

TONBRIDGE AND MALLING BOROUGH COUNCIL

PROTOCOL FOR PROVIDING PRE-APPLICATION AND OTHER TECHNICAL PLANNING ADVICE

December 2016

We are able to provide you with advice and information if you are considering carrying out work and changing the use of buildings or land that may require planning permission or a related consent (e.g. advertisement consent or listed building consent). Advice can also be given where works have taken place but technical planning guidance is sought. We would encourage you to seek advice before commencing development or submitting a formal application in order to help speed up the development process and avoid unacceptable proposals.

The provision of pre-application and technical planning 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. The charges are based on an assessment of the cost in terms of officer time and other related costs for providing the advice. The charging arrangements will help us to sustain and improve the service provided.

The benefits of pre-application and technical planning advice

Pre-application advice and technical planning 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 advice on the following types of development:

1. Householder Development

For the purposes of charging for advice this includes proposals relating to individual houses and flats for residential purposes where the building affected is not a listed building. In cases where the house or flat is statutorily 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 development includes advice on:

Alterations to an existing building (excluding individual flats and houses which fall within the Householder Development Category – Category 1) where there is no increase in floor space or where any increase in floor space is less than 499 sq.m.

- 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.
- 1 new residential unit

3. Medium development

Medium development includes advice on 2 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 large new residential units where the total floor space exceeds 999 sq.m. the charge will fall within the major development category rather than the medium development category

4. Major development

Major development includes advice on 10 to 99 new residential units or the creation/change of use of 1,000 to 9,999 sq.m. In the case of proposals for large new residential units where the floor space exceeds 9999 sq.m. the charge will fall within the large/strategic development category rather than the major development category.

5. Large/Strategic development

Large/strategic development includes advice on 100 or more new residential units or the creation/ change of use of 10,000 sq.m. or more floor space.

Please note for all categories of development:

The charges for advice relate to the submission of one query only. Submissions that include multiple options, amended drawings submitted following a meeting/site visit and any additional matters not included with the original submission will be viewed as new enquiries and will be subject to a separate fee.

Proposals not requiring a fee

There will be no charge for the following:

- General and proportionate advice to third parties affected by development and/or change of use
- Disabled access improvements.

How to make a request for advice that requires a fee

You should make your request for advice about householder or minor development on a Pre-Application Advice Request Form, which is available to complete 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 (from the date of site visit or meeting, if applicable).

Please note that your request for pre-application advice will not be dealt with until we have received the correct fee and all of the necessary supporting information.

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

- Proceed 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. It is likely that a further fee/s will be required to reflect the additional work required to assess the new information.

Planning Obligations.

Major, large and complex proposals often need to be accompanied by a legal agreement restricting or regulating the development or use of the land; for example, to secure planning obligations 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. 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, it is advisable to discuss your proposal with occupiers of adjacent properties likely to be affected by the proposal.

Notes

Decision making

The final decision on applications is made by Council Members or 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, and related legislation, to disclose information about pre-application advice requests and the advice that we have provided.

Should 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 by the applicant in initial submissions to the Council

For Householder, Minor and Medium advice the minimum information you should submit is:

- A plan identifying your property/site
- Sketches and drawings of your proposal with dimensions indicated
- Photographs of the property/site, in particular showing the relationship with any neighbouring buildings.

For Listed Building advice the above information should be submitted, together with:

- A description of the proposed works and how these may affect the historic fabric and design of the building;
- Photographs of the building, in particular covering the aspect of the building that you wish to change.

For Major and Large Strategic advice the following information should be submitted:

- A scaled plan identifying your site;
- Sketches and scaled drawings of your proposal
- Photographs of the site, in particular showing the site context and its relationship with any neighbouring buildings.
- Description of the scope of proposed development including scale, land uses, schedule of floor space, housing details including tenure and mix.
- Clarification of land ownership if a legal agreement is likely to be required, including details of other relevant interests such as tenancies, mortgages etc.
- List of suggested planning obligations, including a commitment to S106 legal agreement and to paying the Council's legal costs involved in negotiating, preparing and completing the agreement.