

TENDRING DISTRICT COUNCIL



PRE-APPLICATION ADVICE PROTOCOL

September 2009

1. INTRODUCTION.

Tendring District Council is committed to improving the quality of development within all the communities in Tendring. We aim to preserve and enhance the character of our built and natural environment by encouraging high design standards, improvements to the public realm and the conservation of historic assets.

2. THE BENEFITS OF PRE-APPLICATION ADVICE

If you are thinking about submitting a planning application, particularly for a proposal defined as minor or major (e.g. new residential or commercial development) we strongly advise you to seek officer guidance and advice before you formally submit an application because it can:-

- Identify potential problems at an early stage and indicate how your proposal should be amended to increase the likelihood of planning permission being granted;
- Assist in the preparation of proposals for formal submission, which, if you follow our advice, should be handled more quickly and be more likely to result in a positive outcome. For example, you will be advised what needs to be submitted with the application to ensure that it meets all requirements of the local and national validation checklists;
- Reduce the time your professional advisors spend in working up the proposals by identifying issues early in the process thereby reducing the cost to you;
- Identify those proposals that are completely unacceptable, so saving you the cost of pursuing a formal application that will only be refused;
- Result in a better quality development; and
- Speed up the decision making process thereby helping the Council to ensure that Government targets are met with regards to determining planning applications.

3. MAKING A REQUEST FOR PRE-APPLICATION ADVICE

You need to Contact the Planning Service on 01255 686119 to arrange to discuss your proposal with a Development Control Officer. You will then be asked to submit information as outlined in Section 4. This information will be required within 5 working days from the date of your enquiry.

4. WHAT INFORMATION SHOULD YOU SUBMIT FOR PRE-APPLICATION ADVICE?

You will be required to provide the following information:

- A clear description of your proposal. If you propose a new building or structure you should include plans in sufficient detail to show what it is you are proposing (e.g. site plans, parking, indicative heights, elevation plans and breakdown of uses/ floor area).

- A site plan should also be submitted that shows the relationship of the proposed development with neighbouring properties

5. WHAT SERVICE CAN YOU EXPECT FROM THE COUNCIL?

When your proposal details are received it may be appropriate to arrange a meeting to discuss matters in more detail and if this is the case, we will contact you to make the necessary arrangements.

The time taken to respond to any pre-application enquiry will depend on the complexity of the proposal. We aim to contact you within 10 working days to advise you when you will receive a full response. However it is anticipated that most enquiries will receive a written response within the 10 working days period. This will set out the following:-

- The information required to be submitted as part of the application to make it valid.
- The main planning considerations and policies on which we would base our decision should you submit a formal application.
- Whether you will be likely to be required to submit Section 106 legal agreement to secure benefits such as highway improvements or affordable housing. It is expected that if such a legal agreement is required it will be submitted as part of the planning application or very early in the process, as a failure to provide such an agreement within the 8 or 13 week target deadline is likely to lead to a refusal of planning permission.
- General comments and advice on the proposed development.
- The likelihood of permission being granted.

If you do subsequently decide to submit a formal planning application, the Development Control Officer who gave you the original advice will, if possible, deal with the application. If your application is placed with a different Development Control then that person will be made aware of the advice that was originally provided to you.

6. PROVIDING ADVICE ON MORE COMPLEX PLANNING APPLICATIONS

Should your proposal be classified as a major application (e.g. 10 or more houses or a non-residential building with a floor area of 1000 square meters or greater) and is particularly complex then we will adopt a Development Team Approach which will offer the following additional benefits:

- Liaison and discussion with any internal or external bodies who would be consulted once the application was formally submitted (e.g. Essex County Council, English Heritage, Environment Agency, HSE, the Council's Conservation Officer). This will be facilitated by the Service's Officers;
- The presentation of proposals to relevant Councillors as appropriate in the case of larger/more complex/contentious schemes;

- The agreement and drafting of Section 106 agreements prior to the submission of the application. (Please see Section 7);
- Advice regarding the appropriateness of community consultation at the pre-application stage; and
- Agreement to a programme/timetable for the application, including target dates for submission and determination. These dates would be established in response to the needs of the applicant's development programme and the Council's requirement to meet performance targets.

7. NEGOTIATING A SECTION 106 AGREEMENT (LIKELY ON MAJOR APPLICATIONS)

- When a pre-application enquiry is received, the case will be allocated to a Development Control Officer. The Development Control Officer will hold an initial meeting with the applicant to fully understand the development proposal. The Development Control Officer will ensure that the applicant is fully aware of the policies that will apply to the application and the likely obligations that will be required. Prior to this initial meeting where there is an inward investment proposal consultations will be facilitated with the regeneration staff who may have already been involved in initial discussions.
- During this stage, the Development Control Officer will carry out consultations with all other relevant stakeholders.
- The Development Control Officer will ask you to provide proposals to how the planning obligations required to comply with the Council's planning policies. On receipt of this material, the Officer will hold further discussions with you where any of the policies are not being complied with to establish the reasons why the obligations cannot be met.
- Following these discussions, the Development Control Officer will arrange to present the application to the next Development Team Meeting.
- You may be asked to make a presentation to the Development Team and to answer questions about the proposal and the proposed planning obligations.

8. WHAT HAPPENS IF YOU DECIDE NOT TO SEEK PRE-APPLICATION ADVICE PRIOR TO SUBMITTING A PLANNING APPLICATION?

- It is, of course, your choice as to whether you seek pre-application advice. However, if you do not seek such advice there is an increased chance that the application you submit will not include all the relevant information and therefore cannot be validated.
- Furthermore, without the benefit of pre-application advice there is also an increased chance that your proposal will not comply with national or local planning policy guidance and be unacceptable. If this is the case the application is likely to be refused without discussion with the applicant or agent.

- Pre-application advice should also result in the terms of legal agreements being agreed prior to the formal submission of an application thereby ensuring that they are completed within the deadline of 8 or 13 weeks. A failure to complete such an agreement within the deadline will mean that it may be refused as the proposal will not deliver the benefits required in accordance with national and local planning policies.
- Finally, it should be noted that if pre-application advice from the Service is not followed and the submitted application does not accord with the Council's planning policies and standards, the planning application is likely to be refused without discussion with the applicant or agent.

9. IS THE ADVICE BINDING ON THE COUNCIL?

- Whilst we always try to give accurate advice, planning applications may be subject to extensive consultations and the Development Control Officer's initial views are given in good faith and cannot be subsequently held to legally bind the Council. Moreover, they may be changed as a result of consultation responses or following a more formal, detailed assessment of a proposal.
- In addition, the application may be determined by the Development Control Committee, whose opinion may differ from the Development Control Officer's recommendation.

10. IF YOU REQUIRE FURTHER INFORMATION

If you require any further information regarding this service please contact Wendy Townsend on 01255 686119.