



East
Northamptonshire
Council

Development Control Committee – 19 October 2011

Review of Development Control Documentation

Purpose of report

The introduction of charging for pre-application advice as from 1 November 2011 was agreed at Policy and Resources Committee on 29 September 2011. This has necessitated the production of a new Pre-application Protocol and a review of the existing protocols in relation to both major applications and also Member involvement in pre-applications. The Development Control Charter also needs to be updated. Members' views are therefore sought in relation to these documents.

Attachment(s)

Appendix 1:- Development Control Charter (revised).

Appendix 2:- Pre-application Protocol (new).

Appendix 3:- Protocol for involving Members in pre-application discussions (revised).

Appendix 4:- Relevant Extracts from the Constitution.

Appendix 5:- Protocol for dealing with major planning applications or applications of significant interest (revised).

1.0 Background

1.1 At the Policy and Resources Committee on 29 September 2011 a report was considered in relation to proposals for the introduction of charging for pre-application advice. It was agreed that customers, other than householders, should be charged for pre application advice as from 1 November 2011. This requires agreement of a new Pre-application Protocol and also necessitates a review of the existing protocols together with the Development Control Charter. The opportunity has therefore been taken to update other sections of the documents.

2.0 Development Control Charter

2.1 This is an overarching document which explains what we do in development control and sets out the process in some detail. It also sets out standards against which our performance can be judged.

2.2 The main changes are:

- Additional wording to reflect the Corporate Plan 2011-15 relating to the need for the planning service to be more business friendly and also promote sustainable development.
- Revision to the hours that the help desk is provided to reflect current practice
- Revised wording in relation to pre-application advice
- Revised wording to reflect the recent amendment to the constitution in relation to public speaking at Development Control Committee
- Revision to the target for the approval of details required by condition

2.3 There are also a number of minor changes:

- Some consequential changes as a result of amendments to the Enforcement Policy which were considered by Development Control

Committee at its meeting on 7 September and agreed by Policy and Resources Committee at its meeting on 12 September.

- Different web-links as a result of improvements that have been made to the website
- Links to new documents E.g. the Criteria for Application Submissions and Subsequent Amendments

The proposed changes are set out in Appendix 1.

3.0 Pre-Application Protocol

3.1 This is a new document which builds on the existing protocols. It outlines the pre-application process and includes a charging mechanism.

3.2 The main highlights are:

- Detail about the type of information that is required
- Fees and how payment can be made
- Description of the process
- Service standards

The proposed changes are set out within Appendix 2

4.0 Protocol for Involving Members in Pre-application discussions

4.1 This protocol relates to how Members can become involved in pre-application discussions.

4.2 The main changes are:

- Recognition that due to resource issues it is not possible for two officers to attend meetings and that only short bullet point notes can therefore be taken
- Clarification that the protocol also relates to any other discussions involving Members relating to planning applications
- Changes to who the “relevant Members” are.

The proposed changes are set out within Appendix 3. This also requires changes to the constitution and the proposed changes are set out within Appendix 4.

5.0 Protocol for dealing with major planning applications or applications of significant interest

5.1 This protocol sets out the process for dealing with major applications both at pre-application and application stage.

5.2 The main changes are:

- Clarification that there is a separate protocol for dealing with pre-application advice for minor and householder development
- Inclusion of reference that charges now apply.

The proposed changes are set out within Appendix 5

5.0 Equality and Diversity Issues

5.1 There are no equality and diversity implications arising from the proposals.

6.0 Legal Implications

6.1 There are no legal implications arising from the proposals

7.0 Risk Management

- 7.1 There is a potential risk when providing pre-application advice that delegated officers and the Development Control Committee can come to a different conclusion. This can however be minimised by ensuring that in all letters and discussions it is made clear that it is only officer advice that is provided and that such advice cannot prejudice a decision on a formal planning application.
- 7.2 Pre-application advice is also given without full consultee responses which could mean that when this is available Officers and the Development Control Committee can come to a different conclusion. This risk can however be minimised by ensuring that in all letters and discussions it is made clear that the advice is being provided on the basis of the information available to the officer at the time.

8.0 Financial Implications

- 8.1 The potential income generation as a result of charging for pre-application advice was considered in the report to Policy and Resources Committee on 29 September 2011. There are no further financial implications.

9.0 Corporate Outcomes

- 9.1 These are set out in Section 1.0 of the Development Control Charter. The main outcome that we seek to achieve through development control is the protection and enhancement of the built and natural environment, which contributes to the quality of life of our residents. Economic prosperity is also essential to quality of life and we also therefore need to provide a business friendly planning service within the constraints of planning policy. Development needs to be sustainable and to provide adequate infrastructure.

10.0 Recommendation

- 10.1 The Committee is recommended to resolve that Policy and Resources Committee agree all of the documentation for publication, except for the Member Involvement in Pre-application Protocol and the accompanying proposed changes to the Constitution, which need to be the subject of agreement by Full Council.

(Reason: The new Protocol is required to reflect a new process. Revisions to the existing documents are required to ensure that they align with this new Protocol and also reflect current practice and priorities. However as changes to the Constitution are also required that decision needs to be made by Full Council.)

Legal	Power: Town and Country Planning Act 1990				
	Other considerations:				
Background Papers:	Existing Development Control and Enforcement Protocols.				
Person Originating Report:	Sue Wheatley sjwheatley@east-northamptonshire.gov.uk 01832 742227				
Date:	3 October 2011				
CFO		MO		CX	

(Committee Report Normal Rev. 22)



East
Northamptonshire
Council

Development Control Charter



Helping to manage the District's environment by
providing advice to applicants and the community

If you would like to receive this publication in an alternative format (large print, tape format or other languages) please contact us on 01832 742000.

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Executive Summary

How East Northamptonshire looks and is developed is important to local residents. The Development Management Service helps with the management of the District's environment by providing advice to applicants and the community, making decisions on planning applications, checking development, and taking enforcement action when the rules have been broken.

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Our aim is to provide excellent customer service and to continually improve the service that we provide to all parties.

This Charter explains the work we do and what you can expect from each stage of the process. It also sets out standards against which our performance can be judged.

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1.0 Introduction - The Development Management Service

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The purpose of this document is to explain what we do, our commitment to achieve certain standards and targets and what you can expect from us.

1.1 In Development Management we manage the development and use of land and buildings in the public interest. To do this we:

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- Give advice about the need for planning permission
- Enter into pre-application discussions
- Consider planning and related applications
- Respond to planning appeals
- Check development as it takes place
- Take action when development is carried out without permission

1.2 The main outcome that we seek to achieve through development control is the protection and enhancement of the built and natural environment, which contributes to the quality of life of our residents. Economic prosperity is also essential to quality of life and we will therefore provide a business friendly planning service within the constraints of planning policy. We will seek to ensure that new development is sustainable and that local people are involved in the planning process and that it provides adequate infrastructure.

1.3 Effective delivery of the service is also an important outcome to us as it will ensure good value for money for our residents and a good reputation with our customers.

1.4 To provide an effective development management service we work in partnership with consultees, including Town and Parish Councils.

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1.5 By publishing our standards we aim to continue to improve our Development Management Service and make it as responsive as possible. We will set targets for the achievement of our standards and will monitor our standards and targets to ensure they are met. Our current targets are included at the end of this document in Appendix A. We will also monitor the content of this Charter to ensure that it remains up to date and relevant.

