgMemberIndex.aspx?bcr=1>.

**Community Councils** – Westminster has one community council, the Queens Park Community Council. Community Councils are established under the Local Government and Public Involvement in Health Act 2007. The Queen's Park Community Council was initially established in 2012, with the first councillors elected in 2014. Community council elections are held every four years. The Queens Park Community Council is in the process of adopting a local plan, which can be viewed at the following link: [www.westminster.gov.uk/planning-building-and-environmental-regulations/planning-policy/queens-park-neighbourhood-plan](http://www.westminster.gov.uk/planning-building-and-environmental-regulations/planning-policy/queens-park-neighbourhood-plan).

**Business Improvement Districts (BIDs)** – BIDs are defined areas within which a levy is charged on all business rate payers in addition to the business rates bill. This levy is used to develop projects which

will benefit businesses in the local area. BIDS are also a powerful tool for directly involving local businesses in local activities and allow the business community to work with the Council to improve the local trading environment. The maximum period that a Business Improvement District levy can be charged is for 5 years, after which the BID must hold a new ballot if it wishes to continue its activities. Most Business Improvement District bodies are not-for-profit companies. Further details of the BIDs in Westminster and the areas they cover can be found at the following link: <https://businesswestminster.com/business-enterprise/business-improvement-districts/>.

**Youth Forums and Groups** – There are many youth groups and forums across the city, ranging from smaller local groups to the Council's own Youth Council ([www.westminster.gov.uk/event/westminster-youth-council](http://www.westminster.gov.uk/event/westminster-youth-council)). Organisations such as Young Westminster (<https://www.youngwestminster.com/>) may be able to assist you in identifying local youth groups and forums.

**Special Interest Groups** – In addition to the recognised amenity societies, there are a number of other interest groups and semi-recognised amenity societies, which despite not being statutory consultees, may be consulted on development that affects their area of interest. A full list of these special interest groups is provided at the following link: [https://www.westminster.gov.uk/sites/default/files/list\\_of\\_amenity\\_societies\\_in\\_westminster2018.pdf](https://www.westminster.gov.uk/sites/default/files/list_of_amenity_societies_in_westminster2018.pdf).

## Appendix C – Useful Publications

### National, Local and Neighbourhood Guidance

1. National Planning Policy Guidance ‘Before submitting an application’ (2021):  
[www.gov.uk/guidance/before-submitting-an-application#local-people-at-pre-application-stage](http://www.gov.uk/guidance/before-submitting-an-application#local-people-at-pre-application-stage)
2. Draft National Design Code and Guidance Notes of Design Codes (February 2021):  
[www.gov.uk/government/publications/national-model-design-code](http://www.gov.uk/government/publications/national-model-design-code)
3. Statement of Community Involvement in Planning (June 2014):  
[www.westminster.gov.uk/planning-building-and-environmental-regulations/planning-policy/emerging-policies-and-consultations/statement-community-involvement](http://www.westminster.gov.uk/planning-building-and-environmental-regulations/planning-policy/emerging-policies-and-consultations/statement-community-involvement)
4. Best Practice Guidance on Community Engagement – Knightsbridge Association (January 2019):  
[www.knightsbridgeforum.org/best-practice-guidance-community-engagement/](http://www.knightsbridgeforum.org/best-practice-guidance-community-engagement/)

### General Guidance on Good Public Engagement Practice

5. Good Practice Guide to Public Engagement in Development Schemes – Planning Aid (2010):  
<http://camdencen.org.uk/Resources/Planning/Communities/Good%20Practice%20Guide%20to%20Public%20Engagement%20Development%20Schemes.pdf>
6. 10 Commitments for Effective Pre-Application Engagement – Local Government Association (2014): [www.local.gov.uk/sites/default/files/documents/10-commitments-effective--927.pdf](http://www.local.gov.uk/sites/default/files/documents/10-commitments-effective--927.pdf)
7. Inclusive Communities A guide for Local Authorities – Disability Rights UK (2014):  
[www.disabilityrightsuk.org/sites/default/files/pdf/1%20%20InclusivecommunitiesLAGuidance.pdf](http://www.disabilityrightsuk.org/sites/default/files/pdf/1%20%20InclusivecommunitiesLAGuidance.pdf)
8. Community Planning Toolkit - Community Engagement – Community Places (2014):  
[www.communityplanningtoolkit.org/sites/default/files/Engagement.pdf](http://www.communityplanningtoolkit.org/sites/default/files/Engagement.pdf)
9. Digital Engagement Tools - how can authorities use online platforms to facilitate meaningful participation? – Public Practice (June 2021): [www.publicpractice.org.uk/resources/digital-engagement-tools](http://www.publicpractice.org.uk/resources/digital-engagement-tools)

### Developer Research, Guidance and Community Charters

10. Building Trust: Insight paper on good growth – Westminster Property Association (December 2018): [https://issuu.com/ldnpropalliance/docs/building\\_trust\\_insight\\_pages](https://issuu.com/ldnpropalliance/docs/building_trust_insight_pages)
11. Rebuilding Trust – Discussion Paper – Grosvenor (July 2019):  
<https://grosvenor.com/Grosvenor/files/b5/b5b83d32-b905-46de-80a5-929d70b77335.pdf>
12. Positive Space: Our Community Charter – Grosvenor (2020):  
[www.grosvenor.com/Grosvenor/files/88/888c96aa-7f04-4cbd-9745-7fd47fd8128c.pdf](http://www.grosvenor.com/Grosvenor/files/88/888c96aa-7f04-4cbd-9745-7fd47fd8128c.pdf)
13. A guide to better public engagement: Positive Space in Practice – Grosvenor (May 2021):  
[www.grosvenor.com/Grosvenor/files/71/7186ad50-5fcb-4701-862d-6493086b33f0.pdf](http://www.grosvenor.com/Grosvenor/files/71/7186ad50-5fcb-4701-862d-6493086b33f0.pdf)

## Appendix D – 3D Modelling Specification

The council encourages the use of 3D modelling tools when carrying out engagement and there are a range of suppliers that can provide visualisations various different formats. These can greatly assist with the visualisation of proposed development and help to show it in the context of existing townscape. This can help consultees to better understand the impacts of proposed development and, in some cases, allay concerns they may otherwise have had.

The Council is uses Vu.City to provide a bespoke model environment of Westminster and central London when assessing development proposals. We encourage you to use this platform, or a compatible model specification, when including contextual 3D modelling in your early community engagement. Note that when seeking pre-application advice for major development, the provision of a Vu.City compatible 3D virtual model of the proposed development will also assist officers in providing advice on your proposal.

To ensure your 3D modelling is compatible with Vu.City software please ensure it meets the following specifications:

- **Geo-referenced position.** The model should be geo-referenced in space to ensure an accurate insertion into the Vu.City model
- **Scale.** Please ensure the model is correctly scaled to the appropriate dimension.
- **File format.** The model should be in the original file format. Preferred file formats are FBX or Revit files but all standard 3D modelling formats are acceptable.
- **Simplified layers.** The 3D model should not be the final detailed design, but a basic model that illustrates the form and location of the proposed buildings.
- **Scope.** Ensure the model is solely within your red line/development boundary and does not include proposals for adjoining sites.

Further information on the use of Vu.City can be found at: <https://vu.city/>.

## Appendix E – Planning Area Team Contact Details

Where the early community engagement will pre-date the submission of a request for pre-application advice from officers you should contact the relevant planning area team via the email addresses below to alert them to the proposed community engagement and request officer attendance. You should provide at least 14 days notice of the intended community engagement event.

Central Planning Team: [centralplanningteam@westminster.gov.uk](mailto:centralplanningteam@westminster.gov.uk)

*Covers the W1 area.*

South Planning Team: [southplanningteam@westminster.gov.uk](mailto:southplanningteam@westminster.gov.uk)

*Covers the SW1, SW7, WC2 and EC4 areas.*

North Planning Team: [northplanningteam@westminster.gov.uk](mailto:northplanningteam@westminster.gov.uk)

*Covers the NW1, NW6, NW8, W2, W9, W10 and W11 areas.*

DRAFT

**EARLY  
COMMUNITY  
ENGAGEMENT IN  
WESTMINSTER**

**Guidance Note for Applicants and  
Developers**



City of Westminster



15th February 2021

Oliver Gibson  
Principal Planning Officer  
Place Shaping & Town Planning

Dear Mr Gibson

Thank you for inviting the Belgravia Neighbourhood Forum to comment on your draft paper in respect of Early Community Engagement. We fully support the objectives of this initiative and are in overall support of it.

There are however three areas where we consider that it does not go far enough. These are set out below followed by some comments with respect to specific points in the paper.

**1. Asymmetry**

Whilst the suggested methods and procedures for community engagement as set out in the paper are all admirable, we have a concern that developers and applicants may be able to apparently fulfil all their obligations in this regard whilst at the same time managing to evade 'true consultation', resulting in a mere 'going through the motions', box-ticking exercise. A key issue here is the considerable asymmetry between developers and the community, a kind of 'David vs Goliath' situation, namely

- Developers are professionals (and have access to professional resources); the community are amateurs
- It is relatively easy for developer to present only the most favourable aspects of a planned development, attractive artists' impressions taken from flattering angles, glossy brochures and presentations; it is difficult for the amateur to read behind the plans or, often, even to understand them
- A disparity of focus. For developers getting planning permission is their day job; for the community it is often just noise on the edge of their consciousness (until, of course, it is too late)

It is hard to know how this imbalance can be redressed and we would be interested to learn what suggestions you might have in this regard. Possible options which come to mind include:

- An independent 'audit' of developers' consultation materials by a professional third party (i.e. to ensure that materials presented are accurate and give a fair representation of the project)
- An obligation on the part of developers to produce a balance sheet of positive and negative outcomes for the community

- A community 'champion' to be appointed, i.e. a professional who is able to act as an independent interpreter of the proposals for the community and represent the community's interests.

## **2. Lack of appropriate developer response**

Having undertaken all the stages of community engagement it is still relatively easy for a developer simply to ignore the community feedback, and particularly, objections. This is likely to be for a number of reasons:

- The objections are fragmented, un-coordinated and conflate trivial with serious concerns
- Having lodged an objection, objectors rarely follow up on the extent to which objections have been taken into account
- Developers may state that they have taken account of objections but have not in fact done so
- Developers fail to appreciate the strength of opinion or seriousness of objections

How can your engagement guidelines be strengthened to ensure this does not happen?

## **3. Community Engagement in the case of Non-Major Developments**

Most of the engagements in your paper are intended for major developments of 1,000 sq m and over. Your recommendations for Non-major developments are limited to good practice and 'encouragement' only.

It may surprise you that in Belgravia it is often the non-major development which causes as much if not more annoyance, disturbance and distress to local residents. There are many house enlargement projects, which whilst not meeting your size criterion for a major project, are in fact very large. These include substantial house rebuilding, large rear extensions, basement excavations, under garden excavation, and tunnelling between houses. Such projects can last up to two years causing neighbours untold misery in noise, dirt, road closures, loss of parking and potential damage to their own homes. Other than the standard planning notification letters which are sent out to immediate neighbours, giving only 21 days within which to respond (and often having arrived on the doormat with less than this period left to run) there is no obligation for applicants for such projects to consult with neighbours. And certainly not at an early stage.

We strongly believe your recommendations in this paper must formally include such not-so-small non-major projects.

Some of our thoughts on this are:

- Instigators of such projects are often absentee owners/developers who do not have any idea of the disruption / damage that their project might cause
- On occasion, applicants for such projects have withdrawn or revised them following major neighbour opposition (however, this only happens if there has been a concerted and vigorous neighbour campaign requiring real effort and commitment), and often leads to subsequent ill-feeling between neighbours.
- Potentially early formal consultation with neighbours could lead to revised designs which are more mutually acceptable; or even joint projects with neighbours (A problem that has arisen in Belgravia is the one of too many houses in the same

street being worked on at the same time – local neighbour consultation could help to co-ordinate or sequence such projects according to the neighbours’ preferences.)

Now to a few specific points in your paper:

- P6 Engagement Forums. These are inevitably a very intensive form of engagement and it is likely that much importance will be accorded to their output. However, they will inevitably involve only a small number of people due to their format, preparedness of people to participate, self-selected nature of those participating, etc. How can you ensure that these are not derailed by an inclusion of too many people with specific views, who will thus dominate the consultation outcome?
- P7 Table 2. This is good, but could not the green ticks stretch a little further to the left. Even a small block of 24 units can make a big local impact.
- P8 First and third bullets. Vision and aims, and positive and adverse impact, these should specifically include impacts on the local community  
This section should also include information on how the feedback will be acted on.
- P9 Para 2. As stated above in point 2, we would like to see a much stronger, formal process here.

With kind regards

Yours

Dennis Wheatland

*Chairman*

*Belgravia Neighbourhood Forum*

**From:** [Gibson, Oliver: WCC](#)  
**To:** [Gibson, Oliver: WCC](#)  
**Subject:** Invitation to Comment on Westminster's Draft Early Community Engagement Guidance  
**Date:** 05 October 2021 10:18:26

---

**From:**  
**Sent:** 22 February 2021 15:20  
**To:** Gibson, Oliver: WCC <[ogibson@westminster.gov.uk](mailto:ogibson@westminster.gov.uk)>  
**Cc:** 'Monica Lucas' 'Jeremy Lucas'  
**Subject:** RE: Invitation to Comment on Westminster's Draft Early Community Engagement Guidance

Dear Mr Gibson

Further to my note to you of 15<sup>th</sup> February, we would like to make another point for your consideration.

You mention Neighbourhood Forums as one of the bodies which should be consulted by developers at an early stage of planning a project. This is good.

Once a Forum has a 'made' Neighbourhood Plan, the Forum needs to have the right to engage with officers to ensure that the policies contained within their plan have been appropriately considered. Such a Plan will have particular significance, given that it will have had the endorsement of the community by virtue of having passed a referendum.

Even at this stage, with our Plan only in draft, the community and any advisors they may retain, must have the opportunity for detailed discussions with the relevant council officers from the very start right through all stages of the process to ensure that the community view is appropriately represented.

Best wishes

Dennis Wheatland

*Chairman  
Belgravia Neighbourhood Forum*

**From:** [Gibson, Oliver: WCC](#)  
**To:** [Gibson, Oliver: WCC](#)  
**Subject:** Discussion Forums on Westminster's Draft Early Community Engagement Guidance - 3rd and 4th March at 5.00pm  
**Date:** 05 October 2021 10:18:59

---

**From:** Chairman BRA

**Sent:** 02 March 2021 20:03

**To:** Gibson, Oliver: WCC <[ogibson@westminster.gov.uk](mailto:ogibson@westminster.gov.uk)>; Armsby, Deirdra: WCC <[darmsby@westminster.gov.uk](mailto:darmsby@westminster.gov.uk)>; Nally, Vincent: WCC <[vnally@westminster.gov.uk](mailto:vnally@westminster.gov.uk)>; Coulson, Amanda: WCC <[acoulson@westminster.gov.uk](mailto:acoulson@westminster.gov.uk)>; Brandon, Steven: WCC <[StevenB@westminster.gov.uk](mailto:StevenB@westminster.gov.uk)>

**Cc:** Hamilton, Jane: WCC <[jhamilton@westminster.gov.uk](mailto:jhamilton@westminster.gov.uk)>; West, Kimberley: WCC <[kwest@westminster.gov.uk](mailto:kwest@westminster.gov.uk)>; Rigby, Robert (Cllr): WCC Green, Matthew (Cllr): WCC

**Subject:** Re: Discussion Forums on Westminster's Draft Early Community Engagement Guidance - 3rd and 4th March at 5.00pm

Dear Oliver

On behalf of the Belgravia Residents Association we would like to let you have our initial feedback to assist.

The draft proposal for the Early Community Engagement is neither early, nor does it seem to engage the Community very much ?

We should like to see the following amendments:

1) Non major developments up to 10 residential units:

Local Leaflets/mailshots + online communication with residents/business in the immediate area and the nominated amenity society for the given area . We appreciate that you currently do send us on line communication as current to [planning@belgraviarresidents.org.uk](mailto:planning@belgraviarresidents.org.uk) and this should be continued .

2) 10+ residential units:

As for no 1 above

+

Interactive digital engagement

3) 25+ residential units:

Early engagement forum plus Points 1&2

The current draft does not seem to be in the spirit of community engagement and falls somewhat short of the mark on its first reading . We hope this feedback will be taken in the spirit of cooperation in helping the council formulate policy going forward .

