

Committee:	Executive	Agenda Item No.:	12.
Date:		Status	Open
Category	2. Decision within the functions of Executive		
Subject:	Amended system for pre-application planning advice		
Report by:	Head of Planning		
Other Officers Involved	Development Control Manager		
Director	Strategy		
Relevant Portfolio Holder	Environment		

#### **RELEVANT CORPORATE AIMS**

STRATEGIC ORGANISATIONAL DEVELOPMENT – Continually improving our organisation. The proposals introduce revised procedures which comply with up-to-date procedural guidance.

#### **TARGETS**

None directly, but the speed of determination of planning applications is influenced by the pre-application process, which can significantly speed up the application process. National performance indicator 157 sets targets for the speed of determination of planning applications.

#### **VALUE FOR MONEY**

There are no significant implications for value for money.

#### **THE REPORT**

1. The Planning Committee at its meeting on the 5<sup>th</sup> September 2007 considered a report on the introduction of fees for pre-application advice, and other significant changes to the pre-application advice system, so as to involve elected Members in the system.
2. The Committee resolved to refer the report to the Executive to look into the principle of charging for pre-application advice with a view to implementing the charging policy (Minute 325).

3. The Executive considered the report on the 24<sup>th</sup> September and resolved to defer the issue of the provision of pre-application advice and the charging for such advice to the Best Value Review of discretionary services before being referred back to the Executive for a decision (Minute 354).
4. The decision to introduce charging for pre-application advice is considered in a separate report. Following discussion at the Senior Management Team the recommendations to change other elements of the pre-application advice system so as to involve Members more in the process, are now brought forwards for consideration by Executive.
5. The report to the Planning Committee in September 2007 took account of the legal context and government advice and other national advice in the form of the following documents:-
  - a) Pre-application Advice for Town and Country Planning. The National Planning Forum Good Practice Note No. 2, 2005.
  - b) The Planning System, Matching Expectations and Capacity. The Audit Commission February 2006.
  - c) A Material World. Charging for Pre-application Planning Advice. The Planning Advisory Service April 2007.
  - d) Constructive Talk. Investing in Pre-application Discussions. A collaborative production by: the Planning Advisory Service, the Housebuilder's Federation, CABE, Land Securities Ltd, the National Planning Forum, the Planning Officer's Society, Communities and Local Government, the British Property Federation, and Addison and Associates. June 2007.
6. In addition the report to the Executive took account of the publication, Practice Guidance Note 3, Councillor Involvement in Pre-application Discussions, the Planning Officers Society, which had been published after the publication of the Planning Committee report.
7. The previous committee reports are available on the Council's agenda system.

Since the publication of these reports, the discretionary power to enter into planning performance agreements has been formally introduced into the planning process. These are pre-application agreements with an applicant, which identify;

- a timetable for the preparation of the planning application (and all its supporting documents, surveys and assessments);
- the format of pre-application public consultation;
- the submission date and the predicted length of the determination process.

8. Where a planning performance agreement is signed the speed of determination of that application is taken out of the statistical returns which the planning authority makes to the government under NI157, provided the application is determined within the time limit specified in the planning performance agreement. This enables developers and planning authorities to set out a timetable for the consideration of a major application without having to be concerned about meeting the 13 week deadline for determination of the application, and the possibility of the issue of a refusal. The developer has more certainty, and the authority has less chance of falling foul of performance statistics, and of having housing and planning delivery grant reduced by abatement for poor performance. Not all applications are suitable for being dealt with by a planning performance agreement; these are most beneficial when the application is in line with policy.
9. In September 2008, the British Property Federation issued their Planning Manifesto, which specifically indicated that developers were willing to offer financial and professional assistance to help planning authorities carry out their planning functions, both plan making and application determination. The British Property Federation specifically encourages developers to contribute resources to help authorities deal with planning applications. A planning performance agreement can include the negotiation of a contribution from a developer to provide additional financial or staff resources to help with the determination of a planning application.
10. In November 2008 the Killian Pretty Review of the planning application system was published by the government. Killian Pretty were appointed to examine how the processing of planning applications could be speeded up and improved. The report made 17 recommendations, many of which are directly to the government to alter legislation or advice or other systems. Some of the recommendations do, however, have relevance for local authorities and pre-application advice. A report on the Government's response, which was published in March 2009, is being prepared for the weekly councillor information sheet.
11. Recommendation 4 says that the Government, local planning authorities and others should take the following steps to substantially improve the critically important pre-application stage of the application process. As well as strengthening and improving national planning guidance, there should be a presumption that, for major developments, there will be formal pre-application discussions involving, where appropriate, all relevant parties, including elected members, statutory consultees and representatives of the local community. Furthermore the government is recommended to encourage the use of planning performance agreements for major developments, and that a proportionate approach to planning performance agreements is acceptable, with smaller and less complex schemes having a much

