Planning Services - Development Management

Pre Application Advice Protocol

November 2016
Northumberland County Council is committed to delivering a Development Management Service that meets the key corporate visions of the Council of facilitating and delivering housing, economic growth, regeneration and sustainable development that protects and enhances the natural and built environment of the County. An effective, efficient and proactive Development Management Service that adds certainty, speed and clarity to the decision-making process is key to achieving these objectives.

Early engagement and effective and timely advice leads to high quality development. To this end, constructive pre-application discussions between potential applicants and the Local Planning Authority have long been recognised as a way of ensuring that opportunities to work in partnership with applicants to improve the quality of developments are maximised.

The Council’s Pre-Application Protocol seeks to provide a firm commitment to ensuring the provision of an efficient and effective pre-application advice service that is responsive to the needs of all its customers and ensuring greater openness and transparency in the process through engagement with Councillors, Town and Parish Councils, key stakeholders and wider local communities.

Councillors, Town / Parish Council’s and local communities have an important role to play in helping to shape high quality development and it is therefore important that opportunities are provided for engagement with developers at an early stage. It is also recognised that discussions between developers, the Local Planning Authority, Councillors and Town/Parish Council’s at the pre-application stage should include consideration of the content of any Section 106 planning obligation necessary as part of a development proposal.

Separate protocols regarding the handling of Major Developments and Section 106 Planning Obligations have been prepared by the Council to compliment this document and provide the framework within which third party involvement in the pre-application process and Section 106 discussions can take place.

**Aims of the Pre Application Advice Protocol**

- To provide a timely and consistent level of service that ensures the advice offered at the pre-application stage is provided within a reasonable timescale and is of sufficient quality to inform any subsequent planning application to improve the quality of development;

- To provide comprehensive, clear and concise advice to developers and homeowners as to what may or may not require planning permission and whether the Council would be likely to support a proposal;

- To ensure that in cases where the advice is to support a proposal, comprehensive guidance is provided as to what will be required to support an application to ensure that it can be determined favourably;

- To ensure that in those cases where the advice is not to support a proposal, a clear explanation is provided as to why this is the case and advice given on what may be done to make a scheme acceptable;
● To adopt a presumption in favour of sustainable development in line with the National Planning Policy Framework (NPPF) and be pragmatic and proactive in approach to resolving problems to ensure that, with the exception of those schemes that are not deemed to be acceptable in any circumstances, Officers work with developers to advise what may need to be done to address concerns raised;

● To provide a structured framework aimed at opening up effective and ongoing dialogue between homeowners, developers and the Council;

● To provide a commitment to ensuring positive engagement, where appropriate, with relevant third parties including elected Members, Town and Parish Councils, key stakeholder groups and local communities; and

● To ensure that the service is adequately resourced through fees relative to the scale and complexity of a proposed development to enable the service to be equipped to provide advice in an effective and timely manner.

**Obtaining Pre Application Advice**

The Council wishes to provide pre-application advice in writing in order that there is a clear record of the advice given for all parties. Correspondence can be sent electronically to provide a more timely and efficient service, however Officers are able to meet with customers in certain circumstances and also discuss proposals on the telephone in the first instance. All pre-application enquiries should be submitted in writing on the pre-application enquiry form and should contain sufficient information to enable proper advice to be given. The level of information provided with a pre-application enquiry will establish the depth of assessment which can be made and determine the extent of advice given.

The Council considers it appropriate to offer a single, all-encompassing level of pre-application advice which is “fully detailed”. Fully detailed advice will provide a detailed assessment of the key planning issues that would be raised in respect of any future planning application, including identifying planning history, relevant planning policy and relevant constraints on or in the vicinity of the site. It will involve consultation with relevant internal consultees that the Planning Service would liaise with on any subsequent planning application and will detail what documentation would be required to make an application valid. In accordance with the aims of this protocol, in cases where the Council are unable to support a proposal, advice will be given on how a scheme could be made acceptable unless the principle of the development cannot be supported.

**Finding out if you need planning permission**

The Council has re-introduced a “Do I Need Planning Permission?” service as part of this protocol. It is recognised that this service is invaluable for homeowners and developers who seek informal advice as to whether planning permission is required for works they are proposing. This service is available for a fee of £30 and a written response will be provided within 15 working days. This service is available to users who wish to find out whether their proposal would require planning permission, listed building consent or advertisement consent. A site visit or meeting will not normally be undertaken or provided as part of this service.
This service is not available to customers who wish to find out whether a proposal would constitute permitted development and therefore be eligible as part of change of use permitted under Part 3 of schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 (as amended)

Should a formal legally binding written confirmation be sought on whether planning permission is not required for a development proposal then an application for a Certificate of Lawful Development should be submitted.