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2.0 Statement of Intent

2.1 Our aim is to make the best decision about each application, not necessarily the quickest. This means taking into account a proposal's impact on the environment and the community. It may also mean balancing the needs of the applicant against the effect a development might have on neighbours and other people living nearby.

2.2 Our service is controlled by Government legislation which means that at times we can have little choice about how we provide our service. In addition we have national service standards that we have to work to.

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3.0 Scope

3.1 We recognise that applicants, neighbours, and the public are all customers of the Development Control Service. We will treat everyone in accordance with the Council's Customer Service Standards of:

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- Integrity
- Equality and Opportunity
- Courtesy and fairness
- Clear Communication
- Responsiveness
- Reliability

You can find further information about these standards in our leaflet "Customer Service Standards".

3.2 We want to ensure that our service is as accessible as possible. Many people may have little or no experience of how the system works Our website includes a lot of useful information to help you at www.east-northamptonshire.gov.uk/development-control

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<#>Monday to Friday 9.00am to

3.3 Advice is also available through the Planning Portal at www.planningportal.gov.uk. We also provide a Planning Helpdesk service between the following hours, for general queries and information about planning:

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- Monday to Friday 9.00am to 1.00pm

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3.4 Please note that we ask that you put requests in writing about the need for planning permission and the likelihood of planning permission being granted.

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4.0 The Need for Planning Permission

4.1 Some forms of development do not require you to submit a formal planning application. We have published a guide about this for householders "Planning Applications for Householders". (<http://www.east-northamptonshire.gov.uk/householder>)

<#>3.4 Many people may have little or no experience of how the system works Our website includes a lot of useful information to help you at www.east-northamptonshire.gov.uk/development-control ¶

We also provide informal advice about the need for planning permission. Whilst you are able to ask for this advice by letter we do prefer it if you use our form which is available from the office or can be downloaded, this will help to ensure that you give us all the information that we will need to reply to you.

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4.2 In rare cases you may need to make a formal application for a Lawful Development Certificate for the works you propose. Usually however, our customers are happy to rely upon our written advice. We will advise you if we think you should make a formal application. You are strongly urged not to submit one of these types of applications until you have discussed your proposal with an Officer.

Service Standard 1 – requests about need for planning permission

We will respond to written requests about the need for planning permission within

10 working days.

5.0 Pre-Application Discussions: Asking For Information and Advice

5.1 We encourage applicants to discuss their proposals before a formal application is made; through these discussions we can try to resolve any obvious problems, encourage better quality applications and achieve the highest quality of development.

5.2 So that together we can make the process effective, worthwhile, timely and consistent it is important that we recognise what we each need to do. We have therefore produced a Pre-application Protocol, which explains the process and also how our fees for pre-application advice will be calculated. (new web link)

5.3 We ask any potential applicant or developer to set out a summary of their proposals in writing. We are not able to deal with requests for pre-application advice by telephone. The amount of information that you need to provide will depend upon the scale of your proposal. As a minimum we ask that you provide a location plan clearly outlining the land in question. The fuller the information you provide at the enquiry stage, the more detailed our advice can be. However, for larger schemes it is essential that you seek our advice as early as possible and that we have constructive negotiation before you submit your application. We ask therefore that before submitting a layout plan you submit your analysis of the site identifying site constraints and opportunities and identify how your proposal accords with the development plan.

5.4 When we receive a request for advice we acknowledge receipt. As we allocate cases in a weekly meeting please do not contact us at this stage. The Officer, allocated to the enquiry will review our previous planning decisions and the history relating to the site and identify the key planning constraints and policies which would be relevant. They generally, but not always, make a site visit.

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5.5 We aim to provide a full written reply within 20 working days on more straightforward cases.

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5.6 We have a further Protocol in place for major applications – “Protocol for Dealing with Major Planning Applications or Applications of Significant Interest” (<http://www.east-northamptonshire.gov.uk/majorapplications>)

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For larger/major applications with more significant implications we will seek to make an initial response either in writing or at a meeting within 20 working days. In this we will identify what we both need to do and any further information required. Please note that we will expect to be involved in pre-application discussions about layout and design and also Heads of Terms for any planning obligation (which is a form of legal agreement) that may be required. We would also wish to see community engagement in pre-application discussions in accordance with the adopted Statement of Community Involvement (SCI) (<http://www.nnjpu.org.uk/publications/docdetail.asp?docid=812>) including involvement of appropriate Members of the Council, which will need to be in accordance

with the Council's [Protocol for Member Involvement in Pre-Application Discussions](#) in relation to larger applications(www.east-northamptonshire.gov.uk/developmentcontrol).

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5.7 The advice provided by Case Officers is their professional opinion, and whilst we do seek to ensure that this is accurate and objective, it is provided without prejudice to a decision on a formal application. We can never guarantee you the outcome of the process as other information may come to light following consultations, representations or more detailed consideration of the proposal; this might result in a different view being taken. You should not make any property purchases or start building works based solely on pre-application advice.

5.8 When we give advice about minor and householder development we will seek to identify who else you should consult before making a formal application; for example the Highway Authority, Environment Agency, Natural England and English Heritage. We will not, as a matter of course, carry out these consultations for you. This should ensure that your formal application can be dealt with more quickly. For larger/major applications when necessary we will involve relevant organisations in pre-application discussions. For all development we will also identify, using the Council's [Validation Checklist](http://www.east-northamptonshire.gov.uk/localrequirements)(<http://www.east-northamptonshire.gov.uk/localrequirements>) the information which you will need to submit with your application.

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5.9 We will treat all pre-application advice in confidence where possible, although the Council does have a duty to consider the release of this type of information under the Freedom of Information Act, should a specific request be made. Please remember that you should try to make sure that you leave time for informed discussions and comments on your proposals during the pre-application stage. It is in your interest to reach an agreed position with us before any planning application is submitted because we will normally only enter into discussions at the application stage if only very modest or minor design amendments would be needed to overcome our objections to a scheme.

5.10 For further information about the pre-application process please see the [Pre-Application Protocols](#). ([new weblink](#))

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Service Standard 2 – Pre-application advice, non major applications

We will answer written requests for pre-application advice for minor and other development within 20 working days of receipt.

Service Standard 3 – Pre-application advice, major applications

We will provide initial advice/full answer in response to written requests for pre-application advice for larger/major development within 20 working days of receipt.

6.0 Formal Planning Applications

Submitting a Planning Application

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6.1 It is your responsibility to make sure that your application is submitted correctly. When filling out the forms, you should follow carefully the advice given in the relevant guidance notes on making an application. You should also ensure that you include all the supporting information required by the National and Local Validation Checklist (Local List of Information Requirements). (<http://www.east-northamptonshire.gov.uk/localrequirements>) Even a simple mistake can prevent us from registering the application. We can provide help or advice on completing the application forms. For an additional fee we can also provide copies of Ordnance Survey site plans. We encourage you to submit your application online via the Planning Portal website, as this will reduce your paperwork and make the process quicker at www.planningportal.gov.uk. However if the application that you are submitting includes a significant amount of information we would also appreciate it if you could supply a disk direct to us to help us upload the information direct to our website. Further advice relating to this is included in our guidance note Criteria for Application Submissions and Subsequent Amendments (www.east-northamptonshire.gov.uk/developmentcontrol)

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6.2 We check each application to make sure that all procedural requirements have been met. If valid, the application will be registered. A receipt of the application and fee acknowledgement will be sent to the applicant/agent. In the acknowledgement letter, the applicant/agent will be told the name and telephone number and e-mail address of the case officer, a target date for when we should have made a decision and the applicant's rights will be explained.