We are copying in the Belgravia Neighborhood Forum which is still being evolved and hope they may concur with our views

Kind Regards

James Wright



Registered Charity No: 1168619  
An amenity Society recognised by City of Westminster

## **Response to Westminster's latest proposals for early community engagement.**

**1.1 The Belgravia Society** (the Society) is the largest residents' society in Belgravia. We are recognised as an Amenity Society by Westminster City Council (WCC). The raison d'etre of the Society is "to celebrate the past, improve the present and engage in its future".

1.2 The Society is the largest amenity society in Belgravia. No subscription is charged by the Society, which is a charity, in order to ensure that no one is excluded from membership. We work with the community to preserve, protect and advance the welfare of the area. This guides our views and our consideration of all factors which affect daily life in Belgravia.

1.3 We publish a monthly Magazine which we distribute digitally to our members giving details of local developments, matters of local interest, information from our elected representatives and matters of general interest. We are totally independent of any other organisation. We pride ourselves as being the only independent voice for the area. A

**2.1 Westminster City Council ("WCC") initiative** in relation to early community engagement is very much welcome. It is absolutely vital and appears to have been universally well received by the participants of the two groups who attended the initial virtual meetings with WCC on Wednesday 3<sup>rd</sup> and Thursday 4<sup>th</sup> March. It is an enormous task to try and reduce the stress and tension over the current outdated planning application process. If done well, the results could have huge ramifications for residents who to date have often been left exhausted, frustrated and bewildered at how disjointed the process is.

2.2 It is vital to ensure best practice with pre-application engagement with all parties and to consult early and to be open, transparent, inclusive, responsive and accessible. To reduce conflict and allow people who live and work in an area, and who know their communities, and really have a voice. Importantly, it would also help locals to understand the developer's perspective. The proposals would create a significantly wider consultation arena, which would include the policies of the local statutory neighbourhood forums, residents' associations, Ward Councillors and special interest and faith groups.

2.3 The WCC guidance document revealed a series of early community engagement expectations for developers supplemented by a realistic flowchart timeline. Mandatory methods would include leafleting, online communication, media websites, meetings with Ward Councillors, digital engagement, exhibitions, consultations, workshops and engagement forums. This would move away from the current very ad hoc situation where developers can tick a box on their application form which confirms that they have consulted with the community, when all they have actually done is

drop leaflets through the doors of properties and in some case through the doors of derelict and empty properties! This engagement format would be much wider, enabling a greater audience to engage in the process and not just to rely on a single method of logging an objection or support comment on the WCC planning portal, which is only possible after an application has actually been made.

**3.1 Information and communication with the WCC** One issue that we believe needs to be dealt with urgently is the difficulty in navigating the WCC website. We have found over the years that it is difficult to find information. We would recommend that the system is updated and that the search engine it provides, covers much wider criteria to enable users to find the information they require. This is particularly so in relation to WCC policies on a wide range of activities within Westminster.

**3.2** The method of communication of responses to planning notifications is incredibly difficult, especially for those not very computer engaged. We are very that a much aware number of our members found it extremely difficult to get into the system. Many have abandoned their attempts. Further when asked to submit when the responder clicks on it, it is not necessarily finding its way onto the site. We believe that the requirement for passwords is a disincentive. We understand fully that maintaining the integrity of the system requires some form of identity. However, this could be obtained by simple perusal of the response which should include the sender's name, address and postcode. Obviously, that would not be disclosed to the public but it would enable officers to see whether there are multiple responses from a single address, or the persons or not local, or there was something else that ought to be noted. The need for a password should be abandoned. We see no reason why a simple email from the responder should not be sent to a specific email address for that purpose.

**3.3** The Belgravia Society recommends the encouragement of more balanced design teams to "honestly advise" persons seeking planning or other consents so reducing their unrealistic expectations before they expend time and money on professional drawings. FOUR COMMUNICATIONS has worked successfully with residents in SW1 in such a fashion. In addition, WCC should update their antiquated and often difficult to navigate planning sites.

**4.1 Belgravia Neighbourhood Forum** has made a detailed submission in response to the current engagement. We fully support all of it and therefore have not specifically mentioned all the points in their Response.

**4.2** The Belgravia Neighbourhood Forum is a statutory body with a statutory obligation to prepare a neighbourhood plan. We understand that that is in preparation and we do hope the final draft will be ready soon for the referendum. It is very important to us that the Neighbourhood Forum is involved in early community engagement. It can both guide them in their deliberations and WCC, ourselves and other stakeholders in the perceived planning future of Belgravia itself. We know that the forum is not "made" until the referendum approves the neighbourhood plan and it is adopted. However, the work being done towards that plan is very important and should be shared to inform the local community and other stakeholders including ourselves. We hope that WCC do fully engage with them both now and in the future.

**5 From time to time WCC engages with a large project**, very often working some considerable time to produce documentation plans and suggestions. One such scheme is the recent one "Future Victoria". Public consultations took place and there was considerable degree of consternation that the scheme should have advanced so far without input from the local community at a much earlier stage. The plans were not very well received and the method of consultation was perfunctory. We

responded formally to the proposals. We felt that the methodology of developing the plan without the input of the local societies' community was a lost opportunity to producing something which was really special for the area. We understand the importance of experienced professionals. However, no one knows better than its residents and representatives. People who are not familiar with the area, but only with how they have solved issues in other areas, do not understand how best to engage prepare acceptable and valuable plans for the future in area. Presenting scheme like Future Victoria, without consultation engagement is a missed opportunity to produce something truly valuable which will be welcomed and supported.

**6 Conclusions.** We welcome the initiative WCC is taking to deal with engagement at an early stage. It is vital that the Belgravia Forum is part of the engagement as indeed, our own Society. This does mean developers in the area and WCC itself. We look forward to future meetings and continued engagement to continue an era of openness, transparency and consultation.

11<sup>th</sup> March 2021

***Mary Regnier-Leigh***

For The Belgravia Society

**From:**  
**To:** [Gibson, Oliver: WCC](#)  
**Cc:**  
**Subject:** Consultation on Early Community Engagement Guidance Note  
**Date:** 10 March 2021 12:00:19

---

Dear Oliver,

Many thanks for circulating the draft guidance note and the chance to comment on it at the online session on 3rd March. I am writing as secretary of the Fitzrovia West Neighbourhood Forum.

These comments are based on the first draft guidance note: We understand a revised draft will be circulated.

We welcome the greater clarification in the Note and the aim to make the process more effective and meaningful.

Our experience over the years has been that developers approach the process very differently. Some are genuinely interested in public feedback, others use it as an opportunity to 'sell' the scheme and are clearly unwilling to make any changes to the planning application. Quite often PR consultants are employed to prepare a report on the consultation which often tends to accentuate positive comments and play down the criticisms or suggested improvements. Where exhibitions of drawings and models are organised, these tend to be very short, i.e. 1 or 2 days, not always well advertised and not always open in the evenings and weekends.

In summary our suggestions for improving the process are as follows:

Give neighbourhood forums and amenity societies a much bigger role in the process;

Specify a minimum period for the duration of the consultation (e.g. 4-5 days) and ensure that it occurs as early as possible and before the pre-app consultation;

Specify when a proposed development requires prior public consultation: the case officer should consult the forum/amenity society and ward members about which method would be most relevant where any redevelopment or change of use over a certain site or floor area is proposed. This should not be left to the developer to decide and should be determined before the pre-app meeting takes place;

Engage the neighbourhood forum and amenity society early on and ensure they are fully briefed on the application. Use the consultation to draw in 'rarely heard' groups and stakeholders;

Table 2 should be amended to allow for special cases involving controversial sites, listed

buildings, redevelopment in CA's etc and not just the size of development. Forums and amenity societies should be consulted by the Council as to what type of consultation would be most effective in each case;

The applicants should prepare a report summarising comments after the consultation and this should go to council officers AND the forum/amenity society and ideally all those submitting written comments. The report should also summarise any changes to be made to the plans arising from the consultation and before the full application is submitted;

How to judge a successful consultation process:

- i. Is the consultation process inclusive of all stakeholders affected?
- ii. Is the process transparent in that publicity is comprehensive and all participants are kept informed?
- iii. Does the application show evidence of changes resulting from comments by statutory and public consultees?
- iv. Does the application conform with key policy statements in the City Plan and any relevant Neighbourhood Plan?

Successful consultation also depends on using the most appropriate method(s) in relation to the size, type and location of the proposal and the stage in the process when the consultation takes place.

best wishes

Nick Bailey  
Secretary  
Fitzrovia West Neighbourhood Forum

Nick Bailey  
E:

The University of Westminster is a charity and a company limited by guarantee.  
Registration number: 977818 England.

Registered Office: 309 Regent Street, London W1B 2HW.

This message and its attachments are private and confidential. If you have received this message in error, please notify the sender and remove it and its attachments from your system.

**From:** [Gibson, Oliver: WCC](#)  
**To:** [Gibson, Oliver: WCC](#)  
**Subject:** Discussion Forums on Westminster's Draft Early Community Engagement Guidance - 3rd and 4th March at 5.00pm  
**Date:** 05 October 2021 10:17:51

---

**From:** Kay Buxton  
**Sent:** 19 February 2021 18:44  
**To:** Gibson, Oliver: WCC <[ogibson@westminster.gov.uk](mailto:ogibson@westminster.gov.uk)>  
**Subject:** RE: Discussion Forums on Westminster's Draft Early Community Engagement Guidance - 3rd and 4th March at 5.00pm

Hello again Oliver,

My main comment really is on usability, and potentially sending people off on wild goose chases in the links, which are not landing in the best places.

I think the section on groups is missing a helpful narrative about exactly who does what, and where influence lies/the hierarchy of influence.

- For example on Amenity Societies you could explain that these are statutory consultees in Westminster and receive all planning notifications and each has a planning spokesperson/committee. Then link to the map of all the recognised Amenity Societies.
- On Neighbourhood Forums you might differentiate between those with a Plan in place and those without. And why that's important. Also differentiate between residential and mixed Neighbourhood Areas. Explain the difference. Mixed areas are going to find it harder to reach consensus on planning proposals. But they can be a good audience for socialising a scheme, and are good at getting the message out about proposals on websites and in newsletters
- On BIDs you could business-led, schemes could find support amongst local businesses, and as above BIDs are good at getting the message out about proposals on websites and in newsletters.

#### Amenity Societies

The best resource is the map – which is actually hosted on the WASF website. You'd end up going through every single website before you gave up and went to the link below and found the map.

#### Neighbourhood Forums

Link lands on the wrong page – currently lands on how to apply to be one, not the map or list of them. Here is the map:

<https://lbhf.maps.arcgis.com/apps/webappviewer/index.html?id=e20e30fae8814b6aaee5c6171dc231f7>

Contact details are out of date and in fact it's impossible for Forums to update their details, we've been trying for years and no one seems to know who owns this page web wise.

#### BIDs

You'll see I have copied you into my email to Haylea Asadi. This page has been updated but is currently hosting a lot of out of date material. At the moment the user of your guidance note would have to go through every single (out of date) BID proposal to check which BID they might

be in.

My only other comment is about Table 3 – I would disagree it's and/or ward councillors/community. It has to be both.

I'll come along to the webinar, but keep quiet, as these are mainly presentation points.

Kay

**From:** [Gibson, Oliver: WCC](#)  
**To:** [Gibson, Oliver: WCC](#)  
**Subject:** FW: KNF re: Invitation to Comment on Westminster's Draft Early Community Engagement Guidance  
**Date:** 05 October 2021 10:24:55

---

**From:** Simon Birkett <>  
**Sent:** 09 March 2021 19:40  
**To:** Gibson, Oliver: WCC <[ogibson@westminster.gov.uk](mailto:ogibson@westminster.gov.uk)>  
**Cc:** Hamilton, Jane: WCC <[jhamilton@westminster.gov.uk](mailto:jhamilton@westminster.gov.uk)>; Armsby, Deirdra: WCC <[darmsby@westminster.gov.uk](mailto:darmsby@westminster.gov.uk)>; Nally, Vincent: WCC <[vnally@westminster.gov.uk](mailto:vnally@westminster.gov.uk)>; Coulson, Amanda: WCC <[acoulson@westminster.gov.uk](mailto:acoulson@westminster.gov.uk)>; Brandon, Steven: WCC <[StevenB@westminster.gov.uk](mailto:StevenB@westminster.gov.uk)>; West, Kimberley: WCC <[kwest@westminster.gov.uk](mailto:kwest@westminster.gov.uk)>; Robathan, Rachael (Cllr): WCC; Devenish, Anthony (Cllr); Hitchcock, Elizabeth (Cllr)  
**Subject:** KNF re: Invitation to Comment on Westminster's Draft Early Community Engagement Guidance

Dear Oliver

Thank you for this consultation. My apologies for not replying sooner.

Please align Westminster's guidance to the Knightsbridge Neighbourhood Forum's 'Best practice guidance on community engagement' on which we had extensive legal advice:

<https://www.knightsbridgeforum.org/best-practice-guidance-community-engagement/>

---

Two points:

- Please ask applicants to consult the local amenity society and neighbourhood forum before submitting the application
- Please ensure that applicants understand that 'made' neighbourhood plans are a full part of the development plan. I am amazed that Savills and others still don't seem to understand that (even when they are told repeatedly!).

I would be pleased to discuss this with you.

I have copied our councillors.

Best.

Simon

Simon Birkett  
Chair  
Knightsbridge Neighbourhood Forum

M:

E:

W: [knightsbridgeforum.org](http://knightsbridgeforum.org)

This email and any attached files are confidential. Please let us know if you are not the intended recipient. We store email addresses and the names of addressees to assist with future correspondence.

Knightsbridge Neighbourhood Forum Limited is a company limited by guarantee, registered in England and Wales, with company number 09439564 and registered office 1 London Street, Reading, Berkshire RG1 4PN.

Please consider the environment before printing this email.

**From:** [Gibson, Oliver: WCC](#)  
**To:** [Gibson, Oliver: WCC](#)  
**Subject:** FW: Invitation to Comment on Westminster's Draft Early Community Engagement Guidance  
**Date:** 05 October 2021 10:23:11

---

**From:** Planning Sub Group  
**Sent:** 04 March 2021 21:15  
**To:** Gibson, Oliver: WCC <[ogibson@westminster.gov.uk](mailto:ogibson@westminster.gov.uk)>  
**Cc:** Gordon Morrison  
**Subject:** Re: Invitation to Comment on Westminster's Draft Early Community Engagement Guidance

Dear Mr Gibson

Thank you for inviting us to comment on the Early Community Engagement Guidance. On behalf of the Mayfair Neighbourhood Forum, we welcome the proposed clarification for developers as to how they should engage with the community.

The role of the Neighbourhood Forums is, unfortunately, understated in the guidance and particularly where a Neighbourhood Plan has been adopted, we would like to see prior communication with the Forum being made a requirement. This should be a specific engagement and not part of a wider consultation event.

Since the Mayfair Neighbourhood Plan was adopted 15 months ago, the Forum has proactively and successfully engaged with developers and their agents, focusing on those schemes which are affected by the Plan policies. Although these have tended to be the larger schemes which are likely to be impacted by the Plan, a number of smaller schemes, some of which we don't get consulted upon prior to submission, can also be in potential conflict with the Plan. It is important therefore that while this guidance is designed for larger projects, that developers of smaller schemes should also undertake community engagement where their proposals are likely to be contentious.

The guidance to consult with the Forums should therefore extend to applications that are less than 1000m<sup>2</sup> - which for many areas would be a very large application. We would further suggest that Forums which have an adopted Plan should be notified by the developer in advance of an application being made where the

potential application involves an increase in floor area of more than 100m<sup>2</sup> or where a change of use is proposed.

I hope that these comments are of use to you and I look forward to receiving a copy of the final version in due course.