simpler approach to planning performance agreements centred on an agreed timetable.

12. Each local planning authority is also recommended to publish a statement or code of good practice clearly setting out the range of guidance and opportunities it offers for pre-application advice, what is required or expected from potential applicants and detailed information on what will be delivered if there is a fee charging regime.
13. In its response in March 2009 the Government has agreed with the recommendations, and will introduce a new National Policy on Development Management, requiring each local planning authority to have a clear statement on the provision of opportunities for pre-application advice, including their approach to charging. Also the Government is encouraging the use of Planning Performance Agreements for major applications. Performance monitoring on pre-application advice is likely to be included in a new performance network.
14. Recommendation 7 makes recommendations for a reduction in the use of planning obligations when the community infrastructure levy is introduced. It is also recommended that planning obligations need to be considered much earlier in the process at pre-application stage and a greater use made of standard agreements and clauses. The Government has accepted the comments and is pursuing various proposals, which will only marginally impact on pre-application advice.
15. In recommendation 10 there are measures to improve engagement of elected Members including additional training on planning matters, making it clear that Councillors can take part in pre-application discussions provided these are conducted according to a clear and well structured format, and encouraging over 90% delegation of the determination of planning applications to officers. The Government has accepted this recommendation.
16. In recommendation 11 it is indicated that applicants for major developments should discuss with the Council at an early point in the pre-application discussions how best to engage with the local community.
17. An extensive consultation document was issued in March 2009 covering nationally significant infrastructure projects, and the pre-application processes associated with these, which would involve the district council extensively on any such proposals in the area. Amendments will need to be made to the procedures proposed in this report, when the final detail of pre-application procedures for nationally significant infrastructure projects is known.

## **ISSUES/OPTIONS FOR CONSIDERATION**

17. This report extracts from the previous reports those elements which can be introduced now, whether the Council decides to introduce charges for pre-application advice, or not.
18. The previous report recommended that Councillors would become involved in those applications for which charging for pre-application advice would be made. It was not recommended that charges be introduced for all applications, just for specific definitions of larger applications.
19. It is perhaps not necessary, nor indeed beneficial to the speed of the system, for Members to be involved in every planning application pre-discussion. In the last year 90% of applications were approved and the majority of small applications raised few concerns. Members should clearly be involved in pre-application discussions on all major proposals. However relatively few such applications are determined each year (for example in the last calendar year 30 were determined). The proposed charging regime suggested the introduction of charges for applications which are smaller than the defined major category, (half the defined major level) but which can still have significant impacts.
20. It is recommended that Members could become involved in pre-application discussions in applications which comply with the following definition, which is compatible with the charging report, and could also be used, at a future date, if necessary, as a baseline level for charging for pre-application advice.
21. **Member Notification Categories for Pre-application Advice**
  1. **Housing proposals of 5 dwellings or more, or where no number is specified, sites of 0.25 hectares.**
  2. **All other development with a floor area over 500 sq. m. or, where no new floor space specified, sites of over 0.50 hectare (This includes changes of use covering buildings or land of the same size),**
  3. **Masts and all structures over 20m tall.**
22. It should be noted that sites submitted for inclusion in a development plan document, or housing land availability assessment, or similar assessments, are **not** pre-application requests, and therefore not covered by these new procedures. Occasionally a developer will submit a site for inclusion in one of the above planning policy documents, and also indicate that an application is to be submitted. These cases *would* come under the new pre-application advice process.