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6.3 When an agent or an adviser is appointed, to avoid confusion, we will deal only with the agent rather than the applicant in all correspondence and discussions.

6.4 Incomplete applications cannot be registered. The applicant/agent will be given a specified time in writing to complete the application. Where possible we will contact the applicant/agent by e-mail. We cannot begin to process the application until it is valid for registration. It is therefore in the interests of the applicant to respond quickly to requests for the required information.

Service Standard 4 – Validation of Applications

We will validate applications within 5 working days from the receipt of a complete application

Processing of an Application by the Case Officer

6.5 Once an application has been registered, a Case Officer will be allocated. The Case Officer will become responsible for the processing of the application and will at an early stage visit the site. The applicant will not normally be notified of the visit unless access to the property is restricted.

6.6 The Case Officer will identify, in consultation with other parties, any additional information required as soon as possible. Sometimes this is identified by those commenting on the application and is needed to help them understand the proposals.

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- 6.7 We will not normally enter into discussions with the applicant except where only very modest or minor design amendments would be needed to overcome objections due to the need to meet performance targets. This means that it is important to engage with us at the pre-application stage.
- 6.8 Discussions will only take place if an application would only require small changes to make it acceptable and will not normally take place where:
- The development is unacceptable in principle
 - A complete redesign will be needed to overcome objections
 - Clear pre-application advice has been given, but the applicant has not followed that advice
 - No pre-application advice has been sought
 - The development does not comply with the Development Plan or other published standards
 - The additional information could not reasonably be returned to the Council within 14 working days
- 6.9 Where an application is amended we will re-notify neighbours, where they are materially affected and other consultees as necessary, allowing 14 calendar days for additional comments to be made.
- 6.10 The Government's target is for Councils to determine 60% of major applications within 13 weeks, 65% of minor applications within 8 weeks, and 80% of other applications within 8 weeks. We will aim to deal with all applications in accordance with these standards, as it is fairer to both applicants and other interested parties to know how quickly an application will be decided. We are therefore committed to the timely and efficient determination of planning applications.

Service Standard 5 - Determination of Applications

We will deal with applications in accordance with national and local performance indicators for the determination of applications.

- 6.11 We can not support a process of submitting continuing amendments to an application which delays the decision making process beyond the Government's target period. We will only agree to deferrals of an application in exceptional circumstances. Applications will normally be determined as soon as possible unless they are withdrawn.
- 6.12 We will keep applicants informed about the progress of their application and we encourage regular contact with the Case Officer. If the application cannot be dealt with by the target date, we will explain why we need more time.
- 6.13 We will seek the applicant's agreement to extend the time for decision making as soon as we are aware that an overrun is likely, and explain the reason to the applicant.

Notification of an Application to Neighbours and Consultees

- 6.14 We have published an advice note that explains our neighbour notification and publicity policy "Planning Applications a Guide to Publicity and Neighbour Notifications". <http://www.east-northamptonshire.gov.uk/publicity>. This note explains people's rights to be

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informed about applications, how they can get detailed information, how they can make comments, and how comments will be treated.

6.15 We will provide assistance during office hours to people wishing to comment on a planning application through our Planning Helpdesk service (9.00 -13.00). All planning applications and supporting plans can be viewed on the Council's website at any time at www.east-northamptonshire.gov.uk/development_control. All planning decisions will be posted on the Council's website.

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6.16 Information about planning applications will be provided on a weekly list which is available on the Council's website. Applications are also publicised in the Council's community newspaper, the *Nene Valley News* every fortnight. When required a site notice will also be displayed. Those people directly notified in writing about a specific application will be told how they can make comments on it, and will be allowed at least twenty-one days in which to do so. If material amendments are made to the application, neighbours will be re-notified where appropriate and allowed a minimum of 14 calendar days to comment.

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6.17 We will expect statutory and other consultees to reply to consultations within 21 days. Whilst we will try to be sympathetic to requests for an extension of the time period for comment we are not able to guarantee that we will be able to agree to such requests. We will monitor how long consultees take to reply and take necessary action where the lack of response delays the timely consideration of applications.

Commenting on an Application

6.18 Anyone can comment on a planning application. However, for the comment (known as representation in planning terms) to be "material" (i.e. able to influence any decision), it must be based on valid planning reasons. We will not take into account objections that are not specific or based upon proper planning considerations. The Guidance Note "Planning Applications a Guide to Publicity and Neighbour Notification" (<http://www.east-northamptonshire.gov.uk/publicity>) includes advice on "material" planning considerations and further help can be obtained from the Planning Helpdesk at the Council Offices (open 9.00 -13.00).

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6.19 All comments must be made in writing, should be signed (unless sent via e-mail) and dated, and should clearly state the grounds on which the representation is made. Anonymous representations will not be considered, although you can make comment via a planning consultant or solicitor if you wish. Pre-printed form letters of representation will be accepted for consideration if they are individually signed and dated.

6.20 You may make comment on a planning application via the Council's website. We will accept e-mails as letters of representation provided that the sender provides their full name and postal address.

6.21 Representations can be submitted in the form of petitions and will be considered provided that:

- Each page of the petition is headed with the aim of the petition
- The name and address of those signing are provided and are readable
- The grounds of representation are material and are clearly stated and

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- The name and address of the petition co-ordinator is included.

Only the co-ordinator of a petition will be notified of our decision on the planning application. Please note that representations will be published on our web site including names and addresses however signature and contact details will be redacted.

- 6.22 Representations received are summarised and considered in both Delegated Reports and reports to the Development Control Committee and taken into account before a decision is made (see following section).
- 6.23 Representations received between the end of the formal consultation period and the date of the Delegated Decision or Development Control Committee will still be taken into account.
- 6.24 Sometimes the report writing deadlines mean that the latest date for making comments falls after the report has been drafted. In such cases any comments will be reported to the Committee on a written update sheet along with any "late" comments.
- 6.25 ~~Whilst we no longer acknowledge letters of representation, we~~ will notify you if the application is to be decided by the Development Control Committee. We will notify you of the Council's decision, either at the Development Control Committee or by the Head of Planning Services under delegated powers.

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Making the Decision

- 6.26 We will make a decision on a planning application by one of two different methods.
- 6.27 Straightforward, small-scale applications ~~are mainly decided through the Scheme of Delegation.~~ Under this process the Head of Planning Services (or other authorised Officers) will act on behalf of the Council in accordance with clearly stated and published guidelines. This brings efficiency and effectiveness to decision making on non-controversial applications. Government advice is that around 90% of applications should be dealt with under delegated powers.
- 6.28 Planning applications which are required to be considered by the Development Control Committee will include those applications involving complex proposals, or which are potentially controversial, or which conflict with the policies of the Council, or where an objection has been received from the Town or Parish Council unless after consultation with Ward Members, the Ward Members agree that a delegated decision can be made, or a Member requests that an application is determined by Committee.
- 6.29 The Development Control Committee normally meets every three weeks on Wednesday evenings. Details of any meeting and items on the agenda are published on the Council's website at www.east-northamptonshire.gov.uk and can also be obtained from the Planning Helpdesk. The Committee holds its meetings in public and allows applicants and interested parties to speak at the Committee.
- 6.30 In normal circumstances we allow a maximum of ~~three~~ minutes speaking time at Development Control Committee meetings for each of the following categories of interested party:

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- Ward Member(s)

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- The applicant or their agent
- Objectors, Supporters or other interested parties
- Town or Parish Council

The Chair of the meeting can exercise discretion in allowing additional parties to speak where an application proves to be particularly contentious, they can also seek clarity from a speaker where this is considered to be appropriate.