Yours sincerely,

Nigel Hughes MBE FRICS

Planning & Public Realm Committee

Mayfair Neighbourhood Forum

Email

Follow us online for the latest news



**From:** [Gibson, Oliver: WCC](#)  
**To:** [Gibson, Oliver: WCC](#)  
**Subject:** FW: Additional topic (Right to Regenerate) for discussion at scheduled sessions on 3rd and 4th March  
**Date:** 05 October 2021 10:30:21

---

**From:** Chair, Marylebone Forum

**Sent:** 12 March 2021 15:11

**To:** Gibson, Oliver: WCC <[ogibson@westminster.gov.uk](mailto:ogibson@westminster.gov.uk)>

**Cc:** Armsby, Deirdra: WCC <[darmsby@westminster.gov.uk](mailto:darmsby@westminster.gov.uk)>; West, Kimberley: WCC <[kwest@westminster.gov.uk](mailto:kwest@westminster.gov.uk)>; Herdman, Cecily: WCC <[cherdman@westminster.gov.uk](mailto:cherdman@westminster.gov.uk)>; Nally, Vincent: WCC <[vnally@westminster.gov.uk](mailto:vnally@westminster.gov.uk)>; Coulson, Amanda: WCC <[acoulson@westminster.gov.uk](mailto:acoulson@westminster.gov.uk)>; Brandon, Steven: WCC <[StevenB@westminster.gov.uk](mailto:StevenB@westminster.gov.uk)>; Hughes, Alun: WCC <[ahughes@westminster.gov.uk](mailto:ahughes@westminster.gov.uk)>; Ferguson, Luke: WCC <[lferguson1@westminster.gov.uk](mailto:lferguson1@westminster.gov.uk)>

**Subject:** RE: Additional topic (Right to Regenerate) for discussion at scheduled sessions on 3rd and 4th March

Hi Oliver

The Forum of Westminster Forums have met to discuss the initial draft of Westminster City Council's **Early Community Engagement Guidance Note**.

A number of colleagues who are leading individual Forum Steering Groups have also been involved in a number of discussion groups as the guidance was developed. There is a real concern that the Neighbourhood Forums are not fully embedded into the City Council's consideration on this Guidance and also how they are structured within wider community interest groups and representative bodies in the planning process.

National Planning Guidance favours local neighbourhood plans and their respective forums so we are keen collectively to see greater weight on this in your emerging guidance. We would also welcome an opportunity to review the next iteration as a group of Westminster Forums.

Kind regards

Yael Saunders

**Chair, Marylebone Forum & Forum of Westminster neighbourhood Forums**

[www.maryleboneforum.org](http://www.maryleboneforum.org)



10 March 2021

Mr. Oliver Gibson  
Principal Planning Officer  
Place Shaping & Town Planning  
Westminster City Council  
13<sup>th</sup> Floor, City Hall, 64 Victoria Street, London, SW1E 6QP

Dear Oliver,

Thank you for organising the evening sessions last week and giving us an extended opportunity to comment on your Early Community Engagement guidance draft. We appreciate all the work that you and others at Westminster have put into it.

I think you have already heard the following requests from us and others:

- A greater emphasis on neighbourhood Forums in this process.
- The earlier the better—we concur with others on the call that having an opportunity to review a brief or outline of proposals **before** the architectural design begins could save time and money for the developer and help to ensure a more positive reception from the community. This could be as simple as supplying a document that identifies the site and provides a statement of the proposal. In the absence of a local Neighbourhood Plan, this early engagement will allow the community to make positive suggestions on things like plantings/ landscaping and will also allow them to make clear what might not be acceptable, such as excessive exterior lighting. This might also be an opportunity for a community to give its opinion on what is missing from the area or the project, or what they think might not work.
- We feel that even small schemes should be subject to early consultations or at least a notice to the local community groups. As you have pointed out in your document, collaborative approaches that consider a wide spectrum of ideas tend to yield the most creative and successful projects, and so we feel this guidance should be for all developments, irrespective of size.

Two additional thoughts we had were:

- While these consultations generally include the developer, community groups, ward councillors, etc., a group that is often left out is the end-user. A good developer will have done their homework and a good architect should know what the end user needs, but perhaps the involvement of an impartial third party to represent these end-users could contribute ideas and feedback to help ensure the success of a project. This impartial third party might also be useful where there are conflicts between community groups and a developer.
- Community notice boards in each of the neighbourhood areas might help to get these potential projects on the radar of local people, especially for those who might not have access to the internet or social media.

Thank you again for your work on this document and we look forward to seeing the next iteration.

Best wishes,

Suzanne Forte  
for the  
Notting Hill East Neighbourhood Forum

**From:** [Gibson, Oliver: WCC](#)  
**To:** [Gibson, Oliver: WCC](#)  
**Subject:** FW: Invitation to Comment on Westminster's Draft Early Community Engagement Guidance  
**Date:** 05 October 2021 10:24:05

---

**From:** Peter Ruback  
**Sent:** 07 March 2021 15:56  
**To:** Gibson, Oliver: WCC <[ogibson@westminster.gov.uk](mailto:ogibson@westminster.gov.uk)>  
**Subject:** RE: Invitation to Comment on Westminster's Draft Early Community Engagement Guidance

Dear Oliver

Thanks for the opportunity to comment on this draft guidance. The response below amplifies the points I made on Wednesday.

#### Consultation on Early Community Engagement

1. Thank you for the opportunity to comment on this draft guidance note aimed at developers/applicants for planning permission. (consultation about consultation)
2. Pimlico Neighbourhood Forum has the following comments and issues that its considers the final document needs to address.

#### General

3. Neighbourhood Forums have been established to promote the legitimate community interests of the residents and businesses in their area. They are democratically accountable (as all residents and businesses may join them) and in general they will have undertaken extensive engagement with their local communities as to what they do and don't want and need in their areas. Most Forums have been established with the purpose of developing a Neighbourhood Plan including planning policies for their areas and they will have done some or all of the following:
  - Establishing a high level vision for their area
  - Collecting views on what matters most for an area as regards future development
  - Consulting on priorities for policy areas
  - Consulting on policy proposals in draft Plans, designation of sites for development or for protection etc
  - Having their Plans made and therefore established as binding policy.
4. In addition they will have been consulted on planning applications in their areas.
5. It follows that Forums will be in a special position to respond and can soundly base their input into consultations. Of course, before a Neighbourhood Plan is "made", Forums will need to be measured about how strongly they can back a view on proposed development, but for areas that they consider there has been strong support they ought to put forward a correspondingly strong view. This will be more straightforward if they have already consulted on a draft Plan.
6. Without seeking to minimise the value of other input, particular weight ought to be attached to the input from Neighbourhood Forums and it is of concern that they feature as just one of a very wide number of organisations whose view will be sought during pre-application discussions.
7. We have the following particular comments.

#### 3. *Who to Consult – Inclusive Engagement*

8. This section ought to give stronger emphasis to the role that Forums can play and acknowledge that they have formed views on types of development (both form and function) based on community wide input.

#### 5. *How to Consult – Types of Consultation, Content & Techniques*

9. This section covers content of consultation as well as means and techniques. There needs to be more robust guidance on issues to be covered.
10. In relation to specifically Neighbourhood Planning issues, developers/applicants ought to be asked to set out during any engagement:
  - how their proposals relate to visions established for an area by a Forum and Forums covering nearby areas; and
  - how they fit with emerging policies in Neighbourhood Plans. We recognised that these policies may not yet be binding on planning authorities, but they should nonetheless play a role in community engagement, because they enable communities to respond in a precise way to proposals.
11. In relation to considering fit with City Plan policy objectives, the guidance requires development. For example, in the CAZ there are conflicting priorities that are only fully reconciled by a close reading of several policies. It is not clear how a developer/applicant can properly deal with this simply at the “policy objective” level. While it may be thought that fit with policies is best dealt with in Officer discussions and in Officers’ recommendations, we think that an analysis of fit with policies should explicitly inform community engagement.

Yours sincerely,

Peter Ruback

**From:** Gill FitzHugh  
**To:** [Gibson, Oliver: WCC](#)  
**Subject:** Statement of Community Involvement in Planning  
**Date:** 10 March 2021 19:17:55

---

Dear Oliver

I was told that the response time has been extended.

Please can you add to 8.5

consultation with the parish/ community council

yours sincerely

Gill Fitzhugh

## Comments

**1 'Right to Contest'**

- The consultation suggests to us that WCC should review all the property it holds on our behalf and designate a best possible use in order to deal with challenges under the 'Right to Contest' rule.

- We suspect this would only arise rarely in Westminster, given the scarcity of unused land. Apart from land, are there unused buildings in the hands of WCC? [The only remotely related example of a local group challenging the lack of use of a property we've ever come across was a planning application rather than this process, and involved a college and not WCC - a local group wanted to use the disused school-keepers house in Peter Street and put in an application].

Some of us remember cases in (? 1980s) Southwark where the LA owned numerous neglected Victorian houses which they could not afford to renew, although housing was needed. These were often squatted, with some of the squatters eventually claiming them, and housing co-operatives forming so that they were occupied with the council's consent with the hope that funding would eventually be found. Not empty land, but in those days, it would probably have been permissible to knock those houses down and redevelop!

- Agree with WCC that ransom strips might be a problem, and there may be other unintended consequences.
- We are not necessarily in favour of developing every piece of land owned by a local public body. This can be shortsighted: eg the Magistrates Court on the Marylebone Road - the south half of the site was sold off for housing. This means that any possibility of expanding on that site, should the need arise, is gone forever.

**2 Early Community Engagement Guidance Note**

- How would the early consultation process work? Meetings with all parties? The Zoom /Teams experience this year shows that online meeting is an option, and in the case of this kind of meeting, might produce better attendance as people are reluctant to travel to City Hall or elsewhere for a meeting - takes a big chunk out of the day, and many of our most useful volunteers are working people.
- We have long noticed the effects of pre-app consultation on the developer schemes presented to us. On the positive side, we know through long observation of planning apps roughly what WCC requires, and this cuts out a lot of completely unacceptable proposals. But in many ways, given that a developer

has already satisfied the planning authority, there is often very little point in consulting us.

When we see particularly unsuitable residential applications, we often think it is a pity that smaller developers and individuals don't also access the pre-app process ...

The pre-app process often doesn't include things which are important to local people: in our case, as a local history society, we are interested in preserving the character of re-used buildings - an example is Marylebone House where a previous scheme retained part of the building but *not* the original metal balcony railings which enriched the period design.

Also often missing from the pre-app process is local knowledge of the area and the knock on effects of the proposal on it, or activities in the area which might affect the new scheme.

### General problems with local consultation:

Massaging of results of consultation: reportage should be accurate.

- One of the features of current developer consultations which we particularly dislike is the questionnaire which they hand out at their exhibitions which usually consists of a number of questions, often multiple choice, carefully phrased to elicit a positive response, and which often don't include what we see as specific issues for that site.

- WCC can also be guilty of presenting consultation responses as wholly positive when actually mixed, and sidelining dissenters.

Here's an example concerning Seymour Leisure Centre proposals. In our case, we had a number of disgruntled swimmers objecting, who wanted the original large pool restored, and not partitioned. The swimmers felt that their view should be represented in the update, even if the council had decided not to do what they wanted:

We would like to include in our update that *"the stakeholder resident representatives expressed positive comments about the overall proposal draft of leisure centre refurbishment to include a larger swimming pool and new sports hall, as well as the revised co-location of the new library within the building."* We hope that you are in agreement with this, or if you have anything else to add please reply to ...

Another example is the WCC response to the 1st Luxborough St consultation in 2018, where a number of respondents wanted to see some sort of community space on the site, and the council's second stage consultation announced that there would be housing on the site with no community space. (Following a

strong reaction against that, WCC reconsidered). Locals were offended by the presentation of the 2nd stage proposal, which managed to imply that a scheme of only housing was what (all) respondents wanted to see.

---

In some cases, outside commentators distort the consultation result. This was noticeable in the Baker St 2Way development, where a number of patrons of a particular restaurant objected to the proposal - most of them lived in North London, not Marylebone. Similarly, London-wide cycle lobbies had a particular view, (more justifiable, we think than the restaurant, which effectively organised a petition of outsiders with no insight into local conditions). In such a large scheme, the origin of such responses must be examined, as indeed WCC did in this case.

---

We recognise that it is often difficult to get local residents/ businesses to participate in consultations generally, and draw their attention to planning apps etc., without the process being costly in a time of cuts.

Our society has the same problem: we often alert our members to issues via email, and receive almost no responses. We do not have the resources to do more.

Most people seem to only respond to things that touch them directly, such as a project next door, or a road scheme that might affect their usual driving behaviour.

However, as far as our participation is concerned, we have sometimes seen useful changes in projects as a result of our participation. It helped in the BS2W project. However we have also failed in many of our efforts, especially where WCC has a particular agenda we do not share or cannot afford to do the best thing - Cosway Street Schoolhouse, for example.

**From:** [Gibson, Oliver: WCC](#)  
**To:** [Gibson, Oliver: WCC](#)  
**Subject:** FW: Confirmation of attendance at Early Community Engagement Guidance discussion on 4th March at 5.00pm  
**Date:** 05 October 2021 10:21:14  
**Attachments:** [image001.png](#)  
[Draft Early Community Engagement Guidance Note \(Consultation Draft V8 120221\) CLEANmbv.docx](#)

---

**From:** Matthew Bennett  
**Sent:** 04 March 2021 18:57  
**To:** Gibson, Oliver: WCC <[ogibson@westminster.gov.uk](mailto:ogibson@westminster.gov.uk)>  
**Cc:** Armsby, Deirdra: WCC <[darmsby@westminster.gov.uk](mailto:darmsby@westminster.gov.uk)>  
**Subject:** Re: Confirmation of attendance at Early Community Engagement Guidance discussion on 4th March at 5.00pm

Oliver/Deirdra

I attach a tracked changes version of the document which i hope is useful.

Matthew

**From:** Gibson, Oliver: WCC  
**Sent:** Thursday, February 25, 2021 11:24 AM  
**To:** Gibson, Oliver: WCC  
**Subject:** Confirmation of attendance at Early Community Engagement Guidance discussion on 4th March at 5.00pm

Thank you for confirming your attendance at the discussion forum on Thursday 4<sup>th</sup> March at 5.00pm to discuss the Draft Early Community Engagement Guidance. The link to the online forum session is in the email below. I look forward to meeting you at the session.

Kind Regards,

**Oliver Gibson**  
**Principal Planning Officer**  
**Place Shaping & Town Planning**  
Westminster City Council  
13<sup>th</sup> Floor, City Hall, 64 Victoria Street, London, SW1E 6QP  
Tel: 07971026919



Greener and Cleaner | Vibrant Communities | Smart City

<https://www.westminster.gov.uk/>

*Any views or opinions expressed in this email are those of the sender, and whilst given in good faith, do not necessarily represent a formal decision of the Local Planning Authority unless a statutory application is or has been made and determined in accordance with requisite procedures, planning policies and having had regard to material considerations.*

# Early Community Engagement Guidance Note for Applicants and Developers

Draft V8 - February 2021

## 1. Introduction and Purpose

This guidance sets out our expectations for how applicants and developers should engage with local communities at the earliest stage of scheme development and explains the information applicants should provide to demonstrate the engagement they have undertaken and how it has positively influenced the evolution of their development proposals.

The council strongly supports the view expressed by Government in the National Planning Policy Framework (2019) (para 39) that early engagement has significant potential to improve the efficiency and effectiveness of the planning application system for all parties. Best practice pre-application engagement with all parties, including the local community, enables better coordination between public and private resources and improves outcomes for communities and developers by delivering high quality, sustainable development.

The advice in this guidance note builds upon the expectations and requirements set out in Section 8 of our Statement of Community Involvement (2014)<sup>1</sup>, which we will update during 2021, and explains how public engagement on emerging development proposals should be undertaken by developers following the **principles of good engagement**, namely that it is *early, open, transparent, inclusive, responsive and accessible*.

## 2. What is Early Community Engagement & What are the Benefits?

Early community engagement is the process of engaging with residents, Councillors and other local stakeholders at the earliest possible stage in the scheme development process, providing the opportunity for the engagement to be multi-phased, enabling an informed 'conversation' with communities. Initial engagement which set out in writing the concept, vision and objectives of a development and states that discussion is welcomed on that concept and as it is designed and developed are likely to work better rather than notifying stakeholdersthem of an already defined proposal. It provides communities with a meaningful role in shaping their places and allows developers to benefit from the insight that communities can provide through their unique local knowledge, test and refine ideas at an early stage and gather support for the general principles of their development proposal. Well executed community engagement following best practice makes the planning process a more positive experience for all participants.

---

<sup>1</sup> Statement of Community Involvement in Planning (2014): [www.westminster.gov.uk/media/document/core-008---statement-of-community-involvement-in-planning](http://www.westminster.gov.uk/media/document/core-008---statement-of-community-involvement-in-planning)

The planning system is often viewed as a complex and highly technical process; it can be confusing, and people can feel that their views are not considered sufficiently when engagement is poorly executed or timed, leading to a breakdown in trust between all parties. Effective well thought out early engagement can reduce conflict, allow communities to have their say at a stage where their views can genuinely influence design decisions and consequently result in better development that is more responsive to local need and resilient to future changes in local behaviour and demand.