23. The proposed changes to current pre-application procedures are as follows (these have been revised from the previous reports to take account of the latest advice).
- a) Improve the Council's website with reference to pre-application advice and Member involvement in accordance with these procedures, in the form of a code of good practice setting out the range of guidance that the authority offers for pre-application advice. (Attached).
  - b) Produce a form for a request for pre-application advice, which specifies the information to be provided by the applicant. No requests for advice will be responded to, or meetings held, without the request form being completed beforehand, except in cases of justifiable urgency at the discretion of the Head of Planning, or in responding to *round robin* type requests, which have been sent to a number of local planning authorities, at the discretion of the Head of Planning (Request form attached).
  - c) All pre-application requests to be treated formally, given a number, entered into the Uniform or similar computer system, and all pre-application advice sent out to be entered into the Uniform system.
  - d) All pre-application advice requests treated as non-confidential. No confidential requests entertained, except where the Head of Planning has recommended to the Chairman, or in his absence the Vice Chairman, of the Planning Committee that there is a significant and justifiable reason why confidentiality should be maintained, and in such cases, the Chairman of the Planning Committee to be involved in all meetings and be provided with copies of all pre-application advice.  
  
(Note: This is contrary to the advice in The National Planning Forum Good Practice Note 2 2005, which states that pre-application advice should respect commercial confidentiality).
  - e) A weekly list of all pre-application enquiries, validly received, be made available to all Council Members in electronic form.
  - f) The Chairman and Vice-Chairman of the Planning Committee, and *defined local members* be advised of all pre-application enquiry meetings in respect of development which falls within the defined Member notification application categories. The advice will be sent by e-mail on the day that the meeting is confirmed, or at the latest on the next working day. It should be noted that this may give little notice of the meeting, if it is being arranged quickly. The date and time of the meeting shall have

already been determined by the officer/developer and shall not be rearranged by, or for, Councillors as this would over complicate and delay the system.

- g) The Chairman and Vice-Chairman of the Planning Committee and the defined local Members notified may attend the meeting if they wish to, but are not required to. Attendance is entirely optional. The Chairman and Vice-Chairman may invite other Councillors to attend, including Portfolio Holders, and Members from adjoining or nearby wards, at their discretion, and should do so if their involvement would be beneficial.

Defined Local Members are:-

**Either**, local ward members

**Or**, members of the Council representing any part of the parish within which the proposal lies.

*(The Executive to identify which of these is preferred). See Note 2*

- h) A standard declaration will be read out at every pre-application meeting attended by Councillors, by the officer conducting the meeting. Members will be invited to introduce themselves and indicate whether they are members of the Planning Committee, or not. The note of the meeting will include a list of members attending, and against each name the officer conducting the meeting will record whether the member made a statement in support of, or against the proposal, which may be predetermination, or predisposition. The details of the statement will not be recorded. Councillors will need to clarify whether any such statement noted was predetermination, or predisposition, if they subsequently attend a meeting of the Planning Committee or Council where a subsequent application is determined. The meeting may discuss the need for Section 106 planning obligations, but if the meeting continues to negotiate these obligations, the Councillor will leave the meeting and not take part in that negotiation. (See standard meeting agenda, attached, and Protocol, attached).
- i) The existing project management procedure DPO6 be amended to provide for the setting up a Planning Performance Agreement where one is requested by the applicant. All meetings on a proposed Planning Performance Agreement, and on the progress of a Planning Performance Agreement up until the submission of the planning application, be notified to, and be open to attendance by, the Chairman and Vice-Chairman of the Planning Committee and the defined local Members, and any other Members specified in the agreement.