6.31 If there are a number of objectors who wish to speak at the Development Control Committee, we will only accept the request of the first person to reserve speaking time with the Committee Officer. We will encourage objectors to appoint a spokesperson or, failing this, to share the allocated speaking time. We will also only allow one supporter to speak.

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6.32 Once a final decision has been made on an application, the decision notice will be issued to the applicant and we will also let anyone who has commented on an application know the decision. Any conditions attached to a permission, reasons for refusal, or any additional information or advice will be set out clearly and the reasons for them explained. The notice will state the Council's reasons for granting planning permission. It will also explain the applicant's right of appeal against a decision to refuse planning permission or against conditions attached to a permission. The Planning Inspectorate cannot consider appeals against the Council's grant of planning permission only by the applicant in relation to conditions attached thereto.

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6.33 Some decisions may not be made until the applicant and other relevant parties have entered into a planning obligation (a form of legal agreement). If an obligation is believed to be needed, the applicant will be told as soon as possible so that discussions about the form and content of the obligation can be agreed during the consideration of the planning application, or ideally at pre-application stage. We will seek to recoup the full cost of the preparation of a planning obligation from an applicant.

6.34 We will normally expect a legal agreement to have been completed in a timely manner so that the decision can be issued within the Government's target period.

6.35 We have a range of standard legal agreements including matters of affordable housing provision, education contributions, and open space. We will encourage applicants to make use of these standard agreements.

6.36 No work should start on site until the applicant has received the formal decision notice that confirms the Council's decision in writing.

7.0 Approval and Monitoring of Conditions

7.1 Once a permission has been granted the applicant may need to submit further details to the Council for approval. These details will be described in conditions attached to the permission. Some of the conditions may require the details to be agreed before any works start on site. Details can be submitted either by letter or form. The Government introduced a fee for the discharge of conditions and from January 2010 the Council has charged for the approval of details and discharge of conditions.

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7.2 It is important that applicants appreciate that the Council has 8 weeks to deal with applications to discharge conditions. You will need to have allowed for this period of time in planning your buildings works.

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7.3 We can deal with straightforward matters which only need to be assessed by Officers of the Council relatively quickly; however we will require more time for more complex matters which may need us to seek external advice. No work should start on site until written approval is given to all pre-commencement conditions.

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Service Standard 6 – approval of details required by condition

We will reply to your submission of conditions within 8 weeks. We will not approve external materials conditions alone where other conditions need to be approved before work commences and where these details have not been submitted to the Council.

7.4 All works must be carried out in accordance with the plans which have been approved as part of the planning permission and conditions on the decision notice. It is important that our requirements are met and the permission is correctly implemented. You may otherwise be in breach of the terms of the planning permission.

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7.5 The Council's Enforcement/Compliance Officers will regularly check to see which developments have commenced and will then actively monitor whether information has been submitted in relation to conditions.

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8.0 Requests for Minor Amendments

8.1 We can sometimes agree to relatively minor adjustments to the approved plans. It is the applicant's responsibility to let us know about the need for any changes as soon as possible. No works should be carried out until we have approved the changes in writing.

8.2 We will only allow an amendment to an existing planning permission where this is very minor in nature. This is known as a 'non material change' to a planning permission. If additional built volume is proposed or if we consider that neighbours should be notified of your proposed amendment, you will be required to submit a revised planning application. A request for a 'minor material change' to a planning permission should be made on the relevant 1 APP form (<http://www.east-northamptonshire.gov.uk/1appplanningforms>)

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9.0 Appeals

9.1 If an application is refused or an applicant is not happy with a condition then there is a right of appeal. The procedure for dealing with appeals is set by the Planning Inspectorate and can be viewed at: www.planning-inspectorate.gov.uk/pins/index.htm or alternatively help can be provided by the Planning Helpdesk. We will ensure that all the timescales set by the Planning Inspectorate are complied with. As required we will notify all objectors and consultees of any appeal in a timely manner.

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9.2 We will report appeal decisions and any costs awards to the following meeting of the Development Control Committee.

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Service Standard 7 – Appeal Success

We will monitor our success rate in relation to planning appeals.

10.0 Enforcement

- 10.1 We have a duty to investigate complaints about breaches of planning control and have powers to act if the rules have been broken. An Enforcement Policy detailing the policy and practice of the Council on enforcement matters together with appropriate Service Standards has been published. This Enforcement Policy explains how we respond to complaints about breaches of planning control. We have also published a Guidance Note which explains the Enforcement Process. <http://www.east-northamptonshire.gov.uk/enforcementpolicy>

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11.0 Complaints and Performance

- 11.1 We hope that you will be satisfied with the Development Management Service that we provide. If you have any suggestions, concerns or difficulties we want to hear from you. We are committed to improving our service and dealing promptly with any shortcomings.
- 11.2 We will consider all complaints made about the way in which a planning application or letter of representation has been dealt with. Disagreement with a decision of the Council will not, in itself, be a ground for complaint and in many situations there is a separate procedure for an applicant to appeal against such decisions.
- 11.3 In the first instance you should discuss the matter with the Case Officer, who will be familiar with the proposal. These are available on the Council's web site however we will provide you with a copy of the decision notice and the Officer's report if you request these.
- 11.4 The Council has a Corporate Complaints procedure which has been designed to ensure that all complaints are dealt with fully and properly by the most appropriate person in the organisation. Written complaints will be acknowledged and then fully and promptly investigated. The complainant will be given a written response explaining the outcome of the investigation and any action that we propose to take. If no action is proposed, the reasons will be explained. The first stage is considered by the Case Officer the next stage is the Head of Service followed by the Executive Director.
- 11.5 If you feel that we have not followed the correct procedures you can ask the Commissioner for Local Administration (The Local Government Ombudsman) to investigate the matter. The Ombudsman would however, normally expect a complainant to have first followed the Council's formal complaint procedures.
- 11.6 We are always keen to seek your feedback on our service - comments will be used to consider appropriate service improvements. If performance has fallen below established levels and targets, we will identify and detail the reasons and describe the measures we propose to adopt to improve performance. If justified by special circumstances we will revise our targets. Complaints and the action taken upon them will also be identified.

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12.0 Monitoring and reviewing progress

12.1 We will keep this Charter under review, and in particular we will update the appendix to include new yearly targets for performance against our standards.

Appendix A – Performance Targets for 2011/12

Service Standard 1 – requests about need for planning permission

We will respond to written requests about whether planning permission is needed within 10 working days.

- Target – 80%

Service Standard 2 – Pre-application advice, non major applications

We will answer written requests for pre-application advice for minor and other development within 20 working days of receipt.

- Target – 70%

Service Standard 3 – Pre-application advice, major applications

We will provide initial advice/full answer in response to written requests for pre-application advice for larger/major development within 20 working days of receipt.

- Target – 70%

Service Standard 4 – Validation of Applications

We will validate applications within 5 working days from the receipt of a complete application

- Target – 80%

Service Standard 5 - Determination of Applications

We will deal with applications in accordance with national and local performance indicators for the determination of applications.

