Planning Service

Advice Note: Pre-application Advice and Amendments to Submitted Applications

This note applies to all types of applications submitted under the provisions of the Town & Country Planning Act and associated Regulations/Orders. It includes applications for building work; changes of use; demolition in Conservation areas; work to protected trees.

Introduction
Adding value to applications, by improving schemes, is an important part of the application process. However, some negotiations have led to radically different schemes, which calls into question the legality of the submission and the transparency of the process. A discipline needs to be established so that the justifiable interests and rights of both applicants and those affected by proposed development are respected.

Pre-Application Advice
Having established that your proposal is development that will require planning permission and/or consent the Council encourages prospective applicants to seek pre-application advice.

Seeking pre-submission advice has a number of benefits including:

- An opportunity to better understand the way in which an application will be judged against the policies in the development plan and other material considerations.
- Identifying where there is a need for specialist input such as that relating to historic buildings, trees or landscape, contaminated or unstable land.
- Affording the opportunity to modify a proposal to make it potentially more acceptable to the Council and anticipating other regulatory requirements.
- A likely reduction in the time spent by professional advisors in working up a proposal.
- Helping to ensure a smoother and quicker passage through the decision process.
- Indicating where a proposal is completely unacceptable to the Council saving the applicant the costs of finalising an application and paying a fee.
- Ensuring an application is complete and comprehensive and to a satisfactory standard, avoiding rejection at registration stage or early refusal of permission because of inadequate or insufficient information.

It is important to remember that a planning officer may not always be familiar in detail with the site. Therefore, advice based solely on an Ordnance Survey plan for example, is unlikely to be of any value. The reason for this is because Ordnance Survey extracts are not necessarily accurate and, more importantly, they cannot convey the site’s physical characteristics. You will therefore need to do some preparatory work.
Before contacting the Planning Service with your draft development proposals, we ask you to first:

- Fully investigate the planning history of the site. Does this tell you anything, which may be relevant to your proposals?

- Familiarise yourself with national planning policy, the development plan policy and highway standards that might apply to your proposal. The Bournemouth Local Plan Core Strategy and associated Area Action Plan set out policies and proposals for the town and there is also Supplementary Planning Guidance and other leaflets/information on a number of subjects, available online.

- Visit the site and make a detailed analysis to establish site characteristics, constraints opportunities and the surroundings. Accurate site survey plans and tree condition surveys (where applicable) will be required if a planning application is to be submitted. Therefore, these survey plans are likely to be useful in the process of designing a scheme too.

Once you have gone through the above checklist, you should be in a much better position to begin to design your scheme. You may then wish to approach the Council to seek advice from a Planning Officer.

We ask that you put your request in writing and that you include any plans/drawings that adequately describe your proposal together with any other relevant planning information you have gathered. Ideally this should be provided electronically by email with attachments saved in pdf format. This will enable the most appropriate officer to be selected to handle the matter. You will receive an acknowledgement letter or email telling you who will be dealing with your query. If it is considered necessary to have a meeting to discuss your proposals further and you have requested this, you will be contacted. It is sometimes necessary to involve other Council officers to comment on matters such as the impact of your scheme on highways, landscape or conservation matters, as appropriate. In this case, your proposal will be discussed with the necessary officers so that a full response can be given.

We aim to respond to a request for pre-application advice within the following timescales:

- Within 25 working days the case officer will offer a meeting (normally at the Town Hall) or will provide a detailed written response if a meeting is not necessary.

- Following any meeting a detailed written response setting out the considered opinions on the development will be sent within 15 working days of the meeting. (All letters sent out will be checked by a team leader or other senior officer to ensure that accurate advice is given)

Based on the information you have provided planning officers will provide accurate and objective advice in good faith but without prejudice to the formal consideration of any planning application by either Officers or Members of the Council.

If changes to what is being proposed in any pre application approach are recommended, you are advised to submit amended plans for comment before any formal application is submitted. This is to avoid the problems that can arise when applicants or agents think they have overcome issues and subsequently find out that this is not the case.