- j) The protocol attached to guide Member involvement in pre-application discussions be adopted.
- k) Entering into Planning Performance Agreements is likely to add significantly to the officer time involvement early in the process, and will increase administration costs, and although this process may speed up the application, there is still likely to be an additional resource implication. It may be logistically difficult to deal with a number of such agreements at the same time. The Director of Strategy has advised that, given the limited resources available, planning performance agreements should not be introduced at this time. However, the Government, in its response to the Killian Pretty review in March 2009, wants to encourage the wider use of Planning Performance Agreements, using a simpler approach where appropriate. They will set out these approaches more clearly in new national policy on development management. Provision will therefore be made for such agreements, where specifically requested by an applicant. This situation will need to be monitored carefully, particularly if the target for the speed of determination of major applications is increased to 80% of applications determined within 13 weeks. If this change were brought in it would be difficult to meet the target without taking the most complex applications out of the statistical count by entering into planning performance agreements.

Notes:

1. The procedure, as proposed, will mean that no significant planning advice on larger proposals will be given over the telephone or to members of the public who arrive unannounced in reception, without the prior completion of the request form. However circumstances may arise, for example where information is required urgently in respect of properties going to auction, or there are other significant time constraints or difficulties with waiting for a formal written response. In such circumstances where, in the opinion of the officer concerned, it is reasonable to give informal advice verbally, a note explaining the circumstances and the gist of the advice given, shall be entered into the pre-application advice system.
2. Where planning permission has been refused and discussions are to commence in respect of a potential re-submission, these will be treated as pre-application discussions in the same way as any other discussions.
3. Documentation will need minor revision if charges for pre-application advice are also introduced.
24. The changes to pre-application procedures could be launched at a first meeting of a development control customer focus group.



## **IMPLICATONS**

**Financial:** There may be some minor increase in cost as a result of more pre-application advice being issued in writing. There will be increased administrative costs associated with developing the software to process the information. A separate note taker will be required at larger meetings, particularly those attended by Councillors, and there will be more administration costs in notifying Councillors of meetings, and pre-application responses. It is anticipated that members will not actually attend all meetings, but probably only those ones involving larger and more controversial proposals, and that the additional costs can be absorbed in current budgets. However the situation will need to be monitored.

**Legal:** There are potentially serious legal consequences if Members do not comply with the protocols for expressing their opinions in pre-application discussions. Where a Member comes to a view on the benefit, or dis-benefit of a proposal before the application is submitted, they must show that they have followed the protocol scrupulously during the application determination, or there is a prima facie case for judicial review.

**Human Resources:** It is anticipated that a more focused pre-application advice system will entail more officer time and more support staff time, although there may be savings at the application stage.

A separate note taker will be required at larger meetings, particularly those attended by Councillors, and there will be more administration costs in notifying Councillors of meetings, and pre-application responses.

## **RECOMMENDATION(S)**

- 1. The changes to the pre-application process as proposed in the report, including the definition of member notification categories, the request form for pre-application advice, the protocol to guide member involvement in pre-application discussions, the code of good practice, and the standard agenda for pre-application meetings, be approved.**
- 2. The definition of local members be determined by the Executive.**
- 3. The Head of Planning be delegated to amend the wording of the documents approved to correct minor errors, or to improve wording without changing their essential format, and to up date the documents to reflect legislation changes and/or any future policy changes approved by the Council. The changes be launched at a development control customer focus group meeting.**

**REASON FOR DECISION TO BE GIVEN IN ACCORDANCE WITH THE CONSTITUTION**

**The recommendations follow national advice and will enable council members to participate more meaningfully in the planning process.**

ATTACHMENTS: Y/N  
FILE REFERENCE: 5000  
SOURCE DOCUMENT: As referred to in the report.