National Targets

- Major – 60% in 13 weeks
- Minor – 65% in 8 weeks
- Other – 80% in 8 weeks

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The Killian Pretty Review ¶
<http://www.communities.gov.uk/planningandbuilding/planning/planningpolicyimplementation/ref ormplanningsystem/killianprettyreview/¶>

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Service Standard 6 – approval of details required by condition

We will reply to your submission of conditions within 8 weeks. We will not approve external materials conditions alone where other conditions need to be approved before work commences and where these details have not been submitted to the Council.

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- Target - 75%

Service Standard 7 – Appeal Success

We will monitor our success rate in relation to planning appeals.

- Target – ENC successful in 60% of all appeals

Service Standard 8 – Customer satisfaction

We will monitor customer satisfaction with the planning process every six months through the use of a satisfaction survey.

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- Target – 50% of customers satisfied

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Document Version Control

Author (Post holder title)	Sue Wheatley
Type of document (strategy/policy/procedure)	Policy/Procedure
Version Number	▼
Document File Name	Development Control Charter
Issue date	▼
Approval date and by who (SMT / committee)	
Document held by (name/section)	
For internal publication only or external also?	Internal only / internal and external * delete as appropriate
Document stored on Council website or Eunice?	Eunice / Website * delete as appropriate
Next review date	

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Change History

Issue	Date	Comments

NB: Draft versions 0.1 - final published versions 1.0

Consultees

Internal	External
e.g. Individual(s) / Group / Section	e.g. Stakeholders / Partners / Organisation(s)

Distribution List

Internal	External
e.g. Individual(s) / Group / Section	e.g. Stakeholders / Partners / Organisation(s)

Links to other documents

Document	Link

Additional Comments to note

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East
Northamptonshire
Council

Pre-application Protocol



To improve the quality of application submission
and development

Pre-application Charging Advice Guidance Note

1.0 Background

1.1 The Council wants to be able to assist developers through the planning process in order to deliver high quality schemes. We see pre-application advice as an important tool in achieving this. The Council has powers under the Local Government Act 2003 to charge for the discretionary service of providing pre-application advice.

1.2 This protocol sets out how the Council will seek to improve the process and achieve consistency in approach by providing greater certainty for all concerned. It also sets out how fees will be calculated.

1.3 The Council has two other protocols in place to specifically deal with major and more controversial proposals, and also member involvement. Links to these documents can be viewed here. (Link to be added).

1.4 As well as providing advice for new development proposals, our pre-application service will include post decision re-negotiation and / or amendments. It will also include discussions to vary any Section 106 Obligations.

2.0 Why Pre application discussions and our service commitment?

2.1 This Council positively encourages prospective applicants / agents to discuss their proposals with planning officers prior to an application being formally submitted.

2.2 The Council is committed to ensuring that all relevant information for applications is submitted at the beginning of the process. Piecemeal submission of documents leads to confusion and delay as further consultation with the local community and statutory agencies takes place. Through the pre application process officers aim to have been able to give advice on what information is required to support the application to ensure that it is registered quickly. This will help to identify the key issues and ensure that the right information and material is submitted with the application to enable its timely processing. In addition pre-application advice should lead to a reduction in the number of planning applications that are invalid when we receive them.

2.3 The quality of applications that are submitted will be improved by enabling Officers, Members, local people and statutory consultees to comment on proposals at an early stage.

3.0 Information Requirements and Fee for Pre-application Requests

3.1 As a minimum for pre-application discussions developers are encouraged to submit a site location plan, a description of the proposed works, sketch drawings of the proposal and layout and the correct fee.

APPENDIX 2

3.2 Charging for pre-application advice will apply to the majority of proposals, however there are some exemptions. The charging schedule is set out in Appendix 1. The fees have been calculated based on an officer hourly rate. An average length of time to deal with a pre-application has been estimated and includes the whole process i.e. including administration.

3.3 The pre-application enquiry can be sent by email planning@eastnorthamptonshire.gov.uk – (not to individual officers), by disk (please see the following link to view our guidance note on submitting information electronically) (Link to be added)., by post or it can be handed direct to the Customer Service reception. Ideally the enquiry should be submitted with the pro-forma attached in Appendix 2.

3.4 Payment can be made by electronically and guidance on how to do this can be viewed here. (Link to be added).

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4.0 Our Process

4.1. Once a pre-application request has been submitted it will be registered and passed to an officer. We will aim to register the pre-application enquiry within 5 working days and provide a response within 20 working days.

4.2 When we give advice about minor and householder development we will seek to identify who else you should talk to before making a formal application; for example the Highway Authority; Environment Agency; Natural England and English Heritage. We will not, as a matter of course, carry out these consultations for you. By contacting the consultees direct this should ensure that your formal application can be dealt with more quickly. For larger / major applications, when necessary, we will involve relevant organisations in pre-application discussions.

5.0 Disclaimer

5.1 Any advice given by officers at pre-application stage is not a formal planning decision by the Council as local planning authority. We will give you the best advice possible, based on the information submitted. The advice will be offered without prejudice to any formal consideration of a planning application following statutory consultation.

5.2 We cannot guarantee that any application subsequently received will be made valid or approved. However, pre-application advice should assist in helping prospective applicants ensure that all the necessary information , including the correct fee is provided.

If any terms or words are unfamiliar to you, you can view a glossary on the attached link. (Link to be added).

October 2011

APPENDIX 2

APPENDIX 1



Cedar Drive Thrapston Northamptonshire NN14 4LZ
 Telephone 01832 742000
 Email planning@east-northamptonshire.gov.uk
www.east-northamptonshire.gov.uk

Pre-application Advice Charging Schedule

Pre-App Type	Time	Officer level likely to be involved	Proposed Charge
Householder	1.5 hrs	DC Officer	exempt
Dwellings 1 - 4	2.5 hrs	DC Officer	£108
Dwellings 5 - 9	3 hrs - Time period is longer than the above as proposals are more complex	DC Officer	£129
Major applications - 10+ dwellings and more than 1000 sq. m floor space	It is difficult to predict the time spent on major applications due to the complexity, see Para 8.6 below. As such a percentage of the planning fee is deemed appropriate.	PPO / DCM	10 % of application fee
Business and Commercial less than 1000 sq.m floor space	2hrs	DC Officer	£86
Change of use - land (no increase in floor space)	2hr (this is only for a change of use in principle any buildings would fall into the other categories)	DC Officer	£86
Adverts	1.5 hour	DC Officer	£65
Agricultural Development	2hr	DC Officer	£86

APPENDIX 2

- minor			
Agricultural Dev which involves a new dwelling	2.5 hrs	DC Officer	£108

Exemptions

- Householder developments
- People with disabilities - The fee would be exempt if the proposed works are to create access for, or to provide for or improve the safety, health or comfort of a disabled person.
- Registered charities - exempt if the development was in association with the charity.
- Town and Parish Councils
- Listed Buildings applications (any works which would only require listed building consent and not a full planning application)
- 100% affordable housing applications.
- Applications made by ENC

APPENDIX 2



Cedar Drive Thrapston Northamptonshire NN14 4LZ
Telephone 01832 742000
Email planning@east-northamptonshire.gov.uk
www.east-northamptonshire.gov.uk