Early engagement can also help communities understand the developers' perspective; communities may not agree with the final proposal or the outcome but may still accept the reasoning. It offers a vital opportunity for developers to explain their vision and aims to local communities and demonstrate how they propose to realise these having regard to site and economic constraints. By sharing their vision with local communities in an open, transparent and collaborative way, developers can utilise early engagement to reduce the number and severity of objections raised at formal application stage. This can assist the council to make more timely decisions, and this in turn can help applicants by reducing unnecessary delay and cost.

When done well, early community engagement improves trust and relationships between developers and local communities, building greater overall support for development and a greater appreciation of the positive benefits that can be delivered for existing local communities by well-designed development.

### **3. Who to Consult – Inclusive Engagement**

It is important to engage with as many members of communities affected by proposals, from as diverse a cross section of those communities, as possible. All community engagement must be compliant with the Equality Act 2010 and uphold the values of equality, diversity and inclusion.

You should ensure that your engagement seeks to reach all groups within communities, including minority groups and those that are disengaged, as well as more established community groups. To support this approach engagement should be disability positive.

Westminster has many long-standing, active community groups and amenity societies who are regularly involved in consultations or community engagement and have made a significant and positive contribution to planning in Westminster over many years. The opinions of all groups have value and you should ensure they are all engaged with in the most appropriate way and aren't marginalised as a result of their involvement (or lack thereof) in previous community engagement.

We recommend that as a minimum you ensure that the groups listed below are included when undertaking early community engagement. You should also seek advice from local community groups and planning officers who may be able to assist you in identifying additional community stakeholders and help you to understand their particular interests and needs, and how best to engage with them. Recommended groups for inclusion in early community engagement include:

- For all development proposals the occupants of those properties immediately adjacent to the development site should be a particular focus

- the local communities including residents, workers and businesses in the vicinity<sup>2</sup> of the development site, having special regard to how traditionally ‘rarely heard from’ groups can be engaged;
- Ward Councillors;
- existing community, residents and tenants’ groups,
- recognised amenity societies<sup>34</sup>;
- neighbourhood forums<sup>5</sup>;
- community councils (Queens Park Community Council – where applicable);
- Business Improvement Districts (BIDs)<sup>6</sup>;
- local faith groups;
- special interest groups<sup>3</sup> (e.g. ‘friends of’ groups, conservation groups etc.) and semi-recognised amenity societies<sup>3</sup>.

In addition to early community engagement, you should also engage with officers using the council’s Pre-Application Advice Service<sup>7</sup> and consult other relevant statutory and non-statutory consultees.

#### 4. Engagement Methods – Making it Open, Accessible & Meaningful

Early community engagement can take many forms, ranging from awareness raising, for example leaflets, posters, online content/a website, to consultation using questionnaires, interactive social media, public meetings or groups discussions and more collaborative and participatory approaches such as design workshops and forums.

Over recent years digital consultation technology and platforms have advanced significantly and this is reflected by the Government’s call for greater use of digital technology to aid planning consultation, in their recent Planning White Paper (August 2020)<sup>8</sup>. Consultation undertaken on the council’s own development proposals demonstrates that digital consultation methods and platforms reach a wider range of people within communities, often from those groups that are disengaged when using more traditional non-digital consultation methods.

The range of consultation methods available fall into three categories; namely informative, consultative or collaborative engagement (see Table 1).

**Table 1: Types and Methods of Engagement.**

<sup>2</sup> ‘Vicinity’ should be determined having regard to the scale and impact of the proposed development.

<sup>3</sup> List of recognised amenity societies, semi-recognised amenity societies and special interest groups: [www.westminster.gov.uk/sites/default/files/list\\_of\\_amenity\\_societies\\_in\\_westminster2018.pdf](http://www.westminster.gov.uk/sites/default/files/list_of_amenity_societies_in_westminster2018.pdf)

<sup>4</sup> Link to Westminster Amenity Society Forum: <http://westminsteramenitysocietiesforum.org/>

<sup>5</sup> List of Neighbourhood Forums: [www.westminster.gov.uk/neighbourhood-forums](http://www.westminster.gov.uk/neighbourhood-forums)

<sup>6</sup> List of BIDs: <https://www.westminster.gov.uk/businesses/westminster-business-improvement-districts/bids>

<sup>7</sup> Pre-Application Advice Service: <https://www.westminster.gov.uk/planning-building-and-environmental-regulations/planning-applications/request-pre-application-planning-advice>

<sup>8</sup> Government Planning White Paper ‘Planning for the Future’ (August 2020): [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/907647/MHCLG-Planning-Consultation.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/907647/MHCLG-Planning-Consultation.pdf)

<b>Informative Engagement</b>	Leaflets and traditional media
	Development website/ council's website/ social media (where informative with no interaction)
<b>Consultative Engagement</b>	Interactive digital engagement/ social media (where interaction is included)/ online questionnaires
	Public exhibitions/ meetings
	Meeting(s) with Ward Members & other statutory/ non-statutory consultees
<b>Collaborative Engagement</b>	Engagement forums/ workshops

For major development you should use some or all of these techniques depending on scale of development (see Table 2) and you should include a mix of techniques to ensure your engagement is inclusive and reaches different audiences and communities within the vicinity of the development site. However, it is important to tailor the engagement approach taken on a case by case basis to ensure you overcome the particular barriers to participation that may exist in different communities.

When planning early community engagement, you should identify any potential barriers to engagement and design your engagement strategy to minimise them where possible. There are groups in all communities who are more difficult to engage. Potential barriers to their involvement include: (i) the capacity and ability of different stakeholders (e.g. visible and non-visible disability, childcare/ caring commitments or employment commitments); (ii) being members of typically 'rarely heard from' groups such as young people, older people, minority groups or socially excluded groups; (iii) those with limited computer literacy and/ or access to technology; and (iv) those with more limited literacy and/ or numeracy or a dominance of oral culture. Ensuring that an engagement strategy is inclusive and accessible to the widest range of community members contributes to its value and its legitimacy.

For engagement events held at a venue in the vicinity of a development site you must ensure the chosen venue is fully accessible. You should consider whether the use of non-traditional venues would assist in reaching disengaged groups. Venues that can provide appropriate audio or visual aids should be prioritised. A minimum of 2 weeks notice of engagement events should be given.

We recommend that the types and methods of engagement included in Table 1 are designed in accordance with the example formats outlined below. However, it should be noted that this does not preclude developers from pursuing a more bespoke approach where this would respond to the particular needs of the local community and would lead to enhanced engagement outcomes.

**Method 1: Leaflets/ Use of Traditional Media & Development Information Website**

Written and/ or email correspondence/ newsletters/ leaflets setting out the key aspects of a proposed development (see Section 5 for content requirements) and advising where further information can be obtained and, for larger developments, where comments can be made (i.e. by reference to an informative website/ public exhibition/ engagement event).

**Method 2: Meeting(s) with Ward Councillors**

Meeting with a Ward Councillor(s) specifically arranged for the purpose of discussing the development proposal and setting out any concerns relayed by their local residents. Developers should notify officers where a meeting has been arranged with a Ward Councillor(s). Ward Councillors may invite officers to attend the meeting\*. The use of new technologies and 3D modelling should be used for these meetings, where appropriate, to help articulate the development proposals.

*\*Note that officers are not required to attend as whilst Ward Councillors can provide valuable advice on the key concerns of their constituents, the views they may express are their own and not representative of the council as Local Planning Authority.*

**Method 3: Interactive Digital Engagement**

Use of an interactive website and/ or digital consultation/ social media platforms to provide detailed information on the proposed development and key objectives for the site, and provision of the opportunity to comment (i.e. by use of online questionnaires, surveys, comments portal or similar). Method 3 may incorporate the use of new technologies/ interactive features and 3D modelling. It may also include digital online forums and exhibitions.

Where targeted online consultation is utilised, the parameters for consultation (i.e. the geographic and demographic profile of those targeted etc.) should be arrived at with the aim of ensuring the consultation is inclusive of all communities within the vicinity of the development site and for the purpose of transparency and openness, these parameters should be specified in the Early Engagement Strategy submitted at pre-application stage and the SCI submitted at application stage.

**Method 4: Public Exhibition/ Consultation Event/ Drop In Session**

A public event held be at a venue in the immediate vicinity of the development site where visual displays of the proposed development are provided, with the opportunity for the public to comment on the proposed development. Such events should be appropriately publicised in advance (including use of Method 1).

Digital alternatives to 'in person' events should also be considered and may help to reach a wider range of persons from the local community. A digital format would take the form of a webinar, which enable the presentation of the same material as could be presented in a physical space and also enable comments to be made via a question and answer session, and via follow up email or phone correspondence.

It is recommended that a professional facilitator<sup>9</sup> is appointed to compile consultation materials, organise the format for collecting consultee's views and lead engagement with the public at the event.

---

<sup>9</sup> 'Professional Facilitator' means a person or persons appointed by the developer outside of their retained development team (i.e. appointed specifically to manage and host engagement events and not retained for the purpose of handling on-going development proposal communications), who has relevant professional experience in advising on consultation content and facilitating community engagement on development proposals.

Officers should be invited to the event in an observational capacity. All feedback should be provided to officers following the event to inform their advice in response to pre-application advice requests.

#### **Method 5: Workshops**

Workshops are a more collaborative approach to engagement than public exhibitions and consultation events. Workshops typically provide attendees with greater scope to offer their opinions on the form and function of a proposed development.

Workshops should be held at a venue in the immediate vicinity of the development site or online and publicised in advance. They are likely to be more effective when held during the earliest stages of scheme development and are typically more productive when limited to a specified number of attendees that represent a cross section of all parts of the local community. Consideration should be given to the use of professional facilitators to prepare workshop materials, set discussion topics and questions and lead the workshop session. Officers should be invited to workshops in an observational capacity.

You may wish to consider livestreaming or making recordings of workshops available online for those unable to attend (i.e. where attendee numbers may have been limited to maintain the effectiveness of the session) and provide alternative online method of submitting feedback to broaden the reach of these events.

#### **Method 6: Engagement Forums**

Engagement Forums (EFs) are more structured interactive events attended by local community stakeholders, to which Ward Councillors may also be invited. EFs would normally be appropriate when developing schemes of more strategic scale and the thresholds set out in Table 2 reflect this. EFs should be organised by developers, or preferably on their behalf by a professional facilitator, and held at an appropriate venue in the vicinity of the development site. EFs should typically last 2 to 2.5 hours and comprise a concise introduction of the site and key facts regarding the proposed development.

Officers should be invited to EFs. Note that their involvement will be as impartial observers and they will not provide comment on the acceptability of the proposal to the developer or other attendees. Officers will provide an overview of the policy context for the site being discussed.

The session should conclude with a forum discussion and a question and answer session between the developer and attendees that is chaired by the appointed professional facilitator. You should ensure that the developer presentation is limited to not more than 30 minutes to ensure sufficient time for open and unconstrained discussion between participants. The developer should take minutes of the EF and these should be shared with and agreed with the attending officer. Alternatively, a recording of the EF may be made and shared where appropriate agreement has been received from all attendees. The attending officer will use the record of the EF discussions to inform subsequent written pre-application advice provided by officers.

Like workshop events, EFs may also be undertaken in a remote format, particularly where in-person events are not possible (for example due to the impact of the Coronavirus pandemic). You may wish to consider livestreaming or making recordings of EFs available online for those unable to attend and provide alternative online method of submitting feedback to broaden the reach of these events.

When a local or national emergency has been declared that prevents the carrying out of face to face engagement, such as the Coronavirus pandemic, digital and online versions of these engagement methods should be utilised rather than reducing or ceasing community engagement during the affected period.

## 5. How to Consult – Types of Consultation, Content & Techniques

For major development, the council’s Statement of Community Involvement in Planning sets the expectation that all applicants/ developers will engage with the local community prior to making a formal application. For larger proposals, which are likely to have a significant impact on the environment or on the local community and/ or generate a high level of significant local interest, it is especially important to undertake early consultation on a wider scale.

Table 2 sets out the expected early engagement formats for different scales of development. Developers are encouraged to exceed these where this would enhance the value of the community engagement to be undertaken.

**Table 2: Early Community Engagement expectations for developers.**

Expected Developer Engagement Format(s)	Development Scale (GIA floorspace*)				
	Non-Major Development	1,000-2,499m2 add. floorspace or 10-24 new residential units	2,500-4,999m2 add. floorspace or 25-49 new residential units	5,000-19,999m2 add. floorspace or 49-99 residential units	20,000m2 + add. floorspace or 100 + new residential units
<b>Method 1:</b> Leaflets/ online communication. 	Encouraged	✓	✓	✓	✓
<b>Method 2:</b> Meet Ward Councillor(s)** 	Encouraged	Encouraged	✓	✓	✓
<b>Method 3:</b> Interactive Digital Engagement 	Encouraged	Encouraged	✓	✓	✓
<b>Method 4 or 5:</b> Public Exhibition/ Workshop 				✓	✓
<b>Method 6:</b> Early Engagement Forum 					✓
<b>Expected Collaboration with Officers</b>					

Submit Early Engagement Strategy with Pre-App 		✓	✓	✓	✓
Share Consultation Responses/ Data 		✓	✓	✓	✓
Invite case officer to engagement event(s) 				✓	✓

\* GIA Floorspace refers to additional floorspace in the case of proposals for extensions and all floorspace where new building is proposed (including new build schemes behind a retained façade).

\*\* Meetings are subject to the agreement of the Ward Councillor<sup>10</sup>. Note they are not obliged to meet on all major schemes and will prioritise development that they consider to have significant impact on communities in their ward. Officers may be invited to meetings by Ward Councillors.

When carrying out all methods of engagement for major development, a minimum level of key information regarding the proposed development should be included in the community engagement material:

- the vision and aims for the proposed development/ what the proposal is seeking to deliver and how this contributes to the Council's City Plan policy objectives;
- site layout and details of the use, function and form of proposed development (interactive and/ or 3D modelling should be used wherever possible);
- identified positive and adverse impacts of the development, including its contribution to tackling the climate emergency<sup>11</sup> and increasing the sustainability of the city's building stock;
- the S106 and other public benefits to be offered (where applicable);
- the value of any CIL contribution (where applicable) and;
- an outline timeline for delivery of the proposed development and how any foreseeable significant construction impacts could be mitigated;
- alternative options for development of the site (at initial engagement sessions);
- summary of feedback from earlier consultation, amendments to earlier scheme iterations and rationale for amendments (for follow up engagement sessions);
- details of how feedback can be given during and following the engagement event.

Where set out in Section 4, professional facilitators should be used to ensure that the presentation material, format, questions to participants and scope of those invited to participate are balanced and impartial and representative of all communities within the vicinity of the development site. The

<sup>10</sup> List of ward councillors: <https://committees.westminster.gov.uk/mgMemberIndex.aspx?bcr=1>

<sup>11</sup> Westminster's Climate Emergency declaration: <https://www.westminster.gov.uk/climate-emergency-0>

professional facilitators should also chair/ lead the engagement sessions where their involvement is recommended.

The council encourages the use of 3D modelling tools when carrying out engagement. These can greatly assist with the visualisation of proposed development and help to show it in the context of existing townscape. This can help consultees to better understand the impacts of proposed development and, in some cases, allay concerns they may otherwise have had. The council uses 'Vu.City' when assessing development proposals. We encourage you to use this platform, or a compatible model specification, when including contextual 3D modelling in your early community engagement. Note that when seeking pre-application advice for major development, the provision of a Vu.City compatible 3D virtual model of the proposed development will also assist officers in providing advice on your proposal. A specification to ensure 3D models are compatible with Vu.City is provided in Appendix B.

All development proposals (PLEASE move this up the document, perhaps within Section 2)

Whilst there is not an expectation for prospective applicants to engage with the community on non-major development, engagement is still encouraged and should be proportionate to the scale of the proposed development. For all scales of development, but particularly non-major development, it is important to consider how you would want to be treated if a development was proposed near you. For example, for extensions and alterations to houses, we would encourage applicants to consult those living adjacent or very close to the site at an early stage. The type of engagement expected for smaller scale proposals will include, but should not necessarily be limited to, written notice of the proposals and/ or offering a meeting with neighbours and allowing the opportunity for their comments to be made at an early stage.