**PROTOCOL FOR THE INVOLVEMENT OF COUNCIL MEMBERS IN  
PRE-APPLICATION DISCUSSIONS WITH  
POTENTIAL DEVELOPERS**

1. The Council will organise a training session for all Councillors annually on how Councillors can involve themselves in discussions with developers their constituents and others about planning matters in an effective way which enables them to influence the system.
2. Councillors shall not have meetings with developers about planning proposals without officers being present, and outside this protocol.
3. Councillors will be advised of all pre-application meetings with prospective developers which fall within the notification categories approved by the Council. Councillors may attend these meetings if they wish, but are not required to do so. Meetings will be arranged for the convenience of the prospective developer, and shall not be rearranged for the convenience of Councillors.
4. Councillors should not attend a pre-application meeting with developers where they have a prejudicial interest under the model Code of Conduct.
5. If Councillors attend a meeting, the officer conducting the meeting will read out the following statements at the beginning of the meeting.

*Council members have been invited so that they are informed of the draft proposals, can ask questions, and can advise on any emerging or existing community concerns which may be relevant. The role of Councillors who are members of the Planning Committee is to learn about the emerging proposal, identify issues to be dealt with in any further submissions, but not to express any initial view on the proposal as to pre-determine their view on any future formal application.*
6. Councillors will introduce themselves to the developer and indicate whether they are a member of the Planning Committee or not. If during the meeting a Council Member expresses a view in favour of, or in opposition to, the draft proposal, this will be recorded in the note of the meeting by the conducting officer with a simple yes/no to indicate that such a view had been expressed, not recording the type of view, nor whether it would constitute pre-disposition or pre-determination.
7. The Councillors should at all times act in accordance with the authority's Code of Conduct.
8. Councillors should not seek to influence those officers present, or put pressure on them, either before, during or after the meeting, to support a particular course of action in relation to the draft proposal.

9. On the standard agenda Section 106 Planning Obligation considerations will be discussed at the end of the meeting. If the meeting moves on to negotiate Section 106 Planning Obligations all Councillors present shall leave the meeting and not take part in those negotiations. (The Council has a procedure for Councillors to become involved in Section 106 Planning Obligation negotiations where named Members are identified by resolution of the Planning Committee to negotiate in respect of specific proposals).
10. All presentations by prospective developers to the Council or the Planning Committee on future proposals must be held in public, and the presentation must be included in the agenda of the meeting, with sufficient information about the presentation and the proposal it covers to enable the public to identify the likely issues and site involved.
11. The use of public forums is encouraged by the Council as part of the pre-public consultation process which should take place in respect of all significant applications, and is encouraged to take place in respect of all major applications. A public forum is a public meeting, where a developer is able to explain proposals directly to Councillors who are likely to be involved in any decision on a subsequent planning application. It enables Councillors, the public and key stakeholders to hear about the proposals at an earlier stage. Prospective applicants present their proposal to the forum, which will be made up of the members of the Planning Committee. Councillors are expected only to seek clarification, not to voice opinions about the merits of the proposal. Speakers appear by invitation only. At the end of the meeting, the aim is to establish a consensus on the important issues, which is recorded in writing and posted on the Council's website. The public forum does not replace a public meeting, but would take place at the request of the developer or the Chairman of the Planning Committee after a public meeting and after a request for pre-application advice has been responded to, but before an application is submitted.

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### **STANDARD AGENDA FOR PRE-APPLICATION MEETINGS**

1. The following will be read out. *The note of this meeting will be a public document.* If the officer conducting the meeting may be the decision maker, he/she will make this clear and explain that *any view expressed is an informal opinion which does not pre-judge the decisions on a future application, which will take into account all material consideration which are pertinent to the proposal at that time, including responses from consultees and comments from members of the public, and the decision of the local planning authority will be made in accordance with the provisions of the development plan where relevant, unless material considerations indicate otherwise.*

2. Where council members are present, the following will be read out by the officer conducting the meeting.

*Council members have been invited so that they are informed of the draft proposals, can ask questions, and can advise on any emerging or existing community concerns which may be relevant. The role of Councillors who are members of the Planning Committee is to learn about the emerging proposal, identify issues to be dealt with in any further submissions, but not to express any initial view on the proposal as to pre-determine their view on any future formal application.*

If a council member expresses a view in favour of, or in opposition to, the draft proposal, this will be recorded in the note of the meeting by the officer conducting the meeting with a simple yes/no comment, whether the view represents predisposition or predetermination.