**Householder/Domestic Development**

In conjunction with the “Do I Need Planning Permission?” service, domestic pre-application advice can also be sought as to the likelihood of any such proposal receiving planning permission should it be needed. In cases where concerns are raised about a development proposal, customers will be advised about what alternative proposals may be possible to allow a similar form of development to receive more favourable planning consideration.

A flat rate fee of £60 has been introduced for this service which the Council will aim to respond to, in writing, within 20 working days. A site visit will not normally be undertaken for this type of service unless justified in order for a full assessment of the proposal to be undertaken. A requirement for a site visit will be at the Case Officer’s discretion and will be unaccompanied unless access arrangements are required to be made in order to enter the site.

Customers engaging in this service will be advised of the validation requirements for any development proposals should they wish to pursue an application for planning permission. They will also be provided with the planning history of the property, relevant planning policies and considerations, and advice from internal consultees where relevant and applicable.

**Minor Development**

The Council will continue to offer a dedicated service that provides fully detailed advice for minor development proposals, for example, housing developments of between 1 and 9 units. This protocol simplifies the fee structure to better-reflect certain scales of development and sets two fee scales based on the scale and nature of a development proposal, which the Council will aim to respond to, in writing, within 25 working days. The fee structure is provided at Appendix A of this protocol.

Customers engaging in this service will be advised of the validation requirements and fee for any development proposals should they wish to pursue an application for planning permission. They will also be provided with the planning history of the property, relevant planning policy and considerations, and advice from internal consultees where relevant and applicable.

Customers will be appointed a dedicated Case Officer to manage the life span of the enquiry and any subsequent application (in most cases). The service provided will include, if necessary, a meeting with the Case Officer at the site or other appropriate location to discuss the proposals before advice is issued.

**Major Developments and Strategic Projects**
For major and strategic development proposals the service will build upon the principles outlined for the minor development category set out above. It may be appropriate to seek initial informal advice from Officers prior to the submission of a formal pre-application enquiry. For major developments and strategic projects a Development Team Approach is promoted by the Council which will provide comprehensive, thorough and professional advice aimed at delivering high quality development outcomes. The target timescale for responding to a major development proposal is 35 working days. However, in more complex cases receipt of advice would be the prelude to ongoing structured dialogue between the customer and the Planning Service leading up to the submission of a formal application.

Quality assurance is also given to advice provided for major and strategic projects as proposals will be considered by Senior and Principal Planning Officers who will project manage the whole lifespan of a particular scheme. This will cover the full scope of advice required to deliver a project including heads of terms for Section 106 agreements, community consultation requirements, Planning Performance Agreements, and EIA screening and scoping opinions as necessary. There will be no additional charges for any further pre-application meetings, or post-approval meetings to discuss conditions, legal agreements or pre-commencement matters.

In addition to the service provided in respect of major development proposals, for strategic development enquiries the Council will provide a bespoke programme that fully meets the needs and expectations of the developer. The scope of the response and timescales for advice to be provided, as well as an agreement on the number and frequency of meetings, will be agreed with the customer as appropriate and will be tailored to each individual project. These agreements will be underpinned by a mutually agreed PPA with specific timescales to be agreed by both parties.

**Member Involvement in the Pre Application Process**

Section 25 of the Localism Act 2011 makes it clear that members can both campaign and represent the views of their constituents without compromising their ability to take part in the actual decision-making process should they form part of a Planning Committee determining planning applications. As such there are opportunities for Members to get involved at the pre-application stage through the formal planning process.

It is important to note that a Planning Committee member’s role in pre-application discussions is to learn about emerging development proposals and help to shape schemes and any associated legal agreements to ensure the outcomes reflect the needs of their local community and local area.

Members are able to express preliminary views on emerging development schemes at the pre-application stage but these must not be given in a way that could be perceived by others as having pre-determined their position in the event that they are, or become, a member of the Planning Committee that determines any subsequent application.

Should a Member decide to express anything other than a clear preliminary view at the pre-application stage, or at this stage decides to represent a view on behalf of their local community or ward in support of their role as a community champion, their pre-
determination of the scheme will require them to stand aside from the determination of any subsequent planning application.

Any member of a Planning Committee who elects to support a view will have pre-determined their position to the extent they will be advised to declare a prejudicial interest. This will leave them free to present the views of their local community in the event of the application being presented to Planning Committee for a decision but does not allow them to take part in the vote on the scheme.

