

TONBRIDGE AND MALLING BOROUGH COUNCIL

PROTOCOL FOR PROVIDING PRE-APPLICATION ADVICE

December 2015

We are able to provide you with advice and information if you are considering carrying out work or changing the use of buildings or land that may require planning permission or a related consent (e.g. advertisement consent or listed building consent). We would encourage you to seek advice before submitting a formal application in order to help speed up the development process and avoid unacceptable proposals.

The provision of such advice is time consuming and costly so we have formalised the procedures for handling this area of work. In most cases we charge a fee for providing advice under the provisions of the Local Government Act 2003. In most cases the charges are based on an assessment of the cost in terms of officer time for providing the pre application advice. The charging arrangements will help us to sustain and improve the service provided.

The benefits of pre-application advice

Pre-application advice will provide you with the following benefits:

- understanding how our policies will be applied to your proposal
- identifying the need for specialist input at an early stage e.g. for listed buildings, transportation, landscape, noise, health, contaminated land or archaeology
- assisting 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
- helping to reduce the time that you or your professional advisors spend in working up the proposals
- indicating those proposals that are completely unacceptable, so saving you the cost of pursuing a formal application.

Proposals requiring a fee

A fee will be charged for pre-application advice on the following types of development:

1. Householder Development

For the purposes of pre-application charging this includes proposals to alter and extend individual houses and flats for residential purposes where the building affected is not a listed building. In cases where the house or flat is listed as being of architectural or historic interest then the charge will fall within the 'Minor Development' category (Category 2) rather than the Householder Development category (Category 1).

2. Minor Development

Minor developments include proposals for:

- New or replacement shop fronts

- New or replacement advertisements
- Alterations to a listed building
- Demolition of an unlisted building within a conservation area
- Proposals for Telecommunications Equipment
- Proposals for Air Conditioning / Ventilation Equipment
- Amendments to Previously Approved Schemes
- Discharge of conditions attached to permissions.

3. Medium development

Medium developments include proposals for 1 to 9 new residential units or the creation/change of use of up to 999 sq.m. floor space. In the case of proposals for 1 to 9 large new residential units where the floor space exceeds 999 sq.m. the charge will fall within the major or large scale/strategic development categories rather than the medium development category depending on the floor area.

4. Major development

Medium developments include proposals for 10 to 99 new residential units or the creation/change of use of up to 9,999 sq.m. floor space. In the case of proposals for 10 to 99 large new residential units where the floor space exceeds 9,999 sq.m. the charge will fall within the major or large scale/strategic development categories rather than the medium development category depending on the floor area.

5. Large/Strategic development

Large/strategic proposals include proposals for 100 or more new residential units or the creation/ change of use of 10,000 sq.m. or more floor space.

Proposals not requiring a fee

There will be no charge for the following:

- Advice to third parties affected by development proposals
- Disabled access improvements.

How to make a request for pre-application advice that requires a fee

Householder and Minor Development Proposals

You should make your request for advice about householder or minor development proposals on a Pre-Application Advice Request Form, which is available on our website.

We will acknowledge receipt of your request and the fee.

Following receipt of the correct fee, the relevant information and, where requested, the site visit and/or meeting, we will endeavour to respond to your query within 21 days. Your request for pre-application advice will not be dealt with until we have received the fee and all of the necessary supporting information.

Medium, Major and Large Scale/Strategic Development Proposals and for Planning Briefs/Master Plans

If your proposal falls within the definition of medium, major, large scale development proposals and planning briefs/master plans you should make your request for advice on a Pre-Application Advice Request Form, which is available to download on our website.

We will acknowledge receipt of your request and the fee.

Following receipt of the Pre-Application Advice Request Form and the correct fee, the planning case officer will contact you to organise an initial meeting.

Following receipt of the correct fee, the relevant information and, where requested, the site visit and/or meeting, we will endeavour to respond to your query normally within 21 days. Your request for pre-application advice will not be dealt with until we have received the fee and all of the necessary supporting information.

Where necessary you should amend the scheme in the light of the comments received and either:

- proceeds to a formal application; or
- if significant alterations to a scheme are required to make the proposal acceptable, then a further round of correspondence and meetings may be needed prior to a formal submission and a further fee may be required.

Planning Obligations.

Major, large and complex applications often need to be accompanied by a legal agreement restricting or regulating the development or use of the land; for example, to secure planning benefits that will offset the impact of the new development on the locality. The completion of legal agreements often delays the issuing of planning permissions, as decision notices are not issued until such time as the legal agreement has been finalised. In some circumstances, planning conditions or unilateral undertakings may offer a satisfactory and speedier alternative to a legal agreement. In order to achieve central government targets negotiations should begin early in the planning process where cases require a legal agreement.

Community Involvement in the Planning Process

For larger development proposals we strongly encourage developers to involve the local community before an application is submitted. This may take the form of a local exhibition, public meetings, circulation of leaflets, or the creation of a well-publicised dedicated website, including a facility to make comments. Community involvement should ideally be sought in two stages:

- Firstly, to seek views from interested groups on what may be appropriate for a site, so that these views can, wherever possible, be taken on board before the proposals are drawn up; and
- Secondly, to explain and seek further views on the evolving proposals before a planning application is submitted, so that changes can be made in response before submission, and also so that people are already aware of the background and the proposals when we later consult them on the application.

Wherever an applicant has arranged some community involvement prior to making a planning application, we request that a supporting report is submitted that sets out:

- what community involvement has been undertaken;
- what views have been expressed;
- what changes have been made by the applicant in response to the views expressed or, if no changes have been made, the report should explain why not.

For smaller development proposals, it is advisable to discuss your proposal with occupiers of adjacent properties likely to be affected by the proposal.

Notes

1. Decision making

The final decision on applications is made by Council Members and in some cases by senior officers. It can only be taken after consultations with adjoining occupiers, those bodies which the Council has a statutory requirement to consult and other interested parties once we have received your application(s) and following detailed assessment of the facts of the case. You should therefore be aware that the Council's officers cannot give any guarantees about the decision that will be made on your application(s).

Freedom of Information Act 2000

The confidentiality of information held by the Council cannot be guaranteed. We may receive requests under the Freedom of Information Act to disclose information about pre-application advice requests and the advice that we have provided. If you consider your inquiry to be confidential, please provide us with your reasons for this and the time period you consider that the information should remain confidential. Where we receive an application for disclosure, we will take into account requests for confidentiality when deciding whether to release the information.

INFORMATION TO BE PROVIDED APPLICANT IN INITIAL SUBMISSIONS TO COUNCIL

Ownership

Status of applicant as far as extent of ownership of land within application site

Existing site/building

As much information as possible should be provided from the following list:

- Relevant planning history of the site (applications, appeals etc.)
- Details of existing lawful use;
- Schedule of existing floor space broken down by use;
- Whether the building is listed;
- Whether the site is within a conservation area;
- Whether the site is subject to other relevant designations

Proposal

Description of proposal accompanied by a schedule of proposed floor space broken down by use;

Submissions should be accompanied by sketch drawings and/or photographs providing details of the proposals. Floor plans for each floor of the proposed building, together with sketch elevations indicating initial architectural approach and palette of materials. Drawings should also show any adjacent buildings to identify the context of the scheme.

Planning Obligations

Issues likely to be subject to legal agreement.