The council members present are:-

Councillors introduce themselves, by name, to the meeting, and state whether they are on the Planning Committee, or not.

*(The list of Councillor names will be endorsed Yes or No, during or at the end of the meeting, to record comments in support or opposition to the proposal by the officer conducting the meeting).*

3. The planning history
4. The relevant planning policies
5. How the proposal matches up to those policies
6. Any changes needed to improve the match with policies
7. Any issues to be considered in the building for life assessment
8. Design issues
  - i) amount
  - ii) layout
  - iii) scale
  - iv) landscaping
  - v) appearance
9. Access issues
  - i) highway
  - ii) pedestrian, cycling, disabled
  - iii) public transport
10. Other material considerations, any other constraints and any other issues raised in consultee replies

11. Any other issues
12. Section 106 planning obligation requirements

*(If Section 106 planning obligation requirements are to be negotiated, the Council members will leave the meeting before the negotiation commences).*

GJC/LM  
01.04.09

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## PLANNING ADVICE BEFORE MAKING A PLANNING APPLICATION A CODE OF GOOD PRACTICE

### **Do I need planning permission?**

Planning permission is usually needed before you can erect a new building or other structure, and you may also need planning permission if you want to change the way in which a building or land is used.

Planning permission may also be needed to make alterations to an existing building or extend it.

If you are unsure about whether planning permission is necessary it is always advisable to contact the planning department. The regulations are complicated, and you will need to provide clear information on what you want to do, and where the site is, before advice can be given to you.

If you want to alter or extend a house or bungalow you should complete the household questionnaire, which is available on the Council's website or can be posted to you (call 01246 242424).

*If you want to know whether planning permission is needed for agricultural buildings, the alteration or extension of industrial buildings or warehouses, or the change of use of land or buildings, involving no building or alterations, then you should complete one of the following questionnaires.*

*Agricultural buildings questionnaire*

*Industrial and warehouse extensions questionnaire*

*Changes of use involving no alterations or new building questionnaire*

If you want to enquire about the need for planning permission for other minor works, operations or small buildings please provide the following information.

1. A plan showing the location and extent of the site involved, and giving its address if it has one.
2. The details of the development you wish to carry out, including the location of any buildings or structures to be erected, the approximate dimensions of the buildings including the height of the buildings.

3. The details of any structures that you wish to erect, including their location, and height, and the purpose of the structure.
4. The current use of the land and the proposed use of the land once the development has been carried out. If there is more than one use, say where these uses are located on the site, if they don't use the whole site.

The Council may require additional information to clarify the nature of your proposal.

If you want to be certain, for legal purposes, that development you propose to carry out, or a change of use you propose to carry out, does not need planning permission, then you can apply for a formal Certificate of Lawfulness. A fee is charged for such applications. The application form can be obtained from the Council's website or by ringing 01246 242424.

### **Pre-application advice**

Sites submitted for consideration for inclusion in a development plan document, housing land availability assessment, or similar assessment, will not be considered as requests for pre-application advice, unless the person submitting indicates that an application is imminent.

If you are considering carrying out development which will need planning permission then our pre-application advice service will provide you with advice before you submit your application to us.