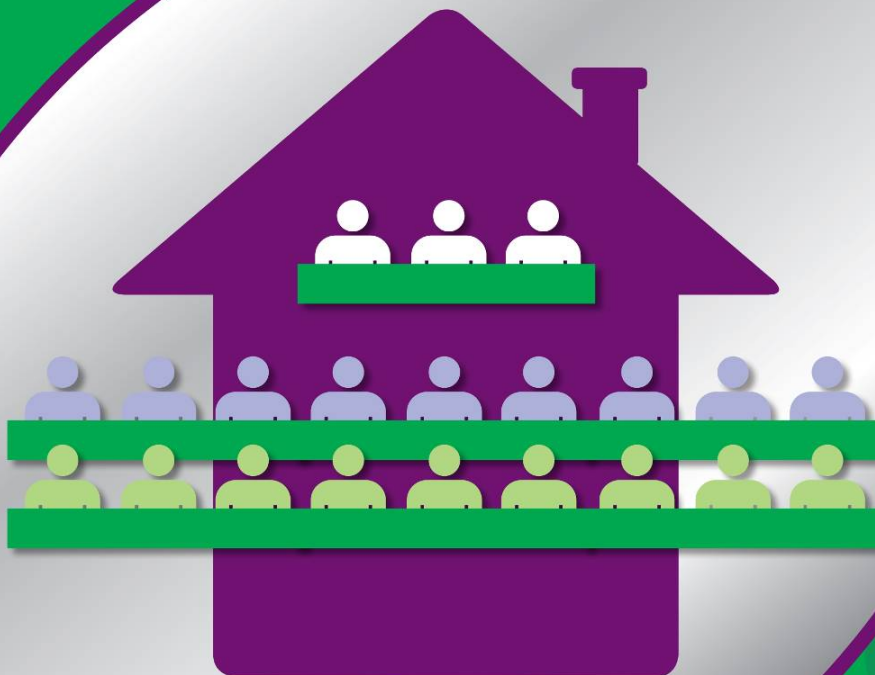
REQUEST FOR PRE-APPLICATION ADVICE

Your name:	Your address:
Phone No: e-mail:	
Site address:	Has there been a previous application of relevance to this enquiry on the site? If so, please give reference no.
Description of proposal:	
<p style="text-align: center;">Please supply the following information (Your request will not be processed without this information)</p> <p>Location Plan Sketch drawing of layout Sketch drawing of proposal Correct Fee</p>	



East
Northamptonshire
Council

Protocol for involving Members in pre-application discussions



Involving Members of the Council to
discuss major planning applications

Protocol for Involving Members in Pre-application discussions

1.0 Introduction

1.1 This protocol sets out how Members of this council will be involved in major planning applications. Most applications can benefit from the involvement of Members as it will help improve understanding of the needs and views of local residents and could help speed up the process. However clear guidance is required to help both officers and Members in carrying out their respective roles.

1.2 Members may want to be involved with smaller applications. This protocol will also apply in these cases.

1.3 This Protocol will, in addition to pre-application discussions, also apply to any discussions related to a formal planning application before a decision is made and also any discussions following a decision.

1.4 Case Officers will usually notify the relevant Members regarding proposals when there is substantive information to discuss. Officers may also notify relevant Members of other proposals which they consider may be of interest. The relevant Members are the Ward Member(s) and Members of Development Control Committee who have an interest in the area.

1.5 Case Officers will also provide the relevant Members with regular updates regarding progress during the pre-application process which may be lengthy in some cases. Both the notification date and updates should be recorded on file.

2.0 Attendance of Councillors at Meetings with Developers

2.1 Members of the Council, where appropriate, can attend pre-application meetings with developers, about major applications, but only when at least one officer is present. It will not however always be possible/desirable to involve Members at every meeting for example some meetings may be about technical details.

2.2 The timing of these meetings will need to be carefully considered as involvement at an early stage will be essential. For certain applications involvement at other stages would also be beneficial and a schedule of involvement may need to be agreed with developers.

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2.3 At the start of the meeting the officer will make it clear that the role of the Member is to listen to the discussion, identify issues that the developer will need to consider and represent community interests. However the officer will also stress that it will not be possible for the Member to enter into negotiations or express a view on the proposal. This is to ensure that it is clear that no decisions can be made which would bind or otherwise compromise the Development Control Committee (or officers specifically delegated within the Scheme of Delegation) to make the decision.

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2.4 If at any point in the discussions the developer presses the Member to take part in negotiations or express a view, the officer will remind the meeting of the role of the Councillor and that no decisions can be made.

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2.5 The Officer will, within 10 working days from the date of the meeting, produce a short written note in bullet point form of the main issues that were discussed. This will note those present, the issues identified at the pre-application discussions, and the actions to be taken. These notes will be circulated for approval to the Member attendees and after confirmation of accuracy by all those who attended, forwarded to the applicant. A copy will also be placed on the pre-application file.

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3.0 Presentation of Pre-application proposals by developers to Development Control Committee

3.1 If a proposal is particularly significant, or has more than just local implications, a developer will be invited by officers to make a presentation to Members of the Development Control Committee, together with the appropriate ward member/s and all other Members of the Council. Generally this will not be a public meeting however Town and Parish Council representatives will, where appropriate, be invited,

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3.2 A developer will be advised of the time available for their presentation and will be expected to keep strictly to this programme.

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3.3 There will always be an officer/s in attendance at the presentation.

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3.4 At the start of the presentation the Chairman of Development Control Committee (or Vice-Chairman) will make it clear that Members will listen to the presentation, will identify issues that the developer will need to consider further, represent community interests and ask questions, but that it will not be possible for any decisions to be made as these could bind or otherwise compromise the Development Control Committee (or officers specifically delegated within the Scheme of Delegation) to make the decision.

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3.5 If at any point the developer presses for a view or seeks to negotiate with Members, the Chairman/Vice -Chairman will remind everyone present of what they said at the start of the meeting.

3.6 After the presentation the officer will make within 10 working days a short written note in bullet point form of the main issues that were discussed. The developer should provide the officer with any presentation material to assist with this. This note will be placed upon the pre-application file.

4.0 Confidentiality of Pre-Application Information and subsequent publication.

4.1 All pre-application discussions, and related information, are to be considered confidential and may not be disclosed to third parties without the prior consent of the applicant.

4.2 If specifically requested, information placed on the pre-application file may be published on the council's web-site once a formal planning application has been received in relation to the subject of the pre-application discussions. Publication of this information will be subject to the following restrictions:

- Removal of all personal data which it would not be appropriate to release under data protection rules.
- Confirmation of agreement to release of third party correspondence in fulfilment of any legal obligations we have in terms of confidentiality. Permission to withhold some information within documents or complete documents may be withheld.
- Removal of any information or document that are subject to legal professional privilege which would prevent them from being published.

This protocol forms Part 5.5a of the Council's Constitution. Further information on pre-application discussions can be found in Section 3 of Part 5.4 of the Constitution which covers discussions with applicants.

Revised: October 2011

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Part 5.4: Code of Practice for Planning Procedures

Discussions with Applicants

Section 3

Pre-application meetings with prospective applicants are encouraged. For major application some meetings with prospective applicants will involve relevant Members (Ward and/or Development Control Committee).

10. It will be made clear at pre-application meetings that:

- only officers' initial and provisional views can be given, based on the provisions of the Development Plan and other adopted Council policy;
- no decisions can be made which would bind or otherwise compromise the Committee or Members and/or officers specifically delegated under an adopted scheme of delegation to make the decision.