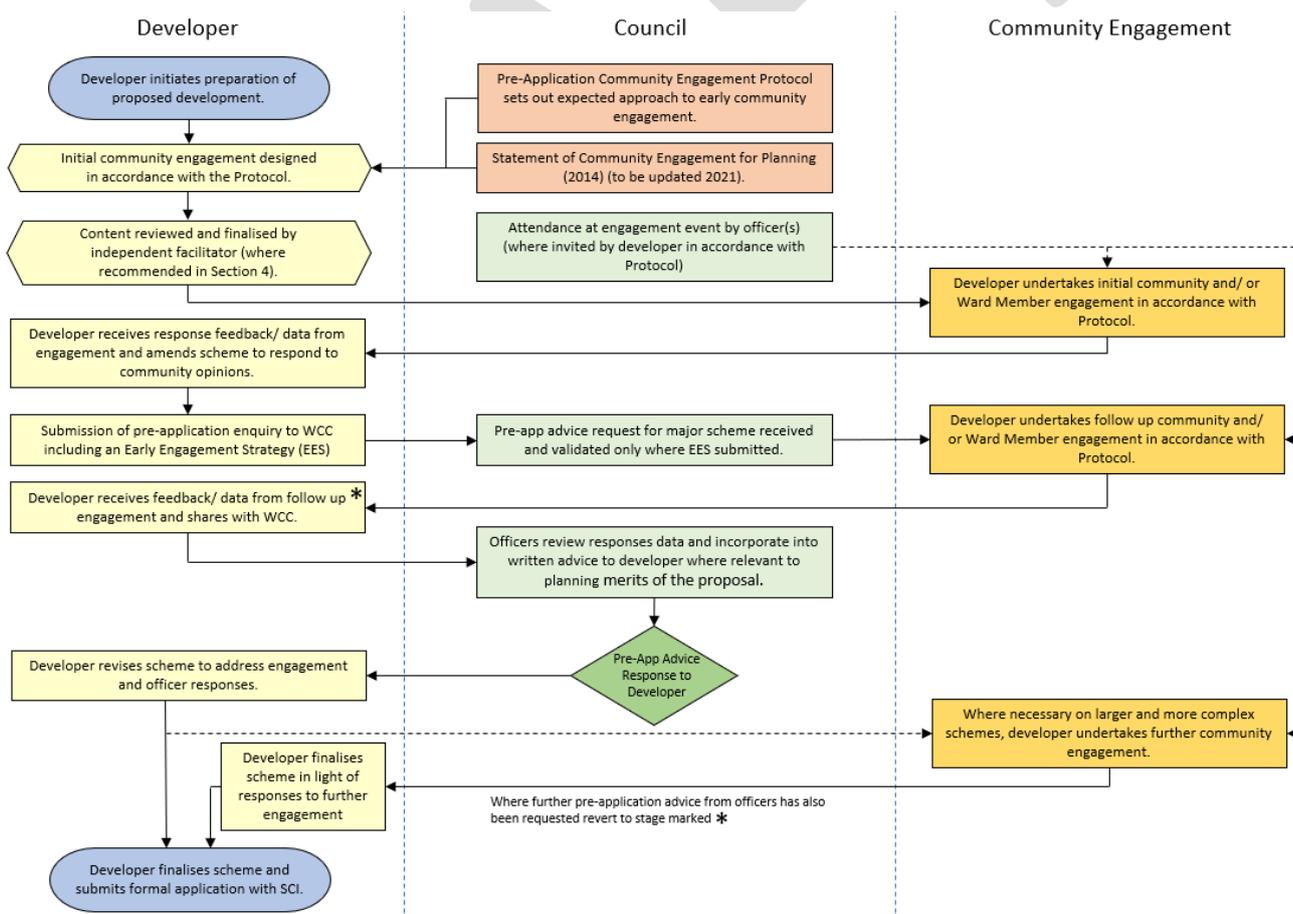
## **6. When to Consult – Early & Responsive Engagement**

Community engagement should begin at the very earliest stage of scheme development. It is recommended that the first stage of engagement is communication in written form (possibly aided by illustrative sketches) to those in the vicinity describing the vision, aims and objectives of the development and makes clear that the applicant welcomes discussion of the proposals as they are worked up. It is often the underlying principles of applications which create debate. If these can be resolved at the initial stages, the details of subsequent design may well be more easily agreed. Table 3 sets out a good practice timetable for community engagement during the scheme development process. Following this timetable will ensure that the early engagement undertaken informs the design of the scheme and enables pre-application discussions and subsequent advice from officers to be better informed by the views and expectations of the local community. We therefore strongly recommend that initial community engagement is carried out prior to seeking pre-application advice from officers wherever possible, especially on larger schemes and those where more than two phases of community engagement are planned.

The scope and timetable for the proposed community engagement activities should be captured in an 'Early Engagement Strategy' (EES). The EES should be submitted along with other documents when

making a pre-application advice request to the Place Shaping and Town Planning Service. Feedback from early community engagement should be shared with officers during the pre-application advice process, either as part of the submitted EES where community engagement has already commenced or as a subsequent addendum to the EES where community engagement is scheduled to take place concurrently with pre-application discussions with officers. Officers will include reference to relevant comments and views expressed by the local community in their written pre-application advice where these are consistent with the policy requirements of the City Plan.

**Table 3: Early Community Engagement Process & Example Timeline.** *PLEASE SIMPLIFY and suggest putting Community Engagement in the centre and Council on the right as currently it still reads visually as if community engagement comes last. It may also make the arrow flow timeline work better. The need for the differing shapes of the boxes is not clear and can confuse.*



The EES submitted with your pre-application advice request should set out the following information demonstrating how early community engagement has/ will be achieved:

- **What engagement has already been undertaken?** Early community engagement should have started well in advance of seeking pre-application advice. Therefore, you should include details of all early community engagement that has already been undertaken prior to the submission of the pre-application advice request, including community feedback from this engagement. All comments received should be included within an appendix to the EES.
- **Who will you engage with?** You should demonstrate the scope of community engagement proposed by including a list of community groups and other statutory and non-statutory consultees that have/ are to be consulted and provide a statement or methodology setting out how the engagement will encompass the principles of equality, diversity and inclusion.
- **How will they be engaged?** Confirmation of which methods will be used with reference to Table 2. The EES should specify how many phases of consultation are proposed and how feedback on earlier engagement is to be provided to stakeholders. It should also confirm that professional facilitators have been employed to organise and chair/ lead engagement events where this is recommended in Section 4.
- **How will you ensure engagement is constructive, accessible and inclusive?** Where possible media/ presentation content for the initial round of engagement should be provided in an appendix. For traditional and digital methods of consultative engagement, the questions to be asked of consultees should be provided and a rationale for the proposed approach provided. For digital/ social media consultation, where particular demographics or geographic areas are to be targeted, these should be set out and a rationale for the proposed approach given.
- **When will you carry out engagement?** A schedule for initial and follow-up engagement should be provided (note it is recognised that the date of follow up consultation may be subject to change dependent upon the response received to initial consultation).
- **How will you capture, record and share feedback?** Provide a methodology for how comments and feedback will be captured and recorded and confirm the format and timeframe for sharing the feedback with officers and (where appropriate) community stakeholders. You should also confirm that the comments and any associated personal data has/ will be captured with appropriate consents (where necessary).

Where community engagement is carried out prior to seeking pre-application advice from officers and this guidance note recommends attendance at the engagement event by officers, you should contact the relevant planning area team (see contact details in Appendix C).

Further views should be sought on the evolving proposals from all those who respond to initial engagement before a planning application is submitted, so that amendments that have been made can be communicated to stakeholders. This approach helps to build trust and enhance transparency in the planning process and enables stakeholders to see that their input has resulted in tangible benefits to the local community. Conversely where changes to a scheme cannot reasonably be made, further engagement enables developers to set out why this cannot be achieved in advance of formal

consultation at application stage. For larger scale major development, it is likely that more than two phases of community engagement will be appropriate to secure the best outcomes.

In addition to the steps set out in Table 3, developers of larger scale major development may also wish to present their emerging proposals to the Cabinet Member for Business, Licensing and Planning and/ or the Chairman of Planning (as appropriate) where the development is of a scale or complexity described in Appendix A of the Guidance Note for Developers<sup>12</sup>. In addition to falling within one of the categories in Appendix A, developers must also demonstrate that they have already made a pre-application advice submission to the Place Shaping and Town Planning Service and provide evidence of initial community engagement (i.e. by the submission of an EES with their pre-application advice request). Feedback from the community engagement should be shared with officers in advance of any meeting with the Cabinet Member or the Chairman of Planning.

## 7. What is Expected at Application Stage – Promoting Transparency

Where an applicant has undertaken community engagement prior to making a planning application, a Statement of Community Involvement (SCI) must be submitted with a formal planning application in accordance with our Validation Checklist requirements. The SCI should build on the content provided in the EES at pre-application stage. It must set out the type of community engagement undertaken and the success of these methods, along with details of the views expressed and the changes made by the applicant in response. Where no changes have been made, the SCI should explain why not. You will need to consider how you can demonstrate measurable community representation and support for the proposal. The SCI should follow the outline format set out below:

- Identify the scope of community engagement expected by this guidance note and explain how this has been achieved.
- Details of the engagement methods that have been utilised to meet the expected scope and provision of data to demonstrate the reach and inclusivity achieved using the chosen methods of engagement.
- Provision of a schedule/ timeline of when the engagement was undertaken relative to other milestones such as engagement with officers and/ or Councillors and application submission.
- Provision of a full schedule of the comments/ feedback provided by those consulted during each round of engagement and how the scheme has been amended to address these. Where no amendments were made, the decision not to amend the scheme should be justified/ a rationale given. Best practice would be for consulted groups to sign off that the comments/feedback in the SCI represent a fair summary of the points made.

Where an application is reported to a Planning Applications Sub-Committee for determination the SCI will be used to inform a section of the report outlining the engagement that the applicant has

---

<sup>12</sup> Pre-application Engagement with the Cabinet Member for Business and Planning and the Chairman of Planning – Guidance Note: [www.westminster.gov.uk/media/document/cab-memberandcop-meetings-guidance-notedec2020-finalpdf](http://www.westminster.gov.uk/media/document/cab-memberandcop-meetings-guidance-notedec2020-finalpdf)

undertaken with the local community and how this engagement has contributed to the finalised design of the proposed development.

## **8. GDPR / Freedom of Information**

The City Council is under a legal duty to disclose any pre-application documentation or correspondence if it receives a Freedom of Information request. If any information disclosed as part of the pre-application process is commercially sensitive you must confirm this to the City Council in writing, however the City Council can only withhold information if it falls within one of the statutory exemptions and whilst it will take your representations into account it is ultimately the City Council's decision as to whether information should be withheld.

The City Council operates in full compliance with GDPR and will not disclose any personal information to third parties.

DRAFT

## Appendix A – Useful Publications

1. Statement of Community Involvement in Planning (June 2014):  
[www.westminster.gov.uk/statement-community-involvement](http://www.westminster.gov.uk/statement-community-involvement)
2. Pre-application Engagement with the Cabinet Member for Business and Planning and the Chairman of Planning - Guidance Note for Developers:  
[www.westminster.gov.uk/sites/default/files/planning\\_preapplication\\_guidance\\_notes\\_for\\_developers\\_1.pdf](http://www.westminster.gov.uk/sites/default/files/planning_preapplication_guidance_notes_for_developers_1.pdf)
3. National Planning Policy Guidance 'Before Submitting an Application':  
[www.gov.uk/guidance/before-submitting-an-application#local-people-at-pre-application-stage](http://www.gov.uk/guidance/before-submitting-an-application#local-people-at-pre-application-stage)
4. Draft National Design Code and Guidance Notes of Design Codes (February 2021):  
[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/957205/National\\_Model\\_Design\\_Code.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/957205/National_Model_Design_Code.pdf)  
[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/957207/Guidance\\_notes\\_for\\_Design\\_Codes.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/957207/Guidance_notes_for_Design_Codes.pdf)
5. Good Practice Guide to Public Engagement in Development Schemes – Planning Aid (2010):  
<http://camdencen.org.uk/Resources/Planning/Communities/Good%20Practice%20Guide%20to%20Public%20Engagement%20Development%20Schemes.pdf>
6. 10 Commitments for Effective Pre-Application Engagement – Local Government Association (2014): [www.local.gov.uk/sites/default/files/documents/10-commitments-effective--927.pdf](http://www.local.gov.uk/sites/default/files/documents/10-commitments-effective--927.pdf)
7. 'Rebuilding Trust' – Grosvenor (July 2019):  
Findings Summary: [www.grosvenor.com/Grosvenor/files/a2/a222517e-e270-4a5c-ab9f-7a7b4d99b1f3.pdf](http://www.grosvenor.com/Grosvenor/files/a2/a222517e-e270-4a5c-ab9f-7a7b4d99b1f3.pdf)  
Discussion Paper: [www.grosvenor.com/Grosvenor/files/b5/b5b83d32-b905-46de-80a5-929d70b77335.pdf](http://www.grosvenor.com/Grosvenor/files/b5/b5b83d32-b905-46de-80a5-929d70b77335.pdf)

## Appendix B – 3D Modelling Specification

The Council uses Vu.City to provide a bespoke model environment of Westminster and central London. To ensure your 3D modelling is compatible with Vu.City software please ensure it meets the following specifications:

- **Geo-referenced position.** The model should be geo-referenced in space to ensure an accurate insertion into the Vu.City model
- **Scale.** Please ensure the model is correctly scaled to the appropriate dimension.
- **File format.** The model should be in the original file format. Preferred file formats are FBX or Revit files but all standard 3D modelling formats are acceptable.
- **Simplified layers.** The 3D model should not be the final detailed design, but a basic model that illustrates the form and location of the proposed buildings.
- **Scope.** Ensure the model is solely within your red line/development boundary and does not include proposals for adjoining sites.

Further information on the use of Vu.City can be found at: <https://vu.city/>.

## Appendix C – Planning Area Team Contact Details

Where the early community engagement will pre-date the submission of a request for pre-application advice from officers you should contact the relevant planning area team via the email addresses below to alert them to the proposed community engagement and request officer attendance. You should provide at least 14 days notice of the intended community engagement event.

Central Planning Team: [centralplanningteam@westminster.gov.uk](mailto:centralplanningteam@westminster.gov.uk)

*Covers the W1 area.*

South Planning Team: [southplanningteam@westminster.gov.uk](mailto:southplanningteam@westminster.gov.uk)

*Covers the SW1, SW7, WC2 and EC4 areas.*

North Planning Team: [northplanningteam@westminster.gov.uk](mailto:northplanningteam@westminster.gov.uk)

*Covers the NW1, NW6, NW8, W2, W9, W10 and W11 areas.*

DRAFT

**WCC EARLY COMMUNITY ENGAGEMENT GUIDANCE NOTE FOR APPLICANTS AND DEVELOPERS**  
**RESPONSE OF THE THORNEY ISLAND SOCIETY TO CONSULTATION DRAFT V8 – FEB 2021**

The Thorney Island Society thanks Westminster City Council for its invitation to comment on the above document and for organising consultation workshops on 3 and 4 March 2021.

**The Society**

The Society is a recognised conservation and amenity society and has approximately 250 members. It takes its name from the island formed where the channels of the Tyburn met the north bank of the Thames. Its geographical area of interest now extends between Westminster and Vauxhall Bridges and includes the Palace of Westminster and Westminster Abbey World Heritage Site, two Royal Parks, 11 conservation areas, and a very high concentration of Grade I and Grade II listed buildings.

The Society's charitable aims are:

- (i) to promote high standards of planning and architecture in the area;
- (ii) to educate the public in the geography, history, natural history and architecture of the area, and
- (iii) to secure the preservation, protection, development and improvement of features of historic or public interest, from oldest times to the current day.

Since its formation in 1985, the Society has engaged closely with developers, whether established players or recent buyers, using its intimate and extensive knowledge of the area to help fashion development proposals for the benefit of all parties. The Society also responds to national and local consultations on policy and procedural matters that affect its aims.

Planning matters within the Society are generally delegated to a sub-committee, headed by the Society's planning officer. In significant cases, the sub-committee will consult with members of the Society and others to ensure our views take in the broadest range of opinion.

The Society works closely with its sister amenity society, The Westminster Society, with residents' associations and with the Victoria Neighbourhood Forum (which covers a small part of the Society's area of interest). The Society is a member of The London Forum of Amenity and Civic Societies.