### **Benefits**

The benefits are that

1. We will explain how any planning policies and other requirements will affect your proposals. We can advise you of any specialist requirements, for example if the proposal affects trees, or historic buildings.
2. We will advise you of any shortcomings with your proposal, or any improvements to your proposal, which would improve the likelihood of it being granted planning permission.
3. We will advise you of information which you will need to submit along with your application, such as a design and access statement, or for example, a detailed report on land stability, or flooding problems, which will be required before your application can be registered as a valid application. The list of information to be sent in along with a planning application is available on **(to be added)**.
4. We will advise you on the contents of any draft documents you have prepared for submission.

5. We will let you know the views of the main consultees, such as the highway authority, on your proposals.
6. We will check the planning history of the site, and advise you of any previous planning decisions which may be relevant in the determination of a new application.
7. If your proposal is a major development, we will tell you if we will want specific financial contributions, for example for local schools, or for affordable housing, where these are appropriate.

### ***What we cannot do***

We cannot give you detailed technical advice, draw up plans for you, or design the proposal for you. You may need your own professional help.

### ***What you need to submit***

Before preparing your proposals look at the development plan, and any supplementary planning guidance.

The form 'Request for Pre-Application Advice' should be completed and submitted with your proposal. The more information you submit, the better the response from the Council. Vague proposals can only receive vague advice.

The Form is (attached/to be found at)

A planning obligation is a legal agreement with the applicant to make payments, or carry out certain planning obligations, which may be required for some types of larger planning application. If you know that such an obligation will be required, please submit draft heads of terms with your request.

If you are looking for a site to carry out a specific development, but do not have any sites proposed, then you may submit the details of your proposed use, and the characteristics which your preferred site would need to have, and the Council will advise you of any sites it is aware of where planning permission for that type of development has previously been granted and is unimplemented, or any sites which have been specifically allocated for that type of development.

### ***Consulting your neighbours***

You are strongly advised to have discussed your proposals with the neighbouring occupiers and owners, and any other person who is likely to be significantly affected by them, before finalising your proposals. Planning applications are public documents and adjoining occupiers are advised of the receipt of the application, and are permitted to make representations about it. It is better for the concerns of local people to be taken into account as part of the design of the proposal, before the application is submitted, rather than during the application process.



### ***Major applications***

The Council **expects** applicants who are considering submitting an application which is classified as 'major' to have had pre-discussions with the Council before the application has been submitted.

A 'major' application is:-

- the development of over 1,000 square metres of floorspace
- the development of 10 houses or more
- any site being developed over 1 hectare for non-residential development, or over 0.5 hectares for residential development

Applications for major applications which **have not been** the subject of pre-application advice will be assessed by the Council against the relevant planning policies, and any other material considerations, and then determined. The Council **may not** become involved in negotiating amendments to major applications which have not been subject to pre-application discussions.

The Council **encourages** all applicants for major development to carry out a pre-application public consultation exercise, in accordance with the Council's statement of community involvement, which gives advice on how such consultation should be organised.

### ***Significant proposals***

The Council **expects** all applications which are 'significant proposals' to have been the subject of a pre-application public consultation exercise, the details of which shall have first been agreed with the Council, and the results of which will be submitted to the Council along with the application.

These 'significant proposals' are defined as:

- industrial, office, retail, and community development in excess of 2,500 square metres
- warehouse development in excess of 5,000 square metres
- applications requiring the submission of an environmental impact assessment
- housing of more than 100 houses
- all major applications which are also departures to the development plan.

### **What is the process for pre-application advice, and what response can I expect?**

#### ***The Request***

Requests for pre-application advice must be sent in writing, along with the relevant information required, and the completed request form.

Your request will be acknowledged within 3 working days.

If the information submitted is not enough to give realistic advice, the request will be returned, with an indication of what further information is required.

We will consult the relevant bodies on your request, and await their reply for 21 working days, before responding to you, so our response will take at least 28 working days. The Council cannot guarantee that other bodies will respond to pre-application requests for advice.

You will be advised if your request will take a longer time to respond to, and why.

Where a proposal raises significant issues for departments of the Council other than the Planning Department, the views of the other departments will be sought and incorporated into the response.