12. All officers taking part in pre-application discussions should make clear that decisions on planning applications are taken either:

- by the elected Members in Committee, or
- under specific authorised circumstances in accordance with an adopted scheme of delegation,

and if the application is to be determined under a scheme of delegation the officer taking part in the pre-application discussions should indicate whether or not he/she is the decision maker. 13. A short note will be made of all meetings showing who was present and summarising the main areas of discussion. A follow-up letter will be produced when documentary evidence has been left with the Council only when confirmation or clarification of related points required.

• 14. A note will not normally be taken of telephone conversations unless confirmation or clarification of significant issues is appropriate.

• 15. Any meeting or telephone correspondence notes, follow-up correspondence and e-mails with applicants will be placed on a pre-application file which will be retained for two years after the end of discussions/correspondence.

16. If specifically requested, information placed on the pre-application file may be published on the council's web-site once a formal planning application has been received in relation to the subject of the pre-application discussions. Publication of this information will be subject to the following restrictions:

- Removal of all personal data which it would not be appropriate to release under data protection rules.

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- Confirmation of agreement to release of third party correspondence in fulfilment of any legal obligations we have in terms of confidentiality. Permission to withhold some information within documents or complete documents may be withheld.
- Removal of any information or document that are subject to legal professional privilege which would prevent them from being published.

17. Where pre-application meetings involve Members, at least one officer will be present and the protocol in Part 5.5a of the Constitution applied.

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Deleted: Members will not take part in post-submission meetings with applicants or other parties, except as provided for by Section 4 of this Code, unless the matter has been reported to the Committee and the Members concerned have been specifically appointed by the Committee. A note of any discussions will be taken and will be made available for public inspection, subject to the rules about access to information. At least one officer will be present at all such meetings



East
Northamptonshire
Council

Protocol for dealing with major planning applications or applications of significant interest



Meeting national performance targets to
Improve the speed of decision making

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Protocol for Dealing with Major Planning Applications or applications of significant interest

1.0 Background

- 1.1 We recognise that the scale and complexity of major applications requires a different approach from smaller scale applications.
- 1.2 This protocol sets out how we will seek to improve the process and achieve consistency in our approach by providing greater certainty for all concerned in major applications. However, there may be instances when the full requirements of this protocol may not be necessary, as some major applications are more straight forward than others.
- 1.3 The Government has set national performance targets to improve the speed of decision making. According to these 60% of major applications should be determined within the 13 week period. We will aim to meet this target as it provides for good customer care for both applicants and other people with an interest in the application in knowing how quickly a decision will be reached.
- 1.4 We have a separate protocol for dealing with householder and minor pre-applications and this can be viewed [here \(Link to be added\)](#). This protocol also sets out our charging schedule for pre-application advice.

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2.0 What is a major application?

- 2.1 A major application is defined by the Government as any of the following:
- A residential development of 10 or more houses or 0.5 hectares of site area or where the number of dwellings is not specified.
 - For non-residential, proposals covering a floor area of 1000 sqm or more or a site area greater than 1 hectare in size.

3.0 Pre application discussions

- 3.1 From the 1st of November [2011](#) we will charge for pre-application discussions. The fee for major proposals will be 10% of the application fee. The charging schedule can be viewed [here \(Link to be added\)](#).
- 3.2 We positively encourage developers submitting a major application to discuss their proposal with us prior to the application being formally submitted. This will help to identify the key issues and ensure that the right information and material is submitted with the application so that it can be processed quickly.
- 3.3 As a minimum developers are encouraged to submit a site location plan, a description of the proposed works, an analysis of the site identifying the constraints and opportunities at this early stage. We would like to get actively involved in the layout of the site at an early stage. In addition, developers should submit an explanation of how their proposal accords with the [policies within the](#) development plan.

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3.4. All information supplied as part of pre-application discussions will be treated as confidential. However developers should be aware that such information can be requested for public publication once a related application has been submitted. If it is the view of developers that any information they provide should not subsequently be published in this way then they need to mark the information accordingly. Please note that publication of documents, including e-mails and meeting notes, may not be restricted in this way and will have to be considered on an individual basis before release. All personal data such as names and contact details are automatically redacted for publication and consideration can be given to other content if commercial sensitivities still apply to elements once an application has been submitted

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3.4 We will allocate a case officer to the proposed development. The officer will consider whether the proposed development site would need an Environmental Impact Assessment and may either request further information or ask for the submission of a request for a screening / scoping opinion.

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3.5 At this stage the case officer will make the relevant Ward Councillors aware of the potential development in accordance with the Council's Protocol for Member Involvement in Pre Application Discussions. (To be considered in parallel with this protocol, web link to be added). This information will be given in the strictest confidence as we understand the commercial and other sensitivities associated with potential developments.

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3.5 During this initial stage the officer may also attend an internal Development Team meeting to discuss the proposal and any emerging issues. The Development Team includes an officer from economic development, planning policy and conservation, housing, building control and development control.

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3.5 Following this initial assessment, the case officer will either provide an initial response to the proposal or arrange a meeting with the applicant / developer and other relevant organisations depending on the potential issues, for example Highways, Environmental Health, Conservation.

3.6 At this meeting the merits of the scheme will be explored, including whether the scheme accords with the provisions of the development plan. In addition any Section 106 contributions and validation requirements will be discussed to ensure that the developer is aware of all of the supporting information and the Heads of Terms that will need to be submitted with the application. (An example of a typical Heads of Terms can be seen in Appendix 1). The case officer will also highlight the importance of community engagement in pre-application discussions. This includes involvement of appropriate Members of the Council, which will need to be in accordance with the Council's Protocol for Member Involvement in Pre Application Discussions. (To be considered in parallel with this protocol, web link to be added). Developers are advised that community engagement should be in line with our adopted Statement of Community Involvement. In particular it will be important to involve Town and Parish Council's in any discussions related to public open space and the County Council in discussions related to education and highways matters.

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3.7 Following the meetings s detailed in 3.4 & 3.5 above the case officer will follow up with a meeting note and the developer may then be in a position to submit the formal application. Alternatively a series of further meetings will be arranged if

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necessary to continue the discussions on any relevant issues. The frequency of meetings will be agreed with the case officer and developer at the time of the initial discussion.

3.8 A timetable for the pre-application process is set out in Appendix 2.

4.0 Submitting the application – what to expect

4.1 We are committed to ensuring that all relevant information for applications is submitted at the beginning of the process. Piecemeal submission of documents leads to confusion and delay as further consultation with the local community and statutory agencies takes place. Through the pre-application process we will have been able to give advice on what information is required to support the application to ensure that it is registered quickly. A list of the local requirements for major applications is attached at Appendix 3 - please note that not all requirements may be relevant.

4.2 The target for validating applications is within 5 working days of receiving a complete application. The application, once validated, will be allocated, wherever possible, to the case officer who conducted the pre-application enquiry.

5.0 Processing major applications

5.1 The case officer will then begin consultations with the local community, interested parties and statutory consultees. This will be in addition to any consultation that has been undertaken at the pre-application stage. In addition a site notice will be displayed and a notice published in the Nene Valley News. The Officer will also aim to carry out a site visit within 10 working days of receiving the application.

5.2 The case officer will encourage the involvement of Members and Town and Parish Councils as necessary.

5.3 The case officer will also instruct Legal Services, where appropriate, to prepare the Section 106 Obligation in accordance with the agreed Heads of Terms.