In addition, and even after pre application advice the Council welcomes the chance to comment on the plans and supporting statements to be submitted with major proposals before they are submitted.
This will ensure that any inadequacies are identified which may otherwise cause a delay in the registering or processing of an application and allow discussion on any planning obligations or agreements that may be required.

**Householder Proposals**

It is recognised householders producing their own draft schemes may well need more assistance. This will frequently start with a query about the need for permission. The normal course, if permission is required, will be to suggest that professional advice is sought. Most applications are non-contentious householder development proposals, which may be submitted without further specific reference to the Council.

**Planning Performance Agreements**

The Planning Service offers tailor made Planning Performance Agreements (PPA) which are encouraged for all major development proposals. PPA’s allow the applicant to determine the range of issues and advice required, considers the most appropriate range of pre-application public consultation, pre-application presentations to the Planning Board, access to the Design Review Panel, and agreed determination target dates which can go beyond the usual statutory period. Further advice on PPA’s is available, but the first stage would be to request an inception meeting with a planning officer. The charges for a PPA will reflect the hourly officer rates detailed below.

**Charges and Payment**

The following charges apply to provision of pre-application advice. (All VAT has been calculated at the rate of 20%).

1. **Major Scale Pre-Applications (25+ residential units or 2000 sq m + retail/commercial):**
   - Meeting & Follow Up letter £1,200 + VAT (£1,440) (with option to agree a charge for a defined series of meetings)
   - Advice by letter £600 + VAT (£720)

2. **Medium Scale Pre-Applications (10 - 24 residential units or 1000 - 1999 sq m retail/commercial):**
   - Meeting & Follow Up letter £600 + VAT (£720)
   - Advice by letter £300 + VAT (£360)

3. **Householder Pre-applications:**
   - Advice by letter £48 + VAT (£60)

4. **All other applications:**
   - Meeting & Follow Up letter £300 + VAT (£360)
   - Advice by letter £150 + VAT (£180)

4. **Follow up meetings/letters will be charged at an hourly rate (or part thereof) and to include preparation/travel time:**
   - Head of Service £100 + VAT (£120)
   - Manager £80 + VAT (£96)
   - Team Leaders £65 + VAT (£78)
   - Senior Planners/Planners £50 + VAT (£60)

5. **Specialist Meetings on single issues e.g. with Conservation Officer or Arboriculture Officer are charged at hourly rate (see 4 above).**
Exemptions (NO FEE): Applications to improve accessibility, safety, health or comfort for disabled people in their own home or to access a building to which the public are admitted.

Payments for the pre-application advice service will be required in advance, either by card payment which can be made via Bournemouth Council Customer Services or cheque; For subsequent meetings/letters e.g. where initial pre-application advice has been provided and the applicant submits revised proposals taking account of that advice, the hourly rate per Officer time will be charged and also be payable in advance.

Planning Services will retain the right to invoice any additional costs arising from the provision of the advice.

Where pre-application advice has been provided and the applicant has followed the positive advice but receives a refusal of planning permission one meeting/letter to resolve/clarify issues will be permitted without a fee being payable.

In all other cases the fees apply and there is no discount towards any subsequent planning application fee.

The “All other applications” category will include, for example, the refurbishment/alterations to an existing building (including listed buildings) provided the proposal does not fall within categories 1 or 2.

It is expected that the majority of requests for pre-application advice can be concluded by letter. However, where an applicant requests, and the case officer agrees that a meeting would be beneficial and appropriate then this can be arranged.

What the service will provide - In return the Council will provide as constructive advice as possible from the appropriate Officer(s) headed by an assigned Planning Case Officer to include:

- A meeting (where appropriate)
- Written follow-up advice or written advice where a meeting is not requested/appropriate
- Information on relevant policies, guidance and planning requirements
- The information to make the application valid (validation checklist)
- Advice on estimated timescale to determine application
- Informal Officer comments on the proposal
- Section 106/Unilateral undertaking matters

Where a meeting is arranged it is suggested that this should not normally exceed 2 hours and will usually take place at the Town Hall. The 2 hour limit should be easily achieved if the developer has completed and submitted his pre-application material correctly. It will be for the assigned Planning Case Officer to determine which, if any, additional Officers are necessary to attend the meeting and in many circumstances the Planning Case Officer will have sought and obtained consultee advice in advance of the meeting.