**General comments**

The Society welcomes the Council's affirmation of the potential of early engagement to improve the efficiency and effectiveness of the planning system. We support the basic principles of good engagement, namely that it is early, open, transparent, inclusive and responsive.

Our main concern is that the proposals are merely recommendations of good practice and carry no sanction for non-compliance. At the minimum, we believe that developers be asked to confirm in either the validation checklist or the application form itself that they have followed the recommendations, or explain why they have not.

We are not aware of any recent consultations that could be regarded as exemplars of good practice, save perhaps those cases where a proposal is essentially benign and non-contentious, such as Christchurch Gardens. In our experience, developers generally appear well-intentioned at the outset

but the process ultimately becomes frustrating. In a few cases, we encounter developers who make no attempt to engage with the community, or are unaware of any need to.

### **Specific comments**

#### **3. Who to Consult – Inclusive Engagement**

- (a) We continue to hear reports from residents that they were unaware of proposals affecting neighbouring properties until they received formal notices of submitted planning applications. We believe that those living adjacent or close to a site should be treated as a separate bulleted category.
- (b) The listing of recommended groups should distinguish statutory and non-statutory consultees.
- (c) The text of Footnote 3 should make clear that it includes residents' associations.
- (d) The 2018 list linked in Footnote 3 should be brought up to date, and kept up to date in real time on the City website.
- (e) The text should make clear that neighbourhood forums should be consulted, whether neighbourhood plans have been made or not.
- (f) Developers should not engage closely with Council officers until the first stage of community consultation has been completed. A common mishap in the current process is the tendency of developers to state or imply that proposals have already been cleared in principle by officers. We feel that some developers use engagement with council officers to short-cut the need to understand local planning policies and the local planning climate.
- (g) Developers should prepare a short outline proposal in plain English before commencing any consultation meetings, so that all consultees start from the same level of knowledge. As with exaggerated claims of officer support, it is not uncommon to hear claims that proposals have already been supported by other consultees.
- (h) Developers should prepare records of meetings with consultees, and should submit them to the consultees for approval before preparing a Statement of Community Involvement.

#### **4. Engagement Methods – Making it Open, Accessible & Meaningful**

- (a) Before discussing engagement methods, the guidance should set out a clearer method of classifying applications. This section of the guidance refers to major developments, and by implication, non-major developments. The next section refers to non-major development and four categories of major development. The Planning Advice Fees Schedule refers to seven categories of development. The Guidance Note on Pre-Application Engagement with the Cabinet Member for Business and Planning and the Chairman of Planning (3 December 2020) has nine categories of major development.
- (b) In our view, only four levels of development, as defined in the Fees Schedule, are relevant to community engagement:
  - a. Householder Development
  - b. All other non-major development
  - c. Major development
  - d. Large-scale major development
- (c) In an area as intensely developed as Central Westminster, it is important to encourage engagement in even small developments because of their potential impact on the appearance and setting of the local neighbourhood, especially on heritage assets.

- (d) There is considerable scope for using existing digital technology to enhance consultation. For example, the idox platform currently used by the Council could be modified to allow anyone who is tracking a particular building, street or postcode to be notified as soon as a developer notifies the Council of an interest to develop (ie well before making a pre-app). Likewise, any person who has commented on a previous planning application affecting the same property should be automatically notified.
- (e) Applications to name or rename public spaces should be recorded using the existing (but unused) facility on the idox platform. Naming and renaming applications should always be regarded as major applications because of their enduring impact on the area.
- (f) In the case of householder development, there is an even simpler method of engagement than Method 1, ie a courtesy email, letter, phone call or neighbourly chat to notify those living adjacent or close to a site.
- (g) Method 2 – as noted above, the close involvement of council officers at an early stage is not recommended.

#### **5. How to consult – types of consultation, content & techniques**

- (a) As discussed above, we believe that Table 2 should be revised as follows:
  - a. Insert a new first column for householder development
  - b. The column for (other) non-major development becomes the second column with a cut off size of 1,000 m<sup>2</sup> office or 10 residential units
  - c. The next two columns are deleted
  - d. The next column is re-titled 'Major Development'
  - e. The last column is re-titled 'Large-scale Major Development'. This would be when it involves a masterplan and more than a single building.
- (b) The listing of key information for major development (page 8) should make clear that detailed plans should not be prepared at this stage as they create the impression that significant professional fees have already been incurred and that there is little inclination to consider amendments as a result of community engagement.
- (c) If the proposal involves the whole or partial demolition of an existing building, the community engagement material must include a statement explaining (a) why it is not possible to retro-fit the current building, and (b) how it is proposed to minimise and/or fully offset the embodied carbon cost of constructing the new building, as well as the ongoing carbon footprint of the new building.
- (d) The engagement material should include a statement that the proposal, as defined in outline, is compliant with the relevant neighbourhood plan (if any).

#### **6. When to Consult – Early & Responsive Engagement**

- (a) This section is confusing in that it covers three separate topics: (a) community engagement prior to the submission of a request for pre-application advice, (b) the request itself, and (c) Cabinet-level presentations following the submission of the pre-application advice request and the EES.
- (b) In the first bullet point on page 10, early community engagement should have been substantially completed in advance of seeking formal pre-application advice from officers.

**7. What is Expected at Application Stage – Promoting Transparency**

Completed Validation Checklists should be published on the planning website.

## **8. GDPR / Freedom of Information**

Given that there is a legal duty under the Freedom of Information Act to disclose any pre-application documentation, public faith in the planning system would be enhanced if all pre-application advice submissions were published on the website (redacted as necessary to protect commercially-sensitive information). We are aware of at least one planning authority that publishes such submissions and officer responses.

### **Additional comments**

While the draft paper covers the period from the earliest stage of scheme development to the submission of an application for pre-application advice, good community engagement continues through to the conclusion of the process of determining the submitted application. Engagement may continue even further where material issues are left to be resolved by planning condition. The current consultation should therefore be extended to cover the entire process of community involvement from beginning to end. We would be happy to make comments on the overall process, based on our long involvement in local planning cases.

We understand that further iterations of the draft are anticipated, and look forward to further dialogue with the Council as the proposals evolve.

Lucy Peck  
Planning Officer, The Thorney Island Society  
12 March 2021

Oliver Gibson  
Principal Planning Officer  
Place Shaping & Town Planning  
Westminster City Council  
13th Floor, City Hall  
64 Victoria Street  
London SW1E 6QP

*[via email]*

12th March 2021

Dear Mr Gibson,

**Early Community Engagement Guidance Note for Applicants and Developers. Draft V8 - February 2021.**

**Consultation Response from the Victoria Business Improvement District and Victoria Westminster Business Improvement District.**

The Victoria Business Improvement District (VBID) was established in April 2010 and is now in its third term. We work in close partnership with businesses, resident organisations, Westminster City Council and key bodies such as Transport for London and the Greater London Authority on a range of initiatives and in promoting our strategic and operational objectives. The Victoria Westminster BID (VWBID) became operational in October 2018. The collective purpose of both BIDs is to bring together the business community to help shape and influence Victoria's future development and infrastructure, positioning Victoria as a vibrant and thriving destination with a high-quality environment.

We support early and meaningful community engagement for new development. This strengthens relationships between applicants and developers and communities and also local planning authorities. We are also aware of the levels of distrust that communities afford to the planning system and developers. Accordingly, we welcome the opportunity to comment on this draft of the Early Community Engagement Guidance Note for Applicants and Developers.

**Comments:**

1. The council may wish to provide an example illustrating what it considers acceptable and not acceptable determinations of the word 'vicinity' (page 2) to provide clarity over its expectations and as a guide for applicants and developers and communities alike.
2. As part of section 3, 'Who to Consult – Inclusive Engagement', the council may be minded to refer to the voice of business and the role that Business Improvement Districts play in working with developers and local communities and in helping to create prosperous environments.
3. In terms of the size of applications that need to adopt the process the council may wish to consider if 1,000m<sup>2</sup> is appropriate and if it should it be smaller or whether a lower threshold might be appropriate for some types development.

4. The example of non-major development in section 5 could be broadened to include examples of office environments and the public realm (only extensions and alterations to houses are mentioned currently) and the council might also wish to set out what the benefits are of engaging with the community on non-major development and the potential dis-benefits of not doing so in the same section.
5. There is a difference in the extent of feedback to be provided to officers and councillors. For example, the council expects to receive from applicants and developers “a full schedule of the comments/feedback provided by those consulted during each round of engagement” within the Statement of Community Involvement at application stage (p12) whereas only a “summary of feedback” is expected in the community engagement material (p8). It is not clear whether Ward councillors, as part of engagement Method 2, can also be expected to receive a full schedule “of concerns relayed by their local residents” to the developer of their plans or if this is also a summary, so too for the feedback that is to be shared with officers by developers prior to meetings with the Cabinet Member for Business, Licensing and Planning or the Chairman of Planning (p11). We would submit that the extent of feedback shared throughout the application process should be consistent so that discussions are anchored to the same information. Were the council to retain the production of summaries, details of the methodology used to create summaries from feedback should be provided as part of the application process.
6. The benefit of engaging the services of a professional facilitator for both the applicant, developer and the local community could be explained where this role is first mentioned. The council might also wish to make reference to complementing this resource as set out by Grosvenor in their document, Rebuilding Trust (2019) that sought to understand the drivers of distrust afforded to developers and councils by communities and proposed ways to address this and, in this example, that: “Developers should, where possible, embed an independent commentator to scrutinise the public consultation of a large-scale development and help explain objectively to a wider audience the choices available and the decisions made by both the developer and the council.”
7. The list of the minimum level of key information to be included in community engagement on page 8 could be expanded:
  - a. The UK will host the 26th UN Climate Change Conference of the Parties in November this year. Given the role of the UK in this CoP, and the anticipated impacts of climate change such as wetter winters, and that Victoria in particular suffers from surface water flooding, it would seem an opportune moment to also specify that details of the development’s flood risk strategy should also be highlighted in community engagement materials.
  - b. Given the multifunctional benefits of green infrastructure and its beneficial role in creating prosperous places and communities and the increased value that has been placed on green infrastructure during the coronavirus pandemic, details of green infrastructure and biodiversity loss and gain should be provided.

- c. Recalling the Rebuilding Trust document, the council might be minded to request developers publish costs and returns information and to publish its own cost information also. In this regard the document states: “Developers and councils should jointly publish their forecast ranges of commercial costs and returns in simple, publicly accessible and understandable terms – leading, over time, to greater standardisation. Both sides should offer a simple explanation of differences in these forecasts, as well as of the costs and benefits of the development proposals, allowing the public to weigh them up.”.
8. The activity outlined at section 6, that “Feedback from early community engagement should be shared with officers during the pre-application advice process, either as part of the submitted Early Engagement Strategy (EES) where community engagement has already commenced or as a subsequent addendum to the EES where community engagement is scheduled to take place concurrently with pre-application discussions with officers.” is only partly captured within Table 3. Presently it does include the step for EES addendum activity or for community engagement to take place concurrently with pre application discussions with officers.
9. Table 3 is presented as being an “example timeline” though no timings are given. The council might consider including the length of time an applicant or developer can expect to receive feedback from officers.
10. The expected content of the EES set out in bulleted form over pages 10 and 11 is essentially about the applicant or developer reporting to the council how its activities have met or will meet the Community Engagement Protocol. Outside of Table 3 the Protocol is never mentioned, yet it seems to underpin all community engagement activity. It would seem appropriate to refer to the Protocol at this point within the document and to introduce it, its purpose, and where it can be located on the council’s website earlier in the document.
11. We would suggest the developer also sets out and shares a principle early on in regard to language, notably as proposed by Grosvenor in its above-mentioned document, that: “Developers should publish their own plain English gold standard for public consultation setting their pledges for meaningful, practical and popular influence over large-scale development proposals over each stage of design, against which they can be judged.”.
12. Finally, in terms of capacity, to ensure that the activity set out in the document can be realised, is the council confident that the requisite level of resourcing exists within the planning team to ensure officers are able to respond timely to applicants, developers and communities and attend community events when invited?

We have welcomed the opportunity to comment on this draft of the Early Community Engagement Guidance Note for Applicants and Developers and hope that the above comments help strengthen the planning system and relationships between applicants, developers and communities as they strive to create better places.

Please do not hesitate to contact me should you have any queries regarding our submission or need any further information.

Yours sincerely,

David Beamont  
Placemaking Project Manager  
Victoria and Victoria Westminster Business Improvement Districts



NEW  
WEST END  
COMPANY

BAKER STREET  
QUARTER  
PARTNERSHIP



Heart of  
LONDON  
Business Alliance

PaddingtonNow | BUSINESS  
IMPROVEMENT  
DISTRICT



Victoria  
Westminster

Oliver Gibson  
Principal Planning Officer  
Westminster City Council

10<sup>th</sup> March 2021

Dear Oliver,

### **Re. Early Community Engagement Guidance Note for Applicants & Developers**

We are writing to you with our representations on the draft Early Community Engagement Guidance Note, on behalf of the eight designated Business Improvement Districts within the Westminster City Council authority, which includes around 2,800 business members and a number of property owners.

Firstly, we very much welcome the sentiments and principles of the draft guidance, particularly its emphasis on encouraging openness and transparency on development proposals in the borough. From our extensive experience, early engagement can help in building trust in the development process and we applaud embedding some of the more recent creative forms of consultation, including a greater focus on digital engagement as a way to contact and engage with a broader spectrum of interested parties and harder-to-reach groups.

We also note that many of the major developers are already adopting a number of the principles, approaches and methods set out in the draft guidance. Furthermore, the Westminster BIDs strongly welcome the recognition of BIDs as an important early consultee, given our role in getting the message out about prospective future developments and helping develop relations with the business community, in addition to serving on local bodies such as neighbourhood forums.

However, there are some amendments which we would suggest to improve the draft guidance.

#### **Policy**

We believe that the draft guidance should emphasise up front that planning is a balance, and the importance of adopted planning policies in helping to secure and achieve this balance.

Ultimately planning applications must be considered and determined by officers and elected politicians in line with adopted policies whilst also taking account of local sentiment. We believe that this emphasis is important in helping to manage expectations and ensure that applications are not ultimately a local plebiscite.

#### **Early Engagement**

We welcome the adopted principle of undertaking early engagement where possible on future development sites. However, the guidance should recognise that there will be occasions when early engagement is not feasible or appropriate prior to seeking pre-application advice from officers. For example:

- Requiring PLC board approval to publicise development proposals;
- When clarity is required on significant policy points (such as heritage) through a pre-application meeting before it is possible to discuss ideas locally;
- Sensitivities around workforce or tenants – for example where there are a significant number of staff employed in a major retail store who would need to be informed or tenants with sensitivities around leases.

In the event that applicants do require pre-application advice, we are also of the view that meetings and any minutes must remain confidential and not for publication, to protect the commercial sensitivities outlined above and allow the applicant to manage engagement activities.

Concerning the guidance about engagement with ward councillors, we also believe that this should be clarified. The guidance states that applicants are required to inform officers when they are engaging with ward councillors and that officers may attend the meeting. However, if the discussion was being undertaken as part of the 'early engagement' officers will not be aware or briefed as to what materials will be presented and may be unable to provide a considered comment to members without a pre-application meeting having taken place.

Finally, in the draft diagram within the guidance, it currently states "either / or" for ward councillors and the wider community. This should be amended to clarify both should be engaged with.

### **Professional Facilitators**

Whilst well-meaning, we are unable to see how the employment of professional facilitators at early engagement forums or public exhibitions will improve openness or trust in the planning process. Ultimately the facilitators will still be paid for by the applicant and we consider that this could add a further layer of confusion to consultees if such personnel are encouraged to sit separate to the employed communications and engagement agency.

If there are concerns about the impartiality of consultation material, we consider that it would be more appropriate if this is shared with officers in advance to confirm that they feel it is appropriate and meets the requirements set out in the guidance.

### **Consultees**

The Westminster BIDs very much welcome the recognition of BIDs as important early consultees. We provide a multi-faceted service to assist with consultation, acting as a sounding-board for new development proposals, helping developers build relationships with the local business community, promoting consultation events and in helping to provide a broad range of views on Neighbourhood Forums.

However, there is a discrepancy in that BIDs are recognised by the draft guidance but are not consulted by the City Council themselves as a statutory consultee on planning applications. At present BIDs rely on the applicant or their communications consultant informing us that applications have been submitted or by scanning the planning register which in itself can be laborious and time-consuming.

We would ask that the Council considers how BIDs can be informed more formally on planning (and licensing) applications in their area. The information can be issued in the same way as to other statutory consultees – ie electronic and with full-disclosure.