5.4 Following the expiry of the consultation period, the case officer will contact the Developer's Agent to discuss the consultation responses and request any amendments if required. Please note that amendments to the scheme will normally only be requested if a new issue has emerged or the amendment is minor. The case officer will not request a fundamental amendment if the scheme has been submitted contrary to advice given in pre-application discussions. In such circumstances the application is likely to be recommended for refusal.

5.5 The case officer will then prepare their report and the application will be reported to the next available Development Control Committee or will be dealt with under delegated powers. Committees are usually held every three weeks on a Wednesday evening. Reports are completed two weeks before the meeting so we need sufficient time for the application to make the agenda. The report to the Development Control Committee will also include the details within the Heads of Terms. Any recommendation to approve will be subject to the prior completion of the Section 106 Obligation and any other appropriate conditions that are deemed necessary.

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5.6 A timetable of the application process can be seen in Appendix 4.

5.7 During the process of assessment and determination the progress of the Section 106 Agreement will be monitored by the case officer via contact with Legal Services and feedback will be given to the applicant. A timetable of the Section 106 process can be seen in Appendix 5.

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APPENDIX 1
 Cedar Drive Thrapston Northamptonshire NN14 4LZ
 Telephone 01832 742000
 Email info@east-northamptonshire.gov.uk
www.east-northamptonshire.gov.uk

Heads of Terms Planning Obligations

Site address:
Applicant Name (s): Address:
Telephone: Email:
Please complete attached form setting out the obligations agreed.
If you require a Section 106 Agreement the following must be included when submitting this form: <ul style="list-style-type: none"> - Land Title - A4 / A3 Site Plan with land in question outlined in red x2 (this is in addition to any others required)
Please note any legal fees must be paid before completion of the Agreement.
Your Solicitor contact details: Contact: Company: Address:
Telephone: Email:
Details of additional parties to agreement or any relevant information:
This form is to be completed and included in your application submission. If you have any queries on how to complete this form, or require further information please contact the planning department on 01832 742225 or email: planning@east-northamptonshire.gov.uk
Sign Date

Obligations Agreed		
Contribution Type	Amount / Provision	Timescales / Phasing
Education		
Affordable Housing		
Open Space		
Community Facilities		
Libraries		
Transport		
Healthcare		
Greenway		
Other		

|

APPENDIX 2

Pre-application process for major applications, or applications of significant interest

Stage (involving applicant)	Officer task	Time period for task
Applicants approaches Council	Validate and log pre-app and check site history and establish constraints	Within 5 working days of receipt of QRY (internal term for pre-planning advice)
	Officer to acknowledge QRY setting out timescales and the procedure (this can be a standard template) Advise the Ward member of the QRY as necessary / appropriate.	Within 5 working days of receipt of QRY
	Consider whether the proposal requires Environmental Impact Assessment, and if so, request the applicant to submit a screening / scoping opinion.	Within 5 working days of receipt of QRY
	Attend first available Development Team meeting to discuss principles and general policies.	Within 14 days of receipt of QRY
Arrange meeting with Applicant to discuss proposal and emerging issues.	In advance of the meeting request additional information if required and obtain comments from the relevant parties. Arrange the attendance of relevant parties (such as highways, design officer, environmental health), including the ward member, as appropriate, and a technician (to enable preparation of submission requirements)	Within 20 working days of receipt of QRY
Meeting	Discuss the material considerations and merits of the scheme. Discuss the heads of terms & validation requirements Officer to encourage the applicant / developer to carry out community consultation, i.e. Town Council and local community.	Within 28 working days of receipt of QRY
	Officer to follow up meeting with a formal meeting note.	Within 5 working days of meeting
Applicant either submits an application, or meetings continue with relevant parties until the scheme has been agreed informally.	Monitor the pre-app file.	

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Local validation requirements

The following list of local requirements may be required for a major planning application (this is in addition to the national requirements); the list in full can be seen on the following link <http://www.east-northamptonshire.gov.uk/pp/silver/viewsilver.asp?id=2308>

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- [Floor plans](#)
- [Elevations](#)
- [Site Levels and Site Cross Sections and Finished Floor Levels](#)
- [Site survey](#)
- [Air Quality Assessment](#)
- [Archaeological Assessment](#)
- [Biodiversity Survey & Report](#)
- [Crime Impact Statement](#)
- [Flood Risk Assessment](#)
- [Heads of Terms – Section 106 Agreements](#)
- [Heritage Impact and Justification Statement](#)
- [Housing Statement](#)
- [Land Contamination Assessment](#)
- [Landscaping Details](#)
- [Lighting Assessment](#)
- [Noise Assessment](#)
- [Photographs and Photomontages](#)
- [Playing Field Statement](#)
- [Statement of Community Involvement](#)
- [Structural Survey](#)
- [Supporting Planning Statements](#)
- [Sustainability Appraisal and Energy Statement](#)
- [Town Centre Uses](#)
- [Transport Assessment](#)
- [Travel Plan](#)
- [Tree Survey / Arboricultural Implications](#)
- [Utility Assessment](#)
- [Ventilation and Extraction Statement](#)

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 <#>Air Quality Assessment¶
 <#>Biodiversity Survey and Report¶
 <#>Flood Risk Assessment¶
 <#>Heritage Statement¶
 <#>Housing Statement¶
 <#>Land Contamination Assessment¶
 <#>Landscaping Details¶
 <#>Lighting Assessment¶
 <#>Noise Assessment¶
 <#>Photographs and Photomontages¶
 <#>Planning Obligations (Heads of Terms)¶
 <#>Statement of Community Involvement¶
 <#>Structural Survey¶
 <#>Supporting Planning Statements¶
 <#>Sustainability Appraisal and Energy Statement¶
 <#>Town Centre Impact Assessment¶
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 <#>Utility Assessment¶
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APPENDIX 4

Application process, upon formal submission, for major applications or applications of significant interest

Time period	Officer tasks	
Week 1	Application received, EIA development? Validated, registered and allocated to Officer. Consultations identified and carried out. Case history and constraints set out for planning officer.	
Week 2	Site visit carried out. Discuss proposal with Principal Planning Officer. Advise applicant if S106 is required and send instructions to legal.	
Weeks 3 - 6	Monitor consultation responses.	Deleted: 3
Weeks 6 - 7	Consultations reviewed, letter to applicant to request additional information, meeting held with applicant if necessary. Request any amendments within 10 working days	Deleted: 4
Weeks 7 - 9	Await amendments, carry out reconsultations, over a 14 day period, if necessary. Schedule application for next available committee	Deleted: 5 / 6
Weeks 9 - 13	Application reported to committee monitor S106 procedure	Deleted: 6

APPENDIX 5

Section 106 Procedure	Officer Responsible
Instructions sent to Legal with relevant information in week 2 of the application process.	Planning Officer
Legal then draft the Legal Agreement and return to the Planning Officer for checking; this should be done within 10 working days.	Legal Services
Check draft and detail amendments (if any) and return to Legal within 5 working days. Inform Section 106 Officer.	Planning Officer
Send out draft agreement to the applicant and County Council (if necessary) within 5 working days.	Legal Services
Any changes that come back need to be agreed with a Planning Officer.	Legal Services
Once agreed it needs to be sent out for sealing.	Legal Services
On return signed the dated agreement needs to be passed to Planning Officer.	Legal Services
Once received by the relevant Planning Officer they formally issue the decision notice and send it out to the applicant/agent within 5 working days.	Planning Officer