#### ***The Advice***

The advice from the Council will provide you with the following:

1. An assessment of the application against the current and emerging planning policies in the development plan, highlighting specifically any conflicts or deficiencies with the development plan policies.
2. The comments of any other bodies received, and/or an indication of which other bodies still need to be consulted.

3. An assessment of the planning history of the site, and any information in that planning history, either from a previous planning decision in the last ten years, and any recent comment from a consultee in the last five years, which would be pertinent to the proposal.
4. The opinion of the officer writing the letter as to whether the proposal would be likely to be in accordance with the policies of the development plan, or could be altered into a format which would be likely to comply with the policies of the development plan. The officer involved will be of a level of seniority appropriate to the scale of your proposal. If the development is not likely to comply with the policies of the development plan, we will tell you whether any information submitted with the pre-application advice is likely to be influential when a decision is made. If uncertainty exists, this will be made clear, but please note that informal advice is not a guarantee that a formal decision will be the same, as formal decisions are taken on the information available at the time, which may be different, and planning policies and guidance change over time.
5. A case officer will be named, who you can contact in the future.

### ***Meetings***

Meetings will only be held to discuss pre-application proposals if the information required has been submitted beforehand. This information cannot be provided on the day of the meeting, as this will not give enough time for it to be considered.

We will usually agree to meetings, but will deal with pre-application requests in writing only if there are not enough staff available to attend meetings.

It is the Council's policy to notify the Chairman and Vice-Chairman of the Planning Committee, and (**local members, definition to be added**) of **all** pre-application meetings, and these Council members may attend these meetings if they wish to.

The protocol for Member involvement in pre-application meetings is available on the Council's website, or by post by telephoning (**phone number**).

Staff from other departments can be invited to the meeting, on your request, to discuss other aspects of the proposal, such as licensing, or grants.

A note will be made of meetings, and a copy will be forwarded to you.

### ***Confidentiality***

Pre-application discussions are **not** confidential. Although the details are not placed on a public register, your request for advice, any information you have submitted with it, the notes of any meetings which take place and our advice response, will all be disclosed under the Freedom of Information Act to members of the public.

Under the Data Protection Act pre-application requests, information and responses and notes of meetings are retained for (10?)years.

GJC/LM/Version 1 Request Form 01.04.09

REQUEST FOR PRE-APPLICATION ADVICE

Your Name: .....

Your Address (for correspondence)

.....

.....

For Council Use
Date Received:
Number:
Case Officer:

Telephone Number: .....

Email Address: .....

Address or Location of Your Proposal

(If the site has no address, include the name of the road it takes access off, and the name of the nearest village).

.....

.....

What is the site used for now?

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What will the site be used for?

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Include the existing use, if it will remain. If more than one use is proposed, your plans should show where the different uses will be located on the site. If people will be employed, say how many. If people will live on the site, say how many new dwellings are proposed. If your proposal is commercial, how many vehicles will visit the site daily/weekly, and what type of vehicles will these be?

What are your proposals?

(Describe your proposals. If you propose buildings, give their approximate size, height and number of storeys. Describe any other structures proposed).

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Area of the site in hectares

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If commercial buildings are proposed, please give the proposed floorspace for each use, in sq. metres.

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Essential Additional Information

Please tick that you have also enclosed the following information, without which your request cannot be considered.

1.	A site location plan at 1:1250 or 1:2500 (Ordnance plans can be obtained from *****)	
2.	Sketch drawings of any buildings you propose, including elevations, at suitable scales (1:100 for elevations/floor plans, 1:500 for layout plan).	
3.	A draft design and access statement, which includes the proposed access points to the site, (except for householder proposals not in a conservation area, and changes of use of land or buildings.)	
4.	For substantial (large major) applications, details of public consultation carried out, or proposed.	

Optional Information

Photographs		Flood Risk Assessment	
Transport Assessment		Environmental Impact Assessment	
Site Survey		Draft heads of terms for a planning Obligation (where applicable)	