More broadly, the guidance could also note the importance and value of early engagement with alternative groups and individuals, particularly given Westminster's global position. For example, a number of developers are now establishing and working with Youth Forums in the borough to help guide early principles of development, ensure spaces will be attractive to future users and help to educate younger people on the development process. The guidance should also note the importance of engagement with employees and workers in an area, to help obtain a broader perspective.

With regards to the wider list of early engagement consultees, the final guidance should include additional information about each of the identified groups. For example, clarifying which Forums have a made plan, or a plan in progress, and the guidance should include a link to an updated single

GIS map where applicants can click on their location and see who the local early consultees should be including the ward councillors, amenity societies, Forums and BIDs and up to date contact details for each group.

We very much hope that these reflections and comments assist in the development of the early engagement guidance.

Yours sincerely,

Penny Alexander

Ros Morgan

Kay Buxton

Jace Tyrrell

Ruth Duston OBE

Chris Peers

5 March 2021

## Westminster City Council Community Engagement Guidance

### 1. Background

The WPA recognises the crucial role of meaningful consultation and engagement, with a range of parties, in successfully managing change in the built environment. This was a key theme of our Insight Paper in 2018, [Building Trust, prepared by Professor Tony Travers](#). This identified earlier engagement with local communities as a key recommendation.

Our Members' experience is that extensive community consultation already occurs on most large and strategic scale development proposals in Westminster. There is, however, always the scope for further improvement. For example, the last year has shown the particular importance of new technologies in ensuring meaningful and accessible consultation to a wide range of groups, despite the restrictions of Covid-19.

The Association therefore welcomes the opportunity to be involved with the production of further guidance on best practice in this area, particularly in making it as accessible as possible to a wide variety of groups.

### 2. Key 5 recommendations

1. Launch a pilot based on interim guidance before finalising, so that the framework can be tested and refined with feedback from participants
2. Expand the principles of early engagement to all groups, regardless of whether property, business, resident or amenity, which all consult their local communities
3. The criteria should as flexible as possible so individual site circumstances, not just unit size, can be taken into account
4. Any rigid barrier to dialogue with officers pre-engagement could be detrimental to bringing forward some schemes, and could cause delay. The option should remain
5. Facilitators may be useful in some instances, but once again flexibility as to if/when to appoint one is important

### 3. Context and the Decision-making process

Westminster is home to a very significant residential population as well as an exceptional diversity of other businesses, charities, institutions and other uses. It has a local, regional, national and international role as the centre of London's World City offer. Its role is, accordingly, complex and varied, as are its built form, mix of uses, and the competing pressures and constraints on land use, development and planning decision making that it faces.

It is, therefore, important, that the role of the planning system in striking a balance between these competing pressures is recognised so that Westminster can continue successfully to perform its global, regional and local roles.

We suggest that the final Guidance Note should explain the broader context of planning decision-making and place local consultation in the context of what is, ultimately, a quasi-judicial function with decisions required to be made in accordance with the overall Development Plan, including its regional, local and – where applicable – neighbourhood components, unless material considerations indicate otherwise.

Consequently, there will be occasions where the requirements of the Development Plan may not fully align with local views as expressed on a particular application. Comprehensive consultation and engagement will play a vital role in explaining development proposals, improving them, and mitigating effects in many cases, but there will be occasions where it is not able to fully overcome the principled, considered disagreements that may arise over the design and use of land and buildings that are at the heart of the planning system.

#### 4. Principles

The draft document sets out the expectations of the City Council for developers' engagement with communities and other parties in relation to planning applications. It suggests the following principles that consultation and engagement should deliver:

- Early
- Open
- Transparent
- Inclusive
- Responsive
- Accessible

The Association welcomes and supports these principles, which will guide and assist developers in undertaking consultation and engagement with communities.

We suggest these principles are also applied by other groups who also consult with local communities, including BIDs, amenity societies and neighbourhood forums.

#### 5. General Approach and Structure

There are a variety of ways to achieve these principles whilst reflecting the fact that the nature and extent of community engagement best suited to a development will be bespoke and highly variable, depending on the specific context of the site.

Factors will include, for example, the proposal's location within the City, the nature of surrounding uses and the local built form (especially the proximity of residential communities) and the scale and nature of the development proposed.

This does not fit neatly into specific categories based only on the scale of development, as suggested within the matrix at Table 2 in the document.

As an example, a (relatively) small change of use below 500sqm may in some instances justify a much greater extent of pre-application and community engagement than a larger, redevelopment scheme, depending on the specific context and, in particular, the nature of the use proposed and its proximity to residential neighbours.

The Association suggests, therefore, that the final Guidance Note should, instead, set the principles that must guide the engagement process, and then provide **examples** of ‘tools’, such as media, techniques and pathways, which could be selected and adapted to the context, nature and scale of development, including the likely level of disruption to neighbours. This could be assisted by providing illustrative example developments, setting out the various types of engagement which could be considered proportionate and suitable, to show the reasoning applicants should apply.

This would allow engagement to be undertaken with the required flexibility to ensure the appropriate type of effective, inclusive and proportionate community engagement, without leading to consultation fatigue.

To assist developers and communities to provide meaningful engagement strategies, some guidance on the consultation ‘catchment’ used or recommended by the City Council for consultation on developments could also be included in the document, including the geographical scope of formal statutory consultation that will be undertaken by the City Council once an application is submitted.

## **Draft Guidance – Specific comments**

### **6. Who to consult**

We fully support inclusive engagement. We suggest, in some cases, other uses of space or facilities, as well as residential communities and those groups listed in on Page 2, should also be consulted. This could include workers, visitors, students or other groups potentially affected by proposals.

We suggest the reference to “disability positive” is expanded as we are unclear as to whether this is a specific standard. It would be helpful to provide specific examples of how developers can make their engagements disability positive, perhaps with case studies of how this has been done well for existing developments. The council could also point guidance from an independent disability charity or association if appropriate.

### **7. Section 4: Engagement methods**

The benefits of undertaking small meetings with a variety of individuals or groups, whether in person or online, should be included in the Draft Guidance and added to the list at the end of Section 4.

In the Association’s experience, such forums can be a highly successful forum for engagement with a range of actors. This can include local amenity groups, conservation groups, Residents Associations, or individual consultees.

Individual meetings can achieve focused feedback on specific topics or issues and can ensure the views of less well-represented groups are heard (unlike in larger forums). They can also be arranged more easily and practically and allow more people to be involved, at times and in formats that best suit them, rather than requiring them to participate in a set-piece workshop or public meeting.

We therefore suggest they are specifically considered within the Draft Guidance.

## 8. Table 2 (Engagement Expectations) and Table 3 (Example Process)

As noted above, we suggest these are reworded to be clear that they are indicative / provide examples of potential consultation routes, but are **not** intended to be definitive or prescriptive so that consultation arrangements can be tailored to the circumstances of individual sites, achieve the objectives of comprehensive engagement that the guidance sets.

It will not be practical, in all cases, to show alternative options for the development of the site. Anything shown needs to be commercially and practicably deliverable and not give rise to potential misunderstandings on the extent of change possible.

Clarity would nonetheless be useful regarding those change of use applications which do not comprise physical works and the principles and approach to engagement which are suggested. There is no detail on this aspect in Table 2 in relation to the type of activity which should be undertaken.

This section of the Guidance also recommends the use of Vu City as a modelling tool in engagement. The Guidance should clarify that there are a range of such visualisation tools available and the most appropriate tool or tools for the specific proposal should be used. For example, other programmes or visualisations such as CGIs may better demonstrate the changes and finished nature of a development than Vu City.

## 9. Methods 4, 5 and 6: Independent facilitators

The Association queries the need for ‘facilitators’ in most cases. This will add unnecessarily to the timescales and complexity involved in undertaking community engagement. Communications consultants, planners and others have a clear track record of undertaking meaningful, inclusive consultation in a variety of formats without the need to bring an additional third party into project teams. In most cases, we consider this to be unnecessary.

Ultimately, the facilitator would be paid, provided and prepared by the developer in any case and so would not be entirely separate from the wider consultant team.

## 10. Section 6: When to Consult, EES & pre-application discussions

An Early Engagement Strategy (‘EES’) should not automatically be required before entering into pre-application discussions in all cases. The flow chart (Table 3) should be amended. This is a serious concern. Pre-application requests should not be invalidated, or otherwise rejected, where an EES is not provided. This would be likely to lead to further delays and complexity in submitting requests. It would, of course, be open to officers to recommend strongly that early engagement is undertaken.

The suggested approach requiring the production of an EES at the very early pre-application stage, setting out the scope and timetable for community engagement, is inflexible and could unnecessarily delay, or further complicate, seeking meaningful engagement with officers on other, technical, matters.

There will be some cases where engaging with the community first, before planning and other officers at the City Council, is appropriate and beneficial. The recognition that this is acceptable is welcome.

Conversely, there will be many proposals whose nature and complexity mean they are driven by technical matters, on which it is appropriate to seek officer advice in advance of consultation. This could include, for example, heritage constraints, complex land use issues, highway matters, or similar. Community consultation can be improved by holding such discussions in the light of feedback on what may be technically feasible.

We recognise that, on larger or more complex sites, it will be appropriate to discuss, and agree, consultation and engagement arrangements with officers, and to seek their advice.

Developers and occupiers will also, frequently, be under obligations to respect commercial confidentiality, constraining earlier, wider, discussions. This can often be to ensure staff whose jobs could be affected by a proposed relocation are properly made aware of proposals in advance of wider publication, but this should not prevent some engagement with the City Council.

Publishing pre-application responses or feedback from the City Council in the public domain as a matter of course would, therefore, cause concern and is likely to impact negatively on the effectiveness of the pre-application process, which is productive and highly valued.

The potential order of engagement set out in the Draft Guidance should also be considered. In some instances it is suggested, as an example, that engagement with Ward Councillors would occur before any pre-application discussion has taken place with Planning Officers. Given that the starting point for development should be the Development Plan, and the fact there may be various technical considerations to be discussed with the City Council first, it is suggested this should be reconsidered.

The Guidance Note should also clarify that, as set out in planning Regulations, engagement is not expected in relation to, for example, development under Permitted Development Rights or applications for Certificates of lawful use or development. These are examples of some of the processes which are removed from the 'usual' application process by the relevant planning regulations.

## **11. Other Matters - resources**

There is a complex array of geographically defined groups across the City, reflecting its complex geography. The provision of up-to-date, and perhaps interactive maps, providing contact details of groups such as Business Improvement Districts ('BIDs'), Neighbourhood Forums and Amenity Societies would be a useful tool to assist with pre-application engagement.

## **12. Conclusion**

The Association welcomes the principles set out in this guidance and the constructive suggestions made as to how to best realise them. It suggests that the final document make clear that, ultimately, consultation and engagement methods will need to be tailored to the circumstances of each sites, following the guidance and examples provided, but that a prescriptive approach should be avoided.

This page is intentionally left blank



City of Westminster

## Planning & City Development Committee

Date: 25<sup>th</sup> October 2021

Classification: General Release

Title: Article 4 Directions in Westminster

Report of: Director of Policy and Projects

Financial Summary: The implications will be managed within existing resources.

Report Author and Contact Details: Michael Clarkson, City Planning Policy Team Leader ([mclarkson@westminster.gov.uk](mailto:mclarkson@westminster.gov.uk); 07811677027)

### 1. Executive Summary

1.1 This report provides an overview of recent changes to permitted development rights and the council's Article 4 Directions restricting certain permitted development rights.

### 2. Recommendation

2.1 Members are asked to note the content of this report.

### 3. Permitted Development Rights and Planning Policy

3.1 The national planning practice guidance defines permitted development rights as:

*...a national grant of planning permission which allow certain building works and changes of use to be carried out without having to make a planning application. Permitted development rights are subject to conditions and limitations to control impacts and to protect local amenity.*

3.2 Permitted development rights therefore by-pass the local planning authority's policies contained in its development plan, with the grant of permission only subject to the conditions and limitations set out in legislation. These are often highly specific and limited to a few issues.

3.3 In Westminster's case this means that these types of development (including changes of use) that meet the conditions prescribed in legislation must be granted without consideration of any of the policies in the City Plan or London Plan (or any neighbourhood plans). The principle of development has been presumed appropriate by the granting of national rights.

- 3.4 Since 2013, government has gradually expanded the remit of permitted development rights, which were until then reserved for small-scale development or changes of use with limited local impacts, to encompass many more types of development. Expanding permitted development rights was a way of speeding up the planning system by limiting determination of a broader range of developments to specific issues such as flood risk, land contamination and transport impacts, and shortening the timescales in which decisions were taken.
- 3.5 Nevertheless, the expansion of these rights also meant that additional considerations have been added to the conditions used to control them. This has resulted in the creation of a two-tier planning system with permitted development often undergoing application for 'prior approval' to allow decision-makers to consider these prescribed issues, whereas other forms of development are still subject to traditional planning permissions, which allow for the consideration of the statutory development plan. In many cases the difference between the two approaches is marginal.
- 3.6 In 2021, permitted development rights were further expanded to encompass an even wider variety of changes from commercial to residential use. This means that buildings falling within the new Class E (commercial, business and service) use have the right to change to residential use, without the need for planning permission. The commercial, business and service use encompasses a wide range of land uses including offices, shops, cafes and restaurants, indoor sports facilities, medical services and nurseries. Whilst there are restrictions to this right, the aims of the council's City Plan (and the policies therein) to carefully balance the needs of commercial and residential uses in Westminster has been somewhat undermined.

#### **4. Article 4 Directions – Background**

- 4.1 An Article 4 Direction is a mechanism that a local planning authority can employ to restrict permitted development rights. It is named after Article 4 of the General Permitted Development Order. An Article 4 Direction removes permitted development rights over a specifically defined area and requires full planning permission to be obtained. This gives the local planning authority scope to consider other planning matters that are within policies in its development plan, rather than only those issues specified by legislation.
- 4.2 Traditionally, Article 4 Directions were used to limit specific forms of permitted development in a specific area (for example to control changes of window materials in a conservation area to protect the historic environment); however, the expansion of permitted development rights has also broadened the use of Article 4 Directions.
- 4.3 The local planning authority can issue an Article 4 Direction at any time, although these cannot apply retrospectively. There are two types of Article 4 Direction, immediate and non-immediate. An immediate direction removes permitted development rights from the day it is issued, and it can then be confirmed or withdrawn following a consultation. A non-immediate direction only comes into effect following a 12-month grace period. This is to ensure the council is not subject to potential compensation claims from developers for costs incurred in abortive works or expenses such as the planning application fee, professional fees (for architects etc) and, in cases where planning permission is refused "any loss or damage directly attributable to the removal of the permitted development rights", including any loss of value to the property.
- 4.4 The Secretary of State has powers to cancel or modify an Article 4 Direction at any time. To ensure the aim of delivering more homes under the latest permitted development rights are not undermined, the government has indicated that it will be

scrutinising local authorities' use of Article 4 Directions to restrict permitted development rights. A revised National Planning Policy Framework (NPPF) was published in July 2021, containing policy on the use of Article 4 Directions for the first time, stating that they should:

*“be limited to situations where an Article 4 direction is necessary to avoid wholly unacceptable adverse impacts (this could include the loss of the essential core of a primary shopping area which would seriously undermine its vitality and viability, but would be very unlikely to extend to the whole of a town centre)”.*

and,

*“be based on robust evidence, and apply to the smallest geographical area possible”.*

The council will need to be mindful of this policy when considering the use of Article 4 Directions and their scope.