Larger developers are often keen to meet with local Members prior to the submission of a formal planning application to discuss local needs and the issue of wider community benefits. Indeed, it is good practice for Councillors to be briefed on development schemes that are likely to be proposed in their local area and this is recognition of the important role that Members can play in the pre-application process. In light of the above advice it is quite appropriate for local Members to get involved in early stage discussions, even when they sit on a Planning Committee, provided they do not pre-judge a development proposal.

It is recognised that further training will be required to give Members the knowledge and confidence with which to participate fully in pre-application and S106 discussions. This will be provided by the Planning Development Management Team.

Planning case officers will also ensure that County Councillors are made aware of any pre-application and Section 106 discussions for major and strategic developments that are taking place in their area through notifications and briefings appropriate to the nature of the proposal.

Specific training will be prepared for members to provide further advice on their role in the pre-application and Section 106 processes. Relevant training will be provided by the Planning Service as part of a rolling ongoing programme.

**Town / Parish Council and Local Community Involvement**

Town and Parish Councils, key stakeholder groups and local communities also have an important role to play in the pre-application process, including identifying potential Section 106 requirements at the pre-application stage. This protocol seeks to provide an opportunity for developers to present their proposed schemes to Members, Town and Parish Councils and other key stakeholder groups at the early pre-application stage.

It is envisaged that early stage discussions on likely pre-application proposals and Section 106 requirements will take place as part of this process to ensure better Town/Parish Council and local community engagement in the process in the interests of openness and transparency.

Relevant and specific training on all planning matters, including Section 106 obligations, will be offered to all Town and Parish Councillors as part of an ongoing and rolling training programme being delivered by the Planning Service.

Planning case officers will ensure that Town and Parish Councillors are made aware of any pre-application and Section 106 discussions that are taking place in connection with major
and strategic development proposals (that are not requested to be confidential) for their area through notifications and briefings appropriate to the nature of the proposed development.

Information Requirements

In order to be able to provide an efficient and effective pre-application service the Council will require a minimum level of information to be submitted before an enquiry can be registered and assessed. For all enquiries it will be necessary to complete the pre-application enquiry form providing an accurate description of the development. This must be accompanied by a site location plan showing the application site edged in red and the appropriate fee. In respect of major and strategic proposals an indicative site layout would also be beneficial to be submitted. These are the minimum requirements to validate an enquiry. For major and strategic developments, validation requirements for pre-application enquiries will often be discussed with developers as part of the approach to delivering advice.

The submission of additional information will be welcomed in order to benefit the quality of the response. The quality of advice given will be dependent upon the level of information provided.

In order for Officers to provide the level of service that the Council and its customers aspire to, requests may be made at the point of submission or during the course of the pre-application enquiry for further information.

Contact Details

0345 600 6400
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Planning Department
County Hall
Morpeth
Northumberland
NE61 2EF

Opening Hours

9am - 5pm Monday to Thursday
9am - 4.30pm Friday

Paying for the Service

Online: Please visit the Northumberland County Council ‘Pay for Services online’ page at:
What happens after submission of a pre-application enquiry?

Upon receipt of your enquiry it will be acknowledged and given a unique reference number. The acknowledgement will inform you of the date by which you can expect to receive a response. The enquiry will then be allocated to a specific Case Officer who will oversee your pre-application enquiry. The name and contact details of the Case Officer who will be dealing with your enquiry can be provided using the contact details above shortly after you have received your acknowledgement.

As part of its wider commitment to high standards of customer care the Development Management service aims to deliver an excellent level of service in relation to pre-application advice. This is based on providing a level of service which seeks to provide strong value for money by continually meeting the stated aims of the service as outlined within this protocol.

However, despite best endeavors there will inevitably be occasions when customers are dissatisfied with the level of service provided. In such cases a customer will be invited to submit their concerns to the Council through their respective Case Officer. If these complaints cannot be resolved in this way, the customer will be informed of the Council’s formal complaints process.

In cases where the level of advice offered has clearly failed to meet the standards of service set out in this policy, the Head of Planning Services will give consideration to a refund of any fees paid.

The Council attaches great importance to the provision of timely pre-application advice. In this regard this area of Planning Services is closely and actively monitored through a robust performance management framework that covers all types of advice. The aim of Planning Services is to respond to enquiries within the timescales set out in this protocol.

It is important to note that despite best endeavours the provision of pre-application advice cannot be held to be binding on the Council following the submission of a subsequent planning application. It is also important to note that, in cases where there is a delay between receipt of planning advice and the submission of a planning application, the relevant planning policy context may have changed and this can affect the quality of advice offered.