By agreement, a meeting can be arranged at an hourly rate for specialist advice e.g. Conservation Officer. However, it must be recognised that this specialist advice including any follow up letter will be given without reference to other material planning considerations.
Given this structured approach the need for follow-up meetings should be rare as it should be possible to deal with all the issues in one go. If a second meeting is considered appropriate by the assigned Case Officer it will be charged at an hourly rate.

It is important to note that:

- The introduction of a charging scheme will not automatically provide that Officers will always agree that a meeting is appropriate. The charging scheme will work within the framework of the already adopted pre-application advice note (as amended).
- Although accurate and objective advice will be provided in good faith this will always be without prejudice to the final consideration of any planning application.

Amendments During the Planning Process

Once an application has been received and registered, consultation and publicity take place with the relevant statutory and other consultees. Neighbours and the general public are notified of the application by the use of a site notice, which normally gives 21 days for response. In consequence, it is often half way through the 8-week statutory period allowed for determining most applications that the views of consultees and residents are known. It is only at this point that the application can be fully assessed and an informed view taken as to the merits of a proposal.

It is difficult to identify and agree revisions to submitted schemes, receive amended plans and re-consult those previously involved while giving them sufficient time to respond, all within the fixed determination periods set by Government that the Council is obliged to meet.

It is therefore important that:

- All information needed to determine the application is submitted at the start of the process
- Requests made by case officers for further information for small-scale alterations to meet concerns arising from the formal consultation process are accompanied by a deadline to provide certainty of action. Normally a maximum of fourteen days should be sufficient for revisions to be provided.

It will not always be possible to accept amendments to submitted applications. Applicants or their agents will be advised when amendments are not going to be accepted and will be given the opportunity to withdraw the application and then re-submit a fresh application so as to reduce delay as much as possible.

The decision as to whether amendments can be accepted will be based on an assessment by the Planning Case Officer. If the modifications are such that further notification and consultation are considered desirable, then this will be treated as being a new application. Therefore a completely new application will have to be submitted and the original application withdrawn (or it will be refused planning permission).

Negotiation where there has been pre-application discussion

Where there has been substantial pre-application discussion and the scheme reflects that which the informal opinion of the case officer supported there will be a greater obligation to resolve previously unforeseen issues arising from the formal application process positively. Conversely, where the application is submitted despite clear informal advice that the proposal is unlikely to succeed, then such proposals will not normally be the subject of negotiation even if accompanied by a request to do so.
Negotiations on Householder Applications
Normally these negotiations will be limited to overcoming the legitimate concerns of neighbours. Only if the application is within a conservation area, or relates to a ‘listed building’ or other sensitive location will a different approach normally be necessary.

This legislation gives rights of access to official information. Both the Act and the Regulations make clear that, subject to certain safeguards, there is a public interest in allowing access to such information. Therefore, any information provided as part of a pre-application enquiry may be made available for public scrutiny.

In addition, there is a statutory Code of Practice with which the Council must comply. The Code deals, amongst other things, with obligations of confidence. In view of this, it would be helpful if you could explain to us why you regard some or all of the information you have provided as confidential. If we receive a request for disclosure of the information we will take full account of your explanation, but we cannot give an assurance that confidentiality can be maintained in all circumstances.

This information can be made available in large print or audio format and can be translated into other languages. Please contact the Planning Customer Services team for further information.

Planning Customer Services
Tel. 01202 451323
Email: planning@bournemouth.gov.uk

Town Hall
St. Stephens Road
BOURNEMOUTH
BH2 6EA
www.bournemouth.gov.uk
Request for a Pre-application Planning Advice
Please complete all sections of the form and use BLOCK LETTERS

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<th>5. ATTACHED INFORMATION</th>
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