## **5. Westminster’s Article 4 Directions**

- 5.1 Westminster has had Article 4 Directions in place to control minor alterations in some of its conservation areas for a number of years. To control land use the council also introduced Article 4 Directions to control basement development and changes from shops to financial and professional service uses. The latter has now been superseded by the amalgamation of these use classes under Class E.
- 5.2 The council also introduced an Article 4 Direction to control the change of use from offices (Class B1) to residential (Class C3) use in the Central Activities Zone (CAZ) in 2019. Despite offices now being classified under Class E and therefore being captured by this new use class, transitional arrangements in legislation (which the council successfully lobbied for) mean that this Article 4 Direction remains in place until August 2022.
- 5.3 To address the impact of new permitted development rights allowing changes from Class E to residential use, the council introduced a new Article 4 Direction in June 2021, with a formal consultation held between July and September 2021. This Direction will come into force in August 2022 to replace the existing direction covering office to residential changes of use and has been expanded to cover all Class E to residential changes of use in the CAZ. The basis of the direction is to protect the secure an appropriate balance of uses in the CAZ and facilitate economic recovery. In particular it will help ensure the availability of a range of commercial space to support the delivery of good growth in Westminster – which brings the maximum benefits for residents, workers, visitors and businesses in accordance with the objectives of City for All, and the policies in the Westminster City Plan.
- 5.4 The council has now issued a further Article 4 Direction to address the impacts of Class E to residential permitted development rights in specific locations outside of the CAZ, with a formal consultation period to follow. The locations selected are those designated by the City Plan as ‘town centres’, which are important for their assortment of commercial activity. There are over 30 locations with a town centre designation that fall outside of the CAZ. These range from the larger ‘major centre’ at Queensway/ Westbourne Grove and ‘district centres’ of Harrow Road, Church Street/ Edgware Road and St. John’s Wood, to the smaller ‘local centres’ including Elizabeth Street in Belgravia, Kilburn Lane in Queen’s Park, and Clifton Road in Little Venice.

- 5.5 The Article 4 Direction will ensure these town centres continue to offer a range of shops and services to local residents and provide employment opportunities by ensuring that proposals for changes of use from commercial, business and service uses to residential use are fully assessed in accordance with development plan policies. Securing the vitality and viability of these town centres is in accordance with the objectives of City for All, and the policies in the Westminster City Plan, particularly Policy 14 'Town Centres, High Streets and the CAZ'. The Article 4 Direction will come into force following the expiry of the 12 month grace period.

## **6. Financial Implications**

- 6.1 The implications of introducing new Article 4 Directions will continue to be managed within existing resources.

## **7. Legal Implications**

- 7.1 The rules for making and confirming an Article 4 Direction are set out in the Town and Country Planning (General Permitted Development) (England) Order 2015, and updates set out in The Town and Country Planning (General Permitted Development etc.) (England) (Amendment) Order 2021. Taken together this legislation defines the classes of permitted development, exceptions to permitted development, and outlines the process for making an Article 4 Direction. The compensation arrangements are set out in sections 107-109 of the Town and Country Planning Act 1990.

## **8. Conclusion**

- 8.1 Members are asked to note the content of this report and the implications that permitted development rights and associated Article 4 Directions will have for planning decision-making in Westminster.

**If you have any questions about this report, or wish to inspect one of the background papers, please contact: Michael Clarkson ([mclarkson@westminster.gov.uk](mailto:mclarkson@westminster.gov.uk); 07811677027).**

### **Background Papers:**

[Cabinet Member Report, June 2021 – Making of Westminster's Article 4 Direction for changes of use from Class E \(commercial, business and service uses\) to Class C3 \(dwellinghouses\)](#)



**City of Westminster**

## Planning & City Development Committee

**Date:** 25<sup>th</sup> October 2021

**Classification:** General Release

**Title:** Update on Neighbourhood Planning in Westminster

**Report of:** Director of Policy and Projects

**Financial Summary:** The implications will be managed within existing resources.

**Report Author and Contact Details:** Michael Clarkson, City Planning Policy Team Leader ([mclarkson@westminster.gov.uk](mailto:mclarkson@westminster.gov.uk); 07811677027)

### **1. Executive Summary**

1.1 This report provides an overview of recent neighbourhood planning activity in Westminster, including the adoption of two new neighbourhood plans in Fitzrovia West and Soho.

### **2. Recommendation**

2.1 Members are asked to note the content of this report.

### **3. Neighbourhood Planning in Westminster**

3.1 Westminster has the most designated neighbourhood areas of any London Borough (21), the highest number of designated neighbourhood forums (15) and London's only Community Council (Queen's Park), which has neighbourhood planning powers.

3.2 Neighbourhood planning was established via the 2011 Localism Act and allows local communities to devise local planning policies that then form part of the statutory development plan for that area. These are subject to public consultation and scrutiny via an independent examination process to determine whether the plan meets the 'Basic Conditions' (which include conformity with City Plan and London Plan policies) and other legislative requirements. Neighbourhood plans are then subject to local referendum as a final step ensuring support from their local community to adopt the plan. The council has a duty to support neighbourhood planning and officers offer advice and guidance to neighbourhood forums as well as undertaking the statutory processes involved in plan-making.

3.3 Westminster has previously had two neighbourhood plans adopted – in Knightsbridge (2018) and Mayfair (2019) – and there has recently been an increase in neighbourhood planning activity in the city as the Westminster City Plan and London Plan went through

their respective examination processes and have now been adopted. Three neighbourhood plans underwent independent examination in 2020 and 2021 – Fitzrovia West, Soho and Queen’s Park. Referendums were held in September for Soho and Fitzrovia West, and the Queen’s Park referendum took place on 21 October.

- 3.4 Following the successful referendums for the Soho and Fitzrovia West neighbourhood plans, both now have full weight in decision-making on individual planning applications within these areas (alongside City Plan and London Plan policies), and the council undertook the final step of formally adopting them both on 8 October 2021.

#### **4. Fitzrovia West Neighbourhood Plan**

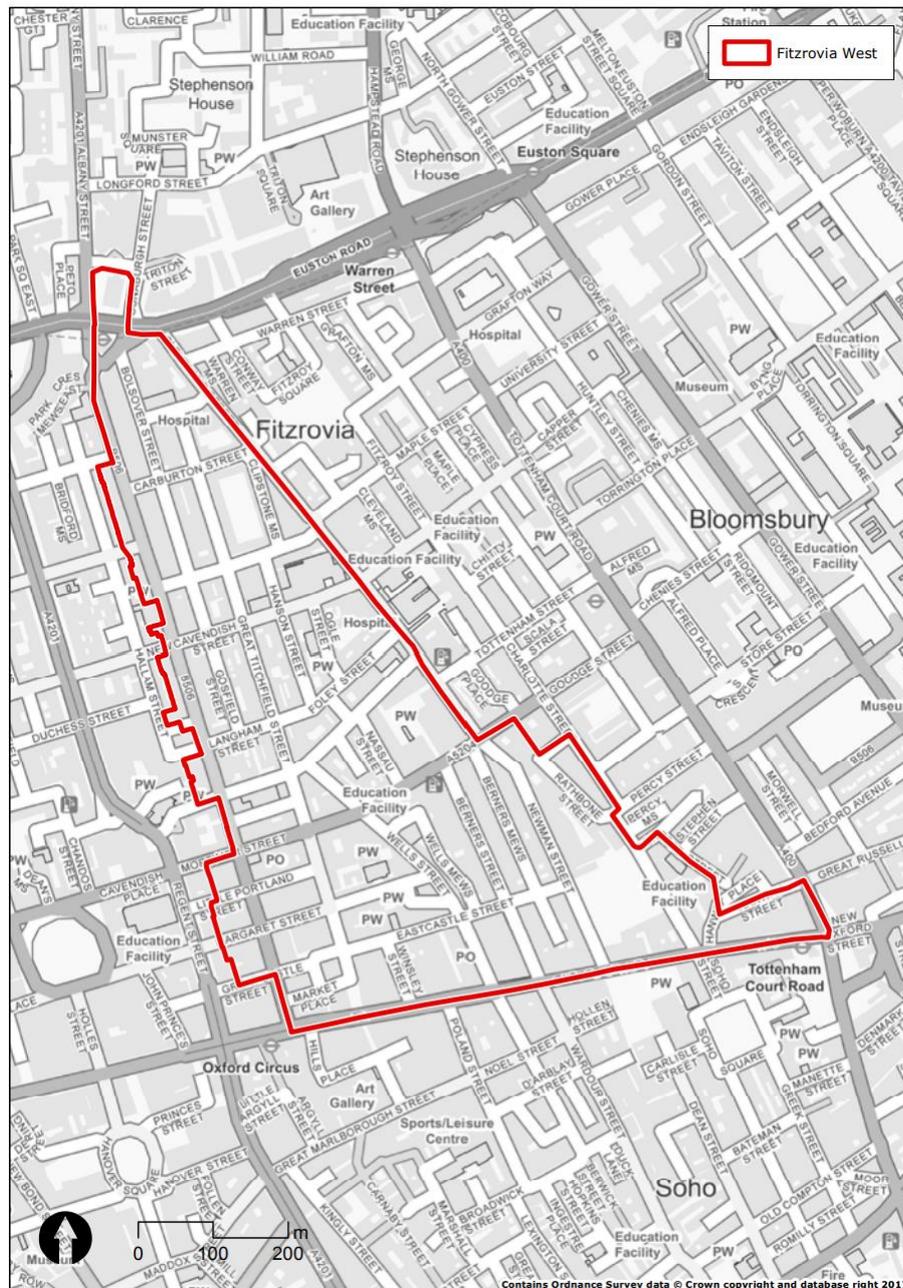
- 4.1 The Fitzrovia West Neighbourhood Plan contains a range of policies covering various aspects of the built environment, under the following themes: promoting regeneration; supporting businesses; green and open spaces; environmental quality, and mobility and transport.

- 4.2 Some of the key policies in the neighbourhood plan are:

- demonstrating sustainable re-use or refurbishment has been considered when considering proposals for demolition or replacement of buildings;
- ensuring housing provision meets the needs of all age groups;
- explicitly supporting the creation or re-provision of small business units;
- identification of green and open spaces of special significance for preservation and enhancement;
- support for the conversion of existing streets to create new public amenity space;
- encouraging all major developments to achieve net zero emissions and maximising on-site renewable energy generation; and
- supporting developments incorporating sustainable distribution and servicing arrangements.

- 4.3 As they now form part of the council’s statutory development plan, these policies must be considered when assessing proposals in the Fitzrovia West Neighbourhood Area and should be referred to in planning decisions made in that area. The area covers a triangular parcel of land between the eastern Westminster boundary with the London Borough of Camden, Great Portland Street to the west, and Oxford Street to the south. This is shown in Figure 1 below.

Figure 1: Fitzrovia West Neighbourhood Area



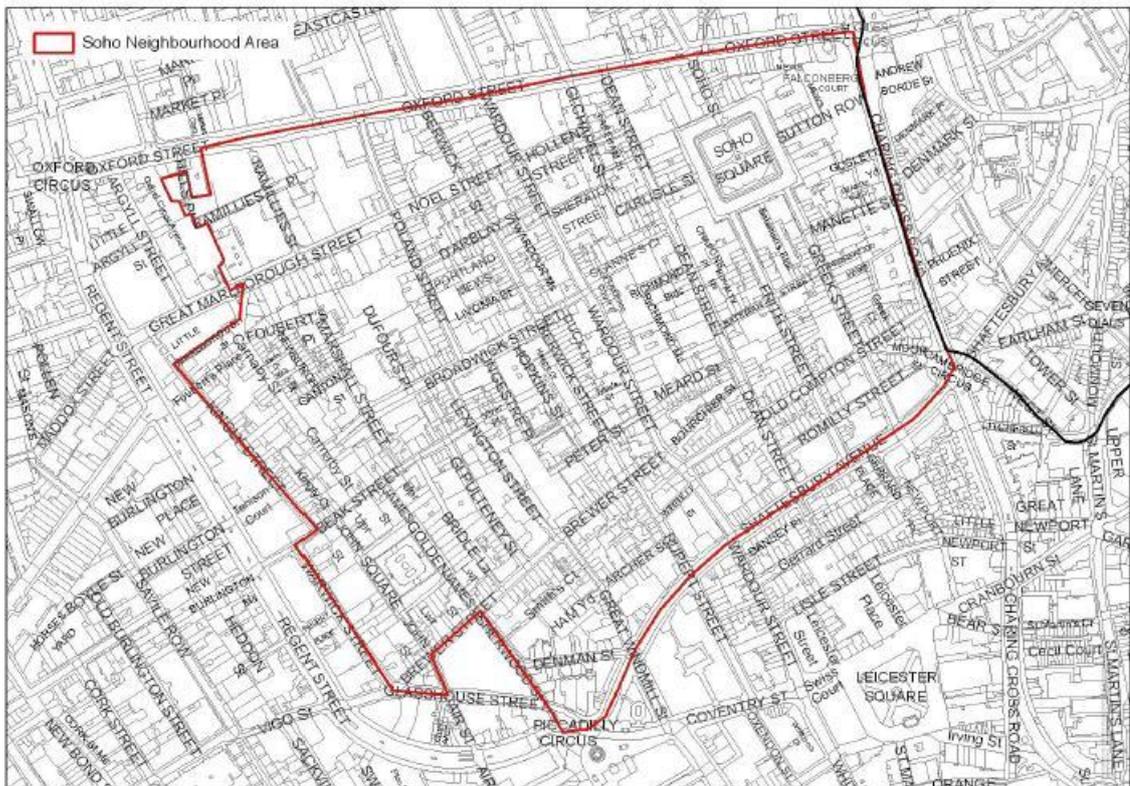
## 5. Soho Neighbourhood Plan

- 5.1 The Soho Neighbourhood Plan also contains a wide range of policies covering various aspects of the built environment, grouped under the following themes: culture and heritage; commercial activity; entertainment and the night-time economy; housing, and sustainable development and the environment.
- 5.2 Some of the key policies in the neighbourhood plan are:
- encouraging provision of space suitable for the creative industries in commercial and mixed-use developments;
  - protecting existing private members' clubs and encouraging new ones where these demonstrably add to Soho's vitality;

- ensuring any off-site delivery of affordable housing is delivered primarily within the neighbourhood area;
- demonstrating refurbishment and retrofitting options have been evaluated prior to demolition being considered by developers; and
- encouraging developers to consider redevelopment of existing off-street car parking for freight consolidation.

5.3 As they now form part of the council’s statutory development plan, these policies must be considered when assessing proposals in the Soho Neighbourhood Area and should be referred to in planning decisions made in that area. The area covers land bounded by Oxford Street to the north, Charing Cross Road to the east and Shaftesbury Avenue and Piccadilly Circus to the south. The western boundary abuts the boundary of the Mayfair Neighbourhood Area and runs along Warwick Street and Kingly Street, as shown in Figure 2 below.

Figure 2: Soho Neighbourhood Area



## 6. Forthcoming Neighbourhood Plans

6.1 At the time of writing, the referendum on the Queen’s Park Neighbourhood Plan had not yet taken place. The Queen’s Park Neighbourhood Plan has been through independent examination and the council has formally decided that it can proceed to referendum stage, affording it some weight in decision-making in the Queen’s Park Neighbourhood Area. If a positive referendum result is returned, the council will proceed to formally adopt the plan.

6.2 The Pimlico Neighbourhood Plan was formally submitted to the council and consultation was held between June and August 2021. The plan will shortly begin its independent examination to determine whether it meets the ‘Basic Conditions’ set out in legislation, including whether it is in conformity with the policies in the City Plan and

London Plan. Once this process is concluded, the Examiner will issue a report to determine whether the plan should proceed to referendum. If successful, a referendum date will be arranged between the council and the Neighbourhood Forum.

## **7. Financial Implications**

- 7.1 The financial implications of the council's neighbourhood planning function will continue to be managed within existing resources. Government funding remains available for the council to apply for once the decision has been made to take a neighbourhood plan to referendum stage. This means that the council can recoup the costs of both the independent examination and referendum aspects of neighbourhood planning work.

## **8. Legal Implications**

- 8.1 The designation of Neighbourhood Forums, Areas, and the making of Neighbourhood Plans, are governed by the Town and Country Planning Act 1990, the Planning and Compulsory Purchase Act 2004, the Localism Act 2011, the Neighbourhood Planning Act 2017, and the Neighbourhood Planning (General) Regulations 2012 (as amended).
- 8.2 Section 38A (4) and (5) of the Planning and Compulsory Purchase Act allows the council to make Neighbourhood Plans if more than half of those voting in one of the referendums have voted in favour of the plan.

## **9. Conclusion**

- 9.1 Members are asked to note the content of this report and the implications that newly adopted and forthcoming neighbourhood plans will have for planning decision-making in Westminster.

<p><b>If you have any questions about this report, or wish to inspect one of the background papers, please contact: Michael Clarkson (<a href="mailto:mclarkson@westminster.gov.uk">mclarkson@westminster.gov.uk</a>; 07811677027).</b></p>
---

### **Background Papers:**

[Cabinet Member Report, September 2021 – Adoption of the Fitzrovia West Neighbourhood Plan](#)

[Cabinet Member Report, September 2021 – Adoption of the Soho Neighbourhood Plan](#)

[Cabinet Member Report, July 2021 – Queen's Park Neighbourhood Plan Decision Statement](#)

This page is intentionally left blank